

Department of Political and Security Council Affairs

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

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**NOTE**

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

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## GENERAL INTRODUCTION

The present volume constitutes the ninth 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 2262nd meeting, on 15 January 1981, to the 2565th meeting, on 14 December 1984. 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 10 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:

2262nd mtg., para. 12.

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/14950, *OR*, 37th yr., *Suppl. for April-June 1982*.

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

Example:

S/14597, 2292nd 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 parenthesis, as follows:

Resolution 557 (1984).

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

*GAOR*, 37th sess., *plen. mtgs.*, 24th mtg., para. 134.

*GAOR*, 36th sess., *Suppl. No. 24 (A/36/24)*, para. 705.

For resolutions of the General Assembly:

Resolution 3363 (XXX), for the period prior to 1976;

Resolution 37/159, 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 1981-1984*.

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 1981-1984 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

### Official title

Elections to the International Court of Justice

Election of two members of the International Court of Justice:  
Vacancy caused by the death of Judge Richard R. Baxter (S/14283, S/14311 and Add.1 and S/14312)  
Vacancy caused by the death of Judge Salah El Dine Taraz (S/14283, S/14313 and Add.1-3, S/14314 and S/14321)  
Election of five members of the International Court of Justice (S/14501, S/14502/Rev.1, S/14503 and Corr.1 and 2 and S/14645)  
The date of elections to fill a vacancy in the International Court of Justice (S/14799)  
Election of a member of the International Court of Justice: Vacancy caused by the death of Judge Abdullah El-Erian (S/14885 and Corr.1, S/14886/Rev.1 and S/14887)

Situation in Namibia

Election of five members of the International Court of Justice (S/16676, S/16680/Rev.1 and Add.1 and S/16681 and Add.1)  
The situation in Namibia:  
Further report of the Secretary-General concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978) concerning the question of Namibia (S/14333)  
Letter dated 29 January 1981 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/14347)  
Letter dated 10 April 1981 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council (S/14434)

<i>Short title</i>	<i>Official title</i>
Situation in Namibia ( <i>continued</i> )	<p>Letter dated 12 May 1983 from the Permanent Representative of Mauritius to the United Nations addressed to the President of the Security Council (S/15760)</p> <p>Letter dated 13 May 1983 from the Permanent Representative of India to the United Nations addressed to the President of the Security Council (S/15761)</p> <p>Letter dated 17 October 1983 from the Permanent Representative of Senegal to the United Nations addressed to the President of the Security Council (S/16048)</p> <p>Letter dated 18 October 1983 from the Permanent Representative of India to the United Nations addressed to the President of the Security Council (S/16051)</p> <p>Further report of the Secretary-General concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978) concerning the question of Namibia (S/15943)</p>
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NOTES

<sup>1</sup> The Council took up the item without including any documents in its agenda.

<sup>2</sup> Every year the Council considers its draft report to the General Assembly in a private meeting. The draft does not carry a document symbol.

**Chapter I**

**PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL**

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## INTRODUCTORY NOTE

The present chapter contains material pertaining to the practice of the Security Council in relation to its provisional rules of procedure, with the exception of those rules that are dealt with in other chapters, as follows: rules 6-12, in chapter II, "Agenda"; rule 28, in chapter V, "Subsidiary organs of the Security Council"; rules 37-39, in chapter III, "Participation in the proceedings of the Security Council"; rule 40, in chapter IV, "Voting"; rules 58-60, in chapter VII, "Practice relative to recommendations to the General Assembly regarding membership in the United Nations"; and rule 61, in chapter VI, "Relations with other United Nations organs".

The major headings under which the material is entered in this chapter is the same as in previous *Supplements*. The arrangement of each part is based

on the successive chapters of the provisional rules of procedure of the Council.

During the period under review, the Council adopted amendments to its provisional rules of procedure on one occasion, when rules 41 and 42 were amended to include Arabic among the working languages of the Council (case 21). The rest of the material in this chapter is concerned with questions that arose regarding the application of a certain rule, especially when there was a discussion regarding variations from the Council's usual practice. The case histories presented here are not meant to provide cumulative evidence of the practices established by the Council, but to indicate special problems that arose in the proceedings of the Council under its provisional rules of procedure.

### **\*\*Part I**

#### **\*\*MEETINGS (RULES 1-5)**

### **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, a member of the Council raised a point of order concerning the credentials of a Member State that was participating in the discussion under rule 37 of the provisional rules of procedure (case 1). Following a brief suspension of the meeting, the President indicated that the Secretary-General would prepare a report on the matter and the meeting proceeded. The Secretary-General subsequently submitted a report.

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

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

###### **CASE 1**

At the 2491st meeting, on 27 October 1983, in connection with the situation in Grenada, the representative of the United States of America raised a point of order and, referring to a communication which he understood the President of the Council to have received from the Governor-General of Grenada, questioned the credentials of the representative of Grenada, who had been invited to participate in the discussion under rule 37 of the provisional rules of procedure. He suggested that the Secretary-General be requested to submit a report on the matter.<sup>1</sup>

The President stated that he had received a communication from the Governor-General of Grenada, although it should have been addressed to the Secretary-General, who was concerned with credentials. He noted that there remained some question as to the authenticity of the communication and stated that the matter was still under consultation between the Secretary-General and himself. He then suspended the meeting for a short time. When he resumed the meeting he informed the Council that the Secretary-General would submit a report on the point of order that had been raised.<sup>1</sup>

In his report,<sup>2</sup> dated 31 October 1983, the Secre-

tary-General stated that the President of the Council had received a letter dated 27 October 1983 from the representative of Dominica conveying the text of a communication from the Governor-General of Grenada, which stated that "no person or group is authorized to speak before the United Nations without the expressed permission of the Governor-General or until a new Ambassador is appointed for Grenada", and further stated that the Governor-General had given no such authorization at that time. The Secretary-General reported that he had confirmed the content of the communication in a radio conversation with the Governor-General and had requested a written confirmation addressed to the Secretary-General and signed by the Governor-Gen-

eral. He noted that under rules 13 and 14 of the Council's provisional rules of procedure the credentials of representatives were to be issued by the head of State or Government concerned or by its Foreign Minister, and stated that the Governor-General had the function of head of State in Grenada. According to his understanding, the Governor-General had not removed the Permanent Representative of Grenada to the United Nations from his post, but had limited his authority and power to speak before the United Nations. He concluded that, until the requested letter from the Governor-General had arrived, he would be unable to formulate an opinion as to who was authorized to speak on behalf of Grenada in the Council.

### Part III

## PRESIDENCY (RULES 18-20)

#### NOTE

Part III of the present chapter deals with 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 18, which deals with the monthly rotation of the presidency of the Council (case 2), two cases falling within the purview of rule 19, which deals with the conduct of the presidency (cases 3 and 4) and one case relating to rule 20, which deals with the temporary cession of the chair (case 5). In connection with rule 20, there was also one occasion during the period under review when the representative of Iran, in a note verbale<sup>3</sup> enclosing an explanation of his Government's position regarding the discussion of the situation between Iran and Iraq in the Council at its 2399th meeting, explained that the communication had been addressed to the Secretary-General and not to the President of the Council because his delegation did not recognize the legitimacy of the Jordanian representative's presiding over the discussion, since Jordan was an active participant in the war.

The Council continued to use informal consultations as a procedure for reaching decisions. In some instances, the President presented the results of such consultations to the Council in the form of a statement of consensus<sup>4</sup> or as a draft resolution which the Council then adopted without further debate.<sup>5</sup> In other instances, the President announced the agreement or consensus in a note or letter circulated as a Council document.<sup>6</sup>

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 the present chapter.

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

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

##### Rule 18

###### CASE 2

On 13 August 1984, the President of the Council issued a note<sup>7</sup> stating that, following the official notification on 6 August 1984 that the name of Upper Volta had been changed to Burkina Faso, the members of the Council had considered the application of rule 18 of the Council's provisional rules of procedure and had agreed in informal consultations that the President (Burkina Faso) would continue in office for the month of August and would hold the presidency again in October 1984.

##### Rule 19

###### CASE 3

At the 2495th meeting, on 11 November 1983, in connection with the situation in the Middle East, the representative of Israel raised objections to the manner in which the President for the month of October (Jordan) had conducted his office. He recalled that at the 2480th meeting, on 18 October 1983, he had put his name down to speak in exercise of his right of reply but the President, noting that there were requests to exercise the right of reply, had stated that in view of the lateness of the hour he would, with the consent of the Council, adjourn the meeting, and that the time of the next meeting would be decided in consultations. The representative of Israel maintained that the President should normally have announced that the Council would reconvene that afternoon or in the morning or afternoon of the following day. He pointed out that three and a half weeks had elapsed since the 2480th meeting and stated that, to the best of his knowledge, no consultations had taken place until he had approached the current President upon his assumption of the Presidency.<sup>8</sup>

The President observed that, on the occasion to which the representative of Israel referred, the most important purpose of the meeting had been accomplished, and he pointed out that the Council had

subsequently been heavily engaged on several matters involving international peace and security, which had naturally been given precedence over procedural matters.<sup>8</sup>

The representative of Jordan noted that the 2480th meeting had been adjourned at 1.55 a.m. and asserted that the adjournment of the meeting had been in order.<sup>8</sup>

## CASE 4

At the 2495th meeting (see case 3 above), the representative of Israel stated that the President for the month of October had acted improperly towards the Israeli delegation. He related that at the 2480th meeting, on 18 October 1983, the Israeli representative had made a statement in which he had congratulated the President upon his assumption of the presidency and had invited him to join in expressing the hope that their two countries would soon establish peace, good-neighbourliness and friendship. At the conclusion of that statement the President had responded as follows:

"The Council has heard the statement of the representative of Israel. I should like to point out the ill will and hypocrisy evident in that statement, especially as regards his country's alleged love of peace. I think it my duty as representative of Jordan to remind the Council that Israel, which arrogantly speaks of peace, has occupied Jerusalem, the West Bank, Gaza and the Golan Heights for more than 16 years, in addition to its occupation of southern Lebanon, its refusal to be inclined towards peace ever since it was established, its

dependence on military expansion and its attempt to impose its dominion and hegemony over the region at the expense of its indigenous peoples."<sup>9</sup>

The representative of Israel asserted that the customary respect shown to the President of the Council was predicated on reciprocity, and the President owed the same courtesy to representatives. He pointed out that the President had thanked the representatives of every country except Israel for the kind words they had addressed to him. The President, moreover, could not have made the statement he had just cited as the representative of Jordan, since he had not followed the long-established practice of waiting until the end of the debate to make a statement as the representative of his own country, nor had he, in accordance with the accepted procedure, indicated at the beginning of his statement that he was speaking as the representative of his own country and indicated at the end that he was resuming his function as President.<sup>8</sup>

## Rule 20

## CASE 5

At the 2495th meeting, on 11 November 1983, the representative of Israel, referring to the events at the Council's 2480th meeting, on 18 October 1983 (see cases 3 and 4 above), cited as an example of proper conduct the decision by the President of the Council for the month of January 1954, to remove himself from the presidency in accordance with rule 20 of the provisional rules of procedure, even though his country had not been a direct party to the dispute under consideration.<sup>8</sup>

## 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 Council.

Within the period under review, the Secretary-General was requested or authorized: (a) to assist the Government of Lebanon in establishing a joint phased programme of activities aimed at the total implementation of resolution 425 (1978);<sup>10</sup> (b) to continue his mission of good offices in connection with the situation in Cyprus and to keep the Council informed;<sup>11</sup> (c) to provide the commission of inquiry established in connection with the complaint by Seychelles with the necessary assistance;<sup>12</sup> (d) to renew his efforts to reactivate the Lebanese-Israeli General Armistice Agreement and to convene an early meeting of the Israel-Lebanon Mixed Armistice Commission;<sup>13</sup> (e) to continue his discussion with the Government of Lebanon and the parties concerned with a view to submitting a report on the requirements for achieving progress in a phased programme of activities;<sup>13</sup> (f) to establish a fund for assistance to the peace-keeping force of the Organization of African Unity (OAU) in Chad, and to take the necessary measures to ensure the management of the fund in liaison with OAU;<sup>14</sup> (g) to undertake, on the basis of

resolution 505 (1982), a renewed mission of good offices in connection with the question concerning the Falkland Islands (Islas Malvinas) and to enter into immediate contact with the parties with a view to negotiating mutually acceptable terms for a cease-fire;<sup>15</sup> (h) to provide all necessary assistance to the *Ad Hoc* Committee established by resolution 507 (1982) in connection with the complaint by Seychelles, to provide all necessary assistance for the implementation of that resolution as a whole and especially for the implementation of paragraphs 8, 9, 10 and 12;<sup>16</sup> (i) to undertake every effort to ensure the implementation of and compliance with resolutions 508 (1982) and 512 (1982);<sup>17</sup> (j) to continue his efforts to alleviate the sufferings of the civilian population of southern Lebanon;<sup>18</sup> (k) to submit a report in connection with the situation between Iran and Iraq on the arrangements required to send a team of United Nations observers to verify, confirm and supervise a cease-fire and withdrawal;<sup>19</sup> (l) to transmit the text of resolution 515 (1982) to the Government of Israel;<sup>20</sup> (m) to deploy immediately, on the request of the Government of Lebanon, United Nations observers to monitor the situation in and around Beirut;<sup>21</sup> (n) to increase the number of observers in and around Beirut<sup>22</sup> and, in consultation with the Government of Lebanon, to ensure their rapid deployment;<sup>23</sup> (o) to initiate the appropriate consultations on additional steps the Council might take to assist the Govern-

ment of Lebanon in ensuring the full protection of the civilian population;<sup>23</sup> (p) to consult with the Government of Lebanon on ways and means of ensuring the full implementation of the mandate of the United Nations Interim Force in Lebanon (UNIFIL);<sup>24</sup> (q) to enter into immediate consultations with the Government of Lesotho and agencies of the United Nations to ensure the welfare of refugees in Lesotho;<sup>25</sup> (r) to continue his efforts in connection with the situation between Iran and Iraq, in consultation with the parties concerned, with a view to achieving a peaceful settlement;<sup>26</sup> (s) to conduct inquiries into the causes and effects of the reported cases of mass poisoning in the occupied West Bank;<sup>27</sup> (t) to undertake consultations in connection with the situation in Namibia with the parties to the proposed cease-fire with a view to securing the speedy implementation of resolution 435 (1978);<sup>28</sup> (u) to give the matter of assistance to Lesotho his continued attention;<sup>29</sup> (v) to continue his mediation efforts in connection with the situation between Iran and Iraq with a view to achieving a comprehensive, just and honourable settlement acceptable to both sides, to consult

with the parties concerning ways to sustain and verify the cessation of hostilities and to consult with the parties regarding the immediate and effective implementation of resolution 540 (1983);<sup>30</sup> (w) to follow the situation in northern Lebanon, to consult with the Government of Lebanon and to report to the Council;<sup>31</sup> (x) to monitor the implementation of resolutions 545 (1983) and 546 (1984);<sup>32</sup> (y) to continue consultations with the Government of Lebanon and other parties concerned on the implementation of resolutions 549 (1984) and 555 (1984);<sup>33</sup> and (z) to promote the urgent implementation of resolution 541 (1983), to undertake new efforts to attain an overall solution to the Cyprus problem and to promote the implementation of resolution 550 (1984).<sup>34</sup>

In a number of instances, the Secretary-General was requested to follow the implementation of resolutions or to keep certain questions under review and to report to the Council.<sup>35</sup>

During the period under review there were no special instances of the application of rules 21-26.

## Part V

### CONDUCT OF BUSINESS (RULES 27-36)

#### NOTE

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

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

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

(b) Rule 30, on the extent to which the President rules on a point of order (cases 7-13). There were a number of instances in which representatives, having asked to be recognized on a point of order, made statements in which no ruling was required. Such instances have not been included in this study;

(c) Rule 31, on the requirements of written submission for proposed resolutions and amendments (cases 14-16);

(d) Rule 32, on the order of precedence of principal motions and draft resolutions (case 17);

(e) Rule 33, on the suspension and adjournment of meetings (cases 18 and 19).

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

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

#### Rule 27

##### CASE 6

At the 2564th meeting, on 13 December 1984, in connection with the question of South Africa, after the Council had adopted a draft resolution and heard statements by members of the Council, the President called upon the representative of South Africa, who had been invited to participate in the discussion without the right to vote. The representative of South Africa began his statement by placing on record the view that his delegation's request to participate in the debate had naturally presupposed that they would speak before the vote. He noted that he had informed the President of his objection before the meeting had been convened and stated that his delegation found the procedure adopted to be most irregular.<sup>36</sup>

#### Rule 30

##### CASE 7

At the 2328th meeting, on 14 January 1982, in connection with the situation in the occupied Arab territories, the representative of Poland raised a point of order during the statement by the representative of Israel and requested that speakers not address issues that were external to the matter under discussion. The President stated that speakers should confine themselves to the item on the agenda, and the representative of Israel resumed his statement. A short time later the President interrupted the representative of Israel to request, again, that he address the item on the agenda. The representative of Israel responded that he believed he was entitled, in exercise of his right of reply, to point out to the



Council the qualifications of those who spoke about aggression in international relations and their contributions to international peace and security.<sup>37</sup>

## CASE 8

At the 2334th meeting, on 24 March 1982, in connection with the situation in the occupied Arab territories, the representative of Jordan requested as a point of order that the representative of Israel call the members of the Council by their proper names. At the request of the President, the representative of Israel resumed his statement, and he continued to refer to the "Palestinian Arab State of Jordan". The representative of Jordan insisted that it was out of order to address representatives by anything other than the official names of the countries they represented. The President stated that the Council should continue with the substance of the matter before it and expressed the personal view that members should be addressed by the proper names of the countries they represented. The representative of Israel stated that he fully concurred with the suggestion made by the President, and continued his statement.<sup>38</sup>

## CASE 9

At the 2355th meeting, on 16 April 1982, in connection with the situation in the occupied Arab territories, the representative of Israel requested as a point of order that the President instruct the representative of Jordan to refer to a State Member of the United Nations by the name under which it had been admitted to the Organization. The President asked the representative of Jordan to continue his statement, but the representative of Israel continued to interrupt on a point of order, until the President reminded the members of the Council that it was appropriate to call States by their proper names and asked the representative of Jordan to bear that in mind.<sup>39</sup>

Following the statement by Jordan, the representative of Israel began a statement in exercise of his right of reply with a reference to the representative of the "Palestinian Arab State of Jordan". The President recalled that, in accordance with rule 30 of the Council's provisional rules of procedure, he had reminded the Council that it was the practice to refer to States by their official names and he asked the members of the Council and others participating in the debate to abide by that practice. The representative of Israel argued that the President had applied a double standard in allowing the Jordanian representative to refer to his country by other than its official designation. The President observed that he had reminded the representative of Jordan that Member States of the United Nations should be addressed by their official names, and he was now saying the same thing to the representative of Israel; if that presidential ruling was challenged he would invoke rule 30 and call for a vote by the Council. He called upon the representative of Israel to resume his statement. The representative of Israel noted that the representative of Jordan had not challenged the President's ruling, he had just ignored it, but agreed to refer to him as the representative of Jordan and continued his statement.<sup>40</sup>

## CASE 10

At the 2356th meeting, on 19 April 1982, in connection with the situation in the occupied Arab territories, the representative of Spain took the floor

on a point of order and inquired how many times the right of reply could be exercised. He expressed the view that the Council was hearing new statements rather than statements in exercise of the right of reply and suggested that those who wished to make statements could inscribe their names on the speakers' list and be heard at another meeting. However, it was for the President to rule as he saw fit. The President stated that there were no other names on the list of speakers and that the Council would continue hearing speakers who wished to exercise their right of reply.<sup>41</sup>

## CASE 11

At the 2357th meeting, on 20 April 1982, in connection with the situation in the occupied Arab territories, the representative of Poland, speaking on a point of order, recalled that some two or three days earlier the President had made a ruling that representatives should be addressed using the proper names of their countries, and he requested that the President ask Israel to abide by that ruling. The President reiterated the appeal he had made to the members of the Council and invited the representative of Israel to continue his statement.<sup>42</sup>

## CASE 12

At the 2388th meeting, on 4 August 1982, in connection with the situation in the Middle East, the representative of Jordan raised a point of order and requested that the representative of Israel call the Hashemite Kingdom of Jordan by its name, without adjectives, because such use of adjectives was in violation of the Charter of the United Nations. The President stated that, as President, he had neither the desire nor the right to curtail the right of free speech in the Council; however, on his own behalf and on behalf of the members of the Council, he hoped that representatives would observe due courtesy and address all States by the names by which they were customarily known in United Nations practice. The representative of Israel, resuming his statement, expressed the hope that the President's views would be favourably echoed by those representatives who used all kinds of epithets and paraphrases in referring to his country.<sup>43</sup>

Later in the same meeting, the representative of Lebanon, speaking on a point of order, reminded speakers that the item on the agenda was the situation in Lebanon. The President expressed certainty that the Lebanese representative's words had been duly noted.<sup>44</sup>

## CASE 13

At the 2390th meeting, on 6 August 1982, in connection with the situation in the Middle East, the representative of Poland, speaking on a point of order, requested that the President ask the representative of Israel to speak on the item on the agenda and stop insulting members of the Council. The President stated that he was sure that the Council wished to allow complete freedom of speech and at the same time wished its members to be shown proper respect. He noted the point of order made by the representative of Poland and asked the representative of Israel to continue. The representative of Israel, addressing the Polish representative by name, accused him of deliberately seeking to interrupt the flow of his argument. The representative of Poland again raised a point of order and asked the President to remind the representative of Israel not to speak to

anyone directly and to call him to order if he made personal references.

The President asked that speakers address their remarks through him, in accordance with the normal practice. The representative of Israel resumed his statement and was once again interrupted on a point of order, this time by the representative of the Soviet Union, who sought the President's opinion as to whether or not the representative of Israel was addressing the item on the agenda. The President stressed that it was the tradition and practice of the Council to allow speakers complete freedom of speech but at the same time he reminded speakers of the item on the agenda and asked them to respect the norms of the Council and continue the debate as far as possible on the agenda item. The President noted that that was his opinion and pointed out that he had not been asked for a ruling on a point of order, but he hoped that the members of the Council would support him in the views he had expressed. The representative of Poland raised a point of order and cited Article 31 of the Charter as obliging representatives to speak only on the question before the Council, which was not incompatible with freedom of speech since anything could be said with regard to the item on the agenda. The President called on the representative of Israel, who continued his statement.<sup>45</sup>

### Rule 31

#### CASE 14

At the 2350th meeting, on 3 April 1982, during the Council's consideration of the letter dated 1 April 1982 from the representative of the United Kingdom, the representative of the United Kingdom referred to a draft resolution<sup>46</sup> which his delegation had circulated the day before and reported that, while his delegation had wanted the draft resolution voted upon yesterday, it had responded to a suggestion by the Minister for Foreign Affairs of Panama and had asked the Secretariat to prepare a revised version of the draft resolution.<sup>47</sup> Upon hearing that the Minister for Foreign Affairs of Argentina was on his way to address the Council, and since he had not given delegations the conventional 24 hours before asking them to vote on a draft resolution, he had willingly acceded to the President's request that the vote be postponed to that day, but he asked that once the revised draft had been circulated the Council should hold an immediate vote. He suggested that once the Council had completed its business with regard to his draft resolution it could consider the draft resolution<sup>48</sup> submitted by Panama and, if the Council so desired, he for one would be willing to waive the 24-hour rule and vote on it the same day.

The Minister for Foreign Affairs of Panama asked that the Council heed what the representative of the United Kingdom had said because the Council could not proceed to a vote in accordance with rule 31 of the provisional rules of procedure until the draft resolution had been distributed in writing in its final form. The representative of the United Kingdom expressed the view that, in theory, he could ask that the addition to the draft resolution be regarded as an oral amendment. However, he would wait until the revised version had been distributed and he would not object to a suspension of the meeting until that procedure had been completed. In the absence of any objection, the President suspended the meeting.

When the meeting resumed the Council proceeded to the vote.<sup>49</sup>

#### CASE 15

At the 2371st meeting, on 2 June 1982, in connection with the question concerning the Falkland Islands (Islas Malvinas), the representative of Spain read out the text of a draft resolution<sup>50</sup> sponsored by his delegation and that of Panama, which had not yet been distributed to the members of the Council, in order that it might be put to the vote that same day. The representative of Panama confirmed that his delegation had submitted the draft resolution in the hope that it would be voted upon that afternoon.<sup>51</sup>

Later in the meeting, the President recalled that the representatives of Spain and Panama had expressed the wish that the draft resolution be voted upon as soon as possible. He stated that, prior to the meeting, several members of the Council had informed him that they would prefer to vote on the draft resolution on the following day in order to be allowed some time, but not more than 24 hours, for reflection. He suggested that the vote on the draft resolution be postponed to a later meeting, the time of which would be decided in consultations. The representative of Spain acknowledged that it was usual to have a 24-hour interval before a draft resolution was put to a vote, but he questioned the need for such a time span now that the draft resolution had been distributed. The representative of Panama noted that the views to which the President had referred had been expressed before the text of the draft resolution had been distributed. He understood that many countries thought they should see the text before voting upon it, but since the text had now been distributed and since it would not be the first time that a draft resolution had been voted upon on the day of its submission, in view of the urgent nature of the draft resolution he urged that the Council consider voting that day, unless the President decided otherwise.

The President asked for the views of the Council. The representative of Japan stated that he would have to seek instructions from his Government, and since both his Prime Minister and his Minister for Foreign Affairs were in flight towards Paris at that moment, he requested that the voting take place the following day, though not necessarily a full 24 hours later. The representative of Panama stated that, as a gesture of co-operation with the delegation of Japan, he would not insist on a vote that day. He formally proposed that the next meeting of the Council take place at 11 a.m. the following day, on the understanding that the Council would be meeting in order to vote. In the absence of any objection, it was so decided.<sup>52</sup>

#### CASE 16

At the 2385th meeting, on 29 July 1982, in connection with the situation in the Middle East, the representative of Spain orally introduced a draft resolution<sup>53</sup> for which he requested priority voting (see also case 17 below). Following a brief suspension of the meeting, the President noted that the members of the Council had before them the text of the draft resolution which had been orally introduced by the representative of Spain and which was now available in the working languages of the Council. He further noted that the representative of the United States had formally requested a suspension of the meeting in order to allow for consultations on the draft

resolution, and proposed to suspend the meeting if there was no objection. The representative of Panama stated that his delegation was opposed to a suspension of the meeting and a delay in the voting, and the President therefore proposed to put the question to a vote. The representative of the United States, on a point of order, clarified that the United States proposal was to suspend the meeting for two hours to allow for consultations with Governments. The President stated that it had been his understanding that the proposal was for a suspension to go into informal consultations, during which delegations could also consult with Governments, not for a suspension of two hours. The representative of Jordan expressed his delegation's opposition to the proposed suspension and requested that the Council immediately vote on the Spanish draft resolution. The President, noting that the representative of the United States had proposed a two-hour suspension of the meeting which was opposed by the representatives of Panama and Jordan, put the proposal to the vote. It was not adopted, having failed to receive the required majority. The Council then voted on the draft resolution submitted by Spain.

Following the vote, the representative of the United States stated that her delegation had not found it possible to participate in the vote on the draft resolution. She strongly objected to the procedure which had been employed and suggested that it would be impossible for the Council to function if members were not to be provided with an opportunity to consult with their Governments.<sup>54</sup>

### Rule 32

#### CASE 17

At the 2385th meeting, on 29 July 1982, in connection with the situation in the Middle East, the Council had before it a draft resolution<sup>55</sup> sponsored by Egypt and France. In the course of the meeting the representative of Spain orally presented a draft resolution<sup>56</sup> submitted by his Government that was concerned with urgent humanitarian matters and was not meant to interfere with the draft resolution presented by Egypt and France. He noted that the representatives of Egypt and France had stated earlier that their draft resolution was not so urgent as to require priority voting, and requested that the draft resolution submitted by his Government be put to the vote as a matter of priority. The President stated that the Secretariat would proceed immediately with the reproduction of the Spanish draft resolution in all the official languages and that it would be distributed as soon as possible thereafter.<sup>57</sup> The representative of France, speaking on behalf of himself and the representative of Egypt, indicated that they were in agreement that the draft resolution submitted by Spain should be given priority and voted upon as quickly as possible.<sup>58</sup>

Following a brief suspension of the meeting, the President drew attention to the distributed text of the Spanish draft resolution. The Council, having rejected a proposal by the representative of the United States that the meeting be suspended to allow for consultations with Governments (see case 16 above), proceeded to vote on the draft resolution submitted by Spain.<sup>59</sup>

### Rule 33

#### CASE 18

At the 2350th meeting, on 3 April 1982, during the Council's consideration of the letter dated 1 April 1982 from the representative of the United Kingdom, the Minister for Foreign Affairs of Panama orally presented a draft resolution<sup>60</sup> submitted by his Government and requested that the meeting be suspended so that the Secretariat could translate and distribute the draft resolution.

The representative of the United Kingdom reminded the President that he had asked to be the last speaker in the debate and requested that the Council accord him that privilege before considering the proposal made by the Minister of Foreign Affairs of Panama. The representative of the Soviet Union cited rule 33 of the Council's provisional rules of procedure, which provides that any motion for the suspension of the meeting be decided without debate. The President stated that a number of names remained on the list of speakers, but since a motion to suspend the meeting had priority, in accordance with rule 33, he proposed to put the motion to the vote.

The representative of Ireland, on a point of order, asked for clarification as to whether the Council would be voting on a suspension of the meeting and whether it would be for a definite time period or for the purpose of preparing a draft resolution; if the latter was the case, the meeting would be resumed once the draft had been completed, at which time the Council could hear the rest of the speakers. The President stated that, as he understood it, the Minister for Foreign Affairs of Panama had proposed a suspension of the meeting for purely practical reasons and confirmed that the Council could continue the debate later, should it decide upon a suspension of the meeting. He again proposed to put the motion to a vote.

The representative of Spain asked how much time the Secretariat would need to translate the draft resolution and suggested a two-hour suspension of the meeting. The President acknowledged that the Secretariat might need two hours and, recalling that the provisional rules of procedure required that a motion for the suspension of the meeting be decided immediately, he put the motion to the vote. The motion failed of adoption, and the Council continued the debate.<sup>61</sup>

#### CASE 19

At the 2372nd meeting, on 3 June 1982, in connection with the question concerning the Falkland Islands (Islas Malvinas), the representative of Panama orally proposed an amendment to a draft resolution<sup>62</sup> jointly sponsored by his delegation and that of Spain. The representative of the United Kingdom stated that his delegation would need time to consider the amended text. The representative of Spain declared that the sponsors of the draft resolution, while reluctant to accept further delay in the voting, had decided to request under rule 33 a two-hour suspension of the meeting. The President asked if there was any objection to the proposal of the representative of Spain and the representative of Jordan began to make a statement, but was interrupted by the representative of Spain on a point of order. The representative of Spain recalled that under rule 33, paragraph 1, a motion for the suspension or simple adjournment of the meeting was to be decided

without debate, and therefore asked that no debate be held on the question. The President pointed out that he had merely asked if there was any objection to the proposal, and he called upon the representative of Jordan to continue his statement.

The representative of Jordan stated that he did not propose to debate the question and was simply requesting that the meeting be suspended for an additional one and a half hours, until 5 p.m., to enable delegations to communicate with their Governments. The President asked if there was any objection to the request by Jordan. The representative of Spain argued that the fact that his proposal had now been amended indicated that it was being debated, contrary to rule 33. He stated that he agreed that the proposal by the representative of Jordan should be put to a vote. The representative of Ireland, on a point of order, expressed the view that if what the representative of Spain had proposed was a simple suspension of the meeting under rule 33, paragraph 1, it should indeed be decided without debate; however, since it fixed a certain day or hour, it seemed to come under rule 33, paragraph 3, which was not decided without debate. The representative of Spain stressed that he had not asked for an adjournment; he had clearly asked for a suspension of the meeting, as provided for in paragraph 1 of rule

33. He stated that the Council was debating something which under the rules of procedure could not be debated and reiterated his request that the meeting be suspended for two hours. The President again asked if there was any objection to the proposal by the representative of Spain.

The representative of the United States stated that it would probably be impossible for her delegation to vote by 3.30 p.m. and appealed to the Council to authorize a longer suspension. The representative of Spain reminded the Council that the only reason the draft resolution had not immediately been put to the vote was because his delegation had accepted that rule 31 required that proposed resolutions and amendments be placed before the representatives in writing (see case 15 above), and he insisted that they would not now accept an interpretation of rule 33 which would allow the present debate. The President again began to put the Spanish proposal to a vote, but the representative of Spain asked that the Council vote instead on the proposal by the representative of Jordan to suspend the meeting until 5 p.m. The President put Jordan's proposal to the vote and it was not adopted, having failed to obtain the required majority. The President stated that, in those circumstances, the meeting was suspended until 3.30 p.m.<sup>63</sup>

## 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 V, "Voting".

In addition to the case history presented below (case 20), there was one occasion during the period under review when the Iranian delegation, in a statement enclosed in a note verbale<sup>64</sup> dated 5 October 1982, addressed to the Secretary-General, cited Article 27, paragraph 3 of the Charter as having required the representatives of Jordan and Egypt to abstain in the voting at the Council's 2399th meeting, on 4 October 1982, in connection with the situation between Iran and Iraq, because both countries were militarily involved in the conflict.

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

#### Rule 40

##### CASE 20

At its 2350th meeting, on 3 April 1982, in the course of its consideration of the letter dated 1 April 1982 from the representative of the United King-

dom, the Council was ready to commence the voting procedure on a revised draft resolution<sup>65</sup> sponsored by the United Kingdom when the Minister for Foreign Affairs of Panama raised a point of order. He recalled that under Article 27, paragraph 3, of the Charter a party to a dispute shall abstain from voting on decisions under Chapter VI of the Charter, and he asked the President to rule on whether the draft resolution fell under Chapter VI or Chapter VII, in order that it might be clear whether the representative of the United Kingdom could or could not participate in the vote.

The representative of the United Kingdom stated that the draft resolution submitted by his Government related to a breach of the peace and had been proposed with Article 40 in mind; therefore the United Kingdom would vote, in accordance with the Charter and the consistent practice of the Council. The President invited the members of the Council to decide whether or not the situation before the Council fell under Chapter VI. The representative of Spain expressed the view that the explanation offered by the representative of the United Kingdom had been sufficient for the Council to decide that the matter fell under Chapter VII, and that the United Kingdom therefore had the right to vote. The President stated that if the Council felt the explanation offered by the United Kingdom had sufficiently answered the request by Panama, and if there were no further comments, the Council would go on to the voting procedure. In the absence of any objections it was so decided.<sup>66</sup>

## Part VII

## LANGUAGES (RULES 41-47)

## NOTE

During the period under review, the Council amended rules 41 and 42 of its provisional rules of procedure to include Arabic among the working languages of the Council (case 21).

During this period the practice of waiving the right to consecutive interpretation of their statements was consistently followed by Members of the Council.

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

## Rules 41 and 42

## CASE 21

By a letter<sup>67</sup> dated 17 December 1982 the representative of Jordan drew the Council's attention to

General Assembly resolution 35/219, in which the Assembly, *inter alia*, stated that Arabic should be accorded the same status as the other official and working languages of the Council, and asked the Council to include the item in its agenda.

At its 2410th meeting, on 21 December 1982, the Council considered the inclusion of Arabic among the official and working languages of the Council. The President drew the Council's attention to a draft resolution<sup>68</sup> submitted by Jordan and, in the absence of any objection, declared the draft resolution adopted by consensus as resolution 528 (1982). Resolution 528 (1982) included an amendment of rules 41 and 42 of the provisional rules of procedure.

## \*\*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. Mimeographed copies of the record incorporate a note 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.<sup>69</sup> At the close of each meeting, it issued a communiqué through the Secretary-General, in accordance with rule 55 of the provisional rules of procedure. There were no special instances of the application of rules 48-57 during the time period covered by the present *Supplement*.

## \*\*Part IX

## \*\*APPENDIX TO THE PROVISIONAL RULES OF PROCEDURE

## NOTES

<sup>1</sup> 2491st mtg.

<sup>2</sup> S/16100, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.

<sup>3</sup> S/15448, *ibid.*, 37th yr., *Suppl. for Oct.-Dec. 1982*.

<sup>4</sup> For the texts of such statements, see S/14361, S/14414, S/14485, S/14572, S/14599, S/14764 and S/14794, *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*; S/14944, S/14995, S/15020, S/15047, S/15124, S/15163, S/15296, S/15342, S/15444, S/15469 and S/15504, *ibid.*, 37th yr., *Resolutions and Decisions of the Security Council, 1982*; S/15616, S/15680, S/15688, S/15797, S/15971, S/16142, S/16188 (incorporated in the record of the 2502nd meeting); S/16195, *ibid.*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*; S/16293, S/16454, S/16628, S/16760, S/16832 and S/16847, *ibid.*, 39th yr., *Resolutions and Decisions of the Security Council, 1984*.

<sup>5</sup> For the texts of such draft resolutions, see S/14484, adopted without change as resolution 485 (1981); S/14500, adopted without change as resolution 486 (1981); S/14556, adopted

without change as resolution 487 (1981); S/14557, adopted without change as resolution 488 (1981); S/14761, adopted without change as resolution 493 (1981); S/14790, adopted without change as resolution 495 (1981); S/14793, adopted without change as resolution 496 (1981); S/14798, adopted without change as resolution 497 (1981); S/14803, adopted without change as resolution 498 (1981); S/14809, adopted without change as resolution 499 (1981); S/14890, adopted without change as resolution 501 (1982); S/15013, adopted without change as resolution 504 (1982); S/15118, adopted without change as resolution 506 (1982); S/15216, adopted without change as resolution 510 (1982); S/15235, adopted without change as resolution 511 (1982); S/15273, adopted without change as resolution 513 (1982); S/15285, adopted without change as resolution 514 (1982); S/15330, adopted without change as resolution 516 (1982); S/15367, adopted without change as resolution 519 (1982); S/15402, adopted

without change as resolution 521 (1982); S/15446, adopted without change as resolution 522 (1982); S/15458, adopted without change as resolution 523 (1982); S/15503, adopted without change as resolution 524 (1982); S/15523, adopted without change as resolution 526 (1982); S/15524, adopted without change as resolution 527 (1982); S/15793, adopted without change as resolution 531 (1982); S/15803, adopted without change as resolution 532 (1982); S/15815, adopted without change as resolution 533 (1982); S/15828, adopted without change as resolution 534 (1982); S/15846, adopted without change as resolution 535 (1983); S/15871, adopted without change as resolution 536 (1983); S/16046, adopted without change as resolution 538 (1983); S/16179, adopted without change as resolution 542 (1983); S/16187, adopted without change as resolution 543 (1983); S/16217, adopted without change as resolution 544 (1983); S/16275, adopted without change as resolution 547 (1984); S/16491, adopted without change as resolution 549 (1984); S/16592, adopted without change as resolution 551 (1984); S/16779, adopted without change as resolution 555 (1984); S/16845, adopted without change as resolution 557 (1984); and S/16862, adopted without change as resolution 559 (1984).

<sup>6</sup> For the texts of such notes or letters, see S/14850, *OR*, 37th yr., *Suppl. for Jan.-March 1982*; S/14900, *ibid.*; S/15138, *ibid.*, *Suppl. for April-June 1982*; S/15296, *ibid.*, *Suppl. for July-Sept. 1982*; S/15473, *ibid.*, *Suppl. for Oct.-Dec. 1982*; S/16593, *ibid.*, 39th yr., *Resolutions and Decisions of the Security Council, 1984*.

<sup>7</sup> S/16696, *OR*, 39th yr., *Resolutions and Decisions of the Security Council, 1984*.

<sup>8</sup> 2495th mtg.

<sup>9</sup> 2480th mtg.

<sup>10</sup> Resolutions 488 (1981) of 19 June 1981 and 498 (1981) of 18 December 1981.

<sup>11</sup> Resolutions 495 (1981) of 14 December 1981, 510 (1982) of 15 June 1982, 526 (1982) of 14 December 1982, 534 (1983) of 15 June 1983, 541 (1983) of 18 November 1983, 544 (1983) of 15 December 1983, 553 (1984) of 15 June 1984 and 559 (1984) of 14 December 1984.

<sup>12</sup> Resolution 496 (1981) of 15 December 1981.

<sup>13</sup> Resolution 501 (1982) of 25 February 1982.

<sup>14</sup> Resolution 504 (1982) of 30 April 1982.

<sup>15</sup> Resolution 505 (1982) of 26 May 1982.

<sup>16</sup> Resolution 507 (1982) of 28 May 1982.

<sup>17</sup> Resolutions 508 (1982) of 25 June 1982 and 512 (1982) of 19 June 1982.

<sup>18</sup> Resolution 513 (1982) of 4 July 1982.

<sup>19</sup> Resolution 514 (1982) of 12 July 1982.

<sup>20</sup> Resolution 515 (1982) of 29 July 1982.

<sup>21</sup> Resolution 516 (1982) of 1 August 1982.

<sup>22</sup> Resolutions 517 (1982) of 4 August 1982 and 521 (1982) of 19 September 1982.

<sup>23</sup> Resolution 521 (1982) of 19 September 1982.

<sup>24</sup> Resolution 523 (1982) of 18 October 1982.

<sup>25</sup> Resolution 527 (1982) of 15 December 1982.

<sup>26</sup> Presidential statement of 21 February 1983, S/15616, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*.

<sup>27</sup> Presidential statement of 4 April 1983, S/15680, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*.

<sup>28</sup> Resolution 532 (1983) of 31 May 1983.

<sup>29</sup> Resolution 535 (1983) of 29 June 1983.

<sup>30</sup> Resolution 540 (1983) of 31 October 1983 and presidential statement of 30 March 1984, S/16454, *OR*, 39th yr., *Resolutions and Decisions of the Security Council, 1984*.

<sup>31</sup> Resolution 542 (1983) of 23 November 1983.

<sup>32</sup> Resolutions 545 (1983) of 21 December 1983 and 546 (1984) of 6 January 1984.

<sup>33</sup> Resolutions 549 (1984) of 19 April 1984 and 555 (1984) of 12 October 1984.

<sup>34</sup> Resolution 550 (1984) of 11 May 1984.

<sup>35</sup> In connection with the situation in the Middle East, resolutions 485 (1981) of 22 May 1981, 488 (1981) of 19 June 1981, 490 (1981) of 21 July 1981, 493 (1981) of 23 November 1981, 497 (1981) of 17 December 1981, 498 (1981) of 18 December 1981, 501 (1982) of 25 February 1982, 506 (1982) of 26 May 1982, 508 (1982) of 5 June 1982, 511 (1982) of 18 June 1982, 512 (1982) of

19 June 1982, 515 (1982) of 29 July 1982, 516 (1982) of 1 August 1982, 517 (1982) of 4 August 1982, 518 (1982) of 12 August 1982, 520 (1982) of 17 September 1982, 521 (1982) of 19 September 1982, 523 (1982) of 18 October 1982, 524 (1982) of 29 November 1982, and 529 (1983) of 18 January 1983, presidential statement of 4 April 1983, S/15680, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*, resolutions 531 (1983) of 26 May 1983, 536 (1983) of 18 July 1983, 538 (1983) of 18 October 1983, 542 (1983) of 23 November 1983, 543 (1983) of 29 November 1983, 549 (1984) of 19 April 1984, 551 (1984) of 30 May 1984, 555 (1984) of 12 October 1984 and 557 (1984) of 28 November 1984; in connection with the complaint by Iraq, resolution 487 (1981) of 19 June 1981; in connection with the situation in Cyprus, resolutions 486 (1981) of 4 June 1981, 495 (1981) of 14 December 1981, 510 (1982) of 15 June 1982, 526 (1982) of 14 December 1982, 534 (1983) of 15 June 1983, 541 (1983) of 18 November 1983, 544 (1983) of 15 December 1983, 550 (1984) of 11 May 1984, 553 (1984) of 14 June 1984 and 559 (1984) of 14 December 1984; in connection with the question concerning the Falkland Islands (Islas Malvinas), resolution 505 (1982) of 26 May 1982; in connection with the situation between Iran and Iraq, resolutions 514 (1982) of 12 July 1982, and 522 (1982) of 4 October 1982, presidential statement of 21 February 1983, S/15616, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*, and resolution 540 (1983) of 31 October 1983; in connection with the complaint by Lesotho against South Africa, resolutions 527 (1982) of 15 December 1982 and 535 (1983) of 29 June 1983; in connection with the letter dated 5 May 1983 from the representative of Nicaragua, resolution 530 (1983) of 19 May 1983; in connection with the situation in Namibia, resolutions 532 (1983) of 31 May 1983 and 539 (1983) of 28 October 1983; in connection with the complaint by Angola against South Africa, resolutions 545 (1983) of 20 December 1983 and 546 (1984) of 6 January 1984; in connection with the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, resolution 552 (1984) of 1 June 1984; and in connection with the question of South Africa, resolutions 554 (1984) of 17 August 1984, 556 (1984) of 23 October 1984 and 558 (1984) of 13 December 1984 (in which the Secretary-General was requested to report to the Security Council Committee established by resolution 421 (1977)).

<sup>36</sup> 2564th mtg.

<sup>37</sup> 2328th mtg., paras. 114-126.

<sup>38</sup> 2334th mtg., paras. 123-141.

<sup>39</sup> 2355th mtg., paras. 50-62.

<sup>40</sup> *Ibid.*, paras. 85-88.

<sup>41</sup> 2356th mtg., paras. 117 and 118.

<sup>42</sup> 2357th mtg., paras. 51 and 52.

<sup>43</sup> 2388th mtg., paras. 127-132.

<sup>44</sup> *Ibid.*, paras. 167 and 168.

<sup>45</sup> 2390th mtg., paras. 46-59.

<sup>46</sup> S/14947, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>47</sup> S/14947/Rev. 1, adopted without change as resolution 502 (1982).

<sup>48</sup> S/14950, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>49</sup> 2350th mtg., paras. 177-187.

<sup>50</sup> S/15156, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>51</sup> 2371st mtg., paras. 15-28.

<sup>52</sup> *Ibid.*, paras. 139-159.

<sup>53</sup> S/15325, adopted without change as resolution 515 (1982).

<sup>54</sup> 2385th mtg., paras. 111-125.

<sup>55</sup> S/15317, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>56</sup> S/15325, adopted without change as resolution 515 (1982).

<sup>57</sup> 2385th mtg., paras. 67-73.

<sup>58</sup> *Ibid.*, para. 83.

<sup>59</sup> *Ibid.*, paras. 111-123.

<sup>60</sup> S/14950, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>61</sup> 2350th mtg., paras. 136-145.

<sup>62</sup> S/15156/Rev. 1, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>63</sup> 2372nd mtg., paras. 3-31.

<sup>64</sup> S/15448, *OR*, 37th yr., *Suppl. for Oct.-Dec. 1982*.

<sup>65</sup> S/14947/Rev. 1, adopted without change as resolution 502 (1982).

<sup>66</sup> 2350th mtg., paras. 189-202.

<sup>67</sup> S/15532, *OR*, 37th yr., *Suppl. for Oct.-Dec. 1982*.

* S/15531, adopted without change as resolution 528 (1982).		2310th	17 November 1981	Recommendation regarding the appointment of the Secretary-General of the United Nations
* The eight meetings were the following:				
2303rd	27 October 1981			Recommendation regarding the appointment of the Secretary-General of the United Nations
2304th	28 October 1981			Recommendation regarding the appointment of the Secretary-General of the United Nations
2305th	4 November 1981			Recommendation regarding the appointment of the Secretary-General of the United Nations
2308th	10 November 1981			Consideration of the draft report of the Security Council to the General Assembly
		2312th	11 December 1981	Recommendation regarding the appointment of the Secretary-General of the United Nations
		2402nd	24 November 1982	Consideration of the draft report of the Security Council to the General Assembly
		2494th	11 November 1983	Consideration of the draft report of the Security Council to the General Assembly

**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. Nor was any material found for treatment under part II dealing with the circulation of communications by the Secretary-General and the preparation and communication of the provisional agenda.

Part III contains material on the procedure and practice of the Security Council in connection with

the adoption of the agenda. No material has been entered under section A dealing with the procedure of the Council in voting on the adoption of the agenda, section B concerning discussion in the Council of the requirements for the inclusion of an item in the agenda and of the effects of such inclusion, and section C dealing with other questions that were discussed in connection with the adoption of the agenda, such as the order of discussion of items, the scope of items in relation to the scope of the discussion, the phrasing of agenda items and the participation of a non-Member of the Council before the adoption of the agenda.

Part IV relates to the list of matters of which the Council is seized. No entry is presented under section A relating to rule 10. The tabulation in section B (rule 11) supplements the tabulation in the previous volume of the *Repertoire* and indicates the changes that have since occurred in the list of matters of which the Council is seized.

### \*\* Part I

## \*\* CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 6-12

### Part II

## THE PROVISIONAL AGENDA

#### NOTE

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

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

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 no instance involving the manner of preparing the provisional agenda.

### Part III

## ADOPTION OF THE AGENDA (RULE 9)

#### NOTE

Under rule 9, the first item on the provisional agenda for each meeting of the 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 28 new issues in its agenda which in some cases dealt with specific incidents or aspects of more general questions. There were no instances of objections to the inclusion of an item in the agenda or a vote regarding such objection. This reflects the established 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.

During the period under review, the provisional agenda of each meeting of the Council was adopted without objection. Therefore, unlike in the previous volumes of the *Repertoire*, no material was found for treatment relating to the requirements for the inclusion of an item in the agenda, the procedure of the Council in voting on the adoption of the agenda or other questions of procedure.

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

#### 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.<sup>1</sup>

During the period under review, additional evidence supporting such retention was provided when the President of the Council announced, upon conclusion of the debate, that the Council remained seized of a question.

The 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 previous volumes of the *Repertoire*. Part (a) indicates items added to the list of matters of which the Council was seized during the period 1981-1984 and part (b) indicates items appearing on previous lists concerning which new information was included in the summary statements during that period.

The deletion of items takes place following a request addressed to the Secretary-General by the Member States parties to the issue in question. Such a request is brought to the attention of the members of the Council by the Secretary-General in an informal communication seeking their consent to the deletion of the item. In the absence of objections on the part of the members of the Council, the Secretary-General then deletes the item in question from the annual list of matters of which the Council is seized. Items may also be deleted with the consent of the Council, on the initiative of the President or individual members of the Council or by a decision at the close of a debate. During the period covered by the present *Supplement*, no items were deleted from the list.

The titles used are the short titles referred to in the editorial note to the present *Supplement*.

#### (a) ITEMS ADDED TO THE LIST OF MATTERS OF WHICH THE SECURITY COUNCIL WAS SEIZED DURING THE PERIOD 1981-1984

Item	First inclusion in the agenda	First entry in summary statement	Last action of the Council as of 31 December 1984	Final entry in summary statement as of 31 December 1984
Complaint by Iraq	2280th meeting, 12 June 1981	S/14326/Add.23, 17 June 1981	Adopted resolution 487 (1981), 2288th meeting, 19 June 1981	
Complaint by Seychelles	2314th meeting, 15 December 1981	S/14326/Add.50, 29 December 1981	Adopted resolutions 496 (1981), 2314th meeting, 15 December 1981, and 507 (1982), 2370th meeting, 28 May 1982	

<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 1984</i>	<i>Final entry in summary statement as of 31 December 1984</i>
Letter dated 19 March 1982 from the representative of Nicaragua	2335th meeting, 25 March 1982	S/14840/Add.12, 5 April 1982	Failed to adopt draft resolution S/14941, 2347th meeting, 2 April 1982	
Letter dated 1 April 1982 from the representative of the United Kingdom	2345th meeting, 1 April 1982	S/14840/Add.13, 12 April 1982	Adopted resolution 502 (1982), 2350th meeting, 3 April 1982	
Letter dated 31 March 1982 from the President of Kenya transmitting a complaint by Chad	2358th meeting, 30 April 1982	S/14840/Add.17, 6 May 1982	Adopted resolution 504 (1982), 2358th meeting, 30 April 1982	
Question concerning the Falkland Islands (Islas Malvinas)	2360th meeting, 21 May 1982	S/14840/Add.20, 1 June 1982	Adopted resolution 505 (1982), 2368th meeting, 26 May 1982. Failed to adopt draft resolution S/15156/Rev.2, 2373rd meeting, 4 June 1982	
Inclusion of Arabic	2410th meeting, 21 December 1982	S/14840/Add.51, 29 December 1982	Adopted resolution 528 (1982), 2410th meeting, 21 December 1982	S/14840/Add.51, 29 December 1982
Letter dated 19 February 1983 from the representative of the Libyan Arab Jamahiriya	2415th meeting, 22 February 1983	S/15560/Add.8, 3 March 1983	Council adjourned without fixing a date for a next meeting, 2418th meeting, 23 February 1983	
Letter dated 16 March 1983 from the representative of Chad	2419th meeting, 22 March 1983	S/15560/Add.12, 31 March 1983	President issued a statement S/15688, 6 April 1983	
Letter dated 22 March 1983 from the representative of Nicaragua	2420th meeting, 23 March 1983	"	President issued a statement, 2427th meeting, 29 March 1983	
Letter dated 5 May 1983 from the representative of Nicaragua	2431st meeting, 9 May 1983	S/15560/Add.19, 20 May 1983	Adopted resolution 530 (1983), 2437th meeting, 19 May 1983	
Letter dated 2 August 1983 from the representative of Chad	2462nd meeting, 3 August 1983	S/15560/Add.31, 15 August 1983	Adopted agenda and heard statements	
Letter dated 8 August 1983 from the representative of the Libyan Arab Jamahiriya	2464th meeting, 11 August 1983	S/15560/Add.32, 18 August 1983	Adopted agenda and heard statements	
Letter dated 1 September 1983 from the representative of the United States	2470th meeting, 2 September 1983	S/15560/Add.35, 16 September 1983	Failed to adopt draft resolution S/15966/Rev.1, 2476th meeting, 12 September 1983	
Letter dated 1 September 1983 from the observer for the Republic of Korea	"	"	"	
Letter dated 1 September 1983 from the representative of Canada	"	"	"	
Letter dated 1 September 1983 from the representative of Japan	"	"	"	
Letter dated 2 September 1983 from the representative of Australia	"	"	"	

<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 1984</i>	<i>Final entry in summary statement as of 31 December 1984</i>
Letter dated 12 September 1983 from the representative of Nicaragua	2477th meeting, 13 September 1983	S/15560/Add.37, 27 September 1983	Adopted agenda and heard statements	
Situation in Grenada	2487th meeting, 25 October 1983	S/15560/Add.43, 4 November 1983	Failed to adopt draft resolution S/16077/Rev. 1, 2491st meeting, 27 October 1983	
Letter dated 3 February 1984 from the representative of Nicaragua	2513th meeting, 3 February 1984	S/16270/Add.4, 7 February 1984	Adopted agenda and heard statements	
Letter dated 18 March 1984 from the representative of the Sudan	2520th meeting, 27 March 1984	S/16270/Add.12, 4 April 1984	Adopted agenda, heard statements and adjourned without fixing a date for the next meeting, 2521st meeting, 27 March 1984	
Letter dated 22 March 1984 from the representative of the Libyan Arab Jamahiriya	2522nd meeting, 28 March 1984	"	Adopted agenda, heard statements and adjourned without fixing a date for the next meeting, 2526th meeting, 2 April 1984	
Letter dated 29 March 1984 from the representative of Nicaragua	2525th meeting, 30 March 1984	"	Failed to adopt draft resolution (S/16463, 2529th meeting, 4 April 1984)	
Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates	2541st meeting, 25 May 1984	S/16270/Add.20, 7 June 1984	Adopted resolution 552 1984, 2546th meeting, 1 June 1984	
Letter dated 4 September 1984 from the representative of Nicaragua	2557th meeting, 7 September 1984	S/16270/Add.35, 27 September 1984	Adopted agenda and heard statements, 2557th meeting, 7 September 1984	
Letter dated 3 October 1984 from the representative of the Lao People's Democratic Republic	2558th meeting, 9 October 1984	S/16270/Add.40, 18 October 1984	Adopted agenda and heard statements, 2558th meeting, 9 October 1984	
Letter dated 9 November 1984 from the representative of Nicaragua	2562nd meeting, 9 November 1984	S/16270/Add.44, 15 November 1984	Adopted agenda and heard statements 2562nd meeting, 9 November 1984	
Admission of new Members: Republic of Vanuatu	2290th meeting, 8 July 1981	S/14326/Add.27, 17 July 1981	Recommended, 2291st meeting, 8 July 1981	S/14326/Add.27, 17 July 1981
Belize	2301st meeting, 23 September 1981	S/14326/Add.38, 12 October 1981	Recommended, 2302nd meeting, 23 September 1981	S/14326/Add.38, 12 October 1981
Antigua and Barbuda	2307th meeting, 10 November 1981	S/14326/Add.45, 20 November 1981	Recommended, 2309th meeting, 10 November 1981	S/14326/Add.45, 20 November 1981
Saint Christopher and Nevis	2478th meeting, 22 September 1983	S/15560/Add.38, 30 September 1983	Recommended, 2479th meeting, 22 September 1983	S/15560/Add.38, 30 September 1983
Brunei Darussalam	2517th meeting, 24 February 1984	S/16270/Add.7, 28 February 1984	Recommended, 2518th meeting, 24 February 1984	S/16270/Add.7, 28 February 1984
Election of members of the International Court of Justice: 1981	2262nd meeting, 15 January 1981	S/14326/Add.2, 22 January 1981	Recommended two candidates to fill vacancies, 2262nd meeting, 15 January 1981	S/14326/Add.2, 22 January 1981

<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 1984</i>	<i>Final entry in summary statement as of 31 December 1984</i>
Election of members of the International Court of Justice: 1981 ( <i>continued</i> )	2306th meeting, 5 November 1981	S/14326/Add.44, 11 November 1981	Recommended five candidates to fill vacancies, 2306th meeting, 5 November 1981	S/14326/Add.44, 11 November 1981
Date of election to fill a vacancy in the International Court of Justice	2321st meeting, 21 December 1981	S/14326/Add.51, 30 December 1981	Adopted resolution 499 (1981), 2321st meeting, 21 December 1981	S/14326/Add.51, 30 December 1981
1982	2333rd meeting, 19 March 1982	S/14840/Add.11, 29 March 1982	Recommended one candidate to fill a vacancy, 2333rd meeting, 19 March 1982	S/14840/Add.11, 29 March 1982
1984	2561st meeting, 7 November 1984	S/16270/Add.44, 15 November 1984	Recommended five candidates to fill vacancies, 2561st meeting, 7 November 1984	S/16270/Add.44, 15 November 1984

(b) ITEMS THAT APPEARED IN PREVIOUS VOLUMES OF THE *REPertoire* ON WHICH NEW ACTION BY THE SECURITY COUNCIL WAS REPORTED IN SUMMARY STATEMENTS ISSUED DURING THE PERIOD 1981-1984

<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 1984</i>	<i>Final entry in summary statement as of 31 December 1984</i>
Letter dated 1 September 1980 from the representative of Malta	2246th meeting, 4 September 1980	S/13737/Add.35, 10 September 1980	Deferred further consideration of the item pending consultation with members of the Council, 2294th meeting, 30 July 1981	S/14326/Add.30, 3 August 1981
Complaint by Lesotho against South Africa	1981st meeting, 21 December 1976	S/11935/Add.51, 30 December 1976	Adopted resolution 535 (1983), 2455th meeting, 29 June 1983	S/15560/Add.26, 7 July 1983
Situation in the occupied Arab territories	1916th meeting, 4 May 1976	S/11935/Add.18, 11 May 1976	Failed to adopt draft resolution S/15895, 2461st meeting, 2 August 1983	S/15560/Add.31, 15 August 1983
Situation in Namibia	1387th meeting, 25 January 1968	S/8367, 30 January 1968	Adopted resolution 539 (1983), 2492nd meeting, 28 October 1983	S/15560/Add.43, 4 November 1983
Situation between Iran and Iraq	2247th meeting, 26 September 1980	S/13737/Add.38, 3 October 1980	Adopted resolution 540 (1983), 2493rd meeting, 31 October 1983	S/15560/Add.43, 14 November 1983
Complaint by Angola against South Africa	2077th meeting, 5 May 1978	S/12520/Add.17, 11 May 1978	Adopted resolution 546 (1984), 2511th meeting, 6 January 1984	S/16270, 11 January 1984
Situation in the Middle East	1341st meeting, 24 May 1967	S/7913, 29 May 1967	Adopted resolution 557 (1984), 2563rd meeting, 28 November 1984	S/16270/Add.47, 6 December 1984
Question of South Africa	1988th meeting, 21 March 1977	S/12269/Add.12, 31 March 1977	Adopted resolution 558 (1984), 2564th meeting, 13 December 1984	"
Situation in Cyprus	1779th meeting, 16 July 1974	S/11185/Add.28, 24 July 1974	Adopted resolution 559 (1984), 2565th meeting, 14 December 1984	S/16270/Add.49, 21 December 1984

**\*\* (c) ITEMS THAT WERE DELETED FROM THE LIST OF MATTERS OF WHICH THE SECURITY COUNCIL  
WAS SEIZED DURING THE PERIOD 1981-1984**

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

**NOTE**

<sup>1</sup> 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: resolutions 488 (1981) of 19 June 1981, para. 7, 498 (1981) of 18 December 1981, para. 10, 501 (1982) of 25 February 1982, para. 6, 509 (1982) of 6 June 1982, para. 4, 520 (1982), of 17 September 1982, para. 7, and 542 (1983) of 23 November 1983, para. 7, adopted in connection with the situation in the Middle East; resolutions 496 (1981) of 15 December 1981, para. 6, and 507 (1982) of 28 May 1982, para. 14, in connection with the complaint by Seychelles; resolutions 527 (1982) of 15 December 1982, para. 9, and 535 (1983) of 29 June 1983, para. 6, in connection with the complaint by Lesotho against South Africa; resolutions 532 (1983) of 31 May 1983, para. 6, and 539 (1983) of 28 October 1983, para. 10, in connection with the situation in Namibia; resolution 546 (1984) of 6 January 1984, para. 10, in connection with the complaint by Angola against South Africa; resolution 550 (1984) of 11 May 1984, para. 10, in connection with the situation in Cyprus; resolution 552 (1984) of 1 June 1984, para. 8, in connection with the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates; and resolutions 554 (1984) of 17 August 1984, para. 7, and 556 (1984) of 23 October 1984, para. 8, in connection with the question of South Africa.

In some cases the Council used language that differed from the usual terminology but in fact still compelled the Council to take action. For example, in resolution 517 (1982) of 4 August 1982, para. 8, in connection with the situation in the Middle East, the Council "decided to meet at that time, if necessary, in order to consider the report of the Secretary-General". In resolution 518 (1982) of 12 August 1982, para. 6, the Council "decided to meet, if necessary, in order to consider the situation upon receipt of the report of the Secretary-General". In resolution 519 (1982) of 17

August 1982, para. 5, the Council "decided to consider the situation fully and in all its aspects before 19 October 1982." On many occasions, the Council, in its resolutions, requested the Secretary-General to report to or keep the Council regularly informed of the implementation of specific resolutions without explicit reference to the Council continuing to keep the question on its agenda. Such formulations can be found in resolutions 488 (1981) of 19 June 1981, para. 5, 490 (1981) of 21 July 1981, para. 3, 508 (1982) of 5 June 1982, para. 3, 512 (1982) of 19 June 1982, para. 4, 515 (1982) of 29 July 1982, para. 2, 516 (1982) of 1 August 1982, para. 3, 521 (1982) of 19 September 1982, para. 7, 523 (1982) of 18 October 1982, para. 5, 529 (1983) of 18 January 1983, para. 3, 536 (1983) of 18 July 1983, para. 3, 538 (1983) of 18 October 1983, para. 3, in connection with the situation in the Middle East; resolution 487 (1981) of 19 June 1981, para. 7, in connection with the complaint by Iraq; resolution 505 (1982) of 26 May 1982, para. 5, in connection with the question concerning the Falkland Islands (Islas Malvinas); resolutions 510 (1982) of 15 June 1982, para. 3, 526 (1982) of 14 December 1982, para. 3, 534 (1983) of 15 June 1983, para. 3, and 544 (1983) of 15 December 1983, para. 2, in connection with the situation in Cyprus; resolutions 514 (1982) of 12 July 1982, para. 6, and 522 (1982) of 4 October 1982, para. 7, in connection with the situation between Iran and Iraq; resolution 530 (1983) of 19 May 1983, para. 5, in connection with the letter dated 5 May 1983 from the representative of Nicaragua; resolution 546 (1984) of 6 January 1984, para. 9, in connection with the complaint by Angola against South Africa; and resolutions 554 (1984) of 17 August 1984, para. 6, 556 (1984) of 23 October 1984, para. 7, and 558 (1984) of 13 December 1984, para. 4, in connection with the question of South Africa.

**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 of the Practice of the Security Council, 1946-1951*, explains that such a strict classification is impossible because the Council often decides to extend invitations to participate in its proceedings without pronouncing itself on the basis for such invitations.

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

Part I includes a note indicating that no discussion took place during the period under review of the basis on which an invitation might be deemed to rest with the exception of the case set out in section D.3 below, relating to the case of invitations not expressly under Articles 31 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, on invitations to representatives of United Nations organs or subsidiary organs;<sup>1</sup> section C, on invitations to Members of the United Nations;<sup>2</sup> and section D, on other invitations.<sup>3</sup>

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

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

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

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

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

For the period under review, all invitations to representatives of United Nations organs or subsidiary organs were extended as a matter of course and without any discussion. The letters of request were read into the record of the meeting by the President

of the Council and were not issued as S/ documents. These cases have been recorded below in tabular form and are chronologically arranged to provide

information on (a) the question; (b) United Nations organs or subsidiary organs invited; (c) request for invitation; and (d) decision of the Council.

Question*	United Nations organ or subsidiary organ invited	Request for invitation	Decision of the Council—invitation extended and renewed <sup>b</sup>
Situation in Namibia	Delegation of the United Nations Council for Namibia composed of the President and five Vice-Presidents	Letter from the President of the United Nations Council for Namibia	2267th meeting (2268th-2277th meetings)
	Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Letter from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2275th meeting (2276th and 2277th meetings)
	Delegation of the United Nations Council for Namibia led by the President	Letter from the President of the United Nations Council for Namibia	2439th meeting (2440th-2444th and 2446th-2451st meetings)
	Representative of the Chairman of the Special Committee against <i>Apartheid</i>	Letter from the Acting Chairman of the Special Committee against <i>Apartheid</i>	"
	Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Letter from the Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2440th meeting (2441st-2444th and 2446th-2451st meetings)
	Delegation of the United Nations Council for Namibia led by the President	Letter from the President of the United Nations Council for Namibia	2481st meeting (2482nd-2486th, 2488th, 2490th and 2492nd meetings)
	Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Letter from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	"
	Acting Chairman of the Special Committee against <i>Apartheid</i>	Letter from the Acting Chairman of the Special Committee against <i>Apartheid</i>	2483rd meeting (2484th-2486th, 2488th, 2490th and 2492nd meetings)
Complaint by Iraq	Director-General of the International Atomic Energy Agency	S/14540	2284th meeting (2285th-2288th meetings)
Question of South Africa	Chairman of the Special Committee against <i>Apartheid</i>	Letter from the Chairman of the Special Committee against <i>Apartheid</i>	2398th meeting
	Acting Chairman of the Special Committee against <i>Apartheid</i>	Letter from the Acting Chairman of the Special Committee against <i>Apartheid</i>	2548th meeting (2549th-2551st meetings)
	Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Letter from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2549th meeting (2550th and 2551st meetings)
	Chairman of the Special Committee against <i>Apartheid</i>	Letter from the Chairman of the Special Committee against <i>Apartheid</i>	2560th meeting
Situation in the occupied Arab territories	Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	Letter from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People	2401st meeting (2412th-2414th, 2438th and 2457th-2461st meetings)

<i>Question*</i>	<i>United Nations organ or subsidiary organ invited</i>	<i>Request for invitation</i>	<i>Decision of the Council—invitation extended and renewed<sup>b</sup></i>
Complaint by Angola against South Africa	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	2506th meeting (2507th and 2508th meetings)
Situation in the Middle East	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	2540th meeting
	"	"	2552nd meeting (2553rd-2556th meetings)

\*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 appear as a

new agenda item, but has been grouped under the item that first appeared.

<sup>b</sup>The meetings at which the invitations were renewed are indicated in parentheses.

### C. IN THE CASE OF MEMBERS OF THE UNITED NATIONS

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

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

<i>Question*</i>	<i>State invited</i>	<i>Basis of invitation</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Situation in the Middle East	Lebanon	S/14391, <i>OR</i> , 36th yr., <i>Suppl. for Jan.-March 1981</i>	2265th meeting (2266th meeting)
	Lebanon	S/14596, <i>ibid.</i> , <i>Suppl. for July-Sept. 1981</i>	2292nd meeting
	Lebanon	S/14875, <i>OR</i> , 37th yr., <i>Suppl. for Jan.-March 1982</i>	2331st meeting (2332nd meeting)
	Lebanon	S/15162, <i>ibid.</i> , <i>Suppl. for April-June 1982</i>	2374th meeting (2375th-2377th, 2380th-2382nd, 2384th-2392nd and 2394th-2396th meetings)
	Lebanon	S/15392, <i>ibid.</i> , <i>Suppl. for July-Sept. 1982</i>	"
	Lebanon	S/15974, <i>OR</i> , 38th yr., <i>Suppl. for July-Sept. 1983</i>	2475th meeting
	Kuwait	S/16569, <i>OR</i> , 39th yr., <i>Suppl. for April-June 1984</i>	2540th meeting
Complaint by Iraq	Lebanon	S/16713, <i>ibid.</i> , <i>Suppl. for July-Sept. 1984</i>	2552nd meeting (2553rd-2556th meetings)
	Iraq	S/14509, <i>OR</i> , 36th yr., <i>Suppl. for April-June 1981</i>	2280th meeting (2281st-2288th meetings)
	Malta	S/14140, <i>OR</i> , 35th yr., <i>Suppl. for July-Sept. 1980</i>	2294th meeting
Letter dated 1 September 1980 from the representative of Malta	Angola	S/14647, <i>OR</i> , 36th yr., <i>Suppl. for July-Sept. 1981</i>	2296th meeting (2297th-2300th meetings)
	Angola	S/16216, <i>OR</i> , 38th yr., <i>Suppl. for Oct.-Dec. 1983</i>	2504th meeting (2505th-2508th meetings)
	Angola	S/16244, <i>OR</i> , 39th yr., <i>Suppl. for Jan.-March 1984</i>	2509th meeting (2510th-2512th meetings)
Complaint by Seychelles	Seychelles	S/14783, <i>OR</i> , 36th yr., <i>Suppl. for Oct.-Dec. 1981</i>	2314th meeting
Situation in the occupied Arab territories	Syrian Arab Republic	S/14791, <i>ibid.</i>	2316th meeting (2317th-2319th meetings)

<i>Question*</i>	<i>State invited</i>	<i>Basis of invitation</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>	
Situation in the occupied Arab territories (continued)	Jordan	S/14917, <i>OR, 37th yr., Suppl. for Jan.-March 1982</i>	2334th meeting (2338th, 2340th, 2344th, and 2348th meetings)	
	Morocco	S/14967, <i>ibid., Suppl. for April-June 1982</i>	2352nd meeting (2353rd-2357th meetings)	
	Iraq	S/14969, <i>ibid.</i>	"	
	Morocco	S/15481 <i>ibid., Suppl. for Oct.-Dec. 1982</i>	2401st meeting (2412th-2414th, 2438th and 2457th-2461st meetings)	
	Niger	S/15483, <i>ibid.</i>	"	
	Jordan	S/15599, <i>OR, 38th yr., Suppl. for Jan.-March 1983</i>	2412th meeting (2413th-2414th, 2438th and 2457th-2461st meetings)	
	Qatar	S/15764, <i>ibid., Suppl. for April-June 1983</i>	2438th meeting (2457th-2461st meetings)	
	Democratic Yemen	S/15890, <i>ibid., Suppl. for July-Sept. 1983</i>	2457th meeting (2458th-2461st meetings)	
	Letter dated 19 March 1982 from the representative of Nicaragua	Nicaragua	S/14913, <i>OR, 37th yr., Suppl. for Jan.-March 1982</i>	2335th meeting (2336th-2337th, 2339th, 2341st-2343rd and 2347th meetings)
	Situation between Iran and Iraq	Iraq	S/15443, <i>ibid., Suppl. for Oct.-Dec. 1982</i>	2399th meeting
Complaint by Lesotho against South Africa	Lesotho	S/15515, <i>ibid.</i>	2406th meeting (2407th-2409th meetings)	
Letter dated 19 February 1983 from the representative of the Libyan Arab Jamahiriya	Libyan Arab Jamahiriya	S/15615, <i>OR, 38th yr., Suppl. for Jan.-March 1983</i>	2415th meeting (2416th-2418th meetings)	
Letter dated 16 March 1983 from the representative of Chad	Chad	S/15643, <i>ibid.</i>	2419th meeting (2428th-2430th meetings)	
Situation in Namibia	Mauritius	S/15760, <i>ibid. Suppl. for April-June 1983</i>	2439th meeting (2440th-2444th and 2446th-2451st meetings)	
	India	S/15761, <i>ibid.</i>	"	
	Senegal	S/16048, <i>ibid., Suppl. for Oct.-Dec. 1983</i>	2481st meeting (2482nd-2486th, 2488th, 2490th and 2492nd meetings)	
	India	S/16051, <i>ibid.</i>	"	
Letter dated 2 August 1983 from the representative of Chad	Chad	S/15902, <i>ibid., Suppl. for July-Sept. 1983</i>	2462nd meeting (2463rd, 2465th, 2467th and 2469th meetings)	
Letter dated 8 August 1983 from the representative of the Libyan Arab Jamahiriya	Libyan Arab Jamahiriya	S/15914, <i>ibid.</i>	2464th meeting (2466th and 2468th meetings)	
Letter dated 1 September 1983 from the representative of the United States	Australia Canada Japan	S/15951, <i>ibid.</i>	2470th meeting (2471st-2474th and 2476th meetings)	
Letter dated 1 September 1983 from the observer for the Republic of Korea		S/15949, <i>ibid.</i>		
Letter dated 1 September 1983 from the representative of Canada		S/15950, <i>ibid.</i>		
Letter dated 1 September 1983 from the representative of Japan				
Letter dated 2 September 1983 from the representative of Australia				
Situation in Cyprus	Cyprus	S/16150, <i>ibid., Suppl. for Oct.-Dec. 1983</i>	2497th meeting (2498th-2500th meetings)	
	Greece	S/16151, <i>ibid.</i>	"	

<i>Question*</i>	<i>State invited</i>	<i>Basis of invitation</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Situation in Cyprus (continued)	Cyprus	S/16514, OR, 39th yr., Suppl. for April-June 1984	2531st meeting (2532nd- 2539th meetings)
Letter dated 18 March 1984 from the representative of the Sudan	Sudan	S/16420, <i>ibid.</i> , Suppl. for Jan.- March 1984	2520th meeting (2521st meeting)
Letter dated 22 March 1984 from the representative of the Libyan Arab Jamahiriya	Libyan Arab Jamahiriya	S/16431, <i>ibid.</i>	2522nd meeting (2523rd and 2526th meetings)
Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates	Bahrain Kuwait Oman Qatar Saudi Arabia United Arab Emirates	S/16574, <i>ibid.</i> , Suppl. for April- June 1984	2541st meeting (2542nd- 2543rd and 2545th-2546th meetings)
Question of South Africa	Algeria	S/16692, <i>ibid.</i> , Suppl. for July- Sept. 1984	2548th meeting (2549th- 2551st meetings)
	Ethiopia	S/16786, <i>ibid.</i> , Suppl. for Oct.- Dec. 1984	2560th meeting
Letter dated 3 October 1984 from the representative of the Lao People's Democratic Republic	Lao People's Democratic Republic	S/16765, <i>ibid.</i>	2558th meeting

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appeared. Questions in 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).

<sup>b</sup>The meetings at which the invitations were renewed are indicated by parentheses.

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

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

**2. Invitations when the 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.

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Situation in the Middle East	Israel	2265th meeting (2266th meeting)
	Israel	2289th meeting
	Lebanon	"
	Israel	2292nd meeting
	Jordan	"
	Democratic Yemen	2293rd meeting
	Egypt	"
	Mauritania	"
	Saudi Arabia	"
	Syrian Arab Republic Yemen	"
	Israel	2320th meeting
	Kuwait	"
	Lebanon	"

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed*</i>
Situation in the Middle East (continued)	Syrian Arab Republic	2320th meeting
	Israel	2331st meeting (2332nd meeting)
	Syrian Arab Republic	2332nd meeting
	Israel	2374th meeting (2375th-2377th meetings)
	Egypt	2375th meeting (2376th and 2377th meetings)
	Israel	2379th meeting
	Lebanon	"
	Netherlands	"
	Sweden	"
	Syrian Arab Republic	"
	Egypt	2380th meeting (2381st and 2382nd meetings)
	Israel	2380th meeting (2381st, 2382nd, 2384th-2392nd and 2394th-2396th meetings)
	Cuba	2389th meeting (2390th-2392nd and 2394th-2396th meetings)
	India	"
	Kuwait	2394th meeting (2395th and 2396th meetings)
	Syrian Arab Republic	"
	Algeria	2396th meeting
	Democratic Yemen	"
	Greece	"
	Lebanon	2400th meeting
	Israel	2411th meeting
	Lebanon	"
	Syrian Arab Republic	"
	Lebanon	2456th meeting
	Israel	2480th meeting (2495th and 2496th meetings)
	Lebanon	"
	Syrian Arab Republic	"
	Sudan	2495th meeting (2496th meeting)
	Italy	2514th meeting (2515th, 2516th and 2519th meetings)
	Lebanon	"
	Senegal	2516th meeting (2518th meeting)
	Israel	2530th meeting
	Lebanon	"
	Israel	2540th meeting
	Lebanon	"
	Israel	2552nd meeting (2553rd-2556th meetings)
	Kuwait	"
	Syrian Arab Republic	"
	Qatar	2553rd meeting (2554th-2556th meetings)
	Sudan	"
	United Arab Emirates	"
Yemen	"	
Iran (Islamic Republic of)	2554th meeting (2555th and 2556th meetings)	
Cuba	2555th meeting (2556th meeting)	
Democratic Yemen	"	
Turkey	"	
Lebanon	2559th meeting	

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Situation in Namibia	Algeria	2267th meeting (2268th-2277th meetings)
	Angola	"
	Benin	"
	Cuba	"
	Ethiopia	"
	Guinea	"
	India	"
	Indonesia	"
	Jamaica	"
	Mozambique	"
	Nigeria	"
	Senegal	"
	Sierra Leone	"
	South Africa	"
	Sri Lanka	"
	Togo	"
	United Republic of Tanzania	"
	Yugoslavia	"
	Zaire	"
	Zambia	"
	Zimbabwe	"
	Canada	2268th meeting (2269th-2277th meetings)
	Germany, Federal Republic of	"
	Kenya	"
	Romania	2269th meeting (2270th-2277th meetings)
	Brazil	2270th meeting (2271st-2277th meetings)
	Bangladesh	2271st meeting (2272nd-2277th meetings)
	Democratic Yemen	"
Burundi	2272nd meeting (2273rd-2277th meetings)	
Libyan Arab Jamahiriya	"	
Pakistan	"	
Guyana	2274th meeting (2275th-2277th meetings)	
Singapore	2275th meeting (2276th and 2277th meetings)	
Algeria	2439th meeting (2440th-2444th and 2446th-2451st meetings)	
Angola	"	
Australia	"	
Bangladesh	"	
Benin	"	
Cuba	"	
Egypt	"	
Ethiopia	"	
Gambia	"	
Guinea	"	
Indonesia	"	
Jamaica	"	
Kuwait	"	
Mali	"	
Nigeria	"	
Panama	"	
Romania	"	
Senegal	"	
Seychelles	"	
Sierra Leone	"	
South Africa	"	
Sri Lanka	"	
Syrian Arab Republic	"	
Tunisia	"	
Turkey	"	
Yugoslavia	"	
Zambia	"	



<i>Question<sup>a</sup></i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Situation in Namibia (continued)	Afghanistan	2440th meeting (2441st-2444th and 2446th- 2451st meetings)
	Botswana	"
	Canada	"
	Germany, Federal Republic of	"
	Kenya	"
	Morocco	"
	Mozambique	"
	Uganda	"
	Upper Volta*	"
	United Republic of Tanzania	"
	Democratic Yemen	2441st meeting (2442nd-2444th and 2446th- 2451st meetings)
	Japan	"
	Libyan Arab Jamahiriya	"
	Somalia	"
	Bulgaria	2442nd meeting (2443rd, 2444th and 2446th-2451st meetings)
	Chile	"
	Venezuela	"
	Barbados	2443rd meeting (2444th and 2446th-2451st meetings)
	Cyprus	"
	Gabon	"
	Liberia	"
	Mexico	"
	Mongolia	"
	Niger	"
	Qatar	"
	Viet Nam	"
	Argentina	2444th meeting (2446th-2451st meetings)
	German Democratic Republic	"
	Hungary	"
	Czechoslovakia	2446th meeting (2447th-2451st meetings)
	Malaysia	2447th meeting (2448th-2451st meetings)
	Grenada	2448th meeting (2449th-2451st meetings)
	Ghana	2449th meeting (2450th and 2451st meetings)
	Iran (Islamic Republic of)	"
	Colombia	2450th meeting (2451st meeting)
	Angola	2481st meeting (2482nd- 2486th, 2488th, 2490th and 2492nd meetings)
	Canada	"
	Cuba	"
	Ethiopia	"
	Libyan Arab Jamahiriya	"
	Nigeria	"
	Sierra Leone	"
	South Africa	"
United Republic of Tanzania	"	
Yugoslavia	"	
Zambia	"	
Botswana	2482nd meeting (2483rd- 2486th, 2488th, 2490th and 2492nd meetings)	

\*Burkina Faso as of 6 August 1984.

<i>Question<sup>a</sup></i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Situation in Namibia (continued)	Germany, Federal Republic of	2482nd meeting (2483rd-2486th, 2488th, 2490th and 2492 meetings)
	Mozambique	"
	Venezuela	"
	Algeria	2483rd meeting (2484th-2486th, 2488th, 2490th and 2492nd meetings)
	German Democratic Republic	"
	Kenya	"
	Kuwait	"
	Mexico	"
	Sri Lanka	"
	Tunisia	"
	Czechoslovakia	2485th meeting (2486th, 2488th, 2490th and 2492nd meetings)
	Argentina	2486th meeting (2488th, 2490th and 2492nd meetings)
	Bulgaria	"
	Syrian Arab Republic	"
	Hungary	2488th meeting (2490th and 2492nd meetings)
	Iran (Islamic Republic of)	"
	Peru	"
	Sudan	"
	Turkey	2490th meeting (2492nd meeting)
	Uganda	"
Situation in Cyprus	Cyprus	2279th meeting
	Greece	"
	Turkey	"
	Cyprus	2313th meeting
	Greece	"
	Turkey	"
	Cyprus	2378th meeting
	Greece	"
	Turkey	"
	Cyprus	2405th meeting
	Greece	"
	Turkey	"
	Canada	2453rd meeting (2454th meeting)
	Cyprus	"
	Greece	"
	Turkey	"
	Australia	2497th meeting (2498th-2500th meetings)
	Canada	"
	India	"
	Romania	"
	Seychelles	"
	Sri Lanka	"
	Turkey	"
	Yugoslavia	"
	Algeria	2498th meeting (2499th and 2500th meetings)
	Cuba	"
	Democratic Yemen	"
Egypt	2500th meeting	
Cyprus	2503rd meeting	
Greece	"	
Turkey	"	
Antigua and Barbuda	2531st meeting (2532nd-2539th meetings)	
Greece	"	
Turkey	"	
Yugoslavia	"	

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>	
Situation in Cyprus (continued)	Afghanistan	2532nd meeting (2533rd-2539th meetings)	
	Australia	2533rd meeting (2534th-2539th meetings)	
	Ecuador	"	
	Sri Lanka	"	
	Syrian Arab Republic	"	
	Algeria	2534th meeting (2535th-2539th meetings)	
	Cuba	2535th meeting (2536th-2539th meetings)	
	Guyana	"	
	Jamaica	"	
	Mongolia	"	
	Viet Nam	"	
	Bangladesh	2536th meeting (2537th-2539th meetings)	
	Bulgaria	"	
	Costa Rica	"	
	Hungary	"	
	Panama	"	
	Saint Lucia	"	
	German Democratic Republic	2537th meeting (2538th-2539th meetings)	
	Czechoslovakia	2538th meeting (2539th meeting)	
	Malaysia	"	
	Cyprus	2547th meeting	
	Greece	"	
	Turkey	"	
	Canada	2565th meeting	
	Cyprus	"	
	Greece	"	
	Turkey	"	
	Complaint by Iraq	Algeria	2280th meeting (2281st-2288th meetings)
		Brazil	"
		Cuba	"
		India	"
		Israel	"
		Jordan	"
Kuwait		"	
Lebanon		"	
Pakistan		"	
Romania		"	
Sudan		"	
Turkey		"	
Yugoslavia		"	
Bulgaria		2281st meeting (2282nd-2288th meetings)	
Guyana		"	
Somalia		"	
Viet Nam		"	
Zambia		"	
Bangladesh		2282nd meeting (2283rd-2288th meetings)	
Czechoslovakia		"	
Egypt		"	
Hungary		"	
Mongolia		"	
Sierra Leone		"	
Syrian Arab Republic		"	
Indonesia		2283rd meeting (2284th-2288th meetings)	
Italy		"	
Morocco	"		
Poland	"		
Yemen	"		
Nicaragua	2284th meeting (2285th-2288th meetings)		
Sri Lanka	"		

<i>Question<sup>a</sup></i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Complaint by Iraq (continued)	Malaysia	2285th meeting (2286th-2288th meetings)
	Libyan Arab Jamahiriya	2288th meeting
Admission of new Members: Application of Vanuatu	Australia	2291st meeting
	New Zealand	"
Application of Belize	Guatemala	2301st meeting (2302nd meeting)
	Barbados	2302nd meeting
	Nicaragua	"
	Saint Lucia	"
Application of Antigua and Barbuda	Nicaragua	2309th meeting
	Saint Lucia	"
Application of Saint Christopher and Nevis	Ecuador	2479th meeting
Application of Brunei Darussalam	Indonesia	2518th meeting
Letter dated 1 September 1980 from the representative of Malta	Libyan Arab Jamahiriya	2294th meeting
Complaint by Angola against South Africa	Brazil	2296th meeting (2297th-2300th meetings)
	Cuba	"
	Viet Nam	"
	Zimbabwe	"
	Germany, Federal Republic of	2297th meeting (2298th-2300th meetings)
	India	"
	Kenya	"
	Libyan Arab Jamahiriya	"
	South Africa	"
	Yugoslavia	"
	Canada	2298th meeting (2299th and 2300th meetings)
	Mozambique	2300th meeting
	Botswana	2504th meeting (2505th-2508th meetings)
	Brazil	"
	India	"
	Mauritania	"
	Mozambique	"
	Portugal	"
	Somalia	"
	South Africa	"
	Yugoslavia	"
	Zambia	"
	Argentina	2505th meeting (2506th-2508th meetings)
Canada	"	
Egypt	"	
German Democratic Republic	"	
Libyan Arab Jamahiriya	"	
Nigeria	"	
United Republic of Tanzania	"	
Benin	2506th meeting (2507th and 2508th meetings)	
Ethiopia	"	
Cuba	2507th meeting (2508th meeting)	
Turkey	"	
Ethiopia	2509th meeting (2510th and 2511th meetings)	
Mozambique	"	
South Africa	"	
Togo	"	

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Complaint by Angola against South Africa (continued)	United Republic of Tanzania	2509th meeting (2510th and 2511th meetings)
	Zambia	"
	Algeria	2510th meeting (2511th meeting)
	Nigeria	"
	Syrian Arab Republic	"
	Viet Nam	"
	Yugoslavia	"
Complaint by Seychelles	Botswana	2314th meeting
	Algeria	2359th meeting (2361st, 2365th, 2367th and 2370th meetings)
	Angola	"
	Argentina	"
	Benin	"
	Botswana	"
	Cuba	"
	Czechoslovakia	"
	Egypt	"
	Honduras	"
	India	"
	Lao People's Democratic Republic	"
	Madagascar	"
	Maldives	"
	Malta	"
	Seychelles	"
	Afghanistan	2361st meeting (2365th, 2367th and 2370th meetings)
	Barbados	"
	Bulgaria	"
	German Democratic Republic	"
	Grenada	"
	Hungary	"
	Mali	"
	Mozambique	"
	Nicaragua	"
	Pakistan	"
	Sao Tome and Principe	"
	United Republic of Tanzania	"
	Viet Nam	"
	Yugoslavia	"
Kenya	2365th meeting (2367th and 2370th meetings)	
Libyan Arab Jamahiriya	"	
Mauritius	"	
Syrian Arab Republic	"	
Bangladesh	2367th meeting (2370th meeting)	
Mongolia	"	
Nigeria	"	
Sri Lanka	"	
Swaziland	"	
Zambia	"	
Situation in the occupied Arab territories	Cuba	2316th meeting (2317th-2319th meetings)
	Egypt	"
	Israel	"
	Kuwait	"
	Lebanon	"
	Saudi Arabia	"
	Turkey	"
	Viet Nam	"
	India	2317th meeting (2318th and 2319th meetings)
	Libyan Arab Jamahiriya	"
	Pakistan	2318th meeting (2319th meeting)

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Situation in the occupied Arab territories (continued)	Romania	2318th meeting (2319th meeting)
	Yugoslavia	"
	Zaire	"
	Indonesia	2319th meeting
	Senegal	"
	Cuba	2322nd meeting (2323rd-2330th meetings)
	Democratic Yemen	"
	Israel	"
	Kuwait	"
	Lao People's Democratic Republic	"
	Morocco	"
	Senegal	"
	Sri Lanka	"
	Syrian Arab Republic	"
	Yemen	"
	Yugoslavia	"
	Afghanistan	2323rd meeting (2324th-2330th meetings)
	Algeria	"
	Bangladesh	"
	German Democratic Republic	"
	India	"
	Libyan Arab Jamahiriya	"
	Qatar	"
	Saudi Arabia	"
	Sudan	"
	Hungary	2324th meeting (2325th-2330th meetings)
	Iraq	"
	Pakistan	"
	Ukrainian Soviet Socialist Republic	"
	Bulgaria	2325th meeting (2326th-2330th meetings)
	Greece	"
	Mongolia	"
	Nicaragua	"
	Portugal	"
	Viet Nam	"
	Burundi	2327th meeting (2328th-2330th meetings)
	Czechoslovakia	"
	Indonesia	"
	Mauritania	"
	Oman	"
	United Arab Emirates	"
	Grenada	2329th meeting (2330th meeting)
Egypt	2334th meeting (2338th, 2340th, 2344th and 2348th meetings)	
Israel	"	
Pakistan	"	
Senegal	"	
Syrian Arab Republic	"	
Morocco	2338th meeting (2340th, 2344th and 2348th meetings)	
Turkey	"	
German Democratic Republic	2340th meeting (2344th and 2348th meetings)	
India	"	
Iran (Islamic Republic of)	"	
Algeria	2344th meeting (2348th meeting)	
Bangladesh	"	
Cuba	"	

<i>Question<sup>a</sup></i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Situation in the occupied Arab territories (continued)	Iraq	2344th meeting (2348th meeting)
	Libyan Arab Jamahiriya	"
	Viet Nam	"
	Yemen	"
	Yugoslavia	"
	Democratic Yemen	2348th meeting
	Saudi Arabia	"
	Israel	2352nd meeting (2353rd- 2357th meetings)
	Pakistan	"
	Saudi Arabia	"
	Turkey	"
	Bangladesh	2353rd meeting (2354th-2357th meetings)
	Guinea	"
	Indonesia	"
	Iran (Islamic Republic of)	"
	Malaysia	"
	Sudan	"
	Syrian Arab Republic	"
	Niger	2354th meeting (2355th-2357th meetings)
	Senegal	"
	India	2355th meeting (2356th-2357th meetings)
	Libyan Arab Jamahiriya	"
	Somalia	"
	Djibouti	2356th meeting (2357th meeting)
	United Arab Emirates	"
	Kuwait	2357th meeting
	Senegal	2401st meeting (2412th-2414th, 2438th and 2457th-2461st meetings)
	Egypt	2412th meeting (2413th- 2414th, 2438th and 2457th- 2461st meetings)
	India	"
	Syrian Arab Republic	"
	Yemen	"
	Yugoslavia	"
	Algeria	2413th meeting (2414th, 2438th and 2457th-2461st meetings)
	Cuba	"
	German Democratic Republic	"
	Iran (Islamic Republic of)	"
	Kuwait	"
	Lebanon	"
	Turkey	2413th meeting (2414th-2438th and 2457th-2461st meetings)
	United Arab Emirates	"
	Democratic Yemen	2414th meeting (2438th and 2457th-2461st meetings)
Greece	"	
Mali	2438th meeting (2457th-2461st meetings)	
Afghanistan	2457th meeting (2458th-2461st meetings)	
Malaysia	"	
Bahrain	2459th meeting (2460th-2461st meetings)	
Bangladesh	"	
Djibouti	"	
Iraq	"	
Libyan Arab Jamahiriya	"	

<i>Question<sup>a</sup></i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>	
Situation in the occupied Arab territories (continued)	Mauritania	2459th meeting (2460th-2461st meetings)	
	Oman	"	
	Saudi Arabia	"	
	Somalia	"	
	Sudan	"	
	Tunisia	"	
Letter dated 19 March 1982 from the representative of Nicaragua	Israel	2460th meeting (2461st meeting)	
	Angola	2335th meeting (2336th-2337th, 2339th, 2341st-2343rd and 2347th meetings)	
	Argentina	"	
	Cuba	"	
	Honduras	"	
	Mexico	"	
	Viet Nam	2337th meeting (2339th, 2341st-2343rd and 2347th meetings)	
	Grenada	2339th meeting (2341st-2343rd and 2347th meetings)	
	India	"	
	Iran (Islamic Republic of)	"	
	Lao People's Democratic Republic	"	
	Mozambique	"	
	Nigeria	"	
	Seychelles	"	
	Yugoslavia	"	
	Benin	2341st meeting (2342nd, 2343rd and 2347th meetings)	
	El Salvador	"	
	German Democratic Republic	"	
	Madagascar	"	
	Sri Lanka	"	
	United Republic of Tanzania	"	
	Zambia	"	
	Chile	2342nd meeting (2343rd and 2347th meetings)	
	Colombia	"	
	Libyan Arab Jamahiriya	"	
	Mauritius	"	
Syrian Arab Republic	"		
Zimbabwe	"		
Algeria	2343rd meeting (2347th meeting)		
Congo	"		
Costa Rica	"		
Iraq	2347th meeting		
Letter dated 1 April 1982 from the representative of the United Kingdom	Argentina	2345th meeting (2346th, 2349th and 2350th meetings)	
	Australia	2349th meeting (2350th meeting)	
	Canada	"	
	New Zealand	"	
	Bolivia	2350th meeting	
	Brazil	"	
	Paraguay	"	
	Peru	"	
	Question concerning the Falkland Islands (Islas Malvinas)	Antigua and Barbuda	2360th meeting (2362nd-2364th, 2366th and 2368th meetings)
		Argentina	"
Australia		"	
Brazil		"	
Ecuador		"	



Question <sup>a</sup>	State invited	Decision of the Council—invitations extended and renewed <sup>b</sup>	
Question concerning the Falkland Islands (Islas Malvinas) (continued)	Mexico	2360th meeting (2362nd-2364th, 2366th and 2368th meetings)	
	Uruguay	"	
	Venezuela	"	
	Bolivia	2362nd meeting (2363rd, 2364th, 2366th and 2368th meetings)	
	Canada	"	
	Colombia	"	
	Cuba	"	
	El Salvador	"	
	Equatorial Guinea	"	
	Guatemala	"	
	Honduras	"	
	New Zealand	"	
	Nicaragua	"	
	Paraguay	"	
	Peru	"	
	Belgium	2363rd meeting (2364th, 2366th and 2368th meetings)	
	Indonesia	"	
	Greece	2364th meeting (2366th and 2368th meetings)	
	Kenya	"	
	Lao People's Democratic Republic	"	
	Liberia	"	
	Chile	2366th meeting (2368th meeting)	
	Germany, Federal Republic of	"	
	India	"	
	Italy	"	
	Netherlands	"	
	Yugoslavia	2368th meeting	
	Argentina	2371st meeting (2372nd and 2373rd meetings)	
	Brazil	"	
	Honduras	2372nd meeting (2373rd meeting)	
	Situation between Iran and Iraq	Iraq	2383rd meeting
	Morocco	Morocco	2399th meeting
Algeria		2398th meeting	
Question of South Africa	Cuba	"	
	Ghana	"	
Argentina	Argentina	2548th meeting (2549th-2551st meetings)	
	Czechoslovakia	"	
	Nigeria	"	
	South Africa	"	
	Thailand	"	
Benin	Benin	2549th meeting (2550th and 2551st meetings)	
	Cuba	"	
Mongolia	"		
Syrian Arab Republic	"		
Trinidad and Tobago	"		
Yugoslavia	"		
Congo	Congo	2550th meeting (2551st meeting)	
	Indonesia	"	
	Kuwait	"	
	Qatar	"	
	Sri Lanka	"	
	Afghanistan	2551st meeting	
	Guyana	"	
	Kenya	"	

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Question of South Africa (continued)	Togo	2551st meeting
	South Africa	2560th meeting
	South Africa	2564th meeting
Complaint by Lesotho against South Africa	Algeria	2406th meeting (2407th-2409th meetings)
	Angola	"
	Botswana	"
	India	"
	Zimbabwe	"
	Egypt	2407th meeting (2408th and 2409th meetings)
	Guinea	"
	Libyan Arab Jamahiriya	"
	Seychelles	"
	Sierra Leone	"
	South Africa	"
	Swaziland	"
	Yugoslavia	"
	Zambia	"
	Benin	2408th meeting
	Grenada	"
	Kenya	"
	Nicaragua	"
	United Republic of Tanzania	2409th meeting
	Yemen	"
Lesotho	2455th meeting	
Letter dated 19 February 1983 from the representative of the Libyan Arab Jamahiriya	Benin	2415th meeting (2416th-2418th meetings)
	Democratic Yemen	"
	Egypt	"
	Ghana	"
	Iran (Islamic Republic of)	"
	Libyan Arab Jamahiriya	"
	Sudan	"
	Syrian Arab Republic	"
	Czechoslovakia	2417th meeting (2418th meeting)
	German Democratic Republic	"
	Hungary	"
	Madagascar	"
	Viet Nam	"
	Algeria	2418th meeting
	Bulgaria	"
	Cuba	"
Ethiopia	"	
Letter dated 16 March 1983 from the representative of Chad	Egypt	2419th meeting (2428th-2430th meetings)
	Ivory Coast	"
	Libyan Arab Jamahiriya	"
	Senegal	"
	Sudan	"
	Benin	2428th meeting (2429th and 2430th meetings)
	Democratic Yemen	"
	Ethiopia	"
	Gabon	"
	Guinea	"
	Iran (Islamic Republic of)	"
	Niger	"
	Syrian Arab Republic	"
	United Republic of Cameroon	"
Ghana	2428th meeting (2430th meeting)	
Letter dated 22 March 1983 from the representative of Nicaragua	Honduras	2420th meeting (2421st-2427th meetings)
	Mexico	"
	Panama	"

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Letter dated 22 March 1983 from the representative of Nicaragua ( <i>continued</i> )	Barbados	2421st meeting (2422nd-2427th meetings)
	Cuba	"
	Democratic Yemen	"
	Grenada	"
	Libyan Arab Jamahiriya	"
	Spain	"
	Algeria	2422nd meeting (2423rd-2427th meetings)
	Colombia	"
	Costa Rica	"
	Ecuador	"
	India	"
	Mauritius	"
	Philippines	"
	United Republic of Tanzania	"
	Venezuela	"
	Viet Nam	"
	Argentina	2423rd meeting (2424th-2427th meetings)
	Belgium	"
	Bolivia	"
	Brazil	"
	Dominican Republic	"
	Germany, Federal Republic of	"
	Iran (Islamic Republic of)	"
	Peru	"
	Yugoslavia	"
	Bulgaria	2424th meeting (2425th-2427th meetings)
	El Salvador	"
	German Democratic Republic	"
	Italy	"
	Mongolia	"
	Syrian Arab Republic	"
	Cyprus	2425th meeting (2426th and 2427th meetings)
	Czechoslovakia	"
Hungary	"	
Ghana	2426th meeting (2427th meeting)	
Guatemala	2427th meeting	
Uruguay	"	
Letter dated 5 May 1983 from the representative of Nicaragua	Grenada	2431st meeting (2432nd-2437th meetings)
	Honduras	"
	Mexico	"
	Syrian Arab Republic	"
	Algeria	2432nd meeting (2433rd-2437th meetings)
	Cuba	"
	Ethiopia	"
	Guatemala	"
	Iran (Islamic Republic of)	"
	Libyan Arab Jamahiriya	"
	Mali	"
	Seychelles	"
	Argentina	2433rd meeting (2434th-2437th meetings)
	Costa Rica	"
	El Salvador	"
	Lao People's Democratic Republic	"
	Mauritius	"
Panama	"	
Sao Tome and Principe	"	
Spain	"	
Venezuela	"	

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed*</i>	
Letter dated 5 May 1983 from the representative of Nicaragua ( <i>continued</i> )	Colombia	2434th meeting (2435th-2437th meetings)	
	Viet Nam	"	
	Congo	2435th meeting (2436th and 2437th meetings)	
	Uganda	"	
	Dominican Republic	2436th meeting (2437th meeting)	
	Greece	"	
	India	2437th meeting	
	Yugoslavia	"	
	Letter dated 2 August 1983 from the representative of Chad	Libyan Arab Jamahiriya	2462nd meeting (2463rd, 2465th, 2467th and 2469th meetings)
		Egypt	2463rd meeting (2465th, 2467th and 2469th meetings)
Iran (Islamic Republic of)		"	
Ivory Coast		"	
Liberia		"	
Sudan		"	
Benin		2465th meeting (2467th and 2469th meetings)	
Guinea		"	
Kenya		"	
Niger		"	
Senegal		"	
United Republic of Cameroon		"	
Somalia		2467th meeting (2469th meeting)	
Congo		2469th meeting	
Letter dated 8 August 1983 from the representative of the Libyan Arab Jamahiriya	Cuba	2464th meeting (2466th and 2468th meetings)	
	Democratic Yemen	"	
	Iran (Islamic Republic of)	"	
	Syrian Arab Republic	"	
	Afghanistan	2466th meeting (2468th meeting)	
	Lao People's Democratic Republic	"	
	Sudan	"	
	Viet Nam	"	
	Czechoslovakia	2468th meeting	
	Egypt	"	
	German Democratic Republic	"	
	India	"	
Letter dated 1 September 1983 from the representative of the United States	Federal Republic of Germany	2470th meeting (2471st-2474th and 2476th meetings)	
	New Zealand	"	
Letter dated 1 September 1983 from the observer for the Republic of Korea			
Letter dated 1 September 1983 from the representative of Canada			
Letter dated 1 September 1983 from the representative of Japan	Bangladesh	2471st meeting (2472nd-2474th and 2476th meetings)	
Letter dated 2 September 1983 from the representative of Australia	Belgium	"	
	Italy	"	
	Liberia	"	
	Nigeria	"	
	Philippines	"	
	Portugal	"	
	Sierra Leone	"	
	Spain	"	
Sweden	"		

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Letter dated 2 September 1983 from the representative of Australia (continued)	Colombia	2472nd meeting (2473rd, 2474th and 2476th meetings)
	Egypt	"
	Libyan Arab Jamahiriya	"
	Malaysia	"
	Bulgaria	2473rd meeting (2474th and 2476th meetings)
	Costa Rica	"
	Dominican Republic	"
	Ecuador	"
	Fiji	"
	German Democratic Republic	"
	Guatemala	"
	Ireland	"
	Kenya	"
	Singapore	"
	Chad	"
	Paraguay	"
	Thailand	"
	Ivory Coast	2476th meeting
	Sudan	"
	Venezuela	"
Situation in Grenada	Cuba	2487th meeting (2489th and 2491st meetings)
	Democratic Yemen	"
	Grenada	"
	Libyan Arab Jamahiriya	"
	Mexico	"
	Venezuela	"
	Afghanistan	2489th meeting (2491st meeting)
	Algeria	"
	Angola	"
	Antigua and Barbuda	"
	Argentina	"
	Barbados	"
	Bolivia	"
	Dominican Republic	"
	Ethiopia	"
	Iran (Islamic Republic of)	"
	Jamaica	"
	Lao People's Democratic Republic	"
	Mozambique	"
	Nigeria	"
	Saint Lucia	"
	Seychelles	"
	Syrian Arab Republic	"
	Viet Nam	"
	Benin	2491st meeting
	Brazil	"
	Bulgaria	"
	Cape Verde	"
	Chile	"
	Colombia	"
	Czechoslovakia	"
	Dominican Republic	"
	Ecuador	"
	Egypt	"
	German Democratic Republic	"
	Guatemala	"
	Guinea-Bissau	"
	Hungary	"
	India	"
	Mongolia	"
	Peru	"
	Saint Vincent and the Grenadines	"
	Sao Tome and Principe	"
	Singapore	"
	Sri Lanka	"
	Trinidad and Tobago	"

<i>Question*</i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed*</i>
Situation in Grenada (continued)	United Republic of Tanzania	2491st meeting
	Yugoslavia	"
	Zambia	"
	Honduras	2513th meeting
Letter dated 3 February 1984 from the representative of Nicaragua		
Letter dated 18 March 1984 from the representative of the Sudan	Benin	2520th meeting (2521st meeting)
	Libyan Arab Jamahiriya	"
	Nigeria	"
	Oman	"
	Zaire	"
Letter dated 22 March 1984 from the representative of the Libyan Arab Jamahiriya	Chad	2521st meeting
	Indonesia	"
	Democratic Yemen	2522nd meeting (2523rd and 2526th meetings)
	Poland	"
	Syrian Arab Republic	"
	Viet Nam	"
	Afghanistan	2523rd meeting (2526th meeting)
	Bulgaria	"
	Czechoslovakia	"
	Ethiopia	"
	German Democratic Republic	"
	Iran (Islamic Republic of)	"
	Lao People's Democratic Republic	"
	Mongolia	"
	Sudan	"
	Cuba	2526th meeting
	Hungary	"
Letter dated 29 March 1984 from the representative of Nicaragua	Guyana	2525th meeting (2527th-2529th meetings)
	Honduras	"
	Cuba	2527th meeting (2528th and 2529th meetings)
	Czechoslovakia	"
	Mexico	"
	Syrian Arab Republic	"
	Algeria	2528th meeting (2529th meeting)
	Democratic Yemen	"
	El Salvador	"
	Ethiopia	"
	German Democratic Republic	"
	Hungary	"
	Lao People's Democratic Republic	"
Libyan Arab Jamahiriya	"	
Seychelles	"	
Viet Nam	"	
Afghanistan	2529th meeting	
Costa Rica	"	
Guatemala	"	
Yugoslavia	"	
Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates	Panama	2541st meeting (2542nd, 2543rd, 2545th and 2546th meetings)
	Senegal	"
	Yemen	"
	Ecuador	2542nd meeting (2543rd, 2545th and 2546th meetings)
	Jordan	"
Somalia	"	
Sudan	"	

<i>Question<sup>a</sup></i>	<i>State invited</i>	<i>Decision of the Council—invitations extended and renewed<sup>b</sup></i>
Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (continued)	Germany, Federal Republic of	2543rd meeting (2545th and 2546th meetings)
	Japan	"
	Morocco	"
	Djibouti	2545th meeting (2546th meeting)
	Mauritania	"
	Tunisia	"
	Turkey	"
Letter dated 3 October 1984 from the representative of the Lao People's Democratic Republic	Liberia	2546th meeting
	Thailand	2558th meeting

<sup>a</sup>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.

<sup>b</sup>The meetings at which the invitations were renewed are indicated by parentheses.

#### **\*\* (b) TO SUBMIT WRITTEN STATEMENTS**

#### **\*\*3. Invitations denied**

#### **D. IN THE CASE OF OTHER INVITATIONS**

#### **1. Invitations expressly under Article 32**

<i>Question</i>	<i>State invited</i>	<i>Basis of invitation</i>	<i>Decision of the Council—invitation extended and renewed<sup>a</sup></i>
Letter dated 1 September 1983 from the representative of the United States	Republic of Korea	S/15948, OR, 38th yr., Suppl. for July-Sept. 1983	2470th meeting (2471st-2474th and 2476th meetings)
Letter dated 1 September 1983 from the observer for the Republic of Korea			
Letter dated 1 September 1983 from the representative of Canada			
Letter dated 1 September 1983 from the representative of Japan			
Letter dated 2 September 1983 from the representative of Australia			

<sup>a</sup>The meeting at which the invitation was renewed is indicated by parentheses.

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

<i>Question<sup>a</sup></i>	<i>Person invited</i>	<i>Basis of invitation</i>	<i>Decision of the Council—invitation extended and renewed<sup>b</sup></i>
Situation in Namibia	Mr. Peter Mucshihange	S/14452	2267th meeting (2268th-2277th meetings)

<i>Question<sup>a</sup></i>	<i>Person invited</i>	<i>Basis of invitation</i>	<i>Decision of the Council— invitation extended and renewed<sup>b</sup></i>
Situation in Namibia (continued)	Mr. Clovis Maksoud	S/14453	2268th meeting (2269th-2277th meetings)
	Mr. Johnstone F. Makatini	S/14456	2272nd meeting (2273rd-2277th meetings)
	Mr. Sam Nujoma	S/15779	2439th meeting (2440th-2444th and 2446th-2451st meetings)
	Mr. Clovis Maksoud	S/15790	2443rd meeting (2444th and 2446th-2451st meetings)
	Mr. Johnstone F. Makatini	S/15799	2447th meeting (2448th-2451st meetings)
	Mr. Lesaoana S. Makhanda	S/15800	"
	Mr. Peter Mueshihange	S/16055	2481st meeting (2482nd-2486th, 2488th, 2490th and 2492nd meetings)
	Mr. Johnstone F. Makatini	S/16064	2485th meeting (2486th, 2488th, 2490th and 2492nd meetings)
Situation in Cyprus	Mr. Nail Atalay		2279th meeting
	"		2313th meeting
	"		2378th meeting
	"		2405th meeting
	"		2453rd meeting (2454th meeting)
	Mr. Rauf Denktaş		2498th meeting (2499th and 2500th meetings)
	Mr. Nail Atalay Mr. Rauf Denktaş		2503rd meeting 2531st meeting (2532nd-2539th meetings)
	Mr. Necati M. Ertekün Mr. Rauf Denktaş		2547th meeting  2565th meeting
Complaint by Iraq	Mr. Chedli Klibi	S/14524	2280th meeting (2281st-2288th meetings)
	Mr. Clovis Maksoud	S/14545	2286th meeting (2287th-2288th meetings)
Situation in the Middle East	Mr. Clovis Maksoud	S/14598	2292nd meeting
	"	S/14804	2320th meeting
	"	S/14883	2331st meeting
	"	S/15167	2374th meeting (2375th-2377th meetings)
	"	S/15239	2379th meeting (2380th-2382nd, 2384th-2392nd and 2394th-2396th meetings)
	"	S/16575 S/16722	2540th meeting 2552nd meeting (2553rd-2556th meetings)
Question of South Africa	Mr. Johnstone F. Makatini	S/14653	2295th meeting
	Mr. Mfanafuthi J. Makatini	S/16698	2548th meeting (2549th-2551st meetings)
	Mr. Ahmed Gora Ebrahim	S/16699	"
	Mr. Lesaoana S. Makhanda	S/16704	2551st meeting



<i>Question*</i>	<i>Person invited</i>	<i>Basis of invitation</i>	<i>Decision of the Council— invitation extended and renewed<sup>b</sup></i>
Question of South Africa ( <i>continued</i> )	Bishop Desmond Tutu	S/16794	2560th meeting
Complaint by Angola against South Africa	Mr. Clovis Maksoud	S/14666	2299th meeting (2300th meeting)
Situation in the occupied Arab territories	Mr. Clovis Maksoud	S/14795	2316th meeting (2317th-2319th meetings)
	"	S/14824	2322nd meeting (2323rd-2330th meetings)
	"	S/14921	2334th meeting (2338th, 2340th, 2344th and 2348th meetings)
	"	S/14971	2352nd meeting (2353rd-2357th meetings)
	"	S/15604	2412th meeting (2413th, 2414th, 2438th and 2457th-2461st meetings)
Complaint by Lesotho against South Africa	Mr. Johnstone F. Makatini	S/15526	2409th meeting
	Mr. Ike F. Mafole	S/15527	"
Letter dated 19 February 1983 from the representative of the Libyan Arab Jamahiriya	Mr. Clovis Maksoud	S/15619	2416th meeting (2417th and 2418th meetings)
	Mr. Ike F. Mafole	S/15621	2418th meeting
Letter dated 5 May 1983 from the representative of Nicaragua	Mr. Ahmed Gora Ebrahim	S/15768	2434th meeting (2435th-2437th meetings)
Situation in Grenada	Mr. Clovis Maksoud	S/16091	2491st meeting
Letter dated 22 March 1984 from the representative of the Libyan Arab Jamahiriya	Mr. Ahmed Gora Ebrahim	S/16443	2523rd meeting
Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates	Mr. Chedli Klibi	S/16582	2541st meeting (2542nd-2543rd and 2545th-2546th meetings)

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<sup>b</sup>The meetings at which the invitations were renewed are indicated by parentheses.

### 3. Invitations not expressly under Article 32 or rule 39

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

(b) UNRESTRICTED IN RELATION TO THE AGENDA ITEM

During the period under review, the Palestine Liberation Organization (PLO) was invited to participate in most of the discussions of items relating to the Middle East, in accordance with the initial decision at the 1859th meeting, on 4 December 1975.<sup>4</sup>

The occasions and votes are recorded in the following tabulation:

VOTES REGARDING THE INVITATION OF THE PALESTINE LIBERATION  
ORGANIZATION

	Meeting	Vote		
		In favour	Against	Abstaining
Complaint by Iraq	2280th	11	1	3
Situation in the Middle East	2292nd	11	1	3
	2331st	11	1	3
	2374th	11	1	3
	2379th	11	1	3
	2400th	11	1	3
	2540th	11	1	3
Situation in the occupied Arab territories	2322nd	11	1	3
	2334th	11	1	3
	2352nd	11	1	3
	2401st	12	1	2

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— invitation extended and renewed <sup>b</sup>
Complaint by Iraq	PLO	S/14521	2280th meeting (2281st-2288th meetings)
Situation in the Middle East	PLO	S/14597	2292nd meeting
	PLO	S/14878	2331st meeting (2332nd meeting)
	PLO	S/15166	2374th meeting (2375th-2377th meetings)
	PLO	S/15238	2379th meeting
	PLO	Decision at the 2374th and 2375th meetings	2380th meeting (2381st, 2382nd, 2384th-2392nd and 2394th-2396th meetings)
Situation in the occupied Arab territories	PLO	S/15459	2400th meeting
	PLO	S/16571	2540th meeting
	PLO	S/14823	2322nd meeting (2323rd-2330th meetings)
	PLO	S/14920	2334th meeting (2338th, 2340th, 2344th and 2348th meetings)
	PLO	S/14970	2352nd meeting (2353rd-2357th meetings)
	PLO	S/15490	2401st meeting (2412th-2414th, 2438th and 2457th- 2461st meetings)

\*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.

<sup>b</sup>The meetings at which the invitations were renewed are indicated by parentheses.

#### 4. Invitations denied

During the period under review, there was one case<sup>5</sup> where an invitation to participate was denied.

##### CASE I

At the 2267th meeting, on 21 April 1981, the President of the Council drew attention to a proposal of the representatives of France, the United Kingdom and the United States for the participation

under rule 39 of the provisional rules of procedure of Mr. Peter Kalangula and his associates in the debate on the situation of Namibia.

In a procedural discussion prior to the vote, Panama, France, Uganda, the United Kingdom, the United States and the Soviet Union presented their views. Japan, the German Democratic Republic, Spain and Ireland expressed their positions after the vote.

The supporters of the invitation suggested that as a matter of principle, all individuals who could provide the Security Council with relevant information should be permitted to speak under rule 39 of the provisional rules of procedure and that all Namibian political parties should be granted equal treatment by the Council.

Those who opposed the invitation argued that since the persons to be invited were precisely those

whose credentials had been directly refuted in resolution 439 (1978), their participation in the Council's deliberations would be tantamount to violating the Council's own decisions.

The proposal of the representatives of France, the United Kingdom and the United States to invite Mr. Kalangula and his associates to the Council table was rejected by six votes to nine.<sup>6</sup>

## **\*\*Part II**

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

#### **Part III**

#### **PROCEDURES RELATING TO PARTICIPATION OF INVITED REPRESENTATIVES**

##### **NOTE**

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

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

several meetings, renewed the invitation at each consecutive meeting immediately after the adoption of the agenda.<sup>7</sup>

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

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

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##### **NOTES**

<sup>1</sup> See tabulation in sect. B.

<sup>2</sup> See tabulations in sects. C.1(a) and C.2(a).

<sup>3</sup> See tabulations in sects. D.1-D.4.

<sup>4</sup> See *Repertoire of the Practice of the Security Council, Supplement 1975-1980*, chap. III, part I, D.3(b).

<sup>5</sup> There was also one case where after consultations no member insisted that an invitation under rule 39 of the provisional rules of procedure be put to a vote. At the 2447th meeting, on 27 May 1983, the President of the Council drew attention to a proposal of the representatives of France, the United Kingdom and the United

States that an invitation under rule 39 of the provisional rules of procedure be extended to Mr. L. J. Barnes and Mr. J. G. A. Diergaardt. He stated that he had intended to put that proposal to the vote but that following consultations with the members of the Council, it was his understanding that no member was insisting on a vote. As a result, the two individuals were not invited (2447th mtg.).

<sup>6</sup> 2267th mtg., paras. 7-44.

<sup>7</sup> See tabulation in part I, C.1(a), note b, and part I, C.2(a), note b.

**Chapter IV**

**VOTING**

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## INTRODUCTORY NOTE

The present chapter contains material from the *Official Records* relating to the practice of the Security Council under Article 27 of the Charter. The arrangement of the material in 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 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 was procedural within the meaning of Article 27, paragraph 2, of the Charter. Part III is concerned with the abstention, non-participation or absence of a Council member in relation to the requirements of Article 27, paragraph 3, of the Charter. 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 (ICJ) 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 instances wherein the vote indicated the procedural character of the decision: the proposal obtained nine or more votes and was adopted despite the negative vote of one or more permanent members.

Part I, section B,<sup>1</sup> 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 one occasion (case 1) the question of abstention in accordance with the proviso of Article 27, paragraph 3, of the Charter was discussed.

Part III, section B,<sup>2</sup> lists those occasions on which permanent members abstained voluntarily or did not participate in the vote. Had they voted against the proposal, no affirmative decision could have been taken.

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

Part IV, section B, concerns resolutions adopted without vote. There were no 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.<sup>3</sup>

### Part I

#### PROCEDURAL AND NON-PROCEDURAL MATTERS

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

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

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

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

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

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

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

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

## 8. Invitation to participate in the proceedings

<i>Agenda item</i>	<i>Organization invited</i>	<i>Meeting and date</i>	<i>Vote</i>	<i>Permanent members casting negative vote</i>
Complaint by Iraq	Palestine Liberation Organization (PLO)	2280, 12 June 1981	11-1-3	1
Situation in the Middle East	PLO	2292, 17 July 1981	11-1-3	1
	PLO	2331, 23 February 1982	11-1-3	1
	PLO	2374, 5 June 1982	11-1-3	1
	PLO	2379, 18 June 1982	11-1-3	1
	PLO	2400, 18 October 1982	11-1-3	1
	PLO	2540, 21 May 1984	11-1-3	1
Situation in the occupied Arab territories	PLO	2322, 6 January 1982	11-1-3	1
	PLO	2334, 24 March 1982	11-1-3	1
	PLO	2352, 13 April 1982	11-1-3	1
	PLO	2401, 12 November 1982	12-1-2	1

## \*\*9. Conduct of business

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

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

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

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Decisions (draft resolutions, etc.)</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Permanent members casting negative vote</i>
Situation in Namibia	2277, 30 April 1981	S/14459	6-Power	9-3-3	3
	"	S/14460/Rev.1	3-Power	9-3-3	3
	"	S/14461	3-Power	11-3-1	3
	"	S/14462	3-Power	12-3-0	3
Complaint by Angola against South Africa	2300, 31 August 1981	S/14664/Rev.2	6-Power	13-1-1	1
Situation in the occupied Arab territories	2329, 20 January 1982	S/14832/Rev.1	1-Power	9-1-5	1
	2348, 2 April 1982	S/14943	1-Power	13-1-1	1
	2357, 20 April 1982	S/14985	4-Power	14-1-0	1
	2461, 2 August 1983	S/15895	20-Power	13-1-1	1
Letter dated 19 March 1982 from the representative of Nicaragua	2347, 2 April 1982	S/14941	2-Power	12-1-2	1
Question concerning the Falkland Islands (Islas Malvinas)	2373, 4 June 1982	S/15156/Rev.2	2-Power	9-2-4	2
Situation in the Middle East	2377, 8 June 1982	S/15185	1-Power	14-1-0	1
	2381, 26 June 1982	S/15255/Rev.2	1-Power	14-1-0	1
	2391, 6 August 1982	S/15347/Rev.1	1-Power	11-1-3	1
	2519, 9 February 1984	S/16351/Rev.2	1-Power	13-2-0	1
	2556, 6 September 1984	S/16732	1-Power	14-1-0	1
Letter dated 1 September 1983 from the representative of the United States of America	2476, 12 September 1983	S/15966/Rev.1	10-Power*	9-2-4	1
Letter dated 1 September 1983 from the observer for the Republic of Korea					
Letter dated 1 September 1983 from the representative of Canada					
Letter dated 1 September 1983 from the representative of Japan					
Letter dated 2 September 1983 from the representative of Australia					
Situation in Grenada	2491, 28 October 1983	S/16077/Rev.1	3-Power	11-1-3	1

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Decisions (draft resolutions, etc.)</i>	<i>Submitted by</i>	<i>Vote</i>	<i>Permanent members casting negative vote</i>
Letter dated 29 March 1984 from the representative of Nicaragua	2529, 4 April 1984	S/16463	1-Power	13-1-1	1

\*Subsequently, seven more members joined as sponsors.

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

**\*\*Part II**

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

**Part III**

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

**A. OBLIGATORY ABSTENTION**

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

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

**CASE I**

At the 2350th meeting, on 3 April 1982, in connection with the letter dated 1 April 1982 from the representative of the United Kingdom, the representative of Panama requested the President of the Council to make a ruling on whether a draft resolution submitted by the United Kingdom fell under Chapter VI or Chapter VII of the Charter, adding that in the case of the former, the United

Kingdom, a party to a dispute under consideration, would have to refrain from voting under Article 27, paragraph 3, of the Charter.

The representative of the United Kingdom stated that the resolution related to a breach of the peace and had been proposed not under Chapter VI of the Charter, but under Article 40.

The representative of Spain pointed out that the representative of Panama had simply sought clarification, without advancing any opinion, and that the representative of the United Kingdom had made it clear that the Council was dealing with a matter under Chapter VII of the Charter.

The President of the Council announced that the matter before the Council fell under Chapter VII of the Charter.<sup>4</sup>

**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.

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>Nonparticipation (b)</i>
Situation in the Middle East	2278, 22 May 1981	S/14484	—	14-0-0	—	1
	2289, 19 June 1981	S/14557	—	12-0-2	1	1
	2311, 23 November 1981	S/14761	—	14-0-0	—	1
	2320, 18 December 1981	S/14803	—	13-0-2	1	—
	2332, 25 February 1982	S/14890	—	13-0-2	1	—
	2379, 18 June 1982	S/15235	—	13-0-2	1	—
	2385, 29 July 1982	Oral proposal	United States	6-6-3	1	—
	2385, 29 July 1982	S/15325	1-Power	14-0-0	—	1



<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>Nonparticipation (b)</i>
Situation in the Middle East (continued)	2389, 4 August 1982	S/15343/Rev.1 as orally revised	2-Power	14-0-1	1	—
	2393, 17 August 1982	S/15367	—	13-0-2	1	—
	2400, 18 October 1982	S/15458	—	13-0-2	1	—
	2411, 18 January 1983	S/15564	1-Power	13-0-2	1	—
	2456, 18 July 1983	S/15871	—	13-0-2	1	—
	2480, 18 October 1983	S/16046	—	13-0-2	1	—
	2530, 19 April 1984	S/16491	—	13-0-2	1	—
	2559, 12 October 1984	S/16779	—	13-0-2	1	—
	2279, 4 June 1981	S/14500	—	14-0-0	—	1
	2539, 11 May 1984	S/16550	4-Power	13-1-1	1	—
Situation in the occupied Arab territories	2330, 28 January 1982	S/14848	1-Power	13-0-2	2	—
Letter dated 1 April 1982 from the representative of the United Kingdom	2350, 3 April 1982	S/14947/Rev.1	1-Power	10-1-4	2	—
Question concerning the Falkland Islands (Islas Malvinas)	2372, 3 June 1982	Proposal for longer suspension	1-Power	5-0-10	3	—
Situation in Namibia	2492, 28 October 1983	S/16085/Rev.2	8-Power	14-0-1	1	—
Complaint by Angola against South Africa	2508, 20 December 1983	S/16226	14-Power	14-0-1	1	—
	2511, 6 January 1984	S/16247/Rev.1	13-Power	13-0-1	2	—
Question of South Africa	2551, 17 August 1984	S/16700	8-Power	13-0-2	2	—
	2560, 23 October 1984	S/16791	8-Power	14-0-1	1	—

**\*\*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 number</i>
Letter dated 31 March 1982 from the President of Kenya transmitting complaint by Chad	2358, 30 April 1982	504 (1982)

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

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

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

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

<i>Agenda item</i>	<i>Meeting and date</i>	<i>Document and/or meeting number</i>
Question of South Africa	2264, 5 February 1981	S/14361, incorporated in the record of the 2264th mtg., para.2
	2315, 15 December 1981	S/14794, incorporated in the record of the 2315th mtg., para.1
Situation in the Middle East	2266, 19 March 1981	S/14414, incorporated in the record of the 2266th mtg., para.3
	2278, 22 May 1981	S/14485, incorporated in the record of the 2278th mtg., para.11
	2292, 17 July 1981	S/14599, incorporated in the record of the 2292nd mtg., para.131
	2311, 23 November 1981	S/14764, incorporated in the record of the 2311th mtg., para.3
	2369, 26 May 1982	S/15124, incorporated in the record of the 2369th mtg., para.3
	2387, 3 August 1982	S/15342, incorporated in the record of the 2387th mtg., para.7
	2403, 29 November 1982	S/15504, incorporated in the record of the 2403rd mtg., para.2
	2445, 26 May 1983	S/15787, incorporated in the record of the 2445th mtg.
	2496, 11 November 1983	S/16142, incorporated in the record of the 2496th mtg.
	2502, 29 November 1983	S/16188, incorporated in the record of the 2502nd mtg.
Letter dated 1 April 1982 from the representative of the United Kingdom	2544, 30 May 1984	S/16593, incorporated in the record of the 2544th mtg.
	2563, 28 November 1984	S/16847, incorporated in the record of the 2563rd mtg.
Letter dated 1 April 1982 from the representative of the United Kingdom	2345, 1 April 1982	S/14944, incorporated in the record of the 2345th mtg.
Letter dated 16 March 1983 from the representative of Chad	2430, 6 April 1983	S/15688, incorporated in the record of the 2430th mtg.
Situation between Iran and Iraq	2524, 30 March 1984	S/16454, incorporated in the record of the 2524th mtg.

## (b) STATEMENTS ISSUED ONLY AS SECURITY COUNCIL DOCUMENTS

<i>Agenda item</i>	<i>Date</i>	<i>Document number</i>
Situation in the Middle East	25 June 1981	S/14572
	22 April 1982	S/14995
	4 June 1982	S/15163
	3 December 1983	S/16194
	3 December 1983	S/16195
	26 January 1984	S/16293
Situation in the occupied Arab territories	4 April 1983	S/15680
Letter dated 1 April 1982 from the representative of the United Kingdom	5 May 1982	S/15047
Situation between Iran and Iraq	15 July 1982	S/15296
	21 February 1983	S/15616
Question of South Africa	4 October 1982	S/15444

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

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NOTES

- <sup>1</sup> See the tabulation in part I, sect. B.
- <sup>2</sup> See the tabulation in part III, sect. B.
- <sup>3</sup> See various tabulations in part IV.
- <sup>4</sup> 2350th mtg., paras. 189-202.

**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 were established or proposed", includes nine instances in which a subsidiary organ was formally proposed but not established (cases 5-10 and 13-15),<sup>1</sup> four instances in which the Council authorized the Secretary-General to set up a subsidiary organ (cases 2-4 and 11) and two instances in which the Council itself decided to establish a subsidiary organ (cases 1 and 12). In cases where the Secretary-General set up subsidiary organs pursuant to Security Council decisions no implication is intended as to whether these bodies do or do not fall under Article 29.

Part II, "Consideration of procedures relative to subsidiary organs", 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) decided to send a commission of inquiry composed of three members of the Council to investigate the mercenary aggression of 25 November 1981 against the Republic of Seychelles, to assess economic damages and to report to the Council with recommendations;<sup>2</sup> (b) in connection with the question concerning the Falkland Islands (Islas Malvinas), expressed support for the good offices of the Secretary-General and subsequently asked the Secretary-General to undertake a renewed mission of good offices;<sup>3</sup> (c) established an *ad hoc* committee composed of four members of the Council to co-ordinate and mobilize a special fund for assistance to Seychelles;<sup>4</sup> (d) authorized the Secretary-General to deploy immediately, at the request of the Government of Lebanon, United Nations observers to monitor the situation in and around Beirut;<sup>5</sup> (e) requested the Secretary-General to enter into immediate consultations with the Government of Lesotho and agencies of the United Nations to ensure the welfare of refugees in Lesotho;<sup>6</sup> and (f) agreed to the Secretary-General's proposal for sending United Nations inspection teams to Iran and Iraq to monitor a commitment by both Governments not to attack civilian areas.<sup>7</sup>

The following subsidiary organs, which had been established prior to 1981, continued to exist during the period under review: two standing committees, the Security Council Committee of Experts and the Security Council 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 (UNTSO), the United Nations Disengagement Observer Force (UNDOF), the Special Representative of the Secretary-General in the Middle East, the United Nations Representative for India and Pakistan, the Special Representative for humanitarian problems under resolution 307 (1971), the United Nations Peacekeeping Force in Cyprus (UNFICYP), the *Ad hoc* Sub-Committee on Namibia, the Committee of Experts established by the Security Council at its 1506th meeting, the Security Council Committee on Council Meetings Away from Headquarters, the Special Representative of the Secretary-General to East Timor, the Security Council Committee Established by Resolution 421 (1977) concerning the question of South Africa, the United Nations Interim Force in Lebanon (UNIFIL), the Special Representative of the Secretary-General for Namibia and the Security Council Committee established under resolution 446 (1979) concerning the situation in the occupied Arab territories. In addition, the Secretary-General continued to exercise his good offices in connection with the situation between Iran and Iraq. With regard to the mission of good offices undertaken by the Secretary-General in connection with the United States personnel held Teheran under resolution 457 (1979), the Secretary-General received on 19 January 1981 a letter<sup>8</sup> transmitting a message from the President of the United States which informed him that agreement had been reached to free the 52 persons held in Iran and expressed appreciation for the efforts of the Secretary-General, the Council and Member States.

The Security Council Committee of Experts, the *Ad hoc* Sub-Committee on Namibia, the Committee of Experts established at the 1506th meeting to study the question of "associate membership" and the Security Council Committee on Council Meetings Away from Headquarters did not meet during the period under review, and there was no activity on the part of the Special Representative of the Secretary-General to the Middle East, the United Nations Representative for India and Pakistan or the Special Representative for humanitarian problems under resolution 307 (1971) during this period.

The Security Council Committee on the Admission of New Members was asked to consider the application for admission to membership in the United Nations of Vanuatu,<sup>9</sup> Belize,<sup>10</sup> Antigua and Barbuda,<sup>11</sup> Saint Christopher and Nevis<sup>12</sup> and Brunei Darussalam.<sup>13</sup>

During the period under review the military observers of UNTSO continued to assist and co-operate with UNDOF and UNIFIL, and a number of observers remained in the former United Nations Emergency Force (UNEF) area of operation. The UNTSO observers dispatched to monitor the situation in and around Beirut in pursuance of resolution 516 (1982)<sup>14</sup> were constituted as Observer Group Beirut (OGB) and remained under the overall command of the Chief of Staff of UNTSO.

UNDOF continued to function throughout the period under review, during which time the Council extended its mandate eight times<sup>15</sup> following consideration of the Secretary-General's regular progress reports.<sup>16</sup>

Between 1981 and 1984, the Council extended the mandate of UNIFIL 10 times<sup>17</sup> and the Secretary-General submitted a number of regular and special reports<sup>18</sup> on the Force. During this period, the Council included among the provisions of a number of its resolutions<sup>19</sup> requests to the Secretary-General that he consult with the Government of Lebanon and other concerned parties regarding means of ensuring the full implementation of the mandate of the Force. On several occasions in 1981 and early 1982, the Council responded to incidents of violence against UNIFIL with statements<sup>20</sup> and resolutions<sup>21</sup> that, *inter alia*, condemned the attacks, called for the co-operation of the parties and reiterated the terms of reference and general guidelines of the Force.

In February 1982, the Council, acting in accordance with the expressed wish of the Government of Lebanon and the recommendation of the Secretary-General,<sup>22</sup> authorized an increase in the strength of the Force from approximately 6,000 troops to approximately 7,000 troops in order to reinforce its current operations and to enable its further deployment.<sup>23</sup> Following the Israeli invasion of Lebanon, in June 1982, the situation in the UNIFIL area of operation was radically altered. In the light of the new situation, the Secretary-General instructed the Force to continue to man its positions and, as an interim task, to provide protection and humanitarian assistance to the local civilian population;<sup>24</sup> by resolution 511 (1982) of 18 June 1982, the Council authorized the Force to carry out the interim tasks referred to by the Secretary-General and extended its mandate for a two-month interim period. All subsequent extensions of the UNIFIL mandate during the period covered by the present *Supplement* were on an interim basis.<sup>25</sup>

The Council renewed the mandate of UNFICYP eight times<sup>26</sup> during the period under review and, at the Council's request, the Secretary-General continued to pursue his mission of good offices and to report to the Council on his good offices and on the Force throughout this period.<sup>27</sup> The intercommunal talks, which had been resumed in 1975 under the auspices of the Special Representative of the Secretary-General, continued regularly until the Turkish Cypriots announced that they would not attend the talks scheduled for 31 May 1983 and subsequently, on 15 November 1983, declared a "Turkish Republic of Northern Cyprus". By resolution 550 (1984), the Council, *inter alia*, requested the Secretary-General to promote the implementation of resolution 541 (1983) calling for the withdrawal of the declaration, reaffirmed his mandate of good offices and requested him to undertake new efforts to obtain an overall solution to the Cyprus problem. In his report<sup>28</sup> dated 12 December 1984 the Secretary-General indicated that he had held proximity talks with representatives of the two sides at Headquarters and that they had arrived at a draft agreement to be submitted to a joint high-level meeting under his auspices in January 1985.<sup>29</sup>

The Security Council Committee established under resolution 421 (1977) concerning the question of South Africa met 18 times during the period under review. At the 2397th and 2398th meetings, on 20 and 23 September 1982, the Council resumed its consideration of the Committee's report<sup>30</sup> on ways and means of making the mandatory arms embargo against South Africa more effective, which the Council had last considered at its 2261st meeting, on 19 December 1980.<sup>31</sup> At the 2564th meeting, on 13 December 1984, the Council considered a letter<sup>32</sup> from the Chairman of the Committee containing a draft resolution recommended by consensus by the Committee. At the same meeting, the Council unanimously adopted the draft resolution as resolution 558 (1984), by which it, *inter alia*, requested all States to refrain from importing arms, ammunition and military vehicles produced in South Africa and requested the Secretary-General to report to the Committee on the implementation of the resolution before 31 December 1985. The representative of Pakistan, addressing the Council as the Chairman of the Committee, stated that if the Committee was to fulfil its expanded mandate the Council would, among other things, have to provide the Committee with adequate resources.<sup>33</sup>

The Special Representative of the Secretary-General for Namibia remained unable to fulfil his mandate despite the Secretary-General's efforts to promote the implementation of resolution 435 (1978). By resolution 532 (1983), the Council, *inter alia*, mandated the Secretary-General to consult with the parties to a proposed cease-fire with a view to securing the implementation of resolution 435 (1978). The Secretary-General submitted a number of reports<sup>34</sup> apprising the Council of his activities and the progress of his efforts.

The Security Council Commission established under resolution 446 (1979) on the situation in the occupied Arab territories met five times during the period under review.<sup>35</sup>

The Secretary-General, with the participation of his Special Representative, continued his mission of good offices in connection with the situation between Iran and Iraq throughout the period under review.<sup>36</sup>

On two occasions the Secretary-General reported<sup>37</sup> to the Council on fact-finding missions that he had dispatched to the area: the first mission, which visited the Islamic Republic of Iran and Iraq from 21 to 30 May 1983, inspected civilian areas in each country which had been subject to military attack, and the second mission, which visited the Islamic Republic of Iran from 13 to 19 March 1984, investigated Iranian allegations concerning the use of chemical weapons. By resolution 540 (1983) the Council, *inter alia*, requested the Secretary-General to consult with the parties on ways to sustain and verify the cessation of hostilities, including the possible dispatch of United Nations observers, and to report to the Council on the results of his consultations. In his report,<sup>38</sup> dated 13 December 1983, the Secretary-General summarized his exchanges with the two Governments.<sup>39</sup>

There was one occasion during the period under review when the Council formally established a subsidiary organ which was, however, never actually constituted because one of the parties concerned disassociated itself from the relevant Council decisions. In connection with the situation between Iran and Iraq, the Council, by resolution 514 (1982), decided to dispatch a team of United Nations observers to verify, confirm and supervise a ceasefire and a withdrawal of forces to internationally recognized boundaries and requested the Secretary-General to submit a report on the necessary arrangements.<sup>40</sup>

There were also several occasions during the period covered by the present *Supplement* when the Council requested action on the part of the Secretary-General: (a) by resolution 501 (1982), in connection with the situation in the Middle East, the Council called upon the Secretary-General to reactivate the General Armistice Agreement between Lebanon and Israel of 23 March 1949 and, in particular, to convene an early meeting of the Israel-Lebanon Mixed Armistice Commission; (b) by resolution 504 (1982), in connection with the letter dated 31 March 1982 from the President of Kenya transmitting a complaint by Chad, the Council requested the Secretary-General to establish a fund for assistance to the peace-keeping force of the Organization of African Unity (OAU) in Chad to be supplied by voluntary contributions, and to take the necessary measures to ensure the management of the fund in liaison with OAU; (c) by resolution 521 (1982), in connection with the situation in the Middle East, the Council requested the Secretary-General to initiate appropriate consultations, particularly with the Government of Lebanon, on additional steps that the Council might take, including the possible deployment of United Nations forces, to assist that Government in ensuring the full protection of the civilian populations in and around Beirut; (d) by resolution 527 (1982), in connection with the complaint by Lesotho against South Africa, the Council requested the Secretary-General to enter into immediate consultations with the Government of Lesotho and agencies of the United Nations to ensure the welfare of the refugees in Lesotho in a manner consistent with their security; and (e) by presidential statement dated 4 April 1983, in connection with the situation in the occupied Arab territories, the Council requested the Secretary-General to conduct independent inquiries concerning the causes and effects of the reported cases of mass poisoning in the occupied West Bank.<sup>41</sup>

The Special Representative, whom the Secretary-General, with the agreement of the Council, had sent on a mission in connection with a dispute between Malta and the Libyan Arab Jamahiriya during the period covered by the previous *Supplement*, remained active during the period under review.<sup>42</sup>

There were several instances when 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.<sup>43</sup>

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

##### 1. Subsidiary organs established

###### CASE I

##### *Commission of Inquiry under Security Council resolution 496 (1981)*

During its consideration of the complaint by Seychelles, at its 2314th meeting, on 15 December 1981, the Council unanimously adopted a draft resolution<sup>44</sup> prepared in the course of consultations as resolution 496 (1981), paragraphs 3 to 5 of which read as follows:

*The Security Council,*

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

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

5. *Requests* the Secretary-General to provide the Commission of Inquiry with the necessary assistance;

In a note<sup>45</sup> dated 24 December 1981, the President of the Council stated that, following consultations, the Council had agreed that the Commission would be composed of Ireland, Japan and Panama, and that Panama would serve as its Chairman. In another note,<sup>46</sup> dated 27 January 1982, the President indicated that the Council had agreed to the Commission's request that the date for submission of its report be extended.

In its report,<sup>47</sup> submitted on 15 March 1982, the Commission included conclusions and recommendations based on its activities at Headquarters and its visit to Seychelles, Swaziland and South Africa between 24 January and 6 February 1982. The Commission noted that it had been restricted in fulfilling its mandate because it had been unable to obtain complete information and suggested that, should the Council so desire, the Commission could be authorized to prepare a supplementary report containing any further information relative to its mandate.

The Council considered the Commission's report at its 2359th, 2361st, 2365th, 2367th and 2370th meetings, from 20 to 28 May 1982. At its 2370th meeting, the Council unanimously adopted a draft resolution<sup>48</sup> sponsored by Guyana, Jordan, Panama, Togo, Uganda and Zaire as resolution 507 (1982), by which it, *inter alia*, took note of the Commission's



report and expressed its appreciation for the work accomplished; called upon all States to provide the Council with any information they might have that was likely to throw light on the aggression of 25 November 1981, particularly transcripts from any trial of any member of the invading mercenary force; mandated the Commission to examine further developments and present by 15 August 1982 a supplementary report with appropriate recommendations, taking into account, among other things, evidence and testimony presented at any trial of members of the mercenary force; and requested the Secretary-General to provide all necessary assistance for the implementation of the resolution and the preparation of the supplementary report.

By notes dated 13 August<sup>49</sup> and 31 October 1982,<sup>50</sup> the President of the Council indicated that the Council had approved the Commission's requests for extensions of the date of submission of its supplementary report, until 31 October and the middle of November 1982, respectively.

On 17 November 1982, the Commission submitted its supplementary report,<sup>51</sup> which had been prepared during its meetings at Headquarters based on documents received from the representatives of Seychelles and South Africa, and which included the Commission's findings and conclusions.

In a letter<sup>52</sup> dated 24 June 1983 addressed to the President of the Council, the representative of Seychelles requested that the work of the Commission be terminated, and by note<sup>53</sup> dated 8 July 1983 the President indicated that the Council had agreed in consultations that the Commission had fulfilled its mandate.

#### CASE 2

##### *United Nations observers in Beirut under Security Council resolution 516 (1982)*

In the course of the Council's meetings in connection with the Israeli invasion of Lebanon, at its 2386th meeting, on 1 August 1982, the Council unanimously adopted a draft resolution<sup>54</sup> prepared in consultations as resolution 516 (1982), the operative part of which reads as follows:

###### *The Security Council.*

1. *Confirms* its previous resolutions and demands an immediate cease-fire, and a cessation of all military activities within Lebanon and across the Lebanese-Israeli border;

2. *Authorizes* the Secretary-General to deploy immediately, on the request of the Government of Lebanon, United Nations observers to monitor the situation in and around Beirut;

3. *Requests* the Secretary-General to report back to the Security Council on compliance with the present resolution as soon as possible and not later than four hours from now.

The Secretary-General submitted his report<sup>55</sup> on the same day, indicating that upon receipt of a letter<sup>56</sup> from the representative of Lebanon requesting the stationing of United Nations observers in the Beirut area he had instructed the Chief of Staff of UNTSO to make arrangements, in consultation with the parties, for the immediate deployment of United Nations observers in and around Beirut. Pointing out that the deployment of observers would be possible only with the co-operation of the parties and the achievement of an effective cease-fire, the Secretary-General noted that the Palestine Liberation Organization (PLO) had conveyed its acceptance of resolution 516 (1982) and the Lebanese Army had indicat-

ed that it would provide facilities and support to the observers, while the Israeli authorities had informed the UNTSO Chief of Staff that the matter would have to be brought before the Israeli cabinet and that he would be advised as soon as the cabinet had discussed the question. In an addendum<sup>57</sup> to his report dated 3 August 1982, the Secretary-General reported that the Israel Defence Forces (IDF) would not co-operate in the execution of resolution 516 (1982) until the Israeli Government, which would be considering the matter on 5 August, had taken a decision. As a temporary practical arrangement, he had instructed the UNTSO Chief of Staff to set up observation machinery in the territory controlled by the Lebanese Army. The observers who were then in Beirut had been constituted as Observer Group Beirut (OGB).

At the 2387th meeting, on 3 August 1982, the President delivered a statement<sup>58</sup> by which the Council, *inter alia*, took note of the Secretary-General's report of 1 August, expressed support for his efforts and the steps taken, noted with satisfaction that some of the parties had already given assurances of their co-operation, and called upon all the parties to co-operate fully in the effort to secure the effective deployment and safety of the United Nations observers. The Council further insisted that all parties strictly observe the terms of resolution 516 (1982).

The following day, at the 2389th meeting, the Council adopted by 14 votes to none, with 1 abstention, a revised draft resolution<sup>59</sup> sponsored by Jordan and Spain as resolution 517 (1982), by which the Council, *inter alia*, reconfirmed a number of its previous resolutions, including resolution 516 (1982), and censured Israel for its failure to comply with those resolutions; confirmed once again its demand for an immediate cease-fire and withdrawal of Israeli forces from Lebanon; expressed its appreciation for the efforts and steps taken by the Secretary-General and authorized him to increase the numbers of United Nations observers in and around Beirut; requested the Secretary-General to report on the implementation of the resolution as soon as possible and not later than 1000 hours, eastern daylight time, on 5 August 1982; and decided to meet at that time, if necessary, to consider the report of the Secretary-General and, in case of failure to comply by any of the parties, to consider adopting effective ways and means in accordance with the provisions of the Charter.

In pursuance of resolution 517 (1982), the Secretary-General submitted a report<sup>60</sup> dated 5 August 1982 indicating, among other things, that additional observers from the existing UNTSO establishment would be dispatched to the Beirut area as soon as transit arrangements had been completed. In an addendum<sup>61</sup> of the same date the Secretary-General included the decision of the Israeli cabinet concerning resolutions 516 (1982) and 517 (1982), which stated, *inter alia*, that Israel had acceded to the maintenance of cease-fires on the condition that they were mutual and absolute; that United Nations observers would be unable to monitor effectively the activities of what were termed the terrorist organizations in the Beirut area; and that the presence of such observers would signal to the terrorist organizations that they were under no obligation to leave Beirut.

At its 2392nd meeting, on 12 August 1982, the Council unanimously adopted, as orally revised at the same meeting, a draft resolution<sup>62</sup> sponsored by

Guyana, Jordan, Panama, Togo, Uganda and Zaire as resolution 518 (1982), by which the Council demanded that Israel and all parties to the conflict strictly observe Council resolutions relevant to the immediate cessation of military activities in Lebanon and, particularly, in and around Beirut; demanded the immediate lifting of restrictions on the city of Beirut in order to permit the free entry of supplies; requested the United Nations observers in and around Beirut to report on the situation; demanded that Israel co-operate in the effort to secure the effective deployment and safety of the observers; requested the Secretary-General to report to the Council on the implementation of the resolution as soon as possible; and decided to meet, if necessary, to consider the situation upon receipt of the report of the Secretary-General.

In pursuance of resolution 518 (1982), the Secretary-General, on 13 August 1982, submitted a report<sup>63</sup> in which, *inter alia*, he conveyed the Israeli Government's response to resolution 518 (1982), reiterating the positions which it had previously set out. He also included in his report an account of the situation in and around Beirut based on information received from OGB. He indicated that the 10 observers in the Beirut area had been performing their duties as best they could within the limits of the situation and that efforts continued to bring more observers to the area and to enable them to function effectively.

At its 2393rd meeting, on 17 August 1982, the Council adopted by 13 votes to none, with 2 abstentions, resolution 519 (1982)<sup>64</sup> on the renewal of UNIFIL, by which the Council, *inter alia*, expressed support for the efforts of the Secretary-General with a view to the optimum use of the UNTSO observers, as envisaged by the relevant resolutions of the Security Council, and decided to consider the situation fully and in all its aspects before 19 October 1982.

On 2 September 1982, the Secretary-General submitted a report<sup>65</sup> on the situation in the Beirut area since 13 August. He noted that, despite persistent efforts, it had not been possible to increase the number of observers; however, despite restrictions on the number of observers and their freedom of movement, the members of OGB had been able to move around with greater ease since 21 August. They had established liaison arrangements with the Lebanese authorities and with the contingents of the Multinational Force,<sup>66</sup> and had been able to provide an account of the major developments in and around Beirut.

In an addendum<sup>67</sup> to his report, dated 15 September 1982, the Secretary-General gave an account of recent developments and stated that, while the total strength of OGB had remained the same, the observers had enjoyed substantial freedom of movement during the period since his last report. In a second addendum,<sup>68</sup> dated 17 September 1982, the Secretary-General reported on developments between 15 and 17 September.

At its 2395th meeting, on 17 September 1982, the Council unanimously adopted a revised draft resolution<sup>69</sup> sponsored by Jordan as resolution 520 (1982), by which it, *inter alia*, reaffirmed its resolution 516 (1982); expressed support for the efforts of the Secretary-General to implement that resolution and requested all parties concerned to co-operate fully in

its application; and requested the Secretary-General to inform the Council of developments as soon as possible and not later than within 24 hours.

The Secretary-General submitted his report<sup>70</sup> on 18 September 1982. He included OGB reports regarding developments in west Beirut on 17 and 18 September, including reports on the killing of civilians in the Sabra refugee camp. He indicated that the representatives of France, Italy and the United States had urged the immediate dispatch of United Nations observers to the sites of the greatest suffering and that the Government of Lebanon had conveyed its concurrence with that request. He had instructed the UNTSO Chief of Staff to make a renewed approach to the Israeli authorities with a view to obtaining their co-operation regarding an increase in the number of observers; in his view, however, unarmed military observers were not sufficient in the present situation.

At its 2396th meeting, on 18 September 1982, the Council unanimously adopted a draft resolution<sup>71</sup> that had been drawn up in consultations as resolution 521 (1982), by which the Council, *inter alia*, noted that the Government of Lebanon had agreed to the dispatch of United Nations observers to the sites of greatest suffering and losses in and around Beirut; authorized the Secretary-General, as an immediate step, to increase the number of observers from 10 to 50, and insisted that there should be no interference with the observers and that they should have complete freedom of movement; requested the Secretary-General, in consultation with the Government of Lebanon, to ensure the rapid deployment of those observers in order that they might contribute in every way possible within their mandate to the effort to ensure full protection of the civilian populations; insisted that all concerned must permit United Nations observers and forces established by the Council in Lebanon to be deployed and to discharge their mandates and, in that connection, called attention to the obligations of Member States under Article 25 of the Charter to accept and carry out the decisions of the Council; and requested the Secretary-General to keep the Council informed on an urgent and continuing basis.

In pursuance of resolution 521 (1982), the Secretary-General submitted a report<sup>72</sup> dated 20 September 1982, in which, *inter alia*, he stated that he had been informed of the Israeli cabinet's decision to concur with the dispatch of an additional 40 observers to the Beirut area, 25 of which had already arrived in Beirut, and outlined developments in west Beirut as reported by OGB. The Secretary-General included as an annex to his report a letter<sup>73</sup> from the observer of the PLO which stated that an increase in the number of observers would not guarantee the safety of the Palestinian people and called for military forces, United Nations military forces, or an agreed multinational force to be deployed immediately. In two addenda<sup>74</sup> to his report, dated 27 and 30 September 1982, the Secretary-General reported that as of 22 September 1982 all the additional observers had arrived in Beirut and he gave an account of developments reported by OGB for the periods covered.

The Secretary-General's last report<sup>75</sup> during the period under review on the United Nations observers in Beirut was dated 5 September 1983 and was based on information received from OGB summarizing developments relating to the withdrawal of IDF.

At its 2519th meeting, on 29 February 1984, the Council voted on a revised draft resolution<sup>76</sup> sponsored by France which would have, among other things, called for a cease-fire in the Beirut area and requested the Secretary-General to make arrangements to enable OGB to monitor compliance. The draft resolution received 13 votes to 2, with no abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.

## CASE 3

*Mission of the Secretary-General under Security Council resolution 527 (1982)*

During its consideration of the complaint by Lesotho against South Africa, the Council, at its 2407th meeting, on 15 December 1982, unanimously adopted a draft resolution<sup>77</sup> prepared in consultations as resolution 527 (1982), which reads in part as follows:

*The Security Council,*

4. Requests the Secretary-General to enter into immediate consultations with the Government of Lesotho and agencies of the United Nations to ensure the welfare of the refugees in Lesotho in a manner consistent with their security;

8. Requests the Secretary-General to monitor the implementation of the present resolution and to report regularly to the Security Council as the situation demands;

The Secretary-General sent a mission to Lesotho from 11 to 16 January 1983. On 9 February 1983 he transmitted the mission's report,<sup>78</sup> which contained an account of the mission's consultations with the Government of Lesotho concerning its need for assistance from the international community following an attack by South Africa.

The Council considered the report submitted by the Secretary-General at its 2455th meeting, on 29 June 1983. In the course of the meeting, the Council unanimously adopted a draft resolution<sup>79</sup> prepared in consultations as resolution 535 (1983), by which it, *inter alia*, expressed its appreciation to the Secretary-General for having arranged to send a mission to Lesotho to ascertain the assistance needed; endorsed the report of the mission to Lesotho under resolution 527 (1982); requested Member States, international organizations and financial institutions to assist Lesotho in the fields identified in the report; and requested the Secretary-General to give the matter of assistance to Lesotho his continued attention and to keep the Council informed.

## CASE 4

*United Nations inspection teams in Islamic Republic of Iran and Iraq under letter from the Secretary-General dated 14 June 1984 and letter from the President of the Council dated 15 June 1984*

In connection with the situation between Iran and Iraq, the Secretary-General, on 9 June 1984, transmitted a message<sup>80</sup> to the Presidents of the Islamic Republic of Iran and Iraq calling upon them to undertake a commitment to not attack civilian areas. Having received positive responses from both Governments,<sup>81</sup> the Secretary-General, on 11 June 1984, confirmed to each of them<sup>82</sup> that military attacks on civilian areas in both countries would cease at 0001 GMT on 12 June 1984, and he informed them that

his Special Representative would be contacting their Permanent Representatives to the United Nations regarding measures to verify that the commitments were adhered to.

By letter<sup>83</sup> dated 14 June 1984, the Secretary-General informed the President of the Council that, understandings having been reached with the two Governments, he intended to set up simultaneously, as at 15 June 1984, two teams, each consisting of three military officers drawn from the United Nations Truce Supervision Organization (UNTSO) and one senior official of the United Nations Secretariat, which would be ready to proceed to the respective country as soon as its Government so requested. He would, of course, request assurances from both Governments that they would ensure the safety of the teams while they were in areas subject to hostilities, and he would secure the concurrence of the contributing countries concerned. The mandate of the teams would be to verify compliance with the undertakings given by the two Governments, and to that end the teams would inspect specific allegations of any violation and report to the Secretary-General, who would keep the Council informed of their findings.

In a reply<sup>84</sup> dated 15 June 1984, the President informed the Secretary-General that the members of the Council, having discussed the matter, agreed to the measures he had proposed.

By note<sup>85</sup> dated 19 September 1984, the Secretary-General indicated that the teams in Baghdad and Teheran had been in place since 20 and 26 June 1984, respectively, and had been prepared to respond immediately to requests for inspection by the Government concerned. He included the report of the team in Baghdad, which had carried out the first inspection on 17 September 1984, at the request of the Government of Iraq.

## 2. Subsidiary organs proposed but not established

## CASE 5

During its consideration of the complaint by Angola against South Africa, at its 2300th meeting, on 31 August 1981, the Council voted on a revised draft resolution<sup>86</sup> submitted by Mexico, Niger, Panama, the Philippines, Tunisia and Uganda, which provided in its operative paragraph 10:

*The Security Council,*

10. Decides to send immediately to Angola a commission of investigation, comprising five members of the Security Council, in order to undertake an on-the-spot evaluation of the critical situation resulting from the armed invasion of racist South Africa and to report to the Council not later than 30 September 1981;

The draft resolution received 13 votes in favour to 1 against, with 1 abstention, and was not adopted owing to the negative vote of a permanent member of the Council.

## CASE 6

During the Council's consideration of the situation in the Middle East, at the 2381st meeting, on 26 June 1982, France submitted a revised draft resolution,<sup>87</sup> which provided in paragraphs 6 to 9:

*The Security Council,*

6. Requests the Secretary-General, as an immediate measure, to station United Nations military observers, in agreement with the

Government of Lebanon, with instructions to supervise the cease-fire and disengagement in and around Beirut;

7. *Further requests* the Secretary-General to study any request by the Government of Lebanon for the installation of a United Nations force which could, within the framework of the implementation of the preceding paragraphs, take up positions beside the Lebanese interposition forces, or for the use of the forces available to the United Nations in the region;

8. *Requests* the Secretary-General to report to the Security Council on an urgent and sustained basis not later than 1 July 1982 on the status of implementation of the present resolution and of resolutions 508 (1982), 509 (1982) and 512 (1982);

9. *Requests* all Member States to co-operate fully with the United Nations in the implementation of the present resolution;

The draft resolution was put to the vote at the same meeting and received 14 votes in favour and 1 against; it was not adopted owing to the negative vote of a permanent member of the Council.

#### CASE 7

At the 2384th meeting, on 29 July 1982, in connection with the situation in the Middle East, Egypt and France submitted a draft resolution,<sup>88</sup> which, in Section B, operative paragraphs 1 and 2, provided:

*The Security Council,*

1. *Requests* the Secretary-General, as an immediate measure, to station United Nations military observers, by agreement with the Government of Lebanon, in order to supervise the cease-fire and disengagement in and around Beirut;

2. *Further requests* the Secretary-General, bearing in mind the provisions of Security Council resolution 511 (1982), to prepare a report on the prospects for the deployment of a United Nations peace-keeping force which could, within the framework of the implementation of the preceding paragraphs, take up positions beside the Lebanese interposition forces, or on the use of the United Nations forces already deployed in the region.

The draft resolution was not put to the vote.

#### CASE 8

In connection with the incident involving the downing of a Korean Air Lines plane in Soviet airspace, the Council voted at its 2476th meeting, on 12 September 1983, on a revised draft resolution<sup>89</sup> sponsored by Australia, Belgium, Canada, Colombia, the Federal Republic of Germany, Fiji, France, Italy, Japan, Malaysia, the Netherlands, New Zealand, Paraguay, the Philippines, Thailand, the United Kingdom and the United States, which provided under operative paragraphs 6 to 8:

*The Security Council,*

6. *Invites* the Secretary-General, making use of such expert advice as he deems necessary and in consultation with appropriate international bodies, to conduct a full investigation into the circumstances of the tragedy;

7. *Further invites* the Secretary-General to report his findings to the Security Council within fourteen days;

8. *Calls upon* all States to lend their fullest co-operation to the Secretary-General in order to facilitate his investigation pursuant to the present resolution;

The revised draft resolution received 9 votes in favour to 2 against, with 4 abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.

#### CASE 9

In connection with the situation in the Middle East, on 19 September 1983, the representative of

Lebanon submitted a draft resolution<sup>90</sup> which provided in operative paragraphs 3 and 6:

*The Security Council,*

3. *Authorizes* the Secretary-General to deploy immediately and in consultation with the Government of Lebanon an adequate number of United Nations observers to monitor the situation in the areas of hostilities and requests all parties to co-operate fully with the United Nations observers in the implementation of their mandate;

6. *Requests* the Secretary-General, as a matter of urgency, to initiate appropriate consultations, and in particular with the Government of Lebanon, on additional steps, including the possible deployment of United Nations forces, to assist that Government in its efforts to ensure peace and public order and secure the full protection of the civilian population in all areas of hostilities;

In a letter<sup>91</sup> of the same date, the representative of Lebanon requested the President of the Council to submit the draft resolution to a vote at an appropriate time, when a positive response was likely to be obtained or when the members of the Council felt that further action was necessary in the light of new developments.

The draft resolution was not put to a vote.

#### CASE 10

At the 2519th meeting, on 29 February 1984, during its consideration of the situation in the Middle East, the Council had before it a draft resolution<sup>92</sup> and two revised texts<sup>93</sup> submitted by France on 23, 27 and 28 February, respectively. The original draft resolution provided under operative paragraphs 3 to 5:

*The Security Council,*

3. *Decides* to deploy immediately, under its authority, a United Nations Force composed of personnel furnished by Member States other than the permanent members of the Security Council and selected, if appropriate, from contingents of the United Nations Interim Force in Lebanon. The said Force will take up a position in the Beirut area upon the departure of the last elements of the Multinational Force from the territory and waters under Lebanese sovereignty. The United Nations Force shall have the mission of monitoring compliance with the cease-fire and helping to protect the civilian populations, in particular in the Palestinian refugee camps, and thereby to re-establish the peace necessary for the restoration of the territorial integrity, unity, sovereignty and independence of Lebanon, without intervening in the internal affairs of Lebanon for the benefit of any party whatsoever;

4. *Requests* Member States to facilitate the task of the United Nations Force, in particular by refraining from any intervention in the internal affairs of Lebanon and any action that might jeopardize the re-establishment of peace and security in the Beirut area;

5. *Invites* the Secretary-General to make, as a matter of urgency, the necessary arrangements and to report to it as soon as possible on the implementation of this resolution.

The first revised text contained an identical operative paragraph 4 and provided under operative paragraphs 3 and 5:

*The Security Council,*

3. *Decides*, in agreement with the Government of Lebanon, to establish immediately, under the authority of the Council, a United Nations force composed of personnel furnished by Member States other than the permanent members of the Security Council and selected, if appropriate, from contingents of the United Nations Interim Force in Lebanon. The said Force will take up a position in the Beirut area, in co-ordination with the Lebanese authorities concerned, as soon as all elements of the

Multinational Force shall have left Lebanese territory and territorial waters. The United Nations Force shall have the mission of monitoring compliance with the cease-fire and helping to protect the civilian populations, including in the Palestinian refugee camps, and, without intervening in the international affairs of Lebanon for the benefit of any party whatever, shall thereby assist in re-establishing the peace necessary for the restoration of the territorial integrity, unity, sovereignty and independence of Lebanon;

5. *Invites* the Secretary-General to report to it within forty-eight hours on the implementation of this resolution.

In the second revised text, operative paragraphs 3 and 5 were the same as in the first revised text, and operative paragraph 4 provided:

*The Security Council,*

4. *Requests* Member States to refrain from any intervention in the internal affairs of Lebanon and any action, in particular military action, that might jeopardize the re-establishment of peace and security in Lebanon, and to facilitate the task of the United Nations Force;

At the same meeting, the Council voted on the second revised text, which received 13 votes in favour to 2 against and was not adopted owing to the negative vote of a permanent member of the Council. The original draft resolution and the first revised text were not put to a vote.

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

### 1. Subsidiary organs established

#### CASE 11

*Good offices of the Secretary-General under statements dated 1 April and 5 May 1982 and resolutions 502 (1982) and 515 (1982)*

At the 2345th meeting, on 1 April 1982, in connection with the question of the Falkland Islands (Islas Malvinas), the President made a statement,<sup>94</sup> in which the Council, *inter alia*, took note of a statement by the Secretary-General indicating that he had met with the representatives of Argentina and the United Kingdom and had appealed to both sides to exercise restraint, and called upon the Governments of Argentina and the United Kingdom to continue the search for a diplomatic solution.

At its 2350th meeting, on 3 April 1982, the Council adopted a revised draft resolution<sup>95</sup> sponsored by the United Kingdom by 10 votes to 1, with 4 abstentions, as resolution 502 (1982), by which the Council, *inter alia*, recalled the President's statement of 1 April 1982 and called upon the Governments of Argentina and the United Kingdom to seek a diplomatic solution to their differences.

On 5 May 1982, following consultations of the Council, the President issued a statement<sup>96</sup> expressing concern at the deterioration of the situation and conveying strong support for the efforts of the Secretary-General.

In a letter<sup>97</sup> dated 20 May 1982, the Secretary-General informed the President that, in his judgement, the efforts in which he had been engaged did not currently offer the prospect of ending the crisis or preventing an intensification of the conflict. The following day, at the Council's 2360th meeting, the

Secretary-General gave an account of his activities over the preceding two weeks. He described his extensive contacts with the parties and his efforts to assist them in arriving at a framework for a peaceful settlement. He indicated that he had, among other things, outlined to the parties the kind of assistance that the United Nations could provide, with the authorization of the Council and the agreement of the parties, and without prejudice to the possibility of other types of action that the Council might decide upon, including: the dispatch of United Nations civilian and military observers to supervise any agreed withdrawal of troops or civilians; a United Nations "umbrella" for such arrangements; and a United Nations interim administration. The Secretary-General concluded that, while he believed that an agreement along the lines which had been developed in the preceding two weeks could restore peace and form the basis for a lasting solution of the conflict, the necessary accommodations had not been forthcoming and he had therefore been obliged to inform the President of his appraisal of the situation.<sup>98</sup>

The Council, at its 2368th meeting, on 26 May 1982, unanimously adopted a draft resolution<sup>99</sup> sponsored by Guyana, Ireland, Jordan, Togo, Uganda and Zaire as resolution 505 (1982), the operative part of which reads as follows:

*The Security Council,*

1. *Expresses appreciation* to the Secretary-General for the efforts that he has already made to bring about an agreement between the parties, to ensure the implementation of resolution 502 (1982) and thereby to restore peace in the region;

2. *Requests* the Secretary-General, on the basis of the present resolution, to undertake a renewed mission of good offices, bearing in mind resolution 502 (1982) and the approach outlined in his statement of 21 May 1982;

3. *Urges* the parties to the conflict to co-operate fully with the Secretary-General in his mission with a view to ending the present hostilities in and around the Falkland Islands (Islas Malvinas).

4. *Requests* the Secretary-General to enter into contact immediately with the parties with a view to negotiating mutually acceptable terms for a cease-fire, including, if necessary, arrangements for the dispatch of United Nations observers to monitor compliance with the terms of the cease-fire;

5. *Requests* the Secretary-General to submit an interim report to the Security Council as soon as possible and, in any case, not later than seven days after the adoption of the present resolution.

Following the vote, the Secretary-General expressed doubt as to whether the terms of reference contained in resolution 505 (1982) would provide sufficiently clear and precise guidance to the parties or to himself, and he pointed out that it would be extremely difficult to achieve an early cease-fire and return to negotiations while the war was in full swing.<sup>100</sup>

The Secretary-General submitted an interim report<sup>101</sup> on 2 June 1982 in which he described his contacts with the parties concerning a possible cease-fire. He indicated that the positions of the parties did not allow the possibility of working out a mutually acceptable cease-fire at that time, but he would maintain close contact with the parties if an opportunity arose for exercising his good offices to help end the crisis.

## CASE 12

*Ad Hoc Committee established under Security Council resolution 507 (1982)*

In the course of its consideration of the report of the Committee of Inquiry established under resolution 496 (1981) in connection with the complaint by Seychelles,<sup>102</sup> the Council, at its 2370th meeting, on 28 May 1982, unanimously adopted a draft resolution<sup>103</sup> sponsored by Guyana, Jordan, Panama, Togo, Uganda and Zaire as resolution 507 (1982), which reads in part as follows:

*The Security Council.*

8. Appeals to all States and international organizations, including the specialized agencies of the United Nations, to assist the Republic of Seychelles to repair the damage caused by the act of mercenary aggression;

9. Decides to establish, by 5 June 1982, a special fund for the Republic of Seychelles, to be supplied by voluntary contributions, through which assistance should be channelled for economic reconstruction;

10. Decides to establish an *ad hoc* committee, before the end of May 1982, composed of four members of the Security Council, to be chaired by France,<sup>104</sup> to co-ordinate and mobilize resources for the Special Fund established under paragraph 9 of the present resolution, for immediate disbursement to the Republic of Seychelles;

11. Requests the Secretary-General to provide all necessary assistance to the *Ad Hoc* Committee for the implementation, in particular, of paragraphs 8, 9 and 10 of the present resolution;

In a note<sup>105</sup> dated 28 May 1982, the President announced that the Council had agreed in consultations that the additional members of the *Ad Hoc* Committee would be Guyana, Jordan and Togo.

The *Ad Hoc* Committee met twice in 1982. In a letter<sup>106</sup> dated 24 June 1983, addressed to the President of the Council, the representative of Seychelles requested that the Special Fund established under resolution 507 (1982) be kept operational and that the Council remain seized of the item "Complaint by Seychelles".

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

## CASE 13

In the course of the Council's consideration of the situation in Namibia, at the 2276th meeting, on 29 April 1981, Mexico, Niger, Panama, the Philippines, Tunisia and Uganda submitted a draft resolution<sup>107</sup> by which the Council would have imposed sanctions against South Africa under Chapter VII of the Charter and which provided in operative paragraphs 9 and 10:

*The Security Council.*

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

10. Calls upon States Members of the United Nations or members of specialized agencies to report to the Secretary-General

and to the Security Council Committee on measures taken to implement the present resolution;

At the 2277th meeting, on 30 April 1981, the draft resolution received 9 votes in favour to 3 against, with 3 abstentions, and was not adopted owing to the negative votes of three permanent members of the Council.

## CASE 14

At the 2276th meeting, on 29 April 1981, in connection with the situation in Namibia, Niger, Tunisia and Uganda submitted a draft resolution,<sup>108</sup> which provided in its operative part:

*The Security Council.*

1. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, provided with powers and means commensurate with its responsibilities, to undertake the following tasks and to report to it with its observations:

(a) To seek from any State information relevant to the strict implementation of resolutions . . . (1981), including any activities by any nationals of that State or in its territories that may constitute an evasion of the provisions of the present resolutions;

(b) To examine such reports on the implementation of the above-mentioned resolutions as may be submitted by the Secretary-General;

2. Calls upon all States to co-operate fully with the committee established in accordance with rule 28 of the provisional rules of procedure in regard to the fulfilment of its tasks concerning the effective implementation of resolutions . . . (1981) and to supply to that committee such information as may be sought by it in pursuance of the present resolution;

3. Requests the Secretary-General to provide every assistance to the committee in the implementation of its mandate.

At its 2277th meeting, on 30 April 1981, the Council decided not to put the draft resolution to the vote in view of the fact that the preceding draft resolutions<sup>109</sup> upon which the text depended had failed of adoption.

## CASE 15

During the Council's consideration of the situation in the occupied Arab territories, at the 2329th meeting, on 20 January 1982, Jordan submitted a revised draft resolution<sup>110</sup> by which the Council, acting in accordance with the provisions of Chapter VII of the Charter, would have decided that all Member States should consider applying concrete and effective measures to refrain from providing any assistance or aid to and co-operation with Israel in all fields, and which provided in paragraph 7:

*The Security Council.*

7. Decides to establish, in accordance with Article 29 of the Charter, a committee of the Security Council to examine and report to the Council on the progress of the implementation of the present resolution;

At the same meeting, the draft resolution received 9 votes in favour to 1 against, with 5 abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.

## \*\*Part II

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

## NOTES

<sup>1</sup> See the note to part I of the present chapter for informal proposals to set up subsidiary organs submitted to the Council.

<sup>2</sup> Case 1, resolution 496 (1981).

<sup>3</sup> Case 11, President's statements dated 1 April (S/14944) and 5 May 1982 (S/15047), representing the consensus of the members of the Council, and resolutions 502 (1982) and 505 (1982).

<sup>4</sup> Case 12, resolution 507 (1982).

<sup>5</sup> Case 2, resolution 516 (1982).

<sup>6</sup> Case 3, resolution 527 (1982).

<sup>7</sup> Case 4, letter from the Secretary-General dated 14 June 1984 (S/16627) and letter from the President dated 15 June 1984 (S/16628), representing the consensus of the members of the Council.

<sup>8</sup> S/14338, *OR*, 36th yr., *Suppl. for Jan.-March 1981*.

<sup>9</sup> 2290th and 2291st mtgs.

<sup>10</sup> 2301st and 2302nd mtgs.

<sup>11</sup> 2307th and 2309th mtgs.

<sup>12</sup> 2478th and 2479th mtgs.

<sup>13</sup> 2517th and 2518th mtgs.

<sup>14</sup> See case 2.

<sup>15</sup> The mandate of the Force was extended by resolutions 485 (1981), 493 (1981), 506 (1982), 524 (1982), 531 (1983), 543 (1983), 551 (1984) and 557 (1984).

<sup>16</sup> The Secretary-General submitted the following progress reports: S/14759, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*; S/15079, *ibid.*, 37th yr., *Suppl. for April-June 1982*; S/15493, *ibid.*, *Suppl. for Oct.-Dec. 1982*; S/15777, *OR*, 38th yr., *Suppl. for April-June 1983*; S/16169, *ibid.*, *Suppl. for Oct.-Dec. 1983*; S/16573, *OR*, 39th yr., *Suppl. for April-June 1984*; and S/16829, *ibid.*, *Suppl. for Oct.-Dec. 1984*.

<sup>17</sup> The mandate of the Force was extended by resolutions 488 (1981), 498 (1981), 511 (1982), 519 (1982), 523 (1982), 529 (1983), 536 (1983), 538 (1983), 549 (1984) and 555 (1984).

<sup>18</sup> The Secretary-General submitted the following reports: S/14407, *OR*, 36th yr., *Suppl. for Jan.-March 1981*; S/14537, *ibid.*, *Suppl. for April-June 1981*; S/14789 and Corr. 1, *ibid.*, *Suppl. for Oct.-Dec. 1981*; S/14869, *ibid.*, 37th yr., *Suppl. for Jan.-March 1982*; S/14996 and Corr. 1, *ibid.*, *Suppl. for April-June 1982*; S/15194 and Add.1 and 2, *ibid.*; S/15357, *ibid.*, *Suppl. for July-Sept. 1982*; S/15455 and Corr.1, *ibid.*, *Suppl. for Oct.-Dec. 1982*; S/15557, *ibid.*, 38th yr., *Suppl. for Jan.-March 1983*; S/15863, *ibid.*, *Suppl. for July-Sept. 1983*; S/16036, *ibid.*, *Suppl. for Oct.-Dec. 1983*; S/16472, *ibid.*, 39th yr., *Suppl. for April-June 1984*; and S/16776, *ibid.*, *Suppl. for Oct.-Dec. 1984*.

<sup>19</sup> Resolutions 488 (1981), 498 (1981), 501 (1982), 523 (1982), 549 (1984), and 555 (1984).

<sup>20</sup> Statements representing the consensus of the members of the Council: S/14414, *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*, and S/14572, *ibid.*

<sup>21</sup> Resolutions 488 (1981), 498 (1981) and 501 (1982).

<sup>22</sup> S/14869, *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>23</sup> Resolution 501 (1982).

<sup>24</sup> S/15194 and Add.1 and Add.2, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>25</sup> Throughout the period following the Israeli invasion there was extensive discussion concerning the role of UNIFIL in view of the altered circumstances in southern Lebanon. For a comprehensive review of events in the UNIFIL area of operation and related Security Council discussion and action, see chap. VIII, part II, "Situation in the Middle East".

<sup>26</sup> The mandate of the Force was extended by resolutions 486 (1981), 495 (1981), 510 (1982), 526 (1982), 534 (1983), 544 (1983), 553 (1984) and 559 (1984).

<sup>27</sup> The Secretary-General submitted the following reports: S/14490 and Add.1, *OR*, 36th yr., *Suppl. for April-June 1981*; S/14778 and Add.1 and Corr.1 and 2, *ibid.*, *Suppl. for Oct.-Dec.*

*1981*; S/15149 and Add.1 and Corr.1, *ibid.*, 37th yr., *Suppl. for April-June 1982*; S/15502 and Add.1, *ibid.*, *Suppl. for Oct.-Dec. 1982*; S/15812 and Add.1 and Corr.1, *ibid.*, 38th yr., *Suppl. for April-June 1983*; S/16192 and Add.1, *ibid.*, *Suppl. for Oct.-Dec. 1983*; S/16519, *ibid.*, 39th yr., *Suppl. for April-June 1984*; S/16596 and Add.1 and 2 and Corr.1 and 2, *ibid.*, and S/16858 and Add.1, *ibid.*, *Suppl. for Oct.-Dec. 1984*.

<sup>28</sup> S/16858.

<sup>29</sup> For a comprehensive review of Council discussion and action concerning the situation in Cyprus and UNFICYP, see chap. VIII, part II, "Situation in Cyprus".

<sup>30</sup> S/14179, *OR*, 35th yr., *Suppl. for July-Sept. 1980*.

<sup>31</sup> Virtually every speaker in the debate urged the Council to adopt the recommendations included in the Committee's report and, in particular, to provide the Committee with a permanent secretariat or other machinery to enable it to fulfil its mandate. See 2397th mtg. and 2398th mtg.

<sup>32</sup> S/16860, *OR*, 39th yr., *Suppl. for Oct.-Dec. 1984*.

<sup>33</sup> 2564th mtg.

<sup>34</sup> S/14333, *OR*, 36th yr., *Suppl. for Jan.-March 1981*; S/15776, *ibid.*, 38th yr., *Suppl. for April-June 1983*; S/15943, *ibid.*, *Suppl. for July-Sept. 1983*; and S/16237, *ibid.*, *Suppl. for Oct.-Dec. 1983*.

<sup>35</sup> By letter dated 4 May 1982 (S/15038, *OR*, 37th yr., *Suppl. for April-June 1982*), the representative of Jordan pointed out that over 17 months had passed since the Commission had submitted its report (S/14268, *ibid.*, 35th yr., *Suppl. for Oct.-Dec. 1980*) and that the States of which the Commission had been composed were no longer members of the Council. He requested that the Council address itself to the report and the reconstitution of the Commission in order that it might continue with its mandate (see S/15038, *ibid.*, 37th yr., *Suppl. for April-June 1982*). The Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, in a letter dated 24 May 1982 (S/15120, *ibid.*) raised the same points, as did the representative of Jordan, at the 2401st meeting, on 12 November 1982 (see 2401st mtg., para. 67).

<sup>36</sup> The Council, *inter alia*, urged or requested that the Secretary-General pursue his mediation efforts by the following decisions: resolutions 514 (1982), 522 (1982) and 540 (1983) and President's statements dated 21 February 1983 (S/15616, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*) and 30 March 1984 (S/16454, *ibid.*, 39th yr., *Resolutions and Decisions of the Security Council, 1984*) representing the consensus of the members of the Council.

<sup>37</sup> S/15834, *OR*, 38th yr., *Suppl. for April-June 1983*, and S/16433, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>38</sup> S/16214, *ibid.*, 38th yr., *Suppl. for Oct.-Dec. 1983*.

<sup>39</sup> See also case 4.

<sup>40</sup> The Secretary-General, on 15 July 1982, submitted a report (S/15293, *OR*, 37th yr., *Suppl. for July-Sept. 1982*) in pursuance of resolution 514 (1982) and on 7 October 1982 he submitted a report (S/15449, *ibid.*, *Suppl. for Oct.-Dec. 1982*) in pursuance of resolutions 514 (1982) and 522 (1982). For a comprehensive review of Council action and discussion concerning the situation between Iran and Iraq, see chap. VIII, part II, "Situation between Iran and Iraq".

<sup>41</sup> In each case the Secretary-General submitted a report to the Council on the implementation of the decision in question, with the exception of resolution 504 (1982), which did not provide for a report by the Secretary-General.

<sup>42</sup> The Secretary-General transmitted the report of his Special Representative to the Council (S/14786, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*).

<sup>43</sup> A number of informal proposals were made in connection with the situation in the Middle East: (a) the representative of the Palestine Liberation Organization (PLO) referred to the PLO having approached the Secretary-General about using his good offices in order to end the killing of civilians in southern Lebanon

(2292nd mtg., para.87); (b) the representative of the PLO stated that the Council should send a United Nations force to Beirut because the dispatch of observers was not sufficient to ensure the safety of Palestinian civilians (2396th mtg., para.35); and (c) Austria transmitted a letter from the Federal Minister for Foreign Affairs of Austria suggesting that the Council dispatch a commission of investigation, to be composed of members of the Council as well as the necessary experts, in order to obtain clarity regarding those responsible for the massacre of civilians in Israeli-occupied Beirut (S/15416, *OR*, 37th yr., *Suppl. for July-Sept. 1982*). In his reply, the President of the Council stated that the members of the Council were giving the suggestion serious consideration (S/15428, *ibid.*).

In connection with a letter dated 22 March 1983 from the representative of Nicaragua, the President, in his capacity as the representative of the United Kingdom, suggested that through the exercise of his good offices the Secretary-General could play a role in bringing about a dialogue among the parties concerned (2427th mtg.). The Deputy Minister for External Relations of Nicaragua indicated that his Government was prepared to agree that the Council should give the Secretary-General a mandate to co-operate with and assist the Contadora countries in establishing a dialogue between Nicaragua and Honduras and between Nicaragua and the United States, and that the dialogue should take place at the United Nations (S/15681, *OR*, 38th yr., *Suppl. for April-June 1983*). France expressed support for the United Kingdom proposal that the Secretary-General be entrusted with a mission of good offices and indicated that the purpose of the mission should be to propose to the interested parties any appropriate procedure for a meeting, the agenda and purposes of which should have the prior consent of the parties (S/15689, *ibid.*).

The following suggestions were also made: in connection with the situation in Namibia, the Minister for Foreign Affairs of South Africa invited, through the Secretary-General, all the members of the Council to visit Namibia in order personally to observe and establish the cause of the instability in the area of the border with Angola (S/14652, *OR*, 36th yr., *Suppl. for July-Sept. 1981*); in connection with the situation in the occupied Arab territories, Zaire suggested that the Council entrust either the Secretary-General or a committee established in accordance with Article 29 of the Charter with the task of undertaking renewed efforts to achieve an overall settlement of the Middle East crisis (2329th mtg., para.89); in connection with a letter dated 19 March 1982 from Nicaragua, France proposed that the Secretary-General investigate the charges by the United States and by Nicaragua and report to the Council (2339th mtg., para 43); in connection with the situation in Cyprus, the representative of Cyprus proposed the disarmament and demilitarization of Cyprus and the creation of a police force to be composed of Greek and Turkish Cypriots under the control of an international United Nations police force; he also referred to a similar proposal made by Greece (2378th mtg., para 31); in connection with the situation in Grenada, the representative of the Libyan Arab Jamahiriya called upon the Council to establish a fact-finding committee with regard to the United States invasion of Grenada (2487th mtg.); and, in connection with the letter dated 3 October 1984 from the representative of the Lao People's Democratic Republic, the Government of Thailand charged that the Lao side had attacked a car carrying Thai highway officials and requested the Secretary-General to use his good offices in order to dissuade the Lao People's Democratic Republic from carrying out such provocative actions (S/16747, *OR*, 39th yr., *Suppl. for July-Sept. 1984*).

<sup>44</sup> S/14793, adopted without change.

<sup>45</sup> S/14816, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

<sup>46</sup> S/14850, *ibid.*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>47</sup> S/14905/Rev.1, *ibid.*, *Special Supplement No. 2*.

<sup>48</sup> S/15127, adopted without change.

<sup>49</sup> S/15359, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>50</sup> S/15473, *ibid.*, *Suppl. for Oct.-Dec. 1982*.

<sup>51</sup> S/15492/Rev.1, *ibid.*, *Special Supplement No. 3*.

<sup>52</sup> S/15845, *ibid.*, 38th yr., *Suppl. for April-June 1983*.

<sup>53</sup> S/15860, *ibid.*, *Resolutions and Decisions of the Security Council, 1983*.

<sup>54</sup> S/15330, adopted without change.

<sup>55</sup> S/15334, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>56</sup> S/15333, *ibid.*

<sup>57</sup> S/15334/Add.1, *ibid.*

<sup>58</sup> S/15342, *ibid.*

<sup>59</sup> S/15343/Rev. 1, adopted without change.

<sup>60</sup> S/15345, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>61</sup> S/15345/Add.1, *ibid.* An additional addendum, dated 6 August 1982, was issued as S/15345/Add.2, *ibid.*

<sup>62</sup> S/15355 and Corr.1, adopted as orally revised at the 2392nd meeting.

<sup>63</sup> S/15362, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>64</sup> Draft resolution S/15367, prepared in consultations and adopted without change.

<sup>65</sup> S/15382, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>66</sup> See S/15371, *ibid.*

<sup>67</sup> S/15382/Add.1, *ibid.*

<sup>68</sup> S/15382/Add.2, *ibid.*

<sup>69</sup> S/15394/Rev.1, adopted without change.

<sup>70</sup> S/15400, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>71</sup> S/15402, adopted without change.

<sup>72</sup> S/15408, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>73</sup> S/15404, annex, *ibid.*

<sup>74</sup> S/15408/Add.1 and 2, *ibid.*

<sup>75</sup> S/15956, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>76</sup> S/16351/Rev. 2, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>77</sup> S/15524, adopted without change.

<sup>78</sup> S/15600.

<sup>79</sup> S/15846, adopted without change.

<sup>80</sup> S/16611, *OR*, 39th yr., *Suppl. for April-June 1984*.

<sup>81</sup> S/16609 and S/16610, *ibid.*

<sup>82</sup> S/16614 and S/16615, *ibid.*

<sup>83</sup> S/16627, *ibid.*, *Resolutions and Decisions of the Security Council, 1984*.

<sup>84</sup> S/16628, *ibid.*

<sup>85</sup> S/16750 and Corr.1, *ibid.*, *Suppl. for July-Sept. 1984*.

<sup>86</sup> S/14664/Rev 2, *ibid.*, 36th yr., *Suppl. for July-Sept. 1981*.

<sup>87</sup> S/15255/Rev.2, *ibid.*, 37th yr., *Suppl. for April-June 1982*.

<sup>88</sup> S/15317, *ibid.*, *Suppl. for July-Sept. 1982*.

<sup>89</sup> S/15966/Rev.1, *ibid.*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>90</sup> S/15990, *ibid.*

<sup>91</sup> S/15994, *ibid.*

<sup>92</sup> S/16351, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>93</sup> S/16351/Rev.1 and 2, *ibid.*

<sup>94</sup> S/14944, *ibid.*, 37th yr., *Resolutions and Decisions of the Security Council, 1982*.

<sup>95</sup> S/14947/Rev.1, adopted without change.

<sup>96</sup> S/15047, *OR*, 37th yr., *Resolutions and Decisions of the Security Council, 1982*.

<sup>97</sup> S/15099, *ibid.*, 37th yr., *Suppl. for April-June 1982*.

<sup>98</sup> 2360th mtg., paras. 4-23.

<sup>99</sup> S/15122, adopted without change.

<sup>100</sup> 2368th mtg., paras. 87-89. In explanation of the vote, a number of representatives expressed the view that the Secretary-General should have been given more specific terms of reference or that the Council should have facilitated his task by calling for a cease-fire. See 2368th mtg.: Spain, paras. 59-63; Panama, paras. 64-79; China, paras. 80-85; and USSR, paras. 92-99.

<sup>101</sup> S/15151, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>102</sup> See case 1.

<sup>103</sup> S/15127, adopted without change.

<sup>104</sup> At the 2359th meeting, the representative of France had expressed his delegation's support for the establishment of a voluntary contribution fund for Seychelles and had stated that, within that framework, it was prepared to play a special role (2359th mtg. paras. 63 and 64).

<sup>105</sup> S/15138, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>106</sup> S/15845, *ibid.*, 38th yr., *Suppl. for April-June 1983*.

<sup>107</sup> S/14459, *ibid.*, 36th yr., *Suppl. for April-June 1981*.

<sup>108</sup> S/14463, *ibid.*

<sup>109</sup> S/14459, S/14460/Rev.1, S/14461 and S/14462, *ibid.*; see also case 13.

<sup>110</sup> S/14832/Rev.1, *OR*, 37th yr., *Suppl. for Jan.-March 1982*.



**Chapter VI**

**RELATIONS WITH OTHER UNITED NATIONS ORGANS**

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## INTRODUCTORY NOTE

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

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

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

No material has been found for the period under review which would require treatment under parts II, IV and V, relating respectively to relations with the Economic and Social Council, ICJ 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 the present chapter.

### Part I

#### RELATIONS WITH THE GENERAL ASSEMBLY

##### NOTE

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

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

The first category includes practices and proceedings in relation to Article 12 of the Charter. Section A treats the provisions of Article 12, paragraph 1, limiting the authority of the General Assembly in respect of any dispute or situation while the Council is exercising the functions assigned to it by the Charter. No material for inclusion was found for the period covered by this *Supplement*. The section, therefore, contains only a note concerning the provisions of Article 12, paragraph 1, and 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<sup>1</sup> 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 ICJ. One case concerning the appointment of the Secretary-General is treated in section D.<sup>2</sup> There was no material for the period under review

bearing on the conditions of accession to the ICJ Statute.

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 ICJ, is treated in section E.<sup>3</sup>

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

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

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

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

###### Article 12

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

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

## NOTE

In a report<sup>4</sup> dated 21 December 1981 on the implementation of General Assembly resolution 36/226 B and Council resolution 497 (1981), in connection with the situation in the occupied Arab territories, the Secretary-General referred to a statement<sup>5</sup> made by the representative of Israel in the Assembly on 17 December 1981 in which the Israeli representative, recalling Article 12, paragraph 1, of the Charter, had stated that the Assembly was precluded from adopting any resolution on the matter while the Council was seized of it. In a letter<sup>6</sup> dated 28 January 1982 concerning the Council's decision under resolution 500 (1982) to convene an emergency special session of the Assembly (see case 1 below), the representative of Israel again characterized the Assembly's adoption of a resolution on the matter as a violation of Article 12, paragraph 1.

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 General Assembly.<sup>7</sup>

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

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

#### B. PRACTICES AND PROCEEDINGS IN RELATION TO THE 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.<sup>8</sup> The relevant proceedings of the Council are set forth in the case history entered below.

## CASE 1

At its 2322nd to 2330th meetings, from 6 to 28 January 1982, the Council met in accordance with the decision contained in resolution 497 (1981) to consider the report of the Secretary-General<sup>9</sup> on the situation in the occupied Arab territories. At its 2329th meeting, on 20 January 1982, the Council voted on a revised draft resolution<sup>10</sup> sponsored by Jordan, which was not adopted owing to the negative vote of a permanent member of the Council. At the 2330th meeting, on 28 January 1982, the President drew attention to the following draft resolution<sup>11</sup> sponsored by Jordan:

*The Security Council.*

*Having considered the item on the agenda of its 2329th meeting, as contained in document S/Agenda/2329/Rev.1,*

*Taking into account that the lack of unanimity of its permanent members at the 2329th 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/2329/Rev.1.*

The representative of Israel, participating in the discussion under rule 37 of the Council's provisional rules of procedure, denied the existence of an emergency situation and asserted that, in any case, there was no basis for convoking an emergency special session since the General Assembly had not yet concluded its thirty-sixth regular session. The Assembly had already considered the item in question and had adopted a resolution, and there was nothing to prevent its further discussion of the matter if the required majority of Member States so decided. He concluded that convoking an emergency special session of the Assembly would be an abuse of the emergency mechanism provided for under rule 8 of the Assembly's rules of procedure.<sup>12</sup>

The representative of the United States stated that no productive purpose would be served by a further debate in an emergency special session of the General Assembly; his Government feared that it would, rather, exacerbate the conflict and diminish the prospects for peace.<sup>13</sup>

The representative of the United Kingdom expressed doubt that a further discussion of the issue in the General Assembly would help to achieve the desired objective of getting Israel to rescind its decision and to refrain from any similar action in future. His delegation would prefer to see the Council continue its efforts to reach agreement on a resolution it could adopt.<sup>14</sup>

The Council adopted the draft resolution by 13 votes in favour to none against, with 2 abstentions, as resolution 500 (1982).<sup>15</sup>

#### \*\*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).

## CASE 2

At its 2303rd-2305th, 2310th and 2312th meetings, held in private on 27 and 28 October, 4 and 17 November and 11 December 1981, respectively, the Council considered the question of the recommendation for the appointment of the Secretary-General of the United Nations. At its 2312th meeting, the Council unanimously adopted resolution 494 (1981) recommending that Mr. Javier Pérez de Cuéllar be appointed as Secretary-General of the United Nations for a term of office from 1 January 1982 to 31 December 1986. By letter<sup>16</sup> dated 11 December 1981, the President transmitted the recommendation to the President of the General Assembly.

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

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

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

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

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

## Article 4

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

## Article 8

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

## Article 10

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

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

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

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

## Article 11

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

## Article 12

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

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

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

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

## Article 14

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

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

## Rule 61

## Relations with other United Nations organs

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

## CASE 3

At its 2262nd meeting, on 15 January 1981, in accordance with the decision contained in resolution

480 (1980), the Council proceeded to the election of two members of ICJ to fill two seats that had become vacant. Prior to the voting, the President referred to a memorandum<sup>17</sup> 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 candidates who obtained an absolute majority of votes in both the General Assembly and the Council would be considered elected as members of the Court, and that the required majority in the Council was eight votes.<sup>18</sup>

The President informed the members of the Council that they would receive a separate ballot for each candidate and would vote for one candidate only on each ballot. The Council would continue balloting to fill the first vacancy until the candidate whose name appeared on the ballot had obtained the required majority, at which point the President would communicate the result to the President of the General Assembly and would request the Council to remain in session until the President of the Assembly had informed the Council of the result of the voting in the Assembly. The Council and the Assembly would then proceed to vote on the second vacancy. The President noted that, in accordance with Article 15 of the Statute of the Court, a member of the Court elected to replace a member whose term of office had not expired would hold office for the remainder of his predecessor's term.<sup>19</sup>

A vote was taken by secret ballot and the first candidate received the required majority. The President stated that he would communicate the result to the President of the General Assembly and requested the Council to remain in session until he had received the results of the voting in the Assembly. 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 the same candidate had been elected by the Assembly at its 100th plenary meeting. The candidate had therefore been elected a member of ICJ for a term of office ending on 5 February 1988.<sup>20</sup>

The Council proceeded to the voting on the second candidate. The President noted that if on the first ballot no candidate obtained the required majority it would be necessary to proceed to other ballots until the vacancy had been filled. A vote was taken by secret ballot and the candidate received the required majority. After a brief suspension of the meeting, the President announced that he had received a communication from the President of the General Assembly indicating that the same candidate had been elected by the Assembly; accordingly, he announced that the second candidate had been elected a member of ICJ for a term of office ending on 5 February 1985.<sup>21</sup>

#### CASE 4

At its 2306th meeting, on 5 November 1981, the Council proceeded to the election of five members of ICJ to fill the seats that were to become vacant on 5 February 1982.<sup>22</sup> In his remarks prior to the voting, the President noted that, 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. After the first vote by secret ballot, two candidates had received the required majority, after the second ballot two more candidates had received the required majority, and after the fourth ballot the fifth candidate had received the required majority. The same five candidates were elected by the General Assembly. The five candidates were thus elected members of ICJ for a term of nine years, beginning on 6 February 1982.<sup>23</sup>

#### CASE 5

At its 2321st meeting, on 21 December 1981, the Council considered the date of elections to fill a vacancy that had occurred in ICJ as a result of the recent death of one of the members of the Court. The President reminded the members of the Council that, under Article 14 of the Statute of the Court, the Council was required to fix the date of the elections to fill any vacancy in the Court and he drew their attention to a draft resolution<sup>24</sup> on the matter. There being no objection, the President put the draft resolution to a vote. It received 15 votes in favour and was adopted unanimously as resolution 499 (1981),<sup>25</sup> by which the Council decided that elections to fill the vacancy on the court would take place at a meeting of the Council and at a meeting of the General Assembly at its resumed thirty-sixth session.

#### CASE 6

At its 2333rd meeting, on 19 March 1982, in accordance with the decision contained in resolution 499 (1981), the Council proceeded to the election of one member of ICJ to fill a seat that had become vacant.<sup>26</sup> After the first vote by secret ballot one candidate had received the required majority, and the same candidate was elected by the General Assembly; accordingly, he was elected a member of ICJ for a term of office expiring on 5 February 1988.

#### CASE 7

At its 2561st meeting, on 7 November 1984, the Council proceeded to the election of five members of ICJ to fill the seats that were to become vacant on 5 February 1985.<sup>27</sup> After the first vote by secret ballot, five candidates had received the required majority. The same five candidates were elected by the General Assembly and were thus elected members of the Court for a term of nine years, beginning on 6 February 1985.

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

#### NOTE

No constitutional discussion took place during the period under review bearing on the relations between organs established by the General Assembly and the Council. The tabulation below gives an account of communications from those organs and of their participation in some of the Council discussions. During the period under review no resolutions adopted by the Council contained references to those organs.

## 1. Communications from subsidiary organs established by the General Assembly

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

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/14635	20.8.81	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 14 August 1981 (A/AC.109/673) in which it recommended that the Council consider adopting measures to widen the scope of resolution 418 (1977) (para. 12) and deplored the Council's recent failure to impose mandatory sanctions against South Africa (para. 14); also drawing attention to the records A/AC.109/PV.1189-1195.
S/14651	27.8.81	Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 20 August 1981 (A/AC.109/L.1408), in which the Special Committee noted that the Security Council was currently seized of the reports on the strategic Trust Territory of the Pacific Islands and called attention to Article 83 of the Charter, under which the Council would, <i>inter alia</i> , avail itself of the assistance of the Trusteeship Council to perform the functions under the Trusteeship System relating to political, economic, social and educational matters in strategic areas (para. 13).
S/15351	12.8.82	Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 10 August 1982 (A/AC.109/L.1438), in which the Special Committee noted that the Security Council was currently seized of the reports on the strategic Trust Territory of the Pacific Islands and called attention to Article 83 of the Charter, under which the Council would, <i>inter alia</i> , avail itself of the assistance of the Trusteeship Council to perform the functions under the Trusteeship System relating to political, economic, social and educational matters in strategic areas (para. 13).
S/15374	26.8.82	Transmitting the text of a consensus concerning the question of Namibia adopted by the Special Committee on 20 August 1982 (A/AC.109/716 and Corr.1), in which it recommended that the Security Council consider adopting measures to widen the scope of resolution 418 (1977) (para. 12) and that the Council impose comprehensive mandatory sanctions against South Africa under the terms of Chapter VII of the Charter (para. 15).
S/16042	13.10.83	Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 13 October 1983 (A/AC.109/L.1493), in which the Special Committee noted that the Council was currently seized of the reports on the strategic Trust Territory of the Pacific Islands and called attention to Article 83 of the Charter, under which the Council would, <i>inter alia</i> , avail itself of the assistance of the Trusteeship Council to perform the functions under the Trusteeship System relating to political, economic, social and educational matters in strategic areas (para. 14).
S/16050	18.10.83	Transmitting the text of a decision concerning the question of Namibia adopted by the Special Committee on 13 October 1983 (A/AC.109/760), in which it recommended that the Security Council consider adopting measures to widen the scope of resolution 418 (1977) (para. 12) and that it impose comprehensive mandatory sanctions against South Africa under the terms of Chapter VII of the Charter (para. 15).
S/16715	27.8.84	Transmitting the text of a decision concerning the question of Namibia adopted by the Special Committee on 20 August 1984 (A/AC.109/794), in which it recommended that the Council consider adopting further measures to widen the scope of resolution 418 (1977) (para. 14) and that it impose comprehensive mandatory sanctions

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
		against South Africa under the terms of Chapter VII of the Charter (para. 17).
S/16721	29.8.84	Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 24 August 1984 (A/AC.109/L.1532) in which the Special Committee noted that the Council was currently seized of the reports on the strategic Trust Territory of the Pacific Islands and called attention to Article 83 of the Charter, under which the Council would, <i>inter alia</i> , avail itself of the assistance of the Trusteeship Council to perform the functions under the Trusteeship System relating to political, economic, social and educational matters in strategic areas (para. 14).

## (b) COMMUNICATIONS FROM THE SPECIAL COMMITTEE AGAINST APARTHEID

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/14442	15.4.81	Transmitting the text of the Declaration of the International Seminar on the Implementation and Reinforcement of the Arms Embargo against South Africa which, <i>inter alia</i> , stated that the Security Council should adopt without delay the recommendations of the Security Council Committee established under resolution 421 (1977), that it would be failing in the discharge of its responsibilities if it did not take mandatory action under Chapter VII of the Charter, and that it should meet urgently to consider the proposals of the Seminar and other measures to assist the struggle for liberation of South Africa and Namibia.
S/14443	15.4.81	Transmitting the text of the Declaration of the International Seminar on Loans to South Africa.
S/14479	14.5.81	Transmitting the text of a statement by the Chairman of the Special Committee denouncing the proposed discussion of a "South Atlantic Alliance" at a conference on military strategy to be held at Buenos Aires and include participation by representatives of South Africa, the United States and several Latin American countries, which emphasized that a military alliance with South Africa would violate the Council's mandatory arms embargo and constitute a hostile act against the people of South Africa and all independent African States.
S/14531	15.6.81	Transmitting the texts of (a) the Paris Declaration on Sanctions against South Africa, which, <i>inter alia</i> , stated that the Council must recognize South Africa's breaches of peace and take action under Chapter VII of the Charter, drew the attention of the Western permanent members of the Council to their responsibilities under the Charter and supported the call for an early meeting of the Council in order to impose comprehensive and mandatory sanctions against South Africa in company with a programme of assistance under Article 50 of the Charter to those States that would be seriously affected (annex I) and (b) the Special Declaration on Namibia (annex II), which were adopted by the International Conference on Sanctions against South Africa.
S/14656	31.8.81	Transmitting the text of a statement issued by the Special Committee on recent developments in South Africa calling for urgent and effective international action.
S/14686	14.9.81	Transmitting the final documents of the International Seminar on Publicity and Role of Mass Media in the International Mobilization against Apartheid, including the Berlin declaration (annex I), the Declaration on Aggression by the South African Racist Régime against the People's Republic of Angola, which, <i>inter alia</i> , stated that the Council must (a) declare South Africa the aggressor; (b) demand the immediate and unconditional withdrawal of South African forces from Angola; (c) declare South Africa liable for full reparations; (d) adopt comprehensive and mandatory sanctions without delay; and (e) call upon all States to assist Angola, at its request, for the defence of its sovereignty and territorial integrity (annex II), and the Appeal to the Mass Media (annex III).
S/14688	15.9.81	Transmitting the report of the International Conference on Sanctions against South Africa, which included the Paris



<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/14689 and Add.1 and Add.2	19.11.81 17.9.81 6.11.81	Declaration on Sanctions against South Africa and the Special Declaration on Namibia (see S/14531 above). Submitting the annual report of the Special Committee, in which, <i>inter alia</i> , it recommended that the Council endorse the declarations of the international Conference and the three international seminars sponsored by the Special Committee (see S/14442, S/14443, S/14531 and S/14686 above), noted with dismay that the Council had been unable to condemn South Africa's aggression against Angola because of the veto of a permanent member of the Council, noted with great regret that the Western permanent members of the Council had continued to prevent a determination that the situation in South Africa constituted a threat to international peace and security requiring action under Chapter VII of the Charter and expressed the view that the actions and attitudes of those members represented a violation of their responsibilities under the Charter and an abuse of the veto, noted with alarm the Council's continued failure to prevent the acquisition by South Africa of nuclear weapon capability and the continued collaboration by certain countries in the nuclear weapon field, recommended that the Council institute a mandatory oil embargo, noted with regret that the Council had failed to take effective steps to end foreign investment in and loans to South Africa, and recommended that the General Assembly request action by the Council under Chapter VII of the Charter; also submitted were the first special report on recent developments concerning relations between Israel and South Africa, on 17 September 1981 (S/14689/Add.1) and the second special report on the International Year of Mobilization for Sanctions against South Africa, on 6 November 1981 (S/14689/Add.2).
S/14724	14.10.81	Transmitting the text of a declaration adopted by the Special Committee on 12 October 1981 in observance of the Day of Solidarity with South African Political Prisoners.
S/15150	2.6.82	Transmitting the text of the declaration adopted by the International Conference on Women and <i>Apartheid</i> .
S/15157	3.6.82	Transmitting the text of the Manila Declaration for Action against <i>Apartheid</i> adopted by the Asian Regional Conference for Action against <i>Apartheid</i> .
S/15247	22.6.82	Transmitting the text of a statement adopted by the Special Committee at the conclusion of a hearing on the threat to peace in southern Africa and the implementation of the United Nations resolutions for an end to military, nuclear and other collaboration with South Africa which, <i>inter alia</i> , called for urgent action for effective sanctions against South Africa in the military, nuclear and other fields and stated that the Security Council Committee established by resolution 421 (1977) should be reactivated in order to ensure the effective implementation of resolution 418 (1977).
S/15383 and Add.1 and Add.2	20.9.82 28.9.82 10.11.82	Submitting the annual report of the Special Committee against <i>Apartheid</i> , in which, <i>inter alia</i> , it emphasized that the Security Council must impose a mandatory embargo on the supply of petroleum and petroleum products to South Africa under Chapter VII of the Charter, stressed the need for total economic sanctions against South Africa under Chapter VII of the Charter, and especially with respect to loans and investments, and recommended that the Council warn South Africa against any acts of aggression, terrorism and subversion and any support for mercenaries, that it demand that South Africa pay damages for its acts of aggression, especially to Angola and Seychelles, and that it call upon all States to assist the independent African States in the defence of their countries against aggression and in reconstruction; also submitted were the first special report on recent developments concerning relations between Israel and South Africa, on 28 September 1982 (S/15383/Add.1) and the second special report on trade union action against <i>apartheid</i> in South Africa, on 10 November 1982 (S/15383/Add.2).
S/15405	20.9.82	Letter to the Secretary-General dated 16 September 1982 requesting that he bring to the attention of the Council

Document symbol	Date	Subject
		and the General Assembly the death sentences imposed upon three members of the African National Congress of South Africa in order that they might take urgent action, in accordance with their relevant resolutions, to save the young men's lives.
S/15508	3.12.82	Transmitting the text of the declaration adopted by the Conference of West European Parliamentarians on Sanctions against South Africa, in which, <i>inter alia</i> , they called upon the Council to impose mandatory sanctions against South Africa, and in particular, to prohibit military and nuclear collaboration, to end all supplies of oil and oil products, to stop all new investments and loans and to end imports of coal and other commodities.
S/15634	3.3.83	Letter to the Secretary-General dated 1 March 1983 regarding the death sentences imposed upon three South African freedom fighters and enclosing a letter from their attorneys.
S/15832	16.6.83	Transmitting the text of the declaration adopted by the International Conference of Trade Unions on Sanctions and Other Actions against the <i>Apartheid</i> Régime in South Africa, in which, <i>inter alia</i> , it requested that the United Nations make sanctions against South Africa mandatory, endorsed the recommendations of the Security Council Committee established by resolution 421 (1977) and urged that the Council adopt them without delay, and further urged that the arms embargo be extended to cover the purchases of arms and military equipment from South Africa, raw materials and technology used in the production of nuclear energy and oil and petroleum products.
S/15881	25.7.83	Transmitting the text of the declaration adopted by the International Non-Governmental Organizations Conference of Action against <i>Apartheid</i> and Racism, in which, <i>inter alia</i> , it called for comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter.
S/15882	25.7.83	Transmitting the text of the Declaration adopted by the International Conference on Sanctions against <i>Apartheid</i> in Sport.
S/15883	25.7.83	Transmitting the text of the declaration adopted by the International Conference on the Alliance between South Africa and Israel, in which, <i>inter alia</i> , it urged the Security Council Committee on the arms embargo against South Africa to give urgent consideration to Israeli collaboration with South Africa in the military and nuclear fields, and called upon the Western permanent members of the Council to co-operate in effective action by the Council under Chapter VII of the Charter in respect of South Africa.
S/16009	28.9.83	Transmitting the text of the declaration adopted by the Latin American Regional Conference for Action against <i>Apartheid</i> , in which, <i>inter alia</i> , it declared that the international community must exert effective pressure on South Africa through sanctions under Chapter VII of the Charter and emphasized the special responsibility of the permanent members of the Council, urging them to take effective action in the implementation of all relevant resolutions.
S/16101 and Add.1	31.10.83	Submitting the annual report of the Special Committee against <i>Apartheid</i> , in which, <i>inter alia</i> , it recommended: (a) that the Council review the implementation of its resolutions on South Africa, identify the causes of non-implementation and insist that the Western Powers that refused to co-operate in international action respect the resolutions; (b) that the Council proclaim its determination to secure peace and freedom in southern Africa, warn South Africa of the serious consequences of its policy and urge it to seek a peaceful solution in accordance with United Nations resolutions through genuine negotiations with the leaders of the national liberation movement; (c) that the Council endorse the declarations of the conferences organized, co-sponsored or promoted by the Special Committee in 1983; and (d) that the General Assembly and the Council reconsider the question of South Africa's membership in the United Nations. The report also urged that the Council (a) take action on the proposals of the Security Council Committee on the strengthening of the

Document symbol	Date	Subject
		arms embargo; (b) take mandatory action to stop nuclear collaboration with South Africa; (c) consider a mandatory embargo on the supply of petroleum and petroleum products to South Africa under Chapter VII of the Charter; and (d) consider urgent measures to prevent further executions of patriots in South Africa and to ensure that captured freedom fighters would be accorded prisoner of war status under the Geneva Convention of 1949 and Additional Protocol I of 1977. Also submitted was a special report on recent developments concerning relations between Israel and South Africa (S/16101/Add.1).
S/16102	8.11.83	Transmitting the programme of action against <i>apartheid</i> adopted by the Special Committee on 25 October 1983.
S/16401	21.3.84	Transmitting the text of a statement adopted by the Special Committee on recent developments in South Africa and southern Africa as a whole, in which it called for the imposition of comprehensive and mandatory sanctions against South Africa and other action by the international community.
S/16669	11.7.84	Transmitting the text of a special message given by His Holiness Pope John Paul II to the Chairman of the Special Committee when he received the Chairman in audience at the Vatican on 7 July 1984.
S/16686	2.8.84	Transmitting the declaration adopted by the North American Regional Conference for Action against <i>Apartheid</i> .
S/16709 and Corr.1	27.8.84	Transmitting the text of the declaration adopted by the Seminar on the Legal Status of the <i>Apartheid</i> Régime and other Legal Aspects of the Struggle against <i>Apartheid</i> which, <i>inter alia</i> , concluded that South Africa had placed itself in a situation of international illegitimacy, as a consequence of which States should not maintain diplomatic, consular, economic or any other relations with it, further concluded that the continued exercise of the veto by the three Western permanent members of the Security Council exemplified their refusal to remove a situation of serious criminality, demanded that the Council take immediate steps under Chapter VII of the Charter to implement resolution 435 (1978), stressed that the Council should impose binding economic, military, nuclear and other forms of sanctions and stated that in the meantime the Council should strengthen the content and machinery of monitoring the arms embargo imposed in 1977.
S/16726	31.8.84	Transmitting the text of the declaration and resolutions adopted by the Conference of Arab Solidarity with the Struggle for Liberation in Southern Africa, in which, <i>inter alia</i> , it asserted that the Council must impose comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter.
S/16752	20.9.84	Letter from the Chairman of the Special Committee appealing to the President of the Council for his good offices in securing the safety and freedom of six South African leaders who had opposed the new South African Constitution—which the Council had declared “null and void” in resolution 554 (1984)—and who had sought refuge in the Consulate-General of the United Kingdom in Durban.
S/16814 and Add.1	5.11.84	Submitting the annual report of the Special Committee against <i>Apartheid</i> , in which, <i>inter alia</i> , it reiterated its past recommendations for comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter and referred, in particular, to the cessation of all military and nuclear collaboration with South Africa, an oil embargo against South Africa, the termination of trade with and investment in South Africa and a sports and cultural boycott against South Africa. Also submitted was a special report on recent developments concerning relations between Israel and South Africa (S/16814/Add.1).

## (c) COMMUNICATIONS FROM THE UNITED NATIONS COUNCIL FOR NAMIBIA

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/14546	22.6.81	Transmitting the text of the Panama Declaration and Programme of Action on Namibia adopted by the United Nations Council for Namibia on 5 June 1981.
S/14629	12.8.81	Transmitting the text of a joint communiqué issued by the Government of India and the Mission of Consultation of the United Nations Council for Namibia on 5 August 1981, in which, <i>inter alia</i> , it expressed support for the imposition of mandatory comprehensive sanctions against South Africa as a means of obtaining South Africa's compliance with Security Council resolutions.
S/14644	26.8.81	Transmitting the text of a joint communiqué issued by the Government of Viet Nam and the Mission of Consultation of the United Nations Council for Namibia on 12 August 1981, in which, <i>inter alia</i> , it expressed support for the imposition of mandatory comprehensive sanctions against South Africa as a means of obtaining South Africa's compliance with Security Council resolutions.
S/14671	1.9.81	Transmitting the text of a statement dated 28 August 1981, in which the United Nations Council for Namibia condemned the recent invasion of Angola by South Africa and called upon the Security Council to take strong measures as provided for in the Charter to halt the aggression.
S/15089	19.5.82	Transmitting the text of the Arusha Declaration and Programme of Action on Namibia adopted by the United Nations Council for Namibia on 13 May 1982, in which, <i>inter alia</i> , it called attention to General Assembly resolution ES-8/2 (see table G below) and reiterated its recommendation that the Security Council adopt comprehensive mandatory sanctions under Chapter VII of the Charter in order to compel South Africa to comply with General Assembly and Council decisions and resolutions.
S/15757	17.5.83	Letter dated 9 May 1983 transmitting the texts of the documents adopted by the International Conference in Support of the Struggle of the Namibian People for Independence, including: the Paris Declaration on Namibia, in which, <i>inter alia</i> , the Conference expressed dismay at the Council's failure to discharge its responsibilities owing to the opposition of its Western permanent members, maintained that sanctions under Chapter VII of the Charter were the only available means to ensure South Africa's compliance with United Nations decisions and called upon the Council to meet as soon as possible to consider further action on the implementation of its resolution 435 (1978) (annex I); and the report and programme of action on Namibia, in which, <i>inter alia</i> , the Conference expressed the view that the Council should immediately impose comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter, requested that the Council exercise its authority for the implementation of its resolutions 385 (1976) and 435 (1978), called upon the Council to declare Walvis Bay an integral part of Namibia not open to negotiation and further called upon the Council to adopt measures to tighten the arms embargo imposed in resolution 418 (1977), to ensure strict compliance with it and to implement the recommendations of the Security Council Committee established under resolution 421 (1977) (annex II).
S/16601	14.6.84	Transmitting the text of the Bangkok Declaration and Programme of Action, adopted by the United Nations Council for Namibia on 25 May 1984, in which, <i>inter alia</i> , it expressed dismay at the Council's failure to discharge its responsibilities owing to the opposition of its Western permanent members, maintained that sanctions under Chapter VII of the Charter were the only available means to ensure South Africa's compliance with United Nations decisions, urged the Council to secure the implementation of its resolutions, failing which it should act to isolate South Africa through the imposition of comprehensive mandatory sanctions under Chapter VII of the Charter, called upon the Council to ensure the territorial integrity of Namibia, and further called upon the Council to adopt measures to tighten the arms

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
		embargo imposed under resolution 418 (1977), to ensure strict compliance with it, and to implement the recommendations of the Security Council Committee established under resolution 421 (1977).

(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/14389	2.3.81	Letter dated 27 February 1981 expressing concern over Israel's confiscation of Arab land in occupied Palestinian territory and calling for urgent action by the Council to call Israel's attention to the danger of such policies and the necessity of its withdrawal from the occupied territories.
S/14430	9.4.81	Letter dated 7 April 1981 calling attention to recent press reports indicating Israel's intention of pursuing policies in violation of international law and United Nations resolutions.
S/14477	11.5.81	Letter dated 8 May 1981 expressing concern at the situation created by acts committed by Israel in Lebanon.
S/14566	23.6.81	Letter dated 19 June 1981 concerning the establishment of new settlements by Israel in the occupied Arab territories and calling for urgent and vigorous action by the Security Council.
S/14593	16.7.81	Letter dated 15 July 1981 expressing concern at Israel's complete disregard for the rights of the Palestinian people and calling for urgent steps to be taken by the Council to alert Israel to the dangers inherent in such policies.
S/14641	25.8.81	Letter dated 24 August 1981 conveying concern and strong protest at the latest situation created by Israel in the occupied West Bank and Gaza Strip.
S/14695	18.9.81	Letter dated 17 September 1981 expressing concern at Israel's actions in Jerusalem, including excavations endangering Islamic buildings.
S/14698	18.9.81	Transmitting the report of the delegation of the Committee on the Exercise of the Inalienable Rights of the Palestinian People on its visit to Lebanon from 24 to 26 August 1981.
S/14719	7.10.81	Letter dated 6 October 1981 expressing concern over a recent series of bomb attacks carried out against Palestinians based in Lebanon.
S/14730	19.10.81	Letter dated 15 October 1981 concerning recent news reports on Israel's establishment of new settlements in the occupied Arab territories calling for urgent steps by the Security Council to protect the international community from the dangers of Israel's defiant attitude.
S/14739	28.10.81	Letter dated 23 October 1981 drawing attention to General Assembly resolution 35/169 A and requesting the Council to consider and take action on the Assembly's request before the Assembly's consideration of the question of Palestine on 1 December 1981.
S/14754	16.11.81	Letter dated 13 November 1981 expressing concern over recent reports on the occupied West Bank.
S/14844	25.1.82	Letter dated 22 January 1982 concerning Israeli plans to clear all Palestinian Bedouins out of a great swath of the Negev Desert.
S/14879	23.2.82	Letter dated 18 February 1982 expressing concern at the Israeli decision to close down Bir Zeit University and calling for energetic measures by the Security Council to put an end to Israeli acts and policies endangering international peace and security.
S/14897	9.3.82	Letter dated 8 March 1982 concerning the violation of human rights committed by Israeli authorities in the occupied West Bank and Gaza Strip.
S/15120	26.5.82	Letter dated 24 May 1982 expressing concern at the dangerous situation created by Israeli policies in the occupied West Bank and Gaza Strip and calling for reactivation of the Commission established under Security Council resolution 446 (1979).
S/15188	9.6.82	Letter dated 8 June 1982 expressing grave concern at Israel's invasion of southern Lebanon and appealing for decisive steps by the Council to bring the situation to an immediate end.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/15222	16.6.82	Letter dated 15 June 1982 expressing concern at Israel's continued occupation of the greater part of Lebanon and asserting that steps by the Council to put an end to the bloodshed were essential.
S/15244	21.6.82	Letter dated 18 June 1982 expressing concern at Israel's dissolution of the elected town councils of two West Bank towns.
S/15290	14.7.82	Letter dated 9 July 1982 expressing concern at the latest reports on the occupied West Bank.
S/15393	16.9.82	Letter dated 14 September 1982 expressing concern at the latest report on the occupied West Bank.
S/15410	21.9.82	Letter dated 20 September 1982 conveying horror and consternation at the massacres in the Shatila and Sabra Palestinian refugee camps in West Beirut, expressing the conviction that such tragedies could have been avoided if the Council had taken positive action on the recommendations of the Committee, and urging that the Council take action to implement the Committee's recommendations without delay.
S/15476	2.11.82	Letter dated 29 October 1982 expressing distress at the latest developments in the occupied West Bank.
S/15482	9.11.82	Letter dated 8 November 1982 expressing concern at the persisting Israeli policy of establishing settlements in the occupied West Bank and Gaza Strip.
S/15572	24.1.83	Letter dated 21 January 1983 drawing attention to new measures taken by Israel as part of its policy of establishing settlements in the occupied West Bank and expressing concern at the continuing violation of the human rights of the Palestinians residing in the occupied territories.
S/15653	24.3.83	Letter dated 22 March 1983 expressing concern at recent violations of the legal and human rights of the Palestinians residing in the occupied territories.
S/15667	31.3.83	Letter dated 30 March 1983 regarding recent illness among Arab schoolgirls of the occupied West Bank which local residents believed to have been induced by some kind of poisoning.
S/15880	22.7.83	Letter dated 18 July 1983 regarding new measures taken by the occupation authorities in the West Bank territories which aggravated tensions and might constitute a threat to international peace.
S/16038	12.10.83	Transmitting the text of the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights, adopted at the International Conference on the Question of Palestine held from 29 August to 7 September 1983, in which, <i>inter alia</i> , the Conference invited the Council: (a) to take immediate action to stop those Israeli policies in the occupied territories which the Council had determined to have no legal validity, especially the establishment of settlements; (b) to consider urgently the reports of the Security Council Commission established under resolution 446 (1979) and to reactivate the Commission; (c) to take action to stop Israel's exploitative economic policies in the occupied territories; (d) to monitor Israeli actions against the Palestinian people, which violated the stipulations of General Assembly resolutions, including especially resolution 181 (II) of 29 November 1947, which guaranteed all persons equal and non-discriminatory rights and freedom; (e) to consider appropriate measures under the Charter to ensure Israel's compliance with relevant United Nations resolutions in the event of its persistent non-compliance; (f) to suppress acts of aggression and other breaches of the peace in the Middle East; and (g) to facilitate the organization of an international peace conference, which would establish an independent Palestinian State in Palestine through the implementation of the relevant United Nations resolutions and to create the appropriate institutional arrangements to carry out the accords of the conference.
S/16126	7.11.83	Letter dated 4 November 1983 expressing concern at the decision of the Israeli authorities to close down Bethlehem University in the occupied West Bank.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/16171	21.11.83	Letter dated 18 November 1983 regarding the arrest and subsequent restriction of movement by the Israeli authorities of two persons who had attended the International Conference on the Question of Palestine at the request of the United Nations, because they had met during the Conference with representatives of the Palestine Liberation Organization.
S/16261	10.1.84	Letter dated 9 January 1984 expressing deep distress at recent developments in the Israeli Knesset regarding the occupied West Bank and Gaza Strip.
S/16327	7.2.84	Letter dated 6 February 1984 drawing attention to a recent attempt to desecrate or destroy the holiest Moslem shrine in Jerusalem.
S/16366	24.2.84	Letter dated 23 February 1984 regarding the latest Israeli plans for establishing new settlements in the occupied territories.
S/16373	27.2.84	Letter dated 24 February 1984 regarding further discriminatory action against the individuals referred to in the letter dated 18 November 1983 (see S/16171 above).
S/16442	28.3.84	Letter dated 26 March 1984 regarding further Israeli settlements and the annexation of land in the occupied territories.
S/16493	19.4.84	Letter dated 19 April 1984 regarding the removal of the Embassy of El Salvador in Israel from Tel Aviv to Jerusalem, an action which the Committee believed to be contrary to the spirit of Security Council and General Assembly resolutions on the subject.
S/16531	4.5.84	Letter dated 4 May 1984 regarding an international peace conference on the Middle East, as called for in General Assembly resolution 38/58 C.
S/16568	17.5.84	Letter dated 16 May 1984 regarding an Israeli search operation which took place at a Palestinian refugee camp outside Sidon in Lebanon on 15 May 1984 in which the rights of the Palestinians were again violated.
S/16646	27.6.84	Letter dated 25 June 1984 calling attention to further action taken by the Government of Israel in its continuing process of annexing the occupied territories of the West Bank.
S/16841	26.11.84	Letter dated 26 November 1984 expressing concern at a recent report on renewed acts of repression against Palestinians, including the shooting of unarmed demonstrators by the Israeli police forces in the occupied territories.

## 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	2267th meeting	Situation in Namibia	21-30 April 1981, 2267th-2277th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2275th meeting	Situation in Namibia	28-30 April 1981, 2275th-2277th meetings
Special Committee against Apartheid	2398th meeting	Question of South Africa	23 September 1982, 2398th meeting
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2401st meeting	Situation in the occupied Arab territories	12 November 1982, 2401st meeting
United Nations Council for Namibia; Special Committee against Apartheid	2439th meeting	Situation in Namibia	23 May-1 June 1983, 2439th-2444th and 2446th-2451st meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2440th meeting	Situation in Namibia	24 May-1 June 1983, 2440th-2444th and 2446th-2451st 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>
United Nations Council for Namibia; Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2481st meeting	Situation in Namibia	20-28 October 1983, 2481st-2486th, 2488th, 2490th and 2492nd meetings
Special Committee against <i>Apartheid</i>	2483rd meeting	Situation in Namibia	24-28 October 1983, 2483rd-2486th, 2488th, 2490th and 2492nd meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2506th meeting	Complaint by Angola against South Africa	19-20 December 1983, 2506th-2508th meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2540th meeting	Situation in the Middle East	21 May 1984, 2540th meeting
Special Committee against <i>Apartheid</i>	2548th meeting	Question of South Africa	16 and 17 August 1984, 2549th-2551st meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2549th meeting	Question of South Africa	16 and 17 August 1984, 2549th-2551st meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2552nd meeting	Situation in the Middle East	29-31 August, 4 and 6 September 1984, 2552nd-2556th meetings
Special Committee against <i>Apartheid</i>	2560th meeting	Question of South Africa	23 October 1984, 2560th meeting

**\*\*3. Resolutions adopted by the Security Council containing references to subsidiary organs of the General Assembly**

**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. Instances in which an Assembly resolution was explicitly referred to in a request for a meeting of the Council or in a Council resolution are indicated in the last column of the tabulation below.

**Tabulation of recommendations**

<i>General Assembly resolutions</i>	<i>Subject of recommendations</i>	<i>Action by the Council</i>
35/227 A, I and J 6 March 1981	Question of Namibia	None
ES-8/2 14 September 1981	Question of Namibia	None
36/8 28 October 1981	Implementation of the programme for the Decade for Action to Combat Racism and Racial Discrimination	None
36/15 28 October 1981	Recent developments in connection with excavations in eastern Jerusalem	None
36/27 13 November 1981	Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security	None
36/67 30 November 1981	International Year of Peace and International Day of Peace	None
36/80 9 December 1981	Co-operation between the United Nations and the Organization of African Unity	None
36/86 A and B 9 December 1981	Implementation of the Declaration on the Denuclearization of Africa	None



<i>General Assembly resolutions</i>	<i>Subject of recommendations</i>	<i>Action by the Council</i>
36/94 9 December 1981	Conclusion of an international convention on the strengthening of the security of non-nuclear-weapon States against the use or threat of nuclear weapons	None
36/97 9 December 1981	General and complete disarmament	None
36/98 9 December 1981	Israeli nuclear armament	None
36/102 9 December 1981	Implementation of the Declaration on the Strengthening of International Security	None
36/120 D 10 December 1981	Question of Palestine	None
36/121 A 10 December 1981	Question of Namibia	None
36/147 G 16 December 1981	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	None
36/150 16 December 1981	Israel's decision to build a canal linking the Mediterranean Sea to the Dead Sea	None
36/172 A, C-F and O 17 December 1981	Policies of <i>apartheid</i> of the Government of South Africa	None
36/226 B 17 December 1981	Situation in the Middle East	None
ES-7/4 28 April 1982	Question of Palestine	None
ES-7/5 28 April 1982	Question of Palestine	None
ES-7/9 28 April 1982	Question of Palestine	None
37/1 1 October 1982	Appeal for clemency in favour of South African freedom fighters	None
37/2 21 October 1982	South Africa's application for credit from the International Monetary Fund	None
37/10 15 November 1982	Manila Declaration on the Peaceful Settlement of International Disputes	None
37/15 16 November 1982	Co-operation between the United Nations and the Organization of African Unity	None
37/18 16 November 1982	Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security	None
37/39 3 December 1982	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa	None
37/40 3 December 1982	Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination	None
37/43 3 December 1982	Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights	None
37/67 3 December 1982	Report of the Secretary-General on the work of the Organization	None
37/68 7 December 1982	Further appeal for clemency in favour of South African freedom fighters	None
37/69 A-J 9 December 1982	Policies of <i>apartheid</i> of the Government of South Africa	None
37/74 A and B 9 December 1982	Implementation of the Declaration on the Denuclearization of Africa	None
37/82 9 December 1982	Israeli nuclear armament	None
37/86 D and E 10 and 20 December 1982	Question of Palestine	None

<i>General Assembly resolutions</i>	<i>Subject of recommendations</i>	<i>Action by the Council</i>
37/88 C 10 December 1982	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	None
37/100 E 13 December 1982	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly	None
37/101 14 December 1982	Invasion of Lesotho by South Africa	None
37/118 16 December 1982	Review on the implementation of the Declaration on the Strengthening of International Security	None
37/119 16 December 1982	Implementation of the collective security provisions of the Charter of the United Nations for the maintenance of international peace and security	None
37/233 A and B 20 December 1982	Question of Namibia	None
37/253 13 May 1983	Question of Cyprus	None
38/5 28 October 1983	Co-operation between the United Nations and the Organization of African Unity	None
38/9 10 November 1983	Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security	None
38/11 15 November 1983	Proposed new racial constitution of South Africa	Taken up for consideration at the 2548th meeting at the request of Algeria dated 8 August 1984 (S/16692). Resolutions 554 (1984) of 17 August 1984 and 556 (1984) of 23 October 1984 were adopted.*
38/14 22 November 1983	Second Decade to Combat Racism and Racial Discrimination	None
38/36 A and B 1 December 1983	Question of Namibia	None
38/39 A-J 5 December 1983	Policies of <i>apartheid</i> of the Government of South Africa	None
38/58 13 December 1983	Question of Palestine	None
38/69 15 December 1983	Israeli nuclear armament	None
38/73 15 December 1983	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly	None
38/79 D 15 December 1983	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	None
38/181 A and B 20 December 1983	Implementation of the Declaration on the Denuclearization of Africa	None
38/182 20 December 1983	Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons	None
38/190 20 December 1983	Review of the Implementation of the Declaration on the Strengthening of International Security	None
39/2 28 September 1984	Situation in South Africa	Taken up for consideration at the 2560th meeting at the request of Ethiopia dated 17 October 1984 (S/16786). Resolution 556 (1984) of 23 October 1984 was adopted.*
39/8 8 November 1984	Co-operation between the United Nations and the Organization of African Unity	None
39/14 16 November 1984	Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security	None
39/15 23 November 1983	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa	None
39/49 A 11 December 1983	Question of Palestine	None

<i>General Assembly resolutions</i>	<i>Subject of recommendations</i>	<i>Action by the Council</i>
39/50 A and B 12 December 1984	Question of Namibia	None
39/61 B 12 December 1984	Implementation of the Declaration on the Denuclearization of Africa	None
39/62 12 December 1984	Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons	None
39/63 K 12 December 1984	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly	None
39/72 A and G 13 December 1984	Policies of <i>apartheid</i> of the Government of South Africa	None
39/95 D 14 December 1984	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	None
39/147 17 December 1984	Israeli nuclear armament	None
39/154 17 December 1984	Review of the implementation of the Declaration on the Strengthening of International Security	None
39/155 17 December 1984	Implementation of the Declaration on the Strengthening of International Security	None
39/156 17 December 1984	Strengthening of international security: common security	None

\*No inference is intended that the action of the Council in this instance was taken in response to the recommendations 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.<sup>28</sup> It further transmitted to the Assembly its recommendations on several applications for membership<sup>29</sup> pursuant to paragraph 2 of rule 60 of its provisional rules of procedure. During the period covered by this *Supplement*, no special report was submitted to the Assembly concerning the question of admission of a new Member in accordance with paragraph 3 of rule 60 of the provisional rules of procedure.

#### \*\*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

Between 1 January 1981 and 31 December 1984, the Secretary-General transmitted to the Council the following reports of the Trusteeship Council on the Trust Territory of the Pacific Islands, which continued to be the only Territory designated as a strategic area:

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

(a) Thirty-third report, covering the period from 13 June 1980 to 11 June 1981;<sup>31</sup>

(b) Thirty-fourth report, covering the period from 12 June 1981 to 11 June 1982;<sup>32</sup>

(c) Thirty-fifth report, covering the period from 12 June 1982 to 28 November 1983;<sup>33</sup>

(d) Thirty-sixth report, covering the period from 29 November 1983 to 18 July 1984;<sup>34</sup>

(e) Thirty-seventh report, covering the period from 19 July 1984 to 11 July 1985.<sup>35</sup>

During the period under review no questionnaires were transmitted to the Council by the Trusteeship Council. The report of the latter body on the exercise of its functions in respect of the strategic areas under trusteeship, therefore, continued to be based on the revised questionnaire transmitted to the Council on 24 July 1983.<sup>30</sup>

## Part IV

## RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

*Article 94 of the Charter*

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

"2. If any party to a case fails to perform the obligations incumbent upon it under a judgement rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgement."

*Article 96 of the Charter*

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

"2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities."

## STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

*Article 35 of the Statute*

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

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

" . . . "

*Article 41 of the Statute*

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

"2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council."

## NOTE

During the consideration by the Council of the situation involving Chad and the Libyan Arab Jamahiriya,<sup>36</sup> which hinged upon the interpretation of various international treaties, the representative of Zaire, among others, suggested that the Council should refer the dispute to the International Court of Justice under Article 96 of the Charter.<sup>37</sup> The suggestion was not formally proposed to the Council or voted upon.

## \*\*Part V

## \*\*RELATIONS WITH THE MILITARY STAFF COMMITTEE

## NOTES

<sup>1</sup> Case 1.

<sup>2</sup> Case 2.

<sup>3</sup> Cases 3, 4, 5, 6 and 7.

<sup>4</sup> S/14805 and Corr.1, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

<sup>5</sup> *GAOR*, 36th sess., *plen. mtg.*, 103rd mtg., para. 327.

<sup>6</sup> S/14852, *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>7</sup> For retention or deletion of items from the Secretary-General's summary statement, see chap. II, part IV, sect. B.

<sup>8</sup> During the period under review one other emergency special session of the General Assembly was convened, but not at the request of the Security Council.

<sup>9</sup> S/14821, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

<sup>10</sup> S/14832/Rev.1, *ibid.*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>11</sup> S/14848, adopted without change as resolution 500 (1982).

<sup>12</sup> 2330th mtg., paras. 12-20.

<sup>13</sup> *Ibid.*, paras. 25-31.

<sup>14</sup> *Ibid.*, para. 33.

<sup>15</sup> *Ibid.*, para. 22.

<sup>16</sup> *GAOR*, 36th sess., *Annexes, a.i. 16*, A/36/820.

<sup>17</sup> S/14283, *OR*, 35th yr., *Suppl. for Oct.-Dec. 1980*.

<sup>18</sup> 2262nd mtg., para. 9.

<sup>19</sup> *Ibid.*, para. 11.

<sup>20</sup> *Ibid.*, paras. 14-17.

<sup>21</sup> *Ibid.*, paras. 18-24.

<sup>22</sup> 2306th mtg.

<sup>23</sup> The President subsequently made a statement indicating that the Council had been informed of an error that had inadvertently been made in the tally of votes on the first ballot, and confirmed the validity of the result of the balloting announced at the conclusion of the 2306th meeting. See 2321st mtg., para. 8.

<sup>24</sup> S/14809, adopted without change as resolution 499 (1981).

<sup>25</sup> 2321st mtg., para. 7.

<sup>26</sup> 2333rd mtg., paras. 2-27.

<sup>27</sup> 2561st mtg.

<sup>28</sup> Annual reports were approved by the Security Council at the following meetings held in private: 37th report, 2308th meeting, 10 November 1981; 38th report, 2402nd meeting, 24 November 1982; 39th report, 2494th meeting, 11 November 1983; and 40th report, 2566th meeting, 29 January 1985.

<sup>29</sup> Vanuatu (A/36/368, 8 July 1981); Belize (A/36/551, 23 September 1981); Antigua and Barbuda (A/36/666, 10 November 1981); Saint Christopher and Nevis (A/38/442, 22 September 1983); and Brunei Darussalam (A/39/363, 24 February 1984). For the consideration by the Council of the aforementioned applications, see chap. VII.

<sup>30</sup> The 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.

<sup>31</sup> S/14709, *OR*, 36th yr., *Special Supplement No. 1*.

<sup>32</sup> S/15705, *ibid.*, 37th yr., *Special Supplement No. 1*.

<sup>33</sup> S/16347, *ibid.*, 38th yr., *Special Supplement No. 1*.

<sup>34</sup> S/16738, *ibid.*, 39th yr., *Special Supplement No. 1*.

<sup>35</sup> S/17334, *ibid.*, 40th yr., *Special Supplement No. 1*.

<sup>36</sup> Letter dated 16 March 1983 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council, considered by the Council at its 2419th and 2428th to 2430th meetings, on 22 and 31 March and 6 April 1983. See chap. VIII, part II.

<sup>37</sup> 2428th mtg.

**Chapter VII**

**PRACTICE RELATIVE TO RECOMMENDATIONS TO THE GENERAL ASSEMBLY  
REGARDING MEMBERSHIP IN THE UNITED NATIONS**

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## INTRODUCTORY NOTE

The present chapter follows the format adopted for previous *Supplements*. Part I sets forth in tabular form the applications for admission considered and the decisions taken by the 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.

During the period under review, 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, 1981-1984

##### 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 1981-31 December 1984, the Council recommended the following States for admission to membership in the United Nations:

(a) At the 2291st meeting, on 8 July 1981, the Republic of Vanuatu was unanimously recommended;

(b) At the 2302nd meeting, on 23 September 1981, Belize was unanimously recommended;

(c) At the 2309th meeting, on 10 November 1981, Antigua and Barbuda was unanimously recommended;

(d) At the 2479th meeting, on 22 September 1983, Saint Christopher and Nevis was unanimously recommended;

(e) At the 2518th meeting, on 24 February 1984, Brunei Darussalam was unanimously recommended.

##### B. APPLICATIONS THAT FAILED TO OBTAIN A RECOMMENDATION

During the period under review all applications for admission obtained the Council's recommendation.

##### C. DISCUSSION OF THE QUESTION IN THE SECURITY COUNCIL, 1981-1984

The Council held a total of 10 meetings<sup>1</sup> to consider applications for admission during this period of four years. In all cases the discussion involved applications of newly independent States.

##### D. APPLICATIONS PENDING ON 1 JANUARY 1981

<i>Applicant</i>	<i>Date of application</i>	<i>Document</i>
Republic of Korea	19 January 1949	S/1238, OR, 4th yr., Suppl. for Feb. 1949
Democratic People's Republic of Korea	9 February 1949	S/1247, <i>ibid.</i>

##### E. APPLICATIONS SUBMITTED BETWEEN 1 JANUARY 1981 AND 31 DECEMBER 1984\*

<i>Applicant</i>	<i>Date of application</i>	<i>Document<sup>b</sup></i>
Vanuatu	8 June 1981	S/14506, OR, 36th yr., Suppl. for April-June 1981
Belize	21 September 1981	S/14701, <i>ibid.</i> , Suppl. for July-Sept. 1981
Antigua and Barbuda	2 November 1981	S/14742, OR, 36th yr., Suppl. for Oct.-Dec. 1981
Saint Christopher and Nevis	19 September 1983	S/15989, OR, 38th yr., Suppl. for July-Sept. 1983
Brunei Darussalam	21 February 1984	S/16353, OR, 39th yr., Suppl. for Jan.-March 1984

\*The 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.

<sup>b</sup>Includes 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, 1981-1984\***

<i>Draft resolution</i>	<i>Meeting and date</i>	<i>Result of vote</i>
Vanuatu, Committee on the Admission of New Members, draft resolution S/14580 recommending admission	2291st, 8.7.81	Unanimously adopted
Belize, Committee on the Admission of New Members, draft resolution S/14703 recommending admission	2302nd, 23.9.81	Unanimously adopted
Antigua and Barbuda, Committee on the Admission of New Members, draft resolution S/14748 recommending admission	2309th, 10.11.81	Unanimously adopted
Saint Christopher and Nevis, Committee on the Admission of New Members, draft resolution S/15997 recommending admission	2479th, 22.9.83	Unanimously adopted
Brunei Darussalam, Committee on the Admission of New Members, draft resolution S/16367 recommending admission	2518th, 24.2.84	Unanimously adopted

\*For the participation of the non-members in the proceedings concerning the applications for admission, see chap. III of the present *Supplement*.

**G. VOTES IN THE GENERAL ASSEMBLY ON DRAFT RESOLUTIONS CONCERNING SECURITY COUNCIL RECOMMENDATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS, 1981-1984**

<i>Application</i>	<i>Plenary meeting and date</i>	<i>Vote</i>	<i>General Assembly resolution</i>	<i>Result of proceedings</i>
Vanuatu	36th session, 1st meeting, 15.9.81	By acclamation	36/1	Admitted
Belize	36th session, 13th meeting, 25.9.81	144-1-0	36/3	Admitted
Antigua and Barbuda	36th session, 53rd meeting, 11.11.81	By acclamation	36/26	Admitted
Saint Christopher and Nevis	38th session, 3rd meeting, 23.9.83	By acclamation	38/1	Admitted
Brunei Darussalam	39th session, 3rd meeting, 21.9.84	By acclamation	39/1	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 in three cases out of five 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 1981 and 31 December 1984 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 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, there were no proposals to waive the application of rule 59 of the provisional rules of procedure. All five applications were referred by the President to the Committee under the provision of rule 59, which states that unless the Council decides otherwise, new applications shall be referred by the President to the Committee on the Admission of New Members.

**\*\*Part V**

**\*\*PROCEDURES IN THE CONSIDERATION OF APPLICATIONS  
WITHIN THE SECURITY COUNCIL**

**\*\*Part VI**

**\*\*THE ROLE OF THE GENERAL ASSEMBLY AND  
THE SECURITY COUNCIL**

**\*\*Part VII**

**\*\*PRACTICES RELATIVE TO THE APPLICABILITY OF  
ARTICLES 5 AND 6 OF THE CHARTER**

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**NOTE**

<sup>1</sup> 2290th and 2291st (8 July 1981), 2301st and 2302nd (23 September 1981), 2307th (10 November 1981), 2309th (16 November 1981), 2478th and 2479th (22 September 1983), 2517th and 2518th (24 February 1984).

**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.<sup>1</sup>

The following questions, 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 question of South Africa,<sup>2</sup> the situation in the Middle East,<sup>3</sup> the situation in the occupied Arab territories,<sup>4</sup> the situation in Namibia,<sup>5</sup> the situation in Cyprus,<sup>6</sup> the letter dated 1 September 1980 from the representative of Malta,<sup>7</sup> the complaint by Angola against South Africa,<sup>8</sup> the situation between Iran and Iraq,<sup>9</sup> and the complaint by Lesotho against South Africa.<sup>10</sup>

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.

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### NOTES

<sup>1</sup> For a tabulation of the data on submission, see chap. X, part III. As indicated in the editorial note, the questions included in the agenda of the Council during the years 1981-1984 appear under conventional short titles.

<sup>2</sup> *Repertoire of the Practice of the Security Council, Supplement 1975-1980*, chap. VIII, part II.

<sup>3</sup> *Ibid.*, *Supplement 1966-1968*, chap. VIII, part II; *ibid.*, *Supplement 1969-1971*, chap. VIII, part II; *ibid.*, *Supplement 1972-1974*, chap. VIII, part II; and *ibid.*, *Supplement 1975-1980*, chap. VIII, part II.

<sup>4</sup> *Ibid.*, *Supplement 1975-1980*, chap. VIII, part II.

<sup>5</sup> *Ibid.*, *Supplement 1966-1968*, chap. VIII, part II; *ibid.*, *Supplement 1969-1971*, chap. VIII, part II; *ibid.*, *Supplement 1972-1974*, chap. VIII, part II; and *ibid.*, *Supplement 1975-1980*, chap. VIII, part II.

<sup>6</sup> *Ibid.*, *Supplement 1959-1963*, chap. VIII, part II; *ibid.*, *Supplement 1964-1965*, chap. VIII, part II; *ibid.*, *Supplement 1966-1968*, chap. VIII, part II; *ibid.*, *Supplement 1969-1971*, chap. VIII, part II; *ibid.*, *Supplement 1972-1974*, chap. VIII, part II (until 1974, Complaint by the Government of Cyprus); and *ibid.*, *Supplement 1975-1980*, chap. VIII, part II.

<sup>7</sup> *Ibid.*, *Supplement 1975-1980*, chap. VIII, part II.

<sup>8</sup> *Ibid.*, *Supplement 1975-1980*, chap. VIII, part II.

<sup>9</sup> *Ibid.*, *Supplement 1975-1980*, chap. VIII, part II.

<sup>10</sup> *Ibid.*, *Supplement 1975-1980*, chap. VIII, part II.

## 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 facts

- A. Establishment of a special mission:  
Complaint by Seychelles:  
Decision of 15 December 1981 (res. 496 (1981)), para. 3
- B. Affirming the desirability of an objective examination of the causes of a conflict:  
Situation between Iran and Iraq:  
Decision of 31 October 1983 (res. 540 (1983)), preamble

## II. Determination of the nature of the question

- A. Determining the existence of a breach of peace in a region:  
Letter dated 1 April 1982 from the representative of the United Kingdom:  
Decision of 3 April 1982 (res. 502 (1982)), preamble
- B. Concerned at a serious situation that gravely endangers international peace and security:  
Situation between Iran and Iraq:  
Decision of 21 February 1983, President's statement, para. 2
- C. Concerned about a situation that has led to a serious threat to international peace and security:  
(i) Complaint by Iraq:  
Decision of 19 June 1981 (res. 487 (1981)), preamble  
(ii) Situation between Iran and Iraq:  
Decision of 15 July 1982, President's statement
- D. Concerned at a situation that could have grave consequences for international peace and security:  
Situation in the Middle East:  
Decision of 5 June 1982 (res. 508 (1982)), preamble
- E. Concerned about a conflict endangering international peace and security in a region:  
Situation between Iran and Iraq:  
Decision of 30 March 1984, President's statement, para. 2
- F. Concerned at the mounting threat to the security of a region and its wider implications for international peace and security:  
Situation in Namibia:  
Decision of 28 October 1983 (res. 539 (1983)), preamble
- G. Convinced that deterioration of a situation has serious consequences for peace and security:  
Situation in the Middle East:  
Decision of 19 June 1981 (res. 488 (1981)), preamble  
Decision of 18 December 1981 (res. 498 (1981)), preamble
- H. Noting with deep concern that the situation in a region has seriously deteriorated:  
Question concerning the Falkland Islands (Islas Malvinas):  
Decision of 26 May 1982 (res. 505 (1982)), preamble
- I. Convinced that attacks on commercial ships constitute a threat to the safety and stability of an area and have implications for international peace and security:  
Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
Decision of 1 June 1984 (res. 552 (1984)), preamble

- J. Concerned about the prolongation of a conflict endangering peace and security:  
Situation between Iran and Iraq:  
Decision of 12 July 1982 (res. 514 (1982)), preamble
- K. Concerned about an aggressive act and its consequences for peace and security in a region:  
Complaint by Lesotho against South Africa:  
Decision of 15 December 1982 (res. 527 (1982)), preamble
- L. Concerned at the danger of a military confrontation that could further aggravate the existing critical situation in a region:  
Letter dated 5 May 1983 from the representative of Nicaragua:  
Decision of 19 May 1983 (res. 530 (1983)), preamble
- M. Declaration that a continued illegal military occupation is a flagrant violation of the sovereignty, independence and territorial integrity of a country and endangers international peace and security:  
Complaint by Angola against South Africa:  
Decision of 20 December 1983 (res. 545 (1983)), para. 2
- N. Concerned at the continued occupation of parts of a country's territory in violation of the principles and objectives of the Charter of the United Nations:  
Complaint by Angola against South Africa:  
Decision of 20 December 1983 (res. 545 (1983)), preamble  
Decision of 6 January 1984 (res. 546 (1984)), preamble
- O. Concerned at a mercenary aggression entailing the violation of the territorial integrity, independence and sovereignty of a country:  
Complaint by Seychelles:  
Decision of 28 May 1982 (res. 507 (1982)), preamble
- P. Expressing concern about continued military activities within a country as a result of aggressive acts and invasions by another country:  
(i) Situation in the Middle East:  
Decision of 4 August 1982 (res. 517 (1982)), preamble  
Decision of 12 August 1982 (res. 518 (1982)), preamble  
(ii) Complaint by Lesotho against South Africa:  
Decision of 15 December 1982 (res. 527 (1982)), preamble

## III. Injunctions to Governments and authorities involved in disputes and situations

- A. Call for cessation of hostilities, military operations and armed attacks:  
(i) Situation in the Middle East:  
Decision of 17 July 1981, President's statement, para. 2  
Decision of 21 July 1981 (res. 490 (1981)), para. 1  
Decision of 22 April 1982, President's statement, para. 3  
Decision of 5 June 1982 (res. 508 (1982)), para. 1  
Decision of 6 June 1982 (res. 509 (1982)), para. 2  
Decision of 1 August 1982 (res. 516 (1982)), para. 1  
Decision of 11 November 1983, President's statement  
Decision of 23 November 1983 (res. 542 (1983)), para. 3  
(ii) Letter dated 1 April 1982 from the representative of the United Kingdom:  
Decision of 3 April 1982 (res. 502 (1982)), para. 1  
(iii) Situation between Iran and Iraq:  
Decision of 12 July 1982 (res. 514 (1982)), para. 1  
Decision of 4 October 1982 (res. 522 (1982)), para. 1  
Decision of 21 February 1983, President's statement, para. 5

- Decision of 31 October 1983 (res. 540 (1983)), paras. 2, 3
- B. Call for the withdrawal of armed forces:
- (i) Situation in the Middle East:  
Decision of 6 June 1982 (res. 509 (1982)), para. 1  
Decision of 4 August 1982 (res. 517 (1982)), para. 2
- (ii) Letter dated 1 April 1982 from the representative of the United Kingdom:  
Decision of 3 April 1982 (res. 502 (1982)), para. 2
- (iii) Situation between Iran and Iraq:  
Decision of 12 July 1982 (res. 514 (1982)), para. 2  
Decision of 4 October 1982 (res. 522 (1982)), para. 2  
Decision of 21 February 1983, President's statement, para. 5
- (iv) Complaint by Angola against South Africa:  
Decision of 20 December 1983 (res. 545 (1983)), para. 3  
Decision of 6 January 1983 (res. 546 (1984)), para. 3
- C. Call for observance of cease-fire:
- (i) Situation in the Middle East:  
Decision of 18 December 1981 (res. 498 (1981)), para. 4  
Decision of 4 June 1982, President's statement  
Decision of 1 August 1982 (res. 516 (1982)), para. 1  
Decision of 4 August 1982 (res. 517 (1982)), para. 2
- (ii) Situation between Iran and Iraq:  
Decision of 30 March 1984, President's statement, para. 9
- D. Demand for an immediate end to foreign military intervention:
- (i) Situation in the Middle East:  
Decision of 6 June 1982 (res. 509 (1982)), para. 2  
Decision of 12 August 1982 (res. 518 (1982)), para. 1
- (ii) Complaint by Angola against South Africa:  
Decision of 6 January 1984 (res. 546 (1984)), para. 3
- E. Call for the return to previously held positions:  
Situation in the Middle East:  
Decision of 4 August 1982 (res. 517 (1982)), para. 4  
Decision of 17 September 1982 (res. 520 (1982)), para. 3
- F. Call to desist from acts violating the sovereignty and territorial integrity of another State:
- (i) Situation in the Middle East:  
Decision of 18 December 1981 (res. 498 (1981)), para. 1
- (ii) Complaint by Iraq:  
Decision of 19 June 1981 (res. 487 (1981)), para. 2
- (iii) Complaint by Angola against South Africa:  
Decision of 20 December 1983 (res. 545 (1983)), para. 5
- G. Call to refrain from any action likely to aggravate a situation:
- (i) Situation in the Middle East:  
Decision of 4 June 1982, President's statement
- (ii) Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
Decision of 1 June 1984 (res. 552 (1984)), para. 3
- (iii) Letter dated 16 March 1983 from the representative of Chad:  
Decision of 6 April 1983, President's statement, para. 3
- (iv) Situation in Cyprus:  
Decision of 18 November 1983 (res. 541 (1983)), para. 8
- (v) Situation between Iran and Iraq:  
Decision of 31 October 1983 (res. 540 (1983)), para. 6
- H. Call to refrain from the use or threat of force:
- (i) Letter dated 1 April 1982 from the representative of the United Kingdom:  
Decision of 1 April 1982, President's statement, para. 4
- (ii) Situation in the Middle East:  
Decision of 11 November 1983, President's statement
- I. Call for the cessation of acts likely to endanger international peace and security:
- (i) Situation in the Middle East:  
Decision of 19 March 1981, President's statement, para. 4
- (ii) Situation between Iran and Iraq:  
Decision of 31 October 1983 (res. 540 (1983)), para. 5
- J. Call for restraint by the parties:
- (i) Situation in the Middle East:  
Decision of 17 July 1981, President's statement, para. 2  
Decision of 11 November 1983, President's statement
- (ii) Letter dated 1 April 1982 from the representative of the United Kingdom:  
Decision of 1 April 1982, President's statement, para. 4
- (iii) Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
Decision of 1 June 1984 (res. 552 (1984)), para. 3
- K. Call for the respect of the territorial integrity of States not parties to hostilities:  
Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
Decision of 1 June 1984 (res. 552 (1984)), para. 3
- L. Demand for an end to attacks on commercial ships:  
Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
Decision of 1 June 1984 (res. 552 (1984)), para. 5
- M. Calling upon the occupying Power to rescind a decision aiming at imposing its jurisdiction in an occupied territory:  
Situation in the Middle East:  
Decision of 17 December 1981 (res. 497 (1981)), para. 2
- N. Demand for the immediate eradication of *apartheid*:  
Question of South Africa:  
Decision of 23 October 1984 (res. 556 (1984)), para. 6
- O. Call to spare the lives of certain condemned individuals:  
Question of South Africa:  
Decision of 9 April 1982 (res. 503 (1982)), para. 1  
Decision of 4 October 1982, President's statement, para. 2  
Decision of 7 December 1982 (res. 525 (1982)), preamble, para. 1  
Decision of 7 June 1983 (res. 533 (1983)), para. 1  
Decision of 13 January 1984 (res. 547 (1984)), para. 1
- P. Demand for an immediate release of all political prisoners and detainees:  
Question of South Africa:  
Decision of 23 October 1984 (res. 556 (1984)), para. 3
- Q. Call for the withdrawal of a declaration the Council declares to be legally invalid:  
Situation in Cyprus:  
Decision of 18 November 1983 (res. 541 (1983)), para. 2
- IV. Measures (in connection with injunctions) to be taken by Governments and authorities directly involved in disputes and situations
- A. Call for respect of the rights of civilian populations and for the cessation of all acts of violence against them:  
Situation in the Middle East:  
Decision of 19 June 1982 (res. 512 (1982)), para. 1  
Decision of 4 July 1982 (res. 513 (1982)), para. 1
- B. Call upon the parties to alleviate human suffering and in particular to provide assistance to refugees:  
Situation in the Middle East:  
Decision of 19 June 1982 (res. 512 (1982)), para. 1
- C. Demand for an immediate lifting of all obstacles to the dispatch of needed supplies to the civilian population:  
Situation in the Middle East:  
Decision of 29 July 1982 (res. 515 (1982)), para. 1  
Decision of 3 August 1982, President's statement, para. 3  
Decision of 12 August 1982 (res. 518 (1982)), para. 2

- D. Call upon the parties to adhere scrupulously to their obligations under the Geneva Protocol of 1925 and to observe the rules of international humanitarian law:  
 Situation between Iran and Iraq:  
 Decision of 30 March 1984, President's statement, paras. 6 and 7
- E. Call for compensation for damage suffered as a result of an aggressive act:  
 (i) Complaint by Iraq:  
 Decision of 19 June 1981 (res. 487 (1981)), para. 6  
 (ii) Complaint by Lesotho against South Africa:  
 Decision of 15 December 1982 (res. 527 (1982)), para. 2  
 (iii) Complaint by Angola against South Africa:  
 Decision of 20 December 1983 (res. 545 (1983)), para. 4
- V. Measures (in connection with injunctions) to be taken by other Governments and authorities**
- A. Reaffirmation of sanctions:  
 Question of South Africa:  
 Decision of 13 December 1984 (res. 558 (1984)), para. 1
- B. Calling for the full implementation of an arms embargo:  
 Complaint by Angola against South Africa:  
 Decision of 6 January 1984 (res. 546 (1984)), para. 4
- C. Requesting all States to refrain from importing arms and other military equipment produced in South Africa:  
 Question of South Africa:  
 Decision of 13 December 1984 (res. 558 (1984)), para. 2
- D. Calling upon States to provide assistance:  
 (i) Complaint by Seychelles:  
 Decision of 28 May 1982 (res. 507 (1982)), para. 8  
 (ii) Complaint by Angola against South Africa:  
 Decision of 6 January 1984 (res. 546 (1984)), para. 6  
 (iii) Complaint by Lesotho against South Africa:  
 Decision of 15 December 1982 (res. 527 (1982)), para. 5  
 Decision of 29 June 1983 (res. 535 (1983)), para. 4
- E. Requesting assistance to a country from international organizations, United Nations agencies or financial institutions:  
 (i) Complaint by Seychelles:  
 Decision of 28 May 1982 (res. 507 (1982)), para. 8  
 (ii) Complaint by Lesotho against South Africa:  
 Decision of 29 June 1983 (res. 535 (1983)), para. 4
- F. Urging all Member States to assist in restoration of peace and security:  
 Situation between Iran and Iraq:  
 Decision of 21 February 1983, President's statement, para. 6
- G. Requesting all Member States to bring their influence to bear upon those concerned in a dispute:  
 Situation in the Middle East:  
 Decision of 5 June 1982 (res. 508 (1982)), para. 2
- H. Calling upon all States to respect the sovereignty, independence and territorial integrity of a State:  
 (i) Situation in the Middle East:  
 Decision of 18 December 1981 (res. 498 (1981)), para. 1  
 (ii) Situation in Cyprus:  
 Decision of 18 November 1983 (res. 541 (1983)), para. 6  
 Decision of 11 May 1984 (res. 550 (1984)), para. 4
- I. Calling upon all Governments to deny any form of recognition to the so-called "independent" bantustans and to refrain from any dealings with them:  
 Question of South Africa:  
 Decision of 15 December 1981, President's statement, para. 4
- J. Urging all Governments and organizations not to accord recognition to the results of so-called "elections" in South Africa:  
 Question of South Africa:  
 Decision of 17 August 1984 (res. 554 (1984)), para. 5
- K. Urging all States and organizations to use their influence and to take urgent measures to save the lives of condemned individuals:  
 Question of South Africa:  
 Decision of 9 April 1982 (res. 503 (1982)), para. 2  
 Decision of 7 December 1982 (res. 525 (1982)), para. 2  
 Decision of 7 June 1983 (res. 533 (1983)), para. 2  
 Decision of 13 January 1984 (res. 547 (1984)), para. 2
- L. Calling upon all States not to recognize any Cypriot State other than the Republic of Cyprus:  
 Situation in Cyprus:  
 Decision of 18 November 1983 (res. 541 (1983)), para. 7  
 Decision of 11 May 1984 (res. 550 (1984)), para. 3
- M. Calling upon all States to respect the right of free navigation:  
 (i) Situation between Iran and Iraq:  
 Decision of 31 October 1983 (res. 540 (1983)), para. 3  
 (ii) Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
 Decision of 1 June 1984 (res. 552 (1984)), para. 1
- N. Requesting all States to abstain from actions that could contribute to the continuation of a conflict:  
 Situation between Iran and Iraq:  
 Decision of 12 July 1982 (res. 514 (1982)), para. 5  
 Decision of 4 October 1982 (res. 522 (1982)), para. 6
- O. Urging all Governments to take appropriate action in co-operation with the United Nations to assist the oppressed people of South Africa:  
 Question of South Africa:  
 Decision of 17 August 1984 (res. 554 (1984)), para. 5  
 Decision of 23 October 1984 (res. 556 (1984)), para. 5
- VI. Measures for settlement**
- A. Endorsement of the pacific settlement of disputes:  
 (i) Situation in the Middle East:  
 Decision of 11 November 1983, President's statement  
 Decision of 23 November 1983 (res. 542 (1983)), para. 4  
 (ii) Complaint by Lesotho against South Africa:  
 Decision of 15 December 1982 (res. 527 (1982)), para. 6  
 (iii) Situation between Iran and Iraq:  
 Decision of 21 February 1983, President's statement, para. 3  
 Decision of 30 March 1984, President's statement, para. 9  
 (iv) Letter dated 16 March 1983 from the representative of Chad:  
 Decision of 6 April 1983, President's statement, para. 2
- B. Mediation endorsed or recommended:  
 Situation between Iran and Iraq:  
 Decision of 12 July 1982 (res. 514 (1982)), para. 4  
 Decision of 4 October 1982 (res. 522 (1982)), para. 5
- C. Negotiations endorsed or recommended:  
 Situation in Cyprus:  
 Decision of 15 June 1982 (res. 510 (1982)), para. 2  
 Decision of 14 December 1982 (res. 526 (1982)), para. 2
- D. Calling upon the parties to seek a diplomatic solution to their differences:  
 Letter dated 1 April 1982 from the representative of the United Kingdom:  
 Decision of 1 April 1982, President's statement, para. 4  
 Decision of 3 April 1982 (res. 502 (1982)), para. 3
- E. Call for respect of the sovereignty, political independence and territorial integrity of other States:  
 Situation in the Middle East:  
 Decision of 19 June 1981 (res. 488 (1981)), para. 1  
 Decision of 17 September 1982 (res. 520 (1982)), para. 4



- Decision of 23 November 1983 (res. 542 (1983)), para. 2
- F. Call for respect of the territorial integrity and political independence of other States:
- (i) Complaint by Seychelles:  
Decision of 15 December 1981 (res. 496 (1981)), para. 1
- (ii) Complaint by Angola against South Africa:  
Decision of 6 January 1984 (res. 546 (1984)), para. 3
- G. Reaffirmation of the right of all countries in an area to live in peace and security, free from outside interference:  
Letter dated 5 May 1983 from the representative of Nicaragua:  
Decision of 19 May 1983 (res. 530 (1983)), para. 1
- H. Reiteration by the Council that resolution 435 (1978), embodying the United Nations plan for the independence of Namibia, is the only basis for a peaceful settlement of the Namibian problem:  
Situation in Namibia:  
Decision of 28 October 1983 (res. 539 (1983)), para. 5
- I. Declaration by the Council that only total eradication of *apartheid* and the establishment of a non-racial democratic society based on majority rule can lead to a just and lasting solution of the situation in South Africa:  
Question of South Africa:  
Decision of 17 August 1984 (res. 554 (1984)), para. 4  
Decision of 23 October 1984 (res. 556 (1984)), para. 4
- J. Reaffirmation of the right of free navigation in international waters:  
Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
Decision of 1 June 1984 (res. 552 (1984)), para. 2
- K. Affirmation of obligations under the Charter:
- (i) Situation in the Middle East:  
Decision of 22 April 1982, President's statement, para. 2
- (ii) Complaint by Lesotho against South Africa:  
Decision of 15 December 1982 (res. 527 (1982)), para. 7
- (iii) Situation between Iran and Iraq:  
Decision of 12 July 1982 (res. 514 (1982)), preamble  
Decision of 4 October 1982 (res. 522 (1982)), preamble  
Decision of 21 February 1983, President's statement, para. 3
- (iv) Complaint by Angola against South Africa:  
Decision of 20 December 1983 (res. 545 (1983)), preamble
- (v) Letter dated 5 May 1983 from the representative of Nicaragua:  
Decision of 19 May 1983 (res. 530 (1983)), preamble
- (vi) Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
Decision of 1 June 1984 (res. 552 (1984)), preamble
- L. Reaffirmation of the legitimacy of the struggle for the elimination of *apartheid* and of the right to give sanctuary to its victims:
- (i) Question of South Africa:  
Decision of 17 August 1984 (res. 554 (1984)), preamble
- (ii) Complaint by Lesotho against South Africa:  
Decision of 15 December 1982 (res. 527 (1982)), para. 3  
Decision of 29 June 1983 (res. 535 (1983)), preamble
- M. Call for the transfer of an area to the administration of the United Nations:  
Situation in Cyprus:  
Decision of 11 May 1984 (res. 550 (1984)), para. 5
- N. Appeal to the parties to make full use of the mechanisms available within regional organizations and to co-operate with regional groups:  
(i) Letter dated 16 March 1983 from the representative of Chad:  
Decision of 6 April 1983, President's statement, para. 4
- (ii) Letter dated 5 May 1983 from the representative of Nicaragua:  
Decision of 19 May 1983 (res. 530 (1983)), para. 3
- O. Urging a regional group to find solutions to the problems of the region:  
Letter dated 5 May 1983 from the representative of Nicaragua:  
Decision of 19 May 1983 (res. 530 (1983)), para. 4
- VII. Provisions bearing on specific issues relating to the settlement**
- A. Enunciation or affirmation of principles governing settlement:
1. Reaffirmation of the inadmissibility of the acquisition of territory by force:  
Situation in the Middle East:  
Decision of 17 December 1981 (res. 497 (1981)), preamble
2. Reaffirmation by the Council of its commitment to the sovereignty, territorial integrity and independence of a country:  
Situation in the Middle East:  
Decision of 21 July 1981 (res. 490 (1981)), para. 2
3. Expression of conviction by the Council of the importance of international solidarity with a country:  
Complaint by Lesotho against South Africa:  
Decision of 29 June 1983 (res. 535 (1983)), preamble
4. Determination by the Council that the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to an occupied territory:  
Situation in the Middle East:  
Decision of 17 December 1981 (res. 497 (1981)), para. 3
5. Reaffirmation of the provisions of the Universal Declaration of Human Rights:  
Question of South Africa:  
Decision of 23 October 1984 (res. 556 (1984)), preamble
6. Reaffirmation of the legal responsibility of the United Nations over Namibia:  
Situation in Namibia:  
Decision of 31 May 1983 (res. 532 (1983)), preamble  
Decision of 28 October 1983 (res. 539 (1983)), preamble
7. Declaration by the Council that the independence of Namibia cannot be held hostage to the resolution of issues alien to resolution 435 (1978):  
Situation in Namibia:  
Decision of 28 October 1983 (res. 539 (1983)), para. 4
8. Reaffirmation of the right of all countries to receive refugees fleeing from *apartheid* oppression:  
Complaint by Lesotho:  
Decision of 29 June 1983 (res. 535 (1983)), preamble
9. Reaffirmation of the entitlement of a country to prompt and adequate compensation:  
Complaint by Angola against South Africa:  
Decision of 6 January 1984 (res. 546 (1984)), para. 7
10. Consideration by the Council that a unilateral declaration of independence is incompatible with certain treaties:  
Situation in Cyprus:  
Decision of 18 November 1983 (res. 541 (1983)), preamble
- B. Censuring illegal legislative and administrative measures and declaring them invalid:
- (i) Question of South Africa:  
Decision of 15 December 1981, President's statement, para. 3  
Decision of 17 August 1984 (res. 554 (1984)), paras. 1, 2
- (ii) Situation in Cyprus:

- Decision of 18 November 1983 (res. 541 (1983)), preamble, para. 2
- C. Opposition expressed by the Council to the system of *apartheid*:  
Complaint by Lesotho against South Africa:  
Decision of 29 June 1983 (res. 535 (1983)), preamble
- D. Rejection or repudiation by the Council of:
1. South Africa's insistence on linking the independence of Namibia to irrelevant and extraneous issues:  
Situation in Namibia:  
Decision of 28 October 1983 (res. 539 (1983)), para. 3
  2. Acts of violence against civilian populations:  
Situation in the Middle East:  
Decision of 4 July 1982 (res. 513 (1982)), para. 1
- E. Deprecation or condemnation of:
1. Invasions, armed attacks or other acts of violence:
    - (i) Situation in the Middle East:  
Decision of 17 September 1982 (res. 520 (1982)), preamble, para. 2
    - (ii) Complaint by Iraq:  
Decision of 19 June 1981 (res. 487 (1981)), para. 1
    - (iii) Complaint by Seychelles:  
Decision of 15 December 1981 (res. 496 (1981)), para. 2  
Decision of 28 May 1982 (res. 507 (1982)), para. 2
    - (iv) Complaint by Lesotho against South Africa:  
Decision of 15 December 1982 (res. 527 (1982)), para. 1
    - (v) Complaint by Angola against South Africa:  
Decision of 6 January 1984 (res. 546 (1984)), para. 2
  2. Illegal occupations:
    - (i) Situation in Namibia:  
Decision of 31 May 1983 (res. 532 (1983)), para. 1  
Decision of 28 October 1983 (res. 539 (1983)), para. 1
    - (ii) Complaint by Angola against South Africa:  
Decision of 20 December 1983 (res. 545 (1983)), para. 1  
Decision of 6 January 1984 (res. 546 (1984)), paras. 1, 2
  3. Loss of human life:
    - (i) Situation between Iran and Iraq:  
Decision of 21 February 1983, President's statement, para. 4
    - (ii) Situation in the Middle East:  
Decision of 19 September 1982 (res. 521 (1982)), para. 1  
Decision of 23 November 1983 (res. 542 (1983)), para. 1
    - (iii) Question of South Africa:  
Decision of 23 October 1984 (res. 556 (1984)), para. 2
  4. Damage to property or material losses:  
Situation between Iran and Iraq:  
Decision of 21 February 1983, President's statement, para. 4
  5. Secessionist actions:  
Situation in Cyprus:  
Decision of 18 November 1983 (res. 541 (1983)), para. 1  
Decision of 11 May 1984 (res. 550 (1984)), para. 2
  6. Interference in internal affairs of a country:  
Complaint by Seychelles:  
Decision of 28 May 1982 (res. 507 (1982)), para. 5
  7. Continuation or escalation of a conflict:  
Situation between Iran and Iraq:  
Decision of 4 October 1982 (res. 522 (1982)), preamble  
Decision of 21 February 1983, President's statement, para. 4  
Decision of 31 October 1983 (res. 540 (1983)), preamble
  8. Policy of *apartheid*:  
Question of South Africa:  
Decision of 23 October 1984 (res. 556 (1984)), para. 1
  9. Violations of the provisions of the Geneva Conventions of 1949:  
Situation between Iran and Iraq:  
Decision of 31 October 1983 (res. 540 (1983)), para. 2
  10. Illegal acts against the safety and security of civil aviation:  
Complaint by Seychelles:  
Decision of 28 May 1982 (res. 507 (1982)), para. 6
  11. Use of chemical weapons:  
Situation between Iran and Iraq:  
Decision of 30 March 1984, President's statement, para. 5
  12. Attacks on commercial ships:  
Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
Decision of 1 June 1984 (res. 552 (1984)), para. 4
  13. Violations of international humanitarian law:  
Situation between Iran and Iraq:  
Decision of 30 March 1984, President's statement, para. 8
  14. Attacks on a United Nations force and the killing of peace-keeping soldiers:  
Situation in the Middle East:  
Decision of 19 March 1981, President's statement, para. 4  
Decision of 25 June 1981, President's statement, para. 4
- F. Concern expressed by the Council over:
1. Reported violations of the rules of international law:  
Situation between Iran and Iraq:  
Decision of 30 March 1984, President's statement, para. 3
  2. Differences between two countries:  
Letter dated 16 March 1983 from the representative of Chad:  
Decision of 6 April 1983, President's statement, para. 2
  3. Violation of the territorial integrity, independence and sovereignty of a country:
    - (i) Situation in the Middle East:  
Decision of 5 June 1982 (res. 508 (1982)), preamble
    - (ii) Complaint by Seychelles:  
Decision of 28 May 1982 (res. 507 (1982)), preamble
  4. Loss of life and destruction caused by armed attacks:
    - (i) Situation in the Middle East:  
Decision of 17 July 1981, President's statement, para. 1  
Decision of 4 June 1982, President's statement  
Decision of 11 November 1983, President's statement
    - (ii) Complaint by Lesotho against South Africa:  
Decision of 15 December 1982 (res. 527 (1982)), preamble
    - (iii) Complaint by Seychelles:  
Decision of 28 May 1982 (res. 507 (1982)), preamble
    - (iv) Complaint by Angola against South Africa:  
Decision of 20 December 1983 (res. 545 (1983)), preamble  
Decision of 6 January 1984 (res. 546 (1984)), preamble
  5. Sufferings of civilian populations:  
Situation in the Middle East:  
Decision of 19 June 1982 (res. 512 (1982)), preamble  
Decision of 4 July 1982 (res. 513 (1982)), preamble  
Decision of 29 July 1982 (res. 515 (1982)), preamble
  6. A prevailing state of tension:  
Letter dated 1 April 1982 from the representative of the United Kingdom:  
Decision of 1 April 1982, President's statement, para. 4
  7. Deterioration of the situation in a region:  
Letter dated 1 April 1982 from the representative of the United Kingdom:

- Decision of 5 May 1982, President's statement, para. 1
8. Death sentences passed on certain individuals:  
Question of South Africa:  
Decision of 5 February 1981, President's statement, para. 1  
Decision of 9 April 1982 (res. 503 (1982)), preamble  
Decision of 4 October 1982, President's statement, para. 1  
Decision of 7 December 1982 (res. 525 (1982)), preamble  
Decision of 7 June 1983 (res. 533 (1983)), preamble  
Decision of 13 January 1984 (res. 547 (1984)), preamble
9. Arbitrary arrests and detentions without trial:  
Question of South Africa:  
Decision of 23 October 1984 (res. 556 (1984)), preamble
10. Danger that mercenaries represent for all States:  
Complaint by Seychelles:  
Decision of 28 May 1982 (res. 507 (1982)), preamble
11. Further secessionist acts in the occupied part of Cyprus:  
Situation in Cyprus:  
Decision of 11 May 1984 (res. 550 (1984)), preamble
12. Threats for settlement of an area by people other than its inhabitants:  
Situation in Cyprus:  
Decision of 11 May 1984 (res. 550 (1984)), preamble
- G. Support expressed by the Council for:
1. Efforts by a Government to strengthen its authority:  
Situation in the Middle East:  
Decision of 19 June 1981 (res. 488 (1981)), para. 3  
Decision of 18 December 1981 (res. 498 (1981)), para. 6
2. The territorial integrity, sovereignty and political independence of a country within its internationally recognized boundaries:  
Situation in the Middle East:  
Decision of 18 July 1983 (res. 536 (1983)), preamble  
Decision of 18 October 1983 (res. 538 (1983)), preamble  
Decision of 19 April 1984 (res. 549 (1984)), para. 2  
Decision of 12 October 1984 (res. 555 (1984)), para. 2
3. An agreement for the resumption of intercommunal talks:  
Situation in Cyprus:  
Decision of 4 June 1981 (res. 486 (1981)), preamble  
Decision of 14 December 1981 (res. 495 (1981)), preamble  
Decision of 15 June 1982 (res. 510 (1982)), preamble  
Decision of 14 December 1982 (res. 526 (1982)), preamble  
Decision of 15 June 1983 (res. 534 (1983)), preamble
- H. Note taken by the Council of:
1. Willingness or desire expressed by the parties to resolve their differences:
- (i) Letter dated 16 March 1983 from the representative of Chad:  
Decision of 6 April 1983, President's statement, para. 3
- (ii) Letter dated 5 May 1983 from the representative of Nicaragua:  
Decision of 19 May 1983 (res. 530 (1983)), preamble
2. The determination of a country to ensure the withdrawal of all foreign forces from its territory:  
Situation in the Middle East:  
Decision of 17 September 1982 (res. 520 (1982)), preamble
3. The decision of the Organization of African Unity in agreement with a Government to establish a peace-keeping force for maintenance of peace and security in that country:  
Letter dated 31 March 1982 from the President of Kenya transmitting a complaint by Chad:  
Decision of 30 April 1982 (res. 504 (1982)), para. 1
4. The decision of the Palestine Liberation Organization to move its forces from Beirut:  
Situation in the Middle East:  
Decision of 4 August 1982 (res. 517 (1982)), para. 5
5. The results of the International Conference in Support of the Struggle of the Namibian People for Independence:  
Situation in Namibia:  
Decision of 31 May 1983 (res. 532 (1983)), preamble
6. The proclamation of a so-called "independent" State in pursuance of the policy of *apartheid* and bantustanization:  
Question of South Africa:  
Decision of 15 December 1981, President's statement, para. 1
- VIII. Measures to promote the implementation of resolutions
- A. Notice of possible action under Chapter VII of the Charter:
- (i) Situation in the Middle East:  
Decision of 17 December 1981 (res. 497 (1981)), para. 4  
Decision of 4 August 1982 (res. 517 (1982)), para. 8
- (ii) Situation in Namibia:  
Decision of 28 October 1983 (res. 539 (1983)), para. 10
- (iii) Complaint by Angola against South Africa:  
Decision of 6 January 1984 (res. 546 (1984)), para. 8
- B. Measures to obtain compliance:
1. Reaffirming previous decisions of the Security Council:
- (i) Situation in the Middle East:  
Decision of 21 July 1981 (res. 490 (1981)), preamble  
Decision of 18 December 1981 (res. 498 (1981)), paras. 1, 2  
Decision of 25 February 1982 (res. 501 (1982)), para. 1  
Decision of 5 June 1982 (res. 508 (1982)), preamble  
Decision of 18 June 1982 (res. 511 (1982)), preamble  
Decision of 19 June 1982 (res. 512 (1982)), preamble  
Decision of 1 August 1982 (res. 516 (1982)), preamble, para. 1  
Decision of 4 August 1982 (res. 517 (1982)), para. 1  
Decision of 17 August 1982 (res. 519 (1982)), preamble  
Decision of 17 September 1982 (res. 520 (1982)), paras. 1 and 5  
Decision of 19 September 1982 (res. 521 (1982)), para. 2  
Decision of 18 October 1982 (res. 523 (1982)), preamble
- (ii) Situation in Cyprus:  
Decision of 4 June 1981 (res. 486 (1981)), preamble  
Decision of 14 December 1981 (res. 495 (1981)), preamble  
Decision of 15 June 1982 (res. 510 (1982)), preamble  
Decision of 14 December 1982 (res. 526 (1982)), preamble  
Decision of 15 June 1983 (res. 534 (1983)), preamble  
Decision of 18 November 1983 (res. 541 (1983)), preamble  
Decision of 15 December 1983 (res. 544 (1983)), preamble  
Decision of 11 May 1984 (res. 550 (1984)), para. 1  
Decision of 15 June 1984 (res. 553 (1984)), preamble

- Decision of 14 December 1984 (res. 559 (1982)), preamble
- (iii) Complaint by Seychelles:  
Decision of 28 May 1982 (res. 507 (1982)), preamble
- (iv) Situation in Namibia:  
Decision of 31 May 1983 (res. 532 (1983)), preamble  
Decision of 28 October 1983 (res. 539 (1983)), preamble
- (v) Question of South Africa:  
Decision of 13 December 1984 (res. 558 (1984)), para. 1
2. Reaffirming the necessity of implementing previous resolutions:  
Situation between Iran and Iraq:  
Decision of 21 February 1983, President's statement, para. 4
3. Expression by the Council of its determination to implement a previous resolution:  
Situation in the Middle East:  
Decision of 19 June 1981 (res. 488 (1981)), para. 1  
Decision of 18 December 1981 (res. 498 (1981)), para. 3
4. Calling for compliance with, or co-operation in implementation of, Security Council resolutions:
- (i) Situation in Namibia:  
Decision of 31 May 1983 (res. 532 (1983)), para. 2
- (ii) Situation in the Middle East:  
Decision of 22 May 1981 (res. 485 (1981)), para. (a)  
Decision of 23 November 1981 (res. 493 (1981)), para. (a)  
Decision of 26 May 1982 (res. 506 (1982)), para. (a)  
Decision of 3 August 1982, President's statement, para. 3  
Decision of 29 November 1982 (res. 524 (1982)), para. (a)  
Decision of 26 May 1983 (res. 531 (1983)), para. 1  
Decision of 23 November 1983 (res. 542 (1983)), para. 6  
Decision of 29 November 1983 (res. 543 (1983)), para. (a)  
Decision of 30 May 1984 (res. 551 (1984)), para. (a)  
Decision of 28 November 1984 (res. 557 (1984)), para. (a)
- (iii) Situation in Cyprus:  
Decision of 18 November 1983 (res. 541 (1983)), para. 3  
Decision of 11 May 1984 (res. 550 (1984)), para. 1
- (iv) Situation between Iran and Iraq:  
Decision of 4 October 1982 (res. 522 (1982)), para. 3
5. Warning against failure to comply with Security Council decisions:  
Situation in the Middle East:  
Decision of 19 March 1981, President's statement, para. 5
6. Violations of a cease-fire noted by the Council:  
Situation in the Middle East:  
Decision of 1 August 1982 (res. 516 (1982)), preamble
7. Violations or non-implementation of Security Council resolutions noted by the Council:  
Situation in the Middle East:  
Decision of 19 June 1981 (res. 488 (1981)), preamble
8. Censure, indignation or condemnation expressed by the Council over non-implementation of a resolution:
- (i) Situation in the Middle East:  
Decision of 4 August 1982 (res. 517 (1982)), para. 3
- (ii) Situation in Namibia:  
Decision of 31 May 1983 (res. 532 (1983)), preamble  
Decision of 28 October 1983 (res. 539 (1983)), preamble, paras. 2, 3
- C. Actions requested of the Secretary-General to promote the implementation of resolutions:
1. To undertake a mission of good offices:
- Question concerning the Falkland Islands (Islas Malvinas):  
Decision of 26 May 1982 (res. 505 (1982)), para. 2
2. To continue a mission of good offices:  
Situation in Cyprus:  
Decision of 4 June 1981 (res. 486 (1981)), para. 3  
Decision of 14 December 1981 (res. 495 (1981)), para. 3  
Decision of 15 June 1982 (res. 510 (1982)), para. 3  
Decision of 15 December 1983 (res. 544 (1983)), para. 2  
Decision of 11 May 1984 (res. 550 (1984)), para. 8  
Decision of 15 June 1984 (res. 553 (1984)), para. 2  
Decision of 14 December 1984 (res. 559 (1984)), para. 2
3. To hold consultations or discussions with the parties:
- (i) Situation in the Middle East:  
Decision of 18 December 1981 (res. 498 (1981)), para. 7  
Decision of 25 February 1982 (res. 501 (1982)), para. 5  
Decision of 19 September 1982 (res. 521 (1982)), para. 5  
Decision of 18 October 1982 (res. 523 (1982)), para. 4  
Decision of 23 November 1983 (res. 542 (1983)), para. 7  
Decision of 19 April 1984 (res. 549 (1984)), para. 5  
Decision of 12 October 1984 (res. 555 (1984)), para. 5
- (ii) Situation between Iran and Iraq:  
Decision of 31 October 1983 (res. 540 (1983)), paras. 4, 7
- (iii) Situation in Namibia:  
Decision of 31 May 1983 (res. 532 (1983)), para. 4
- (iv) Question concerning the Falkland Islands (Islas Malvinas):  
Decision of 26 May 1982 (res. 505 (1982)), para. 4
- (v) Complaint by Lesotho against South Africa:  
Decision of 15 December 1982 (res. 527 (1982)), para. 4
4. To continue his mediation efforts with the parties concerned:  
Situation between Iran and Iraq:  
Decision of 31 October 1983 (res. 540 (1983)), para. 1  
Decision of 30 March 1984, President's statement, para. 10
5. To conduct independent inquiries:  
Situation in the Middle East:  
Decision of 4 April 1983, President's statement, para. 2
6. To undertake or continue appropriate efforts:
- (i) Situation in the Middle East:  
Decision of 25 February 1982 (res. 501 (1982)), para. 4  
Decision of 4 July 1982 (res. 513 (1982)), para. 3
- (ii) Situation between Iran and Iraq:  
Decision of 21 February 1983, President's statement, para. 7
7. To promote the implementation of a resolution:
- (i) Situation in the Middle East:  
Decision of 5 June 1982 (res. 508 (1982)), para. 3  
Decision of 19 June 1982 (res. 512 (1982)), para. 4
- (ii) Situation in Cyprus:  
Decision of 11 May 1984 (res. 550 (1984)), paras. 7, 11
- (iii) Complaint by Seychelles:  
Decision of 28 May 1982 (res. 507 (1982)), para. 13
8. To monitor the implementation of a resolution:
- (i) Complaint by Angola against South Africa:  
Decision of 20 December 1983 (res. 545 (1983)), para. 6  
Decision of 6 January 1984 (res. 546 (1984)), para. 9
- (ii) Complaint by Lesotho against South Africa:  
Decision of 15 December 1982 (res. 527 (1982)), para. 8

9. To give the matter of assistance his continued attention:  
Complaint by Lesotho against South Africa:  
Decision of 29 June 1983 (res. 535 (1983)), para. 5
10. To establish a fund for assistance and to ensure its management:  
Letter dated 31 March 1982 from the President of Kenya transmitting a complaint by Chad:  
Decision of 30 April 1982 (res. 504 (1982)), paras. 2, 3
11. To ensure a rapid deployment of United Nations observers:  
Situation in the Middle East:  
Decision of 1 August 1982 (res. 516 (1982)), para. 2
12. To increase the number of United Nations observers:  
Situation in the Middle East:  
Decision of 4 August 1982 (res. 517 (1982)), para. 6  
Decision of 19 September 1982 (res. 521 (1982)), para. 3
13. To assist a subsidiary organ in the discharge of its task:  
Complaint by Seychelles:  
Decision of 15 December 1981 (res. 496 (1981)), para. 5  
Decision of 28 May 1982 (res. 507 (1982)), para. 11
- D. Establishment or employment of United Nations forces:
1. Decision to dispatch or to authorize the deployment of United Nations observers:
- (i) Situation between Iran and Iraq:  
Decision of 12 July 1982 (res. 514 (1982)), para. 3  
Decision of 4 October 1982 (res. 522 (1982)), para. 4
- (ii) Situation in the Middle East:  
Decision of 1 August 1982 (res. 516 (1982)), para. 2
2. Decision to increase the strength of a United Nations force:  
Situation in the Middle East:  
Decision of 25 February 1982 (res. 501 (1982)), para. 2
3. Decision to extend or renew the mandate of a United Nations force:
- (i) Situation in the Middle East:  
Decision of 22 May 1981 (res. 485 (1981)), para. (b)  
Decision of 19 June 1981 (res. 488 (1981)), para. 4  
Decision of 23 November 1981 (res. 493 (1981)), para. (b)  
Decision of 18 December 1981 (res. 498 (1981)), para. 8  
Decision of 26 May 1982 (res. 506 (1982)), para. (b)  
Decision of 18 June 1982 (res. 511 (1982)), para. 1  
Decision of 17 August 1982 (res. 519 (1982)), para. 1  
Decision of 18 October 1982 (res. 523 (1982)), para. 1  
Decision of 29 November 1982 (res. 524 (1982)), para. (b)  
Decision of 18 January 1983 (res. 529 (1983)), para. 1  
Decision of 26 May 1983 (res. 531 (1983)), para. (b)  
Decision of 18 July 1983 (res. 536 (1983)), para. 1  
Decision of 18 October 1983 (res. 538 (1983)), para. 1  
Decision of 29 November 1983 (res. 543 (1983)), para. (b)  
Decision of 19 April 1984 (res. 549 (1984)), para. 1  
Decision of 30 May 1984 (res. 551 (1984)), para. (b)  
Decision of 12 October 1984 (res. 555 (1984)), para. 1  
Decision of 28 November 1984 (res. 557 (1984)), para. (b)
- (ii) Situation in Cyprus:  
Decision of 4 June 1981 (res. 486 (1981)), para. 1  
Decision of 14 December 1981 (res. 495 (1981)), para. 1  
Decision of 15 June 1982 (res. 510 (1982)), para. 1  
Decision of 14 December 1982 (res. 526 (1982)), para. 1  
Decision of 15 June 1983 (res. 534 (1983)), para. 1  
Decision of 15 December 1983 (res. 544 (1983)), para. 1
4. Reaffirmation of the mandate, terms of reference or general guidelines of a United Nations force:  
Situation in the Middle East:  
Decision of 19 June 1981 (res. 488 (1981)), preamble  
Decision of 18 December 1981 (res. 498 (1981)), para. 5  
Decision of 25 February 1982 (res. 501 (1982)), para. 3  
Decision of 19 April 1984 (res. 549 (1984)), para. 3  
Decision of 12 October 1984 (res. 555 (1984)), para. 3
5. Call for full implementation of the mandate of a United Nations force:  
Situation in the Middle East:  
Decision of 19 April 1984 (res. 549 (1984)), para. 4  
Decision of 12 October 1984 (res. 555 (1984)), para. 4
6. Authorizing a United Nations force to carry out certain interim tasks:  
Situation in the Middle East:  
Decision of 18 June 1982 (res. 511 (1982)), para. 2  
Decision of 17 August 1982 (res. 519 (1982)), para. 2
7. Reaffirmation by the Council of its continuing support for a United Nations force:  
Situation in Cyprus:  
Decision of 18 November 1983 (res. 541 (1983)), preamble  
Decision of 11 May 1984 (res. 550 (1984)), preamble
8. Warning against or deprecation of any attempt to interfere with the status or deployment of a United Nations force:
- (i) Situation in the Middle East:  
Decision of 19 March 1981, President's statement, paras. 4, 5  
Decision of 19 June 1981 (res. 488 (1981)), para. 2  
Decision of 18 October 1982 (res. 523 (1982)), para. 2
- (ii) Situation in Cyprus:  
Decision of 11 May 1984 (res. 550 (1984)), para. 6
9. Reaffirmation by the Council of its determination, in the event of continuing obstruction of the mandate of a United Nations Force, to examine practical ways and means to secure its unconditional fulfilment:  
Situation in the Middle East:  
Decision of 19 June 1981 (res. 488 (1981)), para. 7
- E. Establishment or employment of other subsidiary organs:  
Complaint by Seychelles:  
Decision of 15 December 1981 (res. 496 (1981)), para. 3  
Decision of 28 May 1982 (res. 507 (1982)), para. 10
- F. Call for co-operation with subsidiary organs:
1. With the Secretary-General:
- (i) Situation in Namibia:  
Decision of 31 May 1983 (res. 532 (1983)), para. 3  
Decision of 28 October 1983 (res. 539 (1983)), para. 8
- (ii) Situation in Cyprus:  
Decision of 18 November 1983 (res. 541 (1983)), para. 5  
Decision of 11 May 1984 (res. 550 (1984)), para. 9
- (iii) Question concerning the Falkland Islands (Islas Malvinas):  
Decision of 26 May 1982 (res. 505 (1982)), para. 3
2. With a United Nations force:
- (i) Situation in the Middle East:  
Decision of 18 June 1982 (res. 511 (1982)), para. 3  
Decision of 19 June 1982 (res. 512 (1982)), para. 3  
Decision of 12 August 1982 (res. 518 (1982)), para. 4  
Decision of 17 August 1982 (res. 519 (1982)), para. 3

- Decision of 19 September 1982 (res. 521 (1982)), para. 6  
 Decision of 18 January 1983 (res. 529 (1983)), para. 2  
 Decision of 18 July 1983 (res. 536 (1983)), para. 2  
 Decision of 18 October 1983 (res. 538 (1983)), para. 2  
 Decision of 19 April 1984 (res. 549 (1984)), para. 3  
 Decision of 12 October 1984 (res. 555 (1984)), para. 3
- (ii) Situation in Cyprus:  
 Decision of 15 December 1983 (res. 544 (1983)), para. 3  
 Decision of 15 June 1984 (res. 553 (1984)), para. 3  
 Decision of 14 December 1984 (res. 559 (1984)), para. 3
- G. Decision to establish a special fund:  
 Complaint by Seychelles:  
 Decision of 28 May 1982 (res. 507 (1982)), para. 9
- H. Requests for information on developments or requirements:  
 1. From the Secretary-General:  
 (i) Situation between Iran and Iraq:  
 Decision of 12 July 1982 (res. 514 (1982)), para. 3  
 Decision of 31 October 1983 (res. 540 (1983)), para. 4  
 (ii) Situation in the Middle East:  
 Decision of 22 May 1981 (res. 485 (1981)), para. (c)  
 Decision of 23 November 1981 (res. 493 (1981)), para. (c)  
 Decision of 25 February 1982 (res. 501 (1981)), para. 6  
 Decision of 26 May 1982 (res. 506 (1982)), para. (c)  
 Decision of 17 September 1982 (res. 520 (1982)), para. 7  
 Decision of 19 September 1982 (res. 521 (1982)), para. 7  
 Decision of 18 October 1982 (res. 523 (1982)), para. 4  
 Decision of 29 November 1982 (res. 524 (1982)), para. (c)  
 Decision of 26 May 1983 (res. 531 (1983)), para. (c)  
 Decision of 23 November 1983 (res. 542 (1983)), para. 7  
 Decision of 29 November 1983 (res. 543 (1983)), para. (c)  
 Decision of 30 May 1984 (res. 551 (1984)), para. (c)  
 Decision of 28 November 1984 (res. 557 (1984)), para. (c)  
 (iii) Situation in Cyprus:  
 Decision of 4 June 1981 (res. 486 (1981)), para. 3  
 Decision of 14 December 1981 (res. 495 (1981)), para. 3  
 Decision of 15 June 1982 (res. 510 (1982)), para. 3  
 Decision of 14 December 1982 (res. 526 (1982)), para. 3  
 Decision of 15 June 1983 (res. 534 (1983)), para. 3  
 Decision of 18 November 1983 (res. 541 (1983)), para. 9  
 Decision of 15 December 1983 (res. 544 (1983)), para. 2  
 Decision of 15 June 1984 (res. 553 (1984)), para. 2  
 Decision of 14 December 1984 (res. 559 (1984)), para. 2  
 (iv) Letter dated 5 May 1983 from the representative of Nicaragua:  
 Decision of 19 May 1983 (res. 530 (1983)), para. 5  
 (v) Question concerning the Falkland Islands (Islas Malvinas):  
 Decision of 26 May 1982 (res. 505 (1982)), para. 5
2. From United Nations observers:  
 Situation in the Middle East:  
 Decision of 12 August 1982 (res. 518 (1982)), para. 3
3. From other subsidiary organs:  
 Complaint by Seychelles:  
 Decision of 28 May 1982 (res. 507 (1982)), para. 12
4. From all States:  
 Complaint by Seychelles:  
 Decision of 28 May 1982 (res. 507 (1982)), para. 7
5. From a regional group:  
 Letter dated 5 May 1983 from the representative of Nicaragua:  
 Decision of 19 May 1983 (res. 530 (1983)), para. 4
- I. Endorsement of the report of a mission to a country:  
 Complaint by Lesotho against South Africa:  
 Decision of 29 June 1983 (res. 535 (1983)), para. 3
- J. Note taken of the lack of unanimity of the permanent members of the Council that prevented it from exercising its primary responsibility for the maintenance of international peace and security:  
 Situation in the Middle East:  
 Decision of 28 January 1982 (res. 500 (1982)), preamble
- IX. Measures to ensure further consideration
- A. Request for information from the Secretary-General regarding the implementation of a decision of the Security Council:  
 (i) Situation in the Middle East:  
 Decision of 22 May 1981 (res. 485 (1981)), para. (c)  
 Decision of 19 June 1981 (res. 488 (1981)), para. 5  
 Decision of 21 July 1981 (res. 490 (1981)), para. 3  
 Decision of 23 November 1981 (res. 493 (1981)), para. (c)  
 Decision of 17 December 1981 (res. 497 (1981)), para. 4  
 Decision of 18 December 1981 (res. 498 (1981)), para. 7  
 Decision of 25 February 1982 (res. 501 (1982)), para. 6  
 Decision of 26 May 1982 (res. 506 (1982)), para. (c)  
 Decision of 5 June 1982 (res. 508 (1982)), para. 3  
 Decision of 18 June 1982 (res. 511 (1982)), para. 4  
 Decision of 19 June 1982 (res. 512 (1982)), para. 4  
 Decision of 29 June 1982 (res. 515 (1982)), para. 2  
 Decision of 1 August 1982 (res. 516 (1982)), para. 3  
 Decision of 4 August 1982 (res. 517 (1982)), para. 7  
 Decision of 12 August 1982 (res. 518 (1982)), para. 5  
 Decision of 17 September 1982 (res. 520 (1982)), para. 7  
 Decision of 19 September 1982 (res. 521 (1982)), para. 7  
 Decision of 18 October 1982 (res. 523 (1982)), para. 5  
 Decision of 29 November 1982 (res. 524 (1982)), para. (c)  
 Decision of 18 January 1983 (res. 529 (1983)), para. 3  
 Decision of 26 May 1983 (res. 531 (1983)), para. (c)  
 Decision of 18 July 1983 (res. 536 (1983)), para. 3  
 Decision of 18 October 1983 (res. 538 (1983)), para. 3  
 Decision of 23 November 1983 (res. 542 (1983)), para. 7  
 Decision of 29 November 1983 (res. 543 (1983)), para. (c)  
 Decision of 19 April 1984 (res. 549 (1984)), para. 5  
 Decision of 30 May 1984 (res. 551 (1984)), para. (c)  
 Decision of 12 October 1984 (res. 555 (1984)), para. 5  
 Decision of 28 November 1984 (res. 557 (1984)), para. (c)  
 (ii) Situation in Cyprus:  
 Decision of 4 June 1981 (res. 486 (1981)), para. 3  
 Decision of 14 December 1981 (res. 495 (1981)), para. 3  
 Decision of 15 June 1982 (res. 510 (1982)), para. 3  
 Decision of 14 December 1982 (res. 526 (1982)), para. 3  
 Decision of 15 June 1983 (res. 534 (1983)), para. 3  
 Decision of 18 November 1983 (res. 541 (1983)), para. 9  
 Decision of 15 December 1983 (res. 544 (1983)), para. 2  
 Decision of 11 May 1983 (res. 550 (1983)), para. 11  
 Decision of 15 June 1984 (res. 553 (1984)), para. 2  
 Decision of 14 December 1984 (res. 559 (1984)), para. 2  
 (iii) Complaint by Iraq:  
 Decision of 19 June 1981 (res. 487 (1981)), para. 7

- (iv) Question concerning the Falkland Islands (Islas Malvinas):  
Decision of 26 May 1982 (res. 505 (1982)), para. 5
  - (v) Situation between Iran and Iraq:  
Decision of 12 July 1982 (res. 514 (1982)), para. 6  
Decision of 4 October 1982 (res. 522 (1982)), para. 7  
Decision of 31 October 1983 (res. 540 (1983)), para. 4
  - (vi) Complaint by Lesotho against South Africa:  
Decision of 15 December 1982 (res. 527 (1982)), para. 8  
Decision of 29 June 1983 (res. 535 (1983)), para. 5
  - (vii) Letter dated 5 May 1983 from the representative of Nicaragua:  
Decision of 19 May 1983 (res. 530 (1983)), para. 5
  - (viii) Situation in Namibia:  
Decision of 31 May 1983 (res. 532 (1983)), para. 5  
Decision of 28 October 1983 (res. 539 (1983)), para. 9
  - (ix) Complaint by Angola against South Africa:  
Decision of 20 December 1983 (res. 545 (1983)), para. 6  
Decision of 6 January 1984 (res. 546 (1984)), para. 9
  - (x) Question of South Africa:  
Decision of 17 August 1984 (res. 554 (1984)), para. 6  
Decision of 23 October 1984 (res. 556 (1984)), para. 7  
Decision of 13 December 1984 (res. 558 (1984)), para. 4
  - (xi) Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
Decision of 1 June 1984 (res. 552 (1984)), para. 7
- B. Provision by express decision to consider the matter further:
- (i) Situation in the Middle East:  
Decision of 18 December 1981 (res. 498 (1981)), para. 10  
Decision of 17 August 1982 (res. 519 (1982)), para. 5
  - (ii) Letter dated 1 April 1982 from the representative of the United Kingdom:  
Decision of 5 May 1982, President's statement, para. 3
  - (iii) Situation between Iran and Iraq:  
Decision of 30 March 1984, President's statement, para. 11
- C. Decision to meet following submission of a report by the Secretary-General:
- (i) Situation in the Middle East:  
Decision of 4 August 1982 (res. 517 (1982)), para. 8  
Decision of 12 August 1982 (res. 518 (1982)), para. 6
  - (ii) Situation in Namibia:  
Decision of 28 October 1983 (res. 539 (1983)), para. 10
- D. Decision to meet in the event of non-compliance with Security Council resolutions:
- (i) Situation in the Middle East:  
Decision of 19 June 1981 (res. 488 (1981)), para. 7  
Decision of 17 December 1981 (res. 497 (1981)), para. 4
  - (ii) Complaint by Angola against South Africa:  
Decision of 6 January 1984 (res. 546 (1984)), para. 8
  - (iii) Situation in Cyprus:  
Decision of 11 May 1984 (res. 550 (1984)), para. 10
  - (iv) Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
Decision of 1 June 1984 (res. 552 (1984)), para. 6
- E. Decision to remain seized of the question:
- (i) Situation in the Middle East:  
Decision of 19 June 1981 (res. 488 (1981)), para. 7  
Decision of 18 December 1981 (res. 498 (1981)), para. 10  
Decision of 25 February 1982 (res. 501 (1982)), para. 6  
Decision of 6 June 1982 (res. 509 (1982)), para. 4  
Decision of 17 September 1982 (res. 520 (1982)), para. 7  
Decision of 23 November 1983 (res. 542 (1983)), para. 7
  - (ii) Situation in Cyprus:  
Decision of 11 May 1984 (res. 550 (1984)), para. 10
  - (iii) Question of South Africa:  
Decision of 17 August 1984 (res. 554 (1984)), para. 7  
Decision of 23 October 1984 (res. 556 (1984)), para. 8
  - (iv) Situation in Namibia:  
Decision of 31 May 1983 (res. 532 (1983)), para. 6  
Decision of 28 October 1983 (res. 539 (1983)), para. 10
  - (v) Complaint by Seychelles:  
Decision of 15 December 1981 (res. 496 (1981)), para. 6  
Decision of 28 May 1982 (res. 507 (1982)), para. 14
  - (vi) Situation between Iran and Iraq:  
Decision of 21 February 1983, President's statement, para. 6
  - (vii) Complaint by Lesotho against South Africa:  
Decision of 15 December 1982 (res. 527 (1982)), para. 9  
Decision of 29 June 1983 (res. 535 (1983)), para. 6
  - (viii) Complaint by Angola against South Africa:  
Decision of 20 December 1983 (res. 545 (1983)), para. 7  
Decision of 6 January 1984 (res. 546 (1984)), para. 10
  - (ix) Letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates:  
Decision of 1 June 1984 (res. 552 (1984)), para. 8
- X. Measures in connection with the inability of the Security Council to reach an agreement
- Decision to call an emergency special session of the General Assembly:  
Situation in the Middle East:  
Decision of 28 January 1982 (res. 500 (1982)), operative para.

## Part II

### I. THE SITUATION IN NAMIBIA

On 19 January 1981, the Secretary-General submitted to the Security Council a further report<sup>1</sup> concerning the implementation of Council resolutions 435 (1978) and 439 (1978) concerning the question of Namibia. The report covered an account of the pre-implementation meeting held at Geneva from 7 to 14 January 1981 under the auspices and chairmanship of the United Nations.<sup>2</sup> After observing that the meeting had failed to achieve its main objective of setting a firm date for a cease-fire and the commencement of implementation of resolution

435 (1978), the Secretary-General appealed to South Africa to review the implications of the meeting and to reconsider its position with regard to the implementation of resolution 435 (1978) at the earliest possible time.<sup>3</sup>

By letter<sup>4</sup> dated 29 January 1981 addressed to the President of the Council, the representative of Tunisia, on behalf of the Group of African States at the United Nations, requested a meeting of the Council as soon as possible to examine the further report of the Secretary-General on the implementation of resolutions 435 (1978) and 439 (1978).

At its 2263rd meeting, on 30 January 1981, the Council included the further report of the Secretary-General and the letter by Tunisia in the agenda. Following the adoption of the agenda, the President also drew the attention of the Council members to the text of a letter<sup>5</sup> dated 28 January 1981 from South Africa addressed to the Secretary-General.<sup>6</sup>

At the outset of the meeting, the Secretary-General briefly introduced his report, which he said dealt with the Geneva meeting, in the course of which it had become clear that South Africa was not yet prepared to sign a cease-fire agreement and to proceed with the implementation of resolution 435 (1978). He stated that he had addressed a letter to the Minister of Foreign Affairs of South Africa on 22 January 1981, in which he had drawn attention to his report to the Council and had expressed, *inter alia*, that he was deeply concerned over the effect of the present stalemate not only on the situation in Namibia itself, but also on the prospects of a peaceful and prosperous future for the region as a whole.<sup>7</sup>

The representative of Tunisia stated that independence for Namibia in accordance with resolution 435 (1978) appeared unlikely in 1981. Since the matter was of great importance to the Security Council, he said, it should be given the necessary time for an in-depth analysis of the situation, taking into account all the new local, regional and international developments. After such an analysis, he stressed, the Council could then take decisions commensurate with the seriousness of the situation.<sup>8</sup>

The representative of Panama deplored that the Geneva meeting had failed despite the Secretary-General's good offices and high-level representation of the parties, and declared that the longer South Africa took to comply with resolutions 435 (1978) and 439 (1978), the more the relations between southern Africa and South Africa would deteriorate.<sup>9</sup>

The representative of the Soviet Union stated that he understood the desire of the African States to study the developments in order to determine the most effective specific steps that should be taken, and that the actions of South Africa, which were designed to maintain its occupation of the Territory, represented a serious threat to international peace and security. He reviewed the efforts aimed at a settlement of the Namibian problem through peaceful means since 1972 and said that the General Assembly should express itself on the most recent developments, whereas the Council should adopt decisive measures under Chapter VII of the Charter to ensure the achievement of genuine independence by the Namibian people.<sup>10</sup>

The representative of Japan stated that the Council's meeting was not devoted to a substantive discussion<sup>11</sup> of the item on its agenda and commended the Secretary-General's efforts and thanked him for his objective report on the pre-implementation meeting held at Geneva. He deplored South Africa's intransigence, which accounted for the failure of the Geneva meeting, and expressed concern over the outcome of the meeting, as a result of which a serious international situation had arisen.<sup>12</sup>

**Decision of 30 April 1981 (2277th meeting): rejection of four draft resolutions**

By letter<sup>13</sup> dated 10 April 1981, the representative of Uganda, on behalf of the Group of African States at the United Nations, requested an urgent meeting

of the Council to consider the question of Namibia in the light of the refusal of South Africa to implement Council resolutions on Namibia.

At its 2267th meeting, on 21 April 1981, the Council included the letter in the agenda. Following the adoption of the agenda, the following were invited, at their request, to participate, without vote, in the discussion of the item: at the 2267th meeting, the representatives of Algeria, Angola, Benin, Cuba, Ethiopia, Guinea, India, Indonesia, Jamaica, Mozambique, Nigeria, Senegal, Sierra Leone, South Africa, Sri Lanka, Togo, the United Republic of Tanzania, Yugoslavia, Zaire, Zambia and Zimbabwe; at the 2268th meeting, the representatives of Canada, the Federal Republic of Germany and Kenya; at the 2269th meeting, the representative of Romania; at the 2270th meeting, the representative of Brazil; at the 2271st meeting, the representatives of Bangladesh and Democratic Yemen; at the 2272nd meeting, the representatives of Burundi and the Libyan Arab Jamahiriya; at the 2274th meeting, the representative of Guyana; and at the 2275th meeting, the representative of Singapore.<sup>14</sup>

At its 2267th meeting, the Council also decided to extend an invitation to the President and the five Vice-Presidents of the United Nations Council for Namibia. At the same meeting, the President drew the attention of the members of the Council to a letter dated 20 April 1981 from France, the United Kingdom and the United States, containing a request that an invitation under rule 39 of the provisional rules of procedure be extended to Mr. Peter Kalangula and the others associated with the request.

In regard to that proposal, one group of representatives<sup>15</sup> said that the request was objectionable as it related to the so-called Democratic Turnhalle Alliance (DTA) of Namibia, a political entity that had resulted from the elections organized by the illegally occupying Power. The request was therefore considered not in accord with the provisions of rule 39 of the provisional rules of procedure of the Council and contrary to resolution 439 (1978), by which the Council had declared those elections and their results null and void.

A second group of representatives<sup>16</sup> said that the request that Mr. Kalangula be allowed to address the Council had been made on the ground that he was competent, as an individual and on behalf of his political party, to supply the Council with relevant information on the situation in Namibia, under rule 39 of the provisional rules of procedure. Since resolution 435 (1978) called for free and fair elections under United Nations supervision and control in Namibia, they thought that the Council should hear the opinions of those who would be participating in those elections.

Resolution 439 (1978) was not applicable to the case, since Mr. Kalangula's request was to speak as a representative of a political party and not of an organ established by a process that had been declared null and void by that resolution of the Council. The United Nations itself was based on the principles of reason, discussion and representation and those principles, including the peace-making capacity of the Council, would be damaged if the Council denied DTA the right to be heard.

The Council then proceeded to vote on the three-Power proposal contained in the letter dated 20 April 1981. The result of the vote was six votes in favour to



none against and the proposal was not adopted, having failed to obtain the required majority.<sup>17</sup> At the same meeting, the Council further decided to extend an invitation to participate in the discussion of the item on the Council's agenda under rule 39 of the provisional rules of procedure to Mr. Peter Mueshange of the South West Africa People's Organization (SWAPO) and, subsequently, at its 2268th meeting, to Mr. Clovis Maksoud, of the League of Arab States (LAS), at its 2272nd meeting, to Mr. Johnstone F. Makatini of the African National Congress of South Africa (ANC), and at its 2275th meeting 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.<sup>18</sup> The item was considered at the 2267th to 2277th meetings, from 21 to 30 April 1981.

At the 2267th meeting, the President drew the attention of the Council members to the text of a note<sup>19</sup> dated 1 April 1981 by the Secretary-General transmitting General Assembly resolutions 35/227 A to J, entitled "Question of Namibia", to the Council; and to the further report<sup>20</sup> of the Secretary-General concerning the implementation of resolutions 435 (1978) and 439 (1978) concerning the question of Namibia.<sup>21</sup>

At the same meeting, the Minister of State for Foreign Affairs of Uganda stated that, after the United Nations had celebrated the twentieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the people of Namibia were missing from the list of a large number of colonial peoples who had achieved independence since the adoption of General Assembly resolution 1514 (XV) in 1960. That situation was all the more disturbing and ironic since Namibia was the unique responsibility of the United Nations. He reviewed the history of Namibia since the original colonization of the Territory by Germany in 1884 and depicted it as the "history of a continual betrayal of trust". He described the response of the Council thus far to South Africa's act of illegality as "tentative and indecisive" and said that it had broadly been in the following three phases: (a) the period that had begun with the Council's adoption of resolution 264 (1969) and consisted of repeated calls upon South Africa to withdraw from Namibia and appeals to all States to refrain from any contacts that might imply recognition of South Africa's authority over Namibia; (b) the period of dialogue beginning with the 1972 meeting of the Council in Addis Ababa whereby resolution 309 (1972) was adopted inviting the Secretary-General to initiate contacts with all the parties concerned in order to expedite the process of independence for Namibia; and (c) the resumed dialogue beginning in April 1978 with the proposal by the Contact Group of the Western Five that had eventually led to the adoption of resolution 435 (1978), by which the Council had provided for a cease-fire, United Nations-supervised elections and the establishment of a United Nations Transition Assistance Group (UNTAG) in Namibia. The resumed dialogue ended with the failure of the Geneva pre-implementation meeting, which had been the subject of the Secretary-General's report.<sup>20</sup>

He stated that South Africa's continued occupation of Namibia was an illegality which had given rise to consequences "characterized by a serious threat to international peace and constant acts of aggression"

within the meaning of Article 39 of the Charter, and enumerated the following "specific elements" of breach of international peace and security: (a) the massive military presence of South Africa in Namibia; (b) South Africa's continued use of the Territory of Namibia as a springboard for constant armed attacks against the neighbouring States and the escalation of those attacks over the last few months, which had amounted to a "systematic and comprehensive programme of violent destabilization of the entire region of southern Africa"; (c) the elaborate machinery of repression organized by South Africa against the Namibian patriots, whose resistance had been recognized by the Council since its adoption of resolution 269 (1969), and the resulting dangerous conflict that could be ended only with the complete withdrawal of South Africa from Namibia; and (d) South Africa's persistent scheme to dismember the Territory of Namibia through the annexation of Walvis Bay. He urged the Council to invoke Articles 39 and 41 of the Charter and to impose comprehensive mandatory sanctions against South Africa. Such a decision, as in the case of Southern Rhodesia in 1966,<sup>22</sup> would be in conformity with the demand of the vast majority of the international community. He concluded that the Group of African States at the United Nations would submit, at a later stage, draft resolutions to that effect.<sup>23</sup>

At the same meeting, the Minister for Foreign Affairs of Sierra Leone stated that the situation in southern Africa had become more menacing with the prospects of a racial war of "unforeseeable magnitude" unfolding as a direct consequence of the illegal occupation of Namibia by South Africa. He added that the Council had to implement the appropriate provisions of Chapter VII of the Charter against South Africa since all peaceful efforts aimed at the withdrawal of South Africa from the Territory had failed owing to South Africa's outright resistance and intransigence.<sup>24</sup>

The Minister for External Relations of Cuba, speaking on behalf of the Movement of Non-Aligned Countries, charged that the lawlessness of South Africa was encouraged by the support of certain Western Powers, which had permitted the continued illegal occupation of Namibia by South Africa and its expansionist and aggressive policy against the independent neighbouring States. He declared that the Ministers for Foreign Affairs of the non-aligned countries, at their meeting at Algiers, had condemned the "systematic policy of destabilization, provocation and aggression by the Pretoria racist régime", and had reiterated their full support for SWAPO. He stated that the Geneva pre-implementation meeting had failed owing to South Africa's persistent defiance of the international community and to the unwillingness of the Contact Group to exert on South Africa the pressure necessary for a negotiated settlement. He recalled that the Co-ordinating Bureau of the Movement of Non-Aligned Countries had expressed concern over the announcement that the United States Congress would repeal the Clark Amendment, and had reaffirmed its commitment to support the defensive capability of the front-line States against South African aggression. In conclusion, he repeated that the ministerial session of the Co-ordinating Bureau of the Movement of Non-Aligned Countries had mandated him to request that the Council apply comprehensive mandatory sanc-

tions, including an oil embargo, under Chapter VII of the Charter.<sup>25</sup>

The Minister for Foreign Affairs and Co-operation of Niger said that any further delay in the liberation of Namibia could greatly endanger the stability of Africa and world peace. South Africa sought to discredit the United Nations by alleging a lack of impartiality on the part of the Organization and would not change its position unless comprehensive mandatory sanctions were imposed on it in accordance with the relevant provisions of Chapter VII of the Charter.<sup>26</sup>

The Minister for Foreign Affairs of Ethiopia said that, during the four years since SWAPO and Africa had accepted the proposal of the Contact Group to end South Africa's illegal occupation of Namibia, South Africa had used treachery and deception and had dashed all hopes for a peaceful transition of Namibia to independence by its outright rejection of the United Nations plan for the independence of Namibia. He pointed to the fact that certain permanent members that were involved in the elaboration of the settlement plan that had culminated in resolution 435 (1978) co-operated closely and extensively in economic and military matters with South Africa and had to choose between their ties with racist South Africa and long-term fruitful co-operation with free and independent Africa. He declared that the only remaining course of action, apart from supporting the continuing armed struggle, was the adoption of enforcement measures under Chapter VII of the Charter.<sup>27</sup>

The Deputy Prime Minister and Minister for Foreign Affairs of Jamaica stated that the Council had, on several occasions during the past 15 years, reaffirmed the special responsibility of the United Nations towards Namibia and that whenever the Council had sought to impose sanctions against a recalcitrant and intransigent South Africa, such actions had been blocked either by those States that continued to maintain significant political and economic interests in South Africa or by South Africa's "spurious promises to co-operate". He said that Pretoria's "deliberate sabotage" of the Geneva pre-implementation meeting had made them doubt South Africa's interest in a peaceful settlement of the Namibian question and that the Council was required to ensure the full implementation of resolution 435 (1978) by applying comprehensive economic sanctions against South Africa under Chapter VII of the Charter. He concluded by calling upon the Council to consider South Africa's acts of aggression against neighbouring States, thereby threatening international peace and security within the meaning of Article 39 of the Charter, and by reminding the Council members that Article 42 provided for additional measures that could be taken by the Council to enforce South Africa's compliance in the event that sanctions were considered inadequate.<sup>28</sup>

At the 2268th meeting, the Minister for Foreign Affairs of Indonesia said that South Africa, instead of complying with the United Nations resolutions and withdrawing from Namibia, had strengthened its colonial grip over the Territory and had instituted a "brutal reign of terror" through the imposition of a "puppet régime" and the stationing in the Territory of 100,000 troops, which it had also used for launching indiscriminate attacks on neighbouring States. He declared that behind all those transgressions that had destroyed the region's stability lay

South Africa's nuclear capability, which was clandestinely developed with the co-operation of its friends in contravention of the Treaty on the Non-Proliferation of Nuclear Weapons and which had resulted in the rapid depletion of Namibia's natural resources, thereby endangering the Territory's future economic viability. He called upon the Council to ensure the implementation of resolution 435 (1978) without further delay or modification and, in view of South Africa's persistent defiance and the mounting threat to international peace and security, to impose the necessary mandatory sanctions against South Africa under Chapter VII of the Charter.<sup>29</sup>

The Minister for Foreign Affairs of Algeria said that the lessons of the Geneva pre-implementation meeting had prompted the African States to request the urgent meeting of the Council with a view to imposing comprehensive mandatory sanctions against South Africa and that the Movement of Non-Aligned Countries, at a special meeting of its Coordinating Bureau held at Algiers the preceding week, had endorsed the African initiative. He characterized the situation in Namibia as a state of "permanent aggression" and recalled previous resolutions of the Council imposing partial and selective sanctions, including the arms embargo adopted in 1977, which had proved inadequate, and the advisory opinion of the International Court of Justice of 30 June 1971<sup>30</sup> regarding the legal status of Namibia.<sup>31</sup>

The Minister of State for Foreign Affairs of Senegal stated that South Africa had persistently blocked all efforts of the United Nations aimed at a negotiated settlement of the Namibian question and that it had continually undertaken blatant acts of aggression against the front-line States of Angola, Mozambique, Zambia, Zimbabwe and Botswana. He recalled that the Movement of Non-Aligned Countries, the Organization of African Unity (OAU) and, particularly, the front-line States had all underlined the significance of resolution 435 (1978) and the responsibility of the Group of Five in the implementation of that resolution and urged the Council to support the initiative of the non-aligned and African countries.<sup>32</sup>

The representative of South Africa highlighted three reasons for South Africa's request to participate in the discussion of the item on the Council's agenda: (a) that South Africa was "directly concerned with the future of South Africa/Namibia"; (b) that the people of the Territory urgently desired an internationally recognized independence, that South Africa supported their wish and shared their anxieties about certain aspects of the procedure that had been followed in the past and that it was South Africa's right and duty to state its views to the Council; and (c) that South Africa had to emphasize that the "democratic parties" of the Territory had never been allowed to state their views in the Council, while one group had been given "preferential treatment" through "one-sided" action of the Council.

He referred to the Council's decision at its 2267th meeting denying an invitation<sup>33</sup> to DTA and charged that the Council was biased in favour of SWAPO. He said that South Africa had maintained that the people of the Territory should determine its own future in a "manifestly free and fair procedure" and that it was on the basis of that approach that South Africa accepted the Western proposal on 25 April 1978. The prevalence of "visible peace" throughout the Territory was one of the basic assumptions of the Western proposal, which the democratic political

parties did not believe the United Nations could and would bring about. He added that the degree to which the United Nations had assisted and identified itself with SWAPO was a matter of record, as was the manner in which it had designated the status of the other parties, and that the Geneva meeting had failed to reassure the latter in regard to their anxieties. Sanctions against South Africa would amount to sanctions against the countries of southern Africa since their economies were closely interlinked, a view also confirmed by the Economic Commission for Africa (ECA).

He declared that the approach of the General Assembly, as reflected in its resolutions 35/227 A to J of 6 March 1981, was wrong if genuine independence for the Territory was sincerely sought, and that co-operation between South Africa and the neighbouring States was essential for the peaceful transition of the Territory to independence. He concluded by emphasizing that a settlement would not be achieved unless: (a) equal treatment of all parties was assured; (b) the rights of minority groups were protected and guaranteed; and (c) fundamental principles of democracy were ensured for the future.<sup>14</sup>

At the 2269th meeting, the Minister for External Relations of Panama stated that 25 Foreign Ministers from Africa, Asia and Latin America had been designated by OAU and by the Co-ordinating Bureau of the Movement of Non-Aligned Countries at its special ministerial meeting held at Algiers with the mandate to participate in the discussion on the Council's agenda and to request it to impose urgently on South Africa comprehensive mandatory sanctions under Chapter VII of the Charter. He said that, in view of South Africa's "lawless behaviour", which consisted of utter contempt for the resolutions of the General Assembly, the Council and the International Court of Justice, the Council would be justified to adopt the "measures of coercion", which were demanded by the seriousness of the situation in Namibia. He said that, as long as South Africa persisted in ignoring the decision of the Council, comprehensive mandatory sanctions, including an oil embargo, should be imposed under Chapter VII of the Charter as requested by the special ministerial meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries. Since South Africa's economy was intimately linked with those of the neighbouring countries, as was stated in the ECA report, special measures should be devised for the extension of material and financial support to those countries to enable them to withstand the effects of the sanctions. He appealed to the Contact Group to ensure South Africa's co-operation with the Secretary-General's efforts to implement resolution 435 (1978).<sup>15</sup>

At the same meeting, the Minister for Foreign Affairs of Zambia said that the Geneva conference had failed solely because of South Africa's unreasonable stance and that the situation in and around Namibia had become dangerously explosive. The United Nations plan remained the only valid basis for the peaceful settlement of the Namibian problem and, therefore, the Council had been convened again in order to find a peaceful solution despite South Africa's attempts to wreck the negotiation process. He stated that Namibia was besieged by a calculated South African reign of terror, with members of SWAPO its daily victims of detention, imprisonment and torture, just as the independent neighbouring States of Angola, Botswana, Mozambique and Zam-

bia were the victims of its constant aggression launched from Namibian territory. He stressed that his Government supported solutions to the problems of southern Africa through the United Nations and on the basis of resolution 435 (1978), the implementation of which was urgently needed, and that the Contact Group had particular responsibility to support the adoption of enforcement measures against South Africa in order to achieve those objectives.<sup>16</sup>

At the same meeting, the Minister for Foreign Affairs and Co-operation of Togo<sup>17</sup> condemned the racist system of *apartheid*, which he said was at the root of South Africa's persistent defiance of the will of the international community as well as its continued illegal occupation of Namibia and the acts of aggression against the independent neighbouring States. He appealed to the Contact Group to exert pressure on South Africa and called on the Council to take the decisions that were necessary to meet the challenge posed by South Africa.<sup>18</sup>

The Minister for External Affairs of India stated that it was imperative for the Council to take the following actions: (a) declare that South Africa had committed a breach of the peace and had threatened international peace and security; (b) call for an immediate end to South Africa's illegal occupation of Namibia and the withdrawal of its forces from the Territory; (c) demand the cessation by South Africa of all acts of genocide against the people of Namibia and of aggression against the front-line States; (d) reaffirm the validity of the United Nations plan as contained in resolutions 385 (1976), 435 (1978) and 439 (1978) for achieving Namibia's independence and fix a time frame for its implementation; and (e) impose comprehensive mandatory sanctions against South Africa with a view to securing the implementation of the plan.<sup>19</sup>

At the 2270th meeting, the Minister of State for External Affairs of Nigeria said that the contention that "constructive dialogue" with the racist régime of South Africa was desirable or even feasible was "naïve and unrealistic". He declared that, in view of South Africa's persistent violation of international law for decades and its record of aggression against neighbouring States, the unavoidable conclusion was that South Africa's behaviour amounted to a serious breach of international peace and security and that effective measures under Chapter VII of the Charter should be speedily invoked.<sup>40</sup>

At the same meeting, the President of the United Nations Council for Namibia stated that since the adoption of resolution 385 (1976), the Secretary-General had counted on the full support of OAU, the front-line States, Nigeria and SWAPO, as well as other countries that were concerned with the precarious situation in southern Africa, while it was "widely felt" that the group of Western Powers were "half-hearted" in their attempts to exert pressure on South Africa, thus promoting its intransigence. He recalled that since the collapse of the Geneva pre-implementation meeting, the Movement of the Non-Aligned Countries, OAU, the front-line States and the General Assembly at its thirty-fifth session had called upon the Security Council urgently to impose mandatory economic sanctions against South Africa under Chapter VII of the Charter, in order to compel it to terminate its illegal occupation of Namibia. Enforcement measures had become imperative as a peaceful solution for Namibia remained elusive. The United Nations Council for Namibia had given careful

consideration to the formulation of draft resolutions on sanctions against South Africa and had concluded that a detailed review of South Africa's acts of aggression in violation of Article 39 of the Charter was not necessary but that it was sufficient to recall, as in resolution 428 (1978), that it had repeatedly used the Territory of Namibia for launching acts of aggression against independent neighbouring States.<sup>41</sup>

At the same meeting, Mr. Peter Mueshahange, Secretary for Foreign Relations of SWAPO, said that the Security Council was debating the problem of Namibia for the first time since 1978 and that it had been "immobilized" in the intervening period, thereby encouraging South Africa to proceed with political repression and other illegal acts of intimidation and neo-colonialism in occupied Namibia. During that period, beginning with the "Western initiative" that was to lead to free and fair elections under United Nations supervision, the trust had been betrayed and the unique responsibility of the United Nations over Namibia and its people had been seriously eroded. He referred to the participation of several Ministers in the Council's meetings, following the summit meeting of the front-line States at Luanda on 15 March 1981, and, more recently, the extraordinary ministerial meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries, and cited their call for increased assistance to SWAPO to enable it to "intensify the armed struggle in the face of South Africa's persistent rejection of a negotiated settlement of the Namibia problem".

In using Namibia repeatedly as a springboard for acts of aggression against the front-line States, South Africa had enlisted mercenaries from the United States, France, the United Kingdom, the Federal Republic of Germany and Australia. Counter-revolutionary bandits of the National Union for the Total Independence of Angola (UNITA), who were housed on military bases inside Namibia, together with the so-called South African Defence Forces, were also used for subversion and destabilization. He referred to the request for the participation of DTA<sup>33</sup> in the Council's debate as a political act presented as a procedural matter and added that allowing them to address the Security Council would have violated the provisions of resolution 439 (1978).

In the final analysis, the historic and special responsibility of the United Nations was flouted and rejected and the Council had to rectify the situation in Namibia. He concluded by calling for the imposition of comprehensive mandatory sanctions, including an oil embargo, against South Africa under Chapter VII of the Charter and stated that SWAPO would support the call for an emergency special session of the General Assembly in the event that the Council failed to adopt the measures that were being proposed.<sup>42</sup>

At the 2271st meeting, the Minister for External Relations of Angola stated that the brutal repression of the majority in South Africa within the framework of *apartheid* was an expression of the colonial nature of the South African régime that violated the principle of the right of peoples to self-determination, and that the armed resistance by SWAPO and ANC against the illegal South African authority could not be equated in law with the terrorism invoked by South Africa and, more recently, by the United States.

He recalled the Council's resolutions on the many premeditated, persistent, prolonged acts of armed invasion by South Africa against Angola, which, *inter alia*, had warned South Africa that the Council would meet again, in the event of further attacks, to consider the adoption of effective measures, including those under Chapter VII of the Charter, and stated that despite all those resolutions the people of Angola had had to make enormous sacrifices in order to comply with the relevant resolutions on Namibia so that the Namibian people too could become independent. He said that, over the past three years, South Africa's armed forces had carried out 1,400 reconnaissance flights, 290 air raids, 56 debarkations of helicopter-borne troops and 72 land attacks, which had caused the death of more than 1,800 persons, the wounding of about 1,000 and material damage estimated at \$7 billion.

He asked how many new acts of violation of the sovereignty and the territorial integrity of Angola were necessary for the Council to shoulder its responsibility and to impose comprehensive mandatory economic sanctions on South Africa, and stressed that any negotiated settlement of the Namibian question should be strictly within the framework of resolution 435 (1978).<sup>43</sup>

The representative of the Soviet Union stated that the "Pretoria racists" had elevated *apartheid* to the status of State policy and extended it to the Territory of Namibia, which it occupied illegally and used as a military springboard for acts of aggression and provocation against neighbouring independent States. He said that the situation relating to the Namibian question was really critical after many years, during which the African States and the United Nations had shown patience and restraint and agreed to negotiations, an approach stressed by certain Western Powers.

He pointed out that those Powers had initially opposed the adoption of effective measures as they asserted that they could persuade South Africa to cooperate and recalled that in February 1972, when the Council had held a series of meetings in Africa,<sup>44</sup> those countries had given assurances that they needed six months to resolve the Namibian problem by means of negotiations. He declared that the Soviet Union adhered to a consistent position of principle with regard to Namibia and did not seek for itself any "particular rights or privileges" in Africa or in any continent. The Soviet delegation believed that the Council must support the proposals of OAU and the Movement of Non-Aligned Countries and adopt comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter and would vote in favour of such measures.<sup>45</sup>

The representative of the United Kingdom said that the Contact Group had just held a meeting in London and that a communiqué<sup>46</sup> had been issued at the conclusion of that meeting. On behalf of the Five, he read out the communiqué. Its text was as follows:

Senior officials of the five Western Governments (Canada, France, Federal Republic of Germany, United Kingdom and United States) met in London on 22 and 23 April 1981, to review the situation concerning Namibia. They received a complete report from Mr. Chester Crocker, United States Assistant Secretary-Designate for African Affairs, on his visit to 12 African States, including the African front-line capitals, South Africa, Nigeria, Zaire, Kenya, Swaziland and the Congo.

The Five agreed that it was of the utmost importance to bring Namibia to independence at the earliest possible date and reiterated their commitment to an internationally acceptable

settlement. In that context, they also agreed that Security Council resolution 435 (1978) continues to provide a solid basis for transition to independence in Namibia. They considered possibilities for strengthening the existing plan, and agreed that expeditious progress towards a settlement would be enhanced by measures aimed at giving greater confidence to all of the parties on the future of an independent Namibia.

The representatives agreed that it was necessary to develop more specific proposals for discussion with the concerned parties. It was decided that intensive consultations among contact group representatives would continue and it is intended that the five Foreign Ministers will consider the issue further when they meet at Rome.

The representative of the United Kingdom informed the Council that the meeting in Rome was scheduled to take place in 10 days' time, on 4 and 5 May 1981. He noted that most of those participating in the Council's debate were advocating the adoption of mandatory measures against South Africa under Chapter VII and appealed to all concerned not to abandon the possibility of negotiation as his delegation was convinced that sanctions would not promote Namibian independence on an internationally acceptable basis. Referring to the case of Zimbabwe, he pointed out that it was in the long-term interest of all the parties in Zimbabwe as well as in Namibia that independence could be attained by negotiated settlement rather than through armed struggle.<sup>47</sup>

At the same meeting, the representative of the United States said that the current series of Council meetings was to produce an independent, stable, self-governing Namibia and that there was no disagreement on that goal. She referred to some charges that had been made against the Western States of the Contact Group in the discussions, and said that she had repeatedly asked herself how those charges related to the goal of an independent, stable and democratic Namibia. She noted the repeated suggestion that, because peaceful negotiations had not yet been successful, some other course such as comprehensive compulsory sanctions should be tried. She viewed that approach as unrealistic. Her Government's objective was authentic independence for Namibia, as none of the members of the Contact Group had any territorial ambitions in Africa. She declared that the Namibian problem would be resolved eventually only by the force of arms or by the exercise of reason and that her Government was pledged to the unflagging search for an internationally acceptable, authentically independent, stable, democratic Namibia.<sup>48</sup>

At the 2273rd meeting, the representative of Japan stated that Japan had consistently supported the five Western countries in their efforts aimed at an early and peaceful resolution of the Namibian problem and that those efforts included their settlement proposal which led to the adoption of resolution 435 (1978), and their initiatives for conciliation and mediation. He added that the commitment of the Five to search for an internationally acceptable settlement of the Namibian problem underlined his delegation's belief that any constructive means towards a peaceful solution should be thoroughly explored.<sup>49</sup>

At the same meeting, the Minister for Foreign Affairs of the United Republic of Tanzania recalled the statement by the representative of the United Kingdom, on behalf of the Contact Group, in which he referred to the successful Lancaster House conference on Zimbabwe, and pointed out that Africa had always preferred negotiated solutions to armed resist-

ance, as the Lusaka Manifesto of 1969 on southern Africa had made clear. He further observed that the Lusaka Manifesto had indicated that the alternative to a negotiated solution was not the *status quo* but a struggle for freedom. The Lancaster House conference had been successful owing to at least two crucial factors: (a) the armed resistance waged by the Patriotic Front of Zimbabwe; and (b) the pressure of the international community, including the pressure of sanctions notwithstanding its limitation.

He declared that, as long as the road to negotiations continued to be blocked, a combination of internal and external pressures was an essential prerequisite for a just and lasting solution and that Africa believed that the Council could act decisively by invoking enforcement measures provided for in Chapter VII of the Charter, thereby exerting maximum pressure on the South African régime in order to ensure the implementation of United Nations decisions, particularly resolution 435 (1978).

He said that the London communiqué had, on the one hand, asserted that resolution 435 (1978) provided a solid basis for transition to independence in Namibia, while, on the other hand, it had expressed the view that the plan needed to be strengthened, and that one wondered whether the word "strengthened" was not a euphemism for revision of the plan. He stated that, if the latter were the case, the fears and apprehension of SWAPO, of the African States and of the overwhelming majority of the international community were more than justified, and that the front-line States, at their summit at Luanda on 15 March 1981, had declared that what was urgently needed was the implementation of resolution 435 (1978) without any "further delay, prevarication, qualification or modification".<sup>50</sup>

At the 2274th meeting, the representative of Canada expressed his delegation's concern over the Council's decision not to allow all parties concerned in the Namibian question to participate in its consideration of the problem under rule 39 of its provisional rules of procedure. He stated that Canada remained fully committed to a negotiated settlement on the basis of the principles of resolution 435 (1978), but that, since it had become apparent that progress towards a settlement would be made only if the transitional process was fair and the result satisfactory, Canada and the other members of the Western Five would examine possibilities for strengthening the existing plan in order to give greater confidence to parties in the future of an independent Namibia. Canada believed that the path to an internationally acceptable settlement must be left open and contemplated the call for sanctions with the deepest concern, as such a course would probably put an end to United Nations efforts and delay progress towards Namibian independence indefinitely.<sup>51</sup>

At the same meeting, the representative of the Federal Republic of Germany stated that his Government was convinced that there was no sound alternative to a negotiated settlement of the Namibian question, and appealed to South Africa and SWAPO not to aggravate the situation through acts of aggression and border violation. He said that the success of future endeavours towards a peaceful settlement would depend on whether a climate of confidence could be established among all parties concerned and that, in his Government's view, the imposition of sanctions against South Africa under Chapter VII of

the Charter would lead to a deterioration in the negotiating climate without bringing Namibia closer to independence.<sup>52</sup>

At the 2275th meeting, on 28 April 1981, 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 stated that it had been the Special Committee's consistent position that full and effective application of measures under Chapter VII of the Charter would be the key to the speedy restoration of peace, justice and freedom to the Namibian people, given South Africa's intransigence and repeated acts of aggression against the neighbouring States, and that all the attempts to resolve the Namibian problem by means of negotiation had failed.<sup>53</sup>

At the same meeting, the representative of France stated that his Government did not believe that the appeal in the Council for comprehensive mandatory sanctions could lead to Namibian independence in 1981, but was convinced that the time for negotiations had not passed and that there was still hope as the positions of the parties were not so far apart. Fears expressed in connection with "equal treatment" of the parties as well as the "democratic future" of Namibia could be allayed by providing the assurances necessary to restore a climate of trust, which was indispensable to make progress. France was determined to work, within the Contact Group, for a peaceful resolution of the Namibian question.<sup>54</sup>

The President, speaking in his capacity as the representative of Ireland, reviewed the history of the United Nations involvement in the Namibian question and said that a major turning-point had been reached by the end of 1978, when South Africa and SWAPO had accepted in principle the terms of resolution 435 (1978) for an internationally acceptable settlement of the Namibian question. South Africa's publicly expressed reasons for its refusal to implement the terms of the resolution were: (a) its claim that the United Nations would not be impartial; and (b) its professed fear that the implementation of the plan might lead to "one man, one vote, once".

He pointed out that the United Nations would not organize the elections but supervise and control those elections while the South African administration would remain in the Territory until independence. He added that the recognition by the General Assembly of the role of SWAPO in the liberation struggle was not incompatible with the Council's decision that the future Government of Namibia must be determined by free and fair elections. The people of Namibia must have the right to determine their own destiny as a people, including the political structures they wanted for themselves.

Therefore, the following three points should guide the Council: (a) a reaffirmation of resolution 435 (1978); (b) a further effort within that framework to resolve any remaining obstacles; and (c) strong and steady pressure on South Africa to implement in practice what it had accepted in principle over two years ago. He further said that, in the event South Africa remained wholly intransigent, Ireland would be ready to support certain graduated and carefully chosen measures in order to oblige that country to carry out its obligations in international law as

defined by the Council and by the International Court of Justice.<sup>55</sup>

At the 2276th meeting, on 29 April 1981, the representative of Uganda introduced<sup>56</sup> five draft resolutions,<sup>57</sup> the first jointly sponsored by Mexico, Niger, Panama, the Philippines, Tunisia and Uganda; and the remaining four jointly sponsored by Niger, Tunisia and Uganda.

Under the first draft resolution (S/14459) the Council would: (a) determine, in the context of Article 39 of the Charter: (i) that South Africa's persistent refusal to comply with Council and General Assembly resolutions on Namibia constituted a serious threat to international peace and security; (ii) that the continued illegal occupation of Namibia by South Africa constituted a breach of international peace and an act of aggression; and (iii) that the repeated armed attacks perpetrated by South Africa against independent and sovereign States in southern Africa constituted grave acts of aggression; (b) condemn South Africa for its acts as specified in (a) above; (c) decide, under Chapter VII of the Charter and in conformity with its responsibilities for the maintenance of international peace and security, to impose comprehensive and mandatory sanctions against South Africa; (d) decide as an urgent measure, under Article 41 of the Charter, to adopt effective measures, including economic and political sanctions, an oil embargo and an arms embargo; (e) call upon all Member States, in conformity with Article 25 of the Charter, to assist effectively in the implementation of the measures called for by the resolution and as elaborated in the appropriate resolutions before the Council; (f) call upon the specialized agencies to take all necessary measures to implement the resolutions; (g) urge, having regard to the principles stated in Article 2 of the Charter, States not members of the United Nations to act in accordance with the provisions of the present resolution; (h) decide to establish, in accordance with rule 28 of the provisional rules of procedure, a committee of the Council to monitor the implementation of the present resolution; (i) call upon States Members of the United Nations or members of specialized agencies to report to the Secretary-General and to the Council committee on measures taken to implement the resolution; (j) invite the Secretary-General to report to the Council on the progress of the implementation of the resolution and to submit his first report by . . . at the latest; and (k) decide to keep the item on its agenda for further actions, as appropriate, in the light of developments in the situation.

Under the second draft resolution (S/14460), the Council would (a) reaffirm the inalienable rights of the people of Namibia to self-determination and independence in a united Namibia, including Walvis Bay and the Penguin and other offshore islands; (b) reiterate that Namibia was the legal responsibility of the United Nations until genuine self-determination and national independence were achieved in the Territory; (c) determine that South Africa's illegal occupation of Namibia, its persistent defiance of the United Nations, its war of repression being waged against Namibia, its repeated acts of aggression launched from Namibian territory against independent African States, its colonialist expansion and its policy of *apartheid* constituted a breach of international peace and security; (d) decide that all States should sever all diplomatic, consular and trade relations with South Africa; (e) decide that, in

accordance with United Nations resolutions and decisions, all States should prevent the import into their territories of all commodities and products originating in South Africa and in illegally occupied Namibia and exported therefrom after the date of the resolution; (f) decide that all States should not make available, or permit their nationals and any persons within their territories to make available, to the illegal régime in South Africa and occupied Namibia or to any commercial, industrial or public utility undertaking, including tourist enterprises in those territories, any funds for investment or any other financial or economic resources, except payments for pensions or for medical, humanitarian or educational purposes, or for the provision of new material and, in special humanitarian circumstances, foodstuffs; (g) decide that all States should prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a South African passport or on a passport issued by or on behalf of the illegal administration of South Africa in Namibia; (h) call upon all States to prohibit all travel including tourism, sports, scientific and cultural exchanges of their nationals to South Africa and occupied Namibia; (i) decide that all States should prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from South Africa and occupied Namibia and from linking up with any airline or aircraft registered in those territories; (j) call upon all States to take all possible further action under Article 41 of the Charter; (k) call upon all States to ensure that their national legislation included penalties for violations of provisions of the present resolution; (l) call upon all States to carry out, in accordance with Article 25 and Article 2, paragraph 6, of the Charter, the provisions of the resolution, and remind them that failure or refusal to do so would constitute a violation of the Charter; (m) call upon States Members of the United Nations or members of specialized agencies to report to the Secretary-General and to the Council committee on measures taken to implement the resolution; (n) request the Secretary-General to report to the Council on the implementation of the resolution not later than . . . ; and (o) decide to remain actively seized of the matter.

Under the third draft resolution (S/14461), the Council would: (a) decide to impose a mandatory embargo on the direct and indirect supply of petroleum and petroleum products to South Africa and occupied Namibia; (b) decide that all States should prohibit: (i) the sale or supply of petroleum and petroleum products to any person or body in South Africa and occupied Namibia; (ii) any activities that promoted the sale or supply of petroleum or petroleum products to South Africa and occupied Namibia; (iii) the shipment in vessels, aircraft or any other means of transportation of their registration or under charter to their nationals of any petroleum or petroleum products to South Africa and occupied Namibia; (iv) any investments in or provision of technical and other assistance, including technical advice and spare parts, to the petroleum industry in South Africa and occupied Namibia; (v) the provision of transit facilities, including the use of ports, airports, roads or railway network by vessels, aircraft or any other means of transportation for carrying petroleum products; and (vi) any activities which promoted or were calculated to promote the prospecting for petroleum

in South Africa and occupied Namibia; (c) call upon all States to take all possible further action under Article 41 of the Charter in order to put an end to the illegal occupation of Namibia and bring about its independence in accordance with the relevant resolution of the Council; (d) call upon all States to ensure that their national legislation included penalties for violations of the provisions of the resolution; (e) call upon all States to carry out, in accordance with Article 25 and Article 2, paragraph 6, of the Charter, the provisions of the resolution, and remind them that failure or refusal to do so would constitute a violation of the Charter; (f) call upon the specialized agencies to take all necessary measures to implement the resolution; (g) call upon States Members of the United Nations or members of specialized agencies to report to the Secretary-General and to the Council committee on measures taken to implement the resolution; (h) request the Secretary-General to report to the Council on the implementation of the resolution not later than . . . ; and (i) decide to remain actively seized of the matter.

Under the fourth draft resolution (S/14462), the Council would: (a) determine, having regard to the critical situation created by South Africa in and around Namibia, that the supply to South Africa and the collaboration in the manufacture of arms and related material constitute a breach of international peace and security; (b) decide that all States should cease forthwith any provision to South Africa of arms and related material of all types, including the provision of all types of equipment and supplies, and grants of licensing arrangements for their manufacture or maintenance; (c) decide that all States should ensure that arms-export agreements provide for guarantees that would prevent embargoed items or any components thereof from reaching South Africa through third countries under any circumstances; (d) decide that all States should prohibit the export of spare parts of embargoed aircraft and other military equipment belonging to South Africa and the maintenance and servicing of such equipment; (e) decide that all States should seize any embargoed items destined for South Africa that might be found on their territories, including items in transit; (f) decide that all States should prohibit government agencies and corporations and individuals under their jurisdiction from transferring technology for the manufacture of arms and related material of all types to, as well as from investing in their manufacture in, South Africa; (g) decide that all States should prohibit all imports of arms and related material of any type from South Africa and should seize any such items that might be found in their territories, including items in transit; (h) decide that all States that had not yet done so should put an end to exchange with South Africa of military personnel, as well as experts in weapons technology and employees of arms factories under their jurisdiction; (i) decide that all States should take effective measures to prevent the recruitment, financing, training and transit of mercenaries for service in South Africa and occupied Namibia; (j) call upon all States to cease and prevent any direct or indirect co-operation on activities by public or private corporations, individuals or groups of individuals in conjunction with South Africa in the development of a nuclear-weapons capability by the racist régime of South Africa; (k) call upon all States to take all possible further action under Article 41 of the Charter; (l) call upon all States to ensure that

their national legislation include penalties for violations of the provisions of the resolutions; (m) call upon all States to carry out, in accordance with Article 25 and Article 2, paragraph 6, of the Charter, the provisions of the resolution, and remind them that failure or refusal to do so would constitute a violation of the Charter; (n) call upon the specialized agencies to take all necessary measures to implement the resolution; (o) call upon all States Members of the United Nations or members of specialized agencies to report to the Secretary-General and to the Council committee on measures taken to implement the resolution; (p) request the Secretary-General to report to the Council on the implementation of the resolution not later than . . . ; and (q) decide to remain actively seized of the matter.

Under the fifth and last draft resolution (S/14463), the Council would: (a) decide to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Council, provided with powers and means commensurate with its responsibilities, to undertake the following tasks and to report to it with its observations: (i) seek from any State information relevant to the strict implementation of resolutions . . . (1981), including any activities by any nationals of that State or in its territories that might constitute an evasion of the provisions of the resolution; and (ii) examine such reports on the implementation of the above-mentioned resolutions as might be submitted by the Secretary-General; (b) call 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 resolutions . . . (1981) and to supply to that committee such information as might be sought by it in pursuance of the resolution; and (c) request the Secretary-General to provide every assistance to the committee in the implementation of its mandate.

At the 2277th meeting, on 30 April 1981, the President (Ireland) drew<sup>58</sup> the attention of the Council members to the revised text of the second draft resolution<sup>59</sup> whereby the words "Decides that all States shall" in operative paragraph 8 were replaced with the words "Calls upon all States to". The President also announced that, at the request of the sponsors, the blank spaces contained in the first four draft resolutions would be replaced by the date "15 July 1981".<sup>60</sup>

He then put the draft resolutions to the vote. The six-Power draft resolution (S/14459) received 9 votes in favour, 3 against, and 3 abstentions, and failed of adoption owing to the negative votes of three permanent members of the Council.<sup>61</sup>

The second draft resolution, as revised (S/14460/Rev.1), received 9 votes in favour, 3 against, and 3 abstentions, and failed of adoption owing to the negative votes of three permanent members of the Council.<sup>62</sup>

The third draft resolution (S/14461) received 11 votes in favour, 3 against, and 1 abstention, and failed of adoption owing to the negative votes of three permanent members of the Council.<sup>63</sup>

The fourth draft resolution (S/14462) received 12 votes in favour, 3 against, and no abstention, and failed of adoption owing to the negative votes of three permanent members of the Council.<sup>64</sup>

The fifth draft resolution (S/14463), which would have established a committee of the Council, was not

put to the vote in the light of the results of voting on the preceding four draft resolutions.<sup>65</sup>

Speaking after the vote, the representative of the United Kingdom stated that his delegation had voted against the draft resolutions because it wanted to keep open the prospects for a negotiated settlement and considered sanctions to be economically harmful to many African and Western countries, including his own. A continued denial of independence to the people of Namibia would perpetuate instability and bloodshed in a region where only a settlement offered hope for peace and for stability. The United Kingdom would continue actively, with the other partners in the Western Five, to develop ways to enhance the possibilities of the implementation of resolution 435 (1978).<sup>66</sup>

The representative of France stated that his delegation had voted against the draft resolutions because it did not believe that recourse to comprehensive mandatory sanctions against South Africa would promote progress in the desired direction and that the adoption of such measures would run counter to the goal of the resumption and intensification of negotiations aimed at the peaceful transition of Namibia to independence. Resolution 418 (1977) of 4 November 1977 relating to the arms embargo on South Africa remained in force and France would continue to abide by the obligations flowing from it.<sup>67</sup>

The representative of the United States stated that her Government had participated in a joint statement<sup>68</sup> that resolution 435 (1978) continued to provide a solid basis for Namibia's transition to independence, that it was firmly committed to making every effort to achieve an internationally accepted, independent, lasting settlement in Namibia, and that, for that reason, it could not support the draft resolutions. Each of the draft resolutions related to sanctions, thereby representing what the United States believed was the wrong course for the achievement of Namibian independence.<sup>69</sup>

The representative of Uganda stated that the Group of African States at the United Nations had come before the Council to present a "clear, unequivocal, global consensus" and that the majority of the Council members had concurred with the verdict of the international community that "peaceful pressure" should be applied against South Africa because of its oppression of the people of Namibia and its continued illegal occupation of that Territory. The impact of the negative vote by three permanent members was not to strengthen international peace and security nor to speak for independence, freedom and self-determination, but rather to strengthen the occupying Power and to comfort the forces that had been intransigent and that had flouted every decision of the Council. The negative votes had rebuffed the possibility of collective action, thereby shattering the unity of the Council as well. He concluded by stating that the commitment to resolution 435 (1978) had arisen from a commitment to free and fair elections and that the African Group would continue to employ every possible method to ensure South Africa's compliance with that resolution.<sup>70</sup>

The President, speaking in his capacity as the representative of Ireland, stated that his delegation believed that South Africa must be obliged to respect the Council's decisions and to carry out its clear obligations under the Charter and generally under international law. His delegation had nevertheless



thought it right to make a sustained effort to avoid division in the Council. Since that was not possible, Ireland had voted for the two draft resolutions that, respectively, would have imposed an oil embargo (S/14461) and would have strengthened the arms embargo already in existence (S/14462). Ireland believed that the Council could have indicated in advance its intention to honour its obligations under Article 50 of the Charter to States that might be confronted with special economic problems arising from the carrying out of those measures. Ireland had abstained on draft resolution S/14460/Rev.1, which would have imposed comprehensive economic sanctions as well as sanctions of a political nature. As a result of its decision to abstain on the aforementioned text, Ireland had felt obliged also to abstain on draft resolution S/14459, which had involved a decision to adopt comprehensive economic and political sanctions.<sup>71</sup>

**Decision of 31 May 1983 (2449th meeting): resolution 532 (1983)**

By letter<sup>72</sup> dated 12 May 1983 addressed to the President of the Council, the representative of Mauritius, on behalf of the Group of African States at the United Nations, requested a meeting of the Council to consider the situation in Namibia.

By letter<sup>73</sup> dated 13 May 1983 addressed to the President of the Council, the representative of India, on behalf of the non-aligned countries, requested a meeting of the Council in order to consider further action in the implementation of the Council's plan for the independence of Namibia.

On 19 May 1983, the Secretary-General issued a further report<sup>74</sup> concerning the implementation of resolutions 435 (1978) and 439 (1978) concerning the question of Namibia. The report contained a summary of developments since the conclusion of the pre-implementation meeting held at Geneva in January 1981 and outlined the extensive consultations between the Secretary-General and the parties concerned aimed at resolving outstanding issues to facilitate the early implementation of resolution 435 (1978). The Secretary-General reported that a large measure of agreement had been secured on the modalities to be employed in implementing resolution 435 (1978) and that, as far as the United Nations was concerned, the only outstanding issues were the choice of the electoral system and the settlement of some problems relating to UNTAG and its composition. The Secretary-General noted that other issues, which were outside the scope of resolution 435 (1978), were becoming a factor in the negotiations on Namibia, and expressed his concern that those factors should hamper the implementation of the Council's resolution.

At the 2439th meeting, on 23 May 1983, the Council included the letters by Mauritius and India in the agenda. Following the adoption of the agenda, the following were invited, at their request, to participate, without vote, in the discussion of the item on the agenda: at the 2439th meeting, the representatives of Algeria, Angola, Australia, Bangladesh, Benin, Cuba, Egypt, Ethiopia, Gambia, Guinea, India, Indonesia, Jamaica, Kuwait, Mali, Mauritius, Nigeria, Panama, Romania, Senegal, the Seychelles, Sierra Leone, South Africa, Sri Lanka, the Syrian Arab Republic, Tunisia, Turkey, Yugoslavia and Zambia; at the 2440th meeting, the representatives of Afghanistan, Botswana, Canada, the Federal

Republic of Germany, Kenya, Morocco, Mozambique, Uganda, Upper Volta and the United Republic of Tanzania; at the 2441st meeting, the representatives of Democratic Yemen, Japan, the Libyan Arab Jamahiriya and Somalia; at the 2442nd meeting, the representatives of Bulgaria, Chile and Venezuela; at the 2443rd meeting, the representatives of Barbados, Cyprus, Gabon, Liberia, Mexico, Mongolia, the Niger, Qatar and Viet Nam; at the 2444th meeting, the representatives of Argentina, the German Democratic Republic and Hungary; at the 2446th meeting, the representative of Czechoslovakia; at the 2447th meeting, the representative of Malaysia; at the 2448th meeting, the representative of Grenada; and at the 2449th meeting, the representatives of Ghana and the Islamic Republic of Iran.<sup>14</sup>

The Security Council also decided to extend invitations as follows: at the 2439th meeting, to a delegation of the United Nations Council for Namibia led by the President of that body, to the representative of the Chairman of the Special Committee against *Apartheid*, and to Mr. Sam Nujoma; at the 2440th meeting, to 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; at the 2443rd meeting, to Mr. Clovis Maksoud; and at the 2447th meeting, to Mr. Johnstone F. Makatini and Mr. Lesaoana S. Makhanda.<sup>14</sup>

The item was considered at the 2439th to 2444th and 2446th to 2451st meetings, from 23 May to 1 June 1983.

At the 2439th meeting, the Minister for Foreign Affairs of India, speaking in his capacity as representative of the Chairman of the Movement of Non-Aligned Countries, stated that he had come before the Council along with a large number of foreign ministers of non-aligned countries, on the basis of a mandate from the Seventh Conference of the Heads of State or Government of Non-Aligned Countries, which had taken place in New Delhi from 7 to 12 March 1983, and which had called upon the Council to meet as soon as possible in order to consider further action on the implementation of its plan for Namibia's independence under resolution 435 (1978).

He enumerated eight principles, also endorsed by the United Nations: (a) that the right of the Namibian people to self-determination, freedom and national independence in a united Namibia, including Walvis Bay, the Penguin and other offshore islands, was inalienable; (b) that Namibia was the direct responsibility of the United Nations; (c) that SWAPO was the sole and authentic representative of the Namibian people; (d) that South Africa's continued illegal occupation of Namibia and its refusal to comply with United Nations resolutions, as well as its attempts to devise and impose fraudulent constitutional and political schemes to perpetuate its hold on that Territory, should be condemned vigorously and unequivocally by the international community; (e) that South Africa's exploitation of the natural resources of Namibia, directly as well as through foreign interests under the protection of the occupying administration, was illegal and constituted a serious violation of the Charter and an obstacle to the political independence of Namibia; (f) that the activities of SWAPO, in particular the People's Liberation Army of Namibia (PLAN), including armed struggle, against the illegal administration and

the forces of occupation were fully justified as a legitimate means to achieve freedom and national independence; (g) that the countries of the non-aligned movement pledged to render all possible material, financial, military, political, humanitarian, diplomatic and moral assistance to SWAPO in its struggle to secure the total liberation of Namibia; and (h) that resolution 435 (1978) containing the United Nations plan for the independence of Namibia constituted the only basis for the peaceful settlement of the Namibian question, and that any linkage or parallelism between the independence of Namibia and the withdrawal of Cuban troops from Angola must be categorically rejected.

He said that South Africa had also used the Territory of Namibia to launch acts of aggression against independent States in the region, in particular the front-line States, the latest act being the air raid against Mozambique. During the four years since the Council had adopted resolution 435 (1978), South Africa had aimed at delaying its implementation. The latest pretext had been the attempt to link the question of Namibian independence to an entirely irrelevant and extraneous issue. He said that it was time for the Council to agree on a definite time frame for the implementation of resolution 435 (1978) and to remain actively seized of the question until the process was completed and that, if South Africa continued to defy its decisions, the Council should be prepared to take appropriate action under Chapter VII of the Charter.<sup>75</sup>

At the same meeting, the representative of the United Kingdom referred to recent acts of violence and the toll in civilian casualties from the Pretoria car bomb and the violation of Mozambican sovereignty, and stated that his Government had always deplored the use of violence from any quarters in the search for solutions to the problems of southern Africa. He pointed out that the Contact Group had held a series of meetings in Africa with the front-line States and SWAPO while conducting parallel consultations with the South African Government. Broad agreement had been secured on a constitutional framework which had led to the refinement and acceptance of the principles<sup>76</sup> concerning the constituent assembly and the constitution for an independent Namibia. He referred to paragraph 18 of the Secretary-General's report and confirmed that as far as the United Nations was concerned the only outstanding issues were the choice of the electoral system and the settlement of some final problems relating to UNTAG and its composition.

He said that substantial progress had been made towards the implementation of resolution 435 (1978) and that the Contact Group shared the concern that factors relating to the regional situation, which were outside the scope of the Contact Group's mandate, had not yet permitted implementation of the United Nations plan. A Namibian settlement had to ensure the security of all States in the region including Angola. The United Nations plan for Namibia could not be implemented without the withdrawal of South African forces from Angolan territory. He expressed hope that the direct talks between the parties about those problems would yield a satisfactory conclusion so that attention could be focused on the implementation of resolution 435 (1978). The debate in the Council offered an opportunity to assist in that direction by making constructive contributions and

by formulating a resolution that would reinforce, not undermine, the negotiating process.<sup>75</sup>

At the same meeting, the President of the United Nations Council for Namibia stated that the lack of progress towards implementation of resolutions 385 (1976) and 435 (1978) caused the United Nations Council for Namibia great concern. At every stage of the talks with South Africa during the five years since the adoption of resolution 435 (1978), South Africa and some of its partners had introduced new elements aimed at delaying the implementation of the United Nations plan, most recently the attempt to link the implementation of the settlement plan to the withdrawal of Cuban troops from Angola. Such extraneous issues had been introduced because the talks were held outside the United Nations framework. The Security Council meeting had been requested with the specific goal of bringing the talks on Namibia back into the United Nations framework, established by resolution 435 (1978), under which the Secretary-General could be called upon to use his good offices and which did not recognize any linkage or extraneous factors.<sup>75</sup>

At the same meeting, Mr. Sam Nujoma, President of SWAPO, gave a detailed account of the sufferings, abductions, massacres and other acts of intimidation to which Namibians were subjected by the South African colonial army of about 100,000 troops, which had turned the Territory into a garrison State. He recalled the statement which he had made eleven and a half years ago, when he had been given the privilege as the first freedom fighter to address the Council. The situation in and around Namibia which he had described before the Council in 1971 remained the same except that the human suffering and destruction of property had increased to alarming proportions due to South Africa's continued colonial and racist oppression throughout the region.

Over the past two years, the United States had been advocating a greater acceptance of South Africa within the global framework of Western security and the net result of that policy was that Namibia's independence had been further delayed and the suffering of the people prolonged. He lauded the report of the Secretary-General, especially the concluding observations, which accurately reflected the prevailing state of affairs and showed who was responsible for the impasse. SWAPO had reviewed the history of the negotiations and the role of the Contact Group and had concluded that the five Western Powers had ceased to be an honest broker in implementing resolution 435 (1978).

He called upon the Council urgently to shoulder its responsibility in the implementation of the United Nations plan and, for that purpose, to strengthen the role of the Secretary-General, who was charged with that responsibility under the terms of resolution 435 (1978). He referred to the members of the Contact Group as self-appointed and rejected the statement by the representative of the United Kingdom that the Contact Group should continue the negotiations on the Namibian question.<sup>75</sup>

At the 2440th meeting, on 24 May 1983, the representative of Cuba stated that in 1975, after the colonialist forces had withdrawn from Angola, South Africa had invaded the territory of independent Angola and that the Cuban internationalist fighters had come to Angola at that time to contribute to the defence of its independence and territorial integrity.

Since then, South Africa had committed many acts of aggression against Angola and occupied part of its territory for nearly two years. Cuba had always rejected the linkage of Namibian independence to the presence of the Cuban forces in Angola, and quoted the first and ninth points of the Cuban-Angolan joint statement of 4 February 1982, according to which: (a) the presence and withdrawal of the Cuban forces stationed in Angola constituted a bilateral question between the two sovereign States, in accordance with Article 51 of the Charter; and (b) the Angolan and Cuban Governments would consider the withdrawal of the Cuban forces, if the struggle of SWAPO and the demands of the international community succeeded in achieving genuine independence for Namibia on the basis of resolution 435 (1978) and the total withdrawal of South African troops.<sup>77</sup>

At the same meeting, the representative of South Africa charged that the main objective of the Council's meeting was to undermine the delicate negotiations that were under way, and not to promote a peaceful settlement of the question of South West Africa. He said that South Africa continued to administer the Territory legally, in conformity with the spirit of the lapsed mandate from the League of Nations, and that South Africa had first accepted the Western proposal and had informed the Secretary-General, on 22 December 1978, that it would cooperate in the expeditious implementation of resolution 435 (1978).

On 6 February 1979, South Africa had advised the Secretary-General that early implementation was imperative and had urged that UNTAG be in place before the end of that month, even if it only involved certain advance units. Since February 1979, however, SWAPO and the United Nations had created the obstacles which had frustrated agreement on a peaceful settlement. He quoted from a recent statement by his Minister of Foreign Affairs who had said in the South African Parliament that there was an unquestionable *de facto* linkage between the withdrawal of Cuban forces from Angola and the settlement of the Namibian/South West African question. He said that the problem had not been of South Africa's making. South Africa had tried to remove that last major obstacle to the realization of a peaceful settlement and had held two meetings at the ministerial level with Angola in the Cape Verde islands in December 1982 and February 1983. South Africa was prepared to hold further talks with Angola to resolve that issue. He added that South Africa preferred peaceful coexistence with all its neighbours, and had repeatedly invited its neighbours to enter into non-aggression pacts.

In that context, he mentioned the bilateral ministerial talks between the Governments of South Africa and Mozambique. He stressed that South Africa was seeking firm and concrete signs that the United Nations was prepared to give serious attention to the justifiable concerns of the people of South West Africa and to the legitimate interests of South Africa in a stable and peaceful southern Africa. He denounced what he called recent terrorist outrages and pointed to South Africa's retaliation against ANC targets in Mozambique, which illustrated the urgency of the choice between an escalation of the confrontation and peace and co-operation. He expressed the hope that the Council would not consider any action or impose any deadlines which might force the region in the direction of a worsening of the conflict.<sup>77</sup>

At the 2443rd meeting, on 25 May 1983, the representative of the United States stated that her Government deplored cross-border violence in southern Africa and had been seeking to assist the Governments of the region to resolve mutual problems by peaceful means. The United States had been encouraged by the purposeful high-level dialogue between Mozambique and South Africa. The principles of non-violence and of the settlement of disputes by peaceful means were especially pertinent to the issue under consideration by the Council. She said that it would be a mistake to discount the progress that had been achieved towards the implementation of resolution 435 (1978) since the Council had last reviewed the situation in Namibia. The United States shared the concern that the factors relating to the regional situation in southern Africa had not yet permitted implementation of the United Nations plan, and believed that those issues should be resolved rapidly in order to allow the Namibian people to exercise their right to self-determination. She stated that her Government had neither the intention nor the power to impose its own views on those whose interests were most directly involved and that its sole objective had been to assist the parties in tackling the obstacles that had thus far prevented the implementation of resolution 435 (1978) and the attainment of Namibia's independence.<sup>78</sup>

At the 2447th meeting, on 27 May 1983, the representative of France stated that France's position regarding the current situation was that resolutions 385 (1976) and 435 (1978) were complete in themselves and that Namibia's accession to independence and the unconditional implementation of those resolutions could not be impeded by external considerations. France, therefore, saw only advantages in having the Council give the Secretary-General a mandate to resume contact with the parties concerned to ensure the implementation of the United Nations plan. The problems that would remain after the implementation of the settlement plan, namely, the security and development of the southern African region, should be reflected on.

He referred, in that connection, to two suggestions made the previous month by the Minister for Foreign Affairs of France at the International Conference in Support of the Struggle of the Namibian People for Independence: (a) that each sovereign State, especially Namibia in the future, had the right to decide on the best way to strengthen its security, which France was prepared to support on its own and through the Council; and (b) that the United Nations should provide, in support of the Namibian settlement plan, for assistance to the countries most severely affected by the continuing occupation of Namibia, particularly Angola, which had been the object of destruction and partial occupation because of its solidarity with the people of Namibia.<sup>79</sup>

At the 2449th meeting, on 31 May 1983, draft resolution S/15803 was adopted<sup>80</sup> unanimously as resolution 532 (1983). The resolution reads as follows:

*The Security Council,*

*Having considered the report of the Secretary-General,*

*Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966,*

*Recalling and reaffirming its resolutions 301 (1971), 385 (1976), 431 (1978), 432 (1978), 435 (1978) and 439 (1978),*

*Reaffirming* the legal responsibility of the United Nations over Namibia and the primary responsibility of the Security Council for ensuring the implementation of its resolutions 385 (1976) and 435 (1978), including the holding of free and fair elections in Namibia under the supervision and control of the United Nations,

*Taking note* of the results of the International Conference in Support of the Struggle of the Namibian People for Independence, held at UNESCO House in Paris from 25 to 29 April 1983,

*Taking note* of the protracted and exhaustive consultations which have taken place since the adoption of resolution 435 (1978),

*Further noting with regret* that those consultations have not yet brought about the implementation of resolution 435 (1978),

1. *Condemns* South Africa's continued illegal occupation of Namibia in flagrant defiance of resolutions of the General Assembly and decisions of the Security Council;

2. *Calls upon* South Africa to make a firm commitment as to its readiness to comply with Council resolution 435 (1978) for the independence of Namibia;

3. *Further calls upon* South Africa to co-operate forthwith and fully with the Secretary-General in order to expedite the implementation of resolution 435 (1978) for the early independence of Namibia;

4. *Decides* to mandate the Secretary-General to undertake consultations with the parties to the proposed cease-fire, with a view to securing the speedy implementation of resolution 435 (1978);

5. *Requests* the Secretary-General to report to the Council on the results of these consultations as soon as possible and not later than 31 August 1983;

6. *Decides* to remain actively seized of the matter.

**Decision of 28 October 1983 (2492nd meeting): resolution 539 (1983)**

In pursuance of resolution 532 (1983), the Secretary-General, on 29 August 1983, submitted a report<sup>81</sup> concerning the implementation of resolutions 435 (1978) and 439 (1978). In his report, the Secretary-General gave a detailed account of his consultations with the parties concerned and of his visit to South Africa and Namibia from 22 to 25 August 1983. He had undertaken those efforts to carry out the mandate given to him by the Council in resolution 532 (1983), namely, to consult with the parties to the proposed cease-fire with a view to securing the speedy implementation of resolution 435 (1978). He stated that his prolonged consultations had resulted, as far as UNTAG was concerned, in resolving virtually all the outstanding issues and that never before had he been so close to finality on the modalities of implementing resolution 435 (1978).

The Secretary-General pointed out, however, that the position of South Africa regarding the issue of the withdrawal of Cuban troops from Angola as a precondition for the implementation of resolution 435 (1978) still made it impossible to launch the United Nations plan. He indicated that he had repeatedly made it clear that he did not accept the linkage and that the question of Cuban troops was not envisaged in resolution 435 (1978) and was not part of his mandate under resolution 532 (1983).

The Secretary-General pointed out that his visit to Namibia had brought home to him the human tragedy of the current situation and the necessity for urgent progress towards implementation of the self-determination and independence of the people of Namibia. He also stressed the significance of a peaceful solution of the Namibian problem for a peaceful and co-operative future for all countries of the region. He warned that disastrous consequences would result if no substantial progress could be

achieved with regard to the cessation of hostilities and the implementation of resolution 435 (1978). He called upon all concerned to make another major effort to reach the independence of Namibia at the earliest possible date and expressed his own determination to continue his endeavours to that end and to assist the people of Namibia in any way he could.

By letter<sup>82</sup> dated 17 October 1983 addressed to the President of the Council, the representative of Senegal, on behalf of the Group of African States at the United Nations, requested an urgent meeting of the Council to consider the situation in Namibia.

By letter<sup>83</sup> dated 18 October 1983 addressed to the President of the Council, the representative of India, on behalf of the Movement of Non-Aligned Countries, requested a meeting of the Council to consider further the question of Namibia.

At the 2481st meeting, on 20 October 1983, the Council included the letters by Senegal and India as well as the report of the Secretary-General in its agenda. Following the adoption of the agenda, the following were invited, at their request, to participate, without vote, in the discussion of the item on the agenda: at the 2481st meeting, the representatives of Angola, Canada, Cuba, Ethiopia, India, the Libyan Arab Jamahiriya, Nigeria, Senegal, Sierra Leone, South Africa, the United Republic of Tanzania, Yugoslavia and Zambia; at the 2482nd meeting, the representatives of Botswana, the Federal Republic of Germany, Mozambique and Venezuela; at the 2483rd meeting, the representatives of Algeria, the German Democratic Republic, Kenya, Kuwait, Mexico, Sri Lanka and Tunisia; at the 2485th meeting, the representative of Czechoslovakia; at the 2486th meeting, the representatives of Argentina, Bulgaria and the Syrian Arab Republic; at the 2488th meeting, the representatives of Hungary, the Islamic Republic of Iran, Peru and the Sudan; and at the 2490th meeting, the representatives of Turkey and Uganda.<sup>14</sup>

The Council also decided to extend invitations to participate in the discussion of the item on the Council's agenda under rule 39 of the provisional rules of procedure to the following: at the 2481st meeting, to a delegation of the United Nations Council for Namibia led by the President of that body, to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to Mr. Peter Mueshihange; at the 2483rd meeting, to the Acting Chairman of the Special Committee against *Apartheid*; and at the 2485th meeting, to Mr. Johnstone F. Makatini.<sup>14</sup>

The Council considered the item at its 2481st to 2486th, 2488th, 2490th and 2492nd meetings, from 20 to 28 October 1983.

At the 2481st meeting, the Minister for Foreign Affairs of Ethiopia, speaking in his capacity as representative of the current Chairman of OAU, stated that the withdrawal of Cuban forces from Angola was an irrelevant and unjustified precondition blocking the independence of Namibia. The Cuban forces had been requested by the Government of Angola for the purpose of repelling the invasion by South Africa. South Africa's aggression and its occupation of parts of southern Angola necessitated the continued assistance of Cuban forces in full conformity with the provisions of Article 51 of the Charter.

The presence of Cuban forces in Angola, which had posed no threat to the security and stability of the other States in the region, was thus not only legitimate and legal but a positive element in the continuing struggle for the maintenance of the sovereignty and territorial integrity of Angola. To speak of South Africa's security concern over troops in a country with which it shared no common border could only be construed as tacit acceptance of its occupation of the international Territory of Namibia as legal. Linking that matter with the question of Namibia's independence could only be an interference in the domestic affairs of Angola in clear contravention of international law.

He recalled recent resolutions or decisions adopted by OAU, the Movement of Non-Aligned Countries, the International Conference in Support of the Struggle of the Namibian People for Independence and the General Assembly, which showed the emergence of an international consensus rejecting the so-called linkage or parallelism in relation to Namibia's independence. He regretted that the Council had yet to pronounce itself on the matter and that such silence would amount to acquiescence in the delay of the implementation of the United Nations plan. He strongly urged the Council to reject all attempts to link Namibia's independence with any extraneous and irrelevant issues and to establish a time frame for the implementation of resolution 435 (1978). The Council should also seriously consider measures against South Africa under Chapter VII of the Charter, if Pretoria persisted in its dilatory tactics.<sup>84</sup>

At the same meeting, Mr. Peter Mueshihange, Secretary for Foreign Relations of SWAPO, denounced the linkage pre-condition insisted upon by South Africa and the current United States Administration. He said that the issue of linkage had become the only obstacle in the negotiations on Namibia's transition to independence.

He referred to the Secretary-General's report and stated that it had led them to the following conclusions: (a) that the Secretary-General had successfully carried out his mandate, under resolution 532 (1983), to undertake consultations with SWAPO and South Africa on the speedy implementation of resolution 435 (1978); (b) that all the outstanding issues had been resolved; (c) that those matters that were technical in nature as well as the related financial implications were to be resolved quickly within the framework of resolution 435 (1978) and on the basis of the understandings that had been reached among the negotiating parties in New York in August 1982; (d) that the Secretary-General had confirmed that South Africa would communicate its choice of the electoral system—between the proportional representation and a single constituency system—prior to the adoption of the enabling resolution by the Council; and (e) that SWAPO had reiterated its readiness to sign a cease-fire agreement and to co-operate with the Secretary-General and his Special Representative in the judicious implementation of the United Nations plan.

He declared the political will and determination of SWAPO to move forward but added that the current meetings of the Council were not engaged in the formulation and adoption of an enabling resolution because of the unilateral and unwarranted imposition of the issue of linkage by the United States on the Namibian negotiations. That was a very serious development for them as it was also a direct chal-

lenge to the authority of the United Nations, which had assumed a unique responsibility over Namibia until its independence. He pointed out that SWAPO sources confirmed that the Pretoria leadership was not contemplating the implementation of resolution 435 (1978) for the next two to five years, if at all. Meanwhile, South Africa would continue to rely on military repression inside Namibia and acts of aggression against the front-line States and ANC. He urged the Council to impose comprehensive mandatory sanctions under Chapter VII of the Charter, which would compel the Pretoria régime to co-operate fully in the speedy implementation of resolution 435 (1978).<sup>84</sup>

At the same meeting, the representative of South Africa referred to the report of the Secretary-General, which reflected accurately the position of the South African Government. The discussions with the Secretary-General had been held to advance peaceful settlement of the South West Africa question on the basis of resolution 435 (1978) and, as a result, the remaining outstanding issues relating to the choice of the electoral system and the composition and status of UNTAG had been resolved.

There was only one major issue left, the withdrawal of the Cubans from Angola on the understanding that they would not be replaced by any other hostile forces. He declared that his Government insisted on the Cuban withdrawal. He noted that while the Secretary-General did not accept the linkage between a settlement in South West Africa/Namibia and the withdrawal of Cuban troops from Angola, he had acknowledged in his report<sup>85</sup> on the work of the Organization to the thirty-eighth session of the General Assembly that the destructive nature of regional disputes was likely to be aggravated by the superimposition of East-West tension on such conflicts. Since SWAPO operated from Angola with the active support of the Popular Armed Forces for the Liberation of Angola (FAPLA) and Cuba, the presence of the Cuban forces in Angola was indivisible from the efforts to end conflict and to establish peace in the region.

He restated South Africa's rejection of General Assembly resolutions that had declared SWAPO to be the sole and authentic representative of the people of South West Africa and stressed that it would be futile for the Council to set any time frame for the implementation of resolution 435 (1978) until the issue of the Cuban presence in Angola had been resolved.<sup>86</sup>

At the 2482nd meeting, the representative of Angola stated that one of the most serious problems threatening international peace and security was the illegal occupation of Namibia by South Africa, which was also one of the oldest before the United Nations. He said that, each time outstanding issues had been settled, Pretoria had invented new ones and would not end its illegal occupation of Namibia unless it was forced. If resolution 435 (1978) was not implemented, the international community would be left with only two options: comprehensive sanctions or a prolonged armed struggle by SWAPO and the people of Namibia with the support of their friends. Angola rejected artificial linkages and charged that "constructive engagement" had allowed South Africa to engage in a "destructive engagement" against Angola and to extend its illegal occupation of Namibia to the southern parts of his country.

He renewed his Government's demands for: (a) the immediate and unconditional withdrawal of South African forces occupying Angolan territory; (b) the cessation of South Africa's attacks on Angola; (c) the cessation of all logistic and military support given to UNITA; and (d) the speedy implementation of resolution 435 (1978). He pointed out that Angola had invited its Cuban friends, among others, to assist them in the defence of their sovereignty and territorial integrity following the South African invasion.

He referred to South Africa's brutal attacks on all front-line States and said that the real reason for those acts of aggression was not the presence of Cubans but rather South Africa's pre-emptive operation against any and all that threatened its racist structure. He concluded that the Council must reject South Africa's insistence on linking Namibian independence to extraneous and irrelevant issues and that it should also consider the application of appropriate measures under Chapter VII of the Charter in the event of Pretoria's continued non-compliance with the Council's resolutions.<sup>87</sup>

At the same meeting, the Deputy Minister for External Relations of Cuba said that South Africa had consistently defied the international community and flouted the resolutions of the Council and the General Assembly in open violation of the fundamental principles of the Charter. Namibia's long history of colonial occupation and oppression was explained by its natural resources, including uranium, and its strategic geographical location. The Secretary-General's recent visit to South Africa had made it clear that South Africa insisted on making the implementation of the settlement plan dependent on the presence of Cuban troops in Angola. Pretoria should be asked what prevented its withdrawal from Namibia in 1974 and before, when there were no Cubans in Angola and when that country was controlled by the Portuguese colonial army. Cuba vigorously rejected the attempt at linking the presence of its troops in Angola with Namibia's independence and emphasized that their presence was not a subject for negotiation with third parties.

He said that, on 4 February 1982, the Ministers for Foreign Affairs of Cuba and Angola had signed a declaration defending the principle of sovereignty as reflected in agreements between the two countries on the basis of Article 51 of the Charter. He quoted article 9 of that declaration, which stated that the Angolan and Cuban Governments would consider commencing the implementation of a programme to withdraw Cuban forces as soon as Namibia was genuinely independent and South Africa's occupation troops were completely withdrawn. Numerous atrocities committed by South Africa in the 10 months of 1983 had been carried out from the occupied Angolan territory. He concluded that the United Nations must assume its full responsibility in preventing the outbreak of a catastrophe in southern Africa and that the only course of action that remained, in order to compel South Africa to abide by international law, was the application of mandatory sanctions under Chapter VII of the Charter.<sup>87</sup>

At the 2484th meeting, the representative of the United States said that the Secretary-General had resolved the outstanding issues, except for one that stood in the way of implementing resolution 435 (1978), namely, South Africa's position on the withdrawal of Cuban forces from Angola. She said it was frustrating that an issue outside the scope of resolu-

tion 435 (1978) was delaying the common objective, but that the United States remained convinced that that obstacle could and should be removed with perseverance and good will. She said that her Government had devoted its energy to search for a solution on the basis of reciprocity, respect for security and sovereignty on all sides and that it would continue with that effort as long as it appeared that there was a chance for a peaceful solution. The United States neither sought nor desired any special advantage or position for itself, and its sole objective had been to assist the parties most directly concerned in overcoming the difficulties that had so far prevented implementation of resolution 435 (1978). She concluded that the future of Namibia depended on the unity of the members of the Council in keeping the negotiating process firmly on track.<sup>88</sup>

At the 2485th meeting, the representative of France commended the Secretary-General for having carried out courageously a difficult mission and noted three points in his report: (a) the moderate policy, goodwill and spirit of compromise maintained by SWAPO and its leaders despite the frustrations of endless negotiations and the aggravation of the fighting; (b) the positive gestures by the Pretoria Government relating to the composition and status of UNTAG and the question of impartiality; and (c) the reaffirmation from Pretoria regarding the unacceptable linkage between Namibian independence and the withdrawal of Cuban forces from Angola.

Namibia's accession to independence and the implementation of resolutions 385 (1976) and 435 (1978) could not be impeded by external considerations or by pre-conditions; France had upheld that position within the Contact Group. The question arose whether South Africa's continued insistence on linkage precluded a peaceful settlement. He deplored the protracted suffering of the people of Namibia and of the front-line States, particularly Angola, which had been the victim of raids, destruction and partial occupation, and said that the French delegation understood and shared the feelings of bitterness and frustration expressed in the Council's meetings by many African delegations. He appealed to South Africa to make the gestures that would permit the implementation of the United Nations plan for Namibia.<sup>89</sup>

At the 2490th meeting, the President stated that members of the Council had before them a draft resolution<sup>90</sup> sponsored by Guyana, Jordan, Malta, Nicaragua, Pakistan, Togo, Zaire and Zimbabwe.<sup>91</sup>

At the 2492nd meeting, on 28 October 1983, the President drew the attention of the members of the Council to the revised text of the eight-Power draft resolution.<sup>92</sup>

At the same meeting, the representative of Zimbabwe, on behalf of the sponsors, introduced revised draft resolution S/16085/Rev.1 and, in the course of his statement, orally amended the text whereby the date "1 December 1983" at the end of operative paragraph 9 was replaced by "31 December 1983"; and the words "not later than 31 December 1983" in operative paragraph 10 were replaced by the phrase "as soon as possible following the Secretary-General's report".<sup>93</sup>

At the same meeting, the revised eight-Power draft resolution (S/16085/Rev.2) as orally amended was voted upon and adopted<sup>93</sup> by 14 votes in favour,

none against, with 1 abstention, as resolution 539 (1983). The resolution reads as follows:

*The Security Council,*

*Having considered* the report of the Secretary-General of 29 August 1983,

*Recalling* General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966,

*Recalling and reaffirming* its resolutions 301 (1971), 385 (1976), 431 (1978), 432 (1978), 435 (1978), 439 (1978) and 532 (1983),

*Gravely concerned* at South Africa's continued illegal occupation of Namibia,

*Gravely concerned also* at the tension and instability prevailing in southern Africa and the mounting threat to the security of the region and its wider implications for international peace and security resulting from continued utilization of Namibia as a springboard for attacks against and destabilization of African States in the region,

*Reaffirming* the legal responsibility of the United Nations over Namibia and the primary responsibility of the Security Council for ensuring the implementation of its resolutions, in particular, resolutions 385 (1976) and 435 (1978), which call for the holding of free and fair elections in the Territory under the supervision and control of the United Nations,

*Indignant* that South Africa's insistence on an irrelevant and extraneous issue of "linkage" has obstructed the implementation of resolution 435 (1978),

1. *Condemns* South Africa for its continued illegal occupation of Namibia in flagrant defiance of resolutions of the General Assembly and decisions of the Security Council;

2. *Further condemns* South Africa for its obstruction of the implementation of Security Council resolution 435 (1978) by insisting on conditions contrary to the provisions of the United Nations plan for the independence of Namibia;

3. *Rejects* South Africa's insistence on linking the independence of Namibia to irrelevant and extraneous issues as incompatible with resolution 435 (1978), other decisions of the Security Council and the resolutions of the General Assembly on Namibia, including General Assembly resolution 1514 (XV);

4. *Declares* that the independence of Namibia cannot be held hostage to the resolution of issues that are alien to resolution 435 (1978);

5. *Reiterates* that resolution 435 (1978), embodying the United Nations plan for the independence of Namibia, is the only basis for a peaceful settlement of the Namibian problem;

6. *Takes note* that the consultations undertaken by the Secretary-General pursuant to paragraph 5 of resolution 532 (1983) have confirmed that all the outstanding issues relevant to resolution 435 (1978) have been resolved;

7. *Affirms* that the electoral system to be used for the elections of the Constituent Assembly should be determined prior to the adoption by the Council of the enabling resolution for the implementation of the United Nations plan;

8. *Calls upon* South Africa to co-operate with the Secretary-General forthwith and to communicate to him its choice of the electoral system in order to facilitate the immediate and unconditional implementation of the United Nations plan embodied in resolution 435 (1978);

9. *Requests* the Secretary-General to report to the Council on the implementation of this resolution as soon as possible and not later than 31 December 1983;

10. *Decides* to remain actively seized of the matter and to meet as soon as possible following the Secretary-General's report for the purpose of reviewing progress in the implementation of resolution 435 (1978) and, in the event of continued obstruction by South Africa, to consider the adoption of appropriate measures under the Charter of the United Nations.

Following the vote, the representative of the Soviet Union said that while the resolution strengthened the role of the United Nations in the settlement of the Namibian question, the original draft had been weakened during the process of consultation. The omission of a direct reference to sanctions under Chapter VII of the Charter to be imposed against South Africa in the event of its continued refusal to implement the Namibian settlement plan had been

brought about by the resistance by the United States and certain other Western friends of South Africa. Those States had once again confirmed that they continued to protect the racist régime against international sanctions, thereby helping Pretoria to buy time and to obstruct Namibia's transition to independence.<sup>93</sup>

The representative of the United States stated that his Government fully supported the spirit of the resolution that had just been adopted. The United States had worked hard and would continue doing so to overcome obstacles that stood in the way of Namibian independence. He said that there were certain elements in the resolution that caused his Government concern: (a) that the resolution contained a number of references to previous resolutions that had not been supported by the United States; (b) that the United States had some reservations relating to the language of the resolution; and (c) that the United States regarded implicit allusion to possible future action under Chapter VII of the Charter as premature since substantial progress had been made in the negotiations aimed at the implementation of resolution 435 (1978).<sup>93</sup>

#### NOTES

<sup>1</sup> S/14333, *OR*, 36th yr., *Suppl. for Jan.-March 1981*.

<sup>2</sup> For the purposes and background of the pre-implementation meeting, see S/14266, *OR*, 35th yr., *Suppl. for Oct.-Dec. 1980*.

<sup>3</sup> S/14333, paras. 19 and 21, *OR*, 36th yr., *Suppl. for Jan.-March 1981*.

<sup>4</sup> S/14347, *ibid.*

<sup>5</sup> S/14346, *ibid.*

<sup>6</sup> 2263rd mtg., para. 4.

<sup>7</sup> *Ibid.*, paras. 8-12.

<sup>8</sup> *Ibid.*, paras. 20-32.

<sup>9</sup> *Ibid.*, paras. 50-53.

<sup>10</sup> *Ibid.*, paras. 60-68.

<sup>11</sup> Similar views were expressed by the representatives of the Philippines, the Niger, Uganda, Ireland, Spain, France, the United Kingdom and the United States (2263rd mtg., paras. 84-182).

<sup>12</sup> 2263rd mtg., paras. 72-79.

<sup>13</sup> S/14434, *OR*, 36th yr., *Suppl. for April-June 1981*.

<sup>14</sup> For details, see chap. III in the present *Supplement*.

<sup>15</sup> Panama, Uganda and the Soviet Union, see 2267th mtg., paras. 11 and 12, paras. 19-24 and paras. 41-43.

<sup>16</sup> France, the United Kingdom and the United States, see 2267th mtg., paras. 15 and 16, paras. 27-29 and paras. 32-37.

<sup>17</sup> 2267th mtg., para. 44.

<sup>18</sup> For further details, see chap. III in the present *Supplement*.

<sup>19</sup> S/14423. For the text of the resolutions, see *GAOR*, 35th sess., *Suppl. No. 48*.

<sup>20</sup> S/14333, *OR*, 36th yr., *Suppl. for Jan.-March 1981*.

<sup>21</sup> 2267th mtg., para. 63.

<sup>22</sup> For the consideration of the question of Southern Rhodesia and the adoption of resolution 232 (1966), see *Repertoire of the Practice of the Security Council, Supplement 1966-1968*, chap. VIII, part II.

<sup>23</sup> 2267th mtg., paras. 67-93.

<sup>24</sup> *Ibid.*, paras. 97-131.

<sup>25</sup> *Ibid.*, paras. 133-149.

<sup>26</sup> *Ibid.*, paras. 187-202.

<sup>27</sup> *Ibid.*, paras. 205-220.

<sup>28</sup> *Ibid.*, paras. 223-242.

<sup>29</sup> 2268th mtg., paras. 9-19.

<sup>30</sup> *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, *Advisory Questions, I.C.J. Reports 1971*, p. 16.

- <sup>31</sup> 2268th mtg., paras. 21-55.  
<sup>32</sup> *Ibid.*, paras. 57-78.  
<sup>33</sup> For the consideration of the invitation to Mr. Peter Kalangula and the others associated with his request, see chap. III, case 1.  
<sup>34</sup> 2268th mtg., paras. 81-110.  
<sup>35</sup> 2269th mtg., paras. 5-33.  
<sup>36</sup> *Ibid.*, paras. 36-52.  
<sup>37</sup> For similar viewpoints, see also statements by the representatives of Zaire and Zimbabwe, 2269th mtg., paras. 95-137 and 140-148.  
<sup>38</sup> 2269th mtg., paras. 56-79.  
<sup>39</sup> *Ibid.*, paras. 82-90.  
<sup>40</sup> 2270th mtg., paras. 7-26.  
<sup>41</sup> *Ibid.*, paras. 46-67.  
<sup>42</sup> *Ibid.*, paras. 70-122.  
<sup>43</sup> 2271st mtg., paras. 6-22.  
<sup>44</sup> For the consideration of the Namibian question by the Security Council during its meetings at Addis Ababa in 1972, see *Repertoire of the Practice of the Security Council, Supplement 1972-1974*, pp. 92-101.  
<sup>45</sup> 2271st mtg., paras. 44-66.  
<sup>46</sup> S/14457, *OR, 36th yr., Suppl. for April-June 1981*.  
<sup>47</sup> 2271st mtg., paras. 87-94.  
<sup>48</sup> *Ibid.*, paras. 124-131.  
<sup>49</sup> 2273rd mtg., paras. 93-103.  
<sup>50</sup> *Ibid.*, paras. 116-142.  
<sup>51</sup> 2274th mtg., paras. 9-16.  
<sup>52</sup> *Ibid.*, paras. 71-80.  
<sup>53</sup> 2275th mtg., paras. 31-37.  
<sup>54</sup> *Ibid.*, paras. 39-52.  
<sup>55</sup> 2275th mtg., paras. 66-112.  
<sup>56</sup> 2276th mtg., paras. 6-26.  
<sup>57</sup> S/14459, S/14460, S/14461, S/14462 and S/14463, *OR, 36th yr., Suppl. for April-June 1981*.  
<sup>58</sup> 2277th mtg., para. 5.  
<sup>59</sup> S/14460/Rev.1, *OR, 36th yr., Suppl. for April-June 1981*.  
<sup>60</sup> 2277th mtg., para. 6.  
<sup>61</sup> *Ibid.*, para. 24.  
<sup>62</sup> *Ibid.*, para. 25.  
<sup>63</sup> *Ibid.*, para. 26.  
<sup>64</sup> *Ibid.*, para. 27.  
<sup>65</sup> *Ibid.*, para. 26.  
<sup>66</sup> *Ibid.*, paras. 32-38.  
<sup>67</sup> *Ibid.*, paras. 39-45.  
<sup>68</sup> S/14457, *OR, 36th yr., Suppl. for April-June 1981*.  
<sup>69</sup> 2277th mtg., paras. 53-59.  
<sup>70</sup> *Ibid.*, paras. 66-92.  
<sup>71</sup> *Ibid.*, paras. 94-104.  
<sup>72</sup> S/15760, *OR, 38th yr., Suppl. for April-June 1983*.  
<sup>73</sup> S/15761, *ibid.*  
<sup>74</sup> S/15776, *ibid.*  
<sup>75</sup> 2439th mtg.  
<sup>76</sup> S/15287, *OR, 37th yr., Suppl. for July-Sept. 1982*.  
<sup>77</sup> 2440th mtg.  
<sup>78</sup> 2443rd mtg.  
<sup>79</sup> 2447th mtg.  
<sup>80</sup> 2449th mtg.  
<sup>81</sup> S/15943, *OR, 38th yr., Suppl. for July-Sept. 1983*.  
<sup>82</sup> S/16048, *ibid.*, *Suppl. for Oct.-Dec. 1983*.  
<sup>83</sup> S/16051, *ibid.*  
<sup>84</sup> 2481st mtg.  
<sup>85</sup> *GAOR, 38th sess., Suppl. No. 1 (A/38/1)*, p. 1.  
<sup>86</sup> 2481st mtg.  
<sup>87</sup> 2482nd mtg.  
<sup>88</sup> 2484th mtg.  
<sup>89</sup> 2485th mtg.  
<sup>90</sup> S/16085, adopted as amended in writing (S/16085/Rev.1) and orally at the 2492nd meeting by the representative of Zimbabwe. See resolution 539 (1983). The changes involved minor textual changes as well as the deletion of an explicit reference to Chapter VII of the Charter from operative paragraph 10 of the draft resolution.

<sup>91</sup> 2490th mtg.

<sup>92</sup> 2492nd mtg. Revised draft resolution S/16085/Rev.1 was adopted as amended orally (subsequently issued as S/16085/Rev.2) at the same meeting. See resolution 539 (1983).

<sup>93</sup> 2492nd mtg.

## 2. THE QUESTION OF SOUTH AFRICA

**Decision of 5 February 1981 (2264th meeting): statement of the President**

In a letter dated 28 November 1980,<sup>1</sup> the representative of Senegal, in his capacity as Chairman of the Group of African States at the United Nations for the month of November, forwarded for necessary action the copy of a letter of the same date addressed to him from the representative of the African National Congress of South Africa (ANC) in respect of death sentences passed by the South African Supreme Court on three members of ANC. The representative of ANC had specifically requested that the Council, as in a similar case on an earlier occasion, hold consultations and mandate the President to use his good offices to alert world opinion and to save the lives of the three ANC members.<sup>2</sup>

At its 2264th meeting, on 5 February 1981, the Council included the letter dated 28 November 1980 from the representative of Senegal in its agenda.

As a result of consultations among members of the Council, the President then made the following statement on behalf of the Council:<sup>3</sup>

The members of the Security Council have entrusted me to express, on their behalf, their grave concern over the death sentences recently passed by the Transvaal Division of the Supreme Court at Pretoria on Ncimbithi Johnson Lubisi (28), Petrus Tsepo Mashigo (20) and Naphtali Manana (24), and which may be considered shortly by the Appellate Division of the Supreme Court at Bloemfontein.

Having this in mind, I strongly urge that the Government of South Africa, in order to avert further aggravating the situation in South Africa, should take into account the concerns expressed for the lives of these three young men.

**Decision of 27 August 1981 (2295th meeting): invitation extended to Mr. Johnstone Makatini**

By letter dated 27 August 1981,<sup>4</sup> the representative of Niger, on behalf of the countries members of the Council belonging to the Movement of Non-Aligned Countries, requested a meeting of the Council at the earliest possible opportunity to consider the wish expressed by Mr. Johnstone Makatini, representative of ANC at the United Nations, in his letter dated 24 August addressed to the President of the Council, that, in accordance with the position taken by the Council in previous similar cases, the President issue a statement on behalf of the Council in connection with the death sentences passed by the Pretoria Supreme Court on three members of ANC—Anthony Tsotsobe, 25, Johannes Shabangu, 26, and David Moise, 25—on 19 August 1981, in order to save their lives.

At its 2295th meeting, on 27 August 1981, the Council included the letter from the representative of Niger on its agenda. Following the adoption of the agenda, the Council decided to extend an invitation to Mr. Makatini under rule 39 of the provisional rules of procedure.<sup>5</sup>

The representative of Niger pointed out that the South African régime was ready to murder in the space of a few months another three ANC militants



for reasons directly linked to their everyday struggle against the *apartheid* régime. He added that the repressive and political nature of the trials against ANC members escaped no one, since the deception of the South African authorities had been unmasked already six months ago. The black majority in South Africa only demanded a just and democratic society where all races and social categories would be treated equally and with justice and dignity. His delegation wished to stress that it was the duty of the Council to help them to achieve that aspiration, in accordance with the Charter and the relevant resolutions of the Council, and appealed urgently to the Council to prevent the execution of the three patriots.<sup>6</sup>

Most members joined the appeal of the representative of Niger that the Council, through its President, call upon the Government of South Africa to desist from the execution of the three ANC members.<sup>7</sup> The representative of the United Kingdom indicated that the judicial process in the case might not yet be complete, but stated his delegation's view that, on humanitarian grounds alone, the death sentences, if they were confirmed, should call for clemency.<sup>8</sup> The representative of the United States recalled the statement issued in February and expressed his wish that the Council might finally come to a similar unanimous expression of concern.<sup>9</sup> Several representatives voiced surprise and dismay that the members of the Council had failed to endorse unanimously an appeal by the Council President as proposed by the representative of ANC and pointed to the well-known features of the South African handling of the case in question which could not be described as a normal judicial process.<sup>10</sup>

**Decision of 15 December 1981 (2315th meeting):** statement by the President

By letter dated 7 December 1981,<sup>11</sup> the representative of Botswana, on behalf of the Group of African States at the United Nations, requested that the President of the Council undertake consultations among the members of the Council in order that, in keeping with precedent, appropriate action might be taken by the Council following the proclamation by South Africa of the independence of another bantustan.

At its 2315th meeting, on 15 December 1981, the Council included the letter dated 7 December from the representative of Botswana in its agenda. As a result of consultations held among members of the Council, the President made the following statement on behalf of the Council:<sup>12</sup>

The Security Council notes that on 4 December 1981, the South African régime proclaimed the Ciskei, an integral part of South African territory, a so-called "independent" State, in pursuance of its *apartheid* and bantustanization policy.

The Council recalls its resolution 417 (1977), in which it demanded that the racist régime of South Africa should 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 the matter. The Council further takes note of General Assembly resolution 32/105 N of 14 December 1977 on the question of bantustans.

The Council does not recognize the so-called "independent homelands" in South Africa: it condemns the purported proclamation of the "independence" of the Ciskei and declares it totally invalid. This action by the South African régime, following similar proclamations in the case of the Transkei, Bophuthatswana and Venda, 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 seeks to create a class of foreign people in their own country. It further

aggravates the situation in the region and hinders international efforts for just and lasting solutions.

The 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 Governments of Member States to take effective measures within their constitutional framework to discourage all individuals, corporations and other institutions under their jurisdiction from having any dealings with the so-called "independent" bantustans.

**Decision of 9 April 1982 (2351st meeting):** resolution 503 (1982)

In a letter dated 8 April 1982,<sup>13</sup> the representative of Uganda transmitted a letter from Mr. Makatini, representative of ANC, who informed the President of the Council that the South African Court of Appeal had confirmed the death sentences imposed on three members, Ncimbithi Johnson Lubisi, Naphthali Manana and Petrus Tsepo Mashigo, in 1980 and requested an urgent meeting of the Council once more to take up the matter; Mr. Makatini further requested that the President use his good offices to urge the Council, pursuant to the call made by the Council on behalf of the three patriots on 5 February 1981 at the 2264th meeting, to demand that South Africa desist from carrying out those sentences and to release immediately and unconditionally those and other patriots.

By another letter of the same date,<sup>14</sup> the representative of Uganda requested an urgent meeting of the Council to examine the situation in southern Africa, following the confirmation of the death sentences on ANC members.

At its 2351st meeting, on 9 April 1982, the Council included the letter from the representative of Uganda requesting the Council meeting<sup>14</sup> in its agenda.

At the beginning of the meeting, the President drew attention to a draft resolution<sup>15</sup> submitted by Togo, Uganda and Zaire.

The representative of Uganda pointed out that an amendment had been proposed regarding the draft resolution and would be acceptable to the sponsors; he then read the text of the amendment, which replaced operative paragraph 2 of the original draft. He further stated that the meeting of the Council had been requested for purely humanitarian reasons, in order to enable the Council to help save the lives of three South African patriots. He recalled the statement of the President on 5 February 1981 expressing the Council's grave concern for the lives of the three patriots and briefly indicated the humanitarian quality of the draft resolution. Speaking on behalf of the African Group and the three sponsors, he commended to the Council the draft resolution which he hoped would be adopted unanimously.<sup>16</sup>

The President then put the draft resolution as amended to the vote; it received 15 votes in favour and was unanimously adopted as resolution 503 (1982).<sup>17</sup> It reads as follows:

*The Security Council,*

*Recalling* its resolution 473 (1980) and its statement of 5 February 1981 regarding the death sentences passed by the Transvaal Division of the Supreme Court at Pretoria on Ncimbithi Johnson Lubisi, Petrus Tsepo Mashigo and Naphthali Manana, three members of the African National Congress of South Africa,

*Gravely concerned* at the confirmation of the death sentences by the South African Court of Appeal on 7 April 1982,

*Deeply concerned* that the carrying out of the death sentences would further aggravate the situation in South Africa,

1. *Calls upon* the South African authorities to commute the death sentences;

2. *Urges* all States and organizations to use their influence and to take urgent measures in conformity with the Charter of the United Nations, the resolutions of the Security Council and relevant international instruments to save the lives of the three men.

Following the adoption of the resolution, the representative of the United States commended the sponsors for their agreement to accept the critically important amendment to paragraph 2 of the text.<sup>18</sup>

The representative of the Soviet Union criticized the delegation of the United States for insisting on language in paragraph 2 of the resolution, which changed the context of the Council's position concerning the lives of the three young patriots from the explicit condemnation of the policy of *apartheid* as a crime against the conscience and dignity of mankind, as found in resolution 473 (1980), paragraph 3, adopted unanimously on 13 June 1980. He deplored the insistence of the United States on considering the threat to the lives of the three young men in the context of the violation of human rights and not in the context of the policy of *apartheid*.<sup>19</sup>

**Decision of 20 September 1982 (2397th meeting):** invitation of the Chairman of the Security Council Committee established by resolution 421 (1977)

**Decision of 23 September 1982 (2398th meeting):** other invitations

At its 2397th meeting, on 20 September 1982, the Council resumed consideration of the report of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa<sup>20</sup> on ways and means of making the mandatory arms embargo against South Africa more effective, an item which had been included in its agenda at the 2261st meeting, on 19 December 1980.

The President stated that, in the course of consultations, the Council members had agreed to extend an invitation under rule 39 of the provisional rules of procedure to the Chairman for 1981 of the Security Council Committee established by resolution 421 (1977).<sup>21</sup>

At the 2398th meeting, on 23 September 1982, the Council invited the representatives of Algeria, Cuba and Ghana, at their request, to participate in the discussion without the right to vote.<sup>22</sup>

At the same meeting, the Council also decided to extend an invitation under rule 39 of the provisional rules of procedure to the Chairman of the Special Committee against *Apartheid*.<sup>23</sup>

At the 2397th meeting, the Chairman for 1981 of the Security Council Committee recalled the adoption of the mandatory arms embargo under Chapter VII of the Charter in resolution 418 (1977) and the establishment, organization and work of the Committee established under resolution 421 (1977) in order to study ways and means by which the embargo could be made more effective. The report dated 19 September 1980 of the Committee showed that the embargo was violated in that illicit transfers of arms continued to take place and loopholes encouraged violation of the embargo. The Committee had recommended that the loopholes be closed and had urged that additional measures be taken to tighten the application of the arms embargo. He warned that if those steps were not taken to strengthen the impact of the arms embargo, the very respectability of the Organization would be called into question.<sup>24</sup>

At the 2398th meeting, the representative of Ghana, speaking in his capacity as the Chairman of the Group of African States at the United Nations, stated that sanctions offered the last peaceful instrument to accomplish the abolition of *apartheid* and racial discrimination in South Africa. He reviewed the developments since the imposition of the mandatory arms embargo in 1977 and pointed to the deliberate violations of the arms embargo and the loopholes in the coverage of the arms embargo that had become apparent since then. He also urged that the international community ban co-operation with South Africa's nuclear programme, since that enhanced the racist régime's nuclear-weapon capability and enabled it to threaten peace and security in the region and to terrorize neighbouring countries. He called upon the Council Committee to prepare a list of all the products that would fall under the provisions of the arms embargo, suggested that the embargo be extended to so-called dual-purpose items that could be taken advantage of by the South African military authorities and urged that oil be recognized as an essential element in any arms embargo. He appealed strongly to the Council that everything be done to ensure the more effective implementation of the mandatory arms embargo against the *apartheid* régime in South Africa.<sup>25</sup>

**Decision of 4 October 1982:** statement of the President

By a letter dated 16 September 1982<sup>26</sup> addressed to the Secretary-General, the Chairman of the Special Committee against *Apartheid* drew attention to the death sentences imposed by South Africa on 6 August 1982 on Thelle Simon Mogoerane, Jerry Semano Mosololi and Marcus Thabo Motaung, three ANC members, on the charge of high treason.

On 4 October 1982, following consultations with the Council members, the President issued the following statement<sup>27</sup> on behalf of the members of the Council:

The members of the Security Council have entrusted me to express, on their behalf, their grave concern at the death sentences passed on 6 August 1982 in South Africa on Mr. Thelle Simon Mogoerane, Mr. Jerry Semano Mosololi and Mr. Marcus Thabo Motaung, three members of the African National Congress of South Africa.

The members of the Security Council strongly urge the Government of South Africa, in order to avoid further aggravating the situation in South Africa, to commute the death sentences.

**Decision of 2404th meeting (7 December 1982):** resolution 525 (1982)

At its 2404th meeting, on 7 December 1982, the Council included the question of South Africa in its agenda.

The President stated that the meeting of the Council had been convened in accordance with a request by the representative of Uganda on behalf of the Group of African States at the United Nations and the non-aligned members of the Council. He drew the attention of the Council to a draft resolution<sup>28</sup> submitted by Guyana, Jordan, Panama, Togo, Uganda and Zaire. The draft resolution was put to the vote, received 15 votes in favour and was adopted unanimously as resolution 525 (1982).<sup>29</sup> It reads as follows:

*The Security Council,*

*Having considered* the question of the death sentences passed on 19 August 1981 in South Africa on Mr. Anthony Tsotsobe, Mr. Johannes Shabangu and Mr. David Moise,

Recalling its statement of 4 October 1982 regarding the death sentences passed on 6 August 1982 in South Africa on Mr. Thelle Simon Mogoerane, Mr. Jerry Semano Mosololi and Mr. Marcus Thabo Motaung, members of the African National Congress of South Africa, and reiterating its urgent appeal for executive clemency in this case,

Gravely concerned at the confirmation by the Appellate Division of the Supreme Court of South Africa on 26 November 1982 of the death sentences imposed on Mr. Anthony Tsotsobe, Mr. Johannes Shabangu and Mr. David Moise,

Conscious that the carrying out of the death sentences will further aggravate the situation in South Africa,

1. *Calls upon* the South African authorities to commute the death sentences imposed on the six men;

2. *Urges* all States and organizations to use their influence and to take urgent measures, in conformity with the Charter of the United Nations, the resolutions of the Security Council and relevant international instruments, to save the lives of the six men.

**Decision of 7 June 1983 (2452nd meeting): resolution 533 (1973)**

By a letter dated 6 June 1983,<sup>30</sup> the representative of Morocco, in his capacity as Chairman of the Group of African States at the United Nations, informed the Council that South Africa had on that day confirmed the death sentences passed on Thelle Simon Mogoerane, Jerry Semano Mosololi and Marcus Thabo Motaung and requested the Council to take urgent and appropriate action.

At its 2452nd meeting, on 7 June 1983, the Council included the letter from the representative of Morocco in its agenda.

Following the adoption of the agenda, the President drew attention to a draft resolution<sup>31</sup> that had been worked out in the course of consultations among the members of the Council. He then put the draft resolution to the vote; it received 15 votes in favour and was adopted unanimously as resolution 533 (1983).<sup>32</sup> It reads as follows:

*The Security Council,*

*Having considered* the question of the death sentences passed on 6 August 1982 in South Africa on Mr. Thelle Simon Mogoerane, Mr. Jerry Semano Mosololi and Mr. Marcus Thabo Motaung, members of the African National Congress of South Africa,

*Recalling* its statement of 4 October 1982 as well as its resolution 525 (1982) appealing for executive clemency in this case,

*Gravely concerned* over the decision of the South African authorities on 6 June 1983 to refuse executive clemency in respect of the three men,

*Conscious* that the carrying out of the death sentences will aggravate the situation in South Africa,

1. *Calls upon* the South African authorities to commute the death sentences imposed on the three men;

2. *Urges* all States and organizations to use their influence and to take urgent measures, in conformity with the Charter of the United Nations, the resolutions of the Security Council and relevant international instruments, to save the lives of the three men.

**Decision of 13 January 1984 (2512th meeting): resolution 547 (1984)**

By letter dated 10 January 1984,<sup>33</sup> the representative of Togo, in his capacity as Chairman of the Group of African States at the United Nations for the month of January 1984, requested an urgent meeting of the Council to consider the question of the death sentence passed by the Supreme Court of South Africa against Mr. Malesela Benjamin Maloise, a member of ANC.<sup>34</sup>

At its 2512th meeting, on 13 January 1984, the Council included the letter from the representative of Togo in its agenda.

Following the adoption of the agenda, the President drew attention to a draft resolution<sup>35</sup> that had been prepared in the course of the Council's consultations. He then put the draft to the vote; it received 15 votes in favour and was adopted unanimously as resolution 547 (1984).<sup>36</sup> It reads as follows:

*The Security Council,*

*Having considered* the question of the death sentence passed on 6 June 1983 in South Africa on Mr. Malesela Benjamin Maloise,

*Recalling* its resolutions 503 (1982), 525 (1982) and 533 (1983),

*Gravely concerned* over the current decision of the South African authorities to reject an appeal against the death sentence imposed upon Mr. Maloise,

*Conscious* that carrying out the death sentence will further aggravate the situation in South Africa,

1. *Calls upon* the South African authorities to commute the death sentence imposed upon Mr. Maloise;

2. *Urges* all States and organizations to use their influence and to take urgent measures, in accordance with the Charter of the United Nations, the resolutions of the Security Council and relevant international instruments, to save the life of Mr. Malesela Benjamin Maloise.

**Decision of 17 August 1984 (2551st meeting): resolution 554 (1984)**

By letter dated 8 August 1984,<sup>37</sup> the representative of Algeria, on behalf of the Group of African States at the United Nations, requested, in accordance with General Assembly resolution 38/11 of 15 November 1983, an urgent meeting of the Council to consider the so-called constitutional reforms in South Africa.

At the 2548th meeting, on 16 August 1984, the Council included the letter dated 8 August from the representative of Algeria in its agenda. Following the adoption of the agenda, the Council decided to invite the following, at their request, to participate in the discussion without the right to vote: at the 2548th meeting, the representatives of Algeria, Argentina, Czechoslovakia, Nigeria, South Africa and Thailand; at the 2549th meeting, the representatives of Benin, Cuba, Mongolia, the Syrian Arab Republic, Trinidad and Tobago and Yugoslavia; at the 2550th meeting, the representatives of the Congo, Indonesia, Kuwait, Qatar and Sri Lanka; and at the 2551st meeting, the representatives of Afghanistan, Guyana, Kenya and Togo.<sup>5</sup> The Council also decided to extend invitations under rule 39 of the provisional rules of procedures, at the 2548th meeting, to the Acting Chairman of the Special Committee against *Apartheid*, to Mr. Mfanafuthi J. Makatini and to Mr. Ahmed Gora Ebrahim, at the 2549th meeting, 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 and, at the 2551st meeting, to Mr. Lesaoana Makhanda.<sup>5</sup> The Council considered the item during its 2548th to 2551st meetings, on 16 and 17 August 1984.

Speaking on behalf of the Group of African States at the United Nations at the 2548th meeting, the representative of Algeria pointed out that the so-called constitutional reforms imposed by the South African Government sought to entrench and perpetuate the *apartheid* system and completed the edifice that made the indigenous population non-persons and deprived them of their fundamental right to citizenship. He then described in detail the new constitution establishing the hierarchy of races and a so-called three-house Parliament for whites, for "coloureds" and for persons of Asian origin, respectively, while excluding blacks from any kind of representa-

tion altogether. He indicated that whereas the white chamber could take up any matter it wished, the other two chambers could discuss issues only after the approval of the white President of the State, thereby guaranteeing the parliamentary dominance of the white minority. Referring to the long chain of discriminatory legislation, he stressed that the new constitution was merely another link intended to strengthen the *apartheid* régime and to perpetuate white supremacy.

In view of the long history of the racist system, the representative of Algeria concluded that the *apartheid* system could not be reformed, but must be rooted out, and that pressure must be kept up against the South African régime in order to obtain the restitution of the legitimate rights of the South African people. The Group of African States at the United Nations therefore expected and demanded that the Council, like the General Assembly, would reject the so-called constitution, as well as the results of the 2 November 1983 referendum. The Council should clearly indicate that the implementation of the "constitution" would inevitably aggravate tension and conflict in South Africa and throughout the region. Only the eradication of *apartheid* and the establishment of a democratic non-racial society based on universal adult suffrage in a united and unfragmented South Africa could lead to a just and lasting solution of the explosive situation in southern Africa.<sup>38</sup>

At the same meeting, the representative of South Africa protested sharply against what he called interference by the Council in an internal affair of the Republic of South Africa. That violation of the Charter by organs and members of the Organization was unacceptable as the subject of constitutional arrangements was beyond the ambit of the United Nations. He offered the official explanation for the new constitution and stressed that the black population had not been left out but had exercised its right to self-determination by opting for political independence. He presented a detailed description of the new constitutional set-up, which was supposed to advance the goals of self-determination, autonomy, devolution of power and co-ordinated economic development throughout the country. He denounced the United Nations as an ineffectual organization and indicated that his Government rejected in advance what the Council would decide.<sup>39</sup>

At the 2549th meeting, on 16 August 1984, the President drew attention to a draft resolution<sup>40</sup> submitted by Burkina Faso, Egypt, India, Malta, Nicaragua, Pakistan, Peru and Zimbabwe.

At the 2551st meeting, on 17 August 1984, the representative of India, speaking on behalf of the eight non-aligned sponsors of the draft resolution, informed the Council that as a result of consultations with other Council members the sponsors had agreed to a few changes, including the deletion of the original second preambular paragraph, some editorial changes in the original fifth preambular paragraph and the deletion of some words in the last preambular paragraph. He expressed hope that the spirit of accommodation shown by the sponsors would enable the Council to adopt the draft resolution by an overwhelming majority, if not by unanimity.<sup>41</sup>

At the same meeting, the President put the draft resolution to the vote; it received 13 votes in favour,

none against, and 2 abstentions, and was adopted as resolution 554 (1984).<sup>42</sup> It reads as follows:

*The Security Council,*

*Recalling* its resolution 473 (1980) and General Assembly resolution 38/11 of 15 November 1983, as well as other relevant United Nations resolutions calling upon the authorities in South Africa to abandon *apartheid*, end oppression and repression of the black majority and seek a peaceful, just and lasting solution in accordance with the principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

*Convinced* that the so-called "new constitution" endorsed on 2 November 1983 by the exclusively white electorate in South Africa would continue the process of denationalization of the indigenous African majority, depriving it of all fundamental rights, and further entrench *apartheid*, transforming South Africa into a country for "whites only",

*Aware* that the inclusion in the "new constitution" of the so-called "coloured" people and people of Asian origin is aimed at dividing the unity of the oppressed people of South Africa and fomenting internal conflict,

*Noting with grave concern* that one of the objectives of the so-called "constitution" of the racist régime is to make the "coloured" people and people of Asian origin in South Africa eligible for conscription into the armed forces of the *apartheid* régime for further internal repression and aggressive acts against independent African States,

*Welcoming* the massive united resistance of the oppressed people of South Africa against these "constitutional" manoeuvres,

*Reaffirming* the legitimacy of the struggle of the oppressed people of South Africa for the elimination of *apartheid* and for the establishment of a society in which all the people of South Africa as a whole, irrespective of race, colour, sex or creed, will enjoy equal and full political and other rights and participate freely in the determination of their destiny,

*Firmly convinced* that the so-called "elections" to be organized by the Pretoria régime in the current month of August for the "coloured" people and people of Asian origin and the implementation of this "new constitution" will inevitably aggravate tension in South Africa and in southern Africa as a whole,

1. *Declares* that the so-called "new constitution" is contrary to the principles of the Charter of the United Nations, that the results of the referendum of 2 November 1983 are of no validity whatsoever and that the enforcement of the "new constitution" will further aggravate the already explosive situation prevailing inside *apartheid* South Africa;

2. *Strongly rejects and declares as null and void* the so-called "new constitution" and the "elections" to be organized in the current month of August for the "coloured" people and people of Asian origin as well as all insidious manoeuvres by the racist minority régime of South Africa further to entrench white minority rule and *apartheid*;

3. *Further rejects* any so-called "negotiated settlement" based on bantustan structures or on the so-called "new constitution";

4. *Solemnly declares* that only the total eradication of *apartheid* and the establishment of a non-racial democratic society based on majority rule, through the full and free exercise of universal adult suffrage by all the people in a united and unfragmented South Africa, can lead to a just and lasting solution of the explosive situation in South Africa;

5. *Urges* all Governments and organizations not to accord recognition to the results of the so-called "elections" and to take appropriate action, in co-operation with the United Nations and the Organization of African Unity and in accordance with the present resolution, to assist the oppressed people of South Africa in their legitimate struggle for a non-racial, democratic society;

6. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution;

7. *Decides* to remain seized of the matter.

Following the adoption of the resolution, the representative of the United States suggested that the United Nations could discuss and condemn all forms of racial discrimination, deemed at one time an internal matter, as the Members of the United Nations had pledged themselves through the Charter to promote human rights and fundamental freedoms

for all without distinction as to race, sex, language or religion. He emphasized that his Government did not believe that Article 2, paragraph 7, of the Charter could be interpreted to render the Universal Declaration of Human Rights or other general principles a nullity. He added, however, that his delegation had abstained in the vote since the Council, whose mandate was clearly spelt out in Article 24, was not the appropriate forum for that resolution. He expressed the hope that the expansion of the franchise to persons of Asian and so-called coloured descent could eventually be further extended to include the majority of South Africans and declared that the United States would continue to encourage attainment of the ultimate goal of universal, non-discriminatory suffrage in South Africa.<sup>43</sup>

The representative of the United Kingdom stated that his delegation shared the concern expressed in the resolution about the absence of any provision in the new constitution for the black majority. But he warned against making a final judgement at that point about the new arrangements. His Government had consistently declined to take a position on the new arrangements, which might endanger prospects for further change in South Africa. He further took exception with some of the language in the resolution and did not accept that the references to the legitimacy of the struggle related to armed struggle or extended to the use of force. Nor did his delegation believe that outsiders should prescribe solutions or determine the validity of internal arrangements.<sup>43</sup>

**Decision of 23 October 1984 (2560th meeting): resolution 556 (1984)**

By letter dated 17 October 1984,<sup>44</sup> the representative of Ethiopia, on behalf of the Group of African States at the United Nations, requested the President of the Council, in pursuance of General Assembly resolution 39/2 of 28 November 1984, to consider the serious situation in South Africa emanating from the imposition of the so-called new constitution and to take all necessary measures in accordance with the Charter, to avert the further aggravation of tension and conflict in South Africa and in southern Africa as a whole.

At its 2560th meeting, on 23 October 1984, the Council included the letter from the representative of Ethiopia in its agenda. Following the adoption of the agenda, the Council decided to invite the representatives of Ethiopia and South Africa, at their request, to participate in the discussion without the right to vote. The Council also decided to extend invitations under rule 39 of the Council's provisional rules of procedure to the Chairman of the Special Committee against *Apartheid* and to Bishop Desmond Tutu.<sup>45</sup> The Council considered the item at the same meeting.

The President opened the meeting and drew attention to a draft resolution<sup>45</sup> submitted by Burkina Faso, Egypt, India, Malta, Nicaragua, Pakistan, Peru and Zimbabwe.

The representative of Ethiopia, speaking on behalf of the Group of African States at the United Nations, condemned once again the process of bantustanization whereby blacks were uprooted from their ancestral homes and forced to settle in barren wastelands. He also denounced the so-called referendums and elections as nothing other than attempts to entrench white supremacy. He recalled the recent adoption of Council resolution 554 (1984) and General Assembly

resolution 39/2 as expressions of the international community regarding the illegitimate and racist character of the régime and its policy. He warned that the situation could no longer continue and emphasized that the Council should finally agree to the imposition of comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter; otherwise, the people of South Africa would be left with no other choice than the intensification of the ongoing armed struggle. He concluded by calling upon the Council members to endorse the draft resolution, which contained the minimum to defuse the current tension.<sup>46</sup>

The representative of South Africa charged again that the Council was interfering in the internal affairs of his country and rejected whatever decisions the Council might arrive at in prescribing to South Africa how it should run its own affairs.<sup>47</sup>

Bishop Desmond Tutu commended President P. W. Botha for his courage in declaring that the future of South Africa could no longer be determined by whites only, but deplored that that opportunity to resolve the burgeoning crisis in his native land should have been vitiated by exclusion of the overwhelming majority in the land. From all indications it had become clear that the new constitution was intended to perpetuate the rule of a minority and to entrench racism and ethnicity. He expressed dismay over all forms of violence, presented his dream of a truly non-racial, democratic society and pledged to continue the work for justice, peace and reconciliation.<sup>47</sup>

Prior to the vote, the representative of the Netherlands addressed the growing danger of an explosion leading to destruction and violence in South Africa and warned that decisive measures of basic reform were urgently required to forestall such a development. He recalled his Government's willingness to co-operate with other Council members in strengthening the arms embargo by a mandatory ban on the import of arms manufactured by South Africa. He announced his delegation's support for the draft resolution, but objected to some of the language employed in the draft and to the Council's passing judgement on the legal validity of a Member State's constitution or electoral processes.<sup>47</sup>

At the same meeting, the draft resolution was put to the vote, received 14 votes in favour with 1 abstention, and was adopted as resolution 556 (1984).<sup>48</sup> It reads as follows:

*The Security Council,*

*Recalling* its resolution 554 (1984) and General Assembly resolutions 38/11 of 15 November 1983 and 39/2 of 28 September 1984, which declared the so-called "new constitution" contrary to the principles of the Charter of the United Nations,

*Reaffirming* the provisions of the Universal Declaration of Human Rights, particularly article 21, paragraphs 1 and 3, which recognize, *inter alia*, the right of everyone to take part in the Government of his country, directly or through freely chosen representatives, and the will of the people as the basis of the authority of Government,

*Alarmed* by the aggravation of the situation in South Africa, in particular the wanton killing and the maiming of defenceless demonstrators and workers on strike as well as the imposition of virtual martial-law conditions intended to facilitate the brutal repression of the black population,

*Gravely concerned* at the continuing arbitrary arrests and detentions without trial of leaders and activists of mass organizations inside the country as well as the closure of several schools and universities,

*Commending* the massive united resistance of the oppressed people of South Africa, including the strike by hundreds of

thousands of black students, to the imposition of the so-called "new constitution".

*Commending also* the Asian and coloured communities in South Africa for their large-scale boycott of the recent "elections" which constituted a clear rejection of the so-called "new constitution".

*Reaffirming* the legitimacy of the struggle of the oppressed people of South Africa for the full exercise of the right to self-determination and the establishment of a non-racial democratic society in an unfragmented South Africa.

*Convinced* that racist South Africa's defiance of world public opinion and the imposition of the rejected so-called "new constitution" will inevitably lead to further escalation of the explosive situation and will have far-reaching consequences for southern Africa and the world.

1. *Reiterates* its condemnation of the *apartheid* policy of the South African régime and South Africa's continued defiance of the resolutions of the United Nations and designs further to entrench *apartheid*, a system characterized as a crime against humanity;

2. *Further condemns* the continued massacres of the oppressed people, as well as the arbitrary arrest and detention of leaders and activists of mass organizations;

3. *Demands* the immediate cessation of the massacres and the prompt and unconditional release of all political prisoners and detainees;

4. *Reaffirms* that only the total eradication of *apartheid* and the establishment of a non-racial, democratic society based on majority rule, through the full and free exercise of adult suffrage by all the people in a united and unfragmented South Africa, can lead to a just, equitable and lasting solution of the situation in South Africa;

5. *Urges* all Governments and organizations to take appropriate action, in co-operation with the United Nations and the Organization of African Unity and in accordance with the present resolution, to assist the oppressed people of South Africa in their legitimate struggle for the full exercise of the right to self-determination;

6. *Demands* the immediate eradication of *apartheid* as the necessary step towards the full exercise of the right to self-determination in an unfragmented South Africa, and to this end demands:

(a) The dismantling of the bantustan structures as well as the cessation of uprooting, relocation and denationalization of the indigenous African people;

(b) The abrogation of the bans and restrictions on political organizations, parties, individuals and news media opposed to *apartheid*;

(c) The unimpeded return of all the exiles;

7. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution;

8. *Decides* to remain seized of the matter.

Following the vote, the representative of the United Kingdom stated that his Government had supported the resolution just adopted in order to provide another sign by the international community that the problems of South Africa neither could nor should be resolved by repression, by the denial of civil and political rights or by violence. He regretted the exaggerated language used in some parts of the resolution and explained that his delegation regarded the expression "crime against humanity" as one of abhorrence rather than a technical legal description and that it did not interpret any part of the resolution as falling within the terms of Chapter VII of the Charter.<sup>49</sup>

**Decision of 13 December 1984 (2564th meeting): resolution 558 (1984)**

In a letter dated 13 December 1984,<sup>50</sup> the Chairman of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa transmitted to the President of the Council for the attention of its members the text of a recommendation adopted by consensus by the Committee at its 63rd meeting, held on the same day.

At the 2564th meeting, on 13 December 1984, the Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representative of South Africa, at his request, to participate in the discussion without the right to vote.<sup>51</sup> The Council considered the item at its 2564th meeting.

The representative of the Netherlands stated that, a month earlier, his delegation had requested a meeting of the Security Council Committee established by resolution 421 (1977) in order to submit to its members a proposal to expand the arms embargo imposed in resolution 418 (1977) by a ban on arms imports from South Africa, a step that his Government had advocated over the last few years. That step seemed advisable because South Africa had responded to the arms embargo with a major effort to build up its capacity to manufacture arms and thus to circumvent the provisions of the embargo. Moreover, the South African Government had launched an export drive for its self-produced weapons. Under those circumstances, his delegation believed that the international community must keep up the pressure on South Africa so that a process of fundamental reforms would be initiated leading to the elimination of *apartheid*.

He then introduced the draft resolution,<sup>51</sup> which was the result of extensive consultations with other members of the Council and had been recommended by consensus by the Security Council Committee established by resolution 421 (1977). He added that his delegation saw the proposed draft resolution, though of a non-mandatory character, as a concrete step forward, and urged the Council to endorse the text.<sup>52</sup>

Then the President put the draft resolution to the vote; it received 15 votes in favour and was adopted unanimously as resolution 558 (1984).<sup>53</sup> It reads as follows:

*The Security Council,*

*Recalling* its resolution 418 (1977), in which it decided upon a mandatory arms embargo against South Africa,

*Recalling* its resolution 421 (1977), by which it entrusted a Committee consisting of all its members with the task of, among other things, studying ways and means by which the mandatory arms embargo could be made more effective against South Africa and to make recommendations to the Council,

*Taking note* of the Committee's report to the Security Council contained in document S/14179 of 19 September 1980,

*Recognizing* that South Africa's intensified efforts to build up its capacity to manufacture armaments undermines the effectiveness of the mandatory arms embargo against South Africa,

*Considering* that no State should contribute to South Africa's arms-production capability by purchasing arms manufactured in South Africa,

1. *Reaffirms* its resolution 418 (1977) and stresses the continuing need for the strict application of all its provisions;

2. *Requests* all States to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa;

3. *Requests* all States, including States not Members of the United Nations, to act strictly in accordance with the provisions of the present resolution;

4. *Requests* the Secretary-General to report to the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa on the progress of the implementation of the present resolution before 31 December 1985.

Following the vote, the representative of the United Kingdom pointed out that his Government was opposed to certain suggestions that would exacerbate the situation in South Africa and could cause grave damage to neighbouring States and therefore

warned against the Council's lightly entering into areas such as Chapter VII measures. His Government also objected to the use of trade sanctions, which were difficult to enforce and harmed the poorest and most vulnerable, whereas trade was a channel for widening mutual understanding and for exercising a moderating influence. He commended the Council for adopting a realistic course and expressed great appreciation to the representative of the Netherlands for preparing a text that would command unanimous support.<sup>52</sup>

The representative of India underlined the primary importance of resolution 418 (1977) setting up the mandatory arms embargo and suggested that the new measure to ban also the import of South African arms was only an aspect of the total embargo. He also expressed regret that the text adopted did not contain all the improvements that had been proposed in the consultations.<sup>52</sup>

The representative of the Soviet Union asked for concrete steps to close some of the loopholes in the embargo and to make it as comprehensive as possible. Beyond the new decision, which he warmly welcomed, he reiterated his Government's longstanding support for the application of sanctions provided for in Chapter VII of the Charter.<sup>52</sup>

The representative of Pakistan called the decision of the Council a mandatory Council resolution and expressed hope that the Council would take up the recommendations for comprehensive measures submitted by the arms embargo committee four years ago.<sup>52</sup>

The representative of South Africa protested that he had specifically requested to speak before the Council voted on the draft resolution and called the procedure adopted by the President most irregular. He also acknowledged that the buildup of the South African arms industry had begun after the adoption of resolution 418 (1977) and claimed that that development was inevitable as the arms embargo constituted an ill-conceived attempt to destroy South Africa's capacity to exercise its basic right to self-defence. He added that South Africa had become self-sufficient in a number of important armaments sectors and would continue to keep pace with the requirements of its defence.<sup>52</sup>

## NOTES

<sup>1</sup> S/14277, *OR*, 35th yr., *Suppl. for Oct.-Dec. 1980*.

<sup>2</sup> For similar expressions of concern, see also the letter dated 1 December 1980 from the Chairman of the Special Committee against *Apartheid* (S/14280, *ibid.*) and the note verbale dated 23 December 1980 from the Permanent Mission of Cuba to the United Nations transmitting the text of the communiqué adopted at the plenary meeting of the Movement of Non-Aligned Countries held in New York on 23 December 1980 (S/14315, *ibid.*).

<sup>3</sup> S/14361, incorporated in the record of the 2264th meeting. See also *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*.

<sup>4</sup> S/14648, *OR*, 36th yr., *Suppl. for July-Sept. 1981*.

<sup>5</sup> For details, see chap. III of the present *Supplement*.

<sup>6</sup> 2295th mtg., paras. 5-8.

<sup>7</sup> See 2295th mtg., statements by the representatives of China, France, the German Democratic Republic, Ireland, Japan, Mexico, the Philippines, Spain, Tunisia, Uganda and the Soviet Union.

<sup>8</sup> 2295th mtg., paras. 43-44.

<sup>9</sup> *Ibid.*, paras. 65 and 66.

<sup>10</sup> See 2295th mtg., statements by the representatives of Mexico (paras. 50-54), the Philippines (paras. 57-62) and, in particular, Uganda (paras. 70-75).

<sup>11</sup> S/14787, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

<sup>12</sup> S/14794, incorporated in the record of the 2315th meeting. See also *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*.

<sup>13</sup> S/14958, *ibid.*, 37th yr., *Suppl. for April-June 1982*.

<sup>14</sup> S/14959, *ibid.*

<sup>15</sup> S/14960, adopted as orally amended as resolution 503 (1982).

<sup>16</sup> 2351st mtg., paras. 3-8.

<sup>17</sup> For the vote, see *ibid.*, para. 9.

<sup>18</sup> 2351st mtg., paras. 16-18.

<sup>19</sup> *Ibid.*, paras. 19-24.

<sup>20</sup> The report (S/14179) was issued on 19 September 1980. See *Supplement 1975-1980*, chap. VIII, part II, for details regarding the submission and its first discussion at the 2261st meeting.

<sup>21</sup> 2397th mtg., para. 3. For details, see chap. III of the present *Supplement*.

<sup>22</sup> 2398th mtg., para. 2 (Algeria, Ghana), and para. 121 (Cuba). For details, see chapter III of the present *Supplement*.

<sup>23</sup> 2398th mtg., paras. 3 and 4. For details, see chap. III of the present *Supplement*.

<sup>24</sup> 2397th mtg., paras. 7-29.

<sup>25</sup> 2398th mtg., paras. 7-32. For similar statements see *ibid.*, paras. 36-45 (Togo), paras. 47-90 (Chairman, Special Committee against *Apartheid*) and paras. 112-120 (Algeria).

<sup>26</sup> S/15405, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>27</sup> S/15444, *ibid.*, *Resolutions and Decisions of the Security Council, 1982*.

<sup>28</sup> S/15511, adopted without change as resolution 525 (1982).

<sup>29</sup> For the President's opening statement and the vote, see 2404th mtg., paras. 2-4. See also chap. IV of the present *Supplement* regarding the vote.

<sup>30</sup> S/15814, *OR*, 38th yr., *Suppl. for April-June 1983*.

<sup>31</sup> S/15815, adopted without change as resolution 533 (1983).

<sup>32</sup> For the President's opening statement and the vote, see 2452nd mtg. See also chap. IV of the present *Supplement*.

<sup>33</sup> S/16265, *OR*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>34</sup> In a letter dated 11 January 1984 (S/16271, *ibid.*), the representative of South Africa denounced the request by the African Group as interference in the internal affairs of South Africa and attached to the letter the text of the formal murder charges against the defendant.

<sup>35</sup> S/16275, adopted without change as resolution 547 (1984).

<sup>36</sup> For the vote see 2512th mtg. See also chap. IV of the present *Supplement*.

<sup>37</sup> S/16692, *OR*, 39th yr., *Suppl. for July-Sept. 1984*.

<sup>38</sup> 2548th mtg. Similar statements regarding the unacceptability of the South African constitution were made at the same meeting by: the representatives of Argentina, Egypt, India, Nigeria, Peru and Thailand and by the Acting Chairman of the Special Committee against *Apartheid*; at the 2549th mtg. by the representatives of China, Malta, Pakistan, the Syrian Arab Republic, the Soviet Union, Yugoslavia and Zimbabwe and by 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 and Mr. Makatini; at the 2550th mtg. by the representatives of Benin, the Congo, Cuba, Czechoslovakia, Kuwait, Mongolia, Nicaragua and Sri Lanka; and at the 2551st mtg. by the representatives of France, Guyana, Indonesia, the Netherlands, Qatar, Togo and Trinidad and Tobago, by the President, speaking in his capacity as representative of Burkina Faso, and by Mr. Makhanda.

<sup>39</sup> 2548th mtg.

<sup>40</sup> S/16700, adopted with small editorial changes as resolution 554 (1984).

<sup>41</sup> 2551st mtg.

<sup>42</sup> For the vote, see *ibid.* See also chap. IV of the present *Supplement*.

<sup>43</sup> 2551st mtg.

<sup>44</sup> S/16786, *OR*, 39th yr., *Suppl. for Oct.-Dec. 1984*.

<sup>45</sup> S/16791, adopted without change as resolution 556 (1984).

<sup>46</sup> 2560th mtg. See also the statements by India (*ibid.*) and by the Chairman of the Special Committee against Apartheid (*ibid.*).

<sup>47</sup> 2560th mtg.

<sup>48</sup> For the vote, see *ibid.* See also chap. IV of the present Supplement.

<sup>49</sup> 2560th mtg. See also the explanation of the vote by the United States (*ibid.*), which had abstained in view of some "excesses" of language in the text of the resolution.

<sup>50</sup> S/16860, OR, 39th yr., Suppl. for Oct.-Dec. 1984.

<sup>51</sup> S/16860, adopted without change as resolution 558 (1984).

<sup>52</sup> 2564th mtg.

<sup>53</sup> For the vote, see *ibid.* See also chap. IV of the present Supplement.

### 3. ITEMS RELATING TO THE MIDDLE EAST

#### A. THE SITUATION IN THE MIDDLE EAST

**Decision of 19 March 1981 (2266th meeting): President's statement**

In a letter<sup>1</sup> dated 3 March 1981, the representative of Lebanon requested a meeting of the Council to address itself to the continuing problem of repeated Israeli aggression against Lebanon. In previous letters,<sup>2</sup> he had informed the Council about particular acts of aggression against Lebanon which he charged had been committed by Israeli forces.

At its 2265th meeting, on 9 March 1981, the Council included the letter dated 3 March 1981 from Lebanon in the agenda. Following the adoption of the agenda, the President of the Council invited the representatives of Israel and Lebanon, at their request, to participate in the discussion without the right to vote.<sup>3</sup> The Council considered the item at the 2265th and 2266th meetings, on 9 and 19 March 1981.

The representative of Lebanon stated that his Government was not waiting for the expiration of the mandate of the United Nations Interim Force in Lebanon (UNIFIL) to submit its grievances and ask for action, as a novel situation had developed in the south since the last Council debate on 17 December 1980, involving repeated acts of violence, which had become constant, and continued warfare, which comprised a threat to international peace and security as well as to the safety of UNIFIL. The results of the well-pondered policy of so-called pre-emptive strikes by Israel were: (a) an escalation of military and paramilitary operations to an ever-ascending level of intensity; (b) the disruption of the fabric of civilian life in south Lebanon; and (c) a general state of disintegration and terror beyond the Lebanese borders and in the whole Middle East. He deplored the danger of UNIFIL being destroyed as a credible deterrent and pointed to the stability of the operation of the United Nations Disengagement Observer Force (UNDOF).

He quoted extensively from a statement by President Sarkis to the third summit meeting of the Islamic Conference and, in view of the tremendous danger, appealed to the Council to initiate a mechanism for peace in Lebanon and on the internationally recognized border with Israel, because only such a step could create the conditions for the peace-keeping enterprise to succeed. He concluded in expressing his hope that the Council could reach that type of action-oriented resolution.<sup>4</sup>

The representative of the Soviet Union recalled how often the Council had been forced to meet in connection with incessant acts of aggression by Israel

against Lebanon. He rejected the Israeli attempts to justify those aggressive actions against Lebanon by means of assertions that they were carrying out so-called pre-emptive strikes against Palestinians as blatant defiance of international law and of numerous decisions of the Council and the General Assembly designed to protect the sovereignty and territorial integrity of Lebanon. The Israeli policy could only be described as international State terrorism, which relied on the support of those who were paying lip-service to opposition against such terrorism.

He called for a return to collective efforts, within the framework of an international conference, to find a just and comprehensive settlement. In view of Israel's continued banking on force, the Council should adopt a resolution condemning the acts of aggression by Israel and calling for an end to such aggression; the Council should also oblige the Israeli authorities to observe and respect strictly the sovereignty and territorial integrity of Lebanon and to cease all intervention in that State's internal affairs.<sup>5</sup>

During consultations among members of the Council on 16 March 1981, the Secretary-General made a statement that was issued on the same day as a special report.<sup>6</sup> The Secretary-General reported that, even as the Council was considering the complaint brought by the Government of Lebanon on the violence of 2 and 3 March, further hostilities had broken out in southern Lebanon and had made the situation in the UNIFIL area extremely tense. On the morning of 16 March, the *de facto* forces located in the south had fired 24 tank rounds into the village of Al-Qantara, in the Nigerian battalion sector of UNIFIL, killing a Nigerian captain and a corporal and injuring 11 Nigerian soldiers. The *de facto* forces had threatened to resume shelling unless the platoon of Lebanese soldiers was withdrawn from Al-Qantara, and that threat had been carried out when 10 tank rounds were fired into a village in the Netherlands battalion area.

The Secretary-General also informed the Council that the Commander of UNIFIL had made it clear to the *de facto* forces that there was no question of withdrawing the Lebanese platoon, which had been located in Al-Qantara since April 1979 in implementation of the UNIFIL mandate as set out in resolution 425 (1978). He added that the United Nations had been in touch with the Israeli authorities, urging them to make all possible efforts to bring an end to the irresponsible behaviour of the *de facto* forces. He noted that in recent months UNIFIL had also had to contend with constant efforts by various factions of armed elements to the north and west to infiltrate its area of operation and had sustained casualties in the process.

The Secretary-General declared that one of the most important principles upon which UNIFIL was established was the full co-operation of all the parties concerned, but it had been all too clear throughout the history of UNIFIL, and was again underlined by the tragic events in question, that co-operation had not been forthcoming. Therefore, all possible efforts should be made to impress upon all armed groups in the area that provocation, harassment and military offensives against UNIFIL could not and would not be accepted.

At its 2266th meeting, on 19 March 1981, the Council included the special report of the Secretary-



General, together with the letter dated 3 March 1981 from the representative of Lebanon, in its agenda.

At that meeting, the President made the following statement on behalf of the Council members:<sup>7</sup>

The members of the Security Council are deeply shocked and outraged at the report received about the repeated attacks on the United Nations Interim Force in Lebanon and the continuing killing of peace-keeping soldiers in southern Lebanon.

These renewed barbaric acts against a peace-keeping force are a direct defiance of the authority of the Security Council and a challenge to the mission of the United Nations in maintaining international peace and security which cannot be tolerated.

The Council condemns these outrageous actions by the so-called *de facto* forces which have caused the death and injury of Force personnel present in Lebanon under international mandate. In strongly condemning these latest outrageous acts of the so-called *de facto* forces, the Council calls on all those who share in the responsibility for this tense situation to put an end to any act which might increase the threat to international peace and security and to put an end to military assistance to any forces which interfere with the Force in the exercise of its mandate.

The Council addresses a serious warning to all the forces responsible for these dangerous acts violating the sovereignty and territorial integrity of Lebanon, preventing the full deployment of the Force, including the deployment of the Lebanese armed forces in the area, and severely hampering the Force in the fulfilment of the mandate as expressed in resolution 425 (1978), which states:

*"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."*

The Council emphasizes that it is essential that the Force receive the full co-operation of all parties to enable it to carry out its mandate in the entire area of operation up to the internationally recognized boundaries, thus contributing to full implementation of resolution 425 (1978).

The Council calls for the immediate release of Lebanese military personnel and of all those persons who were kidnapped by the so-called *de facto* forces during the recent hostilities.

The Council extends its sympathy and deep-felt condolences to the Government of the Federal Republic of Nigeria and the families of the victims.

The Council also commends the valiant action and the courage, under the most adverse circumstances, of the commanders and soldiers of the Force and expresses full support for their efforts.

The President then announced that the date of the next Council meeting to continue consideration of the item would be fixed in consultation with the Council members and adjourned the meeting.

**Decision of 22 May 1981 (2278th meeting): resolution 485 (1981)**

At its 2278th meeting, on 22 May 1981, the Council included the report of the Secretary-General on UNDOF dated 20 May 1981<sup>8</sup> in its agenda.

In the report, covering the period from 21 November 1980 to 20 May 1981, the Secretary-General informed the 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 the Syrian Arab Republic and Israel, the Secretary-General recommended to the Council that it extend the mandate of UNDOF for a further period of six months.

At the 2278th meeting, the President put the draft resolution<sup>9</sup> which was before the Council to the vote: it received 14 votes in favour, with 1 member not participating in the vote,<sup>10</sup> and was adopted as resolution 485 (1981). It reads as follows:

*The Security Council,*

*Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,*

*Decides:*

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 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).

At the same meeting, following the adoption of resolution 485 (1981), the President made the following complementary statement on behalf of the members of the Council:

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force 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.<sup>11</sup>

**Decision of 19 June 1981 (2289th meeting): resolution 488 (1981)**

At its 2289th meeting, on 19 June 1981, the Council included the report of the Secretary-General on UNIFIL dated 15 June 1981<sup>12</sup> in its agenda.

In his report, covering the period from 12 December 1980 to 15 June 1981, the Secretary-General noted that, despite intensive efforts made both at United Nations Headquarters and in the field, the basic situation had remained essentially the same and that the activities of armed elements (mainly the Palestine Liberation Organization (PLO) and the Lebanese National Movement), the *de facto* forces (Christian and related militias) and the Israel Defence Forces (IDF) in and near the UNIFIL area of operation had continued and, on occasion, intensified.

The Secretary-General observed that since its establishment, UNIFIL had encountered serious difficulties in fulfilling its mandate and that the parties had not, so far, found it possible to extend to the Force the full co-operation that it required. Despite the many difficulties that it had had to face, UNIFIL had continued in its endeavours to consolidate its position and, in co-operation with the Lebanese Government, to strengthen and make more effective the Lebanese presence, both civilian and military, in its area of operation.

The Secretary-General indicated that although the Force had not yet been able to fulfil the mandate in the way intended by the Council, he had no doubt that its presence and activities in southern Lebanon were an indispensable element in maintaining peace, not only in the area but in the Middle East as a whole. In his view, it would be disastrous if UNIFIL were to be removed at a time when the international community was witnessing with acute anxiety the tensions and conflicts in that vital area of the world. For those reasons, the Secretary-General recommended to the Council that the mandate of UNIFIL be extended for a further period of six months.

Following the adoption of the agenda, the President of the Council invited the representatives of Israel and Lebanon, at their request, to participate in the discussion without the right to vote.<sup>3</sup>

The President then drew attention to a draft resolution,<sup>13</sup> which had been drawn up in the course of consultations among members of the Council, and proposed to put it to the vote. The draft resolution was adopted by 12 votes in favour, none against, with 2 abstentions, as resolution 488 (1981); one member did not participate in the voting.<sup>14</sup> 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), 474 (1980) and 483 (1980),*

*Recalling the statement made by the President of the Security Council at the 2266th meeting, on 19 March 1981,*

*Noting with concern the violations of the relevant Security Council resolutions which had prompted the Government of Lebanon repeatedly to ask the Council for action, and particularly its complaint of 3 March 1981,*

*Recalling the terms of reference and general guidelines of the United Nations Interim Force in Lebanon, 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",

*Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 16 June 1981, and taking note of the conclusions and recommendations expressed therein,*

*Convinced that the deterioration of the present situation has serious consequences for international security in the Middle East and impedes the achievement of a just, comprehensive and durable peace in the area,*

1. *Reaffirms its repeated call upon all concerned for the strict respect for the political independence, unity, sovereignty and territorial integrity of Lebanon and reiterates the Council's determination to implement resolution 425 (1978) and the ensuing resolutions 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 that have prevented the full implementation of the mandate of the Force, causing death, injury and destruction to the civilian population as well as among the peace-keeping force;*

3. *Supports the efforts of the Government of Lebanon in the civilian and military fields of rehabilitation and reconstruction in southern Lebanon, and supports, in particular, the deployment of substantial contingents of the Lebanese army in the area of operation of the Force;*

4. *Decides to renew the mandate of the Force for another period of six months, that is, until 19 December 1981;*

5. *Requests the Secretary-General to assist the Government of Lebanon in establishing a joint phased programme of activities to be carried out during the present mandate of the Force, aimed at the total implementation of resolution 425 (1978), and to report periodically to the Security Council;*

6. *Commends the efforts of the Secretary-General and the performance of the Force, as well as the support of the troop-contributing Governments and of all Member States who have assisted the Secretary-General, his staff and the Force in discharging their responsibilities under the mandate;*

7. *Decides to remain seized of the question and reaffirms its determination, in the event of continuing obstruction of the mandate of the Force, to examine practical ways and means to secure its unconditional fulfilment.*

Following the adoption of the resolution, the Secretary-General informed the Council about grave developments involving the seizure of a number of UNIFIL soldiers by armed elements who had infiltrated into the UNIFIL area of operation and attacked Fijian troops. Two soldiers had been killed; others had been forcibly detained and subsequently released. The Secretary-General added that the fresh attacks underlined the difficulties encountered by UNIFIL. He assured the Council that he would do everything to assist in the implementation of the Council's resolution and expressed hope that the members of the Council would continue to make every effort to ensure that the parties heeded the opinion of the Council.<sup>15</sup>

The representative of Lebanon stated that the most recent incidents should give rise to measures to protect the peace-keepers, to ensure their safety and to enforce respect for their mission. He expressed concern that UNIFIL was in danger of becoming a static fixture of the political panorama, because its structure as a conflict control mechanism was not always commensurate with the magnitude of the conflicts confronting it, therefore hampering its effectiveness. He emphasized once again the ultimate objective of UNIFIL, namely, complete Israeli withdrawal and the restoration of Lebanon's effective authority and sovereignty. He described resolution 488 (1981) as an important decision since it provided for a phased programme of activities to be carried out jointly by UNIFIL and the Government of Lebanon. In order to contribute to the success of the programme, his Government would draw up a practical plan of action that would help to measure whether the current peace-keeping operation in southern Lebanon was indeed useful.<sup>16</sup>

The representative of France indicated his Government's support for the Secretary-General's proposals and appealed to all the parties concerned to observe the cease-fire called for by the Council and to make every effort to enable the consolidation of the UNIFIL zone of operations. He also praised the endeavours of the Secretary-General to reactivate the

Israel-Lebanon Mixed Armistice Commission and asked for those efforts to be pursued.<sup>17</sup>

The representative of Ireland stressed that peace-keeping forces should have no enemies and condemned those who refused to recognize that principle and whose actions led to senseless killings. He agreed with the Secretary-General that UNIFIL performed an important function as a conflict control mechanism and constituted an indispensable element in maintaining peace in the Middle East as a whole. He also referred to the humanitarian efforts by UNIFIL in conjunction with other United Nations programmes and praised the United Nations Force as a remarkable and hopeful development in world affairs.<sup>18</sup>

The representative of the German Democratic Republic criticized Israel for its refusal to respect the territorial integrity, sovereignty and political independence of Lebanon and for its continued employment of the Haddad militia in the south of Lebanon. He restated the principle that United Nations forces were bound exclusively by decisions of the Council and reiterated his delegation's reservations with regard to the formulation of the UNIFIL mandate, its composition and its financing.<sup>19</sup>

The representative of the Soviet Union also expressed reservations regarding the mandate, composition and financing of UNIFIL, emphasized the need to defend Lebanon as the victim of Israeli aggression and recommended that Israel should defray the expenditures arising from its armed aggression against Lebanon.<sup>20</sup>

The representative of Israel denounced the PLO as responsible for the death of the Fijian soldiers and charged that only on two occasions, when PLO involvement was not suspected, had the Council pronounced itself on the killing of UNIFIL soldiers.<sup>21</sup>

The representative of Japan appealed to the parties to refrain from the use of force and to seek to solve the problems through peaceful means. He added that in the light of the principles of the Charter, terrorist actions must not be condoned as a means of settling international disputes.<sup>22</sup>

In conclusion, the President noted the deep sorrow shared by all Council members over the loss of two United Nations soldiers in Lebanon as well as all those who had died in the cause of peace.<sup>23</sup>

On 25 June 1981, following consultations among the members of the Council, the President made the following statement:<sup>24</sup>

As a result of consultations among the members of the Security Council I have been authorized to issue the following statement.

At the end of the 2289th meeting of the Council, I made a statement to note the deep sorrow shared by all members of the Council over the loss of two United Nations soldiers in Lebanon, as well as all those others who have fallen in fulfilment of their duty in the cause of peace.

I also said that I was certain that I spoke on behalf of the Council when I conveyed our condolences to the Government and people of Fiji as well as to the families of the victims.

As President of the Council, I wish to condemn the killing on 19 June 1981 by so-called armed elements of two Fijian peace-keeping soldiers of the United Nations Interim Force in Lebanon.

This outrage against members of a peace-keeping force is a direct defiance of the authority of the Council and a challenge to the mission of the Force, as stipulated in resolution 425 (1978).

In this connection, I am encouraged to learn that a group has already been established to investigate these events and that in the meantime appropriate steps are being taken by all concerned, in co-operation with the command of the Force, to prevent a recurrence of such incidents.

I also commend the valiant action and the courage, under the most adverse circumstances, of the soldiers of the Force and express full support for their efforts.

**Decision of 17 July 1981 (2292nd meeting): President's statement**

**Decision of 21 July 1981 (2293rd meeting): resolution 490 (1981)**

In a letter dated 17 July 1981,<sup>25</sup> the representative of Lebanon requested an urgent meeting of the Council to discuss the deteriorating situation in southern Lebanon and the attacks committed by Israel against civilian targets in the city of Beirut. He had already referred to these developments in a previous letter dated 13 July 1981.<sup>26</sup> In two letters dated 15 and 16 July 1981, the representative of Israel had informed the Council of rocket attacks by the PLO against towns in northern Israel.<sup>27</sup>

At its 2292nd meeting, on 17 July 1981, the Council considered the letter of the same date from the representative of Lebanon.<sup>25</sup> Following the adoption of the agenda, the Council invited, at their request, the representatives of Israel, Jordan and Lebanon to participate in the deliberations without the right to vote.<sup>3</sup> At the same meeting, the Council decided, by a vote and in accordance with its previous practice, to invite the representative of the PLO to participate without the right to vote.<sup>28</sup> The Council further decided to extend an invitation to Mr. Clovis Maksoud, under rule 39 of the provisional rules of procedure.<sup>29</sup>

The Secretary-General opened the deliberations by reporting renewed violence in the south of Lebanon involving shelling by Palestinian groups, various air strikes against Beirut and other targets by IDF and the *de facto* forces. He deeply deplored the extensive civilian casualties in Lebanon and in Israel caused by these outbursts of violence. He referred to the various communications the Governments of Lebanon and Israel, as well as the PLO, had sent to him regarding these hostilities and pointed out that the area controlled by UNIFIL had been tense but quiet. He emphasized that all acts of violence that resulted in civilian casualties should be deplored and called upon all the parties to revert immediately to the cease-fire.<sup>30</sup>

The representative of Lebanon condemned the Israeli policy of pre-emptive strikes against Lebanon, which had resulted in loss of lives and other hardships for the Lebanese people. He presented details about the Israeli attacks and indicated that some 300 people had been killed and about 800 wounded. The civilian nature of the targets and the large number of women and children killed revealed the dimensions of the tragedy. He underlined his Government's aim at that point to reactivate the Israel-Lebanon Mixed Armistice Commission that had been set up in 1949 and asked for the Council's support in that respect. Moreover, he urged the Council to bring about the immediate cessation of hostilities, to prevent further deterioration and to create the atmosphere that would enable UNIFIL to play to the fullest its role as a conflict control mechanism.<sup>31</sup>

The representative of Israel stated that the outrages perpetrated by the PLO had resulted in loss of life and considerable damage to property and that plans were ready to escalate these criminal designs. The PLO control over a large part of Lebanon was a means of assuring the freedom of operation to

continue its acts of terror against Israel. He added that since his Government had brought the terrorist actions to the attention of the Security Council to no avail, it had decided to exercise its right to self-defence, enshrined in Article 51 of the Charter, against the attackers. Israel felt that as much as it deplored the harm to innocent Lebanese civilians, the real problem was how to put an end to international terrorism in general and, more specifically, how to end the PLO terror against the land and people of Israel. The representative suggested as a first step the removal of all foreign armies and terrorists from Lebanese territory.<sup>32</sup>

The representative of Jordan referred to the large air raid over Beirut by Israeli planes and asked whether the killing of hundreds of innocent civilians as a result of large-scale bombing could be seen as a legitimate act of self-defence. He called upon the Council to make its decision on the basis of the Charter and to act decisively against such blatant aggression.<sup>33</sup>

The representative of the PLO recounted the most recent Israeli attacks against targets in Lebanon and informed the Council of a request to the Secretary-General to use his good offices to put an end to those attacks. He appealed once again to the Security Council and to the Secretary-General to use all the means available to bring peace to the Middle East and to enable the Palestinians to return to their homes.<sup>34</sup>

The representative of the Soviet Union condemned the Israeli intervention in the internal affairs of Lebanon and its large-scale armed aggression in southern Lebanon resulting in an increasing number of Lebanese and Palestinian victims. He charged that the United States Government had encouraged and supported the Israeli policy against the Arab States. He concluded that his Government considered it the duty of the Council strongly to condemn Israel for the acts of armed aggression against Lebanon and to demand an end to such acts.<sup>35</sup>

At the conclusion of the 2292nd meeting, the President of the Council read out the following statement:<sup>36</sup>

The President of the Security Council and the members of the Council, after hearing the report of the Secretary-General, express their deep concern at the extent of the loss of life and the scale of the destruction caused by the deplorable events that have been taking place for several days in Lebanon.

They launch an urgent appeal for an immediate end to all armed attacks and for the greatest restraint so that peace and quiet may be established in Lebanon and a just and lasting peace in the Middle East as a whole.

At the beginning of the 2293rd meeting, on 21 July 1981, the President of the Council issued additional invitations to the representatives of Democratic Yemen, Egypt, Mauritania, Saudi Arabia, the Syrian Arab Republic and Yemen, at their request, to participate in the debate without the right to vote.<sup>3</sup> He also drew attention to the text of a draft resolution<sup>37</sup> sponsored by Ireland, Japan and Spain.

The Secretary-General informed the Council members that his military aides in the area had been involved in efforts to secure the acceptance of a cease-fire by Israel and the PLO, but that shelling had resumed while those efforts were still being pursued.<sup>38</sup>

The representative of Spain then introduced draft resolution S/14604, which the delegations of Ireland, Japan and Spain had prepared in order to recall the

appeal issued at the end of the 2292nd meeting and to call once again for an immediate cessation of all armed attacks. He expressed appreciation to the non-aligned members and other delegations for having contributed suggestions and observations regarding the text of the draft resolution. He then read out the text and proposed that it be adopted without discussion.<sup>39</sup>

At the 2293rd meeting, on 21 July 1981, the draft resolution was put to the vote and adopted unanimously as resolution 490 (1981).<sup>40</sup> It reads as follows:

*The Security Council,*

*Reaffirming* the urgent appeal made by the President and the members of the Security Council on 17 July 1981, which reads as follows:

"The President of the Security Council and the members of the Council, after hearing the report of the Secretary-General, express their deep concern at the extent of the loss of life and the scale of the destruction caused by the deplorable events that have been taking place for several days in Lebanon.

"They launch an urgent appeal for an immediate end to all armed attacks and for the greatest restraint so that peace and quiet may be established in Lebanon and a just and lasting peace in the Middle East as a whole."

*Taking note* of the report of the Secretary-General in this respect,

1. *Calls* for an immediate cessation of all armed attacks;
2. *Reaffirms* its commitment to the sovereignty, territorial integrity and independence of Lebanon within its internationally recognized boundaries;
3. *Requests* the Secretary-General to report back to the Security Council on the implementation of the present resolution as soon as possible and not later than forty-eight hours from its adoption.

Following the adoption of the resolution, the representative of Tunisia stated that the Israeli policy of defiance and *faits accomplis* proved that Israel had not accepted the conclusions endorsed by the United Nations. Under the circumstances, it was the duty of the Council to take effective action in the face of the uncontrollable excesses of the Israeli Government. The representative of Tunisia doubted that Israel would abide by any measure decided upon by the Council unless the Council strengthened its decision by a combination of sanctions in accordance with Chapter VII of the Charter.<sup>41</sup>

The representative of France stressed the urgent need for the Council's unanimous call for an immediate cease-fire and condemned vigorously any resort to so-called pre-emptive actions that could not be justified by any interpretation of Article 51 and merely resulted in a further cycle of violence.<sup>42</sup>

The representative of the United Kingdom also rejected the policy of pre-emptive strikes as a factor leading to further acts of retaliation and prolonging the suffering in Lebanon. He called for a policy of restraint to be exercised on all sides and emphasized that peace could be achieved only if the right to existence of all States in the region, including Israel, was acknowledged by the entire international community and if the need for Palestinian self-determination was seen as central to stability in the Middle East.<sup>43</sup>

The representative of Egypt took issue with the Israeli claim that it had acted in self-defence and stated once again that the scope of self-defence in international law and in conformity with Article 51 of the Charter could not be distorted to provide any country with a free hand to kill innocent civilians at will. Self-defence could not be invoked unless an armed attack had occurred. The border incidents that Israel had reported to the Council did not warrant

massive retaliation, but should have been settled through involvement of UNIFIL or the United Nations Troop Supervision Organization (UNTSO). The Egyptian representative added that even before the advent of the Charter of the United Nations the exercise of self-defence was subject to certain limitations: as United States Secretary of State Webster had pointed out, situations that gave rise to acts of self-defence were to be instant, overwhelming, leaving no choice of means, and no moment for deliberation; legitimate self-defence implied the adoption of measures proportionate to the seriousness of the attack and justified by the seriousness of the danger. In the light of those norms, the response to minor border incidents should consist in a protest lodged with the Council, not a full-scale attack on innocent civilians. He also discussed the question of retaliation or reprisal and, invoking several General Assembly and Council decisions, pointed out that actions of military reprisal could not be tolerated and were inadmissible. The representative of Egypt warned that the contemporary legal order was at stake and that the world threatened to return to the law of the jungle, in which the use of force was the order of the day. He recalled the Geneva Conventions of 1949, to which Israel was a party, and appealed to all parties to end violence and bloodshed. He concluded by reiterating that peace could be pursued in the Middle East, if Israel and the Palestinian people recognized each other and their corresponding rights, and urged the Government of Israel to renounce its aggressive practices.<sup>44</sup>

Mr. Clovis Maksoud, who had been invited under rule 39, pointed out that LAS supported the application of appropriate sanctions in accordance with Chapter VII of the Charter in order to render a repetition of the strikes against Lebanon impossible.<sup>45</sup>

The representative of the Syrian Arab Republic rejected Israel's claim that its recent actions against Lebanon had been carried out in exercise of its right of self-defence under Article 51 of the Charter and suggested that the victims of Israel's aggressive acts were being denied their right to self-defence. He welcomed the fact that the overwhelming majority of the international community had rejected the Israeli notion of pre-emptive self-defence and joined in the call for the strict application of sanctions under Chapter VII of the Charter.<sup>46</sup>

**Decision of 23 November 1981 (2311th meeting):**  
resolution 493 (1981)

At its 2311th meeting, on 23 November 1981, the Council included the report of the Secretary-General on UNDOF dated 20 November 1981<sup>47</sup> in its agenda.

In the report, covering the period from 21 May to 20 November 1981, the Secretary-General informed the 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 the

Syrian Arab Republic and Israel the Secretary-General recommended that the Council extend the mandate of UNDOF for a further period of six months.

At the 2311th meeting, the President put the draft resolution<sup>48</sup> which was before the Council to the vote: it received 14 votes in favour, with 1 member not participating in the vote,<sup>49</sup> and was adopted as resolution 493 (1981). It reads as follows:

*The Security Council,*

*Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,*

*Decides:*

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1982;

(c) To request the Secretary-General to submit at the end of this period a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

At the same meeting, following the adoption of resolution 493 (1981), the President made the following complementary statement on behalf of the members of the Council:

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force 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.<sup>50</sup>

**Decision of 18 December 1981 (2320th meeting):**  
resolution 498 (1981)

At its 2320th meeting, on 18 December 1981, the Council included the report of the Secretary-General on UNIFIL dated 11 December 1981<sup>51</sup> in its agenda.

In his report, covering the period from 16 June to 10 December 1981, the Secretary-General noted that, despite intensive efforts made both at United Nations Headquarters and in the field, the basic situation preventing the fulfilment of the mandate of UNIFIL had remained the same and that the activities of armed elements, the *de facto* forces and IDF, in and near the UNIFIL area of operation had continued.

The Secretary-General gave an account of the serious outbreak of hostilities in mid-July affecting areas outside UNIFIL control and resulting in a considerable influx of people from other parts of Lebanon into the UNIFIL area. He referred specifically to the resumption of attacks against targets in southern Lebanon by Israeli aircraft on 10 July 1981 and the continuation of hostilities, including exchange of fire, air strikes and naval bombardments throughout the period until 24 July; the period of violence, including a massive Israeli attack on Beirut, was brought to an end by a cease-fire on 24 July 1981, which the Secretary-General had helped to bring about.

Since that time, as the Secretary-General reported, UNIFIL had made strenuous efforts to maintain the cease-fire, and calm had prevailed in the area of the UNIFIL operations, despite the underlying tension. The Secretary-General stated also that the situation in southern Lebanon remained precarious and unstable and that UNIFIL continued to be prevented from fully implementing the task allotted to it by the Council, as the parties failed to co-operate fully. The Secretary-General also noted that no progress had

been made in the further deployment of UNIFIL in the enclave controlled by the *de facto* forces and that restrictions relating to the freedom of movement of UNIFIL and UNTSO personnel in the enclave continued to complicate UNIFIL operations.

The Secretary-General further reported that during the period under review, means of consolidating the cease-fire and of making progress in the fulfilment of the UNIFIL mandate had been under discussion with the Lebanese Government and other parties concerned.

In spite of all the difficulties faced by UNIFIL, the Secretary-General considered that its presence and activities in southern Lebanon were an indispensable element in maintaining peace, not only in the immediate area but in the Middle East as a whole. He recommended that the mandate of the Force be extended for a further period of six months.

During the 2320th meeting, the President of the Council invited the representatives of Israel, Kuwait, Lebanon and the Syrian Arab Republic, at their request, to participate in the discussion without the right to vote.<sup>3</sup> The Council also decided to extend an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure.<sup>52</sup>

The representative of Lebanon suggested that UNIFIL, which had been sent to southern Lebanon on a dynamic mission, had been unable to bring about peace and had become a static reality in the dynamics of an ever-expanding war. He pointed out the role played by the so-called armed elements and the so-called *de facto* forces in undermining the chances for peace in the area. He regretted that UNIFIL had not yet used its right of self-defence to resist attempts to prevent it from discharging its duties and proposed that the time had come to redefine its mandate unequivocally, so that the Force could enjoy the full support and exercise its deterrent prerogative fully unhindered. He pointed out that the Lebanese people still hoped that UNIFIL would help to contain the explosive situation in the country and to prevent events in the south from detonating a more general war. He referred in that context to his letter dated 14 December 1981<sup>53</sup> addressed to the Secretary-General asking for a strengthening of UNIFIL without changing its mandate. His Government's proposals, which were reflected in a draft resolution distributed prior to the Council's meeting, were not geared towards asking UNIFIL to go to war and enforce peace, but were designed to give UNIFIL the appropriate strength in relation to its tasks, foremost the withdrawal of Israel from southern Lebanon, in accordance with resolution 425 (1978). Peace in southern Lebanon was not only an aim in terms of international morality and rights, but also a pragmatic imperative, since the region and the world could not afford the hazard of non-peace.<sup>54</sup>

At the same meeting, the representative of Israel declared that the first part of the mandate of UNIFIL, namely, the withdrawal of Israeli forces, had been successfully carried out and mentioned that the completion of that withdrawal had been confirmed by the UNIFIL Commander on 13 June 1978 and recorded in the progress report of the Secretary-General on the same day.<sup>55</sup> He deplored that the remaining parts of the UNIFIL mandate had not yet been implemented: international peace and security had not been restored in Lebanon because of the

continuing presence of Syrian troops and of PLO terrorists on Lebanese soil.<sup>56</sup>

The representative of the Syrian Arab Republic stated that the sole purpose of the establishment of the Arab Defence Force in Lebanon was to terminate a tragic fratricidal war and to grant the Lebanese people the opportunity to determine their own destiny in unity without external interference.<sup>57</sup>

The representative of Ireland stated that the success of UNIFIL in helping to maintain peace in the region was clear for all to see and, to appreciate that fully, one needed only to consider what the situation would be if UNIFIL did not exist. The cease-fire that had been brought about by resolution 490 (1981) was still holding, owing among other things to the special contribution of UNIFIL. He renewed the Irish appeal that peace-keeping forces should not be met with hostility but should receive full co-operation from all concerned; that would enable the Force to deploy and to have full freedom of movement throughout the whole area of operations. Further, he submitted again the basic principle that a peace-keeping force was not a substitute for efforts to negotiate a settlement; the peace-keeping force allowed an opportunity for peace-making.<sup>58</sup>

In indicating his delegation's support for the renewal of the UNIFIL mandate, the representative of France also favoured the earliest possible resumption of the activities of the Israel-Lebanon Mixed Armistice Commission and welcomed the Lebanese suggestions of strengthening the means and objectives of UNIFIL.<sup>59</sup>

At the same meeting, the President put to the vote the draft resolution,<sup>60</sup> which had been prepared in the course of the Council's consultations; it received 13 votes in favour, none against, with 2 abstentions, and was adopted as resolution 498 (1981).<sup>61</sup> It 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), 474 (1980), 483 (1980), 488 (1981) and 490 (1981),*

*Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 11 December 1981, and taking note of the conclusions and recommendations expressed therein,*

*Taking note of the letter of the Permanent Representative of Lebanon to the Secretary-General dated 14 December 1981,*

*Convinced that the deterioration of the present situation has serious consequences for peace and security in the Middle East,*

1. *Reaffirms* its resolution 425 (1978), in which it

(a) *Calls* for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

(b) *Calls upon* Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory;

(c) *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;

2. *Reaffirms* its past resolutions and particularly its repeated calls upon all concerned for the strict respect of the political independence, unity, sovereignty and territorial integrity of Lebanon;

3. *Reiterates* its determination to implement resolution 425 (1978) in the totality of the area of operation assigned to the United Nations Interim Force in Lebanon up to the internationally recognized boundaries so that the Force may fulfil its deploy-

ment and so that the United Nations Truce Supervision Organization may resume its normal functions, unhindered, under the provisions of the General Armistice Agreement of 1949;

4. *Calls upon* all concerned to work towards the consolidation of the cease-fire called for by the Security Council in resolution 490 (1981) and reiterates its condemnation of all actions contrary to the provisions of the relevant resolutions;

5. *Calls attention* to 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";

6. *Supports* the efforts of the Government of Lebanon in the civilian and military fields of rehabilitation and reconstruction in southern Lebanon, and supports, in particular, the restoration of the authority of the Government of Lebanon in that region and deployment of substantial contingents of the Lebanese army in the area of operation of the Force;

7. *Requests* the Secretary-General to continue his discussions with the Government of Lebanon, with a view to establishing a joint phased programme of activities to be carried out during the present mandate of the Force, aimed at the total implementation of resolution 425 (1978), and to report periodically to the Security Council;

8. *Decides* to renew the mandate of the Force for six months, that is, until 19 June 1982;

9. *Commends* the efforts of the Secretary-General and the performance of the Force, as well as the support of the troop-contributing Governments, and of all Member States who have assisted the Secretary-General, his staff and the Force in discharging their responsibilities under the mandate;

10. *Decides* to remain seized of the question and to review, within two months, the situation as a whole in the light of the letter of the Permanent Representative of Lebanon to the Secretary-General dated 14 December 1981.

Explaining his delegation's abstention in the vote, the representative of the Soviet Union emphasized that UNIFIL should function in strict conformity with the Charter and act under the control of the Council, particularly with respect to its functions, its total strength, the principles underlying the selection of national contingents and the procedures whereby those troops were financed.<sup>62</sup>

The representative of the United States welcomed the renewal of the UNIFIL mandate since it had been performing a crucial role in preserving peace in the Middle East. The hope was that the momentum towards a peaceful settlement of the broader Arab-Israeli conflict on the basis of resolutions 242 (1967) and 338 (1973) as well as of the Camp David framework could be maintained. The only way to reach a final settlement was first of all to avoid eruptions of violence. He added that his Government was pleased about the language of the resolution underlying the sovereignty of the Lebanese Government and the integrity of its national territory.<sup>63</sup>

The representative of Lebanon thanked the Council for its prompt response and for the decision to reassess the situation after two months. He regretted that his Government's aims could not be met fully owing to differences of opinion within the Council and appealed once again to the members to consider further the Lebanese proposal to strengthen UNIFIL.<sup>64</sup>

#### Decision of 25 February 1982 (2332nd meeting): resolution 501 (1982)

In accordance with paragraph 10 of resolution 498 (1981), the Council resumed the deliberations regarding UNIFIL and the developments in the Israel-Lebanon sector in February 1982. At its 2331st meeting, on 23 February 1982, the Council included the situation in the Middle East in its agenda and considered resolution 498 (1981), a special report of the Secretary-General on UNIFIL,<sup>65</sup> and a letter<sup>66</sup> dated 16 February 1982 from the representative of Lebanon addressed to the President of the Council during its 2331st and 2332nd meetings, on 23 and 25 February 1982.

In the special report, dated 16 February 1982, the Secretary-General had informed the Council that since the adoption of resolution 498 (1981) the cease-fire in southern Lebanon had been maintained; however, the basic underlying tensions in the area had persisted, and the situation had remained extremely volatile. UNIFIL had continued to face attempts at infiltration by armed elements, and the encroachments by the *de facto* forces in the UNIFIL area of deployment had not been removed. The violations of Lebanon's territorial integrity had also continued.

The Secretary-General had further informed the Council that a senior aide had visited the area at his request and conducted talks with all sides concerned. The Force Commander of UNIFIL and the Lebanese Government had urged that the ceiling for UNIFIL troops should be increased by no less than 1,000 to reinforce the current operations and to make further deployment possible in accordance with resolution 425 (1978).

The letter dated 16 February 1982 from the representative of Lebanon contained a confirmation of the requests of the Lebanese Government concerning UNIFIL, as presented in a memorandum to the Secretary-General on 14 December 1981.<sup>67</sup>

Following the adoption of the agenda, at the 2331st meeting, on 23 February 1982, the President of the Council invited the representatives of Lebanon and Israel, and at the 2332nd meeting, on 25 February, the representative of the Syrian Arab Republic, at their request, to participate in the discussion without the right to vote.<sup>3</sup> At the 2331st 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.<sup>68</sup> At the same meeting, the Council further decided to extend an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure.<sup>69</sup>

At the 2331st meeting, the representative of Lebanon welcomed that the Council had started consultations on the question of UNIFIL on 16 February, and expressed hope that the time for reflection on the best course to follow would help avoid another crisis and enable UNIFIL to perform the mission entrusted to it by the Council in 1978. He emphasized that the increase in UNIFIL troop strength recommended by the Secretary-General had to be unequivocally related to the full implementation of resolution 425 (1978). He asked how and when Israel would cease its military action against Lebanese territorial integrity and withdraw its forces, how and when UNIFIL would be enabled to restore international peace and security in the area, and how and when UNIFIL, in

completing its mandate, would assist the Government of Lebanon in restoring its authority in the area. In the belief that the Council could reverse the seemingly irreversible process towards conflagration and war, he proposed an injunction to ensure Israel's total and unconditional withdrawal, a qualitative and quantitative enhancement of UNIFIL capabilities, and a strict implementation of a joint phased programme of action to ensure the gradual transition of the responsibilities for peace and security from UNIFIL to the Lebanese Army, thereby restoring Lebanese sovereignty and territorial integrity. Those steps required that UNIFIL play a dynamic role in the fulfilment of its mission. A static role for UNIFIL would condemn the Force to the role of a helpless hostage in the ever-expanding cycle of turmoil and violence.<sup>70</sup>

At the beginning of the 2332nd meeting, on 25 February 1982, the President drew the attention of the Council to a letter dated 23 February 1982,<sup>71</sup> in which the representative of Lebanon had transmitted to the Secretary-General the text of a memorandum dated 16 February from the Lebanese parliamentary delegation, expressing its views on the situation in southern Lebanon in connection with the Council's debate.

At the same meeting, the representative of Ireland refuted criticism that UNIFIL had been ineffective and pointed to its success in promoting peaceful conditions in the area where it had been allowed to operate. He urged that the request for an increase in UNIFIL numbers be approved, but made mention of the problem that UNIFIL had not yet been able to fulfil its peace-keeping mandate. In order to advance that objective, he called upon the Council to insist at all times on full respect for the Force, to co-operate further with the Force and to seek its full deployment, and to make clear that the Force was no substitute for continuing efforts to negotiate a peace settlement, an aim for which peace-keeping was supposed to provide an opportunity. He welcomed renewed efforts by a permanent member of the Council to initiate negotiations, through a special envoy charged with mediation. He concluded by pointing out what the situation in Lebanon would be without UNIFIL and that the international community had a serious interest in its continuation.<sup>72</sup>

The representative of the Soviet Union raised the question of whether the Council should take some preventive actions to forestall a new act of aggression by Israel. In view of the draft resolution that had been elaborated in consultations, he announced that his Government would not object to the increase in UNIFIL troop strength by 1,000 men and, for reasons of principle, would again abstain in the vote on the draft.<sup>73</sup>

At the same meeting, the President put the draft resolution,<sup>74</sup> which had been prepared in the course of the Council's consultations, to the vote; it received 13 votes in favour, none against, with 2 abstentions, and was adopted as resolution 501 (1982).<sup>75</sup> It 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), 474 (1980), 483 (1980), 488 (1981), 490 (1981) and 498 (1981),*

*Acting in accordance with its resolution 498 (1981), and in particular with paragraph 10 of that resolution, in which it decided to review the situation as a whole,*

*Having studied the special report of the Secretary-General on the United Nations Interim Force in Lebanon,*

*Taking note of the letter of the Permanent Representative of Lebanon to the President of the Security Council,*

*Having reviewed the situation as a whole in the light of the report of the Secretary-General and of the letter of the Permanent Representative of Lebanon,*

*Noting from the report of the Secretary-General that it is the strong recommendation of the Commander of the United Nations Interim Force in Lebanon, and also the wish of the Government of Lebanon, that the ceiling for troops of the Force should be increased, and that the Secretary-General fully supports the recommendation for an increase by one thousand of the troop strength of the Force,*

1. *Reaffirms its resolution 425 (1978) which reads:*

*"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.";*

2. *Decides to approve the immediate increase in the strength of the United Nations Interim Force in Lebanon recommended by the Secretary-General in paragraph 6 of his report, from six thousand to approximately seven thousand troops, to reinforce present operations as well as to make further deployment possible on the lines of resolution 425 (1978);*

3. *Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978 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 to 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";*

4. *Calls upon the Secretary-General to renew his efforts to reactivate the General Armistice Agreement between Lebanon and Israel of 23 March 1949 and, in particular, to convene an early meeting of the Mixed Armistice Commission;*

5. *Requests the Secretary-General to continue his discussions with the Government of Lebanon and the parties concerned with a view to submitting a report by 10 June 1982 on the necessary requirements for achieving further progress in a phased programme of activities with the Government of Lebanon;*

6. *Decides to remain seized of the question and invites the Secretary-General to report to the Security Council on the situation as a whole within two months.*

Following the adoption of the resolution, the representative of the United States expressed her



appreciation of the common effort among the members of the Council to arrive at a text that would have the support of the Lebanese Government and of Lebanon's neighbours as well as of the troop contributors and others who supported the UNIFIL operation. She noted that it had taken too much time to accede to the request for more troops and renewed her delegation's wish to address the question of continued violence in all its aspects and complexities in the area.<sup>76</sup>

**Decision of 22 April 1982:** statement of the President

Following a letter dated 10 April 1982<sup>77</sup> in which the representative of Lebanon submitted a complaint to the Council concerning massive Israeli troop concentrations on the Lebanese-Israeli borders and official Israeli threats against the territorial integrity of Lebanon, another letter dated 21 April 1982<sup>78</sup> brought charges that the Israeli air force had launched extensive attacks on the coastal area south of Beirut and north-east of Sidon, which, according to preliminary reports, had caused heavy casualties and severe damage to civilian property. The representative of Lebanon requested urgent consultations of the Council, in order to determine what appropriate measures could be taken immediately to avoid further escalation and deterioration of the situation.

On 22 April 1982, following consultations with members of the Council, the President issued the following statement<sup>79</sup> on their behalf:

The President of the Security Council and the members of the Council, having taken note of the letter dated 21 April 1982 from the Permanent Representative of Lebanon to the United Nations, the oral report of the Secretary-General and his appeal of 21 April 1982, which reads as follows:

"The Secretary-General has learned with deep concern of the Israeli air strikes today in Lebanon.

"He urgently appeals for an immediate cessation of all hostile acts and urges all parties to exercise the maximum restraint so that the cease-fire, which has generally held since July 1981, can be fully restored and maintained."

1. Urgently demand an end to all armed attacks and violations which jeopardize the cease-fire which has been in effect since 24 July 1981 and warn against any recurrence of violations of the cease-fire, in accordance with Security Council resolution 490 (1981) of 21 July 1981;

2. Enjoin all the parties to fulfil their responsibilities with respect to peace and invite them to work for consolidation of the cease-fire.

In pursuance of resolution 501 (1982), the Secretary-General submitted a special report dated 25 April 1982,<sup>80</sup> in which he stressed that the situation in southern Lebanon remained extremely volatile. He pointed out that although the arrangements for the cease-fire which had come into effect in July 1981 had generally held, unresolved tensions had led to the very real danger of widespread hostilities being sparked in the area. He referred to the Israeli air strikes into Lebanon on 21 April and to the appeal issued by him on that day. He stressed that the cease-fire was no substitute for the fulfilment of the UNIFIL mandate and that there had been little progress in that direction in the two preceding months. He provided detailed information about the increase in the strength of some UNIFIL troops and about new endeavours to reactivate the Israel-Lebanon Mixed Armistice Commission. Regarding the implementation of a phased programme of activities with the Government of Lebanon, the Secretary-General stated that the Commander of UNIFIL had initiated a series of meetings aimed at enlisting

support for certain early steps that would demonstrate the desire of the parties to co-operate with UNIFIL and contribute to a reduction of tensions.

**Decision of 26 May 1982 (2369th meeting):** resolution 506 (1982)

At its 2369th meeting, on 26 May 1982, the Council included the report of the Secretary-General on UNDOF dated 20 May 1982<sup>81</sup> in its agenda.

In the report, covering the period from 21 November 1981 to 20 May 1982, the Secretary-General indicated that UNDOF had continued to perform its functions effectively, with the co-operation of the parties, and that, during the period under review, the situation in the Israel-Syria sector had remained quiet, with no serious incidents. The Secretary-General cautioned, however, that the situation in the area 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 to be essential and recommended that the Council extend the mandate of the Force for a further period of six months.

At the 2369th meeting, on 26 May 1982, the President of the Council put a draft resolution,<sup>82</sup> which had been prepared in the course of the Council's consultations, to the vote. It was adopted unanimously as resolution 506 (1982).<sup>83</sup> It reads as follows:

*The Security Council,*

*Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,*

*Decides:*

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1982;

(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 Council:<sup>84</sup>

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 28, 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 4 June 1982:** statement of the President

**Decision of 5 June 1982 (2374th meeting):** resolution 508 (1982)

**Decision of 6 June 1982 (2375th meeting):** resolution 509 (1982)

**Decision of 8 June 1982 (2377th meeting):** rejection of a draft resolution

By letter dated 4 June 1982,<sup>85</sup> the representative of Lebanon charged that Israeli military aircraft had conducted no fewer than nine successive bombing raids on the city of Beirut and that Israeli forces and Israeli aircraft had begun to shell the area in southern Lebanon north of Nabatiyeh, causing an undetermined number of casualties. He called for urgent consideration by the Council.

By another letter of the same date,<sup>86</sup> the representative of Lebanon called for an urgent meeting of the Council.

On the same day, 4 June 1982, after consultations with the members of the Council, the President made the following statement<sup>87</sup> on their behalf:

The President and the members of the Security Council have learned with concern of the serious events which occurred today in Lebanon and of the loss of human life and the destruction caused by those events. The President and the members of the Council make an urgent appeal to all the parties to adhere strictly to the cease-fire that had been in effect since 24 July 1981 and to refrain immediately from any hostile act likely to provoke an aggravation of the situation.

At its 2374th meeting, on 5 June 1982, the Council included the second letter dated 4 June 1982<sup>86</sup> from the representative of Lebanon in the agenda. Following the adoption of the agenda, the Council invited, at its 2374th meeting, the representatives of Israel and Lebanon and, at its 2375th meeting, of Egypt, at their request, to participate in the discussion without the right to vote.<sup>3</sup> At its 2374th 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.<sup>88</sup> At the same meeting, the Council further decided to extend an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure.<sup>89</sup> The Council considered the issue at its 2374th to 2377th meetings, on 5, 6 and 8 June 1982.

At the 2374th meeting, the President drew the attention of the Council members to a draft resolution,<sup>90</sup> which had been submitted by the representative of Japan. He also referred to a letter dated 4 June 1982<sup>91</sup> from the representative of Jordan, who had transmitted the text of a letter from the observer of the PLO charging Israel with launching successive bombing attacks on Beirut and southern Lebanon on that day.

The Secretary-General informed the members of the Council in detail about the successive Israeli air strikes against several targets in Beirut and throughout the southern half of Lebanon. He indicated that full information about the casualties was not yet available and that he had issued an urgent appeal, in conjunction with the statement of the President, for cessation of hostilities at the earliest possible time.<sup>92</sup>

The representative of Japan also expressed his deep concern about the military activities in Lebanon and introduced a draft resolution for quick adoption. He briefly summarized the main provisions of the draft and asked that it be adopted unanimously in order to meet the grave situation in Lebanon.<sup>93</sup>

The President then put the draft resolution to the vote; it was adopted unanimously as resolution 508 (1982).<sup>94</sup> It reads as follows:

*The Security Council,*

*Recalling* its resolutions 425 (1978), 426 (1978) and its ensuing resolutions and, more particularly, resolution 501 (1982),

*Taking note* of the letters of the Permanent Representative of Lebanon dated 4 June 1982,

*Deeply concerned* at the deterioration of the present situation in Lebanon and in the Lebanese-Israeli border area, and its consequences for peace and security in the region,

*Gravely concerned* at the violation of the territorial integrity, independence and sovereignty of Lebanon,

*Reaffirming and supporting* the statement made by the President and the members of the Security Council on 4 June 1982, as well as the urgent appeal issued by the Secretary-General on 4 June 1982,

*Taking note* of the report of the Secretary-General,

1. *Calls upon* all the parties to the conflict to cease immediately and simultaneously all military activities within Lebanon and across the Lebanese-Israeli border and not later than 0600 hours, local time, on Sunday, 6 June 1982;

2. *Requests* all Member States which are in a position to do so to bring their influence to bear upon those concerned so that the cessation of hostilities declared by Security Council resolution 490 (1981) can be respected;

3. *Requests* the Secretary-General to undertake all possible efforts to ensure the implementation of and compliance with the present resolution and to report to the Security Council as early as possible and not later than forty-eight hours after the adoption of the present resolution.

Following the adoption of resolution 508 (1982), the representative of the United Kingdom expressed the dismay felt by his Government and by the people of Britain at the terrorist attack on the Israeli Ambassador to London, but emphasized that that assassination attempt did not in any way justify the massive Israeli air strikes against Lebanese towns and villages.<sup>95</sup>

The representative of Ireland also stated his deep concern about the situation in Lebanon, which was extremely dangerous. He condemned the attack on the Israeli Ambassador, who had been accredited to Ireland earlier on, but he described the Israeli air strikes as an indiscriminate attempt at retribution of massive proportions and with incalculable consequences.<sup>96</sup>

The representative of Lebanon informed the Council that Israeli commandos had landed a few hours ago on the coastal road to Beirut and had started to shoot at cars and buses full of refugees fleeing from the south. He pointed out that despite the Presidential statement of 4 June the Israeli military activity had continued intensively and underlined the Lebanese wish for the Israeli aggression to be stopped by the Council. He described the chaotic circumstances that had resulted from the Israeli operations and expressed renewed hope that the Council's resolution would indeed initiate peace and security for all of Lebanon.<sup>97</sup>

The representative of the PLO cited the reporting in *The New York Times* as an example of how the media saw the Israeli attack on Palestinian civilian concentrations in Beirut and denied PLO responsibility for the attack on the Israeli Ambassador. He reaffirmed the PLO principle not to engage in any act of violence outside the occupied land or involving an innocent third party and denounced the Israeli terrorist acts against the Palestinian population in the occupied territory.<sup>98</sup>

The representative of the Soviet Union pointed out the numerous grave occasions of Israeli aggression against Lebanon in the previous six weeks and condemned the new large-scale military aggression against a sovereign Arab State. The Israeli record was a clear violation of international law, the Charter of the United Nations and the relevant United Nations decisions. In the light of that situation, his delegation favoured the immediate end of the Israeli aggression against Lebanon and an end to further escalation in the area. The resolution, which had been accepted by the Council, did not fully reflect his Government's call for an immediate cease-fire and a strong condemnation of Israeli aggressive policies. He urged the Council to use all effective means under the Charter to halt further Israeli aggression against Lebanon.<sup>99</sup>

The representative of Israel criticized the Council for passing over the PLO campaign of terror, includ-

ing the attempted assassination of the Israeli Ambassador. He charged that the PLO had committed some 150 acts of terrorism since July 1981 and warned that Lebanon could not claim the benefits of international law if it did not carry out its duty to interdict Palestinian attacks from its soil against Israeli targets.<sup>100</sup>

Mr. Clovis Maksoud conveyed the view of LAS that the PLO could not be associated with the attempt to kill the Israeli Ambassador, but added that the Palestinians had been exercising the right of all peoples who had been deprived of the exercise of their national rights when they had carried out legitimate acts of resistance. He also criticized sharply the Israeli warning that it would direct further strikes against Lebanon.<sup>101</sup>

The President, speaking in his capacity as the representative of France, noted that his Government had condemned the air raids and the escalation of violence in Lebanon and along the frontier between Lebanon and Israel. In view of the spreading hostilities, the Council had to decide quickly on a call for an immediate cease-fire. Force would not guarantee the right of Israel to live in security or the right of the Palestinians or the Lebanese to live in peace.<sup>102</sup>

At the beginning of the 2375th meeting, on 6 June 1982, the President drew the attention of the Council to a draft resolution<sup>103</sup> submitted by Ireland.

In pursuance of resolution 508 (1982), the Secretary-General submitted his report dated 6 June 1982,<sup>104</sup> in which he stated that he had made an urgent appeal to the parties for a cessation of hostilities. He noted that the representative of the PLO had reaffirmed its commitment to stop all military operations across the Lebanese border and that the representative of Israel had informed him that although Israel had been acting in exercise of its right of self-defence, resolution 508 (1982) would be brought before the Israeli Cabinet. The Secretary-General added that the hostilities had escalated dangerously and that the Israeli forces had moved into southern Lebanon. He also conveyed the detailed information received from the Commander of UNIFIL.<sup>105</sup>

After the Secretary-General's oral report, the representative of Ireland introduced the draft resolution submitted by his delegation and urged the Council to take rapid and unanimous action to put a stop to the massive invasion of Lebanese territory by Israeli forces.<sup>106</sup>

At the same meeting, the representative of Israel reviewed in detail the numerous terrorist actions committed by Palestinians against Israeli citizens and representatives. He asserted that his Government was simply exercising the right of self-defence to protect the lives of its citizens and to ensure their safety against the PLO, which had headquarters, training grounds and bases of operations in Lebanon. He reiterated his Government's pledge that it honoured the independence and territorial integrity of Lebanon and had no territorial ambitions in Lebanon. He stressed that it was Lebanon's duty to prevent its territory from being used for terrorist attacks against other States and that in the mean time the Government of Israel had decided to free the inhabitants of Galilee from PLO harassment.<sup>107</sup>

At the same meeting, the draft resolution submitted by Ireland was put to the vote and adopted

unanimously as resolution 509 (1982).<sup>108</sup> It reads as follows:

*The Security Council,*

*Recalling* its resolutions 425 (1978) and 508 (1982),

*Gravely concerned* at the situation as described by the Secretary-General in his report to the Council,

*Reaffirming* the need for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries,

1. *Demands* that Israel withdraw all its military forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon;

2. *Demands* that all parties observe strictly the terms of paragraph 1 of resolution 508 (1982), which called on them to cease immediately and simultaneously all military activities within Lebanon and across the Lebanese-Israeli border;

3. *Calls* on all parties to communicate to the Secretary-General their acceptance of the present resolution within twenty-four hours;

4. *Decides* to remain seized of the question.

The representative of China condemned the ongoing armed invasion by Israeli forces and pointed out that, despite many Council meetings to consider the Israeli invasion of Lebanon, the situation in the southern region had been deteriorating; he viewed the escalation of the war by Israel not only as another insolent challenge to the Lebanese and Palestinian peoples, but also as a deliberate exacerbation of the situation in the Middle East, endangering world peace and security.<sup>109</sup>

The representative of the Soviet Union also condemned the massive incursion by the Israeli aggressors into Lebanon, trampling underfoot basic norms of international law and many resolutions of the Council. He called upon the Council to weigh seriously the Israeli moves in Lebanon, which were designed to plunge the Middle East into a new military conflict and constituted a direct threat to international peace and security.<sup>110</sup>

The representative of Poland joined in the condemnation of the Israeli invasion, which directly contravened Article 2, paragraph 4, of the Charter and numerous resolutions, including resolution 508 (1982), adopted on the previous day.<sup>111</sup>

The representative of Egypt stated that the Israeli invasion of southern Lebanon ran counter to Israel's declared intention of seeking a comprehensive peace, threatened world peace and subjected the Middle East to a new wave of instability and chaos. He reiterated the requirements issued by his Government for an easing of tensions in the area: first, an immediate cease-fire in Lebanon; secondly, the territorial integrity, independence and sovereignty of Lebanon within its internationally recognized boundaries; thirdly, the immediate and unconditional withdrawal of Israeli forces from Lebanon.<sup>112</sup>

At the beginning of the 2376th meeting, on 8 June 1982, the President drew attention to the report of the Secretary-General dated 7 June 1982 relating to resolution 509 (1982),<sup>113</sup> in which he informed the Council that he had transmitted the text of resolution 509 (1982) to the Foreign Ministers of Israel and Lebanon and to the Chairman of the Executive Committee of the PLO; the replies received from Lebanon, Israel and the PLO were also included.

At the 2376th meeting, the Secretary-General updated his report orally and indicated that extensive hostilities continued, with the Israeli forces moving further north and with the UNIFIL troops being forcibly run over and pushed aside despite persistent

efforts to hold their positions against the Israeli avalanche.<sup>114</sup>

The representative of Lebanon stated that his Government had asked for the meeting because the situation in Lebanon was becoming increasingly grave and serious. He denounced Israel's flat non-compliance with resolutions 508 (1982) and 509 (1982) and warned that the future, independence and sovereignty of Lebanon were at stake; therefore, he called once again upon the Council to prevent Lebanon's extinction by stopping the war immediately. The invasion of Lebanon violated the Geneva Convention and all rules of international morality and human rights. He mentioned an appeal by the Lebanese Red Cross stating unequivocally that its workers and vehicles had been savagely attacked by Israelis and that they had been prevented from evacuating the civilians and the wounded and from transporting medicines, blood and food supplies to the distressed.<sup>115</sup>

The representative of Israel charged again that Lebanese territory had become the staging-ground for indiscriminate terrorist attacks on the civilian population of Israel. His Government's complaints to the Council regarding those attacks had gone unheeded, whereas its resort to the exercise of its right of self-defence had led to emergency and other extraordinary meetings of the Council. His Government was ready to affirm the sovereignty of Lebanon, but it insisted that Lebanon equally acknowledge the right of the people of Israel to live in peace and security.<sup>116</sup>

At the 2377th meeting, on 8 June 1982, the representative of Spain stated that Israel's disregard for the President's appeal dated 4 June and its massive and continued invasion of Lebanon violated numerous Council resolutions and had most serious implications for world peace. The disdain shown by Israel for resolution 508 (1982) and for basic norms such as the General Armistice Agreement of 1949 could not be justified by linking the armed attack against Lebanon with the assassination attempt against the Israeli Ambassador to London.

In view of the worsening situation, his delegation had decided to submit a draft resolution,<sup>117</sup> which he presented to the Council for immediate adoption. In the preamble of the draft resolution, the Council would have recalled resolutions 508 (1982) and 509 (1982), and taken note of the report of the Secretary-General dated 7 June 1982 as well as of the positive replies received from the Government of Lebanon and the PLO; in the operative part, the Council would have: (a) condemned the non-compliance with resolutions 508 (1982) and 509 (1982) by Israel; (b) urged the parties to comply with the regulations attached to The Hague Convention of 1907; (c) reiterated its demand that Israel withdraw all its military forces forthwith and unconditionally to the internationally recognized boundaries of Lebanon; (d) reiterated also its demand that all parties observe strictly the terms of paragraph 1 of resolution 508 (1982), in which the Council had called upon them to cease immediately and simultaneously all military activities within Lebanon and across the Lebanese-Israeli border; and (e) demanded that within six hours all hostilities must be stopped, in compliance with resolutions 508 (1982) and 509 (1982); and (f) decided, in the event of non-compliance, to meet again to consider practical ways and means, in accordance with the Charter.<sup>118</sup>

At the same meeting, the President put the draft resolution to the vote; it received 14 votes in favour and 1 against and was not adopted, owing to the negative vote of a permanent member of the Council.<sup>119</sup>

In explanation of her vote, the representative of the United States pointed out that the two previous resolutions, 508 (1982) and 509 (1982), contained balancing language that took account of the complex origin of the conflict in Lebanon and across the Lebanese-Israeli border, whereas the text that had just been voted on was not sufficiently balanced to accomplish the objectives of ending the cycle of violence and establishing the conditions for a just and lasting peace in Lebanon. For that reason, she concluded, her Government had voted against the draft resolution, but would continue ongoing efforts to bring the violence to an end.<sup>120</sup>

Several delegations deplored in varying degrees that the Council had not been able to adopt the draft resolution in the search for an end to the Israeli invasion.<sup>121</sup>

**Decision of 18 June 1982 (2379th meeting): resolution 511 (1982)**

At its 2379th meeting, on 18 June 1982, the Council included the report of the Secretary-General dated 10 June 1982 on UNIFIL<sup>122</sup> in the agenda.

In his report, covering the activities of the Force for the period from 11 December 1981 to 3 June 1982, the Secretary-General described the situation in southern Lebanon and noted that during the period under review the activities of armed elements, the *de facto* forces and the IDF within and near the UNIFIL area of operation had continued and gave an account of the main incidents that had taken place. He stated that both at United Nations Headquarters and in the field, intense efforts had been made to maintain the cease-fire that had come into effect on 24 July 1981 and to restore it after hostile acts occurred. The Secretary-General emphasized that significant changes in deployment had been made as a result of the increase in the strength of the Force. The Secretary-General noted that, on 21 April and 9 May 1982, Israeli aircraft had attacked targets in Lebanon, and he stated that since the situation in the area remained extremely volatile he had taken every opportunity to urge restraint on the parties.

In two addenda to his report, dated 11 June 1982<sup>123</sup> and 14 June 1982,<sup>124</sup> the Secretary-General referred to events that had occurred between 4 and 10 June and between 11 and 13 June respectively. The Secretary-General stated that, despite the difficult and dangerous situation prevailing in Lebanon, all UNIFIL troops and UNTSO observers had remained in their positions and, although the Israeli forces had imposed restrictions on the movement of UNIFIL on the coastal road and in the enclave, UNIFIL headquarters had, nevertheless, been able to restore communications with and supplies to the various battalions. He added that UNIFIL troops were also endeavouring to the extent possible in the circumstances to extend protection and humanitarian assistance to the population of the area.

The Secretary-General stated that, despite the fundamentally altered situation in southern Lebanon and the dangers inherent in it, UNIFIL troops continued functioning. He expressed the view that if the terms of resolution 509 (1982) were to be

implemented, UNIFIL could usefully contribute to the objectives prescribed by the Council. However, for UNIFIL to function effectively, he added, there would need to be a clear definition by the Council itself of the terms of reference of the Force in the existing situation, as well as full co-operation from the parties concerned. The Secretary-General added that the Government of Lebanon had expressed the view that UNIFIL should continue to be stationed in the area, pending further consideration of the situation in the light of resolution 509 (1982).

Following the adoption of the agenda, the Council invited the representatives of Israel, Lebanon, the Netherlands, Sweden and the Syrian Arab Republic, at their request, to participate in the discussion without the right to vote.<sup>3</sup> 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.<sup>125</sup> The Council further decided to extend an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure.<sup>126</sup> The Council considered the issue during its 2379th meeting, on 18 June 1982.

The President drew the attention of the Council to a draft resolution,<sup>127</sup> which had been prepared in the course of consultations by the Council. The draft resolution was then put to the vote, received 13 votes in favour, none against, and 2 abstentions, and was adopted as resolution 511 (1982).<sup>128</sup> It 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), 483 (1980), 488 (1981), 490 (1981), 498 (1981) and 501 (1982),

*Reaffirming* its resolutions 508 (1982) and 509 (1982),

*Having studied* the report of the Secretary-General on the United Nations Interim Force in Lebanon and taking note of the conclusions and recommendations expressed therein,

*Bearing in mind* the need to avoid any developments which could further aggravate the situation and the need, pending an examination of the situation by the Security Council in all its aspects, to preserve in place the capacity of the United Nations to assist in the restoration of the peace,

1. *Decides*, as an interim measure, to extend the present mandate of the United Nations Interim Force in Lebanon for a period of two months, that is, until 19 August 1982;

2. *Authorizes* the Force during that period to carry out, in addition, the interim tasks referred to in paragraph 17 of the report of the Secretary-General on the Force;

3. *Calls on* all concerned to extend full co-operation to the Force in the discharge of its tasks;

4. *Requests* the Secretary-General to keep the Security Council regularly informed of the implementation of resolutions 508 (1982) and 509 (1982) and the present resolution.

Following the adoption of the resolution, the representative of the United States welcomed the renewal of the UNIFIL mandate for two months so that the Council would have the opportunity to study what best would serve the people of Lebanon and the peace of the region.<sup>129</sup>

The representative of Ireland deplored that in view of the massive Israeli invasion of Lebanon the renewal of the mandate of UNIFIL had been disrupted and that the cease-fire had not yet been fully restored. He dismissed the Israeli claim of self-defence as unwarranted, pointed to the lack of proportionality between the different violent measures and charged that such destructive actions escalated the levels of violence and further weakened the hopes for comprehensive peace in the region.

He further protested against the contempt that the Israeli military showed for the United Nations peace-keeping force and their disregard for the fragile purpose and mode of peace-keeping, which depended on the consent of the parties, the full co-operation from all concerned and the acceptance of its moral authority. He added that the Force had never been allowed to deploy fully throughout its area of operations and expressed his Government's concern about the future of UNIFIL. He underlined two requirements regarding UNIFIL: (a) that UNIFIL be given full co-operation in what it was expected to do; and (b) that the decision to extend its mandate for an interim period of two months should be seen as a temporary expedient. He concluded by saying that the extension of the UNIFIL mandate was no more than a holding operation and that it was up to the Council to make new dispositions beyond the interim period.<sup>130</sup>

The representative of the Soviet Union stressed that the renewal of the UNIFIL mandate was not a routine decision, because the Israeli troops had carried out the large-scale aggression against Lebanon, breaking through the lines of the peace-keeping force and sowing death and destruction among the Lebanese and the Palestinians. The Israeli invasion, which demonstrated the Israeli disregard of the Council and its decisions, constituted a serious threat to the sovereignty and independence of Lebanon. The Soviet Government considered that the Council should immediately take steps to halt the Israeli aggression and to defend the sovereignty and territorial integrity of Lebanon and the legitimate rights of the Arab people. He also indicated that his Government found it possible not to oppose the extension of UNIFIL.<sup>131</sup>

The representative of the United Kingdom stated that the invasion of Lebanon was clearly in violation of international law and of Article 2, paragraph 4, of the Charter, as well as in complete disregard of the demands of the Council. He added that the British Government, together with the other States members of the European Community, saw the invasion as a violation of Lebanon's sovereignty and could not accept the Israeli claim that its action amounted to self-defence. Since it was too early to know whether there was a role for UNIFIL in the radically altered circumstances in Lebanon, he welcomed the extension of the mandate of UNIFIL, so that the opportunity for a possible new role for the Force could be preserved.<sup>132</sup>

The representative of China also condemned the Israeli authorities for flagrantly launching the massive invasion of Lebanon, bombarding Lebanese cities and towns and Palestinian refugee camps and barring the discharge of the functions of UNIFIL. In view of the need created by the new situation in Lebanon and the request of the Lebanese Government, his delegation had supported the adoption of the resolution.<sup>133</sup>

The representative of the Netherlands stated that the Israeli violations of the UNIFIL area seriously undermined the ability of the Force to perform its duties. He explained that his Government maintained its troops in UNIFIL in view of the humanitarian assistance and protection that the Force could extend to the population, but did not wish to discuss the continued deployment until the political situation had become a little clearer. He appealed urgently to the Israeli Government to respect UNIFIL fully, to

withdraw the Israeli units and to allow humanitarian assistance without hindrance.<sup>134</sup>

The representative of Israel read out to the members of the Council his letter dated 7 June 1982<sup>135</sup> addressed to the Secretary-General, in which he presented his Government's response to resolution 509 (1982) arguing that the Israeli action had been taken in accordance with Article 51 of the Charter and announcing that a withdrawal of the Israeli forces would be inconceivable prior to the conclusion of concrete arrangements that would reliably preclude hostile action against Israel's citizens.<sup>136</sup>

The representative of Sweden explained his participation in the Council meeting by pointing out his Government's very deep concern about the flagrant violation not only of the independence of Lebanon but also of the political authority of UNIFIL and of the Council. The Israeli contempt for UNIFIL and the way its troops had simply overrun the peace-keeping force to launch the attack against Lebanon were very disturbing to the Swedish Government. He underlined that the concept of peace-keeping rested on the assumption that the parties would co-operate in good faith with the peace-keeping forces and that the question of the future of the Palestinian people could not be settled through the use of force nor could Israel's security be achieved by military means. He warned that the history of peace-keeping in the Middle East had taught a disastrous lesson of what a drastic and ill-advised removal of United Nations peace-keeping troops could entail. Peace-keeping had proved to be an effective instrument at the disposal of the international community for the containment of conflicts. It should be maintained as a function of the United Nations and the international community as a whole, acting through its universal Organization, and should assume responsibility for those operations.<sup>137</sup>

The representative of the Syrian Arab Republic criticized the use of the veto to defeat the adoption of the Spanish draft resolution issuing a further warning against Israel and called for expulsion of Israel from the United Nations for its gross violations of its Charter obligations and appealed to the Council not to delay any longer the application of mandatory sanctions against Israel under Chapter VII of the Charter.<sup>138</sup>

**Decision of 19 June 1982 (2380th meeting):** resolution 512 (1982)

**Decision of 26 June 1982 (2381st meeting):** rejection of a draft resolution

**Decision of 4 July 1982 (2382nd meeting):** resolution 513 (1982)

At its 2380th meeting, on 19 June 1982, the Council resumed its consideration of the item that had been included in the agenda at the 2374th meeting, on 5 June 1982. At the beginning of the 2380th meeting, the President drew the attention of the Council to a draft resolution<sup>139</sup> submitted by the delegation of France.

Speaking in his capacity as representative of France, the President stated that the bloodshed that had begun during the tragic events in Lebanon had not yet ended. While attempts continued to bring about the implementation of resolutions 508 (1982) and 509 (1982), his delegation was increasingly concerned with the situation of the civilian popula-

tions, both Lebanese and Palestinian, who needed large-scale and effective aid. The draft resolution had been prepared to demonstrate the Council's solidarity with the suffering population and to increase and improve the aid that had so far been made available. He urged the Council to adopt the draft resolution, which was of special significance for France, which had a particularly deep attachment to Lebanon.<sup>140</sup> The President then put the draft resolution to the vote; it received 15 votes in favour and was adopted unanimously as resolution 512 (1982).<sup>141</sup> It reads as follows:

*The Security Council,*

*Deeply concerned* at the sufferings of the Lebanese and Palestinian civilian populations,

*Referring* to the humanitarian principles of the Geneva Conventions of 1949 and to the obligations arising from the regulations annexed to The Hague Convention of 1907,

*Reaffirming* its resolutions 508 (1982) and 509 (1982),

1. *Calls upon* all parties to the conflict to respect the rights of the civilian populations, to refrain from all acts of violence against those populations and to take all appropriate measures to alleviate the suffering caused by the conflict, in particular, by facilitating the dispatch and distribution of aid provided by United Nations agencies and by non-governmental organizations, in particular, the International Committee of the Red Cross;

2. *Appeals* to Member States to continue to provide the most extensive humanitarian aid possible;

3. *Stresses* the particular humanitarian responsibilities of the United Nations and its agencies, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, towards civilian populations and calls upon all the parties to the conflict not to hamper the exercise of those responsibilities and to assist in humanitarian efforts;

4. *Takes note* of the measures taken by the Secretary-General to co-ordinate the activities of the international agencies in this field and requests him to make every effort to ensure the implementation of and compliance with the present resolution and to report on these efforts to the Security Council as soon as possible.

At its 2381st meeting, on 26 June 1982, the Council resumed the consideration of the item.

The President, speaking in his capacity as the representative of France, introduced a draft resolution<sup>142</sup> sponsored by his delegation, under which, in the preambular part, the Council would have reaffirmed resolutions 508 (1982), 509 (1982) and 512 (1982); given expression to its serious concern at the constant deterioration of the situation in Lebanon, resulting from the violation of the sovereignty, integrity, independence and unity of the country; expressed profound apprehension regarding the dangers of extension of the fighting within Beirut; and, in the operative part: (a) demanded that all the parties observe an immediate cessation of hostilities throughout Lebanon; (b) demanded the immediate withdrawal of the Israeli forces engaged around Beirut to a distance of 10 kilometres from the periphery of that city, as a first step towards the complete withdrawal of Israeli forces from Lebanon, as well as the simultaneous withdrawal of the Palestinian armed forces from Beirut, which should retire to the existing camps; (c) supported all efforts by the Government of Lebanon to censure Lebanese sovereignty throughout the territory and the integrity and independence of Lebanon within its internationally recognized frontiers; (d) called upon all armed elements in the Beirut area to respect the exclusive authority of the Government of Lebanon and abide by its directives; (e) supported the Government of Lebanon in its will to regain exclusive control of its capital and to that end to install its armed forces, which should take up positions within Beirut and

interpose themselves on its periphery; (f) requested the Secretary-General, as an immediate measure, to station United Nations military observers, in agreement with the Government of Lebanon, with instructions to supervise the cease-fire and disengagement in and around Beirut; (g) further requested the Secretary-General to study any request by the Government of Lebanon for the installation of a United Nations force which could, within the framework of the implementation of the preceding paragraphs, take up positions beside the Lebanese interposition forces, or for the use of the forces available to the United Nations in the region; (h) requested the Secretary-General to report to the Security Council on an urgent and sustained basis not later than 1 July 1982 on the status of implementation of the resolution and of resolutions 508 (1982), 509 (1982) and 512 (1982); (i) requested all Member States to co-operate fully with the United Nations in the implementation of the resolution; and (j) decided to remain seized of the question.

The President, in his capacity as the representative of France, strongly urged the adoption of the text as his Government was alarmed at the destruction of entire neighbourhoods in Beirut and hoped to see the return of at least minimum security throughout the city by stationing United Nations military observers, and possibly also creating conditions for the initiation of genuine negotiations.<sup>143</sup>

At the same meeting, the President put the revised draft resolution to the vote: it received 14 votes in favour and 1 vote against, and was not adopted, owing to the negative vote of a permanent member.<sup>144</sup>

Following the vote, the representative of the United States explained that his delegation had cast a negative vote, since the draft resolution, which otherwise was supported by his Government, did not address the need for the elimination from Beirut and elsewhere of the presence of armed Palestinian elements.<sup>145</sup>

At its 2382nd meeting, on 4 July 1982, the Council resumed consideration of the item.

The President drew the attention of the Council to a draft resolution,<sup>146</sup> which had been prepared in the course of the Council's consultations. He then drew attention to a number of documents, including an interim report<sup>147</sup> of the Secretary-General dated 30 June 1982, submitted in pursuance of resolution 512 (1982), in which a preliminary account of the humanitarian efforts of the United Nations system to assist Lebanon was given.

At the same meeting, the President put the draft resolution to the vote; it received 15 votes in favour and was adopted unanimously as resolution 513 (1982).<sup>148</sup> It reads as follows:

*The Security Council,*

*Alarmed* by the continued sufferings of the Lebanese and Palestinian civilian populations in southern Lebanon and in west Beirut,

*Referring* to the humanitarian principles of the Geneva Conventions of 1949 and to the obligations arising from the regulations annexed to The Hague Convention of 1907,

*Reaffirming* its resolutions 508 (1982), 509 (1982) and 512 (1982),

1. *Calls* for respect for the rights of the civilian populations without any discrimination and repudiates all acts of violence against those populations;

2. *Calls further* for the restoration of the normal supply of vital facilities such as water, electricity, food and medical provisions, particularly in Beirut;

3. *Commends* the efforts of the Secretary-General and the action of international agencies to alleviate the sufferings of the civilian population and requests them to continue their efforts to ensure their success.

**Decision** of 29 July 1982 (2385th meeting): resolution 515 (1982)

**Decision** of 1 August 1982 (2386th meeting): resolution 516 (1982)

**Decision** of 3 August 1982 (2387th meeting): statement of the President

**Decision** of 4 August 1982 (2389th meeting): resolution 517 (1982)

**Decision** of 6 August 1982 (2391st meeting): rejection of a draft resolution

**Decision** of 12 August 1982 (2392nd meeting): resolution 518 (1982)

By letter dated 28 July 1982,<sup>149</sup> the representatives of Egypt and France requested an urgent meeting of the Council in order to take up the situation in the Middle East; they attached to the letter a draft resolution<sup>150</sup> co-sponsored by Egypt and France.

At its 2384th meeting, on 29 July 1982, the Council included the letter, in addition to the letter dated 4 June 1982 from the Permanent Representative of Lebanon to the United Nations, in its agenda and resumed its consideration of the item.

Following the adoption of the agenda, the Council invited, in addition to the representatives previously invited, at the 2384th meeting, the representative of Pakistan, and at the 2389th meeting, the representatives of Cuba and India, at their request, to participate in the discussion without the right to vote.<sup>3</sup>

At the beginning of the meeting, the President referred to the draft resolution submitted by Egypt and France.

The representative of France expressed deep regret about the continuing invasion of Lebanon and occupation of Beirut by Israeli troops and recalled the appeal by the President of France to the combatants to observe the requirements of the cease-fire and his suggestion that a United Nations force be set up to assist in separating the fighting parties in Beirut. He proposed that although that suggestion had not been adopted by the Council, another effort be made to seek the Council's support. In that connection he mentioned the working document that he, together with the representative of Egypt, had submitted to the Council on 2 July. Since the situation had gotten worse in and around Beirut, they had decided to submit officially the draft resolution whose text was identical with the earlier working document.

He emphasized the political dimension of the Lebanese situation and urged the other members to see the proposed text in the light of military and political characteristics of the ongoing crisis and of possible approaches to a peaceful settlement based on the Charter of the United Nations and on the acceptance of the Palestinian objective. He invited the Council to amend the submission to take account of recent developments and agreed to consider those suggestions with an open mind.<sup>151</sup>

He reviewed in great detail the draft resolution under which, in its preambular part, the Council, guided by the purposes and principles of the Charter, would have recalled its resolutions 242 (1967) and 338 (1973), recalled further its resolutions 508 (1982), 509 (1982), 511 (1982), 512 (1982) and 513 (1982), expressed its grave concern at the situation in the Middle East, in particular the existing situation in Lebanon, reaffirmed the obligation of all to respect strictly the sovereignty, territorial integrity and political independence of all countries and the legitimate national rights of all peoples in the Middle East, reaffirmed further the obligation that all States should settle their disputes by peaceful means in such a manner that international peace and security and justice would not be endangered and that they should refrain 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 expressed its determination to seek the restoration of peace and security in the region based on the principles of security for all States and justice for all peoples.

In the operative part, under section A, the Council would have (a) demanded that all the parties to the existing hostilities in Lebanon observe an immediate and lasting cease-fire throughout Lebanon; (b) demanded the immediate withdrawal of the Israeli forces engaged around Beirut to an agreed distance as a first step towards their complete withdrawal from Lebanon and the simultaneous withdrawal from west Beirut of the Palestinian armed forces, which would be redeployed with their light weapons, as a first step in camps to be determined, preferably outside Beirut, through modalities to be agreed upon between the parties, so putting an end to their military activities; (c) called for the conclusion of an agreement between the Palestinian armed forces and the Government of Lebanon concerning the destination and destiny of their weapons, other than those referred to above; (d) called for the departure of all non-Lebanese forces, except those which would be authorized by the legitimate and representative authorities of Lebanon; (e) supported the Government of Lebanon in its efforts to regain exclusive control of its capital and, to that end, to install its armed forces, which should take up positions in Beirut and interpose themselves on its periphery; and (f) further supported all efforts by the Government of Lebanon to ensure Lebanese sovereignty throughout the territory and the integrity and independence of Lebanon within its internationally recognized frontiers.

Under section B, the Council would have (a) requested the Secretary-General, as an immediate measure, to station United Nations military observers, by agreement with the Government of Lebanon, in order to supervise the cease-fire and disengagement, in and around Beirut; and (b) further requested the Secretary-General, bearing in mind the provisions of resolution 511 (1982), to prepare a report on the prospects for the deployment of a United Nations peace-keeping force, which could, within the framework of the implementation of the preceding paragraphs, take up positions beside the Lebanese interposition forces, or on the use of the United Nations forces already deployed in the region.

Under section C, the Council would have (a) considered that the settlement of the Lebanese problem should contribute to the initiation of a durable restoration of peace and security in the

region within the framework of negotiations based on the principles of security for all States and justice for all peoples, in order, namely, to (i) reaffirm the right of all States in the region to existence and security in accordance with resolution 242 (1967); (ii) reaffirm the legitimate national rights of the Palestinian people, including the right to self-determination with all its implications, on the understanding that to that end the Palestinian people should be represented in the negotiations and, consequently, the PLO should be associated therein; and (iii) call for the mutual and simultaneous recognition of the parties concerned; and (b) requested the Secretary-General, in consultation with all the parties concerned including the representatives of the Palestinian people, to make proposals to the Council designed to achieve by political means the objectives mentioned above, with a view to the recognition of and respect for the existence and security of all.

Under section D, the Council would have (a) requested the Secretary-General to report to the Council on an urgent and sustained basis not later than . . . on the status of the implementation of the resolution; and (b) requested all Member States to cooperate fully with the United Nations Secretariat in the implementation of the resolution.

The representative of Egypt suggested that the problem of the Middle East would continue to defy settlement unless and until a just solution to the Palestinian question had been achieved. He added that Egypt, the first and only Arab country to establish normal relations with Israel, rejected completely the Israeli invasion of Lebanon and its policies against the Palestinian people and the PLO. Based on its conviction that the territorial integrity and sovereignty of Lebanon could not be restored unless Israel withdrew completely from all Lebanese territory, his Government, together with France, had embarked on a new initiative for a movement towards a comprehensive peaceful settlement for the Middle East as a whole. He underlined basic Charter principles regarding the non-use of force and the resolution of disputes through peaceful means as well as the right to self-determination and endorsed the Council resolutions regarding the invasion of Lebanon. He then introduced the draft resolution, presenting its various parts and commenting on Egypt's reasons for submitting them to the Council. He urged in conclusion all Council members and all the parties in the Middle East to give their support to the French-Egyptian initiative.<sup>152</sup>

The representative of Jordan stated that the Council was duty-bound to warn the aggressor that it would not tolerate the continued aggression against the Lebanese and Palestinian populations and reminded the Council of its power to invoke measures under Chapter VII of the Charter. Regarding the French-Egyptian draft resolution, he expressed surprise that suggestions for changes of the original working document of 2 July were not contained in the text, which had been formally submitted to the Council, but he indicated his willingness to participate in the efforts to amend the text for adoption by the Council. He emphasized in particular the relevance of basic Charter principles, such as the peaceful settlement of disputes, the inadmissibility of the acquisition of territory by force, and the right to self-determination, for the renewed effort to find ways and means to resolve the Middle East problem.<sup>153</sup>



At the conclusion of the 2384th meeting, the representative of Lebanon informed the Council that his Government had been advised by the International Committee of the Red Cross (ICRC) that Israeli check-points were still preventing the entry into West Beirut of any food or supplies, despite what had been promised.<sup>154</sup>

At the 2385th meeting, on 29 July 1982, the representative of Lebanon gave strong support to the French-Egyptian initiative and stressed that peace in Lebanon could not wait for the comprehensive settlement of the Middle East crisis. He repeated the three basic objectives for a solution in Lebanon, namely, the withdrawal of Israel from all of Lebanon, the withdrawal of all non-Lebanese forces, and the deployment of the Lebanese Army and security forces, and concluded by saying that Israel's security could be guaranteed only by peace and mutual recognition of every nation's and people's right to exist, as provided for in the draft resolution.<sup>155</sup>

The representative of Pakistan pointed out that very recently the Extraordinary Ministerial Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries held at Nicosia had called upon the Council to apply as a matter of urgency comprehensive mandatory sanctions against Israel under Chapter VII of the Charter, until Israel fully carried out the relevant resolutions of the United Nations.<sup>156</sup>

The representative of Ireland stressed the fact that the capital of a Member State had been under virtual siege for nearly two months by the armed forces of its neighbour and that the Council had not yet succeeded in implementing its resolutions and terminating the occupation. In view of this circumstance, time was ripe for a new effort that would provide for certain immediate steps to stop the conflict in Beirut and address the problem in its larger context. His Government had always felt that something should be done to get a real political dialogue under way and that the right of the Palestinian people to self-determination had to be included in whatever was to be discussed and agreed to. He expressed his appreciation for the initiative taken by Egypt and France and especially for the main lines of the draft resolution, although he cautioned that a United Nations force should not be established unless the whole issue including all the implications of such a step were discussed in depth in the Council.<sup>157</sup>

The representative of Spain informed the Council that his Government had instructed him to submit urgently a draft resolution that was addressed to purely humanitarian concerns and could be adopted at the same meeting. He then read out the text of the draft resolution<sup>158</sup> and appealed to the Council members to adopt it as soon as possible to put an end to the siege of Beirut where the civilian population had been suffering from hunger, thirst, war and death.<sup>159</sup>

The representative of Jordan welcomed the Spanish draft resolution and called upon the Council to take it up urgently and referred to an appeal by members of the Government of Lebanon who described the worsening situation in West Beirut as a result of the continued siege of the area by Israeli occupiers.<sup>160</sup>

The representative of the United States renewed her Government's commitment to the peace, independence and sovereignty of Lebanon, but indicated

that her delegation could not support the Spanish draft since there was no time to gather or confirm the facts about the current situation in Beirut, since there was only an inadequate opportunity for consultations with her Government and since the draft resolution was lacking in balance. Although the PLO had imposed itself in the first instance on the civilian population of Beirut, the draft resolution submitted by Spain called only upon Israel to desist in its military activities. She felt that a one-sided appeal in a two-sided conflict suggested political as well as humanitarian purposes. In the light of those difficulties, she asked for suspension of the Council meeting to permit consultation about the text with her Government.<sup>161</sup>

The representative of France fully supported the Spanish representative and agreed that priority should be given to the draft resolution and it should be voted upon as quickly as possible.<sup>162</sup>

At the same meeting, following a short suspension,<sup>163</sup> the President proposed, in accordance with the request of the United States, to suspend the meeting for consultations. The representative of Panama opposed the proposal for suspension, and the President put the United States request to a vote. The result was 6 votes in favour, 6 against, and 3 abstentions; the proposal for a suspension of the meeting therefore failed to obtain the required majority and was not adopted.<sup>164</sup>

Immediately following the vote on the suspension of the meeting, the President put the draft resolution submitted by Spain to the vote. It obtained 14 votes in favour; one member did not participate in the vote. Therefore, the draft had been adopted as resolution 515 (1982).<sup>165</sup> It reads as follows:

*The Security Council,*

*Deeply concerned* at the situation of the civilian population of Beirut,

*Referring* to the humanitarian principles of the Geneva Conventions of 1949 and to the obligations arising from the regulations annexed to The Hague Convention of 1907,

*Recalling* its resolutions 512 (1982) and 513 (1982),

1. *Demands* that the Government of Israel lift immediately the blockade of the city of Beirut in order to permit the dispatch of supplies to meet the urgent needs of the civilian population and allow the distribution of aid provided by United Nations agencies and by non-governmental organizations, particularly the International Committee of the Red Cross;

2. *Requests* the Secretary-General to transmit the text of the present resolution to the Government of Israel and to keep the Security Council informed of its implementation.

The representative of the United States stated that her Government had found it impossible to participate in the vote and strongly objected to the procedure employed at the meeting; she suggested that it would be impossible for the Council to function if members were not to be provided an opportunity for consultation with their Governments.<sup>166</sup>

The representative of the Soviet Union viewed the Council's action as most appropriate in that the anti-humanitarian actions on the part of Israel in Beirut had cut off supply routes for food and electricity, prevented various humanitarian organizations, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), from carrying out their work and grossly violated the Council's resolutions 512 (1982) and 513 (1982).<sup>167</sup>

At its 2386th meeting, on 1 August 1982, the Council resumed its consideration of the item.

At the beginning of the meeting, the President stated that the meeting had been convened at the urgent request, made during the night, of the representative of Lebanon in view of the new and serious outbreak of fighting in and around Beirut. He drew the attention of the members to a draft resolution<sup>168</sup> that had been drawn up following consultations during the morning. Before putting the text to the vote, the President announced the correction of a small error in the printed copy. Then the draft was put to the vote, received 15 votes in favour and was adopted unanimously as resolution 516 (1982).<sup>169</sup> It reads as follows:

*The Security Council.*

*Reaffirming* its resolutions 508 (1982), 509 (1982), 511 (1982), 512 (1982) and 513 (1982),

*Recalling* its resolution 515 (1982),

*Alarmed* by the continuation and intensification of military activities in and around Beirut,

*Taking note* of the latest massive violations of the cease-fire in and around Beirut,

1. *Confirms* its previous resolutions and demands an immediate cease-fire, and a cessation of all military activities within Lebanon and across the Lebanese-Israeli border;

2. *Authorizes* the Secretary-General to deploy immediately, on the request of the Government of Lebanon, United Nations observers to monitor the situation in and around Beirut;

3. *Requests* the Secretary-General to report back to the Security Council on compliance with the present resolution as soon as possible and not later than four hours from now.

Following the adoption of resolution 516 (1982), the representative of Lebanon thanked the Council for convening so urgently and adopting the resolution in reaction to the new Israeli attack in the West Beirut area and read out an appeal by the Prime Minister of Lebanon who asked in despair why the people in Lebanon were subjected to the attacks and so much suffering and why the United Nations had so far been unable to put an end to the bloodshed and violence.<sup>170</sup>

In pursuance of resolution 516 (1982), the Secretary-General submitted a report dated 1 August 1982,<sup>171</sup> in which he informed the Council that, following the adoption of the resolution, he had received a letter<sup>172</sup> from the representative of Lebanon requesting, on behalf of his Government, the stationing of United Nations observers in the Beirut area to ensure that the cease-fire was fully observed by all concerned. The Secretary-General stated that he had instructed the Chief of Staff of UNTSO to make the necessary arrangements, in consultation with the parties concerned, for the immediate deployment of United Nations observers in and around Beirut in accordance with resolution 516 (1982).

The Secretary-General reported that the Israeli authorities had informed the UNTSO Chief of Staff that the matter would be brought before the Israeli Cabinet. He informed the Council that the Chairman of the Israel-Lebanon Mixed Armistice Commission had met with the Commander of the Lebanese Army, who had assured the UNTSO Chief of Staff that the Army was ready to provide all the facilities and to assist the United Nations observers in the implementation of resolution 516 (1982). He had also received a message from the Chairman of the Executive Committee of the PLO informing him of the acceptance by the PLO of resolution 516 (1982) and of his readiness to co-operate with United Nations observers. He added that the Chairman of the Commission had reported from his preliminary observations on

the ground in Beirut that the cease-fire appeared to be holding as of 2400 hours local time.

In the addendum to his report dated 3 August 1982,<sup>173</sup> the Secretary-General stated that intensive efforts had continued for the speedy implementation of resolution 516 (1982). He reported that the Israeli authorities had informed the Chief of Staff of UNTSO that the Israeli Cabinet would discuss the subject on 5 August 1982 and that, pending a decision by the Government of Israel on resolution 516 (1982), no co-operation would be extended to UNTSO personnel in the execution of that resolution. Noting that every effort was being made to stress to the Israeli authorities the importance and urgency of the matter, the Secretary-General said that although the detailed plan for the deployment of United Nations observers in the Beirut area had been ready since 1 August, it could not be put into full effect until the reply from the Israeli Government was received.

The Secretary-General stated further that, as a temporary practical measure, he had instructed the UNTSO Chief of Staff to take immediate steps to set up initially observation machinery in territory controlled by the Lebanese Government, in close consultation and co-operation with the Lebanese Army. He reported that the United Nations observers assigned to the Israel-Lebanon Mixed Armistice Commission had been constituted as the Observer Group Beirut (OGB) and that the Chairman of the Commission had been appointed Officer-in-Charge.

At the 2387th meeting, on 3 August 1982, the Council resumed its consideration of the item.

At the beginning of the meeting, the President made the following statement, which had been prepared during consultations with members of the Council, on their behalf in connection with the grave situation in Lebanon:<sup>174</sup>

1. The members of the Security Council are seriously concerned at the prevailing high state of tension and at reports of military movements and continued outbreaks of firing and shelling in and around Beirut, contrary to the demand in resolution 516 (1982), which was adopted at 1325 hours, New York time, on 1 August 1982, for an immediate cease-fire and cessation of all military activities within Lebanon and across the Lebanese-Israeli border. They consider it vital that these provisions be fully implemented.

2. The members of the Security Council have taken note of the Secretary-General's reports submitted pursuant to resolution 516 (1982). They express full support for his efforts and for the steps he has taken, following the request of the Government of Lebanon, to secure the immediate deployment of United Nations observers to monitor the situation in and around Beirut. They note with satisfaction from the Secretary-General's report that some of the parties have already assured General Erskine of their full co-operation for the deployment of United Nations observers and they call urgently on all of the parties to co-operate fully in the effort to secure effective deployment of the observers and to ensure their safety.

3. They insist that all parties must observe strictly the terms of resolution 516 (1982). They call further for the immediate lifting of all obstacles to the dispatch of supplies and the distribution of aid to meet the urgent needs of the civilian population in accordance with previous resolutions of the Council. The members of the Security Council will keep the situation under close review.

At the 2388th meeting, on 4 August 1982, the Council continued its consideration of the item in response to a request by the representative of the Soviet Union, as the President informed the members at the beginning of the meeting.<sup>175</sup> He also drew the attention of the members to a draft resolution submitted by Jordan and Spain.<sup>176</sup>

The representative of the Soviet Union pointed out that his delegation had alerted the Council to the fact that Israeli military forces had launched new large-scale attacks against west Beirut and that the representative of Israel had denied those facts at the previous meeting. He added that the new acts of aggression were by that time widely known and that, faced with the extremely serious situation, the Council had to take effective and decisive measures including the deployment of additional United Nations observers in and around Beirut. Furthermore, the Council should consider measures under Chapter VII of the Charter.<sup>177</sup>

The representative of Jordan described in some detail the devastation resulting from the most recent Israeli attack in Beirut and suggested that Israel had launched the new attack in order to bring about the collapse of the tripartite discussions between the Special Ambassador of the United States, the PLO and the Lebanese Government. In face of the Israeli attempt to take over the capital of Lebanon, the Council needed to take the firmest measures. For that reason, he introduced the draft resolution, which was co-sponsored by Spain and Jordan.<sup>178</sup>

The representative of Spain expressed dismay that the Israeli Government was delaying the dispatch of additional United Nations observers by reserving the decision to accept the Council mandate to a cabinet meeting yet to be held and denounced the Israeli delaying tactics at a time of grave fighting. He expressed hope that the Council would adopt the Jordanian-Spanish draft to put an end to the Israeli aggression.<sup>179</sup>

The representative of China condemned the Israeli attack against the Lebanese and Palestinian peoples and proposed that the Council, faced with such lawlessness on the part of the Israeli authorities, should put an end to the Israeli invasion by the adoption of forceful measures against Israel, in accordance with the provisions of Chapter VII of the Charter.<sup>180</sup>

At the 2389th meeting, on 4 August 1982, the President drew attention to the revised text<sup>181</sup> of the Jordanian-Spanish draft resolution. The representative of Spain announced several changes, including the addition of a new paragraph, and read out the changes.<sup>182</sup> The President repeated the wording of the various changes and then put the revised text to the vote. It received 14 votes in favour, with 1 abstention, and was adopted as resolution 517 (1982).<sup>183</sup> It reads as follows:

*The Security Council,*

*Deeply shocked and alarmed* by the deplorable consequences of the Israeli invasion of Beirut on 3 August 1982,

1. *Reconfirms* its resolutions 508 (1982), 509 (1982), 512 (1982), 513 (1982), 515 (1982) and 516 (1982);

2. *Confirms once again* its demand for an immediate cease-fire and withdrawal of Israeli forces from Lebanon;

3. *Censures* Israel for its failure to comply with the above resolutions;

4. *Calls* for the prompt return of Israeli troops which have moved forward subsequent to 1325 hours, eastern daylight time, on 1 August 1982;

5. *Takes note* of the decision of the Palestine Liberation Organization to move the Palestinian armed forces from Beirut;

6. *Expresses its appreciation* for the efforts and steps taken by the Secretary-General to implement the provisions of resolution 516 (1982) and authorizes him, as an immediate step, to increase the number of United Nations observers in and around Beirut;

7. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution as soon as

possible and not later than 1000 hours, eastern daylight time, on 5 August 1982;

8. *Decides* to meet at that time, if necessary, in order to consider the report of the Secretary-General and, in case of failure to comply by any of the parties to the conflict, to consider adopting effective ways and means in accordance with the provisions of the Charter of the United Nations.

Following the adoption of the resolution, the representative of the United States explained his delegation's abstention in the vote by pointing to the lack of an explicit and unequivocal call for the withdrawal of the PLO from Lebanon and added that the text was not consistent with the balanced policy set forth by the President of the United States in a declaration issued that morning.<sup>184</sup>

In pursuance of resolution 517 (1982), the Secretary-General submitted a report dated 5 August,<sup>185</sup> in which he informed the Council that the representative of Lebanon had assured him of the Lebanese Government's readiness to co-operate fully in the implementation of the resolution and that the Chairman of the Executive Committee of the PLO had reaffirmed that organization's commitment to the cease-fire. He stated that the Israeli authorities had undertaken to respond to the Council's resolution later that day, following a Cabinet meeting. He added that, as soon as transit arrangements were completed, additional observers from the existing establishment of UNTSO would be dispatched to the Beirut area.

The Secretary-General reported further that on 4 August, in Vienna, he had appealed to the Prime Minister of Israel for adherence to the cease-fire and co-operation in the deployment of United Nations observers in and around Beirut and had expressed his readiness to go immediately to Israel and Lebanon to discuss the matter with all parties concerned. He said that he had been informed by the Prime Minister of Israel that the Government would welcome his visit if there was not a parallel visit to the Chairman of the Executive Committee of the PLO. The Secretary-General stated that he did not find that position acceptable, as he felt it his duty to meet with all parties involved in the hostilities, and he reiterated his appeal for co-operation.

In two addenda to his report, dated 5 and 6 August,<sup>186</sup> the Secretary-General conveyed to the Council the decision of the Israeli Cabinet, whereby the Israeli Government, charging that all previous cease-fires in Lebanon and the Beirut area had been violated by the terrorist organizations, refused to accept the stationing of United Nations observers, since they would not be able to monitor the activities of the organizations and since their presence would signal to those terrorists that they would not have to leave Beirut and Lebanon despite the urgent demands of the Lebanese Government and the President of the United States.

At the 2390th meeting, on 6 August 1982, when the Council resumed the consideration of the item, the President drew the attention of the members to the report of the Secretary-General and a draft resolution<sup>187</sup> submitted by the Soviet Union.

The representative of the Soviet Union denounced the Israeli rejection of the demands contained in resolution 517 (1982) as a sign of growing arrogance and a challenge which the Council could not ignore but had to take up. Under those circumstances, he submitted to the Council a draft resolution under which the Council, deeply indignant at the refusal of Israel to comply with the decisions of the Security

Council aimed at terminating the bloodshed in Beirut, would have (a) strongly condemned Israel for not implementing resolutions 516 (1982) and 517 (1982); (b) demanded that Israel immediately implement the resolutions fully; and (c) decided that, in order to carry out those decisions of the Council, all the States Members of the United Nations should, as a first step, refrain from supplying Israel with any weapons and from providing it with military aid. The representative of the Soviet Union added that he hoped that the Council would support the draft, which constituted the absolute minimum necessary to put an end to Israel's aggression; if that did not have the desired effect, the Council would have to take more severe measures under the Charter.<sup>188</sup>

The representative of Jordan indicated that his delegation believed that the draft resolution did not go far enough, in view of the language employed in the previous resolutions regarding the bloodshed in Beirut; he saw the appeal to Member States to refrain from supplying weapons or providing military aid as inadequate and mentioned the application of measures under Chapter VII as appropriate.<sup>189</sup>

The Council continued its consideration of the item at its 2391st meeting, on 6 August 1982.

The representative of the Soviet Union reiterated his appeal to the Council that the small step indicated in his delegation's draft resolution be accepted. He announced a small change in the text, which his Government had agreed to accept in order to achieve the constructive purpose entailed in the draft resolution. He said that in the third operative paragraph the words "as a first step" would be deleted and that the words "until the full withdrawal of Israeli forces from all Lebanese territory" would be added at the end of that paragraph. In the light of the importance of the moment, he asked that the draft resolution, as orally revised, be put to the vote immediately.<sup>190</sup>

The representative of the United Kingdom indicated that his delegation would abstain from voting on the draft resolution, since no effort had been made to take into account the views of some parties to the conflict and no good had been done by the introduction of the draft, as witnessed by the silence of the representative of Lebanon.<sup>191</sup>

At the same meeting, the President read out the text of the draft resolution, as orally revised, and put it to the vote; it received 11 votes in favour, 1 vote against, and 3 abstentions, and was not adopted, owing to the negative vote of a permanent member of the Council.<sup>192</sup>

The representative of the United States, referring to the ongoing efforts of his Government through its special envoy to help bring about a negotiated settlement of the crisis in Beirut and in Lebanon, stated that his delegation stood ready to support any action in the Council that would assist the envoy in his mission and that it had cast a negative vote because the draft resolution had called for sanctions against Israel and because the unbalanced text would not have contributed to a negotiated peaceful settlement.<sup>193</sup>

The representative of the Soviet Union stated that his delegation had been approached by the delegation of the United States, shortly before the Council meeting began, regarding the possibility of arriving at a consensus text, and that his delegation had requested that a specific amendment be proposed instead of

general remarks before an agreement could be sought on the revision of the draft resolution.<sup>194</sup>

The representative of the United States replied that his delegation had simply maintained its general willingness to consider any reasonable text that would have served the peace process in Lebanon.<sup>195</sup>

Subsequently, the President explained that in fulfilling his functions he had conducted informal talks with members of the Council to see to it that they would help maintain the unity and common purpose of the Council, but that at a certain point, based on his own judgement, he had decided to proceed to the formal meeting as those efforts were not likely to bear fruit.<sup>196</sup>

At its 2392nd meeting, on 12 August 1982, the Council resumed its consideration of the item. The President drew attention to a draft resolution<sup>197</sup> sponsored by Guyana, Jordan, Panama, Togo, Uganda and Zaire.

The representative of the Soviet Union stated that his delegation had requested the urgent convening of the Council in view of the worsening situation in Lebanon, as the Israeli forces continued to violate the cease-fire in Beirut and as Israeli troops with tanks had moved into regions located north of Beirut. Under those circumstances, it was his delegation's view that the Council should undertake immediate action to put an end to Israeli aggression.<sup>198</sup>

The representative of Jordan referred to the letter dated 12 August 1982 from the representative of Lebanon,<sup>199</sup> in which the new attacks by the Israeli forces were reported to the President of the Council, and denounced the Israeli campaign against Beirut and the areas north of the Lebanese capital. He also brought to the Council's attention a letter received by his Mission from the observer of the PLO,<sup>200</sup> which set out the relentless attacks by Israeli tanks, airplanes and infantry against Lebanese and Palestinian quarters in Beirut. As the attacks were continuing despite the cease-fire arranged by the Special Envoy of the United States, the representative of Jordan submitted to the Council the draft resolution sponsored by the delegations of Guyana, Jordan, Togo, Uganda and Zaire, which was designed to strengthen the presence of United Nations observers in and around Beirut and to lift all restrictions that the Israeli command had imposed on the city of Beirut.<sup>201</sup>

The representative of the PLO stressed the seriousness of the deteriorating situation in Lebanon and read out a message from the Chairman of the PLO, in which the continued shelling was reported and immediate steps were requested to ensure the safety of Lebanese and Palestinian civilians, in consequence of the agreement involving the PLO, the Lebanese Government and the Special Envoy of the United States.<sup>202</sup>

At the same meeting, the President suspended the meeting for a short time in order to allow some delegations to receive instructions from their Governments before proceeding to the vote on the draft resolution.<sup>203</sup> Following the suspension, the representative of Jordan announced a few minor editorial and procedural changes in the text of the draft resolution.<sup>204</sup>

The President then put the draft resolution, as orally revised, to the vote; it received 15 votes in favour and was adopted unanimously as resolution 518 (1982).<sup>205</sup> It reads as follows:

*The Security Council.*

Recalling its resolutions 508 (1982), 509 (1982), 511 (1982), 512 (1982), 513 (1982), 515 (1982), 516 (1982) and 517 (1982),

Expressing its most serious concern about continued military activities in Lebanon and, particularly, in and around Beirut,

1. Demands that Israel and all parties to the conflict observe strictly the terms of Security Council resolutions relevant to the immediate cessation of all military activities within Lebanon and, particularly, in and around Beirut;

2. Demands the immediate lifting of all restrictions on the city of Beirut in order to permit the free entry of supplies to meet the urgent needs of the civilian population in Beirut;

3. Requests the United Nations observers in, and in the vicinity of, Beirut to report on the situation;

4. Demands that Israel co-operate fully in the effort to secure the effective deployment of the United Nations observers, as requested by the Government of Lebanon, and in such a manner as to ensure their safety;

5. Requests the Secretary-General to report as soon as possible to the Security Council on the implementation of the present resolution;

6. Decides to meet, if necessary, in order to consider the situation upon receipt of the report of the Secretary-General.

In pursuance of resolution 518 (1982), the Secretary-General submitted a report dated 13 August 1982,<sup>206</sup> in which he stated that he had brought the resolution to the attention of the Ministers for Foreign Affairs of Israel and Lebanon and of the Chairman of the Executive Committee of the PLO. He reported that the representative of Israel had informed him that IDF strictly observed the cease-fire throughout Lebanon on the axiomatic condition that it was mutual and absolute and that Israel's position with regard to United Nations observers had been set out in his letter dated 5 August 1982.<sup>207</sup> The Secretary-General had been informed that the Lebanese Government and the PLO accepted resolution 518 (1982).

The Secretary-General stated further that there were 10 United Nations observers in Beirut and that efforts were continuing to bring additional observers to the area and also to enable them to function effectively. With reference to paragraph 2 of resolution 518 (1982), the Secretary-General stated that he had been following with deep anxiety the deterioration of the situation affecting the civilian population in west Beirut. He informed the Council that he had asked the Chairman of the United Nations inter-agency survey mission to return to Lebanon on 10 August to reassess the needs of the affected population and that he was continuing his efforts to secure the free entry of supplies to meet the urgent needs of the civilian population in Beirut.

**Decision of 17 August 1982 (2393rd meeting): resolution 519 (1982)**

At its 2393rd meeting, on 17 August 1982, the Council included the report of the Secretary-General on UNIFIL dated 13 August 1982<sup>208</sup> in the agenda.

In his report, the Secretary-General gave an account of developments relating to UNIFIL since the adoption of resolution 511 (1982) on 18 June. He noted that the conditions prevailing in Lebanon had complicated the logistic support of the Force and that further difficulties had been created by restrictions on the freedom of movement of UNIFIL imposed by the Israeli forces. He described incidents involving Israeli forces which had occurred in the UNIFIL area of deployment in the days immediately following the Israeli invasion and which had been strongly protested to the Israeli authorities. He reported that

UNIFIL had taken action to contain the activities of a new armed group, equipped and controlled by the Israeli forces, which had appeared in parts of the UNIFIL area at the end of June, and had continued to resist attempts by the *de facto* forces to operate in the UNIFIL area of deployment, although in some instances they had been able to enter that area with the assistance of the Israeli forces. He added that during the latter part of the reporting period the UNIFIL area had been generally quiet and that no armed clashes had been observed.

The Secretary-General reported further that, until 16 June 1982, UNIFIL humanitarian teams had been able to assist the population of Tyre through the distribution of food and water and the dispensing of medical aid, but that those efforts had been halted by the Israeli authorities on 16 June. In the second half of June UNIFIL had extended co-operation to the humanitarian efforts of various United Nations programmes and ICRC.

Recalling that in his last report he had referred to the fundamentally altered situation in which the Force had found itself after the Israeli invasion, the Secretary-General stated that, despite the difficulties it had faced, the Force had been deeply engaged in extending protection and humanitarian assistance to the civilian population in its area. He expressed the view that the presence of UNIFIL had provided an important stabilizing and moderating influence in southern Lebanon during that difficult time.

The Secretary-General stated that, as the overall situation in southern Lebanon remained uncertain and fraught with danger, the Government of Lebanon had indicated that UNIFIL should continue to be stationed in the area for an additional interim period of two months, pending further consideration of the situation in the light of resolutions 508 (1982), 509 (1982), 511 (1982), 512 (1982), 513 (1982), 515 (1982), 516 (1982) and 517 (1982). Taking all factors into account, and bearing in mind the position of the Government of Lebanon, the Secretary-General recommended that the Council extend the mandate of UNIFIL for a further interim period.

At the 2393rd meeting, the President drew attention to the draft resolution,<sup>209</sup> which had been prepared in the course of consultations among the members, and put it to the vote; it received 13 votes in favour and none against, with 2 abstentions, and was adopted as resolution 519 (1982).<sup>210</sup> It 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), 483 (1980), 488 (1981), 490 (1981), 498 (1981), 501 (1982) and 511 (1982),

Reaffirming its resolutions 508 (1982) and 509 (1982), as well as subsequent resolutions on the situation in Lebanon,

Having studied with grave concern the report of the Secretary-General on the United Nations Interim Force in Lebanon and noting its conclusions and recommendations and the wishes of the Government of Lebanon as set out therein,

Bearing in mind the need, pending an examination by the Security Council of the situation in all its aspects, to preserve in place the capacity of the United Nations to assist in the restoration of the peace and of the authority of the Government of Lebanon throughout Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of two months, that is, until 19 October 1982;

2. Authorizes the Force during that period to continue to carry out, in addition, the interim tasks in the humanitarian and

administrative fields assigned to it in paragraph 2 of resolution 511 (1982);

3. *Calls on* all concerned, taking into account paragraphs 5, 8 and 9 of the report of the Secretary-General on the Force, to extend full co-operation to it in the discharge of its tasks;

4. *Supports* the efforts of the Secretary-General, with a view to optimum use of observers of the United Nations Truce Supervision Organization, as envisaged by relevant resolutions of the Security Council;

5. *Decides* to consider the situation fully and in all its aspects before 19 October 1982.

**Decision of 17 September 1982 (2395th meeting):**  
resolution 520 (1982)

**Decision of 18 September 1982 (2396th meeting):**  
resolution 521 (1982)

On 2 September 1982, the Secretary-General submitted a report on the situation in the Beirut area,<sup>211</sup> in which he reviewed the situation in the area since 13 August. He indicated that the cease-fire, which had gone into effect on 12 August, had generally held, but that, despite persistent efforts, it had not been possible to increase the number of United Nations observers in Beirut beyond 10 and that, although from 21 August members of OGB had been able to move in and around Beirut with greater ease than before, their freedom of movement had been on occasion curtailed by IDF. He informed the Council of OGB reports, which indicated the arrival of the French, United States and Italian contingents of the multinational force which, as at 26 August 1982, numbered 2,285, and detailed the number of Palestinian and other forces that had departed from Beirut during the period 21 August to 1 September.

In two addenda to his report, dated 15 and 17 September 1982,<sup>212</sup> the Secretary-General reviewed the situation in the Beirut area from 2 to 15 September and from 15 to 17 September, respectively, outlining developments in the area on the basis of reports from the United Nations observers of OGB. He stated that the situation had remained generally calm from 2 to 13 September, but that tension had greatly increased on 14 September, and cited a number of incidents, including the explosion of 14 September at the headquarters of the Lebanese Christian Phalangist Party in which the President-elect of Lebanon had been killed.

By letter dated 16 September 1982,<sup>213</sup> the representative of Lebanon requested an urgent meeting of the Council to consider the situation in Lebanon, in the light of the latest Israeli incursion into Beirut.

At its 2394th meeting, on 16 September 1982, the Council included, in addition to the letter dated 4 June 1982 from the representative of Lebanon and the letter dated 28 July 1982 from the representatives of Egypt and France, the letter dated 16 September 1982 from the representative of Lebanon in its agenda and resumed its consideration of the item. In addition to those representatives previously invited, the President invited, at the 2394th meeting, the representatives of Kuwait and the Syrian Arab Republic and, at the 2396th meeting, the representatives of Algeria, Democratic Yemen and Greece, at their request, to participate in the discussion without the right to vote.<sup>3</sup> The Council considered the item at its 2394th to 2396th meetings, on 16, 17 and 19 September 1982.

At the 2394th meeting, the representative of Lebanon noted that it had been nearly a month since the Council had last met to consider the Lebanese

question and that various efforts inspired by the resolutions of the Council had produced successful results. He deplored that Lebanon had been compelled to return to the Council to reiterate its urgent call that Lebanon should be left to the Lebanese. While his country was mourning the death of its young President-elect, the Israelis had once again chosen to invade Beirut, flouting international law and violating numerous commitments including the agreement negotiated by the Special Envoy of the United States. He asked by what right Israel could pretend to allot to itself the task of maintaining law and order in the capital of Lebanon, a sovereign country, and sharply rejected the claim of the Israeli army that it served as a force of stability in a country that the same Israeli forces had destabilized. He emphasized once again the Council's responsibility towards Lebanon and requested that the Council reaffirm its previous resolutions and see to it that Israel withdraw totally and unconditionally from Lebanese territory.<sup>214</sup>

The representative of Kuwait condemned the new invasion of Beirut by Israeli forces as a grave and flagrant violation of the United States-sponsored agreement that had led to the withdrawal of the Palestinian and Syrian forces from the capital of Lebanon. He saw the Israeli act of aggression as another episode in the overall strategy which aimed at establishing only one military force in the Middle East and expressed his conviction that the United States had a major responsibility to force the Israelis to withdraw with dispatch from Beirut.<sup>215</sup>

The representative of Jordan indicated that he had prepared a draft resolution, which was still in the form of a working paper and which he would not submit until he had had consultations with members of the Council. He invited proposals, amendments and changes regarding the informal text from the other members and hoped that the Council would be able to achieve consensus with regard to the extremely grave situation in Lebanon, where the principal aim was to safeguard the integrity of Beirut and its population.<sup>216</sup>

The representative of Lebanon underlined the urgency of the situation and supported the call by the representative of Jordan for a speedy agreement among the Council members.<sup>217</sup>

At the 2395th meeting, on 17 September 1982, the President drew the attention of the Council members to a draft resolution<sup>218</sup> submitted by the representative of Jordan.

The representative of Jordan expressed hope that the draft that he had submitted would meet with the consensus endorsement of the Council and that steps would be taken to carry out the objectives of the draft resolution. He then read out the text of the revised draft resolution and asked that it be put to the vote immediately before further statements were made.<sup>219</sup>

The President explained that several names were already inscribed on the list of speakers and that he therefore could not satisfy the wish of the representative of Jordan.<sup>220</sup>

The representative of France charged that the Israeli advance towards west Beirut was a deliberate and unwarranted violation of the plan of the Special Envoy of the United States, which had been seriously compromised by Israel's unilateral action. He recalled in that connection his Government's commitment to the immediate implementation of the Coun-

cil resolutions concerning the deployment in Beirut of UNTSO observers, whose presence would enable the Council to evaluate the threat facing the civilian populations and the possibility of taking other steps.<sup>221</sup>

The representative of the United Kingdom expressed his Government's dismay with the latest recurrence of violence in Lebanon. He deplored the interruption of the hoped-for peaceful recovery by the assassination of the President-elect and stressed that Israel had no right to arrogate to itself the power of intervention in the capital and territory of a neighbouring State.<sup>222</sup>

The representative of Uganda stated that there was no doubt that Israel had seized on the death of the President-elect as a mere pretext to move into west Beirut and called it inadmissible that Israel should assert a right to police the internal affairs of Lebanon in spite of the explicit wishes of the Government and people of Lebanon.<sup>223</sup>

The President then read out the specific words, as orally revised, of a paragraph in the revised draft resolution and put the text to a vote; the revised draft resolution received 15 votes in favour and was adopted unanimously as resolution 520 (1982).<sup>224</sup> It reads as follows:

*The Security Council,*

*Having considered the report of the Secretary-General of 15 September 1982,*

*Condemning the murder of Bashir Gemayel, the constitutionally elected President-elect of Lebanon, and every effort to disrupt by violence the restoration of a strong, stable government in Lebanon,*

*Having listened to the statement by the Permanent Representative of Lebanon,*

*Taking note of the determination of Lebanon to ensure the withdrawal of all non-Lebanese forces from Lebanon,*

1. *Reaffirms* its resolutions 508 (1982), 509 (1982) and 516 (1982) in all their components;

2. *Condemns* the recent Israeli incursions into Beirut in violation of the cease-fire agreements and of Security Council resolutions;

3. *Demands* an immediate return to the positions occupied by Israel before 15 September 1982, as a first step towards the full implementation of Security Council resolutions;

4. *Calls again* for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese Army throughout Lebanon;

5. *Reaffirms* its resolutions 512 (1982) and 513 (1982), which call for respect for the rights of the civilian populations without any discrimination, and repudiates all acts of violence against those populations;

6. *Supports* the efforts of the Secretary-General to implement resolution 516 (1982), concerning the deployment of United Nations observers to monitor the situation in and around Beirut, and requests all the parties concerned to co-operate fully in the application of that resolution;

7. *Decides* to remain seized of the question and asks the Secretary-General to keep the Security Council informed of developments as soon as possible and not later than within twenty-four hours.

Following the adoption of the resolution, the representative of the Soviet Union noted that when States reached unanimity on a given resolution they should not fail to implement it, especially as the Council had the elementary obligation to achieve the implementation of its resolutions.<sup>225</sup>

At its 2396th meeting, on 18 September 1982, the Council resumed its consideration of the item, at the urgent request of the representative of Jordan.

At the beginning of the 2396th meeting, the Secretary-General gave an oral report on new devel-

opments in the Beirut area, as requested in resolution 520 (1982).<sup>226</sup> He informed the Council members about his efforts to obtain agreement from all the parties concerned to implement the resolution and about the discovery of the massacre that had occurred in several Palestinian refugee camps in the night of 17/18 September. He provided details regarding the precise deployment of Israeli and Lebanese troops as well as other armed elements in Beirut and read from reports that the 10 United Nations observers had sent from the scene of the killings. He indicated that his efforts to increase the number of observers had not slackened, but that the opposition to additional observers remained unchanged. He suggested that under the new circumstances observers might not be enough. He also noted that UNIFIL had successfully prevented the harassment of the civilian population in its area of deployment by any armed group.<sup>227</sup>

The representative of the PLO bitterly denounced the Israeli military for the atrocities committed in the Palestinian camps and rejected the Israeli claim that Christian militiamen or Christian Phalangists had been responsible for the massacre of innocent civilians. He urged the Council to consider sending a United Nations force to Beirut to protect the safety and security of the Palestinian people, as observers would not be enough to provide adequate protection.<sup>228</sup>

The representative of the Soviet Union condemned the new Israeli advance and occupation of the Lebanese capital and the crimes committed against the defenceless civilian population under cover of the Israeli occupiers. He called for strong and effective measures by the Council to halt the massacre of Palestinian people and suggested that the new resolution to be adopted should contain a warning by all members, including its permanent members, that Israel was obliged under Article 25 of the Charter to abide by the Council's decisions and to carry them out. If any delegation objected to such a provision, the whole world should know who was trying to protect the Israeli aggressor.<sup>229</sup>

The representative of Jordan lamented the massacre of innocent Palestinians and called upon the Council to overcome its seeming paralysis and to send contingents of armed forces, acting under Chapter VII of the Charter, to protect the Palestinian people from additional acts of genocide.<sup>230</sup>

The representative of Lebanon strongly denied that the Palestinian civilians had been killed by Lebanese armed elements and charged that the Lebanese troops had been thwarted in their effort to establish control over the city by the Israeli occupation that took place beginning on 15 September. He also said that the Lebanese army would undoubtedly welcome international forces in Lebanon, as had been suggested by various speakers.<sup>231</sup>

Numerous speakers expressed in varying degrees their dismay and revulsion at the atrocities committed against Palestinian civilians.<sup>232</sup> Several representatives called for measures under Chapter VII of the Charter to force Israel to desist from its aggression.<sup>233</sup>

The representative of Israel denied that Israeli forces had been involved in the murder of innocent civilians in the camps and claimed that the Lebanese troops had failed to take charge as provided for in the plan of the Special Envoy of the United States; when the Israeli command had discovered the bloodshed

the next morning, its troops had surrounded all three camps in order to protect the surviving civilians from further attacks.<sup>234</sup>

Subsequently, the President suspended the meeting in order to enable the members to enter into consultations on the matter. When the meeting was resumed, the President drew attention to the draft resolution that had been prepared in the course of consultations among the members.<sup>235</sup> The draft resolution was put to the vote at the same meeting and adopted unanimously, with 15 votes in favour, as resolution 521 (1982).<sup>236</sup> It reads as follows:

*The Security Council,*

*Appalled at the massacre of Palestinian civilians in Beirut, Having heard the report of the Secretary-General at its 2396th meeting,*

*Noting that the Government of Lebanon has agreed to the dispatch of United Nations observers to the sites of greatest human suffering and losses in and around that city,*

1. *Condemns* the criminal massacre of Palestinian civilians in Beirut;

2. *Reaffirms* once again its resolutions 512 (1982) and 513 (1982), which call for respect for the rights of the civilian populations without any discrimination, and repudiates all acts of violence against those populations;

3. *Authorizes* the Secretary-General, as an immediate step, to increase the number of United Nations observers in and around Beirut from ten to fifty, and insists that there shall be no interference with the deployment of the observers and that they shall have full freedom of movement;

4. *Requests* the Secretary-General, in consultation with the Government of Lebanon, to ensure the rapid deployment of those observers in order that they may contribute in every way possible within their mandate to the effort to ensure full protection for the civilian populations;

5. *Requests* the Secretary-General, as a matter of urgency, to initiate appropriate consultations and, in particular, consultations with the Government of Lebanon on additional steps which the Security Council might take, including the possible deployment of United Nations forces, to assist that Government in ensuring full protection for the civilian populations in and around Beirut and requests him to report to the Council within forty-eight hours;

6. *Insists* that all concerned must permit United Nations observers and forces established by the Security Council in Lebanon to be deployed and to discharge their mandates and, in this connection, solemnly calls attention to the obligation of all Member States, under Article 25 of the Charter of the United Nations, to accept and carry out the decisions of the Council in accordance with the Charter;

7. *Requests* the Secretary-General to keep the Security Council informed on an urgent and continuing basis.

In pursuance of resolution 521 (1982), the Secretary-General submitted a report dated 20 September 1982,<sup>237</sup> in which he stated that he had been informed on 20 September that the Israeli Cabinet had decided to concur with the dispatch of an additional 40 United Nations observers to the Beirut area. He reported that 25 of those had already arrived in Beirut at 1230 hours Greenwich mean time. He also outlined developments in west Beirut from 18 to 20 September, as reported by OGB.

The Secretary-General stated that he had requested the Commander of UNIFIL to comment on the possibility of sending UNIFIL units to the Beirut area, should the Lebanese Government so request and the Council so decide. He had been informed that, if required, it would be possible to send to Beirut a group of about 2,000 men without seriously affecting the capacity of UNIFIL to perform its own interim tasks in southern Lebanon.

The Secretary-General stated further that, on 20 September 1982, the representative of Lebanon had

informed him that his Government had formally requested the reconstitution of the multinational force. He noted that, on 20 September, the Observer for the PLO had informed him that the PLO insisted that military forces, or agreed multinational forces, should be deployed immediately to undertake the effective safeguards. He also noted that on the same day the President of the United States had announced that he had decided, together with the Governments of France and Italy, to send the multinational force back to Beirut for a limited period.

In two addenda to his report, dated 27 and 30 September,<sup>238</sup> the Secretary-General reported that as of 22 September all the additional observers had arrived in Beirut. He gave an account of developments in the Beirut area from 20 to 27 September and from 27 to 30 September, respectively, as reported by OGB.

**Decision of 18 October 1982 (2400th meeting): resolution 523 (1982)**

At its 2400th meeting, on 18 October 1982, the Council included the report of the Secretary-General on UNIFIL dated 14 October 1982<sup>239</sup> in its agenda.

In his report, the Secretary-General reviewed developments relating to the functioning of UNIFIL since the adoption of resolution 519 (1982) on 17 August. Describing the situation in southern Lebanon, the Secretary-General noted that, throughout the period under review, the UNIFIL area had remained quiet and no armed clashes had been observed. He stated that the presence and activities of IDF within the UNIFIL area of deployment had significantly decreased and the activities of the *de facto* forces (Christian and associated militias) and the new local groups, armed and uniformed by the Israeli forces, had been effectively contained. He added that UNIFIL not only had provided protection and humanitarian assistance to the local population, but had also extended the fullest co-operation possible to the humanitarian efforts of the various United Nations programmes and ICRC. He indicated that logistic support of the Force had continued to be problematic owing to the restrictions imposed by the Israeli forces on UNIFIL freedom of movement, although some improvements had occurred since 11 October.

The Secretary-General stated that, despite the difficulties faced by UNIFIL, it had carried out its interim tasks with dedication and efficiency. He expressed the view, however, that the existing situation was clearly unsatisfactory. While the original mandate of the Force remained valid even in the current circumstances, he stated that it was obvious that the conditions under which UNIFIL was expected to carry out its mandate had radically changed. He added that it had not been possible, owing to the attitude of the Israeli authorities, for UNIFIL to play a useful role in the humanitarian assistance field outside its areas of deployment.

The Secretary-General expressed his deep conviction that the withdrawal of UNIFIL in the existing circumstances would have highly undesirable consequences. He therefore recommended that the Council extend the mandate for a further limited period. He noted that the Government of Lebanon had expressed the view that the mandate of UNIFIL should be extended for a period of three months and that the Secretary-General should consult with the Lebanese



Government during that time on ways and means of redefining the mandate to enable the Force to fulfil its original mission. While the attitude of the Israeli Government as expressed to him had not been in favour of the continued activity of UNIFIL, the Secretary-General expressed his hope that, if the Council decided to extend the mandate of the Force, the Israeli authorities would extend their co-operation to UNIFIL.

At the 2400th meeting, on 18 October 1982, the President of the Council invited the representative of Lebanon, at his request, to participate in the discussion without the right to vote.<sup>3</sup> At the same meeting, the Council also decided, by 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.<sup>240</sup>

At the same meeting, the Council heard a statement by the President of Lebanon, who renewed the trust of his Government and people in the international community and in the Council's ability to provide protection against aggression. He stressed the importance of UNIFIL as an interim Force and of its mandate to restore peace and security in southern Lebanon and to assist the Lebanese Government in ensuring the return of its effective authority in the area. He affirmed the solidarity of the Lebanese people, who were confident that peace in Lebanon did not have to await an overall Middle East solution, with the Arab world and its commitment to the legitimate rights of the Palestinians and the non-acquisition of territories by force and war.<sup>241</sup>

Following the statement by the President of Lebanon, the meeting was suspended.<sup>242</sup> When the meeting was resumed, the President of the Council drew the attention of the members to a draft resolution<sup>243</sup> prepared in the course of the Council's consultations. The President then put the draft resolution to the vote; it received 13 votes in favour, none against, and 2 abstentions, and was adopted as resolution 523 (1982).<sup>244</sup> It reads as follows:

*The Security Council,*

*Having heard* the statement of the President of the Republic of Lebanon,

*Recalling* its resolutions 425 (1978), 426 (1978) and 519 (1982),

*Reaffirming* its resolutions 508 (1982) and 509 (1982), as well as all subsequent resolutions on the situation in Lebanon,

*Having studied* the report of the Secretary-General and taking note of its conclusions and recommendations,

*Responding* to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of three months, that is, until 19 January 1983;

2. *Insists* that there shall be no interference under any pretext with the operations of the Force and that it shall have full freedom of movement in the discharge of its mandate;

3. *Authorizes* the Force during that period to carry out, with the consent of the Government of Lebanon, interim tasks in the humanitarian and administrative fields, as indicated in resolutions 511 (1982) and 519 (1982), and to assist the Government of Lebanon in ensuring the security of all the inhabitants of the area without any discrimination;

4. *Requests* the Secretary-General, within the three-month period, to consult with the Government of Lebanon and to report to the Security Council on ways and means of ensuring the full implementation of the mandate of the Force as defined in resolutions 425 (1978) and 426 (1978), and the relevant decisions of the Council;

5. *Requests* the Secretary-General to report to the Security Council on the progress of his consultations.

In his report covering the period from 21 May to 18 November 1982,<sup>245</sup> the Secretary-General informed the 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 the Syrian Arab Republic and Israel, the Secretary-General recommended to the Council that it extend the mandate of UNDOF for a further period of six months.

At the 2403rd meeting, on 29 November 1982, the President put the draft resolution,<sup>246</sup> which had been prepared in the course of the Council's consultations, to the vote; it received 15 votes in favour and was adopted unanimously as resolution 524 (1982).<sup>247</sup> It reads as follows:

*The Security Council,*

*Having considered* the report of the Secretary-General on the United Nations Disengagement Observer Force,

*Decides:*

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1983;

(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 Council:<sup>248</sup>

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force 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 18 January 1983 (2411th meeting): resolution 529 (1983)**

At its 2411th meeting, on 18 January 1983, the Council included the report of the Secretary-General on UNIFIL dated 13 January 1983<sup>249</sup> in its agenda.

In his report, the Secretary-General reviewed developments relating to the functioning of UNIFIL since the adoption of resolution 523 (1982). Describing the situation in southern Lebanon, the Secretary-General stated that the presence and activities of IDF in the UNIFIL area had been generally limited, although IDF had further developed its logistic facilities in the area. He reported that a series of incidents involving the *de facto* forces, including armed incursions, acts of harassment and kidnapping of a soldier, had taken place, but that attempts of the *de facto* forces to operate within the UNIFIL area had remained relatively limited. Noting that IDF had continued the recruitment and arming of selected villagers in the UNIFIL area, he reported that the Force had made strong representations to the Israeli authorities about the arming of such groups.

The Secretary-General indicated that, while the number of displaced persons who had sought refuge in the UNIFIL area had continued to decrease and humanitarian assistance of an emergency nature had been discontinued, the Force had maintained its active co-operation with the regional authorities of the Lebanese Government, the United Nations Children's Fund (UNICEF) and ICRC. He added that the Israeli authorities still imposed restrictions on the freedom of movement of UNIFIL and prevented the Force from extending humanitarian assistance outside its area of operation.

The Secretary-General expressed the view that UNIFIL would be able to hand over its responsibilities to the Lebanese authorities only after the issue of Israeli withdrawal had been successfully settled, and stressed that the presence of the Force was an important factor in ensuring the well-being of the civilian population of its area of deployment. He informed the Council that the Lebanese Government had requested the extension of the UNIFIL mandate for a further period of six months and stated that he considered it essential that the mandate should be extended, as a premature withdrawal of the Force would unquestionably have grave consequences. The Secretary-General therefore recommended a further extension of the mandate of UNIFIL. He mentioned that the Government of Israel had expressed the view that UNIFIL should not at the time be extended for more than two or three months. He also drew attention to the financial difficulties faced by the Force.

At the 2411th meeting, the President invited the representatives of Israel, Lebanon and the Syrian Arab Republic, at their request, to participate in the discussion without the right to vote.<sup>3</sup> The Council considered the item at that meeting.

At the beginning of the meeting, the President drew the attention of the Council members to the draft resolution<sup>250</sup> sponsored by Jordan.

The representative of Lebanon pointed out that his Government was asking the Council to extend UNIFIL for another six months because a longer period would give UNIFIL more stability and some of the tasks could only be carried out over a longer time span. He added that his Government also requested that the zone of operation of UNIFIL be extended to the whole of Lebanese territory so that UNIFIL could help the State to re-establish its authority throughout the whole country.<sup>251</sup>

The representative of Jordan recalled that UNIFIL had been set up in 1978 in order to ensure the withdrawal of the Israeli forces and enable the Lebanese Government to exercise full sovereignty over its territory, that four years later the Israeli occupation in Lebanon had expanded and that there were still practices, especially on the part of Israel, that were incompatible with the principle of preserving the sovereignty, independence and territorial integrity of Lebanon. In view of these prevailing conditions, he urged the Council to accede to the Lebanese request and to adopt the draft resolution accordingly.<sup>251</sup>

The representative of the Netherlands warned that the withdrawal of UNIFIL would have grave destabilizing consequences and suggested that it should remain in the area so as to be available to play a role in any future security arrangements. He deplored the practice of limiting the freedom of movement of

UNIFIL personnel and urged the Israeli Government to stop hindering the Force from performing its duties. He also pointed to the increasing shortfall in the UNIFIL budget and the growing burden on the troop-contributing countries.

He added that his Government considered several objectives as significant for its future participation in the peace-keeping force, namely: (a) some noticeable progress should be made in establishing and increasing the authority of the Lebanese Government in the country; (b) there should be improvement in the prospect of withdrawal of foreign troops from Lebanon; and (c) a future role for UNIFIL in the security arrangements in southern Lebanon required its effective deployment along the Lebanese-Israeli border, free from unauthorized foreign troops or *de facto* forces. He demanded in conclusion that the peace-keeping operations of UNIFIL be clearly defined.<sup>251</sup>

The representative of Israel affirmed his Government's view that in the new circumstances UNIFIL as established in 1978 had outlived its usefulness and that the security arrangements involving Israel and Lebanon could and should be arrived at through negotiations between the two Governments.<sup>251</sup>

At the same meeting, the draft resolution sponsored by Jordan was put to the vote and adopted by 13 votes to none, with 2 abstentions, as resolution 529 (1983).<sup>252</sup> It reads as follows:

*The Security Council,*

*Recalling* its resolutions 425 (1978) and 426 (1978), and all subsequent resolutions on the United Nations Interim Force in Lebanon,

*Recalling further* its resolutions 508 (1982) and 509 (1982),

*Having taken note* of the letter of the Permanent Representative of Lebanon to the President of the Security Council and to the Secretary-General of 13 January 1983, and of the statement he made at the 2411th meeting of the Council,

*Having studied* the report of the Secretary-General and taking note of his observations,

*Responding* to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 19 July 1983;

2. *Calls upon* all parties concerned to co-operate with the Force for the full implementation of the present resolution;

3. *Requests* the Secretary-General to report to the Security Council on the progress made in this respect.

Following the adoption of the resolution, the representative of the United States welcomed the renewal of the UNIFIL mandate as a positive element in the negotiations between the Lebanese Government and other parties designed to restore Lebanon's sovereignty and territorial integrity and to prevent any repetition of the recent tragic conflict.<sup>251</sup>

The representative of the Soviet Union recalled that the problem of Lebanon which arose as a result of massive Israeli aggression remained unsettled and that Israel continued to occupy a significant part of Lebanese territory. He pointed out in particular that the recent invasion in June 1982 had resulted in Israel occupying more than 40 per cent of Lebanese territory. He expressed his Government's wish to see the Council's resolutions 508 (1982) and 509 (1982), which had been adopted unanimously, fully implemented by all Council members as their implementation was the key to the solution of the problem.<sup>251</sup>

**Decision of 26 May 1983 (2445th meeting): resolution 531 (1983)**

At its 2445th meeting, on 26 May 1983, the Council included the report of the Secretary-General on UNDOF dated 20 May 1983<sup>253</sup> in the agenda.

In his report, the Secretary-General described the activities of the Force for the period 19 November 1982 to 20 May 1983. The Secretary-General indicated that UNDOF had continued to perform its functions effectively, with the co-operation of the parties, and that, during the period under review, the situation in the Israel-Syria sector had remained quiet. Nevertheless, the Secretary-General stated, the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached, as called for by the Council in resolution 338 (1973). 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 30 November 1983, and pointed out that the Governments concerned had expressed their agreement.

At the 2445th meeting, the President drew attention to a draft resolution,<sup>254</sup> which had been prepared in the course of the Council's consultations, and put it to the vote. It received 15 votes in favour and was adopted unanimously as resolution 531 (1983).<sup>255</sup> It reads as follows:

*The Security Council,*

*Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,*

*Decides:*

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1983;

(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).

On behalf of the Council, the President then made the following complementary statement:<sup>256</sup>

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force 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". That statement of the Secretary-General reflects the view of the Security Council.

**Decision of 18 July 1983 (2456th meeting): resolution 536 (1983)**

At the 2456th meeting, on 18 July 1983, the Council included the report of the Secretary-General on UNIFIL dated 12 July 1983<sup>257</sup> in the agenda.

The report contained an account of developments relating to UNIFIL for the period from 19 January to 12 July 1983. The Secretary-General pointed out that during the reporting period the UNIFIL area was generally quiet, with the exception of several incidents involving IDF soldiers and *de facto* forces entering the UNIFIL area with their weapons. UNIFIL continued to operate its check-points and to patrol its area of deployment and co-operated with the Lebanese authorities and United Nations agencies in extending humanitarian assistance to the population. He stated that UNIFIL continued to carry out the interim tasks laid down by him and

endorsed by the Council after the Israeli invasion of Lebanon in June 1982.

The Secretary-General affirmed that UNIFIL remained an important element of stability in southern Lebanon under the prevailing conditions. Although the circumstances under which the Force was established had been radically altered as a result of the Israeli invasion, the task of assisting the Government of Lebanon in ensuring the return of its effective authority in southern Lebanon remained especially relevant in the given situation. The Secretary-General warned that, before the Lebanese Government was in a position to assume effective control of the area, a withdrawal of UNIFIL would unquestionably be a serious blow to the prospect of an early restoration of the authority of the Lebanese Government in southern Lebanon as well as to the welfare of the inhabitants of the UNIFIL area of deployment. The Secretary-General considered it essential that the mandate of UNIFIL should once again be extended on an interim basis, bearing in mind the request for extension of the Lebanese Government.

At the beginning of the 2456th meeting, on 18 July 1983, the President invited the representative of Lebanon, at his request, to participate in the discussion without the right to vote.<sup>3</sup> The Council considered the item at that meeting.

The President drew the attention of the Council members to a draft resolution,<sup>258</sup> which had been prepared in the course of the Council's consultations, and to a letter dated 5 July 1983<sup>259</sup> from the representative of Lebanon, in which he conveyed the request of his Government that the UNIFIL mandate be extended for another interim period of three months.

After a very brief suspension of the meeting, due to technical difficulties,<sup>260</sup> the Deputy Prime Minister and Minister for Foreign Affairs of Lebanon stated that since the establishment of UNIFIL in 1978 his country had witnessed dramatic changes, with the fighting between the PLO and Israel continuing on and off in varying degrees of intensity. While the political and military situation had become more difficult after June 1982, UNIFIL had remained a steadfast element preserving in the face of chaos the hope of peace, stability and legitimacy. He explained that his Government had requested the extension of the UNIFIL mandate for another three months as it expected ongoing negotiations to bring some clarification with regard to the future of Lebanon and especially the restoration of its sovereignty and territorial integrity. Lebanon's goal remained the withdrawal of all unauthorized forces from its territory and the ability of all Lebanese to live in peace and freedom.<sup>260</sup>

At the same meeting, the draft resolution prepared in the course of consultations was put to the vote and adopted, with 13 votes in favour, none against, and 2 abstentions, as resolution 536 (1983).<sup>261</sup> It reads as follows:

*The Security Council,*

*Having heard the statement of the Minister for Foreign Affairs of the Republic of Lebanon,*

*Recalling its resolutions 425 (1978) and 426 (1978), and all subsequent resolutions on the United Nations Interim Force in Lebanon,*

*Recalling further its resolutions 508 (1982), 509 (1982) and 520 (1982), as well as all its other resolutions on the situation in Lebanon,*

*Reiterating* its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries,

*Having taken note* of the letter of the Permanent Representative of Lebanon to the President of the Security Council of 5 July 1983,

*Having studied* the report of the Secretary-General and taking note of his observations and recommendation expressed therein,

*Responding* to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of three months, that is, until 19 October 1983;

2. *Calls upon* all parties concerned to co-operate with the Force for the full implementation of its mandate as defined in resolutions 425 (1978) and 426 (1978) and the relevant decisions of the Security Council;

3. *Requests* the Secretary-General to report to the Council on the progress made in this respect.

Following the adoption of the resolution, the representative of France expressed deep concern about the change of circumstances under which UNIFIL had been forced to work, in particular the fact that an Israeli battalion had been stationed within the UNIFIL zone of deployment, and renewed his Government's support for UNIFIL. He also indicated that France would prefer to see the multinational force stationed in Beirut replaced by a United Nations force.<sup>261</sup>

The representative of the Soviet Union pointed out that the decision at that meeting represented the thirteenth case of extending the UNIFIL mandate since 1978, eloquent testimony to the absence of any improvement in the situation in Lebanon. He criticized in particular that the Israeli troops continued to support its puppets in southern Lebanon and to provoke incidents with UNIFIL personnel, in defiance of the clear decisions taken by the Council.<sup>261</sup>

The representative of the Netherlands announced that his Government had once more agreed to the extension of the UNIFIL mandate, but would withdraw its troops from Lebanon at the expiration of the new three-month period, unless new circumstances enabled it to reconsider its position.<sup>261</sup>

The representative of the United Kingdom concurred with the representatives of France and the Netherlands in regard of the future of UNIFIL as more of a humanitarian than peace-keeping operation.<sup>261</sup>

#### **Decision of 12 September 1983 (2475th meeting): adjournment**

By letter dated 9 September 1983,<sup>262</sup> the representative of Lebanon requested an urgent meeting of the Council. He referred to an earlier letter dated 2 September,<sup>263</sup> in which he had informed the Secretary-General about the withdrawal of Israeli troops from parts of Mount Lebanon and had conveyed his Government's determination to obtain the removal of all foreign troops from Lebanon and its request for assistance from LAS in that regard. He indicated that since the Israeli withdrawal hostilities had been escalating and the urgency of the need for an end to the fighting and violence had become still greater. He also transmitted his Government's wish for the Council to declare a cease-fire and to take the necessary measures for its implementation.

At its 2475th meeting, on 12 September 1983, the Council included the letter dated 9 September 1983 in its agenda. Following the adoption of the agenda, the President invited the representative of Lebanon, at his request, to participate in the discussion without the right to vote.<sup>3</sup>

The President drew attention to the letter dated 2 September 1983 from the representative of Lebanon and to the report of the Secretary-General<sup>264</sup> on the situation in the Beirut area, in which the developments relating to the withdrawal of the Israeli troops from the Beirut area were summarized based on information received from OGB.

The representative of Lebanon informed the Council members about several points that had been discussed by his Government in view of the continuing destruction and bloodshed in Lebanon. He reported that Lebanon wanted to continue to exist as an independent and unified country, maintain its unique pluralist character, remove the non-Lebanese dimension of the conflict and determine its future freely. In order to enable the country to implement those intentions, Lebanon needed from the Council an immediate and effective cessation of all hostilities and the withdrawal of all illegitimate foreign forces.<sup>265</sup>

Following the statement by the representative of Lebanon, the 2475th meeting was adjourned.

On 19 September 1983, the representative of Lebanon submitted a draft resolution,<sup>266</sup> under which, in the preambular part, the Council, *inter alia*, would have expressed deep concern over the continuing deterioration of the situation in Lebanon and the repeated acts of violence; expressed deep grief at the extensive loss of life, human sufferings and destruction; reiterated its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries; and borne in mind that the grave situation confronting Lebanon endangered peace and security in the region.

In the operative part, the Council would have (a) called for an immediate cease-fire and a prompt cessation of all hostilities throughout Lebanon; (b) called upon all parties to refrain from all acts which violated Lebanon's sovereignty and territorial integrity and which endangered its people's safety and unity; (c) authorized the Secretary-General to deploy immediately and in consultation with the Government of Lebanon an adequate number of United Nations observers to monitor the situation in the areas of hostilities and requested all parties to co-operate fully with the United Nations observers in the implementation of their mandate; (d) called upon all involved to facilitate the activities of ICRC, the United Nations Co-ordinator of Assistance for the Reconstruction and Development of Lebanon and all United Nations agencies concerned in humanitarian activities in all areas of hostilities, in order to evacuate the dead and wounded and provide food, medical supplies and humanitarian assistance; (e) called upon all States and parties to support the Lebanese Government in its efforts to ensure the complete and immediate withdrawal of all non-Lebanese forces whose presence in Lebanon did not have the approval of the Government of Lebanon; (f) requested the Secretary-General, as a matter of urgency, to initiate appropriate consultations, and in particular with the Government of Lebanon, on additional steps, including the possible deployment of United Nations forces, to assist that Government in its efforts to ensure peace and public order and secure the full protection of the civilian population in all areas of hostilities; (g) requested the Secretary-General to report to the Council on the implementa-

tion of the resolution within 72 hours; and (h) decided to remain seized of the matter.

In a letter dated 19 September 1983,<sup>267</sup> the representative of Lebanon referred to the draft resolution submitted by his delegation and to a meeting on the same day with the Council President and indicated that his delegation left it to the President's discretion to submit the draft to a vote at an appropriate time, when a positive response was likely to be obtained or if any of the members of the Council felt that further action on the case was rendered necessary in the light of new developments. He added that his delegation shared the concern of the President and the Secretary-General that the Council should have been unable, when confronted with a tragedy of such magnitude, to respond with a positive contribution to the cause of peace in Lebanon.

**Decision of 18 October 1983 (2480th meeting):**  
resolution 538 (1983)

**Decision of 11 November 1983 (2496th meeting):**  
President's statement

At its 2480th meeting, on 18 October 1983, the Council included the report of the Secretary-General on UNIFIL dated 12 October 1983<sup>268</sup> in its agenda.

In his report, the Secretary-General gave an account of developments relating to UNIFIL for the period from 13 July to 12 October 1983. He stated that during the reporting period the UNIFIL area had been generally quiet. He pointed out that recent events in the Aley and Shouf regions had had no direct impact on the UNIFIL area of deployment, except for an influx of displaced persons from those regions. During the period, UNIFIL had continued to carry out the interim tasks laid down by him and endorsed by the Council after the Israeli invasion of Lebanon in June 1982, and in that context it had continued its efforts to provide protection and humanitarian assistance to the local population and to prevent activities that would hamper the restoration of the authority of the Lebanese Government in its area. He added that the capability of UNIFIL to achieve those objectives was contingent upon the co-operation of the Israeli authorities, who, as the occupying Power, were in control of the area.

The Secretary-General affirmed that UNIFIL remained an important element of stability in southern Lebanon, as its presence also represented the commitment of the United Nations to support the independence, sovereignty and territorial integrity of Lebanon and to help bring about the withdrawal of the Israeli forces from Lebanese territory, in accordance with resolutions 425 (1978) and 509 (1982). He warned that a withdrawal of the Force from its area of operation under the given circumstances would be a serious blow to the prospect of restoring the authority of the Lebanese Government, as well as to the security and welfare of the local population. He recommended to the Council that it should extend the mandate of UNIFIL, once again, for another interim period, bearing in mind the request of the Lebanese Government. He also called the attention of the Council to the increasing financial difficulties faced by the Force and reported that the accumulated shortfall in the UNIFIL Special Account had risen from \$168.5 million at the time of the last report to some \$173.9 million as of the beginning of October 1983.

At the same meeting, the President invited the representatives of Israel, Lebanon and the Syrian Arab Republic and, at the 2496th meeting, on 11 November 1983, the representative of the Sudan, at their request, to participate in the discussion without the right to vote.<sup>3</sup> The Council considered the issue during the 2480th, 2495th and 2496th meetings, on 18 October and 11 November 1983.

At the beginning of the 2480th meeting, the President drew the attention of the members to a draft resolution,<sup>269</sup> which had been prepared in the course of the Council's consultations.

At the same meeting, the representative of Lebanon emphasized the need for the continued presence of UNIFIL in southern Lebanon, both as a demonstration of the commitment of the United Nations to Lebanon's independence, sovereignty and territorial integrity and as a fundamental factor for stability in the region. The requested approval of the renewal of the UNIFIL mandate for a further six months would enable the Lebanese authorities to restore legitimacy in the south and to seek to bring about the withdrawal of all unauthorized forces from all Lebanese territory.<sup>270</sup>

The President put the draft resolution to the vote; it received 13 votes in favour and none against, with 2 abstentions, and was adopted as resolution 538 (1983).<sup>271</sup> It reads as follows:

*The Security Council,*

*Having heard* the statement of the representative of Lebanon,

*Recalling* its resolutions 425 (1978) and 426 (1978) and all subsequent resolutions on the United Nations Interim Force in Lebanon,

*Recalling further* its resolutions 508 (1982), 509 (1982) and 520 (1982), as well as all its other resolutions on the situation in Lebanon,

*Reiterating* its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries,

*Having studied* the report of the Secretary-General on the United Nations Interim Force in Lebanon and taking note of the conclusions and recommendations expressed therein,

*Taking note* of the letter of the Permanent Representative of Lebanon to the Secretary-General,

*Responding* to the request of the Government of Lebanon,

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 19 April 1984;

2. *Calls upon* all parties concerned to co-operate fully with the Force for the full implementation of its mandate, as defined in resolutions 425 (1978) and 426 (1978) and the relevant decisions of the Security Council;

3. *Requests* the Secretary-General to report to the Security Council on the progress made in this respect.

Following the adoption of the resolution, the representative of the Netherlands recalled that his Government had considered the withdrawal of its UNIFIL battalion from Lebanon as of 19 October and pointed out that the situation in Lebanon had not changed during the period covered by the latest report. He noted with appreciation the success of UNIFIL in providing humanitarian assistance to the local population and in trying to help restore the authority of the Lebanese Government. His Government realized that to withdraw from UNIFIL would have an adverse effect on efforts of the United Nations to contribute to a solution of the crisis in Lebanon and emphasized the undiminished interest of his country in United Nations peace-keeping. He expressed hope that a more meaningful role could be devised for UNIFIL and voiced his Government's

decision to retain a limited contingent with the United Nations Force. He further appealed to all Member States to pay their assessment for UNIFIL without delay since the financial foundations of the Force had continued to deteriorate severely.<sup>270</sup>

The representative of France pointed out that the objectives set out for the Force under resolution 425 (1978) had not always been attained and deplored that after the Israeli invasion of June 1982 an operational battalion of its soldiers was present in the zone controlled by UNIFIL. He expressed his Government's wish to give UNIFIL new tasks and mentioned that similar use could be made of the available UNTSO personnel in the area.<sup>271</sup>

The representative of the Soviet Union noted that the Security Council had dealt for the fourteenth time with the question of the extension of the UNIFIL mandate and saw that as testimony to the explosive situation in Lebanon. He accused Israel of clear steps to perpetuate its occupation of areas of southern Lebanon and indicated that the so-called multinational force was also consolidating its position on Lebanese soil, with United States Marines as backbone. In view of the fact that the date for the departure of the multinational force was long past, he referred to concerns expressed by the Secretary-General about the trend towards the creation of such forces.<sup>271</sup>

The representative of the United Kingdom expressed concern about the lack of progress with regard to the restoration of Lebanon's independence, sovereignty and territorial integrity and joined in the warning by the representative of the Netherlands regarding the financial shortfall in the UNIFIL special account.<sup>271</sup>

The representative of Israel stated that the resolution adopted by the Council at the meeting had not changed the UNIFIL mandate, although the situation had indeed been altered drastically. He reiterated his Government's view that UNIFIL had outlived its usefulness and its presence was no longer called for in southern Lebanon. He also affirmed his Government's willingness to proceed towards full and speedy implementation of the Israeli-Lebanese agreement of 17 May 1983 aimed at the restoration of Lebanese sovereignty.<sup>271</sup>

At its 2495th meeting, on 11 November 1983, the Council resumed its consideration of the item, and completed its deliberations at the 2496th meeting on the same day.

At the beginning of the 2496th meeting, on 11 November 1983, the President made the following statement<sup>272</sup> on behalf of the members of the Council:

The members of the Security Council wish to express their profound concern at the recent and current developments in northern Lebanon which have caused and are still causing widespread suffering and loss of human life. The members appeal to all parties concerned to exercise the utmost restraint and seek freely to attain, and to respect, an immediate cessation of hostilities, to settle their differences exclusively by peaceful means and to refrain from the threat or use of force. The members of the Council highly appreciate the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and of the International Committee of the Red Cross in providing emergency humanitarian assistance to Palestinian and Lebanese civilians in and around the city of Tripoli. The members of the Council will continue to follow the situation in Lebanon with the greatest attention.

**Decision of 23 November 1983 (2501st meeting):**  
resolution 542 (1983)

By letter dated 22 November 1983,<sup>273</sup> the representative of France invoked Article 35 of the Charter and rule 2 of the provisional rules of procedure of the Council and requested an urgent meeting of the Council to consider the situation in northern Lebanon.

At its 2501st meeting, on 23 November 1983, the Council included the letter in its agenda. The President drew the attention of the Council members to a draft resolution,<sup>274</sup> which had been prepared in the course of the Council's consultations, and put the draft resolution to the vote. It received 15 votes in favour and was adopted unanimously as resolution 542 (1983).<sup>275</sup> It reads as follows:

*The Security Council,*

*Having considered* the situation prevailing in northern Lebanon,

*Recalling* the statement made on this question by the President of the Security Council on 11 November 1983,

*Deeply concerned* by the intensification of the fighting, which continues to cause great suffering and loss of human life,

1. *Deplores* the loss of human life caused by the events taking place in northern Lebanon;

2. *Reiterates its call* for the strict respect for the sovereignty, political independence and territorial integrity of Lebanon within its internationally recognized boundaries;

3. *Requests* the parties concerned immediately to accept a cease-fire and scrupulously to observe the cessation of hostilities;

4. *Invites* the parties concerned to settle their differences exclusively by peaceful means and to refrain from the threat or use of force;

5. *Pays tribute* to the work done by the United Nations Relief and Works Agency for Palestine Refugees in the Near East and by the International Committee of the Red Cross in providing emergency humanitarian assistance to the Palestinian and Lebanese civilians in Tripoli and its surroundings;

6. *Calls upon* the parties concerned to comply with the provisions of the present resolution;

7. *Requests* the Secretary-General to follow the situation in northern Lebanon, to consult with the Government of Lebanon, and to report to the Security Council, which remains seized of the question.

**Decision of 29 November 1983 (2502nd meeting):**  
resolution 543 (1983)

At its 2502nd meeting, on 29 November 1983, the Council included the report of the Secretary-General on UNDOF dated 21 November 1983<sup>276</sup> in its agenda.

In his report, the Secretary-General described the activities of UNDOF for the period 21 May to 21 November 1983. The Secretary-General indicated that UNDOF had continued to perform its functions effectively, with the co-operation of the parties, and that, during the period under review, the situation in the Israel-Syria sector had remained quiet. Nevertheless, the Secretary-General stated, the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem could be reached, as called for by the Council in resolution 338 (1973). 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 1984, and pointed out that the Governments concerned had expressed their agreement.

At the same meeting, the President drew attention to a draft resolution,<sup>277</sup> which had been prepared in the course of the Council's consultations, and put it

to the vote; it received 15 votes in favour and was adopted unanimously as resolution 543 (1983).<sup>278</sup> It reads as follows:

*The Security Council,*

*Having considered* the report of the Secretary-General on the United Nations Disengagement Observer Force,

*Decides:*

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1984;

(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 resolution, the President then made the following complementary statement on behalf of the Council:<sup>279</sup>

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force 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". That statement of the Secretary-General reflects the view of the Security Council.

**Decision of 29 February 1984 (2519th meeting):**  
rejection of a draft resolution

By letter dated 14 February 1984,<sup>280</sup> the representative of France requested, in accordance with rule 2 of the provisional rules of procedure, an urgent meeting of the Council to consider the situation in Beirut.

At its 2514th meeting, on 15 February 1984, the Council included the letter in its agenda. Following the adoption of the agenda, the President invited, at the same meeting, the representatives of Italy and Lebanon, and at the 2516th meeting, on 23 February, the representative of Senegal, at their request, to participate in the discussion of the item without the right to vote.<sup>3</sup> The Council considered the issue during its 2514th to 2516th and 2519th meetings, from 15 to 29 February 1984.

The representative of France pointed out that the situation in the Beirut area had again become very serious and mentioned in particular the fate of the civilian population as a matter of greatest concern. He recalled that during the tragic summer of 1982 his delegation had proposed the establishment of a United Nations force in the Beirut area and that that draft resolution had failed owing to the negative vote of a permanent member of the Council. The suggestion in a resolution adopted a few weeks later for the creation of such a force to assist the Lebanese Government in protecting the civilian population in Beirut would have taken too much time to be carried out. For those reasons, his Government had responded positively to the request by the Lebanese Government for French troops to join in the creation of a multinational force. Yet, as was evident in his letter dated 21 September 1982, addressed to the Secretary-General,<sup>281</sup> his Government maintained its wish for a United Nations force. He added that the time had come to review the issue of a new United Nations force and suggested that, in view of the clear need for such a force, it would be most suitable to assign certain detachments from UNIFIL to Beirut. Although France stood ready if asked by the United Nations to participate in such a force, it would appear preferable that the United Nations force

would contain no nationals of States that were permanent members of the Council. He proposed that the United Nations force be deployed to replace the multinational force, which should be withdrawn from Lebanon. Such a decision would be an effective contribution to the protection of the civilian population in Beirut and thus to the re-establishment of peace.<sup>282</sup>

At the 2515th meeting, on 16 February 1984, the representative of Egypt expressed support for the French proposal, as it would facilitate the end to bloodshed and the establishment of a cease-fire in Lebanon. All members of the Council should assist in seeking the withdrawal of the multinational force and in securing the rapid deployment of a United Nations force.<sup>283</sup>

The representative of the United Kingdom endorsed the French suggestion concerning an effective presence in and around Beirut and proposed that, in view of the role played by the United Nations observers in Beirut, thought be given to how to utilize their presence as a symbol of the international community. For that reason, his Government had submitted that the observers currently serving in Beirut could be somewhat increased in number and be assigned to undertake small confidence-building measures; furthermore, his Government would like to suggest the active use by the Secretary-General of his good-offices role; and lastly, the role of UNIFIL should be expanded to facilitate Israeli withdrawal from southern Lebanon.<sup>283</sup>

The representative of the United States stated that her Government shared the view expressed by France that the international community should assume greater responsibility for assisting the Lebanese people and welcomed the British suggestions. She expressed strong support for the United Nations peace-keeping role in Lebanon and singled out the record of UNIFIL as well as of the observers in Beirut and reiterated her Government's readiness to expand and strengthen those activities. In view of the consistent United States support for United Nations peace-keeping, her delegation stood ready to enter into serious discussions concerning the composition and deployment of United Nations forces throughout Lebanon.<sup>283</sup>

The representative of Italy, whose Government had joined in the multinational force in Beirut, stressed that Italy had always held the view that a United Nations presence, if feasible, should replace the multinational force and that, as the urgent intervention of the United Nations was required, the issue should be carefully looked into with which mandate and under which conditions a new United Nations force could be set up to safeguard humanitarian and political interests.<sup>283</sup>

The representative of the Netherlands also welcomed the French proposals as an indication for the way the United Nations must play a larger role to bring peace to the Beirut area. He cautioned, however, that one should not embark too hastily on a United Nations peace-keeping mission there and underlined what the Secretary-General had described as conditions for such an operation, namely: that the peace-keeping forces should be deployed with the permission of the host country and with the consent of all parties involved; that peace-keeping missions should be given a clearly defined mandate; and that such a force needed the full backing of the Council.

He hoped that careful reflection would benefit constructive proposals leading to a stable cease-fire in Beirut and expressed his appreciation for the British suggestions concerning some limited steps.<sup>283</sup>

At the 2516th meeting, on 23 February 1984, the representative of Lebanon recalled that his Government had requested, in a draft resolution submitted in September 1983, that the Council dispatch international observers to those areas from which the Israeli army had withdrawn, and that that draft resolution was still before the Council. He stated his Government's support for the deployment of United Nations forces or observers to assist in restoring peace and stability in his country. Although Lebanon would welcome the establishment of a force in the Beirut region alone, it held that any such force should have the means to undertake its task in all parts of Lebanon. He emphasized that his Government was nevertheless keen on seeing an international force in Lebanon and was ready to co-operate with the Council in drawing up and implementing any draft resolution that would effectively contribute to putting an end to the crisis in Lebanon.<sup>284</sup>

At the 2519th meeting, on 29 February 1984, the representative of France introduced a revised draft resolution,<sup>285</sup> which had resulted from painstaking, determined efforts among the members of the Council and reflected the belief of its supporters in the paramount role to be played by the United Nations in ending violence, decreasing tension and bringing about reconciliation and peace.

In the preamble of the draft resolution,<sup>286</sup> the Council would have expressed awareness of the importance of the action being carried out in Lebanon by the United Nations, both on behalf of peace and at the humanitarian level; recalled its resolutions 508 (1982) and 509 (1982) and the need for respect for the territorial integrity, unity, sovereignty and independence of Lebanon, within its internationally recognized boundaries; noted the determination of Lebanon to secure the withdrawal of all non-Lebanese forces from Lebanon; earnestly desired a positive outcome of the dialogue of national reconciliation from which none was excluded, such dialogue being an indispensable basis for peace and security in Lebanon; expressed grave concern at the situation prevailing in Lebanon, and in particular in the Beirut area; and expressed the conviction that the situation had grave consequences for peace and security in the region as a whole and might impede the attainment of a just and lasting peace in the Middle East.

In the operative part of the draft resolution, the Council would have (a) issued an urgent appeal for an immediate cease-fire and the cessation of all hostilities throughout Lebanon and requested that they be strictly complied with; (b) requested the Secretary-General to make without delay all arrangements to enable OGB to monitor compliance with the cease-fire in the Beirut area; (c) decided, in agreement with the Government of Lebanon, to constitute immediately, under the authority of the Council, a United Nations force composed of personnel furnished by Member States other than the permanent members of the Council and selected, if appropriate, from contingents of UNIFIL—the force would have taken up a position in the Beirut area, in co-ordination with the Lebanese authorities concerned, as soon as all elements of the multinational force would have withdrawn from Lebanese territory and territorial waters, and the United Nations force

would have had the mission of monitoring compliance with the cease-fire and helping to protect the civilian populations, including in the Palestinian refugee camps, and, without intervening in the internal affairs of Lebanon for the benefit of any party whatever, would thereby have assisted in re-establishing the peace necessary for the restoration of the territorial integrity, unity, sovereignty and independence of Lebanon; (d) requested Member States to refrain from any intervention in the internal affairs of Lebanon and any action, in particular military action, that might jeopardize the re-establishment of peace and security in Lebanon, and to facilitate the task of the United Nations force; and (e) invited the Secretary-General to report to it within 48 hours on the implementation of the resolution.<sup>287</sup>

At the same meeting, the representative of the Soviet Union recalled the tragic days in the summer of 1982 when Israel massively invaded Lebanon, and pointed to the various Council resolutions in which immediate Israeli withdrawal had been demanded. He accused the United States of collaborating with the Israeli Government and worsening the danger facing the Lebanese Government and people. He noted that his Government had proposed as early as July 1982 to use UNIFIL contingents in the Beirut region and had supported the dispatch of a United Nations force in September 1982, following the massacre in the Sabra and Shatila camps; the latter suggestion, a draft resolution before the Council, had been defeated owing to the negative vote of the United States, which subsequently sent its Marines and contingents supplied by members of the North Atlantic Treaty Organization (NATO) to Lebanon. He reiterated that the settlement in Lebanon should be achieved on the basis of Council resolutions 508 (1982) and 509 (1982). He criticized the draft before the Council for several reasons: it should have spelt out more clearly the need to withdraw the multinational force and foreign warships from the area and should have offered a guarantee that the multinational force would not resume interference in the internal affairs of Lebanon. Some members had not been willing to provide those assurances. As there were a few other ambiguities, his delegation would have wished for some more time to clarify the remaining issues, but as the draft resolution had been finally introduced without further consideration of the position of the Soviet Union, his delegation would have to vote against the draft in its current form.<sup>288</sup>

The representative of India stated that the Council should have had a little more time to resolve some remaining problems and regretted that that had not been possible.<sup>289</sup>

The representative of the United States pointed to the long and distinguished record of United Nations peace-keeping efforts in the Middle East and elsewhere in the world and called them an important adjunct to the primary purposes of the Charter. She added that those efforts had so far never proved inconsistent with the rights of any nations or any peoples and deplored that no new peace-keeping force would be established on that day by the Council. As the representative of the Soviet Union had announced his veto, she indicated that further comments on the draft would serve no useful purpose.<sup>288</sup>

At the same meeting, the President put the revised French draft resolution to the vote; it received 13 votes in favour and 2 against and was not adopted



owing to the negative vote of a permanent member of the Council.<sup>290</sup>

Following the vote, the representative of the Netherlands cited Article 24 of the Charter and expressed deep regret that the Council had failed to live up to the Charter mandate as well as to the expectations of the peoples of the world. He hoped that the Council could soon recover from this set-back and succeed in placing a peace-keeping force in the Beirut area.<sup>288</sup>

The representative of the United Kingdom stated that he failed to understand that anything of what had been said in the meeting justified a veto on a limited United Nations action requested by Lebanon and that he believed that many non-aligned countries would be greatly concerned about how easily the Council could be blocked in the attempt to exercise its duties under the Charter. He wondered why the delegation which had cast a negative vote had tried to restrict the Council discussion to the smallest geographical area possible, but had referred to actions far outside the city of Beirut. He affirmed his Government's conviction that the United Nations should play an extended role in Lebanon, but also stressed that all Members should strive to ensure that the Lebanese people could choose their own Government and adjust their internal affairs without external interference. He assured the Council that his delegation remained committed to an effort to use the Council and the United Nations for the job they were intended to do.<sup>288</sup>

The representative of France expressed deep regret that the draft resolution had not been adopted, and that the Council was not fulfilling its mission under the Charter, as it could not reach a decision in those circumstances.<sup>288</sup>

The representative of Lebanon appealed to the Council to reconsider the positions taken during the meetings and to respond positively and as soon as possible to any new initiative in view of the serious condition of Lebanon and in fulfilment of the principles of the Charter.<sup>288</sup>

**Decision of 19 April 1984 (2530th meeting): resolution 549 (1984)**

At its 2530th meeting, on 19 April 1984, the Council included in its agenda the report of the Secretary-General on UNIFIL dated 9 April 1984.<sup>291</sup>

The report contained an account of developments relating to UNIFIL from 13 October 1983 to 9 April 1984. The Secretary-General pointed out that the situation in the UNIFIL area of southern Lebanon had remained relatively peaceful, while the situation in the rest of Lebanon had been cause for great concern in the last six months. He stated that the presence of UNIFIL was regarded as essential by the Lebanese Government and had been of benefit to the much-increased population of that area. He referred to a letter dated 9 April 1984<sup>292</sup> from the representative of Lebanon addressed to him in which the wish of the Government for an extension of the mandate of UNIFIL for another six months had been conveyed. He concurred with that request and recommended that the mandate be renewed.

The Secretary-General noted that, however beneficial the role of UNIFIL might be, it did not measure up to the original mandate or to the intentions of later Council resolutions. For those reasons, he had considered further means to achieve the principal objectives by focusing on the common interests

which all concerned had in changing the situation for the better. A reversion to genuine peace and normality in southern Lebanon would be in the interest of virtually all concerned. The Government of Lebanon and the people of southern Lebanon desired the restoration of Lebanese sovereignty and authority up to the international border as early as possible. Israel, while expressing its desire to withdraw its forces from Lebanon, was concerned over the security of its northern border after its withdrawal. The security of the Palestinian refugees, especially in the camps in the Sidon area, was a matter of grave concern and responsibility.

Taking into account all those concerns, the Secretary-General suggested that UNIFIL should be enabled to play an expanded role in attaining the objectives of Israel's withdrawal, peace and security in the region and the restoration of Lebanese authority and sovereignty up to the international boundary. A decision by the Council in that sense could provide the framework for the achievement of those objectives. He therefore proposed that the Council consider at the appropriate time a future course of action, including the following elements: (a) the temporary deployment of UNIFIL, with elements of the Lebanese army and internal security forces, in areas vacated by Israeli forces; (b) the immediate deployment of elements of UNIFIL in the Sidon area on Israeli withdrawal from that area, with a view to assuring the safety and security of the population, including Palestinian refugees in the camps in that area; and (c) the working out of the necessary arrangements to ensure that southern Lebanon would become a zone of peace under the sovereignty and authority of the Lebanese Government.

The Secretary-General acknowledged the difficulties of such a plan, but put it forward in view of the clear needs in southern Lebanon for the re-establishment of peaceful, normal conditions and economic prosperity.

In conclusion, he alerted the Council once again to the financial difficulties afflicting the work of UNIFIL and requested that the Governments of the more developed countries make available additional voluntary contributions to the UNIFIL Suspense Account.

The representatives of Lebanon and Israel were invited, at their request, to participate in the discussion without the right to vote.<sup>3</sup> The Council considered the issue at its 2530th meeting, on 19 April 1984.

At the same meeting, the President drew attention to a draft resolution,<sup>293</sup> which had been prepared in the course of the Council's consultations. He then put the draft to the vote; it received 13 votes in favour and none against, with 2 abstentions, and was adopted as resolution 549 (1984). It reads as follows:<sup>294</sup>

*The Security Council,*

*Recalling its resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982), 509 (1982) and 520 (1982), as well as all its resolutions on the situation in Lebanon,*

*Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 9 April 1984 and taking note of the observations expressed therein,*

*Taking note of the letter of the Permanent Representative of Lebanon to the Secretary-General of 9 April 1984,*

*Responding to the request of the Government of Lebanon,*

1. *Decides* to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 19 October 1984;

2. *Reiterates* its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. *Re-emphasizes* the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to co-operate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Council thereon.

Following the adoption of the resolution, the representative of the Soviet Union pointed out that the root causes of the dangerous situation in Lebanon needed to be re-examined again in view of the refusal by Israel to withdraw from all occupied Lebanese territory. He called upon the United Nations not to acquiesce in Israel's defiance and the inability of the peace-keeping force to perform the assigned task, the supervision of the Israeli withdrawal. If Israel persisted in its act of defiance, he suggested that the Council consider the adoption of effective measures in response to those circumstances.<sup>295</sup>

The representative of France expressed hope that the continued Israeli presence in the UNIFIL deployment area would be terminated soon and indicated that his Government was prepared to accept the Secretary-General's suggestion for a possible extension of the Force's mandate and deployment area.<sup>295</sup>

The representative of the Netherlands recalled that his Government had decided to maintain its contingent in UNIFIL since it was convinced that UNIFIL could play a bigger role, going beyond mere humanitarian assistance to the civilians in the area. He conveyed his Government's support for the ideas contained in the Secretary-General's report and for a discussion of how to apply those ideas for a strengthened role for UNIFIL. He again underlined the strong warning by the Secretary-General regarding its worsening financial condition.<sup>295</sup>

The representative of the United Kingdom stated that his Government supported both the Lebanese wish and the Secretary-General's proposals for a strengthened role for UNIFIL in southern Lebanon.<sup>295</sup>

The representative of Lebanon referred to his letter dated 9 April addressed to the Secretary-General and indicated his Government's strong support for the Secretary-General's recommendations regarding an enlarged and enhanced role for UNIFIL.<sup>295</sup>

The representative of Israel noted again that his Government regarded the continued presence of UNIFIL in the deployment area as superfluous, but added that its redeployment in the area north of the zone controlled by Israeli forces and as a buffer between the Syrian and Israeli forces could be useful.<sup>295</sup>

**Decision of 21 May 1984 (2540th meeting): invitation of the PLO**

By letter dated 17 May 1984,<sup>296</sup> the representative of Kuwait, in his capacity as Chairman of the Group of Arab States at the United Nations for the month of May 1984, requested an urgent meeting of the

Council to consider the most recent act of aggression committed by Israel against the refugee camp of Palestinians at Ein El Hilweh in south Lebanon.

At its 2540th meeting, on 21 May 1984, the Council included the letter by the representative of Kuwait in its agenda. Following the adoption of the agenda, the President invited the representatives of Israel, Kuwait and Lebanon, at their request, to participate in the discussion without the right to vote.<sup>3</sup> 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.<sup>297</sup> The Council further decided to extend invitations to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People<sup>298</sup> and to Mr. Clovis Maksoud<sup>298</sup> under rule 39 of its provisional rules of procedure.

The representative of Kuwait stated that on 15 May the Israeli occupation forces had surrounded the Palestinian refugee camp Ein El Helweh, in the southern part of Lebanon, demolishing about 30 houses in the camp and wounding or arresting dozens of Palestinians. He added that Israel should be called upon to put an end to the massacres, torture, imprisonment and dispersal of civilians in the occupied territories and to the destruction of their houses, and to protect those citizens and their goods until the future of the occupied areas had been finally decided. He urged the Council to shoulder its responsibility and to ensure the implementation of its resolutions on the matter and mentioned in particular those decisions regarding the violations of international law by the Israeli forces in the occupied areas, the withdrawal from all Arab territories occupied since 1967, the implementation of the Palestinians' right to self-determination and to their own State and the re-establishment of the territorial integrity, independence and security of Lebanon in connection with total Israeli withdrawal in accordance with resolution 509 (1982).<sup>298</sup>

The representative of Lebanon also described the Israeli attack on the Palestinian refugee camp and charged that approximately 150 people had been arrested and others wounded or killed. He called upon the Council to put an end to that state of affairs by enforcing its resolutions providing for Israeli withdrawal and for transformation of the south into a zone of peace and security.<sup>298</sup>

The representative of the PLO wondered why the Commissioner-General of UNRWA had notified the Secretary-General only much later about the Israeli attack and referred to the information that the Israeli responsible officer had refused to receive the UNRWA official during the time of the attack. He also asked the Council to condemn Israel for that criminal act in south Lebanon and to impose mandatory sanctions on Israel. He added that the establishment of another commission to investigate the Israeli deeds would be of little use because Israel would again refuse to co-operate with the investigating group. In that connection he referred to a report of the Special Commission established under resolution 446 (1979) which had not been taken up by the Council because the members were not agreed on how to handle that report about Israeli practices in occupied territories.<sup>298</sup>

The representative of India stressed that the bloodshed should be immediately ended and that

Israel should be made to carry out its international obligations, including its withdrawal from south Lebanon and a stop to the illegal settlements in the occupied territories. He supported the call for an international peace conference on the Middle East to advance towards a comprehensive and just solution and committed his Government's full co-operation as the current Chairman of the Movement of Non-Aligned Countries.<sup>298</sup>

**Decision of 30 May 1984 (2544th meeting):** resolution 551 (1984)

At its 2544th meeting, on 30 May 1984, the Council included the report of the Secretary-General on UNDOF dated 23 May 1984<sup>299</sup> in its agenda.

In his report, the Secretary-General described the activities of UNDOF for the period 22 November 1983 to 21 May 1984. The Secretary-General indicated that UNDOF had continued to perform its functions effectively, with the co-operation of the parties, and that during the period under review the situation in the Israel-Syria sector had remained quiet. The Secretary-General stated that, despite the existing quiet in the sector, the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive, just and durable peace settlement covering all aspects of the Middle East problem could be reached, as called for by the Council in resolution 338 (1973). In the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of the Force for a further period of six months, until 30 November 1984, and pointed out that the Governments concerned had given their assent.

At the 2544th meeting, the President drew attention to a draft resolution,<sup>300</sup> which had been prepared in the course of the Council's consultations. He then put the draft resolution to the vote; it received 15 votes in favour and was adopted unanimously as resolution 551 (1984).<sup>301</sup> It reads as follows:

*The Security Council,*

*Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force,*

*Decides:*

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 30 November 1984;

(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).

On behalf of the Council, the President made the following statement<sup>302</sup> regarding resolution 551 (1984):

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 26: "despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached". That statement of the Secretary-General reflects the view of the Security Council.

**Decision of 6 September 1984 (2556th meeting):** rejection of a draft resolution

By letter dated 24 August 1984,<sup>303</sup> the representative of Lebanon requested an urgent meeting of the

Council to consider all practices and measures taken by the Israeli occupying authorities in southern Lebanon, the western Bekaa and the Rashaya region.

At the 2552nd meeting, on 29 August 1984, the Council included the letter in its agenda. Following the adoption of the agenda, the President invited the following, at their request, to participate in the discussion without the right to vote: at the 2552nd meeting, the representatives of Israel, Kuwait, Lebanon and the Syrian Arab Republic;<sup>304</sup> at the 2553rd meeting, the representatives of Qatar, the Sudan, the United Arab Emirates and Yemen;<sup>305</sup> at the 2554th meeting, the representative of the Islamic Republic of Iran;<sup>306</sup> and at the 2555th meeting, the representatives of Cuba, Democratic Yemen and Turkey.<sup>307</sup> The Council, at its 2552nd meeting, also extended invitations under rule 39 of the Council's provisional rules of procedure to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People<sup>308</sup> and to Mr. Clovis Maksoud.<sup>308</sup> The Council considered the item at its 2552nd to 2556th meetings, from 29 August to 6 September 1984.

At the 2552nd meeting, the representative of Lebanon stated that the Council should be informed about the situation of the people in Lebanon and especially of the inhabitants of the south, numbering more than 800,000, who were suffering from Israel's occupation and unjust arbitrary practices. His delegation was lodging a complaint with regard to the Israeli practices in the hope that the members of the Council would understand and shoulder their responsibilities. He then offered a detailed picture of the many ways in which the Israeli occupation forces were oppressing the Lebanese population in violation of numerous provisions of the Fourth Geneva Convention of 12 August 1949, The Hague Conventions of 1899 and 1907, the Charter of the United Nations and the Universal Declaration of Human Rights. In conclusion, he requested that the Council: (a) implement its resolutions on complete Israeli withdrawal from Lebanon, the immediate cessation of Israeli practices against the inhabitants of the south, the western Bekaa and the Rashaya region and respect for their legitimate right to live in peace, security and dignity; (b) compel Israel to lift its siege of the occupied territories; (c) insist on the necessity for Israel to respect the Charter, the Universal Declaration of Human Rights, the norms of international law, the Geneva Conventions of 1949, other international conventions and The Hague Conventions of 1899 and 1907; and (d) stress Lebanon's inalienable right to its waters.<sup>308</sup>

The representative of Israel stated that there was not the slightest justification for the Lebanese complaint and for the Council meeting and charged that the Lebanese Government, under pressure from the Syrian Arab Republic, had started a propaganda campaign with regard to the alleged impairment of security in southern Lebanon in order to divert international attention from the worsening situation in the area of Beirut. He underlined that the Government of Lebanon, under international law, had the duty to prevent its territory from being used for terrorist attacks against another State and that the State under such attacks had the right to take appropriate self-defence measures to protect itself and its citizens.<sup>308</sup>

At the 2556th meeting, on 6 September 1984, the President drew the attention of the Council to a draft

resolution<sup>309</sup> that had been submitted by Lebanon. In the preambular part of the draft resolution, the Council would have, *inter alia*, reaffirmed previous resolutions on Lebanon and recalled the relevant provisions of the Universal Declaration of Human Rights, and stressed the humanitarian principles of the Fourth Geneva Convention of 1949 and the obligations arising from the regulations annexed to The Hague Convention of 1907.

In the operative part, the Council would have (a) reiterated its call for strict respect for the sovereignty, independence, unity and territorial integrity of Lebanon within its internationally recognized boundaries; (b) affirmed that the provisions of the Fourth Geneva Convention of 1949 applied to the territories occupied by Israel in southern Lebanon, the western Bekaa and the Rashaya district, and that the occupying Power was duty-bound to respect and uphold the provisions of the said Convention and of other norms of international law; (c) called upon Israel, the occupying Power, to respect strictly the rights of the civilian population in the areas under its occupation in southern Lebanon, the western Bekaa and the Rashaya district, and to comply strictly with the provisions of the Fourth Geneva Convention of 1949; (d) demanded that Israel immediately lift all restrictions and obstacles to the restoration of normal conditions in the areas under its occupation in violation of the Fourth Geneva Convention of 1949, particularly concerning the closing of roads and crossings, the limitation of freedom of movement of individuals and the normal flow of persons and goods between those areas and the rest of Lebanon, and the obstruction to the normal conduct of Lebanese Government institutions and personnel; (e) urged all States parties to the Fourth Geneva Convention of 1949 to make every effort to ensure respect for and compliance with the provisions thereof in southern Lebanon, the western Bekaa and the Rashaya district; and (f) decided to remain seized of the question.

At the same meeting, the representative of Malta formally requested, in accordance with rule 38 of the provisional rules of procedure, that the draft resolution submitted by Lebanon be put to the vote.<sup>310</sup>

Prior to the vote, several delegations, who indicated support for the draft resolution, stated their reservations regarding the lack of balance in the text, especially in the light of the serious situation in parts of Lebanon other than the south.<sup>311</sup>

At the same meeting, the draft resolution was put to the vote; it obtained 14 votes in favour and 1 against and was not adopted owing to the negative vote of a permanent member of the Council.<sup>312</sup>

Following the vote, the representative of the United States explained that his delegation had voted against the draft resolution, which it saw as one-sided and unbalanced in that it addressed humanitarian and security issues only in southern Lebanon but failed to refer to similar problems in other parts of Lebanon, to take account of the view that Israel was in compliance with the appropriate rules of the Fourth Geneva Convention of 1949 and The Hague Protocols of 1907 and to call for the removal of all foreign forces from Lebanese territory.<sup>310</sup>

**Decision of 12 October 1984 (2559th meeting):**  
resolution 555 (1984)

At its 2559th meeting, on 12 October 1984, the Council included the report of the Secretary-General on UNIFIL dated 9 October 1984<sup>313</sup> in its agenda.

The report of the Secretary-General contained an account of developments relating to UNIFIL from 10 April 1984 to 9 October 1984. The Secretary-General noted that the situation in the UNIFIL area in southern Lebanon had remained relatively peaceful in the last six months and that the Government of Lebanon and the people of southern Lebanon had made it clear that the presence of UNIFIL was important to them. He referred to a letter dated 8 October in which the representative of Lebanon had informed him in writing of the Government's request that the mandate of UNIFIL be extended for a further period of six months and stated his own recommendation to that effect.

The Secretary-General further recalled his previous comments regarding an expanded role for UNIFIL and its contribution to the objectives of Israeli withdrawal and of restoring Lebanese authority and sovereignty up to the internationally recognized boundary. He listed in this connection once more the three specific steps in the redeployment of UNIFIL that would result in such an expanded role for the Force. He reported that after his own visit to the area in June 1984 and a follow-up visit by the Under-Secretary-General for Special Political Affairs of the United Nations Secretariat, he had gained the impression that there was general agreement on the objectives formulated by him and on the importance of an expanded UNIFIL mandate for the implementation of those goals. In view of the relatively favourable situation in regard to the withdrawal of Israeli forces from southern Lebanon, he warned that the opportunity should not be missed, as that would result in a further deterioration in the area. He also made mention of the fragility of UNIFIL in terms of the circumstances under which the Force had to operate in southern Lebanon and under the impact of the financial difficulties faced by the operation.

Following the adoption of the agenda, the President invited the representative of Lebanon, at his request, to participate in the discussion without the right to vote.<sup>3</sup> The Council considered the issue at its 2559th meeting, on 12 October 1984.

At the same meeting, the President drew attention to the text of a draft resolution,<sup>314</sup> which had been drawn up in the course of the Council's consultations. He put the draft resolution to the vote; it received 13 votes in favour and none against, with 2 abstentions, and was adopted as resolution 555 (1984).<sup>315</sup> It reads as follows:

*The Security Council,*

*Recalling its resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982), 509 (1982) and 520 (1982), as well as all its resolutions on the situation in Lebanon,*

*Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 9 October 1984, and taking note of the observations expressed therein,*

*Taking note of the letter of the Permanent Representative of Lebanon addressed to the Secretary-General of 8 October 1984,*

*Responding to the request of the Government of Lebanon,*

1. *Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 19 April 1985;*

2. *Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;*

3. *Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19*

March 1978, approved by resolution 426 (1978), and calls upon all parties concerned to co-operate fully with the Force for the full implementation of its mandate;

4. *Reiterates* that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the present resolution and to report to the Council thereon.

**Decision of 28 November 1984 (2563rd meeting): resolution 557 (1984)**

At its 2563rd meeting, on 28 November 1984, the Council included the report of the Secretary-General on UNDOF dated 16 November 1984<sup>316</sup> in its agenda.

In his report, the Secretary-General described the activities of UNDOF for the period 22 May 1984 to 16 November 1984. He indicated that UNDOF had continued to perform its functions effectively, with the co-operation of the parties, and that during the period under review the situation in the Israel-Syria sector had remained quiet. The Secretary-General stated that despite the present quiet in the sector the situation in the Middle East as a whole continued to be potentially dangerous and was likely to remain so, unless and until a comprehensive, just and durable peace settlement covering all aspects of the Middle East problem could be reached, as called for by the Council in resolution 338 (1973). In the prevailing circumstances, the Secretary-General considered the continued presence of UNDOF in the area to be essential. He therefore recommended that the Council extend the mandate of the Force for a further period of six months, until 31 May 1985, and pointed out that the Governments concerned had given their assent.

At the 2563rd meeting, on 28 November 1984, the President drew attention to a draft resolution,<sup>317</sup> which had been prepared in the course of the Council's consultations. He then put the draft resolution to the vote; it received 15 votes in favour and was adopted unanimously as resolution 557 (1984).<sup>318</sup> It reads as follows:

*The Security Council.*

*Having considered* the report of the Secretary-General on the United Nations Disengagement Observer Force,

*Decides:*

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months, that is, until 31 May 1985;

(c) To request the Secretary-General to submit, at the end of this period, a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

On behalf of the Council, the President then made the following complementary statement<sup>319</sup> regarding resolution 557 (1984):

As is known, the report of the Secretary-General on the United Nations Disengagement Observer Force states, in paragraph 26: "despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached". That statement of the Secretary-General reflects the view of the Security Council.

## NOTES

<sup>1</sup> S/14391, *OR*, 36th yr., *Suppl. for Jan.-March 1981*.

<sup>2</sup> S/14354 (letter dated 30 January 1981), *ibid.*, and S/14381 (letter dated 24 February 1981), *ibid.* See also letters dated 2 February and 8 and 10 March 1981, in which the representative of Israel brought to the attention of the Council various incidents in which PLO activists based in Lebanon were said to have attacked Israeli communities (S/14355, S/14394 and S/14398, *ibid.*).

<sup>3</sup> For details, see chap. III of the present *Supplement*.

<sup>4</sup> 2265th mtg., paras. 7-26.

<sup>5</sup> *Ibid.*, paras. 27-44.

<sup>6</sup> S/14407, *OR*, 36th yr., *Suppl. for Jan.-March 1981*.

<sup>7</sup> S/14414, *ibid.*, *Resolutions and Decisions of the Security Council, 1981*.

<sup>8</sup> S/14482, *ibid.*, *Suppl. for April-June 1981*.

<sup>9</sup> S/14484, adopted without change as resolution 485 (1981).

<sup>10</sup> For the vote, see 2278th mtg., para. 10.

<sup>11</sup> S/14485, *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*.

<sup>12</sup> S/14537, *ibid.*, *Suppl. for April-June 1981*.

<sup>13</sup> S/14557, adopted without change as resolution 488 (1981).

<sup>14</sup> For the vote, see 2289th mtg., para. 3.

<sup>15</sup> 2289th mtg., paras. 5-13.

<sup>16</sup> *Ibid.*, paras. 15-31.

<sup>17</sup> *Ibid.*, paras. 32-39.

<sup>18</sup> *Ibid.*, paras. 40-51.

<sup>19</sup> *Ibid.*, paras. 61-68.

<sup>20</sup> *Ibid.*, paras. 72-78.

<sup>21</sup> *Ibid.*, paras. 80-86.

<sup>22</sup> *Ibid.*, paras. 87-92.

<sup>23</sup> *Ibid.*, paras. 93 and 94.

<sup>24</sup> S/14572, *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*.

<sup>25</sup> S/14596, *ibid.*, *Suppl. for July-Sept. 1981*.

<sup>26</sup> S/14586, *ibid.*

<sup>27</sup> S/14591 and S/14594, *ibid.*

<sup>28</sup> 2292nd mtg. for the discussion and the vote on the invitation to the PLO. For further details, see chap. III of the present *Supplement*.

<sup>29</sup> 2292nd mtg. For details, see chap. III of the present *Supplement*.

<sup>30</sup> 2292nd mtg., paras. 14-19.

<sup>31</sup> *Ibid.*, paras. 21-36.

<sup>32</sup> *Ibid.*, paras. 38-63.

<sup>33</sup> *Ibid.*, paras. 65-75.

<sup>34</sup> *Ibid.*, paras. 77-102.

<sup>35</sup> *Ibid.*, paras. 103-116.

<sup>36</sup> S/14599, *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*.

<sup>37</sup> S/14604, subsequently adopted without change as resolution 490 (1981).

<sup>38</sup> 2293rd mtg., paras. 5-12.

<sup>39</sup> *Ibid.*, paras. 15-21.

<sup>40</sup> For the vote, see *ibid.*, para. 21.

<sup>41</sup> *Ibid.*, paras. 23-38.

<sup>42</sup> *Ibid.*, paras. 39-44.

<sup>43</sup> *Ibid.*, paras. 45-54.

<sup>44</sup> *Ibid.*, paras. 62-82. For a detailed discussion of the concept of self-defence developed by the representative of Egypt, see chap. XI, part III, of the present *Supplement*.

<sup>45</sup> 2293rd mtg., paras. 95-141.

<sup>46</sup> *Ibid.*, paras. 143-166. The call for such sanctions was also supported by the representatives of Democratic Yemen (*ibid.*, paras. 171-181) and Yemen (*ibid.*, paras. 183-196).

<sup>47</sup> S/14759, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

<sup>48</sup> S/14761, adopted without change as resolution 493 (1981).

<sup>49</sup> For the vote of the Security Council, see 2311th mtg., para. 2.

<sup>50</sup> S/14764, *OR*, 36th yr., *Resolutions and Decisions 1981*.

<sup>51</sup> S/14789 and Corr.1, *ibid.*, *Suppl. for Oct.-Dec. 1981*.

<sup>52</sup> 2320th mtg., para. 2. For further details, see chap. III of the present *Supplement*.

<sup>53</sup> S/14792, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

- <sup>54</sup> 2320th mtg., paras. 5-20.
- <sup>55</sup> The Israeli representative referred here to document S/12620/Add.5, *OR, 33rd yr., Suppl. for April-June 1978*.
- <sup>56</sup> 2320th mtg., paras. 31-37.
- <sup>57</sup> *Ibid.*, paras. 49-65.
- <sup>58</sup> *Ibid.*, paras. 66-81.
- <sup>59</sup> *Ibid.*, paras. 91-97.
- <sup>60</sup> S/14803, adopted without change as resolution 498 (1981).
- <sup>61</sup> For the vote, see 2320th mtg., para. 98.
- <sup>62</sup> *Ibid.*, paras. 106-112.
- <sup>63</sup> *Ibid.*, paras. 113-118.
- <sup>64</sup> *Ibid.*, paras. 120-130.
- <sup>65</sup> S/14869, *OR, 37th yr., Suppl. for Jan.-March 1982*.
- <sup>66</sup> S/14875, *ibid.*
- <sup>67</sup> S/14792, *ibid.*, 36th yr., *Suppl. for Oct.-Dec. 1981*.
- <sup>68</sup> See 2331st mtg., paras. 3-10, for the discussion and the vote on the invitation to the PLO. For further details, see chap. III of the present *Supplement*.
- <sup>69</sup> 2331st mtg., paras. 11 and 12. For details, see chap. III of the present *Supplement*.
- <sup>70</sup> 2331st mtg., paras. 15-39.
- <sup>71</sup> S/14888, *OR, 37th yr., Suppl. for Jan.-March 1982*.
- <sup>72</sup> 2332nd mtg., paras. 5-27.
- <sup>73</sup> *Ibid.*, paras. 28-38.
- <sup>74</sup> S/14890, adopted without change as resolution 501 (1982).
- <sup>75</sup> For the vote, see *ibid.*, para. 88. For details, see chap. IV of the present *Supplement*.
- <sup>76</sup> 2332nd mtg., paras. 106-113.
- <sup>77</sup> S/14962, *OR, 37th yr., Suppl. for April-June 1982*. The Government of Lebanon expressly reserved its right to call for an urgent meeting of the Council should the escalation continue or the situation deteriorate.
- <sup>78</sup> S/14989, *ibid.*
- <sup>79</sup> S/14995, *OR, 37th yr., Resolutions and Decisions of the Security Council, 1982*.
- <sup>80</sup> S/14996, *ibid.*, *Suppl. for April-June 1982*.
- <sup>81</sup> S/15079, *ibid.*
- <sup>82</sup> S/15118, adopted without change as resolution 506 (1982).
- <sup>83</sup> For the vote, see 2369th mtg., para. 2.
- <sup>84</sup> S/15124, *OR, 37th yr., Resolutions and Decisions of the Security Council, 1982*.
- <sup>85</sup> S/15161, *ibid.*, *Suppl. for April-June 1982*.
- <sup>86</sup> S/15162, *ibid.*
- <sup>87</sup> S/15163, *ibid.*, *Resolutions and Decisions of the Security Council, 1982*.
- <sup>88</sup> See 2374th mtg., paras. 2-8, for the discussion and the vote on the invitation to the PLO. For further details, see chap. III of the present *Supplement*.
- <sup>89</sup> 2374th mtg., paras. 9 and 10. For details, see chap. III of the present *Supplement*.
- <sup>90</sup> S/15168, adopted without change as resolution 508 (1982).
- <sup>91</sup> S/15164, *OR, 37th yr., Suppl. for April-June 1982*.
- <sup>92</sup> 2374th mtg., paras. 14-22.
- <sup>93</sup> *Ibid.*, paras. 23-26.
- <sup>94</sup> For the vote, see 2374th mtg., para. 27.
- <sup>95</sup> *Ibid.*, paras. 29-32.
- <sup>96</sup> *Ibid.*, paras. 33-37.
- <sup>97</sup> *Ibid.*, paras. 39-46.
- <sup>98</sup> *Ibid.*, paras. 48-58.
- <sup>99</sup> *Ibid.*, paras. 59-69.
- <sup>100</sup> *Ibid.*, paras. 72-78.
- <sup>101</sup> *Ibid.*, paras. 80-89.
- <sup>102</sup> *Ibid.*, paras. 91-98.
- <sup>103</sup> S/15171, adopted without change as resolution 509 (1982).
- <sup>104</sup> S/15174, *OR, 37th yr., Suppl. for April-June 1982*.
- <sup>105</sup> See 2375th mtg., paras. 4-14, for the oral report of the Secretary-General.
- <sup>106</sup> See *ibid.*, paras. 15-20, for the introduction of draft resolution S/15171.
- <sup>107</sup> 2375th mtg., paras. 22-67.
- <sup>108</sup> For the vote, see *ibid.*, para. 91. See also chap. IV of the present *Supplement*.
- <sup>109</sup> 2375th mtg., paras. 100-108.
- <sup>110</sup> *Ibid.*, paras. 109-115.
- <sup>111</sup> *Ibid.*, paras. 116-123.
- <sup>112</sup> *Ibid.*, paras. 136-145.
- <sup>113</sup> S/15178, *OR, 37th yr., Suppl. for April-June 1982*.
- <sup>114</sup> 2376th mtg., paras. 4-16.
- <sup>115</sup> *Ibid.*, paras. 18-23.
- <sup>116</sup> *Ibid.*, paras. 25-35.
- <sup>117</sup> S/15185, *OR, 37th yr., Suppl. for April-June 1982*.
- <sup>118</sup> 2377th mtg., paras. 3-22.
- <sup>119</sup> See *ibid.*, para. 23, for the vote. See also chap. IV of the present *Supplement* for further details.
- <sup>120</sup> 2377th mtg., paras. 25-28.
- <sup>121</sup> See *ibid.*: Ireland, paras. 29-38; Japan, paras. 39-42; President (France), paras. 83 and 84; and Soviet Union, paras. 43-47.
- <sup>122</sup> S/15194, *OR, 37th yr., Suppl. for April-June 1982*.
- <sup>123</sup> S/15194/Add.1, *ibid.*
- <sup>124</sup> S/15194/Add.2, *ibid.*
- <sup>125</sup> For the discussion and the vote on the invitation to the PLO, see 2379th mtg., paras. 2-7. For further details, see chap. III of the present *Supplement*.
- <sup>126</sup> 2379th mtg., para. 8. For details, see chap. III of the present *Supplement*.
- <sup>127</sup> S/15235, adopted without change as resolution 511 (1982).
- <sup>128</sup> For the vote, see 2379th mtg., para. 9. See also chap. IV of the present *Supplement*.
- <sup>129</sup> 2379th mtg., paras. 11-14.
- <sup>130</sup> *Ibid.*, paras. 15-38.
- <sup>131</sup> *Ibid.*, paras. 39-50.
- <sup>132</sup> *Ibid.*, paras. 51-61.
- <sup>133</sup> *Ibid.*, paras. 62-70.
- <sup>134</sup> *Ibid.*, paras. 99-104.
- <sup>135</sup> For the full text of the Israeli letter, see the Secretary-General's report (S/15178), para. 5, *OR, 37th yr., Suppl. for April-June 1982*.
- <sup>136</sup> 2379th mtg., paras. 121-151.
- <sup>137</sup> *Ibid.*, paras. 153-168.
- <sup>138</sup> *Ibid.*, paras. 171-180.
- <sup>139</sup> S/15240, adopted without change as resolution 512 (1982).
- <sup>140</sup> 2380th mtg., paras. 4-9.
- <sup>141</sup> For the vote, see *ibid.*, para. 11. See also chap. IV of the present *Supplement* for further details.
- <sup>142</sup> The text introduced at the 2381st meeting was the second revision; for the full text, see S/15255/Rev.2, *OR, 37th yr., Suppl. for April-June 1982*. See *ibid.* for the original draft S/15255 and *ibid.* for S/15255/Rev.1. The text underwent considerable changes, with two operative paragraphs being added and major editorial changes throughout the text.
- <sup>143</sup> 2381st mtg., paras. 6-10.
- <sup>144</sup> See *ibid.*, para. 12, for the vote. See also chap. IV of the present *Supplement* for further details.
- <sup>145</sup> 2381st mtg., paras. 14-17.
- <sup>146</sup> S/15273, adopted without change as resolution 513 (1982).
- <sup>147</sup> S/15267 and Corr.1, *OR, 37th yr., Suppl. for April-June 1982*.
- <sup>148</sup> For the vote, see 2382nd mtg., para. 6. See also chap. IV of the present *Supplement*.
- <sup>149</sup> S/15316, *OR, 37th yr., Suppl. for July-Sept. 1982*.
- <sup>150</sup> S/15317, *ibid.* The draft resolution was not put to the vote.
- <sup>151</sup> 2384th mtg., paras. 7-26.
- <sup>152</sup> *Ibid.*, paras. 28-51.
- <sup>153</sup> *Ibid.*, paras. 52-77.
- <sup>154</sup> *Ibid.*, paras. 79 and 80.
- <sup>155</sup> 2385th mtg., paras. 3-14.
- <sup>156</sup> *Ibid.*, paras. 16-28.
- <sup>157</sup> *Ibid.*, paras. 38-65.
- <sup>158</sup> S/15325, adopted without change as resolution 515 (1982).
- <sup>159</sup> 2385th mtg., paras. 66-72.
- <sup>160</sup> *Ibid.*, paras. 74-76.
- <sup>161</sup> *Ibid.*, paras. 77-82.
- <sup>162</sup> *Ibid.*, para. 83.
- <sup>163</sup> See *ibid.*, para. 110; the meeting was suspended for 10 minutes.

<sup>164</sup> For the procedural discussion, including several points of order and clarifications regarding the purpose of the consultations that the United States sought the longer suspension for, and the vote, see 2385th mtg., para. 122.

<sup>165</sup> For the vote on draft resolution S/15325, see 2385th mtg., para. 123.

<sup>166</sup> 2385th mtg., para. 125.

<sup>167</sup> *Ibid.*, paras. 135-142.

<sup>168</sup> S/15330, adopted without change as resolution 516 (1982).

<sup>169</sup> See 2386th mtg., paras. 3-11, for the President's opening statement and the vote. For further details on the vote, see also chap. IV of the present *Supplement*.

<sup>170</sup> 2386th mtg., paras. 11-13.

<sup>171</sup> S/15334, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>172</sup> S/15333, *ibid.*

<sup>173</sup> S/15334/Add.1, *ibid.*

<sup>174</sup> S/15342, *ibid.*, *Resolutions and Decisions of the Security Council, 1982*.

<sup>175</sup> 2388th mtg., para. 2.

<sup>176</sup> *Ibid.*, para. 3. Draft resolution S/15343 was subsequently considerably revised and then adopted as resolution 517 (1982). See *OR*, 37th yr., *Suppl. for July-Sept. 1982* for the original text.

<sup>177</sup> 2388th mtg., para. 4-9.

<sup>178</sup> *Ibid.*, paras. 10-30. In the original draft resolution (S/15343), the Council would have expressed deep shock and alarm regarding the atrocities committed by the Israeli force and the invasion of Beirut (preambular para.), condemned Israel for its failure to comply with Council resolutions (operative para. 3) and considered adopting effective ways and means in accordance with the provisions of Chapter VII of the Charter of the United Nations (old operative para. 7); it also would have contained several dates and deadlines regarding a report of the Secretary-General and the reconvening of the Council. The draft resolution contained seven operative paragraphs, whereas the revision had eight paragraphs, since a new paragraph 5 was added.

<sup>179</sup> 2388th mtg., paras. 31-39.

<sup>180</sup> *Ibid.*, paras. 47-56.

<sup>181</sup> S/15343/Rev.1, adopted without change as resolution 517 (1982).

<sup>182</sup> 2389th mtg., paras. 5-9.

<sup>183</sup> See *ibid.*, para. 16, for the vote. For details, see chap. IV of the present *Supplement*.

<sup>184</sup> *Ibid.*, paras. 30-35.

<sup>185</sup> S/15345, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>186</sup> S/15345/Add.1 and 2, *ibid.*

<sup>187</sup> S/15347, *ibid.* The draft resolution was revised and put to the vote, but failed of adoption, owing to the negative vote of a permanent member.

<sup>188</sup> 2390th mtg., paras. 6-15.

<sup>189</sup> *Ibid.*, paras. 16-35.

<sup>190</sup> 2391st mtg., paras. 14-19.

<sup>191</sup> *Ibid.*, paras. 25-29.

<sup>192</sup> For the vote, see *ibid.*, para. 38. For details, see chap. IV of the present *Supplement*.

<sup>193</sup> 2391st mtg., paras. 45-51.

<sup>194</sup> *Ibid.*, paras. 52-56.

<sup>195</sup> *Ibid.*, paras. 57 and 58.

<sup>196</sup> *Ibid.*, paras. 73-77.

<sup>197</sup> S/15355, subsequently adopted, as orally revised, as resolution 518 (1982).

<sup>198</sup> 2392nd mtg., paras. 8-10.

<sup>199</sup> S/15353, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>200</sup> S/15354, *ibid.*

<sup>201</sup> 2392nd mtg., paras. 11-19.

<sup>202</sup> *Ibid.*, paras. 21-26.

<sup>203</sup> For the announcement regarding a short suspension, see 2392nd mtg., para. 72.

<sup>204</sup> *Ibid.*, para. 73.

<sup>205</sup> For the vote, see *ibid.*, para. 83. For details, see also chap. IV of the present *Supplement*.

<sup>206</sup> S/15362, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>207</sup> S/15345/Add.1, *ibid.*

<sup>208</sup> S/15357, *ibid.*

<sup>209</sup> S/15367, adopted without change as resolution 519 (1982).

<sup>210</sup> See 2393rd mtg., para. 3, for the vote. See also chap. VI of the present *Supplement*.

<sup>211</sup> S/15382, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>212</sup> S/15382/Add.1 and 2, *ibid.*

<sup>213</sup> S/15392, *ibid.*

<sup>214</sup> 2394th mtg., paras. 8-22.

<sup>215</sup> *Ibid.*, paras. 52-61.

<sup>216</sup> *Ibid.*, paras. 164-166.

<sup>217</sup> *Ibid.*, para. 169.

<sup>218</sup> S/15394/Rev.1, subsequently adopted without change as resolution 520 (1982). The revised draft differed from the original draft in several respects: operative para. 1 was transferred to the preamble as its second paragraph; operative para. 2 became para. 1, with the words "and in particular its call upon all the parties to the conflict to cease immediately and simultaneously all military activities within Lebanon and across the Lebanese-Israel border" deleted and replaced by "and 516 (1982) in all their components"; the fourth preambular para. was expanded beyond the words "political independence" and became operative para. 4; old operative paras. 3 and 4 became new operative paras. 2 and 3; old operative para. 5 calling upon Governments to ensure the implementation of the Council's relevant conditions was deleted; old operative para. 6 became new operative para. 7; and new operative paras. 5 and 6 were inserted. See S/15394, *OR*, 37th yr., *Suppl. for July-Sept. 1982* for the original text.

<sup>219</sup> 2395th mtg., paras. 3-5.

<sup>220</sup> *Ibid.*, para. 6.

<sup>221</sup> *Ibid.*, paras. 7-16.

<sup>222</sup> *Ibid.*, paras. 27-35.

<sup>223</sup> *Ibid.*, paras. 36-48.

<sup>224</sup> For the President's declaration and the vote, see *ibid.*, paras. 54-57. For further details, see chap. IV of the present *Supplement*.

<sup>225</sup> 2395th mtg., paras. 58-62.

<sup>226</sup> The report was issued on the same day as document S/15400, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>227</sup> For the statement of the Secretary-General, see 2396th mtg., paras. 7-24.

<sup>228</sup> *Ibid.*, paras. 26-38.

<sup>229</sup> *Ibid.*, paras. 39-48.

<sup>230</sup> *Ibid.*, paras. 49-60.

<sup>231</sup> *Ibid.*, paras. 74-83.

<sup>232</sup> See the statements by Greece, China, the President, Kuwait, Democratic Yemen, Poland, Spain, Egypt, the Syrian Arab Republic, France, Algeria, Ireland, the United Kingdom, Panama, Uganda and Guyana (2396th mtg.). See also in this connection the letter dated 18 September 1982, in which the representative of Greece requested an urgent meeting of the Council with a view to examining the critical situation in Lebanon (S/15401, *OR*, 37th yr., *Suppl. for July-Sept. 1982*).

<sup>233</sup> See 2396th mtg.: Algeria, paras. 154-158; and Syrian Arab Republic, paras. 126-142.

<sup>234</sup> *Ibid.*, paras. 160-175.

<sup>235</sup> For the suspension and resumption of the meeting, see *ibid.*, para. 230. Draft resolution S/15402 was adopted without change as resolution 521 (1982).

<sup>236</sup> For the vote, see 2396th mtg., para. 247. See also chap. IV of the present *Supplement*.

<sup>237</sup> S/15408, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>238</sup> S/15408/Add.1 and 2, *ibid.*

<sup>239</sup> S/15455, *ibid.*, *Suppl. for Oct.-Dec. 1982*.

<sup>240</sup> 2400th mtg., paras. 2-11, for the discussion and the vote on the invitation to the PLO. For further details, see chap. III of the present *Supplement*.

<sup>241</sup> 2400th mtg., paras. 14-35.

<sup>242</sup> See *ibid.*, para. 36, for the suspension of the meeting.

<sup>243</sup> S/15458, adopted without change as resolution 523 (1982).

<sup>244</sup> For the vote, see 2400th mtg., para. 37. See also chap. IV of the present *Supplement*.

<sup>245</sup> S/15493, *OR*, 37th yr., *Suppl. for Oct.-Dec. 1982*.

<sup>246</sup> S/15503, adopted without change as resolution 524 (1982).

<sup>247</sup> For the vote, see 2403rd mtg., para. 1. See also chap. IV of the present *Supplement*.

<sup>248</sup> S/15504, *OR*, 37th yr., *Resolutions and Decisions of the Security Council*, 1982.

<sup>249</sup> S/15557, *ibid.*, 38th yr., *Suppl. for Jan.-March 1983*.

<sup>250</sup> S/15564, adopted without change as resolution 529 (1983).

<sup>251</sup> 2411th mtg.

<sup>252</sup> For the vote, see *ibid.* See also chap. IV of the present *Supplement*.

<sup>253</sup> S/15777, *OR*, 38th yr., *Suppl. for April-June 1983*.

<sup>254</sup> S/15793, adopted without change as resolution 531 (1983).

<sup>255</sup> See 2445th mtg. for the vote. See also chap. IV of the present *Supplement*.

<sup>256</sup> S/15797, *OR*, 38th yr., *Resolutions and Decisions of the Security Council*, 1983.

<sup>257</sup> S/15863, *ibid.*, *Suppl. for July-Sept. 1983*.

<sup>258</sup> S/15871, adopted without change as resolution 536 (1983).

<sup>259</sup> S/15868, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>260</sup> 2456th mtg.

<sup>261</sup> See *ibid.* See also chap. IV of the present *Supplement*.

<sup>262</sup> S/15974, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>263</sup> S/15953, *ibid.*

<sup>264</sup> S/15956, *ibid.*

<sup>265</sup> 2475th mtg.

<sup>266</sup> S/15990, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>267</sup> S/15994, *ibid.*

<sup>268</sup> S/16036, *ibid.*, *Suppl. for Oct.-Dec. 1983*.

<sup>269</sup> S/16046, adopted without change as resolution 538 (1983).

<sup>270</sup> 2480th mtg.

<sup>271</sup> See *ibid.* For further details, see also chap. IV of the present *Supplement*.

<sup>272</sup> S/16142, *OR*, 38th yr., *Resolutions and Decisions of the Security Council*, 1983.

<sup>273</sup> S/16178, *ibid.*, *Suppl. for Oct.-Dec. 1983*.

<sup>274</sup> S/16179, adopted without change as resolution 542 (1983). See S/16228, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*, for the report of the Secretary-General in pursuance of resolution 542 (1983), paragraph 7.

<sup>275</sup> For the vote, see 2501st mtg.

<sup>276</sup> S/16169, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.

<sup>277</sup> S/16187, adopted without change as resolution 543 (1983).

<sup>278</sup> For the vote, see 2502nd mtg.

<sup>279</sup> S/16188, *OR*, 38th yr., *Resolutions and Decisions of the Security Council*, 1983.

<sup>280</sup> S/16339, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>281</sup> S/15420, *ibid.*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>282</sup> 2514th mtg.

<sup>283</sup> 2515th mtg.

<sup>284</sup> 2516th mtg.

<sup>285</sup> S/16351/Rev.2, *OR*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>286</sup> For the original draft and the first revision, see *ibid.* Since the changes in the different drafts were merely editorial, they are not presented here in detail.

<sup>287</sup> See 2519th mtg. for the French statement.

<sup>288</sup> 2519th mtg.

<sup>289</sup> *Ibid.* For similar complaints, see the statements by Malta and Nicaragua.

<sup>290</sup> See 2519th mtg. for the vote. See also chap. IV of the present *Supplement*.

<sup>291</sup> S/16472, *OR*, 39th yr., *Suppl. for April-June 1984*.

<sup>292</sup> S/16471, *ibid.* The letter also contained an appeal by the Lebanese Government for new energetic efforts by the Council to promote the objectives of UNIFIL in southern Lebanon.

<sup>293</sup> S/16491, adopted without change as resolution 549 (1984).

<sup>294</sup> For the vote, see 2530th mtg. See also chap. IV of the present *Supplement*.

<sup>295</sup> 2530th mtg.

<sup>296</sup> S/16569, *OR*, 39th yr., *Suppl. for April-June 1984*.

<sup>297</sup> For the discussion and the vote (11 in favour and 1 against, with 3 abstentions), see 2540th mtg. For further details, see chap. III of the present *Supplement*.

<sup>298</sup> 2540th mtg.

<sup>299</sup> S/16573, *OR*, 39th yr., *Suppl. for April-June 1984*.

<sup>300</sup> S/16592, adopted without change as resolution 551 (1984).

<sup>301</sup> For the vote, see 2544th mtg.

<sup>302</sup> S/16593, *OR*, 39th yr., *Resolutions and Decisions of the Security Council*, 1984.

<sup>303</sup> S/16713, *ibid.*, *Suppl. for July-Sept. 1984*.

<sup>304</sup> 2552nd mtg.

<sup>305</sup> 2553rd mtg.

<sup>306</sup> 2554th mtg.

<sup>307</sup> 2555th mtg.

<sup>308</sup> 2552nd mtg. For further details, see chap. III of the present *Supplement*.

<sup>309</sup> S/16732, *OR*, 39th yr., *Suppl. for July-Sept. 1984*. The draft resolution was put to the vote and not adopted, owing to the negative vote of a permanent member.

<sup>310</sup> 2556th mtg.

<sup>311</sup> See 2556th mtg., statements by the Netherlands, Peru and the United Kingdom.

<sup>312</sup> For the vote, see 2556th mtg.

<sup>313</sup> S/16776, *OR*, 39th yr., *Suppl. for Oct.-Dec. 1984*.

<sup>314</sup> S/16779, adopted without change as resolution 555 (1984).

<sup>315</sup> For the vote, see 2559th mtg. See also chap. IV of the present *Supplement*.

<sup>316</sup> S/16829, *OR*, 39th yr., *Suppl. for Oct.-Dec. 1984*.

<sup>317</sup> S/16845, adopted without change as resolution 557 (1984).

<sup>318</sup> For the vote, see 2563rd mtg.

<sup>319</sup> S/16847, *OR*, 39th yr., *Resolutions and Decisions of the Security Council*, 1984.

## B. THE SITUATION IN THE OCCUPIED ARAB TERRITORIES

**Decision of 17 December 1981 (2319th meeting): resolution 497 (1981)**

By letter dated 14 December 1981,<sup>1</sup> the representative of the Syrian Arab Republic requested an urgent meeting of the Council to discuss the decision of the Israeli Government to apply Israeli laws to the occupied Golan Heights.

At its 2316th meeting, on 16 December 1981, the Council included the letter in its agenda. The Council decided to invite the following, at their request, to participate without vote in the discussion of the question: at the 2316th meeting, the representatives of Cuba, Egypt, Israel, Kuwait, Lebanon, Saudi Arabia, the Syrian Arab Republic, Turkey and Viet Nam; at the 2317th meeting, the representatives of India and the Libyan Arab Jamahiriya; at the 2318th meeting, the representatives of Pakistan, Romania, Yugoslavia and Zaire; and at the 2319th meeting, the representatives of Indonesia and Senegal.<sup>2</sup> The Council also decided to extend an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure.<sup>3</sup> The Council considered the issue at its 2316th to 2319th meetings, on 16 and 17 December 1981.

The representative of the Syrian Arab Republic informed the Council that on 14 December 1981 the Israeli Government had decided to annex the Syrian Golan Heights, occupied since June 1967, by enacting legislation imposing Israeli laws, jurisdiction and administration on that part of the Syrian Arab Republic. He denounced the Israeli action as an outright violation of international law prohibiting occupation and annexation as well as of the Charter of the United Nations, which banned the use of force and the acquisition of territory by force. He viewed the latest annexationist episode as another step in a process of colonization begun by Israel in 1967. He sharply condemned the Israeli action as a flagrant



violation of the Charter, of Council resolutions, in particular resolution 338 (1973), and of the Israeli-Syrian cease-fire and called upon the Council to resort to pertinent measures under Chapter VII of the Charter, especially mandatory sanctions, and to declare the Israeli decisions null and void. Otherwise, the situation might worsen, endangering further the region and the peace and security of the world at large.<sup>4</sup>

The representative of Israel stated that the area in question was very small but of greatest significance to the security of the people of Israel. He noted that the Syrian Arab Republic had, since 1948, claimed that there was no international boundary between it and Israel and that only the ultimate settlement could establish permanent boundaries. He described several major events in which the Syrians had bombarded Israeli towns and villages, and emphasized the vital interest of the Israeli side to be protected against strikes from the Golan Heights. He denounced the Syrian rejectionist attitude towards a comprehensive peace settlement with Israel under resolution 242 (1967). In view of the need to administer everyday activities in the area occupied since 1967 his Government and the Knesset had decided to regularize the situation on the Golan Heights by applying Israeli law, jurisdiction and administration to the area. He added that no responsible Government in Israel would agree to return to the totally insecure armistice lines that were obtained before 1967.<sup>5</sup>

The representative of Kuwait, speaking in his capacity as Chairman of the Group of Arab States at the United Nations, charged that the new *fait accompli* was in line with the Israeli plan to annex all the occupied territories. The annexation of the Golan Heights violated the Charter principle regarding the inadmissibility of the acquisition of territory by force as well as the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. It also aggravated an already explosive situation in the Middle East.<sup>6</sup>

The representative of Egypt regarded the illegal Israeli action as a serious challenge to the prospects of stability and to the peace process in the Middle East. He pointed out that the extension of Israeli laws and jurisdiction over the occupied Golan Heights ran counter to resolution 242 (1967) reaffirming, *inter alia*, the inadmissibility of the acquisition of territory by war and to the agreement of disengagement between Israel and the Syrian Arab Republic of 30 May 1974.<sup>7</sup>

The representative of the United Kingdom affirmed that the Golan Heights belonged to the Syrian Arab Republic and formed part of the territories occupied by Israel in 1967; therefore the British Government considered the change of status of the Golan Heights as contrary to international law and tantamount to annexation and held all measures implementing the initiative to have no legal validity.<sup>8</sup>

At the 2317th meeting, on 16 December 1981, the representative of Cuba read out a communiqué adopted at the plenary meeting of the Movement of Non-Aligned Countries, in which it expressed deepest concern over the expansionist and annexationist policies of Israel regarding the Golan Heights and emphasized the principle that the acquisition of territory by force was inadmissible under international law; the communiqué also condemned the Israeli act as a flagrant violation of the Charter,

international law and relevant United Nations resolutions and supported the call of the Syrian Arab Republic for appropriate action by the Council in order to restore the full sovereignty of the Syrian Arab Republic over all its occupied territories. The representative of Cuba added that the Council should demand that Israel revoke that decision; otherwise, the United Nations should without delay impose on Israel the sanctions provided for in Chapter VII of the Charter.<sup>9</sup>

The representative of Lebanon warned against international relations being governed by the logic used by the representative of Israel in justifying the annexation of the Golan Heights, as there would be no limits to security obsessions and expansionism.<sup>10</sup>

The representative of the Soviet Union stated that it could not be denied that the Israeli decision contradicted all the norms of international law and constituted a gross violation of the Charter and its fundamental principles, including the principle of the inadmissibility of the acquisition of territory by force. His delegation resolutely condemned the Israeli transgression and asked that the Council pass a resolution declaring the Israeli measures illegal and invalid and demanding that Israel immediately retract annexation of the Golan Heights. If Israel refused to heed the will of the international community, the Council should convene and weigh the possibility of measures under Chapter VII of the Charter against Israel.<sup>11</sup>

The representative of France also condemned the Israeli act as tantamount to annexation and a direct attack on the sovereignty of the Syrian Arab Republic over territory that belonged to it and had been occupied in 1967. He called the act a violation of the principle of the non-acquisition of territory by force as laid down in resolution 242 (1967) and added that the Israeli law was completely null and void.<sup>12</sup>

At the 2318th meeting, on 17 December 1981, the representative of Zaire stated that the entire international community had condemned the act of annexation as violating United Nations resolutions and the principle of the inadmissibility of the acquisition of territories by force as well as major instruments of international law. He urged the members of the Council and particularly its five permanent members to seek a *sui generis* agreement to guarantee the existence and security of all States in the region, including that of a Palestinian Arab State, in view of a rapidly deteriorating situation in which irrationality and violence seemed to prevail over reason and the desire for peace.<sup>13</sup>

The President of the Council, speaking in his capacity as the representative of Uganda, joined the other speakers in denouncing the Israeli act as a clear case of annexation that was without any moral, political or legal justification and therefore totally invalid. He cited Article 2, paragraphs 4 and 3, of the Charter as well as article 47 of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and The Hague Convention No. VI of 1907 and pointed out that the Israeli measure had violated those principles of international law. He rejected the Israeli attempt to justify the annexation of the Golan Heights and depicted the new action as another step in a well-orchestrated programme of expansion, aggression and domination covering the whole of the Middle East. He indicated his delegation's support for the draft resolution

before the Council and stressed that Israel could achieve security only through a negotiated and comprehensive peace in the Middle East, beginning with a just settlement of the Palestinian question.<sup>14</sup>

Resuming his function as President, he then suspended the meeting for 10 minutes;<sup>15</sup> thereafter he drew the attention of the members to a draft resolution prepared in the course of the Council's consultations,<sup>16</sup> which he put to the vote. The draft resolution received 15 votes in favour and was adopted unanimously as resolution 497 (1981).<sup>17</sup> It reads as follows:

*The Security Council.*

*Having considered* the letter of 14 December 1981 from the Permanent Representative of the Syrian Arab Republic contained in document S/14791,

*Reaffirming* that the acquisition of territory by force is inadmissible, in accordance with the Charter of the United Nations, the principles of international law and relevant Security Council resolutions,

1. *Decides* that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect;
2. *Demands* that Israel, the occupying Power, should rescind forthwith its decision;
3. *Determines* that all the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, continue to apply to the Syrian territory occupied by Israel since June 1967;
4. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution within two weeks and decides that, in the event of non-compliance by Israel, the Council would meet urgently, and not later than 5 January 1982, to consider taking appropriate measures in accordance with the Charter of the United Nations.

Following the vote, the representative of the United States explained that his delegation had supported the draft resolution because it reaffirmed previous Council resolutions spelling out the basis of a just and durable peace in the region. He mentioned in particular the withdrawal from occupied territories and the right of every State in the area to live in peace within secure and recognized boundaries. He expressed deep regret at the Israeli action regarding the Golan Heights and stated that his Government did not accept as valid unilateral acts designed to change the status of territories occupied in 1967. He urged both Israel and the Syrian Arab Republic to seek to resolve their differences by negotiations within the framework of resolutions 242 (1967) and 338 (1973).<sup>18</sup>

The representative of Israel indicated that his Government could not accept the resolution and charged that the Syrian Arab Republic, in attacking Israel several times since its establishment, had violated the principle that force should not be used or threatened and that it had failed to observe the principle of peaceful settlement of disputes in rejecting negotiations with Israel.<sup>19</sup>

**Decision** of 20 January 1982 (2329th meeting):  
rejection of a draft resolution

**Decision** of 28 January 1982 (2330th meeting):  
resolution 500 (1982)

In pursuance of paragraph 4 of resolution 497 (1981), the Secretary-General submitted two reports<sup>20</sup> to the Council in which he informed the Council about his contacts with the Israeli Government and the clear negative reaction by Israel with regard to the cancellation of its measures on the Golan Heights.

At its 2322nd meeting, on 6 January 1982, the Council included resolution 497 (1981) and the report dated 31 December 1981 of the Secretary-General (S/14821) in its agenda. The Council decided to invite the following, at their request, to participate, without vote, in the discussion on the item: at the 2322nd meeting, the representatives of Cuba, Democratic Yemen, Israel, Kuwait, the Lao People's Democratic Republic, Morocco, Senegal, Sri Lanka, the Syrian Arab Republic, Yemen and Yugoslavia; at the 2323rd meeting, the representatives of Afghanistan, Algeria, Bangladesh, the German Democratic Republic, India, the Libyan Arab Jamahiriya, Qatar, Saudi Arabia and the Sudan; at the 2324th meeting, the representatives of Hungary, Iraq, Pakistan and the Ukrainian Soviet Socialist Republic; at the 2325th meeting, the representatives of Bulgaria, Greece, Mongolia, Nicaragua, Portugal and Viet Nam; at the 2327th meeting, the representatives of Burundi, Czechoslovakia, Indonesia, Mauritania, Oman and the United Arab Emirates; and at the 2329th meeting, the representative of Grenada.<sup>2</sup>

At its 2322nd meeting, the Council also decided, by a vote, and in accordance with the Council's previous practice, to extend an invitation to the representative of the PLO to participate in the debate on the item.<sup>21</sup> At the same meeting, the Council further decided to extend an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure.<sup>22</sup> The Council considered the item at its 2322nd to 2330th meetings, from 6 to 28 January 1982.

At the 2322nd meeting, on 6 January 1982, the representative of the Syrian Arab Republic stated that the immediate rejection by Israel of resolution 497 (1981), also made clear in the two reports submitted by the Secretary-General, led the Syrian Government to resort again to the Council in order to compel Israel to rescind its grave breach of international law. He charged that Israel had systematically tried to erode the Israeli-Syrian Armistice Agreement of 1949 in order to undermine the involvement of the United Nations in the Palestinian question. He reiterated his Government's two principal conditions for peace in the Middle East: the unconditional withdrawal of Israel from all the occupied Arab territories, and the exercise by the Palestinian people of their right to self-determination and to their own national State. He proposed that since the Council's resolution had been flouted by Israel, the Council should invoke its powers under Articles 39 and 41 of Chapter VII of the Charter in response to what, under General Assembly resolution 3314 (XXIX) of 14 December 1974, was clearly a case of aggression by Israel against the Syrian Arab Republic and other Arab neighbours. He also noted that Israel's policies contradicted the principles of the non-use of force and of the inadmissibility of the acquisition of territory by force and added that, if the Council did not impose sanctions against Israel, his Government would reserve its right under Article 51 to deal with the Israeli aggression.<sup>23</sup>

The representative of Israel invoked the principles of the Charter prohibiting the use or threat of force and obligating members to settle their disputes by peaceful means and repeated his charges regarding the acts of aggression mounted by the Syrian Arab Republic against the people of Israel. He cited provisions from the Definition of Aggression annexed to General Assembly resolution 3314 (XXIX)

and called upon the Syrian Arab Republic to accept the Israeli invitation to unconditional negotiations between the two States.<sup>24</sup>

At the 2328th meeting, on 14 January 1982, the representative of Jordan introduced the text of a draft resolution,<sup>25</sup> which was sponsored by his delegation but reflected the unanimous support of LAS as well as support from the Movement of Non-Aligned Countries. Under the draft resolution, in its preambular part, the Council would have, *inter alia*, recalled its resolution 497 (1981), recalled General Assembly resolution 3314 (XXIX), which, in its annex, defined an act of aggression as "the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof", determined that the continued occupation of the Syrian Golan Heights since 1967 and its annexation by Israel on 14 December 1981 constituted a continuing threat to international peace and security, and acted in accordance with Articles 39 and 41 of the Charter.

In the operative part of the draft resolution, the Council would have (a) strongly condemned Israel for its failure to comply with Council resolution 497 (1981) and General Assembly resolution 36/226 B; (b) determined that Israeli measures in the occupied Syrian Golan Heights, culminating in Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights, constituted an act of aggression under the provisions of Article 39 of the Charter; (c) decided that all Member States, in accordance with Article 41 of the Charter, should: (i) refrain from supplying Israel with any weapons and related military equipment and suspend any military assistance to Israel; and (ii) suspend economic, financial and technological assistance to Israel; (d) requested all Member States to consider suspending diplomatic and consular relations with Israel; (e) decided also to call upon all Member States to carry out the present decision of the Security Council, in accordance with Article 25 of the Charter; (f) urged, having regard to the principle stated in Article 2, paragraph 6, of the Charter, States not Members of the United Nations to act in accordance with the provisions of the resolution; (g) called upon all other United Nations bodies, the specialized agencies of the United Nations and their members to conform their relations with Israel to the terms of the resolution; (h) decided to establish, in accordance with Article 29 of the Charter, a committee of the Council to examine and report to the Council on the progress of the implementation of the resolution; and (i) requested the Secretary-General to submit a report to the Council on the implementation of the resolution.<sup>26</sup>

At the 2329th meeting, on 20 January 1982, the representative of Ireland stated that his Government supported firm and clear measures in response to Israel's defiance of resolution 497 (1981), measures that would ensure that the Israeli claim to have annexed the Golan Heights would be without international legal effect. As the Israeli measures were legal and administrative, the Council should take specific legal countermeasures to ensure that the Israeli claims received no recognition. That could be done through the Council's reiterating that the Israeli decision was illegal and void, determining that States must give no recognition to it and deciding clearly

that all States should review their relations with Israel to ensure that no such recognition was given or implied. His delegation had worked towards a draft resolution on those lines, but regrettably agreement among all Council members had so far been impossible.

He then reviewed the draft submitted by Jordan and pointed out among other things that the meaning of the law-making function of the Council under Chapter VII of the Charter should be spelt out clearly and precisely with regard to the obligations incurred by the international community if the text were to be adopted. In view of the imprecise quality of the provisions in the draft resolution his delegation would abstain in the vote, although it agreed with a good part of the language proposed.<sup>27</sup>

The representative of the United States called the draft resolution an aberration—even a perversion—of the purpose which the Council was called upon by Chapter VII to perform; she cited Article 39 and suggested that the draft resolution, instead of assigning a constructive role to the Council of preventing an aggravation of the situation, would exacerbate the situation. She renewed her Government's call for negotiations based on resolutions 242 (1967), 338 (1973) and 497 (1981) and indicated that her delegation opposed the Jordanian draft resolution.<sup>28</sup>

At the same meeting, the President put the revised draft resolution<sup>29</sup> to the vote; it received 9 votes in favour, 1 vote against and 5 abstentions and was not adopted owing to the negative vote of a permanent member of the Council.<sup>30</sup>

Following the vote, the representative of the United Kingdom explained that his delegation had abstained in the vote, as it considered a determination under Article 39 of the Charter that the Israeli action constituted an "act of aggression" too far-reaching and serious and recalled that even at the time of the Korean War the Council had not gone beyond the finding that the events in question constituted a breach of the peace. He added that his delegation would have preferred a consensus, without invoking Chapter VII, calling upon all States to deny recognition or assistance to Israel's decision. Since no consensus had been achieved so far on the issue, his delegation remained willing to work for the common objective of getting Israel to rescind its illegal act.<sup>31</sup>

The representative of Israel condemned the effort to exploit the Council's proceedings for the relentless warfare against his country and appealed once again to the Syrian Government to start negotiations with Israel to settle all the outstanding issues on the basis of resolutions 242 (1967) and 338 (1973).<sup>32</sup>

At the 2330th meeting, on 28 January 1982, when the Council resumed consideration of the issue at the request of the representative of Jordan,<sup>33</sup> the President drew attention to a draft resolution<sup>34</sup> sponsored by Jordan.<sup>35</sup>

The representative of Jordan stated that in view of the defeat of his first draft, which had prevented the Council from exercising its primary responsibility for the maintenance of international peace and security, he wished to submit a new draft resolution calling for an emergency special session of the General Assembly and asked that the text be put to the vote.<sup>36</sup>

The representative of Israel rejected Jordan's call for an emergency special session of the General Assembly, as the regular session of the Assembly was due to resume at a date to be announced and the

resolution of the Assembly mentioned in the first Jordanian draft had been adopted in violation of Article 12, paragraph 1. Citing a number of relevant sources from earlier occasions regarding emergency special sessions, he suggested that such a step would be neither proper nor needed, but considered the abuse of the emergency mechanism under rule 8 of the Assembly's rules of procedure as inevitable.<sup>37</sup>

The President then put the draft resolution to the vote; it received 13 votes in favour and none against, with 2 abstentions, and was adopted as resolution 500 (1982).<sup>38</sup> It reads as follows:

*The Security Council.*

*Having considered* the item on the agenda of its 2329th meeting, as contained in document S/Agenda/2329/Rev.1,

*Taking into account* that the lack of unanimity of its permanent members at the 2329th 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/2329/Rev.1.

Following the adoption of the resolution, the representative of the United States stated that his delegation had abstained in the vote since no productive purpose could be served by debating the issue once again in an emergency special session of the General Assembly and since that debate would actually diminish the prospects for peace in the Middle East.<sup>39</sup>

The representative of France indicated that his delegation had joined in supporting the call for an emergency special session in order to allow for a far-ranging debate in the General Assembly on the question of the Golan Heights. But he warned against efforts to adopt such measures as sanctions in the Assembly as such decisions would contravene the principles of the Charter regarding the rules of competence of the Council as apart from those applicable for the Assembly.<sup>40</sup>

**Decision of 2 April 1982 (2348th meeting): rejection of a draft resolution**

By letter dated 22 March 1982,<sup>41</sup> the representative of Jordan, in his capacity as Chairman of the Group of Arab States members of the League of Arab States at the United Nations, requested an urgent meeting of the Council to consider what he described as the grave and rapidly deteriorating situation in the occupied Palestinian and Arab territories, including Jerusalem.

At its 2334th meeting, on 24 March 1982, the Council included the letter in its agenda. Following the adoption of the agenda, the Council decided to invite the following, at their request, to participate without vote in the discussion of the question: at the 2334th meeting, the representatives of Egypt, Israel, Pakistan, Senegal and the Syrian Arab Republic; at the 2338th meeting, the representatives of Morocco and Turkey; at the 2340th meeting, the representatives of the German Democratic Republic, India and Iran; at the 2344th meeting, the representatives of Algeria, Bangladesh, Cuba, Iraq, the Libyan Arab Jamahiriya, Viet Nam, Yemen and Yugoslavia; and at the 2348th meeting, the representatives of Democratic Yemen and Saudi Arabia.<sup>2</sup>

At the 2334th meeting, the Council also decided, by a vote, and in accordance with the Council's previous practice, to extend an invitation to the representative of the PLO to participate in the debate

on the item.<sup>42</sup> At the same meeting, the Council further decided to extend an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure.<sup>43</sup> The Council considered the item at its 2334th, 2338th, 2340th, 2344th and 2348th meetings on 24, 26 and 30 March and 1 and 2 April 1982.

At the 2334th meeting, the representative of Jordan drew the attention of the Council and of the international community to the systematic martyrdom of the occupied territories and their Palestinian and other Arab victims and warned about the potential for disaster arising from that situation. He mentioned in particular the turmoil that had shaken various parts of the occupied Palestinian territories arising from the Palestinian resistance to Israel's determination to annex their territories. He criticized the inaction and complacency of the highest executive organ of the United Nations and blamed the Council for the not too distant emergence of a grave threat to peace and security out of that untenable situation. He requested the Council to shoulder its responsibilities towards the Palestinian people and see to it that Israel's illegal measures of oppression, confiscation and bloodshed were stopped and the Israeli occupation terminated.<sup>44</sup>

The representative of the PLO also stressed the most critical condition in the occupied territories and read out the text of a letter dated 23 March 1982 from the Chairman of the PLO addressed to the Secretary-General in which further Israeli transgressions were reported and the United Nations was urged to put an end to Israeli aggression and to implement its resolutions regarding the exercise by the Palestinian people of its inalienable national rights.<sup>45</sup>

The representative of Senegal, speaking also in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, stated that in its report to the General Assembly at its thirty-sixth session,<sup>46</sup> the Committee had proposed (and the Assembly had subsequently endorsed<sup>47</sup>) the following recommendations: (a) the Palestinians had the right to return to their homes and to recover the goods of which they had been stripped; (b) they had the right to self-determination without outside interference and the right to national independence; (c) they had the right to create an independent State in Palestine; (d) the question of Palestine was at the heart of the Middle East problem and no solution to the problem could be contemplated if it failed to take account of the inalienable rights of the Palestinian people; (e) the exercise of those inalienable rights would contribute also to a final solution to the whole Middle East crisis; (f) the participation of the PLO, on an equal footing with all other parties on the basis of General Assembly resolutions 3236 (XXIX) and 3375 (XXX), was indispensable in all efforts, at all meetings and in all debates and all conferences on the Middle East organized under the auspices of the United Nations; (g) the acquisition of territory by force was inadmissible and Israel consequently had an obligation to withdraw totally and rapidly from all the occupied Arab territories; (h) the 1949 Fourth Geneva Convention must be applied; and (i) all States in the region had the right to live in peace.

He added that any approach to solving the Middle East crisis must necessarily take account of the elements he had outlined. He hoped that the draft resolution that would be submitted for the Council's

approval would include all necessary measures to contain the most recent troubles in the occupied territories.<sup>48</sup>

At the same meeting, the representative of Israel charged that constant provocations on the part of Jordan and the PLO had been subverting any movement towards peaceful coexistence in the region and labelled the request for the Council meeting a clear attempt to engender additional tensions and to attract support for the provocations in Judaea and Samaria. He suggested that a framework for the peaceful coexistence between Jew and Arab was clearly emerging and called upon the Council to welcome that promise of reconciliation between the two fraternal Semitic peoples.<sup>49</sup>

At the 2348th meeting, on 2 April 1982, the President drew attention to the text of a draft resolution<sup>50</sup> submitted by Jordan.<sup>51</sup> Under the draft, the Council would have considered the letter dated 22 March 1982 from the representative of Jordan and would have: (a) denounced measures imposed on the Palestinian population, such as dismissal of elected mayors by Israeli authorities, as well as the violation of the liberties and rights of the inhabitants of the occupied West Bank and the Gaza Strip, which had followed the measures taken by Israel with regard to the Golan Heights, and which could only damage the prospects for peace; (b) called upon Israel, the occupying Power, to rescind its decision disbanding the elected municipal council of Al-Bireh and its decision to remove from their posts the Mayors of Nablus and Ramallah; (c) reaffirmed that all the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 continued to apply in full to all of the occupied territories; (d) called upon Israel to cease forthwith all measures applied in the West Bank, including Jerusalem, the Gaza Strip and the Syrian Golan Heights, which contravened the provisions of that Convention; (e) called upon the Secretary-General to report to the Council not later than 7 April 1982 on the implementation of the resolution; and (f) decided to remain seized of the item.

The representative of Israel warned that the draft resolution did nothing to promote the cause of peace in the Middle East, but placed another obstacle in the path of peace. He added that although not a single word in the draft resolution supported understanding and conciliation, Israel would continue its efforts to create an atmosphere conducive to the peace process and to work towards the establishment of autonomy in Judaea, in Samaria and in the Gaza District in accordance with the Camp David agreement.<sup>52</sup>

At the same meeting, the President put the Jordanian draft resolution to the vote; it received 13 votes in favour and 1 against, with 1 abstention, and was not adopted owing to the negative vote of a permanent member of the Council.<sup>53</sup>

Following the vote, the representative of the United Kingdom expressed his regret that efforts to put together a text that would have enjoyed consensus support had not been successful. His delegation, however, had voted in favour of the Jordanian draft because it was in agreement with the text, especially paragraph 1, which faithfully reflected the views of the States members of the European Community.<sup>54</sup>

The representative of the United States explained that the Jordanian draft had not achieved the primary objective of the Council, which was to urge

restraint on the parties to avoid any new outbreak of violence. He deplored that no reference to resolutions 242 (1967) and 338 (1973) had been inserted into the draft resolution sponsored by Jordan and that, instead, the text had used strongly denunciatory language and disregarded the complexity of the problem, thus compelling the United States to vote "no".<sup>55</sup>

The President, speaking in his capacity as representative of Zaire, also expressed regret that the Council had not arrived at a consensus whereby it could have put pressure on the opinion of the international community in order to promote peace in the region. Since his delegation had not had enough time to obtain instructions concerning the Jordanian text, he had abstained in the vote, but he reaffirmed the unswerving support of the Republic of Zaire for the Arab and Palestinian cause.<sup>56</sup>

**Decision of 20 April 1982 (2357th meeting): rejection of a four-Power draft resolution**

By letter dated 12 April 1982,<sup>57</sup> the representative of Morocco conveyed a request by His Majesty King Hassan II, King of Morocco and Chairman of the Al-Quds Committee of the Organization of the Islamic Conference, that an urgent meeting of the Council be called to consider what he described as the grave events taking place in occupied Palestinian territory and, most particularly, in the Holy City of Jerusalem.

In a letter dated 13 April 1982,<sup>58</sup> the representative of Iraq, current Chairman of the Organization of the Islamic Conference, also requested on behalf of the members of that organization an immediate meeting of the Council to consider the very grave situation that had arisen as a consequence of the deliberate armed attack against the sacred Al-Aqsa Mosque and the Dome of the Rock in Jerusalem.

At its 2352nd meeting, on 13 April 1982, the Council included the two letters in its agenda. Following the adoption of the agenda, the Council decided to invite the following, at their request, to participate, without vote, in the discussion of the question: at the 2352nd meeting, the representatives of Iraq, Israel, Morocco, Pakistan, Saudi Arabia and Turkey; at the 2353rd meeting, the representatives of Bangladesh, Guinea, Indonesia, Iran, Malaysia, the Sudan and the Syrian Arab Republic; at the 2354th meeting, the representatives of the Niger and Senegal; at the 2355th meeting, the representatives of India, the Libyan Arab Jamahiriya and Somalia; at the 2356th meeting, the representatives of Djibouti and the United Arab Emirates; and at the 2357th meeting, the representative of Kuwait.<sup>2</sup> At the 2352nd meeting, the Council also decided, by a vote, and in accordance with the Council's previous practice, to extend an invitation to the representative of the PLO to participate in the debate on the item.<sup>59</sup>

At the same meeting, the Council further decided to extend an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure.<sup>60</sup> The Council considered the item at its 2352nd to 2357th meetings, from 13 to 20 April 1982.

At the 2352nd meeting, the representative of Morocco thanked the Council for having accepted the request of King Hassan II, in his capacity as Chairman of the Al-Quds Committee, to hold an urgent meeting to consider the grave events taking place in Jerusalem, under Israeli military occupation. He read out a message from the King, in which the

bloody and sacrilegious action in front of the Al-Aqsa Mosque was described as rendering more dangerous a situation that already endangered international peace. The message provided a detailed account of the sudden shooting spree started by an Israeli soldier in uniform against a crowd of Moslem worshippers, killing at least two and wounding 22. It was argued that Israel's responsibility could not be disputed, as it was responsible at least for preventing, or wanting to prevent, such criminal acts, but had shown instead extreme passivity in regard to various terrorist movements, as witnessed in earlier attacks on the Mosque and other Moslem sites in Jerusalem. The King further condemned Israel's contempt for peaceful religious coexistence in Jerusalem and, on behalf of 41 Islamic nations, solemnly protested Israel's attempt to change the status and character of the Holy Places and to claim Jerusalem as the eternal capital of Israel. In the light of the most recent desecration of the Holy City, the King's message concluded with a request that the file on Jerusalem be reopened.<sup>61</sup>

The representative of Jordan also denounced the attack by a group of armed Israeli troops against the Al-Aqsa Mosque and the Dome of the Rock. He expressed strong doubt about the Israeli claim that the carnage had been carried out by a deranged individual who had very recently immigrated to Israel from America and had been in military service when he committed the murderous deed. He charged that the attacker had been protected by other Israeli soldiers and whisked away to safety after his journey of destruction. He informed the Council that his Government had declared a day of solemn protest in solidarity with the Palestinian people and the sanctity of the Holy Places. That step would be followed by other steps, until all the occupied territories had been returned to the Arabs and the full rights of the Palestinians had been fully restored.<sup>62</sup>

The representative of Israel stated that his Government and the world shared the sense of revulsion at the despicable act committed by a man who might well be mentally deranged and that the perpetrator would have to account for his deeds before a court of law. He deplored that certain countries had sought the Council meeting in order to exploit the misdeeds of one individual in order to fan the flames of religious hatred. Those same countries had over the years lent their support to a terrorist organization bent on destruction and murder in Israel and never condemned in any manner the banditry of the PLO. He underlined Israel's continued firm commitment to the protection of the Holy Places, in accordance with a law passed by the Knesset in 1967.<sup>63</sup>

The representative of the PLO offered a detailed account of the events at the Mosque and blamed the Israeli authorities for the incident that was reflective of Zionist methods and practices in Palestine. He renewed his organization's call for a peaceful settlement based on the recognition of the national inalienable right of the Palestinian people to self-determination, independence and the solution of their refugee problem.<sup>64</sup>

The representative of Iraq, speaking also in his capacity as Chairman of the Islamic Conference, denounced the criminal attack against the holy sanctuary as a manifestation of the colonialist mentality of the rulers in Tel Aviv. He expressed deep indignation at Israel's defiance of the resolutions of the Council and the General Assembly and called for

firm and decisive action by the Council to bring an end to the Israeli occupation of Arab territories, including the Holy City of Al-Quds.<sup>65</sup>

At the 2357th meeting, on 20 April 1982, the President drew the attention of the Council to a draft resolution<sup>66</sup> sponsored by Iraq, Jordan, Morocco and Uganda.

Under the draft resolution, in its preambular part, the Council would have referred to the letter dated 12 April 1982 conveying the request of King Hassan II and to the letter dated 13 April 1982 of the representative of Iraq, as well as to the message of King Hassan II and the statements made before the Council reflecting the universal outrage caused by the acts of sacrilege at the Haram Al-Sharif, one of the holiest places of mankind; taken note of the statement received from the Islamic Higher Council in Jerusalem concerning the shooting of worshippers by armed Israelis within the precincts of the Haram Al-Sharif; borne in mind the unique status of Jerusalem and, in particular, the need for protection and preservation of the spiritual and religious dimension of the Holy Places in the city; recalled its relevant resolutions pertaining to the status and character of the Holy City of Jerusalem; expressed deep concern over the sacrilegious acts perpetrated against the sanctity of the Haram Al-Sharif in Jerusalem on 11 April 1982 and the criminal acts of shooting at worshippers, particularly inside the sanctuary of the Dome of the Rock and the Al-Aqsa Mosque; expressed deep grief at the loss and injury of civilian life as a result of those criminal acts; and affirmed once more that the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 was applicable to all territories occupied since 1967, including Jerusalem.

In the operative part, the Council would have (a) condemned in the strongest terms the appalling acts of sacrilege perpetrated within the precincts of the Haram Al-Sharif; (b) deplored any act or encouragement of destruction or profanation of the Holy Places, religious buildings and sites in Jerusalem as tending to disturb world peace; (c) called upon Israel, the occupying Power, to observe and apply scrupulously the provisions of the Fourth Geneva Convention and the principles of international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Islamic Higher Council in Jerusalem; (d) requested the Secretary-General as he deemed appropriate to keep the Council fully informed on the implementation of the resolution; and (e) decided to remain seized of that serious matter.

At the same meeting, the draft resolution was put to the vote, received 14 votes in favour and 1 against and was not adopted owing to the negative vote of a permanent member of the Council.<sup>67</sup>

Following the vote, the representative of the United States stated that her Government strongly condemned the senseless act of violence that had occurred on 11 April 1982 at the Dome of the Rock. She stressed that the United States sought to decrease tensions in the area and prevent further acts of violence and added that the draft resolution would not have helped to achieve that objective. Her delegation had voted against the draft resolution because it would make new acts of violence more likely and because it contained language that implied that the responsibility for the terrible event lay with

the Israeli authorities. In conclusion, she pointed out that the long-standing position of the United States on the status of Jerusalem was not affected by the vote.<sup>68</sup>

**Decision of 2 August 1983 (2460th meeting): rejection of a 20-Power draft resolution**

By a letter dated 5 November 1982,<sup>69</sup> the representative of Morocco, in his capacity as Chairman of the Group of Arab States at the United Nations, requested that an urgent meeting of the Council be convened to consider what he termed the question of Israel's perseverance in its policy of establishing settlements in the occupied Arab and Palestinian territories.

In a letter dated 9 November 1982,<sup>70</sup> the representative of the Niger, Chairman of the Group of States members of the Organization of the Islamic Conference at the United Nations, requested on their behalf and jointly with the Group of Arab States at the United Nations the convening of a Council meeting to discuss Israel's announcement of the establishment of new settlements in the occupied territories.

At its 2401st meeting, on 12 November 1982, the Council included the two letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Morocco, the Niger and Senegal, at their request, to participate in the discussion without the right to vote.<sup>2</sup>

At the same meeting, the Council also decided, by a vote, and in accordance with the Council's previous practice, to extend an invitation to the representative of the PLO to participate in the debate on the item.<sup>71</sup> The Council further decided to extend an invitation to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to participate, at his request, under rule 39 of the provisional rules of procedure.<sup>72</sup>

The Council began its consideration of the item at its 2401st meeting, on 12 November 1982.

At the 2401st meeting, the representative of Morocco stated that the meeting had been requested to take up the grave issue of the illegal Israeli settlements in occupied Arab territory which constituted an intolerable provocation against the legitimate inhabitants of those areas and necessitated firmness of the Council in recalling its decisions demanding respect for the principles of the Charter of the United Nations and condemning Israel's violations of those principles in the troubled region of the Middle East.<sup>73</sup>

The representative of Jordan denounced the systematic and relentless Israeli policy of incarcerating the Palestinian people by colonization and confiscations. The annexation of Arab lands, initially creeping, but now openly admitted and leaping, consumed enormous financial and human resources, with a view to foreclosing any possibility of achieving a just and lasting peace in the Middle East. He offered a detailed account of the way the Israeli occupiers went about colonizing Arab land and cited among other sources the last report<sup>74</sup> of the Security Council Commission established under resolution 446 (1979), especially its conclusions regarding the Israeli settlement policy, and urged that the Commission be asked to report on recent developments regarding the accelerated establishment of new settlements.<sup>75</sup>

By a letter dated 8 February 1983,<sup>76</sup> the representative of Jordan, in his capacity as Chairman of the Group of Arab States at the United Nations, requested that the Council be convened immediately to

resume consideration of Israel's persistence in its policies of establishing settlements in the occupied Arab and Palestinian territories.

At its 2412th meeting, on 11 February 1983, the Council added the letter to the agenda adopted at the 2401st meeting and resumed consideration of the item. In addition to the representatives previously invited, the Council invited the following, at their request, to participate in the discussion without the right to vote: at the 2412th meeting, the representatives of Egypt, India, the Syrian Arab Republic, Yemen and Yugoslavia; at the 2413th meeting, the representatives of Algeria, Cuba, the German Democratic Republic, Iran (Islamic Republic of), Kuwait, Lebanon, Turkey and the United Arab Emirates, and at the 2414th meeting, the representatives of Democratic Yemen and Greece.<sup>2</sup> At the 2412th meeting, the Council also extended an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure.<sup>77</sup> The Council considered the item at its 2412th to 2414th meetings from 11 to 16 February 1983.

At the 2412th meeting, the representative of the Syrian Arab Republic warned with urgency that the Israeli annexation of occupied Arab territories had assumed the characteristics of an expansionist process that was seen as irrevocable by the Israelis and bound to result in the mass expulsion of the population in those areas. He gave the example of Jerusalem where more than 90,000 settlers had colonized the annexed portion of East Jerusalem and 30,000 others had settled more than 100 military outposts, thereby laying siege to the city. He pointed out that Israel's persistence in its annexation policy could only aggravate the volatile situation in the occupied territories. He called upon the Council to impose mandatory sanctions against Israel and to expel it from the family of the United Nations; if the Council failed to act, he suggested, some States might exercise their right to self-defence in order to repulse aggression.<sup>78</sup>

At the 2414th meeting, the representative of France stated that his Government condemned energetically the continuation of the Israeli settlements policy in the occupied territories and pointed out that the French refusal to accept any of the cases of the policy of *fait accompli* had been consistent since 1967, as it was contrary to the rules of international law. He called upon the Government of Israel to abide by the rules of international law and emphasized that lasting peace could be established in the area by dialogue, not by unilateral measures.<sup>79</sup>

At the end of the same meeting, the President announced that the date of the next meeting of the Council to continue consideration of the item would be determined in the course of consultations with members of the Council.<sup>80</sup>

By a letter dated 13 May 1983,<sup>81</sup> the representative of Qatar, in his capacity as Chairman of the Group of Arab States at the United Nations, requested that the Council be urgently convened to resume its consideration of the item on its agenda.

At its 2438th meeting, on 20 May 1983, the Council added the letter to the agenda adopted at the 2412th meeting and resumed consideration of the item. In addition to the representatives previously invited, the Council invited the representatives of Mali and Qatar, at their request, to participate in the discussion without the right to vote.<sup>2</sup>

At the same meeting, the representative of Qatar, speaking on behalf of the Group of Arab States at the United Nations, stated that the situation in the occupied Arab territories continued to deteriorate as a result of the Israeli occupation policies. He noted with great regret that the United Nations not only had been unable to restore the usurped rights of the Palestinian people, but had also proved incapable of restraining the usurper. The reason for the failure of the United Nations could be attributed to the protection afforded to Israel by the United States. The effect of that political support had spread to the Council, where the right of veto, or the threat to use it, had transformed the Council into another forum for speeches without considering the most elementary rules of justice. He called upon the Council to remove the restrictions that had so far prevented the imposition of sanctions against Israel under Chapter VII of the Charter.<sup>82</sup>

At the end of the same meeting, the President announced that the Council would continue its consideration of the item on a date to be set after consultations with the members.<sup>83</sup>

In a letter dated 27 July 1983,<sup>84</sup> the representative of Democratic Yemen, in his capacity as Chairman of the Group of Arab States at the United Nations, requested an immediate meeting of the Council to discuss the situation in the occupied Arab territories.

At its 2457th meeting, on 28 July 1983, the Council added the letter to the agenda adopted at the 2438th meeting and resumed consideration of the item. In addition to the representatives previously invited, the Council invited the following, at their request, to participate in the discussion of the question without the right to vote: at the 2457th meeting, the representatives of Afghanistan and Malaysia; at the 2459th meeting, the representatives of Bahrain, Bangladesh, Djibouti, Iraq, the Libyan Arab Jamahiriya, Mauritania, Oman, Saudi Arabia, Somalia, the Sudan and Tunisia; and at the 2460th meeting, the representative of Israel.<sup>2</sup> The Council considered the item at its 2457th to 2461st meetings, from 28 July to 2 August 1983.

At the 2457th meeting, the representative of Jordan stated that the annexation of the occupied Arab territories, especially the West Bank, was the central aim in the policy of the Israeli Government. He held Israel's settlement policy to be illegal and illegitimate, geared towards permanency of the new settlements. He charged that the recent atrocities in Hebron reflected the systematic terrorism in the occupied towns and villages, which served to empty systematically those areas that had been taken by Israel. He also suggested that accurate monitoring of the location of the Israeli settlements clearly revealed the long-range Israeli aims of disrupting any economic, demographic or geographic continuity between the Arab villages and cities. The use of religious, historic or security concerns served to distort the real purposes of the settlement policy.

He added that the Israeli settlement policies had forced Israel to follow an expansionist militaristic logic seeking to expand its security zone for those settlements and seeking living resources, especially water, in the occupied territories. He charged that there was a clear relationship between the failure of various peace endeavours and the escalation of the settlement programmes. He deplored the inability of the United Nations, especially the Council, to re-

spond appropriately to the worsening situation, but expressed determination to pursue peace through those institutions.<sup>85</sup>

At the 2459th meeting, on 1 August 1983, the President drew attention to the text of a draft resolution<sup>86</sup> submitted by Algeria, Bahrain, Democratic Yemen, Djibouti, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen.

Under the draft resolution, in its preambular part, the Council would have referred to the statement of the representative of Jordan at the 2457th meeting and the letter dated 27 July 1983 from the representative of Democratic Yemen; stressed the urgent need to achieve a comprehensive, just and lasting peace in the Middle East; and affirmed that the situation in the occupied Arab territories remained grave and volatile, that the Israeli settlement policies and practices constituted a major obstacle to all efforts and initiatives towards a comprehensive, just and lasting peace in the Middle East, and that the regulations annexed to The Hague Conventions of 1907 and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 were applicable to the Arab territories occupied by Israel in 1967, including Jerusalem.

In the operative part, the Council would have (a) reaffirmed all its relevant resolutions; (b) determined that the policies and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied in 1967, including Jerusalem, had no legal validity, constituted a major and serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East and were in contravention of article 49 (6) of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; (c) called once more upon Israel, the occupying Power, to abide scrupulously by the provisions of the above-mentioned Geneva Convention, to rescind its previous measures, to desist from taking any action that would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied in 1967 and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories and to force transfers of Arab population from those territories; (d) strongly deplored the continuation and persistence of Israel in pursuing those policies and practices and called upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements, to desist from expanding and enlarging the existing ones and, in particular, to cease on an urgent basis from the planning, construction and establishment of new settlements in Arab territories occupied in 1967, including Jerusalem; (e) rejected all Israeli arbitrary and illegal actions, especially those that resulted in the expulsion, deportation and forcible transfers of Arab populations from the occupied Arab territories; (f) condemned the recent attacks perpetrated against the Arab civilian population in the occupied Arab territories, especially the killing and wounding of students at the Islamic University of the Arab city of Al-Khalil on 26 July 1983; (g) called upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories; (h) reaffirmed its determination,



in the event of non-compliance by Israel with the resolution, to examine practical ways and means in accordance with relevant provisions of the Charter to secure the full implementation of the resolution; (i) decided to keep the situation in the occupied Arab territories under constant and close scrutiny; and (j) requested the Secretary-General to report to the Council within three months on the implementation of the resolution.

At the 2461st meeting, on 2 August 1983, the representative of Israel stated that his Government had unreservedly condemned the murders perpetrated in the city of Hebron, but wondered why the Council had not raised its voice when a few weeks earlier a Jewish student at a religious seminary in Hebron had been stabbed to death by several assailants. He further refuted charges of mass poisoning of Palestinian schoolgirls at several schools in the West Bank and explained that those incidents could not be blamed on the Israeli authorities. He appealed again to the Arab neighbours to recognize Israel's existence and its right to exist and to negotiate without prior conditions.<sup>87</sup>

At the same meeting, the representative of Jordan, on behalf of the States members of LAS, introduced the draft resolution co-sponsored by 20 States and called upon the Council to adopt the text, which was moderate and well-balanced.<sup>87</sup>

Before the vote, the representative of Zaire indicated that the draft resolution, if endorsed by the Council, like others in the past would not lead to actions and thereby would undermine the credibility of the Council. He added that paragraph 6 was not balanced and that his delegation would abstain in the vote.<sup>87</sup>

At the same meeting, the draft resolution was put to the vote, received 13 votes in favour and 1 against, with 1 abstention, and was not adopted, owing to the negative vote of a permanent member of the Council.<sup>88</sup>

Following the vote, the representative of the United States said that the draft resolution had not adequately addressed the recent series of criminal attacks in the West Bank. Although his delegation supported several elements in the draft, other parts were wholly unacceptable to the United States, thus resulting in a negative vote. While the United States remained opposed to the Israeli settlements policy, there was nothing to sustain the implication in the text that Israel had carried out forcible transfers of Arabs from the occupied territories. He added that the settlements constituted an obstacle to a fair and lasting peace in the Middle East, but that his Government saw no sense in calling for the dismantling of the settlements before the peace negotiations were begun and in arguing whether or not the Israeli settlements were illegal. He deplored rhetoric and polarization in the United Nations as they exacerbated the relations between the protagonists, instead of inducing them to come to the bargaining table.<sup>87</sup>

#### Decision of 4 April 1983: statement of the President

By a letter dated 31 March 1983,<sup>89</sup> the representative of Iraq, in his capacity as Chairman of the Group of Arab States at the United Nations, requested an urgent meeting of the Council to discuss the serious situation arising from the cases of mass poisoning in the occupied West Bank.

On 4 April 1983, the President made the following statement on behalf of the members of the Council:<sup>90</sup>

The members of the Security Council have met in informal consultations with great concern on 4 April 1983 to discuss cases of mass poisoning in the occupied Arab territory of the West Bank as referred to in document S/15673.

The members of the Council request the Secretary-General to conduct independent inquiries concerning the causes and effects of the serious problem of the reported cases of poisoning and urgently to report on the findings.<sup>91</sup>

#### NOTES

<sup>1</sup> S/14791, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

<sup>2</sup> For details, see chap. III of the present *Supplement*.

<sup>3</sup> 2316th mtg., para. 2.

<sup>4</sup> *Ibid.*, paras. 7-17.

<sup>5</sup> *Ibid.*, paras. 20-46.

<sup>6</sup> *Ibid.*, paras. 50-58.

<sup>7</sup> *Ibid.*, paras. 62-72.

<sup>8</sup> *Ibid.*, paras. 73-77.

<sup>9</sup> 2317th mtg., paras. 5-12.

<sup>10</sup> *Ibid.*, paras. 15-24.

<sup>11</sup> *Ibid.*, paras. 25-32.

<sup>12</sup> *Ibid.*, paras. 88-92.

<sup>13</sup> 2318th mtg., paras. 20-44.

<sup>14</sup> 2319th mtg., paras. 19-27.

<sup>15</sup> *Ibid.*, para. 28.

<sup>16</sup> S/14798, adopted without change as resolution 497 (1981).

<sup>17</sup> See 2319th mtg., para. 29, for the vote. For further details, see chap. IV of the present *Supplement*.

<sup>18</sup> 2319th mtg., paras. 31-35.

<sup>19</sup> *Ibid.*, paras. 37-40.

<sup>20</sup> S/14805, dated 21 December 1983, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*, and S/14821, dated 31 December 1983, *ibid.*

<sup>21</sup> For the vote and discussion, see 2322nd mtg., paras. 17-22. See also chap. III of the present *Supplement*.

<sup>22</sup> 2322nd mtg., paras. 23 and 24.

<sup>23</sup> *Ibid.*, paras. 32-70. Similar views were expressed at the same meeting by Jordan, Kuwait, the Lao People's Democratic Republic and Senegal; at the 2323rd meeting by Bangladesh, Cuba, Democratic Yemen and Sri Lanka and by Mr. Maksoud; at the 2324th meeting by Algeria, India, the Libyan Arab Jamahiriya, Pakistan, the Sudan, Yemen and Yugoslavia and by the PLO; at the 2325th meeting by the German Democratic Republic, Hungary, Iraq, Morocco, Nicaragua, Qatar, Saudi Arabia and Viet Nam; at the 2326th meeting by Afghanistan, Bulgaria, Guyana and Mongolia; at the 2327th meeting by Czechoslovakia, Indonesia, Mauritania, Oman and Uganda; at the 2328th meeting by Burundi, China, Poland, Togo and the United Arab Emirates; and at the 2329th meeting by Grenada and the President, speaking in his capacity as representative of the USSR.

<sup>24</sup> 2322nd mtg., paras. 154-170.

<sup>25</sup> S/14832, *OR*, 37th yr., *Suppl. for Jan.-March 1982*. The draft was subsequently revised, but failed of adoption, owing to the negative vote of a permanent member.

<sup>26</sup> 2328th mtg., paras. 3-19.

<sup>27</sup> 2329th mtg., paras. 124-152.

<sup>28</sup> *Ibid.*, paras. 156-161.

<sup>29</sup> In S/14832/Rev.1, operative paragraph 4 was deleted, and operative paragraphs 5-9 were renumbered as 4-8. In the last preambular paragraph, the explicit invocation of Articles 39 and 41 was replaced by "relevant provisions of Chapter VII". For the text, see *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>30</sup> For the vote, see 2329th mtg., para. 16. See also chap. IV of the present *Supplement*.

<sup>31</sup> 2329th mtg., paras. 168-174.

<sup>32</sup> *Ibid.*, paras. 196-199.

<sup>33</sup> That request was made at the end of the 2329th meeting, *ibid.*, paras. 222 and 223.

<sup>34</sup> S/14848, adopted without change as resolution 500 (1982).

<sup>35</sup> 2330th mtg., para. 3.

<sup>36</sup> *Ibid.*, paras. 6 and 7.

<sup>37</sup> *Ibid.*, paras. 12-20.

<sup>38</sup> For the vote, see *ibid.*, para. 22. See also chap. IV of the present *Supplement*.

<sup>39</sup> 2330th mtg., paras. 26-31. The representative of the United Kingdom expressed similar concerns in explaining his delegation's abstention.

<sup>40</sup> *Ibid.*, paras. 35-38.

<sup>41</sup> S/14917, *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>42</sup> For the vote and the statement by the President in his capacity as representative of the United States, see 2334th mtg., paras. 2-8. See also chap. III of the present *Supplement*.

<sup>43</sup> 2334th mtg., paras. 9 and 10.

<sup>44</sup> *Ibid.*, paras. 14-29.

<sup>45</sup> *Ibid.*, paras. 33-55.

<sup>46</sup> *GAOR*, 36th sess., *Suppl. No. 35 (A/36/35)*, paras. 49-53.

<sup>47</sup> General Assembly resolution 36/120 D.

<sup>48</sup> 2334th mtg., paras. 60-65. Views similar to those expressed by the first three speakers were expressed at the same meeting by Egypt, Pakistan and the Syrian Arab Republic, and by Mr. Maksoud; at the 2338th mtg. by Jordan, Morocco and Turkey; at the 2340th mtg. by the German Democratic Republic and Iran; and at the 2344th mtg. by Algeria, Bangladesh, Cuba, India, Iraq, the Libyan Arab Jamahiriya, Viet Nam, Yemen and Yugoslavia.

<sup>49</sup> 2334th mtg., paras. 135-141.

<sup>50</sup> S/14943, *OR*, 37th yr., *Suppl. for April-June 1982*. The draft resolution failed of adoption owing to the negative vote of a permanent member.

<sup>51</sup> 2348th mtg., para. 3.

<sup>52</sup> *Ibid.*, paras. 5-8.

<sup>53</sup> For the vote, see *ibid.*, para. 9. See also chap. IV of the present *Supplement*.

<sup>54</sup> 2348th mtg., paras. 11-15.

<sup>55</sup> *Ibid.*, paras. 16-20.

<sup>56</sup> *Ibid.*, paras. 66-73.

<sup>57</sup> S/14967, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>58</sup> S/14969, *ibid.*

<sup>59</sup> For the vote and discussion, see 2352nd mtg., paras. 2-7. See also chap. III of the present *Supplement*.

<sup>60</sup> 2352nd mtg., paras. 8 and 9.

<sup>61</sup> *Ibid.*, paras. 12-15.

<sup>62</sup> *Ibid.*, paras. 16-40.

<sup>63</sup> *Ibid.*, paras. 42-49.

<sup>64</sup> *Ibid.*, paras. 51-83.

<sup>65</sup> *Ibid.*, paras. 86-94. Similar views were expressed at the 2353rd mtg. by Malaysia, Pakistan and Saudi Arabia and by Mr. Maksoud; at the 2354th mtg. by Bangladesh, Guinea, Indonesia, Iran, Senegal, Sudan and Turkey; at the 2355th meeting by China, India and the Libyan Arab Jamahiriya; at the 2356th mtg. by Djibouti, Somalia, the USSR and the United Arab Emirates; and at the 2357th mtg. by Kuwait and Poland.

<sup>66</sup> S/14985, *OR*, 37th yr., *Suppl. for April-June 1982*. The draft resolution was not adopted, owing to the negative vote of a permanent member.

<sup>67</sup> See 2357th mtg., para. 101, for the vote. See also chap. IV of the present *Supplement*.

<sup>68</sup> 2357th mtg., paras. 107-116.

<sup>69</sup> S/15481, *OR*, 37th yr., *Suppl. for Oct.-Dec. 1982*.

<sup>70</sup> S/15483, *ibid.*

<sup>71</sup> For the discussion and vote, see 2401st mtg., paras. 9-16. See also chap. III of the present *Supplement*.

<sup>72</sup> See 2401st mtg., paras. 17 and 18.

<sup>73</sup> *Ibid.*, paras. 26-44.

<sup>74</sup> S/14268, dated 25 November 1980, *OR*, 35th yr., *Suppl. for Oct.-Dec. 1980*.

<sup>75</sup> 2401st mtg., paras. 49-70. Similar views were expressed at the same meeting by the Niger, the PLO and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

<sup>76</sup> S/15599, *OR*, 38th yr., *Suppl. for Jan.-March 1983*.

<sup>77</sup> 2412th mtg.

<sup>78</sup> *Ibid.* Similar views were expressed at the 2412th mtg. by Egypt, India, Yemen and Yugoslavia and by the PLO; at the 2413th mtg. by Algeria, China, Guyana, the Islamic Republic of

Iran, Jordan, Malta, Pakistan, Poland, Turkey and Zimbabwe; and at the 2414th mtg. by Cuba, Democratic Yemen, the German Democratic Republic, Kuwait, Nicaragua and the United Arab Emirates, and by the President, speaking in his capacity as representative of the Soviet Union.

<sup>79</sup> 2414th mtg. Similar views were expressed at the same meeting by the Netherlands and the United Kingdom.

<sup>80</sup> 2414th mtg.

<sup>81</sup> S/15764, *OR*, 38th yr., *Suppl. for April-June 1983*.

<sup>82</sup> 2438th mtg. Similar views were expressed at the same meeting by India, the Syrian Arab Republic and the PLO. The spokesman for the PLO offered a very detailed description of recent violence in the occupied territories.

<sup>83</sup> 2438th mtg.

<sup>84</sup> S/15890, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>85</sup> 2457th mtg. Similar views were expressed at the same meeting by the representatives of Democratic Yemen, India and Pakistan, and by the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Observer for the PLO; at the 2458th mtg. by the representatives of Egypt and the USSR; at the 2459th mtg. by the representatives of Bangladesh, China, Cuba, Kuwait and the Syrian Arab Republic and by Mr. Maksoud; at the 2460th mtg. by Afghanistan, Bahrain, the Libyan Arab Jamahiriya, Nicaragua, Poland, Saudi Arabia, the Sudan and Yugoslavia; and at the 2461st mtg. by Djibouti, the German Democratic Republic, Mauritania, Morocco and Togo.

<sup>86</sup> S/15895, *OR*, 38th yr., *Suppl. for July-Sept. 1983*. The draft was not adopted owing to the negative vote of a permanent member of the Council.

<sup>87</sup> 2461st mtg.

<sup>88</sup> *Ibid.* See also chap. IV of the present *Supplement*.

<sup>89</sup> S/15673, *OR*, 38th yr., *Suppl. for Jan.-March 1983*. See also the letter dated 30 March 1983 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (S/15667, *ibid.*) and the letter dated 3 April from the representative of Israel (S/15674, *ibid.*, *Suppl. for April-June 1983*) rejecting the changes.

<sup>90</sup> S/15680, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*. See also the letter dated 5 April 1983 from the representative of Israel rejecting the Council's statement (S/15683, *ibid.*, *Suppl. for April-June 1983*).

<sup>91</sup> The Secretary-General submitted a report dated 10 May 1983 to which a report of the Director-General of WHO was annexed (S/15756, *ibid.*).

#### 4. THE SITUATION IN CYPRUS

**Decision of 4 June 1981 (2279th meeting): resolution 486 (1981)**

On 27 May 1981, before the mandate of the United Nations Peace-keeping Force in Cyprus (UNFICYP) was due to expire, the Secretary-General submitted to the Council a report<sup>1</sup> covering the period from 1 December 1980 to 27 May 1981. In his report, the Secretary-General stated that within the framework of the mission of good offices entrusted to him by the Council the intercommunal talks in Cyprus had continued in a generally constructive atmosphere, although with limited practical results. A more intensive pace for those deliberations was planned as from the beginning of July. The Secretary-General concluded that the continued presence of UNFICYP remained necessary, both in helping to maintain calm on the island and in creating the conditions under which the search for a peaceful settlement could best be pursued, and he therefore recommended to the Council that it extend the mandate of UNFICYP for a further period of six months. In an addendum<sup>2</sup> issued on 4 June, the Secretary-General indicated that, following consultations, the parties concerned had signified their concurrence with the proposed extension.

At its 2279th meeting, on 4 June 1981, the Council included the report of the Secretary-General in its agenda under the item "The situation in Cyprus" and invited, at their request, the representatives of Cyprus, Greece and Turkey<sup>3</sup> to participate in the discussion without the right to vote. The Council also invited Mr. Nail Atalay<sup>4</sup> to participate under rule 39 of the provisional rules of procedure. The Council considered the item at its 2279th meeting.

At the outset of the meeting, the President put to the vote a draft resolution<sup>5</sup> prepared in the course of consultations, which was adopted by 14 votes in favour to none against, with no abstentions, as resolution 486 (1981).<sup>6</sup> The resolution reads as follows:

*The Security Council,*

*Taking note* of the report of the Secretary-General on the United Nations operation in Cyprus of 27 May 1981,

*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 1981,

*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 December 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 30 November 1981.

Following the vote, the Secretary-General assured the Council that he was taking steps to give effect to the resolution just adopted. Concerning his mission of good offices, he referred to his report<sup>1</sup> of 27 May 1981 and observed that the intercommunal talks<sup>7</sup> were scheduled to enter a more active phase at the beginning of July.<sup>8</sup>

The representative of Cyprus stated that both his biannual appearance before the Council and the resolution just adopted, while essential for the preservation of peaceful conditions, were at the same time a sad commentary on the ability of the United Nations to apply the principles of the Charter and the peremptory norms of international law to a small and defenceless country in whose case they had been violated. He noted that while the talks were still alive they had as yet produced no results whatsoever, and he hoped that when he appeared before the Council again in six months' time he would have something positive to report on them.<sup>9</sup>

The representative of Greece asserted that the extension of the mandate of UNFICYP represented an admission of failure on the part of the United Nations in its mission of guaranteeing the independence and territorial integrity of its Members, particularly the small countries. Despite the praiseworthy efforts of the Secretary-General and his colleagues and the dedication of the Force no real progress had been made in the dialogue. The intercommunal talks

had reached a turning-point and could not be extended indefinitely, and this might be the last opportunity to achieve an agreement which would maintain the independence, unity, territorial integrity and non-alignment of the Republic of Cyprus.<sup>10</sup>

Mr. Nail Atalay stated that the reference in the resolution to the Greek Cypriot administration as the so-called Government of Cyprus made the resolution unacceptable to the Turkish Cypriot side. He stressed that the principle of the equality of the two communities must be maintained whenever and wherever there had to be a reference to the intercommunal talks or to the respective status of each community. Moreover, the *modus operandi* of UNFICYP would have to be changed and its mandate revised accordingly, since under the terms of resolution 186 (1964), which provided that it was to prevent a recurrence of fighting and contribute to the restoration of law and order and a return to normal conditions, it had no legitimate function to perform in the north of Cyprus. If UNFICYP were adjusted to the present realities of Cyprus, 30 per cent of its personnel would suffice to control the cease-fire lines and thus adequately fulfil its mandate. In addition, the wording of the fifth preambular paragraph and paragraph two of the resolution did not accurately reflect the fact that the intercommunal talks had been resumed and were continuing on the basis of the Secretary-General's opening statement of 9 August 1980,<sup>11</sup> which incorporated the high-level agreement of 12 February 1977, the 10-point agreement of 19 May 1979 and other important elements; however, he would not insist on a change in the wording so as not to create an impasse.<sup>12</sup>

The representative of Turkey asserted that in the current circumstances the discussion in the Council was both inappropriate and harmful to the search for a solution by means of the intercommunal negotiations. His Government was satisfied at the continuation of the intercommunal talks, which were the only valid means for arriving at a just and lasting solution to the problem of Cyprus, and reiterated its support for, and co-operation with, the Secretary-General in his mission of good offices. However, he objected to references to the "Government of Cyprus" in the Secretary-General's report and in the third preambular paragraph of the resolution the Council had just adopted. His delegation's position concerning that title was well-known and remained unchanged, and all of Turkey's reservations regarding previous Council resolutions referred to in the current resolution remained unchanged. He noted as well that the Council had not adopted the wording his delegation had proposed for paragraph 2 of the resolution, which would have referred to the Secretary-General's statement of 9 August 1980<sup>11</sup> as providing the framework for the resumption of the intercommunal talks, and stressed that his Government nevertheless interpreted the text of the resolution, and particularly the reference to the resumption of the talks, in that light.<sup>13</sup>

**Decision of 14 December 1981 (2313th meeting):**  
resolution 495 (1981)

On 1 December 1981, the Secretary-General submitted a report<sup>14</sup> covering the period from 28 May to 30 November 1981. He noted that during the period under review UNFICYP had continued to perform its peace-keeping functions by supervising the cease-fire lines, providing security in the area between the

lines, looking after the safety and welfare of Cypriots residing in areas under the control of the other community and supporting relief operations co-ordinated by the Office of the United Nations High Commissioner for Refugees (UNHCR). These activities had made a major contribution to maintaining calm in the island. During the same period the search for a solution of the Cyprus problem had undergone a rapid evolution, with both sides in the intercommunal talks submitting new or revised proposals which included for the first time concrete arrangements as the proposed basis for a comprehensive settlement. On 22 October 1981, the Special Representative of the Secretary-General had submitted on his behalf an evaluation paper drawn up in the exercise of his mission of good offices which analysed the positions of the parties. The Secretary-General expressed the hope that the consideration of that paper would mark the beginning of a new and fruitful phase in the search for a negotiated settlement. He concluded that, under the circumstances, the continued presence of UNFICYP remained necessary and recommended to the Council that it extend the mandate of UNFICYP for a further period of six months. In an addendum<sup>15</sup> dated 14 December 1981, the Secretary-General indicated that, following consultations, the concerned parties had signified their concurrence with the proposed extension.

At its 2313th meeting, on 14 December 1981, the Council included the report of the Secretary-General in its agenda and invited, at their request, the representatives of Cyprus, Greece and Turkey<sup>16</sup> to participate in the discussion without the right to vote. The Council also invited Mr. Nail Atalay<sup>17</sup> to participate in accordance with rule 39 of its provisional rules of procedure. The Council considered the item at its 2313th meeting.

The President drew the attention of the members of the Council to a draft resolution<sup>18</sup> prepared in the course of consultations, which he then put to the vote. It was adopted unanimously<sup>19</sup> as resolution 495 (1981), and 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 1981,

*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 1981,

*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 1982;

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 1982.

In explanation of the vote, the representative of China pointed out that, for historical and political reasons, China had until then adhered to a well-

known position *vis-à-vis* United Nations peace-keeping operations. However, having taken into consideration the changes in the international arena and the evolution in the role of the peace-keeping operations, his delegation would from then on actively consider and support such United Nations peace-keeping operations as were conducive to the maintenance of international peace and security and to the preservation of the sovereignty and independence of the States concerned, in strict conformity with the purposes and principles of the Charter.<sup>20</sup>

The Secretary-General observed that after almost 18 years of United Nations involvement in Cyprus the problem was still far from a solution, leading some, perhaps, to question whether the United Nations road to peaceful accord, involving the concurrent use of peace-keeping and good offices, had justified its political and financial cost. However, considering the enormously complex pattern of conflicting interests involved, it would have been idle to look towards an immediate solution. By managing effectively to keep the threatening situation on the ground under control and maintaining the peace, the United Nations had helped to create conditions conducive to the search for a political settlement of the underlying dispute. Instead of confrontation there had been gradual movement, and the pace of that movement had been distinctly accelerated over the past few months. He appealed to all the parties concerned not to allow impatience to obscure a sober assessment of the progress achieved, nor to lose sight of the great distance that remained to be travelled. Calling for greater efforts, greater restraint and more concrete achievements, he concluded that the path had been charted, and while the obstacles were formidable, he was convinced that with the co-operative efforts of all concerned they could be overcome.<sup>21</sup>

The representative of Cyprus indicated that his Government found the Secretary-General's evaluation of the status of the negotiations helpful and hoped it would pave the way to a more productive phase in the talks. However, it had never been meant to form the basis for the negotiations, which was, and always would be, the United Nations resolutions and the two high-level agreements, including the priority on Varosha. He noted that, as a gesture of good will, his Government had agreed to the adjournment of the debate on the question of Cyprus during the thirty-fifth session of the General Assembly in the previous year and again during the current year's regular Assembly session, but if the talks did not register progress within a reasonable time they would ask for, and have, a full-fledged debate and a resolution during a resumed session of the Assembly. That was not meant as a threat, but if the other side did not reciprocate his Government's good will, determination and *bona fides* to achieve progress then they would have to act to safeguard the interests of their country, both in the United Nations and in every other available forum.<sup>22</sup>

The representative of Greece stated that, while UNFICYP had contributed greatly to the stabilization of the situation in Cyprus and was rendering invaluable services to all the Cypriots, it would be a fatal mistake to consider the peace-keeping operation as a goal in itself. He claimed that it was because the Turkish Cypriot proposals had been so unsatisfactory that the Secretary-General had found it necessary to play a more active role in the negotiations within his

mandate of good offices, and had thus presented the parties with his evaluation of the various aspects of the problem, which the Government of Cyprus had accepted as a vehicle for advancing the negotiations. His Government found that to be a constructive and helpful step, and was committed to helping to find a solution that would be consistent with the relevant resolutions of the General Assembly and the Council and the high-level agreements of 1977 and 1979.<sup>23</sup>

Mr. Nail Atalay reiterated his objection to the terminology referring to the Government of Cyprus contained in the resolution just adopted, and once again referred to the need to alter the *modus operandi* of UNFICYP. In addition, he asserted that the fifth preambular paragraph and paragraph 2 of the resolution did not accurately reflect the actual basis on which the talks were continuing, which now included, in addition to those elements he had mentioned at the Council's 2279th meeting in connection with resolution 486 (1981), the Secretary-General's recent evaluation paper. The Turkish Cypriot side supported the efforts of the Secretary-General and had accepted the evaluation paper as the framework and the basis for the intercommunal negotiations. He stressed that the Cyprus problem was a matter between the two communities and that a just and lasting solution could be found only through intercommunal talks held on an equal footing. The Turkish Cypriot side was determined to do all it could to keep the process of the intercommunal talks alive, despite the unconstructive attitude of the other side.<sup>24</sup>

The representative of Turkey declared that, following 16 months of uninterrupted talks, the intercommunal talks had reached a crucial stage. The Turkish Government endorsed the view expressed by the Secretary-General concerning his evaluation paper in paragraph 56 of his report and fully supported the Turkish Cypriot proposal that the Secretary-General's evaluation paper should constitute the framework for the intercommunal negotiations. He regretted that the resolution lacked any encouragement for the two communities along the lines of paragraph 56 of the Secretary-General's report. Commenting on the reference to the Government of Cyprus contained in the third preambular paragraph of the resolution just adopted, the Turkish representative stated that Turkey did not recognize that status as belonging to the leaders of the Greek Cypriot community, who had placed themselves in the position of usurpers of that title. The Republic of Cyprus would not have a legal and legitimate government until, through the intercommunal negotiations, the bicomunal essence of the Republic guaranteed by international treaty had been restored, with each community having its own federated state within a biregional and bicomunal framework.<sup>25</sup>

**Decision of 15 June 1982 (2378th meeting): resolution 510 (1982)**

In a report<sup>26</sup> covering the period from 1 December 1981 to 31 May 1982, submitted on 1 June 1982, the Secretary-General noted that during the period under review the search for a negotiated, just and lasting settlement of the Cyprus problem had entered a new phase. Under the auspices of his Special Representative the two interlocutors at the intercommunal talks had embarked on a systematic review of the main elements of the constitutional aspect using the evaluation paper as a framework for the talks. They had

succeeded in arriving at "points of coincidence" in a number of cases, which did not mean that the major substantive elements of the Cyprus problem were about to be resolved, but that they were being systematically reconsidered, reformulated and reduced. When this task had been completed it would still be necessary to undertake the politically challenging enterprise of devising solutions for major constitutional and territorial issues. The Secretary-General concluded that the continued presence of UNFICYP remained necessary and recommended to the Council that it extend the mandate of UNFICYP for a further period of six months. In an addendum issued on 14 June 1982<sup>27</sup> the Secretary-General stated that the parties concerned had agreed to the proposed extension.

At its 2378th meeting, on 15 June 1982, the Council included the report of the Secretary-General in its agenda and invited, at their request, the representatives of Cyprus, Greece and Turkey<sup>28</sup> to participate in the discussion without the right to vote. The Council also invited Mr. Nail Atalay<sup>29</sup> under rule 39 of the Council's provisional rules of procedure. The Council considered the report of the Secretary-General at its 2378th meeting.

At the beginning of the 2378th meeting, the President put to the vote a draft resolution<sup>30</sup> that had been prepared in the course of consultations. The draft resolution received 15 votes in favour and was adopted unanimously as resolution 510 (1982).<sup>31</sup> It reads as follows:

*The Security Council,*

*Taking note* of the report of the Secretary-General on the United Nations operation in Cyprus of 1 June,

*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 on the island it is necessary to keep the Force in Cyprus beyond 15 June 1982,

*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 December 1982;

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 30 November 1982.

The representative of Cyprus stated that the problem of Cyprus was not one of differences between the two communities or of religious differences, but rather a problem of the invasion and occupation of a small, non-aligned country striving to protect its independence against the expansionist policy of a large and powerful neighbouring country. Pointing to the strategic location of Cyprus and to the number of years that the problem had been before the General Assembly and the Council, he stated that the problem of Cyprus was international in nature, and directly affected the peace and security of the area and of the world in general. Despite the provisions of the many resolutions adopted by the Assembly and the Council

there had been no withdrawal of the Turkish troops, no refugees had been permitted to return to their homes, and the intercommunal talks had failed to achieve any progress on matters of substance.

He called upon the Council and countries not members of the Council to bring pressure to bear upon Turkey to end its aggression and to withdraw its troops from Cyprus. He referred to the proposal of the President of the Republic of Cyprus for the total disarmament and demilitarization of Cyprus and the creation of a mixed Greek-Turkish Cypriot police force under the control of an international United Nations police force, and cited the positive response of his President to the proposal of the Prime Minister of Greece, who had offered to withdraw the Greek contingent stationed in Cyprus under the 1960 Agreements<sup>32</sup> provided that the Turkish troops were also withdrawn and a United Nations police force was stationed in Cyprus. Pledging his country's support for the strengthening of the United Nations, he declared that if the world community, through the United Nations, did not choose to give the Organization the means to carry out its task there would be no end to the aggressive use of force.<sup>33</sup>

The representative of Greece stated that free and meaningful negotiations between the Greek Cypriots and the Turkish Cypriots were inconceivable as long as a substantial part of the Republic of Cyprus remained under military occupation. Since both communities were concerned about their security his Government had proposed that, along with the Greek contingent, the Turkish troops should withdraw from Cyprus and an enlarged United Nations peace-keeping force should be established. His Government was willing to assume all the additional expenses that such an increase of the Force would entail. After that step, intercommunal talks should start with a view to drafting a constitution which would be based on internationally recognized safeguards for the protection of minorities. A demilitarization of the Republic of Cyprus, coupled with international guarantees, should complement the settlement in order to meet further security demands of the parties concerned.<sup>34</sup>

Mr. Nail Atalay affirmed that, as stated in the report of the Secretary-General, progress was beginning to be made at the intercommunal talks. However, the Turkish Cypriot community was concerned about the future of the talks as a result of certain actions of the Greek Cypriot leaders and certain statements by the Prime Minister of Greece.<sup>35</sup>

The representative of Turkey noted at the outset that, in the light of the positive developments that had taken place since the resumption of the intercommunal talks and the fact that the search for a solution in Cyprus was continuing steadily, his Government would have wished to avoid a discussion that was certain to involve acrimonious exchanges, whereas the renewal of the mandate of UNFICYP was a formality. He further stated that, in the view of the Turkish Government, the encouragement of the intercommunal talks was the best way to arrive at a solution in Cyprus, and any action or initiative that could jeopardize the talks or encourage those who desired to internationalize the problem should be avoided as it would result in a breakdown of the talks between the two communities.<sup>36</sup>

**Decision of 14 December 1982 (2405th meeting):**  
resolution 526 (1982)

On 1 December 1982, the Secretary-General submitted to the Council a report<sup>37</sup> on UNFICYP covering the period from 1 June to 30 November 1982. He indicated that the new phase of his mission of good offices, which had been initiated at the intercommunal talks on 7 January 1982, had continued at a steady pace and in a constructive atmosphere during the reporting period. The interlocutors, who continued to follow the evaluation paper submitted by his Special Representative, had completed the discussion of almost all of the constitutional aspects and were about to begin an examination of the territorial aspect. He hoped that the parties concerned would demonstrate the political will necessary to undertake the next phase of the negotiations as soon as possible. The Secretary-General concluded that the continued presence of UNFICYP remained necessary, and recommended to the Council that it extend the mandate of UNFICYP for a further period of six months. In an addendum issued on 13 December 1982,<sup>38</sup> the Secretary-General stated that the parties concerned had agreed to the extension.

At its 2405th meeting, on 14 December 1982, following the inclusion of the Secretary-General's report in the agenda, the Council invited, at their request, the representatives of Cyprus, Greece and Turkey<sup>39</sup> to participate in the discussion without the right to vote, and invited Mr. Nail Atalay<sup>40</sup> under rule 39 of its provisional rules of procedure. The Council considered the report of the Secretary-General at its 2405th meeting.

The President drew the attention of the Council to a draft resolution<sup>41</sup> prepared in the course of consultations, which he then put to the vote. The draft resolution was adopted by 15 votes in favour<sup>42</sup> as resolution 526 (1982). The resolution reads as follows:

*The Security Council,*

*Taking note* of the report of the Secretary-General on the United Nations operation in Cyprus of 1 December 1982,

*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 1982,

*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 1983;

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 1983.

The representative of Cyprus declared that the principle of the non-use of force in international relations enshrined in Article 2, paragraph 4, of the Charter of the United Nations was being violated in Cyprus and stated that if the resolutions and decisions of the United Nations continued to be disregarded the reputation of the Organization would be further eroded, as its credibility depended upon its

living up to its decisions. Regarding the intercommunal talks, he maintained that, except for identifying the negotiating positions of both sides, no substantive progress had been achieved since the last renewal of UNFICYP. He hoped that the Council would follow developments in Cyprus vigilantly and continue to recognize its special responsibility towards Cyprus and its people.<sup>43</sup>

The representative of Greece asserted that the intercommunal talks had been dealing mainly with minor issues, creating a totally misleading impression of progress. He recalled that, in addition to the proposal for an enlargement of UNFICYP, his Government had proposed that the situation be re-examined by a special committee of the United Nations or by an international conference. Since Turkey had taken a negative stand with regard to those proposals it might be time for the Council to exert its influence on Turkey in order that it might abide by the resolutions of the General Assembly and the Council.<sup>44</sup>

Mr. Nail Atalay reaffirmed the Turkish Cypriot community's support of the intercommunal talks as the best means available for the solution of the problem of Cyprus and stated that interference by parties not directly involved would only harden the positions of the parties. He urged that the Council encourage negotiations in conditions of equality between the two national communities and restrain all interference. His people hoped that the Council would induce the two communities to resolve their differences through talks on the basis of the principles and agreements they had concluded between themselves.<sup>45</sup>

The representative of Turkey stated that his Government considered it essential to safeguard the intercommunal negotiations, especially at a time when they were suffering a set-back, and declared that the problem would not be solved by invoking unrealistic recommendations that had been rejected by the Turkish community of Cyprus and Turkey. Rejecting the view that the question of Cyprus was a problem born of military intervention, he asserted that the Turkish community of Cyprus and Turkey had used the right of self-defence in accordance with the Treaty of Guarantee to recreate the state of affairs provided for in the Cypriot Constitution, but this time in a sound and durable manner, which could not be other than as a federation. The Turkish armed forces would remain on the territory until the conclusion of a final agreement between all the parties because, as experience had unfortunately shown, international forces had never been able to ensure the full security of populations.<sup>46</sup>

**Decision of 15 June 1983 (2453rd meeting): resolution 534 (1983)**

In his report dated 1 June 1983,<sup>47</sup> covering the period from 1 December 1982 to 31 May 1983, the Secretary-General stated that the intercommunal talks had continued regularly on the basis of his evaluation paper, but noted that following the adoption on 13 May 1983 of General Assembly resolution 37/253 the leaders of the Turkish Cypriot community had announced their decision not to attend the meeting of the talks scheduled for 31 May 1983. He hoped that the talks could be continued as soon as possible on the existing, mutually acceptable basis and had strengthened his personal involvement within the framework of his mission of good offices. It

was his intention to follow up on the work done during the current phase of the talks in order to give fresh impetus to the talks. He appealed to all concerned to show restraint. The Secretary-General concluded that the continued presence of UNFICYP remained necessary and recommended to the Council that it extend the mandate of the Force for another six months. In an addendum dated 14 June 1983,<sup>48</sup> the Secretary-General stated that the parties concerned had agreed to the proposed extension.

At its 2453rd meeting, on 15 June 1983, the Council included the report of the Secretary-General in its agenda and invited the representatives of Canada, Cyprus, Greece and Turkey,<sup>49</sup> at their request, to participate in the discussion without the right to vote. The Council also invited Mr. Nail Atalay<sup>50</sup> under rule 39 of its provisional rules of procedure. The Council considered the item at its 2453rd and 2454th meetings, on 15 June 1983.

At the outset of the 2453rd meeting, the President put to the vote a draft resolution<sup>51</sup> prepared in the course of the Council's consultations. The draft resolution was unanimously adopted as resolution 534 (1983). The resolution reads as follows:

*The Security Council,*

*Taking note* of the report of the Secretary-General on the United Nations operation in Cyprus of 1 June 1983,

*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 1983,

*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 December 1983;

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 30 November 1983.

The representative of Cyprus stated that the United Nations resolutions were as far as ever from being implemented, and that as a result the problem of Cyprus continued to pose a grave threat to the peace of the region and to international peace and security in general. Turkey and the Turkish Cypriot leader had embarked on new secessionist steps directed against the territorial integrity and unity of Cyprus, and were undermining the intercommunal talks. He rejected the Turkish argument that the Cypriot Government's efforts to internationalize the question of Cyprus while negotiations were going on were contrary to the spirit of the intercommunal talks. The talks were held to solve the internal aspects of the problem, whereas the international aspects were matters rightly to be considered by the United Nations. Furthermore, the talks originated from Council and General Assembly resolutions, and since the Assembly had called for the talks it was appropriate and necessary on the part of his Government to keep that body informed and to request its further

assistance in the search for a solution. He expressed regret that following the adoption by the Assembly of resolution 37/253, whose operative paragraph 16 welcomed the intended initiative of the Secretary-General, Turkey had refused to respond to the Secretary-General's call for a meeting to discuss his intended initiative. He reiterated his Government's support for negotiations under the auspices of the Secretary-General and appealed to the Turkish side to abandon its present policies and to work at the negotiating table to reach a just and durable solution based on relevant United Nations resolutions and high-level agreements.<sup>50</sup>

Mr. Nail Atalay stated that the problem of Cyprus existed because there was no Government by the consent of the two communities on the island, and he cited his own presence before the Council as a clear indication that the Greek Cypriot administration did not represent the Turkish Cypriot people. The attempt to split the problem into an internal and an external factor was really an attempt to prevent Turkey and the Turkish Cypriots from arresting the Hellenization of the island. Decisions of the United Nations and other international bodies which ignored the rights and status of the Turkish Cypriot community only made an agreed political settlement more difficult. He stated categorically that General Assembly resolution 37/253, which, *inter alia*, "calls upon all States to support and help the Government of the Republic of Cyprus"—meaning the Greek Cypriot administration—to exercise "sovereignty and control over the entire territory of Cyprus", was totally unacceptable to the Turkish Cypriot side. It was the understanding of the Turkish Cypriots that, if and when the negotiations started, that resolution would not be taken into consideration. The Turkish Cypriot side had decided to reassess its position in the light of resolution 37/253; he affirmed, however, that the Turkish Cypriots would continue to cooperate fully with the Secretary-General and were determined to continue the negotiating process in a spirit of good will and with a constructive attitude. He deplored the fact that some of the States contributing troops to UNFICYP had departed from their traditional equidistant posture by voting in favour of resolution 37/253 and hoped that they would return to the position of not taking sides in the dispute in order to retain the impartiality that was essential to the carrying out of peace-keeping operations in Cyprus.<sup>50</sup>

At the Council's 2454th meeting, the representative of Canada noted that, as a troop contributor to UNFICYP, his Government remained willing to assist in the peace-keeping process but was anxious to ensure that there would be tangible evidence that the complementary process of peace-making was progressing. The formation and maintenance of UNFICYP had provided the necessary stable conditions under which the peace-keeping process should have succeeded long ago. The United Nations had done all that was possible to create and maintain those conditions in Cyprus, but UNFICYP of itself could not bring about an intercommunal settlement. His Government believed that the failure to achieve a negotiated settlement and a return to peaceful conditions was attributable to a lack of will on the part of the parties to make the necessary difficult compromises and called upon them to enter into serious and fruitful discussions in a spirit of good will and compromise. Noting that neither the patience

nor the resources of Canada were without limits, he reaffirmed Canada's strong support for the Secretary-General in his efforts to give fresh impetus to the negotiating process and expressed the hope that all interested countries would do likewise.<sup>52</sup>

**Decision of 18 November 1983 (2500th meeting): resolution 541 (1983)**

On 15 November 1983, the representatives of the United Kingdom,<sup>53</sup> Cyprus<sup>54</sup> and Greece<sup>55</sup> addressed separate letters to the President of the Council calling for an urgent meeting of the Council to consider the situation in Cyprus. In requesting the meeting, the representative of Cyprus stated that on 15 November 1983 the so-called Assembly of the "Turkish Federated State of Kibris" had proclaimed an independent State in the part of the territory of the Republic of Cyprus which was under military occupation by Turkey in an attempt to secede from the Republic of Cyprus. The purported secession was in clear violation of specific provisions of Council resolutions and created an explosive situation that threatened the independence, sovereignty, territorial integrity and unity of the Republic of Cyprus and jeopardized international peace and security. His Government requested that the Council take urgent and effective action to deal with that grave development in accordance with the relevant provisions of the Charter.

At its 2497th meeting, on 17 November 1983, the Council included the three letters in its agenda. The following representatives were invited, at their request, to participate in the discussion without the right to vote: at the 2497th meeting, the representatives of Australia, Canada, Cyprus, Greece, India, Romania, Seychelles, Sri Lanka, Turkey and Yugoslavia; at the 2498th meeting, the representatives of Algeria, Cuba and Democratic Yemen; and at the 2500th meeting, the representative of Egypt.<sup>56</sup> At the 2498th meeting, the Council invited Mr. Rauf Denktaş<sup>57</sup> to participate in the discussion under rule 39 of its provisional rules of procedure. The Council considered the item at its 2497th to 2500th meetings, on 17 and 18 November 1983.

At the 2497th meeting, the Secretary-General stated that the matter before the Council concerned the announcement on 15 November of a Turkish Republic of Northern Cyprus and the issuance of a declaration in which that entity was described as an independent State. He had been informed of the announcement by a letter from the leader of the Turkish Cypriot community, Mr. Denktaş, and had responded with an expression of his deep regret at the announcement, which he considered contrary to the resolutions of the Security Council and at variance with the high-level agreements of 1977 and 1979, and an appeal to all those involved to exercise the utmost restraint.

The Secretary-General told the Council that, based on the suggestion made by Mr. Denktaş on 1 October, his Special Representative had arrived in Cyprus on 14 November to begin consultations regarding a high-level meeting between the leaders of the two communities, which was meant to pave the way for a resumption of serious intercommunal negotiations. Against that background, he felt constrained to express once again his deep disappointment at the action taken on 15 November. However, Mr. Denktaş had informed him that the proposal for a high-level meeting under the auspices of the



Secretary-General remained valid and that the good offices of the Secretary-General and the negotiations must continue.

The Secretary-General stated that he was determined to attempt to induce the parties to return to the search for an agreed, just and negotiated settlement, and to that end he would utilize to the fullest the presence at the United Nations of high-ranking representatives of all concerned. Regarding the situation on the island, he informed the Council that access to the north of Cyprus had been temporarily closed prior to the Turkish Cypriot announcement and had been reopened shortly thereafter. The situation remained calm, and the presence of UNFICYP provided a measure of assurance that the calm would not be disturbed.<sup>58</sup>

The Minister for Foreign Affairs of Cyprus declared that his Government considered the declaration of the independence of the entity described as the "Turkish Republic of Northern Cyprus" null and void, and that all States were duty-bound to recognize no Cypriot State other than the Republic of Cyprus. He asserted that Turkey was solely responsible for the purported declaration of independence, and that the Denktas régime was a mere puppet maintained and controlled by Turkey. Those actions represented a breach of Turkey's obligations under the Treaty of Guarantee and the Treaty of Establishment and constituted a threat to international peace and security with implications which extended beyond the confines of Cyprus. His Government appealed to the Council to discharge its responsibilities under the Charter by adopting effective measures which would reverse the situation in the occupied part of Cyprus. He urged that the Council seriously consider taking effective measures to implement its own mandatory resolutions, in accordance with the Charter.<sup>58</sup>

At the 2498th meeting, Mr. Denktas indicated that he stood ready to resume the negotiations within the agreed procedure. As the declaration of independence had made clear, the Turkish Cypriot side favoured continued negotiations under the good offices of the Secretary-General and believed that the declaration of statehood would help the negotiating process because it underlined the equality of the parties. The Turkish Cypriot side stood by the 1977 and 1979 summit agreements, the 1980 opening statement of the Secretary-General and the Secretary-General's evaluation paper, all of which foresaw the establishment of a bizonal federal republic.

He charged that the problem of Cyprus existed because the Greek Cypriots sought to destroy the bicommunality of Cyprus and to make of it a Greek Cypriot State, relegating the Turkish Cypriots to the status of a minority within that State. The recognition by international force of the Greek Cypriot wing as the legitimate Government of Cyprus had led the Greek Cypriots to feel that they had achieved what they had set out to achieve and had removed any incentive for re-establishing a bicommunal State. Mr. Denktas urged that the Council give Cyprus a chance to establish bizonal, bicommunal federalism. The Greek Cypriot call for condemnation and non-recognition of the Turkish Cypriot move should be ignored, for it was only when the world started to recognize them that the Greek Cypriots would feel the need to come to the negotiating table.<sup>57</sup>

The representative of Turkey contended that the Turkish Cypriot declaration of independence and the Turkish military presence in Cyprus were in accordance with the international treaties by which the Republic of Cyprus had been established. The unilateral amendments by the Greek Cypriots to the 1960 Cypriot Constitution were in contravention of the Treaty of Guarantee concluded between the Republic of Cyprus, the United Kingdom, Greece and Turkey, and of the Constitutional Order of Cyprus, which Turkey, as a guaranteeing Power, was duty-bound to preserve and restore. On that basis the Turkish military continued to protect the Turkish Cypriot community in order to prevent union with Greece and to restore the conditions that the 1960 Constitution had aimed at establishing, namely, a bicommunal republic within which the two communities, under the protection of the appropriate safeguards and guarantees, could live in peace and security. States that recognized the Greek Cypriot administration as the Government of Cyprus were endorsing a flagrant violation of international law. The Cypriot State had been co-founded by the two communities; how then could one of them form a Government to rule over both? The Council had recognized that the right to self-determination was exercised in Cyprus jointly by the two communities, since the Council considered that only the two communities together were competent to bring about a negotiated solution.

The Greek Cypriots, however, had persisted in referring to the Turkish Cypriot community as a minority or ethnic group, making it clear that they had no intention of restoring to it its legal and legitimate position as co-founder of the Republic. Turkish Cypriot exasperation had finally led to the declaration of independence. It was not a secession, however, for the Turkish Cypriots had proclaimed themselves bound by the Treaties of Guarantee, Establishment and Alliance which had given birth to the Republic of Cyprus. The representative of Turkey proposed that the Council should, above all, call upon the two communities to resume intercommunal negotiations within the framework of the mission of good offices of the Secretary-General. It should take into account the willingness of the Turkish Cypriots to negotiate and refrain from judgements based on distortions and prejudices. Unilateral condemnation of the Turkish community in Cyprus would aggravate its exasperation but would never deflect it from its aspiration for equality, protected and sustained by Turkey.<sup>57</sup>

The representative of Nicaragua stated that the decision to declare an independent Turkish Cypriot State was unacceptable because it destroyed the unity, independence, sovereignty and territorial integrity of a Member State. It endangered international peace and security, violated Article 2, paragraph 4, of the Charter, and violated relevant decisions of the General Assembly and Council, in particular, Assembly resolutions 3212 (XXIX) and 37/253 and Council resolutions 365 (1974) and 367 (1975), which formed the foundation on which the search for a solution should be based. The two communities in Cyprus must come to an agreement between themselves without interference. The Council should promote the efforts of the Secretary-General to achieve a negotiated solution, should declare the Turkish Cypriot action null and void and should call upon Member States not to recognize the declaration of independence.<sup>59</sup>

The representative of Australia, noting that his Government was a troop contributor to UNFICYP, called upon all parties to allow the Force to carry out its mandate unimpeded and stated that if the Force were placed in jeopardy his Government would have to review the participation of its contingent.<sup>57</sup>

At the outset of the 2499th meeting, the President (Malta) brought to the Council's attention a draft resolution<sup>60</sup> submitted by the United Kingdom.<sup>61</sup>

At the same meeting, the representative of Pakistan asserted that without an appreciation of the circumstances leading to the decision to proclaim the independence of a Turkish Republic of Northern Cyprus it would be impossible to arrive at a correct judgement on it. That decision was attributable to the neglect shown by the international community regarding the interests and concerns of the Turkish Cypriots and to the failure of the Greek Cypriot leadership to mitigate the misgivings of their Turkish compatriots. A resolution condemning the Turkish Cypriot community, whose co-operation was a *sine qua non* for the re-establishment of the unity of Cyprus, would aggravate the situation, and an attempt to isolate the Turkish Cypriot community would impede the resumption of the intercommunal negotiations and the resolution of the problem. The Turkish Cypriot declaration was not an irreversible act of secession. The Turkish Cypriot community had expressly reaffirmed its desire for the resumption of negotiations and the continuation of the Secretary-General's mission of good offices. Therefore, the representative of Pakistan urged the Council to strengthen the hand of the Secretary-General to continue his good offices in Cyprus.<sup>61</sup>

At the 2500th meeting, the representative of Guyana expressed the view that the draft resolution to be adopted by the Council should have condemned the Turkish Cypriot declaration of independence as being in defiance of the United Nations, and in particular of resolutions 365 (1974) and 367 (1975). The Council should have declared that the United Nations would not accord any recognition to the so-called independent entity, and an appeal should have been directed to Member States not to recognize it. However, his delegation appreciated the effort made by the authors of the draft resolution and in a spirit of compromise would vote in favour.<sup>62</sup>

The representative of Turkey rejected the first preambular paragraph of the draft resolution because of its reference to the Government of the Republic of Cyprus and, defending the legitimacy of the Turkish Cypriot community's right to self-determination and its decision in the exercise of that right to create its own independent State, he further rejected the second, third and fourth preambular paragraphs and operative paragraphs 1, 2 and 7. He expressed surprise that, contrary to the Council's normal practice, the draft resolution contained no reference to the negotiations between the two communities, and stated that the only possibility for the Secretary-General to conduct his mission of good offices outside the framework of the intercommunal negotiations would be between two independent Cypriot States and with their prior consent. He concluded that, as the draft resolution was based on a distortion of historical events and showed no concern for an equitable approach to the two communities of Cyprus, Turkey would reject it in its entirety.<sup>62</sup>

The representative of the United Kingdom stated that the draft resolution sponsored by his delegation reflected the views of his Government: it deplored the action by the Turkish Cypriot community, which was incompatible with the treaties governing the establishment of the Republic of Cyprus, and it recognized only one Cypriot State, under the Government of President Kyprianou. His Government hoped that the intercommunal negotiations would be resumed, and that could best be done through the Secretary-General, whose statement of 17 November his Government warmly welcomed and whose efforts it fully supported.<sup>62</sup>

The representative of Pakistan noted that his delegation had proposed certain amendments to the draft resolution circulated by the United Kingdom and regretted that those proposals had not received the attention they deserved from the Council. The draft resolution had contained a reference to the intercommunal negotiations, which Pakistan considered essential, and whose deletion from the revised version of the draft resolution rendered that draft unacceptable.<sup>62</sup>

At the same meeting, the draft resolution<sup>63</sup> was adopted by 13 votes in favour to 1 against, with 1 abstention, as resolution 541 (1983). The resolution reads as follows:

*The Security Council,*

*Having heard* the statement of the Foreign Minister of the Government of the Republic of Cyprus,

*Concerned* at the declaration by the Turkish Cypriot authorities issued on 15 November 1983 which purports to create an independent State in northern Cyprus,

*Considering* that this declaration is incompatible with the 1960 Treaty concerning the establishment of the Republic of Cyprus and the 1960 Treaty of Guarantee,

*Considering*, therefore, that the attempt to create a "Turkish Republic of Northern Cyprus" is invalid, and will contribute to a worsening of the situation in Cyprus,

*Reaffirming* its resolutions 365 (1974) and 367 (1975),

*Aware* of the need for a solution of the Cyprus problem based on the mission of good offices undertaken by the Secretary-General,

*Affirming* its continuing support for the United Nations Peace-keeping Force in Cyprus,

*Taking note* of the Secretary-General's statement of 17 November 1983,

1. *Deplores* the declaration of the Turkish Cypriot authorities of the purported secession of part of the Republic of Cyprus;

2. *Considers* the declaration referred to above as legally invalid and calls for its withdrawal;

3. *Calls for* the urgent and effective implementation of its resolutions 365 (1974) and 367 (1975);

4. *Requests* the Secretary-General to pursue his mission of good offices, in order to achieve the earliest possible progress towards a just and lasting settlement in Cyprus;

5. *Calls upon* the parties to co-operate fully with the Secretary-General in his mission of good offices;

6. *Calls upon* all States to respect the sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus;

7. *Calls upon* all States not to recognize any Cypriot State other than the Republic of Cyprus;

8. *Calls upon* all States and the two communities in Cyprus to refrain from any action which might exacerbate the situation;

9. *Requests* the Secretary-General to keep the Security Council fully informed.

The representative of the Soviet Union stated that his delegation had voted in favour of the resolution in the belief that it adequately met the needs of the situation and that it had been guided by the fact that the text was acceptable to the Government of Cyprus. However, he maintained that the Zurich-London agreements referred to in the preambular part of the

resolution had been imposed upon Cyprus and represented a serious curtailment of the sovereignty of the Republic of Cyprus, that the guarantees envisioned therein were essentially used to serve interests that were alien to the Cypriot people, and that they had failed both in the past and in the current circumstances to prevent armed intervention and other acts aimed at splitting up the State of Cyprus.<sup>62</sup>

Mr. Denktas responded to the adoption of the resolution by reiterating the position he had expounded at the Council's 2498th meeting. He stressed that, even if the entire world recognized the present administration as the legitimate Government of Cyprus, his people would never do so. The only solution was to re-establish the bicomunal, bizonal federal system with the aid, help and good offices of the Secretary-General, for which the Turkish Cypriot community remained ready.<sup>62</sup>

**Decision of 15 December 1983 (2503rd meeting): resolution 544 (1983)**

On 1 December 1983, the Secretary-General submitted a report<sup>64</sup> on the United Nations operation in Cyprus covering the period from 1 June to 30 November 1983. He noted with regret that, despite intensive efforts on his part in co-operation with the parties concerned, the search for a settlement of the problem of Cyprus had suffered a set-back during the period under review. In his meetings with the parties following the action of the Turkish Cypriot community of 15 November 1983 he had strongly urged them to observe all of the provisions of resolution 541 (1983) and had drawn their attention to the call for their co-operation in his mission of good offices. He stated that the chances for success in his efforts would depend on the co-operation of the parties involved and their willingness to engage in serious negotiations. The Secretary-General concluded that, based on the situation on the ground and political developments, the presence of UNFICYP remained indispensable, and he recommended a further six-month extension of its mandate. In an addendum<sup>65</sup> dated 15 December 1983, the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom had agreed to the proposed extension.

At its 2503rd meeting, on 15 December 1983, the Council included the report of the Secretary-General in its agenda and invited, at their request, the representatives of Cyprus, Greece and Turkey<sup>66</sup> to participate in the discussion without the right to vote, and also invited Mr. Nail Atalay<sup>67</sup> under rule 39 of its provisional rules of procedure. The Council considered the item at its 2503rd meeting.

The President drew the Council's attention to a draft resolution<sup>68</sup> prepared in the course of consultations, which he then put to the vote. The draft resolution received 15 votes in favour and was adopted unanimously as resolution 544 (1983). It 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 1983,*

*Noting 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 1983,*

*Reaffirming the provisions of its resolution 186 (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 on 15 June 1984;

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 1984;

3. *Calls upon* all the parties concerned to continue to co-operate with the Force on the basis of the present mandate.

The representative of Pakistan expressed regret that the resolution just adopted contained certain elements that had no direct bearing on the extension of the mandate of UNFICYP. He cited the third and fourth preambular paragraphs, which had remained unchanged despite the objection of the Turkish Cypriot community, and pointed out that the second preambular paragraph had been altered to indicate, for the first time, that the resolution did not enjoy the agreement of all the parties concerned. The resolution retained the reference to "other relevant resolutions" contained in the fourth preambular paragraph, despite his delegation's suggestion that it be deleted because of its implicit inclusion of resolution 541 (1983), which Pakistan and the Turkish Cypriot community had rejected. It also made no reference to the intercommunal talks and the important agreements that had been reached both within and outside the United Nations framework. Nevertheless, his delegation had voted in favour of the draft resolution in order to underscore the importance it attached to the United Nations peace-keeping role and the continued presence of UNFICYP in Cyprus.<sup>67</sup>

The representative of Cyprus referred to resolution 541 (1983) and stated that mere condemnation of the purported secession of the so-called Turkish Republic of Northern Cyprus was not enough. The Council should take the measures provided for in the Charter to ensure the withdrawal of Turkish settlers from Cyprus, the lifting of the declaration and the withdrawal of Turkish recognition of the illegal entity.<sup>67</sup>

The representative of Greece expressed the hope that the Secretary-General would be able to contribute to the implementation of paragraph 2 of resolution 541 (1983). Greece welcomed the renewal of the mandate of UNFICYP with particular satisfaction because its presence helped to avert dangerous crises in Cyprus and also helped to create an atmosphere of moderation and confidence.<sup>67</sup>

Mr. Nail Atalay stated that the Turkish Cypriots would have preferred a clear-cut, concise resolution extending the mandate of UNFICYP and supporting the good offices mission of the Secretary-General while avoiding delving into the substance of the conflict. Instead, the resolution referred again to the Greek Cypriot administration as the Government of Cyprus, and the paragraphs relating to the intercommunal talks in previous resolutions had been deleted. Therefore, the Turkish Cypriots rejected the resolution *in toto*; in the future, the principle, scope, modalities and procedures of co-operation between the Turkish Republic of Northern Cyprus and UNFICYP would be based solely on the decisions to be taken by that Government. He further stated that, while he did not question the right of any country to exercise its right to vote as it deemed fit on any issue, the voting records on General Assembly resolution

37/253 and Council resolution 541 (1983) of some of the troop-contributing countries had impaired the Turkish Cypriots' trust in UNFICYP operations, which required meticulous impartiality.<sup>67</sup>

The representative of Turkey endorsed the Turkish Cypriots' rejection of the resolution just adopted and informed the Council that his Government rejected the resolution for the same reasons. He supported Mr. Atalay's statement concerning the future basis for contacts between the Turkish authorities in Cyprus and UNFICYP. He noted that UNFICYP demonstrated the interest of the United Nations in Cyprus and in that way fulfilled a political function to which the Turkish Cypriots and Turkey were not in principle opposed; however, the interest shown in the Cyprus problem by any international organ which continued to support usurpation would leave the Turkish people sceptical and would exasperate the Turkish Cypriots. The Turkish Cypriot community would not rescind its decision nor would Turkey withdraw its recognition. He suggested that efforts should be concentrated instead on bringing the two parties to the negotiating table.<sup>67</sup>

On 1 May 1984, the Secretary-General submitted a report<sup>69</sup> on the latest progress in his mission of good offices.

**Decision of 11 May 1984 (2539th meeting): resolution 550 (1984)**

In a letter<sup>70</sup> dated 30 April 1984, the representative of Cyprus requested that the Council be convened urgently to consider the grave situation in Cyprus caused by the "exchange of ambassadors" between Turkey and the illegal régime in the areas of Cyprus under Turkish occupation and to take urgent and effective measures in accordance with the relevant provisions of the Charter for the full and effective implementation of its resolutions in all their respects.

At its 2531st meeting, on 3 May 1984, the Council included the letter in its agenda. The following representatives were invited, at their request, to participate in the discussion without the right to vote: at the 2531st meeting, the representatives of Antigua and Barbuda, Cyprus, Greece, Turkey and Yugoslavia; at the 2532nd meeting, the representative of Afghanistan; at the 2533rd meeting, the representatives of Australia, Ecuador, Sri Lanka and the Syrian Arab Republic; at the 2534th meeting, the representative of Algeria; at the 2535th meeting, the representatives of Cuba, Guyana, Jamaica, Mongolia and Viet Nam; at the 2536th meeting, the representatives of Bangladesh, Bulgaria, Costa Rica, Hungary, Panama and Saint Lucia; at the 2537th meeting, the representative of the German Democratic Republic; and at the 2538th meeting, the representatives of Czechoslovakia and Malaysia.<sup>71</sup> In addition, at the 2531st meeting, Mr. Rauf Denktaş was invited in his individual capacity under rule 39 of the Council's provisional rules of procedure.<sup>72</sup> The Council considered the item at its 2531st to 2539th meetings, from 3 to 11 May 1984.

At the 2531st meeting, the President of Cyprus observed that the international community was in agreement about the question of Cyprus, and the problem was whether or not that agreement could be implemented. After the event of 15 November 1983 the international community had promised that it would take measures to reverse the situation. The Secretary-General had proposed to the Turkish side to freeze the process, despite the call for reversal in

the Council resolution, but Turkey had gone ahead and exchanged ambassadors. The President of Cyprus concluded that there could no longer be any doubts as to the intentions of Turkey, whose long-standing plan had been the partition of Cyprus and the destruction of the Republic, and he warned of the coming end of Cyprus as an independent State unless the Council acted quickly and effectively. If it became too late to act, the Council, through its condonation and lack of action, would be an accomplice to what had been happening at the expense of Cyprus.<sup>72</sup>

Mr. Denktaş asserted that the Turkish Cypriots were not flouting the decisions of the Council, as had been suggested, but were defying the attempt by one section of a bi-national country to deceive the world assembly and the Council by falsehoods. The Turkish Cypriot policy had developed in defence against the Greek Cypriot plan for union with Greece. The Turkish Cypriots were trying to prevent their destruction as one of the peoples of Cyprus and one of the co-founders of the Republic, and they could not accept that, because the partnership had been destroyed by force in 1963, they had no right to claim justice. Mr. Denktaş confirmed his willingness and desire for negotiations and dialogue and suggested that the Council insist that the other side meet with them.<sup>72</sup>

At the 2532nd meeting, the representative of Turkey stated that those who wished to prevent the Turkish Cypriot community from progressing on the path of independence should persuade the Greek Cypriot administration and Greece to consent to the resumption of the intercommunal negotiations under the auspices of the Secretary-General's good offices, with a view to reaching a comprehensive settlement within the framework of a bicomunal, bizonal and non-aligned federation based on the principle of the equality of the two communities. His Government continued to support the Secretary-General's mission of good offices and considered, as always, that the interlocutors of the Secretary-General in his efforts to resume the intercommunal negotiations were the Turkish Cypriot community and the Greek Cypriot community.<sup>73</sup>

The representative of Greece expressed the belief that, had the resolution of the situation in Cyprus been a question of finding an intercommunal balance within the framework of internationally accepted patterns, that goal could have been attained within a matter of a few weeks. He suggested that what had happened in Cyprus stemmed instead from Turkish expansionism in the eastern Mediterranean and from Turkey's so-called geopolitical interest in Cyprus. Turkey was asking for an unconditional surrender based on Turkish military might, which would never be accepted.<sup>73</sup>

The representative of India expressed regret that the Turkish Cypriot leadership had taken further actions in direct contravention of resolution 541 (1983) and the endeavours of the Secretary-General. His delegation had always advocated an equitable solution to the Cyprus question that would ensure the dignity and equal rights of both communities in an undivided country, and had pointed to intercommunal negotiations as the only means towards that end. India believed that the Secretary-General's mission of good offices remained the only possible channel through which both sides could be engaged in meaningful negotiations. The Council should request

the Secretary-General to persist in his efforts and should strengthen his hand in doing so. States that had influence in the region should actively support the Secretary-General's efforts and display greater determination to ensure the implementation of resolution 541 (1983).<sup>73</sup>

The representative of Pakistan, at the 2534th meeting, stated that the right of the Turkish community in Cyprus to equal status was *sui generis* and could not be qualified or diminished by distinguishing between a majority and a minority community in a State. A basis for the fruitful continuation of the Secretary-General's good offices clearly existed and should not be impaired by the adoption of another one-sided resolution, which could result in the irretrievable loss of the co-operative attitude of one of the communities. He urged the Council to adopt a resolution that would provide the necessary support to the good offices of the Secretary-General and be acceptable to both sides.<sup>74</sup>

At the 2535th meeting, the representative of Viet Nam called upon the Council to show more serious concern about the events in Cyprus, to support fully the Secretary-General's mission of good offices and to take effective measures under Chapter VII of the Charter to guarantee the implementation of the relevant resolutions adopted by the General Assembly and the Council.<sup>75</sup>

The representative of the United Kingdom stated at the 2538th meeting that it was necessary to make a distinction between the immediate problem of the purported exchange of ambassadors, which, beyond doubt, was in contravention of resolution 541 (1983), and the more fundamental long-term problem of the situation in Cyprus, which was getting increasingly complicated. The Council's message should be that the resolution of the long-term problem required that all parties co-operate with the Secretary-General's mission of good offices while in the meantime refraining from any action that might exacerbate the situation. That would best be done on the basis of certain fundamental principles that had the backing of the parties and of the international community as a whole.<sup>76</sup>

At the outset of the 2539th meeting, the President drew attention to a draft resolution<sup>77</sup> sponsored by India, Nicaragua, the Upper Volta and Zimbabwe.<sup>78</sup>

Prior to the vote the representative of Pakistan stated that his delegation had little choice but to vote against the draft resolution as it made no reference to the intercommunal talks or to the high-level agreements of 1977 and 1979, and it attempted to redefine the mandate of the Secretary-General in terms that would give his efforts little chance of success, by requesting him to undertake new efforts in conformity with the Charter and pertinent United Nations resolutions, including resolution 541 (1983) and the draft resolution.<sup>78</sup>

At the same meeting, the draft resolution<sup>77</sup> was adopted by 13 votes in favour to 1 against, with 1 abstention, as resolution 550 (1984). It reads as follows:

*The Security Council,*

*Having considered the situation in Cyprus at the request of the Government of the Republic of Cyprus,*

*Having heard the statement of the President of the Republic of Cyprus,*

*Taking note of the report of the Secretary-General,*

*Recalling its resolutions 365 (1974), 367 (1975), 541 (1983) and 544 (1983),*

*Deeply regretting the non-implementation of its resolutions, in particular resolution 541 (1983),*

*Gravely concerned about the further secessionist acts in the occupied part of the Republic of Cyprus which are in violation of resolution 541 (1983), namely, the purported exchange of ambassadors between Turkey and the legally invalid "Turkish Republic of Northern Cyprus" and the contemplated holding of a "constitutional referendum" and "elections", as well as by other actions or threats of actions aimed at further consolidating the purported independent State and the division of Cyprus,*

*Deeply concerned about recent threats for settlement of Varosha by people other than its inhabitants,*

*Reaffirming its continuing support for the United Nations Peace-keeping Force in Cyprus,*

1. *Reaffirms its resolution 541 (1983) and calls for its urgent and effective implementation;*

2. *Condemns all secessionist actions, including the purported exchange of ambassadors between Turkey and the Turkish Cypriot leadership, declares them illegal and invalid and calls for their immediate withdrawal;*

3. *Reiterates the call upon all States not to recognize the purported State of the "Turkish Republic of Northern Cyprus" set up by secessionist acts and calls upon them not to facilitate or in any way assist the aforesaid secessionist entity;*

4. *Calls upon all States to respect the sovereignty, independence, territorial integrity, unity and non-alignment of the Republic of Cyprus;*

5. *Considers attempts to settle any part of Varosha by people other than its inhabitants as inadmissible and calls for the transfer of that area to the administration of the United Nations;*

6. *Considers any attempts to interfere with the status or the deployment of the United Nations Peace-keeping Force in Cyprus as contrary to the resolutions of the United Nations;*

7. *Requests the Secretary-General to promote the urgent implementation of Security Council resolution 541 (1983);*

8. *Reaffirms the mandate of good offices given to the Secretary-General and requests him to undertake new efforts to attain an overall solution to the Cyprus problem in conformity with the principles of the Charter of the United Nations and the provisions for such a settlement laid down in the pertinent United Nations resolutions, including resolution 541 (1983) and the present resolution;*

9. *Calls upon all parties to co-operate with the Secretary-General in his mission of good offices;*

10. *Decides to remain seized of the situation with a view to taking urgent and appropriate measures, in the event of non-implementation of resolution 541 (1983) and the present resolution;*

11. *Requests the Secretary-General to promote the implementation of the present resolution and to report thereon to the Security Council as developments require.*

Following the vote, the representative of the United States indicated that his delegation was substantially in agreement with the resolution but had abstained because, in view of the strong feelings that existed among the parties, any exacerbation of the conflict must be avoided.<sup>78</sup>

The representative of the United Kingdom expressed reservations about paragraphs 5, 6 and 10, and regarded the correct interpretation of paragraph 8 as crucial. He explained that his delegation had voted in favour of the resolution on the understanding that paragraph 8 meant that the Secretary-General's mandate as set out in resolution 367 (1975) remained valid, and that the Secretary-General would take account of the principles of the Charter and of the relevant resolutions but would be as free under this resolution as he had been in the past.<sup>78</sup>

The representative of the Netherlands stated that, while his delegation had voted in favour of the resolution, it had some reservations as to its wording, in particular paragraph 10, and regarded paragraph 8 as in no way restricting the freedom of action of the Secretary-General.<sup>78</sup>

Mr. Denktaş indicated that the present resolution was unacceptable to the Turkish Cypriots because it was based on resolution 541 (1983), which they had not accepted. An attempt by the Secretary-General to promote the implementation of resolution 541 (1983) would kill the intercommunal talks and any prospect of a negotiated settlement; he therefore hoped that the Secretary-General would find a parallel way of approaching them. He noted that the Council, in reaffirming the good offices mandate, had tied it to resolution 541 (1983), and stated that the Secretary-General would have to convince them that his good offices mission would be based exclusively on the powers granted in resolution 367 (1975). Paragraph 10 was unacceptable because it failed to mention summit or high-level agreements.<sup>78</sup>

The representative of Turkey rejected the resolution as a whole at the outset because it was based on resolution 541 (1983), and then commented on specific unacceptable provisions: the seventh preambular paragraph and paragraph 5 represented improper interference by the Council in the search for a solution, which was the exclusive responsibility of the two communities of Cyprus; paragraph 3 expressed a policy of ostracism that was neither realistic nor just and could only impede the quest for ultimate reconciliation between the two communities; the inclusion of paragraph 6 was incomprehensible, in view of the position reiterated that morning by Mr. Denktaş;<sup>76</sup> paragraph 8 was not only untimely, but dangerous; and paragraph 10 had no meaning and no legal basis in the Charter.<sup>78</sup>

**Decision of 15 June 1984 (2547th meeting): resolution 553 (1984)**

On 1 June 1984, prior to the expiration of the mandate of UNFICYP, the Secretary-General submitted a report<sup>79</sup> covering the period from 1 December 1983 to 31 May 1984 in which he indicated that the search for a settlement of the Cyprus problem had continued during the period under review without success. He concluded that the presence of UNFICYP remained indispensable and recommended that the Council extend its mandate for a further period of six months. In an addendum dated 15 June 1984,<sup>80</sup> the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom had agreed to the proposed extension, whereas the Government of Turkey and the Turkish Cypriot community had indicated that they were not in a position to accept the text of the draft resolution contained in document S/16622 and would explain their stand at the meeting of the Council.

At its 2547th meeting, on 15 June 1984, the Council included the report of the Secretary-General in its agenda and invited, at their request, the representatives of Cyprus, Greece and Turkey<sup>81</sup> to participate in the discussion without the right to vote. The Council also invited Mr. Necati M. Ertekün<sup>82</sup> to participate in accordance with rule 39 of its provisional rules of procedure. The Council considered the item at the 2547th meeting.

The President put to the vote a draft resolution<sup>83</sup> prepared in the course of consultations, which was adopted unanimously with 15 votes in favour as resolution 553 (1984). The resolution reads as follows:

*The Security Council,*

*Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 1 June 1984,*

*Noting 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 1984,*

*Reaffirming the provisions of its resolution 186 (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 on 15 December 1984;*

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 1984;*

3. *Calls upon all the parties concerned to continue to co-operate with the Force on the basis of the present mandate.*

The representative of Greece noted that, along with the renewal of the mandate of UNFICYP, the resolution just adopted reaffirmed the Secretary-General's mission of good offices. He stated that the Secretary-General's mission, as defined in resolutions 367 (1975), 541 (1983) and 550 (1984), had the full support of his Government.<sup>82</sup>

Mr. Ertekün observed that the present resolution was an updated version of resolution 544 (1983). The Turkish Cypriot side was therefore left with no alternative but to reject the resolution *in toto* and for the same reasons it had rejected resolution 544 (1983), although it was prepared to accept the presence of UNFICYP on the same basis as that stated in December 1983. He further stated that since UNFICYP had been set up, 20 years ago, the situation on the island had changed considerably, and a revision of the mandate would seem in order.<sup>82</sup>

The representative of Turkey also rejected the present resolution *in toto*.<sup>82</sup>

**Decision of 14 December 1984 (2565th meeting): resolution 559 (1984)**

With the agreement of the members of the Council, the Secretary-General delayed the submission of his report on the United Nations operation in Cyprus in order to be able to incorporate the results of the final round of high-level proximity talks on Cyprus, held on 12 December 1984. Accordingly, on 12 December 1984, he submitted a report<sup>84</sup> covering developments relating to UNFICYP from 1 June to 30 November 1984 and reporting on his mission of good offices for the period from 1 June to 12 December 1984. The Secretary-General indicated that during the period under review the two sides had engaged in a series of high-level proximity talks. By 12 December he had judged that the documentation for a draft agreement could be submitted to a joint high-level meeting under his auspices starting on 17 January 1985, at which he expected that the interlocutors would conclude an agreement containing the necessary elements for a comprehensive solution of the problem aimed at establishing a Federal Republic of Cyprus. Once again, the Secretary-General concluded that the presence of UNFICYP remained indispensable, and recommended that the Council extend its mandate for a further period of six months. In an addendum<sup>85</sup> dated 14 December 1984 the Secretary-General informed the Council that the Governments of Cyprus, Greece and the United Kingdom had agreed to the proposed extension, whereas the Gov-

ernment of Turkey and the Turkish Cypriot community had indicated that they could not accept the draft resolution contained in document S/16862 and would convey their views at the meeting of the Council.

At its 2565th meeting, on 14 December 1984, the Council included the Secretary-General's report in its agenda and invited, at their request, the representatives of Canada, Cyprus, Greece and Turkey<sup>86</sup> to participate in the discussion without the right to vote. The Council also invited Mr. Denktas,<sup>87</sup> under rule 39 of its provisional rules of procedure. The Council considered the item at its 2565th meeting.

At the outset of the meeting, the President made a statement<sup>87</sup> on behalf of the Council expressing the Council's appreciation to the Secretary-General and the hope that the forthcoming high-level meeting would be useful and advance the developments on the question of Cyprus. He then put to the vote a draft resolution<sup>88</sup> prepared in the course of consultations, which was adopted unanimously with 15 votes in favour as resolution 559 (1984). The resolution reads as follows:

*The Security Council,*

*Taking note of the report of the Secretary-General on the United Nations operation in Cyprus of 12 December 1984,*

*Noting 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 1984,*

*Reaffirming the provisions of its resolution 186 (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 on 15 June 1985;*

2. *Requests the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made and to submit a report on the implementation of the present resolution by 31 May 1985;*

3. *Calls upon all the parties concerned to continue to co-operate with the Force on the basis of the present mandate.*

The representative of Greece expressed his Government's earnest wish that the crucial round of negotiations between the President of Cyprus and Mr. Denktas during their meeting in January would lead to a fair and viable solution of the Cyprus problem on the basis of the provisions of the relevant United Nations resolutions.<sup>87</sup>

Mr. Denktas rejected the resolution just adopted and stressed that the summit meeting in January would take place between the two leaders of the two communities, and not between the President of the Republic of Cyprus and Mr. Denktas. In addition, the draft agreement prepared and presented by the Secretary-General would have to be submitted for the official approval of the two leaders. The text could not be rewritten or modified, and as far as the Turkish Cypriot side was concerned, the only point to be discussed pertained to certain dates that would be filled in at the high-level meeting. Furthermore, the draft agreement constituted an integrated whole and did not allow for the introduction of reservations of any kind. He was certain that the Secretary-General would conduct the high-level meeting on 17 January 1985 mindful of the juridical requirements stemming from the nature of the draft agreement.<sup>87</sup>

The representative of Turkey stated that, since the Turkish Cypriots had rejected the present resolution,

Turkey also rejected it, and for the same reasons. He pointed out that since December 1983 neither the Turkish Cypriots nor Turkey had accepted the Council resolutions on UNFICYP. If a high-level agreement was concluded its implementation would undoubtedly require the allocation of new responsibilities to UNFICYP, in which case it would be essential to find a legal foundation for its presence and activities that would be acceptable to everyone. His Government expected that a resolution taking that new situation into account would be submitted to the Council in June 1985.<sup>87</sup>

The representative of Greece observed that certain statements had created the impression that the Cypriot President would be presented at the January meeting with a document to be signed on a take-it-or-leave-it basis. He suggested that the outcome of a dialogue must always be the product of mutual agreement, and hoped that the proximity talks would initiate a process that would solve remaining points of difference with a view to achieving a final agreement.<sup>87</sup>

NOTES

<sup>1</sup> S/14490, *OR*, 36th yr., *Suppl. for April-June 1981*.

<sup>2</sup> S/14490/Add.1, *ibid.*

<sup>3</sup> 2279th mtg., para. 8. See also chap. III of the present *Supplement*.

<sup>4</sup> *Ibid.*, para. 9.

<sup>5</sup> S/14500, adopted without change as resolution 486 (1981).

<sup>6</sup> 2279th mtg., para. 12. One member did not participate in the voting.

<sup>7</sup> See S/13369, *OR*, 34th yr., *Suppl. for April-June 1979*, para. 51.

<sup>8</sup> 2279th mtg., paras. 14-18.

<sup>9</sup> *Ibid.*, paras. 23-35.

<sup>10</sup> *Ibid.*, paras. 39-42.

<sup>11</sup> S/14100, *OR*, 35th yr., *Suppl. for July-Sept. 1980*.

<sup>12</sup> 2279th mtg., paras. 48-62.

<sup>13</sup> *Ibid.*, paras. 68-79.

<sup>14</sup> S/14778 and Corr.1 and 2, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

<sup>15</sup> S/14778/Add.1, *ibid.*

<sup>16</sup> 2313th mtg., para. 2. See also chap. III of the present *Supplement*.

<sup>17</sup> 2313th mtg., para. 3.

<sup>18</sup> S/14790, adopted without change as resolution 495 (1981).

<sup>19</sup> 2313th mtg., para. 5.

<sup>20</sup> *Ibid.*, paras. 7-9.

<sup>21</sup> *Ibid.*, paras. 11-20.

<sup>22</sup> *Ibid.*, paras. 26-39.

<sup>23</sup> *Ibid.*, paras. 43-50.

<sup>24</sup> *Ibid.*, paras. 57-73.

<sup>25</sup> *Ibid.*, paras. 76-100.

<sup>26</sup> S/15149 and Corr.1, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>27</sup> S/15149/Add.1, *ibid.*

<sup>28</sup> 2378th mtg., para. 1. See also chap. III of the present *Supplement*.

<sup>29</sup> 2378th mtg., para. 2.

<sup>30</sup> S/15216, adopted without change as resolution 510 (1982).

<sup>31</sup> 2378th mtg., para. 4.

<sup>32</sup> 1960 Treaty concerning the establishment of the Republic of Cyprus (United Nations, *Treaty Series*, vol. 382, No. 5476, p. 10) and the 1960 Treaty of Guarantee (United Nations, *Treaty Series*, vol. 382, No. 5475, p. 4).

<sup>33</sup> 2378th mtg., paras. 15-38.

<sup>34</sup> *Ibid.*, paras. 44-53.

<sup>35</sup> *Ibid.*, paras. 60-88.

<sup>36</sup> *Ibid.*, paras. 93-118.

<sup>37</sup> S/15502 and Corr.1, *OR*, 37th yr., *Suppl. for Oct.-Dec. 1982*.

- <sup>34</sup> S/15502/Add.1, *ibid.*
- <sup>39</sup> 2405th mtg., para. 1. See also chap. III of the present *Supplement*.
- <sup>40</sup> 2405th mtg., para. 2.
- <sup>41</sup> S/15523, adopted without change as resolution 526 (1982).
- <sup>42</sup> 2405th mtg., para. 4.
- <sup>43</sup> *Ibid.*, paras. 12-14.
- <sup>44</sup> *Ibid.*, paras. 47-57.
- <sup>45</sup> *Ibid.*, paras. 63-104.
- <sup>46</sup> *Ibid.*, paras. 107-128.
- <sup>47</sup> S/15812 and Corr.1, *OR*, 38th yr., *Suppl. for April-June 1983*.
- <sup>48</sup> S/15812/Add.1, *ibid.*
- <sup>49</sup> 2453rd mtg. See also chap. III of the present *Supplement*.
- <sup>50</sup> 2453rd mtg.
- <sup>51</sup> S/15828, adopted without change as resolution 534 (1983).
- <sup>52</sup> 2454th mtg.
- <sup>53</sup> S/16147, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.
- <sup>54</sup> S/16150, *ibid.*
- <sup>55</sup> S/16151, *ibid.*
- <sup>56</sup> For details, see chap. III of the present *Supplement*.
- <sup>57</sup> 2498th mtg.
- <sup>58</sup> 2497th mtg.
- <sup>59</sup> 2498th mtg. Similar views were expressed by a number of other delegations. See 2498th mtg.: India, Seychelles, Australia, Algeria and Canada; 2499th mtg.: USSR, Sri Lanka, Cuba, Yugoslavia and Netherlands; and 2500th mtg.: Guyana, Zimbabwe, Poland, Democratic Yemen and France.
- <sup>60</sup> S/16149, adopted without change as resolution 541 (1983).
- <sup>61</sup> 2499th mtg.
- <sup>62</sup> 2500th mtg.
- <sup>63</sup> S/16149, adopted as resolution 541 (1983).
- <sup>64</sup> S/16192, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.
- <sup>65</sup> S/16192/Add.1, *ibid.*
- <sup>66</sup> 2503rd mtg. See also chap. III of the present *Supplement*.
- <sup>67</sup> 2503rd mtg.
- <sup>68</sup> S/16217, adopted without change as resolution 544 (1983).
- <sup>69</sup> S/16519, *OR*, 39th yr., *Suppl. for April-June 1984*.
- <sup>70</sup> S/16514, *ibid.*
- <sup>71</sup> For details, see chap. III of the present *Supplement*.
- <sup>72</sup> 2531st mtg.
- <sup>73</sup> 2532nd mtg.
- <sup>74</sup> 2534th mtg.
- <sup>75</sup> 2535th mtg.
- <sup>76</sup> 2538th mtg.
- <sup>77</sup> S/16550, adopted without change as resolution 550 (1983).
- <sup>78</sup> 2539th mtg.
- <sup>79</sup> S/16596 and Corr.1 and 2, *OR*, 39th yr., *Suppl. for April-June 1984*.
- <sup>80</sup> S/16596/Add.1, *ibid.* An additional addendum was submitted on the same date (S/16596/Add.2, *ibid.*).
- <sup>81</sup> 2547th mtg. See also chap. III of the present *Supplement*.
- <sup>82</sup> 2547th mtg.
- <sup>83</sup> S/16622, adopted without change as resolution 553 (1984).
- <sup>84</sup> S/16858, *OR*, 39th yr., *Suppl. for Oct.-Dec. 1984*.
- <sup>85</sup> S/16858/Add.1, *ibid.* An additional addendum was submitted on 2 February 1985 relating the latest developments in the Secretary-General's mission of good offices (S/16858/Add.2, *OR*, 40th yr., *Suppl. for Jan.-March 1985*).
- <sup>86</sup> 2565th mtg. See also chap. III of the present *Supplement*.
- <sup>87</sup> 2565th mtg.
- <sup>88</sup> S/16862, adopted without change as resolution 559 (1984).

## 5. COMPLAINT BY IRAQ

### INITIAL PROCEEDINGS

**Decision** of 19 June 1981 (2288th meeting): resolution 487 (1981)

By a letter dated 8 June 1981,<sup>1</sup> the representative of Iraq transmitted the text of a letter from the

Minister for Foreign Affairs of Iraq, requesting the convening of an immediate meeting of the Council to deal with an act of aggression by Israel against Iraq with far-reaching consequences for international peace and security. He reported that on Sunday, 7 June 1981, at 1837 hours, Israeli war-planes had raided Baghdad and that their objective had been to destroy the Iraqi nuclear reactor installations. The Foreign Minister also drew attention to the fact that whereas Iraq, the victim of the attack, was a party to the Treaty on the Non-Proliferation of Nuclear Weapons, Israel had consistently refused to sign and ratify the Treaty. He concluded that the international community could not remain silent regarding the serious escalation of aggression, which Israel had already admitted.

In a letter dated 8 June 1981,<sup>2</sup> the representative of Israel drew attention to his Government's announcement that on 7 June the Israel Air Force had launched a raid on the atomic reactor Osirak, near Baghdad, and had destroyed the reactor, which reportedly had been designed to produce atomic bombs to be used against Israel.

At its 2280th meeting, on 12 June 1981, the Council included the letter dated 8 June 1981 from the representative of Iraq in its agenda. Following the adoption of the agenda, the following were invited, at their request, to participate without vote in the discussion of the item: at the 2280th meeting, the representatives of Algeria, Brazil, Cuba, India, Iraq, Israel, Jordan, Kuwait, Lebanon, Pakistan, Romania, the Sudan, Turkey and Yugoslavia; at the 2281st meeting, the representatives of Bulgaria, Guyana, Somalia, Viet Nam and Zambia; at the 2282nd meeting, the representatives of Bangladesh, Czechoslovakia, Egypt, Hungary, Mongolia, Sierra Leone and the Syrian Arab Republic; at the 2283rd meeting, the representatives of Indonesia, Italy, Morocco, Poland and Yemen; at the 2284th meeting, the representatives of Nicaragua and Sri Lanka; at the 2285th meeting, the representative of Malaysia; and at the 2288th meeting, the representative of the Libyan Arab Jamahiriya.<sup>3</sup>

At the 2280th meeting, the Council also decided, following a short discussion<sup>4</sup> and a vote,<sup>5</sup> in accordance with the Council's usual practice, to invite the representative of the Palestine Liberation Organization (PLO) to participate in the debate.

At the same meeting, the Council also decided to extend an invitation to Mr. Chedli Klibi under rule 39 of the provisional rules of procedure.<sup>6</sup> A similar invitation was extended, at the 2284th meeting, to Mr. Sigvard Eklund, Director-General of the International Atomic Energy Agency (IAEA),<sup>7</sup> and, at the 2286th meeting, to Mr. Clovis Maksoud.<sup>8</sup>

The Council considered the item at its 2280th to 2288th meetings, from 12 to 19 June 1981.

At the 2280th meeting, the Foreign Minister of Iraq offered a detailed description of the Israeli air raid against the Iraqi nuclear installations near Baghdad and of the circumstances surrounding that act of aggression. He charged that Israel had persistently striven to obtain a nuclear military capacity and that with the support of the United States and through occasionally questionable operations it had managed to produce several nuclear bombs of at least the strength of the bombs dropped on Hiroshima. He also pointed out that while the Iraqi Government had faithfully adhered to the Treaty on the Non-Prolifera-



tion of Nuclear Weapons and had complied with its provisions as well as with the safeguards as administered by IAEA, Israel had refused to accede to the Treaty and the international control of atomic energy. He described the programme undertaken by his Government with regard to the development of peaceful uses of atomic energy, a right of every State, and castigated the constant attempts of the Israeli Government to disrupt and undermine those legitimate activities. He further reviewed the position taken by the General Assembly at several sessions regarding the patterns of military and nuclear collaboration with Israel and suggested that the Israeli attack on Osirak should be condemned as a clear-cut act of aggression and that mandatory sanctions under Chapter VII of the Charter should be imposed in order to interrupt the flow of military co-operation and assistance between Israel and some States and to bring about Israel's compliance with the system of IAEA inspections and safeguards.<sup>9</sup>

At the same meeting, the representative of Israel stated that the raid against the Iraqi atomic reactor Osirak had been an act of self-preservation with which Israel had exercised its right of self-defence as understood in international law and as preserved in Article 51 of the Charter. He accused Iraq of harbouring a long-standing intention to destroy the State of Israel and cited Iraq's rejection of all United Nations proposals to resolve the Middle Eastern problem peacefully, in particular Council resolutions 242 (1967) and 338 (1973). He charged that, in recent years, Iraq had entered the nuclear armaments field methodically and had purposefully built up a nuclear-weapons capability. The situation had developed to the point where the reactor was to go critical in a matter of weeks, which had forced the Israeli Government to act with dispatch. In order to avert even greater pain to the civilian population in Baghdad, the Israeli Government had decided to strike the nuclear facility before it could become an immediate and great menace to Israel. The representative of Israel cited several legal authorities supporting the view that legitimate self-defence included the right to forestall a surprise attack and described the Israeli action as fully within the provisions of Article 51 of the Charter. He denied Iraqi charges that its nuclear installations had been attacked prior to June 1981 and renewed his Government's suggestion that a nuclear-weapon-free zone be established in the Middle East.<sup>10</sup>

At the 2288th meeting, on 19 June 1981, the President drew attention to a draft resolution<sup>11</sup> prepared in the course of consultations.

Mr. Sigvard Eklund, Director-General of IAEA, reported that the Board of Governors of IAEA had considered the Israeli attack on Osirak as a special item during its regular session and viewed the matter with great apprehension. He offered a detailed description of the existing nuclear facilities in Iraq and informed the Council that Iraq had complied fully with the inspections required periodically under the safeguards programme of the Agency. In view of the Israeli action and the rationale put forward for that drastic step he concluded that the raid on Osirak constituted an attack on the safeguards system of IAEA.<sup>12</sup>

The representative of the United States stated that the Israeli attack on the Iraqi reactor raised troubling questions that exacerbated the problems of the Middle East. Her Government, without diminishing

in any way its friendship and alliance with Israel, felt that the means chosen by Israel hurt the peace and security of the area and that Israel had not exhausted the available diplomatic approaches; thereby, the regional confidence that was essential for the peace process had been damaged. She agreed that Israel should be condemned, that IAEA should be strengthened and that Israel's neighbours should recognize Israel's right to exist and should enter into negotiations to resolve their differences. She emphasized that the negotiations of the last few days were geared towards an outcome that would protect the vital interests of all parties. In conclusion, she made special mention of the co-operative spirit and good faith of the Iraqi Foreign Minister and expressed hope that the results would move the turbulent Middle East closer to the time when all parties could turn their energies and resources from war to peace.<sup>13</sup>

At the 2288th meeting, the President put the draft resolution to the vote: it received 15 votes in favour and was adopted unanimously as resolution 487 (1981).<sup>14</sup> It reads as follows:

*The Security Council,*

*Having considered* the agenda contained in document S/Agenda/2280,

*Having noted* the contents of the letter dated 8 June 1981 from the Minister for Foreign Affairs of Iraq,

*Having heard* the statements made on the subject at its 2280th through 2288th meetings,

*Taking note* of the statement made by the Director-General of the International Atomic Energy Agency to the Agency's Board of Governors on the subject on 9 June 1981 and his statement to the Security Council at its 2288th meeting on 19 June 1981,

*Taking note also* of the resolution adopted by the Board of Governors of the Agency on 12 June 1981 on the "military attack on Iraqi nuclear research centre and its implications for the Agency",

*Fully aware* of the fact that Iraq has been a party to the Treaty on the Non-Proliferation of Nuclear Weapons since it came into force in 1970, that in accordance with that Treaty Iraq has accepted Agency safeguards on all its nuclear activities, and that the Agency has testified that these safeguards have been satisfactorily applied to date,

*Noting furthermore* that Israel has not adhered to the Treaty on the Non-Proliferation of Nuclear Weapons,

*Deeply concerned* about the danger to international peace and security created by the premeditated Israeli air attack on Iraqi nuclear installations on 7 June 1981, which could at any time explode the situation in the area, with grave consequences for the vital interests of all States,

*Considering* that, under the terms of Article 2, paragraph 4, of the Charter of the United Nations, "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",

1. *Strongly condemns* the military attack by Israel in clear violation of the Charter of the United Nations and the norms of international conduct;

2. *Calls upon* Israel to refrain in the future from any such acts or threats thereof;

3. *Further considers* that the said attack constitutes a serious threat to the entire safeguards régime of the International Atomic Energy Agency, which is the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons;

4. *Fully recognizes* the inalienable sovereign right of Iraq and all other States, especially the developing countries, to establish programmes of technological and nuclear development to develop their economy and industry for peaceful purposes in accordance with their present and future needs and consistent with the internationally accepted objectives of preventing nuclear-weapons proliferation;

5. *Calls upon* Israel urgently to place its nuclear facilities under the safeguards of the International Atomic Energy Agency;

6. *Considers* that Iraq is entitled to appropriate redress for the destruction it has suffered, responsibility for which has been acknowledged by Israel;

7. *Requests* the Secretary-General to keep the Security Council regularly informed of the implementation of the present resolution.

Following the adoption of the resolution, the Minister for Foreign Affairs of Iraq deplored that the inclusion of decisive measures, including sanctions under Chapter VII of the Charter, had not been possible. He expressed great dismay regarding the attitude shown by the United States in supporting and protecting Israel.<sup>15</sup>

## NOTES

<sup>1</sup> S/14509, *OR*, 36th yr., *Suppl. for April-June 1981*. See also the letter dated 10 June 1981 from the representative of Iraq transmitting a second letter from the Foreign Minister offering further details about the Israeli aggression and two earlier raids aimed at the nuclear installations on 27 September 1980. He also called for measures under Chapter VII of the Charter and urged that the Council and the international community lend full support to Iraq (S/14514, *ibid.*).

<sup>2</sup> S/14510, *ibid.*

<sup>3</sup> For details, see chap. III of the present *Supplement*.

<sup>4</sup> The representative of the United States restated her delegation's opposition to the invitation of the PLO under the special practice. The representative of Ireland announced his delegation's support for the invitation and argued that since the invitation was not requested under rule 37, the procedure chosen was not in violation of the Council's legal principles. The representative of Japan indicated that he objected to the invitation of the PLO under the special modality, as the item before the Council did not fall under the general question of the situation in the Middle East (see 2280th mtg., paras. 6-15).

<sup>5</sup> See 2280th mtg., para. 16, for the vote (11 in favour, 1 against, 3 abstentions). See chap. III of the present *Supplement* for further details.

<sup>6</sup> *Ibid.*, para. 17.

<sup>7</sup> 2284th mtg., para. 4.

<sup>8</sup> 2286th mtg., para. 2.

<sup>9</sup> 2280th mtg., paras. 21-53. For similar views, see statements by Algeria, Jordan, the Sudan and Tunisia at the 2280th meeting; by Algeria, Cuba, India, Kuwait, Pakistan and Mr. Klibi at the 2281st meeting; by China, the German Democratic Republic, Lebanon and Uganda at the 2282nd meeting; by Egypt, Mongolia, Romania, Sierra Leone, Soviet Union, Viet Nam, Yugoslavia and Zambia at the 2283rd meeting; by Niger, Panama, the Syrian Arab Republic and Yemen at the 2284th meeting; by Bangladesh, Cuba (on behalf of the Movement of Non-Aligned Countries), Czechoslovakia, Morocco and Poland and by the PLO at the 2285th meeting; by Guyana, Hungary and Somalia at the 2286th meeting; by Indonesia, Malaysia, Nicaragua and Sri Lanka and by Mr. Maksoud at the 2287th meeting; and by the President (Mexico) at the 2288th meeting. For comments reprimanding Israel for its action but refraining from any call for punitive sanctions, see statements by France, Japan and the United Kingdom at the 2282nd meeting; by Ireland at the 2285th meeting; and by Italy at the 2286th meeting.

<sup>10</sup> See 2280th mtg., paras. 57-117. See also 2288th mtg., paras. 38-98, for a restatement of the Israeli position.

<sup>11</sup> S/14556, adopted without change as resolution 487 (1981).

<sup>12</sup> 2288th mtg., paras. 6-19.

<sup>13</sup> *Ibid.*, paras. 22-36.

<sup>14</sup> See *ibid.*, para. 151, for the vote.

<sup>15</sup> *Ibid.*, paras. 181-186. For similar views on the text of the resolution, see *ibid.*, statements by the German Democratic Republic, Uganda and the Soviet Union. See chaps. XI and XII of the present *Supplement* for a special analysis of the relevant discussions regarding Articles 2, paragraph 4, 39, 41 and 51 and Chapter VII of the Charter.

#### 6. LETTER DATED 1 SEPTEMBER 1980 FROM THE PERMANENT REPRESENTATIVE OF MALTA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In a letter<sup>1</sup> dated 14 January 1981, the representative of the Libyan Arab Jamahiriya informed the Secretary-General that the Basic People's Congresses had decided to ratify the special agreement between the Libyan Arab Jamahiriya and Malta and to submit the dispute over the continental shelf to the International Court of Justice (ICJ), provided that no drilling in the disputed area would be allowed until the Court had concluded its consideration of the matter.

By letter<sup>2</sup> dated 15 January 1981, the representative of Malta referred to paragraph 5 of the Secretary-General's report<sup>3</sup> of 13 November 1980, which stated that the Libyan Arab Jamahiriya had undertaken unconditionally to submit the original text of the agreement to the Popular Congresses for ratification with a view to exchanging the instruments of ratification and formulating the joint notification to the Registrar of ICJ during the first two weeks of December 1980, and charged that the Libyan Arab Jamahiriya not only had delayed ratification but had laid down a new condition. The Government of Malta viewed it as a failure by the Libyan Government to comply fully with its solemn undertaking given to the Security Council and the Secretary-General, and requested the Council urgently to take all necessary action within its powers as the guardian of international peace and security and as the protector of the legitimate peaceful activities of small, unarmed countries.

In a letter<sup>4</sup> dated 21 July 1981, the representative of Malta requested the President of the Council to convene a meeting with a view to condemning the Libyan Arab Jamahiriya and urging it not to perform further acts of molestation.

At its 2294th meeting, on 30 July 1981, the Council resumed its consideration of the item, which had been included in its agenda at its 2246th meeting. The President invited the representatives of Malta and the Libyan Arab Jamahiriya to participate in the discussion without the right to vote, in accordance with the decision taken at the 2246th meeting.<sup>5</sup> The Council considered the matter at its 2294th meeting.

The Secretary-General stated that since he had received the letter dated 14 January 1981 from the Libyan Arab Jamahiriya, his special representative and he had maintained close contact with both parties with a view to assisting them in finalizing the exchange of instrument of ratification and joint notification to ICJ as provided for in the special agreement. In late March, following his representative's suggestions, a delegation from the Libyan Arab Jamahiriya had visited Malta where inconclusive discussions had been held between the parties, and subsequent efforts had so far not succeeded. Malta held that the presence in the instrument of ratification submitted by the Libyan Arab Jamahiriya of what it considered to be implicit conditions regarding the question of drilling was unacceptable, whereas the Libyan Arab Jamahiriya had stated that its instrument of ratification, while referring to the People's Congresses as the highest authority competent to ratify international agreements, did not contain any additions or amendments to the special

agreement. He described the subsequent efforts of his representative and stated that he would continue to follow the situation carefully and remain in contact with the parties; he expressed confidence that the two sides would make renewed efforts to overcome the existing difficulties.<sup>6</sup>

The representative of Malta recalled that in August 1980 the Libyan Arab Jamahiriya had threatened Malta by sending armed naval units against an unarmed oil rig conducting explorations in an off-shore area well within Malta's side of the median line between the two countries. That armed threat was the reason for Malta's recourse to the Council, and the Council could not afford to ignore it; resort to the same threat was still implied and had recently pervaded the Libyan attitude towards Malta. He expressed regret that the Council had declined to take early action on Malta's complaint, stating that it was vital for the preservation of peace for the Council to request a solemn assurance from the Libyan Arab Jamahiriya that it would not harass or threaten with force what were peaceful, unarmed activities carried out in accordance with international law and practice.

He asserted that the Libyan Arab Jamahiriya had no justifiable claim over the area under dispute and was seeking to gain time through procrastination in order to avoid a legal solution and delay the economic development of Malta. His Government was determined to safeguard Malta's legitimate interests and sovereignty through whatever options were open to it, but continued to exercise self-restraint and to seek a peaceful solution. He called upon the Council to condemn the Libyan Arab Jamahiriya for its show of force in August 1980 and for going back on its undertaking to the Secretary-General to go to ICJ in accordance with the 1976 agreement signed by the two Governments, and to urge the Libyan Arab Jamahiriya not to perpetrate further acts of molestation or to take the law into its own hands.<sup>7</sup>

The representative of the Libyan Arab Jamahiriya reiterated his country's wish to conclude the exchange of instruments of ratification and to submit the dispute to ICJ. He attributed the creation of obstacles to the Government of Malta and stated that the Libyan Arab Jamahiriya believed that it was better to continue with the bilateral negotiations between the two countries in order to resolve the dispute and eliminate impediments, instead of delaying the negotiations through the creation of unnecessary obstacles.<sup>8</sup>

Before adjourning the meeting, the President appealed to the two parties to show moderation and goodwill and to pursue the necessary contacts with each other so as not to jeopardize their good-neighbourly relations.<sup>9</sup>

## NOTES

<sup>1</sup> S/14331, *OR*, 36th yr., *Suppl. for Jan.-March 1981*.

<sup>2</sup> S/14332, *ibid.*

<sup>3</sup> S/14256, *ibid.*, 35th yr., *Suppl. for Oct.-Dec. 1980*.

<sup>4</sup> S/14595, *ibid.*, 36th yr., *Suppl. for July-Sept. 1981*. On several previous occasions the representative of Malta had requested meetings and action by the Council: see S/14375, *ibid.*, *Suppl. for Jan.-March 1981*; S/14498, *ibid.*, *Suppl. for April-June 1981*; and S/14558, *ibid.*

<sup>5</sup> For details, see chap. III of the present *Supplement*.

<sup>6</sup> 2294th mtg., paras. 5-14.

<sup>7</sup> *Ibid.*, paras. 19-70.

<sup>8</sup> *Ibid.*, paras. 73-79.

<sup>9</sup> *Ibid.*, para. 80.

## 7. COMPLAINT BY ANGOLA AGAINST SOUTH AFRICA

**Decision of 31 August 1981 (2300th meeting): rejection of a six-Power draft resolution**

By letter<sup>1</sup> dated 26 August 1981, the representative of Angola transmitted a letter from the President of Angola to the Secretary-General informing him of an attack by the regular army units of the South African régime and requesting an urgent meeting of the Council in order to take the necessary steps to avoid a confrontation of a greater magnitude and to demand the immediate and unconditional withdrawal of all units of the South African army from the territory of the People's Republic of Angola.

At its 2296th meeting, on 28 August 1981, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote: at the 2296th meeting, the representatives of Angola, Brazil, Cuba, Viet Nam and Zimbabwe; at the 2297th meeting, the representatives of the Federal Republic of Germany, India, Kenya, the Libyan Arab Jamahiriya, South Africa and Yugoslavia; at the 2298th meeting, the representative of Canada; and at the 2300th meeting, the representative of Mozambique.<sup>2</sup> At its 2299th meeting, the Council 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.<sup>3</sup> The Council considered this item at its 2296th to 2300th meetings, on 28, 29 and 31 August 1981.

At the 2296th meeting, the representative of Angola said that on 25 August 1981 the armed forces of the *apartheid* régime of Pretoria had invaded the southern part of Angola, accompanied by 135 tanks, 140 armoured vehicles, 38 helicopters and 3 artillery units; anti-radar missiles were also displayed. The South African invaders, including gangs of mercenaries, had occupied a number of towns and totally or partially destroyed others. The invasion was characterized by terrible brutalities. To maintain its hegemony in the region and its position as a bastion of minority rule and privilege, South Africa had, since 1975, carried its racist and imperialist wars across its borders into the territory of sovereign neighbouring States. It had been aided politically, economically, militarily and diplomatically by its allies, the Western patrons of imperialism and neo-colonialism. As the South Atlantic counterpart and partner of the North Atlantic alliance, Pretoria was doing everything it could to destabilize the progressive independent States of the region. South Africa's acts were nothing short of State terrorism. By any criteria whatsoever the racist régime stood indicted for terrorism.

The Angolan Government and people demanded the immediate and unconditional withdrawal of the racist troops from the territory of Angola. The speaker also requested assistance to enable Angola to strengthen its defence capability in the face of South Africa's military and nuclear might. He asked for a long-standing solution based on justice to the problems that plagued southern Africa.<sup>4</sup>

The representative of the United Kingdom said that his Government had repeatedly condemned violence in the region. The South African Ambassador had been summoned to the Foreign and Commonwealth Office where the Government had expressed its concern at the escalation of military activities in the area. The speaker emphasized that his Government remained fully committed to independence for Namibia on the basis of resolution 435 (1978). The Council should appeal, in simple and direct terms, to the South African Government to terminate its military action in Angola and to withdraw its troops immediately.<sup>5</sup>

The representative of Spain said that in the view of his Government, South Africa's flagrant act of aggression should be condemned immediately because of the danger it represented for the peace and stability of the entire area and the Council should call upon the South African forces immediately to withdraw from the territory of a sovereign country.<sup>6</sup>

The representative of the German Democratic Republic recalled that the representatives of many States, including the German Democratic Republic, had repeatedly called upon the Council to adopt serious measures against South Africa in order to compel it to abandon its acts of aggression against sovereign States and to guarantee the peaceful development of southern Africa. Even so, nothing had been done because those who had close links with South Africa had prevented the Council from carrying out its duties under the Charter. The Council should come out decisively against the aggression emanating from South Africa and take up the defence of peace and security in southern Africa as well. South Africa should bear the main responsibility for its actions which jeopardized peace. Apart from a firm condemnation of South Africa, the Council should call upon South Africa to cease its aggression forthwith and to withdraw its troops from the territory of Angola. South Africa should provide compensation for the damage caused to the Angolan people and State.<sup>7</sup>

The representative of Zimbabwe, who spoke in his capacity as Chairman of the Group of African States at the United Nations for the month of August, said that African countries condemned and rejected outright the lies and misrepresentations advanced by the racist régime to justify its blatant violation of international law and of provisions of the Charter of the United Nations. The speaker called upon the Council to take appropriate steps and measures with moral courage, a sense of urgency and responsibility.<sup>8</sup>

The representative of the Soviet Union said that Pretoria's actions were directed to undermining the revolutionary achievements of the Angolan people, towards destabilizing the progressive régime set up in that country. It was an open secret why the leaders in Pretoria had started such a military adventure: they had relied on support for their aggressive plans from imperialist and racist forces. The acts of aggression constituted a serious threat to international peace and security, not only in Angola but in all independent African countries. The raid by South Africa, if not repulsed, might become yet another link in a chain of further large-scale acts of aggression against independent African States. The delegation of the Soviet Union supported Angola's demand that the Council firmly condemn the racist régime of South Africa, call for the immediate cessation of its acts of aggression against Angola and the withdrawal of its

troops from Angolan territory forthwith and compel the South African régime to respect the sovereignty and territorial integrity of Angola.<sup>9</sup>

The representative of China decried the invasion as an act of aggression violating Angola's independence, sovereignty and territorial integrity. It demonstrated once again that the South African racist régime was the root cause of instability in southern Africa. Its outrageous conduct could only strengthen the unity and the resolve of the peoples of Namibia and the rest of Africa to continue the struggle. The Chinese delegation supported the just demands by the representatives of African States in that regard.<sup>10</sup>

The representative of Japan said his country totally disapproved of the military actions undertaken by South Africa against its neighbour, as they went against the efforts by members of the United Nations towards a settlement of the Namibian problem and further exacerbated it.<sup>11</sup>

The representative of Viet Nam pointed out that for several years international opinion of all political persuasions and on all continents had vigorously condemned the colonialist and aggressive policy of the South African régime, designed to perpetuate the illegal occupation of Namibia, bring about an explosive situation and destabilize the front-line States—in particular Angola. The new phase of aggression against Angola not only constituted a grave violation of the sovereignty and territorial integrity of that country, but also showed insolent scorn for Council resolutions condemning earlier attacks by the Pretoria régime. The delegation of Viet Nam called upon the Council to take prompt and decisive actions, including sanctions against the South African aggressors.<sup>12</sup>

The representative of Ireland condemned without reservation the actions perpetrated against Angola which increased the likelihood of a wider conflict in sub-Saharan Africa, a bloody and destructive conflict with the possibility of the direct involvement of foreign forces. The urgent response from the Council in the form of either a resolution or a presidential statement should be unanimous and should include in addition a demand that South Africa show respect for the sovereignty and territorial integrity of Angola.<sup>13</sup>

The representative of the United States agreed that the Council should demand the immediate withdrawal of South African forces from the territory of Angola.<sup>14</sup>

The President reminded the members that in resolution 475 (1980) the Council had decided to remain seized of the matter of the armed invasion of Angola by the South African armed forces and that the relevant provisions of that resolution, which he then read out, were still in force.<sup>15</sup>

At the 2297th meeting, the representative of Mexico said that the act of aggression by South Africa called for an energetic condemnation and immediate action by the Council. He stressed that the impunity of South Africa was in large measure the result of ambiguous conduct by the Council, which had not reacted with sufficient decisiveness when faced with an obvious fact. The circumstances in which the attacks had occurred and the arguments invoked by their authors called for more careful thinking. An attempt was being made to legitimize the theory of preventive attack and to justify the use of force against other States for ideological reasons or

strategic interests. Such thinking could lead to accepting as normal any crusade against movements of national independence and the efforts at social and economic transformation in many countries. The Council had not spared verbal condemnations of the continued violations of international law by South Africa but the Council had failed to take effective measures.

South Africa's intention in perpetrating those acts of aggression was to prolong its illegal domination of Namibia through the annihilation of the forces that were struggling for that Territory's independence. The Council should unequivocally express the decision of the international community to restore legality in southern Africa and ensure the full exercise of national rights by the Namibian people. His delegation would support any draft resolution that was consistent with the previous decisions and would promote the independence of Namibia, the abolition of the *apartheid* régime and an end to the excesses of South African policy.<sup>16</sup>

The representative of Niger stated that Pretoria wished once again to irritate international opinion in order to divert its attention, to create confusion by pushing urgent matters into the background and to revive the cold war, which it had always used and abused to consolidate its illegal presence in Namibia and to continue with impunity its shameful policy of *apartheid*. South Africa should be condemned for its acts; it should be urged to withdraw forthwith all its troops from Angolan territory; and it should be compelled to pay to Angola complete and adequate compensation for the loss in human lives and the material damage resulting from its unprovoked acts of aggression. The delegation of Niger was convinced that it was of great urgency to prevent the repetition of these acts and to implement speedily and totally resolution 435 (1978) on the independence of Namibia. The Council was also requested to support the preparations for the special session of the General Assembly on Namibia.<sup>17</sup>

The representative of Tunisia stated that it was imperative for the Council to adopt the necessary measures and sanctions provided for in the Charter, as referred to in resolution 475 (1980), especially paragraph 7. The Tunisian delegation believed that the new aggression on the very eve of the emergency special session of the General Assembly on the question of Namibia left no room for hope that South Africa intended to put an end to its illegal occupation of Namibia no matter what resolution might be adopted, unless it was accompanied by machinery for mandatory sanctions.<sup>18</sup>

The representative of France informed the Council that because of the gravity of the situation the South African Ambassador in Paris had been called to the Ministry of Foreign Affairs where he had been notified about the French condemnation of the unprovoked and unjustified invasion of Angola by South Africa. The speaker added that a lasting solution to the tension prevailing in southern Africa required the speediest possible implementation of resolution 435 (1978).<sup>19</sup>

The representative of the Libyan Arab Jamahiriya declared that the Council should handle its responsibility and take the following measures in order to guarantee the independence, sovereignty and territorial integrity of Angola and the other front-line States. It should: (a) impose sanctions against South

Africa, as provided in Chapter VII of the Charter; (b) condemn the aggression committed by the racist régime of South Africa against Angola and the violation of its sovereignty and territorial integrity; (c) condemn the utilization by South Africa of the international Territory of Namibia to commit that aggression; (d) secure the immediate withdrawal of the forces of South Africa from Angolan territory; (e) ensure that South Africa respect the independence, sovereignty and territorial integrity of Angola; (f) see to it that South Africa refrain from the utilization of Namibia to initiate provocative acts of aggression against Angola; and (g) require South Africa to pay full compensation for the damage inflicted on Angola as a result of the aggression.<sup>20</sup>

Many other representatives strongly condemned the unwarranted aggression and called upon the Council to adopt the most rigid measures.<sup>21</sup>

At the 2299th meeting, the Council had before it the text of the draft resolution sponsored by the delegations of Mexico, Niger, Panama, the Philippines, Tunisia and Uganda.<sup>22</sup>

In the preambular part of the draft resolution, the Council, *inter alia*, would have expressed deep concern at racist South Africa's latest acts of aggression against Angola, which constituted a threat to international peace and security, and at the continued military occupation of parts of southern Angola by the racist régime of South Africa; deplored South Africa's utilization of the illegally occupied Territory of Namibia as a springboard for armed invasions and destabilization of Angola; and expressed awareness of the need to take effective measures to maintain international peace and security, in view of South Africa's continued violation of the Charter and the resolutions of the Council.

In the operative part, the Council would have: (a) strongly condemned the racist régime of South Africa for its premeditated, unprovoked and persistent acts of aggression perpetrated against the people and the territory of Angola; (b) strongly condemned also South Africa's utilization of the illegally occupied territory of Namibia as a springboard for armed invasions and destabilization of Angola; (c) declared that such acts of aggression were a flagrant violation of the sovereignty and territorial integrity of Angola and constituted a breach of international peace and security; (d) demanded the immediate and unconditional withdrawal of all South African troops from the territory of Angola; (e) strongly condemned the use by racist South Africa of mercenaries against the Government and people of Angola; (f) condemned the aggressive campaign and other hostile activities aimed at destabilizing Angola; (g) urged all Member States, as a matter of urgency, to extend material assistance to Angola in order to enable its people to defend the national independence, sovereignty and territorial integrity of their country; (h) called upon all States to implement fully the arms embargo imposed against South Africa in resolution 418 (1977); (i) called for the payment of full and adequate compensation to Angola by South Africa for the damage to life and property resulting from those acts of aggression; (j) decided to impose comprehensive and mandatory sanctions against racist South Africa under the provisions of Chapter VII of the Charter; (k) decided to send immediately to Angola a commission of investigation, comprising five members of the Council, in order to undertake an on-the-spot evaluation of the critical situation resulting from the

aggression of racist South Africa and to report to the Council not later than 30 September 1981; (f) decided to remain seized of the question and to meet again to consider the effective implementation of the resolution.

At the 2300th meeting, the same group of countries submitted a revised draft resolution<sup>23</sup> which differed from the previous document in that operative paragraph 10 had been deleted, operative paragraphs 11 and 12 being renumbered in consequence, and, in operative paragraph 11, the term "the aggression" had been substituted by "the armed invasion".

At the same meeting, the President of the Council, speaking in his capacity as the representative of Panama, reminded the members that the system of security conceived at San Francisco by the founders of the Organization had been affirmed basically (a) in the acceptance and fulfilment by the Member States of the obligations enshrined in the Charter (Article 4, para. 1); (b) in the binding force of the resolutions of the Council (Article 25); and (c) in the primacy in case of conflicts of the obligations imposed by the Charter over obligations contracted by Member States by virtue of any other international agreement (Article 103). In the light of those provisions, the concept of neutrality regarding the application of resolutions of the Council could not be upheld. There could be no justification for South Africa's non-compliance with resolution 475 (1980). Neutrality in that case would mean the acceptance of the existing state of affairs in South Africa and Namibia, including the system of racial discrimination and the acquiescence in the continuation for the sake of alleged economic, strategic and security interests of a system of colonial exploitation, which was a disgrace to mankind. The seriousness of the unprovoked act of aggression required the Council to adopt forceful measures against the Pretoria régime so that it would put an end to its reprehensible acts of aggression and cease to be a threat to world peace.<sup>24</sup>

The representative of the United Kingdom, explaining his vote before the vote, pointed out that the draft resolution contained elements that his delegation found difficult to support. In the view of his Government, operative paragraph 3 did not constitute a determination under Article 39 of Chapter VII of the Charter; therefore his delegation would abstain when the draft resolution was put to the vote.<sup>25</sup>

The revised draft resolution<sup>26</sup> was put to the vote and, having received 13 votes in favour and 1 against, with 1 abstention, failed of adoption owing to the negative vote of one of the permanent members of the Council.<sup>27</sup>

**Decision of 20 December 1983 (2508th meeting): resolution 545 (1983)**

By letter<sup>28</sup> dated 14 December 1983 addressed to the President of the Council, the representative of Angola requested an urgent meeting of the Council to deal with the situation resulting from the violation of the territorial integrity and national sovereignty of Angola and, in particular, the occupation since 1981 of parts of southern Angola by the armed forces of South Africa.

At the 2504th meeting, on 16 December 1983, the Council included the item in its agenda. Following the adoption of the agenda, the following were invited, at their request, to participate in the discussion without the right to vote: at the 2504th meeting,

the representatives of Angola, Botswana, Brazil, India, Mauritania, Mozambique, Portugal, Somalia, South Africa, Yugoslavia and Zambia; at the 2505th meeting, the representatives of Argentina, Canada, Egypt, the German Democratic Republic, the Libyan Arab Jamahiriya, Nigeria and the United Republic of Tanzania; at the 2506th meeting, the representatives of Benin and Ethiopia; and, at the 2507th meeting, the representatives of Cuba and Turkey.<sup>2</sup> At the 2506th meeting, the Council also decided to extend an invitation under rule 39 of the provisional rules of procedure 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.<sup>29</sup> The Council considered this item at its 2504th to 2508th meetings, on 16, 19 and 20 December 1983.

Opening the discussion at the 2504th meeting, the representative of Angola drew the attention of the Council to the full-scale war that the South African régime had been waging against his country since 1981. The war was being supported in various overt and covert ways by certain States Members of the United Nations, without whose backing the South African troops could not have tried to destabilize the legitimate Government of Angola. The acts of aggression had intensified between mid-1982 and the time of the meeting. The speaker referred to the occasions when his Government had brought its case to the Council.<sup>30</sup> Demanding a withdrawal of the racist soldiers and mercenaries from the territory of Angola, the speaker stressed that this question was non-negotiable, as it was Angola's inherent right under international law on statehood and national sovereignty.

He invoked Article 25 of the Charter and pointed out that South Africa had since 1976 refused to abide by that Article with absolute impunity. As a Member of the United Nations, Angola had the right to expect supportive action, especially from the Council, whose permanent members had the duty not to make a mockery of international law and of the Charter by using the veto to block the course of justice. The speaker concluded by saying that if the Council did not condemn racist South Africa for its military occupation of Angolan territory nor force its withdrawal then one would be forced to conclude that by its impotence and inaction the organ legitimized war.<sup>31</sup>

The representative of South Africa declared that his country's security operation in southern Angola had one objective only: the protection of South West Africa/Namibia against terrorist attacks by the South West Africa People's Organization (SWAPO). As long as SWAPO continued them, South Africa would take whatever action was necessary to defend the people of South West Africa/Namibia. In particular, South Africa would not allow SWAPO to establish sanctuaries north of the border in Angola, from where it could carry out its raids against the inhabitants of the territory. In keeping with the Charter, South Africa would have much preferred to resolve the problem by peaceful means. During the talks between South Africa and Angola in the Cape Verde Islands, a formula had been proposed that could have led to the cessation of armed activities in the border area and the withdrawal of SWAPO and Cuban forces above certain latitudes in Angola. During the second round of talks a senior South African delegation had made it clear that the talks could not

continue unless FAPLA and SWAPO manifested the same military restraint that South Africa had maintained for a number of months. South Africa had also made it clear that an overall solution to the problems of the region would require the withdrawal of the Cubans from the whole of Angola. South Africa had no desire to control a single centimetre of Angolan territory and it was prepared to examine the possibility of peaceful coexistence with all States of the region. The Movimento Popular de Libertação de Angola (MPLA), in accordance with international law, should ensure that its territory was not used for the launching of terrorist attacks against its neighbours. The moment SWAPO ceased its campaign of violence, action against SWAPO would cease. In such circumstances, South African military action across the border against SWAPO elements in Angola would no longer be necessary.

He then read out the message from his Foreign Minister to the Secretary-General expressing his Government's readiness to begin a disengagement of forces on 31 January 1984 on the understanding that the gesture would be reciprocated by the Angolan Government.<sup>32</sup> The Foreign Minister also said that the South African Government remained prepared to begin the process of implementing resolution 435 (1978) upon resolution of the problem of Cuban forces in Angola.<sup>31</sup>

The representative of Somalia emphasized that South Africa's acts of aggression against Angola over the past eight years and its current occupation of Angolan territory constituted a violation of the Charter principles and the norms of international law. It was an intolerable situation that was made even more untenable by South Africa's arrogant attempts to justify its actions with patently false arguments. Every possible judgement of international law had declared South Africa to be in illegal occupation of Namibia. That régime could not claim the right to use military force against those who opposed its illegal, racist and oppressive rule. The African States, and indeed all States that looked to the United Nations as the source of collective security, found it incomprehensible that South Africa had been allowed to carry out with impunity its murderous attacks on Angola and other neighbouring countries and to occupy Angolan territory. His delegation hoped that the Council would fulfil the promise to Angola contained in its resolution 475 (1980).<sup>31</sup>

The representative of India, speaking on behalf of the Movement of Non-Aligned Countries, referred to various documents condemning the repeated violations by South Africa of the territorial integrity of Angola and other neighbouring States. He appealed to the Council to act decisively in condemning in unequivocal terms the aggression by South Africa and its continuing military occupation of parts of southern Angola and demanding the immediate and unconditional withdrawal by South Africa of all its occupation forces, as also a commitment by it to respect scrupulously the independence, sovereignty and territorial integrity of Angola. The Council should also ask for full compensation from South Africa for all the damage that had been inflicted on Angola over the last years by South African aggression and occupation. Mere condemnation of South African aggression and a call upon South Africa to withdraw were not enough, for Pretoria had shown scant regard for such pronouncements. If South

Africa's intransigence persisted, the Council should be prepared to adopt appropriate measures under Chapter VII of the Charter. That in turn would call for a display of the requisite political will on the part of all members of the Council.<sup>31</sup>

The representative of Botswana declared that the invasion and occupation of Angola were an attempt by South Africa to intimidate Angola and to deny the people of that country the right to choose freely the political system under which they wanted to live. He stated that South Africa should be compelled to respect Article 2, paragraph 4, of the Charter and to cease supporting the União Nacional para a Independência Total de Angola (UNITA), whose acts of banditry had caused so much death and destruction in Angola. The answers to the problem of the region were the speedy implementation of resolution 435 (1978) and the total abolition of *apartheid* and the democratization of South African society.<sup>31</sup>

Several African countries addressed the Council and unanimously demanded that it should reject any attempt to justify the aggression against Angola. They joined Angola in demanding that the Council denounce and condemn South Africa and declared that nothing but the immediate and unconditional cessation of hostilities against Angola, followed by the immediate and unconditional withdrawal of South African forces, would convince them of South Africa's seriousness about disengagement. They demanded full and prompt compensation by South Africa for the destruction of property and loss of life brought about by its continued occupation and called for sanctions provided for in Chapter VII of the Charter. They also requested the Council to adopt the draft resolution being prepared as a modest contribution to peace and security for Angola.<sup>33</sup>

The representative of Pakistan stated that the timing of the offer of disengagement made by the Foreign Minister of South Africa in his letter addressed to the Secretary-General<sup>32</sup> raised the legitimate suspicion that it was tactical in nature and limited in objective. Its aim appeared to be to avoid condemnation by the Council of South Africa's continued occupation of Angolan territory. It skirted the central issue of the withdrawal of South African troops from Angola's territory and instead held out a promise of disengagement under conditions that if accepted would amount to the United Nations endorsing South Africa's purported justification of its lawless actions against Angola. In addressing itself to the violations of the Charter, the Council could fulfil its special responsibility under the Charter only by taking firm action in support of those principles.<sup>34</sup>

The representative of China said that the Council should condemn South Africa's armed aggression against Angola and demand that South Africa respect the sovereignty and territorial integrity of Angola and withdraw all its troops immediately and unconditionally.<sup>35</sup>

Some socialist countries associated themselves with all the demands advanced by many of the speakers. In addition, they called for an end to the misuse of the Territory of Namibia as a springboard for aggression, and the termination of all assistance for and any collaboration with UNITA, the instrument of South African policy. They stressed that in the spirit of resolution 539 (1983) the fulfilment of those demands should in no way be linked to the presence of Cuban forces in Angola. The threat to

that country continued to exist, and thus the conditions continued to exist that had induced Angola to request foreign assistance under Article 51 of the Charter. It was absolutely imperative to force South Africa to comply with those demands through the imposition of sanctions under Chapter VII of the Charter.<sup>36</sup>

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 underlined that the entire international community should not merely condemn the blatant breach of all norms of international law and the principles of the Charter by the South African minority régime, but also take concrete steps to redress and prevent the recurrence of such criminal acts through the faithful and strict application of the relevant provisions of the Charter. At the same time, all possible support and assistance should be given to the Government of Angola in its efforts to protect and safeguard its territorial integrity and sovereignty. Such support and assistance should be given as well to the people of Namibia in their struggle for liberation under the leadership of SWAPO.

He mentioned that the Special Committee had long called for the full and effective application of measures under Chapter VII of the Charter, bearing in mind the continuing defiance by South Africa of its Charter obligations and its persistent use of force to perpetuate its illegal domination of Namibia, as well as its repeated and increasingly savage acts of aggression against neighbouring independent African States.

South Africa should not be allowed to replace its obligation to grant independence to Namibia with its aggression and illegal occupation of Angola. The Pretoria régime should be left in no doubt as to the international community's determination to ensure Namibia's independence and the restoration of peace, justice and equality in southern Africa.<sup>35</sup>

The representative of Guyana stated that the Council could not consider its duty done if it simply listened to a debate and added yet another resolution to the list of those that South Africa continued to ignore. There should be a recognition of the need to ensure that the Council's authority was respected and that that body could assert itself to protect a Member State against violations of the Charter by another Member State. Speaking about the draft resolution,<sup>37</sup> he pointed out that his delegation would most certainly have preferred a draft resolution more categorical and unequivocal in its expression. It was hoped that the spirit of accommodation that the sponsors had displayed in respect of the wording would be matched by a willingness on the part of Pretoria's friends, particularly among the permanent members of the Council, to intensify pressure on the régime to respect Angola's independence, sovereignty and territorial integrity.<sup>38</sup>

The President, making a statement in his capacity as representative of the Netherlands, said that in view of the grave consequences that might ensue from the violation of Angola's sovereignty and territorial integrity, the Netherlands Government deemed it imperative that the Council take urgent action to redress that intolerable situation. He expressed the hope that the Government of South Africa, in complying with the Council's demands,

would make the gesture of goodwill needed to promote the political settlements without which it and its neighbours would know no enduring peace and prosperity.<sup>38</sup>

The representative of the United Kingdom said that his delegation would vote in favour of the draft resolution although it had reservations on certain points in it. Thus, it did not consider that the last preambular paragraph and operative paragraph 2 fell within the provisions of Chapter VII of the Charter or constituted a finding or decision that had specific consequences under the Charter. Moreover, the delegation considered that the wording of operative paragraph 2 was unfortunate. It should in no way be taken as a justification for further intervention by foreign forces in the internal affairs of Angola. Such action would indeed endanger international peace and security. The main concern of the British delegation was that the objective of the draft resolution—the withdrawal of South African forces from Angola—should be achieved. Therefore, the British Government had welcomed the indication that South Africa would begin to disengage its forces in Angola as indicated in the letter of 15 December 1983 from the South African Foreign Minister to the Secretary-General.<sup>32</sup> That was a major opportunity for progress towards peace and the reduction of tension in the area.<sup>38</sup>

The President then put to the vote the draft resolution,<sup>37</sup> which was adopted by 14 votes to none, with 1 abstention.<sup>39</sup> The resolution reads as follows:

*The Security Council,*

*Having heard the statement of the Permanent Representative of Angola to the United Nations,*

*Deeply concerned at the continued occupation of parts of southern Angola by the South African military forces in flagrant violation of the principles and objectives of the Charter of the United Nations and of international law,*

*Gravely concerned at the massive loss of human life and extensive destruction of property brought about by the continuing attacks against and military occupation of the territory of Angola,*

*Recalling its resolutions 387 (1976), 428 (1978), 447 (1979), 454 (1979) and 475 (1980),*

*Bearing in mind that in accordance with Article 2, paragraph 4, of the Charter, all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,*

*Conscious of the need to take effective measures to maintain international peace and security in view of the continued violation of the Charter by South Africa,*

1. *Strongly condemns* South Africa's continued military occupation of parts of southern Angola which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of Angola;

2. *Declares* that the continued illegal military occupation of the territory of Angola is a flagrant violation of the sovereignty, independence and territorial integrity of Angola and endangers international peace and security;

3. *Demands* that South Africa should unconditionally withdraw forthwith all its occupation forces from the territory of Angola and cease all violations against that State and henceforth scrupulously respect the sovereignty and territorial integrity of Angola;

4. *Considers*, moreover, that Angola is entitled to appropriate redress for any material damage it has suffered;

5. *Calls upon* all Member States to desist from any action which would undermine the independence, territorial integrity and sovereignty of Angola;

6. *Requests* the Secretary-General to monitor the implementation of the present resolution and report to the Security Council accordingly;

7. *Decides* to remain seized of the matter.



**Decision of 6 January 1984 (2511th meeting): resolution 546 (1984)**

By a letter<sup>40</sup> dated 1 January 1984 addressed to the President of the Council, the representative of Angola transmitted an urgent message from the President of Angola requesting an urgent meeting of the Council to consider the worsening military situation in southern Angola created by the advance of South African military units further north into Angolan territory. The violent combat between the South African military units and Angolan units could lead to disastrous consequences, which in turn threatened peace and security in the region.

At its 2509th meeting, on 4 January 1984, the Council included the item in its agenda. Following the adoption of the agenda, representatives of the following States were invited, at their request, to participate in the discussion without the right to vote: Angola, Ethiopia, Mozambique, South Africa, Togo, the United Republic of Tanzania and Zambia; and, at the 2510th meeting, Algeria, Nigeria, the Syrian Arab Republic, Viet Nam and Yugoslavia.<sup>2</sup> The Council considered this item at its 2509th to 2511th meetings, on 4, 5 and 6 January 1984.

Opening the discussion, the representative of Angola spoke of a series of military moves begun by the South African armed forces further north of their positions inside Angolan territory. Those acts of armed aggression had been aimed at localities more than 200 kilometres from the Namibian border, which gave the lie to the South African assertion that its troops would engage in operations only against Namibian freedom fighters. The latest operation was one of the largest using sophisticated weaponry. It was part of an ongoing attempt by the régime to use military might inside Angolan territory and install a puppet administration in areas under South African military occupation.

The Council owed southern African States some action that would redress the military aggression carried out by the racist South African régime. To deny Pretoria's friends any excuse to point a finger at Angola, his Government was willing to test the so-called offer of disengagement made by the South African régime. At the same time, he indicated that neither the Government nor the people of Angola could understand the Council's inability or unwillingness to act when the issue had been before the Council since 1976; when six resolutions had been adopted by the Council itself since 1976; when there was a clear violation of the Charter; when the Council was the supreme peace-keeping organ of the Organization and the guardian of the Charter; when the will of the international community had been regularly, consistently and unequivocally expressed in support of the Angolan position; when there had been almost 3,000 documented cases of South African aggression against Angola up to mid-1981; when there had been no case of an Angolan soldier ever setting foot across the national borders of Angola; when the known, recognized and internationally acknowledged aggressor struck with impunity across its own borders; and when the States members of the Council and of the United Nations acknowledged the validity and justness of the Angolan position and acknowledged and admitted the culpability of the racist South African régime. As a State Member of the United Nations, Angola had the right to demand and expect an answer to the question of why the

Council had been impotent to deliver justice and to safeguard peace and security.<sup>41</sup>

The representative of South Africa reiterated that the South African activities were aimed at eradicating SWAPO nests in Angola. As a condition for peace and security, he demanded that Luanda take the necessary steps to ensure that its territory was not used for the launching of aggression against its neighbours. He assured the Council that as long as the Angolan Government tolerated, encouraged and nourished SWAPO on its soil, the South African Defence Force (SADF) would seek out its bases and destroy them. As for the implementation of resolution 435 (1978), South Africa remained prepared to begin its implementation upon resolution of the problem of Cuban forces in Angola as reflected in paragraph 12 of the Secretary-General's report<sup>42</sup> to the Council.<sup>41</sup>

The representative of Upper Volta recalled the resolutions adopted by the Council in regard to the situation in Angola. He said that if the Council was unable to give the world the expected response to that distressing problem, it was particularly due to the support enjoyed by Pretoria from certain permanent members of the Council. Another condemnation of the Pretoria régime's continued aggression against Angola and a further demand that that régime immediately and unconditionally withdraw its troops from Angolan territory would be inadequate. It was high time that the Council stood firm in demanding the strict implementation of its resolutions and decisions. That firmness could be convincing only if all the members spoke with one voice.<sup>41</sup>

The representative of Togo, speaking as Chairman of the Group of African States at the United Nations for January, invited the Council to adopt a resolution demanding an immediate cease-fire and the unconditional withdrawal of South African troops from Angola. The Council should once again condemn South Africa's hostile acts against Angola, order that they be stopped and reject "linkage". The Council should exert unanimous and increased pressure against the racist South African régime to force it to abandon its policy of aggression against its neighbours.<sup>41</sup>

The representative of India pointed out that the pretext of "hot pursuit"—or of so-called preventive strikes—that the representative of South Africa had presented to the Council stood long discredited and exposed. South Africa had no business being in Namibia: Pretoria had repeatedly used Namibia as a springboard for launching acts of aggression, destabilization and terrorism against independent African States in an effort to consolidate its illegitimate presence in Namibia and to further its exploitation of the human and material resources of that Territory.

He said that the Movement of Non-Aligned Countries viewed the occupation of Angolan territory by forces of the racist régime as an act of aggression against the Movement itself. He indicated that the Council should address itself more urgently to the issue at hand, condemn those actions in the strongest terms and demand respect for Angola's sovereignty, independence and territorial integrity. Speaking of the necessity to ensure by every means available under the Charter that South Africa respect the will of the Council, he declared his delegation's readiness to extend its support to all efforts in that direction.<sup>41</sup>

The representative of Mozambique underlined that there were no signs of South Africa's compliance with resolution 545 (1983) and other relevant resolutions, or of the so-called disengagement. The Council and the West bore a great responsibility. The West had to decide whether it wanted to arrest the violence and allow genuine independence or whether it preferred to continue to allow its finances and expertise to be used to perpetuate racism and *apartheid*, to prolong the violence and to bring about a blood-bath. The Council had to decide whether it would take the necessary measures to force South Africa to respect international law through the imposition of sanctions.<sup>41</sup>

The representative of the United Republic of Tanzania said that the Council had before it a case of continuing aggression against a sovereign, independent Member of the Organization. The latest military campaign provided further proof that South Africa did not intend to abandon its aggressive militaristic policies in the region unless compelled to do so. That active policy of open hostility and aggression was aimed at crippling the Angolan revolution. The Council seemed incapable of acting as the implementation of its resolutions was held hostage to the illegal demands of the *apartheid* régime. Every action of the international community attempting to censure that régime or to find a peaceful solution to any of the problems in southern Africa had been reciprocated with an act of aggression by South Africa. Angola, as a State Member of the Organization, was entitled to and should be granted protection by the Council.

He stressed that his delegation sought from the Council a categorical condemnation of the South African aggression, a demand for the cessation of its acts of aggression and the unconditional withdrawal of the occupation forces from Angola, as well as the payment of prompt and adequate compensation by South Africa for the damage to human life and property brought about by its aggression. The Council should make it clear that if South Africa persisted in its aggression the Council would have to consider the adoption of effective measures under Chapter VII of the Charter. The Council should also reaffirm the right of Angola to take all measures necessary under the Charter, in particular Article 51, to safeguard its sovereignty, territorial integrity and independence.<sup>41</sup>

At the 2510th meeting, the representative of Ethiopia said that time and again Pretoria had told the world in no uncertain terms that it could not care less what the Council did or what the international community at large thought, so long as its important ally and its other Western friends stood by its side. South Africa's intensification of its war of aggression against Angola was but that régime's arrogant response to resolution 545 (1983). The speaker quoted the statement by the Ministry of Foreign Affairs of Ethiopia of 18 December 1983 which "called upon the international community to intensify the worldwide campaign to isolate the Pretoria régime and urged all peace-loving peoples and Governments to increase their material and financial support to the front-line countries, in particular to Angola, as well as to the liberation movements of southern Africa".<sup>43</sup>

The representative of the Soviet Union stated that South African racists had undertaken the latest act of banditry only because they knew full well that they could count on the patronage of certain Western Powers—foremost among them the United States, which collaborated with the Pretoria régime and gave

it support and political protection. Certain peoples had had the illusion that it had been the concern of the West to normalize the situation in southern Africa in the interest of the African countries. But after so many years of the Western Powers obviously pandering to Pretoria that illusion should be fully dissipated. The Soviet delegation was convinced that the Council was duty-bound not merely to adopt a new resolution containing another condemnation of the South African aggressors, but to adopt decisive effective measures under Chapter VII of the Charter in order to force South Africa immediately and unconditionally to halt all acts of aggression against Angola and forthwith to withdraw its troops from the occupied territory of Angola. The Council should seek reparations from the Government of Angola for all the damages it had sustained.<sup>43</sup>

Other speakers also associated themselves with the demands of Angola and indicated that the Council was faced with a challenge to move beyond the ritual of indignant condemnation of the racist régime for its aggression and occupation of Angola and to take effective measures under Chapter VII, which should bring about the immediate and unconditional withdrawal of South African forces from southern Angola.<sup>44</sup>

At the 2511th meeting, the representative of the Netherlands indicated that the dangerous conditions prevailing in southern Africa were a direct result of South Africa's stubborn refusal to terminate its unlawful occupation of Namibia and to implement the United Nations settlement plan for Namibia. Namibia was not part of the Republic of South Africa and South Africa could derive no valid legal claim for the violation of Angola's sovereignty and territorial integrity from its continued illegal presence in Namibia. The Netherlands would vote in favour of the draft resolution before the Council.<sup>45</sup> That did not mean, however, that his Government was considering taking any measures for the implementation of its operative paragraph 6.<sup>46</sup>

The representative of Zimbabwe stressed that should the demands contained in the draft resolution be ignored by South Africa, the Council should reserve the right to meet in order to consider the adoption of more effective measures under Chapter VII.<sup>46</sup>

At the 2509th meeting, the President drew the Council's attention to a draft resolution sponsored by the delegations of Angola, Egypt, India, Mozambique, Nicaragua, the United Republic of Tanzania, Upper Volta, Zambia and Zimbabwe.<sup>45</sup>

At the 2511th meeting, a revised draft resolution<sup>47</sup> was submitted by the same group of countries, as well as Malta, Nigeria, Pakistan and Peru. At the same meeting, the draft resolution was put to the vote and was adopted by 13 votes to none, with 2 abstentions.<sup>48</sup> It reads as follows:

*The Security Council,*

*Having considered* the statement of the Permanent Representative of Angola to the United Nations,

*Recalling* its resolutions 387 (1976), 418 (1977), 428 (1978), 447 (1979), 454 (1979), 475 (1980) and 545 (1983),

*Gravely concerned* at the renewed escalation of unprovoked bombing and persistent acts of aggression, including the continued military occupation, committed by the racist régime of South Africa in violation of the sovereignty, airspace and territorial integrity of Angola,

*Grieved* at the tragic and mounting loss of human life and concerned about the damage and destruction of property resulting

from those escalated bombing and other military attacks against and occupation of the territory of Angola by South Africa,

*Indignant* at the continued military occupation of parts of the territory of Angola by South Africa in contravention of the Charter of the United Nations and relevant Security Council resolutions,

*Conscious* of the need to take effective steps for the prevention and removal of all threats to international peace and security posed by South Africa's military attacks,

1. *Strongly condemns* South Africa for its renewed, intensified, premeditated and unprovoked bombing, as well as the continuing occupation of parts of the territory of Angola, which constitute a flagrant violation of the sovereignty and territorial integrity of that country and endanger seriously international peace and security;

2. *Further strongly condemns* South Africa for its utilization of the international Territory of Namibia as a springboard for perpetrating the armed attacks as well as sustaining its occupation of parts of the territory of Angola;

3. *Demands* that South Africa should cease immediately all bombing and other acts of aggression and unconditionally withdraw forthwith all its military forces occupying Angolan territory as well as undertake scrupulously to respect the sovereignty, airspace, territorial integrity and independence of Angola;

4. *Calls upon* all States to implement fully the arms embargo imposed against South Africa in Security Council resolution 418 (1977);

5. *Reaffirms* the right of Angola, in accordance with the relevant provisions of the Charter of the United Nations and, in particular, Article 51, to take all the measures necessary to defend and safeguard its sovereignty, territorial integrity and independence;

6. *Renews* its request to Member States to extend all necessary assistance to Angola, in order that Angola may defend itself against the escalating military attacks by South Africa as well as the continuing occupation of parts of Angola by South Africa;

7. *Reaffirms further* that Angola is entitled to prompt and adequate compensation for the damage to life and property consequent upon these acts of aggression and the continuing occupation of parts of its territory by the South African military forces;

8. *Decides* to meet again in the event of non-compliance by South Africa with the present resolution in order to consider the adoption of more effective measures in accordance with appropriate provisions of the Charter;

9. *Requests* the Secretary-General to monitor the implementation of the present resolution and report to the Security Council thereon not later than 10 January 1984;

10. *Decides* to remain seized of the matter.

Following the voting, the representative of the United Kingdom declared that his delegation had been faced with a resolution drafted in extreme language on which the authors had not been prepared to make more than minor changes. For example, his delegation could not accept and did not accept the overtones of Article 39 of the Charter, which still remained in the last preambular paragraph and in operative paragraph 1. His delegation could not and did not support operative paragraph 6, which might even be taken as an invitation to widen conflict and exacerbate the problems of finding peace in the region. The British reservations on those aspects remained as stated on 20 December 1983 in relation to resolution 545 (1983). Other parts of the resolution, too, were unacceptable in substance, such as the third preambular paragraph and operative paragraph 8, or were inappropriate. In his delegation's view, a resolution containing such elements risked taking the Council down another blind alley.<sup>46</sup>

#### NOTES

<sup>1</sup> S/14647, *OR*, 36th yr., *Suppl. for July-Sept. 1981*. See also the letter dated 27 August 1981, in which the Angolan request for a Council meeting was reiterated (S/14654, *ibid.*), and another letter dated 25 August 1981, in which the representative of Angola

transmitted the text of a letter from the President of Angola addressed to the Secretary-General in which he expressed concern about the alleged concentration of more than 45,000 South African soldiers on the border between Angola and Namibia and warned that his country might be forced to resort to Article 51 of the Charter for its self-defence (S/14643, *ibid.*).

<sup>2</sup> For details, see chap. III of the present *Supplement*.

<sup>3</sup> 2299th mtg., para. 2. For details, see also chap. III of the present *Supplement*.

<sup>4</sup> 2296th mtg., paras. 7-25.

<sup>5</sup> *Ibid.*, paras. 26-30.

<sup>6</sup> *Ibid.*, paras. 31-38.

<sup>7</sup> *Ibid.*, paras. 40-56.

<sup>8</sup> *Ibid.*, paras. 58-63.

<sup>9</sup> *Ibid.*, paras. 64-81.

<sup>10</sup> *Ibid.*, paras. 82-85.

<sup>11</sup> *Ibid.*, paras. 86-91.

<sup>12</sup> *Ibid.*, paras. 102-118.

<sup>13</sup> *Ibid.*, paras. 135-143.

<sup>14</sup> *Ibid.*, paras. 144-148.

<sup>15</sup> *Ibid.*, paras. 158 and 159.

<sup>16</sup> 2297th mtg., paras. 6-22.

<sup>17</sup> *Ibid.*, paras. 23-31.

<sup>18</sup> *Ibid.*, paras. 32-37.

<sup>19</sup> *Ibid.*, paras. 38-55.

<sup>20</sup> *Ibid.*, paras. 58-65.

<sup>21</sup> For the relevant statements, see 2297th mtg., Yugoslavia and India; 2299th mtg., Mr. Clovis Maksoud and Uganda; and 2300th mtg., Mozambique.

<sup>22</sup> S/14664, *OR*, 36th yr., *Suppl. for July-Sept. 1981*.

<sup>23</sup> S/14664/Rev.1 and 2, *ibid.*

<sup>24</sup> 2300th mtg., paras. 22-38.

<sup>25</sup> *Ibid.*, paras. 40-44.

<sup>26</sup> S/14664/Rev.2, *OR*, 36th yr., *Suppl. for July-Sept. 1981*. The second preambular paragraph was revised by substituting the term "armed invasion" for "acts of aggression"; operative paragraph 3 was changed by replacing the words "acts of aggression" by "armed invasion" and "breach of international peace and security" by "a danger to international peace and security". Paragraph 10 in the original draft invoking Chapter VII of the Charter had been deleted in the first revision.

<sup>27</sup> For the vote, see 2300th mtg., para. 45.

<sup>28</sup> S/16216, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.

<sup>29</sup> 2506th mtg.

<sup>30</sup> Resolutions or decisions on this question were adopted by the Council in 1978, 1979, 1980 and 1981.

<sup>31</sup> 2504th mtg.

<sup>32</sup> S/16219, annex I, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.

<sup>33</sup> 2506th mtg., Libyan Arab Jamahiriya, Mauritania, Mozambique, Nigeria, United Republic of Tanzania and Zimbabwe; and 2507th mtg., Zambia, Ethiopia and Egypt.

<sup>34</sup> 2506th mtg.

<sup>35</sup> 2507th mtg.

<sup>36</sup> 2506th mtg., Poland; 2507th mtg., German Democratic Republic, Soviet Union and Cuba; and 2508th mtg., Poland.

<sup>37</sup> S/16226, sponsored by Angola, Botswana, Guyana, Jordan, Malta, Mozambique, Nicaragua, Nigeria, Pakistan, Togo, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe; adopted without change as resolution 545 (1983).

<sup>38</sup> 2508th mtg.

<sup>39</sup> For the vote, see 2508th mtg. See also chap. IV of the present *Supplement*.

<sup>40</sup> S/16244, *OR*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>41</sup> 2509th mtg.

<sup>42</sup> S/15943, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>43</sup> 2510th mtg.

<sup>44</sup> For the relevant statements, see 2510th mtg., China, Malta, Zambia, Ukrainian Soviet Socialist Republic and Algeria; and 2511th mtg., Yugoslavia, France, Zimbabwe and Nicaragua.

<sup>45</sup> S/16247, *OR*, 39th yr., *Supplement for Jan.-March 1984*.

<sup>46</sup> 2511th mtg.

<sup>47</sup> S/16247/Rev.1, adopted as resolution 546 (1984). The revision involved small changes in operative paragraphs 1, 8 and 9.

<sup>4</sup> For the vote, see 2511th mtg. See also chap. IV of the present Supplement.

## 8. COMPLAINT BY SEYCHELLES

**Decision of 15 December 1981 (2314th meeting): resolution 496 (1981)**

By letter<sup>1</sup> dated 8 December 1981, the representative of Seychelles informed the Council that on 25 November 1981 the Republic of Seychelles had been invaded by 45 mercenaries who had landed at the Seychelles International Airport. The invaders, who had come from South Africa, had immediately launched an attack at the airport, inflicting heavy damage, and had taken hostages. Those invaders who had not been captured and detained had fled in panic by hijacking an Air India aircraft, which they had commandeered to South Africa. In view of the threat to international peace and security resulting from that situation, the representative of Seychelles requested that the Council be convened urgently to consider the matter and take appropriate action.

At its 2314th meeting, on 15 December 1981, the Council included the letter in its agenda and considered the question at that meeting. The representatives of Seychelles and Botswana were invited, at their request, to take part in the discussion without the right to vote.<sup>2</sup>

The President of the Council drew attention to several documents,<sup>3</sup> including the text of a draft resolution,<sup>4</sup> which had been prepared in the course of the Council's consultations.

The representative of Seychelles informed the Council that at 1430 Greenwich mean time on 25 November 1981 a group of 44 foreign mercenaries had arrived at Seychelles International Airport on board a scheduled flight of the Royal Air Swazi airline. The mercenaries had travelled by coach from South Africa to Matsapha Airport in Swaziland. As they had disembarked in Seychelles and were going through customs, a customs officer had detected a false-bottomed bag containing a sub-machine-gun. In view of the fact that all members of the group had been carrying more or less similar pieces of luggage, the security forces had been alerted and the buses scheduled to take the group to their hotel had been ordered not to move. Once the mercenaries had realized that their plot had been foiled, they had immediately unpacked their weapons and taken control of the airport, including the air traffic control tower. They had also taken everyone at the airport—a total of 70 people—as hostages. The defence forces of Seychelles had then moved into position and contained the mercenaries at the airport. The mercenaries had then ordered a scheduled Air India Boeing 707 to land, hijacked the aircraft and ordered the pilot to take them to Durban, South Africa, with all passengers on board.

In all, 44 mercenaries had left on the aircraft, taking with them one dead. Two had been seriously wounded. Left behind had been members of the rear guard of the mercenary force, some of whom had infiltrated the country prior to the arrival of the group of 44 and had taken part in the fighting. All were foreigners. Six mercenaries had been captured and detained. The attack had resulted in loss of life, injuries, considerable hardship to the hostages and extensive damage caused to the airport facilities,

control tower and various buildings. The losses had been estimated at about \$30 million.

There was every reason to believe that South Africa had been involved in the aggression. Despite the South African declaration that the hijackers had been taken into custody in South Africa and would be dealt with according to its stringent anti-hijacking legislation, only five of the mercenaries had been charged with kidnapping and released on minimal bail. The other 39 had not been charged but had been set free despite the request by the Government of Seychelles that the mercenaries be returned to Seychelles to stand trial before an international tribunal appointed by the United Nations.

The Government of Seychelles requested the Council to establish an international commission of inquiry to be composed of three members of the Council to investigate the origin, background and financing of the mercenary invasion, as well as to assess the economic damage and to report to the Council with appropriate recommendations not later than 31 January 1982. The action of the South African régime showed that it might have had a hand in the organization of the invasion. Stating that he expected the Council to pass the necessary judgement and condemnation and to initiate the necessary action, the representative of Seychelles reserved the right to bring the matter again before the Council should the situation warrant it.<sup>5</sup>

The representative of Botswana said that although the Council possessed no concrete evidence to suggest that the mercenaries had been sent to Seychelles by the Government of South Africa, it had many questions to put to South Africa and hoped that South Africa would answer them. First, why had the mercenaries been released so quickly despite the fact that they had arrived back in South Africa on the same plane they had forced to fly to South Africa? Secondly, why had South Africa's stringent so-called anti-terrorist laws not been invoked against the mercenaries, at least to punish them for hijacking the Air India plane? Thirdly, did South Africa think that the pilot of the Air India plane had decided to fly to Durban for fun? Fourthly, had the presence on the aircraft of armed men not been enough evidence to suggest that the pilot could not have flown his plane to South Africa of his own volition? Fifthly, had the pilot been asked to tell his story and to explain, in particular, why he had armed men on his plane? Sixthly, and most important, as the Council had every reason to ask, why had the mercenaries been so elated to be back in South Africa, knowing only too well that they could easily be imprisoned for up to 30 years for their damnable act of terrorism? It was important that the real truth of what had happened in Seychelles on 25 November should be known in all its dimensions. The speaker urged the Council to set up a commission of inquiry to visit Seychelles and wherever information could be found as soon as possible to find out what had happened on 25 November. The Commission should assess the economic changes wrought by the invasion and make the necessary recommendations for alleviating them.<sup>6</sup>

The President then put the draft resolution to the vote; it was adopted unanimously by 15 votes as resolution 496 (1981).<sup>7</sup> The resolution reads as follows:

*The Security Council,*

*Taking note of the letter dated 8 December 1981 from the Chargé d'affaires of the Permanent Mission of the Republic of*

Seychelles to the United Nations addressed to the President of the Security Council.

*Having heard* the statement of the representative of the Republic of Seychelles,

*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 Republic of Seychelles must be respected;
2. *Condemns* the recent mercenary aggression against the Republic of Seychelles and the subsequent hijacking;
3. *Decides* to send a commission of inquiry composed of three members of the Security Council in order to investigate the origin, background and financing of the mercenary aggression of 25 November 1981 against the Republic of Seychelles, as well as assess and evaluate economic damages, and to report to the Council with recommendations no later than 31 January 1982;
4. *Decides* that the members of the commission of inquiry will be appointed after consultations between the President and the members of the Security Council and the Republic of Seychelles;
5. *Requests* the Secretary-General to provide the commission of inquiry with the necessary assistance;
6. *Decides to remain seized of the question.*

The representative of the Soviet Union said that his delegation had voted in favour of the draft resolution for the following reasons: a group of mercenaries had invaded the territory of a sovereign State Member of the United Nations; that group had carried out armed actions on the territory of that State, action that had taken human life and caused serious material damage; and mercenaries had seized a civilian aircraft belonging to another State and had hijacked it to South Africa. The naked act of provocation committed against Seychelles constituted a violation of the universally recognized norms and principles of international law and a further manifestation of the policy of international terrorism pursued by imperialist circles against young independent States. That dangerous military adventure not only violated the sovereignty of Seychelles but also represented a serious threat to international peace and security. The speaker expressed the conviction that the Council, upon receiving the report of the Commission of Inquiry, would take the necessary measures not only to defend the sovereignty of Seychelles, but also to prevent any acts of international terrorism carried out by means of mercenaries against the independence of developing States Members of the United Nations.<sup>8</sup>

Other representatives also strongly condemned the use of mercenaries and of international banditry, which endangered international peace and security, and unanimously supported resolution 496 (1981).<sup>9</sup>

The representative of the United States remarked that the resolution posed questions of a more general sort, which the Council should take cognizance of and reflect on. The first question was whether the intervention was a purely internal affair, the answer to which was apparently "no". Secondly, if it was not a purely internal affair and involved another State, was the Council then perhaps prejudging the very question that a commission of inquiry had been established to investigate? The third question was: Was it always legitimate for a Government that had survived an attempted *coup* to seek an investigation and perhaps redress in the United Nations? What about a Government that had not survived a *coup*? Could it seek an inquiry from the Council? In her view, the Council, like the General Assembly and all other bodies, should always take care to think beyond

the specific case to the implications of a specific action for future activities.<sup>10</sup>

The President of the Council, speaking in his capacity as the representative of Uganda, mentioned four features of the aggression that were especially disturbing to his delegation. First, the Council could not ignore the overwhelming *prima facie* evidence, widely reported by many independent sources, that the vicious hand of South Africa had been involved in the episode. That development was even more grave given the declared design of South Africa to intimidate and destabilize any and all African countries that had chosen the path of genuine independence for themselves and solidarity with the struggling peoples of southern Africa. The second feature was the fact that the aggression had been perpetrated through the instrumentality of a band of mercenaries. No continent had suffered and continued to suffer so grievously from the trauma of mercenaries as Africa. The third feature was the fact that the aggressive episode had been followed by the serious crime of hijacking. The fourth feature was the fact that the victim of the aggression was a small, vulnerable and non-aligned African country whose hope for a peaceful and independent existence lay in the United Nations. The speaker said that his delegation would give its comprehensive views on the present complaint when the Council considered the report of the Commission of Inquiry.<sup>11</sup>

In a note dated 24 December 1982,<sup>12</sup> the President of the Council stated that, following his consultations with the members of the Council and Seychelles, an agreement had been reached that the Commission of Inquiry established under resolution 496 (1981) would be composed of Ireland, Japan and Panama.

It was subsequently agreed, during consultations among the members of the Commission, that Ambassador Carlos Ozores Typaldos of Panama would serve as its Chairman.

The Commission of Inquiry visited Seychelles, Swaziland and South Africa between 24 January and 6 February 1982. In a note dated 27 January 1982,<sup>13</sup> the President of the Council informed the members that the Chairman of the Commission of Inquiry had notified him that, owing to the delay encountered as a result of the complexity of the preparatory work, the Commission would find it difficult to report to the Council by 31 January, as called for in paragraph 3 of resolution 496 (1981). Accordingly, the Commission had requested an extension of the date of submission of its report until early March. The President added that, following informal consultations on the matter, it had been found that no member of the Council had any objection to the Commission's request and that the Chairman of the Commission had been so informed.

**Decision of 28 May 1982 (2370th meeting): resolution 507 (1982)**

At its 2359th meeting, on 20 May 1982, the Council resumed its consideration of the item entitled "Complaint by Seychelles" and included the report of the Commission of Inquiry<sup>14</sup> in its agenda.

The Council invited the following, at their request, to participate, without vote, in the discussion of the item: at the 2359th meeting, the representatives of Algeria, Angola, Argentina, Benin, Botswana, Cuba, Czechoslovakia, Egypt, Honduras, India, the Lao People's Democratic Republic, Madagascar, Mal-

dives, Malta and Seychelles; at the 2361st meeting, the representatives of Afghanistan, Barbados, Bulgaria, the German Democratic Republic, Grenada, Hungary, Mali, Mozambique, Nicaragua, Pakistan, Sao Tome and Principe, the United Republic of Tanzania, Viet Nam and Yugoslavia; at the 2365th meeting, the representatives of Kenya, the Libyan Arab Jamahiriya, Mauritius and the Syrian Arab Republic; and, at the 2367th meeting, the representatives of Bangladesh, Mongolia, Nigeria, Sri Lanka, Swaziland and Zambia.<sup>2</sup> The Council considered the item at its 2359th, 2361st, 2365th, 2367th and 2370th meetings, from 20 to 28 May 1982.

The report of the Commission of Inquiry, dated 15 March 1982,<sup>14</sup> included a detailed review of the Commission's activities both at Headquarters and during its visit to the area, as well as its conclusions and recommendations.

The representative of Panama, on behalf of the Chairman of the Security Council Commission of Inquiry established under resolution 496 (1981), introduced the report of the Commission. He said that the Commission members were of the opinion that taking into account the immediate planning and preparation of the aggression by the mercenaries, including the recruitment of over 50 mercenaries by Colonel Michael Hoare, as well as the fact that the weapons used by the mercenaries were tested in South Africa, it was difficult for the Commission to believe that the South African authorities were not aware of the preparation in that connection. On the basis of the documents supplied by the Seychelles Government, the Commission estimated that the total losses suffered by the Seychelles economy amounted to approximately \$18 million. The most serious reversal was likely to be a drop in income from the tourist industry.

The Commission felt that there would be significant adverse repercussions upon the economy of Seychelles. Therefore, the Commission recommended that financial, technical and material assistance be provided urgently through an appropriate fund in order to enable the country to deal with the difficulties resulting from the aggression and that States and the international community as a whole should make every possible effort to prevent mercenary operations, having regard to the grave threat that those operations posed, particularly to small island States with limited resources such as Seychelles. It was further recommended that Governments that had information related to mercenary activities should, without delay, communicate such information, directly or through the Secretary-General of the United Nations, to Governments concerned. Another recommendation was that the International Civil Aviation Organization (ICAO) give further consideration to preventive measures, while taking into account the wish of Governments to facilitate tourism. He also mentioned the difficulties that the Commission had faced in South Africa in its endeavour to fulfil its mandate.<sup>15</sup>

The Minister for Foreign Affairs of Seychelles said that his Government could not be fully satisfied until the origin, background and financing of the 25 November 1981 aggression had been fully established. An armed operation, carried out by foreigners coming from a foreign country, could have been planned only with the complicity of foreign authorities. Indeed, Mr. Hoare's recent statement at the Pietermaritzburg court had implicated the South

African régime at the highest political and military levels. The complete transcript of both the public and closed sessions of the trial should enable the Commission to prepare a supplementary report on the origin, background and financing of the aggression.

He added that it was virtually impossible for his nation to remedy the economic situation resulting from that aggression without urgent financial assistance from members of the United Nations and of other international organizations. In that connection he asked the Council to make an appeal that the assistance be provided without delay and to call upon Member States to co-operate fully in the speedy drafting and subsequent implementation of an international convention against recruitment, use, financing, training and harbouring of mercenaries in the interest of international peace and security. He also proposed that the mandate of the Commission be extended to enable it to complete its inquiry.<sup>16</sup>

The representative of France drew two conclusions from the report of the Commission of Inquiry. The first concerned the need for an international convention against the recruitment, use, financing and training of mercenaries. The second concerned assistance to be given to Seychelles. France suggested that, upon the initiative of the Council, a fund for voluntary contributions should be established in which France was prepared to play a special role.<sup>17</sup>

The representative of Jordan stressed that all evidence in the report pointed to the fact that the act of aggression emanated from the Government of South Africa. South Africa obviously wanted to have control over that island and to undermine the independence of Seychelles. Since the Council was the ultimate guardian of international peace and security it should, first, condemn the act of aggression in the strongest terms and, secondly, initiate a process to work out a convention aimed at safeguarding small countries against dangerous and unlawful acts of aggression such as that against Seychelles. He also supported the suggestion that the United Nations should consider establishing a special voluntary fund to assist Seychelles. He called for a supplementary inquiry by the Commission in an effort to get to the root of the matter.<sup>18</sup>

The representative of Egypt, on behalf of the Group of African States at the United Nations, mentioned that the report of the Commission contained no specific recommendations as to the origin, financing and organization of the aggression, but there was every reason to believe that South Africa had been involved in the aggression. He underlined the following elements. First, South Africa had not permitted the Commission to interview the mercenaries, who had returned to South Africa aboard the hijacked Air India plane. In particular, the Commission had been handicapped by not having an interview with the leader of the mercenaries, Michael Hoare. Secondly, the immediate preparations for and planning of the mercenary aggression, including the recruitment of over 50 mercenaries by Hoare, had taken place in South Africa. A number of those mercenaries had been reservists in the South African Defence Force to whom call-up papers had been issued. Thirdly, Martin Dolinschek, an intelligence officer with the South African National Intelligence Service, had been among the seven mercenaries captured by the Seychelles Security Forces following the mercenary aggression. In answer to a question in the South African Parliament on 19 February 1982,

the Minister of Interior admitted that the authorities had indeed officially issued a new passport to Martin Dolinschek under the alias of Anton Lubic.

Fourthly, Mike Hoare, testifying at the hijack trial, had revealed that the aggression had been carried out with the knowledge of the South African Intelligence Service and with men supplied by the South African Defence Force. A delivery invoice of weapons and ammunition to be used in the *coup* and delivered to Hoare's house had been submitted as evidence in court. Hoare had been informed that the South African Cabinet had decided in principle in September 1981 that the invasion attempt using mercenaries should go ahead.

Fifthly, the Speaker of the South African Parliament had refused a request on 4 May 1982 from the opposition Progressive Federal Party to hold a special debate on the involvement of the South African Government and the South African army in the aggression against Seychelles.

Sixthly, South Africa had released 39 of the 44 mercenaries in December 1981 without charging them or even disclosing their identities, although they had forced an Air India plane to fly to South Africa. Subsequently, the Government of South Africa had reversed itself and charged the mercenaries. However, the verdict could almost be predicted.

In the light of those developments, the representative of Egypt affirmed that (a) the report of the Commission was an interim report; (b) one could not exclude the possibility that further information relating to the mandate of the Commission might become available, particularly during or after the trial on the hijacking charges in South Africa or at the trial that was to take place on 16 June 1982 in Seychelles; and (c) a thorough investigation should be carried out by the Commission in order to get to the facts about the origin and background of the mercenary aggression. The Commission should be authorized to furnish a supplementary report in due course containing any further information. In conclusion, he said that unless the world community and the Council dealt effectively with the situation in southern Africa, the Pretoria régime would continue to pursue its policy of aggression and suppression against the people of South Africa, its illegal occupation of Namibia and its acts of aggression against the neighbouring countries.<sup>19</sup>

The representative of the United Kingdom declared that his Government had informed the Government of Seychelles that it would look sympathetically at any request for assistance in repairing the damage. His Government had also undertaken to implement immediately an aid agreement in the amount of £1.5 million. He mentioned his delegation's participation in the recent session of the General Assembly's *Ad Hoc* Committee dealing with the drafting of an international convention against the recruitment, use, financing and training of mercenaries. His delegation considered that the Commission's proposal to furnish a supplementary report should be accepted by the Council.<sup>20</sup>

The representative of Angola called the mercenary attack on Seychelles a most flagrant and brutal violation of territorial integrity and sovereignty and part of a comprehensive master plan concocted by the illegal racist régime of South Africa against an independent country that was a member of the Organization of African Unity (OAU) and a Member

of the United Nations. He welcomed the report of the Commission of Inquiry and supported the creation of a special fund to help rebuild the airport and other buildings damaged by the mercenary activity in Seychelles. He also requested the Council to remain seized of the matter and to prepare a complementary report in addition to the one before it.<sup>21</sup>

At the 2361st meeting, the representative of Japan pointed out that according to the findings of the Commission of Inquiry the primary objective of the mercenaries had been to overthrow the Government of Seychelles in order to install James Mancham as the head of State. Seychelles was clearly the victim of aggression; its sovereignty and territorial integrity had unquestionably been violated by mercenaries from outside the country, although some Seychelles exiles apparently were also involved. The Japanese delegation was of the view that the Council's first task was to consider whether or not to request a supplementary report. Certain ambiguities on the financing might also be clarified if further information was collected from diverse sources, including Michael Hoare and Gerard Hoaresan, a Seychellois resident in South Africa who seemed to have been closely involved in the actual attack. He expressed confidence that the leaders and people of Seychelles, with international co-operation, would overcome the economic difficulties in the near future.<sup>22</sup>

The representative of the Soviet Union stressed that the aggressive action against Seychelles was another example of the policy of international terrorism that the imperialist circles directed against young independent States that had embarked upon the road of independent national development. The report of the Commission proved that the South African authorities not only knew about the aggression being prepared, but were its initiators and organizers. That was a normal manifestation of the policy of the racist régime of Pretoria, which intended to crush the aspirations of the people of Africa to freedom, independence, equal rights and social progress. In that connection, he supported a number of recommendations in the Commission's report, called for the rapid completion of the drafting of an international convention against the recruitment, use, financing and training of mercenaries and urged the Council to take far-reaching measures against the racist régime of Pretoria in order to prevent such attacks on independent States.<sup>23</sup>

The representative of Maldives mentioned that the problem of mercenary activities should not be viewed merely as isolated acts by eccentric, deranged or unscrupulous people. They could readily become real major threats to smaller and poorer countries throughout the world and that could be an international problem of great magnitude. Countries like Maldives relied to a considerable extent on the United Nations for the preservation and maintenance of their security, independence and territorial integrity.<sup>24</sup>

The representative of Algeria stressed that everywhere in southern Africa, the Pretoria régime was challenging the independence and sovereignty of African peoples, challenging OAU and the United Nations in order to establish its imperialist strategy of domination, destabilization and the weakening of free Africa. The continuation of the Commission's activities would enable the Council to place international responsibility on those who prepared and financed the aggression. In addition to condemning

the aggression, the Council should see to it that reparations for the damage were extracted from the aggressor. The creation of a special fund for Seychelles was also required as an urgent measure and all States should be invited to contribute to it.<sup>25</sup>

The representative of the German Democratic Republic supported the legitimate demand of Seychelles that the forces responsible be brought to account and obliged to make compensation. He also underlined that the evaluation of the facts and the naming of the perpetrators were all the more imperative because the aggression against Seychelles was one link in the chain of flagrant violations of international law by the *apartheid* régime.<sup>26</sup>

The representative of the United Republic of Tanzania, speaking of South Africa's general policy of aggression against independent African States, mentioned that for South Africa the toppling of the revolutionary Government of Seychelles, leading to the installation of a puppet régime, was part of the grand design against the opponents of *apartheid*. The behaviour of the South African authorities in handling the whole affair left no doubt that they were involved. As the possibility of mercenary aggression remained a serious threat, the Council should denounce the whole concept of mercenarism as a crime against humanity threatening the independence, sovereignty and territorial integrity of States.<sup>27</sup>

The representative of Botswana, speaking as Chairman of the Council of Ministers of OAU, expressed his gratification that the display of solidarity in the condemnation of the mercenary aggression against Seychelles transcended differences in other areas of political endeavour. As the objective of the plot had been to capture the entire leadership of the country, overthrow the Government and reinstate the former head of State, the mandate of the Commission should be extended in order to prepare a complementary report. The area of investigation had been narrowed to mercenaries inside South Africa itself. The Council should see to it that the Government of South Africa provided all the assistance the Commission might require. The ultimate objective was the adoption by the international community of a global convention on mercenarism.<sup>28</sup>

The representative of Viet Nam suggested that the proliferation of violent attempts at a *coup d'état* and armed intervention could be explained by the plans for stemming the tide of the national liberation movements and by the hegemonistic policies of imperialist forces. It was to be hoped that an international convention on mercenarism would be drafted so that it would be applicable not only to mercenaries but especially to States that recruited, financed and used them and had on their territory training camps disguised in various ways, and that the convention would provide for severe punishment both of the mercenaries and of the States that employed them.<sup>29</sup>

The representative of Yugoslavia said that the attack on Seychelles constituted a twofold violation of international law: (a) the aggression against the sovereignty of a country; and (b) the hijacking of an aircraft and the taking of hostages. Either violation could not and should not be tolerated by the international community and particularly by the Council. The Council should fulfil its responsibilities and finally make South Africa obey the norms of international behaviour.<sup>30</sup>

The representative of Barbados emphasized that his country regarded mercenarism as a crime against humanity. Barbados had been among the sponsors of General Assembly resolution 35/48 of 4 December 1980, which had established the *Ad Hoc* Committee, and it had been an active member of that Committee. His delegation was aware that some delegations—even some of those serving on the *Ad Hoc* Committee—would prefer that no convention be elaborated. The Barbados delegation appealed to all members of the international community to safeguard the principle of sovereign equality by taking necessary action to eliminate mercenary activity by their nationals and from within their borders.<sup>31</sup>

The representative of Mozambique declared that the encouragement and organization of mercenary activities against sovereign States was a breach of the principles of international law and ran counter to the purposes of the Charter, which enshrined the aspiration of all States to live in peace and security, free from threats by outside forces.<sup>32</sup>

The representative of Zaire mentioned that the speedy adoption of an international convention would represent an important contribution to the progressive development of international law, in accordance with the spirit of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.<sup>33</sup> It was essential that the international community assume collective responsibility for eliminating those activities that jeopardized international peace and security.<sup>34</sup>

The representative of Swaziland declared that his Government and people felt insulted, injured and abused, just like the people of Seychelles, when their only airline was caught in the crossfire of adventurism and the circumstances of geoproximity were exploited and abused by the aggressors.<sup>35</sup>

The representative of Sri Lanka noted that the Commission of Inquiry had focused attention on several important aspects to which the international community should give urgent consideration: (a) it dealt with the recurring problems of armed aggression against independent States with a view to overthrowing their Governments, in violation of the principles of the Charter; (b) it dealt with the role played by foreign mercenaries, a common phenomenon in African politics; (c) it drew the attention of the world community to air piracy, which threatened the lives of innocent passengers who were unsuspecting victims of aggression and international terrorism; and (d) it highlighted the short-term and long-term impact on the economies of States that became targets of foreign aggression.<sup>36</sup>

The President of the Council, speaking in his capacity as the representative of China, said that the numerous facts listed in the report and recent disclosures in the press clearly showed that the armed invasion of Seychelles by foreign mercenaries was a carefully laid political plot to overthrow, by means of a *coup d'état*, the legitimate Government of Seychelles. In China's view, the Council should strongly condemn the racist régime of South Africa for launching the criminal mercenary invasion of Seychelles and accept the recommendations of the Commission of Inquiry.<sup>37</sup>

At its 2370th meeting, on 28 May 1982, the Council had before it the text of a draft resolution<sup>38</sup>



submitted by Guyana, Jordan, Panama, Togo, Uganda and Zaire.

The representative of Togo presented the draft resolution and explained that the document was the fruit of very lengthy work, in the course of which the non-aligned members had had to make concessions among themselves and had benefited from the advice of other members of the Council. All together, 11 of the 12 amendments proposed had been accepted.<sup>39</sup>

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 507 (1982).<sup>40</sup> It reads as follows:

*The Security Council,*

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

*Gravely concerned* at the violation of the territorial integrity, independence and sovereignty of the Republic of Seychelles,

*Deeply grieved* at the loss of life and substantial damage to property caused by the mercenary invading force during its attack on the Republic of Seychelles on 25 November 1981,

*Gravely concerned* at the mercenary aggression against the Republic of Seychelles, prepared in and executed from South Africa,

*Deeply concerned* at the danger which mercenaries represent for all States, particularly the small and weak ones, and for the stability and independence of African States,

*Concerned* at the long-term effects of the mercenary aggression of 25 November 1981 on the economy of the Republic of Seychelles,

*Reiterating* resolution 496 (1981), in which it affirms that the territorial integrity and political independence of the Republic of Seychelles must be respected,

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

2. *Strongly condemns* the mercenary aggression against the Republic of Seychelles;

3. *Commends* the Republic of Seychelles for successfully repulsing the mercenary aggression and defending its territorial integrity and independence;

4. *Reaffirms* its resolution 239 (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;

5. *Condemns* all forms of external interference in the internal affairs of Member States, including the use of mercenaries to destabilize States and/or to violate the territorial integrity, sovereignty and independence of States;

6. *Further condemns* the illegal acts against the security and safety of civil aviation committed in the Republic of Seychelles on 25 November 1981;

7. *Calls upon* all States to provide the Security Council with any information they might have in connection with the mercenary aggression of 25 November 1981 likely to throw further light on the aggression, in particular transcripts of court proceedings and testimony in any trial of any member of the invading mercenary force;

8. *Appeals* to all States and international organizations, including the specialized agencies of the United Nations, to assist the Republic of Seychelles to repair the damage caused by the act of mercenary aggression;

9. *Decides* to establish, by 5 June 1982, a special fund for the Republic of Seychelles, to be supplied by voluntary contributions, through which assistance should be channelled for economic reconstruction;

10. *Decides* to establish an *ad hoc* committee, before the end of May 1982, composed of four members of the Security Council, to be chaired by France, to co-ordinate and mobilize resources for the Special Fund established under paragraph 9 of the present resolution, for immediate disbursement to the Republic of Seychelles;

11. *Requests* the Secretary-General to provide all necessary assistance to the *Ad Hoc* Committee for the implementation, in particular, of paragraphs 8, 9 and 10 of the present resolution;

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

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

14. *Decides* to remain seized of the question.

After the adoption of the resolution, the representative of the United States expressed his delegation's doubts that a supplementary report would prove to be any more conclusive than the one in hand. The Commission lacked the powers and competence of a court of law, and its findings, necessarily, must be limited and tentative. He expressed confidence that the members of the Commission would exercise the same care in any supplementary report as they had demonstrated in the first report.<sup>41</sup>

The Minister for Foreign Affairs of Seychelles thanked the members of the Council and other speakers for the expression of solidarity with, and profound friendship for, the people and Government of Seychelles manifested by the representatives of no fewer than 50 States Members of the United Nations.<sup>42</sup>

In a note dated 28 May 1982,<sup>43</sup> the President of the Council, after referring to paragraph 10 of resolution 507 (1982), in which the Council decided to establish an *ad hoc* committee, before the end of May 1982, composed of four members of the Council, to be chaired by France, to co-ordinate and mobilize resources for the Special Fund established under paragraph 9 of the resolution, for immediate disbursement to Seychelles, announced that, following consultations with the members of the Council, agreement had been reached that the other three members of the *Ad Hoc* Committee would be Guyana, Jordan and Uganda.

In a note dated 13 August 1982,<sup>44</sup> the President of the Council stated that the Chairman of the Commission had informed him that, owing to the need for the Commission to receive and study the record of the evidence and testimony presented at trials in both Seychelles and South Africa, it would need further time to submit its supplementary report as called for in paragraph 12 of resolution 507 (1982). Accordingly, the Chairman of the Commission had requested an extension of the date of submission of its report until 31 October. The President added that, following informal consultations on the matter, it had been found that no member of the Council had any objection to the Commission's request and that the Chairman of the Commission had been so informed.

In a note dated 31 October 1982,<sup>45</sup> the President of the Council stated that the Chairman of the Commission had informed him that the Commission had begun the examination of the record of the court proceedings which had been received from Seychelles and South Africa on 7 September and 5 October 1982, respectively. However, owing to the length of the South African transcript, the Commission had not yet been able to complete its work and, accordingly, had requested a further extension of the date of submission of its supplementary report. The President added that, following informal consultations on

the matter, it had been found that no member of the Council had any objection to the Commission's request, and that the Chairman of the Commission had been informed that the Council agreed to an extension of two weeks until the middle of November 1982.

On 17 November 1982, the Commission submitted its supplementary report to the Council,<sup>46</sup> pursuant to paragraph 12 of resolution 507 (1982).

In a letter dated 24 June 1983<sup>47</sup> addressed to the President of the Council, the Permanent Representative of Seychelles to the United Nations requested that the Council: (a) terminate the work of the Commission; (b) keep the Special Fund operational; and (c) in keeping with past practice, maintain the item of Seychelles on the Council's agenda.

In a note dated 8 July 1983,<sup>48</sup> the President of the Council stated that the members of the Council had taken note of the letter and had agreed, in consultations held on that day, that the Commission had fulfilled its mandate.

## NOTES

<sup>1</sup> S/14783, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

<sup>2</sup> For details, see chap. III of the present *Supplement*.

<sup>3</sup> S/14769 and Corr.1, letter dated 26 November 1981 from the representative of Seychelles, and S/14777, letter dated 1 December 1981 from the same, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

<sup>4</sup> S/14793, adopted without change as resolution 496 (1981).

<sup>5</sup> 2314th mtg., paras. 8-18.

<sup>6</sup> *Ibid.*, paras. 20-32.

<sup>7</sup> For the vote, see 2314th mtg., para. 33.

<sup>8</sup> 2314th mtg., paras. 46-54.

<sup>9</sup> *Ibid.*, statements by China, France, the German Democratic Republic, Ireland, Japan, Mexico, Niger, Spain, Tunisia and the United Kingdom.

<sup>10</sup> *Ibid.*, paras. 81-85.

<sup>11</sup> *Ibid.*, paras. 119-126.

<sup>12</sup> S/14816, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

<sup>13</sup> S/14850, *ibid.*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>14</sup> S/14905/Rev.1, *ibid.*, *Special Supplement No. 2*.

<sup>15</sup> 2359th mtg., paras. 10-39.

<sup>16</sup> *Ibid.*, paras. 42-52.

<sup>17</sup> *Ibid.*, paras. 55-64.

<sup>18</sup> *Ibid.*, paras. 67-74.

<sup>19</sup> *Ibid.*, paras. 78-94.

<sup>20</sup> *Ibid.*, paras. 96-101.

<sup>21</sup> *Ibid.*, paras. 194-207.

<sup>22</sup> 2361st mtg., paras. 4-14.

<sup>23</sup> *Ibid.*, paras. 17-27.

<sup>24</sup> *Ibid.*, paras. 50-57.

<sup>25</sup> *Ibid.*, paras. 62-83.

<sup>26</sup> *Ibid.*, paras. 101-110.

<sup>27</sup> 2365th mtg., paras. 27-40.

<sup>28</sup> *Ibid.*, paras. 42-56.

<sup>29</sup> *Ibid.*, paras. 59-71.

<sup>30</sup> *Ibid.*, paras. 91-101.

<sup>31</sup> *Ibid.*, paras. 104-113.

<sup>32</sup> *Ibid.*, paras. 190-206.

<sup>33</sup> General Assembly resolution 2625 (XXV).

<sup>34</sup> 2367th mtg., paras. 14-29.

<sup>35</sup> *Ibid.*, paras. 120-133.

<sup>36</sup> *Ibid.*, paras. 136-141.

<sup>37</sup> *Ibid.*, paras. 165-170.

<sup>38</sup> S/15127, adopted without change as resolution 507 (1982).

<sup>39</sup> 2370th mtg., paras. 16-25.

<sup>40</sup> For the vote, see *ibid.*, para. 26.

<sup>41</sup> 2370th mtg., paras. 28-36.

<sup>42</sup> *Ibid.*, paras. 38-45.

<sup>43</sup> S/15138, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>44</sup> S/15359, *ibid.*, *Suppl. for July-Sept. 1982*.

<sup>45</sup> S/15473, *ibid.*, *Suppl. for Oct.-Dec. 1982*.

<sup>46</sup> S/15492 and Corr.1 and 2, replaced by S/15492/Rev.1, *ibid.*, *Special Supplement No. 3*.

<sup>47</sup> S/15845, *ibid.*, 38th yr., *Suppl. for April-June 1983*.

<sup>48</sup> S/15860, *ibid.*, *Resolutions and Decisions of the Security Council, 1983*.

## 9. LETTER DATED 19 MARCH 1982 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL.

### INITIAL PROCEEDINGS

**Decision of 2 April 1982 (2347th meeting):** rejection of a draft resolution submitted by Guyana and Panama

In a letter dated 19 March 1982,<sup>1</sup> the representative of Nicaragua transmitted the text of a note dated 18 March from the Co-ordinator of the Governing Junta of National Reconstruction of Nicaragua, who requested an urgent meeting of the Council in view of what he described as the worsening of tension in Central America and the increasing danger of a large-scale military intervention by the armed forces of the United States.

In a letter dated 25 March 1982,<sup>2</sup> the representative of El Salvador, referring to the letter of 19 March from the representative of Nicaragua, cited Chapter VIII of the Charter, recalled existing international instruments with respect to inter-American matters and maintained that the problems of international relations and disputes in the Latin American region in general and Central America in particular should be solved through recourse in the first instance to appropriate procedures within the inter-American system.<sup>3</sup>

At the 2335th meeting, on 25 March 1982, the Council included the letter dated 19 March 1982 from the representative of Nicaragua in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate, without vote, in the discussion on the item: at the same meeting, the representatives of Angola, Argentina, Cuba, Honduras, Mexico and Nicaragua; at the 2337th meeting, the representative of Viet Nam; at the 2339th meeting, the representatives of Grenada, India, Iran, the Lao People's Democratic Republic, Mozambique, Nigeria, Seychelles and Yugoslavia; at the 2341st meeting, the representatives of Benin, El Salvador, the German Democratic Republic, Madagascar, Sri Lanka, the United Republic of Tanzania and Zambia; at the 2342nd meeting, the representatives of Chile, Colombia, the Libyan Arab Jamahiriya, Mauritius, the Syrian Arab Republic and Zimbabwe; at the 2343rd meeting, the representatives of Algeria, the Congo and Costa Rica; and, at the 2347th meeting, the representative of Iraq.<sup>4</sup> The Council considered the item at its 2335th to 2337th, 2339th, 2341st to 2343rd and 2347th meetings, from 25 March to 2 April 1982.

At the 2335th meeting, the Co-ordinator of the Governing Junta of National Reconstruction of Nicaragua presented an extensive and detailed account of Nicaragua's troubled relationship with the

United States and warned that the recent escalation in the United States endeavour to undermine and overthrow the Sandinista Government constituted a growing threat for peace and security in Central America. He summed up his presentation by pointing out that (a) neither Nicaragua nor any other Central American or Caribbean country could be considered as a geopolitical or strategic preserve of the United States; (b) Nicaragua could not represent a threat to the security of the United States; (c) Nicaragua stood ready to improve relations with the United States on the basis of mutual respect and unconditional recognition of the Nicaraguan right to self-determination; (d) Nicaragua was willing to begin immediately direct talks with the Government of the United States with the objective of reaching concrete results; (e) the Farabundo Martí Front for National Liberation (FMLN) and the Revolutionary Democratic Front (FDR) of El Salvador had authorized him to transmit their willingness to begin immediate negotiations without pre-conditions; (f) the Government of Cuba had authorized him to communicate to the Council its willingness also to begin negotiations immediately; (g) the Governments of Nicaragua and Cuba as well as the Salvadoran FMLN-FDR backed the Mexican initiative for negotiations proposed on 21 February at Managua; (h) Nicaragua was willing to sign immediately non-aggression pacts with all neighbouring countries; and (i) Nicaragua had to reject the attempt by the United States to impose humiliating restrictions on its prerogatives regarding national defence.

He also conveyed his Government's demand that the United States Government put a halt to its destabilization plans and the organization and financing of paramilitary forces advised and trained by United States military personnel; put a stop to the use of Honduran territory as a base for armed aggression against Nicaragua; put a stop to the traffic in arms and counterrevolutionaries between the territory of the United States and Honduras; put a stop to the existence of counterrevolutionary military training camps on United States territory; put a stop to the participation of the United States intelligence community in the financing, training and organizing of forces and clandestine plans against Nicaragua; put a stop to the presence of United States warships in the waters of Central America and off the coasts of Nicaragua; and put a stop to overflights by spy-planes violating the airspace of Nicaragua.

In conclusion, he requested that the United States Government officially and explicitly voice its commitment not to attack Nicaragua and not to initiate or promote any direct, indirect or covert intervention in Central America and called upon the Council to pronounce itself regarding the obligation to seek by peaceful means a solution to the problems of Central America and the Caribbean, to refrain from acts of force or threats and to repudiate any intervention in Central America.<sup>5</sup>

The President, speaking in her capacity as representative of the United States, rejected the charges by the Nicaraguan spokesman and accused the Government of Nicaragua of oppressive policies against its own population and of aggressive moves against its neighbours, in particular El Salvador. She pointed out that her Government had not attempted to prevent the Sandinista rise to power and its consolidation of power and that the United States had initially provided extensive economic assistance to

the new régime. She acknowledged that the United States had started to undertake flights over Nicaraguan territory after it had become aware of the actions and intentions of the Sandinistas towards their own citizens and neighbours. She accused the Nicaraguan authorities of abusing the Council's meeting to air baseless charges against the United States and asked why Nicaragua had not responded to repeated American initiatives for the reduction of tensions.

She stated categorically that her Government was not about to invade any country and instead sought peace in Central America. She reiterated five points that could serve as the basis for a substantial improvement of American-Nicaraguan relations, including a commitment through reassertion of the Rio Treaty engagements to non-intervention and non-aggression; a United States commitment concerning the activities of Nicaraguan exiles and the enforcement of the Neutrality Act; a regional undertaking not to import heavy offensive weapons and to reduce the number of foreign military and security advisers to a reasonably low level; a proposal to the United States Congress for renewed United States aid to Nicaragua; and actions by the Nicaraguans to terminate their military involvement in El Salvador.

In concluding her statement, she noted that the Government of Nicaragua, in submitting its appeal to the Council, had ignored procedures well established in the Charter of the United Nations and the charter of the Organization of American States (OAS).<sup>6</sup> She referred in that connection to Article 52 of the Charter of the United Nations and to article 23 of the OAS charter and argued that regional disputes should be submitted to regional bodies for discussion and settlement before referring them to the Council. She recalled the various occasions when OAS had been seized of the matter and underlined her Government's viewpoint that OAS was the appropriate and primary forum for the consideration of the matters addressed by Nicaragua.<sup>7</sup>

At the 2336th meeting, on 25 March 1982, the representative of Cuba, speaking in his capacity as Chairman of the Group of Non-Aligned Countries at the United Nations, referred to the Political Declaration of the Heads of State or Government of the Non-Aligned Countries at its Sixth Conference, held at Havana from 3 to 9 September 1979,<sup>8</sup> in which it had recalled the long struggle of the peoples of Latin America for their independence and sovereignty and urged all States to respect fully the principles of self-determination, non-intervention and territorial integrity. He further expressed the satisfaction of the Movement at the victory of the Nicaraguan people over the Somoza dictatorship and transmitted its appeal to all States to adhere scrupulously to the principles of non-use of force or of threat of force and non-interference in the internal affairs of the States of the region. He underlined the seriousness of the situation in Central America and called upon the Council to state its opposition to threats and hostile acts directed against Nicaragua and the other peoples of the region.<sup>9</sup>

The representative of Honduras suggested that matters such as the Nicaraguan request should, for procedural reasons and in accordance with Article 52 of the Charter, have been brought before OAS. He recalled the numerous complaints and protests submitted by his Government to the Nicaraguan side, to OAS and to the United Nations, but reiterated his

Government's wish for a peaceful solution of the regional problems and for the internationalization of peace. He quoted from the statement of the Minister for Foreign Affairs of Honduras on 23 March before the Permanent Council of OAS,<sup>10</sup> in which proposals had been made for basic steps towards general disarmament in the region, for a reduction of foreign military and other advisers, for a scheme of international supervision and monitoring to verify the compliance with obligations entered into by the Central American Governments, for procedures to halt the arms traffic in the region, for absolute respect for the borders in the region and for a framework for a permanent multilateral dialogue leading to a solution of the international issues and to a strengthening of democracy and pluralism within the various States. He issued anew an invitation to the Foreign Minister of Nicaragua for a wide-ranging exchange of views with his own Government and other parties in Central America.<sup>11</sup>

At the same meeting, the representative of Angola expressed deep regret that after the victory of the Nicaraguan people over the repressive Somoza régime the liberated country had become the target of the wrath and intimidation of the United States, the imperialist Power of the region whose claim that its security was threatened by that small Central American country was plainly ludicrous. He emphasized that Nicaragua, as a member of the Movement of Non-Aligned Countries, merely wished to pursue its own economic, social and political development and favoured a negotiated solution to settle any differences with other States in the region and with the United States. It also agreed with the proposal to declare the area a zone of peace. He called upon the Council to prevent a wider conflagration in Central America and to pay close heed to the Nicaraguan position stated at the meeting in the morning.<sup>12</sup>

In response to Nicaraguan accusations, the representative of Argentina stated that his Government's relations with El Salvador and Honduras accorded with the normal rules of international relations, in particular the principle of non-intervention in the internal and external affairs of other States. Charges that it was directly or indirectly interfering in the affairs of Nicaragua were completely unfounded.<sup>13</sup>

At the 2337th meeting, on 26 March 1982, the representative of Cuba, speaking in that capacity, rejected charges that the political and social upheaval in various Central American countries had been instigated and controlled by the Governments of Cuba and Nicaragua and quoted a United States viewpoint, according to which the United States had disregarded the origin of Central American insurgency, arising from decades of economic inequality and political oppression. He asked that the United States Government abandon its ambivalent policy of on the one hand proclaiming the wish to negotiate with Cuba and Nicaragua, while on the other refusing to rule out the use of force against them.

He categorically denied that Cuba had supplied weapons to the Salvadoran revolutionaries and fully supported the Nicaraguan request that the Council take up the growing threat of an American intervention in Central America. He rejected the attempt to interpret Article 52 of the Charter as limiting the sovereign right of Member States and underlined the supreme authority of the Council in the maintenance of international peace and security. He called upon the Council to reiterate the basic principles governing

the Organization and to emphasize negotiation as the only tool in the settlement of the Central American differences.<sup>14</sup>

The representative of Mexico emphasized his country's vital concern with the developments in the neighbouring countries in Central America and pointed to the timely and urgent search for negotiated alternatives to the worsening crisis. He testified to the nature of the struggle for change, which was geared towards the elimination of centuries-old poverty and exploitation, and mentioned the Mexican wish to help prevent a new American intervention in the area and to contribute to a solution that would safeguard the rights of all parties. He referred in particular to proposals of 21 February 1982 in which the President of Mexico had set out steps that would favour a relaxation of tensions, stability and development in Central America and the Caribbean. He added that the solution could not be built upon the attempt to exclude Cuba and viewed El Salvador as the most searing regional problem.

Mexico had further suggested that the United States should rule out any threat or use of force against Nicaragua and that a system of mutual non-aggression pacts should be created between Nicaragua and the United States on the one hand and between Nicaragua and its neighbours on the other. The call for high-level talks had resulted in the agreement for a meeting of Mexican and United States officials at Mexico City in April. The path of confrontation and the path of negotiation were incompatible, and his Government hoped and expected that the two parties would opt for the chance to come to an understanding. He invoked the principles of the Charter giving the Council jurisdiction in the matter and, in referring to Article 52 of the Charter, suggested that every State had the right to choose for itself whether to appeal to the supreme authority of the Council or to use the mechanisms of a regional organization. He urged the Council to promote a climate of dialogue that would encourage a negotiated solution to the Central American conflict.<sup>15</sup>

At the 2339th meeting, on 29 March 1982, the representative of Panama endorsed the view that the struggle of the peoples of Central America to overcome exploitation and to win social justice was the characteristic feature of the process of change in that region. He expressed strong support for the Mexican peace initiatives and recommended that the proposals of Honduras and Nicaragua also be considered in the pursuit of a negotiated solution. It was essential to negotiate a system of non-aggression and non-interference with all Central American countries participating without exception. A corollary accord should envisage the transfer of resources devoted to the arms buildup towards economic and social development needs in all the countries. The solution should also entail the existence of a democratic pluralistic multi-party system with periodic popular elections. Panama would be ready to serve as the venue of a conference devoted to a framework of peace, security and co-operation for Central America.<sup>16</sup>

The representative of France recalled a number of steps that his Government had taken in conjunction with Mexico and other Latin American countries regarding various aspects of Central America and endorsed negotiation and the reduction of military forces, together with economic assistance and struc-

tural reforms to benefit a more co-operative atmosphere in the area. He proposed that the Secretary-General follow the developments, investigate the charges by Nicaragua and the United States and report back to the Council within two or three weeks.<sup>17</sup>

The representative of the Soviet Union expressed full support for Nicaragua's request to bring the tense situation in Central America to the Council's attention. He also underlined the fact that the Co-ordinator of the Nicaraguan junta had unambiguously stated his readiness to seek a political settlement to the dangerous situation in the area. He observed that the representative of the United States had devoted herself extensively to thoughts about purely internal affairs of Nicaragua and expressed hope that the United States would eventually turn to peaceful means to remove discord. The Soviet delegation supported the specific proposals submitted by Nicaragua and the initiatives put forward by the President of Mexico.<sup>18</sup>

The representative of Togo joined in the request that the Council urge the parties to search for a negotiated solution in Central America. He observed that Article 33 in conjunction with Article 52 of the Charter envisaged that regional organizations would endeavour to initiate the peaceful settlement of a dispute or situation before the Council got involved; but he acknowledged that Articles 34 and 35 provided for direct access to, and an immediate role of, the Council regardless of the activation of the regional mechanism. He expressed hope that the Council would act in accordance with its responsibilities.<sup>19</sup>

At the 2341st meeting, on 30 March 1982, the representative of the United Kingdom asked whether the airing of the issues involving many extravagant charges would really help to promote peaceful solutions and suggested instead that the parties concerned engage in negotiations on a bilateral or regional basis, or in co-operation with other States in the region. He added that the Nicaraguan leadership should take note of the assurances given by the United States that it had no intention of invading Nicaragua and he emphasized that all the countries in the region should abide by the principle of non-interference.<sup>20</sup>

At the same meeting, the representative of El Salvador stressed that the problem of El Salvador was a matter of its exclusive purview and within its internal jurisdiction, that the international relations in the inter-American sphere should be solved through the organs created by the regional system, that the Salvadoran Government maintained co-operative relations, based on international norms and instruments, with countries that found that consistent with their interests, that El Salvador did not constitute a threat for anybody, that it had been the victim of acts of intervention but had not submitted any formal complaints to competent international bodies, and that El Salvador would be compelled to activate the machinery of the inter-American regional system if those interventionist and aggressive acts continued.<sup>21</sup>

At the 2343rd meeting, on 31 March 1982, the representative of Chile invoked Articles 33, 52 and 51, affirmed that in case of a dispute between American countries a solution should be sought through the available means of the regional organization before the issue was brought to the attention of

the Council, and reviewed instances of successful handling of such situations within OAS.<sup>22</sup>

At the 2347th meeting, on 2 April 1982, the President drew the attention of the Council to the text of a draft resolution<sup>23</sup> submitted by Panama and Guyana.

Under the draft resolution, in its preambular part, the Council would, *inter alia*, have expressed grave concern at the deterioration of the situation in Central America and the Caribbean, taken into account Article 2, paragraph 4, of the Charter and other relevant provisions of the Charter concerning the peaceful settlement of disputes, considered that the ongoing crisis in the region of Central America and the Caribbean affected international peace and security and that all Member States had an interest in the solution of the crisis by peaceful means, and recalled General Assembly resolutions 2131 (XX) of 21 December 1965 on the inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty, and 2160 (XXI) of 30 November 1966 on strict observance of the prohibition of the threat or use of force in international relations, and the right of peoples to self-determination.

In the operative part of the draft, the Council would have (a) reminded all Member States of their obligation to respect the principles of the Charter, and in particular those relating to the following: (i) non-intervention and non-interference in the domestic affairs of States; (ii) self-determination of peoples; (iii) non-use of force or threat of force; (iv) the territorial integrity and political independence of States; (v) pacific settlement of disputes; (b) reminded all Member States that resolution 2131 (XX) condemned the use or threat of force in relations between States as acts contrary to the purposes and principles of the Charter; (c) appealed to all Member States to refrain from the direct, indirect, overt or covert use of force against any country of Central America and the Caribbean; (d) appealed to all parties concerned to have recourse to dialogue and negotiation, as contemplated in the Charter, and called upon all Member States to lend their support to the search for a peaceful solution to the problems of Central America and the Caribbean; and (e) requested the Secretary-General to keep the Council informed concerning the development of the situation in Central America and the Caribbean.

At the same meeting, the representative of the United States reaffirmed her Government's commitment not to invade Nicaragua, not to intervene in the internal affairs of other States, and to respect the peaceful settlement of disputes and the principles relating to the use and non-use of force. She further pointed out that although Nicaragua had exercised its right to appeal directly to the Council, Article 52 together with Article 2, paragraph 2, of the Charter constituted an obligation to seek the resolution of regional disputes first of all in the relevant regional organization, an obligation that Nicaragua had deliberately ignored.<sup>24</sup>

The representative of Costa Rica, in a detailed analysis of Articles 52, 54 and 103 of the Charter, as seen in relation to the provisions of the OAS charter, arrived at the conclusion that while the Charter of the United Nations clearly envisaged the primacy of the regional approach in inter-American disputes, the legal principles of the OAS charter made it mandato-

ry to seek recourse at the regional level before appeal to the Council.<sup>25</sup>

The representative of Guyana emphasized the conciliatory character of the draft resolution which it had co-sponsored with Panama, summarized the basic elements of the text and expressed hope that the Council, by consensus, would endorse the attempt to bring the parties to the negotiating table.<sup>26</sup>

Following the suspension of the meeting for consultations,<sup>27</sup> the President put the draft resolution to the vote. It received 12 votes in favour and 1 against, with 2 abstentions, and failed of adoption owing to the negative vote of a permanent member of the Council.<sup>28</sup>

After the vote, the representative of the United States indicated that his delegation had not been in a position to vote for the draft, since it had failed to be supportive of the Council as well as of the regional structure of OAS and had disregarded certain key elements of the Central American problem, namely, the intervention of the Sandinista junta in the affairs of its neighbours.<sup>29</sup>

The representative of the United Kingdom explained his abstention by noting that the draft referred to two General Assembly resolutions that his Government had not supported when they were adopted and about which it maintained its reservations.<sup>30</sup>

The President, speaking in his capacity as the representative of Zaire, invoked Articles 52 and 33 of the Charter and regretted that the Council seemed not merely to disregard but even to reject the approach to regional agencies for the Central American situation.<sup>31</sup>

The representative of Nicaragua charged that the United States had vetoed fundamental principles of the Charter.<sup>32</sup>

#### NOTES

<sup>1</sup> S/14913, *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>2</sup> S/14927, *ibid.*

<sup>3</sup> In a letter dated 30 March 1982 (S/14936, *ibid.*), the representative of Nicaragua challenged the position taken by Honduras and conveyed his Government's views on the competence and jurisdiction of the Council under the Charter of the United Nations *vis-à-vis* matters within the Organization of American States (OAS).

<sup>4</sup> For details, see chap. III in the present *Supplement*.

<sup>5</sup> 2335th mtg., paras. 7-88.

<sup>6</sup> United Nations, *Treaty Series*, vol. 119.

<sup>7</sup> 2335th mtg., paras. 91-147.

<sup>8</sup> A/34/542, annex.

<sup>9</sup> 2336th mtg., paras. 3-14.

<sup>10</sup> S/14914, annex.

<sup>11</sup> 2336th mtg., paras. 16-21.

<sup>12</sup> *Ibid.*, paras. 25-40. For similar statements, see 2337th mtg.: Viet Nam, paras. 83-93; 2339th mtg.: Lao People's Democratic Republic, paras. 84-96, Mozambique, paras. 98-116, and Poland, paras. 71-82; 2342nd mtg.: the Libyan Arab Jamahiriya, paras. 86-99; and 2347th mtg.: the German Democratic Republic, paras. 83-93.

<sup>13</sup> 2336th mtg., paras. 42-49.

<sup>14</sup> 2337th mtg., paras. 6-34.

<sup>15</sup> *Ibid.*, paras. 37-62. For similar statements, see *ibid.*: Guyana, paras. 65-80; 2339th mtg.: China, paras. 130-135; 2341st mtg.: Spain, paras. 6-13; 2342nd mtg.: Ireland, paras. 23-52, and Zimbabwe, paras. 73-81; and 2343rd mtg.: Madagascar, paras. 83-101.

<sup>16</sup> 2339th mtg., paras. 6-30.

<sup>17</sup> *Ibid.*, paras. 38-44.

<sup>18</sup> *Ibid.*, paras. 45-56.

<sup>19</sup> *Ibid.*, paras. 59-68.

<sup>20</sup> 2341st mtg., paras. 17-22.

<sup>21</sup> *Ibid.*, paras. 91-104.

<sup>22</sup> 2343rd mtg., paras. 38-70.

<sup>23</sup> S/14941, *OR*, 37th yr., *Suppl. for April-June 1982*. The draft resolution was subsequently put to the vote and failed of adoption, owing to the negative vote of a permanent member.

<sup>24</sup> 2347th mtg., paras. 5-48.

<sup>25</sup> *Ibid.*, paras. 51-78.

<sup>26</sup> *Ibid.*, paras. 133-138.

<sup>27</sup> *Ibid.*, para. 139.

<sup>28</sup> For the vote, see *ibid.*, para. 140. See also chap. IV in the present *Supplement*.

<sup>29</sup> 2347th mtg., paras. 142-148.

<sup>30</sup> *Ibid.*, paras. 149-152.

<sup>31</sup> *Ibid.*, paras. 154-158.

<sup>32</sup> *Ibid.*, paras. 160-163.

#### 10. LETTER DATED 1 APRIL 1982 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

Decision of 3 April 1982 (2350th meeting): resolution 502 (1982)

By letter<sup>1</sup> dated 1 April 1982 addressed to the President of the Council, the representative of the United Kingdom requested an immediate meeting of the Council as his Government had good reason to believe that the armed forces of the Argentine Republic were about to attempt to invade the Falkland Islands.

At the 2345th meeting, on 1 April 1983, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote: at the same meeting, the representative of Argentina; at the 2349th meeting, the representatives of Australia, Canada and New Zealand; and at the 2350th meeting, the representatives of Bolivia, Brazil, Paraguay and Peru.<sup>2</sup> The Council considered the item at its 2345th, 2346th, 2349th and 2350th meetings, from 1 to 3 April 1982.

Opening the discussion, the representative of the United Kingdom declared that there had been differences for many years between his Government and the Government of the Republic of Argentina concerning the Falkland Islands. The United Kingdom had exercised sovereignty over the Falkland Islands since early in the nineteenth century and continued to do so today.

For several years, the question of the Falkland Islands had been discussed by the General Assembly. In accordance with the recommendations of the General Assembly, the British Government and the Government of Argentina had held a series of meetings to discuss the situation in the Falkland Islands. Representatives of the two Governments had confirmed in New York at the end of February their wish to continue their discussions within the negotiating framework. But the Argentine Government appeared to have decided, following those discussions, that it did not wish to continue on that course.

Lately, relations between the United Kingdom and Argentina had deteriorated as a result of an incident in South Georgia, one of the dependencies of the Falkland Islands. The United Kingdom had exercised sovereignty over South Georgia since 1775, when the island had been discovered by Captain James Cook. The Argentine claim to South Georgia dated only from 1927 and was presumably based on the island's alleged proximity to the Argentine mainland. On 19 March 1982, an Argentine navy cargo vessel had been anchored in nearby Leith Harbour and a large party of Argentines had begun setting up camp. The United Kingdom Government had sought immediate clarification from the Argentine Government, both at Buenos Aires and in London, making clear that it regarded the incident as potentially serious and asking the Argentines to arrange for the immediate departure of the ship and party. The Argentine Government had declared that no serving military personnel were involved. It had also stated that it was, however, unreasonable to expect the Argentine Government to seek British authorization for their presence on territory claimed by Argentina.

It had been made clear to the Argentine Government that Britain could not allow even a small number of men to remain on the island and that the captain of HMS *Endurance* had been instructed as a last resort to take the men on board, without using force, and to return them to Argentina via Port Stanley, the capital of the Falkland Islands. The Argentine Government had replied that it would regard such an action as gravely provocative.

On 25 March 1982, an Argentine naval transport vessel had arrived at Leith Harbour to deliver supplies to the men ashore.

After an extensive exchange of messages between the two Governments, the Argentine Foreign Minister, in his reply of 31 March 1982, had declined to discuss further the problems occasioned by the illegal presence of Argentine nationals on South Georgia. He had specifically stated that he no longer wished to use diplomatic channels to discuss the situation in South Georgia.

All the naval and military activity and the statements by Argentine Ministers had given the British Government reason to believe that an attempt was about to be made to use force to change the Administration of the Falkland Islands against the wishes of its inhabitants.

The British Government viewed the situation with the utmost seriousness. It called upon the Council to take immediate action in order to prevent an invasion and to exercise its responsibility under the Charter to maintain international peace and security. It also asked the Council to call upon the Government of Argentina to refrain from the threat or use of force against the Falkland Islands and to exercise restraint.

He underlined that it was the fervent wish of the British Government to use diplomatic channels to resolve outstanding issues and to avert a crisis.<sup>3</sup>

The representative of Argentina stated that his country had once again been the object of aggression perpetrated by the Government of the United Kingdom by the dispatch of vessels to its national waters in order to exercise force against workers who, with the full knowledge of the United Kingdom authorities, had been engaged in peaceful commercial activities on San Pedro Island, in the South Georgia group

of islands, a dependency of the Malvinas Islands. That aggression constituted one more episode in the violence that had been perpetrated by Great Britain on 3 January 1833, when it had taken possession of the Malvinas Islands, seizing the Argentine authorities residing there and expelling almost all of the inhabitants.

The islands had been part of the national territory since the independence of the Republic, through natural succession of the unquestionable rights that the Spanish Crown had over them and which had had governors there since 1811. In exercise of those rights, Argentina in 1820 had sent the frigate *La Heroína*, under the command of David Jewett, who, in compliance with instructions from the Buenos Aires Government, had taken effective possession of the islands. On 10 June 1829, the political and military governorship of the Malvinas Islands had been established.

At no time had Great Britain objected to the Argentine establishments in the Malvinas Islands. When, in February 1825, it had signed a treaty of friendship, commerce and navigation with the Government, recognizing Argentine independence, no reservations whatsoever had been put forward concerning the islands. But in 1833 they had been usurped by Great Britain, the foremost naval Power of the era.

Since that time, the Argentine Republic had never ceased to call for the return of that part of its territory that had been occupied illegally.

On 16 December 1965, by an overwhelming majority, the General Assembly had adopted resolution 2065 (XX), in which it had taken note of the existence of a dispute between the Governments of Argentina and the United Kingdom concerning sovereignty over the islands; and had invited both countries to pursue negotiations so as to find a peaceful solution to the problem, bearing in mind the provisions and objectives of the Charter and of General Assembly resolution 1514 (XV) of 14 December 1960, as well as the interests of the population of the islands.

The General Assembly had reiterated its position in four consensuses reached in 1966, 1967, 1969 and 1971, urging the parties to pursue negotiations in accordance with the course and scope adopted in resolution 2065 (XX). In resolution 3160 (XXVIII), of 14 December 1973, the Assembly had added that the way to put an end to the colonial situation was by the peaceful solution of the conflict of sovereignty between Argentina and the United Kingdom and had urged the parties to pursue negotiations without delay.

In resolution 31/49 of 1 December 1976, the General Assembly had again recognized the continued efforts made by Argentina to facilitate the process of decolonization and to promote the well-being of the population of the islands, and it had again requested the Governments of Argentina and the United Kingdom to accelerate negotiations concerning the dispute over sovereignty.

The assistance provided by Argentina was limited by all sorts of obstacles raised by the United Kingdom. There had been systematic, arbitrary and discriminatory rejection of all legitimate attempts by Argentine citizens to purchase real estate in the Malvinas Islands, along with the prevention of the

settling of persons and the bringing of capital to the archipelago.

The speaker said that his narration showed undeniably that for nearly 150 years the Argentine Republic had been and continued to be the object of continuous acts of aggression perpetrated by the United Kingdom. It was nothing other than the maintenance of a colonial situation which had originated in an act of force, which was then followed by illegal occupation, usurpation, without the metropolitan Power having demonstrated any desire to put an end to it, despite the repeated appeals of the General Assembly.

There was a serious and imminent threat by the United Kingdom to utilize force against Argentina's islands, waters and mainland, leaving Argentina no other course than immediately to adopt the necessary measures to ensure its legitimate defence.

Argentina was thus facing a new act of aggression on the part of the United Kingdom. The Charter had provided that members of the United Nations, when complying with its aims and purposes, should not be left in a defenceless state against any act of aggression perpetrated against its territory or population. Argentina would be obliged to utilize the appropriate means of defence to protect its territory and nationals.

It was ironic and inadmissible for the Council to be convened by the United Kingdom on that day to consolidate the spoils of colonial plundering. Argentina rejected being accused when in fact what should be judged, if justice was to be served and peace preserved, was the conduct of the accuser.<sup>4</sup>

After holding consultations with members of the Council, the President made the following statement<sup>5</sup> on behalf of the Council:

The Security Council has heard statements from the representatives of the United Kingdom and Argentina about the tension which has recently arisen between the two Governments.

The Security Council has taken note of the statement issued by the Secretary-General, which reads as follows:

"The Secretary-General, who has already seen the representatives of the United Kingdom and Argentina earlier today, renews his appeal for maximum restraint on both sides. He will, of course, return to Headquarters at any time, if the situation demands it."

The Security Council, mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, expresses its concern about the tension in the region of the Falkland Islands (Islas Malvinas). The Council accordingly calls on the Governments of Argentina and the United Kingdom to exercise the utmost restraint at this time and, in particular, to refrain from the use or threat of force in the region and to continue the search for a diplomatic solution.

The Security Council will remain seized of the question.

The representative of the United States said that his country enjoyed exceptionally close ties with both Argentina and the United Kingdom and placed a very high value on those ties of friendship and affirmation of the principles that animated the United Nations. Therefore the United States delegation whole-heartedly subscribed to the statement read out by the President of the Council. It particularly stressed its principal part—its call on the Governments of Argentina and the United Kingdom to exercise the utmost restraint at the time and, in particular, to refrain from the use or threat of force in the region and to continue the search for a diplomatic solution.<sup>6</sup>

The representative of the United Kingdom reiterated that it was the fervent wish of his Government to use diplomatic channels to solve outstanding issues and to avert a crisis. He welcomed the statement made by the President, and stated that his Government would be guided by its terms; exercise the utmost restraint; in particular, refrain from the use or threat of force in the region; and continue the search for a diplomatic solution.<sup>7</sup>

At the 2346th meeting, the representative of the United Kingdom<sup>8</sup> accused the Argentine Government of ignoring the appeals by the Secretary-General and by the President of the Council and charged that while the Council was meeting a massive Argentine invasion of the Falkland Islands was taking place. He called it a blatant violation of the Charter and of international laws, and an attempt to impose by force a foreign and unwanted control. Then he introduced a draft resolution,<sup>9</sup> which was sponsored by his delegation.

The representative of Argentina informed the Council that his Government had proclaimed the recovery of its national sovereignty over the territories of the Malvinas, South Georgia and South Sandwich islands in an act that responded to a just Argentine claim, an act of legitimate defence in response to the acts of aggression by the United Kingdom. Argentine jurisdiction extended throughout the islands, an Argentine Governor being there. He emphasized that in that manner an end had been put to a situation of tension and injustice that had been a constant element of disturbance to international peace and security. He added that his country would act in conformity with the principles and purposes of the Charter and make every effort to reach a just and peaceful solution.<sup>10</sup>

The representative of France stated that it could not be denied that Argentina had used armed force that night in an invasion of the Falkland Islands in the South Atlantic. It was clear that the armed attack deserved condemnation. It was a violation of the provisions of Article 2, paragraph 4, of the Charter. In taking the decision to carry out the totally unjustified armed attack, the Argentine Government had deliberately disregarded the appeals for moderation made the day before by both the Secretary-General and the President of the Council.

Faced with that breach of international peace and in order to prevent the situation from deteriorating, the Council should act quickly and effectively and demand an immediate cessation of hostilities and the immediate withdrawal of all Argentine forces from the Falkland Islands.<sup>11</sup>

The representative of Ireland declared that the issue before the Council was not that of the Falkland Islands/Islas Malvinas dispute. The question was how the Council should react to the armed action taken by Argentina in contravention of a unanimous call by the Council on all parties to refrain from the use of force. If the Council ignored that flouting of its appeal, then its whole effort to establish law rather than force as the guide in international relations would be seriously weakened. The Council should respond firmly to Argentina's taking over the islands in dispute by force.<sup>12</sup>

The representative of Australia pointed out that the invasion of the Falkland Islands was a development that could aggravate an already tense situation and that constituted a threat to international peace



and security. Nothing could justify the act of aggression committed by the Argentine armed forces in clear violation of Article 2, paragraphs 3 and 4, of the Charter. He supported the President's call for restraint issued the night before. The Australian Government condemned the use of force by Argentina and supported the action proposed by the United Kingdom in the draft resolution before the Council.<sup>13</sup>

The representative of Canada expressed shock and deep concern at the precipitous action of Argentina in its invasion and military occupation of the Falkland Islands. He informed the Council that the Government of Canada, publicly and in private communication with the Argentine authorities, had expressed its deepest regret that the Argentine Republic had resorted to the use of force rather than following the path of discussion and negotiation. The unilateral action by Argentina was clearly inconsistent with the decisions of the General Assembly. He expressed the hope that the Council would approve rapidly a draft resolution along the lines suggested by the representative of the United Kingdom.<sup>14</sup>

The representative of New Zealand said that his country viewed with the gravest concern the situation that had arisen as a result of the invasion of the Falkland Islands by Argentine armed forces. What had happened was a clear violation of the principles of the Charter. It could only increase tensions in the region and make the search for a peaceful resolution of the dispute more difficult. The speaker urged the Government of Argentina to demonstrate respect for the principles of the Charter by undertaking the immediate withdrawal of its forces from the Falkland Islands. He supported the call in the draft resolution proposed by the United Kingdom for the immediate cessation of all hostilities and for the two Governments to resume the search for a diplomatic solution to the long-standing problem. He also hoped that as a result of such negotiations a settlement could be reached, one that not only would be satisfactory to the two Governments but would also reflect the wishes of the inhabitants of the islands.<sup>15</sup>

At the 2350th meeting, the Minister for Foreign Affairs of Argentina stated that the Council had been convened to consider the issue of the Malvinas Islands, which were a part of Argentine territory and had been illegally occupied by Great Britain in 1833 by an act of force. It was a colonial problem in the most traditional sense. The Argentine Republic had never consented to that act of usurpation of its national territory. He stressed that the action of his Government did not represent any kind of aggression against the inhabitants of the islands, whose rights and way of life would be respected. Troops would be used only when absolutely necessary and they would protect the institutions and inhabitants. That was a most solemn commitment by the Government of Argentina to the international community.

The military preparations and the dispatch of warships to the region by the United Kingdom explained and justified the actions taken by the Government of Argentina in defence of its rights.

In regard to the accusation of violating Article 2, paragraphs 3 and 4, of the Charter, the speaker said that no provision of the Charter could be taken to legitimize situations that had their origin in wrongful acts carried out before the Charter had come into force. The speaker confirmed his country's willingness to negotiate through diplomatic channels any

differences with the United Kingdom except sovereignty, which was not negotiable.<sup>16</sup>

The representative of Brazil stated that his Government had always supported the Argentine Government in the territorial dispute over the Malvinas Islands. He appealed to both countries to act with moderation and to refrain from any action that would further aggravate tension in the region.<sup>17</sup>

The representative of Japan declared that the action of Argentina violated the principle of the non-use of force and its concomitant principle of the peaceful settlement of disputes. The military action carried out by Argentina in clear violation of that principle disturbed the peace and heightened the current tension in the South Atlantic region, thus making it more difficult to obtain a peaceful solution to the question pending between the two countries. Japan urged that the diplomatic talks between the two parties be resumed as soon as possible. The Council should first take expeditious and effective action to deal with the immediate situation and should subsequently consider further means of facilitating the talks between the parties so that a true, long-term settlement of the questions could be attained.<sup>18</sup>

The representative of the United States<sup>19</sup> said that the use of force was deeply regrettable and would not produce a just and lasting settlement of the dispute; therefore his delegation intended to vote in favour of the draft resolution.

The representatives of Bolivia, Peru and Panama,<sup>20</sup> speaking on behalf of all the Latin American countries, expressed firm support of the Argentine claim and declared that it was the duty of the international community to contribute by all proper means to the re-establishment of Argentine sovereignty over the Malvinas Islands.

The representative of Panama submitted a draft resolution<sup>21</sup> under which, in its preambular part, the Council, would have, *inter alia*, heard the statement by the Minister for External Relations and Worship of the Argentine Republic to the effect that the situation that had arisen stemmed from the existence of a problem of a colonial nature; considered that the intention of the United Kingdom to perpetuate its illegal occupation and colonial domination of the Malvinas, South Georgia and South Sandwich islands affected the territorial integrity of the Argentine Republic and constituted a threat to international peace and security; recalled General Assembly resolutions 1514 (XV), 2065 (XX), 3160 (XXVIII) and 31/49; and borne in mind the paragraphs relating to the question of the Malvinas Islands contained in the Political Declaration adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima from 25 to 30 August 1975, the Political Declaration adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 6 to 19 August 1976, the Political Declaration adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Belgrade from 25 to 30 July 1978, the Political Declaration adopted by the Conference of Heads of State or Government of Non-Aligned Countries, held at Havana from 3 to 9 September 1979, and the Political Declaration adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at New Delhi from 9 to 13 February 1981.

In the operative part, the General Assembly would have urgently called upon the United Kingdom to cease its hostile conduct, refrain from any threat or use of force and co-operate with the Argentine Republic in the decolonization of the Malvinas, South Georgia and South Sandwich islands; and requested both Governments to carry out negotiations immediately in order to put an end to the existing situation of tension, duly respecting Argentine sovereignty over those territories and the interests of their inhabitants.

The speaker requested that the debate be suspended so that the Secretariat might translate the document into all the working languages and circulate it, following which the Council could meet again at a suitable time.

After a brief debate, a motion for suspension of the meeting was put to the vote. The result of the voting was as follows: 7 votes in favour and 3 against, with 4 abstentions. One member of the Council did not participate in the voting. The motion was not adopted.

The representative of the United Kingdom<sup>22</sup> stressed that his only intention in calling for a meeting of the Council had been that the Council should act in such a way as to pre-empt, to deter, any threat of armed force, thereby defusing a growing but dangerous situation. He refused to accept the charges advanced by Argentina. Then he informed the Council that he had asked the Secretariat to prepare a revised version of the text with the words "Islas Malvinas" in parenthesis following the words "Falkland Islands" wherever they occurred. The speaker firmly insisted that once the revised version of the document was circulated the Council should hold an immediate vote on that text and thereafter the Council could consider the draft resolution presented by Panama. He expressed his readiness to waive the 24-hour rule and vote on the Panamanian document the same day.

The representative of Panama<sup>23</sup> pointed out that the Council could not proceed to a vote on the revised British resolution in accordance with rule 31 of its provisional rules of procedure until the draft resolution had been distributed in writing in its final form.

After a brief suspension of the meeting, the members of the Council had before them the draft resolution<sup>24</sup> submitted by the United Kingdom.

The representative of Panama<sup>25</sup> raised a point of order and stated that it was essential that the President make a ruling on whether the draft resolution fell under Chapter VI of the Charter relating to the pacific settlement of disputes or under Chapter VII relating to action with respect to threats to the peace, breaches of the peace and acts of aggression. He underlined that if it was a draft resolution submitted under Chapter VI then the delegation of the United Kingdom could not participate in the voting and referred here to paragraph 3 of Article 27.

The representative of the United Kingdom<sup>26</sup> declared that his delegation could not accept that argument as that provision related clearly to decisions under Chapter VI and under Article 52, paragraph 3. The draft resolution related to a breach of the peace and had been proposed with Article 40 of the Charter in mind.

The representative of Spain<sup>27</sup> said that the explanation given to the Council by the representative of the

United Kingdom sufficed for the Council to determine that it was dealing with the matter under Chapter VII and that accordingly the representative of the United Kingdom did have the right to vote.

The representatives of Uganda and Togo<sup>28</sup> in explanation of vote before the voting reiterated their countries' recognition of the just claim of Argentina over the Malvinas Islands, deeply regretted the method that Argentina had employed in the matter since 2 April and declared that their delegations were going to vote in favour of the British draft resolution.

The representative of the Soviet Union<sup>29</sup> stated that the issue of the Falkland-Malvinas Islands formed a part of the problem of decolonization. After the colonial and imperial empires had collapsed, the existence of the problem was an anachronism and in contravention of the basic documents of the United Nations. Stubborn refusal by the United Kingdom, as the administering Power, to comply with the requirements of the United Nations with regard to the decolonization of the Territory had delayed negotiations with Argentina as called for by the relevant decisions of the General Assembly. On that basis, the Soviet Union would not support the draft resolution submitted by the United Kingdom inasmuch as it was one-sided and fully disregarded that aspect of the problem.

The representative of Ireland<sup>30</sup> expressed some concern, first that the armed action by Argentina had been in direct contravention of an authoritative and unanimous statement by the Council and that the use of force at that stage by one party could lead to a further use of force by the other and thus to a conflict between them. He urged most strongly that both countries should avoid force and instead negotiate. He stressed that it was the Council's duty to vote for the draft resolution before it as it did not condemn either side by simply asking for a cessation of hostilities, an immediate withdrawal by Argentine forces and a diplomatic solution.

The President of the Council,<sup>31</sup> speaking in his capacity as the representative of Zaire, pointed out that the military occupation of the Falkland Islands (Islas Malvinas) by Argentina was not likely to create conditions propitious to a negotiated settlement and ran counter to the principle of non-use of force in international relations.

The President then put to the vote the revised draft resolution, which was adopted by 10 votes in favour to 1 against and 4 abstentions as resolution 502 (1982).<sup>32</sup>

#### *The Security Council,*

*Recalling* the statement made by the President of the Security Council at the 2345th meeting of the Council on 1 April 1982 calling on the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to refrain from the use or threat of force in the region of the Falkland Islands (Islas Malvinas),

*Deeply disturbed* at reports of an invasion on 2 April 1982 by armed forces of Argentina,

*Determining* that there exists a breach of the peace in the region of the Falkland Islands (Islas Malvinas),

1. *Demands* an immediate cessation of hostilities;
2. *Demands* an immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas);
3. *Calls* on the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations.

The President announced that the Council had before it a draft resolution<sup>33</sup> submitted by Panama, but that Panama did not insist on a vote on that draft resolution.

On 5 May 1982, following consultations of the Council, the President of the Council announced that he had been authorized to issue the following statement<sup>34</sup> on behalf of the members of the Council:

The members of the Security Council express deep concern at the deterioration of the situation in the region of the Falkland Islands (Islas Malvinas) and the loss of lives.

The members of the Security Council also express strong support for the efforts of the Secretary-General with regard to his contacts with the two parties.

The members of the Security Council have agreed to meet for further consultations tomorrow, Thursday, 6 May 1982.<sup>35</sup>

## NOTES

<sup>1</sup> S/14942, *OR*, 37th yr., *Suppl. for April-June 1982*. See also S/14940, *ibid.*

<sup>2</sup> For details, see chap. III of the present *Supplement*.

<sup>3</sup> 2345th mtg., paras. 5-24.

<sup>4</sup> *Ibid.*, paras. 29-73.

<sup>5</sup> *Ibid.*, para. 74.

<sup>6</sup> *Ibid.*, paras. 79 and 80.

<sup>7</sup> *Ibid.*, paras. 84 and 85.

<sup>8</sup> 2346th mtg., paras. 4-8.

<sup>9</sup> S/14947, *OR*, 37th yr., *Suppl. for April-June 1982*. It was subsequently slightly amended and adopted as resolution 502 (1982).

<sup>10</sup> 2346th mtg., paras. 10-17.

<sup>11</sup> 2349th mtg., paras. 5-9.

<sup>12</sup> *Ibid.*, paras. 10-18.

<sup>13</sup> *Ibid.*, paras. 21-24.

<sup>14</sup> *Ibid.*, paras. 27-30.

<sup>15</sup> *Ibid.*, paras. 33-36.

<sup>16</sup> 2350th mtg., paras. 5-45.

<sup>17</sup> *Ibid.*, paras. 50-55.

<sup>18</sup> *Ibid.*, paras. 66-70.

<sup>19</sup> *Ibid.*, paras. 72-74.

<sup>20</sup> *Ibid.*, paras. 77-134.

<sup>21</sup> S/14950, *OR*, 37th yr., *Suppl. for April-June 1982*. The draft resolution was not put to the vote.

<sup>22</sup> 2350th mtg., paras. 156-180.

<sup>23</sup> *Ibid.*, para. 184.

<sup>24</sup> S/14947/Rev.1, adopted as resolution 502 (1982).

<sup>25</sup> 2350th mtg., paras. 189-191.

<sup>26</sup> *Ibid.*, paras. 193-197.

<sup>27</sup> *Ibid.*, paras. 200 and 201.

<sup>28</sup> *Ibid.*, paras. 210-224.

<sup>29</sup> *Ibid.*, paras. 228-231.

<sup>30</sup> *Ibid.*, paras. 233-244.

<sup>31</sup> *Ibid.*, paras. 246-253.

<sup>32</sup> For the vote, see para. 255.

<sup>33</sup> S/14950, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>34</sup> S/15047, *ibid.*, *Resolutions and Decisions of the Security Council, 1982*.

<sup>35</sup> Prior to issuing this statement, the Council received a letter dated 4 May 1982 (S/15037, *OR*, 37th yr., *Suppl. for April-June 1982*) from the representative of Ireland, who had requested a meeting of the Council to give further consideration to the question of the Falkland Islands (Islas Malvinas). In a statement of the Irish Government transmitted on the same date, an immediate meeting of the Council was requested in order to prepare a new resolution calling for an immediate cessation of hostilities and the negotiation of a diplomatic settlement under the auspices of the United Nations (S/15044, *ibid.*). In a telegram dated 4 May 1982 (S/15045, *ibid.*), the President of Colombia suggested that the Council should be immediately convened (see sect. 12 of the present chap.).

## 11. LETTER DATED 31 MARCH 1982 FROM THE PRESIDENT OF THE REPUBLIC OF KENYA TO THE PRESIDENT OF THE SECURITY COUNCIL ENCLOSING THE LETTER DATED 18 MARCH 1982 FROM THE PRESIDENT OF THE REPUBLIC OF CHAD TO THE PRESIDENT OF THE SECURITY COUNCIL

## INITIAL PROCEEDINGS

**Decision of 30 April 1982 (2358th meeting): resolution 504 (1982)**

In a letter dated 2 December 1981,<sup>1</sup> the President of Kenya, in his capacity as current Chairman of the Organization of African Unity, referred to resolution AHG/102 (XVIII)/Rev.1 adopted at the eighteenth session of the Assembly of Heads of State and Government of OAU, held at Nairobi in June 1981, calling for the establishment of a pan-African peace-keeping force for the maintenance of peace and security in Chad, and requested the Council's financial, material and technical assistance to ensure the deployment, maintenance and operation of that force.

By a letter dated 31 March 1982,<sup>2</sup> the President of Kenya transmitted the text of a letter dated 18 March from the President of Chad addressed to the President of the Council, expressing his support for the steps taken by OAU to solicit from the Council financial assistance for the pan-African peace-keeping force in Chad.

At its 2358th meeting, on 30 April 1982, the Council adopted the agenda item entitled "Letter dated 31 March 1982 from the President of the Republic of Kenya addressed to the President of the Security Council enclosing the letter dated 18 March 1982 from the President of the Republic of Chad to the President of the Security Council (S/15012)". The President of the Council drew attention to the text of a draft resolution<sup>3</sup> drawn up during consultations among members of the Council. The draft resolution was adopted by consensus as resolution 504 (1982).<sup>4</sup> It reads as follows:

*The Security Council,*

*Having taken note of the letters of President Arap Moi of Kenya, current Chairman of the Organization of African Unity, dated 2 December 1981 and 31 March 1982, and of the letter of President Goukouni Weddeye of Chad dated 18 March 1982,*

*Bearing in mind the relevant resolutions of the General Assembly on co-operation between the United Nations and the Organization of African Unity,*

1. *Takes note of the decision of the Organization of African Unity to establish, in agreement with the Government of the Republic of Chad, a peace-keeping force for the maintenance of peace and security in Chad;*

2. *Requests the Secretary-General to establish a fund for assistance to the peace-keeping force of the Organization of African Unity in Chad, to be supplied by voluntary contributions;*

3. *Requests the Secretary-General to take the necessary measures to ensure the management of the fund in liaison with the Organization of African Unity.*

## NOTES

<sup>1</sup> S/15011, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>2</sup> S/15012, *ibid.*

<sup>3</sup> S/15013, adopted without change as resolution 504 (1982)

<sup>4</sup> 2358th mtg., para. 4.

## 12. QUESTION CONCERNING THE SITUATION IN THE REGION OF THE FALKLAND ISLANDS (ISLAS MALVINAS)

### INITIAL PROCEEDINGS

**Decision of 26 May 1982 (2368th meeting): resolution 505 (1982)**

By letter<sup>1</sup> dated 4 May 1982 addressed to the President of the Council, the representative of Ireland requested a meeting of the Council to give further consideration to the question of the Falkland Islands (Islas Malvinas).

In a letter<sup>2</sup> dated 20 May 1982, the Secretary-General informed the Council that the time for reaching agreement through negotiations that would restore peace in the South Atlantic was extremely short and, although substantial progress towards a diplomatic solution had been achieved in the preceding two weeks, the necessary accommodations which were still needed to end the conflict had not been forthcoming. He added that, in his judgement, the efforts in which he had been engaged, with the support of the Council, did not currently offer the prospect of bringing about an end to the crisis or of preventing the intensification of the conflict.

By letter<sup>3</sup> dated 21 May 1982 to the President of the Council the representative of Panama, on instructions from his Government, requested a meeting of the Council to consider the serious situation that existed in the region of the Malvinas Islands.

At its 2360th meeting, on 21 May 1982, the Council included the three letters in its agenda under the title mentioned above. Following the adoption of the agenda, the Council decided to invite the representatives of Antigua and Barbuda, Argentina, Australia, Brazil, Ecuador, Mexico, Uruguay and Venezuela to participate in the discussion without the right to vote. Similar invitations were extended at the 2362nd meeting to the representatives of Bolivia, Canada, Colombia, Cuba, El Salvador, Equatorial Guinea, Guatemala, Honduras, New Zealand, Nicaragua, Paraguay and Peru; at the 2363rd meeting, to the representatives of Belgium and Indonesia; at the 2364th meeting, to the representatives of Greece, Kenya, the Lao People's Democratic Republic and Liberia; at the 2366th meeting, to the representatives of Chile, the Federal Republic of Germany, India, Italy and the Netherlands; and at the 2368th meeting, to the representative of Yugoslavia. The Council considered the item at its 2360th, 2362nd to 2364th, 2366th and 2368th meetings, from 21 to 26 May 1982.<sup>4</sup>

The Secretary-General gave the Council an account of the actions he had taken in pursuit of the objectives of resolution 502 (1982). In separate meetings on 19 April with the representatives of Argentina, the United Kingdom and the United States, he had outlined the assistance that the United Nations could render if requested; a small presence of United Nations civilians and military observers could be used to supervise any agreed withdrawal of armed forces and civilian personnel as well as any interim administrative arrangements. United Nations auspices for such arrangements could also be provided, as could a United Nations temporary administration. In separate meetings on 2 May with the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, Mr. Francis Pym, and with the representative of Argentina, he

suggested that the two Governments agree to take simultaneously the following steps which had been conceived as provisional measures, without prejudice to the rights, claims or position of the parties concerned. In an aide-mémoire, he had specifically proposed that at a specified time, "T":

(a) The Argentine Government begin withdrawal of its troops from the Falkland Islands (Islas Malvinas) and the United Kingdom Government redeploy its naval forces and begin their withdrawal from the area of the Falkland Islands (Islas Malvinas), both Governments to complete their withdrawal by an agreed date;

(b) Both Governments commence negotiations to seek a diplomatic solution to their differences by an agreed target date;

(c) Both Governments rescind their respective announcements of blockades and exclusion zones and cease all hostile acts against each other;

(d) Both Governments terminate all economic sanctions;

(e) Transitional arrangements begin to come into effect under which the above steps would be supervised and interim administrative requirements met.

On 5 and 6 May, the Secretary-General had received responses from the Governments concerned, both of which had accepted the approach contained in the aide-mémoire as providing a basis or framework for an agreement that would bring the armed conflict to a halt and make possible a peaceful settlement. At the same time the responses had raised a number of points on which agreement was needed. Since 7 May, the Secretary-General had had some 30 separate meetings with the two sides. Essential agreement had been obtained on the following points:

(a) The agreement sought would be interim in nature and would be without prejudice to the rights, claims or positions of the parties concerned;

(b) The agreement would cover: (i) a cease-fire; (ii) the mutual withdrawal of forces; (iii) the termination of exclusion zones and of economic measures instituted in connection with the conflict; (iv) the interim administration of the Territory; and (v) negotiations on a peaceful settlement of the dispute;

(c) The initiation of these various parts of an agreement would be simultaneous;

(d) Withdrawal of forces would be phased and would be under the supervision of United Nations observers;

(e) The interim administration of the Territory would be under the authority of the United Nations. The United Nations flag would be flown. Argentina and the United Kingdom would establish small liaison offices, on which their respective flags could be flown;

(f) The parties would enter into negotiations in good faith under the auspices of the Secretary-General for the peaceful settlement of their dispute and would seek, with a sense of urgency, the completion of the negotiations by 31 December 1982, taking into account the Charter and the relevant resolutions of the General Assembly. The negotiations would be initiated without prejudice to the rights, claims or position of the parties and without prejudging the outcome. The negotiations would be held in New York or its vicinity.

The crucial differences that remained concerned the following points, on which various options were being considered, at the Secretary-General's suggestion:

(a) Certain aspects of the interim administration of the Territory;

(b) Provisions for the extension of the time frame for completion of negotiations and the related duration of the interim administration;

(c) Certain aspects of the mutual withdrawal of forces;

(d) The geographic area to be covered by the terms of the interim agreement.

On studying the drafts of an interim agreement received from both parties it was apparent that they did not reflect the progress that had been achieved in the previous exchanges and that the differences on the four points remained.

On 19 May 1982, the Secretary-General had spoken by telephone with President Galtieri and Prime Minister Thatcher and had suggested certain specific ideas that might assist the parties at that stage. Both had agreed to give them consideration. He had subsequently presented to the two sides on the same day a further aide-mémoire listing the points on which essential agreement had been reached and the four crucial questions that remained unresolved. The Secretary-General had expressed his belief that an agreement along the lines developed in the exchanges over the two weeks and suggested in his aide-mémoire of 19 May could restore peace in the South Atlantic and open the way for an enduring solution of the long-standing dispute between the two Member States.<sup>5</sup>

The representative of Argentina declared that on that very day his country had again been attacked by British air and naval forces and that regardless of the results of fighting on Argentine soil nothing could bend the firm will of the Argentine people to defend to the end their rights to the islands that were an inalienable part of their homeland. In spite of the serious shortcomings of resolution 502 (1982), Argentina was ready to comply with its provisions so long as the British Government adopted a corresponding attitude. Argentina had agreed to explore the paths of negotiation opened up through the action of the United States, which unfortunately had dropped that approach and openly supported the stand of the British. The British had insisted, however, on their desire for domination of the region. The Argentine Government had welcomed<sup>6</sup> a Peruvian truce proposal,<sup>7</sup> which the United Kingdom had rejected.

While the Council had been requesting a cease-fire, the British Government had been preparing to dispatch its largest fleet constituted since 1956. That military activity had threatened Argentine security and integrity, endangered the prospect of the negotiated solution required by resolution 502 (1982) and made it impossible for Argentina to begin to implement that resolution with respect to the withdrawal of its troops. However, the United Kingdom had decided to create as of 12 April a blockade zone around the Malvinas Islands, which had caused the loss of human lives. The representative of Argentina invoked Article 51 of the Charter, under which unilateral actions should cease once the Council had taken measures to maintain peace and security. The determination of whether such measures had been

effective could not be left to the arbitrary judgement of the United Kingdom. The speaker accused the United Kingdom of the repeated violation of resolution 502 (1982), which demanded the cessation of hostilities. He stressed that his country had complied in regard to the cessation of hostilities and had not threatened the United Kingdom.

He expressed regret that a genuine effort for peace had failed, and the generous offer of assistance submitted by the Secretary-General to both Governments on 2 May had not led to the solution which the gravity of the crisis required. He insisted that Argentina had been the first to comply with the initiative taken by the United Nations Secretary-General. The United Kingdom had not accepted a cease-fire, even informally, and instead had during the negotiations extended its blockade to 12 nautical miles from the Argentine continental territory. In spite of numerous acts of aggression the Argentine Government remained willing to negotiate in New York with a view to fulfilling resolution 502 (1982). From the very beginning of the steps taken by the Secretary-General, the United Kingdom had adopted a rigid attitude in respect of the ideas that had been put forward at the suggestion of the Secretary-General, namely: (a) the mutual withdrawal of forces; (b) an interim administration of the islands; and (c) the initiation of negotiations on substance under the auspices of the Secretary-General. All of the above had to be done simultaneously and at a predetermined time. In connection with the mutual withdrawal of forces, the Argentine Republic had accepted the cease-fire suggested by the Secretary-General and had proposed a *modus operandi* for the mutual and gradual withdrawal of forces, under United Nations observation. Yet, new demands by the United Kingdom had imposed disturbing conditions.

In connection with the establishment of an interim administration in the islands, the Argentine Republic understood that an exclusively United Nations administration would be considered charged to carry out all legislative, executive, judicial and security functions needed to ensure the normal administration of the islands (covering the Malvinas Islands and its dependencies, South Georgia and South Sandwich) by officials who were neither British nor Argentine subjects. The Argentine Government had suggested that many services provided by Argentina would continue to operate. Although none of those ideas had been accepted by the United Kingdom, Argentina had expressed its willingness to keep negotiating with the United Kingdom under the auspices of the Secretary-General for a limited period. Argentina was prepared not to place any preconditions on the negotiations in view of its confidence in its legitimate authority.

None the less, the United Kingdom had attempted to place conditions on that negotiating process, first of all by insisting that a United Nations administration retain the colonial administrative structure, thereby prejudging substantive issues in the negotiating process. Secondly, the United Kingdom had accepted neither direct nor indirect reference to General Assembly resolution 1514 (XV) or to the three relevant resolutions of the Assembly on the question of the islands, disregarding 17 years of bilateral negotiations and Assembly resolutions. Throughout the most recent negotiations, the British Government had attempted to divide the Territory and to submit to negotiation the future of only one of

the archipelagos, while keeping the two smaller dependencies.

It had also wanted the interim administration of the United Nations to exclude those dependencies and had rejected any withdrawal of their forces from those archipelagos. But some joint British-Argentinian communiqués<sup>8</sup> had proved that the three groups of islands had been covered by the negotiations. Behind the recalcitrant attitude shown by Britain throughout the lengthy process, there had been an attempt on the part of a permanent member of the Council to maintain and increase its military presence in the South Atlantic, a region that did not correspond to any of its legitimate interests.<sup>9</sup>

The representative of the United Kingdom stated that in spite of Article 40 of the Charter Argentina had rejected resolution 502 (1982) in practice. Instead of withdrawing, Argentina had reinforced its armed forces on the Falkland Islands and imposed a military government on the islands. In that situation, the United Kingdom had no choice but to exercise its inherent right of self-defence under Article 51 of the Charter. In its strong desire for a peaceful solution, the British Government had been prepared to negotiate and to show flexibility in the negotiations which had been undertaken first through the good offices of the Secretary of State of the United States and thereafter through the President of Peru. Then the British Government had welcomed the good offices of the Secretary-General.

Reverting to the latest round of negotiations, the speaker set out some basic principles. The first one was peaceful settlement. The Argentine invasions constituted violations of Article 2, paragraph 3, of the Charter and of Article 37. The invasion had been carried out by the use of force, contrary to Article 2, paragraph 4. Argentina had committed an act of aggression within the meaning of the definition suggested by the General Assembly in its resolution 3314 (XXIX). The military occupation of the Falkland Islands had been and was illegal.

The speaker further mentioned the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations annexed to General Assembly resolution 2625 (XXV). The continued Argentine occupation was also contrary to resolution 502 (1982), paragraph 2. Argentina was using force to occupy British territory and to subjugate the Falkland Islanders. Resolution 502 (1982) had proved insufficient to bring about withdrawal. The United Kingdom was fully entitled to take measures in exercise of its inherent right of self-defence recognized by Article 51 of the Charter.

The speaker then turned to the question of self-determination for the people of Non-Self-Governing Territories and mentioned Article 1, paragraph 2, of the Charter and the common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 (XXI). The provisions about peaceful settlement and the non-use of force applied equally to Non-Self-Governing Territories. The United Kingdom, as the administering Power, had fulfilled its obligations under Article 73 of the Charter. The speaker rejected the Argentine claim that the people of the Falkland Islands were a transient expatriate population and stated that they

had been on the islands as long as, or longer than, most Argentine families had been in Argentina and that they were an entirely separate people with a different language, culture and way of life.

Under those conditions, Argentina could not deny the right of self-defence to the people of the Falkland Islands. Sovereignty of the islands was in dispute, but the people were not. Speaking of the negotiations themselves, the representative of the United Kingdom said that his Government had been prepared to contemplate parallel mutual withdrawal under United Nations supervision, a short interim period under United Nations administration in order to enable diplomatic negotiations, and accepting Argentine representation in the democratic institutions on the islands disproportionate to the size of the Argentine community, as well as accepting an official Argentine observer during the interim period.

Paraphrasing the words of his Foreign Secretary, the speaker enumerated the conditions of the British Government: (a) to secure the withdrawal of Argentine forces, which had been demanded in resolution 502 (1982); (b) to establish a cease-fire to avoid further loss of life as soon as the withdrawal could be agreed; (c) to make satisfactory provision for the democratic administration of the islands in any interim arrangements that might prove necessary; and (d) to ensure that the negotiations with Argentina over the future of the islands included terms of reference to make certain that the negotiations should not be such as to predetermine or to prejudice the outcome on sovereignty or any other matters.

The response of the Government of Argentina had been wholly unsatisfactory for the British Government and was seen as a further attempt to procrastinate in order to enable Argentina to consolidate its hold on what it had seized by force. The Argentine Government's insistence on including South Georgia and the South Sandwich Islands in the agreement was unacceptable to the British Government, as the islands had nothing to do with the differences over the Falkland Islands. Also unacceptable was the demand for freedom of access with respect to residents and property during the interim period. That would have enabled Argentina fundamentally to change the demographic status of the islands during a short interim administration.

The Argentine formulation on how and when and by what means the negotiations should be concluded had been also totally unacceptable to the British Government. The gulf had been so wide between the final British position and the response of the Government of Argentina that it would have been fruitless to continue. Meanwhile, although the British Government's mind would never be closed to any avenue that promised to bring about a peaceful solution to the crisis, it could not allow itself to be in any way inhibited from carrying out military action in accordance with its inherent right of self-defence under Article 51 of the Charter.<sup>10</sup>

The representative of Japan stressed his Government's wish for resolution 502 (1982) to be implemented as soon as possible. At the same time, his Government hoped that in order to avoid a worsening of the situation, both parties, as well as all others concerned, would urgently explore in good faith every possibility for the peaceful resolution of the dispute, including the resumption of the use of the good offices of the Secretary-General.<sup>11</sup>

The representative of Brazil recalled that his Government had always viewed the situation as *de facto* occupation by the United Kingdom and supported the resolutions adopted by the General Assembly in the framework of the broad issue of decolonization in 1965, 1973 and 1976, which recommended negotiations between the parties. The Government of Brazil had supported the Secretary-General's peace efforts and could not fail deeply to deplore the interruption of those efforts by the United Kingdom. The Council was duty-bound to decide on measures, under the supervision of the United Nations, to prevent a worsening of the situation and to give the Secretary-General a formal mandate to resume his efforts with the two parties to reach a just, honourable and lasting solution.<sup>12</sup>

The representative of Ecuador said that his country could not but regret the breakdown of negotiations between two member countries under the auspices of the United Nations. Ecuador had unswervingly and resolutely supported the Argentine territorial claim to sovereignty over the Malvinas Islands both in the organs of the United Nations and in those of OAS and of the Movement of Non-Aligned Countries. Argentina's right to those islands as part of its national territory was clear since, on achieving its independence from Spain, it had succeeded to all the rights formerly held by that country. In the face of the unacceptable dispatch—which was as much a breach of the law as it was an anachronism—of an enormous naval force against the American continent; in the face of the declared use of force in order to impose solutions; in the face of the announced and publicized naval and air blockade through the arbitrary seizing of ocean spaces; in the face of economic sanctions endorsed by various Powers in the European Community; and in the face of the resort to open warfare, Ecuador completely repudiated those acts and invoked the principles of law to put an end to economic and armed aggression. That same view had been expressed by the countries of the Andean Group and those of the Latin American Integration Association. Ecuador had consistently advocated the elimination of any colonialist presence from its continent and thus supported General Assembly resolution 1514 (XV). Together with Colombia and Costa Rica, Ecuador had secured the adoption by consensus in OAS of the initiative of offering friendly co-operation in the efforts to find a solution that would finally avert the threat of war between countries and reiterated before the Council the demand for an immediate cessation of hostilities. The speaker also referred to General Assembly resolutions 32/76 and 32/79 concerning the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), which called for the implementation of the additional protocols in the territories within the geographic zone established in that Treaty, clearly including the Malvinas Islands.<sup>13</sup>

The representative of Australia declared that Argentina's invasion of the Falkland Islands, in defiance of the Council's appeal of 1 April 1982<sup>14</sup> that force not be used, was the cause of the breach of peace in the region and Argentina's refusal to heed the mandatory call of 3 April by the Council<sup>15</sup> for withdrawal of its occupying forces had sustained the continued crisis. Argentina had invaded the islands in clear violation of Article 2, paragraphs 3 and 4, of the Charter, which laid down the fundamental principles of peaceful settlement of disputes and non-use of

force. In moving to recover its territory, the United Kingdom had been acting legitimately under Article 51 of the Charter in exercise of its inherent right of self-defence.<sup>16</sup>

The representative of Antigua and Barbuda deplored Argentina's illegal use of force in seizing the Falkland Islands rather than negotiating a peaceful settlement with Britain. He expressed satisfaction that the United Kingdom Government had made genuine attempts to put forward proposals that could have led to a negotiated settlement with Argentina. The speaker appealed to Argentina to eschew needless bloodshed and to turn instead to the conference table for a negotiated settlement of the dispute.<sup>17</sup>

At the 2362nd meeting, the representative of Uruguay indicated that his country had repeatedly stated its position regarding the sovereignty of the Argentine Republic over the Malvinas Islands and their dependencies. The present situation should be analysed in the light of the fundamental principle of the territorial integrity of States, which was clearly reaffirmed in paragraph 6 of General Assembly resolution 1514 (XV). He called upon the Council to make every effort to call for the following: (a) the immediate cessation of hostilities; (b) a formal mandate to be given to the Secretary-General to resume negotiations aiming at a peaceful settlement of the dispute; and (c) conservation of and respect for the six points on which essential agreement had been reached. The United Nations should act immediately to find a just, peaceful and lasting solution based on respect for the rules of international law.<sup>18</sup>

The representative of Venezuela, reaffirming his country's solidarity with the Argentine Republic, stated that the crisis had been caused by the warlike conduct of the United Kingdom against that country in an area defined as a security zone by the Inter-American Treaty of Reciprocal Assistance. On the occasion of the Twentieth Meeting of Consultation of Ministers of Foreign Affairs of OAS, convened at Washington on 28 April 1982, in accordance with the Treaty, Venezuela had criticized the procedures of the Council, which had enabled the permanent members, with their right of veto, to enjoy a system of concealment and impunity in order to wage war or to protect the warlike adventures of their allies with the certainty that no sanction or warning from the Council would affect them. The support given to United Kingdom aggression by the United States would have an unpredictable effect on OAS and the hemispheric security system embodied in the Treaty. Although Venezuela considered resolution 502 (1982) as biased and pro-colonialist, it believed that compliance with that resolution by both the United Kingdom and Argentina would have made possible a peaceful settlement. The actions of the United Kingdom since the adoption of resolution 502 (1982) constituted clear violations of that resolution.

The speaker cited the decision of the United Kingdom to dispatch the fleet; the diplomatic activities within the European Community to bring about the imposition of trade sanctions against Argentina; the warlike presence of nuclear submarines in the area defined by the Treaty as a hemispheric zone of security; the declaration by the United Kingdom of a sea and air exclusion zone around the Malvinas Islands; the establishment of another 100-mile zone around Ascension Island; and the declaration of a 12-mile blockade off the coast of continental Argentina. Unlike the United Kingdom, Argentina had tailored

its conduct to the lines set forth by the International Court of Justice in this connection. What the British Government was seeking was the restoration by force of its colonial title in South America.<sup>19</sup>

The representative of the Soviet Union emphasized the clear position of the United Nations in favour of an unconditional end to the colonial status of the Malvinas (Falkland) Islands. The Soviet Union had seen substantial drawbacks in resolution 502 (1982), mainly in the fact that there was no important anti-colonialist aspect in it. Open resort by the Government of the United Kingdom to the use of armed force and other activities cast doubt on its professed willingness to comply with the provisions of that resolution. Responsibility for the intensification of the armed conflict was clearly borne by the Government of the United Kingdom, which was acting in the spirit of bygone colonial times. It was quite clear that the Government of the United Kingdom would not have sought a solution of the issue by armed force had there not been agreement and direct support by the United States.

The economic sanctions imposed on 10 April against Argentina by the Western European countries were in direct contravention of the provisions of the Charter and, in particular, Article 41, which provided that it was the Council which might decide what measures not involving the use of armed force, and possibly including complete or partial interruption of economic relations, should be employed to give effect to its decisions. Some observers had written that what was involved was not only putting Argentina in its place but also showing other developing and non-aligned countries that the imperialist world still had an arm long enough to stretch across 16,000 kilometres. The Soviet Union favoured the Council's speedy adoption of a cease-fire and a cessation of military operations in order to put the conflict on the road to a peaceful settlement.<sup>20</sup>

The representative of Mexico, praising the efforts of the Secretary-General, declared that the new military escalation was unacceptable, as it was in blatant violation of resolution 502 (1982) and of the fundamental principles of the Charter. Demanding that the hostilities in the South Atlantic be stopped, as well as any kind of threat or coercion, the speaker underlined that in no case were there grounds for involving Article 51 of the Charter to justify the use of force. He reiterated Mexico's appeal to the parties to begin negotiations to allow reason and justice to prevail over military might. He said that the Council should make use of the willingness of Argentina and the United Kingdom to continue negotiating and to take into account the result of the efforts made by the Secretary-General in order to supplement and to reinforce resolution 502 (1982) and to specify a framework in which negotiations to end the conflict could take place. The Council should immediately take the steps it deemed appropriate to avoid a worsening of the crisis, encourage the negotiations which had been interrupted and keep the matter under consideration until it was finally settled.<sup>21</sup>

The representative of Cuba stated that the invasion of the Malvinas Islands by the United Kingdom sought to bring back the events in 1833 when Britain had expelled the Argentine population and its Government and had taken possession of that part of the territory of Argentina. Over the years, the Government of the United Kingdom had persisted in maintaining its colonial domination over that territo-

ry and had repeatedly dragged its feet rather than enter into a serious negotiating process that would restore Argentine sovereignty over the territory of the islands. Supporting the full implementation of resolution 502 (1982) in all its parts—despite its obvious limitations regarding the colonial nature of the problem—Cuba as Chairman of the Movement of Non-Aligned Countries considered that it was the obligation of the Council to take effective measures aimed at putting an end to the hostilities and to issue a formal mandate to the Secretary-General to resume his efforts with the Governments of the United Kingdom and Argentina so as to achieve an honourable, lasting solution respecting the sovereign rights of the Argentine Republic.<sup>22</sup>

The representative of Canada said that his country had not made any judgement on the substance of the question of the conflicting claims to the sovereignty of the islands, as it had always maintained that it was a matter to be settled by negotiation between the parties directly concerned, with due regard being paid to the wishes of the islanders themselves.<sup>23</sup>

The representative of the United States declared that her country stood behind the principle that the use of force to settle disputes should not be allowed anywhere and especially in that hemisphere where a significant number of territorial disputes remained to be solved diplomatically. Unless the principle was respected that force should not be used to settle disputes, the entire international community would be exposed to chaos and suffering. It was of fundamental importance that both Argentina and Britain had accepted resolution 502 (1982) in its entirety. For the United States the conflict continued to have a special poignancy. It did not take and never had taken any position on the underlying claims. The tragic conflict was especially important for the United Nations as it was precisely the kind of problem the Organization had been created to resolve. Her country would whole-heartedly support any initiative that could help Argentina and Britain make peace with honour.<sup>24</sup>

At the 2363rd meeting, the representative of France expressed serious concern at the exacerbation of the conflict and said that every possible effort should be made as a matter of urgency to bring about a cessation of hostilities.<sup>25</sup>

A number of representatives, expressing their solidarity with the people of Argentina and conviction that there existed an appropriate framework both in resolution 502 (1982) and in certain relevant resolutions of the General Assembly on the subject of decolonization adopted in 1965, 1973 and 1976 which recommended negotiations between the parties, pointed out that any delay on the part of the Council in fulfilling the obligations laid down by the Charter could lead to an even worse escalation of the situation. They underlined that for the United Nations to fail to impose the rule of international law, to stop the use of force to settle a conflict and to prevent war between the two nations would make the Organization appear to be powerless in the maintenance of international peace and security. The Organization would emerge greatly weakened if it were unable to achieve its purposes. The speakers stressed the responsibility of the Council to promote a cessation of hostilities and a resumption of the dialogue.<sup>26</sup>

At the 2364th meeting, the representative of Kenya, speaking on the colonial past, declared that



Argentina was engaged in a purely territorial claim against the United Kingdom based on history. The basic principle of the peaceful settlement of disputes between nations had been brushed aside by Argentina. That country had committed aggression and had defied the call of the Council to withdraw its forces from the Falkland Islands and to return to the negotiating table with the Government of the United Kingdom in pursuit of its claims. Whether these claims were real or imaginary could be decided by the International Court of Justice.<sup>27</sup>

At the 2366th meeting, the representative of Ireland introduced a draft resolution,<sup>28</sup> which was sponsored by his delegation. Under the draft resolution, in its preambular part, the Council would have recalled its resolution 502 (1982), noted with the deepest concern that the situation in the region of the Falkland Islands (Islas Malvinas) had seriously deteriorated, referred to the statement made by the Secretary-General to the Council at its 2360th meeting, on 21 May 1982,<sup>5</sup> as well as the statements in the debate of the representatives of Argentina<sup>9</sup> and of the United Kingdom,<sup>10</sup> noted from the Secretary-General's statement the extent to which points of agreement between the parties had already been established through his efforts, and expressed concern about achieving as a matter of the greatest urgency a cessation of hostilities and an end to the conflict between the armed forces of Argentina and of the United Kingdom.

In the operative part, the Council would have (a) expressed appreciation to the Secretary-General for his efforts to bring about an agreement between the parties to ensure the implementation of resolution 502 (1982), and thereby to restore peace to the region; (b) requested the Secretary-General, on the basis of the resolution, to undertake a renewed mission of good offices consistent with resolution 502 (1982) and in accordance with the approach outlined in his statement of 21 May 1982; (c) urged the parties to the conflict to co-operate fully with the Secretary-General in his mission and, as a first step, to agree to a complete suspension of hostilities for a period of 72 hours; (d) requested the Secretary-General, within that period, to enter into contact with the parties with a view to the negotiation of mutually acceptable terms for a continuing cease-fire including, if necessary, arrangements for the dispatch of United Nations observers to monitor compliance with the terms of the cease-fire; and (e) requested the Secretary-General to submit an interim report to the Council by the end of the period mentioned in (c) above.

He pointed out that the draft envisaged three stages in the effort to bring the fighting finally to an end, to get the Secretary-General's negotiations back on the track and to give them new authority. He singled out the following important points of difference: (a) the Secretary-General would have a formal mandate from the Council; (b) the adoption of the draft resolution would in some way help to preserve the measure of agreement that the Secretary-General had already achieved and that might otherwise completely disappear; (c) in a changing situation, one could always hope that a stage would be reached where both parties would be ready to accept a settlement if a mission of good offices were continued; and (d) the new effort by the Secretary-General would come when some elementary measure of confidence had already been established by the

parties suspending the hostilities, and by a more stable cease-fire negotiated with the help of the Secretary-General.<sup>29</sup>

At the 2368th meeting, members of the Council had before them the text of a draft resolution submitted by Japan,<sup>30</sup> and the text of a draft resolution submitted by Guyana, Ireland, Jordan, Togo, Uganda and Zaire.<sup>31</sup>

Under the Japanese draft resolution, in the preambular part, the Council would have recalled its resolution 502 (1982) concerning the situation in the region of the Falkland Islands (Islas Malvinas), regretted that resolution 502 (1982) had not yet been implemented, expressed grave concern at the stalemate of diplomatic efforts to seek a peaceful solution to the differences between the parties and the subsequent deterioration of the situation in the area and reaffirmed the fundamental principles of the Charter, in particular the non-use of force and the settlement of international disputes by peaceful means.

In the operative part, the Council would have urged once again that resolution 502 (1982) be implemented in its entirety as soon as possible; reaffirmed its support of the good offices of the Secretary-General and requested him to renew the use of his good offices on the basis of his previous efforts as reported in his statement at the 2360th meeting with a view to achieving the earliest possible cessation of hostilities, realizing a peaceful settlement of the dispute and securing the implementation of resolution 502 (1982); and requested the Secretary-General to report regularly to the Council on the implementation of the resolution.

The representative of Ireland explained the difference between the initial draft resolution and the revised version, which did not explicitly ask the parties to cease hostilities for 72 hours, while it urged them in general to co-operate fully with the Secretary-General in his mission.<sup>32</sup>

The representative of Uganda<sup>33</sup> introduced the draft resolution sponsored by Guyana, Ireland, Jordan, Togo, Uganda and Zaire.<sup>31</sup> He pointed out that the draft sought to express the areas of consensus that had emerged in the debate.

The representative of Spain said that the draft did not order the immediate cessation of hostilities and contained only a general request under which the Secretary-General was to enter into immediate contact with the parties with a view to negotiating mutually acceptable terms for a cease-fire. In the view of his delegation, it would have been preferable for the Council to have ordered an immediate cease-fire and to have given a more specific mandate to the Secretary-General.<sup>34</sup>

The representative of Panama declared that the draft resolution did not contain all the elements necessary for the attainment of a just and lasting peace. The basic omission was that no reference was made to a question that was fundamental in the conflict: the decolonization of the Malvinas Archipelago. Mentioning other essential omissions, he pointed out the difficulties which the Secretary-General would have to cope with.<sup>35</sup>

The Council then proceeded to vote on the draft resolution and adopted it unanimously by 15 votes in favour, as resolution 505 (1982). The resolution reads as follows:

*The Security Council,  
Reaffirming its resolution 502 (1982),*

*Noting with the deepest concern* that the situation in the region of the Falkland Islands (Islas Malvinas) has seriously deteriorated,

*Having heard* the statement made by the Secretary-General at its 2360th meeting, on 21 May 1982, as well as the statements made in the debate by the representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland,

*Concerned* to achieve, as a matter of the greatest urgency, a cessation of hostilities and an end to the present conflict between the armed forces of Argentina and the United Kingdom,

1. *Expresses appreciation* to the Secretary-General for the efforts that he has already made to bring about an agreement between the parties, to ensure the implementation of resolution 502 (1982), and thereby to restore peace to the region;

2. *Requests* the Secretary-General, on the basis of the present resolution, to undertake a renewed mission of good offices, bearing in mind resolution 502 (1982) and the approach outlined in his statement of 21 May 1982;

3. *Urges* the parties to the conflict to co-operate fully with the Secretary-General in his mission with a view to ending the present hostilities in and around the Falkland Islands (Islas Malvinas);

4. *Requests* the Secretary-General to enter into contact immediately with the parties with a view to negotiating mutually acceptable terms for a cease-fire, including, if necessary, arrangements for the dispatch of United Nations observers to monitor compliance with the terms of the cease-fire;

5. *Requests* the Secretary-General to submit an interim report to the Security Council as soon as possible and, in any case, not later than seven days after the adoption of the present resolution.

The Secretary-General urged the parties to recognize that a lasting solution of the crisis in the South Atlantic could only be achieved through negotiations and that the first requirement for negotiations was a cessation of armed conflict.<sup>36</sup>

#### Decision of 4 June 1982 (2373rd meeting): rejection of a two-Power draft resolution

By letter<sup>37</sup> dated 31 May 1982, the representative of Panama conveyed to the President of the Council his Government's profound concern at the intensification of the conflict in the Malvinas Islands and requested an urgent meeting of the Council to continue to study the serious situation in the region of the Malvinas Islands and to assume the responsibilities conferred on it by the Charter for international peace and security.

At its 2371st meeting, on 2 June 1982, the Council included the letter in its agenda. Following the adoption of the agenda, the Council decided to invite the representatives of Argentina and Brazil to participate, without vote, in the discussion. A similar invitation was extended to the representative of Honduras at the 2372nd meeting, on 3 June 1982. The Council considered the item at its 2371st to 2373rd meetings, from 2 to 4 June 1982.<sup>4</sup>

The President of the Council drew the attention of its members to the interim report of the Secretary-General in pursuance of resolution 505 (1982) on the situation in the region of the Falkland Islands (Islas Malvinas).<sup>38</sup>

In his interim report, which he read out at the 2371st meeting,<sup>39</sup> the Secretary-General informed the Council that on 26 May he had met separately with the parties concerned and had requested that each provide within 24 hours a statement of the terms it considered acceptable for a cease-fire. The response which he received on 27 May from the British Government and on 27 and 28 May from the Government of Argentina made it clear that the positions of the two parties did not offer the possibility of working out a mutually acceptable cease-fire.

At the same meeting, the representative of Spain introduced a draft resolution,<sup>40</sup> which was sponsored

by Panama and Spain. Under the draft resolution, the Council would have reaffirmed its resolutions 502 (1982) and 505 (1982) and the need for implementation of all parts thereof and would have requested the parties to the dispute to cease fire immediately in the region of the Falkland Islands (Islas Malvinas); authorized the Secretary-General to use such means as he might deem necessary to verify the cease-fire; and requested the Secretary-General to report to the Council on compliance with the resolution within 72 hours.

The speaker pointed out that the draft resolution would not bring the Council's action to an end, but would allow it to adopt a draft resolution on the immediate withdrawal of the forces, and from that moment negotiations could begin with the least possible delay on full compliance with resolution 502 (1982), which was basic to the settlement of the conflict.<sup>41</sup>

The representative of Panama stated that the Council had not heard an encouraging and hopeful report because of the domineering and intransigent attitude of the United Kingdom in continuing its colonial aggression against Argentina. He vigorously deplored the fact that the United Kingdom persisted in its rash venture of trying by force to reimpose on the Latin American continent an absolute colonial system. That action was an aggression, which the United Kingdom had tried to depict as self-defence, completely at variance with the spirit of the times. He appealed to the members of the Council to shoulder the responsibility that the international community had entrusted to them, and to begin to act promptly and effectively.<sup>42</sup>

The representative of Argentina stated that the experience of his delegation throughout the negotiations conducted through the Secretary-General had shown that the United Kingdom had no intention at any time to accept the appeal for a cease-fire and that its only purpose had been to continue its military aggression against Argentina. The United Kingdom was attempting to establish on the islands a military presence in order to control the South Atlantic. That unmasked the alleged defence of the wishes of the inhabitants. The Government of Argentina had responded to the appeal addressed to the parties in paragraph 3 of resolution 505 (1982) and had replied to the Secretary-General by submitting its proposal related to paragraph 2 of that resolution, that simultaneously with the agreement on a cease-fire negotiations would begin as to the withdrawal of forces of both parties and the interim administration of the islands by the United Nations. Regarding the cease-fire, the following elements had been set forth by Argentina: (a) it would be unrestricted, with the suspension of all operations by troops, vessels and aircraft, which would remain in the places where they were at the beginning of the cease-fire; (b) simultaneously with the acceptance of the cease-fire by the parties, a United Nations mission would be dispatched to observe compliance with it; (c) if necessary, disengagement zones would be established on land and sea; (d) in no circumstances would the parties be able to undertake military reinforcement operations in the areas of operation and in the areas of communications of the respective forces; (e) the United Nations would facilitate operations for the supply of food, clothing and health services to the personnel of the land, air and sea forces and the inhabitants of the islands, for the period of time the

negotiations would require; and (f) the cease-fire would begin at "H" hour, which would coincide with arrival of United Nations personnel.

On the other hand, in the view of the United Kingdom, the primary condition for the cease-fire was the withdrawal of the Argentine troops within a deadline. Secondly, the concept of simultaneous withdrawal of troops was not accepted. Thirdly, the withdrawal of British troops would be considered only after the following objectives had been attained: (a) repossession of the islands; (b) restoration of the British administration, that is to say, a return to the *status quo ante*; (c) reconstruction; and (d) consultation with the inhabitants.

The withdrawal could take place once the four conditions had been met and in the context of an international security arrangement for the islands which would include the participation of United States forces. The Council, the Argentine nation and, above all, the whole of Latin America should have the assurance of the United States that it would not accept the British proposal to build a military base on the Malvinas and that it would not be dragged into the dangerous adventure, which would widen even further the serious breach in hemispheric relations. A United States decision to establish troops under a bilateral arrangement with the United Kingdom on the Argentine territory of the Malvinas Islands would disregard the resolution adopted on 29 May 1982 by the Twentieth Meeting of Consultation of Ministers of External Relations of the States parties to the Inter-American Treaty of Reciprocal Assistance.<sup>43</sup>

The representative of Brazil declared that for his country the Malvinas Islands would remain part of the territory of Argentina regardless of the immediate result of the conflict. His Government had continuously supported the determined efforts of the Secretary-General. Resolution 502 (1982) was to have been implemented completely, not selectively or unilaterally. Brazil was convinced that a peaceful, diplomatic solution might still be found. As a solution based on force could not be a lasting one, the Council was duty-bound to find an honourable solution, acceptable to both parties. As an initial measure, the Council should decide on an immediate cease-fire and envisage the participation of the United Nations as an essential element in the context of a just, honourable and lasting peace. The ultimate solution to the problem should be sought in the context of negotiations between the parties, as envisaged in resolution 502 (1982). The Brazilian Government rejected any attempts to impose formulas on the future of the Malvinas Islands that might extend great-Power confrontation to the South Atlantic.<sup>44</sup>

The representative of the United Kingdom reiterated that Argentina had been the first to use force and everything the United Kingdom had done since had been in exercise of its inherent right of self-defence, for which no mandate from the Council was required by the terms of the Charter. Turning to the latest negotiations for a cease-fire, he said that the United Kingdom would welcome a cease-fire if it would be inseparably linked to the commencement of the withdrawal of Argentine forces and to the completion of their withdrawal within a fixed period. That position was based squarely in resolution 502 (1982). Until the Government of Argentina changed its position, the conditions for a cease-fire would not exist.

Against that background the call by the representatives of Spain and Panama for an unconditional immediate cease-fire was not acceptable to the British delegation as the call for an unconditional cease-fire would leave Argentine forces in position. He suggested that a resolution better fitted to the needs of the situation should contain the following elements: a reaffirmation of resolutions 502 (1982) and 505 (1982) in all their parts; an expression of appreciation to the Secretary-General for his continuing efforts towards peace-making; a reiteration of the demand in resolution 502 (1982) for Argentine withdrawal; and a call for a cease-fire, which would come into effect as soon as watertight arrangements existed for Argentine withdrawal within a fixed period. Those arrangements would have to be agreed to by the military commanders of the two sides in the islands.<sup>45</sup>

The representative of the Soviet Union pointed out that the British representative had virtually rejected the approach supported by the Council and the negotiations between the parties and had thrown out everything positive that had been achieved through the efforts of the Secretary-General. The reason for the failure of the negotiations was the unwillingness of the British Government to settle the problem of the Falkland Islands (Islas Malvinas) by peaceful means and negotiations in good faith. The manoeuvring of British diplomacy, involving the Council and the Secretary-General, had proved to be simply a smoke-screen for the unleashing of large-scale military operations in the South Atlantic to restore by force the colonial status of the islands and to keep a land base for imperialism.

The British Government would not have ventured to issue such a bold challenge to Argentina and to all of Latin America had it not been assured of the comprehensive support of the United States. It seemed that British colonialism on the islands should be supplemented by a permanent American military presence, thus adding to the many military enclaves of the United States in Latin America another in the South Atlantic. The Council in fact was witnessing attempts to extend the sphere of activities of the North Atlantic bloc to conflicts taking place far beyond the confines of Europe and involving the interests and security of the developing, non-aligned countries.<sup>46</sup>

The representative of China pointed out that the resort to a show of military might without any regard for the persistent call of the international community for an immediate halt of the hostilities or to the national sentiments of the people of Argentina and Latin America might gain temporary success for the party concerned but that course of action would entail far-reaching dire consequences, which would ultimately hurt the interests of its own people. The Council should urge the parties concerned to halt all military actions immediately, agree to an unconditional cease-fire and the resumption of negotiations and extend the Secretary-General's mandate for mediation.<sup>47</sup>

During the debate, the representatives of Spain and Panama expressed their wish that the draft resolution be put to the vote the same day. In accordance with the request of the delegation of Japan, the vote was deferred until the next day.

At the 2372nd meeting, the representative of Panama introduced an amendment to the draft

resolution co-sponsored by Spain and his delegation. The amendment would have inserted a new operative paragraph 2, under which the Council would have requested the parties to initiate, simultaneously with the cease-fire, the implementation of resolutions 502 (1982) and 505 (1982) in their entirety, and the subsequent paragraphs would have been renumbered accordingly.<sup>48</sup>

The representative of the United Kingdom welcomed the amendment; it improved the resolution, which now contained the concept of a cease-fire and simultaneous implementation of resolution 502 (1982), meaning as he understood it the withdrawal of Argentine forces, although that was not specifically mentioned. He asked for some time (up to 24 hours) to consider the amended text since it radically changed the draft resolution.<sup>49</sup>

The representative of Spain informed the Council that the co-sponsors had decided to request under rule 33 of the Council's provisional rules of procedure a two-hour suspension of the meeting until 3.30 p.m., following which a vote on the draft resolution should be taken.<sup>50</sup>

The President of the Council gave the floor to the representative of Jordan, but the latter was interrupted by the representative of Spain, who recalled that, the last paragraph of rule 33 read: "Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate." Therefore, he asked that no debate be held on the question.<sup>51</sup>

The representative of Jordan explained that he was not proposing to debate the issue but was asking for an additional one and a half hours to enable delegations not only to reflect but also to forward the amendment to their Governments and, it was hoped, to receive instructions.<sup>52</sup>

A procedural debate ensued regarding the point of order and proper application of rule 31 and subparagraphs 1 and 3 of rule 33.<sup>53</sup> Finally, the President was about to put the proposal of Spain to the vote, but the representative of Spain requested that a vote be taken on the amendment submitted by the representative of Jordan, which was for a suspension of the meeting until 5 p.m. The result of the vote was as follows: 5 votes to 1, with 10 abstentions. The proposal was not adopted because it had not obtained the required majority.<sup>54</sup> The meeting was suspended and resumed at 6 p.m. The President stated that at the request of several members of the Council and with the consent of the sponsors of the draft resolution he was proposing to adjourn the meeting and to convene the next meeting of the Security Council the following day. The proposal was adopted.<sup>55</sup>

At the 2373rd meeting, the representative of the United Kingdom declared that the revised draft resolution before the Council in no way met the criteria of his delegation as there was no direct and inseparable link between the cease-fire and immediate Argentine withdrawal within a fixed time-limit. The wording of the draft resolution would enable Argentina to reopen the endless process of negotiations, thus leaving Argentine armed forces in illegal occupation of parts of the islands. Thus the document was unacceptable to the British Government and its delegation would vote against it.<sup>56</sup>

The representative of Japan said that his delegation would vote in favour of the draft resolution before the Council with the understanding that

Argentina would withdraw its military forces from the Falkland Islands (Islas Malvinas) within a reasonable period of time. He therefore implored Argentina to comply in good faith with the appeal of the Council to withdraw its forces.<sup>57</sup>

Then the Council proceeded to vote on the revised draft resolution.<sup>58</sup> The draft had been changed once more in that operative paragraphs 1 and 2 of the first revision had been combined as operative paragraph 1 and the subsequent two paragraphs had been renumbered accordingly. The result of the vote was as follows: 9 votes to 2, with 4 abstentions.<sup>59</sup> The draft resolution was not adopted owing to the negative vote of two permanent members of the Council.

The representative of Guyana, making a statement after the voting, explained that his country in principle supported the call for a negotiated solution. In that specific case, however, his delegation would have preferred to see an explicit link between the putting into place of a cease-fire and a precise statement of intent from Argentina regarding its readiness to implement the requirement contained in resolution 502 (1982) to withdraw its armed forces from the Falkland Islands (Islas Malvinas) within a clearly defined time frame. The revised draft resolution did not do that. The Council should not be seen as condoning the use of force for the settlement of disputes. For that reason his delegation had been forced to abstain on the draft resolution.<sup>60</sup>

The representative of the United States declared that she had been requested by her Government to record the fact that had it been possible for her to change the vote, she would have changed it from a negative vote to an abstention.<sup>61</sup>

The representative of Panama pointed out that there was not the slightest doubt as to who was responsible for bringing the Council into a state of absolute impotence. It was not the third world countries, but some permanent members who were making a systematic and obstinate use of their veto. Regardless of the final outcome of the Malvinas Islands episode, his delegation felt that it would have resulted in an important credit balance for Argentina and for Latin America. He also pointed out that though the Council had not been able to adopt the draft resolution calling for a cease-fire, that fact did not in any way mean that the Council consented to the United Kingdom's continued aggression and punitive action against Argentine soldiers. He concluded by stating that his delegation intended to ask for further consultations in the Council in order to continue consideration of the item.<sup>62</sup>

The President of the Council, speaking in his capacity as the representative of France, indicated the positive elements of the draft resolution.<sup>63</sup> However, France considered that negotiations on the draft resolution should have continued in order to arrive at a consensus on the effective implementation of resolution 502 (1982) and, within the framework of that resolution, at a genuine cessation of hostilities. Without such a consensus, which would have made it possible to move towards a peaceful and honourable outcome, the French delegation had been constrained to abstain from voting on a text that could have been further improved in order to gain the agreement of all.<sup>63</sup>

## NOTES

<sup>1</sup> S/15037, *OR*, 37th yr., *Suppl. for April-June 1982*. See section 10 of the present chapter for prior treatment of the issue.

<sup>2</sup> S/15099, *ibid.*

<sup>3</sup> S/15100, *ibid.*

<sup>4</sup> For details, see chap. III of the present *Supplement*.

<sup>5</sup> 2360th mtg., paras. 4-23.

<sup>6</sup> See letter dated 13 April 1982 from the representative of Argentina to the President of the Council, S/14975, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>7</sup> S/14966, annex, *ibid.*

<sup>8</sup> A/32/110, A/32/111, A/34/66 and A/34/343.

<sup>9</sup> 2360th mtg., paras. 26-96.

<sup>10</sup> *Ibid.*, paras. 99-127.

<sup>11</sup> *Ibid.*, paras. 174-176.

<sup>12</sup> *Ibid.*, paras. 180-192.

<sup>13</sup> *Ibid.*, paras. 195-204.

<sup>14</sup> S/14944, *Resolutions and Decisions of the Security Council, 1982*.

<sup>15</sup> Resolution 502 (1982).

<sup>16</sup> 2360th mtg., paras. 208-225.

<sup>17</sup> *Ibid.*, paras. 229-233.

<sup>18</sup> 2362nd mtg., paras. 23-45.

<sup>19</sup> *Ibid.*, paras. 49-89.

<sup>20</sup> *Ibid.*, paras. 91-108.

<sup>21</sup> *Ibid.*, paras. 115-131.

<sup>22</sup> *Ibid.*, paras. 134-151.

<sup>23</sup> *Ibid.*, paras. 207-216.

<sup>24</sup> *Ibid.*, paras. 218-239.

<sup>25</sup> 2363rd mtg., paras. 3-7.

<sup>26</sup> See 2363rd mtg., Equatorial Guinea, paras. 62-66; Paraguay, paras. 69-80; Colombia, paras. 84-102; El Salvador, paras. 107-119; Peru, paras. 154-180; and Panama, paras. 181-232.

<sup>27</sup> 2364th mtg., paras. 61-73.

<sup>28</sup> S/15106, *OR*, 37th yr., *Suppl. for April-June 1982*. The draft was not put to the vote.

<sup>29</sup> 2366th mtg., paras. 102-126.

<sup>30</sup> S/15112, *OR*, 37th yr., *Suppl. for April-June 1982*. The draft resolution was not put to the vote.

<sup>31</sup> S/15122, subsequently adopted as resolution 505 (1982).

<sup>32</sup> 2368th mtg., paras. 33-46.

<sup>33</sup> *Ibid.*, paras. 48-56.

<sup>34</sup> *Ibid.*, paras. 59-63.

<sup>35</sup> *Ibid.*, paras. 64-79.

<sup>36</sup> *Ibid.*, paras. 87-89.

<sup>37</sup> S/15145, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>38</sup> S/15151, *ibid.*

<sup>39</sup> 2371st mtg., para. 7.

<sup>40</sup> S/15156, *OR*, 37th yr., *Suppl. for April-June 1982*. The draft was subsequently revised (S/15156/Rev.1 and 2), voted upon and not adopted owing to the negative vote of two permanent members of the Council.

<sup>41</sup> 2371st mtg., paras. 9-18.

<sup>42</sup> *Ibid.*, paras. 19-28.

<sup>43</sup> *Ibid.*, paras. 41-75.

<sup>44</sup> *Ibid.*, paras. 77-84.

<sup>45</sup> *Ibid.*, paras. 86-100.

<sup>46</sup> *Ibid.*, paras. 102-113.

<sup>47</sup> *Ibid.*, paras. 124-128.

<sup>48</sup> 2372nd mtg., paras. 3-6.

<sup>49</sup> *Ibid.*, paras. 7-9.

<sup>50</sup> *Ibid.*, paras. 10 and 11.

<sup>51</sup> *Ibid.*, paras. 12-15.

<sup>52</sup> *Ibid.*, paras. 17 and 18.

<sup>53</sup> *Ibid.*, paras. 19-29.

<sup>54</sup> *Ibid.*, para. 30.

<sup>55</sup> *Ibid.*, para. 31.

<sup>56</sup> 2373rd mtg., paras. 5-9.

<sup>57</sup> *Ibid.*, paras. 20-22.

<sup>58</sup> S/15156/Rev.2, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>59</sup> 2373rd mtg., para. 49.

<sup>60</sup> *Ibid.*, paras. 53-59.

<sup>61</sup> *Ibid.*, paras. 66-71.

<sup>62</sup> *Ibid.*, paras. 72-83.

<sup>63</sup> *Ibid.*, paras. 85-91.

## 13. THE SITUATION BETWEEN IRAN AND IRAQ

**Decision of 12 July 1982 (2383rd meeting): resolution 514 (1982)**

At its 2383rd meeting, on 12 July 1982, the Council included in its agenda the item entitled "The situation between Iran and Iraq". Following the adoption of the agenda, the Council invited the representative of Iraq, at his request, to participate, without vote, in the discussion of the item.<sup>1</sup> The Council discussed the item at the same meeting.

Opening the discussion, the President stated that, as had been agreed in the course of the Council's consultations earlier on the same day, the Council was meeting in connection with the situation between Iran and Iraq. He drew attention to the text of a draft resolution,<sup>2</sup> which had been prepared in the course of the Council's consultations. He also mentioned several documents issued by the Council that had a bearing on the item.<sup>3</sup>

The representative of France expressed great concern about the unending battle between Iran and Iraq and warned that the war might take a turn for the worse if it became a confrontation between two cultures and two religions. He referred to the appeals issued recently by the European Community and noted that it should be possible to settle the bilateral conflict through negotiations recognizing the legitimate rights of both parties. He recalled the Algiers Agreement of 1975<sup>4</sup> and stated that the frontier fixed in that legal document should be respected. He welcomed efforts at negotiation initiated by the Organization of the Islamic Conference and by the Movement of Non-Aligned Countries and expressed the hope that the Council and the Secretary-General would contribute to making those and similar efforts more fruitful. He strongly endorsed the draft resolution, which offered the political foundations for a settlement and promoted the co-ordination of ongoing mediation efforts by entrusting this task to the Secretary-General.<sup>5</sup>

At the same meeting, the President put the draft resolution to the vote; it received 15 votes in favour and was adopted unanimously as resolution 514 (1982).<sup>6</sup> It reads as follows:

*The Security Council,*

*Having considered again* the question entitled "The situation between Iran and Iraq",

*Deeply concerned* about the prolongation of the conflict between the two countries, resulting in heavy losses of human lives and considerable material damage and endangering peace and security,

*Recalling* the provisions of Article 2 of the Charter of the United Nations, and that the establishment of peace and security in the region requires strict adherence to these provisions,

*Recalling* that by virtue of Article 24 of the Charter the Security Council has the primary responsibility for maintenance of international peace and security,

*Recalling* its resolution 479 (1980), adopted unanimously on 28 September 1980, as well as the statement of the President of the Security Council of 5 November 1980,

*Taking note* of the efforts of mediation pursued notably by the Secretary-General and his representative, as well as by the Movement of Non-Aligned Countries and the Organization of the Islamic Conference,

1. *Calls* for a cease-fire and an immediate end to all military operations;

2. *Calls further* for a withdrawal of forces to internationally recognized boundaries;

3. *Decides* to dispatch a team of United Nations observers to verify, confirm and supervise the cease-fire and withdrawal, and requests the Secretary-General to submit to the Security Council a report on the arrangements required for that purpose;

4. *Urges* that the mediation efforts be continued in a co-ordinated manner through the Secretary-General with a view to achieving a comprehensive, just and honourable settlement, acceptable to both sides, of all the outstanding issues, on the basis of the principles of the Charter of the United Nations, including respect for sovereignty, independence, territorial integrity and non-interference in the internal affairs of States;

5. *Requests* all other States to abstain from all actions that could contribute to the continuation of the conflict and to facilitate the implementation of the present resolution;

6. *Requests* the Secretary-General to report to the Security Council within three months on the implementation of the present resolution.

Following the adoption of the resolution, the representative of the United Kingdom stated that his delegation had some doubts about the likely efficacy of the resolution as it was lacking the full support of all the parties to the dispute, an important prerequisite for effective peace-making. He complimented the President on his efforts to persuade the uncooperative party to accept the resolution and the need to work with the Council and regretted that its co-operation was not yet forthcoming. He expressed the hope that the Secretary-General would consider urgently the possibility of sending a representative to the two capitals.<sup>7</sup>

The representative of China noted that mediation efforts had been undertaken by the Special Representative of the Secretary-General and the non-aligned countries and stated his conviction that conflicts between brotherly third world countries could and should be resolved through consultation or negotiations.<sup>8</sup>

The representative of the Soviet Union reaffirmed his Government's support for all efforts to end the military action as soon as possible and to resolve the conflict by means of negotiations. He also endorsed ongoing efforts to mediate the conflict and underlined the principal role of the Council in promoting a settlement of the Iran-Iraq conflict.<sup>9</sup>

The Minister for Foreign Affairs of Iraq expressed the hope that the Council's action would generate a new momentum for peace. He reviewed in detail the numerous offers for a cease-fire and for a peaceful settlement of the dispute that had been made by the President of Iraq and the Iraqi Government, all of which had been rejected by the other side. He concluded by stating that everybody should strive for the faithful implementation of the Council's resolution and co-ordinate all actions to advance towards the comprehensive, just and honourable settlement of the issues underlying the conflict.<sup>10</sup>

#### Decision of 15 July 1982: statement of the President

In a letter dated 14 July 1982,<sup>11</sup> the representative of Iran transmitted the text of his Government's official position regarding Council action on the situation between Iran and Iraq, charging that the Council, in its resolutions 479 (1980) and 514 (1982), had tacitly supported the Iraqi position.

On 15 July 1982, the Secretary-General submitted a report,<sup>12</sup> in pursuance of paragraph 3 of resolution 514 (1982), in which he stated that he had considered

it necessary, with the agreement of the parties concerned, to send a small team of senior United Nations military officers to ascertain the actual situation on the ground and to assess the arrangements required for the implementation of the resolution. The Government of Iraq had informed the Secretary-General that it was ready to co-operate in the implementation of the resolution. The Government of Iran had transmitted to the Secretary-General the text of its statement of 14 July,<sup>11</sup> dissociating itself from any action taken to date by the Council with regard to the situation between Iran and Iraq. The Secretary-General reaffirmed that he would continue his intensive efforts to put an end to the fighting and to achieve a settlement of the issues underlying the conflict.

On 15 July 1982, following consultations of the Council, the President of the Council, on behalf of its members, made the following statement:<sup>13</sup>

The members of the Security Council expressed concern at the serious situation existing between Iran and Iraq and at the fact that resolution 514 (1982) had not yet been implemented. The Council remains actively seized of this question. The President will remain in contact with the two sides concerned, with a view to exploring all possible means of advancing the efforts to achieve an end to the fighting and to secure a settlement of the underlying issues.

#### Decision of 4 October 1982 (2399th meeting): resolution 522 (1982)

In a letter dated 1 October 1982,<sup>14</sup> the representative of Iraq charged that Iranian forces had launched a major armed attack in an attempt to cross the international frontier and requested an urgent meeting of the Council to discuss the serious deterioration of the situation concerning the conflict between Iraq and Iran.

At its 2399th meeting, on 4 October 1982, the Council included the letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Iraq and Morocco, at their request, to participate in the discussion without the right to vote.<sup>15</sup> The Council considered the item at the same meeting.

The Minister for Foreign Affairs of Iraq pointed out that the war between Iran and his country had been going on for more than two years and that the Iranian objective was to take over the whole Arabian peninsula and particularly the Arab Gulf region. He charged that the Khomeini régime had started exporting its fanatic revolution to Iraq and the whole region shortly after it had assumed power in Iran. He noted that while his own Government had declared its readiness to comply with resolution 514 (1982), the Iranian rulers had rejected the Council's request, insulted the Council and misquoted the fundamental articles defining the authority and mandate of the Council in matters of peace and security. He informed the Council of new Iranian attacks in the Basra area and added that the Iraqi forces had been completely withdrawn from Iranian territory. In that connection, he called upon Iran to accept the arbitration of the Council regarding contested border territory. He emphasized that Iran stood alone in its continued war against Iraq and suggested that the Council might have to take effective measures against the Iranian side, which rejected peace.<sup>16</sup>

The Minister of State in charge of Foreign Affairs of Morocco deeply regretted that the Iranian Government had rejected the Council's constructive resolution 514 (1982) and paid tribute to the efforts of the

representative of the Secretary-General and the Peace Committee of the Islamic Conference to mediate in the conflict between Iran and Iraq. He welcomed Iraq's readiness to initiate a peace process based on the principles of the Charter and on the resolutions of the Council and urged the Council to remind the other party of the obligations incumbent upon it because of its membership in the United Nations.<sup>17</sup>

At the same meeting, the President put the draft resolution prepared in the course of the Council's consultations<sup>18</sup> to the vote; it received 15 votes and was adopted unanimously as resolution 522 (1982).<sup>19</sup> It reads as follows:

*The Security Council,*

*Having considered again* the question entitled "The situation between Iran and Iraq",

*Deploring* the prolongation and the escalation of the conflict between the two countries, resulting in heavy losses of human lives and considerable material damage and endangering peace and security,

*Reaffirming* that the restoration of peace and security in the region requires all Member States strictly to comply with their obligations under the Charter of the United Nations,

*Recalling* its resolution 479 (1980), adopted unanimously on 28 September 1980, as well as the statement of the President of the Security Council of 5 November 1980,

*Further recalling* its resolution 514 (1982), adopted unanimously on 12 July 1982, and the statement of the President of the Security Council of 15 July 1982,

*Taking note* of the report of the Secretary-General of 15 July 1982,

1. *Urgently calls again* for an immediate cease-fire and an end to all military operations;

2. *Reaffirms* its call for a withdrawal of forces to internationally recognized boundaries;

3. *Welcomes* the fact that one of the parties has already expressed its readiness to co-operate in the implementation of resolution 514 (1982) and calls upon the other to do likewise;

4. *Affirms* the necessity of implementing without further delay its decision to dispatch United Nations observers to verify, confirm and supervise the cease-fire and withdrawal;

5. *Reaffirms* the urgency of the continuation of the current mediation efforts;

6. *Reaffirms* its request to all other States to abstain from all actions which could contribute to the continuation of the conflict and to facilitate the implementation of the present resolution;

7. *Further requests* the Secretary-General to report to the Security Council on the implementation of the present resolution within seventy-two hours.

Following the adoption of the resolution, the Secretary-General stated that the effective deployment, as envisaged under paragraph 4, was contingent on the concurrence and co-operation of the parties concerned and on the existence of a cease-fire. If the parties concurred, he would immediately dispatch the observers, in accordance with normal practices of United Nations peace-keeping. He renewed his determination to make every effort to find a peaceful solution.<sup>20</sup>

On 7 October 1982, the Secretary-General submitted a report,<sup>21</sup> in pursuance of paragraph 6 of Council resolution 514 (1982) and paragraph 7 of resolution 522 (1982), in which he stated that the text of the latter resolution had been transmitted immediately to the Governments concerned, with a request, in particular, for comments in respect of paragraph 4. The Minister for Foreign Affairs of Iraq had informed the Secretary-General that his Government supported efforts to facilitate a peaceful solution of the conflict and would co-operate in good faith in the implementation of resolution 522 (1982). The repre-

sentative of Iran had informed the Secretary-General that, for the reasons indicated in the statement issued by his Government on 4 October,<sup>22</sup> it considered Council resolutions relating to the situation between Iran and Iraq to be non-binding on Iran. The Secretary-General further stated that his Special Representative had visited the area five times since November 1980 and that he would continue to make every effort to facilitate a settlement of the issues underlying the conflict.

**Decision of 21 February 1983: statement of the President**

On 21 February 1983, following consultations of the Council, the President of the Council, on behalf of its members, made the following statement:<sup>23</sup>

The members of the Council express their deep concern at the serious situation between Iran and Iraq which gravely endangers international peace and security and at the fact that resolutions 479 (1980), 514 (1982) and 522 (1982) have not yet been implemented.

The members of the Council 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 members of the Council express their profound regret at the continuation and the escalation of the conflict and deplore the grave human losses and the considerable material damage resulting therefrom. They reaffirm the necessity of implementing the Council's previous resolutions on the subject which were unanimously adopted.

The members of the Council urgently call once again for an immediate cease-fire and an end to all military operations as well as the withdrawal of forces up to internationally recognized boundaries with a view to seeking a peaceful settlement in accordance with the principles of the Charter.

The Council remains seized of this question and urges all Member States to exert all efforts to assist in the restoration of peace and security in the region.

The members of the Council request the Secretary-General to continue his efforts, in consultation with the parties concerned, with a view to achieving a peaceful settlement and to keep the Council informed.

**Decision of 31 October 1983 (2493rd meeting): resolution 540 (1983)**

On 20 June 1983, the Secretary-General submitted a report<sup>24</sup> on the mission to inspect civilian areas in the Islamic Republic of Iran and Iraq that had been subject to military attack. The Secretary-General informed the Council that on 2 May the Iranian representative had conveyed to him the request of his Government that he send a representative to visit civilian areas in the Islamic Republic of Iran that had been subject to military attack by Iraq; he also indicated that the Government of the Islamic Republic of Iran would welcome a visit by the Secretary-General's representative to Iraq, if the Iraqi Government so wished. Following further discussions, which resulted in an Iraqi agreement to receive a representative for the inspection of civilian areas that had been attacked by the other side, the Secretary-General had notified the Council on 12 May of his intention to dispatch a small mission. As agreed with the two Governments, the task assigned to the mission was to survey and assess, as far as possible, the damage to civilian areas in the two countries said to have suffered war damage and to indicate, where possible, the types of munitions that could have caused the damage. The mission's report was then to

be transmitted by the Secretary-General to the Council.

The Secretary-General reported further that both Governments had given appropriate assurances regarding the safety of the mission and that they had specified the itineraries that they wished the mission to follow in their respective territories; the two Governments had also agreed to provide appropriate means of transport for the mission outside the capitals. The mission had been requested, having completed its itinerary in the Islamic Republic of Iran, to inspect an additional site in the Islamic Republic of Iran and, when it arrived in Iraq, had offered the same if the Government of Iraq so desired. The mission consisted of two senior officials of the United Nations Secretariat and two military experts, a munitions specialist and an artillery officer, who had been seconded by the Government of Sweden. The Secretary-General expressed his appreciation to the members of the mission for having carried out such a difficult task under strenuous conditions and annexed their report to his report to the Council.

At its 2493rd meeting, on 31 October 1983, the Council considered again the question entitled "The situation between Iran and Iraq".

The President opened the meeting by drawing attention to a draft resolution<sup>25</sup> submitted by Guyana, Togo and Zaire.

Prior to the vote, the representative of Pakistan reviewed the efforts so far by the Council to bring about an end to the fratricidal conflict between the Islamic Republic of Iran and Iraq and deplored the lack of success regarding all those initiatives. He pointed to the Iranian perception that its viewpoint was not properly understood by the Council as one reason for the Council's failure. He noted that his delegation had hoped that the Council would have made an effort to engage both parties in a process combining the virtue of an immediate containment of hostilities with the prospect of a comprehensive peace settlement to follow. He regretted that during the informal consultations the required sustained effort involving more time for exhaustive consultations had not been made whereby the two parties might have been drawn into the process of consultations with the promise of a meaningful outcome. He announced that his delegation would abstain in the vote on the draft resolution, which was not fully matured and which lacked consensus.<sup>26</sup>

The representative of Malta stated that both parties had responded with detailed written observations to the working paper which had been the focus of the Council's attention in the course of the informal consultations during more than two weeks. His delegation had wished to build on the initial responses and to undertake further efforts to bring the two sides together, through the good offices of the Council, and guide them towards a constructive and hopefully positive dialogue. He added that since one side had not considered that it had been given a reasonable hearing and sufficient consultation by the Council, he had been in favour of continued consultations and opposed the rush for a vote. His delegation would therefore abstain in the vote.<sup>26</sup>

The representative of Nicaragua expressed similar doubts about the benefits of the draft resolution before the Council and stated that his delegation would have preferred extended consultations with a

view to arriving at a consensus encompassing also the view of the Movement of Non-Aligned Countries.<sup>26</sup>

The President then put the draft resolution to the vote; it received 12 votes in favour and none against, with 3 abstentions, and was adopted as resolution 540 (1983).<sup>27</sup> It reads as follows:

*The Security Council,*

*Having considered* again the question entitled "The situation between Iran and Iraq",

*Recalling* its relevant resolutions and statements which, *inter alia*, call for a comprehensive cease-fire and an end to all military operations between the parties,

*Recalling* the report of the Secretary-General of 20 June 1983 on the mission appointed by him to inspect civilian areas in Iran and Iraq which have been subject to military attacks, and expressing its appreciation to the Secretary-General for presenting a factual, balanced and objective account,

*Also noting with appreciation and encouragement* the assistance and co-operation given to the Secretary-General's mission by the Governments of Iran and Iraq,

*Deploing once again* the conflict between the two countries, resulting in heavy losses of civilian lives and extensive damage caused to cities, property and economic infrastructures,

*Affirming* the desirability of an objective examination of the causes of the war,

1. *Requests* the Secretary-General to continue his mediation efforts with the parties concerned, with a view to achieving a comprehensive, just and honourable settlement acceptable to both sides;

2. *Condemns* all violations of international humanitarian law, in particular, the provisions of the Geneva Conventions of 1949 in all their aspects, and calls for the immediate cessation of all military operations against civilian targets, including city and residential areas;

3. *Affirms* the right of free navigation and commerce in international waters, calls on all States to respect this right and also calls upon the belligerents to cease immediately all hostilities in the region of the Gulf, including all sea-lanes, navigable waterways, harbour works, terminals, offshore installations and all ports with direct or indirect access to the sea, and to respect the integrity of the other littoral States;

4. *Requests* the Secretary-General to consult with the parties concerning ways to sustain and verify the cessation of hostilities, including the possible dispatch of United Nations observers, and to submit a report to the Security Council on the results of these consultations;

5. *Calls upon* both parties to refrain from any action that may endanger peace and security as well as marine life in the region of the Gulf;

6. *Calls once more upon* all other States to exercise the utmost restraint and to refrain from any act which may lead to a further escalation and widening of the conflict and, thus, to facilitate the implementation of the present resolution;

7. *Requests* the Secretary-General to consult with the parties regarding immediate and effective implementation of the present resolution.

Following the adoption of the resolution, the representative of the Netherlands stressed the Council's responsibility under the Charter for peace and security and the serious state of the cruel war between the Islamic Republic of Iran and Iraq. He noted that it was important for the Council not only to be as objective and balanced as possible in its assessment of the conflict but also to secure the agreement of both parties to co-operate with the decisions of the Council. For the Council to have any real impact on the bitter conflict, a certain measure of co-operation on the part of both parties was indispensable. He therefore regretted that it again had not been possible to explore the openings for a peaceful settlement.<sup>26</sup>

The representative of the Soviet Union deplored the continuation of the armed conflict between Iran



and Iraq and renewed his Government's call for a cessation of military actions and a political settlement of the controversial issues by peaceful means. He expressed support for the mediation mission of the Secretary-General's Special Representative and other international efforts to promote a peaceful solution and warned against any armed intervention by external forces in the area.<sup>26</sup>

The representative of China underlined the importance of bringing about the participation of both sides in the process of peaceful negotiations and welcomed the adoption of the resolution as it called for steps that would allow the peaceful settlement of the conflict.<sup>26</sup>

On 13 December 1983, the Secretary-General submitted a report<sup>28</sup> in pursuance of paragraph 4 of resolution 540 (1983), by which the Council had requested the Secretary-General to report on the results of the consultations with the parties concerning ways to sustain and verify the cessation of hostilities, including the possible dispatch of United Nations observers.

The Secretary-General informed the Council that in response to his inquiry the Government of Iraq had agreed to receive a team of United Nations officials to discuss the implementation of the Council's resolution, whereas the Iranian Government had refused to co-operate, basing its rejection on its deep-seated mistrust of the Council's attitude towards the conflict. The Secretary-General further reported that at the end of October 1983, the Government of the Islamic Republic of Iran had requested the dispatch of a new mission to inspect further attacks on civilian areas, but the proposal could not be pursued since the Government of Iraq had declined to agree to that suggestion. Under those circumstances, the Secretary-General saw considerable difficulties in seeking to implement resolution 540 (1983), but reaffirmed his readiness, together with his Special Representative, to assist in the achievement of a comprehensive and just settlement of the conflict between Iran and Iraq and noted that he would have an opportunity at the summit meeting of the Organization of the Islamic Conference, to be held in January 1984, to discuss with the heads of State of both parties further steps to be taken.

**Decision of 30 March 1984 (2524th meeting): statement of the President**

On 26 March 1984, the Secretary-General submitted a note, together with an annex containing the report of the specialists appointed by him to investigate allegations by the Islamic Republic of Iran concerning the use of chemical weapons.<sup>29</sup> The Secretary-General reported that the use of chemical weapons had been alleged for the first time in a letter<sup>30</sup> dated 3 November 1983 in which the Government of the Islamic Republic of Iran had reiterated its request for the dispatch of another mission regarding civilian areas. Since that request had been rejected by the Government of Iraq, the Secretary-General had proposed that a mission be sent to ascertain the authoritative positions of the parties regarding the conflict and to examine the damages to civilian targets.

He referred to communications from both parties<sup>31</sup> containing their reactions to the Secretary-General's proposal which could not be carried out. Under those circumstances, the Secretary-General had decided, in the light of numerous Iranian allegations and growing

concern in the international community that chemical weapons had indeed been used, to ascertain the facts and requested four eminent specialists from Sweden, Spain, Australia and Switzerland, accompanied by a senior official of the United Nations, to undertake a fact-finding visit to the Islamic Republic of Iran.

The Secretary-General submitted to the Council their report about their visit to the Islamic Republic of Iran from 13 to 19 March 1984 and expressed his distress that their unanimous conclusions substantiated the allegations that chemical weapons had been used. He stressed the importance of strictly observing principles of international conduct accepted by the world community for the purposes of preventing or alleviating human suffering and called upon the parties to satisfy those humanitarian concerns by putting an end to the conflict, for which he pledged his full support and assistance.

At its 2524th meeting, on 30 March 1984, the Council included the report of the specialists in its agenda and considered the item during that meeting.

The President drew attention to a letter<sup>32</sup> from the representative of Iraq and two letters<sup>33</sup> from the representative of the Islamic Republic of Iran, in addition to the report of the specialists. Then he read out the following statement:<sup>34</sup>

The members of the Security Council, having considered again the question entitled "The situation between Iran and Iraq", and greatly concerned about the conflict which endangers international peace and security in the region, have taken note of the report of the specialists appointed by the Secretary-General to investigate allegations by the Islamic Republic of Iran concerning the use of chemical weapons.

They note with particular concern the unanimous conclusions of the specialists that chemical weapons have been used. Furthermore, they express their grave concern about all reported violations in the conflict of the rules of international law and of the principles and rules of international conduct accepted by the world community to prevent or alleviate the human suffering of warfare and affirm strongly the conclusion of the Secretary-General that these humanitarian concerns can only be fully satisfied by putting an end to the tragic conflict that continues to deplete the precious human resources of Iran and Iraq.

The members of the Council:

—strongly condemn the use of chemical weapons reported by the mission of specialists;

—reaffirm the need to abide strictly by the provisions of the Geneva Protocol of 1925 for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare;

—call on the States concerned scrupulously to adhere to the obligations flowing from their accession to the Geneva Protocol of 1925;

—condemn all violations of international humanitarian law and urge both parties to observe the generally recognized principles and rules of international humanitarian law which are applicable to armed conflicts and their obligations under international conventions designed to prevent or alleviate the human suffering of warfare;

—recall relevant resolutions of the Security Council, renew urgently their calls for the strict observance of a cease-fire and for a peaceful solution of the conflict and call upon all Governments concerned to co-operate fully with the Council in its efforts to bring about conditions leading to peaceful settlement of the conflict in conformity with the principles of justice and international law;

—appreciate the mediation efforts of the Secretary-General and request him to continue his efforts with the parties concerned, with a view to achieving a comprehensive, just and honourable settlement acceptable to both sides; and

—decide to keep the situation between Iran and Iraq under close review.

On 14 June 1984, the Secretary-General addressed the following letter<sup>35</sup> to the President of the Council:

As the Security Council is aware, in response to my proposal, the Government of the Islamic Republic of Iran and the Government of the Republic of Iraq have given the Secretary-General undertakings that all deliberate military attacks by any means on purely civilian population centres in either country will cease effective 0001 hours Greenwich mean time on 12 June 1984. The relevant communications are contained in Council documents S/16609, S/16610, S/16611, S/16614 and S/16615.

As I stated in my messages to the two Governments, I trust and expect that both sides will scrupulously implement these undertakings. I am gratified that, so far, there has been no incident.

As, however, each of the Governments, in its response, has made independent requests for arrangements to verify compliance with the undertakings, consultations were held with the Permanent Representatives of the two Governments to the United Nations, with a view to working out the measures that might be essential to verify that the commitments are adhered to.

Understandings have now been reached with the Government of Iran and the Government of Iraq. Accordingly, it would be my intention, as an immediate step, to set up simultaneously, as at 15 June 1984, two teams, each consisting of three officers drawn from among the military personnel of the United Nations Truce Supervision Organization and one senior official of the United Nations Secretariat. Each team would be ready to proceed to the respective country as soon as so requested by its Government.

The mandate of the teams would be to verify compliance with the undertakings given by the Governments of Iran and Iraq to end, and in the future refrain from initiating, deliberate military attacks, by any means, on purely civilian population centres. The teams, following each inspection of a specific allegation of any violation, would report to me, and it is my intention to keep the Security Council informed of their findings as required and in a timely manner. I would, of course, request assurances from the two Governments that they will provide the necessary conditions of safety for the teams while they are in areas subject to hostilities. The concurrence of the contributing countries concerned will be secured.

These arrangements would be kept under constant review in the light of circumstances and in further consultation with all parties concerned.

I should be grateful if you would bring this matter to the urgent attention of the members of the Security Council.

On 15 June 1984, the President addressed the following reply<sup>36</sup> to the Secretary-General:

I have the honour to refer to your letter of 14 June 1984, which I have discussed today with the members of the Security Council.

The members of the Security Council agree with the measures proposed in your letter.

During the period under review, the Secretary-General submitted a note<sup>37</sup> dated 19 September 1984 conveying the report of the United Nations team in Baghdad concerning an inspection carried out on 17 September.

tion of its territory by Iraqi troops and continued Iraqi artillery fire across the border (S/15270, *ibid.*); and a letter dated 8 July 1982 from the representative of Iraq denying the Iranian allegations and insisting that the United Nations verify the Iraqi withdrawal through appropriate machinery (S/15279, *ibid.*). Reference should be made also to a letter dated 30 May 1982 from the representative of Jordan requesting an immediate meeting of the Council to consider the prolonged, ongoing and grave armed conflict between Iran and Iraq (S/15141, *ibid.*, *Suppl. for April-June 1982*).

<sup>4</sup> Joint Iranian-Iraqi Communiqué of 6 March 1975, United Nations, *Treaty Series*, vol. 1017, No. 14903, p. 196.

<sup>5</sup> 2383rd mtg., paras. 7-14. Similar views were expressed by the United States, *ibid.*, paras. 17 and 18.

<sup>6</sup> See *ibid.*, para. 19, for the vote.

<sup>7</sup> *Ibid.*, paras. 23-25.

<sup>8</sup> *Ibid.*, paras. 27-29.

<sup>9</sup> *Ibid.*, paras. 32-38.

<sup>10</sup> *Ibid.*, paras. 42-55.

<sup>11</sup> S/15292, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>12</sup> S/15293, *ibid.*

<sup>13</sup> S/15296, *ibid.*, *Resolutions and Decisions of the Security Council, 1982*.

<sup>14</sup> S/15443, *ibid.*, *Suppl. for Oct.-Dec. 1982*.

<sup>15</sup> For details, see chap. III of the present *Supplement*.

<sup>16</sup> 2399th mtg., paras. 8-28.

<sup>17</sup> *Ibid.*, paras. 32-46.

<sup>18</sup> S/15446, adopted without change as resolution 522 (1982).

<sup>19</sup> For the vote, see 2399th mtg., para. 48.

<sup>20</sup> *Ibid.*, paras. 50-53.

<sup>21</sup> S/15449, *OR*, 37th yr., *Suppl. for Oct.-Dec. 1982*.

<sup>22</sup> S/15448, *ibid.* The note verbale dated 4 October 1982 contained the statement issued by the Government concerning the Council's deliberations; it stated that Iraq had started the war and that Iran would not attend the Council's meetings nor recognize its resolutions until the Council had condemned the Iraqi aggressions.

<sup>23</sup> S/15616, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*.

<sup>24</sup> S/15834, *ibid.*, *Suppl. for April-June 1983*.

<sup>25</sup> S/16092, adopted without change as resolution 540 (1983).

<sup>26</sup> 2493rd mtg.

<sup>27</sup> See 2493rd mtg. for the vote. See also chap. IV of the present *Supplement*.

<sup>28</sup> S/16214, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.

<sup>29</sup> S/16433, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>30</sup> S/16128, *ibid.*, 38th yr., *Suppl. for Oct.-Dec. 1983*.

<sup>31</sup> See, in particular, S/16340, S/16342, S/16352 and S/16354, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>32</sup> S/16438, dated 27 March 1984, *ibid.*

<sup>33</sup> S/16446 and S/16447, both dated 27 March 1984, *ibid.*

<sup>34</sup> S/16454, *ibid.*, *Resolutions and Decisions of the Security Council, 1984*.

<sup>35</sup> S/16627, *ibid.*

<sup>36</sup> S/16628, *ibid.*

<sup>37</sup> S/16750 and Corr.1, *ibid.*, *Suppl. for July-Sept. 1984*.

#### NOTES

<sup>1</sup> 2383rd mtg., para. 1. For details, see chap. III of the present *Supplement*.

<sup>2</sup> S/15285, adopted without change as resolution 514 (1982).

<sup>3</sup> The documents referred to were a letter dated 11 June 1982 from the representative of Belgium conveying the text of a statement issued on 24 May 1982 by the Ministers for Foreign Affairs of the 10 States members of the European Community offering their participation in every effort directed towards a peaceful solution of the conflict between Iran and Iraq (S/15219, *OR*, 37th yr., *Suppl. for April-June 1982*); a letter dated 30 June 1982, also from the representative of Belgium, conveying the text of a statement issued on 29 June by the heads of State and Government of the 10 States members of the European Community repeating the appeal of 24 May (S/15266, *ibid.*, *Suppl. for July-Sept. 1982*); a letter dated 1 July 1982 from the representative of Iran informing the United Nations about the continuing occupa-

#### 14. COMPLAINT BY LESOTHO AGAINST SOUTH AFRICA

**Decision of 15 December 1982 (2407th meeting): resolution 527 (1982)**

By a letter dated 9 December 1982,<sup>1</sup> the representative of Lesotho transmitted the text of a telegram from the Minister for Foreign Affairs of his country, in which he charged that the South African Defence Force (SADF) had launched an attack that day on the capital of Lesotho, Maseru, resulting in 31 deaths, and requested an urgent meeting of the Council to address the issue.

At its 2406th meeting, on 14 December 1982, the Council adopted the agenda; it considered the question at the 2406th to 2409th meetings, from 14 to 16 December 1982.

The Council decided to invite, at their request, the following to participate without vote in the discussion of the item: at the 2406th meeting, the representatives of Algeria, Angola, Botswana, India, Lesotho and Zimbabwe; at the 2407th meeting, the representatives of Egypt, Guinea, the Libyan Arab Jamahiriya, Seychelles, Sierra Leone, South Africa, Swaziland, Yugoslavia and Zambia; at the 2408th meeting, the representatives of Benin, Grenada, Kenya and Nicaragua; and at the 2409th meeting, the representatives of the United Republic of Tanzania and Yemen.<sup>2</sup>

At the 2409th meeting, the Council also decided, at the request of the representatives of Togo, Uganda and Zaire, to extend invitations to Mr. Johnstone Makatini and Mr. Ike F. Mafole under rule 39 of the provisional rules of procedure of the Council.<sup>3</sup>

The Secretary-General described the attack by South African forces against targets at Maseru as a grave violation of the Charter and the territorial integrity of a sovereign Member State. Since many of the victims were reported to be refugees, a special mission to Lesotho would be dispatched by the United Nations High Commissioner for Refugees (UNHCR). Emphasizing that the Government of Lesotho had consistently endeavoured to ensure that refugees under its care were treated in accordance with established international standards, the Secretary-General expressed his hope that the international community would continue to provide generous assistance to Lesotho to strengthen the country's capacity to provide care and maintenance to all those who sought asylum within its borders.<sup>4</sup>

King Motlotlehi Moshoeshe II of Lesotho thanked the Council for the prompt reaction to his country's request for a meeting. Speaking of the "naked act of aggression against Lesotho by South Africa", he cited two explanations of the aggression given by the Commander of SADF, Constant Viljoen, "as intended to pre-empt operations planned by refugees of the African National Congress of South Africa (ANC) resident in Lesotho against targets in South Africa . . . and to avenge some acts of sabotage which took place in different parts of South Africa during the course of the year". Lesotho totally rejected that hollow explanation. He placed on record some facts with regard to the identity of some of the persons murdered during that criminal adventure.

He said that all manner of accusations had been hurled at Lesotho by the racist Pretoria régime in preparation for their aggression. A completely unacceptable demand had been made of Lesotho to abandon its international obligation of giving asylum to political refugees from South Africa. When the Lesotho Government, with the assistance of UNHCR, had facilitated the departure of those refugees from Lesotho, it had been accused of acting as a clearing-house for people on their way to military training in bases abroad. As a nation whose very existence had been founded upon diplomacy, peaceful co-operation and coexistence, Lesotho expected of its neighbours co-operation and partnership so that the Basotho nation could be apprised of situations that caused them concern, whereupon they would seek common solutions. Lesotho had called

repeatedly upon South Africa to commit itself to that policy. At the risk of impairing his image as an African patriot, the Prime Minister of Lesotho had conferred with the rulers of South Africa on bilateral and regional problems with a view to promoting peaceful coexistence.

The King suggested some explanations for the South African attack. First, his country had often expressed its abhorrence of the obnoxious policy of *apartheid*. South Africa hoped to intimidate Lesotho into dissociating itself from the world-wide condemnation of the policy of *apartheid* and from offering moral support to the oppressed people of South Africa in their struggle for justice, freedom and equality. South Africa resented Lesotho's membership in the Southern African Development Co-ordination Conference (SADCC), the Organization of African Unity (OAU) and the Movement of Non-Aligned Countries and was opposed to the very existence of a sovereign and independent African State within its geographical boundaries. South Africa would wish Lesotho to hand over the ANC freedom fighters, but Lesotho was not prepared to do that and sought the unanimous support of the international community through the Council.

He asked that those members of the Council who had influence over the rulers in Pretoria be called upon to exert pressure on South Africa to desist from its policies of wholesale destruction and terrorism. In the King's view, it was not enough to condemn South Africa in resolutions destined to gather dust in the archives of the United Nations. Lesotho was asking for positive action from the Council. The expansionist policy, which South Africa arrogantly equated with the Monroe Doctrine, seemed to be encouraged by those of its powerful friends with vested economic interests in South Africa.

On behalf of the Government and people of Lesotho, he appealed to the Members of the Organization to expose and condemn the covert support for South Africa's policy of expansionism and to restrain South Africa from flouting the Charter, from violating the sovereignty and territorial integrity of States Members of the Organization and from pursuing a strategy of naked terrorism against a whole subcontinent.<sup>5</sup>

At the 2407th meeting, on 15 December 1982, the President drew attention to a draft resolution prepared in the course of the Council's consultations.<sup>6</sup> At the same meeting, the draft resolution was put to the vote and was adopted unanimously as resolution 527 (1982).<sup>7</sup> The resolution reads as follows:

*The Security Council,*

*Taking note of the letter dated 9 December 1982 from the Chargé d'affaires a.i. of the Permanent Mission of the Kingdom of Lesotho to the United Nations addressed to the President of the Security Council,*

*Having heard the statement by His Majesty King Moshoeshe II of the Kingdom of Lesotho,*

*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 recent premeditated aggressive act by South Africa, in violation of the sovereignty, airspace and territorial integrity of the Kingdom of Lesotho, and its consequences for peace and security in southern Africa,*

*Gravely concerned that this wanton aggressive act by South Africa is aimed at weakening the humanitarian support given by Lesotho to South African refugees,*

Deeply concerned about the gravity of the aggressive acts of South Africa against Lesotho,

Grieved at the tragic loss in human life and concerned about the damage and destruction of property resulting from the aggressive act by South Africa against the Kingdom of Lesotho,

1. Strongly condemns the apartheid régime of South Africa for its premeditated aggressive act against the Kingdom of Lesotho which constitutes a flagrant violation of the sovereignty and territorial integrity of that country;

2. Demands the payment by South Africa of full and adequate compensation to the Kingdom of Lesotho for the damage to life and property resulting from this aggressive act;

3. Reaffirms the right of Lesotho to receive and give sanctuary to the victims of apartheid in accordance with its traditional practice, humanitarian principles and its international obligations;

4. Requests the Secretary-General to enter into immediate consultations with the Government of Lesotho and agencies of the United Nations to ensure the welfare of the refugees in Lesotho in a manner consistent with their security;

5. Requests Member States urgently to extend all necessary economic assistance to Lesotho in order to strengthen its capacity to receive and maintain South African refugees;

6. Declares that there are peaceful means to resolve international problems and that, in accordance with the Charter of the United Nations, only these should be employed;

7. Calls upon South Africa to declare publicly that it will, in the future, comply with provisions of the Charter and that it will not commit aggressive acts against Lesotho either directly or through its proxies;

8. Requests the Secretary-General to monitor the implementation of the present resolution and to report regularly to the Security Council as the situation demands;

9. Decides to remain seized of the matter.

At the same meeting, the representative of the Libyan Arab Jamahiriya, speaking as the Chairman of the Group of African States at the United Nations for the month of December, expressed his conviction that that kind of naked aggression was not the first nor would it be the last. In previous years, the South African régime had committed many acts of aggression against front-line States, particularly Lesotho and Mozambique, and had occupied a part of Angolan territory, causing loss of life and destruction of property. That attack not only posed a serious economic problem for the people and Government of Lesotho and the other front-line States, but also constituted a flagrant violation of the Charter and the basic principles of international law. It threatened peace and security not only in that area but also in the African continent and the whole world.<sup>8</sup>

The representative of Togo deplored that the international community had often expressed its outrage over the attitude shown by South Africa and had adopted resolutions designed to impose on that country penalties meaningful enough to force it to abandon its policy of apartheid, but that those resolutions had never achieved their aim, because certain States continued to co-operate with South Africa in the economic and military sphere, thus indirectly supporting the racist régime of Pretoria. The speaker appealed to the international community to think about the imminent danger towards which the human race was rushing if no action was taken to force the racist régime of Pretoria to abolish the criminal, vile policy of apartheid.<sup>9</sup>

The representative of the United Kingdom expressed once again deep sympathy to the Government and the people of Lesotho, who had been the victim of an unwarranted attack. The British Government saw no justification for the action undertaken by SADF. South Africa had wilfully breached

the principles of international law of the Charter and of civilized behaviour between nations.

He urged that Lesotho be given all possible support. South Africa should make good the damage caused by its attack by paying full and adequate compensation to Lesotho. The United Nations must insist that South Africa should henceforth comply scrupulously with the provisions of the Charter. The British Government had always deplored the use of violence from any quarter in the search for solutions to the problems of southern Africa and believed that only through peaceful change and not through force or repression could one hope to see the unhappy situation within South Africa and between it and its neighbours improve. In conclusion, he expressed his delegation's pleasure that the draft resolution had been adopted promptly and unanimously.<sup>10</sup>

The representative of Ireland carefully scrutinized the wording of the SADF statement and drew the conclusion that even by its own admission South Africa had carried out a ruthless attack on a small and defenceless neighbour with an eye to the future. For that reason it had, in the strict sense, been a terrorist attack—if not in the sense of indiscriminate terrorism then at least terrorism in the sense of an attack designed to spread fear among a particular group, the South African refugees in Lesotho. It had also been intended to frighten the Government of Lesotho, the country where the refugees had found refuge. Ireland considered it necessary for the Council to respond both firmly and urgently to the clear breach of the Charter.<sup>11</sup>

The representative of Uganda stressed that the real threat to the apartheid system lay within South Africa itself and not outside its borders. The Pretoria régime had no choice but to come to terms with the oppressed people of South Africa who constituted the overwhelming majority of the population. He also raised some questions related to the situation in southern Africa. Specifically, he mentioned that there were those who still cherished the notion of South Africa as some sort of regional policeman for Africa. He asked what kind of policeman it was who would become the main instrument of terror throughout the southern region of Africa.

The speaker underlined that if South Africa was escalating its war of aggression against independent African States the Council had to bear some measure of responsibility for that state of affairs. In his view, the Council had consistently failed to take any action against South Africa for its repeated acts of aggression. That had given South Africa the confidence to pursue its adventures with complete impunity. The speaker expressed the fear that if the current trend was not arrested soon, the whole of Africa could become a free hunting-ground for the apartheid régime.<sup>12</sup>

The representative of China expressed his Government's strong indignation and condemnation over the new crime committed by the South African authorities. He called upon the Council not only to condemn severely Pretoria's wanton aggression against an independent sovereign neighbour but also to adopt forceful and effective measures, such as strict implementation of the arms embargo and comprehensive and mandatory sanctions under Chapter VII, so as to prevent the recurrence of South Africa's aggressions against neighbouring States.<sup>13</sup>

The representative of the Soviet Union said that in recent years the Council had frequently condemned the aggressive attacks by South Africa on Angola, Zambia, Mozambique and Seychelles. The new attack demonstrated once again that South Africa's policy was a growing threat to the sovereignty and territorial integrity of the African States and to international peace and security in southern Africa. The Pretoria régime would never have dared to act so boldly and brazenly if it had not been able to rely on the direct and indirect, open and covert, military, economic and diplomatic support of a number of Western countries, primarily the United States. Those States were advocating patience in dealing with the South African racists, and were thereby encouraging them further to expand their aggression in southern Africa.

He doubted that the resolution would compel South Africa to abandon its policy of aggression and terrorism against the neighbouring African States. One could expect that South Africa would again ignore the Council's resolution and continue its aggressive policies. The Soviet delegation suggested that in the event of the failure of one or another country to implement a resolution of the Council, the Council should take the next step and adopt such coercive measures as would compel that State to comply with its will. The Council should be ready to adopt measures under Chapter VII of the Charter against South Africa; otherwise all the talk about a desire to enhance the effectiveness of the United Nations as a whole and the Council in particular would remain just talk.<sup>14</sup>

At the 2408th meeting, on 16 December 1982, the representative of the United States expressed support for the resolution as it embodied principles that his Government wholly and unequivocally endorsed.<sup>15</sup>

The representative of Angola accused the Western allies of supporting Pretoria. He appealed to the world public to express its outrage at the massacre at Maseru, and declared that if South Africa was allowed to escape with nothing more than a mild censure, then all of the Members of the United Nations would be guilty of making a mockery of the Charter, of international law and of basic respect for human life. Speaking of Western interests in the area, he stressed that there was no room in southern Africa for either the North Atlantic Treaty Organization (NATO) or a South Atlantic treaty organization.<sup>16</sup>

The representative of Algeria stated that the international community expected the Council to shoulder fully its responsibilities under the Charter and to respond to the South African aggression by urgent, concrete measures in order to put an end once and for all to the Pretoria régime's defiant policy. The Council, in addition to condemning the act of aggression and demanding compensation for the losses, should seriously consider strengthening the arms embargo that had already been imposed and consider what other sanctions could be imposed in the near future against the *apartheid* régime.<sup>17</sup>

The representative of Sierra Leone rejected as fallacious and untenable the theory of anticipatory or preventive aggression construed by South Africa. He insisted that South Africa should be judged under Article 39 of the Charter and measures should be taken against it in accordance with the provisions of Articles 41 and 42 of the Charter. The problem under discussion should be viewed as a continuation of the

rapidly deteriorating international situation in southern Africa, which could become the Middle East of the 1990s. In his view, the adoption of a resolution which merely confirmed South Africa's misconduct was not an appropriate response to South Africa's unilateral denunciation of the Charter and its principles or to its blatant challenge to the international community. The speaker reiterated his call upon the Council to impose comprehensive mandatory sanctions against South Africa under the terms of Chapter VII of the Charter. He said that the Organization should help Lesotho maintain its security by dispatching substantial forces if it again fell victim to South Africa's attack.<sup>18</sup>

The representative of Zambia stressed that as long as South Africa clung to the system of *apartheid* it must necessarily remain an international pariah. In his view, peace and security could come to southern Africa only if South Africa took three important steps: (a) South Africa should forthwith stop its policy of aggression and destabilization of the neighbouring independent African States; (b) South Africa must as a matter of urgency cease its illegal occupation of Namibia so that freedom and independence could finally come to the people of Namibia; and (c) South Africa must face with courage and determination the contradictions of the system of *apartheid* inside the country and recognize the imperative need to eliminate the scourge of that system.<sup>19</sup>

At the 2409th meeting, on 16 December 1982, the representative of Botswana emphasized that the perpetrator of terrorism in southern Africa was none other than the white minority régime in South Africa which thrived on terrorism against black South Africans, who would continue to refuse to be treated as aliens in their own country. The speaker assured the Council that neither Lesotho nor the other majority-ruled free nations of southern Africa would turn against South African refugees or turn them over to their persecutors for the sake of peace in servitude. It was the international obligation of those countries to open their doors to victims of political and racial tyranny in South Africa, an obligation that they would carry out regardless of the consequences.<sup>20</sup>

The representative of Kenya said that while the problems of *apartheid* had been considered by the United Nations for many years effective measures against South Africa's régime had been frustrated by the major Western Powers. The use, or misuse, of the veto had encouraged South Africa to defy demands of the world community. Further condemnations by the General Assembly and the Council would certainly not make South Africa respect the demands of the Organization. His delegation wanted the world community to take concrete steps against South Africa and urged those permanent members of the Council who were the friends of South Africa to declare without qualification that the situation in South Africa posed a threat to international peace and security within the meaning of Chapter VII of the Charter.<sup>21</sup>

The representative of the United Republic of Tanzania viewed the Council's action as no more than a firm recognition that an act of aggression had been committed by the Pretoria régime, and it was clear that the remedy for the damage had yet to be found and that a permanent solution to the problem had not even been considered. He expressed the conviction that with the comfort afforded South Africa by certain Western Powers that régime would

not readily listen to the warnings. Those who collaborated with South Africa therefore had to bear a direct responsibility for the behaviour of the *apartheid* régime. He called upon the Western permanent members of the Council to reconsider their policy towards South Africa so that the Council could fulfil its responsibility regarding the future of southern Africa.<sup>22</sup>

Mr. Ike F. Mafole said that no amount of South African intimidation or terror by blitzkrieg-type invasions and attacks in neighbouring States would reverse the irresistible course of history, nor would those acts of aggression and wanton destruction dampen the spirit of resistance of the dispossessed, oppressed and exploited African majority of Azania and of all those committed to the total liberation and unity of Africa.<sup>23</sup>

The representative of South Africa protested at the outset against the manner in which the Council had conducted its consideration of the matter and declared that his delegation had not been permitted to speak before the Council adopted resolution 527 (1982). He added that the action of the United Nations in endorsing the ANC resort to violence against a Member State was in direct contravention of the principle of the Charter that international disputes should be settled by peaceful means. The speaker openly blamed the United Nations and the Council for a lack of the impartiality required by the Charter in carrying out their functions. In response to the calls for compensation he insisted that the Government of Lesotho should accept responsibility not only for that incident but also for the damage caused in South Africa as the result of sanctuary afforded to "terrorists" by Lesotho.

He went even further to state that the Lesotho Government had been repeatedly warned by the South African Government that murder and sabotage planned and executed by ANC or other "terrorist" groups from within its territory would not be tolerated and that it would have to bear the consequences of harbouring those elements. Therefore, the sole purpose of pre-emptive action by the South African unit was thus to prevent an escalation of terrorist activity embracing the perpetration of bombings, sabotage and bloodshed in South Africa, Transkei and Ciskei. South Africa was determined to continue taking whatever steps might be necessary to defend its territory and its citizens from unprovoked and cowardly acts. At the same time, it remained ready to co-operate in ensuring harmonious relations with all its neighbouring States, including Lesotho.

He further declared that South Africa should be regarded as one of the most significant stabilizing factors in an area which suffered from certain built-in and externally imposed destabilizing factors, such as a lack of natural resources, a high population growth rate, ethnic diversity, traditional land tenure systems and so on. Co-operation between South Africa and its immediate neighbours, including Lesotho, ranged virtually across the whole field of human endeavour and brought Lesotho considerable material benefit from its proximity to South Africa. He stated categorically that the South African Government consistently followed a policy of non-interference in the internal affairs of all its neighbouring States.<sup>24</sup>

The President of the Council pointed out that in the official letter to him the representative of South Africa had not specifically requested to be allowed to

speak before the voting on the draft resolution; and that during the informal consultations it had been unanimously agreed to have the vote on the draft resolution first and to conduct deliberations on the agenda item subsequently.<sup>25</sup>

Mr. Johnstone Makatini stated that what Lesotho was actually being asked to do by South Africa was to align itself with the *apartheid* régime against the liberation movement, and added that ANC was not apologetic about waging armed struggle against a régime that was the only one since Nazi Germany whose policies had been accused of being a crime against humanity. ANC regarded the struggle as its contribution to the struggle for the preservation of peace in this world, in addition to its being an inescapable duty on the part of the South African people. Offering an analysis of the past and present policies of the South African Government, the speaker suggested that the reasons for South Africa's hostility towards Lesotho stemmed from the latter's strict compliance with United Nations resolutions.<sup>26</sup>

Decision of 29 June 1983 (2455th meeting): resolution 535 (1983)

On 9 February 1983, the Secretary-General submitted the report<sup>27</sup> of the mission that he had dispatched to Lesotho from 11 to 16 January as a first step towards the implementation of resolution 527 (1982). The report contained an account of the mission's consultations with the Government of Lesotho concerning its need for assistance from the international community following the South African attack. The report described in detail ways and means to strengthen the capacity of Lesotho to receive and maintain South African refugees.

At its 2455th meeting, on 29 June 1983, the Council included the report of the Secretary-General in its agenda and considered the item at that meeting. The President invited the representative of Lesotho, at his request, to participate in the discussion without the right to vote.<sup>2</sup>

The representative of Lesotho informed the Council about the problems confronting his country and expressed his Government's gratitude for the support and assistance it had received in alleviating the most immediate needs of the victims of the South African attack whose peaceful lives had been disrupted.<sup>28</sup>

Following a brief suspension of the meeting, the Council proceeded to vote on the draft resolution<sup>29</sup> prepared in the course of the Council's consultations, and adopted it unanimously as resolution 535 (1983).<sup>30</sup> The resolution reads as follows:

*The Security Council,*

*Recalling its resolution 527 (1982),*

*Having examined the report of the Mission to Lesotho appointed by the Secretary-General in accordance with resolution 527 (1982),*

*Having heard the statement of the Chargé d'affaires of the Permanent Mission of the Kingdom of Lesotho expressing the deep concern of his Government at the frequent aggressive acts by South Africa against the territorial integrity and independence of Lesotho,*

*Reaffirming its opposition to the system of apartheid and the right of all countries to receive refugees fleeing from apartheid oppression,*

*Convinced of the importance of international solidarity with Lesotho,*

1. *Commends the Government of Lesotho for its steadfast opposition to apartheid and its generosity to the South African refugees;*

2. Expresses its appreciation to the Secretary-General for having arranged to send a mission to Lesotho to ascertain the assistance needed;

3. Endorses the report of the Mission to Lesotho under resolution 527 (1982);

4. Requests Member States, international organizations and financial institutions to assist Lesotho in the fields identified in the report of the Mission to Lesotho;

5. Requests the Secretary-General to give the matter of assistance to Lesotho his continued attention and to keep the Security Council informed;

6. Decides to remain seized of the question.

#### NOTES

<sup>1</sup> S/15515, *OR*, 37th yr., *Suppl. for Oct.-Dec. 1982*.

<sup>2</sup> See chap. III of the present *Supplement* for details.

<sup>3</sup> 2409th mtg., paras. 3 and 113.

<sup>4</sup> 2406th mtg., paras. 6-11.

<sup>5</sup> *Ibid.*, paras. 16-37.

<sup>6</sup> S/15524, adopted without change as resolution 527 (1982).

<sup>7</sup> For the vote, see 2407th mtg., para. 3.

<sup>8</sup> 2407th mtg., paras. 6-17.

<sup>9</sup> *Ibid.*, paras. 25-46.

<sup>10</sup> *Ibid.*, paras. 51-68.

<sup>11</sup> *Ibid.*, paras. 82-97.

<sup>12</sup> *Ibid.*, paras. 111-125.

<sup>13</sup> *Ibid.*, paras. 128-132.

<sup>14</sup> *Ibid.*, paras. 149-161.

<sup>15</sup> 2408th mtg., paras. 18-26.

<sup>16</sup> *Ibid.*, paras. 29-39.

<sup>17</sup> *Ibid.*, paras. 42-55.

<sup>18</sup> *Ibid.*, paras. 73-84.

<sup>19</sup> *Ibid.*, paras. 87-100.

<sup>20</sup> 2409th mtg., paras. 18-29.

<sup>21</sup> *Ibid.*, paras. 33-46.

<sup>22</sup> *Ibid.*, paras. 94-101.

<sup>23</sup> *Ibid.*, paras. 116-124.

<sup>24</sup> *Ibid.*, paras. 127-160.

<sup>25</sup> *Ibid.*, paras. 161 and 162.

<sup>26</sup> *Ibid.*, paras. 167-205.

<sup>27</sup> S/15600.

<sup>28</sup> 2455th mtg.

<sup>29</sup> S/15846, adopted as resolution 535 (1983).

<sup>30</sup> For the vote, see 2455th mtg.

#### 15. LETTER DATED 19 FEBRUARY 1983 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

##### INITIAL PROCEEDINGS

By a letter<sup>1</sup> dated 19 February 1983 addressed to the President of the Council, the representative of the Libyan Arab Jamahiriya requested an urgent meeting of the Council to consider the deteriorating situation near the Libyan shores that could jeopardize the security and peace of the region and the world. The letter stated that the situation had arisen from the provocative military action of the United States Administration's moving its aircraft-carrier *Nimitz* with some naval vessels close to the Libyan coast and sending four AWACS aircraft to one of the neighbouring countries. In a letter<sup>2</sup> dated 18 February 1983, the representative of the Libyan Arab Jamahiriya had called to the attention of the Council the

seriousness of such provocations by one of its members.

At its 2415th meeting, on 22 February 1983, the Council included the item in its agenda. Following the adoption of the agenda and in accordance with the relevant provisions of the Charter and rule 37 of its provisional rules of procedure, the Council invited the following, at their request, to participate in the discussion without the right to vote: at the 2415th meeting, the representatives of Benin, Democratic Yemen, Egypt, Ghana, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, the Sudan and the Syrian Arab Republic; at the 2417th meeting, the representatives of Czechoslovakia, the German Democratic Republic, Hungary, Madagascar and Viet Nam; and at the 2418th meeting, the representatives of Algeria, Bulgaria, Cuba and Ethiopia. At the 2416th meeting, the Council invited Mr. Clovis Maksoud and at the 2418th meeting it invited Mr. Ike F. Mafole, under rule 39 of the provisional rules of procedure.<sup>3</sup> The Council considered the item at its 2415th to 2418th meetings, on 22 and 23 February 1983.

At the 2415th meeting, the representative of the Libyan Arab Jamahiriya reviewed Libyan-American relations and discussed reasons for the present American hostility against his country. Referring to several previous communications,<sup>4</sup> he quoted numerous violations of the Libyan airspace and territorial waters by the United States Air Force and Navy. Citing various American newspapers, he dismissed the American claims that the movement of the American Sixth Fleet and the AWACS had been related to the alleged Libyan mobilization on the Sudanese borders with a view to interfering in the affairs of that country.

He quoted *The New York Times*, which said that "the plan, according to American officials, was to lure Libya into striking and then to destroy as much of its air force as possible". He condemned the United States' strategy of intervention in the affairs of States that refused to acquiesce in its policies and interests. He accused the United States of shirking its responsibilities as a major Power and a permanent member of the Council. He charged that the United States was indeed at the vanguard of international terrorism which was part of the daily conduct of its policy.

He concluded that although the Libyan Arab Jamahiriya was convinced of the goodwill of most of its members it knew that the Council would be unable to adopt any effective measures in view of its structure. However, the Council had to face its responsibility and condemn the aggression. What had happened to the Libyan Arab Jamahiriya might happen to other States unless an end was put to the arrogance and cynicism of the United States Administration.<sup>5</sup>

The representative of the United States referred to the letter<sup>6</sup> dated 22 February 1983 to the President of the Council, in which the Government of the United States had rejected the charges of the Government of the Libyan Arab Jamahiriya and had called attention to what was called a threat to international peace and security posed by the policies of the Libyan Government. The United States Government and the American people had never sought, and did not seek, any confrontation with the Government or the people of the Libyan Arab Jamahiriya and had never engaged

in acts of provocation. But there should be no doubt that the United States would respond, as appropriate, to Libyan threats.

She described briefly the events that had led to that situation, beginning with the official announcement by Sudanese Radio of the discovery of a Libyan-backed plot against the Government of President Gaafar Nimeiry, and mentioned in particular the concentrations of Libyan aircraft, which were of concern to the Sudanese and the Egyptians. Because of the situation, the United States had moved up the date of an AWACS training exercise and had sent AWACS and tanker aircraft into Egypt, and had also deployed the United States naval forces in the eastern Mediterranean. Their presence in international waters seemed to have a deterring effect on Libyan adventurism in the region.

She added that a major fact of Libyan foreign policy had been and remained subversion and destabilization of moderate independent Governments in the Middle East, Africa and elsewhere and mentioned Chad as a recent principal victim of the aggressive policies of the Libyan Arab Jamahiriya. The United States representative warned that her country would intervene wherever and whenever it felt that the Libyan Arab Jamahiriya was threatening a country that was friendly to the United States. All States with aggressive designs on their neighbours would be discouraged by the lawful response of others such as the United States, and would desist from their unlawful plans.<sup>5</sup>

At the 2416th meeting, the representative of the Syrian Arab Republic said that the American provocations and acts of aggression against the Libyan Arab Jamahiriya had drawn his Government's attention to the following: (a) they coincided with Washington's military and economic offensives to reimpose its hegemony on the area as a whole; (b) the direct American provocations by land, sea and air came on the heels of the Israeli occupation of Lebanon and the aggression against the Arab forces, which proved that the provocations served the purpose of implementing the economic, geographical and political dimensions of the Camp David Agreement; and (c) the provocations fell within the worldwide American policy of creating tension at the international, regional, national and domestic levels from Latin America to Asia. The latest threat against the Libyan Arab Jamahiriya was another attempt to subjugate the Arabs to the Camp David logic. The Syrian Arab Republic urged the Council to consider the complaint by the Libyan Arab Jamahiriya with the utmost responsibility and concern.<sup>7</sup>

The representative of Nicaragua stated that the actions taken by the United States Government against the Libyan Arab Jamahiriya manifested derogatory rhetoric against Libyan leaders, destabilization plans, zealous international propaganda campaigns, attempts at economic blockades and technology boycotts as well as threats and acts of aggression. Such an aggressive attitude seemed to ignore the fundamental principles embodied in Article 2, paragraph 4, of the Charter. But the peoples of the third world were on the alert to defend resolutely their independence and territorial integrity.<sup>7</sup>

The representative of Malta stated that his country's commitment to peace and security in the Mediterranean had inspired it to propose at the European Security Conference held at Madrid the

convening in Malta later that year of a meeting of experts to discuss questions relating to security in the Mediterranean as embodied in the Helsinki Final Act. Malta was particularly worried about the active deployment in close proximity to its territory of warships and other military equipment. For Malta, it was clear that the regional States themselves bore the main responsibility for safeguarding the peace and security of their region. From the outside Powers Malta requested genuine co-operation to enable the region to evolve the collective effort.<sup>7</sup>

The representative of China said that the third world countries should and could find fair and reasonable solutions to their differences through peaceful consultations. No foreign infringement of the independence, sovereignty and territorial integrity of those countries, including the Libyan Arab Jamahiriya, should be allowed, nor was outside interference in their internal affairs permissible.<sup>7</sup>

The representative of the Islamic Republic of Iran condemned the American military presence and intervention in the Middle East in general, and the recent American threat to the Libyan Arab Jamahiriya in particular. He deplored that no revolutionary people or Government could be immune from American conspiracies and expressed his delegation's hopes that the Council could demonstrate its independence and its commitments to the Charter so as to exert pressure upon the United States as one of its permanent members in order to prevent it from following such destructive policies in different parts of the world.<sup>7</sup>

The representative of Democratic Yemen said that the brief scenario produced and directed by the United States Administration was actually part of a campaign in African and Arab capitals to bring pressure to bear on the Libyan Arab Jamahiriya and to undermine the African Summit Conference scheduled to be held at Tripoli.<sup>7</sup>

The representative of the Sudan accused the Libyan leadership of the attempt to prevent the Sudan from exercising full sovereignty over its territory and from pursuing foreign and domestic policies reflecting the aspirations of its people. He also charged the Libyan Arab Jamahiriya with disregarding the principles governing normal conduct among nations, including the principle of non-intervention in the internal affairs of States and the principle of the non-use or threat of force in international relations. He informed the Council of acts of aggression and provocation by the Libyan Arab Jamahiriya against the Sudan, including a Libyan plan to overthrow the legitimate Government of the Sudan. Faced with those grave events, the Sudan had taken defensive measures to thwart that plan and to preserve its own independence and territorial integrity in co-operation with all friendly and fraternal countries. He expressed support for the measures taken by the United States Administration in that respect. He appealed to the Council to follow closely developments in that area caused by the Libyan policy, which had negative consequences for the programmes of development required by the countries of the region.<sup>7</sup>

The representative of Egypt made clear before the Council that Egypt was fully committed to defending fraternal Sudan, in response to its request and to the extent that would be agreed upon. All Egypt wished from the Libyan Arab Jamahiriya was to work for the consolidation of peace and security in the area.<sup>7</sup>



At the 2417th meeting, on 23 February 1983, the representative of Poland recalled that the States members of the Warsaw Pact for years had been putting forward proposals concerning the lowering of the level of deployment of the naval forces of the opposing military blocs in the Mediterranean. They were in favour of withdrawing nuclear-equipped vessels from the Mediterranean and of renouncing the deployment of nuclear weapons on the territory of Mediterranean non-nuclear countries.<sup>8</sup>

The representative of Viet Nam mentioned the anachronistic position of the United States with regard to the extent of the territorial waters of coastal States. Ignoring the new United Nations Convention on the Law of the Sea, which had extended the territorial waters to 12 nautical miles, the United States Administration persisted in recognizing a limit of only 3 miles.<sup>8</sup>

At the 2418th meeting, on 23 February 1983, the representative of Pakistan said that the air and naval activities in the eastern Mediterranean had created fears concerning their impact on the security of States of the region. Pakistan had taken note of the expression of those fears and hoped that States Members of the United Nations would have recourse to the Council whenever they perceived a threat to their security, instead of resorting to the threat or use of force to achieve their objectives. Only in that way would the Council be enabled to function as an effective instrument for the maintenance of international peace and security as provided for by the Charter. He appealed to all the parties concerned to co-operate in taking steps to reduce tension in the region and to avoid any precipitate action that might endanger international peace and security.<sup>9</sup>

Then the President, speaking in his capacity as representative of the Soviet Union, said that for some years the authorities in Washington had been pursuing a systematic campaign of threats and intimidation against the Libyan Arab Jamahiriya and its leaders. The United States was seeking to militarize the region of the Middle East, to expand direct American military presence and to interfere in the affairs of States in that area. In places beyond the reach of its strategic ally—Israel—Washington turned up as a self-styled arbiter trying to dictate its conditions to other countries. There was another aspect of those recent events, which should not be forgotten: Was the Libyan Arab Jamahiriya the only target of the United States attempts to wave the big stick? It would be closer to the truth to say that the actions of the Administration were aimed against all non-aligned countries, particularly those that did not want to go along with the hegemonistic policies of the United States aimed at subverting the basis of international relations, leading to a further exacerbation of tension in that already explosive region of the Middle East. He called for an immediate end to such acts of provocation against the Libyan Arab Jamahiriya.<sup>9</sup>

At the end of the 2418th meeting, the President declared that the Council had concluded for the day its consideration of the agenda item and adjourned the meeting.

## NOTES

<sup>1</sup> S/15615, *OR*, 38th yr., Supplement for Jan.-March 1983.

<sup>2</sup> S/15614, *ibid.*

<sup>3</sup> For further details regarding participation in the proceedings of the Council, see chap. III of the present Supplement.

<sup>4</sup> S/10939, *OR*, 28th yr., Suppl. for April-June 1973; S/14094, *ibid.*, 35th yr., Suppl. for July-Sept. 1980; S/14636, *ibid.*, 36th yr., Suppl. for July-Sept. 1981; S/14860, *ibid.*, 37th yr., Suppl. for Jan.-March 1982; and S/15614, *ibid.*, 38th yr., Suppl. for Jan.-March 1985.

<sup>5</sup> 2415th mtg.

<sup>6</sup> S/15617, *OR*, 38th yr., Suppl. for Jan.-March 1983.

<sup>7</sup> 2416th mtg.

<sup>8</sup> 2417th mtg.

<sup>9</sup> 2418th mtg.

16. LETTER DATED 16 MARCH 1983 FROM THE PERMANENT REPRESENTATIVE OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

## INITIAL PROCEEDINGS

Decision of 6 April 1983: Statement by the President of the Council

By letter<sup>1</sup> dated 16 March 1983 addressed to the President of the Council, the representative of Chad requested an urgent meeting of the Council in order to consider the extremely serious situation resulting from the occupation of a part of Chad's territory by the Libyan Arab Jamahiriya and from repeated acts of aggression by that country against the people of Chad. The letter charged that since 1973 the Libyan Arab Jamahiriya had occupied a part of Chad's territory commonly known as the Aouzou Strip, and had also openly intervened in the internal affairs of Chad in flagrant violation of the Charter and of relevant resolutions of the General Assembly.

At its 2419th meeting, on 22 March 1983, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote: the representatives of Chad, the Libyan Arab Jamahiriya, the Ivory Coast, Senegal and the Sudan; at the 2428th meeting, the representatives of Benin, Democratic Yemen, Egypt, Ethiopia, Gabon, Guinea, the Islamic Republic of Iran, Niger, the Syrian Arab Republic and the United Republic of Cameroon; and at the 2429th meeting, the representative of Ghana.<sup>2</sup> The Council considered this item at its 2419th and 2428th to 2430th meetings, from 22 March to 6 April 1983.

At the 2419th meeting, the representative of Chad stated that the situation in his country was serious and disturbing because of the outright intervention of the Libyan Arab Jamahiriya in Chad and the occupation by force of the part of Chad territory commonly known as the Aouzou Strip, which in fact represented the Tibesti sub-prefecture of more than 150,000 square kilometres. The Libyan Arab Jamahiriya had attempted to take over that part of Chad's territory as far back as 1971 and had occupied that territory since 1973.

In the view of the Government of Chad, the situation endangered the very existence of Chad as a sovereign State and as a member of the international community and it constituted a serious danger to the peace and territory of that part of the African continent.<sup>3</sup>

The representative of the Libyan Arab Jamahiriya stated that the Government led by the former

Minister of Defence, Hissain Habré, had no legal right to represent the Chad nation. As for the Aouzou Strip, there had never been any sovereignty by Chad over Aouzou throughout history. The Libyan Arab Jamahiriya would not accept consideration of that issue, which had to do with its sovereignty. But the Libyan Arab Jamahiriya was ready to consider any dispute: a good-offices commission had been formed between Chad and the Libyan Arab Jamahiriya and was still in existence. It could be entrusted with the task of considering any dispute. The Libyan Arab Jamahiriya affirmed that it would be ready, as in the past, to consider any dispute when there was a legitimate Government in Chad recognized by the Organization of African Unity (OAU). The Libyan Arab Jamahiriya respected the freedom and territorial integrity of Chad but rejected the notion that there should be interference in its affairs and rejected any claim to part of its land.<sup>3</sup>

The representative of Senegal said that the complaint by Chad against the Libyan Arab Jamahiriya was timely. The argument of Chad was based on a number of irrefutable historic and judicial facts. Senegal was a member of the *Ad Hoc* Commission set up in July 1977 by the Assembly of Heads of State and Government of OAU at its fourteenth ordinary session in order to seek ways and means to bring about a peaceful solution to the problem. From the study of the case, it had become clear that Chad had legitimate reasons to claim sovereignty over the Aouzou Strip. At the time of the signing at Tripoli on 22 March 1966 of the Agreement of Good-Neighbourliness and Friendship between Chad and Libya, that part of territory was under Chad's administration, as indeed it had been under French administration in the colonial era. Unfortunately, the agreement, as well as the Treaty of Friendship, Co-operation and Mutual Assistance signed on 23 December 1972, had been violated by the Libyan side. Indeed, unilaterally sending troops to Tibesti constituted in itself a violation of the principles of territorial integrity and sovereignty. The most appropriate solution would be for the Council to prevail upon the Libyan Arab Jamahiriya to abide by the most elementary norms of international morality and law.<sup>3</sup>

The representative of Togo stated that his Government recognized States, not individuals, and therefore had recognized the Government of Hissain Habré. Togo was convinced that the territorial dispute between Chad and the Libyan Arab Jamahiriya could be settled through bilateral negotiations with or without the mediation of third parties and advocated that all means, including arbitration and judicial settlement, be used to bring about a peaceful outcome of the dispute.<sup>3</sup>

The representative of Jordan said that the African border disputes were vestiges of colonialism. He emphasized the danger of using those disputes in the context of strategic and political conflicts between States. He praised the Libyan Arab Jamahiriya for its readiness to discuss the border dispute on a bilateral level as well as in OAU and called upon the two States to pursue a policy of restraint, good-neighbourliness and peaceful settlement.<sup>3</sup>

The representative of the Ivory Coast affirmed, in terms of Article 33 of the Charter, the undeniable existence of a dispute whose prolongation was likely to threaten the maintenance of peace in Africa and, therefore international security. The Council could not stand idle in the face of that dispute and adjourn

without recommending the use of one of the means for peaceful settlement provided by the Charter: *inter alia*, recourse to the International Court of Justice (ICJ).<sup>3</sup>

The representative of the Sudan said that the real source of concern was to see the Council for the second time in less than a month take up Libyan intervention in the affairs of neighbouring countries, endangering their independence and sovereignty. The illegal occupation by the Libyan Arab Jamahiriya of Chad's territory constituted a violation of the principles of OAU. The speaker accused the Libyan Arab Jamahiriya of twice obstructing the convening of OAU meetings at Tripoli and said that it should respect the principles of OAU if it seriously wished to resolve its disputes through the OAU charter. The Security Council should take the proper necessary measures to safeguard the independence and sovereignty of Chad by calling upon the Libyan Arab Jamahiriya to withdraw its forces from Chad.<sup>3</sup>

The representative of Egypt said that the Assembly of Heads of State and Government of OAU had consistently called upon all its members to support efforts aimed at maintaining peace and security in Chad, to abstain from interfering in its domestic affairs and to contribute towards creating the proper atmosphere necessary for consolidating stability and Chad's newly found peace. Nevertheless, an integral part of Chad was still under occupation by the Libyan Arab Jamahiriya. In the opinion of the Egyptian delegation, the Government of Chad was fully justified in bringing its complaint to the attention of the Council, and the least the Council could do was to call upon the Libyan Arab Jamahiriya to respect the territorial integrity of Chad and put an end to its occupation of Chadian territory.<sup>3</sup>

The representative of Chad rejected Libyan claims for that territory as ungrounded and revealed the content of the discussions that had taken place at N'Djamena and Tripoli regarding the occupation by the Libyan Arab Jamahiriya of part of Chad's territory, and in particular three conditions set by the Libyan Arab Jamahiriya that should have been met by Chad for those discussions to be successful: (a) the proclamation by Chad of an Arab Islamic Republic; (b) the formation of a strategic alliance with the Libyan Arab Jamahiriya in order to destabilize the countries near Chad—Cameroon, Niger and Nigeria—regarded by the Libyan Arab Jamahiriya as reactionary régimes; and (c) keeping of the historic frontiers between the two countries. Once the three conditions were met, the Libyan Arab Jamahiriya would then hand over to the Chadian Government the members of the puppet Government. The Chadian Government rejected *in toto* those three unacceptable conditions and the shameless bargain proposed by the Libyan Arab Jamahiriya. The representative of Chad urged all the members of the Council to invite the representative of the Libyan Arab Jamahiriya to return to the question of Libyan occupation of Chadian territory. He demanded that the Libyan Arab Jamahiriya withdraw its troops from Chad without any preconditions.<sup>3</sup>

At the 2428th meeting, on 31 March 1983, the representative of Zaire called the *de facto* occupation of the disputed territory illegal and said that the Council would do better to call for the application of Article 96 of the Charter and to refer the dispute to ICJ for an opinion. The second conclusion his delegation had reached was to request the Council to

decide: first, that the Libyan occupation troops should immediately withdraw from the Aouzou Strip and from any other locality within Chadian territory; secondly, that a neutral force should be sent to the Aouzou Strip in order to preserve peace and security in that region pending a substantive settlement of the dispute between the two countries.<sup>4</sup>

The representative of France said that the statements of Chad and the Libyan Arab Jamahiriya confirmed the existence of a border dispute between the two countries. From a legal point of view, France, as the former administering Power, must note the soundness of the theses presented by the representative of Chad. The Council could play a constructive role by appealing to the two parties through the President. On the basis of that appeal, OAU could resume its mediation efforts with a view to a final settlement.<sup>4</sup>

The representative of the Netherlands stated that the Council, acting under Chapter VI of the Charter, could call upon States Members of the United Nations to settle their disputes by peaceful means. The choice of government was, however, the sole prerogative of the people of the country. It was essential that all foreign intervention in Chad cease and that economic assistance be provided by countries in a position to do so. He appealed to both parties to refrain from any action that might aggravate the situation and supported the recommendation to submit the question to ICJ.<sup>4</sup>

The representative of Malta said that until the efforts through OAU were concluded, the Council should refrain from taking a definite stand on the issue. Instead, in accordance with Article 33, paragraphs 1 and 2, of the Charter it should encourage the countries concerned, as well as OAU and other interested regional bodies, to seek a solution in the shortest possible time.<sup>4</sup>

The representative of Democratic Yemen said that his delegation had drawn the following conclusions: (a) the issue under discussion was a case of interference in the internal affairs of the Libyan Arab Jamahiriya, especially because the Aouzou Strip was an integral part of Libyan territory; (b) the Libyan Arab Jamahiriya had categorically rejected allegations that it was occupying any part of Chadian territory and had stated that it had no ambitions whatsoever regarding the territory of other States; (c) the Libyan Arab Jamahiriya had striven to maintain the fraternal and good-neighbourly relations that link the Libyan and Chadian peoples; (d) the problem of Chad was being dealt with by OAU, which had established an *ad hoc* committee at the level of heads of State; and (e) the Libyan Arab Jamahiriya had stated its readiness to discuss bilateral relations between the two countries in the framework of the committee of good offices established by OAU.<sup>4</sup>

At the 2429th meeting, on 31 March 1983, the representative of Poland stated that the efforts aimed at overcoming the legacy of colonialism and underdevelopment required an atmosphere of co-operation and stability in relations between African States. The issues that might arise in the African continent should be solved first and preferably, through bilateral negotiations and within OAU.<sup>5</sup>

The representative of Ethiopia urged the members of the Council and all others concerned not to prolong the debate as there had been few if any instances in which public debates had contributed to

the resolutions of such disputes. He also urged the parties to the issue to exercise maximum restraint and to avail themselves of each and every peaceful means and in particular to give their regional organization a chance to exhaust its possibilities and finalize the efforts it had undertaken. He also expressed the hope that the Council would exercise maximum caution in the discharge of the responsibility entrusted to it.<sup>5</sup>

At its 2430th meeting, on 6 April 1983, the Council resumed its consideration of the item. The Council had before it a draft resolution,<sup>6</sup> submitted by the representative of Chad. In the operative part of the draft resolution, the Council would have requested the parties to settle their dispute forthwith and by peaceful means on the basis of the relevant principles of the Charter of the United Nations and the charter of OAU; would have taken note with satisfaction that both parties had stated their willingness to examine their dispute and to settle it by peaceful means and would have urged them to refrain from any action likely to aggravate the situation; and would have appealed to them to make full use of the machinery for the peaceful settlement of disputes available to them within the regional organization, particularly the good offices committee set up by OAU, and of the machinery provided for in Article 33 of the Charter of the United Nations.

In the course of the meeting, the President made the following statement on behalf of the member of the Council:<sup>7</sup>

The Security Council has heard and taken note of the statements made by the Foreign Minister of Chad and by the representative of the Libyan Arab Jamahiriya in the debate on the letter dated 16 March 1983 from the representative of Chad.

The members of the Security Council express their concern that the differences between Chad and the Libyan Arab Jamahiriya should not deteriorate and therefore call on the parties to settle these differences without undue delay and by peaceful means, on the basis of the relevant principles of the Charter of the United Nations and the Charter of the Organization of African Unity, which demand respect for political independence, sovereignty and territorial integrity.

In this connection, the members of the Council have taken note with appreciation of the willingness expressed by both parties to discuss their differences and to resolve them peacefully and urge both sides to refrain from any actions which could aggravate the current situation.

The members of the Council also note that the Organization of African Unity, the regional organization, is already seized of this matter. They appeal to both parties to make the fullest use of the mechanism available within the regional organization for the peaceful settlement of disputes, including the Good Offices Committee established by the Organization of African Unity and of those provided in Article 33 of the Charter of the United Nations.

She added that the Council having completed that stage of its consideration of the agenda item, the President of the Council would follow the development of the situation and would be in touch with interested parties in the following days.<sup>8</sup>

The representative of the Soviet Union declared that as the last part of the statement was not agreed upon among members of the Council and was in fact contrary to the understanding of most members it should be regarded as the viewpoint of the United States delegation.<sup>8</sup>

The President of the Council replied that the last statement had been made in her presidential capacity.<sup>8</sup>

The representative of the Libyan Arab Jamahiriya indicated that as President of the Council the representative of the United States should have summoned the Chadian representative, as well as the Libyan representative. However, she had not done so, in disregard of the most rudimentary rules of objectivity. He asked to put on record that the Libyan Arab Jamahiriya would not recognize what had been stated by the United States representative beyond the text of the statement.<sup>8</sup>

## NOTES

<sup>1</sup> S/15643, *OR, 38th yr., Suppl. for Jan.-March 1983.*

<sup>2</sup> For details, see chap. II of the present *Supplement.*

<sup>3</sup> 2419th mtg.

<sup>4</sup> 2428th mtg.

<sup>5</sup> 2429th mtg.

<sup>6</sup> S/15672, *OR, 38th yr., Suppl. for Jan.-March 1983.*

<sup>7</sup> S/15688, *ibid., Resolutions and Decisions of the Security Council, 1983.*

<sup>8</sup> 2430th mtg.

17. **LETTER DATED 22 MARCH 1983 FROM THE REPRESENTATIVE OF NICARAGUA ON THE SECURITY COUNCIL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL<sup>1</sup>**

## INITIAL PROCEEDINGS

By letter<sup>2</sup> dated 22 March 1983, the representative of Nicaragua requested an urgent meeting of the Council in view of the grave increase in acts of aggression against Nicaragua.

At the 2420th meeting on 23 March 1983 the Council included the letter on its agenda. At the same meeting, following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion of the question, without the right to vote: the representatives of Honduras, Mexico and Panama; and, at the 2421st meeting, the representatives of Barbados, Cuba, Democratic Yemen, Grenada, the Libyan Arab Jamahiriya and Spain; at the 2422nd meeting, the representatives of Algeria, Colombia, Costa Rica, Ecuador, India, Mauritius, the Philippines, the United Republic of Tanzania, Venezuela and Viet Nam; at the 2423rd meeting, the representatives of Argentina, Belgium, Bolivia, Brazil, the Dominican Republic, the Federal Republic of Germany, the Islamic Republic of Iran, Peru and Yugoslavia; at the 2424th meeting, the representatives of Bulgaria, El Salvador, the German Democratic Republic, Italy, Mongolia and the Syrian Arab Republic; at the 2425th meeting, the representatives of Cyprus, Czechoslovakia and Hungary; at the 2426th meeting, the representative of Ghana; and at the 2427th meeting, the representatives of Guatemala and Uruguay.<sup>3</sup> The Council considered the item at its 2420th to 2427th meetings, from 23 to 29 March 1983.

At the 2420th meeting, the representative of Nicaragua said that his country was facing a new escalation of United States aggressive acts by way of massive infiltration of military units of Somoza counter-revolutionaries from Honduras. The Somozist groups existed only because of the financial assistance and direction by the United States. According to Nicaraguan intelligence sources, thou-

sands of additional counter-revolutionaries planned to infiltrate the country from Honduras in the next few days. Nicaragua appealed to the United States to cease its attempts to destroy the Sandinist People's Revolution, and to end the "secret" but widely recognized war against Nicaragua. The United States should renew all peace initiatives, such as those made by Mexico and Venezuela on the Honduras-Nicaragua border problem, and the proposal by Mexico, Venezuela, Colombia and Panama on negotiated solutions to the main elements of the Central American crisis. The Council members and the international community should strive to develop a policy towards the Central American region conducive to peaceful negotiated solutions.<sup>4</sup>

The representative of Honduras stated that Nicaragua had attempted to involve his country in events relating to internal uprisings against the Sandinist régime. The current situation in Nicaragua was related to increasing political and social tensions between the Sandinist Government and opposition groups. The situation must be resolved by the Nicaraguans themselves. Honduras had presented to the Organization of American States (OAS) a proposal for general disarmament in the region. It would result in the reduction in the number of foreign advisers who, in Nicaragua's case, were extra-continental. The mobilization of Honduran forces within its territory to defend its democratic system was in exercise of its sovereign right. Honduras adhered to the principle of non-intervention and was prepared to submit to international controls to verify whether various countries had a defensive or offensive capability.<sup>4</sup>

The representative of the United States said that the people of Nicaragua had longed for a democratic revolution and had fought against the dictatorship of Anastasio Somoza because they had been promised democracy. The Sandinist National Liberation Front (FSLN) had committed itself to respect human rights and the freedom of all Nicaraguans, including minorities. It had committed itself to free elections and a rule of regular civil law. The Council could not be indifferent to what had happened to those commitments. Nicaragua had been claiming for some time that an invasion by the United States was imminent. On the contrary, Nicaragua was the country involved in a major effort to destabilize other Governments in Central America, like those of El Salvador and Honduras. Nicaragua had violated Costa Rica's border. It had also violated Costa Rica's rights by attempts to deny it use of the San Juan River. The United States was prepared to join with other members of the Western hemisphere, or the Council, or to stand aside while other members of that hemisphere—and of Central America specifically—worked out solutions which provided for those guarantees that had been promised by the Sandinista Government to its people; respect for human rights, good-neighbourliness and for the right of peoples to choose their own Government through competitive and free elections.<sup>4</sup>

The representative of Nicaragua proposed to Honduras that the proposal of peace and negotiation presented by the Governments of Mexico and Venezuela in October 1982 be taken up and that the process of discussion between the two countries might thus begin. He repeated that Nicaragua was developing its defenses in an eminently defensive manner in order to ensure the independence and

territorial integrity and the very existence of its revolution.<sup>4</sup>

At the 2421st meeting, the representative of Mexico said that the current conflicts in Central America could be settled only by means of political negotiations, dialogue and economic and social development. Any attempt to impose a strict ideological strategic strait jacket on what was happening in Central America was anachronistic. All those involved in the incursion, which had just begun, should immediately suspend their support and sponsorship of such a dangerous enterprise. The General Assembly's decision that it was necessary to end all military assistance to El Salvador must be reflected in the Council and be made to encompass the entire Central American region.<sup>5</sup>

The representative of Cuba said that the United States was trying to use Honduras as an outpost for American intervention to put down the Nicaraguan revolution. The Council should ensure the prevention of any complication of the conflict, which could lead to a larger conflict. The aggressive acts against Nicaragua were part of a premeditated plan to destabilize it.<sup>5</sup>

The representative of Panama detailed the outcome of the Contadora meeting, and said that the recent events in Nicaragua had confirmed the assessment of the situation by the Seventh Conference of Heads of State or Government of Non-Aligned Countries, held at New Delhi from 7 to 12 March 1983. Panama had made every effort to restore peace in Central America and had affirmed the full applicability of the right to self-determination of peoples, respect for national sovereignty and territorial integrity of States, the sovereign equality of States, non-intervention in the internal affairs of States, non-use of the threat or use of force and the peaceful settlement of disputes, as well as the right of all people to decide and freely to pursue their political, economic, social and cultural systems. Current events in Nicaragua did not constitute an internal affair of that country, as claimed by some, but were a clear case of foreign intervention against Nicaragua. Panama appealed to all States to refrain from any act that might contribute to a further worsening of the already critical situation.<sup>5</sup>

At the 2422nd meeting, the representative of Spain said that his Government viewed with great concern the escalation of conflicts in the Central American region and particularly in Nicaragua. The armed actions taking place inside Nicaraguan territory were aimed at destabilizing the Government of that country. The Government of Spain considered that neither aggression nor armed intervention could be accepted and that in no case could they constitute a solution to the grave problems afflicting the Central American region.<sup>6</sup>

The representative of Zimbabwe recalled the grave concern expressed by the Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries held at Managua. He stressed that Nicaragua did not need intervention and interference in its internal affairs, but it needed financial, material and technical assistance and support from the international community.<sup>7</sup>

The representative of Colombia said the influence of "military apparatuses" that had been involved in Central America should be eliminated. At the meetings of foreign ministers at which it had participated,

a request had been made on a Colombian initiative for the withdrawal of all military and security advisers in the region, especially from El Salvador, Honduras and Nicaragua.<sup>6</sup>

The representative of China said that an important cause of the current tension around Nicaragua and, consequently, the deteriorating situation in all Central America, lay in the intervention by a super-Power. Such intervention was firmly opposed by the countries of that region; to diminish and remove tension in Central America it was essential that the super-Power should cease its intervention there. The independence, sovereignty and territorial integrity of Nicaragua and other States of Central America should be respected. Central American problems should be solved by the peoples of the region themselves.<sup>6</sup>

At the 2423rd meeting, the representative of Guyana underlined that no State had the right to dictate to the people of Nicaragua how they should organize their internal affairs. In relations between States, the principles of international law should be inviolate and scrupulously respected. That was the only guarantee of peaceful and stable inter-State relations. The people of Nicaragua were striving for nothing more than their political, economic and social advancement. Appealing for full respect for the independence, sovereignty and territorial integrity of Nicaragua, he referred to the proposals of the Governments of Colombia, Mexico, Panama and Venezuela and expressed support for that initiative.<sup>8</sup>

The representative of Pakistan said that Nicaragua deserved help and support to complete the process of change in peace and to consolidate the foundations of a better life for their present and future generations. The Council might consider, as a first step, sending a fact-finding mission to the region to assess the situation on the ground and to report its findings to the Council. The dispatch of such a fact-finding mission would in itself serve to reduce tension and would be in conformity with the recommendation in the Secretary-General's report to the General Assembly at its thirty-seventh session on the work of the Organization.<sup>9</sup>

The representative of the Soviet Union stated that the numerous facts demonstrated that the prime mover behind the direct armed intervention against Nicaragua was the United States. The situation in that area posed a direct threat to international peace and security. The Soviet Union supported the appeal of Nicaragua to the Council to call upon the United States to put an end to acts of provocation against Nicaragua and to halt the undeclared war being waged against that country by the United States Administration.<sup>8</sup>

The representative of France said that his Government was appealing for moderation. It rejected recourse to force and wanted to see the establishment of a climate of understanding, which would make it possible to resolve all the problems of the region by dialogue and negotiation. He welcomed the Contadora Declaration and supported its principles, in particular its condemnation of interference in Latin American disputes.<sup>8</sup>

The representative of India emphasized that Nicaragua had a rightful expectation that the Council would help it preserve its independence and territorial integrity. The Council should not lose time in endless debate but should find ways and means of

preventing a deterioration of the situation and a deepening of the conflict. It was imperative that all armed intervention and action be halted immediately. Any attempt to involve extraregional or global forces could result only in exacerbating an already difficult situation in Central America.<sup>8</sup>

At the 2424th meeting, the representative of Honduras said that his Government had proclaimed its complete neutrality in the internal conflicts afflicting neighbouring countries and its sincere interest that those fraternal peoples would enjoy the precious gift of peace and democracy through dialogue, understanding and mutual respect.<sup>10</sup>

The representative of Nicaragua presented to the delegation of Honduras an official proposal of his Government for the President of Honduras and the Co-ordinator of the Governing Junta of Nicaragua to meet, preferably in the presence of the Presidents of Mexico and Venezuela, to discuss relations between Nicaragua and Honduras. The Government of Honduras should choose a place in Mexico or Venezuela and the date for the meeting. The speaker also proposed that the United States and Nicaragua immediately begin direct talks in a third country to be chosen by common consent.<sup>10</sup>

At the 2425th meeting, the representative of Venezuela said that the peace efforts initiated by the Foreign Ministers of Panama, Colombia, Mexico and Venezuela were hampered by the participation of other interests that were more concerned with their own hegemonic positions than with the establishment of peace. Moreover, interests of the super-Power inhibited Council action, and viewed the Central American problem as an element of their East-West confrontation. The mutual accusations in the Council were not a path towards the establishment of a dialogue. He invited Nicaragua and Honduras, along with other Central American countries, to begin a frank dialogue that would enable the restoration of trust, the only effective path towards the achievement of peace. Latin American problems must be resolved by its own people, without foreign interference.<sup>11</sup>

The representative of the Dominican Republic said it had offered its territory as the site for a meeting of all Central American countries. It would be folly for the parties involved in the dispute not to negotiate. He also appealed to the countries concerned with the strengthening of peace to exercise their good offices towards attaining that goal. The situation should not be allowed to escalate further, thereby making it impossible for reason, good judgement and civilized coexistence to prevail. The Dominican Republic called for an immediate meeting of all the parties.<sup>11</sup>

At the 2426th meeting, the representative of Peru made a formal proposal, which he said could provide a reasonable and acceptable basis for the parties directly concerned in the dispute to initiate negotiations. It would include the following elements:

(a) A commitment to avoid in talks to be agreed upon any ideological and political polarization in the general consideration of all the problems confronting Central America;

(b) The exclusion of all interests foreign to the subregion and alien to its overall problems, with the focus on the well-being of the region's peoples through a genuine process of development in a climate of peace and democracy;

(c) Strict respect for the principles and norms of international law enshrined in the Charter and other international instruments;

(d) An immediate cessation of all acts of hostility between Honduras and Nicaragua by a Council decision that could be implemented through machinery established in Chapters VII and VIII of the Charter;

(e) The Council might wish to adopt provisional measures concomitantly contributing to such a cessation of hostilities and making possible an effective dialogue between all the parties concerned—Honduras and Nicaragua to begin with, and then the five Central American nations;

(f) With the prior consent of the parties, the Council might decide to send a Commission to supervise the cessation of hostilities in the border region;

(g) Agreement on immediate measures to curb the arms race and the growing militarization of the region's countries.<sup>12</sup>

The representative of Argentina said the Contadora initiative constituted the basis for settling a conflict which, should it worsen, would have unpredictable consequences that would seriously affect the situation in Latin America and possible beyond.<sup>12</sup>

At the 2427th meeting, the representative of Guatemala said the five Central American countries attached the greatest significance to unity but that unity had been broken and must be restored. Guatemala offered to host a conference of all Central American countries to seek a solution to their problems. Guatemala would not intervene in the internal affairs of other countries or promote associations for that purpose. However, it demanded the same treatment in return.<sup>13</sup>

The President of the Council drew attention to the serious situation and appealed to delegations, both Council members and non-members, to exercise due restraint in their interventions. The work of the Council would achieve success only if the Members applied themselves constructively to the problems.

Then, speaking in his capacity as representative of the United Kingdom, he suggested that the Council could recommend additional measures for resolving the problems of the region, for instance a dialogue among the States of the region, perhaps in form of a conference to consider the problems of Central America, bilateral as well as multilateral, in which other Latin American States might be asked to participate. The Council's assistance and the good offices of the Secretary-General could be an effective means towards that end. If a conference were to emerge as the most promising route, a number of questions, such as its terms of reference, its date and place, its composition, and the status of the participants, would need to be resolved. The Secretary-General should discuss those questions with the States concerned.<sup>13</sup>

#### NOTES

<sup>1</sup> No decision other than invitations issued in accordance with the procedural rules of procedure was taken by the Council.

<sup>2</sup> S/15651, *OR*, 38th yr., *Suppl. for Jan.-March 1983*.

<sup>3</sup> For details, see chap. III of the present *Supplement*.

<sup>4</sup> 2420th mtg.

<sup>5</sup> 2421st mtg.

<sup>6</sup> 2422nd mtg.

<sup>7</sup> *Ibid.* See also the statement by the representative of the United Republic of Tanzania.

<sup>8</sup> 2423rd mtg.

<sup>9</sup> GAOR, 37th sess., Suppl. No. 1 (A/37/1).

<sup>10</sup> 2424th mtg.

<sup>11</sup> 2425th mtg.

<sup>12</sup> 2426th mtg.

<sup>13</sup> 2427th mtg.

**18. LETTER DATED 5 MAY 1983 FROM THE REPRESENTATIVE OF NICARAGUA ON THE SECURITY COUNCIL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

INITIAL PROCEEDINGS

**Decision of 19 May 1983 (2437th meeting): resolution 530 (1983)**

By letter<sup>1</sup> dated 5 May 1983, the representative of Nicaragua requested an urgent meeting of the Council in view of what he described as the launching of a new stage of the invasion of his country by counter-revolutionary Somozist forces operating out of Honduras and financed, trained and supported by the United States.<sup>2</sup>

At its 2431st meeting, on 9 May 1983, the Council included the item in its agenda and invited the following, at their request, to participate, without the right to vote, in the discussion of the item: at the same meeting, the representatives of Grenada, Honduras, Mexico and the Syrian Arab Republic; and at the 2432nd meeting, the representatives of Algeria, Cuba, Ethiopia, Guatemala, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Mali and Seychelles; at the 2433rd meeting, the representatives of Argentina, Costa Rica, El Salvador, the Lao People's Democratic Republic, Mauritius, Panama, Sao Tome and Principe, Spain and Venezuela; at the 2434th meeting, the representatives of Columbia and Viet Nam; at the 2435th meeting, the representatives of the Congo and Uganda; at the 2436th meeting, the representatives of the Dominican Republic and Greece; and, at the 2437th meeting, the representatives of India and Yugoslavia.<sup>3</sup>

At the 2434th meeting, the Council also decided to extend an invitation to Mr. Ahmed Gora Ebrahim under rule 39 of the provisional rules of procedure.<sup>3</sup> The Council considered the question at its 2431st to 2437th meetings, from 9 to 19 May 1983.

At the 2431st meeting, the representative of Nicaragua stated that he had come before the Council to inform its members of the ever-increasing magnitude of the aggression against Nicaragua, which had begun in late 1982, and of the grave damage, suffering, death and destruction caused by that aggression, which was directed, financed and armed by the United States. He asked that the Council adopt all necessary measures to halt the aggression and reiterated his Government's willingness to hold an immediate, unconditional dialogue with the United States in order to find genuine solutions to the critical situation caused by the aggression against his country.<sup>4</sup>

The representative of Honduras said that once again Nicaragua had given the Council distorted and tendentious information with regard to what it called a new stage of the invasion of Nicaragua by forces

acting from the territory of Honduras, that Nicaragua had not presented any clear evidence to prove the allegations and that those fighting were Nicaraguans on Nicaraguan territory trying to obtain justice. He stated that Honduras had a long list of violations of its sovereignty and territorial integrity by Nicaragua. Those problems could be resolved once and for all if the Honduran proposal calling for international supervision and monitoring of border and strategic areas were accepted. The Council should recommend that Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, at the foreign ministers level, with other Latin American countries present and collaborating, should begin a dialogue covering regional problems as a whole and resulting in solutions to the serious problems of Central America.<sup>5</sup>

The representative of the United States stated that it was an extraordinary experience to hear Nicaragua invoke the principle of non-intervention in internal affairs and to accuse the United States of invasion inasmuch as the Sandinistas had been busy fomenting war in the region, destroying the peace and the possibility of progress in El Salvador, Honduras and other neighbouring States and forcing militarization on the region. She referred to a magazine article showing the routes for arms traffic, and the regular flow of arms from Nicaragua through Honduras into El Salvador. Reviewing the charges regarding Nicaragua's infiltration of neighbouring Honduras and Guatemala, she stated that the United States Government had repeatedly sought to establish constructive relations with Nicaragua and to achieve regional peace through peace proposals based on an end to Nicaraguan support for guerrillas in neighbouring countries. She affirmed that the United States would support any agreement among Central American countries for the withdrawal of all foreign military advisers as well as any verifiable reciprocal agreement among Central American countries on the renunciation of support for insurgent Governments.<sup>5</sup>

The representative of Nicaragua stated that his Government had asked the Council to consider exclusively the grave problems and the consequences of the aggression to which his country was a victim. He also pointed out that no proof whatever had been produced of routes for a traffic in arms being used by Nicaragua through Honduran territory in order to send arms to El Salvador.<sup>5</sup>

At the 2432nd meeting, on 13 May 1983, the representative of Mexico stated that, together with Colombia, Panama and Venezuela, Mexico had stepped up contacts aimed at the reduction of tension and the search for practical mechanisms acceptable to all parties which could lay the groundwork for peace. He added that Mexico and the United States had agreed to promote dialogues and negotiations in order to avoid armed conflict and to advance peaceful conditions and economic development. The climate of threats and verbal aggression, however, had intensified and the centres of confrontation had multiplied, therefore, the Council was duty bound to offer a rapid and effective response to the problem brought before it and to contribute resolutely to a negotiated settlement.<sup>6</sup>

The representative of Zimbabwe stated that unless immediately checked, the build-up of tensions on the Nicaraguan-Honduran and Nicaragua-Costa Rican frontiers would soon lead to open military conflicts in the area. Welcoming the Contadora initiatives by Mexico, Venezuela, Panama and Columbia, he said

that the Council must exert maximum efforts towards negotiated and peaceful solutions to the problems. He believed that the first positive step in that direction was for the Council to adopt a resolution giving the Secretary-General authority to initiate without delay good-offices efforts, preferably in co-ordination with the Contadora group. The Council should also warn all concerned, and especially States outside Central America, to refrain from any interference or intervention.<sup>7</sup>

At the 2433rd meeting, on 16 May 1983, the representative of Nicaragua described new acts of aggression against Nicaragua and reviewed the attempt to establish with Honduras a joint patrol plan for their joint border. He blamed Honduras for the failure of that initiative and stressed the need for direct dialogue with Honduras in the presence of the representatives of the Contadora Group.<sup>8</sup>

Rejecting the Nicaraguan accusations, the representative of Honduras stated that Honduras had kept its word not to interfere in Nicaragua nor to mobilize its troops and that its suggestion to establish a demilitarized zone on the Atlantic and the Pacific was still pending. Honduras was ready to arrive, in collaboration with the Contadora Group, at an agreement as a result of a regional consensus involving not only Honduras and Nicaragua but also Costa Rica, El Salvador and Guatemala.<sup>9</sup>

At the 2436th meeting, on 18 May 1983, the representative of the United Kingdom stated that judging from some of the speeches, his delegation felt that the Council should reaffirm the principles set out in the Contadora Group bulletin of 12 May and support the multilateral efforts of the Group with bilateral talks on the side.<sup>10</sup>

The representative of China said that meddling by outside forces, and especially the attempts of the super-Powers to extend their rivalry to Central America, had multiplied the complexity of the issue and constituted an underlying cause of the present tension in the region. It was imperative to stop all outside intervention, especially super-Power intervention or intimidation. Reaffirming the expectation that differences and disputes among various Central American States would be settled peacefully and without outside intervention, he said that China hoped that the Latin-American countries, especially those of the Contadora Group, would achieve positive results. China also lent its support to all United Nations efforts conducive to the easing and elimination of tension in the region.<sup>10</sup>

The representative of the Soviet Union pointed out that the statement of Nicaragua showed incontrovertibly that a second, more dangerous phase had begun in the armed intervention against Nicaragua. The fact that the United States had discussed exclusively the internal affairs of Nicaragua, cast doubt on the legitimacy of the Nicaraguan Government and made pluralism and a mixed economy preconditions for negotiations with Nicaragua, was a clear example of direct interference in the internal affairs of a sovereign State. The Soviet Union supported the Nicaraguan demand that the United States cease its undeclared war against that country and advocated a just settlement of international disputes at the negotiating table. He concluded by saying that it was the duty of the Council to follow closely the development of the situation and to take all necessary measures to

safeguard the security, sovereignty and territorial integrity of Nicaragua.<sup>10</sup>

The representative of Poland said that the Council should undertake decisive efforts to bring about a negotiated, peaceful solution of the problems that had been created on Nicaragua's borders. The first step would be to adopt a resolution reaffirming the right of Nicaragua to live in peace and security, free from outside intervention and the threat or use of force. The Council should warn all concerned to refrain from open or covert interference in Nicaraguan internal affairs. New possibilities should be opened for dialogue and a negotiated solution, with the assistance of the Contadora Group and the United Nations.<sup>10</sup>

At its 2437th meeting, on 19 May 1983, the Council had before it a draft resolution<sup>11</sup> sponsored jointly by Guyana, Jordan, Malta, Nicaragua, Pakistan, Togo, Zaire and Zimbabwe.

The representative of Yugoslavia said that the draft resolution submitted by the non-aligned members of the Security Council complemented the efforts of the Contadora Group; it neither condemned nor recriminated, and deserved the support of the Security Council. He urged that at a certain point in the future it might be necessary to draw upon the knowledge, authority and wisdom of the Secretary-General.<sup>12</sup>

The representative of Malta, a co-sponsor of the draft resolution, announced that the sponsors had agreed to replace "13 May 1983" in the sixth preambular paragraph by "12 May 1983", and to replace the opening words of operative paragraph 4—"Calls upon"—by "Urges". Noting that the draft resolution was the outcome of a sustained collective effort, taking into account all the views expressed, he hoped that it would be adopted unanimously.<sup>12</sup>

The draft resolution as orally amended was adopted by 15 votes in favour as resolution 530 (1983).<sup>13</sup> The resolution reads as follows:

*The Security Council,*

*Having heard* the statements of the Minister for External Relations of the Republic of Nicaragua,

*Having also heard* the statements of the representatives of various States Members of the United Nations in the course of the debate,

*Deeply concerned*, on the one hand, at the situation prevailing on and inside the northern border of Nicaragua and, on the other hand, at the consequent danger of a military confrontation between Honduras and Nicaragua, which could further aggravate the existing critical situation in Central America,

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

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

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

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



1. *Reaffirms* the right of Nicaragua and of all the other countries of the area to live in peace and security, free from outside interference;
2. *Commends* the efforts of the Contadora Group and urges the pursuit of those efforts;
3. *Appeals urgently* to the interested States to co-operate fully with the Contadora Group, through a frank and constructive dialogue, so as to resolve their differences;
4. *Urges* the Contadora Group to spare no effort to find solutions to the problems of the region and to keep the Security Council informed of the results of these efforts;
5. *Requests* the Secretary-General to keep the Council informed of the development of the situation and of the implementation of the present resolution.

After the vote, the representative of Nicaragua stated that the very fact that the United States had not opposed the resolution was seen by Nicaragua as a manifestation of its will to put an end to armed aggression against Nicaragua and to respect the right of its people to live in peace and security free from any foreign interference. He said that if it proved otherwise, it would be Nicaragua's duty once again to come back to the Council.<sup>12</sup>

The representative of the United States said that Nicaragua had maligned and misrepresented the policies of the United States and of Honduras and that once Nicaragua was willing to fulfil its obligations and promises to its neighbours and its own people, there would be no further problems between the United States and Nicaragua.<sup>12</sup>

## NOTES

<sup>1</sup> S/15746, *OR*, 38th yr., *Suppl. for April-June 1983*.

<sup>2</sup> For similar charges and counter charges, see S/15742 and S/15745, *ibid*.

<sup>3</sup> For details, see chap. III of the present *Supplement*.

<sup>4</sup> 2431st mtg. Similar views were expressed by Ethiopia (2432nd mtg.), Syrian Arab Republic and Cuba (2433rd mtg.).

<sup>5</sup> 2431st mtg.

<sup>6</sup> 2432nd mtg. Similar views were expressed by Panama (2434th mtg.) and Venezuela and Colombia (2435th mtg.).

<sup>7</sup> 2432nd mtg. Similar views were expressed at the same meeting by Seychelles and Algeria and at the 2433rd meeting by Mauritius. See also the letter dated 13 May 1983 (S/15762, *OR*, 38th yr., *Suppl. for April-June 1983*) from the representative of Panama transmitting the information bulletin issued at the conclusion of the meeting held on 11 and 12 May 1983 at Panama City by the Ministers of External Relations of Colombia, Mexico, Panama and Venezuela (known as the Contadora Group).

<sup>8</sup> 2433rd mtg.

<sup>9</sup> *Ibid*. Similar views were expressed by Guatemala (*ibid.*), Costa Rica (2435th mtg.) and El Salvador (*ibid.*).

<sup>10</sup> 2436th mtg.

<sup>11</sup> S/15770, subsequently adopted as resolution 530 (1983).

<sup>12</sup> 2437th mtg.

<sup>13</sup> *Ibid*. For the vote, see also chap. IV of the present *Supplement*.

**19. LETTER DATED 2 AUGUST 1983 FROM THE PERMANENT REPRESENTATIVE OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

## INITIAL PROCEEDINGS

By letter<sup>1</sup> dated 2 August 1983, the Permanent Representative of Chad to the United Nations requested an urgent meeting of the Council to consider the grave situation in Chad resulting from open Libyan aggression against that country.

At its 2462nd meeting, on 3 August 1983, the Council included this question in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate without vote in the discussion: the representatives of Chad and the Libyan Arab Jamahiriya; and at the 2463rd meeting, the representatives of Egypt, the Islamic Republic of Iran, the Ivory Coast, Liberia and the Sudan; at the 2465th meeting, the representatives of Benin, Guinea, Kenya, the Niger, Senegal and the United Republic of Cameroon; at the 2467th meeting, the representative of Somalia; and at the 2469th meeting, the representative of the Congo.<sup>2</sup> The Council considered the question at its 2462nd to 2465th, 2467th and 2469th meetings, from 3 August to 31 August 1983.

Opening the discussion at the 2462nd meeting, the representative of Chad accused the Libyan Arab Jamahiriya of stepping up its aggression against his country. He charged that since 31 July 1983, when the Chadian National Armed Forces had retaken the town of Faya-Largean in the north of Chad, the Libyan Air Force had been massively bombing the town, causing many casualties among the civilian population. Chad had come before the Council today to allow it to assume its responsibilities with regard to that situation, which undoubtedly threatened international peace and security.

The speaker recalled the previous discussions in the Council relating to the border dispute between the two countries. He charged that within two days of the Council's adoption, on 6 April, of a statement<sup>3</sup> calling for a peaceful settlement of the conflict and urging the parties to refrain from any action that might exacerbate the situation, the Libyan Arab Jamahiriya had flouted that statement. In a message<sup>4</sup> dated 24 June 1983, the President of the Republic of Chad had informed the Council of a subsequent escalation of Libyan aggression. However, thanks to the energetic reaction of the government forces, backed by logistical support from countries responding to a Chadian appeal, the Libyan forces had been routed and the central authorities had again taken control of the entire eastern part of the country.

Successive Governments of Chad had held talks with the Libyan Arab Jamahiriya in an effort to arrive at a peaceful settlement of the dispute, and Chad remained willing to negotiate.<sup>5</sup> However, the Libyan intention continued to be to destabilize the government régime in order to set up another régime that would be of its own persuasion. Thus, the Libyan Arab Jamahiriya would be able to perpetuate its occupation of the Aouzou Strip, to annex the entire country and to use it as a base for aggression against neighbouring countries, and finally to carry out its dream of creating the "United States of the Sahel".

The representative of Chad accused the Libyan Arab Jamahiriya of violating the principles of the Charter of the United Nations, the charter of the Organization of African Unity (OAU) and the Movement of Non-Aligned Countries. He urged the Council to condemn the Libyan Arab Jamahiriya for its bombing of Chadian townships, to order an end to such bombings and to order the withdrawal of Libyan occupation forces from Chad.<sup>6</sup>

The representative of the Libyan Arab Jamahiriya denied the allegations contained in the letters dated 1 and 2 August 1983 from Chad.<sup>7</sup> He said that the

position of his country had been clarified in previous statements in the Council and in its communications dated 27 June 1983,<sup>8</sup> 5 July 1983<sup>9</sup> and 2 August 1983.<sup>10</sup> He stressed that the Libyan Arab Jamahiriya had not intervened in the affairs of Chad and sent neither planes nor troops to that country. Moreover, the Libyan Arab Jamahiriya had declared its neutrality *vis-à-vis* the current conflict in Chad and had proposed that OAU send a fact-finding mission to Chad to verify it.

He underlined that his Government did not recognize the current Government of Chad and regarded as extremely grave the direct intervention of the United States, France and Zaire in Chad, which entailed risks for peace and security in the region and in the world. Speaking of the efforts of the Libyan Arab Jamahiriya to bring about national conciliation in Chad, he elaborated on the Libyan view of the post-independence events in Chad that had led to the installation of Mr. Hissein Habré in his present position. The speaker reiterated the readiness of his country to work with other African States to help to achieve peace and security in Chad.<sup>6</sup>

The representative of Zaire said that the forces of Zaire were in Chad at the request of the Government of Hissein Habré and would remain there as long as that Government wished.<sup>6</sup>

At the 2463rd meeting, on 11 August 1983, the Secretary of State for Foreign Affairs and Co-operation of Chad stated that the Libyan aggression had increased considerably in the last few days and had taken "the form of virtual genocide of the people of Chad with indiscriminate bombing of sites in the north and east of the country by the Libyan Air Force". He also described attempts by the Libyan Arab Jamahiriya to obstruct a solution of the Chadian problem and produced documents and photographs to prove the Libyan interference in Chad. The Libyan army, he charged, included agents of all nationalities, recruited primarily from Sub-Saharan countries and sent to training camps in the Libyan Arab Jamahiriya through Benin. He reiterated the request of his Government and the people of Chad that the Council strongly condemn the Libyan Arab Jamahiriya for its armed aggression against Chad and demand its withdrawal from Chadian territory.<sup>11</sup>

The representative of the Sudan characterized the statement by the Libyan representative as a desperate attempt to deny the intervention of the Libyan Arab Jamahiriya in Chad. No dispute over the legitimacy of Governments could serve as a pretext for occupation, aggression, expansion or appropriation of the territory by force. The Sudan strongly condemned the Libyan aggression against the people of Chad and called upon the Libyan Arab Jamahiriya to put an immediate end to material and logistic assistance to the insurgents against the Government of Chad. The speaker insisted that the two countries enter into negotiations to end the dispute. He appealed to the international community and to African countries to give whatever assistance they could to the Government and people of Chad to bring about the necessary economic and social development.<sup>11</sup>

The representative of Togo appealed to both countries concerned to apply without delay the statement of the Council of 6 April 1983.<sup>3</sup> He said that the international community could not accept the occupation and bombardment of Chad as a *fait accompli* since that would jeopardize the confidence

that militarily weak, small countries placed in the United Nations to ensure their independence, sovereignty and territorial integrity.<sup>11</sup>

The representative of the Libyan Arab Jamahiriya, speaking in exercise of his right to reply, reiterated that the conflict in Chad was strictly an internal matter and that imperialist forces were trying to internationalize the dispute by supporting one of the parties with weapons, troops and aircraft. He claimed that the current Government in Chad was not legitimate and did not enjoy the support of the Chadian people, and that its army was composed of no more than a few mercenaries of various nationalities; he cited newspaper articles in support of his contentions. The Libyan Arab Jamahiriya, he maintained, was prepared to co-operate and enter into dialogue with any legitimate Government in Chad.<sup>11</sup>

In response to the statement made by the Libyan representative about the legitimacy of the Government of Chad, the President of the Council (France) recalled the Council's statement of 6 April,<sup>3</sup> which contained references to the statement made by the Foreign Minister of Chad and to the dispute between Chad and the Libyan Arab Jamahiriya.<sup>11</sup>

At the 2465th meeting, the representative of the Soviet Union condemned the escalation of imperialist meddling in the internal affairs of Chad as a threat to international peace and security. He expressed his Government's full support for the efforts of OAU, which was seeking to bring about a peaceful settlement to the situation in that country.<sup>12</sup>

The representative of Benin flatly rejected as false the accusations of Chad against his country as being a transit point for mercenaries said to be recruited into service by the Libyan Arab Jamahiriya and added that Benin favoured a national conference of reconciliation under the auspices of OAU.<sup>12</sup>

The representative of Kenya said that the Council should examine the facts involved in the conflict and make recommendations that would lead to the peaceful settlement of the problem. For that purpose he suggested that the following steps be taken: (a) the incursion of the Libyan Arab Jamahiriya into Chadian territory should be condemned and the Government of the Libyan Arab Jamahiriya should be asked, in the spirit of compromise, to withdraw its forces from Chadian territory, immediately and without any conditions; (b) the Council should make every effort to devise ways to bring about a Government of national unity of Chad, arranging negotiations that could be undertaken; (c) the Council should condemn the acts of aggression against Chad; (d) the Council should employ all means available to halt any further hostilities in Chad and endeavour to restore order and to ensure the safety of civilians; (e) the Council should respond to Chad's appeal for assistance in recovering its territorial integrity in order that it might resume its development programmes for the people of Chad; and (f) the Libyan military forces in the Aouzou Strip and Faya-Largean should be entirely withdrawn.<sup>12</sup>

The representative of the United Kingdom deplored that the issues regarding Chad which had been before the Council six months earlier and had been the subject of a statement of the President on behalf of the Council,<sup>3</sup> had now returned as if nothing had been achieved earlier on. The only difference was that the situation seemed to have gotten worse. In that connection he recalled the comments of the

Secretary-General in his annual report to the General Assembly at its thirty-seventh session on the work of the Organization<sup>13</sup> for 1982 about the collective responsibilities of the Council and about the way in which its members should all take those responsibilities very seriously.

The President of the Council, speaking as the representative of France, said that Chad had become the victim of outright aggression by a foreign Power, evidence of which had been clearly submitted. In the face of the extreme seriousness of the situation, the Government of Chad, headed by Mr. Hissein Habré, had appealed to the French Government for implementation of the provisions of the co-operation agreement signed by the two countries in 1976. France had responded by adapting and apportioning its assistance in a manner consistent with the fighting. The French Government was pursuing no other goal but that of allowing Chad to exercise fully its right to self-defence, in full conformity with international law, as enshrined in Article 51 of the Charter. France hoped that the problems of Chad might be resolved peacefully among Chadians. Any foreign intervention directed against the Government of Chad should come to an end and, consequently, the armed intervention from outside should cease. In that way it would be possible for OAU once again to play its rightful role in the issue in accordance with the resolution adopted at the nineteenth ordinary session of the Assembly of Heads of State and Government of OAU.<sup>12</sup>

The representative of the Libyan Arab Jamahiriya indicated that the tragedy of Chad was a direct consequence of French colonialism, as well as a result of the continuation of France's policy of intervention and that the sending of French troops could not be viewed within the framework of the treaty of co-operation between France and Chad and was nothing other than stark military intervention in the civil war. He then challenged the comments of the President at the 2463rd meeting regarding the legitimacy of the Habré Government and stated that the Libyan Arab Jamahiriya doubted that those comments reflected the views of the Council and considered them as representing the point of view of France only. He stressed that the Council did not compel any State to recognize the Government of another State, because that was the sovereign right of States.<sup>12</sup>

The President remarked that he could not accept the statement by the representative of the Libyan Arab Jamahiriya calling into question the acts of the Council. He pointed out that a statement of that kind made in a debate on a complaint by the Government of Chad questioning the legitimacy of that Government had led to an absolute internal contradiction.<sup>12</sup>

At the 2467th meeting, on 16 August 1983, the representative of Zimbabwe said that the external involvement in Chad not only undermined any possibility of national reconciliation there, but was also bound to frustrate efforts by OAU to bring about a peaceful solution. Therefore, the best course of action open to the Council in the circumstances was to throw its weight behind the initiatives of OAU.<sup>14</sup>

The representative of the Netherlands spoke of the necessity to maintain the distinction between the provision, at the request of the legitimate Government, of military assistance to a country acting in self-defence, on the one hand, and an instance of armed intervention in the affairs of a neighbouring

State in clear violation of the Charter on the other hand. The dispute between Chad and the Libyan Arab Jamahiriya should be solved by negotiations and not by force.<sup>14</sup>

The representative of the Libyan Arab Jamahiriya mentioned that some speakers had overlooked the fact that French forces and United States military advisers were present in Chad along with troops from Zaire and the Sudan.<sup>14</sup>

The representative of the Sudan denied the presence of Sudanese troops in Chad and invited the representative of the Libyan Arab Jamahiriya to co-operate with the Council and the international community.<sup>14</sup>

At the 2469th meeting, on 31 August 1983, the representative of the United Kingdom expressed regret that the prolonged efforts by the members of the Council to secure agreement on some Council action had not succeeded. In his delegation's view the Council should not drop the matter. He said that the appeal for a peaceful settlement and the call upon both sides to refrain from any actions which could aggravate the current situation had been defied by one of the parties. The Council could not honestly consider that it had discharged its responsibilities while the conflict continued and while the members of the Council had initiated no specific steps to bring about a solution. He emphasized Article 2, paragraphs 3 and 4, and Article 33 of the Charter and mentioned in particular the principles of territorial integrity and inviolability of national boundaries, as well as non-interference in the internal affairs of States. He said that to equate the right of Chad to seek the help of friendly States in defending its security with external intervention was a grotesque distortion of the facts. His Government regretted that the Council had not demanded the withdrawal of the armed forces intervening against Chad, and an end to attempts to destabilize that country by military means and had not condemned the use of force and the occupation of part of its territory by a neighbouring country.<sup>15</sup>

The representative of the Netherlands expressed the opinion that it was high time that the debate resulted in appropriate action by the Council. He then proposed certain elements to which all parties concerned should be able to subscribe. First, he mentioned the deep concern expressed by all speakers at the serious aggravation of the military situation in Chad; nobody had disputed that the conflict between Chad and the Libyan Arab Jamahiriya should be resolved through negotiations and not by force. Secondly, he stated that negotiations could be renewed within the context of OAU in conformity with the resolution adopted by the Assembly of Heads of State and Government of OAU during its nineteenth ordinary session at Addis Ababa, inviting Chad and the Libyan Arab Jamahiriya to seek a negotiated solution to their differences within the context of an *ad hoc* mediation committee established by OAU. Thirdly, the least the Council could do was to request the Secretary-General to take appropriate measures in order to follow actively the situation in Chad and to keep the Council informed about the developments in that country. He said that his Government would be prepared to support a draft resolution of the Council containing the above-mentioned elements. He invited those that had shown themselves to be reluctant to support such a minimal,

non-partisan and moderate stance of the Council to change their minds.<sup>15</sup>

The representative of Guyana said that a helpful response by the Council could have been the establishment and prompt dispatch of a fact-finding mission to assess the situation on the grounds and the extent to which the relevant principles were being violated and the goals and aspirations of the people of Chad were being obstructed, if at all, and by whom. The mission would thereafter report to the Council. The speaker also asked for the application of Articles 34, 35 and 52 of the Charter in that case.<sup>15</sup>

The representative of the United States deplored that the Council had not responded to the appeal of Chad unequivocally and immediately. On 4 August the Council should have been prepared to vote on a draft resolution that condemned Libyan aggression and that demanded the cessation of fighting and the immediate withdrawal of Libyan forces from the territory of Chad. In the absence of such a draft resolution there was little reason to be proud on the part of the Council and the world Organization.<sup>15</sup>

The representative of Pakistan said that the external interference in Chad's affairs, in utter disregard for its political independence and territorial integrity, was the central issue constituting the international dimension of the Chadian crisis. He regretted that the Council, despite its strenuous efforts, had not come up with a decision that could fully respond to the conditions of intervention and conflict in Chad. A proper response from the Council should include the following elements: (a) an affirmation of respect for the political independence, sovereignty, territorial integrity and unity of Chad and observance of the principles of non-use of force, non-interference and non-intervention in the internal affairs of States; (b) the termination of all foreign intervention, the withdrawal of foreign forces and a call upon the parties involved in the conflict to disengage so as to allow the process of peace to gather momentum; and (c) encouragement and support for efforts by OAU to achieve a peaceful solution of the problem afflicting Chad. As for a dispatch of a fact-finding mission to Chad, that moment had passed and the Council should confine its role to encouraging OAU. Should the efforts of OAU fail to bear fruit, the Council should resume its consideration of the situation and take appropriate measures in the discharge of its Charter responsibilities.<sup>15</sup>

The representative of the Soviet Union pointed out that from the Council's consideration two separate policies had clearly emerged: one was "Africa for the Africans"—letting OAU settle the difficult problem itself. The Soviet Union supported that policy and would continue to support it. The other policy was "Africa as a sphere-of-influence"—a policy upheld by those who would like to continue to resolve Africa's affairs by themselves, those who would like to return Africa to the sad time of the Berlin Congress. But such a policy was the echo of a remote past: it had also been rejected by most of the members of the Council. Therefore, the policy that had been pursued by one narrow group of States in the Council had been obviously doomed to failure and, accordingly, had failed.<sup>15</sup>

The representative of the Congo brought to the attention of the members of the Council the Declaration of Brazzaville on the situation in Chad, adopted on 16 August 1983 by the Heads of State of Central

Africa.<sup>16</sup> According to the document, the current Chairman of OAU was requested to establish contact with all the parties concerned with a view to achieving, (a) a cease-fire; (b) the withdrawal of all foreign troops in Chad; and (c) a prohibition of all countries from interfering in the internal affairs of Chad.

The representative of Libya stressed once again that the situation in Chad was the result of an internal civil war which had ideological, religious, tribal and ethnic roots and was being encouraged by the imperialist countries. The Libyan Arab Jamahiriya stood ready to contribute to any initiative aimed at putting an end to the civil war and to bringing about national reconciliation and believed that the best solution was to leave the whole matter to OAU.<sup>15</sup>

The representative of Chad stated that the text that had been proposed by the President for adoption was purely procedural and constituted the very least that could have been expected from the Council. He expressed regret that in spite of enormous concessions on the part of his delegation the non-aligned group in the Council was unable to arrive at a compromise text based on the Chadian draft resolution. He called it a serious evasion of responsibility by the non-aligned members of the Council. He objected to the recommendations to refer the question to OAU, as the functioning of the *Ad Hoc* Committee on the Chad-Libyan dispute was blocked by the Libyan Arab Jamahiriya. He concluded that Chad reserved its right to return to the Council at any time.<sup>15</sup>

The President, speaking as the representative of France, recalled the position of his country with regard to the important roles of OAU and the United Nations. He said that bearing in mind the initiative being prepared by OAU, his country agreed that the Council, without evading its responsibilities in the matter, should not take a position on that day.

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#### NOTES

<sup>1</sup> S/15902, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>2</sup> For details see chap. III of the present *Supplement*.

<sup>3</sup> S/15688, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*. For further details, see in sect. 16 of the present chapter.

<sup>4</sup> S/15843, *OR*, 38th yr., *Suppl. for April-June 1983*.

<sup>5</sup> For relevant communications regarding those efforts, see S/15889 and S/15897, *ibid.*, *Suppl. for July-Sept. 1983*.

<sup>6</sup> 2462nd mtg.

<sup>7</sup> S/15897, S/15898 and S/15902, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>8</sup> S/15844, *ibid.*, *Suppl. for April-June 1983*.

<sup>9</sup> S/15856, *ibid.*, *Suppl. for July-Sept. 1983*.

<sup>10</sup> S/15903, *ibid.*

<sup>11</sup> 2463rd mtg.

<sup>12</sup> 2465th mtg.

<sup>13</sup> *ORGA*, 37th sess., *Suppl. No. 1 (A/37/1)*.

<sup>14</sup> 2467th mtg.

<sup>15</sup> 2469th mtg.

<sup>16</sup> S/15936, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

20. **LETTER DATED 8 AUGUST 1983 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

INITIAL PROCEEDINGS

By a letter<sup>1</sup> dated 8 August 1983 addressed to the President of the Council, the representative of the Libyan Arab Jamahiriya requested an urgent meeting of the Council in order to consider the situation resulting from the intensification of the United States intervention in the affairs of the Mediterranean, the Middle East and Africa and from acts of intimidation and provocation directed against the Libyan Arab Jamahiriya. Charging that the United States had dispatched forces and military equipment to the said region, he asked the Council to put an end to the acts of provocation and hostility by the United States against the Libyan Arab Jamahiriya.

At its 2464th meeting, on 11 August 1983, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote: the representatives of Cuba, Democratic Yemen, the Islamic Republic of Iran, the Libyan Arab Jamahiriya and the Syrian Arab Republic; and, at the 2466th meeting, the representatives of Afghanistan, the Lao People's Democratic Republic, the Sudan and Viet Nam; and at the 2468th meeting, the representatives of Czechoslovakia, Egypt, the German Democratic Republic and India.<sup>2</sup> The Council considered this item at its 2464th, 2466th and 2468th meetings, from 11 to 16 August 1983.

The representative of the Libyan Arab Jamahiriya stated that international security in the Arab region and Africa was threatened as a result of the landing of United States forces in the area, some of them on the borders of the Libyan Arab Jamahiriya; the presence of those forces constituted a direct threat to the Libyan Arab Jamahiriya, which was compelled to defend itself. He said the United States Administration had persisted in its aggressive policy against the Libyan Arab Jamahiriya and had escalated the tension in the area, using all means and designs in order to create the pretexts for an attack against the Libyan Arab Jamahiriya and cited numerous examples demonstrating the United States aggressive policy against his country. Such aggressive practices violated the Charter and international Law, especially the principles prohibiting the use or threat of force and calling for non-intervention in the internal affairs of other States. They were also a violation of United Nations resolutions aimed at turning the Mediterranean into a zone of peace and co-operation. The Libyan Arab Jamahiriya was ready to enter into dialogue with the United States to consider any problems. He concluded by saying that the Council should discharge its responsibilities in full, condemn and put an end to American provocations if it really wished to preserve the prestige of the United Nations as well as its reputation.<sup>3</sup>

The representative of the United States said that the gravest threat to international peace and security came in fact from the Libyan Arab Jamahiriya, which was engaged in flagrant, unprovoked aggression against the legitimate Government of the sovereign nation of Chad. He termed joint training exercises in the Middle East in which the United States forces

were engaged as a peripheral issue, injected into the debate as a deliberate diversion; those exercises posed no threat to the security of any country in the African/Middle Eastern region.<sup>4</sup> His Government also rejected as an utter fabrication the allegation that the United States had intervened in northern Africa, as the Libyan Arab Jamahiriya bore the responsibility for tension and conflict in and around Chad. He urged the Council to label the unprovoked, flagrant Libyan aggression a direct challenge to the Charter and a grave threat to international peace and security. Once the Libyan aggression was ended, the enduring problems of Chad could be addressed in a spirit of reconciliation that would promote international peace and security.<sup>3</sup>

The representative of the Syrian Arab Republic said that training American soldiers in desert fighting on the eastern borders of the Libyan Arab Jamahiriya and sending AWACS spy planes over Libyan territory posed a great threat to the people of the African continent, to the Arab people as a whole and, indeed, to international peace and security. The seriousness of those events justified the Libyan Arab Jamahiriya's recourse to the Council. The baseless American charges that the Libyan Arab Jamahiriya had intervened in the internal affairs of Chad had paved the way for more AWACS spy planes as well as F-15 fighter aircraft and increased military assistance to Chad in an attempt to tighten the vise around the young Libyan revolution. The dispatch of American military experts to Chad was an overt, flagrant challenge to OAU, which was still in control of the situation and exerts all possible efforts to find the appropriate African solution to the situation in Chad.<sup>3</sup>

The representative of Democratic Yemen said that the provocative policies and practices of the United States were creating hotbeds of tension and entailed threats of the use of force and of intervention in the internal affairs of peoples and States throughout the world. The policies pursued by the American Administration were in contravention of the Charter and of the principles of international law and posed a threat to international peace and security.<sup>3</sup>

The representative of the Soviet Union said that the anti-Libyan nature of all the United States military manoeuvres was quite clear. These military preparations were accompanied by a systematic campaign of threat and intimidation by the American Administration against the Libyan Arab Jamahiriya and its leadership. Events in and around the Libyan Arab Jamahiriya proved that what was involved was in essence an attempt by imperialist forces to carry out their neo-colonialist plans against developing States and against the Movement of Non-Aligned Countries as a whole. United States claims of a role of international "policeman" were in flagrant contradiction of the main principles of the Charter and of the obligations of the United States as a permanent member of the Council. That clearly explained why the United States and other members of the North Atlantic Treaty Organization (NATO) had voted against the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States which the General Assembly had adopted in its resolution 36/103 of 9 December 1981. The Soviet delegation supported the appeal by the Libyan Arab Jamahiriya to the Council for the protection of its sovereignty and national independence against imperialistic meddling.<sup>3</sup>

At the 2466th meeting, the representative of Afghanistan stated that if the Council were to tolerate the American actions against the Libyan Arab Jamahiriya and other States Members of the United Nations, the confidence of the international community in the Council would soon inevitably vanish. He reminded the Council that very often it had become totally paralysed whenever it had had to discuss a situation involving the United States. For the sake of the credibility of the United Nations and especially that of the Council, the speaker called for prompt action to discourage the United States from its activities that endangered peace and security in various parts of the world.<sup>5</sup>

The representative of Guyana remarked that in that situation, it behoved the Council to seek ways of exerting maximum influence for the exercise of restraint and for the promotion of inter-State relations firmly rooted in the rule of law and the principles of the Charter.<sup>5</sup>

The representative of the Sudan called the request of the Libyan Arab Jamahiriya for an urgent meeting of the Council an attempt to deceive the Council as well as the international community and to divert attention from the prevailing situation. He supported that attention should be focused on the aggression perpetrated by the Libyan Arab Jamahiriya against the people and Government of Chad, and that the Council should continue to consider Chad's complaint against the Libyan Arab Jamahiriya. Regarding the military exercises in the area, he stressed that they were not directed against any neighbouring States but that their purpose was to train the Sudanese armed forces and to raise the level of their ability and readiness to defend themselves.<sup>5</sup>

At the 2468th meeting, on 16 August 1983, the representative of India pointed out that the world was witnessing a sharp escalation of tension and conflict in the Mediterranean and North African regions, as the result of an increasing recourse to the use or threat of force and to military intervention in violation of the purposes and principles of the Charter. There was an urgent need for the exercise of restraint on all sides so that the fighting which threatened to engulf the whole area could be ended immediately and the process of dialogue in search of peace and reconciliation begun without delay. He supported all efforts to promote a solution within the framework of OAU and in the light of the decisions taken at the Assembly of Heads of State and Government of OAU held at Addis Ababa in July 1983.<sup>6</sup>

At the end of the 2468th meeting, the President announced that the next meeting of the Council to continue consideration of the item would be scheduled after consultations with the members of the Council.<sup>6</sup>

#### NOTES

<sup>1</sup> S/15914, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>2</sup> For details, see chap. II of the present *Supplement*.

<sup>3</sup> 2464th mtg.

<sup>4</sup> See also the letter dated 22 July 1983 from the representative of the United States to the President of the Council, S/15887, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>5</sup> 2466th mtg.

<sup>6</sup> 2468th mtg.

21. LETTER DATED 1 SEPTEMBER 1983 FROM THE ACTING PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL
22. LETTER DATED 1 SEPTEMBER 1983 FROM THE PERMANENT OBSERVER FOR THE REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL
23. LETTER DATED 1 SEPTEMBER 1983 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CANADA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL
24. LETTER DATED 1 SEPTEMBER 1983 FROM THE PERMANENT REPRESENTATIVE OF JAPAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL
25. LETTER DATED 2 SEPTEMBER 1983 FROM THE ACTING PERMANENT REPRESENTATIVE OF AUSTRALIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

#### INITIAL PROCEEDINGS

By letter<sup>1</sup> dated 1 September 1983, the representative of the United States requested, in association with the Republic of Korea, an urgent meeting of the Council to consider the shooting down on 31 August 1983 of a Korean Air Lines commercial air liner which had strayed into Soviet airspace.

By note<sup>2</sup> dated 1 September 1983, the President of the Council transmitted a letter of the same date from the Permanent Observer for the Republic of Korea to the United Nations requesting an urgent meeting of the Council in accordance with Article 35 of the Charter. In a letter<sup>3</sup> of the same date the representative of Japan also requested an urgent meeting of the Council, and by letters dated 1 and 2 September the representatives of Canada<sup>4</sup> and Australia,<sup>5</sup> respectively, associated their Governments with the request made by the Government of the United States and the Republic of Korea.

At its 2470th meeting, on 2 September 1983, the Council included the letters in its agenda, and considered the matter at its 2470th to 2474th and 2476th meetings, from 2 to 12 September 1983. In the course of its meetings the Council invited the representatives of the following Member States, at their request, to participate in the discussion without the right to vote: at the 2470th meeting, Australia, Canada, the Federal Republic of Germany, Japan and New Zealand; at the 2471st meeting, Bangladesh, Belgium, Italy, Liberia, Nigeria, the Philippines, Portugal, Sierra Leone, Spain and Sweden; at the 2472nd meeting, Colombia, Egypt, the Libyan Arab Jamahiriya and Malaysia; at the 2473rd meeting, Bulgaria, Costa Rica, the Dominican Republic, Ecuador, Fiji, German Democratic Republic, Guatemala, Ireland, Kenya and Singapore; at the 2474th meeting, Chad, Paraguay and Thailand; and, at the 2476th meeting, the Ivory Coast, the Sudan and Venezuela.<sup>6</sup> The representative of the Republic of

Korea was also invited, at the 2470th meeting, in accordance with Article 32 of the Charter.<sup>7</sup>

At the 2470th meeting, on 2 September 1983, the Foreign Minister of the Republic of Korea stated that on 31 August 1983 Korean Air Lines flight 007, a regularly scheduled flight, on an internationally demarcated route, which was clearly and unmistakably marked and carried only crew members, passengers and their authorized freight and baggage, had been tracked and shot down by Soviet military authorities. He asserted that no provision in international law justified the use of force against an unarmed civilian airliner under any circumstances and that the Soviet action represented a threat to the safety of all civil airliners and to the future of civil aviation.

His Government believed that in order to resolve the crisis and ensure the safety of civil aviation the Soviet Union must take at least the following five steps: (a) provide a full and detailed account of what had happened; (b) apologize and provide full compensation for the loss of the lives of passengers and crew members and the destruction of the aircraft; (c) punish those responsible; (d) guarantee representatives of international organizations such as the International Civil Aviation Organization (ICAO), of Korean Air Lines and of the Government of the Republic of Korea access to the crash site and return any remains or debris that were found; and (e) give specific, concrete and effective guarantees against the recurrence of such action.<sup>8</sup>

The representative of the United States expressed similar views and charged that the Soviet Union had continued to deny responsibility for shooting down the airliner, had expressed no regret over the loss of life and had indicated no readiness to punish those responsible.<sup>8</sup>

The representative of the Soviet Union stated that there was no need or reason for the meeting of the Council and read a Tass statement about the incident, in which it was stated that an unidentified aircraft, flying up to 500 kilometres from the established international route, without navigational lights, had spent more than two hours over Soviet territory, making no attempt to establish radio contact and ignoring Soviet attempts to establish contact. A Soviet aircraft had fired warning shots with tracers along its route, soon after which the unidentified plane had left Soviet airspace, and was beyond radar observation after about 10 minutes. The Soviet Union maintained that the Korean Air Lines aircraft had deliberately violated Soviet airspace, with the knowledge of United States authorities, in order to attain special intelligence aims. It regretted the loss of life and condemned those who had allowed the deaths and were trying to use the event for political purposes.<sup>8</sup>

The representative of Japan stated that the action taken by the Soviet authorities was out of proportion and in contravention of the Chicago Convention on International Civil Aviation,<sup>9</sup> which stipulated that protection of international civil aviation must be guaranteed and called for abstention from the use of force.<sup>8</sup>

The representative of Canada suggested a three-part programme to prevent such incidents: (a) the Secretary-General should conduct an impartial investigation, reporting to the Council as soon as possible; (b) the International Civil Aviation Organization (ICAO) should investigate the incident and make

recommendations on improving the rules of international civil aviation; Canada took it for granted that the Soviet Union would co-operate in such an investigation; and (c) as an interim measure, the Soviet Union should, for urgent humanitarian reasons, pay compensation to the families of the victims. He warned that an exercise of the veto that would prevent the Council from taking necessary action would be interpreted as an admission of guilt and a lack of conscience.<sup>8</sup>

At the 2471st meeting, the representative of the United States played a tape recording of the radio communications of the Soviet pilots who had intercepted the Korean Air Lines aircraft, supplied by her Government in co-operation with the Government of Japan. After playing the tape, for which the United States delegation provided a transcript in English and Russian, she stated that the transcript established that the intercepting pilot had seen the airliner's navigation lights and had reported that fact to the ground but had not mentioned firing any warning shots, and there was no indication that he had made any attempt to communicate with the air liner or to signal it to land. He had never questioned the identity of the aircraft or referred to it as anything other than "the target", although he had come close enough to identify it as a 747 passenger airliner and could easily have pulled up closer to assure its identity.

She indicated that the attacking interceptor's statement that "the target isn't responding to IFF" meant that the aircraft did not respond to the electronic interrogation by which military aircraft identify friends or foes, which a civilian aircraft is not equipped to do. Observing that the Soviets had recently implied that the Korean Air Lines plane might have been mistaken for a United States reconnaissance plane, she stated that at the time the airliner had been shot down the reconnaissance plane referred to by the Soviets had been on the ground for more than one hour over 1,500 miles away. Moreover, the United States did not fly reconnaissance missions in Soviet airspace; the Soviet Union knew the flight patterns of United States missions and could readily identify them.

The representative of the Soviet Union stated that the Korean Air Lines aircraft had flown directly over a Soviet naval base and other military sites in an area closed to overflights by foreign aircraft, penetrating 500 kilometres into Soviet territory. The plane had sent a communication stating that its navigational equipment was working normally and had been equipped with three autonomous navigational computers which were hardly likely to have failed all at once. Addressing suggestions that the plane's radio equipment had been out of order, he stated that according to the Japanese Kyodo News Service the aircraft had been in radio communication with Japanese ground services up to the moment it disappeared, and he noted that the United States and Japanese authorities had avoided publicizing any recordings of communications between the pilot and the ground services. He indicated that the American press had reported that the United States had closely followed the Korean Air Lines plane throughout its flight, and questioned why neither the United States nor the Japanese ground services had warned the airliner of its violation of Soviet airspace or attempted to contact the Soviet authorities.

A United States RC-135 reconnaissance plane that had been in the same area, following a course exactly parallel to that of the Korean Air Lines plane and at least in one instance intersecting that course, could have turned the Korean Air Lines plane back to international airways or informed the Soviet side through the American services as to the reason for its presence. He suggested, however, that the reconnaissance plane might have been determining the co-ordinates and activities of the radar stations set in motion to observe the behaviour of the Korean Air Lines plane. He stated that there had recently been deliberate violations of Soviet borders by United States planes, and on the eve of the incident seven flights by United States reconnaissance planes had been recorded in the vicinity, including one that was observed carrying out manoeuvres in an area directly contiguous to the point at which the air liner had entered Soviet airspace.<sup>10</sup>

At the 2472nd meeting, the representative of the Soviet Union read a statement by his Government, according to which the attempts by the Soviet fighter planes to establish contact with the Korean Air Lines plane had included the general call signal on the international emergency frequency, which the plane must have received but had not responded to. From time to time Soviet radio control had picked up short coded signals such as were usually used in transmitting intelligence information. The Anti-Aircraft Forces of the area, having analysed the actions of the intruder plane and taken into account the fact that it was flying over strategically important areas of the Soviet Union, had concluded that a reconnaissance plane was in Soviet airspace. The Soviet interceptor had stopped the flight as ordered, but could not have known that it was a civilian plane because visibility had been poor and the plane had not responded to signals. The sovereign right of a State to protect its borders, and in particular its airspace, was a principle of international law; the Soviet Union would continue to act in keeping with its legislation, which was in accordance with international law. The intrusion of the Korean Air Lines plane had not been the result of a technical error; the Soviet Union attributed the entire responsibility for the tragedy to the leaders of the United States.<sup>11</sup>

The representative of Belgium stated that there was no justification for invoking self-defence as an excuse for destroying a civilian aircraft. Her delegation could not imagine security interests that were so important as to call for a military attack against an unarmed civilian air liner, especially when so many technical means for risk-free collection of information existed. Accepting that circumstances justified the action would introduce a factor of permanent insecurity into international civil aviation. The Soviet Union must shoulder full responsibility for the incident, guarantee facilities for on-site investigation, punish those responsible, and take all measures to avoid the repetition of such incidents.<sup>11</sup>

The representative of the Libyan Arab Jamahiriya, recalling that on 21 February 1973 a Libyan civilian aircraft had been similarly shot down, maintained that the current incident should be studied objectively and the causes of both incidents examined. The Council should consider what risks were involved in the use of reconnaissance planes in conjunction with the flights of civilian aircraft, what harm was caused by the use of reconnaissance and other aircraft to jam civilian aircraft communications and disrupt civilian

air traffic, and draw the appropriate conclusions so as to put an end to such incidents.<sup>11</sup>

At the 2473rd meeting, the representative of Poland expressed a number of doubts regarding the United States version of events. He noted that in the tapes presented by the United States (for which no proof of authenticity had been submitted) the Soviet pilots had at no time referred to the plane in a way that indicated an awareness that it was a civilian aircraft carrying passengers, while the length of time that the Korean Air Lines plane had been in Soviet airspace indicated that there must have been repeated attempts to establish contact with it. And if the Soviet pilots had established visual contact with the Korean Air Lines plane as claimed, then the reverse would have to be true as well, giving rise to the question of why the air liner had failed to follow the generally accepted rules that applied in such cases. He called attention to the gradual manner in which the United States was revealing additional information and expressed concern at the haste with which a number of speakers in the debate had pronounced judgement in the matter, before all information had been gathered and presented.<sup>12</sup>

The representative of Japan, responding to the Soviet statement<sup>10</sup> criticizing Japan for not alerting the Korean Air Lines aircraft before it had been shot down, stated that Japan had been in no position to do so. Japanese surveillance radar visibility was limited to the air space over and around Japan, and when the location of an aircraft could not be seen by radar air traffic control relied on communication from the pilot on the assumption that such communication was correct. He stated that the record of radio transmissions between the pilot of flight 007 and Japanese air traffic control—which he read to the Council—revealed that communication had been normal until, at 0327 Japan standard time, the signal had become unintelligible. This was already after the aircraft had been shot down by the Soviet Union, at 0326:21. A Japanese Air Self-Defence Forces radar station had picked up an unidentified aircraft, which subsequent analysis indicated had been the Korean Air Lines plane, but as the unidentified aircraft had been monitored only for the last 17 minutes of its flight the Air Self-Defence Forces could not have known then that flight 007 had strayed from course. The Japanese Government demanded that the Soviet Union promptly retract its charges and respond in good faith to the incident.<sup>12</sup>

**Decision of 12 September 1983 (2476th meeting):**  
rejection of a revised 17-Power draft resolution

At the 2474th meeting, on 8 September, the representative of Thailand stated that available information indicated beyond reasonable doubt that, whatever the intent and purpose of the action by the Soviet pilot, the act had been performed in the course of official duty, which, according to international law, imputed the responsibility to the State.<sup>13</sup>

Following a brief suspension of the meeting, the representative of the Netherlands introduced a draft resolution<sup>14</sup> sponsored by Australia, Canada, Fiji, France, Japan, Malaysia, the Netherlands, New Zealand, the United Kingdom and the United States, by which, in the preamble, the Council would have declared itself gravely disturbed that a Korean Air Lines civil air liner had been shot down by Soviet military aircraft with the loss of all 269 people on board; expressed its condolences to the families of



the victims and urged all parties concerned to assist them in dealing with the consequences of the tragedy as a humanitarian gesture; reaffirmed the rules of international law prohibiting acts of violence posing a threat to international civil aviation; recognized the right under international law to appropriate compensation; and stressed the need for a full and adequate explanation of the facts of the incident based upon impartial investigation.

In the operative part, the Council would have deeply deplored the destruction of the Korean Air Lines air liner and the loss of civilian life therein; declared that such use of force against international civil aviation was incompatible with the norms governing international behaviour and elementary considerations of humanity; urged all States to comply with the aims and objectives of the Chicago Convention on International Civil Aviation; welcomed the decision to convene an urgent meeting of the ICAO Council to consider the incident; urged all States to co-operate fully with ICAO in efforts to strengthen the safety of international civil aviation and to prevent any recurrence of such use of armed force against international civil aviation; invited the Secretary-General, making use of such expert advice as he deemed necessary and in consultation with appropriate international bodies, to conduct a full investigation into the circumstances of the tragedy; further invited the Secretary-General to report his findings to the Council within 14 days; called upon States to lend their full co-operation to the Secretary-General in order to facilitate his investigation; and decided to remain seized of the issue.

The representative of the Netherlands observed that the principal objective of the draft resolution was to contribute to the future safety of civil aviation and stated that the sponsors believed that such a clear statement by the Council would do much to allay the apprehension concerning the future of air safety caused by the incident and felt throughout the world.<sup>15</sup>

At the 2476th meeting, the President drew attention to a revised text of the draft resolution<sup>16</sup> sponsored by Belgium, Colombia, the Federal Republic of Germany, Italy, Paraguay, the Philippines and Thailand, in addition to the original sponsors.<sup>17</sup>

The representative of the Netherlands pointed out that the changes in the draft resolution included the reversal of the order of the fifth and seventh preambular paragraphs, so that the paragraph recognizing the right to appropriate compensation followed the paragraph stressing the need for an explanation of the facts based on an impartial investigation, and the inclusion of an additional preambular paragraph recognizing the importance of the principle of territorial integrity as well as the necessity that only internationally agreed procedures should be used in response to intrusions into the airspace of a State.<sup>17</sup>

The representative of the Soviet Union stated that a commission set up by his Government to investigate the incident had established the following facts: the Korean Air Lines plane had gone off course shortly after takeoff. It had been within the range of United States radar up to the time it had been detected by Soviet radar and had failed to pass through the special control points along the normal route, so it was not possible that the United States services had not been aware of the plane's deviation from course. The aircraft had been sighted on Soviet

radar in an area where United States intelligence planes were regularly on duty showing radar characteristics similar to those of an RC-135 intelligence plane and had approached a previously sighted RC-135 in the area until, for about 10 minutes, the images of the two planes had become completely merged on the radar screen. When the planes had separated and one of them had proceeded towards Petropavlovsk-Kamchatskiy, Soviet anti-air defence command had concluded that an intelligence plane was approaching Soviet airspace. The plane had proceeded directly to the most important base of the Soviet nuclear strategic forces. Failing to respond to warning signals transmitted by Soviet interceptors, it had started to manoeuvre towards an area and at a height and speed different from those of the pursuing plane, had then suddenly changed course and had flown around anti-aircraft missile bases and had passed over important military installations in the southern part of Sakhalin. The plane had ignored warning shots with tracers and had tried to escape, so the Soviet interceptors had followed the order to abort the flight, using missiles.

The Soviet representative then drew attention to a *Washington Post* article of 7 September in which United States Air Force sources had acknowledged that part of the job of United States intelligence planes was to determine how Soviet radar installations reacted to the invasion of alien planes, how many fighters they mobilized and from what bases, in order to intercept them; he noted that such information could not be gained through artificial satellites. He claimed that the record of radio communications between the Korean Air Lines pilot and the ground services made public by Japan constituted a mere extract, and that there were discrepancies between the Russian text and the American translation of the recordings of the communications of the Soviet pilots presented by the United States: for example, in the Russian text the pilot had said that the aircraft he was pursuing was "not responding to the request", which had been translated to read that the plane had not responded to "IFF". Noting that the United States had recently acknowledged that the Soviet pilot had fired cannon bursts, he pointed to the possibility of further corrections appearing in due course and concluded that if the Council were to take any action it should be to prohibit the use of civilian aircraft for intelligence purposes in violation of the airspace of other countries. In view of the foregoing, his delegation would vote against the revised draft resolution.<sup>17</sup>

The representative of France stated that his delegation was a sponsor of the revised draft resolution because of France's feelings of horror and indignation and desire to ensure that similar tragedies would never recur. The draft resolution stressed the need to enhance the safety of international civil aviation and, to that end, urged all States to co-operate fully with ICAO, which was the context in which the necessary improvements in civil aviation law had to be established. For that reason his country had supported the request for an urgent meeting of ICAO, at which France would make specific proposals for preserving the safety of civil aviation.<sup>17</sup>

The representative of China stated that his delegation was deeply concerned over the safety of civil aviation and agreed to the proposal that investigations be conducted, but in view of the serious dispute

over certain aspects of the incident, would abstain when the draft resolution was put to the vote.<sup>17</sup>

The representative of Jordan stated that several paragraphs in the revised draft resolution contained pre-judgements incompatible with the call for a comprehensive investigation, or contained provisions beyond the scope of the issue. In particular, operative paragraph 2 made an absolute judgement in the absence of full knowledge of the circumstances, included a moral condemnation when it was difficult, if not impossible, to identify moral responsibility in the light of the discrepancies among the accounts of the incident, and betrayed the ideological rivalry of East and West, which was incompatible with the desire for peaceful coexistence and the principles of the Charter. His country's position on the revised draft resolution proceeded from Jordan's acceptance of its humanitarian and technical aspects only.<sup>17</sup>

The representative of Malta, observing that the full story might never be known, asserted that the Council's primary concern should be to protect civil aviation. His delegation would vote for the revised draft resolution, as amended, because it had been assured that the Secretary-General would work closely with ICAO at its upcoming meeting to explore elements designed to safeguard civil aviation.<sup>17</sup>

The President, speaking as the representative of Guyana, stated that the air liner tragedy underscored the need for a reduction in international tension, particularly between the two super-Powers. His delegation would abstain in the vote on the revised draft resolution because, although Guyana supported many of the elements it contained, it did not deal with all of the issues and its impartiality was questionable. He regretted that there had been no attempt to consult with members informally in order to reach a broad consensus. The draft resolution failed to address the question of why the Korean Air Lines aircraft was over Soviet territory and whether it had been on an exclusively civilian mission, while the new fifth preambular paragraph fell short of the clear and unequivocal reaffirmation of the need for States to respect the sovereignty and territorial integrity of other States, which Guyana believed was called for. The revised draft resolution stressed the need for an explanation of the facts based on an impartial investigation, whereas the purpose of an investigation should be to ascertain the facts, not explain them, and the imposition of a 14-day time limit was restrictive and inconsistent.<sup>17</sup>

Resuming his function as President of the Council, he put the revised draft resolution to a vote. It received 9 votes in favour, 2 against, and 4 abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.<sup>18</sup>

Following the vote, the representative of the United Kingdom asserted that by vetoing the draft resolution the Soviet Union had demonstrated its lack of concern for the moral dimension of the incident and its possible repercussions on international civil aviation, and was relying instead on a narrow and legalistic defence of its action on the basis of internal legislation, which it claimed was in accordance with international law. His delegation considered the Soviet action a breach of international law, a basic tenet of which was that a State could not invoke the provisions of international law in order to avoid international responsibilities, and was still waiting for an assurance that the Soviet action was

not meant to be a signal of its intentions towards international relations as a whole; moreover, even in terms of the Soviet regulation presumably referred to, the Soviet defence was unsatisfactory. For all those reasons, the United Kingdom had voted in favour of the revised draft resolution.<sup>17</sup>

The representative of the United States declared that the position of the Soviets had been both inconsistent and contradictory. The Soviet Union had claimed that flight 007 had been on a spying mission, but it had also stated that it had mistaken the Korean Air Lines plane for an RC-135 reconnaissance plane sighted earlier in the evening, thus tacitly acknowledging that flight 007 had not been on a spying mission after all.

She cited the testimony given to *The New York Times* by a Korean Air Lines pilot whose plane had strayed into Soviet territory in 1978 and been hit by a Soviet missile, when the Soviet Union had similarly claimed to have tracked the plane, flown around it and fired warning shots. The Korean Air Lines pilot had stated that he had seen the Soviet plane only once, to his right, while international guidelines called for the interceptor to show himself on the left, where the pilot sits. He had immediately reduced his speed and flashed his landing lights in the international signal that he would follow the interceptor's instructions, and had tried to establish radio contact but the two planes were on different frequencies. The next thing he knew, a Soviet missile had shorn off almost 15 feet of his plane's left wing, killing two passengers and forcing him to make an emergency landing.

The United States representative concluded in the light of that previous incident and the fact that the pilot of flight 007 had failed to indicate that he had been intercepted that there had been no communications with the Korean Air Lines pilot on normal emergency frequencies; that the firing of cannon bursts did not alter that conclusion, since they might well have been regular, invisible rounds rather than tracers; and that even if the Soviet pilot had tried to communicate with the air liner and for some reason had failed to get through, it would not justify shooting down a civilian air liner, especially within 60 seconds of its leaving Soviet airspace, when it could have done no conceivable harm.

She contrasted the Soviet Union's reaction to the present incident with its response a couple of years earlier, when a Soviet W class submarine had run aground near a Swedish naval base, deep inside Swedish waters. On that occasion the Soviet Union maintained that Sweden could not so much as detain the intruding warship and must simply escort it out of Swedish waters. The Soviet Union would not accept that flight 007 could have accidentally strayed into Soviet airspace, despite 21 recorded incidents in which planes with similar navigational equipment had gone off course, yet it insisted that the Soviet submarine had found its way into restricted Swedish waters as a result of instrument failure and had refused to rule out the possibility of a future "break-down situation".

Referring to a recent statement by the Foreign Minister of the Soviet Union that Soviet territory and borders were "sacred", she noted that United States borders had frequently been violated by Soviet planes flying over sensitive military installations although those planes had not been shot down, and

she questioned how the Soviet Union reconciled the principle of absolute Soviet sovereignty with the doctrine of limited sovereignty propounded in a 1968 *Pravda* article, in which the Soviet Union had claimed the right to invade any Soviet-bloc country that threatened to deviate from loyalty to Moscow, as well as the right to intervene in the affairs of States that were not a part of the Soviet bloc.

She stated that, ultimately, the question before the Council was whether a country not at war had the right to shoot down planes that entered its airspace without authorization; her delegation did not believe that the protection of its sovereignty gave a State the right to shoot down any plane flying anywhere over its territory in peacetime.<sup>17</sup>

The representative of Zimbabwe stated that his delegation had abstained in the vote on the draft resolution because it was not satisfied that all the circumstances surrounding the incident had been made known and fully explained, nor that irrelevant factors had not been brought to bear upon the Council's consideration of the matter.<sup>17</sup>

The representative of Japan, claiming that the evidence his country had provided through the United States delegation on 6 September proved conclusively that the Soviet Union had shot down an innocent civilian air liner, stated that the Soviet veto of the revised draft resolution was an abuse of the veto and that his country would not relent in its efforts to uncover the facts and force the Soviet Union to accept its responsibility.<sup>17</sup>

The representative of the Republic of Korea stated that the allegations he had made in his first statement before the Council had been irrefutably proven during the ensuing debate and that the Soviet veto of a revised draft resolution, which called for an impartial investigation could be interpreted only as an admission of guilt. His Government reaffirmed the demands they had made on that occasion on behalf of the future safety of all air travellers, whatever their nationality, in order to prevent the use of armed force against international civil aviation.<sup>18</sup>

## NOTES

<sup>1</sup> S/15947, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>2</sup> S/15948, *ibid.*

<sup>3</sup> S/15950, *ibid.*

<sup>4</sup> S/15949, *ibid.*

<sup>5</sup> S/15951, *ibid.*

<sup>6</sup> For details, see chap. III of the present *Supplement*.

<sup>7</sup> 2470th mtg. See also chapter III of the present *Supplement*.

<sup>8</sup> 2470th mtg.

<sup>9</sup> United Nations, *Treaty Series*, vol. 15, No. 102, p. 295.

<sup>10</sup> 2471st mtg.

<sup>11</sup> 2472nd mtg.

<sup>12</sup> 2473rd mtg.

<sup>13</sup> 2474th mtg.

<sup>14</sup> S/15966, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>15</sup> 2474th mtg.

<sup>16</sup> S/15966/Rev.1, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>17</sup> 2476th mtg.

<sup>18</sup> For the vote, see 2476th mtg.

## 26. LETTER DATED 12 SEPTEMBER 1983 FROM THE REPRESENTATIVE OF NICARAGUA ON THE SECURITY COUNCIL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

### INITIAL PROCEEDINGS

By letter<sup>1</sup> dated 12 September 1983, the representative of Nicaragua requested the President of the Security Council to convene an urgent meeting of the Council to consider what he termed as the situation brought about by a new escalation of acts of aggression against his country.

At its 2477th meeting, on 13 September 1983, the Council included the question in its agenda. The Council considered the item at the same meeting.

At that meeting, the representative of Nicaragua charged that his country was once again forced to alert the Council to the alarming escalation of the aggression against Nicaragua during the past few weeks revealing that United States assistance to Somozist and mercenary groups was increasing. He said that the latest attacks against his country clearly demonstrated that those groups were being supplied with an increasing amount of sophisticated equipment. He charged that the United States controlled all the counter-revolutionary activities against Nicaragua and had been able to establish co-ordination between the Nicaraguan Democratic Front (FDN) based in Honduras and the counter-revolutionary and mercenary forces operating along the southern border. He accused the United States of attempting not only to destroy the Nicaraguan revolution and to overthrow its Government but also to terrorize the Nicaraguan people. Referring to the statements of senior United States officials, he stated that war continued to be the centre of the United States policy toward Nicaragua. He concluded by reiterating Nicaragua's readiness for dialogue and understanding with the United States.<sup>2</sup>

The President of the Council announced that there were no further speakers and that the Council would remain seized of the matter.<sup>2</sup>

## NOTES

<sup>1</sup> S/15975, *OR*, 38th yr., *Suppl. for July-Sept. 1983*.

<sup>2</sup> 2477th mtg.

## 27. THE SITUATION IN GRENADA

### INITIAL PROCEEDINGS

**Decision** of 27 October 1983 (2491st meeting): rejection of a three-Power draft resolution

By a letter<sup>1</sup> dated 25 October 1983, addressed to the President of the Council, the Deputy Minister for External Relations of Nicaragua requested an urgent meeting of the Council to consider the invasion of Grenada by United States troops.

At its 2487th meeting on 25 October 1983, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following at their request, to participate, without a vote, in the discussion of the item: at the 2487th meeting, the representatives of Cuba, Democratic Yemen, Grenada, the Libyan Arab Jamahiriya, Mexico and Venezuela; at the 2489th meeting, the

representatives of Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Barbados, Bolivia, Dominica, Ethiopia, the Islamic Republic of Iran, Jamaica, the Lao People's Democratic Republic, Mozambique, Nigeria, Saint Lucia, Seychelles, the Syrian Arab Republic and Viet Nam; and, at the 2491st meeting, the representatives of Benin, Brazil, Bulgaria, Cape Verde, Chile, Colombia, Czechoslovakia, the Dominican Republic, Ecuador, Egypt, the German Democratic Republic, Guatemala, Guinea-Bissau, Hungary, India, Mongolia, Peru, Saint Vincent and the Grenadines, Sao Tome and Principe, Singapore, Sri Lanka, Trinidad and Tobago, the United Republic of Tanzania, Yugoslavia and Zambia.<sup>2</sup> At the 2491st meeting, the Council also agreed to a request made by the representative of Jordan<sup>3</sup> to extend an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure of the Council. The Council considered the question at the 2487th, 2489th and 2491st meetings, from 25 to 27 October 1983.

The representative of Mexico opened the discussion by stating that it would have been desirable to hold the meeting before the events in Grenada. The Council was not in a position to act as early as would have been desirable, as it was facing *faits accomplis*. A military force of the United States, supported by Antigua and Barbuda, Barbados, Dominica, Jamaica, Saint Vincent and the Grenadines and Saint Lucia, had landed on Grenada and had begun hostilities against its inhabitants for reasons which were unacceptable. It was a clear violation of international law, a flagrant act of aggression against the territorial integrity of Grenada and obvious interference in its internal affairs.

He unreservedly condemned the military intervention, which was totally unjustified. He said that the events were unquestionably a violation of the basic principles of the Charter, in particular Article 2, paragraph 4, as well as article 18 of the charter of the Organization of American States (OAS). No convention, agreement or subregional understanding could run counter to those rules. The Act of the Organization of the Eastern Caribbean States (OECS) provided for collective defence measures only against external aggression, based explicitly on Article 51 of the Charter of the United Nations. None of those instruments authorized the intervention by another State in the internal affairs of the region.

He added that the efforts by various Latin American countries to promote a peaceful negotiated settlement to the disputes in Central America and the Caribbean should be supported by the cessation of foreign interference and a total prohibition of the threat or use of force. He urged the Council to take the necessary measures to have foreign troops withdrawn immediately. He stressed that the people of Grenada alone were allowed to decide freely their own form of Government without foreign interference.<sup>4</sup>

The representative of Nicaragua said that the treaty that established OECS could not justify intervention in Grenada's internal affairs. He maintained that to prevent the State of Grenada and its people from exercising the rights conferred on them by the charter of OAS, in article 3, and to prevent them from enjoying the protection of Articles 2 and 51 of the Charter of the United Nations and the protection of other relevant provisions of international law, was obviously unjust. The reasons given by the United

States Administration in that case, such as the protection of the United States citizens on the island, the desire to prevent greater chaos and to help to restore order, governmental institutions and democracy, were merely prettexts. The real purpose was to subject the people to American control and to form a Government that met the strategic interests of the United States. The United States could have used a number of legal instruments, treaties and conventions.

By intervening militarily in Grenada, the United States had violated the Treaty of Non-Aggression and Conciliation of Rio de Janeiro of 10 October 1933 and the Convention for the Maintenance, Preservation and Restoration of Peace of 23 December 1936. Furthermore, the United States had violated several provisions of the charter of OAS, namely articles 18, 20 and 21, as well as Article 2, paragraph 4, of the Charter of the United Nations. The United States Administration had violated not only international law but also the American Constitution. The speaker concluded by reading out the communiqué issued by the Ministry of Foreign Affairs of Nicaragua, in which it condemned the invasion and called for the immediate withdrawal of the American troops.<sup>4</sup>

The representative of the United States suggested that it would have been more appropriate to start the debate in the Council the next day in order to allow the current Head of State, President of OECS, to be present while the Council considered the issue.<sup>4</sup>

The representative of Guyana declared that his country was willing to participate in the mobilization of forces of the Caribbean community (CARICOM) to defend the integrity of any CARICOM State against an external aggressor and no less willing to participate in any CARICOM peace-keeping force in certain circumstances and under agreed terms of reference. With regard to Grenada, Guyana continued to be opposed to participation in any military invasion of the island since such action constituted interference in the internal affairs of that State. Guyana favoured instead the dispatch of a fact-finding mission, composed of CARICOM nationals and based upon certain clearly defined principles. No external elements should be involved in the search for a solution; the solution should be regional in character, formulated within the framework of CARICOM. Any solution should be fully in accordance with international law and with the provisions of the Charter of the United Nations; and the primary purpose of any regional solution would be the restoration of normalcy in Grenada.<sup>4</sup>

The action taken against Grenada was in clear violation of Article 2, paragraph 4, of the Charter of the United Nations, as well as of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,<sup>5</sup> adopted by the General Assembly in 1970; and the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States,<sup>6</sup> adopted by the General Assembly in 1981.

The speaker then introduced a draft resolution<sup>7</sup> sponsored by Guyana and Nicaragua, which approached the situation in Grenada strictly from the perspective of the Charter of the United Nations and the obligations of all States strictly to comply with those principles. Among other things, in the operative part of the draft resolution the Council would

have condemned the armed intervention in Grenada and called for the immediate withdrawal of the invading troops; called upon all States to show strictest respect for Grenada's sovereignty, independence and territorial integrity; and requested the Secretary-General to follow closely the development of the situation and to report to the Council within 48 hours on the implementation of the resolution.

The representative of Grenada read out the text of a telex dated 24 October 1983 sent from the Revolutionary Military Council of Grenada to the Embassy of the United States in Barbados, in which it was indicated that Grenada would view any invasion of the country, whether based on decisions of the CARICOM Governments, or on that of any other Government, as a gross violation of Grenada's sovereignty and of international law. Grenada viewed any threat or the use of force by any country or group of countries as unwarranted interference in its domestic affairs. The Military Council also reiterated that the lives, well-being and property of every American and other foreign citizen resident in Grenada were fully protected and guaranteed by the Government of Grenada.

The speaker added that the protection of United States citizens had been nothing more than a pretext for intervening in Grenada. President Reagan had pretended that he had intervened with United States troops under certain clauses of the OECS treaty, which the United States had never signed. Under article 8, an intervention could take place only if there were a request from a member Government and if there were a threat of external intervention against that particular Government. The article offered no justification for intervention by forces of Eastern Caribbean States in association with the United States. Over 95 per cent of the forces invading Grenada were from the United States, in keeping with the policy of the United States towards the people of Grenada since the revolution of 13 March 1979. Contrary to the statement of the United States President that he had acted at the request of OECS, an Administration spokesman was quoted on radio and television as saying that actions against Grenada of both covert and overt character had been stepped up considerably two or three weeks earlier in anticipation of what had taken place in Grenada.

Finally, the speaker appealed to the Council to call for an immediate withdrawal of all foreign forces from his country and to condemn in the strongest language possible what had taken place in Grenada.<sup>4</sup>

Speaking of the American invasion under the pretext of helping five members of OECS to restore order and democracy in Grenada, the representative of Cuba indicated that no Grenadian revolutionary had appealed for help from the Caribbean countries. He categorically rejected the resort to article 8 of the OECS treaty and stated that Grenada, an independent sovereign and non-aligned country and a full Member of the United Nations, had been the victim of an act of armed, unprovoked, unjustified aggression in violation of the Charter of the United Nations and of international law. Condemning the invasion against Grenada, the speaker stressed that the Council could not allow the United States policy of aggression to govern international affairs, whether in the Middle East, in southern Africa or in Latin America. The international community should give serious thought to the risk involved for all Member

States if that act of aggression against a Member State was left unpunished.<sup>4</sup>

The representative of the Libyan Arab Jamahiriya firmly condemned the invasion of Grenada by the United States. He demanded the immediate and unconditional withdrawal of the invading forces, and also called upon the Council to establish a fact-finding committee. The speaker also demanded indemnity for the victims. Finally, he called upon the President and members of the Council to shoulder their responsibilities at that crucial moment.<sup>4</sup>

The representative of the Soviet Union said that the massive invasion of the island carried out by the United States Administration was a flagrant violation of the most elementary rules of international law and the principles of the Charter. The United States had tried to cover up its intervention against Grenada with exactly the same excuses as its intervention against the Dominican Republic in 1965. The actions of the United States Marines and the airborne troops were designed to bring about a restoration of American domination over the island and the return to power of an antidemocratic régime that had been rejected by the people. It was an attempt by force of arms to repress the will of the people of Grenada to independence and its right to determine its fate independently. That new act by Washington was one further element in the sharp exacerbation of tension in the whole region of Central America and the Caribbean. The representative concluded that the Soviet Union categorically condemned the aggression of United States imperialism against a small, non-aligned country and called upon the Council to censure the armed intervention against Grenada as an act of aggression and a violation of international peace and security and to call for the immediate withdrawal of the interventionist forces of the United States and of their vessels from the island.<sup>4</sup>

The representative of the United States stated that the United States troops were involved for the purpose of protecting American citizens, to facilitate the evacuation of those citizens who wished to leave and to provide support for the Eastern Caribbean forces as they assisted the people of Grenada in restoring order and establishing functioning governmental institutions. Any continued political involvement in that co-operative effort would be guided wholly by the views of OECS and the Government being formed in Grenada. The United States Government believed that the support by the United States of OECS was justified on a number of grounds.

OECS had determined that conditions in institutions of authority had degenerated, that a climate of fear, anxiety and acute danger to personal safety existed on the island and that that condition also posed an unprecedented threat to the peace and security of the entire eastern Caribbean. The United States Government accepted that judgement by OECS as accurate and believed that the action was consistent with the purposes and principles of the Charters of the United Nations and OAS since it aimed only at the restoration of conditions of law and order fundamental to the enjoyment of basic human rights, which had been so flagrantly violated in Grenada.<sup>4</sup>

At the 2489th meeting, the Prime Minister and Minister for External Affairs of Dominica and Chairman of OECS said that the member Governments of OECS had met at Bridgetown, Barbados, on 21

October 1983 to consider and evaluate the situation in Grenada arising from the overthrow and subsequent killing of the Prime Minister and of the killing of some of his Cabinet colleagues and a number of other citizens. The OECS members had been deeply concerned that the situation would continue to worsen, that there would be further loss of life, personal injury and a general deterioration of public order as the group in control attempted to secure its position.

They had also been greatly concerned that the extensive military build-up in Grenada over the past few years had created a situation of disproportionate military strength between Grenada and the OECS countries. Therefore, they considered it of the utmost urgency that immediate steps should be taken to reverse that threatening situation. The speaker added that in fact the Governor-General of Grenada had requested assistance.

Under the provisions of article 8 of the OECS treaty concerning defence and security in the sub-region, member Governments had decided to take appropriate action, since the situation endangered peace and security in the region as a whole.

Lacking adequate military resources, the members had sought assistance from friendly countries within the region and subsequently from outside. Three Governments (Barbados, Jamaica and the United States) had agreed to form a multinational force and to conduct a pre-emptive defensive strike in order to remove the dangerous threat to peace and security and to restore normalcy in Grenada. Once the threat had been removed, the OECS members intended to invite the Governor-General of Grenada to assume executive authority under the provisions of the Grenada Constitution of 1973 and to appoint a broad-based interim Government pending the holding of general elections. It was anticipated that general elections could be held within six months. Further arrangements were to be made to establish effective police and peace-keeping forces in order to restore and maintain law and order in the country. After normalcy had been restored, the non-Caribbean forces would be withdrawn from Grenada. In conclusion, the speaker appealed for the support of all friendly countries regarding that initiative.<sup>8</sup>

The representative of Poland demanded the immediate cessation of armed intervention and the withdrawal of foreign troops from Grenada. He said that his delegation would like to see the draft resolution on the issue formulated in stronger terms.<sup>8</sup>

The representative of Jamaica claimed that the Jamaican troops were part of a multinational peace-keeping force intended to remove the threat to peace and security in the area and to restore normalcy to the island of Grenada. The Jamaican troops were there to assist the people of Grenada to free themselves from a military dictatorship and to establish conditions under which the will of the people could be expressed in free and fair elections. The Jamaican troops would leave Grenada as soon as it was clear that such conditions had been established. He urged the Council not to call for the withdrawal of all troops until the safety and territorial integrity of the people of Grenada had been secured.<sup>8</sup>

The representative of China said that in invading Grenada the United States had committed undisguised aggression against a small island State, had violated the independence and territorial integrity of

a sovereign State and had intervened in its internal affairs, thereby undermining the peace and stability of the Caribbean region and threatening international peace and security. If that outright act of hegemonism, in gross violation of the Charter and the norms governing international relations, could not be checked effectively, the same would happen to other States. He concluded by saying that the Chinese Government strongly condemned the invasion of Grenada and demanded the immediate and total withdrawal of foreign troops from that country.<sup>8</sup>

The representative of Argentina pointed out that the invasion constituted a violation of international law and of the Charter. The policy of intervention in the internal affairs of sovereign Latin American countries was reaching alarming proportions. Argentina supported the restoration of Grenada's full sovereignty as well as the withdrawal of the invading forces and believed that the draft resolution contained the necessary elements for a satisfactory solution.<sup>8</sup>

The representative of Algeria recalled that non-interference in the internal affairs of States, as well as strict respect for the right of peoples freely to exercise their choice, was an inviolable rule. The overt invasion of Grenada by foreign armed forces could not claim any legality or legitimacy and should be duly condemned by the Council as an act of unprovoked armed aggression. With the same firmness, the Council, in accordance with Article 25 of the Charter, should require the immediate and unconditional evacuation of the occupying forces.<sup>8</sup>

The representative of the Syrian Arab Republic called upon the Council urgently to condemn the American aggression against Grenada and to demand the immediate withdrawal of United States forces from the island. Compensation should be paid for the losses sustained and a fact-finding mission should be sent to the island. The delegation urged the Council to adopt without any modifications the draft resolution sponsored by Guyana and Nicaragua.<sup>8</sup>

The representative of Cuba summarized the communications between his Government and the United States Administration regarding the position and fate of the Cuban advisers. He pointed out that prior to the invasion his Government had suggested that the two countries should keep in touch on the question, to co-operate and ensure that any difficulty regarding the security and safety of those persons might be resolved favourably. The reply had arrived three days later on 25 October when United States troops were already attacking Cubans on Grenada. It said that the civilian representatives with the United States forces in Grenada had instructions to keep in touch with the Cuban Ambassador in Grenada to guarantee the security of Cuban personnel and to provide the necessary means to the Grenadian authorities to facilitate their prompt evacuation. While intense fighting was going on, the United States Government had sent a message saying that the actions of the United States troops in Grenada were not aimed at Cuban personnel residing there, and that the armed clashes between men of both countries had happened because of the confusion and blunders arising out of the presence of Cubans in areas close to the operations of the multinational troops. On 26 October, the Cuban Ministry of Foreign Relations had again repeated its readiness to co-operate so that problems could be resolved without violence.<sup>8</sup>

The representative of France expressed distress and concern at the disturbances affecting Grenada. He deeply deplored the armed intervention and said that the reasons put forward relating to the internal situation of Grenada did not meet the conditions under which an intervention of that nature and magnitude could be justified. France had never accepted certain interpretations of the Charter whereby other organs could authorize armed intervention without the approval of the Council. Everything should be done to allow the people of Grenada without any further delay to regain the right to decide their fate, independently and in full sovereignty.<sup>8</sup>

The representative of Antigua and Barbuda declared that in response to the situation in Grenada, which constituted a serious threat to the security and peace of the region, OECS and its CARICOM partners had met in urgent session and had agreed to assist their black brothers and sisters in Grenada, and had invited the United States, whose citizens had been threatened, to assist in the operation. OECS wanted to ensure that an interim Government would be established in Grenada to carry out the people's mandate for free elections. Once that was done and the constitutional right of the Grenadians had been restored, the OECS assistance would no longer be required and would be withdrawn.<sup>8</sup>

At the beginning of the 2491st meeting, on 27 October 1983, the representative of the United States raised an objection to the credentials of the representative of Grenada and questioned whether he was entitled to take the place reserved for Grenada.<sup>9</sup>

The President of the Council informed the members that he had received a communication from the Governor-General of Grenada and it had been directed to the Secretary-General since he was the person concerned with the question of credentials.<sup>6</sup> At the same meeting Guyana, Nicaragua and Zimbabwe submitted a revised draft resolution.<sup>10</sup>

The representative of Ecuador said that his Government condemned the armed action carried out against Grenada, an action that had aggravated the already troubled situation in the Caribbean. It appealed urgently for an end to the foreign intervention and for the establishment of the conditions necessary to enable the people of Grenada to exercise their sovereign right freely to elect their democratic Government.<sup>9</sup>

The representative of the United States mentioned that some of the speakers had attempted to present the events as a classical invasion of a small country by an imperial Power. The Charter prohibited such intervention. However, the prohibition against the use of force in the Charter was contextual, not absolute. It provided justification for the use of force against force in pursuit of other values also inscribed in the Charter, such as freedom, democracy, peace.

The representatives of Hungary, Sao Tome and Principe, Bulgaria and the German Democratic Republic found the reference to the security treaty as a legal basis and all the attempts at justification totally unacceptable. There could be no legal, political or moral justification for such a premeditated and unprovoked act of aggression. The delegations supported the draft resolution because its provisions correctly reflected the reactions and sentiments of the overwhelming majority of the international community.<sup>9</sup>

The representative of the United Kingdom suggested that the common aim should be the emergence of a constitutional Grenadian Government freely elected by the people of Grenada. He revealed that his Government had been approached as to what action it would be willing to take in conjunction with certain Caribbean countries. His Government had urged on all those who consulted it prudence and caution. But other views had prevailed. He said that his Government could not go along with a draft resolution that did not take adequate account of the concerns that had motivated OECS, Jamaica, Barbados and the United States.<sup>9</sup>

The representatives of Yugoslavia, Guinea-Bissau and Afghanistan joined the stance taken by the majority of the speakers condemning the United States military intervention and interference in the internal affairs of sovereign Grenada. Quoting the relevant provisions of contemporary international law, they demanded an immediate cessation of the foreign intervention in and the withdrawal of all foreign troops from Grenada.<sup>9</sup>

The representative of Trinidad and Tobago said that though his country had been host to an emergency meeting of the heads of 12 States members of CARICOM at Port of Spain on 22 and 23 October in order to discuss the Grenada situation, his Government considered it most unfortunate that efforts to resolve the Grenada situation could not have been peaceful and regional in nature. His Government maintained its original position on the matter and continued to hold firmly to the view that it was regrettable that a solution involving the non-use of force, proposed during the emergency meeting of the CARICOM heads of Government, had not been pursued and that instead a military intervention of such a nature had been imported into the commonwealth Caribbean.

He added that in pursuance of its original objectives, the Government of Trinidad and Tobago remained committed to pursuing a course of action that would result in: (a) the earliest possible withdrawal of combat forces from Grenada; (b) the earliest establishment there, through appropriate channels, of a CARICOM peace-keeping presence; (c) the establishment of a broad-based civilian Government to arrange as early as possible for free and fair elections; (d) the establishment of a fact-finding mission comprising eminent nationals of States members of CARICOM; (e) the restoration of normalcy in Grenada; and (f) the preservation of the unity of CARICOM.<sup>9</sup>

The observer of the League of Arab States drew the attention of the Council to the thesis advanced by the United States representative that the prohibition of the use of force was contextual and not absolute. He stressed that under no circumstances could an invasion be an instrument of policing the destiny of any State or any society.<sup>9</sup>

The representative of the Netherlands declared that although his delegation understood the concerns and preoccupations underlying the efforts of OECS, it was of the view that the action taken could not be considered compatible with the basic principles of the Charter. It was for that reason that the Netherlands would vote in favour of the resolution in its revised form.<sup>9</sup>

The President of the Council, speaking as the representative of Jordan, characterized the invasion

of Grenada as a violation of the principles of the Charter and the rules of international law, in particular in respect of the non-use of or threat of use of force and of non-intervention in the internal affairs of other States. Jordan could not accept the occupation of an independent State, a Member of the United Nations, under any pretext whatsoever. The military activities against Grenada constituted a grave danger, for that precedent could be invoked to justify similar occupation operations in the future.<sup>9</sup>

The representative of the Soviet Union said that his delegation would vote in favour of a draft resolution calling for a halt to the abrupt and unceremonious high-handedness in international affairs, a halt to the military intervention by the United States.

At the end of the 2491st meeting, on 28 October 1983, the three-Power draft resolution was put to the vote and was not adopted owing to the negative vote of a permanent member of the Council. The result of the voting was as follows: 11 votes in favour, 1 against and 3 abstentions.<sup>11</sup>

## NOTES

<sup>1</sup> S/16067, *OR*, 38th yr., *Suppl. for Oct-Dec. 1983*; See also S/16072, *ibid*.

<sup>2</sup> For details, see chap. III of the present *Supplement*.

<sup>3</sup> S/16091, incorporated in the record of the 2491st meeting. For details, see chap. III of the present *Supplement*.

<sup>4</sup> 2487th mtg.

<sup>5</sup> General Assembly resolution 2625 (XXV).

<sup>6</sup> General Assembly resolution 36/103.

<sup>7</sup> S/16077, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*. Zimbabwe joined subsequently as a sponsor of the draft resolution.

<sup>8</sup> 2489th mtg.

<sup>9</sup> 2491st mtg.

<sup>10</sup> S/16077/Rev.1, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.

<sup>11</sup> For the vote, see 2491st mtg.

**28. LETTER DATED 3 FEBRUARY 1984 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

## INITIAL PROCEEDINGS

By letter<sup>1</sup> dated 3 February 1984, the representative of Nicaragua requested the President of the Council to convene an urgent meeting of the Council to consider the situation created by a new escalation in acts of aggression by Somozan and mercenary counter-revolutionary forces trained and financed by the United States.

At its 2513th meeting, on 3 February 1984, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the representative of Honduras, at his request, to participate in the discussion without the right to vote.<sup>2</sup> The Council considered this item at the same meeting.

At that meeting, the representative of Nicaragua stated that he had come to the Council greatly alarmed by the most serious events over the past two years involving attacks against Nicaragua by Honduran military planes. Those events could be the precursors of a war between Honduras and Nicaragua provoked by the United States to justify inter-

vention and constituted the greatest threat to peace and security yet in the region as it was the first time that warplanes had been used to continue the chain of acts of aggression against Nicaragua. He charged that at the present time American and Honduran troops were carrying out a joint military manoeuvre with the objective of making war against Nicaragua. He also charged that the two countries undermined the peace efforts of the Contadora Group while they created the impression that they supported them.<sup>2</sup>

The representative of Honduras rejected as completely unfounded allegations of its complicity in the events referred to by Nicaragua and charged that Nicaragua had once again tried to involve Honduras in Nicaragua's internal problems through false information harmful to neighbouring States and aimed at provoking confrontations to divert attention from those problems. Refuting the Nicaraguan charge that his Government obstructed the efforts of the Contadora Group, he hoped that Nicaragua would not continue to foster a climate of distrust which affected the Contadora process. He reiterated his Government's full support for that process.<sup>2</sup>

Responding to the Nicaraguan accusations, the representative of the United States said that his Government had not engaged in aggression against Nicaragua. He added that the United States did intend to continue to co-operate with its friends in Central America in defence of freedom, self-determination and democratic pluralism. He charged that it was the Sandinist régime's betrayal of those principles that had caused substantial numbers of Nicaraguans to take up arms against that régime. He further accused Nicaragua of exporting revolutions and of destabilizing free and democratic Governments throughout Central America and said that so long as such a situation persisted, so would tension persist in the region.<sup>2</sup>

The President of the Council announced that the next meeting of the Council to continue the consideration of the item on the agenda would be fixed in consultation with members of the Council.<sup>2</sup>

## NOTES

<sup>1</sup> S/16306, *OR*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>2</sup> 2513th mtg.

**29. LETTER DATED 18 MARCH 1984 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

## INITIAL PROCEEDINGS

By a letter<sup>1</sup> dated 18 March 1984 addressed to the President of the Council, the representative of the Sudan requested that the Council be convened in order to consider the aggression committed by the Libyan Arab Jamahiriya against the Sudan on 16 March 1984, which constituted a blatant attack against the sovereignty, security and integrity of the territory and people of a State Member of the United Nations and a flagrant violation of the Charter of the United Nations, regional charters and the principles of international law, and posed a serious threat to the peace and security of the countries of the region and to international peace and security. Charging that a



Libyan bomber had carried out an air raid against the town of Omdurman, he asked the Council to take all measures pursuant to its responsibility for the maintenance of the security of States Members of the United Nations and of the security and peace of the region and of the world as a whole.

At its 2520th meeting, on 27 March 1984, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote: the representatives of Benin, the Libyan Arab Jamahiriya, Nigeria, Oman, the Sudan and Zaire; and, at the 2521st meeting, the representatives of Chad and Indonesia.<sup>2</sup> The Council considered the item at its 2520th and 2521st meetings, on 27 March 1984.

At the 2520th meeting, the Minister for Foreign Affairs of the Sudan reported in detail about an air raid allegedly carried out by the Libyan air force on 16 March 1984. The raid had resulted in the death of five citizens inside their houses, the wounding of a great number and the destruction of parts of a public broadcasting station, some private houses and several vehicles. The Sudan viewed the Libyan air raid as a flagrant act of aggression against the sovereignty of the Sudan and a heinous attack against civilian targets, as well as one more link in an uninterrupted chain of aggression, sabotage and flagrant interference in the internal affairs of the Sudan.

He enumerated the various acts of aggression and subversion by the Libyan Arab Jamahiriya against his country. Wondering about the reasons that had prompted the Libyan régime to persist in its acts of aggression and intervention against the Sudan, he emphasized that his country had no dispute with the Libyan Arab Jamahiriya over borders or underground natural resources. The common links and the intellectual and cultural bonds that united the Libyan and Sudanese peoples went without saying; they could have served to strengthen good, fruitful relations between the Libyan Arab Jamahiriya and the Sudan, had it not been for the interference of the Libyan Arab Jamahiriya in the internal affairs of the Sudan, its denial of the Sudan's legitimate right to sovereignty over its own territory and to adopt policies emanating from the ambitions and hopes of the people, and its rejection of the principles of good-neighbourliness, non-intervention in the internal affairs of other States and the non-use or threat of use of force in international relations.

The reason behind the repeated Libyan acts of aggression against the Sudan was the wish to impose its tutelage and hegemony upon the Sudan and to deprive it of its right to adopt independent positions. The air raid had been a deliberate act of aggression which could not be condoned. In view of that the Council should condemn the Libyan act and call upon the Libyan Arab Jamahiriya to respect the sovereignty, independence and territorial integrity of the Sudan.<sup>3</sup>

The representative of the Libyan Arab Jamahiriya declared that the allegation by the Sudan was unfounded and that not a single Libyan aircraft had participated in any raid against the Sudan. He charged that the incident had been fabricated to justify American intervention and the dispatch of AWACS and that the real culprit was the United States.<sup>3</sup>

The representative of Egypt said that the whole series of acts of aggression carried out against the Sudan had but one basis, namely, the uncontrollable desire to destabilize the Sudan and to interfere in its internal affairs. He underlined that the Sudanese Government and people had been subjected to shameful acts of aggression and had the right to strengthen their self-defence capacity and to ensure their security.<sup>3</sup>

The representative of Zaire stated that the Sudan had fallen victim to a barbaric and dastardly act of aggression, which flagrantly violated the Charter and the generally accepted principles of international law. The Governments of Africa had the right and the duty to unite their forces to guarantee the security of the States of the region against the barbarism that would replace the sacred principles of the Organization of African Unity (OAU). The speaker said that his country expected the international community to denounce strongly such barbaric acts.<sup>3</sup>

At the 2521st meeting, the representative of France said that his country could not but condemn the act of violence, which could indeed affect peace and stability in the Sudan. Such use of force, which was totally unjustified, could only lead to a very dangerous deterioration of the situation in an already troubled part of the world.<sup>4</sup>

The representative of Upper Volta denounced the use of force in international relations. The Charter had laid down the procedures to be scrupulously followed by all States in settling disputes. For that reason his country condemned the bombing on 16 March 1984 of the town of Omdurman as well as the ensuing loss of human life. Yet there remained doubts about the accuracy of these assertions regarding the supposed aggressor. There were far too many questions that remained unanswered. Therefore, the Council should refrain from any hasty decisions and should denounce any foreign intervention that might inflame passions.<sup>4</sup>

The representative of the United States said that ample evidence was available to support the fact of the unprovoked attack against the Sudan on 16 March, which had been witnessed by several qualified observers. Outlining the American views on Libyan foreign policy, she said that the world should take note of the words and acts of the Libyan Government as they clarified the threats to peace, independence and self-government with which so many countries had to live. The Council should offer the Sudan protection against aggression, to which it was entitled under the Charter.<sup>4</sup>

The representative of Nigeria appealed to both the Sudan and the Libyan Arab Jamahiriya to seek solutions to their immediate differences within the established and recognized principles of international relations as well as in accordance with the Charters of the United Nations and OAU. He urged both countries to avail themselves of the existing mechanism for the peaceful settlement of intra-African disputes as established by OAU. He also appealed to the international community not to exacerbate the tension between the Libyan Arab Jamahiriya and the Sudan by further exploiting and magnifying the differences that had given rise to it.<sup>4</sup>

The representative of the Netherlands strongly condemned the bombing attack on Omdurman and stated that his country considered all outside intervention in the Sudan's internal affairs as contrary to

the principles of the Charter and completely unacceptable. Referring to the Libyan allegation<sup>5</sup> that the decision of the United States Government to send aircraft and weapons to a country adjacent to the Libyan Arab Jamahiriya constituted a violation of the Charter and represented a threat to international peace and security, he stated that the complaint did not seem justified. The Charter specifically mentioned the right of individual or collective self-defence if a State was the object of armed attack—as had been the case on 16 March—until the Council had taken measures to maintain international peace and security. Regardless of the nature of the political dispute that had pitted two countries against each other, they were duty bound by the Charter and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations<sup>6</sup> to refrain from threats or the use of force and to settle their disputes by peaceful means. It was the duty of the Council to infuse these principles with meaning by prevailing on the parties concerned to cease immediately all forms of outside intervention. In the interest of regional peace and stability, all parties should carefully avoid fanning the flames of conflict with inflammatory statements and strive to solve their disputes in a spirit of good neighbourliness and mutual respect.<sup>4</sup>

The representative of the Soviet Union stated that the Western press reports had called into question quite clearly the version of the events put forward by the country that had originally brought the matter to the Council. The events had been immediately seized upon by those who were anxious to step up their military presence and political control in that part of the world in order to interfere in the affairs of sovereign States. The Soviet Union would like to see the fraternal Arab countries settle their disputes and differences first and foremost in the framework of regional organizations and, naturally, without any imperialist intervention from outside.<sup>4</sup>

The representative of the United Kingdom condemned the incident as a most deplorable act of violence. The applicability of Article 2 of the Charter in such a case was self-evident. The speaker said that his delegation had sought to encourage an exchange of views between the Sudan and the Libyan Arab Jamahiriya through quiet diplomacy and through the President of the Council. His Government considered that in that case, as in all others, it was the duty of States Members of the United Nations to uphold the Charter.<sup>4</sup>

The representative of Chad declared that denial of the Libyan Arab Jamahiriya of responsibility was nothing but diversionary tactic. The Council should adopt appropriate measures under the Charter to ensure the effective maintenance of peace and security in the region.

30. LETTER DATED 22 MARCH 1984 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter<sup>1</sup> dated 22 March 1984 addressed to the President of the Council, the representative of the Libyan Arab Jamahiriya requested an urgent meeting of the Council to consider the deteriorating situation resulting from hostile and provocative American acts against the Libyan Arab Jamahiriya, which represented a serious threat to the peace and security of the region and of the world.

At its 2522nd meeting on 28 March 1984, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote: the representatives of the Libyan Arab Jamahiriya, the Democratic Yemen, Poland, the Syrian Arab Republic and Viet Nam; and, at the 2523rd meeting, the representatives of Afghanistan, Bulgaria, Czechoslovakia, Ethiopia, the German Democratic Republic, the Islamic Republic of Iran, the Lao People's Democratic Republic, the Sudan and Mongolia; and, at the 2526th meeting the representatives of Cuba and Hungary.<sup>2</sup> At the 2523rd meeting, in accordance with rule 39 of the Council's provisional rules of procedure, an invitation was extended to Mr. Gora Ebrahim. The Council considered the item at its 2522nd, 2523rd and 2526th meetings on 28 March and 2 April 1984.

At the 2522nd meeting, the Secretary of the People's Committee of the People's Bureau for Foreign Liaison of the Libyan Arab Jamahiriya gave a detailed analysis of the reasons for the differences between the United States and the Libyan Arab Jamahiriya. The acts of aggression against the Libyan Arab Jamahiriya were rooted in its position on the Palestinian question. The hostile United States policy against the Libyan Arab Jamahiriya had been manifested in the dispatch of AWACS aircraft to the region. The policy of the United States Administration was based on confrontation, aggression and the deployment of missiles and might lead the world to war. The Libyan Arab Jamahiriya wanted a dialogue with the United States and wished to establish balanced relations on the basis of mutual interest. He called upon the Council to shoulder its special responsibility for the maintenance of international peace and security; it should not allow one of its permanent members to pursue a policy of aggression against small countries. If that law of the jungle was allowed to continue, a very dangerous precedent would be established and it would lead to nothing but war and destruction.<sup>3</sup>

The representative of the United States declared that the actions of the United States had been wholly consistent with international law and the provisions of the Charter. The Libyan Arab Jamahiriya's neighbours had the right to defend themselves; their friends had the right to help them as long as their actions were consistent with the Charter and international law.<sup>3</sup>

The representative of the Syrian Arab Republic expressed grave concern at the threats to which the Libyan Arab Jamahiriya had been exposed because of the United States military movements and provocations designed to create a climate conducive to

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<sup>1</sup> S/16420, *OR*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>2</sup> For details, see chap. III of the present *Supplement*.

<sup>3</sup> 2520th mtg.

<sup>4</sup> 2521st mtg.

<sup>5</sup> S/16425 and 16431 *OR*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>6</sup> General Assembly resolution 2625 (XXV).

aggression against that State. He appealed to the Council to carry out its responsibilities under the Charter and to put an end to the threat of force by the United States on the pretext of protecting American interests. Although members of the Council knew in advance that the Council would not arrive at the containment of American military might, the Syrian delegation was confident that the discussions were useful because they promoted an understanding of the greatest problem since the Second World War, namely, the denial by the United States of the principle of the supremacy of law in international relations and its adoption of force as an instrument of foreign policy. The Libyan Arab Jamahiriya was the target of an all-out American threat in contravention of the Charter and United Nations resolutions and of the most rudimentary principles of international conduct. That threat was an escalation of provocations that had begun in 1969 out of opposition to the principles of the revolution of 1 September. The latest threats to the Libyan Arab Jamahiriya and the bolstering of the rapid deployment force in the area had come in the wake of the failure of the Israeli-American alliance to impose the agreement of 17 May 1983 on Lebanon. There was every indication that the United States was seeking to consolidate its military presence in the region. The speaker called upon the members of the Council to do their utmost to put an end to the United States military presence in all parts of the Arab region.<sup>3</sup>

The representative of Malta reminded the members of the Council that, irrespective of their ideological orientation or geographical location, they all had to abide strictly by the obligations they had freely assumed when they had joined the United Nations and the respective regional organizations to which they might belong. It was the collective duty of the Council to reduce tension and military confrontation.<sup>3</sup>

At the 2523rd meeting, the representative of the Soviet Union said that his delegation had supported the timely request of the Libyan Arab Jamahiriya for an urgent meeting of the Council. For a number of years, notwithstanding generally recognized international norms and the Charter, Washington's policy towards independent Libyan Arab Jamahiriya had consisted of overt military preparations, economic blockade, gross provocations and military brinkmanship. Those actions had been accompanied by constant anti-Libyan campaigns and by a flood of allegation concerning the internal and external policies of the Libyan Arab Jamahiriya. The actions of the United States in that region could not be seen in isolation from the general policies of imperialist forces seeking hegemony in international affairs. All the attempts to achieve hegemonial objectives were cloaked in a hypocritical propaganda campaign about their fight against "international terrorism". But the principal culprit was to be found not among the developing countries but in quite different quarters. The United States was pursuing its policy towards developing countries under the cover of continuous propaganda about a "Soviet military threat" but what was hiding behind that smokescreen was an American attempt to justify its own arbitrariness and violence in the international arena by references to the "East-West conflict". For its part, the Soviet Union had ceaselessly favoured an end to intervention in the internal affairs of young independent States so that their peoples could develop in freedom

and independence in accordance with their own aspirations.<sup>4</sup>

The representative of Viet Nam declared that the Council should condemn the provocative acts of the United States against the Libyan Arab Jamahiriya as well as the manoeuvres designed to exploit the internal problems of the Sudan and to cause divisions between various African and Arab countries. The Council should demand an immediate halt to the dispatch of planes and weapons to States bordering on the Libyan Arab Jamahiriya, as well as to all provocative acts and threats against the sovereignty of the Jamahiriya and the peace and security of the whole region.<sup>4</sup>

Mr. Gora Ebrahim spoke of the detrimental effect of the American involvement in Africa on the cause of liberation. He said that if the United States Administration was concerned about peace and stability in Africa, it should direct its attacks against the enemies of peace in Africa, the racist colonial régime of South Africa, and not against independent African states.<sup>4</sup>

The representative of Ethiopia stressed that the imperatives of international peace and security dictated that in the north-east of Africa all States should exercise maximum restraint and reject foreign intervention. Nothing should be done to aggravate the already tense and difficult situation. The introduction of massive and sophisticated military hardware coupled with the active military intervention of the United States in the region was a source of great concern to Ethiopia. The speaker emphasized the need for caution and for any action by the Council to be based on adequate and verifiable data.<sup>4</sup>

The representative of the Islamic Republic of Iran said that in 1982, the Council had held 29 meetings, 18 of which had been related to direct or indirect involvement of the United States, which meant that more than 62 per cent of the Council's work had consisted of consideration of the foreign policy of the United States. In 1983, 23 out of 32 meetings had been related to such American involvement; in other words, 71.85 per cent of the cases referred to the Council in 1983 had concerned American foreign policy. Then he indicated that with the present composition of the Council it was far from practical to anticipate any constructive action by the Council to prevent American intervention and provocations in the Middle and Near East.<sup>4</sup>

The representative of the Lao People's Democratic Republic declared that the speedy dispatch of sophisticated aircraft to carry out espionage activities over the territory of a State Member of the United Nations was a violation of the Charter and would only further exacerbate the tension prevailing in that part of the world. In support of the Libyan struggle, he asked the Council to take appropriate action to put an end to the imperialist United States machinations.<sup>5</sup>

The representative of the Libyan Arab Jamahiriya reiterated his country's willingness to engage in a dialogue and to establish sound relations with all in accordance with principles and mutual respect. He invited the Council to shoulder its responsibilities and tell the United States to desist from violating the Charter and to stop interfering in the affairs of other States.<sup>6</sup>

## NOTES

<sup>1</sup> S/16431, *OR*, 39th yr., *Suppl. for Jan.-March 1984*.<sup>2</sup> For details, see chap. III of the present *Supplement*.<sup>3</sup> 2522nd mtg.<sup>4</sup> 2523rd mtg.<sup>5</sup> *Ibid.* Similar statements in support of the Libyan position were made by the representative of the Ukrainian Soviet Socialist Republic (*ibid.*) and by the representatives of Nicaragua, Mongolia, Afghanistan, Czechoslovakia, Cuba and Hungary (2526th mtg.)<sup>6</sup> 2526th mtg.

## 31. LETTER DATED 29 MARCH 1984 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL.

## INITIAL PROCEEDINGS

**Decision of 4 April 1984 (2529th meeting):** rejection of a Nicaraguan draft resolution

By letter<sup>1</sup> dated 29 March 1984, the representative of Nicaragua requested a meeting of the Council as a matter of urgency and immediacy in order to consider the escalation of acts of aggression against his country.

At its 2525th meeting, on 30 March 1984, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote: the representatives of Guyana and Honduras; and, at the 2527th meeting, the representatives of Cuba, Czechoslovakia, Mexico and the Syrian Arab Republic; at the 2528th meeting, the representatives of Algeria, Democratic Yemen, El Salvador, Ethiopia, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Seychelles and Viet Nam; and, at the 2529th meeting, the representatives of Afghanistan, Costa Rica, Guatemala and Yugoslavia.<sup>2</sup> The Council considered the item at its 2525th, 2527th, 2528th and 2529th meetings, from 30 March to 4 April 1984.

At the 2525th meeting, the representative of Nicaragua stated that his country had come to the Council to denounce further acts of aggression, which, owing to their level of sophistication, the equipment used and techniques employed, represented a qualitative leap forward in the covert operations against the Nicaraguan people. International concern and repudiation had helped avoid a confrontation with unpredictable consequences for Central America. Regrettably, the efforts of the international community, as expressed in the Council, the General Assembly, the Contadora Group and the Movement of Non-Aligned Countries, had not been sufficient to prevent resort to military solutions in the region.

He expressed his country's concern and alarm in the face of the increased military presence of the United States in a neighbouring country, where it was building an infrastructure for aggression; the large-scale military manoeuvres, which had been going on uninterruptedly in the territories and waters of Central America and the Caribbean; the criminal mining of the Nicaraguan ports, endangering international navigation and in fact amounting to full economic blockade; and the constant efforts of the United States Administration to obtain funds neces-

sary to finance the mercenaries of the Central Intelligence Agency (CIA).

He gave a detailed account of the United States military presence in Honduras. He said that the various naval and military manoeuvres and exercises by the United States and Honduras, which had aimed at intimidating the Sandinist popular revolution and the Central American revolutionary movement, and the construction of military bases and training centres for the Salvadorian army and counter-revolutionary gangs all revealed the interventionist policy of the United States in the region. His Government would continue to believe in the active neutrality of the Government of Costa Rica and, for that reason, would maintain its understanding that the camps located on Costa Rican territory did not have the official support of its Government but that, on the contrary the CIA and its mercenaries were trying to create political problems between the two countries.

The speaker gave a detailed list of the locations of the various mercenary camps on Honduran territory and described the specific acts of aggression against his country since the last Council meeting on the subject early in February 1984.<sup>3</sup> The account revealed not only the growing number of military camps on Honduran territory, but also attacks and violations of Nicaraguan territory, its airspace and its territorial waters. Nicaragua was aware of increasingly direct participation of the Honduran army in those attacks, sometimes even acting alone in support of the counter-revolutionary groups. Sophisticated equipment, aircraft and boats far exceeded the technical capacity of the counter-revolutionary elements, as well as the Honduran army and documented the involvement of the United States.

The latest American actions suggested that the Reagan Administration intended to proceed with a military blockade of Nicaragua. The international community had to restrain a Government that was resorting ever more openly to force to resolve international conflicts. The Administration's decision to appropriate \$21 million for the mercenaries of the CIA disclosed not just its determination to press ahead with its criminal plans against Nicaragua, but also its disregard for the American people, international public opinion and the peace-making efforts of the Contadora Group.

The international community could not remain passive in face of the build-up of the United States military presence in El Salvador. The only reasonable solution was a dialogue between all the representative forces, the Farabundo Marti National Liberation Front (FMNL), the Democratic Revolutionary Front (FDR) and the Government, which should aim at the formation of a broadly representative national government. The speaker deplored that the Contadora Group's work had been seriously impeded because certain Central American countries had refused once and for all to remove the spectre of war that had afflicted the region in recent years. But the main obstacle to its quest for peace was the United States Government. The situation had led Mr. D. Ortega Saavedra, Co-ordinator of the Governing Junta of National Reconstruction of Nicaragua, to visit the President of Mexico, whose help he had requested in the implementation of urgent measures by the Contadora Group to prevent war in Central America. Similar missions had been sent to the other members of the Contadora Group—Panama, Colombia and Venezuela—as well as to other countries of the

region. Nicaragua believed that peace in Central America required as a *sine qua non* condition the clear commitment of the United States, which so far had in fact brought to bear all kinds of political pressures to prevent a genuine, just and lasting solution to the conflicts of the region.

Nicaragua reserved the right to demand compensation for the devastation resulting from the criminal policy of the United States President. The representative of Nicaragua requested the Council to take immediate action to stop the war in Central America.<sup>4</sup>

The representative of the United States pointed out that the Nicaraguan complaint had been before the Council on some six occasions over the past two years and accused Nicaragua of initiating the process of militarization, the destabilization of its neighbours and the introduction of foreign advisers in Central America. She indicated that Nicaragua had some 107,000 persons under arms and continued to receive weapons from diverse places and to assist guerrillas in other countries, principally FMLN and FDR in El Salvador, with arms and other supplies, with training providing command and control centres.

The sole objective of United States policy in Central America was a democratic solution as illustrated by the report of the National Bipartisan Commission on Central America chaired by a former Secretary of State, Mr. Henry Kissinger. The Commission had visited the five Central American countries and the four States comprising the Contadora Group. The Commission's conclusions and recommendations formed the basis of the Central American Democracy, Peace and Development Initiative Act of 1984, which represented a far-reaching attempt to address the problems in Central America comprehensively.

The Commission had concluded that neither the military nor the political, economic, or social aspects of the crisis should be considered independently of the others. The Commission had proposed a series of measures to support agricultural development, education, health services, export promotion, land reform, housing, humanitarian relief, trade, credit, insurance, small business and other activities. Special attention would be given to increasing scholarships, leadership training, educational exchanges and support for the growth of democratic institutions.

The representative of the United States emphasized the Commission's call for a vigorous diplomatic strategy and a negotiating effort designed to resolve the conflict and to include Nicaragua in a regional settlement that would ensure lasting security guarantees, as well as national independence for all the nations of Central America. Such a settlement would be squarely based on the principles contained in the 21-point proposal of the Contadora Group, which included respect for sovereignty and non-intervention; verifiable commitments to non-intervention and an end to all attempts at subversion; limitations in arms and sizes of armed forces; prohibition of forces, bases and advisers of foreign nations; commitment to internal pluralism and free elections in all countries; provision for verification of all agreements; and the establishment of an inter-governmental council, to meet regularly and review compliance.

In drawing up those recommendations, the Commission had drawn heavily in its consultations with the leaders of the Contadora countries. The Commis-

sion also recommended increased military assistance, under proper conditions, to the Governments of El Salvador and Honduras in order to reinforce diplomatic efforts by creating the conditions under which peaceful settlements might be reached and the objective of a better life in freedom and national independence for all Central Americans successfully pursued.<sup>4</sup>

The representative of Honduras stated that his Government had complained on many occasions to the Sandinist Government about its systematic use of slogans, groundless assertions and fanciful interpretation that were at variance with proper international conduct. It had also provided the Organization of American States (OAS), the Council and the General Assembly with well-documented replies refuting false charges of responsibility for past events and tendentious interpretations of actions carried out by Honduras in exercise of its full responsibility over its territory.

The measures to improve the professional level of the armed forces of Honduras—including joint exercises with the United States army—were defensive in nature and designed to protect Honduran sovereignty. Military manoeuvres were not prohibited by the documents adopted by the Contadora Group. Peace, democracy, security and co-operation for development in Central America were aims of the foreign policy of Honduras. The Sandinist Government was intervening in neighbouring countries by supporting the promotion of subversion in Honduras and by supplying the guerrillas in El Salvador with weapons. Those conditions had made it necessary for other countries to make preparations for adequate defence in order to deter Nicaragua from any direct aggression. He concluded by reiterating Honduras' position: in support of a comprehensive, peaceful solution of regional disputes through the Contadora peace process and within the framework of the inter-American system.<sup>4</sup>

The representative of Nicaragua referred briefly to the fact that the history of United States policy in Central America was characterized by its support for dictatorial régimes such as that of Somoza in Nicaragua.<sup>4</sup>

The representative of the United States declared that she did not deny that the United States had from time to time made mistakes in its policy *vis-à-vis* Central America. It might be even argued that it had been an accomplice to the rise of a dictatorship in Central America, even in Nicaragua.<sup>4</sup>

At the 2527th meeting, the representative of France stated that his country strongly condemned the escalation of violence and the mining of the Nicaraguan ports, which amounted to a kind of blockade in disguise, in fundamental opposition to the principles of international law. Noting the positive gestures of Nicaragua, which were made in response to the concerns of those who desired an overall settlement, he paid tribute to the efforts of the four countries of the Contadora Group. The countries of Central America should be permitted once again to solve their problems for themselves as they were entitled to demand respect for their independence and peace and security for their peoples. The continuing Contadora process should aim to transform those principles into an end to violence and to interference in the internal affairs of Central American States by countries from outside the region.<sup>5</sup>

The representative of India quoted the text of the latest communiqué on Central America adopted by the Co-ordinating Bureau of the Movement of Non-Aligned Countries, which had met in urgent session in New York on 15 March 1984.<sup>6</sup> He pointed out that peace and progress could be constructed only upon the foundation of political and socio-economic pluralism, scrupulous observance of the principles of non-interference in the internal affairs of States and an appreciation of the deep-rooted problems typical to the region; they could not rest upon the exclusion of one State or another from the mainstream of regional development, nor on pressures, threats or blandishments. He expressed regret that the endeavours of the Contadora Group had of late been afflicted by a flagging of will on the part of some countries. External interference had also continued unabated and, from all available indications, had even intensified. India deemed it imperative that means such as the use or threat of force be immediately abandoned and that dialogue be given a real chance.<sup>5</sup>

The representative of Zimbabwe stated that the Council should express its grave concern at the deteriorating Central American situation, seriously threatening regional stability and call upon those responsible for the violation of international law to desist from their injurious activities and to observe strictly the provisions of the Charter requiring all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of other States. The Council should also demand the strictest respect by those concerned with Nicaragua's right to develop its own chosen political system, without any interference. The speaker urged that those responsible for the mounting regional tensions reciprocate Nicaragua's expressed readiness and desire to search for genuine peace in that region.<sup>5</sup>

The representative of China maintained that in order to remove the tension in Central America it was of vital importance to put an end to all interference and threats from outside and he urged the super-Powers to refrain from making Central America an arena for their rivalry. The independence and sovereignty of Nicaragua and of other Central American countries should be respected and the affairs of the various countries of the region should be left to the respective peoples themselves.<sup>5</sup>

The representative of Mexico pointed out that the objectives agreed on by the Central American countries included the prohibition of the stationing on their territory of foreign military bases or any other forms of foreign military interference, as well as the prohibition of the use of their territory by persons, organizations or groups seeking to destabilize the Governments of Central American countries, as well as the refusal to permit them or to provide for military or logistical support. It was not merely a matter of facilitating the training of counter-revolutionaries by providing them with money and weapons, or of encouraging mercenary pilots to commit acts of aggression; what was being attempted apparently was nothing less than the imposition of a naval blockade against Nicaragua, in order to erode its economic infrastructure still further. Those actions were in flagrant opposition to the peace-making efforts of the Contadora Group.

It was universally agreed that the conflicts in Central America originated in the economic and

social conditions of the peoples of the region. A just and lasting solution to the Central American crisis would be achieved only through genuine commitment and participation by all States, in particular the permanent members of the Council, whose responsibility for the maintenance of international peace and security should be exercised in accordance with the principles of the Charter.<sup>5</sup>

At the 2528th meeting, the representative of Peru stated that the Nicaraguan allegations had not been denied and that his country rejected the intensification of hostile acts against Nicaragua, in particular the new operations against its port installations and the obstruction of Nicaraguan shipping trade which amounted to a *de facto* blockade and *de jure* violation of free international navigation. Reaffirming the Peruvian support for Council resolution 530 (1983) and General Assembly resolution 38/10, he mentioned that both resolutions had been adopted by consensus and accurately reflected the principles and commitments that the international community hoped would be honoured by the parties and factions involved in the crisis. There was an urgent need for the Council to express emphatically its support for the efforts of the Contadora Group to reach a negotiated comprehensive settlement. The Council should call for strict respect for the principles and norms of international law enshrined in the Charter and other international instruments. The principles of non-interference in internal and external affairs of States, the right to self-determination, respect for international obligations, the peaceful settlement of disputes and the inadmissibility of the threat or use of force against the sovereignty, independence or territorial integrity of any State needed to be strictly observed.<sup>7</sup>

The representative of the Soviet Union stated that the leaders of the United States had not attempted to cover up their role in the terrorist activities against Nicaragua, but had actually boasted about it. There was no need to dispatch a commission in inquiry since one State had openly acknowledged its participation in acts of aggression against another. The Soviet delegation considered that the Council would be acting correctly and in fulfilment of its obligations by condemning the mining of the ports and territorial waters as an act of State terrorism. The actions of the United States showed that it was not interested in a political settlement in Central America and that it was deliberately pursuing a policy intended to widen the conflict. Those actions constituted a gross violation of the fundamental principles of international law and of the Charter.<sup>7</sup>

The representative of Cuba stated that it was not enough simply rhetorical to endorse Latin America's peace initiative. The Governments of the Contadora Group should take urgent steps to guarantee that all parties, especially the United States, gave real support to their efforts. Military and naval actions aimed at intimidating Nicaragua should cease. The Council should condemn the escalation of aggression against Nicaragua and the mining of its ports, which was a serious threat to international navigation and free trade, and the attempts of certain States to bring about the failure of the Contadora initiative.<sup>7</sup>

At the 2529th meeting, on 4 April 1984, the representative of Nicaragua informed the Council that some minor changes had been made regarding the draft resolution<sup>8</sup> that his delegation had submitted.<sup>9</sup> Under the draft resolution, in its preambular

part, the Council would, *inter alia*, have recalled its resolution 530 (1983), noted General Assembly resolution 38/10, reaffirmed all the purposes and principles of the Charter, particularly the obligation of all States to refrain from resorting to the threat or use of force against the sovereignty, territorial integrity or political independence of any State, commended the sustained efforts being carried out by the countries that made up the Contadora Group in the search for a peaceful and negotiated solution to the conflicts that affected the region, recognized and welcomed the broad international support expressed to the Contadora Group in its efforts to bring peace and development to the region, noted with great concern the foreign military presence from outside the region, the carrying out of overt and covert actions and the use of neighbouring territories for mounting destabilizing actions that had served to heighten tensions in the region and hinder the peace efforts of the Contadora Group and noted also with deep concern the mining of the main ports of Nicaragua.

In the operative part, the Council would have condemned and called for an immediate end to the mining of the main ports of Nicaragua, which had caused the loss of Nicaraguan lives and injuries to nationals of other countries as well as material damage, serious disruption to its economy and the hampering of free navigation and commerce, thereby violating international law; affirmed the right of free navigation and commerce in international waters and called upon all States to respect that right by refraining from any action that would impede the exercise of that right in the waters of the region; reaffirmed the right of Nicaragua and of all the countries of the region to live in peace and security and to determine their own future free from all foreign interference and intervention; called upon all States to refrain from carrying out, supporting or promoting any type of military action against any State of the region as well as any other action that hindered the peace objectives of the Contadora Group; expressed its firm support to the Contadora Group for the efforts it had so far carried out and urged it to intensify those efforts on an immediate basis; requested the Secretary-General to keep the Council informed of the development of the situation and of the resolution; and decided to remain seized of the matter.

The representative of Costa Rica assured the Council that the forces responsible for security in his country would not carry out any attacks that might jeopardize the sovereignty and security of Costa Rica or of neighbouring countries. Costa Rica was interested in seeing that the mandate and support of the Contadora Group was not weakened. The speaker asked the Council to appeal to the countries concerned to carry out their mission in keeping with the Contadora guidelines and to appeal to the rest of the international community to refrain from diverting the nine countries from their chosen path. He asked for strict respect for the principles of international law, in particular those referring to the freedom of navigation.<sup>9</sup>

The representative of the United Kingdom stated that the draft resolution did not match the scope of the debate or indeed of the Central American problem. In the opinion of his delegation, the draft resolution would have been improved if the final preambular paragraph and the first operative paragraph as originally circulated in the provisional

version had been amended. He suggested that to the final preambular paragraph "Noting also with deep concern the mining of Nicaraguan ports and other attacks, as well as overt and covert hostile acts and threats against Nicaragua" be added "and other States in Central America".

Similarly, in operative paragraph 1 of the provisional version, where the Council had called for "an immediate end to all threats, attacks and overt and covert hostile acts against the sovereignty, independence and territorial integrity of Nicaragua", the British delegation would have preferred to say not just Nicaragua, but "the States of Central America". He also proposed to make the draft resolution more balanced by adding to it some elements of Council resolution 530 (1983) and General Assembly resolution 38/10. He indicated that his delegation had hoped that the Council would have produced a resolution or a presidential statement that would have been constructive and not vindictive. As all those elements were missing from the draft resolution, his delegation was going to abstain when the draft was put to the vote.<sup>9</sup>

The representative of the Netherlands, in explaining his vote before the vote, stated that his delegation continued to have reservations concerning the draft resolution. He made particular reference to the fourth preambular paragraph because it singled out one admittedly important, but just one, element of General Assembly resolution 38/10. He indicated that all the aims of the Document of Objectives<sup>10</sup> should form the basis for a peaceful settlement of the problems besetting the region.<sup>9</sup>

The representative of Egypt declared that his delegation would have preferred to have some time for consultations about the draft resolution. It had hoped that a text could be arrived at that would be generally accepted by the Council and would better reflect Council resolution 530 (1983) and General Assembly resolution 38/10. He stressed that it was his understanding that the last two preambular paragraphs were closely linked. On that basis his delegation would vote in favour of the draft resolution.<sup>9</sup>

The representative of the United States stated that the draft resolution was seriously flawed, lacked balance and fairness and was not well suited to the purposes it sought to serve, notably the peace of the area. The rush to a decision by the Council was itself an example of seriously unbalanced concern. The actions taken by the Council on that day did not advance the cause of peace nor did they address the problems of the region. The United States would not acquiesce in such a resolution.<sup>9</sup>

The representative of Malta declared that his delegation would have preferred a little more time for consultations on the text being put to the vote. The text as amended was positive enough to deserve the Malta's support and the delegation would vote accordingly.<sup>9</sup>

Then the President put to the vote the draft resolution submitted by Nicaragua. The result of the voting was as follows: 13 votes in favour, 1 against and 1 abstention. Owing to the negative vote cast by a permanent member of the Council, the draft resolution was not adopted.<sup>11</sup>

## NOTES

<sup>1</sup> S/16449, *OR*, 39th yr., *Suppl. for Jan-March 1984*.<sup>2</sup> For details, see chap. III of the present *Supplement*.<sup>3</sup> See section 28 of the present chap.<sup>4</sup> 2525th mtg.<sup>5</sup> 2527th mtg.<sup>6</sup> S/16422, *OR*, 39th yr., *Suppl. for Jan-March 1984*.<sup>7</sup> 2528th mtg.<sup>8</sup> S/16463, *OR*, 39th yr., *Suppl. for April-June 1984*. The draft resolution was not adopted owing to the negative vote of a permanent member.<sup>9</sup> 2529th mtg.<sup>10</sup> S/16041, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.<sup>11</sup> For the vote, see 2529th mtg.

32. LETTER DATED 21 MAY 1984 FROM THE REPRESENTATIVES OF BAHRAIN, KUWAIT, OMAN, QATAR, SAUDI ARABIA AND THE UNITED ARAB EMIRATES ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

## INITIAL PROCEEDINGS

By letter<sup>1</sup> dated 21 May 1984, the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates requested an urgent meeting of the Council to consider Iranian aggressions against shipping to and from their countries.

At its 2541st meeting, on 25 May 1984, the Council included the item in its agenda. The council invited the representatives of the following countries, at their request, to participate in the discussion without the right to vote: at the 2541st meeting, Bahrain, Kuwait, Oman, Panama, Qatar, Saudi Arabia, Senegal, the United Arab Emirates and Yemen; at the 2542nd meeting, Ecuador, Jordan, Somalia and the Sudan; at the 2543rd meeting, the Federal Republic of Germany, Japan and Morocco; at the 2545th meeting, Djibouti, Mauritania, Tunisia and Turkey; and at the 2546th meeting, Liberia.<sup>2</sup> The Council also invited, under rule 39 of its provisional rules of procedure, Mr. Chedli Klibi, Secretary-General of the League of Arab States (LAS), at its 2541st meeting.<sup>3</sup> The Council considered the matter at its 2541st to 2543rd, 2545th and 2546th meetings, from 25 May to 1 June 1984.

At the 2541st meeting, the Deputy Prime Minister and Minister for Foreign Affairs and Information of Kuwait stated that between 13 and 16 May the Iranian Air Force had attacked two Kuwaiti tankers and a Saudi Arabia tanker. Those attacks had extended the Iran-Iraq war to countries that were not a party to it and were in violation of the Geneva Convention on the High Seas, the United Nations Convention on the Law of the Sea and the Kuwait Regional Convention. He stressed that a disruption in the Gulf region, because of its economic and political nature and its sensitive strategic location, would have economic and political consequences affecting the interests of the entire world; therefore, in accordance with Article 35 of the Charter, Kuwait drew the Council's attention to the situation and called upon it to exercise its jurisdiction under Chapter VI of the Charter, while reserving the right to call for measures under Chapter VII of the Charter in the case of recurrence. Kuwait wanted a resolution that would identify the aggressor, condemn the aggression and warn against its recurrence, but remained eager to work together with all the parties,

including the Islamic Republic of Iran, to restore peace and stability in the region.<sup>3</sup>

The representative of Saudi Arabia stated that the Iranian attacks on Saudi and Kuwaiti tankers had taken place in Saudi territorial waters and adjacent waterways, far from the area of military operations, and were in retaliation for Iraqi attacks on the Islamic Republic of Iran. He pointed out that the claim by a country at war of a right to attack a third party would have dangerous effects on international relations and peace and security everywhere unless it was condemned and rejected by the international community. Since the Council bore primary responsibility for crystallizing the position of the international community, it must firmly express its determination not to permit any aggression against third parties in the Gulf area.<sup>3</sup>

The representative of Yemen contended that the Iran-Iraq war was being extended beyond the two belligerent States because the Council had failed to assume its responsibilities towards impartially restoring international peace and security in accordance with the principles of the Charter. He stated that the Council was now more than ever duty-bound to work towards halting the war.<sup>3</sup>

The representative of Senegal stated that the situation should be viewed in the wider context of the four-year-old war. He urged the Council to call for unobstructed freedom of navigation in the international waters of the Gulf, to renew its call for the cessation of hostilities and the continuation of mediation efforts, and to reaffirm its appeal to the belligerents to respect the territorial integrity and economic infrastructure of other coastal States and refrain from actions likely to worsen or widen the conflict.<sup>3</sup>

Mr. Chedli Klibi indicated that the LAS Council had adopted a resolution on 19 May 1984, in which, *inter alia*, it appealed to the Security Council to adopt a clear and firm position on the Iranian aggressions. The League hoped that the Council would take appropriate measures to guarantee the safety of international sea lanes, because the disruption of maritime traffic would affect the interests of all nations and could lead to foreign intervention. The Council must assume responsibility for restoring the stability of the Gulf region and must contain the conflict as much as possible pending compliance with its decisions. Since Iraq had already indicated its willingness to comply, efforts should be directed at inducing Iran to heed the Council's resolutions.<sup>3</sup>

At the 2543rd meeting, the representative of Somalia asserted that the Council must demand that Iran end its attacks on sea traffic, comply with United Nations resolutions and respect the principles of international law. The Council should also vigorously seek to bring both the Islamic Republic of Iran and Iraq into a process of peaceful negotiations.<sup>4</sup>

The representative of Turkey stated at the 2545th meeting that the Council should try to help the parties find a solution to the conflict but must not attempt to impose one. It should not adopt a resolution which would be totally unacceptable to either party and which, by its lack of balance, fairness and justice, would lead to further intransigence; rather, it should seek to strengthen the hand of the Secretary-General, who had reaffirmed his willingness on 17 May 1984 to assist in the peaceful resolution of the conflict, and enable both the Islamic



Republic of Iran and Iraq to co-operate with the Secretary-General while taking concrete steps towards the reduction of tension in the Gulf.<sup>5</sup>

**Decision of 1 June 1984 (2546th meeting): resolution 552 (1984)**

At the 2546th meeting, the President drew attention to a draft resolution<sup>6</sup> submitted by Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.<sup>7</sup>

The representative of Liberia noted that ships flying the Liberian flag had also been hit and damaged, causing a loss of revenue to her country's economy, and stated that her Government expected those involved to make reparations for their actions and to desist from further attacks on ships flying the Liberian flag.<sup>7</sup>

The representative of the Netherlands stated that if the Iran-Iraq war continued to escalate the Council might have to consider appropriate measures under the Charter. His delegation would vote in favour of the draft resolution and welcomed the fact that it unambiguously called upon all States to respect the territorial integrity of littoral States that were not a party to the conflict, as well as the call in operative paragraph 3 for all States to exercise the utmost restraint and refrain from escalating the conflict. His delegation attached particular importance to operative paragraph 1, calling upon all States to respect the right of free navigation in the Gulf, a right which should not be interpreted selectively, and hoped that the Council's call not to interfere with shipping *en route* to and from States not party to the hostilities would be scrupulously respected.<sup>7</sup>

The representative of France reminded the Council of the relevance of resolution 540 (1983), which also dealt with the freedom of navigation and commerce for the Gulf States. He stated that it was essential to ensure that that text retained its authority in spirit as well as in its conclusions, and that it behoved the United Nations and the Secretary-General to follow up on that resolution as provided for therein.<sup>7</sup>

The President, speaking in his capacity as the representative of the United Kingdom, noted that the draft resolution reflected the Gulf States' desire to isolate themselves from the Iran-Iraq conflict and was directed at attacks aimed at involving them in that war. But while the draft resolution concentrated on one particular action, that did not mean it condoned others, and his delegation did not interpret the draft resolution as in any way intended to affect the Council's position expressed in resolution 540 (1983).<sup>7</sup>

The representative of Egypt formally requested a vote on the draft resolution, in accordance with rule 38 of the Council's provisional rules of procedure.<sup>7</sup>

The representative of India stated that the Council's action should be directed primarily towards defusing tensions and preventing a widening of the conflict and the possible intervention of outside Powers. He noted that the draft resolution dealt with one aspect of the Iran-Iraq conflict, whereas his delegation believed that a broader, more generally acceptable, more balanced resolution would be more likely to lead to the security of international shipping and the freedom of navigation in the Gulf, as well as an end to the conflict. Nevertheless, they would support the draft resolution because of its unequivocal affirmation of the principle of the freedom of

navigation and free, safe access and transit for the ships of all countries.<sup>7</sup>

The representative of Malta expressed his delegation's view that the restrictive formulations appearing in operative paragraphs 2, 3 and 4 of the draft resolution could in no way be interpreted to derogate from universally accepted norms of international behaviour or general principles of international law. Malta's interpretation of those paragraphs was that they applied equally to all commercial shipping in all regions of the world.<sup>7</sup>

The President put the draft resolution<sup>6</sup> to the vote.<sup>7</sup> It was adopted by 13 votes in favour to none against, with 2 abstentions, as resolution 552 (1984) and reads as follows:

*The Security Council.*

*Having considered* the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates complaining against Iranian attacks on commercial ships en route to and from the ports of Kuwait and Saudi Arabia,

*Noting* that Member States pledged to live together in peace with one another as good neighbours in accordance with the Charter of the United Nations,

*Reaffirming* the obligations of Member States with respect to the principles and purposes of the Charter,

*Reaffirming also* 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,

*Taking into consideration* the importance of the Gulf region to international peace and security and its vital role to the stability of the world economy,

*Deeply concerned* over the recent attacks on commercial ships en route to and from the ports of Kuwait and Saudi Arabia,

*Convinced* that these attacks constitute a threat to the safety and stability of the area and have serious implications for international peace and security,

1. *Calls upon* all States to respect, in accordance with international law, the right of free navigation;

2. *Reaffirms* the right of free navigation in international waters and sea lanes for shipping en route to and from all ports and installations of the littoral States that are not parties to the hostilities;

3. *Calls upon* all States to respect the territorial integrity of the States that are not parties to the hostilities and to exercise the utmost restraint and to refrain from any act which may lead to a further escalation and widening of the conflict;

4. *Condemns* the recent attacks on commercial ships en route to and from the ports of Kuwait and Saudi Arabia;

5. *Demands* that such attacks should cease forthwith and that there should be no interference with ships en route to and from States that are not parties to the hostilities;

6. *Decides*, in the event of non-compliance with the present resolution, to meet again to consider effective measures that are commensurate with the gravity of the situation in order to ensure the freedom of navigation in the area;

7. *Requests* the Secretary-General to report on the progress of the implementation of the present resolution;

8. *Decides* to remain seized of the matter.

Following the vote, the representative of Zimbabwe stated that the Council should have addressed itself to both parties equally and that his delegation had abstained because the resolution failed to take an even-handed approach to the conflict. They hoped that in its effort to deal with the immediate problem the Council had not made the search for a solution to the wider issue of the Iran-Iraq war more difficult.<sup>7</sup>

The representative of Nicaragua indicated that his delegation had abstained because it did not believe that the formulation of the principle of respect for the territorial integrity of States contained in the resolution would promote a peaceful settlement of

the conflict. The appeal for respect for the territorial integrity of non-belligerent States should have been extended to include countries at war; as it stood, it left the door open for foreign intervention in countries party to the conflict.<sup>7</sup>

The Deputy Prime Minister and Minister for Foreign Affairs and Information of Kuwait stated that, having adopted a resolution, the Council must do everything possible to ensure its implementation. Kuwait thanked the Secretary-General and anticipated that he would follow up on the implementation of the resolution, in which he could be sure of their constructive co-operation.

## NOTES

<sup>1</sup> S/16574, *OR*, 39th yr., *Suppl. for April-June 1984*.

<sup>2</sup> For details, see chap. III of the present *Supplement*.

<sup>3</sup> 2541st mtg.

<sup>4</sup> 2543rd mtg.

<sup>5</sup> 2545th mtg.

<sup>6</sup> S/16594, adopted without change as resolution 552 (1984).

<sup>7</sup> 2546th mtg.

**33. LETTER DATED 4 SEPTEMBER 1984 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

## INITIAL PROCEEDINGS

By letter<sup>1</sup> dated 4 September 1984 addressed to the President of the Council, the representative of Nicaragua requested an urgent meeting of the Council to be convened immediately to examine the situation created by the new escalation of aggression directed against his country.

At its 2557th meeting, on 7 September 1984, the Council included the letter in its agenda and considered it at the same meeting.

The representative of Nicaragua expressed concern about the increasing involvement of mercenaries of the United States Central Intelligence Agency (CIA) in the no longer covert war against his country. Nicaragua had been alerting the international community and the Government and people of the United States to the consequences of the increasing involvement. In that regard, the speaker furnished numerous relevant examples including the dispatch of mercenaries, the transport of military equipment, training and direct participation in combat with Contras, the constant holding of military and naval manoeuvres in the waters close to Nicaragua and the building of airports and other military installations in Central America; and permanent reconnaissance, in other words spy flights, over Nicaraguan territory by United States aircraft.

The permanent United States military presence in Central America amounted to 1,400 United States soldiers on seven United States bases. Political solutions seemed increasingly difficult to achieve. High-level spokesmen of the United States Administration, including President Reagan himself, Secretary of State Shultz and Ambassador Kirkpatrick, continued to threaten the Sandinist People's Revolution and the Government of National Reconstruc-

tion. The sole objective of those statements was to isolate Nicaragua internationally and to prepare the political terrain for the invasion. Various United States officials, including the President, had on several occasions made statements in which they did not discard the possibility of direct intervention in Central America, including Nicaragua. The United States constituted a real threat to the security of the Sandinist People's Republic, which the United States was openly attempting to destroy through a war of aggression.<sup>2</sup>

The representative of the United States rejected the statement by the representative of Nicaragua and stated that the United States was not trying to overthrow the Sandinista Government. He alleged that United States relations with Nicaragua had deteriorated because, instead of keeping their promises about human rights and pluralistic democracy, the Sandinistas had developed increasingly close military ties to Cuba and the Soviet Union, tightened their internal repression, had supported guerrilla insurgency in El Salvador and terrorism in Honduras and Costa Rica and had continued an extensive military build-up that threatened the security of their neighbours.<sup>2</sup>

The representative of Nicaragua in his reply mentioned that his country was concerned and grieved to see the United States, the greatest empire in the world, applying a double standard: that it was going through the motions of seeking a negotiated settlement to the problems of Central America while at the same time committing acts of aggression against Nicaragua. Such duplicity revealed the lack of sincerity on the part of the United States Government.<sup>2</sup>

The representative of the Soviet Union called the American declaration that the United States did not intend to overthrow the Government of Nicaragua was fallacious from beginning to end, because in parallel with that and other similar statements the United States had virtually openly continued to finance, arm, train and send mercenaries to Nicaraguan territory. The reason for acts of intervention by the United States against Latin American countries was its consistent policy of not allowing the autonomous, economic, political and social development of Latin America and attempting to impose on Latin American countries the kind of system preferred by the United States.<sup>2</sup>

## NOTES

<sup>1</sup> S/16731, *OR*, 39th yr., *Suppl. for July-Sept. 1984*.

<sup>2</sup> 2557th mtg.

**34. LETTER DATED 3 OCTOBER 1984 FROM THE PERMANENT REPRESENTATIVE OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

## INITIAL PROCEEDINGS

By letter<sup>1</sup> dated 3 October 1984, the representative of the Lao People's Democratic Republic requested an urgent meeting of the Council to consider the attack on and occupation of three Lao villages by Thailand and the resulting tense situation along the border between the two countries.

At its 2558th meeting, on 9 October 1984, the Council included the item in its agenda and invited the representatives of the Lao People's Democratic Republic and Thailand, at their request, to participate in the discussion without the right to vote.<sup>2</sup> The Council considered the matter at the same meeting.

The Deputy Prime Minister and Minister for Foreign Affairs of the Lao People's Democratic Republic stated that on 6 June 1984 several battalions of the Thai Army had attacked Lao territory and occupied three Lao villages. Thailand was taking measures to absorb and assimilate the villages, forcibly isolating them from the surrounding area and abusing the villagers. It justified its claim to the villages on the basis of a map drawn up jointly by the Thai and United States Armies in 1978, despite a footnote on the map stating that the frontier lines it represented were not to be considered official. He claimed that Thai efforts to force a re-examination of the frontier in the area of the three villages were designed to create a precedent for a revision of the entire border, in fulfilment of Thai expansionist aims, despite the fact that there had been no border dispute between the two countries since the frontier had been laid down in 1904-1907.

In negotiations with a Lao delegation, Thailand had initially agreed to withdraw from the villages but had ended by unilaterally breaking off the negotiations. Recently, the Thai Foreign Minister had informed the General Assembly that the Thai Government would withdraw its military presence from the villages,<sup>3</sup> but the Thai statement was untrustworthy as it contained no guarantee and no timetable, no acknowledgement of Lao sovereignty and no commitment to restore the *status quo* as it existed before 6 June by removing the Thai administration, police force, para-military force etc. He declared that Thailand must withdraw its troops and administrative personnel totally and unconditionally, return villagers who had been forcibly taken to Thailand, compensate villagers for losses of life and property and restore the situation that had prevailed prior to the occupation. The Lao Government appealed to the Council to urge Thailand to respond quickly and positively to the Lao demands and to abide by the Charter in its international relations.<sup>4</sup>

The representative of Thailand pointed out that the villages in question were extremely small, impoverished and remotely situated, and stated that in the view of his Government the issue did not deserve the attention of the Council. He related that the matter had begun when a Thai road-building crew had been harassed by Lao soldiers inside Thai territory, eventually prompting Thailand to send troops to protect the crew and ensure the continuation of the project. He noted that a study of available maps gave Thai authorities reasonable grounds to believe that the villages in dispute were partly or wholly inside Thai territory.

The two sides had entered talks but had been unable to reach general agreement, although they had agreed on the watershed principle. Thailand had then sent a survey team to the area to determine the exact boundary line and had announced its willingness to accept an independent survey to verify Thai findings, but harassment by the Lao side had prevented completion of the survey. Now, in the interest of maintaining good-neighbourly relations with the Lao People's Democratic Republic, Thailand had withdrawn its troops from the villages. The Lao People's

Democratic Republic should now have no reason for objecting to a joint technical team establishing the boundary, but if it did Thailand was prepared to ask the Secretary-General to send a fact-finding mission. Meanwhile, both sides should refrain from assaults on the other, including verbal assaults, and should prevent any third-party interference in what was a bilateral issue.

While Thailand naturally wished to renegotiate the border between the two countries, the original boundaries having been established at a time when the Siamese Government had been in no position to resist encroachment by the French colonial administration in Indo-China, successive Thai Governments had given precedence to the larger interest of maintaining good-neighbourliness; Thailand did not want a single inch of Lao territory or a single Lao national and looked forward to a future of peaceful and constructive relations with the Lao People's Democratic Republic.<sup>4</sup>

Exercising his right of reply, the representative of the Lao People's Democratic Republic stated that his Government would not agree to a survey of the area because it had already submitted definitive proof of Lao sovereignty. Doing so would mean giving up that sovereignty, failing to recognize the Franco-Siamese treaties and thus the inviolability of the entire border, and so destabilizing not only Laos, but Cambodia as well. He further stated that Thailand had not, so far, removed its troops from the area; instead, it had started bringing in reinforcements, forcibly conscripting young people, violating Lao airspace with reconnaissance planes and indiscriminately firing cannon at neighbouring villages. He requested that the Council remain seized of the issue until the matter had been resolved.<sup>4</sup>

## NOTES

<sup>1</sup> S/16765, OR, 39th yr., Suppl. for Oct.-Dec. 1984.

<sup>2</sup> 2558th mtg. For details, see chap. III of the present Supplement.

<sup>3</sup> ORGA, 39th sess., plen. mtgs., 17th mtg., para. 61.

<sup>4</sup> 2558th mtg.

**35. LETTER DATED 9 NOVEMBER 1984 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

By letter<sup>1</sup> dated 9 November 1984 addressed to the President of the Council, the representative of Nicaragua requested that the Council be convened as a matter of urgency for the purpose of considering the very serious situation created by the escalation of acts of aggression, the repeated threats and new acts of provocation fostered by the United States Government.

At its 2562nd meeting, on 9 November 1984, the Council included the item in its agenda and considered it at the same meeting.

The representative of Nicaragua gave an account of numerous military provocations by the United States against his country. He referred to various American official statements and press reports containing serious threats based on unfounded and controversial suppositions. The announcements in

the press and by the Pentagon about American military moves in the region were seen with concern in Nicaragua. Manoeuvres of the navies of Central American countries supported by American advisers and the United States Navy in the Gulf of Fonseca, a state of alert at Fort Bragg in North Carolina, the relocation of the 101st Parachute Division from a hinterland state to a coastal state, the threatening statements of members of the Reagan Administration, including the President himself, and everyday acts of aggression, led Nicaragua constantly to fear a United States military intervention.

These threats were part of the policy of aggression by the United States against Nicaragua. Statements from the Pentagon and the State Department confirmed that further significant measures of aggression were being prepared by the United States. The Government of Nicaragua denounced these manoeuvres and the manipulation of public opinion. On various occasions Nicaragua had complained in the Council and in the General Assembly about the policy of the United States Government and had done it once again because his country believed that the Council was obliged to take appropriate measures to guarantee the purposes of the Charter.<sup>2</sup>

The representative of the United States pointed out that members of the Council should call for meetings only after reasonable notice had been given to other members, unless there was an emergency requiring immediate action. No such emergency existed in the present case. Insistence that a meeting take place forthwith constituted a misuse of the Council. The allegations against the United States were totally without foundation. Referring to the procedure employed at the meeting he said that under the provisions of Chapter VI, Article 33, of the Charter, prior to bringing a dispute before the Council an effort should be made to exhaust certain other remedies, including the resort to regional agencies. In the case of the Americas, that was the Organization of American States (OAS).

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NOTES

<sup>1</sup> S/16825, *OR*, 39th yr., *Suppl. for Oct.-Dec. 1984*.

<sup>2</sup> 2562nd mtg.

**Chapter IX**

**DECISIONS IN THE EXERCISE OF OTHER FUNCTIONS AND POWERS**

## NOTE

Decisions of the Security Council relative to recommendations to the General Assembly regarding the admission of new Members have been dealt with in chapter VII, and the decisions on questions considered under the Council's responsibility for the maintenance of international peace and security in chapter VIII. During the period under review, the Council took no decisions in the exercise of other functions and powers under the Charter.<sup>1</sup>

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## NOTE

<sup>1</sup> With the exception of decisions concerning the relations of the Council with other organs of the United Nations, arising from Articles 12, 93, para. 2, and 97 of the Charter. For these decisions, see chap. 6 of the present *Supplement*.

**Chapter X**

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

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## INTRODUCTORY NOTE

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

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

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

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

#### *"Article 33*

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

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

#### *"Article 34*

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

#### *"Article 35*

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

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

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

#### *"Article 36*

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

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

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

#### *"Article 37*

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

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

#### *"Article 38*

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

## Part I

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

## NOTE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CASE I

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

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

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

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

*The Security Council,*

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

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

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

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

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

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

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

## Part II

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

#### NOTE

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

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

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

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

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

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

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

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

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

## CASE 2

*Complaint by Seychelles*

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

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

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

*The Security Council,*

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

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

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

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

*The Security Council,*

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

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

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

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

## Part III

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

## NOTE

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

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

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

## SUBMISSIONS BY MEMBERS OF THE UNITED NATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### SUBMISSIONS BY THE SECRETARY-GENERAL

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

#### PROCEDURAL CONSEQUENCES OF SUBMISSIONS UNDER ARTICLE 35

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

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

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

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

Section A. Questions submitted by Members as disputes

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

Section B. Questions submitted by Members as situations

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

25. Situation in Cyprus

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Part IV

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

## NOTE

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

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

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

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

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

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

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

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

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

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

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

## NOTES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**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.<sup>1</sup>

### 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 issue 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 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 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 any armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

**Part I**

**CONSIDERATION OF THE PROVISIONS OF ARTICLES 39-42 OF THE CHARTER**

**NOTE**

Owing to the frequently interconnected nature of the proceedings of the Council involving, especially, Articles 39 and 41, Articles 39 to 42 are again considered together, rather than separately.

During the period under review, the Council took no decision in which Article 39 was explicitly invoked. Twice, Article 39 was explicitly referred to in draft resolutions that failed of adoption.<sup>2</sup>

The Council took a number of decisions containing implicit references to Article 39 or employing the language of that article. In connection with the letter dated 1 April 1982 from the representative of the United Kingdom, the Council determined that there existed a breach of the peace in the region of the Falkland Islands (Islas Malvinas).<sup>3</sup>

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:

Resolution 487 (1981) of 19 June 1981, eighth preambular paragraph:<sup>4</sup>

*Deeply concerned* about the danger to international peace and security created by the premeditated Israeli air attack on Iraqi nuclear installations on 7 June 1981, which could at any time explode the situation in the area, with grave consequences for the vital interests of all States,

Resolution 505 (1982) of 26 May 1982, second preambular paragraph:<sup>5</sup>

*Noting with the deepest concern* that the situation in the region of the Falkland Islands (Islas Malvinas) has seriously deteriorated,

Resolution 527 (1982) of 15 December 1982, fourth, fifth, sixth and seventh preambular paragraphs and paragraph 1:<sup>6</sup>

*Gravely concerned* at the recent premeditated aggressive act by South Africa, in violation of the sovereignty, airspace and territorial integrity of the Kingdom of Lesotho, and its consequences for peace and security in southern Africa,

*Gravely concerned* that this wanton aggressive act by South Africa is aimed at weakening the humanitarian support given by Lesotho to South African refugees,

*Deeply concerned* about the gravity of the aggressive acts of South Africa against Lesotho,

*Grieved* at the tragic loss in human life and concerned about the damage and destruction of property resulting from the aggressive act by South Africa against the Kingdom of Lesotho,

1. *Strongly condemns* the apartheid régime of South Africa for its premeditated aggressive act against the Kingdom of Lesotho which constitutes a flagrant violation of the sovereignty and territorial integrity of that country;

Resolution 539 (1983) of 28 October 1983, fifth preambular paragraph:<sup>7</sup>

*Gravely concerned also* at the tension and instability prevailing in southern Africa and the mounting threat to the security of the region and its wider implications for international peace and security resulting from continued utilization of Namibia as a springboard for attacks against and destabilization of African States in the region,

Resolution 545 (1983) of 20 December 1983, paragraph 1:<sup>8</sup>

1. *Strongly condemns* South Africa's continued military occupation of parts of southern Angola which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of Angola;

Resolution 546 (1984) of 6 January 1984, third preambular paragraph and paragraph 1:<sup>8</sup>

*Gravely concerned* at the renewed escalation of unprovoked bombing and persistent acts of aggression, including the continued military occupation, committed by the racist régime of South Africa in violation of the sovereignty, airspace and territorial integrity of Angola,

1. *Strongly condemns* South Africa for its renewed, intensified, premeditated and unprovoked bombing, as well as the continuing occupation of parts of the territory of Angola, which constitute a flagrant violation of the sovereignty and territorial integrity of that country and endanger seriously international peace and security;

Resolution 552 (1984) of 1 June 1984, seventh preambular paragraph.<sup>9</sup>

*Convinced* that these attacks constitute a threat to the safety and stability of the area and have serious implications for international peace and security.

The Council considered a number of draft resolutions containing implicit references to Article 39, which, however, either were not voted upon or failed of adoption. The drafts read as follows:

S/14664/Rev.2, second preambular paragraph and operative paragraphs 1 and 3.<sup>10</sup>

*Deeply concerned* at racist South Africa's latest armed invasion against the People's Republic of Angola, which constitutes a danger to international peace and security,

1. *Strongly condemns* the racist régime of South Africa for its premeditated, unprovoked and persisted armed invasion perpetrated against the people and the territory of the People's Republic of Angola;

3. *Declares* that such armed invasion is a flagrant violation of the sovereignty and territorial integrity of Angola and constitutes a danger to international peace and security;

S/14941, fourth preambular paragraph.<sup>11</sup>

*Considering* that the present crisis in the region of Central America and the Caribbean affects international peace and security and that all Member States have an interest in the solution of the crisis by peaceful means,

S/14950, fourth preambular paragraph.<sup>12</sup>

*Considering* that the intention of the United Kingdom to perpetuate its illegal occupation and colonial domination of the Malvinas Islands, South Georgia and the South Sandwich Islands affects the territorial integrity of the Argentine Republic and constitutes a threat to international peace and security,

During the period under review, Article 39 was explicitly invoked four times in communications received by the United Nations<sup>13</sup> and in numerous cases communications received by the United Nations employed language similar to that of Article 39.<sup>14</sup>

There were a number of explicit references to Article 39 during the consideration of several agenda items in the Council.<sup>15</sup> 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.<sup>16</sup>

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 taken by the Council and the accompanying proceedings did not make clear whether the Council was actually considering basing its decision on the provisions of 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;<sup>17</sup> (b) calls for respect for the right of free navigation;<sup>18</sup> (c) calls for a cease-fire, including cessation of hostilities/armed attacks;<sup>19</sup> (d) decisions to dispatch/deploy/increase United Nations observers to monitor situations; or send a commission of inquiry for investigation;<sup>20</sup> (e) calls that mediation efforts be continued in a co-ordinated manner through the Secretary-General;<sup>21</sup> (f) demands for the immediate cessation of massacres;<sup>22</sup> (g) demands that the independence, sovereignty and territorial integrity of a country be respected;<sup>23</sup> (h) declarations that elections/referendums were null and void;<sup>24</sup> (i) demands for the release of political prisoners and detainees;<sup>25</sup> (j) demands that no steps be taken that could lead to continuation or further aggravation of tension;<sup>26</sup> (k) declaration that an attacked country was entitled to appropriate redress for material damages;<sup>27</sup> (l) calls upon parties to the conflict to respect the right of civilians and to refrain from acts of violence against them and to take measures to alleviate their suffering;<sup>28</sup> (m) calls upon Member States to co-operate with the Council;<sup>29</sup> and (n) calls upon all concerned to be guided by Member States obligation under the Charter.<sup>30</sup>

The Council also called upon certain Member States to take a number of specific measures. Thus, Israel was called upon immediately to cease its military action against Lebanese territorial integrity and to withdraw forthwith its forces from all Lebanese territory;<sup>31</sup> to refrain in the future from military attacks or threats thereof and to place its nuclear facilities under the safeguards of the International Atomic Energy Agency;<sup>32</sup> to rescind forthwith its decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights;<sup>33</sup> to lift immediately the blockade of the city of Beirut;<sup>34</sup> and to return promptly its troops, which had moved forward subsequent to the Council's demand for an immediate cease-fire.<sup>35</sup> The Council condemned the proclamation of the so-called "independence" of Ciskei, 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.<sup>36</sup>

In 1982, the Council demanded an immediate withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas) and called upon Argentina and the United Kingdom to seek a diplomatic solution to their differences.<sup>37</sup>

South Africa was repeatedly called upon to commute the death sentences of opposition members<sup>38</sup> and the Council urged all States and organizations to use their influence and to take urgent measures to save their lives.<sup>39</sup> In 1983, the Council condemned South Africa's continued illegal occupation of Namibia and called upon South Africa to make a firm commitment as to its readiness to comply with Council resolution 435 (1978) for the independence of Namibia and to co-operate forthwith and fully with the Secretary-General.<sup>40</sup>

In 1983 and 1984, South Africa was called upon to withdraw unconditionally all its occupation forces

from Angola and to cease all violations against it and scrupulously to respect its sovereignty and territorial integrity.<sup>41</sup> The Council demanded the immediate eradication of *apartheid* and to that end demanded: (a) the dismantling of the bantustan structures as well as the cessation of the uprooting, relocation and denationalization of the indigenous African people; (b) the abrogation of the bans and restrictions on political organizations, parties, individuals and news media opposed to *apartheid*; and (c) the unimpeded return of all the exiles.<sup>42</sup> In 1984, the Council strongly condemned the use of chemical weapons and called upon the States concerned to adhere scrupulously to the obligations flowing from their accession to the Geneva Protocol of 1925 and urged both parties to observe the generally recognized principles and rules of international humanitarian law.<sup>43</sup>

Also in 1984, the Council condemned all secessionist actions, including the purported exchange of ambassadors between Turkey and the Turkish Cypriot leadership, declared them illegal and involved and called for their immediate withdrawal, reiterated the call upon all States not to recognize the purported State of the "Turkish Republic of Northern Cyprus", called upon them not to facilitate or assist that secessionist entity; and called upon all States to respect the sovereignty, independence, territorial integrity, unity and non-alignment of the Republic of Cyprus.<sup>44</sup>

A number of Council resolutions contained warnings that, in the event of failure to comply with the terms of those resolutions, the Council would meet again and consider further steps. Those warnings, which might be considered as falling under the last provision of Article 40, were expressed in various ways. Frequently, the Council warned that it would consider taking adequate and effective measures if its calls were not heeded.<sup>45</sup>

During the period under review, the Council did not adopt any resolutions containing explicit references to Article 41. Nor did any constitutional discussions develop regarding the application of these provisions.

During the period under review, the Council adopted two resolutions that contained explicit references to Article 41, concerning related developments in South Africa. Resolution 546 (1984) was adopted in connection with a complaint by Angola about persistent South African attacks and continued military occupation of parts of Angola and called upon all States to implement fully the arms embargo imposed against South Africa in resolution 418 (1977).<sup>46</sup> Similarly, the Council adopted resolution 558 (1984), which dealt with the problem of implementing the mandatory arms embargo against South Africa by resolution 418 (1977) and reaffirmed that resolution, requested all States to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa and requested all States, including States not Members of the United Nations, to act strictly in accordance with its provisions.<sup>47</sup>

During the period under review, the Council considered a number of draft resolutions that contained explicit invocations of Article 41. All of these draft resolutions failed of adoption.

When the Council resumed consideration of the situation in Namibia at its 2267th to 2277th meetings from 21 to 30 April 1981, four draft resolutions<sup>48</sup> were submitted calling for the Council to act under

Chapter VII of the Charter and to impose on South Africa comprehensive and mandatory sanctions. The proposals were voted upon at the 2277th meeting and failed of adoption owing to the negative vote of three permanent members of the Council.<sup>49</sup>

During the period under review, Article 41 was explicitly referred to in the Council in connection with the situation in Namibia,<sup>50</sup> the complaint by Iraq,<sup>51</sup> the complaint by Angola against South Africa,<sup>52</sup> the situation in the occupied Arab territories<sup>53</sup> and the complaint by Lesotho against South Africa.<sup>54</sup> In connection with these and other issues representatives made frequent implicit references to Article 41 suggesting economic sanctions and other mandatory measures.

Article 42 was not invoked in any decision of the Council. Nor was there any constitutional discussion regarding this particular article. But on several occasions Article 42 was invoked explicitly<sup>55</sup> and implicitly with suggestions for the use of force by the Organization.

#### CASE I

##### *Situation in Namibia*

(In connection with draft resolution S/14459, sponsored by Mexico, the Niger, Panama, the Philippines, Tunisia and Uganda, voted upon and not adopted, owing to the negative votes of three permanent members of the Council)

Following the failure of the Geneva pre-implementation meeting to achieve a cease-fire, United Nations supervised elections, etc., as envisaged in resolution 435 (1978) and in view of South Africa's continued occupation of Namibia, Uganda asked the Council to invoke Articles 39 and 41 of the Charter and to impose comprehensive mandatory sanctions against South Africa.<sup>56</sup> Most of those who participated in the Council's debate supported the adoption of mandatory measures against South Africa under Chapter VII.<sup>57</sup>

Several other delegations were of the view that sanctions would not promote Namibian independence on any internationally acceptable basis and appealed for continued negotiations in the belief that the time for negotiations had not passed and that there was still hope.<sup>58</sup>

At the 2276th meeting, on 29 April 1981, Uganda introduced five draft resolutions, including the one contained in document S/14459. By that draft resolution, the Council would determine, in the context of Article 39 of the Charter: (a) that South Africa's persistent refusal to comply with Security Council and General Assembly resolutions on Namibia constituted a serious threat to international peace and security; (b) that the continued illegal occupation of Namibia by South Africa constituted a breach of international peace and an act of aggression; and (c) that the repeated attacks perpetrated by South Africa against independent and sovereign States in southern Africa constituted grave acts of aggression; condemn South Africa for those acts; decide, under Chapter VII of the Charter and in conformity with its responsibilities for the maintenance of international peace and security, to impose comprehensive and mandatory sanctions against South Africa; decide, as an urgent measure under Article 41 of the Charter, to adopt effective measures including economic and political sanctions, an oil embargo and an arms embargo; call upon all Member States, in conformity



with Article 25 of the Charter, to assist effectively in the implementation of the measures called for by the resolution and as elaborated in the appropriate resolutions before the Council; urge, under Article 2 (b), States not members of the United Nations to join in implementing the decisions of the Council; and decide to establish, under rule 28 of the provisional rules of procedure, a committee of the Council to monitor the implementation of the resolution.

At the 2277th meeting, on 30 April 1981, the Council voted on the draft resolution, which received 9 votes in favour, 3 against and 3 abstentions, and was not adopted owing to the negative vote of three permanent members.<sup>59</sup>

#### CASE 2

##### *Situation in the occupied Arab territories*

(In connection with draft resolution S/14832/Rev.1, sponsored by Jordan, voted upon and not adopted, owing to the negative vote of a permanent member of the Council)

In connection with the Israeli Government's decision on 14 December 1981 to extend permanent Israeli control over the occupied Golan Heights, the Syrian Arab Republic requested the Council to demand that Israel rescind forthwith its "annexation" of Syrian territory and, in case of Israel failing to heed the Council's decisions, called upon the Council to take measures under Chapter VII.<sup>60</sup>

During the course of the Council discussion, the Council members were unanimous in demanding that Israel rescind its action affecting the states of the Syrian Golan Heights and some Members explicitly stated that in the event that Israel failed to comply with this demand, that the Council should take measures under Chapter III.

At its 2319th meeting, on 17 December 1981, the Council had unanimously adopted resolution 497 (1981), which had been prepared in the course of the Council's consultations. Its paragraphs 1, 2 and 4 read as follows:

*The Security Council,*

1. *Decides* that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect;

2. *Demands* that Israel, the occupying Power, should rescind forthwith its decision;

4. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution within two weeks and decides that, in the event of non-compliance by Israel, the Council would meet urgently, and not later than 5 January 1982, to consider taking appropriate measures in accordance with the Charter of the United Nations.

When the Council resumed consideration in accordance with paragraph 4 of the resolution, the Syrian Arab Republic, supported by others, called for measures explicitly under Article 41 in view of the Israeli refusal to implement that resolution. During the Council's deliberations, Article 41 and Chapter VII were frequently invoked and Article 39 was explicitly referred to.

At the 2329th meeting, on 20 January 1982, the President drew attention to revised draft resolution S/14832/Rev.1,<sup>61</sup> sponsored by Jordan. The sixth and seventh preambular paragraphs and paragraph 2 read as follows:

*The Security Council,*

*Determining* that the continued occupation of the Syrian Golan Heights since June 1967 and its annexation by Israel on 14 December 1981 constitute a continuing threat to international peace and security,

*Acting* in accordance with the relevant provisions of Chapter VII of the Charter,

2. *Determines* that Israeli measures in the occupied Syrian Golan Heights, culminating in Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights, constitute an act of aggression under the provisions of Article 39 of the Charter of the United Nations;

At the same meeting, the Council voted on the draft resolution, which received 9 votes in favour, 1 against and 5 abstentions, and was not adopted owing to the negative vote of a permanent member.<sup>62</sup>

## Part II

### CONSIDERATION OF THE PROVISIONS OF ARTICLES 43-47 OF THE CHARTER

#### NOTE

During the period under review, the Council did not adopt any resolutions referring to Articles 43-47 of the Charter. Nor was there any constitutional discussion about these articles.

## Part III

### CONSIDERATION OF THE PROVISIONS OF ARTICLES 48-51 OF THE CHARTER

#### NOTE

During the period under review, the Council adopted two resolutions<sup>63</sup> which contained implicit references to Articles 49 and 50; these resolutions involved the question of assistance to Lesotho, which had suffered losses and damages as a result of its

humanitarian support to South African refugees and of its adherence to a Council resolution against South Africa.

None of these decisions was preceded by any in-depth consideration of the application of Articles 49 and 50.

During the period under review, one resolution<sup>64</sup> adopted by the Council contained an explicit reference to Article 51.

In the course of deliberations in the Council, various issues occasioned pertinent arguments relating to the interpretation of the principle of self-defence.

During the consideration of the situation in the Middle East,<sup>65</sup> Israel claimed that its duty to protect the lives and security of its citizens and the inability of the Lebanese Government to prevent the use of its territory for attacks against Israel had led to Israeli retaliatory actions against concentrations of PLO terrorists in Lebanon in the exercise of the inherent right of self-defence under Article 51 of the Charter. Other representatives pointed out that so-called pre-emptive actions could not be justified by any interpretation of Article 51 which requires the existence of an armed attack for an act of self-defence to be justified.

In connection with the complaint by Iraq regarding the Israeli attack on its nuclear facilities,<sup>66</sup> the Israeli representative claimed that it had exercised its inherent right of self-defence as understood in general international law and as preserved in Article 51 of the Charter. He quoted a writing by Sir Humphrey Waldock, which stated that "it would be a travesty of the purpose of the Charter to compel a defending State to allow its assailant to deliver the first and perhaps fatal blow . . . To read Article 51 otherwise is to protect the aggressor's right to the first strike". He said further that while the concept of a State's right to self-defence had not changed, its scope had broadened with the technological advance and that consequently the concept had taken on new and far wider application with the advent of the modern era.

The representative of Iraq quoted Article 51 and emphasized that, under that Article, the right of self-defence was permissible only in response to an armed attack. He further stated that the Israeli representative's quote was partial and a misquotation. He stated that Sir Humphrey Waldock had said:

"The Charter prohibits the use of force except in self-defence. The Charter obliges Members to submit to the Council or Assembly any dispute dangerous to peace which they cannot settle. Members have therefore an imperative duty to invoke the jurisdiction of the United Nations whenever a grave menace to their security develops carrying the probability of armed attacks. But if the action of the United Nations is obstructed, delayed or inadequate and the armed attack becomes manifestly imminent, then it would be travesty of the purpose of the Charter to compel a defending State to allow its assailant to deliver the first and perhaps fatal blow. If an armed attack is imminent within the strict doctrine of the *Caroline*, then it would seem to bring the case within Article 51. To read Article 51 otherwise is to protect the aggressor's right to the first strike.

During the Council's consideration of the question concerning the Falkland Islands (Islas Malvinas),<sup>67</sup> Argentina claimed that under Article 51 of the Charter hostilities must cease after the Council had adopted a resolution. The United Kingdom counter-argued that the reference in Article 51 to measures necessary to maintain international peace could be taken to refer only to measures that were actually effective to bring about the stated objective.

In connection with the situation in Namibia,<sup>68</sup> the point was emphasized that the Cuban presence in Angola was in full conformity with Article 51 of the Charter.

Explicit references to Article 51 occurred during other proceedings without giving rise to further discussion.<sup>69</sup>

Article 51 was also invoked in communications in connection with the complaint by Iraq;<sup>70</sup> the complaint by Angola against South Africa;<sup>71</sup> the letter dated 1 April 1982 from the representative of the United Kingdom;<sup>72</sup> the question concerning the Falkland Islands (Islas Malvinas);<sup>73</sup> the situation between Iran and Iraq;<sup>74</sup> the letter dated 2 August 1983 from the representative of Chad;<sup>75</sup> and the situation in Namibia.<sup>76</sup>

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.

#### Part IV

### CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER IN GENERAL

#### NOTE

During the period under review, the Council adopted no resolution with explicit references to Chapter VII. But, the Council considered a number of draft resolutions containing explicit references to Chapter VII, which, however, failed of adoption. Such draft resolutions were submitted in connection with the situation in Namibia,<sup>77</sup> the complaint by Angola against South Africa<sup>78</sup> and the situation in the occupied Arab territories.<sup>79</sup> 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.

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 Namibia; the complaint by Iraq; the situation in the Middle East; the Middle East problem, including the Palestinian question; the complaint by Angola against South Africa; the situation in the occupied Arab territories; letter dated 1 April 1982 from the representative of the United Kingdom; the situation in South Africa; and the complaint by Lesotho against South Africa.<sup>80</sup>

Throughout the period under review, there were a number of explicit references to Chapter VII in communications in connection with the following issues: the complaint by Iraq; the situation in the Middle East; the situation in the occupied Arab territories; and the question of South Africa.

## NOTES

<sup>1</sup> 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 *Supplement 1966-1968*.

<sup>2</sup> S/14459, *OR*, 36th yr., *Suppl. for April-June 1981* (see case 1); and S/14832/Rev.1, *OR*, 37th yr., *Suppl. for Jan.-March 1982* (see case 2).

<sup>3</sup> Resolution 502 (1982) of 3 April 1982, third preambular paragraph.

<sup>4</sup> In connection with the complaint by Iraq.

<sup>5</sup> In connection with the question concerning the Falkland Islands (Islas Malvinas).

<sup>6</sup> In connection with the complaint by Lesotho against South Africa.

<sup>7</sup> In connection with the situation in Namibia.

<sup>8</sup> In connection with the complaint by Angola against South Africa.

<sup>9</sup> In connection with the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

<sup>10</sup> S/14664/Rev.2, *OR*, 36th yr., *Suppl. for July-Sept. 1981*, revised draft resolution submitted by Mexico, Niger, Panama, Philippines, Tunisia and Uganda in connection with the complaint by Angola against South Africa, failed of adoption owing to the negative vote of a permanent member.

<sup>11</sup> S/14941, *OR*, 37th yr., *Suppl. for April-June 1982*, draft resolution submitted by Guyana and Panama in connection with the letter dated 19 March 1982 from the representative of Nicaragua, failed of adoption owing to the negative vote of a permanent member.

<sup>12</sup> S/14950, *OR*, 37th yr., *Suppl. for April-June 1982*, draft resolution submitted by Panama in connection with the letter dated 1 April 1982 from the representative of the United Kingdom.

<sup>13</sup> S/14829, *OR*, 37th yr., *Suppl. for Jan.-March 1982* regarding the situation in the occupied Arab territories, S/14978 *ibid.*, *Suppl. for April-June 1982* regarding the question concerning the Falkland Islands (Islas Malvinas) and S/15292 *ibid.*, *Suppl. for July-Sept. 1982* and S/15448 *ibid.*, *Suppl. for Oct.-Dec. 1982* regarding the situation between Iran and Iraq.

<sup>14</sup> In connection with the complaint by Iraq, the letter dated 1 April 1982 from the representative of the United Kingdom, the question in the Middle East, the question concerning the Falkland Islands (Islas Malvinas), the complaint by Lesotho against South Africa, the letter dated 8 August 1983 from the representative of the Libyan Arab Jamahiriya and the situation between Iran and Iraq.

<sup>15</sup> In connection with the complaint by Iraq, 2280th mtg.: Algeria, para. 171; 2282nd mtg.: Uganda, para. 21; 2283rd mtg.: Sierra Leone, para. 150; and 2285th mtg.: Morocco, para. 19; in connection with the complaint by Angola against South Africa, 2299th mtg.: Uganda, para. 48; 2300th mtg.: United Kingdom, para. 43; and Uganda, para. 63; and 2511th mtg.: United Kingdom, in connection with the situation in the occupied Arab territories, 2322nd mtg.: Syrian Arab Republic, para. 59; 2324th mtg.: PLO, para. 54; 2325th mtg.: Viet Nam, para. 111; 2326th mtg.: Afghanistan, para. 77; 2327th mtg.: Oman, para. 38; 2328th mtg.: Jordan, para. 17; and 2329th mtg.: Zaire, paras. 38 and 77 and the United States, para. 157; in connection with the question concerning the Falkland Islands (Islas Malvinas) 2362nd mtg.: the United Kingdom, para. 266; in connection with the complaint by Lesotho against South Africa, 2407th mtg.: Spain, para. 167; and 2409th mtg.: Kenya, para. 45; in connection with the situation in Namibia, 2444th mtg.: Uganda, para. 45; 2267th mtg.: Uganda, paras. 89 and 90; Sierra Leone, para. 100 and Jamaica, para. 239; 2270th mtg.: President of the Council for Namibia, para. 64; 2276th mtg.: Uganda, para. 9 and Tunisia, para. 35.

<sup>16</sup> Such statements occurred especially in connection with the situation in the Middle East and the complaint by Lesotho against South Africa, but also in discussions about the situation in Namibia and the complaint by Iraq.

<sup>17</sup> Resolution 502 (1982), para. 2, in connection with the letter dated 1 April 1982 from the representative of the United

Kingdom; resolution 514 (1982), para. 2, resolution 522 (1982), para. 2 and statement of the President (S/15616) of 21 February 1983, para. 5, in connection with the situation between Iran and Iraq.

<sup>18</sup> Resolution 540 (1983), para. 3, in connection with the situation between Iran and Iraq; resolution 552 (1984), para. 1, in connection with the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

<sup>19</sup> Statement of the President (S/14599) of 17 July 1981 and resolution 490 (1981), para. 1, resolution 498 (1981), para. 4, statement of the President (S/14995) of 22 April 1982, statement of the President (S/15163) of 4 June 1982, resolution 508 (1982), para. 1, resolution 509 (1982), para. 2, resolution 516 (1982), para. 1, statement of the President (S/15342) of 3 August 1982, resolution 517 (1982), para. 2, resolution 518 (1982), para. 1, statement of the President (S/16142) of 11 November 1983 and resolution 542 (1983), para. 3, in connection with the situation in the Middle East; resolution 502 (1982), para. 1, in connection with the letter dated 1 April 1982 from the representative of the United Kingdom; resolution 514 (1982), para. 1, resolution 522 (1982), para. 1, statement of the President (S/15616), of 21 February 1983, para. 5, resolution 540 (1983), para. 3; para. 4 requested the Secretary-General to consult with the parties concerning ways to sustain and verify the cessation of hostilities and statement of the President (S/16454) of 30 March 1984; in connection with the situation between Iran and Iraq; resolution 552 (1984), para. 5, in connection with the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

<sup>20</sup> Resolution 496 (1981), para. 3, in connection with the complaint by Seychelles, resolution 514 (1982), para. 3, in connection with the situation between Iran and Iraq (affirmed later by resolution 522 (1982), para. 4); and resolution 516 (1982), para. 2, and resolution 521 (1982), para. 3, in connection with the situation in the Middle East.

<sup>21</sup> Resolution 514 (1982), para. 4, in connection with the situation between Iran and Iraq; resolution 522 (1982), para. 5 reaffirmed the urgency of the continuation of the mediation efforts in connection with the situation between Iran and Iraq; and resolution 540 (1983), para. 1, requested the Secretary-General to continue his mediation efforts.

<sup>22</sup> Resolution 556 (1984), para. 3, in connection with the question of South Africa.

<sup>23</sup> Resolution 425 (1978), para. 1, quoted in the statement of the President (S/14414) of 19 March 1981 and reaffirmed by resolution 498 (1981), para. 1, resolution 488 (1981), para. 1, resolution 501 (1982), para. 1, resolution 520 (1982), para. 4, and resolution 542 (1983), para. 2, in connection with the situation in the Middle East; resolution 540 (1983), para. 3, in connection with the situation between Iran and Iraq; resolution 545 (1983), para. 5, in connection with the complaint by Angola against South Africa; and resolution 552 (1984), para. 3, in connection with the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

<sup>24</sup> Resolution 541 (1983), para. 2, in connection with the situation in Cyprus, resolution 554 (1984), paras. 1-3, in connection with the question of South Africa; resolution 554 (1984), para. 5, called upon all Governments and organizations not to recognize the results of elections.

<sup>25</sup> Resolution 556 (1984), para. 3, in connection with the question of South Africa. Statement of the President (S/14414) of 19 March 1981 called for the immediate release of Lebanese military personnel and of all those persons kidnapped by the so-called *de facto* forces in connection with the situation in the Middle East.

<sup>26</sup> Statement of the President (S/14414) of 19 March 1981 and statement of the President (S/15163) of 4 June 1982 in connection with the situation in the Middle East. Resolution 514 (1982), para. 5 (resolution 522 (1982), para. 6 reaffirmed such demands) in connection with the situation between Iran and Iraq and the statement of the President (S/16293) of 26 January 1984 in connection with the situation in the occupied Arab territories; resolution 552 (1984), para. 3 in connection with the letter dated

21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. In connection with the situation between Iran and Iraq, resolution 540 (1983), para. 5, called upon both parties to refrain from any action that might endanger peace and security as well as marine life in the region of the Gulf.

<sup>27</sup> Resolution 487 (1981), para. 6, in connection with the complaint by Iraq; and resolution 545 (1983), para. 4 and resolution 546 (1984), para. 7 in connection with the complaint by Angola against South Africa.

<sup>28</sup> Resolution 512 (1982), para. 1, resolution 513 (1982), paras. 1 and 2, statement of the President (S/15342) of 3 August 1982, resolution 518 (1982), para. 4, resolution 520 (1982), para. 5 and resolution 521 (1982), para. 2, in connection with the situation in the Middle East. (Resolution 521 (1982), para. 5, requests the Secretary-General to initiate consultations on additional steps to assist Lebanon in protecting civilian populations in and around Beirut.) Resolution 540 (1983), para. 2, in connection with the situation between Iran and Iraq.

<sup>29</sup> Resolution 505 (1982), para. 3, in connection with the question concerning the Falkland Islands (Islas Malvinas), resolution 518 (1982), para. 4, and resolution 521 (1982), para. 6, in connection with the situation in the Middle East.

<sup>30</sup> Statement of the President (S/15616) of 21 February 1983, para. 3, in connection with the situation between Iran and Iraq.

<sup>31</sup> Resolution 425 (1978), para. 2, quoted in the statement of the President (S/14414) of 19 March 1981, confirmed by resolution 498 (1981), para. 1, resolution 501 (1982), para. 2, and resolution 509 (1982), para. 1, in connection with the situation in the Middle East.

<sup>32</sup> Resolution 487 (1981), para. 2, in connection with the complaint by Iraq.

<sup>33</sup> Resolution 497 (1981), para. 2, in connection with the situation in the occupied Arab territories.

<sup>34</sup> Resolution 515 (1982), para. 1, in connection with the situation in the Middle East.

<sup>35</sup> Resolution 517 (1982), para. 4, and resolution 520 (1982), para. 3, in connection with the situation in the Middle East.

<sup>36</sup> Statement of the President of 15 December 1981 in connection with the question of South Africa.

<sup>37</sup> Resolution 502 (1982), paras. 2 and 3, in connection with the letter dated 1 April 1982 from the representative of the United Kingdom. That resolution followed the statement of the President (S/14944) of 1 April 1982, which called upon Argentina and the United Kingdom to exercise the utmost restraint, to refrain from the use or threat of force and to continue the search for a diplomatic solution.

<sup>38</sup> Resolution 503 (1982), para. 1, statement of the President (S/15444) of 4 October 1982, para. 2, resolution 525 (1982), para. 1, resolution 533 (1983), para. 1, and resolution 547 (1984), para. 1, in connection with the question of South Africa. By the statement of the President (S/14361) of 5 February 1981, South Africa was strongly urged to take into account the concerns expressed for the lives of opposition members sentenced to death.

<sup>39</sup> See note 37, with the exception of the statement of the President (S/15444).

<sup>40</sup> Resolution 532 (1983), paras. 1-3, and resolution 539 (1983), paras. 1, 2 and 8, in connection with the situation in Namibia. Resolution 539 (1983), para. 2, condemned South Africa for its obstruction of the implementation of resolution 435 (1978).

<sup>41</sup> Resolution 545 (1983), para. 3, and resolution 546 (1984), para. 3, in connection with the complaint by Angola against South Africa.

<sup>42</sup> Resolution 556 (1984), para. 6, in connection with the question of South Africa.

<sup>43</sup> Statement of the President (S/16454) of 30 March 1984 in connection with the situation between Iran and Iraq.

<sup>44</sup> Resolution 550 (1984), paras. 2-4 in connection with the situation in Cyprus.

<sup>45</sup> Resolution 497 (1981), para. 4, in connection with the situation in the occupied Arab territories; resolution 517 (1982), para. 8, in connection with the situation in the Middle East; resolution 539 (1983), para. 10, in connection with the situation in Namibia and resolution 552 (1984), para. 6, in connection with the letter dated 21 May 1984 from the representatives of Bahrain,

Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

<sup>46</sup> Resolution 546 (1984) of 6 January 1984, adopted at the 2511th mtg. by 13 votes to none, with 2 abstentions. The sixth preambular paragraph and paragraph 4 focused on the sanctions against South Africa.

<sup>47</sup> Resolution 558 (1984) of 13 December 1984, adopted unanimously at the 2564th mtg.

<sup>48</sup> S/14459, S/14460/Rev. 1, S/14461 and S/14462, *OR*, 36th yr., *Suppl. for April-June 1981*, pp. 20-25. Draft resolution S/14459 was sponsored by Mexico, Niger, Panama, Tunisia and Uganda and called, *inter alia*, for comprehensive and mandatory sanctions, including (a) economic and political sanctions; (b) an oil embargo; and (c) an arms embargo. Draft resolution S/14460/Rev.1 was sponsored by Niger, Tunisia and Uganda and called, *inter alia*, for severing all diplomatic, consular and trade relations with South Africa. Draft resolution S/14461 was sponsored by the same three countries and called, *inter alia*, for a mandatory oil embargo against South Africa. Draft resolution S/14462 was also sponsored by the same three countries and called, *inter alia*, for specific measures to implement an arms embargo against South Africa.

<sup>49</sup> Draft resolutions S/14459 and S/14460/Rev.1 received 9 votes in favour, 3 against, and 3 abstentions. Draft resolution S/14461 received 11 votes in favour, 3 against, and 1 abstention and draft resolution S/14462 received 12 votes in favour and 3 against.

<sup>50</sup> 2267th mtg.: Uganda, paras. 89-92; 2276th mtg.: Uganda, para. 10; 2277th mtg.: German Democratic Republic, para. 20; Uganda, para. 69; and Ireland, para. 100.

<sup>51</sup> 2280th mtg.: Algeria, para. 171; 2283rd mtg.: Sierra Leone, para. 150; 2284th mtg.: Syrian Arab Republic, para. 81; 2285th mtg.: Morocco, para. 19; and Palestinian Liberation Organization (PLO), para. 79.

<sup>52</sup> 2299th mtg.: Uganda, para. 48.

<sup>53</sup> 2322nd mtg.: Syrian Arab Republic, paras. 68 and 70; 2323rd mtg.: Democratic Yemen, paras. 9 and 14; 2324th mtg.: PLO, para. 54; Sudan, para. 103; Libyan Arab Jamahiriya, para. 132; 2325th mtg.: Iraq, para. 40; Viet Nam, para. 111; 2326th mtg.: Guyana, para. 22; Afghanistan, para. 84; 2327th mtg.: Oman, para. 39; Indonesia, para. 49; Uganda, para. 77; 2328th mtg.: Jordan, paras. 6 and 17; Poland, para. 41; Burundi, para. 72; China, para. 80; United Arab Emirates, para. 93; 2334th mtg.: Syrian Arab Republic, para. 89; and 2413th mtg.: Zimbabwe, para. 145.

<sup>54</sup> 2408th mtg.: Sierra Leone, para. 78.

<sup>55</sup> In connection with the situation in Namibia, 2267th mtg.: Jamaica, para. 241; and 2276th mtg.: Uganda, para. 18; in connection with the complaint by Iraq, 2280th mtg.: Algeria, para. 171; and 2283rd mtg.: Sierra Leone, para. 150; in connection with the situation in the occupied Arab territories, 2324th mtg.: Sudan, para. 103; 2328th mtg.: Jordan, para. 6; and 2413th mtg.: Zimbabwe, para. 145; and in connection with the question concerning the Falkland Islands (Islas Malvinas): 2362nd mtg.: Venezuela, para. 75; and United Kingdom, para. 266.

<sup>56</sup> 2267th mtg.: Uganda, para. 89.

<sup>57</sup> For relevant statements, see 2267th mtg.: Sierra Leone, para. 99; Cuba, para. 149; Niger, para. 198; Ethiopia, para. 213; Jamaica, para. 237; 2268th mtg.: Indonesia, para. 18; Algeria, para. 25; Senegal, para. 72; 2269th mtg.: Panama, para. 12; Zambia, para. 44; Togo, para. 79; India, para. 87; 2270th mtg.: Nigeria, para. 21; President of the United Nations Council for Namibia, paras. 55, 57, 62 and 64; Mr. Peter Mueshahange of the South West Africa People's Organization (SWAPO), paras. 84 and 122; 2271st mtg.: Angola, para. 10; the Soviet Union, paras. 56 and 64; 2273rd mtg.: United Republic of Tanzania, para. 132; and 2275th mtg.: 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, para. 34.

<sup>58</sup> For relevant statements, see 2271st mtg.: United Kingdom, paras. 90 and 91; United States, para. 128; 2273rd mtg.: Japan, paras. 98 and 99; and 2274th mtg.: Canada, para. 15; and Federal Republic of Germany, paras. 77 and 78.

<sup>59</sup> For the detailed procedural history, see chap. VIII, part II, under the same title.

<sup>60</sup> 2316th mtg., paras. 7-17.

<sup>61</sup> S/14832/Rev.1, *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>62</sup> For the detailed procedural history, see chap. VIII, part II, under the same title.

<sup>63</sup> Resolution 527 (1982) of 15 December 1982, adopted unanimously at the 2407th meeting, and resolution 535 (1983) of 29 June 1983, adopted unanimously at the 2455th mtg.

<sup>64</sup> Resolution 546 (1984), para. 5, adopted at the 2511th mtg. by 13 votes to none with 2 abstentions, in connection with the complaint by Angola against South Africa. During the deliberations leading to the adoption of the resolution, Article 51 was frequently referred to explicitly.

<sup>65</sup> For references to Article 51 in connection with Israeli attacks on Lebanon, see 2265th mtg.: USSR, para. 39; 2292nd mtg.: Israel, paras. 54 and 55; 2293rd mtg.: France, para. 43; Egypt, para. 68; and Syrian Arab Republic, para. 146.

<sup>66</sup> For references to Article 51, see 2281st mtg.: India, para. 31; Pakistan, para. 70; 2282nd mtg.: Uganda, paras. 11-19; Spain, para. 78; 2283rd mtg.: Ireland, paras. 25 and 26; Sierra Leone, paras. 148 and 149; 2284th mtg.: Niger, para. 11; Syrian Arab Republic, para. 65; 2285th mtg.: Bangladesh, para. 124; 2286th mtg.: Guyana, para. 15; Turkey, para. 49; 2287th mtg.: Malaysia, para. 33; and 2288th mtg.: Mexico, para. 115; and Uganda, para. 141.

<sup>67</sup> For references, see 2360th mtg.: Argentina, para. 55; United Kingdom, para. 111; and 2362nd mtg.: United Kingdom, para. 266.

<sup>68</sup> For references, see 2440th mtg.: Cuba; 2481st mtg.: Ethiopia; 2482nd mtg.: Mozambique; and 2488th mtg.: USSR.

<sup>69</sup> See 2300th mtg.: Angola, para. 80; 2506th mtg.: United Republic of Tanzania; 2507th mtg.: Ethiopia; 2509th mtg.: Peru; 2510th mtg.: Ethiopia; Zambia, in connection with the complaint by Angola against South Africa; 2322nd mtg.: Syrian Arab Republic, para. 69, in connection with the situation in the occupied Arab territories; 2346th mtg.: United Kingdom, para. 6, in connection with the letter dated 1 April 1982 from the representative of the United Kingdom; 2465th mtg.: France, in connection with the letter dated 2 August 1983 from the representative of Chad; 2487th mtg.: Nicaragua; 2491st mtg.: Saint Lucia; Barbados, in connection with the situation in Grenada; 2558th mtg.: Lao People's Democratic Republic, in connection with the letter dated 3 October 1984 from the representative of the Lao People's Democratic Republic.

<sup>70</sup> Letter dated 29 June 1981 from the representative of Israel to the President of the Security Council (S/14576, *OR*, 36th yr., *Suppl. for April-June 1981*).

<sup>71</sup> Letter dated 25 August 1981 from the representative of Angola to the Secretary-General (S/14643, *OR*, 36th yr., *Suppl. for July-Sept. 1981*).

<sup>72</sup> Letters from Argentina included those dated 9 April 1982 (S/14961, *OR*, 37th yr., *Suppl. for April-June 1982*), 16 April 1982 (S/14984, *ibid.*), 24 April 1982 (S/14998, *ibid.*), 28 April 1982 (S/15009, *ibid.*), 29 April 1982 (S/15014, *ibid.*), 30 April 1982 (S/15018, *ibid.*), 30 April 1982 (S/15021, *ibid.*), 8 May 1982 (S/15059, *ibid.*) and 11 May 1982 (S/15069, *ibid.*). Letters from the United Kingdom included those dated 9 April 1982 (S/14963, *ibid.*), 11 April 1982 (S/14964, *ibid.*), 13 April 1982 (S/14973, *ibid.*), 13 April 1982 (S/14974, *ibid.*), 24 April 1982 (S/14997, *ibid.*), 28 April 1982 (S/15006, *ibid.*), 29 April 1982 (S/15010,

*ibid.*), 30 April 1982 (S/15016, *ibid.*), 2 May 1982 (S/15027, *ibid.*), 3 May 1982 (S/15031, *ibid.*), 4 May 1982 (S/15040, *ibid.*), 4 May 1982 (S/15041, *ibid.*), 8 May 1982 (S/15058, *ibid.*) and 13 May 1982 (S/15081, *ibid.*). Letter dated 14 April 1982 from Panama (S/14978, *ibid.*), also contains explicit reference to Article 51.

<sup>73</sup> Letters from Argentina included those dated 22 May 1982 (S/15102, *OR*, 37th yr., *Suppl. for April-June 1982*), 26 May 1982 (S/15128, *ibid.*), 27 May 1982 (S/15131, *ibid.*), 28 May 1982 (S/15136, *ibid.*), 31 May 1982 (S/15147, *ibid.*), 4 June 1982 (S/15160, *ibid.*), 5 June 1982 (S/15169, *ibid.*), 7 June 1982 (S/15177, *ibid.*), 8 June 1982 (S/15181, *ibid.*), 9 June 1982 (S/15189, *ibid.*), 10 June 1982 (S/15192, *ibid.*), 11 June 1982 (S/15201, *ibid.*), 12 June 1982 (S/15202, *ibid.*), 12 June 1982 (S/15204, *ibid.*), 12 June 1982 (S/15205, *ibid.*), 12 June 1982 (S/15207, *ibid.*), 13 June 1982 (S/15212, *ibid.*), 14 June 1982 (S/15214, *ibid.*) and 14 June 1982 (S/15217, *ibid.*). Letters from the United Kingdom included those dated 23 May 1982 (S/15104, *ibid.*), 25 May 1982 (S/15119, *ibid.*), 27 May 1982 (S/15134, *ibid.*), 1 June 1982 (S/15148, *ibid.*), 17 June 1982 (S/15231, *ibid.*), 21 June 1982 (S/15246, *ibid.*), and 23 June 1982 (S/15249, *ibid.*). Letter dated 26 May 1982 from Colombia (S/15126, *ibid.*), contained a message from the United Kingdom which referred to Article 51.

<sup>74</sup> Letter dated 10 June 1983 from the representative of Iraq to the Secretary-General (S/15826, *OR*, 38th yr., *Suppl. for April-June 1983*).

<sup>75</sup> Letter dated 24 June 1983 from the representative of Chad to the President of the Security Council (S/15843, *OR*, 38th yr., *Suppl. for April-June 1983*).

<sup>76</sup> Letter dated 17 November 1984 from the President of the People's Republic of Angola to the Secretary-General (S/16838, *OR*, 39th yr., *Suppl. for Oct.-Dec. 1984*).

<sup>77</sup> S/14459, *OR*, 36th yr., *Suppl. for April-June 1981*, preambular para. 16 ("Acting . . . under Chapter VII . . .") and operative para. 4 ("Decides, under Chapter VII of the Charter . . ."), S/14460 and Rev.1, *ibid.*, preambular para. 14 ("Acting . . . under Chapter VII . . .") and S/14462, ("Acting . . . under Chapter VII . . ."). Draft resolution S/14459 was submitted by Mexico, Niger, Panama, Tunisia and Uganda and resolutions S/14460/Rev.1, S/14461 and S/14462 were submitted by Niger, Tunisia and Uganda. These four draft resolutions failed of adoption owing to the negative votes of three permanent members of the Council.

<sup>78</sup> S/14664/Rev.2, sixth preambular para.; *OR*, 36th yr., *Suppl. for July-Sept. 1981*, (" . . . in accordance with the appropriate provisions of the Charter of the United Nations, including Chapter VII . . ."). The draft resolution was submitted by Mexico, Niger, Panama, Philippines, Tunisia and Uganda, but failed of adoption owing to the negative vote of a permanent member.

<sup>79</sup> S/14832/Rev.1, *OR*, 37th yr., *Suppl. for Jan.-March 1982*, seventh preambular para. ("Acting in accordance with the relevant provisions of Chapter VII . . ."). The draft resolution was submitted by Jordan but failed of adoption owing to the negative vote of a permanent member.

<sup>80</sup> 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.<sup>1</sup>

### Part I

#### CONSIDERATION OF THE PROVISIONS OF ARTICLE 1, PARAGRAPH 2, OF THE CHARTER

##### *Article 1, paragraph 2*

“To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”

#### NOTE

During the period under review, none of the resolutions adopted by the Council contained an explicit reference to Article 1, paragraph 2, of the Charter. However, the significance of the Charter provision regarding the right to self-determination of peoples was reflected in some of the decisions and deliberations of the Council. This principle of self-determination was implicitly invoked in resolution 530 (1983) of 19 May 1983 regarding the letter dated 5 May 1983 from the representative of Nicaragua; resolutions 532 (1983) of 31 May 1983 and 539 (1983) of 28 October 1983 regarding the situation in Namibia; resolutions 541 (1983) of 8 November 1983 and 550 (1984) of 11 May 1984 pertaining to the situation in Cyprus; resolutions 554 (1984) of 17 August 1984 and 556 (1984) of 23 October 1984 relating to the question of South Africa; and resolution 552 (1984) of 1 June 1984 in connection with the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

In two of these cases,<sup>2</sup> the texts contained references to General Assembly resolution 1514 (XV) of 14 December 1960, entitled “Declaration on the Granting of Independence to Colonial Countries and Peoples”. In two other cases,<sup>3</sup> the text also contained references to the Universal Declaration of Human Rights.

The Council also considered a few draft resolutions invoking the principle of self-determination, which either failed to be adopted or were not voted upon: four draft resolutions were submitted in connection with the situation in Namibia;<sup>4</sup> one regarding the situation in the Middle East;<sup>5</sup> one in connection with the letter dated 19 March 1982 from the representative of Nicaragua;<sup>6</sup> and another in connection with the letter dated 1 April 1982 from the representative of the United Kingdom.<sup>7</sup>

On one occasion, during deliberations on the situation in Cyprus, Council proceedings focused on the tension between basic Charter principles involving the norms of self-determination and of territorial

integrity. On the one hand, it was maintained that allegations about usurpation of the right of Turkish Cypriots by the Greek Cypriots and about the “Turkish Cypriots’ right to self-determination” were attempts at creating the necessary atmosphere to justify a partitionist policy through secession. The well-established principle of self-determination could not be interpreted in such ways as to impair the territorial integrity of any State and must be exercised by a people as a whole, and not on the basis of factional, religious, communal or ethnic criteria; and that, in any case, the Turkish Cypriot community could not exercise such a right on a part of the territory of Cyprus, on which they had all along been a small minority.

On the other hand, it was argued that, in Cyprus, there was not just one nation but two peoples and that the 1960 Constitution, which had created a bicomunal Republic of Cyprus, had meant that the right of self-determination was exercised jointly by the two communities, which had thus been recognized as the co-founders of the Republic. The Turkish community of Cyprus was, therefore, not an ethnic minority but an organized political community whose right to self-determination was manifested by the proclamation of the Turkish Republic of Northern Cyprus.

It was further contended that in a country like Cyprus, where no nation had existed as such and where the State had come into being through the mutually agreed partnership of the two national communities irrespective of the population ratios, it was axiomatic that both national communities possessed the right to self-determination in order to prevent the exercise of such right by one community from resulting in the enslavement of the other; and that the proclamation of independence by the Turkish community was, therefore, not a secession but a phenomenon that must be understood as part of the very concept of the Cyprus entity whose sole purpose was to enable joining the Greek community on an equal footing in the bicomunal, bizonal and federal framework which should be the basis of the Republic of Cyprus.<sup>8</sup> These constitutional arguments, however,



were not reflected in the draft resolutions that were submitted for the Council's consideration.

On another occasion, the Council engaged in what might be described as some constitutional discussion or at least as a consideration of the applicability or inapplicability of the Charter principle to a given specific situation. A case history belonging in this category is included below.

In a few cases, Article 1, paragraph 2, or Article 1 as a whole with reference to the principle of self-determination, was invoked without giving rise to a constitutional discussion.<sup>9</sup>

#### CASE 1

*Letter dated 1 April 1982 from the representative of the United Kingdom and the question concerning the Falkland Islands (Islas Malvinas)*

(In connection with a draft resolution sponsored by the United Kingdom, voted upon and adopted on 3 April 1982, and another draft resolution sponsored by Panama, not voted upon)

During the deliberations in the Council, a constitutional discussion arose over whether the Charter provision regarding the self-determination of peoples was applicable to the specific situation of the Falkland Islands (Islas Malvinas). One side maintained that the Falkland Islands (Islas Malvinas) was part of Argentine territory illegally occupied in 1833 through the use of force by the United Kingdom, which, also by an act of force, had displaced the Argentine population and authorities, thereby depriving Argentina of its sovereignty over the archipelago.

Since that time, Argentina had consistently called for the return of that part of its territory and the General Assembly had adopted a number of resolutions since 1965, including resolution 2065 (XX), by which it had noted the existence of a dispute between Argentina and the United Kingdom concerning sovereignty over the islands and had invited both parties to pursue negotiations towards a peaceful settlement of the problem and to bring an end to a colonial situation, bearing in mind the purposes of the Charter and of Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and also bearing in mind the interests of the population of the islands.

The Assembly, it was argued, had explicitly recognized that the principles applicable to the case of the Falkland Islands (Islas Malvinas) were those that enshrined and protected the right of States to territorial integrity, since the illegitimate act of force by the United Kingdom, which in any case could not have given rise to any right, had been followed by the expulsion of Argentine nationals and their replacement by a tiny number of citizens from the colonial Power, thereby rendering the principle of self-determination inapplicable.

It was further argued that the inapplicability of the principle of self-determination did not mean that the rights of the inhabitants were not respected and that while Argentina stood ready to guarantee all their individual rights it could not, however, allow those 1,800 persons, largely composed of British Government officials and employees of the Falkland Islands Company, to be used as something enshrined in international law as a "population".

It was also maintained that Argentina had always considered the self-determination of peoples to be a fundamental right of contemporary international law, while the United Kingdom, which was demanding its strict application in the Falkland Islands (Islas Malvinas), had, at many international forums, including the General Assembly at the time of the adoption of its resolution 1514 (XV) in 1960, held the view that self-determination was a political principle whose practical application was subordinate to other principles, especially to that of the maintenance of peace, and that although it carried considerable weight as a basic principle, self-determination could not be defined with sufficient accuracy in connection with specific circumstances to constitute a right and was not recognized as such either in the Charter or in customary international law.

The United Kingdom, it was argued, was therefore alluding to the principle merely to cloak its illegitimate presence in the islands with respectability, and the application of the right of self-determination to the case of the Falkland Islands (Islas Malvinas) was a travesty because it would have meant the self-determination of the colonizers, giving them an opportunity to legitimize their illegitimate settlement in a territory that did not belong to them. Self-determination was a guarantee and an instrument designed to protect the colonized peoples, to hasten the eradication of the colonial system and, therefore, could hardly be used to strengthen that very system and to give legitimacy to the presence of the occupying Power.

On the other side, it was argued that the Falkland Islands (Islas Malvinas), situated in the South Atlantic, had a population of about 18,000 people, mainly of British origin, most of whom had been born there to families that had lived there for generations, and without significant Argentine element in the population. The United Kingdom had exercised sovereignty over the islands since the early nineteenth century and had continued to do so while the Territory had been discussed by the General Assembly for several years as one of those Territories about which the United Kingdom was reporting to the United Nations under Article 73 (e) of the Charter. Whereas Argentina's claim to sovereignty over the islands was based on eighteenth and early nineteenth century history, the United Kingdom had sovereignty on the basis of eighteenth, nineteenth and twentieth century history, the nationality of the population, the freely chosen wishes of the people and on what those people had achieved in the Territory.

Contrary to the contention that the people of the Falkland Islands (Islas Malvinas) were not a population in international law, the vast majority of the islanders were born to families that had been settled there from four to six generations as an entirely separate people with a different language, culture and way of life from those of the people of Argentina and, thus, whether they were 1,800 or 18,000 or 18 million, they were still entitled to the protection of international law and to have their freely expressed wishes respected.

It was further maintained that neither Article 1, paragraph 2, of the Charter, nor the common Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which clearly stated that "all peoples have the right to self-determination", attempted to lay down exceptions. More-

over, Article 73 of the Charter, the declaration regarding Non-Self-Governing Territories, had recognized the principle that the interests of the inhabitants of Territories such as the Falkland Islands (Islas Malvinas) were "paramount"; hence, the attempt to change the way of life of the islanders, to bring in settlers, to buy up land, to impose the Spanish language and to change the curricula in the schools was not only contrary to the right of self-determination protected by the Charter, but smacked of colonialism by Argentina.

Although the United Kingdom had taken the position in the 1960s that self-determination was a principle and not a right, it had since ratified the two international covenants—on economic, social and cultural rights, and on civil and political rights—which were adopted in 1966 and both of which stated that: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."<sup>10</sup>

Furthermore, the United Kingdom had joined the consensus in 1970 when the General Assembly adopted the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, which also had stated: "By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference their political status. . . ."<sup>11</sup> The application of self-determination to the people of the Falkland Islands (Islas Malvinas) was, therefore, not a travesty; those people were small in number, but that in no way detracted from their rights under international law, under the Charter, and under Article 73 of the Charter; they

were a homogeneous community which had developed democratic institutions over a period of a century; sovereignty was in dispute but the people were not; and it was not a case of two communities sharing the same territory.<sup>12</sup>

At the 2346th meeting, on 2 April 1982, the representative of the United Kingdom introduced the draft resolution submitted by his delegation. At the 2350th meeting, on 3 April 1982, a revised draft was circulated, in which the words "Islas Malvinas" were inserted in parenthesis following the words "Falkland Islands" wherever they occurred. At the same meeting, this draft was voted upon and adopted by 10 votes to 1, with 4 abstentions, as resolution 502 (1982).<sup>13</sup> The resolution reads, in part, as follows:

*The Security Council,*

*Determining that there exists a breach of the peace in the region of the Falkland Islands (Islas Malvinas),*

3. *Calls on the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations.*

At the same meeting, the representative of Panama introduced a draft resolution<sup>7</sup> sponsored by his delegation. Under the draft, which was not put to the vote, the Council would have, *inter alia*, recalled General Assembly resolution 1514 (XV), containing the "Declaration on the Granting of Independence to Colonial Countries and Peoples"; called upon the United Kingdom to co-operate with Argentina in the decolonization of the Malvinas Islands, South Georgia and the South Sandwich Islands; and requested both Governments to carry out negotiations in order to put an end to the situation of tension, duly respecting Argentine sovereignty over those territories and the interests of their inhabitants.

## 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, two resolutions<sup>14</sup> adopted by the Council contained explicit references to Article 2, paragraph 4, of the Charter; and one resolution<sup>15</sup> explicitly invoked Article 2 as a whole with reference to the need for strict adherence to its provisions for the establishment of peace and security. Many other decisions and deliberations of the Council also reflected the significance of this provision of the Charter with its concomitant principles and obligations. Of the 32 other resolutions referring to Article 2, paragraph 4, 4<sup>16</sup> used language taken from this Charter provision, and 28<sup>17</sup> contained other implicit references to it. Seven statements of the President on behalf of the Council also referred to Article 2, paragraph 4: three<sup>18</sup> invoked the language of the Charter, whereas the other four<sup>19</sup> referred

implicitly to the Article. Twenty-one draft resolutions, which either failed to be adopted or were not put to the vote, also contained references to Article 2, paragraph 4; of these, 3<sup>20</sup> explicitly referred to Article 2, paragraph 4; 3<sup>21</sup> employed the language of the Charter; 1<sup>22</sup> referred to General Assembly resolution 3314 (XXIX) of 14 December 1974 and cited the definition of an act of aggression as contained therein; and the remaining 14 draft resolutions<sup>23</sup> contained other implicit references to the provisions of Article 2, paragraph 4.

In the instances indicated above,<sup>24</sup> 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 cases,<sup>25</sup> the Council affirmed the principle of the inadmissibility of the acquisition of

territory by force and called for respect or support for the territorial integrity, sovereignty and political independence of States. In other paragraphs,<sup>26</sup> the Council expressed concern about, or censured, acts of aggression or occupation in violation of the territorial integrity, sovereignty and political independence of States and demanded cessation of hostilities, armed attacks or invasions, acts of violence and similar transgressions and the withdrawal of forces from the territories of others. In one instance, the Council explicitly affirmed the right of a State, under Article 51 of the Charter, to take all the measures necessary to defend and safeguard its sovereignty, territorial integrity and independence.<sup>27</sup> In another instance, the Council also affirmed the legitimacy of the struggle of oppressed people for the full exercise of their right to self-determination or for their free participation in the determination of their destiny.<sup>28</sup> Furthermore, the Council, on one occasion, commended the appeal that its deliberations should strengthen, *inter alia*, the obligation not to allow the territory of a State to be used for committing acts of aggression against other States.<sup>29</sup>

While references of this kind to the provision of Article 2, paragraph 4, were frequent, the Council nevertheless engaged only occasionally in what might be described as some constitutional discussion or at least as clear espousal of the principles of the Charter.

On a number of occasions,<sup>30</sup> Article 2, paragraph 4, was explicitly invoked, but usually did not give rise to a constitutional discussion.

#### CASE 2

##### *Situation in the Middle East*

(In connection with the President's statement issued on 17 July 1981 and a draft resolution submitted by Ireland, Japan and Spain, voted upon and adopted on 21 July 1981)

At the outset of the Council's consideration of the complaint by Lebanon in 1981 relating to the deteriorating situation in southern Lebanon, the Secretary-General reported that there was renewed violence in the south of Lebanon involving shelling by Palestinian groups, various air strikes against Beirut and other targets by the Israel Defence Forces and the *de facto* forces, and that those outbursts of violence had caused extensive civilian casualties in Lebanon and Israel.<sup>31</sup>

Throughout the Council's deliberation of complaints by Lebanon during the period under review leading to the deployment of the Multinational Force<sup>32</sup> in 1982 and the eventual evacuation<sup>33</sup> of the armed elements of the PLO from Lebanon in late 1983, and early 1984, most speakers invoked explicitly or implicitly the provisions of Article 2, paragraph 4, declared that the use of force against the territorial integrity or political independence of another State was inadmissible, and rejected the policy of pre-emptive strikes as the use of force that could not be justified as self-defence by any interpretation of Article 51 of the Charter, and which could result only in further cycles of violence.

On the one hand, the representative of Lebanon condemned the Israeli "pre-emptive" strikes against Lebanon and sought the Council's support for his Government in its aim to reactivate the Israel-Lebanon Mixed Armistice Commission, which had been set up in 1949. Meanwhile, he urged the Council to bring about the immediate cessation of hostilities to

prevent further deterioration and to enable the United Nations Interim Force in Lebanon (UNIFIL) to play to the fullest its role as a conflict control mechanism.

On the other hand, the representative of Israel contended that the PLO, whose control over a large part of Lebanon had assured it the freedom of operation for its acts of terror against Israel, perpetrated the outrages which had resulted in loss of life and considerable damage to property and that it also had plans to escalate these criminal designs. He stated that his Government had decided to exercise its inherent right to self-defence against the attackers, under Article 51 of the Charter, since the efforts in bringing the terrorist actions to the attention of the Security Council had been unheeded. He further stressed that as much as Israel deplored the harm to innocent Lebanese civilians, the real problem was how to put an end to international terrorism in general and, more specifically, how to end PLO terror against the land and people of Israel, and that the removal of all foreign armies and terrorists from Lebanese territory would constitute a first step towards that goal.<sup>34</sup>

At the conclusion of the 2292nd meeting, on 17 July 1981, the President of the Council made the following statement:<sup>35</sup>

The President of the Security Council and the members of the Council, after hearing the report of the Secretary-General, express their deep concern at the extent of the loss of life and the scale of the destruction caused by the deplorable events that have been taking place for several days in Lebanon.

They launch an urgent appeal for an immediate end to all armed attacks and for the greatest restraint so that peace and quiet may be established in Lebanon and a just and lasting peace in the Middle East as a whole.

When the Council resumed consideration of the issue at the 2293rd meeting, on 21 July 1981, the Secretary-General summarized developments of the situation since its last meeting on 17 July, in which he informed the Council members that he had instructed the Commander of UNIFIL and the Chief of Staff of UNTSO to exert every effort to achieve a cessation of hostilities but that, while those efforts were in progress, there had been a resumption of shelling and the exchange of fire.<sup>36</sup>

At the same meeting, the representative of Spain introduced a draft resolution sponsored by Ireland, Japan and Spain, which was adopted unanimously without discussion as resolution 490 (1981).<sup>37</sup> It reads, in part, as follows:

*The Security Council,*

*Reaffirming* the urgent appeal made by the President and the members of the Security Council on 17 July 1981, . . .

1. *Calls* for an immediate cessation of all armed attacks;
2. *Reaffirms* its commitment to the sovereignty, territorial integrity and independence of Lebanon within its internationally recognized boundaries;

#### CASE 3

##### *Situation in the occupied Arab territories*

(In connection with a draft resolution prepared as a result of consultation among the members of the Council and adopted on 17 December 1981 and another draft resolution submitted by Jordan, voted upon and not adopted on 20 January 1982)

During the Council's consideration of the decision of the Government of Israel on 14 December 1981 to apply its laws, jurisdiction and administration to the

Golan Heights, a part of the territory of the Syrian Arab Republic occupied by Israel since June 1967, on the one hand, nearly all speakers invoked implicitly or explicitly Article 2, paragraph 4, deplored or condemned the decision as tantamount to annexation, contrary to international law and in violation of the purposes and principles of the Charter, particularly the principle of the inadmissibility of the acquisition of territory by force, and urged the Council to declare the decision null and void and to take the required measures to ensure that Israel rescinded forthwith its annexation of Syrian territory.

Moreover, the representative of the Syrian Arab Republic underscored that the Israeli decision was not only a flagrant violation of the Charter and the resolutions of the Council, in particular resolution 338 (1973), but also a violation of the Israeli-Syrian cease-fire, thus constituting an act of war against his country, and called upon the Council to impose mandatory sanctions under Chapter VII of the Charter to prevent the situation from worsening thereby further endangering the region and the peace and security of the world at large. He rejected the Israeli allegation of Syrian aggression and stated that Israel was established by force and that the 1967 war was also a premeditated aggression concocted by Israel against the independent Arab States of the Syrian Arab Republic, Jordan and Egypt.

On the other hand, the representative of Israel stated that, while the area of the Golan Heights was small, its strategic significance to the security of the people of Israel was out of all proportion to its size and that the Syrian Arab Republic, since 1948, had claimed that there was no international boundary between it and Israel and that only the ultimate settlement could establish permanent boundaries. He gave a detailed account of "19 years of Syrian harassment and aggression" in which Israeli towns and villages had been bombarded, and asserted Israel's vital interest in seeking protection against strikes from the Golan Heights. He further stated that one of the basic principles of the Charter was that States were prohibited in their international relations from the use and even threat of force. If a State violated that fundamental principle of the Charter, as the Syrian Arab Republic had done consistently since 1948 by alternating the use and threat of force against Israel, no rights could accrue to that State from such violations and, hence, there was no justification for that aggressor State to be allowed to perpetuate the state of war endlessly.

He maintained that, in view of the need to administer everyday activities on the Golan Heights occupied since 1967, his Government and the Knesset had decided to regularize the situation by applying Israeli law, jurisdiction and administration to the area. He further maintained that no responsible Government in Israel would return to the insecure pre-1967 armistice demarcation lines and appealed to the Syrian Arab Republic to negotiate directly with Israel on all the outstanding issues, including the question of the international boundary between them.<sup>38</sup>

At the 2319th meeting, on 17 December 1981, the Council unanimously adopted a draft resolution that had been prepared as a result of consultations among the members, as resolution 497 (1981).<sup>39</sup> The resolution reads, in part, as follows:

*The Security Council,*

Reaffirming that the acquisition of territory by force is inadmissible, in accordance with the Charter of the United Nations, the principles of international law and relevant Security Council resolutions,

1. Decides that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect;

2. Demands that Israel, the occupying Power, should rescind forthwith its decision;

4. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution within two weeks and decides that, in the event of non-compliance by Israel, the Council would meet urgently, and not later than 5 January 1982, to consider taking appropriate measures in accordance with the Charter of the United Nations.

At its 2322nd meeting, on 6 January 1982, the Council resumed consideration of the issue and included in its agenda resolution 497 (1981) and the report of the Secretary-General,<sup>40</sup> submitted to it in pursuance of that resolution, by which he informed the Council about his contacts with the Government of Israel and the clearly negative response from Israel with regard to nullifying its measures on the Golan Heights.

During the Council's deliberation of the issue in the wake of Israel's refusal to rescind the application of its laws to the occupied Golan Heights as demanded by the Council in its resolution 497 (1981), it was argued, on the one hand, that the only avenue left for the Council to deter Israel was to invoke its powers under Articles 39 and 41 of the Charter since the ultimate end of the Israeli act of 14 December 1981 in the Golan Heights was within the meaning of an act of aggression as defined in articles 3 and 5 of the annex to General Assembly resolution 3314 (XXIX) of 14 December 1974, entitled "Definition of Aggression". It was further maintained that the policies of Israel contradicted the principles of the non-use of force and the non-acquisition of territory by force and that if the Council failed to impose sanctions, the Syrian Arab Republic would reserve its right under Article 51 to deal with the Israeli aggression.

On the other hand, the representative of Israel also invoked the Charter principles prohibiting the use of force and obligating Member States to settle their disputes by peaceful means and reiterated the charges regarding the acts of aggression perpetrated by the Syrian Arab Republic against the people of Israel. He held that the Syrian Arab Republic regarded the very existence of Israel as an ongoing act of aggression and that that hostility had led successive Syrian régimes since 1948 into repeated acts of armed aggression against his country. He characterized article 1 of the annex to General Assembly resolution 3314 (XXIX) as the "central provisions" of the Definition of Aggression, according to which, he charged, the Syrian Arab Republic was clearly incriminated and reiterated Israel's invitation to unconditional negotiations between the two States.<sup>41</sup>

At the 2329th meeting, on 20 January 1982, a revised draft resolution submitted by Jordan was put to the vote, received 9 votes, 1 against and 5 abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.<sup>42</sup> Under the revised draft text, the Council would have, *inter alia*, recalled General Assembly resolution 3314 (XXIX) of 14 December 1974, which defined an act of aggression as "the invasion or attack by the

armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof"; determined that Israeli measures in the occupied Syrian Golan Heights, culminating in Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration, constituted an act of aggression under the provisions of Article 39 of the Charter; and decided that all Member States should consider applying concrete and effective measures in order to nullify the Israeli annexation of the Syrian Golan Heights and to refrain from providing any assistance or aid to and co-operation with Israel, in all fields, in order to deter Israel in its policies and practices of annexation.

At the conclusion of the meeting, the representative of Jordan proposed further consideration of the issue by the Council and requested that the next meeting be convened after consultations among its members.<sup>43</sup>

#### CASE 4

##### *Complaint by Angola against South Africa*

(In connection with a draft resolution sponsored by Mexico, the Niger, Panama, the Philippines, Tunisia and Uganda, revised, voted upon and not adopted on 31 August 1981; another draft resolution sponsored by Angola, Botswana, Guyana, Jordan, Malta, Mozambique, Nicaragua, Pakistan, Togo, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe, voted upon and adopted on 20 December 1983; and a third draft resolution sponsored by Angola, Egypt, India, Malta, Mozambique, Nicaragua, Nigeria, Pakistan, Peru, the United Republic of Tanzania, Upper Volta, Zambia and Zimbabwe, revised, voted upon and adopted on 6 January 1984)

During the Council's consideration of complaints by Angola, which had suffered acts of aggression and occupation of parts of its territory by South Africa, nearly all the speakers condemned or deplored the South African aggressive acts as violations of the principles of Article 2, paragraph 4, and related Charter provisions.

On the one hand, it was maintained that South Africa had sent its troops into the southern part of Angola, 100 to 115 miles deep, in a massive invasion fully equipped with tanks, armoured vehicles, helicopters, artillery units and anti-radar missiles, and that its forces had occupied a number of towns and totally or partially destroyed others while the provinces of Cunene, Huila and Mossamedes were being bombed from the air. It was also stressed that South Africa's primary objective was the elimination of the patriots of the South West Africa People's Organization (SWAPO) both within and outside Namibia; the consolidation of its illegal occupation of the Territory of Namibia, which it had utilized as a springboard for armed invasions of Angola; and the intimidation, political and economic destabilization of all the front-line States with the aim of inhibiting their solidarity with the liberation movements and with the refugees who were fleeing from the horrors of *apartheid* and occupation.

On the other hand, South Africa stated that a choice had to be made in southern Africa between peaceful co-existence and the escalation of conflict

and that, for its part, South Africa had repeatedly extended the hand of friendship to the neighbouring States, offered to work together for mutual economic benefit, to respect the "political differences" that existed between itself and those States, to enter into non-aggression treaties and to discuss differences so that problems could be peacefully resolved. South Africa, however, had been equally adamant that such co-operation could take place only if neighbouring States did not allow their territories to be used as sanctuaries from which to attack the civilian population of Namibia. South Africa further held that SWAPO had conducted premeditated attacks from across the border, that those attacks of aggression had recently been escalated to new levels of intensity, that the perpetrators of those crimes had invariably fled back to their sanctuaries in Angola, leaving South Africa no alternative but to defend the civilian population of Namibia and to pursue the attackers wherever they could be found. Thus, South Africa rejected the allegation of aggression against Angola since any action on the part of South African security forces was aimed solely at SWAPO and not at Angola and its people.<sup>44</sup>

At the 2300th meeting, on 31 August 1981, the six-Power revised draft resolution was put to the vote, received 13 votes to 1, with 1 abstention, and was not adopted owing to the negative vote of a permanent member.<sup>45</sup> Under the revised draft resolution, the Council would have, *inter alia*, condemned South Africa for its armed invasion perpetrated against the people and the territory of Angola as well as for its utilization of the illegally occupied Territory of Namibia as a springboard for such invasions; declared that such armed invasion was a violation of the sovereignty and territorial integrity of Angola and constituted a danger to international peace and security; and demanded the immediate withdrawal of all South African troops from Angolan territory.<sup>46</sup>

At the 2508th meeting, on 20 December 1983, the President drew attention to a draft resolution sponsored by Angola, Botswana, Guyana, Jordan, Malta, Mozambique, Nicaragua, Pakistan, Togo, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe. The draft was put to the vote at the same meeting and adopted by 14 votes to none, with 1 abstention, as resolution 545 (1983).<sup>47</sup> The resolution reads, in part, as follows:

*The Security Council,*

...  
*Deeply concerned* at the continued occupation of parts of southern Angola by the South African military forces in flagrant violation of the principles and objectives of the Charter of the United Nations and of international law,  
...

*Bearing in mind* that in accordance with Article 2, paragraph 4, of the Charter, all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

*Conscious* of the need to take effective measures to maintain international peace and security in view of the continued violation of the Charter by South Africa,

1. *Strongly condemns* South Africa's continued military occupation of the territory of southern Angola which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of Angola;

2. *Declares* that the continued illegal military occupation of the territory of Angola is a flagrant violation of the sovereignty, independence and territorial integrity of Angola and endangers international peace and security;

3. *Demands* that South Africa should unconditionally withdraw forthwith all its occupation forces from the territory of Angola and cease all violations against that State and henceforth scrupulously respect the sovereignty and territorial integrity of Angola;

4. *Considers*, moreover, that Angola is entitled to appropriate redress for any material damage it has suffered;

5. *Calls upon* all Member States to desist from any action which would undermine the independence, territorial integrity and sovereignty of Angola;

At the 2511th meeting, on 6 January 1984, the representative of Zimbabwe introduced a revised draft resolution sponsored by Angola, Egypt, India, Malta, Mozambique, Nicaragua, Pakistan, Peru, the United Republic of Tanzania, Upper Volta, Zambia and Zimbabwe. The revised draft was put to the vote at the same meeting and adopted by 13 votes to none, with 2 abstentions as resolution 546 (1984).<sup>48</sup> The resolution reads, in part, as follows:

*The Security Council,*

*Gravely concerned* at the renewed escalation of unprovoked bombing and persistent acts of aggression, including the continued military occupation, committed by the racist régime of South Africa in violation of the sovereignty, airspace and territorial integrity of Angola,

*Indignant* at the continued military occupation of parts of the territory of Angola by South Africa in contravention of the Charter of the United Nations and relevant Security Council resolutions,

1. *Strongly condemns* South Africa for its renewed, intensified, premeditated and unprovoked bombing, as well as the continuing occupation of parts of the territory of Angola, which constitute a flagrant violation of the sovereignty and territorial integrity of that country and endanger seriously international peace and security;

2. *Further strongly condemns* South Africa for its utilization of the international Territory of Namibia as a springboard for perpetrating the armed attacks as well as sustaining its occupation of parts of the territory of Angola;

3. *Demands* that South Africa should cease immediately all bombing and other acts of aggression and unconditionally withdraw forthwith all its military forces occupying Angolan territory as well as undertake scrupulously to respect the sovereignty, airspace, territorial integrity and independence of Angola;

4. *Calls upon* all States to implement fully the arms embargo imposed against South Africa in Security Council resolution 418 (1977);

5. *Reaffirms* the right of Angola, in accordance with the relevant provisions of the Charter of the United Nations and, in particular, Article 51 to take all the measures necessary to defend and safeguard its sovereignty, territorial integrity and independence;

6. *Renews* its request to Member States to extend all necessary assistance to Angola, in order that Angola may defend itself against the escalating military attacks by South Africa as well as the continuing occupation of parts of Angola by South Africa;

7. *Reaffirms further* that Angola is entitled to prompt and adequate compensation for the damage to life and property consequent upon these acts of aggression and the continuing occupation of parts of its territory by the South African military forces;

#### CASE 5

##### *Complaint by Lesotho against South Africa*

(In connection with a draft resolution prepared in the course of consultations and adopted unanimously on 15 December 1982; and another draft resolution also prepared in the course of consultations and adopted unanimously on 29 June 1983)

During the Council's deliberations regarding the complaint by Lesotho, whose capital city, Maseru, had been attacked by the South African Defence Force on 9 December 1982, the members were unanimous in condemning South Africa's aggressive acts against defenceless and vulnerable Lesotho as blatant violations of the principles of international law and of the Charter, particularly the principle of the non-use of force against the territorial integrity or the political independence of any State. The members further underlined that the *apartheid* policies of South Africa were the only source of conflict in the region; rejected South Africa's attempts to justify the attack on Maseru as a pre-emptive defensive measure; and reaffirmed Lesotho's right to receive and provide humanitarian support to South African refugees.<sup>49</sup>

At the 2407th meeting, on 15 December 1982, 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 527 (1982).<sup>50</sup> The resolution reads, in part, 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 recent premeditated aggressive act by South Africa, in violation of the sovereignty, airspace and territorial integrity of the Kingdom of Lesotho, and its consequences for peace and security in southern Africa,

*Gravely concerned* that this wanton aggressive act by South Africa is aimed at weakening the humanitarian support given by Lesotho to South African refugees,

1. *Strongly condemns* the *apartheid* régime of South Africa for its premeditated aggressive act against the Kingdom of Lesotho which constitutes a flagrant violation of the sovereignty and territorial integrity of that country;

2. *Demands* the payment by South Africa of full and adequate compensation to the Kingdom of Lesotho for the damage to life and property resulting from this aggressive act;

3. *Reaffirms* the right of Lesotho to receive and give sanctuary to the victims of *apartheid* in accordance with its traditional practice, humanitarian principles and its international obligations;

6. *Declares* that there are peaceful means to resolve international problems and that, in accordance with the Charter of the United Nations, only these should be employed;

7. *Calls upon* South Africa to declare publicly that it will, in the future, comply with provisions of the Charter and that it will not commit aggressive acts against Lesotho either directly or through its proxies;

At the 2455th meeting, on 29 June 1983, when the Council resumed consideration of the item, it included in its agenda the report<sup>51</sup> of the Secretary-General recommending assistance to Lesotho so as to ensure the welfare and security of refugees in such vital areas as food, health, education and work opportunities. At the same meeting, the Council voted on a draft resolution that had been prepared in the course of consultations among the members which was unanimously adopted as resolution 535 (1983).<sup>52</sup> The resolution reads, in part, as follows:

*The Security Council,*

Having heard the statement of the Chargé d'affaires of the Permanent Mission of the Kingdom of Lesotho expressing the deep concern of his Government at the frequent aggressive acts by South Africa against the territorial integrity and independence of Lesotho,

Reaffirming its opposition to the system of *apartheid* and the right of all countries to receive refugees fleeing from *apartheid* oppression,

1. Commends the Government of Lesotho for its steadfast opposition to *apartheid* and its generosity to the South African refugees;

4. Requests Member States, international organizations and financial institutions to assist Lesotho in the fields identified in the report of the Mission to Lesotho;

#### CASE 6

##### *Complaint by Iraq*

(In connection with a draft resolution prepared in the course of consultations and adopted unanimously on 19 June 1981)

During the deliberations of the Council, Article 2, paragraph 4, and relevant provisions of the Definition of Aggression (General Assembly resolution 3314 (XXIX)) were frequently invoked to show that they were clearly violated by the attack carried out by the Israel Air Force against the Iraqi nuclear installations located in the vicinity of Baghdad. The representative of Israel maintained that Israel had acted in the exercise of its inherent right of self-defence as "understood in general international law" and as preserved in Article 51 of the Charter, in order to halt a threat of nuclear obliteration which had been developed against it by Iraq. The attempt by Israel to justify the destruction of the Iraqi nuclear reactor as an act of self-defence was rejected since, under the Charter, self-defence would be legitimate only against an armed attack and pending action by the Council to restore peace, and since the Charter did not provide for a right to "preventive attack" under which a State could act to eliminate a subjectively assessed possible future danger. Furthermore, it was stressed that Iraq had been a party to the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>53</sup> under which it had implemented the system of inspection of the International Atomic Energy Agency (IAEA); that the Agency had testified that Iraq had complied with its safeguards régime; and that Israel, by its armed attack not only violated the fundamental principle of Article 2, paragraph 4, but had dangerously challenged the international system under the Treaty and the right of all States to develop nuclear energy for peaceful purposes and to further their scientific, technological and economic development.<sup>54</sup>

At the 2288th meeting, on 19 June 1981, 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 was unanimously adopted as resolution 487 (1981).<sup>55</sup> The resolution reads, in part, as follows:

*The Security Council,*

Deeply concerned about the danger to international peace and security created by the premeditated Israeli air attack on Iraqi nuclear installations on 7 June 1981, which could at any time explode the situation in the area, with grave consequences for the vital interests of all States,

Considering that, under the terms of Article 2, paragraph 4, of the Charter of the United Nations, "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",

1. Strongly condemns the military attack by Israel in clear violation of the Charter of the United Nations and the norms of international conduct;

2. Calls upon Israel to refrain in the future from any such acts or threats thereof;

3. Further considers that the said attack constitutes a serious threat to the entire safeguards régime of the International Atomic Energy Agency, which is the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons;

4. Fully recognizes the inalienable sovereign right of Iraq and all other States, especially the developing countries, to establish programmes of technological and nuclear development to develop their economy and industry for peaceful purposes in accordance with their present and future needs and consistent with the internationally accepted objectives of preventing nuclear-weapons proliferation;

5. Calls upon Israel urgently to place its nuclear facilities under the safeguards of the International Atomic Energy Agency.

#### CASE 7

##### *Complaint by Seychelles*

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

During the discussions regarding the complaint by Seychelles, which had suffered armed attack by mercenaries, the speakers condemned all forms of mercenary activity as a direct violation of the principles of respect for the territorial integrity and political independence of States regardless of their size and geographical location. It was also underlined that international law prohibited any State from allowing its territory to be used for purposes that threaten the independence and sovereignty of other States; that it was the duty of all States to refrain from financing, encouraging or tolerating armed subversive activities aimed at destabilizing or overthrowing by violence the established Government of another State; and that the mercenary aggression against Seychelles had once again pointed up the urgent need for an international instrument prohibiting all acts pertaining to the recruitment, use, financing and training of mercenaries.<sup>56</sup>

At the 2314th meeting, on 15 December 1981, a draft resolution that had been prepared in the course of consultations among members of the Council was put to the vote and adopted unanimously as resolution 496 (1981).<sup>57</sup> The resolution reads, in part, 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 Republic of Seychelles must be respected;

2. Condemns the recent mercenary aggression against the Republic of Seychelles and the subsequent hijacking;

3. Decides to send a commission of inquiry composed of three members of the Security Council in order to investigate the origin,

background and financing of the mercenary aggression of 25 November 1981 against the Republic of Seychelles, as well as assess and evaluate economic damages, and to report to the Council with recommendations no later than 31 January 1982;

At its 2359th meeting, on 20 May 1982, the Council included the report of the Commission of Inquiry<sup>58</sup> in its agenda and resumed consideration of the issue. At the 2370th meeting, on 28 May 1982, the representative of Togo introduced a draft resolution sponsored by Guyana, Jordan, Panama, Togo, Uganda and Zaire. The draft was put to the vote at the same meeting and adopted unanimously as resolution 507 (1982).<sup>59</sup> The resolution reads, in part, as follows:

*The Security Council,*

*Gravely concerned* at the violation of the territorial integrity, independence and sovereignty of the Republic of Seychelles,

*Deeply grieved* at the loss of life and substantial damage to property caused by the mercenary invading force during its attack on the Republic of Seychelles on 25 November 1981,

*Gravely concerned* at the mercenary aggression against the Republic of Seychelles, prepared in and executed from South Africa,

*Deeply concerned* at the danger which mercenaries represent for all States, particularly the small and weak ones, and for the stability and independence of African States,

*Concerned* at the long-term effects of the mercenary aggression of 25 November 1981 on the economy of the Republic of Seychelles,

*Reiterating* resolution 496 (1981), in which it affirms that the territorial integrity and political independence of the Republic of Seychelles must be respected,

2. *Strongly condemns* the mercenary aggression against the Republic of Seychelles;

3. *Commends* the Republic of Seychelles for successfully repulsing the mercenary aggression and defending its territorial integrity and independence;

4. *Reaffirms* its resolution 239 (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;

5. *Condemns* all forms of external interference in the internal affairs of Member States, including the use of mercenaries to destabilize States and/or to violate the territorial integrity, sovereignty and independence of States;

6. *Further condemns* the illegal acts against the security and safety of civil aviation committed in the Republic of Seychelles on 25 November 1981;

#### CASE 8

##### *Situation between Iran and Iraq*

(In connection with a draft resolution prepared in the course of consultations and adopted unanimously on 12 July 1982; a statement of the President of the Council issued on 15 July 1982; another draft resolution also prepared in the course of consultations and adopted unanimously on 4 October 1982; a second statement of the President of the Council, issued on 21 February 1983; a third draft resolution, sponsored by Guyana, Togo and Zaire, voted upon and adopted on 31 October 1983; and another statement of the President of the Council, issued on 30 March 1984)

During the Council's deliberations on the evolving conflict between Iran and Iraq, members of the Council and other speakers expressed great concern about the prolongation of the armed hostilities

between the two countries despite numerous international initiatives and intensive efforts aimed at ending the fighting and the achievement of a settlement of the issues underlying the conflict on the basis of the principles of the Charter, in particular the principle of peaceful settlement of disputes and the prohibition of the use of force under Article 2, paragraph 4. Furthermore, it was emphasized that there was a real danger that the war might take a turn for the worse and, hence, the two parties to the conflict, especially the Islamic Republic of Iran, which, during the period under review had disassociated itself from any action taken by the Council, were strongly urged to support the efforts to facilitate a peaceful solution and to co-operate in good faith in the implementation of the Council resolutions on the question.<sup>60</sup>

At the 2383rd meeting, on 12 July 1982, the President drew attention to a draft resolution that had been prepared in the course of consultations among Council members. At the same meeting, the draft was put to the vote and adopted unanimously as resolution 514 (1982).<sup>61</sup> The resolution reads, in part, as follows:

*The Security Council,*

*Recalling* the provisions of Article 2 of the Charter of the United Nations, and that the establishment of peace and security in the region requires strict adherence to these provisions,

1. *Calls* for a cease-fire and an immediate end to all military operations;

2. *Calls further* for a withdrawal of forces to internationally recognized boundaries;

3. *Decides* to dispatch a team of United Nations observers to verify, confirm and supervise the cease-fire and withdrawal, and requests the Secretary-General to submit to the Security Council a report on the arrangements required for that purpose;

4. *Urges* that the mediation efforts be continued in a co-ordinated manner through the Secretary-General with a view to achieving a comprehensive, just and honourable settlement, acceptable to both sides, of all the outstanding issues, on the basis of the principles of the Charter of the United Nations, including respect for sovereignty, independence, territorial integrity and non-interference in the internal affairs of States;

On 15 July 1982, the Secretary-General submitted a report,<sup>62</sup> in pursuance of paragraph 3 of resolution 514 (1982), in which he stated that he had considered it necessary, with the agreement of the parties concerned, to send a small team of senior United Nations military officers to ascertain the actual situation on the ground and assess the arrangements required for the implementation of the resolution. On the same day, the Council met in informal consultations, following which the President, on behalf of its members, issued a statement, which reads, in part, as follows:<sup>63</sup>

The members of the Security Council expressed concern at the serious situation existing between Iran and Iraq and at the fact that resolution 514 (1982) had not yet been implemented. The Council remains actively seized of this question. The President will remain in contact with the two sides concerned, with a view to exploring all possible means of advancing the efforts to achieve an end to the fighting and to secure a settlement of the underlying issues.

At its 2399th meeting, on 4 October 1982, the Council included in its agenda a letter<sup>64</sup> from Iraq to the United Nations requesting an urgent meeting of the Council to consider the serious deterioration of the conflict between Iran and Iraq. At the same meeting, the President drew attention to a draft



resolution that had been prepared in the course of consultations among members of the Council. The draft was then put to the vote and adopted unanimously as resolution 522 (1982).<sup>65</sup> It reads, in part, as follows:

*The Security Council.*

...  
*Deplores* the prolongation and the escalation of the conflict between the two countries, resulting in heavy losses of human lives and considerable material damage and endangering peace and security,

*Reaffirms* that the restoration of peace and security in the region requires all Member States strictly to comply with their obligations under the Charter of the United Nations,

- ...  
 1. *Urgently calls again* for an immediate cease-fire and an end to all military operations;  
 2. *Reaffirms* its call for a withdrawal of forces to internationally recognized boundaries;  
 3. *Welcomes* the fact that one of the parties has already expressed its readiness to co-operate in the implementation of resolution 514 (1982) and calls upon the other to do likewise;  
 4. *Affirms* the necessity of implementing without further delay its decision to dispatch United Nations observers to verify, confirm and supervise the cease-fire and withdrawal;

...  
 On 21 February 1983, following consultations of the Council, the President of the Council issued, on behalf of its members, a statement, which reads, in part, as follows:<sup>66</sup>

The members of the Council 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 members of the Council urgently call once again for an immediate cease-fire and an end to all military operations as well as the withdrawal of forces up to internationally recognized boundaries with a view to seeking a peaceful settlement in accordance with the principles of the Charter.

...  
 On 20 June 1983, the Secretary-General submitted a report<sup>67</sup> annexing the report of a mission he had dispatched to inspect civilian areas in the Islamic Republic of Iran and Iraq that had been subject to military attack.

At the 2493rd meeting, on 31 October 1983, when the Council resumed consideration of the question, the President drew attention to a draft resolution that had been submitted by Guyana, Togo and Zaire. At the same meeting, the draft resolution was voted upon and adopted by 12 votes to none, with 3 abstentions, as resolution 540 (1983).<sup>68</sup> The resolution reads, in part, as follows:

*The Security Council.*

...  
*Recalling* its relevant resolutions and statements which *inter alia*, call for a comprehensive cease-fire and an end to all military operations between the parties,

...  
*Affirming* the desirability of an objective examination of the causes of the war,

1. *Requests* the Secretary-General to continue his mediation efforts with the parties concerned, with a view to achieving a comprehensive, just and honourable settlement acceptable to both sides;  
 2. *Condemns* all violations of international humanitarian law, in particular, the provisions of the Geneva Conventions of 1949 in

all their aspects, and calls for the immediate cessation of all military operations against civilian targets, including city and residential areas;

...  
 4. *Requests* the Secretary-General to consult with the parties concerning ways to sustain and verify the cessation of hostilities, including the possible dispatch of United Nations observers, and to submit a report to the Security Council on the results of these consultations;

...  
 At its 2524th meeting, on 30 March 1984, the Council included in its agenda the report<sup>69</sup> of the specialists appointed by the Secretary-General to investigate allegations by the Islamic Republic of Iran concerning the use of chemical weapons, and resumed consideration of the question. At the same meeting, the President of the Council issued, on behalf of its members, a statement,<sup>70</sup> which reads, in part, as follows:

...  
 The members of the Council:

—Strongly condemn the use of chemical weapons reported by the mission of specialists;

—reaffirm the need to abide strictly by the provisions of the Geneva Protocol of 1925 for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare;

—call on the States concerned scrupulously to adhere to the obligations flowing from their accession to the Geneva Protocol of 1925;

...  
 —recall relevant resolutions of the Security Council, renew urgently their calls for the strict observance of a cease-fire and for a peaceful solution of the conflict and call upon all Governments concerned to co-operate fully with the Council in its efforts to bring about conditions leading to a peaceful settlement of the conflict in conformity with the principles of justice and international law;

#### CASE 9

##### *Letter dated 19 March 1982 from the representative of Nicaragua*

(In connection with a draft resolution sponsored by Guyana and Panama, voted upon and not adopted on 2 April 1982)

During the Council's consideration of the situation of tension in Central America, a number of Charter principles were underlined by the speakers, with a special emphasis given to the principle of the prohibition of the threat or use of force under Article 2, paragraph 4, and the parallel principles of the peaceful settlement of disputes and non-interference in the internal affairs of States.

On the one hand, it was charged that Nicaragua was under the threat of an imminent military invasion by the United States even though that small Central American country could not represent a threat to the security of the United States. It was, therefore, suggested that the relaxation of tensions and the promotion of stability and development in Central America required that the United States should rule out any threat or use of force against Nicaragua and that a system of mutual non-aggression pacts should be established between Nicaragua and the United States on the one hand and between Nicaragua and its neighbours on the other. The Council was called upon to stress the obligation of States under the Charter principles to seek peaceful means of solving the problems of Central America and to repudiate any intervention in the region.

On the other hand, the President of the Council, speaking in her capacity as the representative of the United States, rejected the charges as baseless and reiterated the attachment of the United States to the Charter principles that govern the use and non-use of force without renouncing the right to defend itself or to assist others to defend themselves under circumstances consistent with the Charter. She further stressed that while the United States had no intention of invading Nicaragua or any other country, it was, on the contrary, Nicaragua that was an active party to a massive intervention in the affairs of its neighbours, especially in El Salvador; and that it was the Organization of American States (OAS) that was the appropriate and primary forum for the consideration of the problem.<sup>71</sup>

At the 2347th meeting, on 2 April 1982, the President of the Council drew attention to the draft resolution sponsored by Guyana and Panama. Following a suspension of the meeting for consultations, the draft resolution was voted upon; received 12 votes to 1, with 2 abstentions, and was not adopted due to the negative vote of a permanent member.<sup>72</sup> Under the draft, the Council would, *inter alia*, have taken into account Article 2, paragraph 4, of the Charter and other relevant provisions concerning the pacific settlement of disputes; reminded all Member States of their obligations to respect the principles of the Charter, in particular those relating to non-use or threat of force and the territorial integrity and political independence of States; and appealed to all Member States to refrain from the direct, indirect, overt or covert use of force against any country of Central America and the Caribbean.

## CASE 10

*Situation in Grenada*

(In connection with a draft resolution sponsored by Guyana, Nicaragua and Zimbabwe, revised, voted upon and not adopted on 28 October 1983)

During the Council's deliberation regarding the situation in Grenada, where a multinational force composed of contingents from the members of the Organization of Eastern Caribbean States (OECS) assisted, at their request, by Barbados, Jamaica and the United States, had disembarked following events in which the Prime Minister of that island State was overthrown and subsequently killed along with some cabinet ministers, a considerable constitutional discussion arose involving the principles of Article 2, paragraph 4, and the provisions of Chapter VIII of the Charter relating to regional arrangements.<sup>73</sup>

On the one hand, it was argued that the events that had taken place in Grenada were the internal affairs of that State and provided no justification for the invasion of the island by forces involving United States troops, in clear violation of the sovereignty, territorial integrity and the political independence of a small and virtually defenceless island State. Specifically, it was charged that the attempts at justifying the invasion on whatever grounds were inadmissible pretexts advanced for the purpose of imposing political models in direct violation of the basic principles of the United Nations, in particular Article 2, paragraph 4, of the Charter. Furthermore, it was maintained that under the Charter the use of force and intervention was permissible only in two sets of circumstances: in response to a request from the

legitimate authorities of a country for assistance in individual or collective self-defence against armed external aggression, or upon a decision of the Council under Chapter VII of the Charter. No convention, regional or subregional instrument contradicted those principles to authorize intervention by another State in the internal affairs of the eastern Caribbean region. It was, moreover, emphasized that the prohibition of the use of force could not be subject to interpretation since that would allow the "marketing of subjective policies" as objective realities, thereby legitimizing the use of force and permitting intervention with the consequence being the reversal of the whole jurisprudence of the Charter. While the internal turmoil and the violent removal of the Prime Minister and some cabinet members of the Government of Grenada was declared unacceptable, it was nevertheless stressed that an external invasion could not bridge the resulting institutional gap and that aggression should not be allowed to serve as an instrument of policing the destiny of any State.

On the other hand, it was held that, following the violent events in Grenada in which Cuban-trained armed officers had seized power, the member Governments of OECS and their partners in the Caribbean Community (CARICOM) had met in urgent session and had considered that:

(a) There would be further loss of life and deterioration of public order as the military group attempted to secure its position;

(b) The imposition of a 96-hour shoot-on-sight curfew was intended to suppress further the population, which had demonstrated its hostility to the armed group;

(c) The extensive and disproportionate military build-up in Grenada in recent years, along with the presence of Cuban troops and the prospect of such military might falling into the hands of the current group, posed a serious threat to the security of OECS and other neighbouring countries;

(d) It was of the utmost urgency to take immediate steps to remove those threats.

It was thus maintained that the member Governments of OECS, acting under their Regional Defence Pact and at the request for help of the Governor-General of Grenada, the only link of legitimate authority with the "massacred Government", had sought assistance from countries within the region and subsequently from the United States, whose nationals on the island were endangered, to form a multinational task force for the purpose of undertaking the pre-emptive defensive strike required to remove the threat to peace and security in the sub-region and to restore a situation of normalcy in Grenada.

It was declared that the action taken by the task force was "perfectly legal", within the letter and the spirit of the Charter, and that the force would be withdrawn once OECS had ensured that an interim Government was established in Grenada to carry out the people's mandate for free elections.

Moreover, it was asserted that the Charter prohibition against the use of force was contextual and not absolute since there were provisions, also inscribed in the Charter, justifying the use of force against force in pursuit of other values such as freedom, democracy and peace; and that the Charter did not require peoples to submit supinely to terror, nor that their neighbours be indifferent to their terrorization.<sup>74</sup>

At the 2487th meeting, on 25 October 1983, the representative of Guyana introduced a draft resolution sponsored by Guyana and Nicaragua. Under this draft, the Council would have borne in mind that, in accordance with Article 2, paragraph 4, of the Charter, all Member States were obliged to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State or to act in any other manner inconsistent with the principles of the Charter; deplored the armed intervention in Grenada;

and called for the immediate cessation of the intervention and the withdrawal of the foreign troops from that State.<sup>75</sup>

At the 2491st meeting, on 27 October 1983, the President of the Council drew attention to the revised text of the draft resolution, also sponsored by Zimbabwe, which was put to the vote at the same meeting, received 11 votes to 1, with 3 abstentions, and was not adopted owing to the negative vote of a permanent member.<sup>76</sup>

#### 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. None of the resolutions adopted by the Council contained provisions that might be described as implicit references to the principle in paragraph 5 of Article 2. The Council, however, considered three draft resolutions containing provisions that might be viewed as implicit references to the principle in that paragraph of Article 2, which either were not put to the vote or voted upon and not adopted, in connection with the Middle East problem, including the situation in the occupied Arab territories.<sup>77</sup> There were no explicit references to Article 2, paragraph 5, during any of the Council's debates.

#### 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 four resolutions<sup>78</sup> that contained implicit references to the provisions of Article 2, paragraph 6. The Council also considered four draft resolutions<sup>79</sup> explicitly invoking Article 2, paragraph 6. Neither the resolutions adopted nor the draft resolutions considered, which either were not put to the vote or failed to be adopted, gave rise to a constitutional discussion in connection with that paragraph of Article 2. There were no explicit references to the Charter provisions of Article 2, paragraph 6, during the Council's deliberations.

#### D. Article 2, paragraph 7

"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

#### NOTE

During the period under review, none of the resolutions adopted by the Council contained an explicit reference to Article 2, paragraph 7, of the Charter. However, the significance of the Charter provision regarding the principle of non-interference in domestic affairs was reflected in a few of the decisions and on several occasions in the proceedings of the Council. This Charter principle was implicitly invoked in two resolutions.<sup>80</sup> The Council also considered four draft resolutions<sup>81</sup> containing implicit references to Article 2, paragraph 7, but were either not put to the vote or voted upon and not adopted. Under one of these draft resolutions,<sup>82</sup> the Council

would have, *inter alia*, recalled General Assembly resolution 2131 (XX) of 21 December 1965 on the inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty.

On one occasion, during the Council's deliberations in connection with the letter dated 19 March 1982 from the representative of Nicaragua, the principle of non-interference in domestic affairs was frequently invoked, both explicitly and implicitly, and underlined as a basic norm with universal applicability to which there could be no exceptions, since any exception would mean opening the way to a

disintegration of the very foundations of international order.<sup>83</sup>

On another occasion, when the Council considered the situation in Grenada, the principle of non-interference in internal matters of States was often referred to along with other basic provisions of the Charter, particularly the principle on the prohibition of the use of force,<sup>84</sup> stressing the need for strict adherence to them.<sup>85</sup> During these deliberations, two speakers referred to and quoted extensively from the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States adopted by the General Assembly in December 1981<sup>86</sup> elaborating, *inter alia*, the duty of a State to refrain from any form of intervention and interference directed at another State or group of States or any act of interference in the internal affairs of another State.<sup>87</sup>

Article 2, paragraph 7, was clearly, though implicitly, referred to in a number of other instances during the Council's deliberations,<sup>88</sup> and in a few communications<sup>89</sup> from Member States addressed to the United Nations.

During the Council's deliberation on the question of South Africa, particularly its new constitution, under which the black African majority remained deprived of its fundamental rights, Article 2, paragraph 7, was invoked along with the Universal Declaration of Human Rights, giving rise to a considerable constitutional discussion that is included in the case history below.

#### CASE 11

##### *Question of South Africa*

(In connection with a draft resolution submitted by Burkina Faso, Egypt, India, Malta, Nicaragua, Pakistan, Peru and Zimbabwe, voted upon and adopted on 17 August 1984, and another draft resolution also submitted by the same Member States, voted upon and adopted on 23 October 1984)

During the Council's deliberations regarding the new South African constitution, providing for a parliament of three houses—one for the white, one for the "coloured" people and one for people of Asian origin—whereby the indigenous African majority would remain alienated and deprived of all fundamental rights, it was argued, on the one hand, that constitutional arrangement within the Republic of South Africa was a manifestly internal affair over which the Council or any other organ of the United Nations had no authority and that the Council's meeting to consider a matter of strictly domestic jurisdiction was irregular and convened in direct violation of the explicit provisions of the Charter.

The representative of South Africa further argued that, on the basis of experience with a population composed entirely of minorities, his Government sought sincerely to meet the challenges posed by diversity; that a substantial percentage of the black peoples had already opted for political independence as a result of which there were four "independent black States"; that the allegation that blacks had been omitted from the political process was a distortion; and that the new constitution was aimed at the inclusion, in a meaningful way, of the coloured and the Indian peoples in the overall pattern of multinational development and co-operative coexistence as well as the decision-making process.

He stated that the constitutional architecture had a horizontal and a vertical aspect that would provide for the political aspirations of all the peoples of South Africa while protecting the rights of all minorities; that this was a bold and imaginative bid for the realistic and fair ordering of a most complex society; and that his Government rejected the Council's claim to concern itself with the internal affairs of South Africa and the presumption to prescribe how South Africa should conduct its domestic affairs.

On the other hand, the members of the Council and the other speakers were unanimous in their condemnation of the racist *apartheid* policies of the South African Government as abhorrent and maintained that the United Nations was required, by virtue of its Charter, to ensure respect for human rights and fundamental freedoms without distinction as to race, religion, sex or language and that any attempt to implant *apartheid*, which clearly belonged to that category, could not become a question of internal jurisdiction, particularly since the South African jurisdiction not only excluded the black African majority but also denied them their fundamental right of citizenship in their own country through the so-called homelands policy.

It was also upheld that the new constitution was designed further to entrench and consolidate white minority rule in the country in total defiance of all the purposes and principles of the Charter and that the General Assembly had already declared the whites-only referendum on the constitution as null and void.<sup>90</sup> It was further maintained that the Charter principle through which Member States had pledged to promote and encourage human rights and fundamental freedoms for all without distinction was elaborated by the Universal Declaration of Human Rights; that by signing the Charter a Member State had necessarily agreed to allow its actions towards its own citizens to be examined for their conformity with universally accepted standards of human rights, particularly as laid down in articles 2 and 21, paragraph 3, of the Declaration; and that the fact that racial discrimination was enshrined in the Constitution of South Africa did not shield the matter from scrutiny by the United Nations, since the principle of non-interference in domestic affairs as provided in Article 2, paragraph 7, of the Charter could not be interpreted to render the Declaration a nullity. However, it was also stated that only the people of South Africa could determine their future and that it was not for outsiders to prescribe solutions nor to determine the validity or otherwise of a Member State's constitution or electoral processes.<sup>91</sup>

At the 2551st meeting, on 17 August 1984, the representative of India introduced the draft resolution sponsored by Burkina Faso, Egypt, India, Malta, Nicaragua, Pakistan, Peru and Zimbabwe. This draft was put to the vote at the same meeting and adopted by 13 votes to none, with 2 abstentions, as resolution 554 (1984).<sup>92</sup> The resolution reads, in part, as follows:

##### *The Security Council.*

Recalling its resolution 473 (1980) and General Assembly resolution 38/11 of 15 November 1983, as well as other relevant United Nations resolutions calling upon the authorities in South Africa to abandon *apartheid*, end oppression and repression of the black majority and seek a peaceful, just and lasting solution in accordance with the principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Convinced that the so-called "new constitution" endorsed on 2 November 1983 by the exclusively white electorate in South Africa would continue the process of denationalization of the indigenous

African majority, depriving it of all fundamental rights, and further entrench *apartheid*, transforming South Africa into a country for "whites only".

1. Declares that the so-called "new constitution" is contrary to the principles of the Charter of the United Nations, that the results of the referendum of 2 November 1983 are of no validity whatsoever and that the enforcement of the "new constitution" will further aggravate the already explosive situation prevailing inside *apartheid* South Africa;

2. Strongly rejects and declares as null and void the so-called "new constitution" and the "elections" to be organized in the current month of August for the "coloured" people and people of Asian origin as well as all insidious manoeuvres by the racist minority régime of South Africa further to entrench white minority rule and *apartheid*;

4. Solemnly declares that only the total eradication of *apartheid* and the establishment of a non-racial democratic society based on majority rule, through the full and free exercise of universal adult suffrage by all the people in a united and unfragmented South Africa, can lead to a just and lasting solution of the explosive situation in South Africa;

At its 2560th meeting, on 23 October 1984, the Council resumed consideration of the item and the unrest emanating largely from demonstrations against elections under the new South African constitution. At the same meeting, the draft resolution

submitted by Burkina Faso, Egypt, India, Malta, Nicaragua, Pakistan, Peru and Zimbabwe was put to the vote and adopted by 14 votes to none, with 1 abstention, as resolution 556 (1984).<sup>93</sup> The resolution reads, in part, as follows:

*The Security Council.*

Recalling its resolution 554 (1984) and General Assembly resolutions 38/11 of 15 November 1983 and 39/2 of 28 September 1984, which declared the so-called "new constitution" contrary to the principles of the Charter of the United Nations,

Reaffirming the provisions of the Universal Declaration of Human Rights, particularly article 21, paragraphs 1 and 3, recognize, *inter alia*, the right of everyone to take part in the Government of his country, directly or through freely chosen representatives, and the will of the people as the basis of the authority of Government,

1. Reiterates its condemnation of the *apartheid* policy of the South African régime and South Africa's continued defiance of the resolutions of the United Nations and designs further to entrench *apartheid*, a system characterized as a crime against humanity;

4. Reaffirms that only the total eradication of *apartheid* and the establishment of a non-racial, democratic society based on majority rule, through the full and free exercise of adult suffrage by all the people in a united and unfragmented South Africa, can lead to a just, equitable and lasting solution of the situation in South Africa;

### 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, in the course of its consideration of the situation between Iran and Iraq, adopted resolution 514 (1982), which invoked Article 24 explicitly.<sup>94</sup> Subsequent to the adoption of that resolution, the representative of the Islamic Republic of Iran transmitted the text<sup>95</sup> of the position of his Government with regard to Council action on the situation between Iran and Iraq, invoking explicitly paragraph 2 of Article 24 of the Charter and charging that resolution 514 (1982), like the previous Council resolution<sup>96</sup> on the same question failed to condemn Iraq for its armed aggression and for its disregard of Articles 33 and 37; that, on the contrary, these resolutions tacitly supported the Iraqi position; that such an attitude by the Council was in violation of Article 24; and that, consequently, the Islamic Republic of Iran disassociated itself from any action so far taken by the Council.

In connection with the situation in the occupied Arab territories, the Council adopted resolution 500 (1982) of 28 January 1982 which contained an implicit reference to Article 24 in its preambular part.<sup>97</sup> The consideration and adoption of this resolution did not give rise to any constitutional discussion.

When the Council considered the question of South Africa, in particular the new South African constitution, which provided for a parliament of three houses in which the black African majority remained excluded, Article 24 of the Charter was invoked, both explicitly and implicitly, and it was argued that the Council was not the appropriate forum for the discussion of the matter since, under the provisions of Article 24, the responsibility of the Council was to maintain international peace and security; that the severe threats to regional security that had existed in southern Africa were being effectively dealt with by a growing number of States in the region thereby opening an opportunity for

sustained progress towards peaceful change; that, under the circumstances, the issue was not appropriately within the purview of the Council; and that the goals set forth in the Charter could be attained only if the Organization acted within the framework provided by the Charter.<sup>98</sup>

When the Council considered the letter dated 1 April 1982 from the representative of the United Kingdom, Article 24 was implicitly invoked in a statement<sup>99</sup> of the President on behalf of its Members. In connection with the same item, including the question concerning the Falkland Islands (Islas Malvinas), and subsequent to the adoption of Council resolution 502 (1982),<sup>100</sup> there was an instance that might be described as a constitutional discussion regarding Article 24. Charges and counter-charges involving interpretations of Article 24 were, however, more apparent in the communications from the parties to the conflict addressed to the United Nations than in the actual deliberations of the Council on the question.

On the one hand, the representative of Argentina charged that the increasing aggression against his country by the United Kingdom was "threatening to unleash an armed conflict of unknown dimensions" and that, through these actions, the United Kingdom was seeking to arrogate to itself powers which, under

Article 24, belonged to the Council for the discharge of its primary responsibility for the maintenance of international peace and security. It was further argued that the United Kingdom was thus declaring Council resolution 502 (1982) ineffective and invoking the right of self-defence to justify its act of aggression.

On the other hand, the representative of the United Kingdom maintained that, while Article 24 had conferred upon the Council the primary responsibility for the maintenance of international peace and security, that Article nevertheless had to be read together with Article 51, which provided that nothing in the Charter should impair the inherent right of self-defence,<sup>101</sup> and that it was therefore a complete misreading of the Charter to assert that the United Kingdom was not entitled to exercise its right of self-defence by reason of the terms of Article 24 when Argentina persisted in its refusal to carry out the demands of resolution 502 (1982).<sup>102</sup>

Other than those already mentioned, there were a number of explicit references to Article 24 during the course of Council deliberations, but no constitutional discussion ensued.<sup>103</sup> Article 24 was also explicitly invoked in two other communications from Member States addressed to the United Nations.<sup>104</sup>

#### 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 one resolution<sup>105</sup> that explicitly invoked Article 25 of the Charter. Article 25 was also explicitly referred to in five draft resolutions, all of which were voted upon and not adopted.<sup>106</sup>

A large number of resolutions<sup>107</sup> and five draft resolutions,<sup>108</sup> which either were not put to the vote or voted upon and not adopted, contained paragraphs that might 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.<sup>109</sup> However, the Council did not engage in any constitutional discussion concerning Article 25 that amounted to more than upholding long-held views about its interpretation and application.

Article 25 was explicitly invoked in seven communications<sup>110</sup> from Member States addressed to the United Nations.

#### 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 1981 to 1984 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 30 January 1981: transmitting the text of a resolution adopted on 29 January by the Permanent Council of OAS.<sup>111</sup>
- (ii) Dated 5 February 1981: transmitting the text of a resolution adopted on 4 February by the Nineteenth Meeting of Consultation of Ministers of Foreign Affairs.<sup>112</sup>

#### C. COMMUNICATIONS FROM STATES PARTIES TO DISPUTES OR SITUATIONS

- (i) Dated 22 April 1981: Chad, charging that Egypt and Sudan were threatening Chad with armed invasion.<sup>113</sup>
- (ii) Dated 24 April 1981: Egypt, rejecting the charges by Chad; affirming respect for the OAU resolutions on Chad; and charging that the Libyan invasion of Chad threatened peace and security in Africa.<sup>114</sup>

- (iii) Dated 27 April 1981: Sudan, rejecting the Chadian allegation and expressing support to all African efforts to bring peace and national unity to Chad.<sup>115</sup>
- (iv) Dated 1 February 1981: Ecuador, complaining of Peruvian aggression which it had placed before OAS.<sup>116</sup>
- (v) Dated 5 February 1981: Ecuador, transmitting the text of the resolution adopted on 4 February by the Nineteenth Meeting of Consultation of Ministers of Foreign Affairs of OAS.<sup>117</sup>
- (vi) Dated 10 February 1981: Peru, transmitting together with the resolution of the Nineteenth Meeting of Consultation, the texts of the statements made at the Meeting by Argentina, Brazil, Chile and the United States, as countries guaranteeing the Peruvian Ecuadorian Protocol of Peace, Friendship and Frontiers signed at Rio de Janeiro on 29 January 1942, and of the explanation given by Peru on that occasion.<sup>118</sup>
- (vii) Dated 16 September 1981: Sudan, charging that Libyan armed forces in Chad had committed hostile acts against the Sudan and reserving the right to bring the matter before the Council.<sup>119</sup>
- (viii) Dated 21 September 1981: Chad, rejecting the Sudanese allegations, claiming that those allegations were aimed at covering up Sudanese destabilization operations against Chad and reserving the right to bring the matter before the Council.<sup>120</sup>
- (ix) Dated 13 October 1981: Morocco, charging that, in disregard of the relevant resolutions of OAU and its Implementation Committee regarding Western Sahara, Moroccan troops in the locality of Guelta Zemmur had been attacked by armed bands that could have come only from neighbouring countries.<sup>121</sup>

- (x) Dated 16 October 1981: Mauritania, categorically denying the Moroccan accusations.<sup>122</sup>
- (xi) Dated 7 June 1983: Belize, charging Guatemala with a violation of Belizean territory and sovereignty.<sup>123</sup>
- (xii) Dated 10 June 1983: Guatemala, rejecting the protest by Belize; and stating that Guatemala did not and would not recognize the independence of Belize nor the existence of frontiers with that territory until a solution was found to the territorial dispute between Guatemala and United Kingdom.<sup>124</sup>
- (xiii) Dated 8 December 1983: Argentina, transmitting the text of a resolution adopted by the thirteenth session of the General Assembly of OAS on 17 November.<sup>125</sup>

#### D. COMMUNICATIONS FROM OTHER STATES CONCERNING MATTERS BEFORE REGIONAL ORGANIZATIONS

- (i) Dated 18 February 1981: Sierra Leone, transmitting the texts of the following documents relating to the situation in Chad: (a) the Lagos Accord on National Reconciliation in Chad dated 18 August 1979; (b) the resolution adopted by the Assembly of Heads of State and Government of OAU at its seventeenth ordinary session; and (c) the final communiqué, issued at Lomé on 4 January 1981, of the Bureau of the seventeenth summit conference of OAU and the OAU Standing Committee on Chad.<sup>126</sup>
- (ii) Dated 20 February 1981: Chad, stating that the situation in Chad did not constitute a threat to international peace and security; objecting to the publication of the OAU documents on Chad; and opposing any consideration of the situation in Chad by the Council.<sup>127</sup>
- (iii) Dated 23 February 1981: Argentina, Brazil, Chile and the United States, transmitting the text of the statement made at the Nineteenth Meeting of Consultation of Ministers of Foreign Affairs of OAS in connection with the settlement of the border dispute between Ecuador and Peru.<sup>128</sup>
- (iv) Dated 14 September 1981: Kenya, transmitting the text of the decision adopted by the OAU Implementation Committee on Western Sahara of OAU at its first ordinary session.<sup>129</sup>

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.<sup>130</sup>

During the period under review, the Council adopted two resolutions<sup>131</sup> and issued one statement<sup>132</sup> by the President on behalf of the Council, which contained implicit references to the provisions of Chapter VIII of the Charter. The Council also considered one draft resolution<sup>133</sup> that contained provisions that might be described as implicit references to Chapter VIII. Neither of these instances gave rise to a constitutional discussion that amounted to more than a reaffirmation of the

respective responsibilities of the Council and the regional agencies concerned.

On one occasion, during the Council's deliberations on the letter dated 19 March 1982 from the representative of Nicaragua, Chapter VIII in general and Article 52 in particular were frequently invoked by representatives holding divergent views on the competence and jurisdiction of the Council under the Charter of the United Nations *vis-à-vis* OAS.

On the one hand, it was held that Chapter VIII contained a set of provisions that sought not only to link regional systems to the United Nations global system but also to reserve for the former a leading role as the primary forum for maintaining international peace and security, with the only condition laid down in the Charter being that such regional arrangements or agencies and their activities should be consistent with the purposes and principles of the Charter.

It was maintained that while, from the standpoint of the Charter, Article 52 and Article 33 imposed on Member States that were also members of regional arrangements the duty to undertake all possible efforts to achieve pacific settlement of local disputes through those regional organizations before referring them to the Council; in the case of the inter-American system the "pre-emptive jurisdiction" of the regional agency was binding among all States members of OAS and that that implied no question of the final superior competence of the Council nor of the substantive rights of States but rather established a procedural order provided for and fostered by the Charter itself.

In addition to Chapter VIII of the Charter, other existing international instruments with respect to inter-American matters were invoked to buttress the viewpoint that OAS was not only the appropriate and primary forum for the consideration of the matter brought before the Council by Nicaragua but also that the regional organization was formally seized of it and that OAS had not completed the process of discharging its responsibilities and competence. It was further stressed that the jurisdiction of OAS over the question before the Council was compatible with the primacy of the Charter over any regional agreement because according to Article 103 of that Charter—the provisions of which were also included in the inter-American instruments—it was not the rights of States but only their obligations under the Charter that prevailed over those contracted by States in other international conventions, and because the provisions of article 137 of the charter of OAS<sup>134</sup> and article 10 of the Inter-American Treaty of Reciprocal Assistance<sup>135</sup> were inapplicable since they merely established criteria of interpretation and not a hierarchy of the importance of provisions.

On the other hand, it was maintained that Article 24 of the Charter of the United Nations, under which its Members conferred on the Council primary responsibility for the maintenance of international security, and Article 103, which provided that no obligations under any other international agreement prevailed over obligations under the Charter, implied more rather than less opportunity of recourse to the Council.

It was further argued that neither the provisions of Chapter VIII, particularly Article 52 (4), of the Charter of the United Nations nor the charter of OAS



invalidated the rights of States to have recourse to the Council when there were reasons justifying such action and that, in the event of a situation or a dispute likely to endanger peace, a State Member of the United Nations that was also a member of OAS had the sovereign right to choose between the options of recourse to the Council or recourse to the regional agency.

Moreover, it was stressed that the legal protections of the United Nations global system and the regional system of OAS were meant to complement rather than to replace or exclude each other and that the principle of free choice of means for the peaceful

settlement of disputes was also established by the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.<sup>136</sup> However, this constitutional discussion was not reflected in the draft resolution<sup>137</sup> submitted for the Council's consideration.

Other than those mentioned above, the provisions of Chapter VIII, mostly Article 52 thereof, were also explicitly invoked in many instances of the Council's deliberations.<sup>138</sup> and in a number of communications<sup>139</sup> from Member States addressed to the United Nations.

## **\*\*Part VI**

### **\*\*CONSIDERATION OF THE PROVISIONS OF CHAPTER XII OF THE CHARTER**

#### **Part VII**

### **CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER**

#### *Article 102*

"1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

"2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations."

#### *Article 103*

"In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

#### **NOTE**

During the Council proceedings in connection with the situation in Grenada, there was an instance in which Article 102 was explicitly referred to by one representative, who stressed that the invocation of the treaty establishing the subregional Organization of Eastern Caribbean States (OECS) before a body of the United Nations was a "remarkable error" since that treaty was not registered with the Secretariat of the United Nations and, hence, not published in the Organization's *Treaty Series* in contravention of Article 102, paragraph 2, of the Charter.<sup>140</sup>

On one occasion, during the Council's consideration of the complaint by Angola against South Africa, the President of the Council (Panama) explicitly referred to Article 103 in the context of the Council's responsibility for the maintenance of international peace and security in the face of the new escalation of South Africa's acts of aggression and the unacceptability of any justification for its non-compliance with resolution 475 (1980), previously adopted on the same question. He stated that the system of security conceived by the founders of the United Nations was affirmed in the acceptance and fulfilment by the Member States of the obligations enshrined in the Charter (Article 4, paragraph 1); in

the binding force of the resolutions of the Council (Article 25); and, as provided in Article 103, in the primacy of the Charter obligations over obligations contracted by Member States under any other international agreement.

He further emphasized that the concept of neutrality could not be upheld as far as the application of Council resolutions were concerned and that even States that were traditionally neutral, States that were not Members of the United Nations but were parties to the Statute of the International Court of Justice, and those States that had access to the Court although not parties to its Statute were subject to the obligations deriving from Articles 25 and 103 of the United Nations.<sup>141</sup>

On another occasion, in connection with the situation in Cyprus, Article 103 was explicitly invoked in the deliberations of the Council. The representative of Cyprus charged that the attempt by Turkey to justify, in a United Nations era, its invasion of Cyprus under the provisions of the Treaty of Guarantee was to be oblivious and disrespectful of the purposes and principles of the Charter, particularly Article 2 paragraph 4, which prohibited the use of force in international relations. He pointed out that article 4 of the Treaty of Guarantee called upon the Guarantor Powers to act jointly and,

in the event that such joint action proved not possible, gave each Guarantor Power the right to take action aimed solely at "re-establishing the state of affairs created by the Treaty". The Treaty article, he elaborated, neither referred to military action nor did it allow the use of force, since, had it done so, it would have rendered the Treaty contrary to the provisions of the Charter and thus null and void *ab initio* in accordance with Article 103.<sup>142</sup>

The representative of Turkey rejected the charges and expressed the view that the Turkish intervention had taken place on the basis of the principle of legitimate individual defence and in accordance with the Treaty of Guarantee, which had recognized Turkey's right of individual action. He added that Turkey had consulted the United Kingdom for the purpose of reaching a decision on joint action, as required under article 4 of the Treaty of Guarantee, but had not considered it necessary to consult Greece since that country had been in the process of violating its international commitments.<sup>143</sup>

On a third occasion, in connection with the Council's deliberation on the letter dated 19 March 1982 from Nicaragua, Article 103 was explicitly invoked in the context of Nicaragua's right to bring the question of the situation in Central America before the Security Council instead of the regional OAS in accordance with the provisions of Article 33 and Chapter VIII of the Charter.<sup>144</sup>

On the one hand, it was argued that no regional organization, no pact or treaty could be deemed above, nor could any such instrument be invoked to the detriment of, the supreme authority that the Charter conferred on the Council for the maintenance of international peace and security and that, according to Article 103, no obligations under any arrangement prevailed over the obligations under the Charter. It was further maintained that Nicaragua's recourse to the Council was based on its right to do so under Articles 2, paragraph 4, 34, 35, 52, paragraph 4, and 103 of the Charter; and that this right was also recognized by article 137 of the Charter of OAS, which stated, "None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations", and by article 10 of the Inter-American Treaty of Reciprocal Assistance, which read, "None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the High Contracting Parties under the Charter of the United Nations".

It was also stated that the emergence of new nations and the universality of United Nations

membership had given rise to a multiplicity of various pacts resulting in a fusion of nations greater than at any time before 1945. The founding fathers, therefore, had anticipated the dangers as well as the advantages inherent in such fragmentation when they had inserted Article 103 under what they had called "miscellaneous provisions". Thus, although the Charter opened many doors, it could not, in the interest of consistency, prevent any party to a dispute from coming directly to the Council through the main door.<sup>145</sup>

On the other hand, it was held that, from the standpoint of the Charter of the United Nations, Member States that were also members of regional arrangements had only the obligation to "make efforts" whereas in the inter-American system States parties had a "clear-cut and absolute" duty to resort to those regional mechanisms before turning to the Council or the General Assembly. It was further maintained that this juridical obligation of prior recourse to the regional inter-American system was clearly established in article 23 of the Charter of OAS, article 2 of the Inter-American Treaty of Reciprocal Assistance and article II of the Treaty of Pacific Settlement.

Moreover, it was argued, Article 103, which established the primacy of the Charter of the United Nations over any regional agreement, did not in any way refer to the rights of States but only to their obligations, and it was the obligations of States under the Charter that prevailed over those contracted by States in other international instruments. That could not have been otherwise since the *raison d'être* of any international agreement was the limitation of the rights and powers of its States parties and, hence, it would have been absurd to claim that the general rights of Members of the United Nations could not be limited by treaty. It was further argued that article 137 of the Charter of OAS and article 10 of the Inter-American Treaty of Reciprocal Assistance were not applicable since they merely established criteria of interpretation and not a hierarchy; and that, in any case, the pre-emptive priority of the regional system was purely procedural, not substantive, and the obligation which the American States assumed under their regional instruments was compatible with the final superior competence of the Council in the maintenance of international peace and security.<sup>146</sup>

Other than those mentioned above, Article 103 of the Charter of the United Nations was also invoked explicitly in a letter dated 13 April 1983 from Nicaragua addressed to the President of the Council.<sup>147</sup>

## \*\*Part VIII

### \*\*CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER

#### NOTES

<sup>1</sup> For observations on the methods adopted in compilation of the Chapter, see *Repertoire of the Practice of the Security Council, 1946-1951*, introductory note to chap. VIII, part II; and the arrangement of chaps. X-XII.

<sup>2</sup> Resolutions 532 (1983), second preambular para.; and 539 (1983), second preambular para. and para. 3.

<sup>3</sup> Resolutions 554 (1984), first preambular para.; and 556 (1984), second preambular para. and, implicitly, para. 4.

<sup>4</sup> S/14459, S/14460/Rev.1, S/14461, S/14462, *OR*, 36th yr., *Suppl. for April-June 1981*. The first of these draft resolutions was submitted by Mexico, Niger, Panama, Tunisia and Uganda, and the remaining three were submitted by Niger, Tunisia and Uganda and, at the 2277th meeting, failed to be adopted owing to the negative votes of three permanent members. The four drafts reaffirmed the inalienable right of the people of Namibia to self-determination in accordance with General Assembly resolution 1514 (XV) (seventh preambular paras.).

<sup>5</sup> S/15317, *OR*, 37th yr., *Suppl. for July-Sept. 1982*. The draft resolution was sponsored by Egypt and France and introduced at the 2384th mtg. (para. 14) and was not put to the vote. The draft reaffirmed the legitimate national rights of the Palestinian people, including the right to self-determination with all its implications (sect. C, para. 1(b)).

<sup>6</sup> S/14941, *OR*, 37th yr., *Suppl. for April-June 1982*. The draft was submitted by Guyana and Panama at the 2347th meeting and failed to be adopted owing to the negative vote of a permanent member. The draft recalled, *inter alia*, the right of peoples to self-determination and reminded Member States of their obligation to respect that principle of the Charter (fifth preambular para. and para. 1(b)).

<sup>7</sup> S/14950, *OR*, 37th yr., *Suppl. for April-June 1982*. The draft was sponsored by Panama and introduced at the 2350th meeting and was not put to the vote. The draft described the situation between Argentina and the United Kingdom as one that had arisen from the existence of "a problem of a colonial nature" and recalled, *inter alia*, General Assembly resolution 1514 (XV) (third and fifth preambular paras.).

<sup>8</sup> For the texts of relevant statements see 2497th mtg.: Cyprus; 2498th mtg.: Mr. Denktas; Turkey, Nicaragua and India; 2500th mtg.: Democratic Yemen, Egypt and Turkey; 2503rd mtg.: Cyprus and Mr. Atalay; and 2532nd mtg.: Turkey and India.

<sup>9</sup> In connection with the situation in Namibia, 2263rd mtg.: Spain, para. 143; 2267th mtg.: Sierra Leone, para. 122; in connection with the situation in the Middle East, including the occupied Arab territories, 2293rd mtg.: United Kingdom, para. 48; 2322nd mtg.: Syrian Arab Republic, para. 173; 2334th mtg.: Senegal, para. 62; 2384th mtg.: Egypt, para. 36; Jordan, para. 61; 2385th mtg.: United Kingdom, para. 215; in connection with the letters dated 19 March 1982 and 22 March 1983 from the representative of Nicaragua, 2342nd mtg.: Ireland, paras. 24 and 25; 2421st mtg.: Netherlands, para. 99; in connection with the question of South Africa, 2550th mtg.: Sri Lanka; in connection with the situation in Grenada, 2489th mtg.: Syrian Arab Republic. 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.

<sup>10</sup> General Assembly resolution 2200 A (XXI), annex.

<sup>11</sup> General Assembly resolution 2625 (XXV), annex.

<sup>12</sup> For the texts of relevant statements see 2345th mtg.: Argentina, paras. 29, 38-46, 60, 69 and 71; and United Kingdom, para. 7; 2350th mtg.: Argentina, paras. 5-27; Jordan, paras. 62-64; Peru, paras. 87-92; Panama, paras. 96-134; Paraguay, paras. 149-154; United Kingdom, paras. 173-176; Spain, paras. 203 and 204; Uganda, para. 213; USSR, paras. 228-230; and Poland, paras. 263-266. 2360th mtg.: Argentina, paras. 26, 33 and 64; United Kingdom, paras. 112-119; Brazil, paras. 180-192; Ecuador, paras. 195-200; and Australia, paras. 212-224; 2366th mtg.: Argentina, paras. 129-158; United Kingdom, paras. 182-185; and 2368th mtg.: Yugoslavia, paras. 24-32.

<sup>13</sup> For the vote on the draft resolution (S/14947/Rev.1), see 2350th mtg., para. 255.

<sup>14</sup> Resolutions 545 (1983), fifth preambular para.; and 487 (1981), ninth preambular para.

<sup>15</sup> Resolution 514 (1982), third preambular para.

<sup>16</sup> Resolutions 527 (1982), third preambular para.; 496 (1981), third preambular para.; 502 (1982), first preambular para.; and 552 (1984), fourth preambular para.

<sup>17</sup> Resolutions 488 (1981), para. 1; 490 (1981), paras. 1 and 2; 497 (1981), second preambular para.; 498 (1981), paras. 1(a) and (b), 2 and 4; 508 (1982), fourth preambular para. and para. 1; 509 (1982), third preambular paras. and para. 1; 512 (1982), para. 1; 513 (1982), para. 1; 516 (1982), para. 1; 517 (1982), para. 2; 518 (1982), para. 1; 520 (1982), paras. 2 and 4; 536 (1983), fourth preambular para.; 538 (1983), fourth preambular para.; 542 (1983), third preambular para., paras. 2 and 3; 549 (1984), para. 2; 555

(1984), para. 2; 541 (1983), para. 6; 550 (1984), para. 4; 535 (1983), third preambular para.; 546 (1984), third, fourth and fifth preambular paras. and paras. 1, 3 and 5; 554 (1984), fourth and sixth preambular paras. and para. 5; 556 (1984), fourth and sixth preambular paras., and para. 5; 522 (1982), third preambular para., paras. 1 and 2; 540 (1983), second and fifth preambular paras. and para. 3; 507 (1982), second, fourth and seventh preambular paras., and para. 2; 530 (1983), third, fourth and sixth preambular paras.; and 505 (1982), fourth preambular para. and para. 4.

<sup>18</sup> S/14944, issued on 1 April 1982, regarding the letter dated 1 April 1982 from the representative of the United Kingdom, *OR*, 37th yr., *Resolutions and Decisions of the Security Council, 1982*; S/15616, issued on 21 February 1983, regarding the situation between Iran and Iraq, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*; and S/16142, issued on 11 November 1983, regarding the situation in the Middle East, *ibid.*

<sup>19</sup> S/14599, issued on 17 July 1981, regarding the situation in the Middle East, *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*; S/14995, issued on 22 April 1982, regarding the situation in the occupied Arab territories, *OR*, 37th yr., *Resolutions and Decisions of the Security Council, 1982*; S/15688, issued on 6 April 1983 regarding the letter dated 16 March 1983 from the representative of Chad, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*; and S/16454, issued on 30 March 1984, regarding the situation between Iran and Iraq, *OR*, 39th yr., *Resolutions and Decisions of the Security Council, 1984*.

<sup>20</sup> In connection with the letter dated 19 March 1982 from the representative of Nicaragua, draft resolution S/14941, third preambular para., *OR*, 37th yr., *Suppl. for April-June 1982*; in connection with the situation in Grenada, draft resolution S/16077/Rev.1, sixth preambular para., *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*; and in connection with the letter dated 18 March 1984 from the representative of the Sudan, draft resolution S/16455, second preambular para., *OR*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>21</sup> In connection with the letter dated 1 April 1982 from the representative of the United Kingdom, draft resolution S/14950, para. 1, *OR*, 37th yr., *Suppl. for April-June 1982*; in connection with the situation in the Middle East, draft resolution S/15317, sixth preambular para., *ibid.*, *Suppl. for July-Sept. 1982*; and in connection with the letter dated 3 February 1984 from the representative of Nicaragua, draft resolution S/16463, fifth preambular para., *OR*, 39th yr., *Suppl. for April-June 1984*.

<sup>22</sup> In connection with the situation in the Middle East, draft resolution S/14832/Rev.1, fifth preambular para., *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>23</sup> In connection with the situation in Namibia, draft resolutions S/14459, thirteenth preambular para. and paras. 1 (b)-(c) and 3, *OR*, 36th yr., *Suppl. for April-June 1981*, S/14460/Rev.1, para. 3, *ibid.*; and S/14462, para. 1, *ibid.*; in connection with the complaint by Angola against South Africa, draft resolution S/14664/Rev.2, second, third and eighth preambular paras., and paras. 1, 3, 4, 5 and 6, *ibid.*, *Suppl. for July-Sept. 1981*; in connection with the question concerning the Falkland Islands (Islas Malvinas), draft resolutions S/15106, fifth preambular para. and paras. 3 and 4, *ibid.*, 37th yr., *Suppl. for April-June 1982*, S/15112, fourth preambular para. and para. 2, *ibid.* and S/15156/Rev.1, para. 1, *ibid.*; in connection with the situation in the Middle East including the occupied Arab territories, draft resolutions S/15185, paras. 3 and 4, *ibid.*, S/15255, third preambular para. and paras. 1, 2 and 3, *ibid.*, S/15990, seventh and ninth preambular paras. and paras. 1 and 2, *ibid.*, 38th yr., *Suppl. for July-Sept. 1983*, S/16351/Rev.2, second preambular para. and para. 1, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984*, and S/16732, para. 1, *ibid.*, *Suppl. for July-Sept. 1984*; in connection with the letter dated 31 March 1983 from the representative of Chad, draft resolution S/15672, para. 1, *ibid.*, 38th yr., *Suppl. for Jan.-March 1983*; and in connection with the Korean airliner incident, draft resolution S/15966/Rev.1, fourth and fifth preambular paras., and para. 2, *ibid.*, *Suppl. for July-Sept. 1983*.

<sup>24</sup> For explicit references to Article 2, paragraph 4, and for those cases where the language of this Charter provision was used, see the references under notes 14, 15, 16, 20 and 21.

<sup>25</sup> See resolutions 488 (1981), para. 1; 497 (1981), second preambular para.; 498 (1981), paras. 1(a) and 2; 509 (1982), third

preambular para.; 520 (1982), para. 4; 536 (1983), fourth preambular para.; 538 (1983), fourth preambular para.; 542 (1983), para. 1; 549 (1984), para. 2; 555 (1984), para. 2; 541 (1983), para. 6; 550 (1984), para. 4; 546 (1984), para. 3; and 496 (1981), para. 1.

<sup>26</sup> Resolutions 490 (1981), para. 1; 498 (1981), paras. 1 (b) and 4; 503 (1982), fourth preambular para. and para. 1; 509 (1982), para. 1; 512 (1982), para. 1; 513 (1982), para. 1; 516 (1982), para. 1; 517 (1982), para. 2; 518 (1982), para. 1; 520 (1982), para. 2; 542 (1983), third preambular para. and para. 3; 527 (1982), fourth preambular para. and para. 1; 535 (1983), third preambular para.; 545 (1983), second preambular para. and paras. 1, 2, 3 and 5; 546 (1984), third, fourth and fifth preambular paras. and paras. 1 and 3; 554 (1984), fourth preambular para.; 514 (1982), paras. 1 and 2; 522 (1982), paras. 1 and 2; 540 (1983), second and fifth preambular paras. and para. 3; 487 (1981), paras. 1, 2 and 3; 496 (1981), para. 2; 507 (1982), second and fourth preambular paras. and paras. 1 and 2; 502 (1982), second preambular para. and paras. 1 and 2; 505 (1982), fourth preambular para. and para. 4; and 552 (1984), sixth preambular para. and paras. 4 and 5. Further, see draft resolutions S/14459 (see note 23), thirteenth preambular para. and paras. 1 (b)-(c) and 3; S/14462 (see note 23), para. 1; S/14664/Rev.2 (see note 23), second, third and eighth preambular paras. and paras. 1, 3, 4, 5 and 6; S/14950 (see note 21), fourth preambular para. and para. 1; S/15185 (see note 23), paras. 3 and 4; S/15255 (see note 23), third preambular para. and paras. 1, 2 and 3; S/15317 (see note 21), paras. 1 and 2; S/15990 (see note 23), seventh preambular para. and paras. 1 and 2; S/16077/Rev.1 (see note 20), paras. 1 and 4; S/16351/Rev.2 (see note 23), para. 1; S/16455 (see note 20), paras. 2, 3 and 4; and S/16463 (see note 21), paras. 1 and 4.

<sup>27</sup> Resolution 546 (1984), para. 5.

<sup>28</sup> Resolutions 554 (1984), sixth preambular para. and para. 5; and 556 (1984), seventh preambular para. and para. 5.

<sup>29</sup> Resolution 530 (1983), sixth preambular para.

<sup>30</sup> In connection with the situation in the Middle East, 2375th mtg.: Poland, para. 121; 2379th mtg.: United Kingdom, para. 54; 2384th mtg.: France, para. 22; Jordan, para. 61; 2556th mtg.: Zimbabwe; in connection with the situation in the occupied Arab territories, 2319th mtg.: Uganda, para. 21; 2328th mtg.: Poland, para. 35; Israel, para. 133; in connection with the situation in Cyprus, 2378th mtg.: Cyprus, para. 134; 2405th mtg.: Cyprus, paras. 16 and 156; 2454th mtg.: Cyprus; 2532nd mtg.: Cyprus; 2537th mtg.: Cyprus; 2547th mtg.: Cyprus; in connection with the complaint by Angola against South Africa, 2504th mtg.: Botswana; 2506th mtg.: United Republic of Tanzania; 2507th mtg.: Zambia; in connection with the letter dated 1 September 1981 from the representative of Malta, 2294th mtg.: Malta, para. 26; in connection with the complaint by Iraq, 2282nd mtg.: Uganda, para. 10; 2283rd mtg.: Sierra Leone, para. 145; 2288th mtg.: Israel, para. 78; in connection with the complaint by Seychelles, 2370th mtg.: United States of America, para. 29; in connection with the letters dated 5 May 1983 and 29 March 1984 from the representative of Nicaragua, 2433rd mtg.: Honduras; 2529th mtg.: United Kingdom; in connection with the letter dated 1 April 1982 from the representative of the United Kingdom, including the question concerning the Falkland Islands (Islas Malvinas), 2349th mtg.: Australia, para. 22; 2350th mtg.: Argentina, para. 25; United Kingdom, para. 171; Togo, para. 222; 2360th mtg.: United Kingdom, paras. 107 and 109; Australia, para. 220; 2363rd mtg.: France, para. 3; 2366th mtg.: Togo, para. 26; Italy, para. 79; in connection with the letter dated 19 February 1983 from the representative of the Libyan Arab Jamahiriya, 2416th mtg.: Nicaragua; 2417th mtg.: Poland; Czechoslovakia; Madagascar; in connection with the letters dated 16 March and 2 August 1983 from the representative of Chad, 2419th mtg.: Chad; Senegal; Sudan; 2463rd mtg.: Chad; Sudan; 2469th mtg.: United Kingdom; Guyana; in connection with the situation in Grenada, 2487th mtg.: Mexico; Nicaragua; Guyana; Cuba; 2489th mtg.: Lao People's Democratic Republic; 2491st mtg.: Zimbabwe; Ecuador; Benin; Sao Tome and Principe; Guinea-Bissau; and in connection with the letter dated 18 March 1984 from the representative of Sudan, 2521st mtg.: United Kingdom. The implicit references are too numerous to be listed here.

<sup>31</sup> 2292nd mtg., paras. 14-19.

<sup>32</sup> S/15408 and Add.1 and 2, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>33</sup> S/16194 (statement by the Secretary-General at Security Council consultations), *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*.

<sup>34</sup> For the texts of relevant statements, see 2292nd mtg.: Lebanon, paras. 23-35; Israel, paras. 40-63; Jordan, paras. 66-75; PLO, paras. 77-102; USSR, paras. 103-116; 2293rd mtg.: Tunisia, paras. 23-38; France, paras. 40-44; United Kingdom, paras. 46-54; Egypt, paras. 63-82; Syrian Arab Republic, paras. 143-166; Democratic Yemen, paras. 172-181; Yemen, paras. 184-196; 2374th mtg.: France, paras. 94-98; 2375th mtg.: Israel, paras. 36-39; Poland, paras. 121 and 122; 2379th mtg.: United Kingdom, paras. 54-56; Israel, para. 126; Syrian Arab Republic, paras. 178 and 179; 2384th mtg.: France, paras. 22-24; Egypt, paras. 35 and 36; and 2386th mtg.: Lebanon, para. 12. For an analysis of the concept of self-defence as developed by Egypt, see chap. XI, part III of the present *Supplement*.

<sup>35</sup> S/14599, *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*.

<sup>36</sup> 2293rd mtg., paras. 5-12.

<sup>37</sup> For the vote on the draft resolution (S/14604), see *ibid.*, para. 21.

<sup>38</sup> For the texts of relevant statements, see 2316th mtg.: Syrian Arab Republic, paras. 6-16; Israel, paras. 20-46; Kuwait, paras. 50-58; Egypt, paras. 62-72; United Kingdom, paras. 73-77; 2317th mtg.: Cuba, paras. 5-12; India, paras. 152-155; 2318th mtg.: Zaire, para. 20-44; Yugoslavia, paras. 47-55; Niger, paras. 56-63; Philippines, paras. 65-69; Mexico, paras. 70-84; Pakistan, paras. 86-94; 2319th mtg.: Indonesia, paras. 6-11; Uganda, paras. 20-27; Israel, paras. 37-40 and 51-53; and Syrian Arab Republic, paras. 42-49.

<sup>39</sup> For the vote on the draft resolution (S/14798), see 2319th mtg., para. 29.

<sup>40</sup> S/14821, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

<sup>41</sup> 2322nd mtg.: Syrian Arab Republic, paras. 32-70 and 173-182; Jordan, paras. 77-99; Israel, paras. 154-170; 2328th mtg.: Poland, paras. 27-42; Syrian Arab Republic, paras. 166-170 and 191-193; and Israel, paras. 173-178 and 187 and 188.

<sup>42</sup> For the vote on the revised draft resolution, see 2329th mtg., para. 162; and for the text of the revised draft resolution, see S/14832/Rev.1, *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>43</sup> 2329th mtg., para. 223. For the Council's further consideration of the issue and its decision to convene an emergency special session of the General Assembly to examine the question, see chap. VI, case 1.

<sup>44</sup> For the texts of the relevant statements, see 2296th mtg.: Angola, paras. 7-25; United Kingdom, paras. 26-30; Spain, paras. 31-38; German Democratic Republic, paras. 40-56; Zimbabwe, paras. 58-63; Japan, paras. 86-91; USSR, paras. 64-81; Cuba, paras. 120-134; United States, paras. 144-148; and the President (Panama), paras. 158 and 159; 2297th mtg.: France, paras. 38-47; Libyan Arab Jamahiriya, paras. 58-65; Yugoslavia, paras. 68-77; 2298th mtg.: Federal Republic of Germany, paras. 5-10; South Africa, paras. 13-39; Kenya, paras. 49-58; 2504th mtg.: Botswana, paras. 31-37; 2505th mtg.: Brazil, paras. 11 and 12; 2506th mtg.: United Republic of Tanzania, paras. 41-50; and 2507th mtg.: Zambia, paras. 5-11.

<sup>45</sup> 2300th mtg., para. 45.

<sup>46</sup> S/14664/Rev.2, *OR*, 36th yr., *Suppl. for July-Sept. 1981*, p. 59.

<sup>47</sup> For the vote on the draft resolution (S/16226), see 2508th mtg. For the detailed procedural history of the case, see chap. VIII, part II, under the same title.

<sup>48</sup> For the vote on the revised draft resolution (S/16247/Rev.1), see 2511th mtg.

<sup>49</sup> For the texts of the relevant statements, see 2406th mtg.: Lesotho, paras. 15-37; 2407th mtg.: Libyan Arab Jamahiriya, paras. 7-17; Zaire, paras. 19-32; United Kingdom, paras. 50-68; France, paras. 72-80; Japan, paras. 99-107; Spain, paras. 165-169; 2408th mtg.: Guyana, paras. 7-16; United States, paras. 19-26; Yugoslavia, paras. 60-70; Sierra Leone, paras. 73-83; Swaziland, paras. 110-127; Egypt, paras. 130-135; and 2409th mtg.: Panama, paras. 7-15; Botswana, paras. 18-29; Grenada, paras. 77-84; Zimbabwe, paras. 88-91; Yemen, paras. 105-112; Mr. Makatini, paras. 167-205; and the President of the Council (Poland), paras. 207-216. See also S/15598 (a letter dated 8 February 1983 from South Africa to the Secretary-General), *OR*, 38th yr., *Suppl. for Jan.-March 1983*; and S/15658 (letter dated 28 March 1983 from Lesotho), *ibid.*

<sup>40</sup> For the vote on the draft resolution (S/15524), see 2407th mtg., para. 3. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.

<sup>41</sup> S/15600, assistance to Lesotho: report of the Secretary-General transmitting the report of the Mission to Lesotho (11 to 16 January 1983), 9 February 1983.

<sup>42</sup> For the vote on the draft resolution (S/15846), see 2455th mtg.

<sup>43</sup> General Assembly resolution 2373 (XXII) of 12 June 1968.

<sup>44</sup> For the texts of the relevant statements, see 2280th mtg.: Iraq, paras. 20-53; Israel, paras. 57-117; Tunisia, paras. 118-140; Algeria, paras. 145-175; Sudan, paras. 176-184; 2282nd mtg.: Uganda, paras. 7-38; France, paras. 41-59; Spain, paras. 75-86; 2283rd mtg.: Ireland, paras. 4-39; Sierra Leone, paras. 144-157; 2284th mtg.: Syrian Arab Republic, paras. 62-81; 2285th mtg.: Morocco, paras. 7-23; Bangladesh, paras. 110-130; 2287th mtg.: Sri Lanka, paras. 39-47; and 2288th mtg.: Israel, paras. 38-98; Mexico, paras. 105-132; Iraq, paras. 181-186 and 198-204.

<sup>45</sup> For the vote on the draft resolution (S/14556), see 2288th mtg., para. 151. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.

<sup>46</sup> For the texts of relevant statements, see 2314th mtg.: Seychelles, paras. 8-18; Japan, paras. 37-43; Niger, paras. 94 and 95; Ireland, paras. 98-101; Spain, paras. 104-106; Tunisia, paras. 110-117; and the President, in his capacity as the representative of Uganda, paras. 119-126; 2359th mtg.: Panama, paras. 11-39; Seychelles, paras. 46-52; France, paras. 55-64; Jordan, paras. 67-74; Argentina, paras. 150-162; and Czechoslovakia, paras. 210-215; 2365th mtg.: Poland, paras. 10-22; United Republic of Tanzania, paras. 27-40; Botswana, paras. 42-56; Yugoslavia, paras. 91-101; and Mozambique, paras. 190-206; 2370th mtg.: United States, paras. 28-36.

<sup>47</sup> For the vote on the draft resolution (S/14793), see 2314th mtg., para. 33. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.

<sup>48</sup> S/14905/Rev.1, *OR*, 37th yr., *Special Suppl. No. 2*.

<sup>49</sup> For the adoption of the draft resolution (S/15127), see 2370th mtg., para. 27.

<sup>50</sup> For the texts of relevant statements, see 2383rd mtg.: France, paras. 7-14; United States, paras. 17 and 18; United Kingdom, paras. 23-25; China, paras. 27-29; and Iraq, paras. 41-55; 2399th mtg.: Iraq, paras. 8-28; Morocco, paras. 32-46; and the Secretary-General, paras. 50-53; 2493rd mtg.: Pakistan; Netherlands; and USSR. For the position of the Islamic Republic of Iran with regard to Council action on the situation between Iran and Iraq, see S/15292, *OR*, 37th yr., *Suppl. for July-Sept. 1982*, p. 15; and S/15448, *ibid.*, *Suppl. for Oct.-Dec. 1982*, pp. 6 and 7.

<sup>51</sup> For the vote on the draft resolution (S/15285), see 2383rd mtg., para. 19. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.

<sup>52</sup> S/15293, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

<sup>53</sup> S/15296, *ibid.*, *Resolutions and Decisions of the Security Council, 1982*.

<sup>54</sup> S/15443, *ibid.*, *Suppl. for Oct.-Dec. 1982*.

<sup>55</sup> For the vote on the draft resolution (S/15446), see 2399th mtg., para. 48.

<sup>56</sup> S/15616, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*.

<sup>57</sup> S/15834, *ibid.*, *Suppl. for April-June 1983*.

<sup>58</sup> For the vote on the draft resolution (S/16092), see 2493rd mtg. See also chap. IV of the present Supplement.

<sup>59</sup> S/16433, *OR*, 39th yr., *Suppl. for Jan.-March 1984*.

<sup>60</sup> For the text of the statement, see S/16454, *OR*, 37th yr., *Resolutions and Decisions of the Security Council, 1984*.

<sup>61</sup> For the texts of the relevant statements, see 2335th mtg.: Nicaragua, paras. 7-88; and the President of the Council speaking in her capacity as the representative of the United States, paras. 91-147; 2336th mtg.: Cuba, paras. 4-14; Honduras, paras. 17-21; and Argentina, paras. 44-49; 2337th mtg.: Cuba, paras. 7-34; Mexico, paras. 38-62; Guyana, paras. 65-80; and the President (United States), paras. 95-105; 2339th mtg.: Poland, paras. 71-82; and China, paras. 130-135; 2341st mtg.: Zambia, paras. 66-87; and El Salvador, paras. 90-104; 2347th mtg.: United States, paras. 5-48; and Nicaragua, paras. 97-112. For the discussion relating to Chapter VIII of the Charter (regional arrangements), see part V of the present chap.

<sup>62</sup> For the vote on the draft resolution (S/14941), see 2347th mtg., para. 140. For the text of the draft resolution, see S/14941, *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>63</sup> For the discussion relating to Chapter VIII of the Charter (regional arrangements), see part V of the present chap.

<sup>64</sup> For the texts of the relevant statements, see 2487th mtg.: Mexico; Nicaragua; United States; Guyana; Grenada; Cuba; and USSR; 2489th mtg.: Dominica, Zaire, Viet Nam, Nigeria, Poland, Jamaica, China, Argentina, Algeria, Syrian Arab Republic, France, and Antigua and Barbuda; 2491st mtg.: Saint Lucia, Zimbabwe, Ecuador, United States, Benin, Peru, Barbados, Sao Tome and Principe, India, Yugoslavia, Guinea-Bissau, Trinidad and Tobago, Mr. Maksoud, Saint Vincent and the Grenadines, United Republic of Tanzania, Brazil and the Council's President (Jordan).

<sup>65</sup> S/16077 and S/16077/Rev.1, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.

<sup>66</sup> For the vote on the revised draft resolution (S/16077/Rev.1), see 2491st mtg. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.

<sup>67</sup> The first draft resolution (S/15317, para. D.2, *OR*, 37th yr., *Suppl. for July-Sept. 1982*) was submitted by Egypt and France at the 2384th meeting but was not put to the vote. The second draft resolution (S/15895, para. 7, *ibid.*, 38th yr., *Suppl. for July-Sept. 1983*) was introduced at the 2461st meeting by Jordan on behalf of 20 co-sponsoring States members of the League of Arab States and failed to be adopted owing to the negative vote of a permanent member. The third draft resolution (S/16351/Rev.2, para. 4, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984*) was submitted by France at the 2519th meeting and failed to be adopted owing to the negative vote of a permanent member.

<sup>68</sup> Resolution 507 (1982), paras. 7 and 8, in connection with the complaint by Seychelles; resolutions 541 (1983), paras. 7 and 8, and 550 (1984), paras. 3 and 4, in connection with the situation in Cyprus; and resolution 558 (1984), paras. 2 and 3, in connection with the question of South Africa.

<sup>69</sup> S/14459, para. 8, S/14460/Rev.1, para. 16, S/14461, para. 5, and S/14462, para. 14, *OR*, 36th yr., *Suppl. for April-June 1981*, in connection with the situation in Namibia. The draft resolutions were not adopted, owing to the negative votes of three permanent members.

<sup>70</sup> Resolutions 514 (1982), para. 4, in connection with the situation between Iran and Iraq; and 530 (1983), sixth preambular para. and para. 1, in connection with the letter dated 5 May 1983 from the representative of Nicaragua.

<sup>71</sup> S/14941, fifth preambular para. and para. 1(a), in connection with the letter dated 19 March 1982 from the representative of Nicaragua, *OR*, 37th yr., *Suppl. for April-June 1982* (the draft resolution was not adopted owing to the negative vote of a permanent member); S/16463, third preambular para. and para. 3, in connection with the letter dated 29 March 1984 from the representative of Nicaragua, *ibid.*, 39th yr., *Suppl. for April-June 1984* (the draft resolution was not adopted owing to the negative vote of a permanent member); S/16077/Rev.1, third and fourth preambular paras., in connection with the situation in Grenada, *ibid.*, 38th yr., *Suppl. for Oct.-Dec. 1983* (the draft resolution was not adopted owing to a negative vote of a permanent member); and S/16455, para. 1, in connection with the letter dated 18 March 1984 from the representative of Sudan, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984* (the draft resolution was not put to the vote).

<sup>72</sup> S/14941, fifth preambular para. (in connection with the letter dated 19 March 1982 from the representative of Nicaragua), *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>73</sup> For the texts of relevant statements, see 2341st mtg.: Spain, paras. 6-13 (explicit); United Kingdom, paras. 17-22; Jordan, paras. 23-32; Yugoslavia, paras. 36-49; Zambia, paras. 66-74; Benin, paras. 77-87; El Salvador, paras. 90-104 (explicit); see also S/14927 (letter dated 25 March 1982 from the representative of El Salvador), *OR*, 37th yr., *Suppl. for Jan.-March 1982*, in connection with this question. Most of the references were limited to a general restatement of this principle along with other basic norms of the Charter.

<sup>74</sup> For the Council's discussion regarding the principle of non-use of force, Article 2, paragraph 4, of the Charter in connection with the situation in Grenada, see case 10 above.

<sup>75</sup> 2489th mtg.: Zaire, Viet Nam, China, Argentina, (explicit); Syrian Arab Republic, France and Pakistan; 2491st mtg.: Ecuador, (explicit); United States, Guinea-Bissau and Brazil.

- <sup>86</sup> General Assembly resolution 36/103, annex, part II.
- <sup>87</sup> 2487th mtg.: Guyana; and 2491st mtg.: Guinea-Bissau.
- <sup>88</sup> 2431st mtg.: Nicaragua; 2435th mtg.: El Salvador, Viet Nam; 2436th mtg.: Argentina, Uganda and Dominican Republic, in connection with the letter dated 5 May 1983 from the representative of Nicaragua; 2406th mtg.: Lesotho; and 2407th mtg.: Zaire, in connection with the complaint by Lesotho against South Africa; 2463rd mtg.: Chad; 2465th mtg.: Kenya; and 2467th mtg.: Zimbabwe and Netherlands, in connection with the letter dated 2 August 1983 from the representative of Chad; 2464th mtg.: Libyan Arab Jamahiriya; and 2468th mtg.: India, in connection with the letter dated 8 August 1983 from the representative of the Libyan Arab Jamahiriya.
- <sup>89</sup> S/14727, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981* (letter from the representative of the Soviet Union to the Secretary-General); S/14736, *ibid.* (letter from Egypt to the Secretary-General); S/14927, *ibid.*, 37th yr., *Suppl. for Jan.-March 1982* (letter from the representative of El Salvador to the President of the Council); S/15461, *ibid.*, *Suppl. for Oct.-Dec. 1982* (letter from the representative of South Africa to the President of the Council); S/15897 and S/15898, *ibid.*, 38th yr., *Suppl. for July-Sept. 1983* (letters from the representative of Chad to the President of the Council); S/16054, *ibid.*, *Suppl. for Oct.-Dec. 1983* (letter from the representative of South Africa to the Secretary-General); and S/16271, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984* (letter from the representative of South Africa to the Secretary-General).
- <sup>90</sup> General Assembly resolution 39/2 of 28 September 1984.
- <sup>91</sup> For the texts of relevant statements, see 2548th mtg.: Algeria, India, Egypt, South Africa, Peru, Nepal (speaking in his capacity as Acting Chairman of the Special Committee against Apartheid), Thailand; 2551st mtg.: Netherlands, United States, United Kingdom; 2560th mtg.: Ethiopia, South Africa, Bishop Desmond Tutu and India.
- <sup>92</sup> For the vote on the draft resolution (S/16700), see 2551st mtg. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.
- <sup>93</sup> For the vote on the draft resolution (S/16791), see 2560th mtg.
- <sup>94</sup> Resolution 514 (1982), fourth preambular para.
- <sup>95</sup> S/15292, *OR*, 37th yr., *Suppl. for July-Sept. 1982*. See also S/15448 (note verbale dated 4 October 1982 from the representative of Iran to the Secretary-General, *ibid.*, *Suppl. for Oct.-Dec. 1982*).
- <sup>96</sup> Resolution 479 (1980). This resolution also invoked Article 24 explicitly; see *Repertoire of the Practice of the Security Council, Supplement 1975-1980*, chap. XII, part III, case 15.
- <sup>97</sup> Resolution 500 (1982), second preambular para.
- <sup>98</sup> For the texts of relevant statements, see 2548th mtg.: South Africa; 2551st mtg.: Netherlands, France and United States (explicit).
- <sup>99</sup> S/14944, *OR*, 37th yr., *Resolutions and Decisions of the Security Council, 1982* (also incorporated in the record of the 2345th mtg., para. 74).
- <sup>100</sup> In resolution 502 (1982), the Council determined that there existed a breach of the peace in the region of the Falkland Islands (Islas Malvinas) and demanded an immediate cessation of hostilities and an immediate withdrawal of all Argentine forces from the islands.
- <sup>101</sup> For the Council's discussion in relation to the provisions of Article 51 of the Charter in connection with this question, see chap. XI, part III, of the present *Supplement*.
- <sup>102</sup> For relevant texts, see S/15026, *OR*, 37th yr., *Suppl. for April-June 1982* (letter from Argentina to the President of the Council) and S/15041, *ibid.* (letter from the United Kingdom to the President of the Council). See also 2360th mtg.: Argentina, United Kingdom; and 2368th mtg.: Argentina.
- <sup>103</sup> In connection with the Middle East problem, including the situation in the occupied Arab territories, see 2324th mtg.: Libyan Arab Jamahiriya; 2328th mtg.: Poland; 2388th mtg.: Spain, Israel; 2390th mtg.: Jordan; 2391st mtg.: the President of the Council (Ireland); and 2519th mtg.: Netherlands; in connection with the complaint by Angola against South Africa, see 2504th mtg.: Angola; in connection with the situation in Namibia, see 2444th mtg.: Tunisia; in connection with the complaint by Lesotho against South Africa, see 2408th mtg.: Guyana; and in connection with the Korean airliner incident, see 2473rd mtg.: Ecuador. Implicit references to Article 24 are too numerous to be listed here.
- <sup>104</sup> S/14936, *OR*, 37th yr., *Suppl. for Jan.-March 1982* (letter from Nicaragua to the President of the Council); and S/15461, *ibid.*, *Suppl. for Oct.-Dec. 1982* (letter from South Africa to the President of the Council).
- <sup>105</sup> Resolution 521 (1982), para. 6, in connection with the situation in the Middle East.
- <sup>106</sup> In connection with the situation in the occupied Arab territories, S/14832, revised as S/14832/Rev.1, para. 4, *OR*, 37th yr., *Suppl. for Jan.-March 1982*, voted upon and not adopted owing to the negative vote of a permanent member; and, in connection with the situation in Namibia, S/14459, fourteenth preambular para. and para. 6, *ibid.*, 36th yr., *Suppl. for April-June 1981*; S/14460, revised as S/14460/Rev.1, para. 16, *ibid.*; S/14461, para. 5, *ibid.*; and S/14462, para. 15, *ibid.* All four draft resolutions were voted upon at the 2277th mtg., paras. 24-26, on 30 April 1981, and not adopted owing to the negative votes of three permanent members.
- <sup>107</sup> In connection with the situation in the Middle East, resolutions 485 (1981), para. (a); 488 (1981), paras. 1 and 2; 490 (1981), para. 3; 493 (1981), para. (a); 506 (1982), para. (a); 508 (1982), paras. 2 and 3; 509 (1982), para. 3; 516 (1982), para. 3; S/15342, para. 3, statement dated 3 August 1982 by the President on behalf of the Council (*OR*, 37th yr., *Resolutions and Decisions of the Security Council, 1982*); resolutions 517 (1982), paras. 7 and 8; 518 (1982), paras. 1 and 5; 520 (1982), para., 2, 3 and 6; 523 (1982), para. 4; 524 (1982), paras. (a) and (c); 531 (1983), para. (a); 536 (1986), para. 2; 538 (1983), para. 2; 542 (1983), para. 6; 543 (1983), paras. (a) and (c); 549 (1984), paras. 3 and 4; 551 (1984), para. (a); 555 (1984), para. 3; and 557 (1984), paras. (a) and (c); in connection with the situation in the occupied Arab territories, resolution 497 (1981), para. 4; in connection with the situation in Cyprus, resolutions 541 (1983), para. 3; and 550 (1984), paras. 1 and 5; in connection with the question of South Africa, resolution 558 (1984), para. 3; in connection with the situation in Namibia, resolutions 532 (1983), fourth preambular para. and paras. 2, 3 and 4; 539 (1983), sixth preambular para. and paras. 2 and 8; and in connection with the situation between Iran and Iraq, S/15296, para. 2, (*ibid.*) statement dated 15 July 1982 by the President on behalf of the Council; resolution 522 (1982), third preambular para., paras. 3 and 4; and S/15616, paras. 2 and 4, statement dated 21 February 1983 by the President on behalf of the Council (*OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*).
- <sup>108</sup> In connection with the situation in the Middle East, draft resolutions S/15185, paras. 1 and 5, *OR*, 37th yr., *Suppl. for April-June 1982* (put to the vote at the 2377th mtg., para. 23, on 8 June 1982, and not adopted owing to the negative vote of a permanent member); S/15255, revised as S/15255/Rev.2, para. 9, *ibid.* (voted upon at the 2381st mtg., para. 12, on 26 June 1982, and not adopted owing to the negative vote of a permanent member); and S/15347, revised as S/15347/Rev.1, first preambular para. and paras. 1 and 2, *ibid.*, *Suppl. for July-Sept. 1982*, (voted upon at the 2391st mtg., para. 38, on 6 August 1982, and not adopted owing to the negative vote of a permanent member); in connection with the situation in the occupied Arab territories, draft resolution S/15895, paras. 8 and 10, *OR*, 38th yr., *Suppl. for July-Sept. 1983*, (voted upon at the 2461st mtg., on 2 August 1983, and not adopted owing to the negative vote of a permanent member); and in connection with the question concerning the Falkland Islands (Islas Malvinas), draft resolution S/15156, revised as S/15156/Rev.2, paras. 1 and 3, *OR*, 37th yr., *Suppl. for April-June 1982* (voted upon at the 2373rd mtg., para. 49, on 4 June 1982, and not adopted owing to the negative votes of two permanent members).
- <sup>109</sup> In connection with the situation in the Middle East, 2388th mtg.: Spain, para. 100; 2391st mtg.: the President (Ireland), para. 96; 2392nd mtg.: France, para. 89; and 2396th mtg.: USSR, para. 48; in connection with the situation in the occupied Arab territories, 2324th mtg.: PLO, paras. 25 and 52; Libyan Arab Jamahiriya, para. 134; 2327th mtg.: Oman, para. 38; 2328th mtg.: Poland, para. 34; and 2401st mtg.: PLO, para. 111; in connection with the complaint by Angola against South Africa, 2300th mtg.: Panama, paras. 26 and 28; and 2504th mtg.: Angola; in connection with the letter dated 1 April 1982 from the United Kingdom, 2350th mtg.: United Kingdom, para. 286; and in connection with the question concerning Falkland Islands (Islas Malvinas), 2360th mtg.: Argentina, para. 43; and 2364th mtg.: Zaire, para. 56. Implicit references to Article 25 were too numerous to be listed here.

<sup>110</sup> S/15093, *OR*, 37th yr., *Suppl. for April-June 1982* (letter from Jordan to the Secretary-General); S/15114, annex, *ibid.* (note verbale from Iraq to the Secretary-General transmitting a communiqué dated 19 May 1982 from the Organization of the Islamic Conference); S/15608, *OR*, 38th yr., *Suppl. for Jan.-March 1983* (note verbale from Iraq to the Secretary-General); S/15699, *ibid.*, *Suppl. for April-June 1983* (letter from Iraq to the Secretary-General); S/15826, *ibid.* (letter from Iraq to the Secretary-General); S/15983, *ibid.*, *Suppl. for July-Sept. 1983* (letter from Iraq to the Secretary-General); and S/15148, *OR*, 37th yr., *Suppl. for April-June 1982* (letter from the United Kingdom to the President of the Council).

<sup>111</sup> S/14352, *OR*, 36th yr., *Suppl. for Jan.-March 1981*.

<sup>112</sup> S/14362, *ibid.*

<sup>113</sup> S/14455, *ibid.*, *Suppl. for April-June 1981*.

<sup>114</sup> S/14465, *ibid.*

<sup>115</sup> S/14466, *ibid.*

<sup>116</sup> S/14353, *ibid.*, *Suppl. for Jan.-March 1981*.

<sup>117</sup> S/14363, *ibid.*

<sup>118</sup> S/14371, *ibid.*

<sup>119</sup> S/14693, *ibid.*, *Suppl. for July-Sept. 1981*.

<sup>120</sup> S/14702, *ibid.*

<sup>121</sup> S/14723, *ibid.*, *Suppl. for Oct.-Dec. 1981*.

<sup>122</sup> S/14729, *ibid.*

<sup>123</sup> S/15818, *ibid.*, 38th yr., *Suppl. for April-June 1983*.

<sup>124</sup> S/15822, *ibid.*

<sup>125</sup> S/16210, *ibid.*, *Suppl. for Oct.-Dec. 1983*.

<sup>126</sup> S/14378, annexes, *ibid.*, 36th yr., *Suppl. for Jan.-March 1981*.

<sup>127</sup> S/14380, *ibid.*

<sup>128</sup> S/14384, annex, *ibid.*

<sup>129</sup> S/14692, annex, *ibid.*, *Suppl. for July-Sept. 1981*.

<sup>130</sup> See the reports of the Council to the General Assembly, 1980/81 (*GAOR*, 36th sess., *Suppl. No. 2*), pp. 44 and 50; 1981/82 (*GAOR*, 37th sess., *Suppl. No. 2*), p. 65 and 1983/84 (*GAOR*, 39th sess., *Suppl. No. 2*), p. 54.

<sup>131</sup> Resolutions 504 (1982), as a whole, in connection with the letter dated 31 March 1982 from the President of Kenya enclosing the letter dated 18 March 1982 from the President of the Republic of Chad to the President of the Security Council; and 530 (1983), sixth and seventh preambular paras. and paras. 2-4, in connection with the letter dated 5 May 1983 from the representative of Nicaragua.

<sup>132</sup> S/15688, a statement issued on 6 April 1983 by the President on behalf of the Council, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*.

<sup>133</sup> Draft resolution S/16463, sixth preambular para. and para. 5 (voted upon at the 2529th mtg., on 4 April 1984, and not adopted owing to the negative vote of a permanent member of the Council), in connection with the letter dated 29 March 1984 from the representative of Nicaragua, *OR*, 39th yr., *Suppl. for April-June 1984*.

<sup>134</sup> United Nations, *Treaty Series*, vols. 119 and 721.

<sup>135</sup> *Ibid.*, vol. 21.

<sup>136</sup> General Assembly resolution 2625 (XXV), annex. For the texts of relevant statements, see 2335th mtg.: the President (United States), paras. 94 and 95; 2336th mtg.: Honduras, para.

17; 2337th mtg.: Cuba, para. 31; Mexico, paras. 59-62; 2339th mtg.: Togo, paras. 64-66; 2343rd mtg.: Chile, paras. 47-54; Madagascar, paras. 83-85; and 2347th mtg.: Costa Rica, paras. 70-78. See also S/14927 (a letter dated 25 March 1982 from the representative of El Salvador to the President of the Council), *OR*, 37th yr., *Suppl. for Jan.-March 1982*; and S/14936 (letter dated 30 March 1982 from the representative of Nicaragua to the President of the Council), *ibid.*

<sup>137</sup> Draft resolution S/14941 sponsored by Guyana and Panama was voted upon at the 2347th mtg., on 2 April 1982, and was not adopted owing to the negative vote of a permanent member of the Council. For the text of the draft resolution, see *OR*, 37th yr., *Suppl. for April-June 1982*.

<sup>138</sup> In connection with the letter dated 16 March 1983 from the representative of Chad, 2419th mtg.: Jordan; and 2428th mtg.: Guinea; in connection with the letter dated 22 March 1983 from the representative of Nicaragua, 2420th mtg.: Honduras; 2421st mtg.: Netherlands; 2422nd mtg.: Honduras and 2424th mtg.: Honduras, in connection with the letter dated 5 May 1983 from the representative of Nicaragua, 2435th mtg.: Costa Rica; in connection with the letter dated 2 August 1983 from the representative of Chad, 2469th mtg.: Guyana; in connection with the situation in Grenada, 2491st mtg.: President of the Council (Jordan); and in connection with the letter dated 18 March 1984 from the representative of Sudan, 2521st mtg.: Benin. Implicit references to the provision of Chapter VIII of the Charter, mainly in connection with the same agenda items as above, were too numerous to be listed here.

<sup>139</sup> S/15694 (letter dated 8 April 1983 from the representative of the United States), *OR*, 38th yr., *Suppl. for April-June 1983*; S/15700 and S/15701 (letters dated 11 and 12 April 1983 from the representative of Honduras), *ibid.*; S/15704 (letter dated 13 April 1983 from the representative of Nicaragua), *ibid.*; and S/16073 (letter dated 25 October 1983 from the representative of Saint Lucia), *ibid.*, *Suppl. for Oct.-Dec. 1983*.

<sup>140</sup> 2489th mtg.: Algeria.

<sup>141</sup> 2300th mtg.: the President of the Council (Panama).

<sup>142</sup> 2454th mtg.: Cyprus; and 2532nd mtg.: Cyprus.

<sup>143</sup> 2454th mtg.: Turkey; 2498th mtg.: Turkey; and 2532nd mtg.: Turkey.

<sup>144</sup> For the Council's discussion relating to the provisions of Chapter VIII of the Charter (regional arrangements) and for the nexus between those provisions and Article 103, in connection with the same agenda item, see part V above.

<sup>145</sup> 2337th mtg.: Cuba; and 2343rd mtg.: Mauritius. For pointed arguments involving interpretations of Article 103, see especially S/14936 (letter dated 30 March 1982 from the representative of Nicaragua), *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>146</sup> See 2347th mtg.: Costa Rica. For interesting arguments in favour of regional arrangements with possible interpretative implications for Article 103, see also 2335th mtg.: United States; 2336th mtg.: Honduras; 2339th mtg.: Togo; 2343rd mtg.: Chile; and S/14927 (letter dated 25 March 1982 from the representative of El Salvador to the President of the Security Council), *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

<sup>147</sup> S/15704, *OR*, 38th yr., *Suppl. for April-June 1983*, in connection with the letter dated 22 March 1983 from the representative of Nicaragua.