

Chapter XII

CONSIDERATION OF THE PROVISIONS OF OTHER ARTICLES OF THE CHARTER

CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE	227
PART I. CONSIDERATION OF THE PROVISIONS OF ARTICLE 1, PARAGRAPH 2, OF THE CHARTER	
Note	227
PART II. CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 OF THE CHARTER	
A. Article 2, paragraph 4, of the Charter: Note	227
B. Article 2, paragraph 6, of the Charter: Note	237
**C. Article 2, paragraph 7, of the Charter	238
PART III. CONSIDERATION OF THE PROVISIONS OF ARTICLE 24 OF THE CHARTER	
Note	238
PART IV. CONSIDERATION OF THE PROVISIONS OF ARTICLE 25 OF THE CHARTER	
Note	238
PART V. CONSIDERATION OF THE PROVISIONS OF CHAPTER VIII OF THE CHARTER	
Note	239
**PART VI. CONSIDERATION OF THE PROVISIONS OF CHAPTER XII OF THE CHARTER .	242
**PART VII. CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER .	242
**PART VIII. CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER .	242

INTRODUCTORY NOTE

Chapter XII covers the consideration by the Security Council of Articles of the Charter not dealt with in the preceding chapters.¹

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLE 1, PARAGRAPH 2, OF THE CHARTER

Article 1

"1. . . .

"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

In the proceedings of the Security Council during the period under review, there were no instances of constitutional discussion bearing on Article 1, paragraph 2, of the Charter. The principle of self-determination embodied in Article 1, paragraph 2, was however, implicitly invoked in Security Council resolutions 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968 regarding the situation in Southern Rhodesia. In both instances, the

¹ For observations on the methods adopted in compilation of this chapter, see *Repertoire of the Practice of the Security Council, 1946-1951*, introductory note to chapter VIII, part II; arrangement of chapter X-XII, p. 296.

Security Council referred ² to General Assembly resolution 1514 (XV) of 14 December 1960 ³ and reaffirmed ⁴ earlier Council resolutions ⁵ on the situation in Southern Rhodesia containing, *inter alia*, explicit or implicit references to the above-cited General Assembly resolution.

² Resolution 232 (1966), operative paragraph 4; resolution 253 (1968), operative paragraph 2.

³ The resolution was entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples".

⁴ Resolution 232 (1966), preambular paragraph 1; resolution 253 (1968) preambular paragraph 1.

⁵ Resolutions 217 (1965) and 221 (1966). [Resolution 253 (1968) referred also to resolution 232 (1966).]

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 OF THE CHARTER

A. Article 2, paragraph 4, of the Charter

"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, no resolutions were adopted by the Security Council in which Article 2, paragraph 4, was explicitly invoked. Principles derived from the provisions of Article 2, paragraph 4, and the obligations ensuing from those Charter principles engaged the attention of the Security Council. Of the six draft

resolutions ⁶ in which these principles were cited, three ⁷

⁶ S/8227, 1373rd meeting, pp. 68-70; S/8229, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 208, 209; S/8247, adopted without change as resolution 242 (1967); S/8253, 1381st meeting (PV), pp. 11-12; S/8590/Rev.2, adopted without change as resolution 252 (1968); S/8761 and Add. 1, 1442nd meeting (PV), p. 17.

⁷ S/8227, S/8229 and S/8253.

were not pressed to the vote; one ⁸ failed of adoption; and, two ⁹ were adopted by the Security Council. In two ¹⁰ of the six instances, there was an explicit reference to Article 2 of the Charter. In all instances except one which is treated below,¹¹ no constitutional issue was raised in the relevant Council debate that could be considered to have a bearing on the provisions of Article 2, paragraph 4. In five instances, reference was made to 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,¹² and the principle of respect for and acknowledgement of the sovereignty, territorial integrity or inviolability, and political independence of every State.¹³ In three ¹⁴ of these five instances, as well as in another instance,¹⁵ the principle of inadmissibility of the acquisition of territory through the use of force was affirmed. In one instance,¹⁶ it was contended that in the light of the latter principle and emphasizing the validity of the concept of territorial integrity, armed forces of one State had to be withdrawn from the territories of other States occupied as a result of military conflict.¹⁷ Objections were raised to the applicability of this principle to the area under consideration on the grounds that the said area had only had demarcation lines based on military conquests or considerations, and that there was a distinction between demarcation lines which meant the maintenance of reciprocal territorial claims, and boundaries which implied their mutual and final renunciation.¹⁸⁻²⁴ There was no constitutional discussion thereon.

Six case histories having a bearing on the obligations ensuing from the provisions of Article 2, paragraph 4, are dealt with in this section.

CASE 1.²⁵ THE PALESTINE QUESTION: In connexion with the joint draft resolution submitted by Jordan and co-

⁸ S/8761 and Add.1.

⁹ Resolutions 242 (1967) and 252 (1968).

¹⁰ S/8229, preambular para. 5; resolution 242 (1967), preambular para. 2.

¹¹ Case 6.

¹² S/8227, oper. para. 1 (ii); S/8229, oper. para. 1; resolution 242 (1967), oper. para. 1 (ii); S/8253, oper. para. 3 (a); S/8761 and Add.1, preamb. para. 3.

¹³ S/8227, oper. para. 1 (iii); S/8229, oper. paras. 1 and 2 (c); resolution 242 (1967), oper. paras. 1 (ii), 2 (c); S/8253, oper. paras. 2 (b) and 3 (b); S/8761 and Add. 1, preamb. para. 3 and oper. para. 1.

¹⁴ S/8227, oper. para. 1 (i); resolution 242 (1967), preamb. para. 2; S/8253, oper. para. 2 (a).

¹⁵ Resolution 252 (1968), preamb. para. 6.

¹⁶ See 1373rd-1382nd meetings, in connexion with the situation in the Middle East (II).

¹⁷ See S/8227, oper. para. 1 (i); S/8229, oper. para. 1; resolution 242 (1967), oper. para. 1 (i); S/8253, oper. para. 2 (a).

¹⁸⁻²⁴ 1375th meeting (PV): Israel,* p. 28.

²⁵ For texts of relevant statements, see:

1288th meeting: Israel,* paras. 129, 137; Syria,* paras. 84-87, 89-90, 92, 98; USSR, paras. 198-200, 212;

1289th meeting: Iraq,* paras. 4-5, 30; Jordan, paras. 33, 49, 58; 1291st meeting: France, paras. 35-41; United Kingdom, paras. 24-25, 27-29; United States, paras. 9-10, 13-14, 16;

1292nd meeting: Argentina, paras. 92, 94, 99; Bulgaria, paras. 21, 27-28, 30; Jordan, paras. 35, 39, 52; New Zealand, paras. 81-86;

1293rd meeting: China, paras. 63, 65; Netherlands, paras. 11, 19, 20; Nigeria, paras. 22-23; Uruguay, para. 47;

1294th meeting: Uganda, paras. 5, 10;

1295th meeting: Bulgaria, paras. 4, 11; Japan, para. 30; Jordan, para. 55; USSR, para. 68.

sponsored by Mali: voted upon and not adopted on 3 August 1966

[*Note:* During the discussion, it was maintained that reprisals or retaliatory measures of a military nature were contrary to the provisions of Article 2, paragraph 4, of the Charter, the Israel-Syrian General Armistice Agreement, and the resolutions of the Security Council condemning retaliatory measures which took the form of military action. Unilateral resort to military force, could not, whatever might have been the provocation, be accepted as a lawful form of international conduct and could not be considered as the legitimate exercise of the right of self-defence.]

At the 1288th meeting on 25 July 1966, the representative of Syria * stated that the acts of aggression committed by Israel against the neighbouring Arab States, which had culminated in a "premeditated" aerial attack directed against Syria, threatened by their repercussions the peace of the Middle East.

In reply, the representative of Israel * recalled his letter of 14 July 1966 ²⁶ to the President of the Council in which he had referred to Syrian attacks directed against the civilian habitations and activities in the border area of Israel and their further intensification. It was stated in that letter that after the incident at Almazar, planes of the Israel Air Force had been ordered to take strictly limited action regarded as appropriate under the circumstances. The action had been taken reluctantly after Israel had become convinced that all its efforts through United Nations and diplomatic channels had failed to deter aggression by Syria.

At the same meeting, the representative of the USSR referred to the provision in the Charter that all Members of the Organization must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State. Further, he pointed out that the Security Council had on three occasions—in January 1956, in April 1962 and again in April 1964 ²⁷—categorically condemned so-called retaliatory measures which took the form of military action. He recalled that in its resolution 188 (1964) of 9 April 1964, the Security Council had condemned "reprisals as incompatible with the purposes and principles of the United Nations": the Council had to state once again that the practice of so-called retaliatory measures of a military nature, including the use of the Air Force and aerial bombing, was incompatible with the purposes and principles of the United Nations Charter.

At the 1289th meeting on 26 July 1966, the representative of Jordan stated that the Security Council was faced with a premeditated, deliberate and well-planned act of aggression. No Member of the United Nations could afford to condone retaliation; nor could the Security Council remain indifferent to acts of war by Israel.

At the same meeting, the representative of the United States stated that his Government considered it deplorable that the Government of Israel had chosen to react to the

²⁶ S/7411, *OR*, 21st yr., *Suppl. for July-Sept. 1966*, pp. 28-30. See also in chapter VIII, p. 125, footnote 166.

²⁷ See resolution III (1956), operative paragraphs 2 and 3; resolution 111 (1962), operative paragraphs 2 and 3; resolution 188 (1964), operative paragraph 1.

incidents in the manner that it had when reliance on the United Nations machinery had clearly been called for in the given instance. He appealed to both sides to deal with differences by peaceful means, to avoid resort to force, and to abide by their obligations under the Armistice Agreement and the Charter of the United Nations.

At the 1292nd meeting on 29 July 1966, the representative of Bulgaria stated that the doctrine of retaliation applied by the Government of Israel in its relations with its neighbours was contrary to the Charter which stipulated that Members of the United Nations "shall refrain in their international relations from the threat or use of force". That doctrine was also in contradiction with the provisions of the General Armistice Agreement between Syria and Israel. He noted also that in the case under consideration there was not even any justification for claiming to apply the theory of retaliation, for the acts of unknown origin and the air attack undertaken against the entire border region of a neighbouring country were not comparable.

The representative of Jordan introduced,²⁸ on behalf of the delegations of Mali and Jordan, a draft resolution whereby the Security Council would, *inter alia*: (1) note with concern that the Israel aggression took place north-west of Lake Tiberias, well within the territory of the Syrian Arab Republic, and that it took the grave form of an air attack where napalm bombs in particular were used; (2) condemn Israel's wanton attack of 14 July 1966, as a flagrant violation of the cease-fire provisions of Security Council resolution 54 (1948) of 15 July 1948, of the terms of the General Armistice Agreement between Israel and Syria, and of Israel's obligations under the Charter of the United Nations; (3) reaffirm resolutions 111 (1956) and 171 (1962), and deplore the resumption by Israel of aggressive acts unequivocally condemned by these resolutions; (4) remind Israel that the Security Council had already condemned military action in breach of the General Armistice Agreement, and had called upon Israel to take effective measures to prevent such action; (5) reiterate its call on Israel to comply with its obligations under the Charter in default of which the Council would have to consider what further measures should be invoked.

The representative of New Zealand noted, in relation to the aerial attack, the primacy of the injunction contained in the General Armistice Agreement, as in the resolutions of the Security Council, not to resort to military force. He noted further that under the Charter of the United Nations, all Member States were absolutely duty bound to refrain from the threat or use of force against the territorial integrity or political independence of any State. Neither the Charter, nor the terms of the Armistice Agreement, admitted of exceptions in favour of a people's war of liberation.

The representative of Argentina stated that armed retaliation should not become an accepted form of international conduct. He stressed the need for the parties involved to co-operate and make the fullest possible use of those United Nations bodies at their disposal.

At the 1293rd meeting on 1 August 1966, the representative of Uruguay expressed agreement with other members of the Council that the Mixed Armistice Commission

and other United Nations organs which were striving to help the peace in the Middle East, should be supported and strengthened. Further, he stated that if the air attack on Syria of 14 July was considered in isolation, it undoubtedly constituted an illegal aggressive act; if that attack was linked to acts of sabotage and further if both Syrian and Israel incidents were viewed against the general background of hostility which had prevailed in that region since 1947, the responsibility of both parties would be considered mitigated. It was obvious, however, that armed reprisals could not in any circumstances be recognized as a lawful instrument in international relations and that the illegal use of force constituted a violation of the positive international law created in San Francisco. Reprisals could be explained by the extenuating circumstances but they could not be justified, for there were international organs empowered to intervene in the case of acts such as those which provoked the reaction of 14 July.

The representative of China stated that whatever might have been the provocation, the use of military means in the circumstances as a means of retaliation had to be looked upon by the Council with serious concern. The unilateral exercise of force, even in the face of grave and persistent provocation, was inadmissible under the United Nations Charter.

At the 1294th meeting on 2 August 1966, the representative of Uganda noted that the Charter provided against the possibility of an aggrieved party's taking the law into his own hands except in self-defence. There were numerous resolutions and instances where this sort of action had been condemned by the Security Council. There could be no justification, moral or legal, for aerial bombings of a neighbouring territory in peace-time; all signatories to the United Nations Charter were under obligation to settle their international disputes by peaceful means. To resort to armed invasion without recourse to the Security Council was to violate Article 2 of the Charter and to go against the spirit and objectives of the Organization.

At the 1295th meeting on 3 August 1966, the representative of Bulgaria stated that the attack launched on 14 July 1966, on the orders of the Government of Israel, against the border area of Syria constituted an aggravated, organized and premeditated act of aggression. It called for condemnation by the Security Council. Otherwise, the attitude of the Council might be interpreted as an invitation to further acts of reprisal.

At the same meeting, the draft resolution submitted by Jordan and Mali was voted upon and was not adopted. The vote was 6 votes in favour, none against, with 9 abstentions.²⁹

CASE 2.³⁰ THE PALESTINE QUESTION: In connexion with the joint draft resolution by the United Kingdom and the United States: not pressed to the vote on 4 Novem-

²⁸ 1295th meeting, para. 76.

²⁹ For texts of relevant statements, see:

1307th meeting: France, paras. 100-101; Israel,* paras. 34, 37, 38, 51-53; New Zealand, para. 134; Syria,* para. 66; United Kingdom, paras. 105-106.

1308th meeting: Israel,* paras. 185, 192-195; Netherlands, paras. 48-53; Uruguay, paras. 84, 99, 103, 105;

1309th meeting: Uganda, para. 113;

1312th meeting: Japan, para. 17;

1317th meeting: Syria,* para. 16;

1319th meeting: Bulgaria, para. 5; Syria,* para. 101.

³⁰ S/7437, OR, 21st yr., Suppl. for July-Sept. 1966, pp. 59-60; 1292nd meeting: paragraphs 32-40.

ber 1966; and with the draft resolution jointly submitted by Argentina, Japan, Netherlands, New Zealand, Nigeria and Uganda: voted upon and failed of adoption on 4 November 1966

[*Note:* During the discussion, it was maintained that Syria was responsible for acts of violence perpetrated by armed groups allegedly operating from Syrian territory and that its refusal to prevent the use of its territory for the mounting of any activity the aim of which was violence against Israel was contrary to Syria's general obligations under the Charter, more specifically Article 2, paragraph 4, its specific commitments under the 1949 Armistice Agreement, and the provisions contained in the General Assembly resolution 2131 (XX) of 21 December 1965. It was argued in reply that Syria could not be held responsible for the behaviour of Arab refugees of Palestine and for the activities of Palestinian organizations with which the Government of Syria had no association and over which it had no authority.]

At the 1307th meeting on 14/15 October 1966, the representative of Israel,* having referred to statements made by several members of the Security Council on an earlier occasion to the effect that Syria's claim that it did not regard itself as responsible for the activities of guerilla groups could not be sustained and that the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State was "absolute" and "unreserved", stated that this obligation applied to Syria in its relations to Israel.

The representative of Syria * referred to his letter of 13 October 1966³¹ to the President of the Security Council, and stated that the Syrian Government rejected the Israel contention that the activities of the El-Assefa organization had been planned, organized, equipped or directed by Syria or that Syria was the source of the El Fatah and El-Assefa organizations. Accordingly, the Syrian Government refuted Israel's attribution that Syria was responsible for the incident brought before the Council.

The representative of the United Kingdom, having noted that no Member State of the United Nations could abrogate its responsibility for actions originating in its territory, referred to a general principle that for a Government to be accessory to force and thus to be implicated in the use of force was totally unacceptable; therefore, it had to be the duty of any Government to prevent or oppose by all means at its disposal the use of its territory for the mounting of any activity the aim of which was violence.

At the 1308th meeting on 17 October 1966, the representative of the Netherlands stated that the Members of the United Nations had, in Article 2, paragraph 4, of the Charter, undertaken the obligation to refrain from the threat or use of force against the territorial integrity or political independence of other States. Even more relevant in the situation under consideration was Article III, paragraph 3, of the General Armistice Agreement³² between Syria and Israel which provided that: "No warlike act or act of hostility shall be conducted from territory controlled by one of the Parties to this Agreement against the other Party or against civilians in

territory under control of that Party." He noted also that another general guideline could be found in General Assembly resolution 2131 (XX),³³ which, among other things, contained the provision that no State should organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State. Under the above-cited articles of the Charter and of the General Armistice Agreements, and the provisions of resolution 2131 (XX), Syria and Israel were both under the obligation to respect each other's territory, to abstain from the threat or use of force and from giving support to any terrorist activities.

Subsequently, at the 1310th meeting on 28 October 1966, the Security Council had before it a draft resolution submitted on 27 October 1966 by the United Kingdom and the United States,³⁴ under which the Security Council would, *inter alia*, remind the Government of Syria to fulfil its obligations by taking all measures to prevent the use of its territory as a base of operation for acts constituting a violation of the General Armistice Agreement, and call for strict adherence to Article III, paragraph 3, of the Syria-Israel General Armistice Agreement providing that no warlike act or act of hostility shall be conducted from the territory of one of the parties against other parties.

At the 1316th meeting on 3 November 1966, a draft resolution, jointly sponsored by Argentina, Japan, Netherlands, New Zealand, Nigeria and Uganda, was introduced by the representative of Uganda.³⁵ Under its terms, the Security Council would, among other things, invite the Government of Syria to strengthen its measures for preventing incidents that constituted a violation of the General Armistice Agreement.

At the 1319th meeting on 4 November 1966, the six-Power draft resolution was voted upon and failed of adoption. The result of the vote was 10 in favour, 4 against, with one abstention, one of the negative votes being that of a permanent member.³⁶ The sponsors of the two-Power draft resolution did not press it to the vote.³⁷ CASE 3.³⁸ THE PALESTINE QUESTION: In connexion with the letter dated 15 November 1966³⁹ from the repre-

³¹ Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty; see operative paragraphs 1 and 2.

³² S/7568, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 58-59; 1310th meeting: para. 5.

³³ S/7575/Rev.1, *OR*, 21st yr. *Suppl. for Oct.-Dec. 1966*, p. 69; 1316th meeting: para. 24.

³⁴ 1319th meeting: para. 55.

³⁵ *Ibid.*, para. 56.

³⁶ For texts of relevant statements, see:

1320th meeting: Israel,* paras. 53, 64-65; Jordan, paras. 22-26, 28-29, 34; United Kingdom, paras. 79-80, 82; United States, paras. 89-91, 97; Secretary-General, paras. 6-12;

1321st meeting: France, paras. 3, 4; Jordan, para. 31; USSR, paras. 11-15, 19, 23;

1322nd meeting: Argentina, pp. 2-4; Japan, p. 4; New Zealand, p. 7;

1323rd meeting: China, paras. 15-18; Israel,* para. 51; Jordan, para. 59; Netherlands, paras. 5-9;

1324th meeting: Israel,* paras. 90-92; Jordan, paras. 30-31; Uruguay, paras. 65-80;

1325th meeting: Bulgaria, paras. 4-7;

1327th meeting: Nigeria, paras. 39, 42-44; Uganda, paras. 15-16;

1328th meeting: Bulgaria, para. 31; Netherlands, para. 17; New Zealand, paras. 7, 11; USSR, para. 22.

³⁷ S/7587, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, p. 78.

³¹ S/7544, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 31-32.

³² *OR*, 4th yr., *Special Supplement*, No. 2.

representative of Jordan and the oral report of the Secretary-General at the 1320th meeting; and with the joint draft resolution by Mali and Nigeria: voted upon and adopted on 25 November 1966

[*Note:* During the discussion, it was maintained that an act of retaliation, such as that launched by Israel against Jordan on 13 November 1966, constituted a unilateral exercise of force and as such could not be condoned by the Security Council; nor could it be justified by the incidents which had preceded it. It was emphasized further that the policy of retaliation and reprisal operations were in violation of the General Armistice Agreement and also contrary to both the provisions of the Charter and of the various Security Council resolutions pertaining thereto. On the other hand, it was contended that the fundamental cause of Arab-Israel tension lay in threats against the territorial integrity and political independence of Israel by the neighbouring States in standing violation of the United Nations Charter and of the Armistice Agreements of 1949: the Security Council, in its deliberations, had to consider the total situation within which acts of retaliation took place.]

At the 1320th meeting on 16 November 1966, the Secretary-General made an oral report to the Security Council regarding the incident of 13 November 1966—a raid by the armed forces of Israel into Jordan with the support of tanks, armoured vehicles, heavy weapons and aircraft—on the basis of information received from United Nations Military Observers.

At the same meeting, the representative of Jordan also informed the Security Council of the incident of 13 November which, in his view, constituted a deliberate act of aggression by Israel against Jordan.

The representative of Israel* stated that contrary to the United Nations Charter and the Armistice Agreements, Arab Governments proclaimed that they did not accept the political independence or territorial integrity of the State of Israel and held that its statehood had to be eliminated by force of arms. The Government of Jordan had failed to fulfil its obligation to prevent any attack or incursion across the border from its territory into Israel: an Israel army vehicle on a regular patrol had been blown up by a mine in the border area adjacent to Jordan and it was evident that the perpetrators had come from and returned to certain villages on the Jordan side of the border. Furthermore, the Government of Israel had had reason to believe that this incident was the first in a "fresh series of attacks" planned to take place in the locality; it had decided to carry out a limited local action directed at the villages involved and intended to serve as a warning and a deterrent. This defensive action, carried out by a mobile task force, including tanks, had been undertaken most reluctantly, and only as a last resort, after a long period of forbearance.

The representative of the United Kingdom stated that there was no justification whatsoever for the calculated, admitted and wholly disproportionate act of military reprisal committed by Israel against Jordan on 13 November. Even if it could be demonstrated that Jordan had any direct responsibility for the mining incident and other incidents, the Israel attack could not be condoned, for it was a fully planned attack, mounted by infantry and armoured forces and supported by aircraft. The Israel

action constituted a flagrant violation of the Charter and of the Israel-Jordan Armistice Agreement.

The representative of the United States stated that the large-scale Israel military action, the nature and the consequences of which had far surpassed the cumulative total of the various acts of terrorism conducted against the frontiers of Israel, could not be justified, explained away or excused by the incidents which had preceded it and in which the Government of Jordan had not been implicated. The policy of retaliation was in violation of obligations undertaken by Israel in the General Armistice Agreements, and was also contrary to the requirements both of the Charter and of the Security Council that peaceful means be utilized to settle such problems.

At the 1321st meeting on 16 November 1966, the representative of France stated that all reprisal operations and so-called punitive actions were always out of proportion to the incidents which might have given rise to them and were to be condemned. He added that his delegation was not unaware of the fact that the Israel Government had been provoked into committing an action which constituted a violation of the Charter of the United Nations and of the General Armistice Agreement by incidents which, while not of comparable gravity, should not be underestimated.

The representative of the USSR stated that by making a direct military attack against Jordanian inhabited localities, Israel had flagrantly violated the Charter provision which prohibited States Members of the United Nations from using force against the territorial integrity and political independence of any State. Recalling Security Council resolutions 111 (1956) of 19 January 1956, 171 (1962) of 9 April 1962 and 188 (1964) of 9 April 1964, he maintained that Israel's new aggression against Jordan contravened not only that State's obligations under the Charter but also many resolutions of the Security Council, which had repeatedly pointed out in specific terms that the use of so-called military reprisals was completely incompatible with the purposes and principles of the United Nations Charter, with the provisions of contemporary international law, and with the elementary standards by which all States must be governed in conducting their foreign policy.

At the 1322nd meeting on 16 November 1966, the representative of Argentina stated that reprisals, especially armed reprisals, were acts in violation of the norms of international law and the United Nations Charter which allowed the use of force only in cases of legitimate self-defence or in fulfilment of collective measures called for by the United Nations. Armed reprisals taken by Israel were not only illegal but also unjustified and disproportionate to the reason which, according to Israel, had provoked it.

The representative of New Zealand maintained that it was not possible to condone a calculated act of retaliation, especially an act which was in its character both different from and disproportionate to even the lengthy series of terrorist acts which had preceded it.

At the 1324th meeting on 21 November 1966, the representative of Uruguay cited, *inter alia*, Article 2 of the Charter and stated that there was a clear difference between a mere act of reprisal and the exercise of the right of self-defence: the events of which Jordan com-

plained were unlawful acts of aggression falling within the familiar concept of reprisals, which were contrary to the obligations imposed by the Charter and repudiated by positive public international law.

At the same meeting, the representative of Nigeria introduced a draft resolution⁴⁰ on behalf of Mali and Nigeria which included the following provisions:

"The Security Council,

"Having heard the statements of the representatives of Jordan and Israel concerning the grave Israel military action which took place in the southern Hebron area on 13 November 1966;

"Having noted the information provided by the Secretary-General concerning this military action in his statement of 16 November and also in his report of 18 November 1966;

"Observing that this incident constituted a large-scale and carefully planned military action on the territory of Jordan by the armed forces of Israel;

"Reaffirming the previous resolutions of the Security Council condemning past incidents of reprisal in breach of the General Armistice Agreement between Israel and Jordan and of the United Nations Charter;

"Recalling the repeated resolutions of the Security Council asking for the cessation of violent incidents across the demarcation line, and not overlooking past incidents of this nature;

"...

"2. Censures Israel for this large-scale military action in violation of the United Nations Charter and of the General Armistice Agreement between Israel and Jordan;

"3. Emphasizes to Israel that actions of military reprisal cannot be tolerated and that, if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts;

"..."

At the same meeting, the draft resolution submitted by Mali and Nigeria was voted upon and adopted by 14 votes to none with 1 abstention.⁴¹

CASE 4.⁴² SITUATION IN THE MIDDLE EAST (II): In connexion with the joint draft resolution submitted by India, Pakistan and Senegal, not introduced in the

⁴⁰ S/7598, adopted without change as resolution 228 (1966); 1327th meeting: para. 39.

⁴¹ 1328th meeting: para. 35; resolution 228 (1966).

⁴² For texts of the relevant statements, see:

1401st meeting (PV): Israel,* pp. 23-25, 27, 32-35; Jordan,* pp. 6, 13-16;

1402nd meeting (PV): Algeria, pp. 13-16; Ethiopia, pp. 52-53; France, pp. 22-25; Hungary, pp. 71-72; India, p. 36; Iraq,* pp. 41, 46, 47; Morocco,* p. 67; Pakistan, pp. 18-20, 21; USSR, pp. 26, 27, 33-35; United States, pp. 3-5;

1403rd meeting (PV): Brazil, p. 18; Canada, pp. 13-15; China, p. 26; Paraguay, p. 22; United Arab Republic,* pp. 7, 12-13; United Kingdom, p. 3;

1404th meeting (PV): Jordan,* pp. 7, 13-15; Israel,* pp. 29-30; Syria,* pp. 17, 26;

1405th meeting (PV): Iraq,* pp. 27, 28-30, 31; Israel,* pp. 48-50; Morocco,* p. 57; 1406th meeting (PV): Israel,* pp. 3-5, 7; Jordan,* p. 22;

1407th meeting (PV): Algeria, p. 36; Brazil, p. 27; Canada, p. 27; Denmark, pp. 29-30; France, p. 46; Hungary, pp. 42, 43-45; Iraq,* pp. 47-51; Israel,* pp. 63-65, 67; Jordan,* pp. 68-70, 71; Morocco,* pp. 56, 57; President (Senegal), p. 6.

Security Council;⁴³ and with the draft resolution submitted by the President of the Security Council: voted upon and adopted on 24 March 1968

[*Note:* During the discussion, it was maintained that while they were not to be condoned, the so-called acts of terrorism were the consequence of military occupation and could not be equated with Israel's military action which was out of proportion with the events alleged to have preceded it. Furthermore, military reprisals were impermissible under the Charter, and also violated several Security Council resolutions.]

At the 1401st meeting on 21 March 1968, the representative of Jordan,* having recalled that the Government of Jordan had informed the Security Council⁴⁴ of a mass armed attack being contemplated by Israel against the east bank of the Jordan, stated that the premeditated plan had been carried out on the morning of 21 March 1968. Recalling the provisions of Security Council resolution 228 (1966), in the third operative paragraph of which the Security Council had emphasized to Israel that actions of military reprisal could not be tolerated and that, if they were repeated, the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts, the representative of Jordan* asked the Security Council to respond to the violation by Israel of the Charter and the above-cited Council resolution by applying sanctions under Chapter VII of the United Nations Charter.

The representative of Israel* stated that he had informed⁴⁵ the Security Council of the hostile acts being perpetrated from Jordanian territory and directed against Israel, which had reached a climax within recent weeks and which had been openly acquiesced in and supported by the Jordanian authorities. The representative of Israel also quoted passages from a statement by the Prime Minister of Israel which asserted that Israel, having highly authoritative information that a new wave of terror was about to take place and aggravate the security situation, had acted in self-defence to avert the dangers, and that it would continue to abide by the cease-fire agreement; the Prime Minister demanded that Jordan should also respect the cease-fire agreement and noted that the cease-fire obliged not only the abstention from any military activities by regular armies, but also the prevention of any acts of aggression and terrorism on the part of any factor present within the territory of those States which had agreed to the cease-fire.

At the 1402nd meeting, held also on 21 March 1968, the representative of the United States observed that the rule which should guide the parties in all these situations was contained in Security Council resolution 56 (1948) of 19 August 1948, in which it had been declared that each party had the obligation to use all means at its disposal to prevent action violating the truce by individuals or groups who were subject to its authority or who were in territory under its control; further, no

⁴³ S/8498, OR, 23rd yr., Suppl. for Jan.-March 1968, p. 288. See 1407th meeting (PV): Pakistan, pp. 31, 32, 33-35.

⁴⁴ See S/8478, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 274-275.

⁴⁵ S/8470 and S/8475, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 267-269 and pp. 272-273 respectively.

party was permitted to violate the truce on the ground that it was undertaking reprisals or retaliation against the other party. These principles were applicable to the cease-fire resolutions of June 1967⁴⁶ which both Israel and Jordan had pledged to observe.

The representative of Pakistan maintained that the armed attack by Israel, involving use of helicopters, tanks and all kinds of weapons, was premeditated and constituted part of a series of well-planned actions by Israel against its Arab neighbours, in disregard of the Security Council resolutions calling upon Israel to cease and desist from all acts of aggression in the name of retaliatory action. Noting that the pretext for the Israel action had been to attack the so-called terrorist bases in Jordan he stated that the so-called terrorist activities among the population of the territories occupied by Israel subsequent to the hostilities of June 1967, were but a manifestation of an inevitable resistance movement. Since the Council had regarded the doctrine of the right of reprisals as intolerable, it must act immediately and, *inter alia*, call for immediate withdrawal of Israel forces from all occupied territories.

The representative of France stated that the fact that the Israel operation was pictured as a reprisal in no way diminished the responsibility of the Israel Government which had given the order for it. Noting that the idea of reprisals had been condemned by the United Nations and the Charter, he pointed out that his Government had repeatedly stressed that the so-called acts of terrorism were the inevitable consequence of military occupation and had repeatedly called for the evacuation of occupied territories. He stated further that it was not possible to speak of necessary measures for the security of the territory and population under the jurisdiction of Israel because jurisdiction established by occupation could not be recognized. The Security Council was duty-bound to adopt a radical condemnation of this military operation of the Israel forces and had to call for the withdrawal of those forces from the territories they occupied.

The representative of the USSR contended that the Israel action was not a fortuitous incident but a deliberate and premeditated act of military provocation which was vast in scale and part of the military aggressions by Israel. The persistence by Israel in occupying the Arab territories constituted in itself continued aggression against the Arab countries and a violation of the United Nations Charter and Security Council resolutions. Recent steps taken by Israel in occupied territories proved the aggressive policy of Israel, designed for open annexation of the territories of Arab States for the purpose of consolidating the results of aggression, which was in flagrant violation of the spirit and letter of the United Nations Charter. The representative of the USSR, noting that Israel was attempting to justify its aggression and its flagrant violation of the Security Council decisions by allegations that the attack on Jordan was a reprisal measure, recalled that the Security Council had on four occasions—in January 1956, in April 1962, in April 1964, and in November 1966—in the most categorical fashion condemned Israel for the carrying out of so-called reprisals of a military nature. The Security Council should therefore

condemn the new act of armed aggression on the part of Israel against Jordan in the most categorical fashion.

The representative of Hungary, noting that the Security Council was faced with an act of armed invasion by Israel against Jordan, held that Israel depicted the self-defence of the population of the occupied Arab territories as violence. However the Charter of the United Nations recognized the right of everyone to resist aggression. On the contrary, it was Israel which was acting in contravention of the Charter by invading and occupying Arab lands: the resistance of the Arab peoples against the invaders was lawful and in full conformity with the Charter. The representative of Israel, in his statement, had claimed the right to wage preventive wars which the Charter expressly forbade.

The representative of the United Arab Republic * maintained that Israel had once again resorted to military action to subdue the legitimate discontent of the indigenous Arab population in the territories occupied by it as a result of the hostilities of June 1967. While Israel had invoked as a pretext for the unwarranted aggression on Jordan the so-called terrorist activities emanating from that country, it was the continued occupation by Israel of vast areas of territories belonging to Arab States which was the real cause of the present serious situation in the Middle East. Since Israel had perpetrated another gross violation of the cease-fire resolutions which could not be justified under the provisions of the Charter which clearly prohibited and condemned not only the actual use of force, but even the threat to use it, the Council was confronted with a premeditated act of large-scale military reprisal committed in defiance of the Charter and of previous Security Council decisions. He referred to the Security Council resolution 228 (1966) of November 1966 by which the Council had censured Israel for its action and had emphasized to Israel that if actions of military reprisal were repeated, the Security Council would have to consider further and more effective steps as envisaged in the Charter. Israel had repeated such an act and it was up to the Security Council to discharge its responsibilities and apply Chapter VII of the Charter in accordance with its previous decisions regarding the policy of military reprisals.

The representative of China expressed the view that no Government, even under extreme provocation, was justified in taking the law into its own hands. The mass attack launched by Israel in the name of retaliation called for censure by the Security Council. As Members of the United Nations, both Israel and Jordan had committed themselves to the principles of the Charter which called upon all Member States to settle their differences by peaceful means and to refrain from the threat or use of force against the territorial integrity and political independence of any State.

At the 1405th meeting on 22 March 1968, the representative of Iraq * stated that Israel action of 21 March 1968 was not a spontaneous reaction to provocation but a carefully prepared military operation with specific and clear-cut objectives. Even if it were considered an act of reprisal, such acts of retaliation were not permissible under the Charter and under various resolutions adopted by the Security Council.

At the 1407th meeting on 24 March 1968, the President of the Security Council stated that negotiations among the members of the Security Council had resulted in a

⁴⁶ Resolutions 233 (1967) to 236 (1967).

draft resolution ⁴⁷ the text of which read, *inter alia*, as follows:

"The Security Council,

"...

"Observing that the military action by the armed forces of Israel on the territory of Jordan was of a large-scale and carefully planned nature;

"...

"...

"...

"2. Condemns the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions;

"3. Deplores all violent incidents in violation of the cease-fire and declares that such actions of military reprisal and other grave violations of the cease-fire cannot be tolerated and that the Security Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts;

"..."

The draft resolution was put to the vote and adopted unanimously.⁴⁸

CASE 5.⁴⁹ THE SITUATION IN THE MIDDLE EAST (II): In connexion with the letter dated 5 August 1968⁵⁰ from the representative of Jordan and the letter dated 5 August 1968⁵¹ from the representative of Israel; and with a draft resolution based upon the consensus among the members of the Security Council: voted upon and adopted on 16 August 1968

[Note: In the course of the discussion, it was maintained that all violent incidents, including those of terrorism and sabotage, were to be deplored, but that the exercise of force in the nature of retaliation or military reprisal, no matter what the provocation, constituted a violation of the Charter and resolutions of the Security Council.]

At the 1434th meeting on 5 August 1968, the representative of Jordan,* having recalled that the Security Council had many times emphasized to Israel that actions of military reprisal could not be tolerated and, if repeated, the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts, held that it was incumbent upon the Security Council to take more effective measures as envisaged in Chapter VII of the

Charter in response to continued acts of aggression by Israel.

The representative of Israel* stated that warfare against Israel from Jordanian territory was being conducted by two methods: terror raids and armed attacks from military positions directed primarily against civilians and civilian localities. Jordan had thus become the principal base for continued Arab aggression against Israel, and for this reason, on 4 August 1968, Israeli aircraft had taken action against, and destroyed, the terror bases in Jordan from which these attacks against Israel emanated.

At the 1435th meeting on 6 August 1968, the representative of the United Arab Republic* stated that a preplanned military attack undertaken by one country against another, whether under a cease-fire régime or otherwise, was a case of aggression to which the Security Council, under the provisions of the Charter, had to devote its attention. Recalling the provisions of resolution 248 (1968) of 24 March 1968 and noting that since that time Israel had twice resorted to its policy of retaliation and massive reprisals, the representative of the United Arab Republic held that the Security Council should consider adopting "further and more effective steps as envisaged in the Charter to ensure against repetition of such acts".

The representative of Pakistan held that to equate the small, sporadic and spontaneous acts of resistance of the people of territories occupied by Israel with the planned and large-scale military actions of the armed forces of Israel would be to ignore the disparity of magnitude and quality; furthermore, it would be conferring a right on the perpetrator of an aggression equal to that of the victim of that aggression, i.e., it would amount, in effect, to condoning the actions of military reprisal by Israel.

At the 1436th meeting on 7 August 1968, the representative of Iraq* maintained that the Security Council had to determine once and for all that the activities of the so-called infiltrators could not be equated with those of the armed forces of Israel. Noting that the Council had condemned acts of military reprisal as flagrant violations of the United Nations Charter and the cease-fire resolutions, he stated that the crucial issue before the Council was whether military reprisals could be tolerated under any circumstances; whatever the alleged provocation, effective steps had to be taken to prevent the repetition of such acts.

The representative of Hungary held that the so-called terror raids and sabotage actions were direct consequences of occupation, that there could not be aggression on behalf of the indigenous population against the occupying country and that even resistance against occupation by Israel gave no right to that country to attack its neighbour.

The representative of Senegal interpreted the right of self-defence as meaning that the victim of aggression could, in order to defend and protect itself, respond, immediately and in the same location where the aggression occurred, to the attack of the aggressor with proportionate means in keeping with those that were used by the aggressor. The incidents of 4 June and 4 August 1968 could not be considered as the exercise of the right of self-defence because Jordan was not the aggressor and had not launched any attack against Israel.

At the 1437th meeting on 9 August 1968, the representative of China observed that the attack launched by

⁴⁷ Adopted without change as resolution 248 (1968). 1407th meeting (PV), pp. 6-10.

⁴⁸ 1407th meeting (PV), pp. 7-10.

⁴⁹ For texts of relevant statements, see:

1434th meeting (PV): Algeria, p. 57; Iraq,* pp. 47, 52; Israel,* pp. 28-30, 37, 42; Jordan,* pp. 12, 22, 23-25; USSR, pp. 66, 71; United Kingdom, pp. 77-80; United States, p. 72;

1435th meeting (PV): France, pp. 13-15, 16; Pakistan, p. 36; UAR,* pp. 7, 8-10, 12;

1436th meeting (PV): Hungary, p. 61; Iraq,* pp. 52, 53-55, 56; Senegal, pp. 63-65, 66;

1437th meeting (PV): China, p. 8; India, pp. 13-15;

1439th meeting (PV): Ethiopia, p. 8;

1440th meeting (PV): President (Brazil), pp. 2-5;

⁵⁰ S/8721, OR, 23rd yr., Suppl. for July-Sept. 1968, p. 113; see also chapter VIII, p. 158.

⁵¹ S/8724, OR, 23rd yr., Suppl. for July-Sept. 1968, pp. 115-116.

Israel on 4 August 1968 had assumed a magnitude uncalled for by the nature of the provocation. While acts of violence and terrorism could not in any way be justified, even under extreme provocation an exercise of force in the nature of retaliatory action must be regarded as contrary to the spirit of the Charter and had incurred the censure of the Security Council.

At the 1440th meeting of the Security Council on 16 August 1968, the President announced that, as a result of consultations, a draft resolution had emerged reflecting the views of the members of the Security Council on the course to be adopted by that organ on the item under consideration.

The draft resolution, *inter alia*, provided:⁵³

"The Security Council,

"...

"Recalling its previous resolution 248 (1968) condemning the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions and deploring all violent incidents in violation of the cease-fire,

"...

"Observing that both massive air attacks by Israel on Jordanian territory were of a large-scale and carefully planned nature in violation of resolution 248 (1968),

"...

"1. Reaffirms its resolution 248 (1968) which, *inter alia*, declares that 'grave violations of the cease-fire cannot be tolerated and that the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts';

"...

"3. Considers that premeditated and repeated military attacks endanger the maintenance of the peace;

"4. Condemns the further military attacks launched by Israel in flagrant violation of the United Nations Charter and resolution 248 (1968) and warns that if such attacks were to be repeated the Council would duly take account of the failure to comply with the present resolution."

It was put to the vote and adopted unanimously.⁵⁴

CASE 6.⁵⁴ THE SITUATION IN CZECHOSLOVAKIA: In connexion with the letter⁵⁵ dated 21 August 1968 from the representatives of Canada, Denmark, France, Paraguay, the United Kingdom and the United States

⁵³ Oral draft resolution, adopted without change as resolution 256 (1968).

⁵⁴ 1440th meeting (PV): p. 7.

⁵⁵ For the texts of relevant statements, see:

1441st meeting (PV): Canada, pp. 23, 24-25, 26, 88; Czechoslovakia,* pp. 67, 68-70, 71, 72, 73-75, 76; Denmark, pp. 31, 92, 93-95; France, pp. 89-90, 91; Paraguay, p. 52; USSR, pp. 2, 3-5, 6-10, 16, 32, 36, 41, 42, 48-50, 101, 107, 112, 116, 117; United Kingdom, pp. 28, 29-30; United States, pp. 11, 22, 84, 87;

1442nd meeting (PV): Brazil, p. 31; Canada, p. 21; China, p. 11; Denmark, pp. 16-17; Ethiopia, p. 6; United States, p. 22;

1443rd meeting (PV): Algeria, p. 156; Czechoslovakia,* pp. 6, 8-10; Poland, p. 27; Senegal, pp. 11, 12; USSR, pp. 98-100;

1444th meeting (PV): Yugoslavia,* pp. 56, 57, 58-60, 61;

1445th meeting (PV): Czechoslovakia,* pp. 96, 101, 107, 108-110; Pakistan, p. 112; President (Brazil), pp. 122, 123;

⁵⁶ S/8758, O.R., 23rd yr., Suppl. for July-Sept. 1968, p. 136.

addressed to the President of the Security Council; and with the joint draft resolution by Brazil, Canada, Denmark, France, Paraguay, Senegal, the United Kingdom and the United States: put to the vote and failed of adoption on 22/23 August 1968

[Note: In the course of the debate, it was maintained that the armed intervention against, and occupation of, Czechoslovakia, by the five members of the Warsaw Treaty, without the knowledge and against the will of the Government of that country, constituted an act of use of force in violation of, *inter alia*, Article 2(4) of the United Nations Charter, and could not be justified under the exercise of the right of collective and individual self-defence. It was argued, on the other hand, that in view of the threat created by foreign and domestic reaction to the socialist system in Czechoslovakia and the attendant threat to the collective security of all socialist countries, the Governments of the five socialist States had acted, in response to an appeal from the "lawful legitimate authorities" in Czechoslovakia, in accordance with the right of States to self-defence, individually and collectively, as provided for in the Warsaw Treaty and in the Charter of the United Nations according to which self-defence, separate and collective, could not be interpreted as interference; further, the measures taken by the socialist countries were not directed against the political independence or the territorial integrity of Czechoslovakia and therefore did not fall within the purview of the provisions of Article 2(4) of the Charter.]

At the 1441st meeting on 21 August 1968, the representative of the USSR quoted the text of his letter of the same date addressed to the President of the Security Council⁵⁶ in which he had conveyed the objections of his Government to the consideration of this question by the Security Council⁵⁷ and had stated that the military units of the socialist countries had entered the territory of Czechoslovakia pursuant to a request by the Government of that State, which had appealed to allied Governments for assistance, including assistance in the form of armed forces, in view of the threat created by foreign and domestic reaction to the socialist social order and the constitutional State system of Czechoslovakia. The Governments concerned had decided to meet the request for military assistance in conformity with mutual treaty obligations and with the relevant provisions of the United Nations Charter. The military units would be withdrawn from the territory of Czechoslovakia as soon as the threat to security was eliminated and the lawful authorities found that the presence of those units was no longer necessary: attempts to present the actions of the Soviet Union and other socialist countries in a different light could not alter their peaceful intentions or diminish the right of the socialist countries to individual and collective self-defence. The events in Czechoslovakia were a matter that concerned the Czechoslovak people and the States of the socialist community which were bound by mutual obligations, and the Soviet Government called upon all States to observe the principles of respect for sovereignty and independence and of the inadmissibility of direct or indirect aggression against other States and peoples.

⁵⁶ S/8759, O.R., 23rd yr., Suppl. for July-Sept. 1968, pp. 136-137.

⁵⁷ For treatment of the discussion relevant to the adoption of the agenda, see this Supplement, under chapter II, 3. See also chapter VIII, pp. 171, 172.

The representative of the United States held that the foreign armies had without warning invaded a Member State of the United Nations and that the Security Council had a responsibility to seize itself of this question, to condemn this gross violation of the Charter and to call on the Soviet Union and its allies for immediate withdrawal of their forces from Czechoslovakia.

The representative of Canada, having cited the provisions of Articles 2(1) and 2(4) of the United Nations Charter and General Assembly resolution 2131 (XX) containing a Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States for the Protection of Their Independence and Sovereignty, stated that the intervention by forces of the USSR and some of its allies in the affairs of Czechoslovakia was completely contradictory to the above-mentioned Charter principles. The Security Council had to make clear to the Soviet Union and certain of their allies that the situation could only be rectified if they desisted immediately from intervention by means of armed force and withdrew all their forces from Czechoslovakia.

The representative of the United Kingdom, having stated that the armed intervention of the Warsaw Pact forces in Czechoslovakia stood condemned by the United Nations Charter, maintained that the Security Council must call upon the USSR to withdraw the Warsaw Pact forces from Czechoslovakia and to respect the sovereignty of an independent Member nation of the United Nations.

The representative of Denmark observed that the invasion and occupation by foreign troops of a country, undertaken without the knowledge and without the consent of the lawful authorities of that country was clearly a matter which was international in character.

The representative of the USSR, having noted that the appeal of the Czechoslovak Socialist Republic to the socialist States had been motivated by the threat to the socialist system on the part of counter-revolutionary forces in alliance with external forces hostile to socialism, contended that the decision of the socialist countries to give assistance to Czechoslovakia was consonant with Article 51 of the United Nations Charter which allowed States to take collective and individual measures of self-defence.

After the adoption of the agenda, the representative of Czechoslovakia* read several messages from the Minister of Foreign Affairs containing the texts of declarations by various constitutional authorities in Czechoslovakia which stated that, on 20 August 1968, the troops of the USSR, Poland, Hungary, Bulgaria and German Democratic Republic had crossed the state borders of Czechoslovakia without the knowledge or consent of the constitutional organs of the State and requested immediate withdrawal of the armed forces of the five States of the Warsaw Treaty and respect for the State sovereignty of Czechoslovakia.

The representative of Denmark, referring to the assertion that the USSR and its allies had intervened in Czechoslovakia at the request of that country, observed that the declarations contained in the statement of the representative of Czechoslovakia were to the contrary. He maintained that the armed intervention in Czechoslovakia was unjustified and violated the Charter of the United Nations, the principles for which the United

Nations stood, and, among other things, General Assembly resolution 2131 (XX).

The representative of the USSR quoted the text of an appeal to allied States from the "lawful legitimate authorities in Czechoslovakia—a group of members of the Central Committee, of the Government and the National Assembly—" for assistance as the basis for the actions of his Government and the Governments of the allied countries. Referring to the official statement of the Soviet Government that Soviet troops would be withdrawn from Czechoslovakia as soon as the existing threat to socialism in that country, and the threat to the security of the socialist countries were dispelled, he emphasized that the measures taken were not directed against any State, or against the independence and sovereignty of Czechoslovakia, or any other country and that they were in conformity with the right of States to individual and collective self-defence and the provisions of the United Nations Charter.

At the 1442nd meeting on 22 August 1968, the representative of China stated that the armed intervention in the internal and external affairs of Czechoslovakia constituted aggression and violated Article 2(4) of the United Nations Charter and General Assembly resolution 2131 (XX).

The representative of Denmark introduced, on behalf of the delegations of Brazil, Canada, Denmark, France, Paraguay, the United Kingdom and the United States, a draft resolution⁶⁸ under which:

"The Security Council,

"...

"Gravely concerned that, as announced by the Presidium of the Central Committee of the Communist Party of Czechoslovakia, troops of the Soviet Union and other members of the Warsaw Pact have entered their country without the knowledge and against the wishes of the Czechoslovak Government,

"Considering that the action taken by the Government of the Union of Soviet Socialist Republics and other members of the Warsaw Pact in invading the Czechoslovak Socialist Republic is a violation of the United Nations Charter and, in particular, of the principle that 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,

"Gravely concerned also by risks of violence and reprisals as well as by threats to individual liberty and human rights which cannot fail to result from imposed military occupation,

"...

"1. Affirms that the sovereignty, political independence and territorial integrity of the Czechoslovak Socialist Republic must be fully respected;

"2. Condemns the armed intervention of the Union of Soviet Socialist Republics and other members of the Warsaw Pact in the internal affairs of the Czechoslovak Socialist Republic and calls upon them to take

⁶⁸ S/8761 and Add.1, 1442nd meeting (PV), p. 17. The name of Senegal was added to the names of the sponsors of the draft resolution at the subsequent meeting of the Security Council. See 1443rd meeting (PV), p. 162.

no action of violence or reprisal that could result in further suffering or loss of life, forthwith to withdraw their forces, and to cease all other forms of intervention in Czechoslovakia's internal affairs;

"...".

The representative of the United States stated that the action undertaken by the USSR and four of its allies had to be condemned as a violation of the United Nations Charter, in particular the central principle that 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.

The representative of Brazil, referring to the obligations and commitments under the Warsaw Pact, observed that under Article 103 of the Charter of the United Nations, the obligations under the Charter prevailed, and one of those obligations was the respect for the freedom, territorial integrity and sovereignty of all States. The action taken by the Warsaw Pact Powers not only went beyond the Charter but clearly violated it.

At the 1443rd meeting on 22 August 1968, the representative of Czechoslovakia,* having stated that the situation in Czechoslovakia had deteriorated as a result of the occupation by foreign armed forces, pointed out that the occupation of Czechoslovakia by the foreign armed forces was illegal and that complete and immediate termination of the occupation, the withdrawal of all occupation forces from the territory of the Czechoslovak Socialist Republic and the full restitution of the sovereignty and territorial integrity of Czechoslovakia were imperative.

The representative of the USSR held that the acts of the Soviet Union and of other socialist countries were in accord with the right of States to self-defence, individually and collectively as provided for in the Warsaw Pact. He maintained that the granting of assistance to Czechoslovakia by the socialist countries within the framework of separate and collective security could not juridically be considered interference in the domestic affairs. However, under none of the Charter articles could self-defence, separate and collective, be interpreted as an act of interference. The acts of the socialist countries were not directed against the political independence or the territorial integrity of Czechoslovakia and, therefore, did not fall within the purview of the prohibitions of Article 2 of the Charter setting forth the principles in accordance with which all Members of the Organization were to act.

The eight-Power draft resolution was voted upon and failed of adoption. There were 10 votes in favour,

2 against, and 3 abstentions, one negative vote being that of a permanent member.⁵⁹

At the 1444th meeting on 23 August 1968, the representative of Yugoslavia* communicated to the Security Council the text of a statement issued by his Government on 22 August 1968 concerning the situation in Czechoslovakia in which it was noted that the armed intervention by the USSR, Poland, German Democratic Republic, Hungary and Bulgaria, which had taken place without the invitation and against the will of the Government and other constitutional organs of Czechoslovakia, constituted a gross violation of the sovereignty and territorial integrity of an independent country, as well as a direct denial of generally recognized principles of international law and the Charter of the United Nations. Referring to the principle of non-intervention in the internal affairs of other States, the representative noted that similar or identical interpretation of the provisions of the Charter regarding the right to collective or so-called legitimate self-defence had in the past been used as a pretext for foreign interventions in the internal affairs of other countries and had given rise to justified protest. The doctrine being used to justify foreign intervention in Czechoslovakia was unacceptable. Yugoslavia opposed the intervention and occupation of the territory of Czechoslovakia, requested immediate withdrawal of all occupation troops and condemned the policy of use of force.

At the 1445th meeting on 24 August 1968, the representative of Czechoslovakia* stated that the armed intervention in Czechoslovakia was an act of use of force that could not be justified: it had not taken place upon request or demand of the Government of Czechoslovakia nor of any other constitutional organs of that State, and to the knowledge of the Czechoslovak Government no such demand had ever been made by any constitutional political representatives of Czechoslovakia. The military occupation of Czechoslovakia could not be justified by the concern for the external security of Czechoslovakia or for the fulfilment of obligations arising from the joint defence of the countries of the Warsaw Treaty as there had not been a danger of military aggression from abroad at the time of the occupation. Furthermore, arguments about the alleged danger of counter-revolution were juridically not valid. The foreign troops, even if they came from friendly countries, should leave Czechoslovakia without delay and the sovereignty of that country should be fully restored and applied throughout its territory.

Subsequently, the President of the Security Council adjourned the meeting.

⁵⁹ 1443rd meeting (PV), pp. 163-165.

B. Article 2, paragraph 6, of the Charter

"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

In the proceedings of the Security Council during the period under review, there were only incidental references to Article 2, paragraph 6, of the Charter.⁶⁰ On two occasions,

⁶⁰ For relevant statements, see, in connexion with the situation in Viet-Nam:

1272nd meeting: Netherlands, paras. 64-65;

sions, the Security Council adopted resolutions in which

In connexion with the situation in Southern Rhodesia:
1332nd meeting: Argentina, para. 59;
1333rd meeting: Japan, para. 46; United States, para. 23;
1337th meeting: Netherlands, para. 91;
1340th meeting: Uruguay, para. 38.

reference was made to the provisions of Article 2, paragraph 6,⁶¹ although no constitutional issue arose in the

relevant debates.

⁶¹ See, in connexion with the situation in Southern Rhodesia,

resolution 232 (1966), operative paragraph 7, and resolution 253 (1968), preamb. para. 1, oper. para. 14.

**C. Article 2, paragraph 7, of the Charter

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, Article 24 has not been the subject of a constitutional discussion in the Security Council. That Article has not been invoked in the submission of any questions affecting international peace and security which the Security Council considered, nor in the text of any resolutions adopted by the Council during that period.

On one occasion,⁶² however, Article 24 has been invoked in a draft resolution submitted to, but not pressed for a vote in, the Security Council.

⁶² In connexion with the situation in the Middle East (I), see the United Arab Republic draft resolution, preamble paragraph 1, S/7919, 1345th meeting, pp. 51-52; 1361st meeting, p. 67.

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, two resolutions⁶³ were adopted by the Security Council in which Article 25 of the Charter was explicitly invoked. While references were made to the binding nature of the measures adopted by the Council under those resolutions, no constitutional

discussions concerning the provisions of Article 25 had occurred.

Of the draft resolutions submitted to the Security Council which were either not pressed to the vote or voted upon and not adopted, three⁶⁴ contained explicit

⁶³ See, in connexion with the situation in Southern Rhodesia, resolution 232 (1966), of 16 December 1966, oper. para. 6; and resolution 253 (1968) of 29 May 1968, preamb. para. 5 and oper. paras. 11, 12.

⁶⁴ See, in connexion with the situation in Southern Rhodesia, S/8545, OR, 23rd yr., Suppl. for April-June 1968, pp. 120-121, preamb. para. 6; S/8554, OR, 23rd yr., Suppl. for April-June 1968, pp. 133-136, oper. para. 7; in connexion with the question of South West Africa, S/8429, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 198-199, oper. para. 4.

references to Article 25; and, five,⁶⁵ including the three

mentioned above, contained paragraphs which might be deemed to have an implicit bearing on that Article.

⁶⁵ See, in connexion with the situation in Southern Rhodesia, S/7285/Add.1, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 82-83, preamb. para. 2; S/8545, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 120-121, preamb. paras. 1, 5, oper. paras. 3, 4, 5, 8; S/8554, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 133-136, preamb. para. 1, oper. para. 6; in connexion with the Palestine question,

S/7437, *OR*, 21st yr., *Suppl. for July-Sept. 1966*, pp. 59-60, oper. paras. 1, 3, 5 [see Case 1 under Article 2 (4) in the present study], in connexion with the question of South West Africa, S/8429, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, pp. 198-199, preamb. paras. 4, 5, oper. paras. 1, 3.

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 or 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 Security Council has been drawn during the period from 1966 to 1968 to the following communications, which have been circulated by the Secretary-General to the represen-

tatives on the Council, but have not been included in the provisional agenda:

- A. *Communications from the Secretary-General of the Organization of African Unity*
 - (i) Dated 7 December 1966: transmitting the text of a resolution adopted by the Assembly of

Heads of State and Government, at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966, concerning Southern Rhodesia.⁶⁶

- (ii) Dated 14 December 1966: transmitting the text of a resolution adopted by the Assembly of Heads of State and Government, at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966, concerning the policies of *apartheid* of the Government of the Republic of South Africa.⁶⁷
- (iii) Dated 14 December 1966: transmitting the text of a resolution adopted by the Assembly of Heads of State and Government, at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966, concerning the Territories under Portuguese administration.⁶⁸
- (iv) Dated 14 December 1966: transmitting the text of a resolution adopted by the Assembly of Heads of State and Government, at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966, concerning South West Africa.⁶⁹

B. Communications from the Secretary-General of the Organization of American States

- (i) Dated 7 January 1966: transmitting the text of a cable from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation, on a statement to the local Press and foreign correspondents concerning misrepresentation of the *Ad Hoc* Committee's position on recent events in the Dominican Republic.⁷⁰
- (ii) Dated 8 January 1966: transmitting the text of a cable from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation, concerning measures taken by the Provisional President to put an end to the tension and hostility between the two groups of military personnel, and a statement by the *Ad Hoc* Committee supporting these measures.⁷¹
- (iii) Dated 13 January 1966: transmitting the text of a cable of 12 January from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation, concerning the occupation by the Inter-American Force of the plant and studios of Radio-Televisión Santo Domingo.⁷²
- (iv) Dated 18 January 1966: transmitting the text of a cable dated 15 January from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation on the situation in the Dominican Republic.⁷³
- (v) Dated 25 January 1966: transmitting the text of a cable of 24 January from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation on the departure of Constitutionalist leaders from the Dominican Republic and on measures taken by the IAPF to protect the 27 de Febrero Camp.⁷⁴
- (vi) Dated 9 February 1966: transmitting the text of a resolution adopted by the Council of the Organization of American States concerning the "First Solidarity Conference of the Peoples of Asia, Africa and Latin America".⁷⁵
- (vii) Dated 15 February 1966: transmitting a copy of a cable of 14 February from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation, concerning the events which have disturbed the institutional processes of the Dominican Republic since 24 January, after the departure abroad of the principal military leaders of the Constitutionalist movement.⁷⁶
- (viii) Dated 21 February 1966: transmitting a copy of a cable of 17 February from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation, on the events which have occurred in the Dominican Republic since its last report of 14 February (S/7148).⁷⁷
- (ix) Dated 7 March 1966: transmitting copies in Spanish of the text of a report of the *Ad Hoc* Committee to the Tenth Meeting of Consultation, concerning the events which have occurred in the Dominican Republic since its last report of 17 February.⁷⁸
- (x) Dated 18 March 1966: transmitting the text of a report dated 14 March of the *Ad Hoc* Committee of the Tenth Meeting of Consultation to the President of the Meeting, on the situation in the Dominican Republic since 3 March.⁷⁹
- (xi) Dated 25 March 1966: transmitting the text of a report dated 23 March of the *Ad Hoc* Committee of the Tenth Meeting of Consultation to the President of the Meeting, on the situation in the Dominican Republic since 14 March.⁸⁰
- (xii) Dated 13 April 1966: transmitting the text of a cable dated 12 April from the *Ad Hoc* Committee to the Chairman of the Tenth Meeting of Consultation, concerning the situation in the Dominican Republic since 23 March.⁸¹
- (xiii) Dated 13 May 1966: transmitting the text of a resolution adopted by the Tenth Meeting of Consultation concerning the attendance by outstanding persons from various countries of the hemisphere to witness and observe the

⁶⁶ S/7614, *OR, 21st yr., Suppl. for Oct.-Dec. 1966*, pp. 159-160.

⁶⁷ S/7637, *ibid.*, pp. 184-186.

⁶⁸ S/7638, *ibid.*, pp. 186-187.

⁶⁹ S/7639, *ibid.*, pp. 187-189.

⁷⁰ S/7073, *OR, 21st yr., Suppl. for Jan.-March 1966*, pp. 73-74.

⁷¹ S/7074, *ibid.*, pp. 74-76.

⁷² S/7084, *ibid.*, pp. 83-84.

⁷³ S/7089, *ibid.*, pp. 88-89.

⁷⁴ S/7100 and Corr. 1, *ibid.*, pp. 101-102.

⁷⁵ S/7133, *ibid.*, pp. 128-130.

⁷⁶ S/7148, *ibid.*, pp. 150-154.

⁷⁷ S/7163, *ibid.*, pp. 167-175.

⁷⁸ S/7206, *ibid.*, pp. 250-260.

⁷⁹ S/7217, *ibid.*, pp. 268-231.

⁸⁰ S/7227, *ibid.*, pp. 279-282.

⁸¹ S/7254, *OR, 21st yr., Suppl. for April-June 1966*, pp. 38-41.

elections scheduled for 1 June in the Dominican Republic.⁸²

- (xiv) Dated 27 May 1966: transmitting the text of a cable of 20 May concerning the situation in the Dominican Republic since the date of the last report on 12 April.⁸³
- (xv) Dated 31 May 1966: transmitting the text of a cable of 26 May from the *Ad Hoc* Committee to the Chairman of the Tenth Meeting of Consultation on the situation in the Dominican Republic since the date of the last report on 20 May.⁸⁴
- (xvi) Dated 1 June 1966: transmitting the text of a cable of 1 June from the *Ad Hoc Committee* to the Chairman of the Tenth Meeting of Consultation concerning the situation in the Dominican Republic since the date of the last report on 26 May.⁸⁵
- (xvii) Dated 6 June 1966: transmitting the text of a cable dated 2 June from the Rapporteur of the Group of Observers of the Elections in the Dominican Republic to the Provisional President, concerning the conduct of the elections held on 1 June.⁸⁶
- (xviii) Dated 6 June 1966: transmitting the text of a cable dated 2 June from the *Ad Hoc* Committee to the Chairman of the Tenth Meeting of Consultation concerning the general elections held on 1 June in the Dominican Republic.⁸⁷
- (xix) Dated 24 June 1966: transmitting the text of a resolution adopted on that date by the Tenth Meeting of Consultation of Ministers of Foreign Affairs concerning the withdrawal of the Inter-American Peace Force from the Dominican Republic.⁸⁸
- (xx) Dated 29 June 1966: transmitting the text of a cable of 28 June from the *Ad Hoc* Committee to the Chairman of the Tenth Meeting of Consultation announcing the first withdrawals of the Inter-American Peace Force from the Dominican Republic.⁸⁹
- (xxi) Dated 12 August 1966: transmitting the text of a resolution adopted by the Council of the Organization of American States concerning the situation between Haiti and the Dominican Republic.⁹⁰
- (xxii) Dated 20 September 1966: transmitting the text of the report from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation concerning the withdrawal of the Inter-American Peace Force from the Dominican Republic, and the goals achieved by its mission.⁹¹
- (xxiii) Dated 29 November 1966: transmitting volume I of the report entitled "The First Afro-Asian-Latin American Peoples' Solidarity Conference and its Projections (Tricontinental Conference of Havana)", with its conclusions and annexes.⁹²
- (xxiv) Dated 1 December 1966: transmitting the text of the resolution adopted by the Council of the Organization of American States on 28 November 1966 concerning the aforementioned report.⁹³
- (xxv) Dated 8 December 1966: transmitting volume II of the aforementioned report.⁹⁴
- (xxvi) Dated 5 June 1967: transmitting the text of a resolution adopted by the Council of the Organization of American States on 5 June 1967, concerning the Twelfth Meeting of Consultation of Ministers of Foreign Affairs to consider a Venezuelan complaint against Cuba.⁹⁵
- (xxvii) Dated 19 June 1967: transmitting the text of the resolution adopted by the Twelfth Meeting of Consultation of Ministers of Foreign Affairs, on 19 June 1967, on the Venezuelan complaint against Cuba.⁹⁶
- (xxviii) Dated 13 July 1967: transmitting the text of the resolution adopted at the Meeting of Consultation of Foreign Ministers, held on 10 July 1967, concerning the establishment of a Committee to prepare a report on events related to the Afro-Asian-Latin American Peoples' Solidarity Conference.⁹⁷
- (xxix) Dated 26 September 1967: transmitting the Final Act and copies of the reports of Committees I and II of the Twelfth Meeting of Consultation of Ministers of Foreign Affairs, concerning a Venezuelan complaint against Cuba.⁹⁸

****C. Communications from States parties to disputes or situations**

D. Communications from other States concerning matters before regional organizations

- (i) Dated 7 February 1966: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela, concerning the "First Solidarity Conference of the Peoples of Africa, Asia and Latin America", held in Havana on 3 January.⁹⁹
- (ii) Dated 10 February 1966: Cuba, transmitting a letter from the Prime Minister of Cuba in

⁸² S/7303, *ibid.*, p. 93.

⁸³ S/7324, *OR, 21st yr., Suppl. for April-June 1966*, pp. 111-115.

⁸⁴ S/7332, *ibid.*, pp. 124-125.

⁸⁵ S/7335, *ibid.*, pp. 128-129.

⁸⁶ S/7342, *ibid.*, pp. 145-148.

⁸⁷ S/7343, *ibid.*, pp. 148-149.

⁸⁸ S/7379, *ibid.*, pp. 217-218.

⁸⁹ S/7390, *ibid.*, pp. 238-239.

⁹⁰ S/7459, *OR, 21st yr., Suppl. for July-Sept. 1966*, pp. 82-83.

⁹¹ S/7502, *ibid.*, pp. 130-132.

⁹² S/7606, *OR, 21st yr., Suppl. for Oct.-Dec. 1966*, p. 106.

⁹³ S/7606, *ibid.*, pp. 106-108.

⁹⁴ S/7606/Add.1, *ibid.*, p. 108.

⁹⁵ S/7931, *OR, 22nd yr., Suppl. for April-June 1967*, pp. 157-158.

⁹⁶ S/8009, *ibid.*, pp. 289-290.

⁹⁷ S/8063, *OR, 22nd yr., Suppl. for July-Sept. 1967*, pp. 94-95.

⁹⁸ S/8170, ditto.

⁹⁹ S/7123, *OR, 21st yr., Suppl. for Jan.-March 1966*, pp. 119-120.

reply to the communication of 7 February (S/7123) from representatives of eighteen Latin American States.¹⁰⁰

- (iii) Dated 11 February 1966: Mexico, transmitting statements made at the meeting of the Organization of American States in explanation of its abstention on the resolution of 2 February (S/7133).¹⁰¹
- (iv) Dated 19 February 1966: USSR, concerning the communication of 7 February (S/7123) from representatives of eighteen Latin American States.¹⁰²
- (v) Dated 1 March 1966: Mongolia, concerning the communication of 7 February (S/7123) from representatives of eighteen Latin American States.¹⁰³
- (vi) Dated 5 December 1966: Mexico, transmitting the text of the explanation of vote given by the representative of Mexico in the Council of the Organization of American States in con-

nexion with the resolution adopted by the Council on 28 November (S/7606).¹⁰⁴

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 Security Council to the General Assembly.¹⁰⁵

During the period under review, the question of the respective responsibilities of the Security Council and the regional agencies concerning matters before the Council was not the subject of constitutional discussion.¹⁰⁶

¹⁰⁴ S/7620, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, p. 168.

¹⁰⁵ See report of the Security Council to the General Assembly, 1965-1966, *GAOR*, 21st Sess., *Suppl. No. 2*, pp. 98-99; report of the Security Council to the General Assembly, 1966-1967, *GAOR*, 22nd Sess., *Suppl. No. 2*, pp. 69-70, 92, 94-95, 98-99, 102, 107; report of the Security Council to the General Assembly, 1967-1968, *GAOR*, 23rd Sess., *Suppl. No. 2*, p. 117. On one occasion, reference was made in the report of the Security Council to the General Assembly, 1966-1967, to a communication dated 8 September 1966 from the representative of Saudi Arabia transmitting the text of a statement issued by another regional organization, the Arab League, concerning the inauguration of Parliament by Israeli authorities in Jerusalem, S/7487, *OR*, 21st yr., *Suppl. for July-Sept. 1966*, pp. 113-114; *GAOR*, 22nd Sess., *Suppl. No. 2*, p. 24.

¹⁰⁶ Incidental reference to this question was made at the 1427th meeting on 27 May 1968, in connexion with the complaint by Haiti, by the representative of Brazil; 1427th meeting (PV), p. 33.

¹⁰⁰ S/7134, *ibid.*, pp. 130-134.

¹⁰¹ S/7142, *ibid.*, pp. 143-146.

¹⁰² S/7152, *ibid.*, pp. 158-159.

¹⁰³ S/7178, *ibid.*, pp. 189-190.

Part VI

**CONSIDERATION OF THE PROVISIONS OF CHAPTER XII OF THE CHARTER

Part VII

**CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER

Part VIII

**CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER