

Department of Political and Security Council Affairs

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of the
Practice
of the
Security Council

Supplement 1972-1974



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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 seventh supplement to the *Repertoire of the Security Council, 1946-1951*, which was issued in 1954. It covers the proceedings of the Security Council from the 1624th meeting on 11 January 1972 to the 1812th meeting on 17 December 1974. Further supplements covering the proceedings of later meetings will be issued at suitable intervals.

In order to make it easier to trace the Security Council's practice in respect of any given topic over the entire period covered by the seven volumes, the headings under which the practices and procedures of the Security Council were presented in the original volume have been generally maintained unchanged in this supplement. Topics which the Council has not discussed anew during this time are identified by double asterisks.

The methods employed and the principles observed in the preparation of this supplement have been 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 Security 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 which have not been clearly or demonstrably established by the Council itself. The Security Council is at all times, within the framework of the Charter, "master of its own procedure". The object of the *Repertoire* will have been achieved if the reader, by using the descriptive titles of the headings under which the material is presented, is enabled to find relevant proceedings in order to draw conclusions for himself concerning the practice of the Council.

Details of the decisions of the Council have been included where appropriate in the accounts of its proceedings which make up this volume. The term "decision" has again been used to mean not only those "decisions" to which specific reference is 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 explanation in this Supplement.

EDITORIAL NOTE

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

for Official Records: 1614th meeting, para. 49; and
for provisional verbatim records: 1614th meeting:
United Kingdom, fourth intervention, or
1614th meeting, following fourth intervention by the
United Kingdom.

2. Documents of the Security Council are identified by the serial number in the S/series. Where the mimeographed document has been printed in the supplements to the Official Records, an additional reference is given accordingly.

Example:

S/10299, *OR*, 26th yr., *Suppl. for July-Sept. 1971*, pp. 56-57.

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

Example:

S/8603, 1428th meeting, para. 34

Where reference is given only to the number of S/series, this indicates that the text is available as a mimeographed document only.

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

Example:

Resolution 249 (1968)

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

GAOR, 24th sess., *plen. m.*, 1863rd meeting, para. 3;

GAOR, 26th sess., *Suppl. No. 6 (A/8006)*, p. 5.

For resolutions of the General Assembly:
Resolution 2520 (XXIV).

5. References from one chapter of the *Repertoire* to other chapters are in the following form:

See chapter XI, Case 3.

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

See Case 5.

6. In citing statements in case histories, it has been considered necessary at certain points to distinguish between statements made by representatives on the Council and statements by representatives or other persons invited to participate. In such instances, an asterisk has been inserted to distinguish the latter.

7. 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 1972-1974*.

8. 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.

9. A list of short and official titles for agenda items considered by the Security Council throughout the period 1972-1974 is appended 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.

| <i>Short title</i> | <i>Official title</i> |
|--|---|
| Request of the Organization of African Unity concerning the holding of meetings of the Council in an African capital | Request of the Organization of African Unity concerning the holding of meetings of the Council in an African capital (paragraph 2 of General Assembly resolution 2863 (XXVI)) |
| | Letter dated 29 December 1971 from the Secretary-General to the President of the Security Council (S/10480) |
| | Report of the Security Council Committee on Council meetings away from Headquarters (S/10514) |
| Consideration of questions relating to Africa ¹ | Consideration of questions relating to Africa with which the Security Council is currently seized and the implementation of the Council's relevant resolutions |

¹ In connexion with this agenda item the Council adopted resolutions relating to the following questions: situation in Namibia; question of race conflict in South Africa; situation in Territories under Portuguese administration.

| <i>Short title</i> | <i>Official title</i> |
|--------------------------------|--|
| Situation in Southern Rhodesia | <p>Question concerning the situation in Southern Rhodesia:</p> <p>(a) Letter dated 15 February 1972 from the representatives of Guinea, Somalia, and the Sudan addressed to the President of the Security Council (S/10540)</p> <p>(b) Fourth report of the Committee established in pursuance of Security Council resolution 253 (1968) (S/10229 and Add.1 and 2)</p> <p>(c) Interim report of the Committee established in pursuance of Security Council resolution 253 (1968) (S/10408)</p> <p>Special report of the Committee established in pursuance of Security Council resolution 253 (1968) (S/10632)</p> <p>Letter dated 20 September 1972 from the Permanent Representatives of Guinea, Somalia and the Sudan addressed to the President of the Security Council (S/10798)</p> <p>(a) Letter dated 8 May 1973 from the representatives of Guinea and Kenya to the United Nations addressed to the President of the Security Council (S/10925)</p> <p>(b) Second special report of the Committee established in pursuance of Security Council resolution 253 (1968) concerning the question of Southern Rhodesia (S/10920)</p> |
| Situation in the Middle East | <p>The situation in the Middle East:</p> <p>(a) Letter dated 25 February 1972 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/10546)</p> <p>(b) Letter dated 25 February 1972 from the Acting Permanent Representative of Israel to the United Nations addressed to the President of the Security Council (S/10550)</p> <p>(a) Letter dated 23 June 1972 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/10715)</p> <p>(b) Letter dated 23 June from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council (S/10716)</p> <p>Letter dated 26 June 1972 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/10720)</p> <p>(a) Letter dated 5 July 1972 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/10730)</p> <p>(b) Letter dated 5 July 1972 from the Chargé d'affaires <i>ad interim</i> of the Permanent Mission of Lebanon to the United Nations addressed to the President of the Security Council (S/10731)</p> <p>(a) Letter dated 9 September 1972 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/10782)</p> <p>(b) Letter dated 10 September 1972 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/10783)</p> <p>Letter dated 12 April 1973 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/10913)</p> <p>Examination of the situation in the Middle East:</p> <p>(a) Security Council resolution 331 (1973)</p> <p>(b) Report of the Secretary-General under Security Council resolution 331 (1973) of 20 April 1973 (S/10929)</p> <p>The situation in the Middle East: Letter dated 11 August 1973 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/10983)</p> <p>Letter dated 7 October 1973 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/11010)</p> <p>Report of the Secretary-General on the implementation of Security Council resolution 340 (1973) (S/11052/Rev.1)</p> <p>Progress report of the Secretary-General on the United Nations Emergency Force (S/11056/Add.1)</p> <p>Letter dated 8 November 1973 from the Secretary-General addressed to the President of the Security Council (S/11103)</p> <p>Arrangements for the proposed Peace Conference on the Middle East</p> <p>The situation in the Middle East: Report of the Secretary-General on the United Nations Emergency Force (S/11248)</p> |

| Short title | Official title |
|--|---|
| | Letter dated 13 April 1974 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/11264) |
| | (a) Letter dated 30 May 1974 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/11304) |
| | (b) Report of the Secretary-General (S/11302 and Add.1 and 2) |
| | Report of the Secretary-General on the United Nations Emergency Force (S/11536) |
| | Report of the Secretary-General on the United Nations Disengagement Observer Force (S/11563) |
| Situation in Cyprus (formerly Complaint by the Government of Cyprus) | Letter dated 26 December 1963 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/5488) |
| | Report of the Secretary-General on the United Nations operation in Cyprus (S/10664 and Corr.1 and Add.1) |
| | Report of the Secretary-General on the United Nations operation in Cyprus (S/10842) |
| | Report of the Secretary-General on the United Nations operation in Cyprus (S/10940) |
| | Report of the Secretary-General on the United Nations operation in Cyprus (S/11137) |
| | Report of the Secretary-General on the United Nations operation in Cyprus (S/11294) |
| | The situation in Cyprus: |
| | (a) Letter dated 16 July 1974 from the Secretary-General addressed to the President of the Security Council (S/11334) |
| | (b) Letter dated 16 July 1974 from the Permanent Representative of Cyprus to the United Nations addressed to the President of the Security Council (S/11335) |
| | (c) Letter dated 20 July 1974 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council (S/11348) |
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| | Implementation of paragraph 8 of Security Council resolution 323 (1972): |
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| | (b) Report by the Secretary-General on the implementation of Security Council resolution 323 (1972) concerning the question of Namibia (S/10921) |
| | Letter dated 13 December 1974 from the Permanent Representative of Upper Volta to the United Nations addressed to the President of the Security Council (S/11575) |
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| <i>Short title</i> | <i>Official title</i> |
|--|---|
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| <i>Short title</i> | <i>Official title</i> |
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Chapter I

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

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

The major headings under which the material is entered in this chapter follow the classification previously adopted for the *Repertoire*. The arrangement of each part is based on the successive chapters of the provisional rules of procedure of the Security Council.

During the period under review, the Security Council adopted amendments to its provisional rules of procedure on one occasion when rules 41 to 47 were amended to include Chinese among the working languages of the Security Council and rule 43 was deleted (Case 32). Case histories entered in respect of other rules are confined entirely to those proceedings of the Council in which a question has arisen regarding the application of a certain rule, especially where discussion has taken place regarding variations from the usual practice. As was noted in the previous volumes, the case histories in this chapter do not attempt to provide cumulative evidence of the practices established by the Council, but are indicative of special problems which have arisen in the proceedings of the Council under its provisional rules.

Part I

MEETINGS (RULES 1-5)

NOTE

Part I deals with the practice concerning the convening of Council meetings and is concerned with interpretation of rules 1-5, which reflect the provisions of Article 28 of the Charter.

During the period under review there was one occasion when the Security Council adopted a consensus without a formal meeting of the Council.

1972

The adoption of the consensus was announced by the President in a document¹ which also contained the text of the consensus. Subsequently the representatives of India and Italy, in separate letters² to the President, took exception to the fact that the Security Council had arrived at a decision without a formal meeting of the Council. The representative of India stated that any action or decision by the Council without a formal meeting, particularly when the provisional rules of procedure had not been suspended, could have serious and far-reaching legal and other consequences. He stressed that the procedure followed should not constitute a precedent for future action by the Council on matters concerning international peace and security.

The representative of Italy stated that his Government would have preferred the adoption of a resolution on the matter at a formal meeting of the Council rather than a decision agreed upon by members of the Council through informal consultations. He asserted that such formal expediences, aimed at circumventing obstacles of a substantial nature, might create a trend toward a further weakening of the significance of decisions taken by the Council.

¹ S/10705, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 128.

² S/10709, *ibid.*, pp. 132-133 and S/10711, *ibid.*, pp. 133-134.

During the period under review there were no special instances of the application of rules 1-4.

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

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

Rule 5

CASE 1

In accordance with the decision taken at the 1625th meeting on 11 January 1972,³ and in pursuance of Security Council resolution 308 (1972) of 19 January 1972, the Council held thirteen meetings⁴ in Addis Ababa from 28

³ At the 1625th meeting on 11 January 1972, the Security Council considered the item entitled "Request of the Organization of African Unity concerning the holding of meetings of the Security Council in an African capital" and acceded in principle to that request. It also decided to establish a committee composed of all members of the Security Council to be called the Security Council Committee on Council Meetings away from Headquarters, to examine the question in all its aspects and to draft general guide lines that could be applied in all similar situations that might arise in the future. The Committee submitted its report (S/10514) on 18 January 1972, containing a series of recommendations and a draft resolution under which the Security Council would *inter alia* decide to hold meetings in Addis Ababa from 28 January to 4 February 1972. At the 1626th meeting on 19 January the recommendations contained in the Committee's report and the draft resolution were adopted without objection as representing the consensus of the views of the members of the Council. The draft resolution was adopted unanimously as resolution 308 (1972).

⁴ 1627th-1639th meetings.

January to 4 February 1972 to consider questions relating to Africa.

CASE 2

In accordance with the decision taken at the 1685th meeting on 16 January 1973⁵ and in pursuance of Security

⁵ At the 1685th meeting, on 16 January 1973, the Security Council considered the item entitled "Request of Panama concerning the holding of meetings of the Security Council in Panama City" and *inter alia* acceded in principle to that request. It also decided to ask the Security Council Committee on Council Meetings away from Headquarters to consider all aspects of the Council's requirements, to make recommendations on technical, administrative, financial, legal, political and other aspects of the question, including the precise formulation of an agreed agenda and to report

Council resolution 325 (1973) of 26 January 1973, the Council held ten meetings⁶ in Panama City from 15 to 21 March 1973 to consider measures for the maintenance and strengthening of international peace and security in Latin America.

to the Security Council. The Committee submitted its report (S/10868) on 25 January 1973 containing a series of recommendations and a draft resolution under which the Security Council would *inter alia* decide to hold meetings at Panama City from 15 March to 21 March 1973. At the 1686th meeting on 26 January, the recommendations contained in the Committee's report and the draft resolution were adopted without objection as representing the consensus of the views of the members of the Council. The draft resolution was adopted unanimously as resolution 325 (1973).

⁶ 1695th-1704th meetings.

Part II

REPRESENTATION AND CREDENTIALS (RULES 13-17)

NOTE

Since 1948, the reports of the Secretary-General on the credentials of the representatives of members of the Security Council have been circulated to the delegations of all 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 Security Council are designed. This practice has been followed up to the present.

During the period under review, there was one instance when the Secretary-General was informed by telegram by the "Foreign Minister" of a Member State that its permanent representative had been released from his post and duties and that his successor was on his way to New York with his credentials. The telegram had requested that the Security Council adjourn for twenty-four hours in order to enable the new permanent representative to arrive in New York and attend the Security Council session. The Council, after being informed of the contents of the telegram, agreed to adhere to its decision taken at an earlier meeting to invite the Member State to participate in the debate and to hear an address by its Head of State who, the Council further agreed, would be received in that capacity with respect to the debate in question (Case 3). The Council further agreed that in respect of the current debate, the Permanent Representative in question, having been duly accredited by his Head of State was to be regarded as representing his country.

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

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

Rule 13

CASE 3

At the Security Council's 1780th meeting on 19 July 1974, in connexion with the situation in Cyprus, the President (Peru) drew the Council's attention to two telegrams addressed to the Secretary-General signed "Dimitriou, Minister of Foreign Affairs, The Republic of Cyprus." He then proceeded to read the text of the telegrams. The first read as follows:

I have the honour to inform Your Excellency that by decision of the Government of the Republic of Cyprus as from 15th July 1974 the till then Permanent Representative of Cyprus to the United Nations Mr. Zenon Rossides has been released from his post and duties. Accept, Excellency, the assurances of my highest consideration.

The second telegram read as follows:

Excellency I hereby have the honour to inform you that His Excellency the Ambassador Mr. Loukis Papafilippou has been designated as Permanent Representative of the Republic of Cyprus to the United Nations, and he will be arriving in New York within the next twenty-four hours accompanied by members of the Cyprus delegation to the United Nations. His credentials and those of the Cyprus delegation will be presented to you by him personally. In order that the new Permanent Representative of the Republic of Cyprus to the United Nations may be able to attend the Security Council session of Cyprus, which is scheduled for today, I hereby request an adjournment of the meeting of the Security Council for twenty-four hours.

After reading out the text of the above two telegrams the President stated:⁷

The members of the Security Council took note of the information given by the Secretary-General. They are agreed that in respect of the current debate on the situation in Cyprus, in which Cyprus was invited to participate, at its request, by decision of the Security Council taken at the 1779th meeting, the President of Cyprus, His Beatitude Archbishop Makarios, who had expressed the wish to address the Council, would be received in that capacity.

⁷ For text of the President's statement, see 1780th meeting: President, opening statement.

Consequently Ambassador Rossides, having been duly accredited by the Head of State of Cyprus, is to be regarded as representing Cyprus in the current debate on the situation in Cyprus in the Security Council. Accordingly, if I hear no objection, I shall invite His Beatitude Archbishop Makarios and the representatives of Turkey and Greece to take seats at the Council table. I now request the Chief of Protocol to escort His Beatitude Archbishop Makarios into the Council chamber and to the seat reserved for Cyprus.

His Beatitude Archbishop Makarios then made a statement.⁸

⁸ 1780th meeting: President Makarios, statement.

Part III

PRESIDENCY (RULES 18-20)

NOTE

Part III of this chapter deals with proceedings of the Council directly related to the office of the President.

During the period under review, there were two cases of special interpretation of rule 18 which deals with the monthly rotation of the Presidency of the Council (Cases 4 and 5), and one case falling within the purview of rule 19 (Case 6). There was one case of special interpretation of rule 20 on the temporary cession of the chair.

The Security Council has continued to resort to informal consultations as a procedure for facilitating the reaching of its decisions. Agreements or consensus resulting from such consultations have, in some instances, been presented to the Council by the President in the form of a statement of consensus or a draft resolution, which the Council, at its formal meeting, would then approve without further debate.⁹ In other instances such agreements or consensus have been announced by the President in notes circulated as Security Council documents.¹⁰

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

⁹ For texts of such statement or draft resolution, see S/10535, *OR*, 27th yr., *Suppl. for January-March 1972*, p. 42; S/10699 adopted without change as resolution 315 (1972); S/10705, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 128; S/10847 adopted without change as resolution 324 (1972); S/10934, *OR*, 28th yr., *Suppl. for January-March 1973*, p. 58; S/10946, adopted without change as resolution 334 (1973); S/11154, adopted without change as resolution 343 (1973); S/11301, adopted without change as resolution 349 (1974); S/11350, adopted without change as resolution 353 (1974); S/11369 adopted without change as resolution 354 (1974); S/11400, adopted without change as resolution 355 (1974); S/11446, adopted without change as resolution 357 (1974); S/11448, adopted without change as resolution 358 (1974).

¹⁰ For texts of such notes, see S/10611, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 32; S/10705, *ibid.*, p. 128; S/10922, *OR*, 28th yr., *Suppl. for April-June 1973*, p. 37; S/11072, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, pp. 208-209; S/11229, *OR*, 29th yr., *Suppl. for Jan.-March 1974*, pp. 108-109.

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

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

Rule 18

CASE 4

The 1731st meeting of the Security Council held on 17 July 1973 was presided over by the deputy permanent representative of the United Kingdom in the absence of the permanent representative. Taking note of this, the representative of the USSR, who was also the deputy permanent representative of his country congratulated his United Kingdom counterpart on presiding over the Security Council which he observed was "in breach of a tradition ... whereby only permanent representatives have presided over the Security Council." He added: "It seems to me that this is the first case where this honourable seat has been occupied by someone other than a permanent representative". The President however replied that it was not a precedent.¹¹

CASE 5

At the 1788th meeting on 31 July 1974, in connexion with the situation in Cyprus, the representative of the USSR stated: "We can sit until the small hours of the morning if you like and when 12 midnight comes, I shall be moving to the President's chair because it is our turn to take the presidency of the Council".¹²

Rule 19

CASE 6

At the 1637th meeting on 3 February 1972, in connexion with the consideration of questions relating to

¹¹ For text of relevant statements, see: 1731st meeting, President (United Kingdom), para. 4; USSR, para. 3.

¹² For texts of relevant statements, see 1788th meeting: USSR, last intervention; UK, last intervention.

Africa the Council had before it a draft resolution¹³ sponsored by Argentina which, in its operative paragraph 1 read as follows:

Invites the Secretary-General, in consultation and close co-operation with a group of the Security Council, made up of the representatives of ... and ..., to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principles of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations.

At the same meeting, the representative of Italy proposed that the group of the Security Council referred to in operative paragraph 1 be composed of the representatives of Argentina and Somalia. The representative of the USSR asserting that the group should be more representative

¹³ S/10376/Rev.2, adopted without change as resolution 309 (1972).

proposed that "the composition of the group should be six countries, let us say, including Italy".

At that point the representative of Somalia intervened and stated as follows:

It is not customary in the Secretary Council for persons or States to be proposed across the floor for membership in particular committees. Rather the matter is left to the President, because he is in constant communication with each member of the Council and is able to assess where the consensus lies.

"I would suggest that we follow past practice, Mr. President, and that, in the course of your consultations this evening or tomorrow, you ascertain what is the consensus on two points: the number which should constitute the group and the States which should become members of that group.

I am sure that you will be able to announce a consensus that will be acceptable to all the members of the Council."¹⁴

¹⁴ For texts of relevant statements, see: 1637th meeting: Italy, para. 53; Somalia, para. 182; USSR, para. 181.

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 connexion with the meetings of the Security Council.

Within the period under review, the Secretary-General has been requested or authorized (i) to enter into negotiation with the Governments of Ethiopia and Panama with a view to concluding an agreement to hold Security Council meetings in those countries;¹⁵ (ii) to initiate contacts with all parties concerned with a view to establishing necessary conditions to enable the people of Namibia to exercise their right of self determination;¹⁶ (iii) to proceed in the manner outlined in his memorandum in regard to Lebanon's request for additional United Nations observers on the Israeli-Lebanon border;¹⁷ (iv) to organize financial, technical and material assistance to Zambia to enable it to carry out its policy of economic independence from Southern Rhodesia;¹⁸ (v) to invite Mr. Gunnar Jarring, special representative of the Secretary-General, to be available during the Security Council meetings on the situation in the Middle East;¹⁹ (vi) to take measures for immediate dispatch of United Nations observers to supervise the observance of the cease-fire between Israeli and Egyptian

forces;²⁰ (vii) to keep the Council informed on developments in negotiation at the Middle East peace conference and to provide all necessary assistance and facilities for the work of the conference;²¹ (viii) to lend all assistance requested by Iran and Iraq in connexion with their agreement to undertake certain steps to improve their relations;²² and (ix) to provide emergency humanitarian assistance to all parts of the population of Cyprus.²³

In a number of instances, the Secretary-General has also been requested to follow the implementation of resolutions or to keep certain questions under review, reporting on their developments to the Council as he deemed appropriate.²⁴ Furthermore, the Secretary-General has, when appropriate, submitted reports on developments relating to the maintenance of international peace and security in response to the Council's requests contained in resolutions or during meetings.

²⁰ Resolution 339 (1973) of 23 October 1973.

²¹ Resolution 344 (1973) of 15 December 1973.

²² Resolution 348 (1974) of 28 May 1974.

²³ Resolution 361 (1974) of 30 August 1974.

²⁴ In connexion with the situation in Namibia, resolution 309 (1972) of 4 February 1972; resolution 310 (1972) of 4 February 1972; resolution 323 (1972) of 6 December 1972; resolution 342 (1973) of 11 December 1973; in connexion with the question relating to territories under Portuguese administration, resolution 312 (1972) of 4 February 1972; resolution 322 (1972) of 22 November 1972; in connexion with the situation in the Middle East, resolution 317 (1972) of 21 July 1972; resolution 340 (1973) of 25 October 1973; resolution 346 (1974) of 8 April 1974; resolution 350 (1974) of 31 May 1974; resolution 363 (1974) of 29 November 1974; in connexion with the situation in Cyprus, resolution 353 (1974) of 20 July 1974; resolution 355 (1974) of 1 August 1974.

¹⁵ Resolution 308 (1972) of 19 January 1972 and resolution 325 (1973) of 26 January 1973 respectively.

¹⁶ Resolution 309 (1972) of 4 February 1972.

¹⁷ Consensus of 19 April 1972, S/10611, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 32.

¹⁸ Resolution 329 (1973) of 10 March 1973.

¹⁹ Resolution 331 (1973) of 20 April 1973.

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

**2. SPECIAL CASES CONCERNING THE APPLICATION
OF RULES 21-26**

Rule 21

CASE 7

At the 1643rd meeting on 26 February 1972, in connexion with the situation in the Middle East, the representative of Japan after expressing concern about the loss of life and property resulting from a serious incident involving Israel and Lebanon, recalled a letter by the Secretary-General addressed to the Governments of Israel and Lebanon on 18 August 1969²⁵ in which he proposed the stationing of United Nations Observers on the territory of both sides. The representative of Japan then referred to the impending absence of the Secretary-General from New York and requested him to give the necessary instructions to his representative so that he could explain the views of the Secretary-General in detail if the question of the stationing of United Nations Observers were raised in future proceedings of the Council.

The representative of the USSR, also referring to the Secretary-General's letter proposing the stationing of observers on the Israeli-Lebanese border, stressed that the Secretary-General's proposal was made without "the agreement of the Security Council and without the Security Council's knowledge in fact" and added, "I believe that, in accordance with existing practice and the provisions of the Charter, such a proposal on the part of the Secretary-General should have been made only on the decision of the Security Council and not independently."²⁶

CASE 8

At the 1745th meeting on 11 October 1973, in connexion with the situation in the Middle East, the Secretary-General, after referring to his statement relating to the Middle East that had been circulated earlier as a Security Council document,²⁷ proceeded to read out the concluding portion of that statement, which was as follows:

I have no illusions about how difficult it is for countries in conflict to turn from war to peace. I have no wish to deflect any Government from what it believes to be its legitimate sovereign aims. I do, however, question whether the continuation of the war can possibly achieve those aims permanently for any of the parties. I am also deeply concerned at the wider threat to international peace and security which this situation may create.

I therefore earnestly appeal to the conflicting Governments to consider alternative courses before it is too late, so that fighting and bloodshed may cease. I also hope that the members of the Security Council, as well as other Member States, will redouble their efforts to seek an end to the fighting and an immediate and determined resumption of the quest for a just and lasting settlement in the Middle East.

After the Secretary-General's statement, the representative of Egypt stated that he would like to assure the Secretary-General "that we are going to study his state-

ment, which I am sure he made as the Secretary-General of the United Nations within the framework of the United Nations Charter and United Nations resolutions".²⁸

CASE 9

At the 1770th meeting on 28 May 1974, in connexion with the complaint by Iraq concerning incidents on its frontier with Iran, the Council adopted a draft resolution,²⁹ which, under operative para. 4, invited the Secretary-General to lend whatever assistance may be requested by both countries in the settlement of all existing disputes between them.

Before the vote, the representative of the USSR in the course of a statement, made the following observation:

As regards operative paragraph 4 of the draft resolution, we would of course have preferred it to indicate that in discharging his mandate from the Security Council the Secretary-General would act in accordance with and with the approval of the Security Council, in the first instance in matters concerning the nature and scope of assistance to the parties in the settlement of disputatious matters if such assistance is to be forthcoming. At the same time, we take into account the explanations of the parties, and also the declaration by the representative of Iraq at the consultative meeting of members of the Security Council, with which the representative of the United States associates himself and against which the representatives of other countries raised no objection. The essence of the matter is that the Secretary-General will act in accordance with the Security Council. Taking that into account, we do not insist on inclusion in the draft resolution of a special provision on the understanding that if the parties should request assistance of the Secretary-General he will of course agree with the Security Council on the nature and extent of such assistance.

After the vote, the representative of the United Kingdom, referred to the above statement by the representative of the USSR and declared:

If I may say so, it is not possible for my delegation to accept the gloss that the representative of the Soviet Union sought to put upon the resolution that we have accepted here today. It seemed to us that in his closing remarks Mr. Malik attempted to introduce an entirely new and, if I may say so, discordant element into our proceedings today—namely, the precise relationship between the Secretary-General and the Security Council when a dispute of this nature has been brought to the Council and to the United Nations. In our view, it is not appropriate to discuss a matter of that category and that importance on a resolution dealing with an agreement entered into bilaterally between the parties to a dispute—particularly, if I may say so, when no amendment to that effect has been moved to paragraph 4 of the draft resolution, although, as we all know, in the informal consultations that took place between the members of the Security Council the representative of the Soviet Union had given some indication of his readiness and his intention to move such an amendment.

Therefore I think it is necessary for me to place on record that nothing in this resolution, and indeed nothing that has taken place in the Security Council today, and certainly, with great respect, nothing that has been said unilaterally by the representative of the Soviet Union, has in any way altered the relationship that exists between the Secretary-General and the Security Council of the United Nations. If that is a matter that is to be discussed; no doubt there will be an appropriate time and an appropriate forum in which to discuss it, but this is not that time and this is not that forum. No doubt the Secretary-General would wish to confer with and consult the Security Council as he thought fit. I find it very difficult to believe—indeed I find it impossible to believe—that if anything of substance were to happen in relation to this particular dispute the

²⁵ S/9393, *OR*, 24th yr., *Suppl. for July-Sept. 1969*, p. 157.

²⁶ For texts of relevant statements, see: 1643rd meeting: Japan, para. 132, USSR, para. 192.

²⁷ S/11021, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 75.

²⁸ For texts of relevant statements, see 1745th meeting: the Secretary-General, first intervention, Egypt, first intervention.

²⁹ S/11291, adopted without change as resolution 348 (1974) of 28 May 1974.

Secretary-General would wish to act without coming to the Security Council to hear our views.

The representative of Australia similarly stated:

If they should need in the future to call at any time on the Secretary-General for his assistance, members of the Council can, I feel sure, expect that the Secretary-General will keep the Council informed of what he is asked to do and what he proposes to do in the interest of agreement between the parties in resolving any outstanding problems between them.³⁰

CASE 10

At the 1810th meeting on 13 December 1974, in connexion with the situation in Cyprus, the representative

³⁰ For texts of relevant statements, see: 1770th meeting: Australia, first intervention; USSR, first intervention; United Kingdom, first intervention.

of Turkey stated that he wished to ask the Secretary-General as to who were "the parties concerned" referred to in paragraph 81 of the report of the Secretary-General³¹ as having been consulted and having given their consent to the extension of the stationing of the United Nations Peace-keeping Force in Cyprus for a further period of six months."

In reply to the question by the representative of Turkey, the Secretary-General replied:

I wish to inform the Council that through my Special Representative in Cyprus, I consulted the acting President, Mr. Clerides and the Vice-President, Mr. Denktash, and I also consulted the Governments of Greece and Turkey.³²

³¹ S/11568, OR, 29th yr. Suppl. for Oct.-Dec. 1974, pp. 50-59.

³² For texts of relevant statements, see: 1810th meeting (PV): Secretary-General, first intervention; Turkey, first intervention.

Part V

CONDUCT OF BUSINESS (RULES 27-36)

NOTE

Part V sets out the cases bearing on rules 27 to 36. Cases relating to rules 37 to 39 are contained in chapter III, "Participation in the proceedings of the Security Council." Chapter V, which deals with the subsidiary organs of the Council, should be consulted in connexion with rule 28. 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 in this part are indicative of the special problems which have arisen in the application of the rules on the conduct of business, rather than the routine practice of the Security Council. They relate to such matters as the following points:

1. Rule 27

The order of intervention in the debate (Cases 11-18) and on limiting statements in the exercise of right of reply.

2. Rule 30

The extent to which the President would rule on a point of order (Cases 19-21). There have been a number of instances during the period under review in which representatives, having requested to be recognized on a point of order, made statements on matters on which no ruling was required. Such instances were not included in the study.

3. Rule 31

The requirement of written submission for proposed resolutions, amendments and substantive motions (Cases 22-26).

4. Rule 32

Request for separation of vote (Case 27).

5. Rule 33

On suspension and adjournment of meetings (Cases 28-29).

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

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

Rule 27

CASE 11

At the 1633rd meeting held in Addis Ababa on 1 February 1972, in connexion with the consideration of questions relating to Africa, the Council began hearing statements by individuals invited under rule 39 of the provisional rules of procedure. After a number of such individuals had spoken, the President (Sudan) announced that although two more invitees under rule 39 remained to be heard, he would defer their statements and call on the Secretary-General of the Organization of African Unity, who had to leave early on account of a social engagement, to address the Council. The two individuals would be called upon instead to speak at the meeting the following morning after members of the Council had made their statements.

After the representative of Belgium had stated that statements of individuals invited under Article 39 should be separated from statements of members of the Council, the President said that he would proceed accordingly.³³ Consequently, at the meeting the following morning, the President called upon the two invitees to make their statements, prior to giving the floor to members of the Council.

³³ For texts of relevant statements, see: 1633rd meeting: President (Sudan), para. 132; Belgium, para. 136.

CASE 12

At the 1717th meeting on 6 June 1973, after the list of speakers had been exhausted on the agenda item concerning the situation in the Middle East, the President (USSR) informed the Council that the representative of Israel had asked for the floor in order to exercise the right of reply. The President added:

In view of the time factor, I consider it necessary, in calling on him, to draw attention to one of the provisions in the conclusions of the Special Committee on the Rationalizations of the Procedures and Organization of the General Assembly approved by the General Assembly in its resolution 2837 (XXVI). Paragraph 77 of those conclusions states, with regard to the "right of reply", that the Special Committee recommends to the General Assembly that delegations should use restraint in the exercise of their right of reply, both in the General Assembly and in the Main Committees, and that their statements in exercise of that right should be as brief as possible.

141. This is a rule of procedure of the General Assembly and it might be objected that it does not apply to the Security Council, but, none the less, in view of the time factor, I felt it necessary to recall this working practice of the General Assembly.³⁴

CASE 13

At the 1744th meeting on 9 October 1973, in connexion with the situation in the Middle East, the President (Australia) referring to the news of heavy casualties suffered by United Nations personnel and by those of other diplomatic missions in Damascus as a result of Israeli bomb attacks earlier in the day, stated that in view of the circumstances that had arisen, "I have agreed to waive rule 27 of the provisional rules of procedure to enable members who have asked to do so to speak in terms of condolence in respect of the tragic news that has reached us." He then appealed to members to "confine their remarks to the immediate subject on which account I have waived rule 27 and be as brief as the circumstances allow them to be."³⁵

CASE 14

At the 1747th meeting on 21 October 1973, after the representative of Israel had made a statement in connexion with the situation in the Middle East, the representative of Saudi Arabia having requested the floor in order to exercise the right of reply indicated to the President (Australia) that if there were other members inscribed on the list of speakers he would defer to them and exercise the right of reply later.

When the President declared that there were no further names on the list of speakers, the representative of India stated that he would like to speak next as he had been unable to inscribe his name on the list of speakers owing to the hurry in which the meeting had been convened. He also suggested that the representative of Saudi Arabia be given the floor to exercise the right of reply after members of the Council had made their statements and voted on the draft resolution under consideration. The representative of Saudi Arabia agreed to that suggestion.

³⁴ For the text of the President's statement, see 1717th meeting, paras. 140, 141.

³⁵ 1744th meeting, following the first intervention by the USSR.

After the representative of India had made his statement, the President called on other representatives who had subsequently indicated their desire to speak before the vote. Just before the voting the representative of Saudi Arabia again asked for the floor but the President reminded him that the understanding was for the representative of Saudi Arabia to speak after the voting had been completed. The representative of Saudi Arabia then replied: "I will speak after the voting, Mr. President, if you insist However, I do not see why an exception should be made with regard to my request. Still, I am in your hands, but I do not want anybody to say that you took advantage of me, because we are friends."

Immediately following the vote, after the President had called on the representative of Yugoslavia to explain his vote, the representative of Saudi Arabia raised a point of order and stated: "My understanding was that I would take the floor after the voting. I do not know whether explanations of vote are part and parcel of the voting. The vote is one thing, and an explanation of vote is another. I do not want to be left to the last. I was generous with my colleagues, although I could have exercised my right of reply as Mr. Tekoah did. But generosity has gone far enough. May I now take the floor?"

The President then asked the representative of Saudi Arabia "to be patient a little longer while I call on the representative of Yugoslavia; then I shall call on the representative of Saudi Arabia."

Following the statement by the representative of Yugoslavia, the representative of Saudi Arabia made a statement in the exercise of the right of reply.³⁶

CASE 15

At the 1748th meeting on 23 October 1973, in connexion with the situation in the Middle East, the representative of India, after being called upon by the President to speak in explanation of vote stated: "Mr. President, I have had a private message that the Foreign Minister of Egypt would like to speak at this stage. If that is so, I should be glad to yield to him."

The President (Australia) replied: "I would suggest to the representative of India that we maintain the order of speakers on the list, and particularly that we allow those representatives who wish to explain their votes to do so before any other statements are heard. I would ask the representative of India to proceed."³⁷

CASE 16

At the 1749th meeting on 24 October 1973, in connexion with the situation in the Middle East, the

³⁶ For texts of relevant statements, see: 1747th meeting: President (Australia), following the third intervention by Israel, the first intervention by Panama, before and after the vote, and following the first intervention by Yugoslavia; India, following the third intervention by Israel; and Saudi Arabia, following the third intervention by Israel, the first intervention by Panama, before and after the vote, and following the first intervention by Yugoslavia.

³⁷ For texts of relevant statements, see: 1748th meeting (PV): President (Australia) and India, following the first intervention by France.

representative of Israel, who was given the floor in exercise of the right of reply immediately following a statement by the representative of the USSR, pointed out that his name was inscribed on the list of speakers before that of the representative of the USSR and that according to rule 27 of the provisional rules of procedure representatives were to be called upon in the order in which they signified their desire to speak. He then added: "However, the Soviet representative, faithful to what he holds as principles of equality and democracy and freedom of speech, pressured, warned and threatened, and finally got what he wanted—to speak before me, to prevent me from expressing my views at the time when I was to do so."

After the representative of Israel had made his statement, the President (Australia) stated:

I think I should say to the representative of Israel, for the record, that I allowed the representative of the Soviet Union to take the floor ahead of him because my attention has been drawn to statements made by former Presidents of the Council which lead me to the view that it has been the generally recognized practice in the Council to accord to Council members priority in speaking, if they wish to exercise it, over representatives not members of the Council who have asked to participate in discussions.³⁸

CASE 17

At the 1754th meeting on 2 November 1973, the representative of Saudi Arabia, upon being given the floor by the President (Austria), stated:

Mr. President, I shall not take issue with you for having deferred my turn to speak. The hour is late. You are new in your post here. With all due respect to the country from which you come, I think that you should have followed usual practice. But I do not want to quarrel and dissipate the issue. But remember, Presidents of the Council, that it is not Baroody, but a representative of a State, a sovereign Member State of the United Nations. I inscribed my name after that of the representative of Israel, but I was not called upon until now.³⁹

CASE 18

At the 1786th meeting on 28 July 1974, in connexion with the situation in Cyprus, the representative of the Union of Soviet Socialist Republics, at whose request the meeting had been convened, read out a statement issued by the USSR Government. In one portion of its statement, the Soviet Government referred to Security Council resolution 353 (1974) and stated:

The Security Council resolution calls for an immediate end to foreign military intervention and the withdrawal without delay of foreign military personnel, including those whose withdrawal was requested by the President of the Republic of Cyprus, Archbishop Makarios. And yet the Greek military personnel who caused the armed rebellion have not yet been removed from the island. The foreign military forces on Cyprus are not being withdrawn but continue to increase in size.

After the statement of the Soviet representative, the representative of the United Kingdom asked for the floor on a point of order and stated:

Mr. President, having been brought here by the Soviet Union at 9.30 on a Sunday evening, may I ask you, on a point of order, whether it is not perhaps appropriate for the Soviet Union to make its position clear and, since we have been considering resolution 353

(1974), may I ask the Soviet Union a specific question to which I hope I may get a specific answer? Is the Soviet Union calling for the withdrawal of the Turkish troops at present on Cypriot soil, and is the Soviet Union of the view that resolution 353 (1974) calls for the withdrawal of the Turkish troops on Cypriot soil?

The representative of the USSR replied:

Of course we reserve the right to judge whether the representative of the United Kingdom has made a point of order or raised a question. We are not clear on that point, but since he has asked a question we shall answer him.

He then proceeded to answer the question after which the representative of the United Kingdom made a substantive statement in the course of which he criticized the Soviet Union for having called the meeting, stating, *inter alia*:

This is a mischievous meeting. It has been called in a mischievous way. It is a propaganda exercise which has been indulged in by the Soviet Union in what, if I may say so, has been an unworthy manner, at a time when negotiations which this Security Council in fact sanctioned in resolution 353 (1974)—adopted, may I say, unanimously a week ago yesterday—are still going on, and for us to have been subjected to the sort of speech that we have heard this evening from the Government of the Soviet Union is nothing less than a contempt of the Security Council and a contempt of the United Nations.

The representative of the USSR then asked for the floor on a point of order to protest against the violation of the rules of procedure by the representative of the United Kingdom who, "having asked to speak on a point of order, in fact made a statement on the substance of the item before the Council." The representative of the USSR then added:

All the members of the Security Council know exactly how the Council should function. There is a list of speakers, on which there appear the names of the representatives wishing to take part in this debate. The United Kingdom representative, ignoring the usual practice of the Security Council, suddenly makes a statement. We are simply amazed at this behaviour on the part of the United Kingdom representative. If he wished to say something on the substance of the item, if he wished to comment on the statement of the Soviet Government, he could inscribe his name on the list of speakers and make his statement after you, Mr. President, had called on him. But without waiting to be called on, he started to talk and you, Sir, did not interrupt him. We cannot possibly accept such a violation of the rules of procedure. We request that in future the United Kingdom representative respect those rules.

The representative of the United Kingdom then stated:

As I understand the rules of procedure, the members of the Security Council are entitled to be heard in general debate before the representatives of those nations that have been invited to sit at the table are heard. At the time when I asked to speak and you, Mr. President, were kind enough to call on me, the list of speakers had the names of two countries on it: one was the Soviet Union and the other was Greece. The representative of the Soviet Union had made his intervention; indeed, we have all heard him. The only other name on the list of speakers, therefore, at the time when you, Sir, called on me was Greece. Greece, as we know, is not a member of the Security Council—although we are, of course, very happy to see its representative sitting at the table. Hence, new in the ways of the United Nations as I am, it would not seem to me—with great respect—that I have violated any rule of procedure whatsoever.

The representative of the USSR again stated that the representative of the United Kingdom had violated the rules of procedure by asking to speak on a point of order and then proceeding to speak on the substance, when there still remained another name on the list of speakers. The representative of the United Kingdom then stated: "I apologize, Mr. President."⁴⁰

³⁸ For texts of relevant statements, see: 1749th meeting: President, following the second intervention by Israel; Israel, second intervention.

³⁹ 1754th meeting: Saudi Arabia, first intervention.

⁴⁰ For texts of relevant statements, see: 1786th meeting: USSR, and United Kingdom, following the first intervention by the USSR.

Rule 30

CASE 19

At the 1736th meeting on 13 August 1973, in connexion with the Situation in the Middle East, the representative of the USSR raised a point of order during a statement by the representative of Israel and protested that the Israeli representative was making slanderous attacks on member States and discussing questions that had no bearing on the agenda of the meeting. He urged the President (United States) to draw the attention of the representative of Israel to the inadmissibility of discussing such questions and to adhere strictly to the subject under consideration.

The President stated that in his opinion all representatives should adhere to the item on the agenda "and I mean all representatives."

After the representative of Israel had resumed his statement, the representative of the USSR again raised a point of order to request the President to call upon the representative of Israel to confine himself strictly to the agenda of the meeting. He added: "If the representative of Israel again strays from the agenda and if he again speaks on matters not inscribed on the agenda we shall have to interrupt him and ask you to put to the vote the question of the appropriateness of his participation in this discussion."

The President again made an appeal to speakers to adhere to the item under discussion but observed that "if one speaker or another strays far from the point at issue, it can be expected that another speaker might object."

At the 1737th meeting after the representative of Israel had made a statement, the representative of the USSR again accused him of straying from the item on the agenda and stated that if the Israeli representative continued the practice, the Soviet delegation would be "compelled to invoke rule 37 of the rules of procedure" in order to "deprive him of the right to participate in these meetings because he goes beyond the framework of the discussion."

The President then stated. "I thank the representative of the Soviet Union for his statement expressing his highly specialized version of the rules of procedure."⁴¹

CASE 20

At the 1748th meeting on 23 October 1973 in connexion with the situation in the Middle East, the representative of the USSR formally moved that a draft resolution⁴² jointly co-sponsored by the United States and the USSR be put to the vote immediately and that "all delegations wishing to speak should have an opportunity to do so after adoption of the draft resolution."

The President (Australia), after stating that he still had on the list of speakers the names of some representatives who wished to speak before the vote, was in the process of calling on the representative of China when the representa-

⁴¹ For texts of relevant statements, see: 1736th meeting: President (United States), and USSR, following the second intervention by Israel; 1737th meeting: USSR, first intervention and exchange with the President.

⁴² S/11039, adopted without change as resolution 339 (1973) of 23 October 1973.

tive of the USSR, referring to his formal proposal to put the draft resolution to an immediate vote, asked for an immediate vote on that proposal. The representative of China, on a point of order, asserted that he would like to make a statement before the vote stating that "we cannot allow the imposition of view." The representative of the USSR, however, insisted that his proposal on the vote on the draft resolution be put immediately to the vote for a decision by the Council.

The representative of China, asserting that the attitude of the representative of the USSR was "completely unreasonable" stated:

Before the United States and Soviet draft resolution is even tabled, you allow no one else to speak. This is the wrong attitude. We are firmly opposed to that. The United Nations is not a tool to be manipulated by the two super-Powers.

This morning the President of the Security Council informed the Chinese delegation that an urgent meeting of the Security Council would be held to discuss the so-called violation of the cease-fire in the Middle East. After we arrived at the conference hall the Chinese delegation was told that there would be no Security Council meeting and that the United States and the Soviet Union would reach an agreement, which would then be transmitted through consensus to the Secretary-General for implementation.

The Chinese delegation firmly opposes such a malicious practice of using the United Nations Security Council as a tool to be juggled with by the two super-Powers at will. In our opinion, this also shows utter disrespect for the other States members of the Security Council. The Chinese delegation cannot tolerate such a practice. We have something to say. We believe that the other States members of the Security Council also have something to say from the bottom of their hearts.

The representative of China then began to make a substantive statement at which point the representative of the USSR raised a point of order. The following exchange then took place:

The representative of China: "This is unreasonable, Mr. President. It is unreasonable for the representative of the Soviet Union to interrupt my statement. Why should he have such a privilege?"

The President: "I must say to the representatives of China that it is, I think, the normal practice of this Council when a point of order is raised by a member to give that member the opportunity--"

The representative of China: "Mr. President, I did not interrupt his statement. He should allow me to finish my statement. Mr. Malik, you can speak when it is your turn to do so. Could you not wait a little while?"

The representative of the USSR: "Point of order."

The President: "Could I appeal to the representative of the Soviet Union to allow--"

The representative of the USSR: "I am entitled to raise a point of order, Sir. I should like to state that he who is dragging out the adoption by the Security Council of an urgent resolution by empty talk in order to restrain the aggressor is actually helping the aggressor. Therefore, I insist that the draft resolution—which has been placed before a meeting of the Security Council that was convened urgently at the request of the victim of aggression—be put to the vote immediately. I have made this proposal and I should like to have it voted upon."

At this point a number of representatives, without having been called upon by the President, made interjections simultaneously from their places at the Council table, and others at the side of the Council chamber called out.

The President, after pleading in vain for the restoration of order, suspended the meeting for ten minutes.

After the resumption of the meeting, the representative of China voiced his protest at being interrupted during the

course of his statement and asserted that attempts to "railroad the draft resolution through the Council" were an "intolerable" imposition. He added: "Today, before the draft was introduced and even up to now we still do not have the Chinese text. How can we vote? Now, there is talk that we should take a vote right away. Does the world belong solely to the United States and the Soviet Union? It does not. The Chinese have the right to speak. The other members of the Council have the right to speak. Because you interrupted my statement, Mr. President, I should like to start from the beginning."

The representative of China then resumed his statement from the beginning after which the Council proceeded to vote on the draft resolution.⁴³

CASE 21

At the 1751st meeting on 26 October 1973, in connexion with the situation in the Middle East, the President (Australia) called upon the representative of Saudi Arabia in exercise of the right of reply with an appeal "to be brief." The representative of Saudi Arabia began his statement by assuring the President that he would try to be as brief as possible and urged him to direct the same appeal next time to the representative of the USSR as well. He then proceeded to make a statement on the subject of democracy in order to refute certain remarks made earlier on the subject by the representative of Israel. During the course of the statement, the representative of France took the floor on a point of order and asked the representative of Saudi Arabia if he would agree to postpone his statement on "democracy and the origins of the First World War" to a later date so that the Council could conclude its consideration of the question at hand.

The President, after stating that he would agree with the representative of France that "the remarks which the representative of Saudi Arabia is now addressing to us are not relevant to the subject that we are pursuing", appealed to the representative of Saudi Arabia to conclude his remarks, failing which, "in response to the point of order of the representative of France, I shall have to rule the representative of Saudi Arabia out of order." The following exchange then took place:

The representative of Saudi Arabia: "Okay. I will be brief. But I want to comment in a democratic way. We are talking about democracy now. May I comment?"

The President: "May I remind the representative of Saudi Arabia . . ."

The representative of Saudi Arabia: "You don't allow me to explain."

The President: "I ask the representative of Saudi Arabia to respect the Chair for one moment. May I remind him that a great deal has been said already this evening about democracy. If he would agree to speak for only one minute more I shall allow him to proceed."

The representative of Saudi Arabia was then allowed to proceed and finish his statement.⁴⁴

⁴³ For texts of relevant statements, see 1748th meeting: the exchange between the President (Australia), China and the USSR, following the first intervention by the United States.

⁴⁴ For texts of relevant statements, see 1751st meeting: intervention by the President (Australia), France and Saudi Arabia, following the fourth intervention by Egypt.

Rule 31

CASE 22

At the 1788th meeting on 31 July 1974, in connexion with the situation in Cyprus, the representative of the USSR moved for the suspension of the meeting for two hours to enable his delegation to receive the necessary instructions with regard to the draft resolution⁴⁵ being discussed in the Council. The motion was opposed by the representative of France and the United Kingdom who argued that the matter was of too great an urgency to warrant any further delay. The President (Peru), invoking rule 33 of the provisional rules of procedure then put to the vote the motion for suspension, which was not adopted, there being 7 votes in favour, none against and 8 abstentions.⁴⁶

Following the rejection of his motion, the Soviet representative took the floor to introduce a formal amendment to the operative part of the draft resolution contained in document S/11400 and requested that the amendment be circulated in all the official languages of the United Nations in accordance with rules 31 and 46 of the provisional rules of procedure.

The representatives of France, the United Kingdom and the United States stated that they were prepared to accept the USSR amendment and urged that the Council proceed to the vote on the draft resolution. The representative of the USSR, supported by the representative of Byelorussia insisted that, in accordance with rule 46 of the provisional rules of procedure, the Soviet amendment be circulated in all the official languages and criticized attempts to impose an immediate vote. The representative of Byelorussia then suggested that, if there was some difficulty in accepting the idea of circulating the amendment as a separate document, a revised text of the draft resolution be circulated instead, incorporating the Soviet amendment.

The President, as well as the representatives of the United Kingdom and the United States pointed out that rule 31 stipulated that proposed resolutions, amendments and substantive motions shall normally be placed before the representatives in writing and that the use of the word "normally" indicated that rule 31 was not obligatory.

The representative of the USSR warned the Council against deviating from its rules of procedure and reiterated his request to have the USSR amendment distributed in all languages. He also introduced a second amendment to the draft resolution with respect to the second preambular paragraph and insisted that this amendment too be circulated in all official languages of the United Nations.

The representative of the United States then stated that he would move to put to vote the Soviet motion that its two amendments be circulated in writing. The motion was rejected there being no votes in favour, 5 against and 8 abstentions with 2 not participating.⁴⁷ Following the

⁴⁵ S/11400, *OR*, 29th yr., *Suppl. for July-September 1974*, p. 75.

⁴⁶ 1788th meeting, following the second intervention by France.

⁴⁷ 1788th meeting (PV), p. 71.

rejection of the motion the two Soviet amendments were voted on separately.⁴⁸

Rule 32

CASE 23

At the 1637th meeting on 3 February 1972, held in Addis Ababa, in connexion with the consideration of questions relating to Africa, the Council had before it the following draft resolutions: S/10607 sponsored by Guinea, Somalia and Sudan; S/10608 sponsored by Guinea, Somalia, Sudan and Yugoslavia; S/10609 sponsored by Guinea, India, Somalia, Sudan and Yugoslavia and S/10376/Rev.2⁴⁹ sponsored by Argentina. Commenting on the Argentine draft resolution, the representative of the USSR made the following remarks:

One last comment on the Argentine draft resolution, and this in connexion with its symbol number. It bears an old number—S/10376/Rev.2—from New York, while the date—3 February—is an Addis Ababa date. This of course raises an important question: does the sponsor of this draft intend to ask for priority for his draft when we determine the order of voting on the five drafts before us? I point this out because of the many examples we have had and the Security Council's experience in the past. Sometimes such numbering is used for the purpose of requesting priority. If there is no such intention I shall say no more about it. If that is the intention, however, I reserve the right to speak again on this matter.

The representative of Argentina replied as follows:

Secondly, with respect to the question of priority, the representative of the Soviet Union, who is an able and experienced representative, knows that such questions of priority do not come up in the case of revised texts because a draft resolution has the priority that is properly owing to the text in terms of the time when it was submitted as is made abundantly clear in the provisional rules of procedure of the Security Council.

The representative of the USSR then stated:

As for the question of priorities in voting, to judge by the Argentine representative's remarks, we seem to have correctly perceived the purpose of this symbol. There is clearly an intent to insist on priority in the voting. Does the representative of Argentina not think that such an arrangement might enable some members to avoid voting on the basic draft resolution on Namibia submitted by the African delegations? Does he not agree that such an action might be used as a cover for some to avoid a vote on that resolution or even to veto it on the grounds that the Argentine resolution on Namibia was already adopted and, since it provides for measures to be taken by the Secretary-General with the assistance of a group of members of the Security Council, no other resolution on Namibia need be passed? That is the doubt I have.

The representative of Argentina replied:

With regard to the question of priority, it seems to me that the representative of the Soviet Union is confusing the provisions of the provisional rules of procedure of the Security Council. I do not have any reason to request priority. Those who must ask for priority are those who submitted drafts later.⁵⁰

⁴⁸ For the text of relevant statements, see: 1788th meeting (PV): the exchange between the President (Peru), Byelorussia, France, the USSR, the United Kingdom and the United States, following the vote on the motion for suspension.

⁴⁹ The draft resolution in its original form (S/10376) was introduced by Argentina at the 1598th meeting on 20 October 1971 and a first revision of that text was subsequently introduced on 22 October 1971. The voting on the text, however, was deferred by the Council to a future unspecified date. See *Repertoire Supplement 1969-1971*, chapter I, case 15.

⁵⁰ For texts of relevant statements, see: 1637th meeting: Argentina, paras. 119, 171; USSR, paras. 115, 124.

CASE 24

At the outset of the 1637th meeting on 3 February 1972, in connexion with the consideration of questions relating to Africa, the President (Sudan) informed the Council that four draft resolutions had so far been submitted by sponsors and were contained in documents S/10376/Rev.2, S/10607, S/10608 and S/10609. Towards the end of the meeting, the President again took the floor and informed the Council that in addition to the above-mentioned draft resolutions, the Council now had before it a further draft resolution which was contained in document S/10606.

At the 1639th meeting on 4 February, the President announced that it was his intention to first put to the vote the draft resolution contained in document S/10606, "which was distributed two days ago". In the absence of any objection that draft resolution was put to the vote⁵¹ first.⁵²

CASE 25

At the 1638th meeting on 4 February 1972, in connexion with the consideration of questions relating to Africa, the Council had before it the following draft resolutions: S/10606 relating to the question of Southern Rhodesia, S/10607 concerning Territories under Portuguese administration, S/10609/Rev.1 concerning the question of *apartheid* in South Africa and S/10376/Rev.2 and S/10608/Rev.1 both concerning Namibia.

Before the voting the President (Sudan) outlining the procedure he intended to follow stated:

The normal procedure, of course, would have been to start with the draft resolution on Southern Rhodesia, then proceed to that on Namibia, then that on *apartheid*, then that on the Portuguese Territories—in the order in which they were proposed. But since there exists another draft resolution proposed long before the others, which in the normal course would have had to be considered before the other four draft resolutions, I thought it only pertinent and logical for the Council to consider it at the same time as the other draft resolution on Namibia. Following the same logic, I now intend to put to the vote the draft resolution contained in document S/10376/Rev.2 and then the draft resolution contained in document S/10608/Rev.1.

When the representative of the USSR suggested that the logical procedure would be to vote first on the three draft resolutions not relating to Namibia and then to vote on the two draft resolutions on Namibia, the President expressed doubt as to whether under the rules of procedure, draft resolutions submitted after other draft resolutions could be voted on first. The representative of the USSR replied as follows:

The Security Council is the master of its own procedure. If everyone agrees, the Council could vote on the three draft resolutions about which delegations do not appear to have any doubts or reservations, and then we could go on to vote on the two draft resolutions on Namibia. I wish to stress the fact that at every stage of its work the Security Council is the master of its own procedure and can take any decision on how to vote, irrespective of rule 40 of the provisional rules of procedure, which refers us to the Charter and to the Statute of the International Court of Justice.⁵³

⁵¹ 1639th meeting, para. 48.

⁵² For texts of the relevant statements, see: 1637th meeting, paras. 8, 133; 1639th meeting, paras. 1, 48.

⁵³ For texts of relevant statements, see: 1638th meeting: President (Sudan), paras. 43, 46; USSR, para. 47.

CASE 26

At the 1710th meeting on 20 April 1973 in connexion with the situation in the Middle East, the Council had before it a draft resolution co-sponsored by France and the United Kingdom,⁵⁴ an amendment to that resolution co-sponsored by Guinea, India, Indonesia and Yugoslavia⁵⁵ and another draft resolution sponsored by Egypt.⁵⁶ The President (Peru), after drawing the Council's attention to the above-mentioned documents informed the members that he had received a request from the Minister for Foreign Affairs of Egypt that the Council consider and vote first on his delegation's draft resolution since he had to leave that day. After citing rule 32 of the provisional rules of procedure, which stipulates that principal motions and draft resolutions shall have precedence in order of their submission, the President stated that he would nevertheless put the Egyptian draft resolution to the vote first because of the specific request addressed to the Council provided the members had no objection. At the behest of the President, the Council then unanimously approved the draft resolution without a vote.⁵⁷

CASE 27

At the 1677th meeting on 22 November 1972, in connexion with the question concerning the situation in the territories under Portuguese administration, the Council had before it a draft resolution sponsored by Guinea, Somalia and Sudan.⁵⁸ Before the vote, the representative of the United States requested a separate vote on operative paragraph 2 of the draft resolution because his delegation entertained certain reservations on that particular paragraph. On behalf of the sponsors, the representative of Somalia however stated that the sponsors could not accede to the request by the representative of the United States on a separate vote on operative paragraph 2 because of the importance they attached to the paragraph.

The representative of the United States then asked for a ruling by the President (Guinea) whether under the rules of procedure objection by the sponsor was sufficient to rule out a motion for a separate vote on a particular paragraph of a draft resolution, "or whether we can have a vote to see whether we shall have a separate vote."

The President, citing rule 32 of the provisional rules of procedure, stated that "if the co-sponsors are opposed to a separate vote, I believe it is the President's duty to put the draft resolution to a vote."⁵⁹ The draft resolution was then put to the vote and adopted.⁶⁰

⁵⁴ S/10916/Rev.1., *OR*, 28th yr., *Suppl. for April-June 1973*, p. 24.

⁵⁵ S/10917, *ibid.*

⁵⁶ S/10918, adopted without change as resolution 331 (1973) of 20 April 1973.

⁵⁷ For the text of the President's statement, see: 1710th meeting, paras. 5, 6, 7, 8.

⁵⁸ S/10838/Rev.1 adopted without change as resolution 322 (1972) of 22 November 1972.

⁵⁹ For texts of relevant statements, see 1677th meeting: President (Guinea), para. 82; Somalia, para. 78; United States, paras. 76, 79-81.

⁶⁰ *Ibid.*, para. 83.

Rule 33

CASE 28

At the 1659th meeting on 24 August 1972, in connexion with the application of the People's Republic of Bangladesh for admission, the representative of Sudan, at the conclusion of his statement proposed under rule 33 of the provisional rules of procedure that the meeting be adjourned until 3 p.m. the next day without proceeding to the vote on the two draft resolutions before the Council. After the President (Belgium) declared his intention to adjourn the meeting as proposed by the representative of Sudan, the representative of the USSR observed that the proposal to adjourn the meeting was designed to postpone consideration of the question of the admission of Bangladesh and as such it ought to be treated as a substantive proposal and not merely a procedural one. He added:

As to the substance of the question, I think that this proposal is not a procedural one but one of substance - that is to say, a proposal once again to delay consideration of the question of the admission of Bangladesh to the United Nations. Everyone is well aware that the application of the Government of Bangladesh for its admission to the United Nations is dated 8 August. The Security Council began consideration of the question on 10 August. Today is 24 August. The Chinese delegation submitted its draft resolution⁶¹ three days ago; the Soviet, Indian, United Kingdom and Yugoslav delegations submitted their draft resolution⁶² two days ago. So I wonder what is it that is not known, what is there to consult about? There are two draft resolutions: one favours immediate consideration of the question and is positive, and the other is diametrically opposed and advocates postponement of consideration of the matter. The proposal by the Sudanese representative cannot be considered separately from these two drafts. It, too, is aimed at postponement; the representative of the Sudan made his position quite clear. It is difficult to imagine that anything will change in the region before 3 p.m. tomorrow. For that reason, the Soviet delegation cannot consider this proposal as anything but a substantive one, that is to say, a proposal aimed at postponing consideration of the question of the application of Bangladesh. We all have our instructions and there has been more than enough time to receive them. The question is therefore whether we are to consider the matter of admission now or to decide in principle to postpone such consideration. The question is therefore one of substance.

In this connexion I would request, on behalf of the Soviet delegation, that a vote be taken first on the Soviet, Indian, United Kingdom and Yugoslav draft resolution which is a draft resolution on the substance of the matter, as is indeed the proposal by the representative of the Sudan.

The representative of India also stated that the Sudanese proposal was a substantive one and a ploy whereby "under the guise of a procedural point a substantive point is pursued."

The representative of Yugoslavia also opposed adjournment and urged that the Council proceed to the vote on the four-power draft resolution.

The representative of Sudan asserting that his proposal was not a substantive one stated:

Now, if this had something to do with the substantive postponement contained in the draft resolution which I supported, I would not have asked for twenty-two hours. To postpone for twenty-two hours is not to postpone this admission but to suspend the voting until certain aspects are made clear either with other delegations or with Governments.

⁶¹ S/10768 and Corr.1, *OR*, 27th yr., *Suppl. for July-September 1974*, p. 92.

⁶² S/10771, *ibid.*, p. 93.

It is my belief that my proposal is purely procedural and has nothing to do with the substance of any of the draft resolutions or even of my statement. I think it falls absolutely under the provisions of paragraph 3 of rule 33 of the provisional rules of procedure.

The President gave his ruling that the proposal made by the representative of Sudan was a procedural one. He then put the proposal to the vote which the Council adopted⁶³ by nine votes in favour, four against and two abstentions. The meeting was then adjourned.⁶⁴

CASE 29

At the outset of the 1725th meeting on 14 June 1973, in connexion with the situation in the Middle East the President (USSR) informed the Council that he had received a telegram from the President of Chad requesting a 24-hour suspension of the Security Council debate in order to enable the Foreign Minister of Chad to participate in the discussion. After reading out the text of the telegram the President stated:

Bearing in mind this request of the President of Chad and also the fact that, in accordance with the decision of the Security Council of 6 June to invite Chad to participate in the discussion of the situation in the Middle East without the right to vote, I intend, if there is no objection from any member of the Council, to comply with this request and to call on the Foreign Minister of Chad to make his statement on the question of the situation in the Middle

⁶³ 1659th meeting: paras. 187, 188.

⁶⁴ For texts of relevant statements, see: 1659th meeting: President (Belgium), paras. 78, 120, 121, 158; India, para. 126; Sudan, paras. 76, 136, 137; USSR, paras. 123, 124; Yugoslavia, paras. 138-139.

East tomorrow, 15 June, after the conclusion of the Council's consideration of the question of Cyprus, as an exception, since we are scheduled to suspend the discussion of the question of the Middle East today in principle.

In the absence of any objections, the President stated that he would proceed accordingly. The meeting then proceeded routinely.

Subsequently, at the 1728th meeting on 15 June 1973, at the conclusion of its consideration of the question of Cyprus the President (USSR) made the following statement:

I would recall that at the 1725th meeting I read out to the Council a telegram from the President of Chad, His Excellency Mr. François Tombalbaye, containing a request that an opportunity be given to the Minister for Foreign Affairs of the Republic of Chad, Mr. Baba Hassane, to make a statement on the question of the situation in the Middle East at today's meeting of the Council, following completion of our consideration of the question of Cyprus.

In taking the decision, the Council had in mind that its consideration of the question of the situation in the Middle East was expected to be suspended at the end of the meeting yesterday evening—which in fact was done.

In accordance with that decision, I now intend, if there are no objections, to invite the Foreign Minister of Chad, His Excellency Mr. Baba Hassane, to take a place at the Council table and to make a statement on the question of the situation in the Middle East.

Following the President's statement, the representative of Chad took a place at the Council table and made a statement.⁶⁵

⁶⁵ For the texts of the President's statements, see: 1725th meeting (PV): opening statement; 1728th meeting, paras. 97, 98.

Part VI

VOTING (RULE 40)

NOTE

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

On certain occasions members of the Council have referred to a rule—which does not appear in the provisional rules of procedure of the Security Council but in the rules of the General Assembly—under which once voting is in progress it may not be interrupted except for reasons relating to the actual conduct of the voting.

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

Rule 40

CASE 30

At the 1638th meeting on 4 February 1972, held in Addis Ababa, in connexion with the consideration of questions relating to Africa, the Council had before it the following draft resolutions: S/10606 relating to the question of Southern Rhodesia, S/10607 concerning Territories under Portuguese administration, S/10609/Rev.1 concerning the question of *apartheid* in South Africa and S/10376/Rev.2 and S/10608/Rev.1 both concerning Namibia.

Before the voting, the representative of the USSR suggested that the logical procedure would be to vote first on the three draft resolutions not relating to Namibia and then to vote on the two draft resolutions on Namibia. The President (Sudan), however, expressed doubt as to whether under the rules of procedure, draft resolutions submitted after other draft resolutions could be voted on first. The representative of the USSR replied as follows:

The Security Council is master of its own procedure. If there is agreement to vote on the three draft resolutions on which it would

appear there are no doubts or particular reservations on the part of delegations, the Council could vote on those drafts and then vote on the two draft resolutions on Namibia. I stress that throughout the work of the Security Council, the Council has been the master of its procedure. The Council can adopt any decision it wishes with regard to its procedure of voting regardless of rule 40, which refers us to the Charter.

The representatives of Argentina and the United States asserted that the draft resolutions should be voted upon in the order in which they were presented. The Council then proceeded to the vote accordingly.⁶⁶

CASE 31

At the 1644th meeting on 27 February 1972, in connexion with the situation in the Middle East, after the representative of Italy had suggested that separate votes be taken on the preambular and operative paragraphs of draft

⁶⁶ For texts of relevant statements, see: 1638th meeting, President (Sudan), paras. 46 and 48; Argentina, para. 49; USSR, paras. 45 and 47; United States, para. 51.

resolution S/10552, the President, (Sudan) stated: "I believe that suggestion is acceptable to the Council. I shall therefore put to the vote" At this point the President interrupted his statement to recognize the representative of Israel who then proceeded to make a statement. His statement was interrupted by a point of order raised by the representative of the Union of the Soviet Socialist Republics who declared that in accordance with the rules of procedure, when the Council starts to vote on a draft resolution no debate or discussion is admissible. The representative of Israel then stated that he had asked for the floor "before anything was put to the vote."

The President then stated: "I think we can consider that while I was on the point of starting the voting procedure, the representative of Israel asked for the floor before the voting procedure actually started." He thereupon called upon the representative of Israel to resume his statement.⁶⁷

⁶⁷ For texts of relevant statements, see: 1644th meeting, President (Sudan), paras. 218, 227; Israel, paras. 220, 221, 224, 228; USSR, para. 223.

Part VII

LANGUAGES (RULES 41-47)

NOTE

During the period under review, the Security Council adopted amendments to its provisional rules of procedure when rules 41 to 47 were amended to include Chinese among the working languages of the Security Council (Case 32) and deleted rule 43.

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

1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 41-47

Rule 41-44

CASE 32

By a letter⁶⁸ dated 10 January 1974, the Secretary-General transmitted to the Council the text of General

⁶⁸ S/11187, OR, 29th yr., Suppl. for January-March 1974, p. 79.

Assembly resolution 3189 (XXVIII) in which the Assembly, *inter alia*, considered it desirable to include Chinese among the working languages of the Security Council. On 11 January 1974, the representative of China requested a meeting of the Council to consider the issue.⁶⁹

At the 1761st meeting on 17 January 1974, the Council had before it a draft resolution⁷⁰ and an annex attached to it containing a new working of rules 41, 42 and 44 and deleting rule 43. The draft resolution was adopted without a vote.

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

⁶⁹ S/11190, *ibid.*, p. 81.

⁷⁰ S/11192 adopted without change as resolution 345 (1974) of 17 January 1974.

Part VIII

PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)

NOTE

CASE 34

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 which have participated in the meeting. In mimeographed copies of the record is incorporated 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 Security Council held five private meetings;⁷¹ at the close of each, it issued a communiqué through the Secretary-General in accordance with rule 55 of the provisional rules of procedure.

At the 1784th meeting on 24 July 1974 in connexion with the situation in Cyprus, the President (Peru) made the following statement prior to the adoption of the agenda:

As a result of consultations held with members of the Council, I understand that there is general agreement that rule 51 of the provisional rules of procedure of the Security Council will not be invoked on this occasion and that the verbatim record of this meeting of the Security Council will be circulated in all the working languages as an unrestricted document in accordance with rule 49. If there is no objection, I shall take it that that is agreed. It is so decided.

After the adoption of the agenda, the Secretary-General read out the text of a letter he received from the Minister for Foreign Affairs of Turkey in which an undertaking was given that Turkey would not attempt to assume possession of the Nicosia airport by force or threat of force.⁷³

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

**2. SPECIAL CASES CONCERNING THE APPLICATION
OF RULES 48-57**

Rule 54

RULE 51

CASE 35

CASE 33

At the outset of the 1760th meeting on 15 December 1973, held in private, in connexion with the proposed peace conference on the Middle East, the President made the following announcement:

As a result of consultations held with members of the Council, I understand that there is general agreement that rule 51 of the provisional rules of procedure of the Security Council will not be invoked on this occasion and that the verbatim record of this meeting of the Security Council will be circulated in all the working languages as an unrestricted document in accordance with rule 49. If there is no objection, I shall take it that that is agreed. It is so decided.⁷²

At the 1723rd meeting on 12 June 1973, in connexion with the situation in the Middle East, the Foreign Minister of Egypt took exception to an Israeli statement in which the latter had allegedly interpreted Security Council resolution 242 (1967) in terms favourable to Israel.⁷⁴ The representative of Egypt, after stating that the Israeli statement had resorted to distorted explanation of resolution 242 (1967), referred to the statements made during the Council's discussion in 1967 by several representatives while explaining their vote on resolution 242 (1967). He added that his delegation had compiled a list of quotations from those statements. However, he did not wish to read them at that stage but would request that those quotations be made part of the verbatim records for the benefit of the Council members. The quotations referred to by the Foreign Minister of Egypt were subsequently issued as a separate Security Council document⁷⁵ instead of being a part of the verbatim record.⁷⁶

⁷¹ The five meetings were the following:

| | | |
|------|--------------|--|
| 1670 | 24 Oct. 1972 | Adoption of the Council's draft report to the General Assembly |
| 1753 | 31 Oct. 1973 | Adoption of the Council's draft report to the General Assembly |
| 1760 | 15 Dec. 1973 | Arrangements for the Middle East Conference in Geneva |
| 1784 | 24 July 1974 | The Situation in Cyprus |
| 1805 | 29 Oct. 1974 | Adoption of the Council's draft report to the General Assembly |

⁷² For text of the President's statement, see: 1760th meeting, opening statement.

⁷³ For text of the relevant statements, see: 1784th meeting: President (Peru), opening statement; Secretary-General, intervention.

⁷⁴ 1721st meeting, first intervention by Israel.

⁷⁵ S/10948, OR, 28th yr., Suppl. for April-June 1973, p. 72.

⁷⁶ For the text of the relevant statement, see: 1723rd meeting, first intervention by Egypt.

Part IX

**APPENDIX TO PROVISIONAL RULES OF PROCEDURE

Chapter II
AGENDA

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INTRODUCTORY NOTE

The present chapter relates to material concerning rules 6 to 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 has not had 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 connexion 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 as well as 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. Section C deals with other questions which have been discussed in connexion 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 Security 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 Security Council is seized.

Part I

**CONSIDERATION OF THE ADOPTION OF THE AGENDA

Part II

**THE PROVISIONAL AGENDA

Part III

ADOPTION OF THE AGENDA (RULE 9)

NOTE

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

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

Section A has dealt in past volumes of the *Repertoire* with the procedure of the Council in voting on the

adoption of the agenda while section B has dealt with instances when objection had been raised to the adoption of the agenda either indicating the requirement for or the effect of the inclusion of an item in the agenda. There were no such instances during the period under review.

Under section C are treated other questions of procedure which are related to the adoption of the agenda such as the scope of items and subitems on the agenda in relation to the scope of discussion (Case 1), the postponement of consideration of items (Case 2), and the precedence of the decision on adoption of the agenda (Cases 3 and 4).

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

A. PROCEDURE OF VOTING ON ADOPTION
OF THE AGENDA

1. Votes taken concerning individual items
on the provisional agenda

CASE 1

At the 1651st meeting on 18 July 1972, the provisional agenda¹ read as follows:

"1. Adoption of agenda

"2. The Situation in the Middle East

"(a) Letter dated 5 July 1972 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/10730).

"(b) Letter dated 5 July 1972 from the Chargé d'affaires *a.i.* of the Permanent Mission of Lebanon to the United Nations addressed to the President of the Security Council (S/10731).

"3. The Situation in the Middle East

"Letter dated 17 July 1972 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council (S/10739)."

Before the adoption of the agenda the representative of Somalia objected to the inscription of the letter by the Permanent Representative of Israel and requested that the provisional agenda be amended so as to include only items 1 and 2. In making that request he stated that his understanding had been that the Council had been convened solely to consider the two communications addressed to the Council by the delegations of Syria and Lebanon and therefore the agenda ought to be devoted solely to consideration of the situation arising from the submission of the two communications. He also observed that the President had failed to consult with members of the Security Council, as was customary before acceding to the request of a Member State, in this instance Israel, to inscribe an item on the agenda.

The representatives of the USSR, Yugoslavia, India, France, Guinea, Sudan, China and Italy were also opposed to the inclusion of the letter from the Permanent Representative of Israel in the agenda. The representatives of the United States and Panama, however, held that the provisional agenda before the Council was in order.

The President (Argentina) stated that in including Israel's request in the provisional agenda along with those of Syria and Lebanon he was merely following past practice of the Council of inscribing on the agenda requests or complaints from all Member States parties to a dispute. He cited several such precedents dating back to December 1968 and stated that his action was in conformity with rule 7 of the Council's provisional rules of Procedure. However, he observed that since the Council was the master of its own procedure, it could then and there decide which items on the agenda it wished to adopt or not to adopt; accordingly he would put to the vote, what appeared to be

the majority position, that item 3 of the provisional agenda be deleted.

After the vote, the President announced that the proposal to delete item 3 had been defeated as it fell short of securing nine affirmative votes. The representative of Somalia, supported by the representatives of India and Yugoslavia, then proposed that the Council proceed to the adoption of the provisional agenda by voting separately on each of the three items.

The representative of the United States objected to this proposal stating that the Council had already defeated a motion to delete item 3 and should not "again be asked to delete it through a separate parliamentary manoeuvre".

The President then stated that since the Council found itself in such a complex procedural situation the best course for it to follow would be to "adopt items 1 and 2 as the provisional agenda for today" and "meet with the shortest possible delay to deal separately" with Israel's request for a meeting "which is item 3 of the present provisional agenda".

The representative of the United States objected to the course outlined by the President reiterating that the move to delete item 3 of the provisional agenda had been defeated. However, he stated that his delegation, in a spirit of compromise, would propose that the entire agenda be adopted with the understanding that items 2 (a) and (b) would be discussed that day and item 3 at a subsequent meeting.

The President stated that the United States proposal raised certain difficulties because once the provisional agenda was adopted it would become a definite agenda and then nothing could stop any Member State participating in the Council's debate to refer to item 3 of the agenda. He then repeated his suggestion that the Council deal with items 1 and 2 at that day's meeting and deal with item 3 at a separate meeting.

The representative of the USSR stated that "it was quite clearly and unambiguously stated that we are approving items 1 and 2 of the provisional agenda for their consideration at today's meeting of the Security Council. Furthermore, it has been emphasized a number of times that relevant consultations will be held with the members of the Security Council and that the question of the further discussion of these items would be decided on the basis of those consultations. I think, Mr. President, that your ruling is quite unambiguous and quite correct and that we can now proceed to our discussion".

The representative of the United States stated: "I simply would like to request a vote on the provisional agenda as presented to the Council, if that motion is in order. I should like to see a vote taken on the provisional agenda as presented here The only thing we have decided here is that we would not delete item 3. We did not decide on item 1, we did not decide on item 2; we took a vote on whether to delete item 3, and that proposal did not obtain 9 votes so item 3 is not deleted. That is the only thing we decided; we have not decided anything yet about items 1 and 2. Our proposal now, as the President has properly presented it, is that, having failed to delete item 3, we vote to see whether the provisional agenda as circulated is acceptable."

¹ S/Agenda/1651.

The President reminded the representative of the United States that if he insisted on a vote on the provisional agenda as a whole, he would be first obliged to put to the vote the prior request to vote on the agenda items one by one. He therefore appealed to the representative of the United States not to object to the President's proposal to "deal with agenda items 1 and 2 this afternoon leaving item 3 to be dealt with at another meeting".

The representative of the United States asked for a ruling as to whether the question of deleting item 3 from the agenda had been decided and whether a "separate vote on item 3 using different parliamentary procedure to accomplish the same end would be valid It does not seem to me that there is any no man's land; either it is deleted or it is part of the agenda. We voted to delete it and it failed. I have asked for a ruling from the Chair as to whether we can vote again on this question of deletion of item 3".

The President replied: "The ruling of the President in connexion with item 3 was to make known to the Council the result of the vote. The result was that deletion of item 3 was rejected. But in any case we have no agenda, and an agenda has to be adopted. That is what we have been considering ever since the Council meeting started at 10 minutes to 4. We had to start with the adoption of the agenda. There has been a request for a separate vote on the three items. So all I can do at this time is this, if the representative of the United States insists on his position on putting to a vote his objection to a separate vote. I would have to ask the Security Council to decide whether or not it wishes to have a separate vote on the agenda items. If the Security Council decided that we should have a separate vote on each agenda item, we would have to proceed in that way. This, it seems to me, is perfectly simple. I can take no decision on item 3 unless we have an agenda. An agenda has to be adopted. There is a request for a separate vote. The representative of the United States has the right to object to a separate vote. In that case I shall put it to the Council whether or not it wishes to have a separate vote. This is the position of your President". He added: "We have no agenda. When the provisional agenda was put to the Council there was a proposal to delete item 3. The result of the vote was 8 in favour, none against and 7 abstentions. Not having obtained the necessary majority, the proposal was defeated. In any case an agenda must be adopted. The provisional agenda is the one in document S/Agenda/1651. This provisional agenda can be adopted as a whole or it can be adopted in part. For it to be put to the vote, there is a request to have a separate vote on the items. Therefore item 3 will be put to the vote when it is its turn--first item 1, then item 2 and then item 3, because item 3 has not been adopted. It has to be adopted if it is to be included". He then asked the representative of the United States if he wished him to put the provisional agenda to the vote item by item or whether he agreed with the proposal made by the President.

The representative of the United States replied: "Given these two unhappy alternatives, but accepting fully the President's ruling, we would prefer the compromise proposed by the President as opposed to having yet another vote taken, whose outcome has been determined, on taking out item 3. If the question is which do I like best or which

do I like least, we would prefer to accept the compromise proposal as put forward by the President".

The President then stated: "It seems that we are coming to the end of the procedural debate. The provisional agenda for today, if it is adopted by the Council, will contain items 1 and 2. In regard to item 3, the Council will meet with the least possible delay. It is the intention of the President to start consultations at once to set a date for that meeting. In the event that item 2 of the present provisional agenda or item 3 to be dealt with at a separate meeting were to be the subject of debates going beyond a single meeting, the meetings held as a consequence would always be separate ones. That is to say, one set of meetings would cover the letters from the representatives of Syria and Lebanon, and another set of meetings would deal with the letter from the representative of Israel. May I assume that there is no objection to the adoption of the provisional agenda, items 1 and 2, on the understanding that the Council postpones until a date to be set, as early as possible, the consideration of agenda item 3? "

The representative of the USSR then stated: "I believe the Soviet delegation entirely agrees with your approach to this complex procedural issue. As you pointed out quite correctly, what we have to do now is adopt the agenda for today's meeting, comprising items 1 and 2, on which you have already given clarifications. As far as the remainder is concerned, you have already told us about that, and we have taken note of the clarifications you have given".

The President then reminded the Council that "even though adoption of the procedural agenda would cover items 1 and 2, I would wish there to be no confusion about my entire proposal: namely, that item 3 should be dealt with at a separate meeting, the date of which would be agreed on as early as possible. The agenda for today would consist of items 1 and 2".

The representative of the USSR stated: "In that case, Mr. President, to a certain extent, your statement about the need to hold consultations among members of the Security Council would no longer be valid, because practically all members of the Security Council have already stated their positions on this, and you have said that consultations would be held on item 3 of the provisional agenda--or, rather, on the letter which is mentioned here in the provisional agenda.

"Therefore, the Soviet delegation does not consider itself in any way bound by any prior decision being taken now in connexion with the third item of the agenda. As we understand it, we are now adopting the provisional agenda for today's meeting, comprising items 1 and 2. You will then hold consultations and, in accordance with the results of those consultations, a decision will be taken by you regarding the further work of the Security Council".

The President stated: "In clarification, may I say to the representative of the Soviet Union that the consultations to be held by the President on item 3 will consist of setting a date, because there has been a request submitted by a Member State to convene an urgent meeting, and that request must be acceded to by the Council. When we meet on the request for a meeting we shall then decide what to do. What we shall decide on in the consultations is the date to be set for dealing with item 3. I hope there will be no doubt about this".

The representative of the USSR stated: "The Soviet delegation, unfortunately, cannot by any means agree with such interpretation. Under that interpretation it would appear that, essentially, we would be adopting today's provisional agenda, consisting of three items, and the only matter which would be undecided would be the question of a date for a meeting to be held on item 3 of the agenda. That is not so; that prejudices the results of the consultations. I would ask this question. If the results of the consultations make it quite clear that 10, 11 or 12 members of the Security Council are against convening the Security Council to discuss this matter, what would happen in that case; how would we proceed then? So I see no alternative, if that interpretation is to be maintained, but to return to the proposal of the representative of India and proceed to separate votes on agenda items 1, 2 and 3."

The President stated: "To reply to the representative of the Soviet Union, concerning what would happen. The President would consult members on the date to be fixed for the Council's meeting. In exercise of his responsibilities he would set that date on the basis of those consultations, and then, when the meeting was held, the 11 or 12 members opposing this, precisely when dealing with the provisional agenda, would object, and then the Council would officially decide that there was to be no meeting because 11 or 12 members object. That is my reply." The President then concluded as follows: "Coming back to the provisional agenda for today, comprising items 1 and 2 contained in document S/Agenda/1651, if there is no objection I shall consider the agenda adopted."²

The agenda, as adopted,³ read as follows:

"The Situation in the Middle East

"(a) Letter dated 5 July 1972 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/10730)

"(b) Letter dated 5 July 1972 from the *Chargé d'affaires, a.i.*, of the Permanent Mission of Lebanon to the United Nations addressed to the President of the Security Council (S/10731)"⁴

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

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

² For texts of relevant statements, see: 1651st meeting: President (Argentina), paras. 38, 39, 42, 44, 53, 54, 66, 73, 94, 105, 124, 126, 128, 130, 131, 133, 136, 138, 139; China, para. 22; France, paras. 18, 19; Guinea, para. 20; India, paras. 15, 16, 17, 68; Italy, paras. 25, 26; Panama, para. 28; Somalia, paras. 3, 4; Sudan, para. 21; USSR, paras. 8, 30, 31, 99, 132, 135, 137; United States, paras. 11, 23, 70, 92, 93, 101, 104, 118, 123, 129; Yugoslavia, paras. 10, 69.

³ 1651st meeting, para. 139.

⁴ Item 3 of the provisional agenda (S/Agenda/1651) pertaining to the Israeli letter was never taken up by the Council again.

****B. CONSIDERATION OF:**

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

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

C. OTHER DISCUSSION OF THE ADOPTION OF THE AGENDA

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

2. Scope of items and subitems on the agenda in relation to the scope of discussion

CASE 2

At the outset of the 1661st meeting on 10 September 1972, in connexion with the situation in the Middle East, the President (China) declared that a few minutes ago he had received a letter from the Permanent Representative of Lebanon⁵ which was in the process of being circulated as a Security Council document. In the meantime he intended to amend the provisional agenda by including the document as a second subitem.

In the absence of any objection it was so decided and the agenda as amended⁶ read as follows:

"Letter dated 9 September from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/10782)

"Letter dated 10 September from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/10783)"

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

****4. Postponement of consideration of items**

5. Precedence of the decision on adoption of the agenda

CASE 3

At the 1658th meeting on 10 August 1972, in connexion with the application of Bangladesh for admission to membership, the provisional agenda⁷ read as follows:

"1. Adoption of the agenda

"2. Admission of new members:

Application of the People's Republic of Bangladesh for admission to membership in the United Nations—note by the Secretary-General (S/10759)."

⁵ S/10783, *OR*, 27th yr., *Suppl. for July-September 1972*, p. 98.

⁶ 1661st meeting, para. 2.

⁷ S/Agenda/1658.

Speaking on the question of adoption of the agenda, the representative of Yugoslavia stated that his delegation would vote for the adoption of the agenda. The representative of Guinea proposed that before considering the question, the Security Council should send a three-member mission to Bangladesh to investigate the situation and report to the Council. The representative of Sudan supported that proposal.

The representative of the United Kingdom observed that the proposal of the representative of Guinea was a substantive one and not relevant to the question of adoption of the agenda. He declared that the Council should first adopt the agenda.

The President (Belgium) then stated:⁸

Since the proposal of the representative of Guinea was not a formal proposal—the representative of Guinea said that she was making a suggestion—and since proposals can be taken into account only after the agenda has been adopted, it is my opinion that the Council must first pronounce itself on the adoption of the agenda.

If no other member wishes to speak, the Council will proceed to vote on the adoption of the agenda.

The Council then proceeded to the vote on the adoption of the agenda. The agenda was adopted,⁹ there being eleven votes in favour, one against with three members not participating.

CASE 4

At the 1703rd meeting on 30 March 1973, prior to the adoption of the agenda, in connexion with consideration of

⁸ For texts of relevant statements, see: 1658th meeting: President (Belgium), para. 20; Guinea, paras. 14, 15; Sudan, para. 16; United Kingdom, para. 17.

⁹ 1658th meeting, para. 21.

measures for the maintenance and strengthening of international peace and security in Latin America, statements were made by representatives on the occasion of the International Day for the Elimination of Racial Discrimination.

The President (Panama) also made a statement in the course of which he criticized at length what he called “discrimination” practised in the Panama Canal Zone by the United States. After the statement by the President, the representative of the United States on a point of order stated:

Are we on the record? In other words, am I correct in understanding that, without our having adopted an agenda, this morning’s proceedings at this point constitute part of a meeting of the Security Council? We feel that if the remarks just made by Ambassador Boyd are to appear in the verbatim record they should be clearly represented as the views of the representative of Panama, because in our view they are not befitting the high office of the President of the Security Council.

The President replied as follows:¹⁰

In reply to the representative of the United States I would say, first, that it is true that we have not yet taken up consideration of the agenda, but are at the moment paying a tribute that was planned and organized in agreement with the Secretary-General and the Chairman of the Special Committee on *Apartheid*.

With regard to the United States representative’s second point, I trust that in the verbatim record the distinction will be clear between the statement that I made on behalf of the Security Council, which was contained in the paper that I read out at the beginning, and the statement that I made when I spoke as representative of Panama.

¹⁰ For texts of relevant statements, see 1703rd meeting: President (Panama), para. 70; United States, para. 69.

Part IV

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

NOTE

Rule 10 of the provisional rules of procedure was designed to enable the Security Council to continue at its next meeting, the consideration of an item of unfinished business without subjecting that item to renewed debate in connexion 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 Security Council is seized when the tenor of the Council’s discussion or its specific decisions have revealed a continuing concern with the matter.¹¹

¹¹ The following resolutions contained provisions according to which the Security Council decided to maintain the item on the agenda or to remain seized of the matter: resolution 321 (1972) of 23 October 1972, para. 6, adopted in connexion with the complaint by Senegal; resolution 322 (1972) of 22 November 1972, para. 5, in connexion with the question concerning the situation in Territories

During the period under review, additional evidence supporting such retention has been provided when the President of the Council has announced, upon conclusion of the debate, that the Council remained seized of a question.¹²

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 Security Council is seized.

**A. RULE 10

under Portuguese administration; resolutions 326 (1973) of 2 February 1973, para. 11 and 328 (1973) of 10 March 1973, para. 10, in connexion with the complaint by Zambia; resolutions 357 (1974) of 14 August 1974, para. 4 and 360 (1974) of 16 August 1974, para. 5, in connexion with the situation in Cyprus and resolution 366 (1974) of 17 December 1974, para. 6, in connexion with the situation in Namibia.

¹² See, for example, 1662nd meeting, para. 214.

B. RULE 11

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

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

1. ITEMS ADDED TO THE LIST OF MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED DURING THE PERIOD 1972-1974

| <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 1974</i> | <i>Final entry in Summary Statement as of 31 December 1974</i> |
|--|--------------------------------------|---|---|--|
| Request of the Organization of African Unity concerning the holding of meetings of the Council in an African capital | 1625th meeting, 11 Jan. 1972 | S/10513, 18 Jan. 1972 | Adopted resolution 308 (1972) 1626th meeting, 19 Jan. 1972 | |
| Consideration of questions relating to Africa with which the Security Council is currently seized | 1628th meeting, 28 Jan. 1972 | S/10531, 1 Feb. 1972 | Adopted statement of consensus expressing gratitude to host country 1639th meeting, 4 Feb. 1972 | |
| Request of Panama concerning the holding of meetings of the Council in Panama City | 1684th meeting, 16 Jan. 1973 | S/10855/Add.3, 24 Jan. 1973 | Adopted resolution 325 (1973) 1686th meeting, 26 Jan. 1973 | S/10855/Add.4, 31 January 1973 |
| Consideration of measures for the maintenance and strengthening of international peace and security in Latin America | 1695th meeting, 15 March 1973 | S/10855/Add.11, 22 March 1973 | Adopted resolution 330 (1973) 1704th meeting, 21 March 1973 | |
| Admission of New Members: Bangladesh | 1658th meeting, 10 August 1972 | S/10762, 14 August 1972 | Recommended 1776th meeting, 10 June 1974 | S/11185/Add.23, 17 June 1974 |
| German Democratic Republic | 1729th meeting, 21 June 1973 | S/10855/Add.25, 27 June 1973 | Recommended 1730th meeting, 22 June 1973 | S/10855/Add.25, 27 June 1973 |
| Federal Republic of Germany | 1729th meeting, 21 June 1973 | S/10855/Add.25, 27 June 1973 | Recommended 1730th meeting, 22 June 1973 | S/10855/Add.25, 27 June 1973 |
| Bahamas | 1731st meeting, 17 July 1973 | S/10855/Add.29, 30 July 1974 | Recommended 1732nd meeting, 18 July 1974 | S/10855/Add.29, 30 July 1973 |
| Grenada | 1777th meeting, 17 June 1974 | S/11185/Add.24, 26 June 1974 | Recommended 1778th meeting, 21 June 1974 | S/11185/Add.24, 26 June 1974 |
| Guinea-Bissau | 1790th meeting, 8 August 1974 | S/11185/Add.31, 13 August 1974 | Recommended 1791st meeting, 12 August 1974 | S/11185/Add.31, 13 August 1974 |
| Election of the International Court of Justice | 1671st meeting, 31 October 1972 | S/10770/Add.11, 7 November 1972 | Recommended five candidates to fill vacancies 1671st meeting, 31 October 1972 | S/10770/Add.1, 7 November 1972 |
| Complaint by Cuba | 1741st meeting, 17 September 1973 | S/10855/Add.38, 25 September 1973 | The Council adjourned without fixing a date for the next meeting 1742nd meeting, 18 September 1973 | |
| Letter dated 8 November 1973 from the Secretary-General to the President of the Security Council concerning the appointment of the commander of United Nations Emergency Force | 1755th meeting, 12 November 1973 | S/10855/Add.46, 19 November 1973 | Decided to authorize the President to address a reply to the Secretary-General transmitting the Council's consent to the appointment of General Siilasvuo as UNEP Force Commander | |

| <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 1974</i> | <i>Final entry in Summary Statement as of 31 December 1974</i> |
|--|--|---|---|--|
| Arrangements for the proposed peace conference in the Middle East | 1760th meeting, 15 December 1973 | S/10855/Add.50, 18 December 1973 | Adopted Ten-Power draft resolution (resolution 344 (1973)) 1760th meeting, 15 December 1973 | |
| Inclusion of Chinese among the working languages of the Security Council | 1761st meeting, 17 January 1974 | S/11185/Add.2, 22 January 1974 | Decided to include Chinese among the working languages of the Security Council and to amend accordingly the relevant provisions of chapters VIII and IX of the provisional rules of procedure 1761st meeting, 17 January 1974 | |
| Complaint by Iraq concerning incidents on its frontier with Iran | 1762nd meeting, 15 February 1974 | S/11185/Add.6, 20 February 1974 | Adopted resolution 348 (1974) 1770th meeting, 28 May 1974 | |
| The Situation in Cyprus | 1779th meeting, 16 July 1974 | S/11185/Add.28, 24 July 1974 | Adopted resolution 364 (1974) 1810th meeting, 13 December 1974 | |
| Relationship between the United Nations and South Africa | 1796th meeting, 18 October 1974 | S/11185/Add.41, 24 October 1974 | Rejected draft resolution S/11543 1808th meeting, 30 October 1974 | |

2. ITEMS WHICH APPEARED IN PREVIOUS VOLUMES OF THE REPERTOIRE ON WHICH NEW ACTION BY THE SECURITY COUNCIL WAS REPORTED IN SUMMARY STATEMENT ISSUED DURING THE PERIOD 1972-1974

| | | | | |
|--|-------------------------------------|------------------------------|---|--------------------------------|
| Complaints by Senegal | 1027th meeting, 17 April 1963 | S/5291, 22 April 1963 | Adopted resolution 321 (1972) 1669th meeting, 23 October 1972 | |
| Question concerning the Situation in Territories under Portuguese administration | 1040th meeting, 22 July 1963 | S/5377, 30 July 1963 | Adopted resolution 322 (1972) 1677th meeting, 22 November 1972 | |
| Situation in Southern Rhodesia | 1064th meeting, 9 September 1963 | S/5429, 16 September 1963 | Adopted resolution 333 (1973) and rejected draft resolution S/10928 1716th meeting, 22 May 1973 | |
| Letter dated 26 December 1963 from the Permanent Representative of Cyprus addressed to the President of the General Assembly | 1085th meeting, 27 December 1963 | S/5500, 31 December 1963 | Adopted resolution 349 (1974) 1771st meeting, 29 May 1974 | ST11185/Add.21, 4 June 1974 |
| Situation in the Middle East | 1341st meeting, 24 May 1967 | S/7913, 29 May 1967 | Adopted resolution 363 (1974) 1809th meeting, 29 November 1974 | |
| Situation in Namibia | 1387th meeting, 25 January 1968 | S/8367, 30 January 1968 | Adopted resolution 366 (1974) 1811th meeting, 17 December 1974 | |
| Complaint by Zambia | 1486th meeting, 18 July 1969 | S/9346, 22 July 1969 | Adopted resolution 328 (1973) and 329 (1973) 1694th meeting, 10 March 1973 | |

3. ITEMS WHICH WERE DELETED FROM THE LIST OF MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED DURING THE PERIOD 1972-1974

| <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 1974</i> | <i>Final entry in Summary Statement as of 31 December 1974</i> |
|--|--------------------------------------|---|---|--|
| Letter dated 26 December 1963 from the Permanent Representative of Cyprus to the President of the Security Council | 1085th meeting, 27 December 1963 | S/5500, 31 December 1963 | Adopted resolution 349 (1974) 1771st meeting, 29 May 1974 | S/11185/Add.21, 4 June 1974 |
| The Indonesian question | 171st meeting, 31 July 1947 | S/461, 1 August 1947 | Failed to adopt Canadian draft resolution and rejected Ukrainian SSR draft resolution 456th meeting, 13 December 1949 | S/10855, 2 January 1973 |
| Admission of New Members: | | | | |
| Bangladesh | 1658th meeting, 10 August 1972 | S/10762, 14 August 1972 | Recommended 1776th meeting, 10 June 1974 | S/11185/Add.23, 17 June 1974 |
| German Democratic Republic | 1729th meeting, 21 June 1973, | S/10855/Add.25, 27 June 1973 | Recommended 1730th meeting, 22 June 1974 | S/10855/Add.25, 27 June 1973 |
| Federal Republic of Germany | 1729th meeting, 21 June 1973 | S/10855/Add.25, 27 June 1973 | Recommended 1730th meeting, 22 June 1973 | S/10855/Add.25, 27 June 1973 |
| Bahamas | 1731st meeting, 17 July 1973 | S/10855/Add.29, 30 July 1974 | Recommended 1732nd meeting, 18 July 1973 | S/10855/Add.29, 30 July 1973 |
| Grenada | 1777th meeting, 17 June 1974 | S/11185/Add.24, 26 June 1974 | Recommended 1778th meeting, 21 June 1974 | S/11185/Add.24, 26 June 1974 |
| Guinea-Bissau | 1790th meeting, 8 August 1974 | S/11185/Add.31, 13 August 1974 | Recommended 1791st meeting, 12 August 1974 | S/11185/Add.31, 13 August 1974 |
| Election of members of the International Court of Justice | 1671st meeting 31 October 1972 | S/10770/Add.1, 7 November 1972 | Recommended five candidates to fill vacancies 1671st meeting, 31 October 1972 | S/10770/Add.1, 7 November 1972 |
| Request of Panama concerning the holding of meetings of the Council in Panama City | 1684th meeting, 16 January 1973 | S/10855/Add.3, 24 January 1973 | Adopted resolution 325 (1973) 1686th meeting, 26 January 1973 | S/10855/Add.4 31 January 1974 |

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

CASE 5

At the 1810th meeting on 13 December 1974, in connexion with the Situation in Cyprus, the President (Australia) before adjourning the meeting, made the following statement:

You have noted that the provisional agenda for this meeting, prepared in accordance with rule 7 of the provisional rules of procedure, which was adopted by the Council at the outset of our meeting, contained the agenda item "The situation in Cyprus", which was inscribed on the Council's agenda consistently since the 1779th meeting on 16 July whenever the Council discussed matters

affecting Cyprus. Under this item we have just now further extended the mandate of UNFICYP, which was last extended by resolution 349 (1974), at that time under an item which was entitled "Letter dated 26 December 1963 from the Permanent Representative of Cyprus to the President of the Security Council". It is thus clear that the item of today has superseded the item under which this matter was formerly considered, and with the Council's agreement, I would request the Secretary-General to delete from the list of items of which the Security Council is seized the former item "Letter dated 26 December 1963 from the Permanent Representative of Cyprus to the President of the Security Council". I hope I have made myself clear. If I hear no objection, it will be so decided.¹³

¹³ For text of the President's statement, see 1810th meeting, concluding statement by the President.

Chapter III

PARTICIPATION IN THE PROCEEDINGS OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

As indicated previously in the *Repertoire*, Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure provide for invitations to non-members of the Security Council in the following circumstances: (1) where a member of the United Nations brings a dispute or a situation to the attention of the Security Council in accordance with Article 35, paragraph 1 (rule 37); (2) where a Member of the United Nations or a State which is not a Member of the United Nations is a party to a dispute (Article 32); (3) where the interests of a Member of the United Nations are specially affected (Article 31 and rule 37); and (4) where members of the Secretariat or other persons are invited to supply information or give other assistance (rule 39). Of these four categories, only category (2) involves an obligation of the Council. In extending invitations, the Council, as earlier, has made no distinction between a complaint involving a dispute within the meaning of Article 32, or a situation, or a matter not of such nature.

The classification of material relevant to participation in the proceedings of the Security Council is designed to facilitate the presentation of the varieties of practice to

which the Council has had recourse, adhering where 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 reasons why the material cannot be satisfactorily arranged within a classification derived from the texts of these Articles and rules of procedure, have been set forth in the *Repertoire*, 1946-1951.

The relevant material is assembled under parts I and III of the present chapter. During the period under review there has been no discussion of the terms and provisions of Article 32. Consequently, there are no entries in part II.

Part I includes a summary account of the proceedings of the Council in the consideration of those proposals to extend an invitation to participate in the discussion where objections or other questions were raised with special emphasis on consideration of the basis on which the invitation might be deemed to rest. Included also in this part is a tabulation of invitations extended by the Council.

Part III presents a summary account of procedures relating to the participation of invited representatives after the Council had decided to extend invitations.

Part I

BASIS OF INVITATIONS TO PARTICIPATE

NOTE

Part I includes all instances in which proposals to extend invitations to participate in the discussion have been put forward in the Security Council. The types and varieties of practice to which the Council has had recourse in connexion with the extension of invitations are dealt with in three sections: section B: Invitations to representatives of subsidiary organs or other United Nations organs;¹ section C: Invitations to Members of the United Nations;² section D: Other invitations.³

During the period under review no special problems arose regarding requests for an invitation 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 have been extended as a matter of course and without discussion. Invitations falling under these two categories have been recorded in tabular form in section C.1 (a) and C.2 (a). These tabulations are chronologically arranged to provide information on the following points: (1) agenda item; (2) State invited; (3) request for invitation and (4) decision of the Council.

Section D contains a tabulation of invitations under rule 39 of the provisional rules of procedure, all of which were extended expressly under that rule and without any discussion.

¹ See tabulation in section B.

² See tabulations C.1 (a), C.2 (a).

³ See tabulation D.2.

**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 have been extended as a matter of course and without any discussion. These cases have been recorded below in tabular form and are chronologically arranged to provide information on (1) agenda item; (2) United Nations Organs or Subsidiary Organs invited; (3) request for invitation; (4) decision of the Council.

| <i>Question^a</i> | <i>United Nations organs or subsidiary organs invited</i> | <i>Request for invitation^b</i> | <i>Decision of the Council</i> |
|---|--|--|--|
| 1. Consideration of questions relating to Africa | Chairman of the Special Committee on <i>Apartheid</i> 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 | S/10600 | 1628th meeting (opening statement by President) |
| 2. Situation in Namibia | Mr. Samuels (Guyana) and Mr. Adeniji (Nigeria), representatives of the United Nations Council for Namibia President of the United Nations Council for Namibia Delegation of the United Nations Council for Namibia consisting of the President of the Council for Namibia and the representatives of Burundi, Indonesia and Mexico Delegation of the United Nations Council for Namibia consisting of the President of the Council for Namibia and the representatives of Zambia, Romania and India | Letter from the President of the United Nations Council for Namibia " " " | 1656th meeting (para. 2) 1678th meeting (paras. 4-5) 1756th meeting (third statement by the President) 1811th meeting (second statement by the President) |
| 3. Consideration of Measures for the Maintenance and Strengthening of International Peace and Security in Latin America | 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 Chairman of the Special Committee on <i>Apartheid</i> | Letter from the Chairman of the Special Committee Letter from the Chairman of the Special Committee on <i>Apartheid</i> | 1699th meeting (paras. 8-10) 1699th meeting (paras. 8-10) |
| 4. Admission of New Members (Guinea-Bissau) | 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 | | 1791st meeting (paras. 4-5) |

^a Questions entered in this tabulation are arranged under agenda items. The items appearing herein are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a subitem under the general heading at subsequent meetings does not reappear as a new

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

^b In most cases the above requests for invitations have not been issued as S/documents.

C. IN THE CASE OF MEMBERS OF THE UNITED NATIONS

1. Invitation when the Member brought to the attention of the Security Council

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

| <i>Question^a</i> | <i>State invited</i> | <i>Basis of Invitation</i> | <i>Decision of the Council invitations extended and renewed^b</i> |
|---------------------------------|----------------------|---|---|
| 1. Situation in the Middle East | Lebanon | S/10546, <i>OR</i> , 27th yr., <i>Suppl. for Jan.-March 1972</i> , p. 53 | 1643rd meeting (1644th meeting) |
| | Israel | S/10550, <i>OR</i> , 27th yr., <i>Suppl. for Jan.-March 1972</i> , p. 57 | 1643rd meeting (1644th meeting) |
| | Lebanon | S/10715, <i>OR</i> , 27th yr., <i>Suppl. for April-June 1972</i> , p. 137 | 1648th meeting (1649th-1650th meetings) |
| | Israel | S/10716, <i>OR</i> , 27th yr., <i>Suppl. for April-June 1972</i> , p. 137 | 1648th meeting (1649th-1650th meetings) |

| Question ^a | State invited | Basis of Invitation | Decision of the Council invitations extended and renewed ^b |
|---|--------------------------|---|---|
| 1. Situation in the Middle East (continued) | Syrian Arab Republic | S/10730, <i>OR, 27th yr., Suppl. for July-Sept. 1972</i> , p. 57 | 1651st meeting (1652nd-1653rd meetings) |
| | Lebanon | S/10731, <i>OR, 27th yr., Suppl. for July-Sept. 1972</i> , p. 57 | 1651st meeting 1652nd-1653rd meetings) |
| | Syrian Arab Republic | S/10782, <i>OR, 27th yr., Suppl. for July-Sept. 1972</i> , p. 97 | 1661st meeting (1662nd meeting) |
| | Lebanon | S/10783, <i>OR, 27th yr., Suppl. for July-Sept. 1972</i> , p. 98 | 1661st meeting (1662nd meeting) |
| | Lebanon | S/10913, <i>OR, 28th yr., Suppl. for April-June 1973</i> , p. 22 | 1705th meeting (1706th-1711th meetings) |
| | Lebanon | S/10983, <i>OR, 28th yr., Suppl. for July-Sept. 1973</i> , p. 25 | 1736th meeting (1737th-1740th meetings) |
| | Lebanon | S/11264, <i>OR, 29th yr., Suppl. for April-June 1974</i> , p. 107-108 | 1766th meeting (1767th-1769th meetings) |
| 2. Situation in Cyprus | Cyprus | S/11335, <i>OR, 29th yr., Suppl. for July-Sept., 1974</i> , p. 22 | 1779th meeting (1780th-1783rd meetings 1785th-1789th meetings) |
| | Greece | S/11348, <i>OR, 29th yr., Suppl. for July-Sept., 1974</i> , p. 30 | 1781st meeting (1782nd-1783rd meetings 1785th-1789th meetings) |
| | | S/11366, <i>OR, 29th yr., Suppl. for July-Sept., 1974</i> , p. 57 | |
| | Cyprus | S/11444, <i>OR, 29th yr., Suppl. for July-Sept., 1974</i> , p. 103 | 1792nd meeting (1793rd-1795th meetings) |
| | | S/11471, <i>OR, 29th yr., Suppl. for July-Sept., 1974</i> , p. 124 | |
| 3. Complaint by Senegal | Senegal | S/10807, <i>OR, 27th yr., Suppl. for Oct.-Dec., 1972</i> , p. 17 | 1667th meeting (1668th-1669th meetings) |
| 4. Situation in Territories under Portuguese Administration | Algeria | S/10828, <i>OR, 27th yr., Suppl. for Oct.-Dec., 1972</i> , p. 30 | 1672nd meeting (1673rd-1677th meetings) |
| | Botswana | | |
| | Burundi | | |
| | Cameroon | | |
| | Central African Republic | | |
| | Chad | | |
| | Congo | | |
| | Dahomey | | |
| | Egypt | | |
| | Ethiopia | | |
| | Gabon | | |
| | Ghana | | |
| | Guinea | | |
| | Ivory Coast | | |
| | Kenya | | |
| | Lesotho | | |
| | Liberia | | |
| | Libyan Arab Republic | | |
| | Madagascar | | |
| | Mali | | |
| | Mauritania | | |
| | Mauritius | | |
| | Morocco | | |
| | Niger | | |
| | Nigeria | | |
| | Rwanda | | |
| | Senegal | | |
| | Sierra Leone | | |
| Somalia | | | |
| Sudan | | | |
| Togo | | | |
| Tunisia | | | |
| Uganda | | | |
| United Republic of Tanzania | | | |
| Upper Volta | | | |
| Zaire | | | |
| Zambia | | | |

| <i>Question^a</i> | <i>State invited</i> | <i>Basis of Invitation</i> | <i>Decision of the Council invitations extended and renewed^b</i> |
|---|----------------------|--|--|
| 5. Situation in Namibia | Upper Volta | S/11575, <i>OR, 29th yr., Suppl. for Oct.-Dec. 1974</i> , p. 67 | 1811th meeting (1812th meeting) |
| 6. Complaint by Zambia | Zambia | S/10865, <i>OR, 28th yr., Suppl. for Jan.-March 1973</i> , p. 31 | 1687th meeting (1688th-1694th meetings) |
| | Yugoslavia | S/10869, <i>OR, 28th yr., Suppl. for Jan.-March 1973</i> , p. 38 | .. |
| 7. Complaint by Cuba | Cuba | S/10995, <i>OR, 28th yr., Suppl. for July-Sept. 1973</i> , p. 31 | 1741st meeting (1742nd meeting) |
| 8. Complaint by Iraq | Iraq | S/11216, <i>OR, 29th yr., Suppl. for Jan.-March 1974</i> , p. 96 | 1762nd meeting (1763rd-1764th meetings) |
| 9. Relationship between the United Nations and South Africa | Tunisia | S/11532, <i>OR, 29th yr., Suppl. for Oct.-Dec., 1974</i> , p. 25 | 1796th meeting (1797th-1798th meetings, 1800th-1804th meetings, 1806th-1808th meetings) |

^a Questions entered in this tabulation are arranged under agenda items. The items appearing herein are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a subitem under the general heading at subsequent meetings does not reappear as a new agenda item, but has been grouped under the item which first appeared. Questions in respect of which invitations were extended to other Members because their interests were considered to be

especially affected are indicated by an asterisk and the invitations are listed separately in a tabulation entitled "Invitations when the interests of a Member were considered specially affected" as explained in the introductory note (see C.2 below).

^b 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 OTHER INTERNATIONAL ORGANIZATIONS THAN THE UNITED NATIONS**

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

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

(a) TO PARTICIPATE WITHOUT VOTE IN THE DISCUSSIONS

| <i>Question^a</i> | <i>State invited</i> | <i>Basis of invitation^b</i> | <i>Decision of the Council invitations extended and renewed^c</i> |
|--|----------------------|--|---|
| 1. Consideration of Questions Relating to Africa | Cameroon | S/10601 | 1628th meeting ^d |
| | Congo | | |
| | Egypt | | |
| | Equatorial Guinea | | |
| | Ethiopia | | |
| | Gabon | | |
| | Ghana | | |
| | Kenya | | |
| | Liberia | | |
| | Malawi | | |
| | Mauritania | | |
| | Mauritius | | |
| | Morocco | | |
| | Nigeria | | |
| Senegal | | | |
| Tunisia | | | |
| Uganda | | | |
| United Republic of Tanzania | | | |
| Zaire | | | |
| Zambia | | | |
| 2. Situation in Southern Rhodesia | Algeria | S/10601/Add.1 | 1630th meeting |
| | Burundi | S/10601/Add.2 | 1630th meeting |
| | Libya | S/10601/Add.2 | 1630th meeting |
| | Saudi Arabia | | 1640th meeting (1641st-1642nd meetings) |
| | Algeria | | 1645th meeting 1663rd meeting (1664th-1666th meetings) |

| Question ^a | State invited | Basis of invitation ^b | Decision of the Council invitations extended and renewed ^c |
|---|-----------------------------|----------------------------------|---|
| 2. Situation in Southern Rhodesia (continued) | Senegal | | 1663rd meeting (1664th-1666th meetings) |
| | Morocco | | " |
| | Zambia | | " |
| | Mauritania | | " |
| | Guyana | | " |
| | Kenya | | " |
| | Tunisia | | 1664th meeting (1665th-1666th meetings) |
| | Nigeria | | " |
| | Mali | | 1665th meeting (1666th meeting) |
| | Cuba | | " |
| | Saudi Arabia | | " |
| | Somalia | | 1713th meeting (1714th-1716th meetings) |
| 3. Situation in the Middle East | Syrian Arab Republic | | 1643rd meeting (1644th meeting) |
| | Saudi Arabia | | " |
| | Syrian Arab Republic | | 1649th meeting (1650th meeting) |
| | Egypt | | " |
| | Kuwait | | " |
| | Jordan | | " |
| | Afghanistan | | 1651st meeting (1652nd-1653rd meetings) |
| | Mauritania | | " |
| | Morocco | | " |
| | Israel | | 1705th meeting (1706th-1711th meetings) |
| | Egypt | | " |
| | Saudi Arabia | | " |
| | Algeria | | 1706th meeting (1707th-1711th meetings) |
| | Syrian Arab Republic | | " |
| | Tunisia | | 1708th meeting (1709th-1711th meetings) |
| | Jordan | | 1710th meeting (1711th meeting) |
| | Egypt | | 1717th meeting (1718th-1726th meetings, 1733rd-1735th meetings) |
| | Israel | | " |
| | Jordan | | " |
| | United Republic of Tanzania | | " |
| | Chad | | 1717th meeting (1718th-1726th meetings, 1733rd-1735th meetings) |
| | Syrian Arab Republic | | " |
| | Nigeria | | " |
| | Algeria | | " |
| | Morocco | | 1718th meeting (1719th-1726th meetings, 1733rd-1735th meetings) |
| | United Arab Emirates | | " |
| | Somalia | | " |
| | Guyana | | 1719th meeting (1720th-1726th meetings, 1733rd-1735th meetings) |
| | Mauritania | | " |
| | Kuwait | | 1720th meeting (1721st-1726th meetings, 1733rd-1735th meetings) |
| | Qatar | | " |
| | Saudi Arabia | | " |
| | Lebanon | | 1721st meeting (1722nd-1726th meetings, 1733rd-1735th meetings) |
| | Iran | | 1722nd meeting (1723rd-1726th meetings, 1733rd-1735th meetings) |
| | Bahrain | | " |

| Question ^a | State invited | Basis of invitation ^b | Decision of the Council invitations extended and renewed ^c |
|--|---------------------------------------|---|---|
| 3. Situation in the Middle East (continued) | Tunisia | | 1734th meeting (1735th meeting) |
| | Israel | | 1736th meeting (1737th-1740th meetings) |
| | Egypt | | " |
| | Iraq | | " |
| | People's Democratic Republic of Yemen | | 1737th meeting (1738th-1740th meetings) |
| | Egypt | | 1743rd meeting (1744th-1752nd meetings, 1754th meeting) |
| | Israel | | " |
| | Syrian Arab Republic | | " |
| | Nigeria | | 1745th meeting (1746th-1752nd meetings, 1754th meeting) |
| | Saudi Arabia | | " |
| | Zambia | 1751st meeting | 1751st meeting (1752nd meeting, 1754th meeting) |
| | Israel | | 1766th meeting (1767th-1769th meetings) |
| | Syrian Arab Republic | | " |
| | Egypt | | " |
| | Kuwait | | " |
| | Saudi Arabia | | " |
| | Syrian Arab Republic | | 1774th meeting |
| | Israel | | 1774th meeting |
| | Syrian Arab Republic | | 1809th meeting |
| | Israel | | 1809th meeting |
| 4. Situation in Cyprus | Cyprus | | 1646th meeting (1647th meeting) |
| | Turkey | | " |
| | Greece | | " |
| | Cyprus | | 1683rd meeting |
| | Turkey | | " |
| | Greece | | " |
| | Cyprus | | 1727th meeting (1728th meeting) |
| | Turkey | | " |
| | Greece | | " |
| | Cyprus | | 1759th meeting |
| | Turkey | | " |
| | Greece | | " |
| | Cyprus | | 1771st meeting (1772nd meeting) |
| | Turkey | | " |
| | Greece | | " |
| | Turkey | | 1779th meeting (1780th-1783rd meetings) (1785th-1789th meetings) |
| | Greece | | 1779th meeting (1780th meeting) |
| | Yugoslavia | | 1780th meeting (1781st-1783rd meetings, 1785th-1789th meetings) |
| | Romania | | " |
| | India | | " |
| Mauritius | | 1781st meeting (1782nd-1783rd meetings, 1785th-1789th meetings) | |
| Algeria | | 1793rd meeting (1794th-1795th meetings) | |
| Cyprus | | 1810th meeting | |
| Greece | | " | |
| Turkey | | " | |
| 5. Complaint by Senegal | Mauritania | | 1667th meeting (1668th-1669th meetings) |
| | Algeria | | " |
| | Mali | | " |

| <i>Question^a</i> | <i>State invited</i> | <i>Basis of invitation^b</i> | <i>Decision of the Council invitations extended and renewed^c</i> |
|---|---|--|--|
| 6. Situation in Territories under Portuguese Administration | Saudi Arabia Cuba | | 1672nd meeting (1673rd-1677th meetings) 1674th meeting 1675th-1677th meetings) |
| 7. Situation in Namibia | Chad Ethiopia Liberia Mauritius Morocco Sierra Leone Nigeria Burundi Zambia Niger Somalia Nigeria Saudi Arabia Morocco Nigeria Somalia | | 1678th meeting (1679th-1682nd meetings) " " " " " 1679th meeting (1680th-1682nd meetings) " " 1756th meeting (1757th-1758th meetings) " 1757th meeting (1758th meeting) 1758th meeting 1811th meeting (1812th meeting) " " |
| 8. Complaint by Zambia | Ghana Morocco United Republic of Tanzania Zaire Chile Algeria Senegal Egypt Somalia Cuba Cameroon Guyana Spain | | 1687th meeting (1688th-1694th meetings) " " " " " " " " " 1689th meeting (1690th-1694th meetings) 1690th meeting (1691st-1694th meetings) " 1694th meeting |
| 9. Consideration of Measures for the Maintenance and Strengthening of International Peace and Security in Latin America | Argentina Bolivia Chile Colombia Costa Rica Cuba Ecuador Guyana Haiti Jamaica Mauritania Mexico Uruguay Venezuela Zaire Algeria El Salvador Honduras Guatemala Trinidad and Tobago Zambia Canada Dominican Republic | | 1696th meeting (1697th-1704th meetings) " " " " " " " " " " " " " " " 1697th meeting (1698th-1704th meetings) " 1698th meeting (1699th-1704th meetings) " " 1699th meeting (1700th-1704th meetings) " |
| 10. Complaint by Cuba | Chile People's Democratic Republic of Yemen | S/10997 | 1741st meeting (1742nd meeting) " |

| <i>Question^a</i> | <i>State invited</i> | <i>Basis of invitation^b</i> | <i>Decision of the Council invitations extended and renewed^c</i> | |
|--|---------------------------------------|--|--|----------------|
| 10. Complaint by Cuba (continued) | Senegal | | 1742nd meeting | |
| | Madagascar | | " | |
| | Algeria | | " | |
| 11. Complaint by Iraq | Iran | | 1762nd meeting (1763rd-1764th meetings) | |
| | People's Democratic Republic of Yemen | | " | |
| | Libyan Arab Republic | | 1763rd meeting (1764th meeting) | |
| | United Arab Emirates | | " | |
| | Iran | | 1770th meeting | |
| 12. Admission of New Members (Bangladesh) | Algeria | | 1776th meeting | |
| | Bhutan | | " | |
| | Egypt | | " | |
| | India | | " | |
| | Pakistan | | " | |
| | (Guinea-Bissau) | Algeria | | 1791st meeting |
| | | Cyprus | | " |
| | | Guinea | | " |
| | | Morocco | | " |
| | | Portugal | | " |
| | | Somalia | | " |
| Togo | | " | | |
| Yugoslavia | | " | | |
| 13. Relationship between the United Nations and South Africa | Algeria | | 1796th meeting (1797th-1798th meetings, 1800th-1804th meetings, 1806th-1808th meetings) | |
| | Cuba | | " | |
| | Dahomey | | " | |
| | Egypt | | " | |
| | Guinea | | " | |
| | Mali | | " | |
| | Mauritius | | " | |
| | Nigeria | | " | |
| | Syria | | " | |
| | United Republic of Tanzania | | " | |
| | Sierra Leone | | " | |
| | Somalia | | " | |
| | Zaire | | " | |
| | Morocco | | " | |
| | Saudi Arabia | | " | |
| | Bangladesh | | 1797th meeting (1798th meeting, 1800th-1804th meetings, 1806th-1808th meetings) | |
| | Ghana | | " | |
| | Guyana | | " | |
| | Madagascar | | " | |
| | People's Republic of the Congo | | " | |
| | Qatar | | " | |
| | South Africa | | " | |
| | Uganda | | " | |
| | United Arab Emirates | | " | |
| | Upper Volta | | " | |
| | Yugoslavia | | " | |
| | German Democratic Republic | | " | |
| | Barbados | | 1798th meeting (1800th-1804th meetings, 1806th-1808th meetings) | |
| | Czechoslovakia | | " | |
| | India | | " | |
| | Libyan Arab Republic | | 1800th meeting (1801st-1804th meetings, 1806th-1808th meetings) | |
| | Liberia | | 1801st meeting (1802nd-1804th meetings, 1806th-1808th meetings) | |
| | Pakistan | | 1802nd meeting (1803rd-1804th meetings, 1806th-1808th meetings) | |
| Romania | | " | | |

| <i>Question^a</i> | <i>State invited</i> | <i>Basis of invitation^b</i> | <i>Decision of the Council invitations extended and renewed^c</i> |
|---|----------------------|--|---|
| 13. Relationship between the United Nations and South Africa (<i>continued</i>) | Kuwait | | 1803rd meeting (1804th meeting, 1806th-1808th meetings) |

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

^b For the period under review in most cases requests for participation have not been reproduced as S/documents.

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

^d At the 1629th meeting on 29 January 1972, on the proposal of the President invitations once extended were considered valid for the duration of meetings held on the above question (i.e. up to the 1639th meeting) and the practice of renewing invitations was dispensed with for that period.

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

****3. Invitations denied**

D. IN THE CASE OF OTHER INVITATIONS

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

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

All invitations expressly under rule 39 of the provisional rules of procedure have been extended as a matter of course and without discussion. These cases have been recorded hereunder in tabular form and are chronologically arranged to provide information on (1) agenda item; (2) persons invited; (3) basis of invitation; and (4) decision of the Council.

| <i>Question</i> | <i>Persons invited</i> | <i>Basis of invitation</i> | <i>Decision of the Council invitations extended</i> |
|--|---|--|---|
| 1. Consideration of Questions Relating to Africa | Mr. Mohamed Fouad El-Bedewi Mr. Amidcar Cabral Mr. M. Luvualo Mr. M. dos Santos Mr. Peter Mueshihange Mr. M. K. H. Hamadsirpi Mr. Portlako Leballo Mr. Alfred Nzo Mr. George Silundika Mr. Abdul Minty Mr. Diallo Telli | S/10602/Rev.2 <i>OR, 27th yr., Suppl. for Jan.- March 1972, p. 80</i> | 1632nd meeting |
| | Rev. Canon Burgess Carr, General Secretary of the All Africa Conference of Churches | S/10604, <i>OR, 27th yr., Suppl. for Jan.-March 1972, p. 81</i> | 1632nd meeting |
| | Mr. Johny Eduardo | S/10605, <i>OR, 27th yr., Suppl. for Jan.-March 1972, p. 82</i> | 1633rd meeting |
| 2. Situation in Southern Rhodesia | Mr. Abel Muzorewa, Chairman of the African National Council of Zimbabwe | S/10540, <i>OR, 27th yr., Suppl. for Jan.-March 1972, p. 50</i> | 1640th meeting |
| | Mr. Eohmael Mlambo | S/10802, <i>OR, 27th yr., Suppl. for July-Sept., 1972, p. 107</i> | |
| 3. Situation in the Middle East | Amb. Talib El-Shebib, Permanent Observer of the League of Arab States | S/10986, <i>OR, 28th yr., Suppl. for July-Sept. 1973, p. 26</i> | 1737th meeting |
| 4. Situation in Cyprus | Mr. Celik | | 1810th meeting |
| 5. Situation in Namibia | Mr. Peter Mueshihange, South West Africa People's Organization (SWAPO) | S/10841, <i>OR, 27th yr., Suppl. for Oct.-Dec., 1972, p. 52</i> | 1679th meeting |
| | Mr. Mishake Muyongo, South West Africa People's Organization (SWAPO) | S/11153, <i>OR, 28th yr., Suppl. for Oct.-Dec. 1973, p. 265</i> | 1757th meeting |
| | Mr. Peter Mueshihange, South West Africa People's Organization (SWAPO) | S/11580, <i>OR, 29th yr., Suppl. for Oct.-Dec. 1974, p. 69</i> | 1811th meeting |

| <i>Question</i> | <i>Persons invited</i> | <i>Basis of invitation</i> | <i>Decision of the Council invitations extended</i> |
|---|--|--|---|
| 6. Situation in Territories under Portuguese Administration | Mr. Marcelino dos Santos, (FRELIMO) Mr. Gil Fernandes, (PAIGC) Mr. Manuel Jorge, (MPLA) | S/10830, <i>OR</i> , 27th yr., <i>Suppl. for Oct.-Dec. 1972</i> , p. 31 | 1672nd meeting |
| 7. Consideration of Measures for the Maintenance and Strengthening of International Peace and Security in Latin America | Mr. Hector Gros Espiell, Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL) | S/10892, <i>OR</i> , 28th yr., <i>Suppl. for Jan.-March 1973</i> , p. 50 | 1696th meeting |
| | Mr. Mamadou Diarra, Executive Secretary of the Organization of African Unity (OAU) | S/10930, <i>OR</i> , 28th yr., <i>Suppl. for Jan.-March 1973</i> , p. 57 | 1699th meeting |
| | Amb. Talib El-Shebib, Permanent Observer of the League of Arab States | S/10933, <i>OR</i> , 28th yr., <i>Suppl. for Jan.-March 1973</i> , p. 58 | 1700th meeting |
| 8. Relationship between the United Nations and South Africa | Mr. David Sibeko, Executive Committee of the Pan Africanist Congress of Anzania | S/11539, <i>OR</i> , 29th yr., <i>Suppl. for Oct.-Dec. 1974</i> , p. 33 | 1796th meeting |
| | Mr. Duma Nokwe, African National Congress | S/11540, <i>OR</i> , 29th yr., <i>Suppl. for Oct.-Dec. 1974</i> , p. 34 | 1796th meeting |
| | Mr. Noel Mukono (ZANU) | S/11545, <i>OR</i> , 29th yr., <i>Suppl. for Oct.-Dec. 1974</i> , p. 35 | 1804th meeting |
| | Mr. T. George Silundika (ZAPU) | " | |
| | Mr. Theo-Ben Gurirab (SWAPO) | S/11546, <i>OR</i> , 29th yr., <i>Suppl. for Oct.-Dec. 1974</i> , p. 35 | 1804th meeting |

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

**4. Invitations denied

**Part II

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

Part III

PROCEDURES RELATING TO PARTICIPATION OF INVITED REPRESENTATIVES

NOTE

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

No question concerning either the stage at which invited States might be heard (section A), or the duration of participation of invited representatives (section B) arose during the period under review. The practice has generally been maintained, according to which the President, when consideration of a question has extended over several meetings, has renewed the invitation at each consecutive meeting immediately after the adoption of the agenda.¹ However, in one instance, the practice of renewing invi-

tations at each consecutive meeting was dispensed with for the duration of meetings held on the consideration of questions relating to Africa.²

Section C deals with limitations of a procedural nature affecting invited representatives throughout the process of participation in the proceedings of the Security Council. During the period under review there were no cases involving limitations of a procedural nature. However, on one occasion, in connexion with the order in which invited representatives are called upon to speak, statements of persons to be heard under article 39 were separated from statements of members of the Council.³ There were other instances where the question of the right to participate was

² See tabulation in part I, C.2 (a), foot-note 1.

³ For text of relevant statements, see: 1633rd meeting (PV), President (Sudan), para. 137, Belgium, paras. 133, 136, Somalia, para. 135, in connexion with the Consideration of Questions relating to Africa.

¹ See tabulation in part I, C.1 (a), foot-note b and part I, C.2 (a), foot-note b.

raised in accordance with rule 37 of the provisional rules of procedure.⁴

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

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

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

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

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

⁴ For text of relevant statements, see: 1736th meeting, third intervention by the USSR; 1737th meeting, first intervention by the USSR; 1768th meeting, first, second, and third intervention by the USSR, in connexion with the situation in the Middle East.

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

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

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

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

****2. Extension of invitations**

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

****4. Other matters**

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

Chapter IV

VOTING

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INTRODUCTORY NOTE

This chapter contains material from the Official Records relating to the practice of the 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*.

Part I presents evidence relating to the distinction between procedural and non-procedural matters. No material requiring treatment in part II relating to the practice of the Council in voting upon the question whether a matter is procedural within the meaning of Article 27, paragraph 2, has been found for the period under review. 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.

Material relating to voting in connexion with the election of judges under Article 10 of the Statute of the International Court of Justice is included in chapter VI, part I, section D. Chapter VII, parts I and V, contains material on the voting procedure employed by the Council in connexion 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,¹ comprises two instances wherein the vote indicated the procedural character of the decision: the proposal obtained nine or more votes and was adopted despite the negative vote of one or more permanent members.

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

In part III, section A, there have been no cases in which members have 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,³ lists those occasions on which permanent members have abstained voluntarily or not participated in the vote. Had they voted against the proposal, no affirmative decision could have been taken.

¹ The headings in part I, section A, 1 and 7 derive from the subject matter and do not predetermine the procedural character of future proposals, even if they seem to belong under the same heading.

² See below the tabulation in part I, section B.

³ See below the tabulation in part III, section B.

Part I

PROCEDURAL AND NON-PROCEDURAL MATTERS

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

1. Inclusion of items in the agenda

At the 1658th meeting on 10 August 1972 (para. 21) in connexion with the application by the People's Republic of Bangladesh for admission to membership in the United Nations, the agenda was adopted by the Council, notwithstanding the negative vote of a permanent member.

**2. Order of items on the agenda

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

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

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

**6. Suspension of a meeting

7. Adjournment of a meeting

At the 1659th meeting on 24 August 1972 (para. 188) in connexion with the application by the People's Republic of Bangladesh for admission to membership in the United Nations, a motion to adjourn was adopted by the Council, notwithstanding the negative vote of 2 permanent members.

****8. Invitation to participate in the proceedings******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 connexion 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> |
|--|-------------------------|---|-------------------------|-------------|--|
| Consideration of Questions relating to Africa | 1639, 4 Feb. 1972 | S/10606 | 3-Power | 9-1-5 | 1 |
| Situation in the Middle East | 1662, 10 Sept. 1972 | Paragraph 2, subparagraph (a) of amendment S/10786 to S/10784 | 4-Power | 9-6-0 | 2 |
| " | 1662, 10 Sept. 1972 | S/10784 | 3-Power | 13-1-1 | 1 |
| " | 1735, 26 July 1973 | S/10974 | 8-Power | 13-1-0 | 1 |
| Situation in Southern Rhodesia | 1666, 29 Sept. 1972 | Operative para. 1 of S/10805/Rev.1 | | 10-1-4 | 1 |
| " | " | Operative para. 5 of S/10805/Rev.1 | | 10-1-4 | 1 |
| " | " | S/10805/Rev.1 as a whole | 3-Power | 10-1-4 | |
| " | 1716, 22 May 1973 | S/10928 | 7-Power | 11-2-2 | 2 |
| Consideration of Measures for the Maintenance and Strengthening of International Peace and Security in Latin America | 1704, 21 March 1973 | S/10931/Rev.1 | 8-Power | 13-1-1 | 1 |
| Situation in Cyprus | 1788, 31 July 1974 | S/11400 as amended | | 12-2-0 | 1 |
| Relationship between the United Nations and South Africa | 1808, 30 Oct. 1974 | S/11543 | 4-Power | 10-3-2 | 3 |

2. In connexion with other matters considered by the Security Council**(a) IN CONNEXION WITH THE ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS**

| | | | | | |
|--|--------------------|---------|---------|--------|---|
| Application by the People's Republic of Bangladesh for admission to membership in the United Nations | 1660, 25 Aug. 1973 | S/10771 | 4-Power | 11-1-3 | 1 |
|--|--------------------|---------|---------|--------|---|

**** (b) IN CONNEXION WITH THE APPOINTMENT OF THE SECRETARY-GENERAL******Part II****PROCEEDINGS OF THE SECURITY COUNCIL REGARDING VOTING UPON THE QUESTION WHETHER THE MATTER WAS PROCEDURAL WITHIN THE MEANING OF ARTICLE 27, PARAGRAPH 2, OF THE CHARTER******A. PROCEEDINGS ON OCCASIONS WHEN THE SECURITY COUNCIL VOTED ON "THE PRELIMINARY QUESTION"******B. CONSIDERATION OF PROCEDURES INVOLVED IN VOTING ON THE "PRELIMINARY QUESTION"******1. Consideration of the order in which the matter itself, and the question whether the matter is procedural, should be voted upon******2. Consideration whether the decision that the matter is procedural is itself a procedural decision**

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

Part III

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

A. OBLIGATORY ABSTENTION

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

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

CASE 1

At the 1801st meeting on 24 October 1974, in connexion with the question of the Relationship between the United Nations and South Africa, the representative of Madagascar, speaking in reference to the applicability of Article 27 of the Charter stated:

When Member States were asked to express their views concerning possible amendments to the Charter, my delegation was among those that felt that it was necessary to clarify the scope of Article 27 with a view to applying its provisions in relation to Chapter VII of the Charter. In strictly legal terms, it may be difficult to decide to what extent a State other than the State directly concerned may be regarded as a party to a dispute. But if we look at it in political terms—and in what other terms can we look at the matter here in the Security Council—if one or more States have given diplomatic, political and military support to South Africa, and perhaps are prepared to go on doing so, could we not therefore conclude that they too bear responsibility for the reprehensible actions of the South African regime? In that case they become a party to the dispute and Article 27 of the Charter would be applicable to them.⁴

⁴ 1801st meeting, intervention by Madagascar.

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

1. Certain cases in which permanent members have abstained or not participated 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 have 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 have not participated in the vote.

There have been no cases of absence of permanent members for the period under review.

For details of voting, see relevant sections of Chapter VIII, Part II.

| <i>Agenda Item</i> | <i>Meeting and date</i> | <i>Decisions (draft resolutions, etc.)</i> | <i>Submitted by</i> | <i>Vote</i> | <i>(a) Voluntary abstention</i> | <i>(b) Non- partici- pation</i> |
|---|-------------------------|--|-------------------------|-------------|---|---|
| Consideration of Questions relating to Africa | 1638, 4 Feb. 1972 | S/10376/Rev.2 | Argentina | 14-0-0 | — | 1 |
| | 1638, 4 Feb. 1972 | S/10608/Rev.1 | 4-Power | 13-0-2 | 2 | — |
| | 1639, 4 Feb. 1972 | S/10609/Rev.1 | 5-Power | 14-0-1 | 1 | — |
| | 1639, 4 Feb. 1972 | S/10607/Rev.1 | 3-Power | 9-0-6 | 3 | — |
| Situation in Southern Rhodesia | 1645, 28 Feb. 1972 | S/10541/Rev.1 and Corr.1 Operative para. 1 | 3-Power | 14-0-1 | 1 | — |
| | 1645, 28 Feb. 1972 | S/10541/Rev.1 and Corr.1 as a whole | | 13-0-2 | 2 | — |
| | 1655, 28 July 1972 | S/10747 | 3-Power | 14-0-1 | 1 | — |
| | 1666, 29 Sept. 1972 | S/10804/Rev.1 | 3-Power | 13-0-2 | 2 | — |
| | 1716, 22 May 1973 | S/10927 | 9-Power | 12-0-3 | 3 | — |
| Situation in Cyprus | 1646, 15 June 1972 | S/10699 | | 14-0-1 | 1 | — |
| | 1683, 12 Dec. 1972 | S/10847 | | 14-0-1 | 1 | — |
| | 1727, 15 June 1973 | S/10946 | | 14-0-1 | 1 | — |
| | 1759, 14 Dec. 1973 | S/11154 | | 14-0-1 | 1 | — |
| | 1771, 29 May 1974 | S/11301 | | 14-0-1 | 1 | — |
| | 1788, 31 July 1974 | S/11401 1st amndt. to S/11400 | USSR | 14-0-1 | 1 | — |
| 1789, 1 Aug. 1974 | S/11402 | | 12-0-2 | 1 | 1 | |

| <i>Agenda item</i> | <i>Meeting and date</i> | <i>Decisions (draft resolutions, etc.)</i> | <i>Submitted by</i> | <i>Vote</i> | <i>(a) Voluntary abstention</i> | <i>(b) Non- partic- ipation</i> |
|--|-------------------------|--|-------------------------|-------------|---|---|
| | 1793, 15 Aug. 1974 | S/11449/Rev.1 | 5-Power | 14-0-0 | - | 1 |
| | 1794, 16 Aug. 1974 | S/11450/Rev.2 | France | 11-0-3 | 1 | 1 |
| | 1810, 13 Dec. 1974 | S/11573 | | 14-0-0 | - | 1 |
| Situation in the Middle East | 1650, 26 June 1972 | S/10722 | 3-Power | 13-0-2 | 1 | - |
| | 1653, 21 July 1972 | S/10742 | 5-Power | 14-0-1 | 1 | - |
| | 1711, 21 April 1973 | S/10916/Rev.1 | France, U.K. | 11-0-4 | 3 | - |
| | 1747, 21 Oct. 1973 | S/11036 | USSR, USA | 14-0-0 | - | 1 |
| | 1748, 23 Oct. 1973 | S/11039 | USSR, USA | 14-0-0 | - | 1 |
| | 1750, 25 Oct. 1973 | Retaining in para. 3 of the draft S/11046/Rev.1 the words "except the permanent members of the Security Council" | | 13-0-1 | 1 | 1 |
| | 1750, 25 Oct. 1973 | S/11046/Rev.1 as a whole | 8-Power | 14-0-0 | - | 1 |
| | 1752, 27 Oct. 1973 | S/11054 | Australia | 14-0-0 | - | 1 |
| | 1760, 15 Dec. 1973 | S/11156 | 10-Power | 10-0-4 | 4 | 1 |
| | 1765, 8 April 1974 | S/11253 | | *13-0-0 | - | 1 |
| | 1769, 24 April 1974 | S/11275 | | *13-0-0 | - | 1 |
| | 1774, 31 May 1974 | S/11305/Rev.1 | USSR, USA | *13-0-0 | - | 1 |
| | 1799, 23 Oct. 1974 | S/11542 | | *13-0-0 | - | 1 |
| | 1809, 29 Nov. 1974 | S/11565 | 6-Power | *13-0-0 | - | 1 |
| Situation in Namibia | 1657, 1 Aug. 1972 | S/10750 as orally modified | Argentina | 14-0-0 | - | 1 |
| | 1682, 6 Dec. 1972 | S/10846 as orally modified | Argentina | 13-0-1 | 1 | 1 |
| Complaint by Senegal | 1669, 23 Oct. 1972 | S/10813/Rev.1 | 3-Power | 12-0-3 | 2 | - |
| Complaint by Zambia | 1691, 2 Feb. 1973 | S/10875/Rev.1 | 6-Power | 13-0-2 | 2 | - |
| | 1691, 2 Feb. 1973 | S/10876/Rev.1 | 6-Power | 14-0-1 | 1 | - |
| | 1694, 10 March 1973 | S/10898/Rev.1 | 8-Power | 13-0-2 | 2 | - |
| Consideration of Measures for the Maintenance and Strengthening of International Peace and Security in Latin America | 1704, 21 March 1973 | S/10932/Rev.2 | 6-Power | 12-0-3 | 3 | - |
| Complaint by Iraq | 1770, 28 May 1974 | S/11299 | | 14-0-0 | - | 1 |

* Two members did not participate in the vote.

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

Chapter V

SUBSIDIARY ORGANS OF THE SECURITY COUNCIL

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INTRODUCTORY NOTE

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

Part I, "Occasions on which subsidiary organs of the Security Council have been established or proposed", includes two instances (Cases 2 and 5) in which the Council authorized the Secretary-General to set up a subsidiary organ; it also includes six instances (Cases 1, 3, 4, 6, 9, 10) in which the Council itself decided to establish a subsidiary organ.

During the period covered by this *Supplement* there have been five instances (Cases 7, 8, 11, 12, 13) in which a subsidiary organ was formally proposed but not established.¹

In cases where subsidiary organs have been set up by the Secretary-General pursuant to Security Council resolutions,

¹ See the note to part I below for informal proposals submitted during the Council proceedings, to set up subsidiary organs.

no implication is intended whether these bodies do or do not come within Article 29.

Part II of this chapter contains one case (Case 14) in which the Council considered procedural aspects of the modification of the terms of reference of the Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia.

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 HAVE BEEN ESTABLISHED OR PROPOSED

NOTE

During the period under review, the Security Council: (i) established a Committee on Council meetings away from Headquarters to study the question of the convening of Council meetings away from the seat of the Organization;² (ii) invited the Secretary-General, in consultation and close co-operation with a group of the Security Council, to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia to exercise their right to self-determination and independence, and asked him to report to the Council;³ (iii) established a group of the Security Council with which the Secretary-General was to consult and co-operate concerning Namibia;⁴ (iv) approved the proposal of the Secretary-General to proceed with the appointment of a representative to assist him in the discharge of his mandate in Namibia;⁵ (v) decided to dispatch a special mission, consisting of four members of the Security Council, to assess the

situation in Zambia and requested the mission to report to the Council;⁶ (vi) decided to set up immediately a United Nations Emergency Force in the Middle East;⁷ (vii) requested the Secretary-General to appoint a special representative to conduct an investigation of the events that had given rise to the complaint by Iraq;⁸ (viii) decided to set up immediately a United Nations Disengagement Observer Force in the Middle East.⁹

The following subsidiary organs which had been established prior to 1972, continued to exist during part or all of the period under review: two standing committees, the Committee of Experts and the Committee on the Admission of New Members, and a number of *ad hoc* bodies: the United Nations Truce Supervision Organization in Palestine (UNTSO), the Special Representative of the Secretary-General in the Middle East, the United Nations Military Observer Group in India and Pakistan (UNMOGIP), the United Nations Representative for India and Pakistan, the Special Representative for humanitarian problems

² Case 9, decision of 11 January 1972.

³ Case 1, resolution 309 (1972).

⁴ Case 10, resolution 309 (1972).

⁵ Case 2, resolution 319 (1972).

⁶ Case 3, resolution 326 (1973).

⁷ Case 4, resolution 340 (1973).

⁸ Case 5, President's statement of 28 February 1974, representing the consensus of the members of the Council.

⁹ Case 6, resolution 350 (1974).

under resolution 307 (1971), the United Nations Peace-Keeping Force in Cyprus (UNFICYP), the Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia, the *Ad Hoc* Sub-Committee on Namibia, and the Committee of Experts established by the Security Council at its 1506th meeting.

Whereas the Committee of Experts did not meet during the period under review, the Committee on the Admission of New Members was asked to consider the application for membership in the United Nations of Bangladesh,¹⁰ the German Democratic Republic,¹¹ the Federal Republic of Germany,¹² the Commonwealth of the Bahamas,¹³ Grenada,¹⁴ and Guinea-Bissau,¹⁵ and to report to the Council, in accordance with rule 59 of the provisional rules of procedure of the Security Council.¹⁶

The United Nations Truce Supervision Organization in Palestine (UNTSO) continued to function throughout the period under review. Following a request by Lebanon for an increase of the number of United Nations observers in the Israel-Lebanon sector,¹⁷ the Security Council by the consensus of its members of 19 April 1972 acceded to the request and invited the Secretary-General to implement the decision.¹⁸

Regarding the Special Representative of the Secretary-General in the Middle East, the Security Council under resolution 331 (1973) requested the Secretary-General to submit a comprehensive report about the efforts undertaken since 1967 and to invite the Special Representative to be present in the Council during its examination of the situation in the Middle East which took place during the 1717th to 1726th and 1733rd to 1735th meetings.¹⁹ A draft resolution which *inter alia* would have requested the Secretary-General and the Special Representative to resume the efforts for a peaceful solution and would have assured them of full support in the discharge of their responsibilities, failed of adoption owing to the negative vote of a permanent member.²⁰

The United Nations Military Observer Group in India and Pakistan (UNMOGIP) and the United Nations Representative for India and Pakistan continued in existence.

¹⁰ 1658th-1660th, 1775th and 1776th meetings.

¹¹ 1729th and 1730th meetings.

¹² *Ibid.*

¹³ 1731st and 1732nd meetings.

¹⁴ 1777th and 1778th meetings.

¹⁵ 1790th and 1791st meetings.

¹⁶ For further information consult the chapter VII on admission of new members.

¹⁷ The Lebanese request was received by the President of the Council on 29 March 1972. See S/10611, Annex, for the text of the letter, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 32-33.

¹⁸ See *ibid.*, for the text of the consensus and S/10612, *ibid.*, p. 33 for the statement by the representative of China dissociating himself from the decision of the Council.

¹⁹ See S/10929, *ibid.*, 28th yr., *Suppl. for April-June 1973*, pp. 37-53, for the report of the Secretary-General.

²⁰ For the text of the draft resolution see S/10974, *ibid.*, 28th yr., *Suppl. for July-Sept. 1973*, pp. 20-21. For further details see section on the situation in the Middle East in chapter VIII.

With regard to the Special Representative for humanitarian problems under resolution 307 (1971), the Secretary-General submitted to the Council two reports on the good offices mission of his representative in the India/Pakistan subcontinent.²¹

The mandate of the United Nations Force in Cyprus (UNFICYP) was extended six times during the period under review.²² In his periodic and special reports on the United Nations operation in Cyprus²³ the Secretary-General kept the Council informed about the role of his Special Representative in the ongoing intercommunal talks and in the exercise of his good offices which were temporarily interrupted by the grave crisis that set in on 15 July 1974, but were resumed on 26 August 1974 in the presence of the Secretary-General and of the Special Representative.²⁴ Throughout the period under review, the Secretary-General saw no opportunity for a resumption of the mediation function under paragraph 7 of resolution 186 (1964), owing primarily to the widely different and firmly held views of the three Governments most directly concerned.²⁵

The Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia remained active during the period under review. Regarding its composition and its mode of functioning, the President of the Security Council issued a note dated 29 March 1972,²⁶ indicating that, after consultations, the system of rotating chairmanships had been replaced by a one-year-term chairmanship and that the Committee would, in addition, elect two Vice-Chairmen. The Committee submitted a number of regular, interim and special

²¹ S/10512, dated 17 January 1972, and Add.1, dated 26 February 1972, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 14-20.

²² The mandate of the force was extended by resolutions 315 (1972), 324 (1972), 334 (1973), 343 (1973), 349 (1974), and 364 (1974).

²³ The Secretary-General submitted the following periodic reports: S/10664, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 73-82; S/10842, *ibid.*, *Suppl. for Oct.-Dec. 1972*, pp. 53-62; S/10940, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 58-68; S/11137, *ibid.*, *Suppl. for Oct.-Dec. 1973*, pp. 240-250; S/11294, *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 131-140; S/11568, *ibid.*, *Suppl. for Oct.-Dec. 1974*, pp. 51-59. The following special reports were submitted: S/10564, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 64-65; S/10564/Add.1 and 2, *ibid.*, *Suppl. for April-June 1972*, pp. 18-19; S/5364/Add.1, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, p. 1; S/11353 and Add.1-33, *OR*, 29th yr., *Suppl. for July-Sept. 1974*, pp. 32-50; S/11468 and Add.1 and 2, *ibid.*, pp. 119-123; S/11473, *ibid.*, pp. 125-126; S/11488 and Add.1, *ibid.*, pp. 134-135; S/11468/Add.3 and 4, *ibid.*, *Suppl. for Oct.-Dec. 1974*, pp. 15-17; S/11488/Add.2, *ibid.*, pp. 18-19.

²⁴ In his periodic report S/11568, *ibid.*, pp. 51-59, para. 61, the Secretary-General noted that he had appointed a new Special Representative prior to 9 July. For the critical events in summer 1974, see the section on the situation in Cyprus in chapter VIII.

²⁵ See here the periodic report cited in footnote 23.

²⁶ S/10578, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, p. 73. See here also the letter by the Chairman of the Committee to the President of the Council, S/10571, *ibid.*, pp. 69-70. Following the recommendation of the Committee, contained in its Special report (S/10632, *ibid.*, *Suppl. for April-June 1972*, pp. 47-49, especially para. 7), the Council decided under resolution 318 (1972) to change the name of the Committee from "Committee established in pursuance of Security Council resolution 253 (1968)" to "Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia".

reports²⁷ to the Council which considered them subsequently.²⁸

The *Ad-hoc* Sub-Committee on Namibia which also continued in existence throughout the period under review, held six meetings during 1972, and adjourned at the end of its 23rd meeting.²⁹

The Committee of Experts established by the Security Council at its 1506th meeting to study the question of "associate membership" did not meet during the period covered by this *Supplement*.

There have been several instances where participants in the Council proceedings and members of the Organization proposed the creation of subsidiary organs without submitting their suggestions in the form of draft resolutions.³⁰

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

²⁷ The Committee submitted the fifth report (S/10852/Rev.1, *OR*, 27th yr., *Special Supplement No. 2*) and the sixth report (S/11178/Rev.1, *OR*, 29th yr., *Special Supplement 2 and 2 A*); it also submitted to the Council the second and third interim reports (S/10580, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 74-75, and its Add.1, *ibid.*, *Suppl. for April-June 1972*, p. 19; S/10593, *ibid.*, p. 27) and two special reports (S/10632, *ibid.*, pp. 47-49; S/10920, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 25-30).

²⁸ See part II of this chapter for proceedings of the Council concerning the issue of the competence of the Committee in relation to its terms of reference and to the Council's prerogatives. See also the section on the question of Southern Rhodesia in chapter VIII.

²⁹ Under resolution 301 (1971), para. 14 the Council had requested the *Ad-hoc* Sub-Committee on Namibia to conduct a comprehensive review of treaties implying South Africa's sovereignty over Namibia and to report to the Council. No report was issued by the Committee during the period under review.

³⁰ At the meetings of the Council in Addis Ababa the President of Mauritania, as chairman of OAU, proposed a Council committee to take over the administration of Namibia and to lead it to independence (1627th meeting, paras. 43, 44); Yugoslavia suggested the dispatch of periodic Council missions to the areas of major conflicts and tensions (1630th meeting, para. 131); the Secretary-General of OAU recommended the creation by the Council of a watchdog committee to supervise the implementation of the arms embargo resolutions against South Africa and Portugal (1633rd meeting, para. 155); Mr. Minty urged the Council to set up a committee charged with considering all African questions that constituted threats to peace and security (1634th meeting, para. 17); Canon Carr proposed the stationing of United Nations observers in Southern Rhodesia during the mission of the Pearce Commission and the appointment of a control commission consisting of the five permanent members of the Council, and of a United Nations Commissioner for Namibia (1634th meeting, para. 56); Burundi suggested the dispatch of periodic Council missions to African trouble spots until the crises were settled (1636th meeting, para. 22). In connexion with the situation in the Middle East, France suggested that in order to discharge its exclusive competence in the matter of peace-keeping the Council should establish a committee which would be in constant contact with the Secretary-General concerning UNEF and could for instance propose to the Council the name of the UNEF Commander and draft basic directives (1752nd meeting, intervention by France). In connexion with the question concerning the situation in Territories under Portuguese Administration, Saudi Arabia urged to send a Special Representative on a fact-finding mission to Africa (1672nd meeting, para. 243) and Mr. Fernandes (PAIGC) called for a Council delegation to visit Portugal (1673rd meeting, para. 188).

I. Subsidiary organs established

CASE 1

Mission of the Secretary-General under Security Council resolution 309 (1972)

In the course of its meetings in Africa,³¹ the Council addressing itself to the situation in Namibia adopted at its 1638th meeting on 4 February 1972, resolution 309 (1972), originally submitted by Argentina and revised after consultations,³² which provided *inter alia*:

1. *Invites* the Secretary-General, in consultation and close co-operation with a group of the Security Council,³³ to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human quality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

2. *Calls upon* the Government of South Africa to co-operate fully with the Secretary-General in the implementation of the present resolution;

3. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution not later than 31 July 1972.

In accordance with this decision the Secretary-General initiated the contacts through communications from Headquarters, then visited South Africa and Namibia between 6 and 10 March 1972 and reported to the Council on 17 July 1972.³⁴ In his report he recommended the continuation of the mission and the appointment of a representative to assist in the implementation of the Council mandate.³⁵

The Council considered the report at its 1656th and 1657th meetings. The representative of Argentina introduced at the 1657th meeting on 1 August 1972 a draft resolution which, with a few oral modifications, was adopted by 14 votes to none as resolution 319 (1972).³⁶ It *inter alia* invited the Secretary-General to continue his contacts, approved his proposal to appoint a representative to assist him in the discharge of his mandate and requested him to keep the Council informed and to report to it not later than 15 November 1972.

On 15 November 1972, the Secretary-General submitted his report³⁷ on the implementation of resolution 319 (1972) to the Council. He indicated the progress of his own talks with the parties and the activities of his Representative and of the Council group under resolution 309 (1972). The Council considered the report during its 1678th through 1682nd meetings and adopted at its 1682nd meeting on 6 December 1972 the draft resolution

³¹ See the section on "Consideration of Questions Relating to Africa" in chapter VIII for details on the proceedings.

³² Submitted already at the 1598th meeting on 20 October 1971 (see *Supplement 1969-1971*, p. 109 of the *Repertoire* for further details), the draft (S/10376) was revised twice before its adoption. The vote on S/10376/Rev.2 was 14 votes to none; one permanent member did not participate in the vote.

³³ See below case 10.

³⁴ S/10738, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 63-72.

³⁵ *Ibid.*, paras. 50-51. See below Case 2.

³⁶ S/10750 adopted as amended. One permanent member did not participate in the vote.

³⁷ S/10832, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 32-46.

sponsored by Argentina, as modified orally, by 13 votes in favour to none against, with 1 abstention as resolution 323 (1972), whereby it invited the Secretary-General once again to continue his valuable efforts and requested him to report to the Council not later than 30 April 1973.³⁸

In compliance with the Council's request the Secretary-General, on 30 April 1973, reported to the Council on the implementation of resolution 323 (1972).³⁹ He pointed out that his continued efforts had not brought about those changes in the attitude of the Government of South Africa which he had sought and which were indispensable for a solution of the question of Namibia; in the light of this situation the question arose whether or not to continue the efforts.

At its 1756th to 1758th meetings on 10 and 11 December 1973, the Council took up the question of Namibia and considered the Secretary-General's report. At the 1758th meeting the Council adopted unanimously the revised draft resolution submitted by Peru as resolution 342 (1973).⁴⁰ Under its paragraph 2, the Council decided to discontinue further efforts on the basis of resolution 309 (1972).

CASE 2

Representative of the Secretary-General under Security Council Resolution 319 (1972)

In accordance with the proposal by the Secretary-General,⁴¹ the Security Council decided in connexion with the situation in Namibia, at the 1657th meeting on 1 August 1972 under resolution 319 (1972), para. 5 to approve "the proposal of the Secretary-General to proceed, after necessary consultations, with the appointment of a representative to assist him in the discharge of his mandate...".⁴²

On 24 September 1972, the Secretary-General appointed Mr. Alfred Martin Escher as his representative for Namibia.⁴³ Following consultations in New York, the representative visited South Africa and Namibia from 8 October to 3 November 1972, and after his return reported to the Secretary-General both orally and in writing.⁴⁴

Under resolution 323 (1972), para. 5 the Security Council authorized the Secretary-General once again to appoint representatives to assist him in the continued discharge of his mandate.⁴⁵

³⁸ One permanent member did not participate in the vote on S/10846.

³⁹ S/10921, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 30-34.

⁴⁰ S/11152/Rev.1, as orally amended, was submitted at the 1657th meeting.

⁴¹ The proposal was contained in the Secretary-General's report (S/10738) of 17 July 1972, (*OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 63-72), paras. 50-51. See also above case 1.

⁴² For the vote see above case 1.

⁴³ See the report of the Secretary-General, S/10832, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 32-46, para. 2.

⁴⁴ See *ibid.*, paras. 6 and 8 and Annex II.

⁴⁵ For the decision including the vote see case 1 above.

In his report on the implementation of Security Council resolution 323 (1972),⁴⁶ the Secretary-General referred only briefly to his representatives. Under resolution 342 (1973), para. 2, the Council decided to end the efforts under resolution 309 (1972) and with that to terminate the mandate of the Secretary-General's representatives.⁴⁷

CASE 3

Special Mission Established under Resolution 326 (1973)

At the 1691st meeting on 2 February 1972, in connexion with the complaint by Zambia, the Security Council adopted a revised draft resolution,⁴⁸ sponsored by Guinea, India, Indonesia, Kenya, the Sudan and Yugoslavia, by 13 votes to none, with 2 abstentions, as resolution 326 (1973) which provided *inter alia*:

9. *Decides* to dispatch immediately a Special Mission, consisting of four members of the Security Council, to be appointed by the President of the Security Council after consultations with the members, to assess the situation in the area, and requests the mission so constituted to report to the Council not later than 1 March 1973;

10. *Calls upon* the Government of Zambia, the Government of the United Kingdom and the Government of South Africa to provide the Special Mission with the necessary co-operation and assistance in the discharge of its task; ...

At the same meeting, the Council adopted a second revised draft resolution,⁴⁹ also sponsored by Guinea, India, Indonesia, Kenya, the Sudan and Yugoslavia, by 14 votes to none, with 1 abstention, as resolution 327 (1973) which provided *inter alia*:

3. *Decides* to entrust the Special Mission, consisting of four members of the Security Council, referred to in paragraph 9 of resolution 326 (1973), assisted by a team of six United Nations experts,⁵⁰ to assess the needs of Zambia, in maintaining alternative systems of road, rail, air and sea communications for the normal flow of traffic;

4. *Further requests* the neighbouring States to accord the Special Mission every co-operation in the discharge of its task;

5. *Requests* the Special Mission to report to the Security Council not later than 1 March 1973.

On 5 February 1973, the President of the Council issued a note⁵¹ indicating that as a result of consultations among Council members the Special Mission to Zambia would be composed of the representatives of Austria, Indonesia, Peru and the Sudan.

Following its visit to the United Kingdom, Zambia, Tanzania and Kenya during 8-21 February 1973, the Special Mission submitted its report including the report of the team of United Nations Experts,⁵² on 5 March 1973 to the Council.

⁴⁶ S/10921, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 30-34.

⁴⁷ For the decision including the vote see case 1 above.

⁴⁸ S/10875/Rev.1. The original draft (S/10875) was sponsored by Guinea, Kenya, the Sudan and Yugoslavia.

⁴⁹ S/10876/Rev.1. The sponsors of the original draft (S/10876) were the same as those of S/10875.

⁵⁰ The representative of Zambia, in his opening statement at the 1687th meeting on 29 January 1973, had requested the dispatch of a team of experts (1687th meeting, para. 39) and had been supported by a significant number of other speakers.

⁵¹ S/10886, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, p. 47.

⁵² S/10896/Rev.1, *OR*, 28th yr., *Special Suppl. No. 2*.

At its 1692nd to 1694th meetings on 8 to 10 March 1973, the Council considered the report of the Special Mission and at its 1694th meeting adopted two revised draft resolutions,⁵³ one by 13 votes to none, with 2 abstentions, as resolution 328 (1973) and the second one unanimously as resolution 329 (1973). Under resolution 328 (1973), para. 1 the Council endorsed the assessment and conclusions of the Special Mission, and under both resolutions took a number of political and economic measures in implementation of the suggestions of the Special Mission.

CASE 4

*United Nations Emergency Force (UNEF)
in the Middle East*

At its 1748th meeting on 23 October 1973, in connexion with the situation in the Middle East, the Security Council adopted a draft resolution co-sponsored by the USSR and the United States,⁵⁴ by 14 votes to none,⁵⁵ as resolution 339 (1973) which provided under para. 2:

Requests the Secretary-General to take measures for immediate dispatch of United Nations observers to supervise the observance of the cease-fire between the forces of Israel and the Arab Republic of Egypt, using for this purpose the personnel of the United Nations now in the Middle East and first of all the personnel now in Cairo.⁵⁶

At the 1750th meeting on 25 October 1973, the Security Council adopted a revised draft resolution,⁵⁷ originally submitted by Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia and changed in the course of consultations, by 14 votes to none,⁵⁸ as resolution 340 (1973) which contained *inter alia* the following provisions:

Noting with concern from the Secretary-General's report⁵⁹ that the United Nations military observers have not been enabled to place themselves on both sides of the cease-fire line. ...

2. *Requests* the Secretary-General, as an immediate step, to increase the number of United Nations military observers on both sides;

3. *Decides* to set up immediately, under its authority, a United Nations Emergency Force to be composed of personnel drawn from States Members of the United Nations, except the permanent members of the Security Council, and requests the Secretary-General to report within 24 hours on the steps taken to this effect; ...

Regarding paragraph 3 of resolution 340 (1973), several members of the Council expressed reservations about the exclusion of the permanent members of the Council from contributing personnel to the Emergency Force,⁶⁰ and

⁵³ S/10898/Rev.1 and S/10899/Rev.1, both submitted by Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia.

⁵⁴ S/11039, adopted without change.

⁵⁵ One permanent member did not participate in the voting.

⁵⁶ The personnel referred to here is that of UNTSO whose activities overlapped initially significantly with those of nascent UNEF.

⁵⁷ S/11046/Rev.1.

⁵⁸ One permanent member did not participate in the voting.

⁵⁹ The report was delivered orally at the 1749th meeting.

⁶⁰ 1750th meeting, first intervention by the USSR; intervention by the United Kingdom and by France.

prior to the vote on the resolution as a whole the representative of France asked for a separate vote on the principle of exclusion; by a vote of 13 in favour to none, with 1 abstention, the Council retained the provision.⁶¹

The representative of the USSR called for strict observance of the principle of equitable geographical representation in setting up the force.⁶²

The Council also decided to authorize the Secretary-General to appoint General Siilasvuo, Chief of Staff of UNTSO, as the interim Commander of the United Nations Emergency Force.⁶³

At the 1752nd meeting on 27 October 1973, the Council considered the report of the Secretary-General submitted under paragraph 3 of resolution 340 (1973),⁶⁴ and adopted an Australian draft resolution by 14 votes to none⁶⁵ as resolution 341 (1973) which provided under paragraph 2:

Decides that the Force shall be established in accordance with the above-mentioned report⁶⁶ for an initial period of six months, and that it shall continue in operation thereafter, if required, provided the Security Council so decides.

At the 1754th meeting on 2 November 1973, the Council considered progress reports of the Secretary-General on the Force.⁶⁷ In the course of the meeting the President made a statement representing the agreement of the members of the Council, regarding the implementation of resolution 240 (1973) and in particular the composition of the force bringing about a better geographical distribution of its contingents.⁶⁸ By a subsequent note⁶⁹ the President informed the Secretary-General that the Council had agreed on the addition of two more African contingents from Kenya and Senegal.

At the 1755th meeting on 12 November 1973, the Council accepted the proposal, submitted by the Secretary-General in a letter,⁷⁰ to appoint General Siilasvuo as Force Commander and instructed the President of the Council to inform the Secretary-General accordingly.⁷¹

During the period under review, the United Nations Emergency Force (UNEF) was twice renewed, each time by 13 votes to none,⁷² by resolutions 346 (1974) and 362 (1974), after the Council had considered the reports of the Secretary-General on the Force.⁷³

⁶¹ 1750th meeting. One permanent member did not participate in the voting.

⁶² *Ibid.*, first intervention by the USSR.

⁶³ *Ibid.*, concluding statement by the President.

⁶⁴ S/11052/Rev.1, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, pp. 91-92.

⁶⁵ One permanent member did not participate in the voting.

⁶⁶ See footnote 64 above.

⁶⁷ S/11056 and Add.1, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, pp. 93-94.

⁶⁸ S/11072, *ibid.*, pp. 208-209. China dissociated itself from it.

⁶⁹ S/11127, *ibid.*, p. 234. China dissociated itself from it.

⁷⁰ S/11103, *ibid.*, p. 223.

⁷¹ S/11104, *ibid.*, p. 223. China dissociated itself from it.

⁷² Two Council members did not participate in the voting which took place at the 1765th meeting, and at the 1799th meeting.

⁷³ S/11248, *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 88-95, and S/11536, *ibid.*, *Suppl. for Oct.-Dec. 1974*, pp. 29-33.

CASE 5

*Special Representative of the Secretary-General
under Security Council consensus of 28 February 1974*

At its 1764th meeting on 28 February 1974, the Security Council adopted a consensus⁷⁴ regarding the complaint by Iraq concerning incidents on its frontier with Iran.⁷⁵ Under paragraph 5 of that consensus the Council requested the Secretary-General:

To appoint as soon as possible a special representative to conduct an investigation of the events that have given rise to the complaint by Iraq; and

To report within three months.

In accordance with this decision of the Council, the Secretary-General appointed on 18 March 1974 Ambassador Weckmann-Muñoz as his Special Representative, who visited Iraq and Iran from 3 to 25 April 1974 and submitted his report to the Secretary-General on 16 May 1974.⁷⁶ On 20 May 1974, the Secretary-General submitted his written report⁷⁷ to the Council.

At its 1770th meeting on 28 May 1974, the Council considered the report of the Secretary-General and adopted a draft resolution,⁷⁸ which had resulted from prior consultations, by 14 votes to none,⁷⁹ as resolution 348 (1974) whereby it took note with appreciation of the report of the Secretary-General and urged the parties to implement the agreement which they had reached through the good offices of the Special Representative of the Secretary-General.

CASE 6

United Nations Disengagement Observer Force (UNDOF)

At the 1774th meeting on 31 May 1974, following the consideration of the situation in the Middle East, in particular of the report of the Secretary-General concerning the Agreement on Disengagement between Israeli and Syrian Forces,⁸⁰ the Security Council adopted a revised draft resolution,⁸¹ jointly submitted by the USSR and the United States, by 13 votes to none⁸² as resolution 350 (1974). It provided under paragraph 3:

Decides to set up immediately under its authority the United Nations Disengagement Observer Force, and requests the Secretary-General to take the necessary steps to this effect in accordance with his above-mentioned report and the annexes thereto; the Force shall be established for an initial period of six months, subject to renewal by further resolution of the Security Council;

At the same meeting, the Council agreed to the proposals made by the Secretary-General on the initial

⁷⁴ S/11229, *OR*, 29th yr., *Suppl. for Jan.-March 1974*, pp. 108-109. China dissociated itself from the consensus of the Council.

⁷⁵ S/11216, *ibid.*, p. 96.

⁷⁶ For this information see the report of the Secretary-General, S/11291, *ibid.*, *Suppl. for April-June 1974*, pp. 125-129; here in particular paras. 2, 4-7 and the Annex.

⁷⁷ S/11291. See preceding footnote.

⁷⁸ S/11299, adopted without change.

⁷⁹ One member did not participate in the vote.

⁸⁰ S/11302 and Add.1, *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 144-145.

⁸¹ S/11305/Rev.1, adopted without further changes.

⁸² Two members of the Council did not participate in the voting.

composition of the Force and the appointment of General Brizeño Zevallos as interim Commander.⁸³

At the 1809th meeting on 29 November 1974, the Council adopted a draft resolution,⁸⁴ sponsored by Austria, Indonesia, Kenya, Mauritania, Peru and United Republic of Cameroon, by 13 votes to none⁸⁵ as resolution 363 (1974) renewing the mandate of the Force for another period of six months, after it had considered the report of the Secretary-General on the functioning of UNDOF during the first six months.⁸⁶

2. Subsidiary organs proposed but not established

CASE 7

At the 1787th meeting on 29 July 1974, in connexion with the situation in Cyprus, the representative of the USSR introduced a draft resolution⁸⁷ which provided under paragraph 3:

Decides to send immediately to Cyprus a special mission of... members of the Security Council, to be appointed by the President of the Council after consultations with the Council members and with the Secretary-General, for the purpose of verifying on the spot the implementation of resolution 353 (1974) and of reporting to the Council.

The draft resolution was not put to the vote.

CASE 8

At the 1804th meeting on 28 October 1974, in connexion with the consideration of the relationship between the United Nations and South Africa, the President of the Council drew the attention of the members to a draft resolution⁸⁸ submitted under rule 38 of the provisional rules of procedure of the Security Council by Saudi Arabia, which provided under paragraph 2:

Requests the Secretary-General, after consultation with the Security Council, to appoint two co-administrators from neutral countries to administer Namibia together with South Africa during the period of transfer, which should be completed within a period of two years or less.

The draft resolution was not put to the vote.

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

1. Subsidiary organs established

CASE 9

*Security Council Committee on Council Meetings away
from Headquarters*

At the 1625th meeting on 11 January 1972, in connexion with the request of the Organization of African

⁸³ 1774th meeting, statement by the Secretary-General, and concluding statement by the President.

⁸⁴ S/11565, adopted without change.

⁸⁵ Two members of the Council did not participate in the voting.

⁸⁶ S/11563, *OR*, 29th yr., *Suppl. for Oct.-Dec. 1974*, pp. 43-47.

⁸⁷ S/11391, *OR*, 29th yr., *Suppl. for July-Sept. 1974*, p. 70.

⁸⁸ S/11547, *OR*, 29th yr., *Suppl. for Oct.-Dec. 1974*, p. 36.

Unity concerning the holding of meetings of the Security Council in an African capital, the Council decided without objection *inter alia*:

(c) to establish a Security Council Committee on Council Meetings away from Headquarters composed of all the members of the Security Council to study the question of the convening of Council meetings in an African capital in all its aspects ... and to endeavour to draft general guidelines which could be applied in all similar situations which might arise in the future in connexion with Article 28, paragraph 3, of the Charter of the United Nations.⁸⁹

In accordance with this decision the Committee submitted a report⁹⁰ to the Council in which it made several recommendations and proposed a draft resolution. It also reported that it had agreed to have the Chairmanship rotate on a monthly basis and to defer its mandate to prepare general guidelines for similar situations that might arise in the future.

At the 1626th meeting on 19 January 1972, the Council adopted the recommendations of the Committee and the draft resolution⁹¹ without objection as representing the consensus of the Council members.

In connexion with the request of Panama concerning the holding of meetings of the Security Council in Panama City, the Committee was asked by the Council at the 1685th meeting on 16 January 1973, to consider all aspects—technical, administrative, financial, legal, political and other—of the necessary arrangements and to report to the Council not later than 26 January 1973.⁹²

Accordingly, the Committee submitted its second report⁹³ including its recommendations and a draft resolution,⁹⁴ which the Council, at its 1686th meeting on 26 January 1973, adopted without objection as representing the consensus of the Council members.

CASE 10⁹⁵

Group of the Security Council established under resolution 309 (1972)

During the meetings in Africa,⁹⁶ at the 1638th meeting on 4 February 1972, the Council addressing itself to the situation in Namibia adopted resolution 309 (1972) which provided in paragraph 1 for the establishment of a group of the Security Council, composed of the representatives of Argentina, Somalia and Yugoslavia, with whom the Secretary-General was asked to consult and co-operate in carrying out the mandate under that resolution.

Prior to the vote, a debate had taken place concerning the size of the group and the mode of selecting its

⁸⁹ For the text of the Council decision, see *OR, 27th yr., Resolutions and Decisions of the Security Council 1972*, p. 1.

⁹⁰ S/10514, *OR, 27th yr., Suppl. for Jan.-March 1972*, pp. 20-27. The recommendations and the draft resolution are contained in paras. 29 and 30.

⁹¹ Adopted without change as resolution 308 (1972).

⁹² For the decision, see *OR, 28th yr., Resolutions and Decisions of the Security Council 1973*, p. 2.

⁹³ S/10868, *ibid., Suppl. for Jan.-March 1973*, pp. 32-38.

⁹⁴ *Ibid.*, p. 35, para. 23. Adopted without change as resolution 325 (1973).

⁹⁵ See case 1 above for further details.

⁹⁶ See footnote 31 above.

members, which had been resolved by asking the President, following customary practice, to hold consultations with the members of the Council leading to an agreement on the composition of the group.⁹⁷

In his report to the Council dated 17 July 1972,⁹⁸ the Secretary-General stated that he had carried out his mandate in close co-operation with the group of the Security Council and expressed his deep appreciation of the valuable assistance and co-operation extended to him by the group.⁹⁹

In renewing the mandate of the Secretary-General under resolution 319 (1972), the Council also extended the group of the Council.

The report of the Secretary-General on the implementation of resolution 319 (1972) indicated the active involvement of the group in the preparation and evaluation of the activities undertaken by the Secretary-General and his Representative.¹⁰⁰

Under resolution 323 (1972) the mandate of the group was once more extended and it was decided to fill the vacancies due to occur in the course of the partial renewal of the Council membership on 1 January 1973.¹⁰¹ In implementation of the latter decision the Council appointed by consensus after consultations the representatives of Peru and Sudan to fill the vacancies that had resulted from the expiration of the terms of office of the delegations of Argentina and Somalia.¹⁰²

Reporting¹⁰³ on the implementation of resolution 323 (1972), the Secretary-General stressed again the value of the assistance and advice the group of the Council had rendered him.

Following the suggestion of the Secretary-General, the Council decided not to continue the efforts under resolution 309 (1972).¹⁰⁴

2. Subsidiary organs proposed but not established

CASE 11

In the course of its meetings in Africa,¹⁰⁵ at the 1637th meeting on 3 February 1972, Guinea, India, Somalia, Sudan and Yugoslavia submitted a joint draft resolution concerning the question of *apartheid*,¹⁰⁶ which provided under paragraphs 8 and 9:

⁹⁷ 1637th meeting, paras. 53, 114, 118, 157-173, 181, 182, 197.

⁹⁸ S/10738, *OR, 27th yr., Suppl. for July-Sept. 1972*, pp. 63-72.

⁹⁹ *Ibid.*, paras. 3, 19, 50 and Annex I.

¹⁰⁰ S/10832, *ibid., Suppl. for Oct.-Dec. 1972*, pp. 32-46; especially para. 3, Annex I and Annex II, paras. 2, 83.

¹⁰¹ Resolution 323 (1973), paras. 5 and 8.

¹⁰² See *OR, 28th yr., Resolutions and Decisions of the Security Council 1973*, p. 1.

¹⁰³ S/10921 (report of the Secretary-General), *OR, 28th yr., Suppl. for April-June 1973*, pp. 30-34; in particular para. 3.

¹⁰⁴ See resolution 342 (1973), para. 2.

¹⁰⁵ See the section "Consideration of Questions Relating to Africa" in chapter VIII for details concerning the proceedings.

¹⁰⁶ S/10609, *OR, 27th yr., Suppl. for Jan.-March 1972*, pp. 84-85.

Decides to establish a committee of the Security Council to study and report urgently, not later than 30 April 1972, on ways and means to secure the implementation of the resolutions of the Security Council on this question [of *apartheid*];

Requests the Secretary-General to provide all necessary assistance to the Committee in the discharge of its task.

In the revised text¹⁰⁷ of the draft resolution which was introduced at the 1639th meeting on 4 February 1972, these two paragraphs were deleted.

CASE 12

At the 1673rd meeting on 16 November 1972, in connexion with the question concerning the situation in territories under Portuguese administration, Guinea, Somalia and Sudan submitted a draft resolution¹⁰⁸ which provided under paragraphs 11-13:

Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a sub-committee of ... members of the Security Council, to be formed after consultation between the President of the Security Council and the Secretary-General, which will be in charge of implementation of the provisions of paragraph 10 above and report periodically to the Security Council;

Requests all States to co-operate with the sub-committee established under paragraph 11 above;

¹⁰⁷ S/10609/Rev.1, adopted as resolution 311 (1972).

¹⁰⁸ S/10834, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 47-48.

Requests the Secretary-General to assist the sub-committee in the discharge of its tasks.

Following consultations, the sponsors, at the 1676th meeting on 21 November 1972, withdrew the draft and submitted two new ones.¹⁰⁹

CASE 13

At the 1676th meeting on 21 November 1972, in connexion with the question concerning the situation in territories under Portuguese administration, Guinea, Somalia and Sudan submitted a draft resolution,¹¹⁰ which provided under paragraph 7:

Decides to establish, in accordance with rule 28 of its provisional rules of procedure, an *ad hoc* committee of five members of the Security Council, to be formed after consultation between the President of the Security Council and the Secretary-General, to undertake investigation of the flow of arms used by Portugal in the African Territories under its domination and to report periodically to the Security Council.

At the 1677th meeting on 22 November 1972, the representative of Somalia, on behalf of the sponsors, stated that they would not press for a vote on the draft resolution.¹¹¹

¹⁰⁹ See case 13 below.

¹¹⁰ S/10839, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, p. 51.

¹¹¹ 1677th meeting, para. 45.

Part II

CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS

NOTE

During the period under review, the Security Council discussed at one occasion in some detail procedural aspects of the terms of reference of a subsidiary organ, to what extent they could be modified and how far the Council could delegate its own functions under the Charter.

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

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

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

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

CASE 14

In connexion with the question concerning the situation in Southern Rhodesia, the Security Council, at its 1645th meeting on 28 February 1972, adopted resolution 314 (1972) which provided in paragraph 6:

Requests the Committee established in pursuance of Security Council resolution 253 (1968) to meet as a matter of urgency to

consider ways and means by which the implementation of sanctions may be ensured and to submit to the Security Council not later than 15 April 1972 a report containing recommendations in this respect, including any suggestions which the Committee might wish to make concerning its terms of reference and any other measures designed to ensure the effectiveness of its work.

Accordingly, the Committee submitted a special report¹¹² part III of which contained the recommendations accepted by all members of the Committee,¹¹³ whereas its part IV presented four contested proposals and the varying positions taken by members in favour and against those suggestions. The African members of the Committee suggested that the Council should *inter alia* reaffirm the legitimacy of the struggle of the people of Southern Rhodesia, condemn those States which openly and consistently violated the provisions of resolutions 253 (1968) and 277 (1970), take special measures against South Africa and Portugal and call upon all States to employ additional measures under Article 41 of the Charter against the illegal régime in Southern Rhodesia.¹¹⁴ The delegations

¹¹² Special report of the Committee established in pursuance of Security Council resolution 253 (1968), dated 9 May 1972, S/10632, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 47-49.

¹¹³ See *ibid.*, paras. 7-24.

¹¹⁴ Special report of the Committee established in pursuance of Security Council resolution 253 (1968), dated 9 May 1972, S/10632, paras. 25-28; *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 47-49.

of Belgium, France, Italy and the United States could not agree to these proposals, since in their view, they gave rise to objections either to the substance, procedure or the competence of the Committee in matters reserved exclusively to the Security Council.¹¹⁵

During the 1654th meeting on 28 July 1972, when the Council considered the special report of the Committee, the representative of Sudan, speaking as chairman of the Committee, referred to these objections to the contents of part IV.¹¹⁶ The representative of Belgium stated that two of the African proposals had not been accepted because they were alien to the mandate set out in resolution 314 (1972), and added:

... I must now refer to the debate which was once again provoked by the extent of the mandate given to the Committee in Security Council resolutions 253 (1968) and 277 (1970). In our opinion, the Committee can only play an auxiliary role. Even if the Council would wish it so, it would not be free to delegate to a subordinate

body the responsibilities which the Charter has made incumbent on it alone. Furthermore, it would not be useful either for the Committee to be simply a faithful reflection of the Council and to be competent, as the Council is, in relation to all aspects of the question of Southern Rhodesia. Conceived as it was to function as a standing body, the Security Council, unlike the General Assembly whose activities are intermittent, does not need organs to exercise its powers in its name and in its place ...¹¹⁷

The representative of Yugoslavia, speaking in support of the African proposals, declared in reply:

..., it is our understanding that the scope of the Committee's responsibilities extends to all political aspects of the situation in and around Southern Rhodesia that affect the implementation of sanctions and not merely their technical aspects...¹¹⁸

**E. CONSIDERATION OF THE PROCEDURE OF TERMINATION

¹¹⁷ 1654th meeting, paras. 40, 41. See also the statements by the United Kingdom (1655th meeting, para. 15) and France (*ibid.*, paras. 43, 44).

¹¹⁸ *Ibid.*, para. 53.

¹¹⁵ *Ibid.*, para. 33.

¹¹⁶ 1654th meeting, paras. 15-17.

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 procedures of the Security Council (rule 61), which governs only certain procedures related to the election by the Council of Members of the International Court of Justice.

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

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

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

Part I

RELATIONS WITH THE GENERAL ASSEMBLY

NOTE

In part I, concerning the relations of the Security 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 Security Council and of the General Assembly is, under the provisions of the Charter or the Statute of the International Court of Justice, either exclusive or mutual; that is, where a final decision is or is not to be taken by one organ without a decision to be taken in the same matter by the other. The proceedings in these instances fall into three broad categories.

The first category, treated in section A, includes practices and proceedings in relation to 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 in this section was found for the period covered by this *Supplement*. The section, therefore, contains only a note concerning notifications by the Secretary-General to the General Assembly under Article 12, paragraph 2, of the Charter.

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

The third category, dealing with cases where the final decision depends upon action to be taken by both the organs concurrently, such as the election of Members of the

International Court of Justice, is treated in section E.¹ A tabulation giving an account of the relations of the Security Council with subsidiary organs of the General Assembly has been introduced in section F. There was no constitutional discussion bearing on these relations during the period under review. The heading of section G as in the previous *Supplement* contains a tabulation of recommendations to the Security Council adopted by the General Assembly in the form of resolutions. Section H contains references to the annual and special reports of the Security Council to the General Assembly.

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

"Article 12 of the Charter"

"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."

¹ Case 1.

[*Note:* During the period under review, there was no discussion in the Security Council on the question of the respective competence of the Security Council and the General Assembly to deal with a matter relating to the maintenance of international peace and security, which the Security Council had considered and then referred to the General Assembly.]

Notifications to the General Assembly under Article 12, paragraph 2, by the Secretary-General, with the consent of the Security 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 which 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.²

Matters being dealt with by the Security Council have been listed in the notification, since 1951, in two categories: (1) matters which are being dealt with by the Council and which have been discussed during the period since the last notification, and (2) 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 Security Council during the period under review. Nor did the Security Council call an emergency special session of the General Assembly.]

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

² For retention or deletion of items from the Secretary-General's Summary Statement, see chapter II, part IV, section B.

****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**

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

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

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

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

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

"Article 4

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

"Article 8

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

"Article 10

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

"2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

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

"Article 11

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

"Article 12

"1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six

members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

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

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

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

"Article 14

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

PROVISIONAL RULES OF PROCEDURE

Rule 61

Relations with other United Nations Organs

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

CASE I

At the 1671st meeting on 30 October 1972, the Security Council proceeded to the election of five Members of the International Court of Justice to fill the seats which were to become vacant on 5 February 1973.³ Prior to the balloting,

³ 1671st meeting, para. 1.

the President (France) referring to the memorandum⁴ submitted by the Secretary-General, stated that, in accordance with Article 10, paragraph 1, of the Statute of the Court, the candidates who obtained an absolute majority of votes both in the General Assembly and in the Security Council, would be considered elected as a Member of the Court. He further reminded the Council that the required majority in the Security Council was eight votes. However, should there be more than five candidates obtaining the required majority, a new vote on all candidates would be taken according to the procedure which had been followed in the past and which was outlined in paragraph 14 of the Secretary-General's memorandum.

At the first and second votes by secret ballot more than five candidates had obtained absolute majority and consequently none of them had been elected. At the third ballot, five candidates had received the required majority. The President thereupon stated that he would transmit the results of the election to the President of the General Assembly, and asked the Council to remain in suspended session until the President of the General Assembly had informed the Council of the results of the voting in the Assembly.⁵ After a brief suspension of the meeting, the President announced that he had received a letter from the President of the General Assembly informing the Council that five candidates had been elected Members of the International Court of Justice by the General Assembly at its 2075th plenary meeting. The President then stated that inasmuch as the same candidates had also received the majority of votes in the Security Council, they had been elected Members of the International Court of Justice for a term of office of nine years, beginning on 6 February 1973.⁶

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 Security Council. The tabulation below gives an account of communications from those organs, of their participation in some of the Security Council discussions, and of resolutions adopted by the Council containing references to those organs.]

⁴ S/10774. Also circulated as document A/8744, see GAOR, 27th session ann., *a.i.* 18.

⁵ 1671st meeting, para. 8.

⁶ 1671st meeting, para. 9-10.

I. COMMUNICATIONS FROM SUBSIDIARY ORGANS ESTABLISHED BY THE GENERAL ASSEMBLY

a. Communications from the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

| <i>Document symbol</i> | <i>Date</i> | <i>Subject</i> |
|------------------------|-------------|---|
| S/10624 | 16.4.72 | transmitting the text of resolution A/AC.109/400 dated 13 April 1972 and other documents pertaining to the Committee's Special Mission to the Liberated areas of Guinea (Bissau). |

| <i>Document symbol</i> | <i>Date</i> | <i>Subject</i> |
|------------------------|-------------|--|
| S/10633 | 8.5.72 | <i>transmitting</i> the text of resolution A/AC.109/402 dated 20 April 1972, drawing the attention of the Security Council (para. 10) to the critical situation resulting from the policies of Portugal in the Territories under its domination. |
| S/10959 | 25.6.73 | <i>transmitting</i> the text of a statement by which the Special Committee again drew the attention of the Security Council to the situation resulting from the repression of the people of Zimbabwe by the illegal régime of Southern Rhodesia. |
| S/10960 | 25.6.73 | <i>transmitting</i> the text of resolution A/AC.109/424 dated 22 June 1973, drawing the attention of the Security Council (para. 10) to the urgent need for taking effective steps to implement General Assembly resolution 1514 (XV) and related decisions of the United Nations. |
| S/11247 | 29.3.74 | <i>transmitting</i> the text of resolution A/AC.109/439 dated 15 March 1974 drawing again the attention of the Security Council (para. 10) to the urgent need for taking effective steps to implement General Assembly resolution 1514 (XV) and related decisions of the United Nations. |
| S/11261 | 11.4.74 | <i>transmitting</i> the text of resolution A/AC.109/445 dated 5 April 1974 drawing the attention of the Security Council (para. 7) to the situation in Cape Verde as a result of the continued Portuguese colonial domination. |

b. Communications from the Special Committee on Apartheid

| | | |
|---------|----------|--|
| S/10680 | 5.6.72 | <i>submitting</i> a note on developments concerning the military build-up in South Africa and the violation of the arms embargo by certain states. |
| S/11000 | 14.9.73 | <i>transmitting</i> the text of a statement dated 13 September 1973 in connexion with the murder by the South African police of a number of African mineworkers. |
| S/11005 | 2.10.73 | <i>transmitting</i> a special report dated 2 October 1973 stating that the Security Council should take decisive steps, under Chapter VII of the Charter, to secure implementation of the arms embargo against South Africa. |
| S/11328 | 2.7.74 | <i>transmitting</i> a report dated 27 June 1974 expressing its concern over the repeated killing of African miners by the South African police and calling for speedy action by the international community and Governments to sign and ratify the International Convention on the Suppression and Punishment of the Crime of <i>Apartheid</i> . |
| S/11537 | 11.10.74 | <i>transmitting</i> the special report (A/9780) on violations of the Charter and resolutions of the General Assembly and the Security Council by the South African régime. |

****c. Communications from the United Nations Council for Namibia**

2. PARTICIPATION BY 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 Security Council meetings</i> |
|---|---|--|--|
| Special Committee on <i>Apartheid</i> . Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; and the United Nations Council for Namibia | 1628th mtg. | Consideration of Questions Relating to Africa of which the Security Council is Currently Seized and Implementation of the Council's Relevant Resolutions | 28 January-4 February 1972, 1627th - 1639th meetings |
| United Nations Council for Namibia | 1656th mtg. | The situation in Namibia | 31 July-1 August 1972, 1656th - 1657th meetings |
| United Nations Council for Namibia | 1678th mtg. | The situation in Namibia | 28 November-3 December 1972, 1678th - 1682nd meetings |
| Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Special Committee on <i>Apartheid</i> | 1699th mtg. | Consideration of Measures for the Maintenance and Strengthening of International Peace and Security in Latin America in conformity with the Provisions and Principles of the Charter | 19-21 March 1973, 1699th - 1704th meetings |
| United Nations Council for Namibia | 1756th mtg. | The situation in Namibia | 10-11 December 1973, 1756th - 1758th meeting |
| United Nations Council for Namibia | 1811th mtg. | The situation in Namibia | 17 December 1974, 1811th - 1812th meetings |

3. RESOLUTIONS ADOPTED BY THE SECURITY COUNCIL CONTAINING REFERENCES
TO SUBSIDIARY ORGANS OF THE GENERAL ASSEMBLY

| <i>Resolution No.</i> | <i>Date of adoption</i> | <i>Agenda item</i> | <i>Relevant paragraphs</i> |
|-----------------------|-------------------------|---|--|
| 310 (1972) | 4.2.72 | The situation in Namibia | "Taking note of the statement of the President of the United Nations Council for Namibia," ^a (preamb. para. 2) |
| 311 (1972) | 4.2.72 | The question of race conflict in South Africa resulting from the policies of <i>apartheid</i> of the Government of the Republic of South Africa | "Taking note of the statement of the representative of the Special Committee on <i>Apartheid</i> ," ^b (preamb. para. 3) |
| 312 (1972) | 4.2.72 | Question concerning the situation in Territories under Portuguese Administration | "Taking note of the Statement of 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," ^c (preamb. para. 3) |
| 322 (1972) | 22.11.72 | Question concerning the situation in Territories under Portuguese Administration | "Taking note of the reports 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," ^d (preamb. para. 4) |
| 353 (1973) | 22.5.73 | Question concerning the situation in Southern Rhodesia | "Taking note of the letter dated 27 April 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 (S/10923)," ^e (preamb. para. 6) |
| 366 (1974) | 17.12.74 | The situation in Namibia | "Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, by which the Assembly terminated South Africa's Mandate over the Territory of Namibia, and resolution 2248 (S-V) of 19 May 1967, by which it established a United Nations Council for Namibia, as well as all subsequent General Assembly resolutions on Namibia, in particular resolution 3295 (XXIX) of 13 December 1974," (preamb. para. 1) |

^a For the text of the statement, see 1628th meeting, intervention by Mr. Shahi.

^b For the text of the statement, see *ibid.*, intervention by Mr. Seignoret.

^c For the text of the statement, see 1629th meeting (PV), intervention by Mr. Salim.

^d See *GAOR, 27th session, Suppl. No. 23 (A/8723/Rev.1)*, chapters II, III and X.

^e By this letter the Special Committee transmitted to the Security Council the text of a resolution adopted by the Special Committee at its 911th meeting. For the text of that resolution, see *GAOR, 28th session, Suppl. No. 23, chap. VII*.

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 Security Council⁷ regarding items which were already

⁷ The General Assembly in one instance has also made a recommendation to some of the permanent members of the Security Council on the question of Southern Rhodesia. Operative paragraph 7 of General Assembly resolution 3298 (XXIX) adopted at the 2318th plenary meeting on 13 December 1974, reads as follows: "Appeals to those permanent members of the Security

on the agenda of the Council. As in the previous Supplement of the *Repertoire* an appropriate heading has been established for the last column of the tabulation below related to the action taken by the Council in connexion with such recommendations].

Council whose negative votes on various proposals relating to the question have continued to obstruct the effective and faithful discharge by the Council of its responsibilities under the relevant provisions of the Charter to reconsider their negative attitude with a view to the elimination forthwith of the threat to international peace and security resulting from the explosive situation obtaining in the Territory".

TABULATION OF RECOMMENDATIONS

| <i>Entry No.</i> | <i>General Assembly resolutions</i> | <i>Subject of recommendations</i> | <i>Action by the Security Council</i> |
|------------------|-------------------------------------|--|---|
| 1. | 2923E (XXVII) 15 November 1972 | The policies of <i>apartheid</i> of the Government of South Africa | None |
| 2. | 2946 (XXVII) 7 December 1972 | Question of Southern Rhodesia | Taken up for consideration at the 1712th meeting at the request of Guinea and Kenya dated 8 May 1973 (S/10925) ^a |

| Entry No. | General Assembly resolutions | Subject of recommendations | Action by the Security Council |
|-----------|------------------------------------|--|---|
| 3..... | 3031 (XXVII) 18 December 1972 | Question of Namibia | Taken up for consideration at the 1756th meeting at the request of Guinea, Kenya and Sudan dated 4 December 1973 (S/11145) ^a |
| 4..... | 3111 (XXVIII) 12 December 1972 | Question of Namibia | None |
| 5..... | 3113 (XXVIII) 12 December 1973 | Question of Territories under Portuguese Administration | None |
| 6..... | 3116 (XXVII) 12 December 1973 | Question of Southern Rhodesia | None |
| 7..... | 3151G (XXVIII) 14 December 1973 | The policies of <i>apartheid</i> of the Government of South Africa | None |
| 8..... | 3283 (XXIX) 12 December 1974 | Peaceful settlement of International disputes | None |
| 9..... | 3295 (XXIX) 13 December 1974 | Question of Namibia | Taken up for consideration at the 1811th meeting at the request of Upper Volta dated 13 December 1974 (S/11575) ^a |
| 10..... | 3324 (XXIX) 16 December 1974 | Policies of <i>apartheid</i> of the Government of South Africa | None |

^a No inference is intended that the action of the Security Council in this instance has been 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 Security Council has continued, during the period under review, to submit annual reports to the General Assembly.⁸

⁸ Annual reports were approved by the Security Council at the following meetings held in private: 28th report, 1670th meeting, 24 October 1972; 29th report, 1753rd meeting, 31 October 1973; 30th report, 1805th meeting, 29 October 1974.

It further transmitted to the General Assembly its recommendations concerning several applications for membership,⁹ 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 General Assembly concerning the question of admission of a new Member, in accordance with paragraph 3 of rule 60 of the provisional rules of procedure.]

⁹ German Democratic Republic and Federal Republic of Germany (A/9080, 22 June 1973); Bahamas (A/9097, 18 July 1973); Bangladesh (A/9642, 10 June 1974); Grenada (A/9652, 21 June 1974); and Guinea-Bissau (A/9712, 12 August 1974). For the consideration of the aforementioned applications by the Security Council, see chapter VII, pp. 73.

Part II

**RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL

Part III

RELATIONS WITH THE TRUSTEESHIP COUNCIL

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

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

During the period under review, no questionnaires have been transmitted to the Security Council by the Trusteeship Council. The report of the latter body on the exercise

of its functions in respect of the strategic areas under trusteeship, have, therefore, continued to be based on the revised questionnaire transmitted to the Security Council on 24 July 1953.¹⁰

Between 1 January 1972 and 31 December 1974, the Secretary-General transmitted to the Security Council the following reports of the Trusteeship Council on the Trust

¹⁰ 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.

Territory of the Pacific Islands, which has continued to be the only Territory designated as a strategic area:

Twenty-fourth report adopted during the thirty-ninth session of the Trusteeship Council, 16 June 1972.¹¹

¹¹ S/10753, *OR*, 27th yr., *Special Supplement No. 1*, pp. 1-65.

Twenty-fifth report adopted during the fortieth session of the Trusteeship Council, 22 June 1973.¹²

Twenty-sixth report adopted during the forty-first session of the Trusteeship Council, 14 June 1974.¹³

¹² S/10976, *OR*, 28th yr., *Special Supplement No. 1*, pp. 1-86.

¹³ S/11415, *OR*, 29th yr., *Special Supplement No. 1*, pp. 1-71.

Part IV

**RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Part V

**RELATIONS WITH THE MILITARY STAFF COMMITTEE

Chapter VII

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

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INTRODUCTORY NOTE

In the previous *Supplements* of the *Repertoire*, this chapter was entitled Practices Relative to Recommendations to the General Assembly regarding the Admission of New Members. In the present volume, the title of the chapter has been changed and a new part VII has been added, because it was necessary to deal with instances in which the deliberations of the Security Council focused on the Charter provisions regarding suspension or expulsion of Members of the United Nations (Case 5). The rest of the material covered in this chapter is dealt with on lines similar to those followed in the 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.

The proceedings of the Council in respect of admission of new Members from 1 January 1972 to 31 December 1974 have on one occasion involved a constitutional debate related to the applicant's eligibility for membership in the United Nations. There have been no procedural discussions with regard to the reference of applications to the Committee on Admission of New Members.

The Council has not adopted new rules of procedure nor amended the existing rules relating to the admission of new Members. However, there has been a discussion in the Council concerning the applicability of rules 59 and 60 of the Provisional Rules of Procedure, which has been included under Part II of this Chapter.

Part I

TABLE OF APPLICATIONS, 1972-1974, AND OF ACTIONS TAKEN THEREON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY

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 1972-31 December 1974, the Security Council recommended the following States for admission to membership in the United Nations:

- (i) At the 1730th meeting on 22 June 1973, the German Democratic Republic and the Federal Republic of Germany were recommended without a vote.
- (ii) At the 1732nd meeting on 18 July 1973, the Bahamas was unanimously recommended.
- (iii) At the 1776th meeting on 10 June 1974, Bangladesh was recommended without a vote.
- (iv) At the 1778th meeting on 21 June 1974, Grenada was unanimously recommended.
- (v) At the 1791st meeting on 12 August 1974, the Republic of Guinea-Bissau was unanimously recommended.

B. APPLICATIONS WHICH FAILED TO OBTAIN A RECOMMENDATION

During the period under review all applications for admission have obtained the Council's recommendation with the only exception of the application of Bangladesh¹ which failed to obtain it upon its initial consideration but was recommended upon reconsideration.

C. DISCUSSION OF THE QUESTION IN THE COUNCIL FROM 1972-1974

[As in the previous five supplements, beginning with 1956-1958 supplement, the system of grouping the discussion under "debates", used for the sake of convenience in the volumes prior to 1956, is not followed in the present chapter.]

The Council held a total of thirteen meetings² to consider applications for admission during this period of three years. In all cases, the discussion involved applications of newly independent States.

¹ At the 1660th meeting on 25 August 1972, Bangladesh failed to obtain a recommendation for admission owing to the negative vote of a permanent member. The application was reconsidered and a recommendation was adopted at the 1776th meeting.

² 1658th (10 August 1972), 1659th (24 August 1972), 1660th (25 August 1972), 1729th (21 June 1973), 1730th (22 June 1973), 1731st (17 July 1973), 1732nd (18 July 1973), 1775th (7 June 1974), 1776th (10 June 1974), 1777th (17 June 1974), 1778th (21 June 1974), 1790th (8 August 1974), 1791st (12 August 1974).

D. APPLICATIONS PENDING ON 1 JANUARY 1972

| <i>Applicant</i> | <i>Date of application</i> | <i>Document</i> |
|---|-------------------------------|--|
| Republic of Korea | 19 January 1949 | <i>OR, Suppl. for Feb. 1949, 4th yr.</i> |
| Democratic People's Republic of Korea | 9 February 1949 | <i>OR, 12, 4th yr., p. 18 (S/1247)</i> |
| Viet-Nam | 17 December 1951 | <i>OR, 7th yr., Suppl. for Jan.-March, 1952, p. 1 (S/2446)</i> |
| Democratic Republic of Viet-Nam . . (i) | 22 November 1948 ^a | <i>OR, 7th yr., Suppl. for July-Sept. 1952, pp. 57-58 (S/2780)</i> |
| | (ii) 29 December 1951 | <i>OR, 7th yr., Suppl. for Jan.-Mar. 1952, pp. 3-4 (S/2466)</i> |

^a Circulated on 17 September 1952 as S/2780 (see *Repertoire of the Practice of the Security Council, Supplement 1952-1955*, p. 91, Case 1)

E. APPLICATIONS SUBMITTED BETWEEN 1 JANUARY 1972 AND 31 DECEMBER 1974^a

| <i>Applicant</i> | <i>Date of application</i> | <i>Document^b</i> |
|---------------------------------------|----------------------------|--|
| (XXV) in 1972 Bangladesh | 8 August 1972 | <i>OR, 27th yr., Suppl. for July-Sept. 1972, pp. 85-86 (S/10759)</i> |
| (XXVI) in 1973 | | |
| German Democratic Republic | 12 June 1973 | <i>OR, 28th yr., Suppl. for Apr.-June 1973, p. 72 (S/10945)</i> |
| Federal Republic of Germany | 13 June 1973 | <i>OR, 28th yr., Suppl. for Apr.-June 1973, p. 74 (S/10949)</i> |
| Bahamas | 10 July 1973 | <i>OR, 28th yr., Suppl. for July-Sept. 1973, p. 15 (S/10966)</i> |
| (XXVII) in 1974 | | |
| Grenada | 30 May 1974 | <i>OR, 29th yr., Suppl. for Apr.-June 1974, p. 151 (S/11311)</i> |
| Republic of Guinea-Bissau | 16 July 1974 | <i>OR, 29th yr., Suppl. for July-Sept. 1974, p. 70 (S/11393)</i> |

^a The material set forth in this table is a continuation, for the period covered by this *Supplement*, of the historical data included in part III of earlier volumes concerning presentation of applications.

^b Includes the formal declaration in each case.

F. VOTES IN THE SECURITY COUNCIL (1972-1974) ON DRAFT RESOLUTIONS AND AMENDMENTS CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

| <i>Draft resolution</i> | <i>Subject of vote</i> | <i>Meeting and date</i> | <i>Result of vote^a</i> | <i>Participation by Non-Members of the Security Council</i> |
|---|------------------------|-------------------------|-----------------------------------|---|
| <i>Bangladesh, China d.r. (S/10768) on postponement of consideration of admission</i> | Same | 1660th, 25.8.72 | 3-3-9 | |
| <i>Bangladesh, Guinea, Somalia and Sudan, amendment (S/10775) to d.r. (S/10771) – See below</i> | | 1660th, 25.8.72 | 4-4-7 | |
| <i>Bangladesh, India, USSR, United Kingdom and Yugoslavia d.r. (S/10771) recommending admission</i> | Same | 1660th, 25.8.72 | 11-1-3 | |
| <i>German Democratic Republic and the Federal Republic of Germany, Committee on the Admission of New Members d.r. (S/10957)</i> | Same | 1730th, 22.6.73 | Adopted without a vote | |
| <i>Bahamas, Committee on the Admission of New Members (S/10968) recommending admission</i> | Same | 1732nd, 18.7.73 | Unanimously adopted | |

^a Both the subject and the result of the vote are usually given in the form announced by the President.

| <i>Draft resolution</i> | <i>Subject of vote</i> | <i>Meeting and date</i> | <i>Result of vote^a</i> | <i>Participation by Non-Members of the Security Council</i> |
|--|------------------------|-------------------------|-----------------------------------|--|
| <i>Bangladesh, Committee on the Admission of New Members d.r. (S/11316) recommending admission</i> | Same | 1776th, 10.6.74 | Adopted without a vote | Algeria, Bhutan, Egypt, India, Pakistan |
| <i>Grenada, Committee on the Admission of New Members d.r. (S/11322) recommending admission</i> | Same | 1778th, 21.6.74 | Unanimously adopted | |
| <i>Guinea-Bissau, Committee on the Admission of New Members of New Members d.r. (S/11437)</i> | Same | 1791st, 12.8.74 | Unanimously adopted | 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, Algeria, Guinea, Portugal, Somalia, Togo, Yugoslavia. |

G. VOTES IN THE GENERAL ASSEMBLY (1972-1974) ON DRAFT RESOLUTIONS CONCERNING SECURITY COUNCIL RECOMMENDATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

| <i>Applications and G.A. resolutions</i> | <i>Plenary meeting and date</i> | <i>Vote</i> | <i>Result of proceedings</i> |
|---|---------------------------------|-------------|------------------------------|
| 1972 | | | |
| (None) | | | |
| 1973 | | | |
| German Democratic Republic and the Federal Republic of Germany ^a | 2117th, plen. mtg., 18.9 | Unanimous | Admitted |
| Bahamas ^b | 2117th, plen. mtg., 18.9 | Unanimous | Admitted |
| 1974 | | | |
| Bangladesh ^c | 2233rd plen. mtg., 17.9 | Unanimous | Admitted |
| Grenada ^d | 2233rd plen. mtg., 17.9 | Unanimous | Admitted |
| Republic of Guinea-Bissau ^e | 2233rd plen. mtg., 17.9 | Unanimous | Admitted |

^a Resolution 3050 (XXVIII)

^b Resolution 3051 (XXVIII)

^c Resolution 3203 (XXIX)

^d Resolution 3204 (XXIX)

^e Resolution 3205 (XXIX)

Part II

CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 58, 59 AND 60 OF THE PROVISIONAL RULES OF PROCEDURE

NOTE

The case below deals mainly with the interpretation of the provision of rule 60 that the Security Council shall make its recommendation not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session, and that, in special circumstances, the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of these time-limits.

CASE 1

At the 1659th meeting on 24 August 1972, in connexion with the application of the People's Republic of Bangladesh for admission, after the representative of Sudan

had formally moved that the Council adjourn for 24 hours without voting on the two draft resolutions³ to enable consultations to take place, the representative of India took the floor to oppose the move. After asserting that enough consultations had already taken place, he pointed out that under rule 60 of the provisional rules of procedure the next day was the last day that the Council could make its recommendations.

The representative of the USSR also stated that the Council was facing a deadline and failure to act within that time-limit would oblige the Council "to have recourse to a violation of rule 60 of the provisional rules of procedure."

The representative of Somalia, supporting the proposal for adjournment declared that the Council was the master

³ S/10768 and Corr.1; S/10771.

of its own procedures and as such the Council had discretionary powers to set aside time-limits under rule 60 when warranted by special circumstances.

The representative of Sudan stated that so far as rule 60 was concerned 'I think that something could be done to extend the time-limit if that is needed, because the use of

such a rule as a gimmick to defer consideration of the subject is not in our line of thinking."⁴

⁴ For texts of relevant statements, see 1659th meeting: India, paras. 128-129, 164; Somalia, paras. 131-133, 152-153; Sudan, para. 177; USSR, para. 142. At the same meeting the motion of Sudan was adopted by 9 votes in favour to 4 against, with 2 abstentions.

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 1972 and 31 December 1974 which appears in part I, section E, of the Table of Applications. Therefore, to avoid duplication, the historical 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 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 six applications were referred by the President to the Committee under the provision of rule 59, that unless the Security Council decides otherwise, new applications shall be referred by the President to the Committee on the Admission of New Members. However, on one occasion the Security Council reconsidered an application which initially failed to win the recommendation of the Council.⁵ Discussion in the Council dealt mainly with the application of Article 4 of the Charter.⁶

A. BEFORE A RECOMMENDATION HAS BEEN FORWARDED OR A REPORT SUBMITTED TO THE GENERAL ASSEMBLY

I. Applications referred to the Committee by the President

CASE 2

At the 1729th meeting on 21 June 1973, in connexion with the applications of the German Democratic Republic and the Federal Republic of Germany, the President (USSR), stated :

⁵ Case 4.

⁶ Case 3.

2. As we all know, under rule 59 of the provisional rules of procedure of the Security Council, unless the Security Council decides otherwise, an application for membership in the United Nations shall be referred by the President of the Security Council to the Committee on the Admission of New Members.

3. Consultations between members of the Security Council have resulted in an understanding that in the present case both applications for admission to membership in the United Nations should be transmitted to the Committee on the Admission of New Members without being discussed at today's meeting of the Council. Accordingly, if there are no other suggestions or proposals, I should like to request that the Security Council Committee on the Admission of New Members should meet immediately after today's Council meeting in order to examine each of these applications separately and thereafter report to the Council its conclusions on the two applications and its proposals for a final decision on this matter by the Council.

The applications of the German Democratic Republic and the Federal Republic of Germany were referred to the Committee by the President.⁷

CASE 3

At the 1658th meeting on 10 August 1972, in connexion with the application of Bangladesh, the representative of China, speaking in reference to the applicability of

⁷ 1729th meeting, paras. 2-4. The applications submitted by the Bahamas, Grenada and the Republic of Guinea-Bissau were also referred to the Committee by the President in the absence of objections to refer to the Committee and in the absence of other proposals of a procedural nature; 1731st meeting, para. 6 (Bahamas); 1777th meeting, paras. 1-3 (Grenada); 1790th meeting, paras. 1-2 (the Republic of Guinea-Bissau).

Article 4 of the Charter, maintained that, in view of the circumstances that prevailed in the Indian subcontinent, it would be contrary to the principles of the Charter and the resolutions adopted by the General Assembly and the Security Council, to consider the application for admission of Bangladesh.⁸

He further added:

... before the true implementation of the relevant United Nations resolutions, and pending a reasonable settlement of the issues between India and Pakistan and between Pakistan and Bangladesh, Bangladesh is not at all qualified to be admitted into the United Nations, and the Security Council's consideration of Bangladesh's application for membership in the United Nations is entirely out of the question. ... When one refuses to implement the relevant resolutions of the United Nations, how can one possibly speak of "accepting the obligations contained in the present Charter" and of being "able and willing to carry out those obligations".

The representative of the USSR then stated:

As far as the questions raised in the Chinese representative's statement are concerned, we should like to point out the following. To put forward as a condition for the admission of Bangladesh to the United Nations that Bangladesh should first implement United Nations resolutions is artificial and completely unjustified. As we are all aware, the United Nations Charter lays down no conditions for the admission of a State to membership in the United Nations other than those contained in Article 4, paragraph 1 of which states: "Membership in the United Nations is open to all other peace-loving States which accept the obligations contained in the present Charter and, in the judgement of the Organization, are able and willing to carry out these obligations." There can be no doubt that the People's Republic of Bangladesh fulfils all the requirements listed in Article 4, paragraph 1. It is an independent, sovereign and peace-loving State which pursues a policy of non-alignment and friendly co-operation aimed at easing international tension.⁹

⁸ Resolution 2793 (XXVI), resolution 307 (1971).

⁹ For relevant statements, see: 1658th meeting: China, para. 83; USSR, p. 98.

After further discussion, the application of Bangladesh was referred to the Committee by the President.¹⁰

****2. Applications referred to the Committee by decision of the Security Council**

****3. Applications considered by the Security Council without reference to the Committee**

4. Applications reconsidered by the Security Council after reference to the Committee

CASE 4

At the 1775th meeting in connexion with the reconsideration of the application of Bangladesh, the President (Mauritania) stated:

From the consultations begun by my predecessor and continued by me it emerged that members of the Council were generally prepared to re-examine the request from the People's Republic of Bangladesh

I believe that members of the Council will agree that in examining the request for admission from Bangladesh the Council should follow its normal practice, that is to say, refer this request to the Committee on the Admission of New Members in accordance with rule 59 of the provisional rules of procedure.

The application of Bangladesh was then referred to the Committee by the President.¹¹

****B. AFTER AN APPLICATION HAS BEEN SENT BACK BY THE GENERAL ASSEMBLY TO THE SECURITY COUNCIL FOR RECONSIDERATION**

¹⁰ *Ibid.*, para. 107.

¹¹ 1775th meeting, following the adoption of the agenda.

Part V

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

****A. DISCUSSION OF APPLICATIONS**

****1. Order of the discussion of applications**

****2. Documentation submitted in the Security Council**

****B. VOTING ON APPLICATIONS**

Part VI

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

Part VII

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

NOTE

In accordance with Article 5 of the Charter, a Member of the United Nations against which preventive or enforce-

ment action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. Article 6, stipulates that a

member of the United Nations which has persistently violated the Principles of the Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

Since the question of the applicability of Articles 5 and 6 has been raised for the first time in the Security Council during the period under review, it has been necessary to add this new subheading as part VII of this chapter. There has been an explicit reference to Article 6¹² in a discussion in connexion with the situation in the Middle East; and, in the case below,¹³ the applicability of Articles 5 and 6, has been the subject of a constitutional discussion during the Council's consideration of the relations between the United Nations and South Africa.

CASE 5

At the 1802nd meeting on 25 October 1974, in connexion with the relations between the United Nations and South Africa, the Security Council had before it a draft resolution¹⁴ submitted by Kenya, Mauritania and the United Republic of Cameroon and later co-sponsored by Iraq, which read as follows:

The Security Council,

Having considered General Assembly resolution 3207 (XXIX) of 30 September 1974, in which the Assembly called upon the Security Council 'to review the relationship between the United Nations and South Africa in the light of the constant violation by South Africa of the principles of the Charter and the Universal Declaration of Human Rights',

Having heard the statements of the persons invited to address the Council on this issue,

Taking note of the report of the Special Committee on Apartheid entitled 'Violations of the Charter of the United Nations and resolutions of the General Assembly and the Security Council by the South African régime' (S/11537),

Mindful of the provisions of the Charter concerning the rights and obligations of Member States, particularly those of Articles 1, 2, 6, 55 and 56,

Recalling its resolutions 134 (1960) of 1 April 1960, 181 (1963) of 7 August 1963, 182 (1963) of 4 December 1963, 190 (1964) of 9 June 1964, 282 (1970) of 23 July 1970 and 311 (1972) of 4 February 1972, on the question of the policies of *apartheid* of the Government of the Republic of South Africa,

Reaffirming that the policies of *apartheid* are contrary to the principles and purposes of the Charter and inconsistent with the provisions of the Universal Declaration of Human Rights, as well as South Africa's obligations under the Charter,

Recalling that the General Assembly and the Security Council have more than once condemned the South African Government for its persistent refusal to abandon its policies of *apartheid* and to abide by its obligations under the Charter, as called for by the Council and the Assembly,

Noting with concern South Africa's refusal to withdraw its police and military forces, as well as its civilian personnel, from the Mandated Territory of Namibia and to co-operate with the United Nations in enabling the people of Namibia as a whole to attain self-determination and independence,

Noting further that, in violation of the pertinent resolutions of the Security Council, particularly resolution 253 (1968) of 29 May 1968, South Africa has not only given support to the illegal régime in Southern Rhodesia, but has also sent into that Territory military and police personnel for the purpose of strengthening that régime in

its attempt to impede the exercise by the people of the Territory of their inalienable rights,

Considering that effective measures should be taken to resolve the present situation arising out of the policies of *apartheid* of the Government of South Africa,

Recommends to the General Assembly the immediate expulsion of South Africa from the United Nations in compliance with Article 6 of the Charter.

At the 1806th meeting on 29 October 1974, the representative of Kenya introduced the four-Power draft resolution, which had already been circulated, and stated that for over three decades South Africa had defied the United Nations Charter, over 100 resolutions adopted by the General Assembly and all Security Council resolutions, including resolutions 134 (1960), 181 and 182 (1963), 190 and 191 (1964), and 311 (1972) relating to its racial policies. Considering that South Africa had refused to co-operate in any way with the Council during the 15 years the Council had been seized of the question of *apartheid*, he added that since South Africa, beginning in 1948, had adopted policies that were clearly incompatible with its obligations as a Member of the United Nations, the Security Council, under Article 6, should recommend to the General Assembly its expulsion from membership in the Organization.

The representative of Kenya rejected the South African argument that its racial policies were an internal matter and that under Article 2, paragraph 7, the United Nations had no right to interfere in its domestic affairs. He recalled that the Council had expressed grave concern that the situation in South Africa seriously disturbed international peace and security in southern Africa, and that it had been condemned on frequent occasions for failing to comply with the Council decisions on Namibia and on Southern Rhodesia, in violation of Article 25 of the Charter. In view of South Africa's total defiance of the decisions and requests of the United Nations and its organs, South Africa did not deserve anything other than expulsion from the Organization in accordance with Article 6. The argument that South Africa's expulsion would violate the principle of universality of membership could not be accepted because the continued presence of South Africa in the United Nations would compromise the Charter and thereby erode the very basis on which the Organization was founded.¹⁵

At the 1802nd meeting on 25 October 1974, the representative of Barbados suggested that the Council set a date by which South Africa would have to report to the Council its complete withdrawal from Namibia. In accordance with Article 40 of the Charter, the Council might call upon South Africa to comply with certain provisional measures in connexion with the withdrawal. Thus, the condition for the application of the provisions of Article 5

¹⁵ 1806th meeting: intervention by Kenya. Similar views were expressed by the following representatives: 1796th meeting: Sierra Leone*, Somalia*, Tunisia*, 1797th meeting: Egypt*, Mauritius*, Nigeria*, Syrian Arab Republic*, Zaire*, 1798th meeting: Algeria*, Bangladesh*, Dahomey*, Guyana*, 1800th meeting: Cuba*, Uganda*, Yugoslavia*, 1801st meeting: Madagascar*, United Arab Emirates*, 1802nd meeting: Barbados*, India*, Pakistan*, 1803rd meeting: Kuwait*, Mali*, Romania*, United Republic of Tanzania*, 1804th meeting: Guinea*, Libyan Arab Republic*, People's Republic of the Congo*, Upper Volta*, 1806th meeting: China, Mauritania, Morocco*, Peru, USSR, 1807th meeting: Byelorussian SSR, Indonesia, Iraq, 1808th meeting: United Republic of Cameroon.

¹² 1651st meeting (PV): Syrian Arab Republic, para. 195.

¹³ Case 5.

¹⁴ S/11543.

would be fulfilled, and the Council could recommend to the General Assembly the suspension of South Africa; its expulsion, if necessary, would be the next step.¹⁶

At the 1808th meeting on 30 October 1974, the representative of Costa Rica also expressed grave reservations about taking such a drastic step as expulsion at this point and proposed the gradual application of a régime of sanctions against South Africa as well as its immediate suspension from membership, until it ended the policies of *apartheid* and its defiance of the United Nations decisions regarding Namibia.¹⁷

At the same meeting, the representative of the United Kingdom stated that his delegation was not willing to accept the argument that it was the function of the Council to recommend the expulsion of South Africa because the vast majority of the General Assembly was in favour of such a measure; under the Charter and following the Assembly's request the Council was obliged to arrive at its own decision. He warned against the misrepresentation that whoever opposed South Africa's expulsion endorsed *apartheid*; his country condemned *apartheid* as an evil system, but maintained its preference for the application of the procedure stipulated in the Charter for the peaceful

settlement of disputes. His delegation would support expulsion if it would help remedy the situation in South Africa and thereby serve the objective of the United Nations. But in the opinion of his delegation the expulsion would contribute nothing to the solution of the problem, but instead encourage the most illiberal elements in South Africa to pursue stubbornly the evil course of *apartheid*. The objective was not to purge the United Nations, but to persuade the South African Government to change its policies. In conclusion the representative of the United Kingdom underlined the principle of universality which his delegation would not sacrifice lightly, and stressed that the application of Article 6 of the Charter was a very last resort, when all hope of remedying the situation had vanished.¹⁸

At the same meeting, the four-Power draft resolution was put to the vote. It obtained 10 votes in favour, and 3 against, with 2 abstentions. It failed of adoption owing to the negative vote of three permanent members of the Council.¹⁹

¹⁸ 1808th meeting: intervention by the United Kingdom. Similar views were expressed at the same meeting by the representatives of France, and the United States.

¹⁹ 1808th meeting: prior to the concluding statement by the President.

¹⁶ 1802nd meeting: intervention by Barbados.

¹⁷ 1808th meeting: intervention by Costa Rica.

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 this *Supplement* are the same as for the previous volumes of the *Repertoire*. Those volumes should be consulted for a full statement of such principles.

Chapter VIII 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 which may be deemed to fall under chapters VI and VII of the Charter. In chapters X, XI and XII of the *Repertoire* is presented ancillary material from the Official Records bearing on relevant Articles of the Charter. 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 to XII may be considered. The chapter is, therefore, an aid to the examination of the deliberations of the Council expressly related to the provisions of the Charter within the context of the chain of proceedings on the agenda item.

The questions are dealt with in the chronological order of their inclusion in the agenda of the Council.¹ The complaint by Cuba,² the complaint by Iraq,³ the complaint by Senegal,⁴ the situation in Territories under Portuguese administration,⁵ the question of race conflict in South Africa,⁶ the situation in Southern Rhodesia,⁷ the situation

in Cyprus,⁸ the situation in the Middle East,⁹ the situation in Namibia,¹⁰ and the complaint by Zambia,¹¹ however, were included in the Council's agenda before the period under review and are, therefore, discussed in the order in which the Council resumed their consideration.

The framework of the material for each question is provided by the succession of affirmative and negative decisions within the purview of this chapter. Decisions related to the subject matter of chapters I-VI of the *Repertoire* are, as a rule, omitted as not relevant to the purpose of this chapter or of the ancillary chapters X-XII. The decisions are entered in uniform manner. Affirmative decisions are entered under a heading indicative of the content of the decision, and negative decisions are entered under a heading indicative solely of the origin of the proposal or draft resolution. Affirmative decisions have been reproduced in full as constitutive of the practice of the Council, while negative decisions are indicated in summarized form. Where the negative decision relates to a draft resolution in connexion 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 to 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 Security Council.

¹ For a tabulation of the data on submission, see chapter X, part III. As indicated in the editorial note, the questions included in the agenda of the Council during the years 1972-1974 appear under conventional short titles.

² *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, pp. 184-185, 188-189, 196-197, 199-201, 201-204.

³ *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, pp. 192-193.

⁴ *Ibid.*, *Supplement 1959-1963*, pp. 204-206; *ibid.*, *Supplement 1964-1965*, pp. 153-154; *ibid.*, *Supplement 1969-1971*, pp. 140-145.

⁵ *Ibid.*, *Supplement 1959-1963*, pp. 209-213; *ibid.*, *Supplement 1964-1965*, pp. 154-157.

⁶ *Ibid.*, *Supplement 1959-1963*, pp. 213-217; *ibid.*, *Supplement 1964-1965*, pp. 131-135; *ibid.*, *Supplement 1969-1971*, pp. 152-154.

⁷ *Ibid.*, *Supplement 1959-1963*, pp. 217-219; *ibid.*, *Supplement 1964-1965*, pp. 143-149; *ibid.*, *Supplement 1966-1968*, pp. 113-124; *ibid.*, *Supplement 1969-1971*, pp. 126-136.

⁸ *Ibid.*, *Supplement 1959-1963*, pp. 219-220; *ibid.*, *Supplement 1964-1965*, pp. 108-227; *ibid.*, *Supplement 1966-1968*, pp. 105-113; *ibid.*, *Supplement 1969-1971*, pp. 121-126. (formerly Complaint by the Government of Cyprus)

⁹ *Ibid.*, *Supplement 1966-1968*, pp. 134-164; *ibid.*, *Supplement 1969-1971*, pp. 109-121.

¹⁰ *Ibid.*, *Supplement 1966-1968*, pp. 164-168; *ibid.*, *Supplement 1969-1971*, pp. 99-109

¹¹ *Ibid.*, *Supplement 1969-1971*, pp. 136-139.

Part I

ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL

NOTE

As in the previous volumes of the *Repertoire*, the entries in this tabulation are restricted to a reference to the question, the date of the decision and the serial number of the decision.

I. Preliminary measures for the elucidation of fact

- A. Establishment of a special mission
Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), paras. 9, 10
Decision of 2 February 1973 (res. 327 (1973)), para. 3
- B. Conduct of an investigation of events leading to a complaint
Complaint by Iraq:
Decision of 28 February 1974 (President's statement), para. 5

II. Determination of the nature of the question

- A. Reaffirming that a situation constitutes a threat to international peace and security
Complaint by Zambia:
Decision of 10 March 1973 (res. 328 (1973)), preamble
- B. Recalling a determination that a situation constitutes a threat to international peace and security
Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), preamble
Decision of 2 February 1973 (res. 327 (1973)), preamble
- C. Concerned about a situation which has led to a serious threat to international peace and security
Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)), preamble
- D. Concerned about the deterioration of a situation, which constituted a most serious threat to peace and security in an area
Situation in Cyprus:
Decision of 16 August 1974 (res. 360 (1974)), preamble
- E. Declaring that a situation seriously disturbs international peace and security in a region
(i) Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)), preamble
(ii) Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), para. 3
- F. Concerned about incidents entailing the risk of a threat to international peace and security
Complaint by Senegal:
Decision of 23 October 1972 (res. 321 (1972)), preamble
- G. Recognizing that coercive measures may create situations likely to endanger peace and security in a region
Consideration of measures for the maintenance and strengthening of international peace and security in Latin America:
Decision of 21 March 1973 (res. 330 (1973)), preamble

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

- A. Call for cessation of hostilities and military operations
(i) Situation in territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), para. 4 (b)
Decision of 4 February 1972 (res. 312 (1972)), para. 4 (b)
(ii) Situation in the Middle East:
Decision of 28 February 1972 (res. 313 (1972))
Decision of 22 October 1973 (res. 338 (1973)), para. 1

Decision of 23 October 1973 (res. 339 (1973)), para. 1

Decision of 25 October 1973 (res. 340 (1973)), para. 1

(iii) Complaint by Senegal:

Decision of 23 October 1973 (res. 321 (1972)), para. 3

(iv) Situation in Cyprus:

Decision of 20 July 1974 (res. 353 (1974)), para. 1

Decision of 23 July 1974 (res. 354 (1974)), oper. para.

Decision of 14 August 1974 (res. 357 (1974)), para. 2

Decision of 15 August 1974 (res. 358 (1974)), para. 2

B. Call for adherence to cease-fire

Complaint by Iraq:

Decision of 28 May 1974 (res. 348 (1974)), para. 2 (a)

C. Demand to refrain from military acts

(i) Situation in the Middle East:

Decision of 26 June 1972 (res. 316 (1972)), para. 1

Decision of 21 April 1973 (res. 332 (1973)), para. 3

Decision of 24 April 1974 (res. 347 (1974)), paras. 1, 2, 4

(ii) Complaint by Iraq:

Decision of 28 February 1974 (President's statement), para. 1

D. Call for the return to previously held positions

Situation in the Middle East:

Decision of 23 October 1973 (res. 339 (1973)), para. 4

Decision of 25 October 1973 (res. 340 (1973)), para. 1

E. Demand for an immediate end to foreign military intervention

Situation in Cyprus:

Decision of 20 July 1974 (res. 353 (1974)), para. 3

F. Call to desist from acts violating the sovereignty and territorial integrity of another State

Situation in the Middle East:

Decision of 15 August 1973 (res. 337 (1973)), para. 4

Decision of 24 April 1974 (res. 347 (1974)), para. 1

G. Call to refrain from any action likely to aggravate the situation

Situation in Cyprus:

Decision of 30 August 1974 (res. 361 (1974)), para. 3

H. Call to refrain from any action which might endanger peace negotiations

Situation in the Middle East:

Decision of 24 April 1974 (res. 347 (1974)), para. 5

I. Call to refrain from any action which might endanger the lives and safety of members of a United Nations Force

Situation in Cyprus:

Decision of 15 August 1974 (res. 359 (1974)), para. 2

IV. Measures (in connexion with injunctions) to be taken by Governments and authorities directly involved in disputes and situations

A. Call for withdrawal of armed forces

(i) Situation in Territories under Portuguese administration:

Decision of 4 February 1972 (res. 312 (1972)), para. 4 (c)

(ii) Situation in the Middle East:

Decision of 28 February 1972 (res. 313 (1972))

(iii) Complaint by Zambia:

Decision of 2 February 1973 (res. 326 (1973)), paras. 5, 6

Decision of 10 March 1973 (res. 328 (1973)), para. 5

(iv) Complaint by Iraq:

Decision of 28 May 1974 (res. 348 (1974)), para. 2 (b)

(v) Situation in Cyprus:

Decision of 20 July 1974 (res. 353 (1974)), para. 4

Decision of 16 August 1974 (res. 360 (1974)), para. 2

- B. Call for restraint by the parties**
 Situation in Cyprus:
 Decision of 15 June 1972 (res. 315 (1972)), para. 2
 Decision of 12 December 1972 (res. 324 (1972)), para. 2
 Decision of 15 June 1973 (res. 334 (1973)), para. 2
 Decision of 14 December 1973 (res. 343 (1973)), para. 2
 Decision of 29 May 1974 (res. 349 (1974)), para. 2
 Decision of 20 July 1974 (res. 353 (1974)), para. 2
 Decision of 23 July 1974 (res. 354 (1974)), oper. para.
 Decision of 13 December 1974 (res. 364 (1974)), para. 3
- C. Call for release of military and civilian captives**
 Situation in the Middle East:
 Decision of 26 June 1972 (res. 316 (1972)), para. 3
 Decision of 21 July 1972 (res. 317 (1972)), para. 3
 Decision of 24 April 1974 (res. 347 (1974)), para. 4
- D. Call for release of all persons imprisoned, interned or otherwise under control**
 (i) Question of Race Conflict in South Africa:
 Decision of 4 February 1972 (res. 311 (1972)), para. 4
 (ii) Complaint by Zambia:
 Decision of 10 March 1973 (res. 328 (1973)), para. 9 (a)
 (iii) Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 5 (b)
- E. Call for promulgation of political amnesty and restoration of democratic political rights**
 (i) Situation in Territories under Portuguese administration:
 Decision of 4 February 1972 (res. 312 (1972)), para. 4 (d)
 (ii) Complaint by Zambia:
 Decision of 10 March 1973 (res. 328 (1973)), para. 9 (c)
- F. Call for transfer of political power**
 (i) Situation in Territories under Portuguese administration:
 Decision of 4 February 1972 (res. 312 (1972)), para. 4 (e)
 (ii) Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 4
- G. Call for an end to violations of the sovereignty and territorial integrity of other States**
 (i) Situation in Territories under Portuguese administration:
 Decision of 4 February 1972 (res. 312 (1972)), para. 5
 (ii) Complaint by Senegal:
 Decision of 23 October 1972 (res. 321 (1972)), para. 3
- H. Call for recognition of the right of dependent peoples to self-determination and independence**
 Situation in Territories under Portuguese administration:
 Decision of 4 February 1972 (res. 312 (1972)), para. 4 (a)
- I. Call for respect for the principle of self-determination and independence**
 Complaint by Senegal:
 Decision of 23 October 1972 (res. 321 (1972)), para. 4
- J. Call to demonstrate a willingness to fulfil the commitments regarding the United Nations Force**
 Situation in Cyprus:
 Decision of 15 August 1974 (res. 359 (1974)), para. 3
- K. Demanding respect for the international status of the UN Force**
 Situation in Cyprus:
 Decision of 15 August 1974 (res. 359 (1974)), para. 2
- L. Calling upon the parties to co-operate with the UN Force**
 Situation in Cyprus:
 Decision of 20 July 1974 (res. 353 (1974)), para. 6
 Decision of 15 August 1974 (res. 359 (1974)), para. 3
 Decision of 30 August 1974 (res. 361 (1974)), para. 8
 Decision of 13 December 1974 (res. 364 (1974)), para. 5
- M. Calling upon the parties to pursue talks actively**
 Situation in Cyprus:
 Decision of 30 August 1974 (res. 361 (1974)), paras. 2, 7
- N. Calling upon the parties to alleviate human suffering and in particular to provide assistance to the refugees**
 Situation in Cyprus:
 Decision of 30 August 1974 (res. 361 (1974)), paras. 3, 4
- O. Calling upon the parties to fulfil their obligations under the Charter**
 Situation in the Middle East:
 Decision of 8 April 1974 (res. 346 (1974)), para. 7
 Decision of 24 April 1974 (res. 347 (1974)), para. 3
- P. Calling upon the parties to start immediately the implementation of a previous Security Council resolution**
 (i) Situation in the Middle East:
 Decision of 22 October 1973 (res. 338 (1973)), para. 2
 Decision of 29 November 1974 (res. 363 (1974)), preamble; (a)
 (ii) Situation in Cyprus:
 Decision of 14 August 1974 (res. 357 (1974)), para. 1
 Decision of 15 August 1974 (res. 358 (1974)), para. 2
 Decision of 16 August 1974 (res. 360 (1974)), para. 2
- Q. Demand for complete implementation of the United Nations decisions in regard to a former mandated territory**
 Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 3
- R. Demand for the abolition of the *apartheid* laws in a former mandated territory**
 Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 5 (c)
- S. Demand for unconditional return of all exiles**
 Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 5 (d)
- T. Demand for full compliance with the Universal Declaration of Human Rights**
 Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 5 (a)
- U. Calling upon the administrative Power to put an end to illegal actions in a rebellious colony**
 Complaint by Zambia:
 Decision of 2 February 1973 (res. 326 (1973)), paras. 3, 7
 Decision of 10 March 1973 (res. 328 (1973)), preamble, para. 9 (b), (c)
- V. Urging the administrative Power to convene a constitutional conference**
 Complaint by Zambia:
 Decision of 10 March 1973 (res. 328 (1973)), para. 8
- W. Urging the administrative Power to grant the exercise of the right to self-determination and independence**
 Complaint by Zambia:
 Decision of 10 March 1973 (res. 328 (1973)), para. 9
- V. Measures (in connexion with injunctions) to be taken by other Governments and authorities**
- A. Measures under Chapter VII of the Charter**
 Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), paras. 1-6
 Decision of 22 May 1973 (res. 333 (1973)), paras. 1-8
- B. Compliance with decisions of the Security Council in accordance with Article 25 of the Charter**
 Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), preamble; para. 2
 Decision of 28 July 1972 (res. 318 (1972)), preamble
 Decision of 29 September 1972 (res. 320 (1972)), para. 2
 Decision of 22 May 1973 (res. 333 (1973)), preamble
- C. Reaffirmation of sanctions**
 (i) Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), para. 1

- Decision of 28 July 1972 (res. 318 (1972)), preamble
Decision of 29 September 1972 (res. 320 (1972)), paras. 2, 3
- (ii) Complaint by Zambia:
Decision of 2 February 1973 (res. 327 (1973)), preamble
- D. Urging all States to fully implement the sanctions
- (i) Situation in Southern Rhodesia:
Decision of 28 February 1972 (res. 314 (1972)), paras. 2, 5
Decision of 28 July 1972 (res. 318 (1972)), paras. 5, 6, 8, 9
Decision of 29 September 1972 (res. 320 (1972)), paras. 2, 3
Decision of 22 May 1973 (res. 333 (1973)), paras. 2-8
- (ii) Complaint by Zambia:
Decision of 10 March 1973 (res. 328 (1973)), para. 7
- E. Calling for strengthened sanctions
Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), preamble
Decision of 10 March 1973 (res. 328 (1973)), para. 6
- F. Call for the observance of an arms embargo
Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)), para. 5
- G. Withholding of assistance including arms and other military equipment
Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), para. 6
- H. Calling upon States to provide immediate economic assistance
Complaint by Zambia:
Decision of 10 March 1973 (res. 329 (1973)), para. 3
- I. Requesting the United Nations and its agencies concerned to provide assistance
Complaint by Zambia:
Decision of 10 March 1973 (res. 329 (1973)), para. 4
- J. Commending the decision to sever all economic relations
Complaint by Zambia:
Decision of 2 February 1973 (res. 327 (1973)), para. 1
Decision of 10 March 1973 (res. 329 (1973)), preamble; para. 1
- K. Calling upon all States to respect the sovereignty, independence and territorial integrity of a State
Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)), para. 1
Decision of 1 August 1974 (res. 355 (1974)), preamble
Decision of 16 August 1974 (res. 360 (1974)), preamble
- L. Calling upon the International Civil Aviation Organization to take account of a Security Council resolution in considering measures to safeguard international civil aviation
Situation in the Middle East:
Decision of 15 August 1973 (res. 337 (1973)), para. 3
- M. Requesting the Secretary-General to despatch United Nations Observers to supervise the observance of a cease-fire
Situation in the Middle East:
Decision of 23 October 1973 (res. 339 (1973)), para. 2
- N. Requesting the Secretary-General to increase the number of United Nations Observers
Situation in the Middle East:
Decision of 25 October 1973 (res. 340 (1973)), para. 2
- VI. Measures for settlement**
- A. Call for negotiations
- (i) Situation in Territories under Portuguese administration:
Decision of 22 November 1972 (res. 322 (1972)), para. 3
- (ii) Complaint by Iraq:
Decision of 28 May 1974 (res. 348 (1974)), paras. 2 (a) and (d)
- (iii) Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)), para. 5
Decision of 14 August 1974 (res. 357 (1974)), para. 3
Decision of 16 August 1974 (res. 360 (1974)), para. 3
- B. Decision to start negotiations
Situation in the Middle East:
Decision of 22 October 1973 (res. 338 (1973)), para. 3
- C. Decision to examine methods of resolving a situation
Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)), para. 8
- D. Peace Conference
1. Hope that it will lead to a just and durable peace
Situation in the Middle East:
Decision of 15 December 1973 (res. 344 (1973)), para. 1
2. Confidence that the Secretary-General will play an effective role
Situation in the Middle East:
Decision of 15 December 1973 (res. 344 (1973)), para. 2
3. Requesting the Secretary-General to keep the Security Council fully informed
Situation in the Middle East:
Decision of 15 December 1973 (res. 344 (1973)), para. 3
4. Requesting the Secretary-General to provide all assistance and facilities to the conference
Situation in the Middle East:
Decision of 15 December 1973 (res. 344 (1973)), para. 4
- E. Endorsement of the pacific settlement of disputes
Complaint by Iraq:
Decision of 28 February 1974 (President's statement), para. 2
- F. Reaffirmation of the inalienable right of peoples to self-determination and independence
- (i) Situation in Namibia:
Decision of 4 February 1972 (res. 309 (1972)), preamble
Decision of 4 February 1972 (res. 310 (1972)), preamble
Decision of 1 August 1972 (res. 319 (1972)), para. 2
Decision of 6 December 1972 (res. 323 (1972)), preamble; para. 4
- (ii) Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), para. 1
Decision of 22 November 1972 (res. 322 (1972)), para. 1
- (iii) Situation in Southern Rhodesia:
Decision of 28 July 1972 (res. 318 (1972)), para. 1
- (iv) Complaint by Senegal:
Decision of 23 October 1972 (res. 321 (1972)), preamble
- (v) Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), preamble
Decision of 10 March 1973 (res. 328 (1973)), preamble; para. 3
- G. Reaffirmation of national unity and territorial integrity
- (i) Situation in Namibia:
Decision of 4 February 1972 (res. 309 (1972)), preamble
Decision of 4 February 1972 (res. 310 (1972)), preamble
Decision of 1 August 1972 (res. 319 (1972)), para. 3
Decision of 6 December 1972 (res. 323 (1972)), preamble; para. 4
Decision of 17 December 1974 (res. 366 (1974)), para. 4
- (ii) Complaint by Senegal:
Decision of 23 October 1972 (res. 321 (1972)), preamble
- H. Recognition of the legitimacy of a people's struggle for its rights
- (i) Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)), para. 3
- (ii) Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), preamble; para. 1
Decision of 22 November 1972 (res. 322 (1972)), para. 1

- (iii) Situation in Southern Rhodesia:
Decision of 28 July 1972 (res. 318 (1972)), para 2
- (iv) Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)),
preamble
Decision of 10 March 1973 (res. 328 (1973)),
preamble
- I. Call for the withdrawal from a former mandated Territory
Situation in Namibia:
Decision of 4 February 1972 (res. 310 (1972)), para. 7
Decision of 17 December 1974 (res. 366 (1974)), para. 4
- J. Decision to set up a United Nations Force
Situation in the Middle East:
Decision of 25 October 1973 (res. 340 (1973)), para. 3
Decision of 27 October 1973 (res. 341 (1973)), para. 2
Decision of 31 May 1974 (res. 350 (1974)), para. 3
- VII. Provisions bearing on specific issues relating to the settlement**
- A. Affirming that tensions have risen following aggressive actions
Complaint by Zambia:
Decision of 10 March 1973 (res. 328 (1973)), para. 2
- B. Appreciation of
- Contributions of States to a United Nations Force
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 1
 - The Secretary-General's effort regarding the establishment and operation of a United Nations Force
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 2
 - The Secretary-General's part in setting up intercommunal talks
Situation in Cyprus:
Decision of 30 August 1974 (res. 361 (1974)),
para. 1
 - The Contribution by the United Nations Force to efforts to achieve a durable peace
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 3
Decision of 23 October 1974 (res. 362 (1974)),
para. 2
 - Economic hardships resulting from the implementation of United Nations sanctions
Complaint by Zambia:
Decision of 2 February 1973 (res. 327 (1973)),
para. 2
Decision of 10 March 1973 (res. 329 (1973)),
para. 2
- C. Calling upon States to bring their own corporations to conform in their hiring practices to the Universal Declaration of Human Rights
Situation in Namibia:
Decision of 4 February 1972 (res. 310 (1972)), para. 5
- D. Concerned about
- The prevailing state of tension
Situation in the Middle East:
Decision of 29 November 1974 (res. 363 (1974)),
preamble
 - The necessity to restore the constitutional structure of a State
Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)),
preamble
 - The refugee problem and the need for humanitarian assistance
Situation in Cyprus:
Decision of 30 August 1974 (res. 361 (1974)),
preamble; para. 4
- E. Conscious of the primary responsibility of the Security Council for the maintenance of international peace and security in accordance with Article 24 of the Charter
Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)), preamble
- F. Condemnation of the policy of *apartheid*
- Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)),
paras. 1, 2
 - Situation in Namibia:
Decision of 17 December 1974 (res. 366 (1974)),
para. 2
- G. Condemnation of illegal occupation and repression
- Situation in Namibia:
Decision of 4 February 1972 (res. 310 (1972)),
paras. 2, 4, 6
Decision of 17 December 1974 (res. 366 (1974)),
preamble, paras. 1, 2
 - Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)),
paras. 1, 2
Decision of 10 March 1973 (res. 328 (1973)), para. 4
- H. Deploing
- The continuation or resumption of fighting
Situation in Cyprus:
Decision of 14 August 1974 (res. 357 (1974)),
preamble
Decision of 15 August 1974 (res. 358 (1974)),
preamble
 - The killing and wounding of members of the United Nations Force
Situation in Cyprus:
Decision of 15 August 1974 (res. 359 (1974)),
para. 1
- I. Deprecation of
- The loss of life
 - Situation in the Middle East:
Decision of 26 June 1972 (res. 316 (1972)),
preamble
Decision of 21 April 1973 (res. 332 (1973)),
preamble; para. 1
 - Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)),
preamble
 - Complaint by Iraq:
Decision of 28 February 1974 (President's
statement), para. 1
 - Acts of violence
 - Situation in the Middle East:
Decision of 26 June 1972 (res. 316 (1972)),
para. 2
Decision of 21 April 1973 (res. 332 (1973)),
preamble; para. 1
Decision of 24 April 1974 (res. 347 (1974)),
preamble; para. 1
 - Complaint by Senegal:
Decision of 23 October 1972 (res. 321 (1972)),
paras. 1, 2
 - Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)),
preamble
 - Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)),
preamble
Decision of 15 August 1974 (res. 358 (1974)),
preamble
 - Measures undermining sanctions
Situation in Southern Rhodesia:
Decision of 28 February 1972 (res. 314 (1972)),
paras. 2-4
Decision of 28 July 1972 (res. 318 (1972)), para. 7
Decision of 29 September 1972 (res. 320 (1972)),
preamble
 - Military actions against other States
 - Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)),
preamble
 - Complaint by Senegal:
Decision of 23 October 1972 (res. 321 (1972)),
preamble, para. 1

- (iii) Situation in the Middle East:
Decision of 21 April 1973 (res. 332 (1973)), para. 2
Decision of 15 August 1973 (res. 337 (1973)), para. 1
Decision of 24 April 1974 (res. 347 (1974)), para. 1
- (iv) Situation in Cyprus:
Decision of 16 August 1974 (res. 360 (1974)), para. 1
5. Military actions against liberation movements
Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), preamble
6. Failure by former mandatory Power to grant self-determination and independence to a former mandated Territory
Situation in Namibia:
Decision of 6 December 1972 (res. 323 (1972)), para. 2
7. Interference with international civil aviation
Situation in the Middle East:
Decision of 15 August 1973 (res. 337 (1973)) preamble; paras. 1, 2
- J. Discontinuing further efforts on the basis of res. 309 (1972)
Situation in Namibia:
Decision of 11 December 1973 (res. 342 (1973)), para. 2
- K. Emphasizing the principle that the status and safety of the members of a United Nations Force must be respected
Situation in Cyprus:
Decision of 15 August 1974 (res. 359 (1974)), para. 4
- L. Endorsing a General Assembly resolution
Situation in Cyprus:
Decision of 13 December 1974 (res. 365 (1974)), para. 1
- M. Extending the stationing of a United Nations Force
(i) Situation in Cyprus:
Decision of 15 June 1972 (res. 315 (1972)), para. 3
Decision of 12 December 1972 (res. 324 (1972)), para. 3
Decision of 15 June 1973 (res. 334 (1973)), para. 3
Decision of 14 December 1973 (res. 343 (1973)), para. 3
Decision of 29 May 1974 (res. 349 (1974)), para. 3
Decision of 13 December 1974 (res. 364 (1974)), para. 4
(ii) Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 4
Decision of 23 October 1974 (res. 362 (1974)), para. 1
Decision of 29 November 1974 (res. 363 (1974)), para. (b)
- N. Inviting the Secretary-General
1. In consultation with a group of the Security Council, to initiate or maintain contacts with all parties concerned, with a view to establishing the necessary conditions for the people of a former mandated Territory to exercise their right to self-determination and independence
Situation in Namibia:
Decision of 4 February 1972 (res. 309 (1972)), para. 1
Decision of 1 August 1972 (res. 319 (1972)), para. 4
Decision of 6 December 1972 (res. 323 (1972)), para. 5
2. To station additional United Nations Observers along a border
Situation in the Middle East:
Decision of 19 August 1972 (Consensus)
- O. Noting the overwhelming desire of the people for national independence and territorial integrity of a former mandated Territory
Situation in Namibia:
Decision of 6 December 1972 (res. 323 (1972)), para. 2
- P. Reaffirming
1. That disengagement agreements are merely a step toward the establishment of peace
Situation in the Middle East:
Decision of 29 November 1974 (res. 363 (1974)), preamble
2. The mode of operation of a United Nations Force
Situation in the Middle East:
Decision of 23 October 1974 (res. 362 (1974)), paras. 3, 4
3. The responsibility of the administrative Power over a rebellious colony
Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), preamble
- Q. Recognition of a special United Nations responsibility toward a people and its Territory
Situation in Namibia:
Decision of 4 February 1972 (res. 309 (1972)), preamble
Decision of 4 February 1972 (res. 310 (1972)), preamble
Decision of 6 December 1972 (res. 323 (1972)), preamble
- R. Regretting the failure of sanctions
(i) Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), para. 4
(ii) Situation in Southern Rhodesia:
Decision of 22 May 1973 (res. 333 (1973)), preamble
- S. Requesting States to refrain from coercive measures against Latin American countries
Consideration of measures for the maintenance and strengthening of international peace and security in Latin America:
Decision of 21 March 1973 (res. 330 (1973)), para. 2
- T. Taking note of
1. The need to continue the operation of a United Nations Force
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 4
Decision of 23 October 1974 (res. 362 (1974)), preamble
2. The Secretary-General's efforts to solve the problems of a United Nations Force
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 5
3. The Secretary-General's intention to constantly review the required strength of a United Nations Force
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 6
- U. Urging
1. Measures to aid the victims of *apartheid*
Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)), paras. 6, 7
2. The parties to implement a General Assembly resolution
Situation in Cyprus:
Decision of 13 December 1974 (res. 365 (1974)), para. 1
3. States to impede the activities of those enterprises which attempt to coerce Latin American countries
Consideration of measures for the maintenance and strengthening of international peace and security in Latin America:
Decision of 21 March 1973 (res. 330 (1973)), para. 1
- V. Welcoming
1. A disengagement agreement
Situation in the Middle East:
Decision of 31 May 1974 (res. 350 (1974)), para. 1
2. The determination of the parties to settle their differences peacefully
Complaint by Iraq:
Decision of 28 May 1974 (res. 348 (1974)), para. 2

VIII. Measures to promote the implementation of resolutions

A. Measures to obtain compliance

1. Recalling previous resolutions

(a) Of the General Assembly

- (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 310 (1972)), preamble
 - Decision of 17 December 1974 (res. 366 (1974)), preamble
- (ii) Situation in Territories under Portuguese administration:
 - Decision of 4 February 1972 (res. 312 (1972)), paras. 1, 2, 4
 - Decision of 22 November 1972 (res. 322 (1972)), preamble, paras. 1, 3
- (iii) Situation in Southern Rhodesia:
 - Decision of 28 July 1972 (res. 318 (1972)), para. 2
- (iv) Complaint by Senegal:
 - Decision of 23 October 1972 (res. 321 (1972)), preamble; para. 4
- (v) Complaint by Zambia:
 - Decision of 10 March 1973 (res. 328 (1973)), preamble; para. 3
- (vi) Consideration of measures for the maintenance and strengthening of international peace and security in Latin America:
 - Decision of 21 March 1973 (res. 330 (1973)), preamble
- (vii) Complaint by Iraq:
 - Decision of 28 February 1974 (President's statement), para. 2
- (viii) Situation in Cyprus:
 - Decision of 13 December 1974 (res. 364 (1974)), preamble

(b) Of the Security Council

- (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 310 (1972)), preamble
 - Decision of 1 August 1972 (res. 319 (1972)), preamble
 - Decision of 6 December 1972 (res. 323 (1972)), preamble
 - Decision of 11 December 1973 (res. 342 (1973)), preamble
 - Decision of 17 December 1974 (res. 366 (1974)), preamble
- (ii) Situation in Southern Rhodesia:
 - Decision of 28 February 1972 (res. 314 (1972)), preamble
 - Decision of 28 July 1972 (res. 318 (1972)), preamble; paras. 6, 7, 9
 - Decision of 29 September 1972 (res. 320 (1972)), preamble
 - Decision of 22 May 1973 (res. 333 (1973)), preamble
- (iii) Situation in the Middle East:
 - Decision of 21 July 1972 (res. 317 (1972)), preamble
 - Decision of 21 April 1973 (res. 332 (1973)), preamble
 - Decision of 15 August 1973 (res. 337 (1973)), preamble
 - Decision of 23 October 1973 (res. 339 (1973)), preamble
 - Decision of 25 October 1973 (res. 340 (1973)), preamble; paras. 4, 5
 - Decision of 8 April 1974 (res. 346 (1974)), preamble, paras. 4, 8
 - Decision of 24 April 1974 (res. 347 (1974)), preamble
 - Decision of 31 May 1974 (res. 350 (1974)), para. 1
 - Decision of 23 October 1974 (res. 362 (1974)), preamble
- (iv) Complaint by Senegal:
 - Decision of 23 October 1972 (res. 321 (1972)), preamble; para. 2

- (v) Situation in Territories under Portuguese administration:
 - Decision of 22 November 1972 (res. 322 (1972)), preamble

(vi) Complaint by Zambia:

- Decision of 2 February 1973 (res. 326 (1973)), preamble
- Decision of 2 February 1973 (res. 327 (1973)), preamble
- Decision of 10 March 1973 (res. 328 (1973)), preamble; para. 6
- Decision of 10 March 1973 (res. 329 (1973)), preamble

(vii) Complaint by Iraq:

- Decision of 28 May 1974 (res. 348 (1974)), preamble

(viii) Situation in Cyprus:

- Decision of 29 May 1974 (res. 349 (1974)), para. 1
- Decision of 20 July 1974 (res. 353 (1974)), preamble
- Decision of 23 July 1974 (res. 354 (1974)), preamble; oper. para.
- Decision of 1 August 1974 (res. 355 (1974)), preamble
- Decision of 14 August 1974 (res. 357 (1974)), preamble
- Decision of 16 August 1974 (res. 360 (1974)), preamble
- Decision of 30 August 1974 (res. 361 (1974)), preamble

2. Reaffirming previous decisions

(a) Of the General Assembly

Complaint by Zambia:

- Decision of 10 March 1973 (res. 328 (1973)), preamble; para. 3

(b) Of the Security Council

(i) Situation in Southern Rhodesia:

- Decision of 28 February 1972 (res. 314 (1972)), para. 1
- Decision of 28 July 1972 (res. 318 (1972)), paras. 6, 9
- Decision of 29 September 1972 (res. 320 (1972)), para. 1

(ii) Situation in Cyprus:

- Decision of 15 June 1972 (res. 315 (1972)), para. 1
- Decision of 12 December 1972 (res. 324 (1972)), para. 1
- Decision of 15 June 1973 (res. 334 (1973)), para. 1
- Decision of 14 December 1973 (res. 343 (1973)), para. 1
- Decision of 29 May 1974 (res. 349 (1974)), para. 1
- Decision of 14 August 1974 (res. 357 (1974)), preamble; para. 1
- Decision of 13 December 1974 (res. 364 (1974)), paras. 1, 2

(iii) Situation in the Middle East:

- Decision of 26 June 1972 (res. 316 (1972)), preamble; para. 1
- Decision of 21 July 1972 (res. 317 (1972)), para. 1
- Decision of 25 October 1973 (res. 340 (1973)), paras. 4, 5

3. Warning against failure to comply with Security Council decisions

(i) Situation in Namibia:

- Decision of 4 February 1972 (res. 310 (1972)), para. 8

(ii) Situation in the Middle East:

- Decision of 26 June 1972 (res. 316 (1972)), para. 4
- Decision of 15 August 1973 (res. 337 (1973)), para. 4

(iii) Complaint by Senegal:

- Decision of 23 October 1972 (res. 321 (1972)), para. 5

4. Declaration of intention to consider further measures under the Charter
- (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 310 (1972)), para. 8
 - (ii) Situation in the Middle East:
 - Decision of 26 June 1972 (res. 316 (1972)), para. 4
 - Decision of 15 August 1973 (res. 337 (1973)), para. 4
 - (iii) Complaint by Senegal:
 - Decision of 23 October 1972 (res. 321 (1972)), para. 5
5. Invoking Article 25 of the Charter
- Situation in Southern Rhodesia:
 - Decision of 28 February 1972 (res. 314 (1972)), para. 2
 - Decision of 28 July 1972 (res. 318 (1972)), preamble
 - Decision of 29 September 1972 (res. 320 (1972)), preamble; para. 2
 - Decision of 22 May 1973 (res. 333 (1973)), preamble
6. Invoking Article 2(6) of the Charter
- Situation in Southern Rhodesia:
 - Decision of 28 February 1972 (res. 314 (1972)), para. 2
 - Decision of 29 September 1972 (res. 320 (1972)), para. 2
- B. Requesting States to co-operate in the implementation of resolutions and decisions of the Security Council
- (i) Situation in Southern Rhodesia:
 - Decision of 28 July 1972 (res. 318 (1972)), paras. 6, 8, 9
 - Decision of 22 May 1973 (res. 333 (1973)), para. 2
 - (ii) Situation in the Middle East:
 - Decision of 25 October 1973 (res. 340 (1973)), para. 5
 - Decision of 8 April 1974 (res. 346 (1974)), para. 7
- C. Request to parties to co-operate with the Secretary-General in the implementation of a Security Council resolution
- Situation in Namibia:
 - Decision of 6 December 1972 (res. 323 (1972)), para. 7
- D. Calling upon a former mandatory Power to co-operate with the Secretary-General in the implementation of a Security Council resolution
- Situation in Namibia:
 - Decision of 4 February 1972 (res. 309 (1972)), para. 2
 - Decision of 6 December 1972 (res. 323 (1972)), para. 6
- E. Requesting the President of the Security Council and the Secretary-General to make efforts to secure the implementation of a resolution
- Situation in the Middle East:
 - Decision of 21 July 1972 (res. 317 (1972)), para. 4
- F. Expressing the conviction that the implementation of a Security Council resolution will help achieve a settlement
- Situation in Cyprus:
 - Decision of 30 August 1974 (res. 361 (1974)), para. 9
- G. Deprecation of refusal or failure to implement the resolutions
1. Of the General Assembly
 - (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 310 (1972)), para. 1
 - (ii) Situation in Territories under Portuguese administration:
 - Decision of 4 February 1972 (res. 312 (1972)), para. 2
 2. Of the Security Council
 - (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 310 (1972)), para. 1
 - Decision of 17 December 1974 (res. 366 (1974)), preamble
 - (ii) Question of race conflict in South Africa:
 - Decision of 4 February 1972 (res. 311 (1972)), preamble
 - (iii) Situation in Territories under Portuguese administration:
 - Decision of 4 February 1972 (res. 312 (1972)), preamble; para. 2
 - (iv) Situation in the Middle East:
 - Decision of 26 June 1972 (res. 316 (1972)), preamble
 - Decision of 21 July 1972 (res. 317 (1972)), para. 2
 - Decision of 15 August 1973 (res. 337 (1973)), para. 2
 - (v) Situation in Southern Rhodesia:
 - Decision of 29 September 1972 (res. 320 (1972)), preamble
 - Decision of 22 May 1973 (res. 333 (1973)), preamble
 - (vi) Complaint by Senegal:
 - Decision of 23 October 1972 (res. 321 (1972)), preamble
 - (vii) Complaint by Zambia:
 - Decision of 10 March 1973 (res. 328 (1973)), preamble
 - (viii) Situation in Cyprus:
 - Decision of 15 August 1974 (res. 358 (1974)), preamble
- H. Authorizing or requesting the Secretary-General
1. To report on the implementation of a resolution or decision of the Security Council
 - (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 309 (1972)), para. 3
 - Decision of 4 February 1972 (res. 310 (1972)), para. 9
 - Decision of 1 August 1972 (res. 319 (1972)), para. 6
 - Decision of 6 December 1972 (res. 323 (1972)), para. 9
 - (ii) Situation in Territories under Portuguese administration:
 - Decision of 4 February 1972 (res. 312 (1972)), para. 7
 - (iii) Situation in the Middle East:
 - Decision of 19 April 1972 (Consensus)
 - Decision of 25 October 1973 (res. 340 (1973)), paras. 3, 4
 - Decision of 15 December 1973 (res. 344 (1973)), para. 3
 - Decision of 8 April 1974 (res. 346 (1974)), para. 8
 - Decision of 29 November 1974 (res. 363 (1974)), para. (c)
 - (iv) Complaint by Iraq:
 - Decision of 28 February 1974 (President's statement), para. 5
 - (v) Situation in Cyprus:
 - Decision of 13 December 1974 (res. 364 (1974)), para. 2
 2. To report on the developments in a situation
 - (i) Situation in Territories under Portuguese administration:
 - Decision of 22 November 1972 (res. 322 (1972)), para. 4
 - (ii) Situation in the Middle East:
 - Decision of 20 April 1973 (res. 331 (1973)), para. 1
 - Decision of 31 May 1974 (res. 360 (1974)), para. 4
 - Decision of 29 November 1974 (res. 363 (1974)) para. (c)
 - (iii) Situation in Namibia:
 - Decision of 11 December 1973 (res. 342 (1973)) para. 3
 - (iv) Situation in Cyprus:
 - Decision of 20 July 1974 (res. 353 (1974)), para. 7

- Decision of 16 August 1974 (res. 360 (1974)), para. 4
3. To take appropriate actions and report to the Security Council
 Situation in Cyprus:
 Decision of 1 August 1974 (res. 355 (1974)), oper. para.
4. To implement a resolution of the Security Council
 Situation in Southern Rhodesia:
 Decision of 22 May 1973 (res. 333 (1973)), para. 2
5. To submit a report on the refugee problem
 Situation in Cyprus:
 Decision of 30 August 1974 (res. 361 (1974)), para. 5
6. To appoint a representative or representatives
 Situation in Namibia:
 Decision of 1 August 1972 (res. 319 (1972)), para. 5
 Decision of 6 December 1972 (res. 323 (1972)), para. 5
7. To appoint a special representative to conduct an investigation
 Complaint by Iraq:
 Decision of 28 February 1974 (President's statement), para. 5
8. To invite his Special Representative to assist in the deliberations of the Security Council
 Situation in the Middle East:
 Decision of 20 April 1973 (res. 331 (1973)), para. 3
9. To lend his assistance to the parties
 Complaint by Iraq:
 Decision of 28 May 1974 (res. 348 (1974)), para. 4
10. To assist a subsidiary organ in the discharge of its task
 (i) Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), para. 7
 Decision of 28 July 1972 (res. 318 (1972)), para. 10
 (ii) Situation in the Middle East:
 Decision of 15 December 1973 (res. 344 (1973)), para. 4
11. To organize a programme of assistance
 Complaint by Zambia:
 Decision of 10 March 1973 (res. 329 (1973)), para. 5
12. To provide emergency humanitarian assistance
 Situation in Cyprus:
 Decision of 30 August 1974 (res. 361 (1974)), para. 6
- I. Establishment or employment of subsidiary organs
 (i) Complaint by Zambia:
 Decision of 2 February 1973 (res. 326 (1973)), para. 9
 Decision of 2 February 1973 (res. 327 (1973)), para. 3
 (ii) Situation in Southern Rhodesia:
 Decision of 22 May 1973 (res. 333 (1973)), para. 2
- J. Call for co-operation with subsidiary organs
 Complaint by Zambia:
 Decision of 2 February 1973 (res. 326 (1973)), para. 10
 Decision of 2 February 1973 (res. 327 (1973)), para. 4
- K. Requesting a report from a subsidiary organ
 (i) Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), para. 6
 Decision of 29 September 1972 (res. 320 (1972)), paras. 4, 5
 (ii) Complaint by Zambia:
 Decision of 2 February 1973 (res. 326 (1973)), para. 8
 Decision of 2 February 1973 (res. 327 (1973)), para. 5
 Decision of 10 March 1973 (res. 328 (1973)), para. 6
- L. Taking note of reports of a subsidiary organ
 (i) Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), preamble
 Decision of 28 July 1972 (res. 318 (1972)), paras. 3, 4
 Decision of 22 May 1973 (res. 333 (1973)), preamble, para. 1
- (ii) Complaint by Zambia:
 Decision of 10 March 1973 (res. 329 (1973)), preamble
- M. Taking note of reports or activities of the Secretary-General and of his representatives
 (i) Situation in Namibia:
 Decision of 1 August 1972 (res. 319 (1972)) para. 1
 Decision of 11 December 1973 (res. 342 (1973)), para. 1
 (ii) Situation in the Middle East:
 Decision of 27 October 1973 (res. 341 (1973)), para. 1
 Decision of 31 May 1974 (res. 350 (1974)), para. 2
 (iii) Complaint by Iraq:
 Decision of 28 May 1974 (res. 348 (1974)) para. 1
 (iv) Situation in Cyprus:
 Decision of 1 August 1974 (res. 355 (1974)), preamble
 Decision of 15 August 1974 (res. 359 (1974)), preamble
 Decision of 30 August 1974 (res. 361 (1974)), preamble
 Decision of 13 December 1974 (res. 364 (1974)), preamble
- N. Providing for the appointment of Representatives to fill vacancies in a Security Council group
 Situation in Namibia:
 Decision of 6 December 1972 (res. 323 (1972)), para. 7
- O. Declaring that defiance towards Security Council decisions undermines the authority of the United Nations
 Situation in Namibia:
 Decision of 4 February 1972 (res. 310 (1972)), para. 3
- P. Deprecation of violations of a cease-fire
 Situation in the Middle East:
 Decision of 25 October 1973 (res. 340 (1973)), preamble
- Q. Deploing the failure to station United Nations observers
 Situation in the Middle East:
 Decision of 25 October 1973 (res. 340 (1973)) preamble
- R. Recalling the advisory opinion of the International Court of Justice
 Situation in Namibia:
 Decision of 6 December 1972 (res. 323 (1972)) preamble
 Decision of 17 December 1974 (res. 366 (1974)) preamble
- IX. Measures to ensure further consideration**
- A. Request for information from the Secretary-General regarding the implementation of a resolution
 (i) Situation in Namibia:
 Decision of 4 February 1972 (res. 309 (1972)), para. 3
 Decision of 4 February 1972 (res. 310 (1972)), para. 9
 Decision of 1 August 1972 (res. 319 (1972)), para. 6
 Decision of 6 December 1972 (res. 323 (1972)), para. 9
 (ii) Situation in the Middle East:
 Decision of 25 October 1973 (res. 340 (1973)), para. 4
 Decision of 2 November 1973 (President's statement)
 Decision of 8 April 1974 (res. 346 (1974)), para. 8
 Decision of 31 May 1974 (res. 350 (1974)) para. 4
 Decision of 29 November 1974 (res. 363 (1974)) para. (c)
- B. Provision by express decision to consider the matter further
 (i) Complaint by Senegal:
 Decision of 23 October 1972 (res. 321 (1972)), para. 6
 (ii) Situation in Territories under Portuguese administration:
 Decision of 22 November 1972 (res. 322 (1972)), para. 5
 (iii) Complaint by Zambia:
 Decision of 2 February 1973 (res. 326 (1973)), para. 11

- Decision of 10 March 1973 (res. 328 (1973)) para. 10
- (iv) Situation in the Middle East:
 - Decision of 14 June 1973 (President's statement)
- (v) Situation in Cyprus:
 - Decision of 20 July 1974 (res. 353 (1974)), para. 7
 - Decision of 14 August 1974 (res. 357 (1974)), para. 4
 - Decision of 16 August 1974 (res. 360 (1974)), para. 5
- (vi) Situation in Namibia:
 - Decision of 17 December 1974 (res. 366 (1974)), para. 6

- C. Decision to meet following the submission of the Secretary-General's report
 - Situation in the Middle East:
 - Decision of 20 April 1973 (res. 331 (1973)), para. 2
- D. Requesting the Economic and Social Council to consider periodically the question of economic assistance
 - Complaint by Zambia:
 - Decision of 10 March 1973 (res. 329 (1973)), para. 6

Part II

CONSIDERATION OF QUESTIONS RELATING TO AFRICA WITH WHICH THE SECURITY COUNCIL IS CURRENTLY SEIZED AND THE IMPLEMENTATION OF THE COUNCIL'S RELEVANT RESOLUTIONS

Decisions of 4 February 1972 (1638th meeting): resolutions 309 (1972) and 310 (1972)

Decision of 4 February 1972 (1638th meeting):

Rejection of three-Power draft resolution

Decisions of 4 February 1972 (1639th meeting): resolutions 311 (1972) and 312 (1972)

In accordance with its resolution 308 (1972) of 19 January 1972¹² the Security Council held 13 meetings—1627th to 1639th—in Addis Ababa between 28 January and 4 February 1972.

At the 1628th meeting on 28 January 1972, the Council adopted the agenda, which had been recommended by resolution 308 (1972), entitled: "Consideration of questions relating to Africa with which the Security Council is currently seized and the implementation of the Council's relevant resolutions." At the same meeting, the Council decided to invite the representatives of Cameroon, Congo, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Kenya, Liberia, Malawi, Mauritania, Mauritius, Morocco, Nigeria, Senegal, Tunisia, Uganda, United Republic of Tanzania, Zaire and Zambia to participate without vote in the discussion.¹³ Subsequently, at the 1630th meeting, on 31 January 1972, invitations were also extended to the representatives of Algeria, Burundi and the Libyan Arab Republic.¹⁴

Also at the 1628th meeting, in view of the decisions taken by three United Nations bodies to be represented at the Security Council meetings in Africa,¹⁵ the Council further decided to extend invitations to the representative of the Special Committee on *Apartheid*, the representative of Trinidad and Tobago, the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence

to Colonial Countries and Peoples, the representative of the United Republic of Tanzania and to the President of the United Nations Council for Namibia, the representative of Pakistan.¹⁶ At the same meeting, the Security Council decided, at the request of the representatives of Guinea, Somalia and the Sudan,¹⁷ to extend an invitation, under rule 39 of its provisional rules of procedure, to the following persons: Mr. Mohamed Fouad El-Bedewi, Mr. Amilcar Cabral, Mr. M. Luvualo, Mr. M. dos Santos, Mr. Peter Mueshahange, Mr. Richard Hove,¹⁸ Mr. Potlako Leballo, Mr. Alfred Nzo, Mr. George Silundika, Mr. Abdul Minty, Mr. Diallo Telli,¹⁹ also at the 1632nd meeting to Reverend Canon Burgess Carr,²⁰ and at the 1633rd meeting to Mr. Johny Eduardo.²¹

At the 1627th meeting on 28 January 1972, the Council was addressed by the Emperor of Ethiopia and by the President of Mauritania in his capacity as Chairman of the Assembly of Heads of State and Government of OAU. The Council also heard addresses by the Secretary-General and by the Secretary of State for Foreign Affairs of Somalia, speaking in his capacity as President of the Council.

President Moktar Ould Daddah of Mauritania, Chairman of the OAU at its eighth session, stated that despite the often disappointing efforts of the United Nations to translate its principles and resolutions concerning colonialism and racial discrimination into facts, Africa looked to the historic session of the Security Council on its soil with renewed expectations and in the spirit of realism. A new approach was needed that would place upon the Council and particularly its permanent members the responsibility to control the implementation of the main decisions. The OAU formally proposed that a Committee of the Council including its five permanent members should take charge of Namibia and make all arrangements to ensure its effective administration leading to its self-determination and independence.

The Security Council should immediately assume its responsibilities to the same degree in Rhodesia. Africa

¹² For the proceedings leading to the adoption of resolution 308 (1972) and the discussions in connexion with the application of Article 28, paragraph 3, of the Charter and rule 5 of the Provisional Rules of Procedure of the Security Council, both dealing with meetings of the Security Council away from Headquarters, see chapter I of this *Supplement*.

¹³ 1628th meeting: opening statement by the President.

¹⁴ 1630th meeting, paras. 1-3.

¹⁵ S/10600, *SC. OR. 27th yr., Suppl. for Jan.-March 1972*, pp. 79-80.

¹⁶ 1628th meeting, opening statement by the President.

¹⁷ S/10602/Rev.2, *SC. OR. 27th yr., Suppl. for Jan.-March 1972*, p. 80; S/10604 *ibid.*, p. 81; S/10605, *ibid.*, p. 82.

¹⁸ Instead of Mr. Hove, Mr. M.K.H. Hamadziripi made a statement to the Council, at its 1633rd meeting, with the consent of the Council.

¹⁹ 1630th meeting, paras. 4-11.

²⁰ 1632nd meeting, para. 11.

²¹ 1633rd meeting, paras. 1-2.

proposed that the Council should take official note of the failure of the settlement efforts between the United Kingdom and the minority régime in Rhodesia and proclaim them invalid. It was incumbent on the United Kingdom to negotiate with the authentic representatives of the African peoples to bring about majority rule and independence in that Territory. The Council should also consider its attitude concerning Portugal and South Africa. These two States that refused to apply the Council decisions against decolonization and racial discrimination, should be suspended from membership in the United Nations. Such a decision could be applied immediately in contrast to economic sanctions whose application was being subjected to capricious interpretations. In conclusion, Mr. Daddah submitted the African proposal for an international aid fund to be set up within the United Nations and to assist in Africa and elsewhere the liberation movements and people who fight against racial discrimination.²²

The President said that by accepting the invitation of OAU to meet in Africa, the Council, acting under Article 28, paragraph 3 of the Charter, was enabled to pay special attention to the regional problems of Africa, to respond publicly and positively to the needs of the area rife with actual and potential threats to the peace and to effect the co-operation with regional organizations envisaged in Article 52 of the Charter as an aid to the task of peace-keeping. One important aspect of the meeting in Africa would be that world attention would be focused on the evils engendered by racism and colonialism in southern Africa.²³

At the 1628th meeting also held on 28 January 1972, the representative of Egypt* deplored that although the Charter of the United Nations had already stated the principle of self-determination 26 years ago, the authorities in South Africa, Namibia, Rhodesia and in the Portuguese territories were still subjecting several million Africans to colonial rule and were now resorting to military operations, supported by foreign economic and other interests, to crush the legitimate struggle of the Africans to achieve freedom and independence. Since no action followed the words on these problems in the United Nations, the only way left was liberation through armed struggle. The situation in Rhodesia which had become explosive could only be solved by the immediate transfer of power to the people of Zimbabwe on the basis of majority rule. The "terms of settlement" negotiated between the United Kingdom and the illegal régime did not fulfil the conditions of the right to self-determination. Sanctions against the Rhodesian régime should be rigorously applied, and sanctions should be imposed upon South Africa and Portugal whose Governments openly defied Article 25 of the Charter and the Council decisions. Regarding Namibia, the Council should take immediate and effective measures under Chapter VII of the Charter to ensure the removal of South Africa from the Territory and to assume direct responsibility for the Territory until independence. Turning to the internationally condemned system of *apartheid* in South Africa, he hoped that the Council would heed the repeated appeals of the General Assembly to take effective measures,

including those under Chapter VII of the Charter, to put an end to the explosive situation in South Africa. Portugal continued to refuse to implement the United Nations resolutions and to wage a colonial war against the peoples of Angola, Mozambique and Guinea (Bissau). The Council should take all effective measures in accordance with the relevant Charter provisions to ensure that all repressive activities and military operations by Portugal in these Territories be stopped, that Portuguese forces be withdrawn and that the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)) be fully implemented.²⁴

At the same meeting the representative of Zambia* joined the African people of Zimbabwe in condemning the Home-Smith "settlement proposals" for Southern Rhodesia and suggested the following course of action to the Council: The Council should support the Zimbabwe people in their rejection of the settlement proposals and demand that the British Government recall the Pearce Commission. The Council should further ask the British Government to convene without delay a constitutional conference of all the people of Zimbabwe, it should condemn the United Kingdom as administering Power for the wanton mass murders, arrests and detentions of Zimbabwe people by the Smith régime, and it should call upon the British Government to intervene in the colony militarily. In the meantime, sanctions should be maintained, tightened and expanded to include South Africa and Portugal. The Council should also reaffirm the principle of non-recognition of the rebel régime by Member States. With regard to Namibia he asked why the Council did not take decisive action to expel South Africa from the Territory and assume direct control to allow the Namibian people the exercise of their right to self-determination. He appealed to the allies of Portugal, particularly some NATO partners, to stop giving Portugal military and financial assistance, and requested that the United Nations, its specialized agencies and Member States continue to support the liberation struggle in the occupied territories.²⁵

The representative of Pakistan*, speaking as the President of the United Nations Council for Namibia, declared that the General Assembly, the Security Council and the International Court of Justice were in agreement that the continued presence of South Africa in Namibia was illegal, that it should withdraw from the Territory immediately and completely, that the United Nations bore a direct and special responsibility for the Territory, and that all States had to refrain from any relations with South Africa which implied recognition of its authority over Namibia. The United Nations Council for Namibia had been established by the General Assembly to administer Namibia until independence. He hoped that the Security Council, during its session in Africa, would provide the Council for Namibia with the appropriate means for fully discharging its responsibilities towards that Territory. Recalling the current strike by Namibian labourers against the contract labour system, he noted that the Council for Namibia had demanded an immediate end to that system and had called upon all foreign corporations operating in the Territory to cease using it and to refuse to become party to any

²² 1627th meeting: statement by the President of Mauritania.

²³ *Ibid.*, President's statement before closing the meeting.

²⁴ 1628th meeting: intervention by Egypt.

²⁵ *Ibid.*, intervention by Zambia.

settlement of that strike that did not take into account the just demands of the Namibian workers. As an immediate step the Security Council could issue a similar call to the Member States. The cardinal issue before the Security Council was the removal of South Africa from Namibia so as to enable the United Nations to discharge its responsibilities towards that Territory, and the Council should no longer shrink, if necessary, from appropriate measures under Chapter VII of the Charter to achieve that end.²⁶

The representative of Trinidad and Tobago*, speaking as the representative of the Special Committee on *Apartheid*, recalled that by its resolutions 181 (1963), 182 (1963) and 282 (1970) the Council had imposed an arms embargo on South Africa. However, a number of Member States had continued to supply arms to South Africa, maintaining that they were fulfilling their obligations under existing agreements or distinguishing between arms for internal anti-guerilla operations and those for external defence. The Special Committee rejected that contention and believed that the time had come for all Governments to accept the letter and spirit of the resolutions of the Council and to carry them out, as the Charter provided. He also drew the Council's attention to the resolutions concerning *apartheid* adopted by the General Assembly at its twenty-sixth session. By resolution 2775 A(XXVI) the Assembly had called upon all Governments to implement fully the arms embargo and invited the Council to consider the situation with a view to securing the implementation of Council resolution 282 (1970). In resolution 2775 F (XXVI) the Assembly recommended that the Council consider urgently the situation in South Africa resulting from the policies of *apartheid* with a view to the adoption of effective measures including those envisaged under Chapter VII of the Charter. Since some delegations had expressed their inability in the Assembly debates to support this resolution because it fell within the exclusive competence of the Council, the Special Committee repeated these recommendations before the Council earnestly hoping for the adoption of effective measures.²⁷

At the 1629th meeting on 29 January 1972, the representative of Kenya* emphasized the fact that in 1972 over 30 million Africans in the southern part of Africa were being subjected to humiliation and colonial servitude that defied description. He reiterated his Government's condemnation of the Anglo-Rhodesian settlement as unjust and undemocratic and proposed several points on which a new settlement be based: a system of guarantees enforceable through British military presence in Rhodesia; African representation in the armed forces at the decision-making level; top positions for Africans in the civil service, industry, academic institutions and the police and security services; withdrawal of South African police and army personnel from Rhodesia; guarantee of complete freedom of movement and organization to the African majority under international supervision; detailed programme for common vote rolls and the attainment of African majority rule acceptable to the Rhodesia Africans; convocation of a round-table conference of Rhodesian whites, Zimbabwe Africans and the British administration under the aegis of the United Nations to work out a realistic and equitable

settlement; in the meantime, continuation and strengthening of sanctions until the settlement would be ready. Turning to the question of *apartheid*, he stressed that his Government had rejected the South African call for a dialogue because Pretoria had spurned all peaceful solutions and the dialogue would not lead to any improvement in the political and economic status of the Africans and would merely confer respectability on the obnoxious concept of *apartheid* and imply recognition of Bantustans. He added that his Government would support the freedom movements in the Portuguese Territories as much as possible, urged the United Nations to do likewise and appealed to the NATO countries to desist from assisting Portugal unless it stopped its colonial wars and oppression in Africa.²⁸

At the same meeting the representative of Tanzania*, speaking as 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, pointed out that the grave situation in southern Africa continued to deteriorate and to pose a most serious threat to international peace and security and to the territorial integrity of several African States. His Special Committee wanted to bring to the urgent attention of the Security Council the imminent need, among others: to widen the scope of sanctions against the illegal régime of Southern Rhodesia by declaring mandatory all the measures laid down in Article 41 of the Charter; to consider carefully the question of imposing sanctions upon South Africa and Portugal, in view of their refusal to carry out the relevant decisions of the Security Council; to give urgent consideration, with a view to promoting the elimination of colonialism, to the question of imposing a total embargo on arms of all kinds to South Africa and Rhodesia; and to consider urgently the adoption of measures to prevent the supply of arms to Portugal, as such arms have enabled that country to deny self-determination and independence to the peoples of the occupied Territories.²⁹

At the 1630th meeting on 31 January 1972, the representative of Uganda* declared that sanctions provided no effective solution to the rebellion in Rhodesia and that there was no short cut to physical intervention to topple the racist Smith régime. The United Kingdom should intervene, re-establish effective control over the Territory, set a time-table for the attainment of independence, reaffirm that independence would be on the basis of majority rule, withdraw the Home/Smith settlement proposals, and put an immediate stop to the brutal force inflicted upon the Africans who were exercising their rights of speech and assembly and release political detainees. If the United Kingdom could not take these steps, it should surrender its responsibilities and authority to the Security Council. In the case of Namibia which South Africa would not quit short of the use of force by the United Nations, his delegation proposed the following measures: implementation of the Council resolutions in concrete terms; direct physical intervention in Namibia by United Nations forces to enforce the ruling of the International Court of Justice and to expel the racist régime of South Africa; organization of political machinery to enable the people of Namibia to attain independence through self-determination; ensuring

²⁶ 1628th meeting: intervention by Pakistan.

²⁷ *Ibid.*, intervention by Trinidad and Tobago.

²⁸ 1629th meeting: intervention by Kenya.

²⁹ *Ibid.*, intervention by Tanzania.

compliance by all States with these goals and in particular ensuring the acceptance of these changes by foreign business interests in Namibia.³⁰

At the same meeting the representative of Tanzania* also called on the United Kingdom to abrogate the Home/Smith proposals, to withdraw the Pearce Commission and to shoulder its responsibility in Rhodesia, and he supported the demand by the OAU for the immediate take-over by the United Nations of the administration of Namibia. In view of the aggressive and defiant role of South Africa and Portugal, these two outlaws should be expelled from the United Nations.³¹

The representative of China reiterated his Government's basic policy regarding Africa, condemned the strongholds of colonialism and racism in South Africa, Rhodesia, Namibia and in the Portuguese Territories and urged the Security Council to condemn the atrocities committed by the Rhodesian régime against the Zimbabwe people and to reject the fraud of the so-called "agreement" between Britain and the Rhodesian régime; to condemn the Portuguese and South African colonialist authorities for their repression of the national liberation movements and for the policies of *apartheid* and to condemn the United States, Britain and other countries for their support of Rhodesia, South Africa and Portuguese colonialism. The Council should further expand and strengthen the sanctions against Rhodesia, South Africa and Portugal and call upon all Governments and peoples to give active support to the peoples of Azania, Namibia, Zimbabwe, Angola, Mozambique and Guinea (Bissau) in their liberation struggles.³²

The representative of Yugoslavia noted that although the Council had demonstrated its support for Africa by coming to Addis Ababa, by giving the representatives of African States and liberation movements the opportunity to address the Council on African soil and by a number of specific measures in the past, the time had come to take further and bolder steps for the achievement of liberation and independence of Namibia and other African Territories under colonial rule. The Council should review the implementation of its resolutions and devise new ways to ensure compliance. Regarding the flagrant violations of Council measures in South Africa, Namibia, Rhodesia and in the Portuguese Territories and measuring these against the mandatory provision of Article 25 of the Charter, the Council had to arrest the erosion of the authority of the United Nations. The flagrant violations of the sanctions, arms embargoes etc. encouraged the South African, Rhodesian and Portuguese régimes to initiate new oppressive actions and might even lead them to new adventures of conquest. Therefore, the Council should consider what sanctions should be automatically applied to anyone violating its decisions. The United Nations and the Council should increasingly be able to apply Articles 41 and 42 of the Charter against those who defied its resolutions and decisions and who threatened peace and security or whose acts constituted an affront to the conscience of the world. Yugoslavia supported the proposals to persuade the United Kingdom to fulfil its responsibilities as the administering Power in Southern Rhodesia, to safeguard the lives and

welfare of the African majority in that country and to withdraw the Pearce Commission immediately. Everything should be done to make the United States rescind its decision of importing chrome from Rhodesia in violation of the United Nations sanctions. Among more positive, more active measures in favour of the liberation movements his Government would pay closest attention to the proposal of the Chairman of the OAU that the Council assume direct responsibility for Namibia. In order to be able to follow the implementation of its resolutions and decisions on African issues, the Council might consider both present and new practices, such as holding periodic meetings, sending missions, establishing special reporting and monitoring techniques. These could be combined with the existing structure of co-operation between the OAU and various United Nations bodies and further developed.³³

At the 1631st meeting on 31 January 1972, the representative of the USSR stated that the perpetuation of colonial and racist régimes in Africa not only resulted in suffering and insults to human dignity but also constituted a threat to the whole African continent. The Council should take immediate and effective measures to ensure the speediest possible elimination of the colonial and racist oppression of peoples. His country had taken the initiative which led to the adoption of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)) and subsequently of additional declarations reaffirming the legitimacy of the struggle of colonial peoples for their freedom and independence. He noted the strongholds of colonialism and racism in southern Africa and condemned the manifold violations of resolutions and decisions of the United Nations by the rulers of these régimes and by their imperialist supporters in defiance of Article 25 of the Charter. His Government supported the demands for the adoption and implementation of effective measures to eliminate colonialism, racism and *apartheid* in Africa.

Concerning Rhodesia, the Council should reject the British-Rhodesian settlement proposals, reaffirm that any settlement must be based on equality and universal suffrage, irrespective of race and colour; it should request the United Kingdom to eliminate the white minority régime and ensure an immediate transfer of power to the Zimbabwe people. Sanctions should not only be strictly complied with, but further increased in effectiveness and extended to South Africa and Portugal which were supporting the illegal régime. In regard to South Africa his Government advocated the strictest compliance with United Nations resolutions against *apartheid* and for an end to the occupation of Namibia by the Pretoria régime and for the independence of Namibia. South Africa could be forced to comply with Council decisions by sanctions and a trade embargo as well as the strictest possible international isolation of that régime. The sanctions should be imposed in accordance with Chapter VII of the Charter. The representative recalled that his delegation together with Guinea had submitted a draft convention on the suppression and punishment of the crime of *apartheid* to the twenty-sixth session of the General Assembly. As for Portugal, the Council should take the strictest measures against the Portuguese aggressors in order to put an end to its presence on the African continent

³⁰ 1630th meeting, paras. 53-65.

³¹ *Ibid.*, paras. 79-85.

³² *Ibid.*, paras. 94-99.

³³ *Ibid.*, paras. 120-133.

and to its attempts to encroach upon the sovereignty and independence of African States.³⁴

At the same meeting the representative of Ghana* stated that the basic issue underlying all the southern African questions was one of race and human rights. He criticized some members of the Council who distinguished between the Rhodesian question, which the Council had defined as a threat to international peace and security under Chapter VII of the Charter, and the other problems such as *apartheid*, Portuguese colonialism and others. The General Assembly, however, had condemned these, too, as threats to peace and security. To remove these threats preventive diplomacy was needed before the breach of the peace occurred. Since the problems of southern Africa were indissolubly interwoven with each other, any solutions proposed were to be aimed at all three Powers concerned: South Africa, Portugal and Rhodesia. All those who so far had given invaluable verbal support should move now to practical and concrete measures, in and out of the United Nations. As the application of political solutions was often hampered by the danger of the veto and the danger of the consensus, the Council could follow precedents, e.g. the deliberations of four permanent members about the Middle East, the strategic talks of the two super-Powers, the Vietnam negotiations, and try to promote solutions in southern Africa outside the Council debates but guided by its goals and principles.

He then suggested a number of measures for consideration by the council: The Council should issue during these meetings a declaration of support for all liberation movements struggling for their human and political rights. The Council should appeal to the ruling Governments in southern Africa to initiate procedures immediately with the leaders of the struggling peoples for the attainment of these rights. It should recommend the suspension of all plans for the political future of the African peoples which had been condemned as contrary to United Nations principles and request the renegotiation of those plans. The Council should condemn *apartheid* as contrary to the Charter and as a crime against humanity. It should call for the early review of the laws of each State concerned to achieve greater conformity with the Charter. It should adopt measures to implement the advisory opinion of the International Court of Justice on Namibia. All States should be invited to assist the liberation movements either directly or through a new United Nations fund. The Council should widen and strengthen sanctions against Rhodesia and ask Portugal and South Africa to implement them. Their failure to do so should result in a threat to consider the suspension of their membership in the United Nations. The Council should call on the major trading partners of South Africa to reduce their trade and economic relations with that country; the United States, for instance, might discontinue its sugar quota to South Africa, as it should comply with the embargo against Rhodesian chrome. All military aid to Portugal and South Africa should be stopped. South Africa should be isolated from all sports and cultural international competitions. The Secretary-General should be requested to initiate contacts with a view to securing the eventual independence of Namibia. The Council should decide not to recognize Rhodesian independence until it would be achieved on the basis of majority rule. The Council might

³⁴ 1631st meeting, paras. 46-88.

wish to initiate periodic reviews of the burning African problems as a whole at regular intervals in order to observe their development.³⁵

At the 1632nd meeting on 1 February 1972, Mr. El-Bedewi, speaking on behalf of the OAU Coordinating Committee for the Liberation of Africa, invited the Security Council to visit the liberated areas in Guinea (Bissau), Mozambique and Angola and declared that the time had come for the Council to assume its responsibilities and use all means within the Charter—including force—to uproot racism and colonialism in Africa. In conclusion he submitted several proposals formulated by the OAU Committee, which would provide *inter alia* that the Council would expressly ask all Member countries, especially the great Powers, to cease any kind of support to those colonialist Governments which might use it to suppress liberation movements; that all freedom-loving countries be urged to grant to the liberation movements recognized by OAU all necessary moral, financial and material assistance, and that the settlement in African territories currently under consideration by the Council should be negotiated with the authentic representatives of the recognized liberation movements.³⁶

Mr. dos Santos of the Mozambique Liberation Front asked the Council to persuade the United States and several West European countries as well as Japan to cease all forms of co-operation with Portugal, to make decisions of the General Assembly prohibiting the provision of arms for use in the colonies compulsory and to set up controls to verify compliance especially with respect to NATO arms. He also asked that sanctions should be taken against Portugal on account of its refusal to conform to the principles of the Charter.³⁷

At the 1633rd meeting also held on 1 February, Mr. Mueshange endorsed the proposal by the President of OAU to create a committee of the Council including its permanent members, to be entrusted with the administration of Namibia, asked for the application of Chapter VII of the Charter and consequently for the dispatch of United Nations forces to replace the oppressive South African forces. Further, the United Nations Council for Namibia should be strengthened and recognized as the legal authority in the Territory. As a last resort military action under Chapter VII should be taken against South Africa.³⁸

At the same meeting Mr. Diallo Telli, the Secretary-General of the Organization of African Unity, stressed that the effectiveness of United Nations action against colonialism, racial discrimination, and *apartheid* depended upon the direct action of the Security Council and in particular the action of its permanent members. The Council, benefiting from the full co-operation of its permanent members, could easily find ways of taking over the administration of Namibia and of organizing together with the United Kingdom a constitutional conference with the authentic representatives of the Zimbabwe people, outside the poisoned atmosphere of Rhodesia in order to permit

³⁵ *Ibid.*, paras. 150-152, 162-164.

³⁶ 1632nd meeting, paras. 53-54, 59-60.

³⁷ *Ibid.*, paras. 138-140.

³⁸ 1633rd meeting, paras. 36-42.

the people of Rhodesia to exercise freely, on the basis of majority rule, its inalienable right to self-determination and independence. The Council could also undertake measures to further the rapid decolonization of the Portuguese Territories and of South Africa. If the Portuguese and South African Governments resisted these steps, it would remain for the Council to use political, economic and military sanctions as provided for in Chapter VII of the Charter, including the expulsion or suspension of those two Governments from the United Nations until they would end colonial rule and *apartheid*. He urged the Council to recognize explicitly the legitimacy of the national liberation struggle and to step up its assistance to the liberation movements. The Council should insist that the specialized agencies earmark an important portion of their respective budgets for assistance to the victims of colonial exploitation and racial oppression in Africa, and this assistance should be supplemented by the special fund which the OAU Chairman had suggested at his opening address. Among other measures he also supported the proposal that the Council set up a watchdog committee to supervise the implementation of the arms embargo resolutions against South Africa and Portugal.³⁹

At the 1634th meeting on 2 February 1972, the representative of Belgium stated that in Rhodesia it was up to the United Kingdom as the administering Power to prepare a new régime based on majority rule and self-determination and that the Council would depart from its proper role if it tried to take the place of the administering Power. Nevertheless the Council had the right to concern itself with the application of the "test of acceptability" provided for under the British-Rhodesian agreement. In condemning the policy of *apartheid* he pointed out that his Government was opposed to the Council deciding to apply against South Africa the sanctions under Chapter VII of the Charter or other equivalent measures, such as the breaking-off of diplomatic, economic and trade relations. Such steps would force South Africa into an isolation which would strengthen its policy, whereas maintaining contacts with South Africa would keep the country aware of the unpopularity of its policy. Regarding Namibia, the Belgian delegation continued to hope that the South African Government would agree to arrangements to permit the Namibian people to exercise freely its right to self-determination. He also mentioned the appointment of a United Nations representative as a step toward the settlement of the problem.⁴⁰

At the 1635th meeting, also held on 2 February, the representative of the United Kingdom declared that Britain was facing a dilemma in that it had to choose between on the one hand, perpetuating a deadlock leading inside Rhodesia to *apartheid* and on the other hand, negotiations. His Government shared with the Governments of independent African countries and with the members of the Council the ultimate objective, but agreement was lacking as to the choice of means. His Government wanted a settlement which would provide guaranteed progress towards majority rule on a basis acceptable to the people of Rhodesia as a whole.⁴¹

The representative of the United States said that in discussing the burning issues of southern Africa everyone should be clear on the fact that the United Nations as an organization of peace could not redress wrongs by making war. Moreover the United Nations was not more than an auxiliary instrument, while the people themselves who were suffering from colonial rule and racial justice in those parts of Africa, were the primary factor in eliminating these ills. The United States Government rejected completely the system of *apartheid*, but it believed that the best means of encouraging change would be through increased communications with all elements of the population of South Africa, not through attempts at isolation. His Government had long held that the South African presence in Namibia was illegal, and had taken many steps to discourage American business from investing in that Territory. But it did not believe that the imposition of sanctions by the Security Council would result in the desired changes. Therefore, the Council should discuss ways to initiate contacts with the parties concerned to establish the necessary conditions to enable the people of Namibia to exercise their right to self-determination. In Rhodesia his Government continued to support strong mandatory economic sanctions, but refused to join other members of the Council in urging the use of force to bring about change. The Pearce Commission which had visited Rhodesia had for the first time enabled the people of Rhodesia to express their opinion in rejecting the British-Rhodesian settlement proposals. The United States was aware of the Portuguese problem. It hoped that the parties involved would explore new avenues of settlement, such as bilateral or third-party commissions. His Government consistently maintained the right to self-determination of the people in Portugal's African Territories, had informed Portugal to that effect and was still enforcing its own arms embargo against arms shipments for use in the African Territories.⁴²

The representative of India called the white Government of South Africa the most important element in the problems the Council was discussing. It was the principal agent for spreading *apartheid*, for maintaining Portugal's colonial rule over Angola, Mozambique and Guinea (Bissau), for sustaining the Smith régime in Rhodesia and for illegally occupying Namibia. No satisfactory solution to any of these problems would be found unless the Government of South Africa could be persuaded or coerced to follow a civilized policy. Concerning Rhodesia, he recommended, now that the people of Zimbabwe had rejected the Home-Smith proposals, that the British Government consider relinquishing its legal responsibility for the Territory if it did not want to exercise its administrative authority against the illegal régime. Sanctions against Rhodesia should be tightened and widened, and the Sanctions Committee of the Council should be more vigorous in pursuing and in publicizing all infringements. All communications systems to and from Rhodesia should be cut off extending to passports, visas, postal services, transports and communication systems of all kinds. The presence of the South African "police" force in Rhodesia should also be ended. As regarded Namibia, the Council for Namibia should assess taxes on foreign companies operating in Namibia and ask them to pay those taxes into a central UN fund. In case of refusal, the United Nations could sue

³⁹ 1633rd meeting, paras. 144-157.

⁴⁰ 1634th meeting, paras. 104-118.

⁴¹ 1635th meeting, paras. 20-21.

⁴² *Ibid.*, paras. 39-62.

these companies in appropriate national courts. The Organization might consider stationing a ship outside the territorial waters of Namibia with the authority to issue fishing licences within and beyond these territorial waters. If South Africa refused to comply, it could be sued for damages before the International Court of Justice. He also suggested to consider the stationing of an all-African border force along the Namibian borders with other African countries. To continue the fight against *apartheid* he advised an effective trade ban and arms embargo on South Africa. Other economic sanctions and the termination of diplomatic and consular relations should also be weighed. In order to terminate Portuguese colonialism the United Nations should immediately declare Angola, Mozambique and Guinea (Bissau) independent and free of Portuguese authority. The very presence of the Portuguese in these Territories constituted a form of aggression, and one could not consider any of these Territories, including South Africa, as a sovereign independent State until all citizens enjoyed full and equal civil rights.⁴³

The representative of France recalled that successful decolonization had been carried out since 1945 under the provisions of Chapters XI and XII of the Charter. The accumulation of 128 resolutions on this issue since 1960 had been in vain and reflected a wrong approach. While there was agreement on the objectives to be attained—freedom, self-determination and independence for the peoples of Namibia, Rhodesia, Angola, Mozambique and Guinea (Bissau) as well as for the victims of *apartheid*, no real progress could be achieved without the participation of Portugal and South Africa and, in the case of Rhodesia, of Great Britain. The alternative would have to be violence and war, which nobody would wish to propose for the United Nations and for southern Africa. Concerning Rhodesia, his delegation would suggest not to stop the consultation process involving the Pearce Commission in order to get the full report from the British Government, and to ask the United Kingdom to take immediate measures for the protection of the life and well-being of the African majority against brutality and repression. As regarded Namibia, his Government renewed the call for a negotiation between the United Nations and South Africa for an international régime over Namibia under which its people could decide their destiny freely. The new Secretary-General, with the support of the Council and in constant consultation with its five permanent members, should begin these negotiations with the Government of South Africa immediately, and the Council should set a period of six months at the end of which the Secretary-General should present his report. This process for Namibia ought to be exemplary for the other problems also to be resolved.⁴⁴

At the beginning of the 1636th meeting on 3 February 1972, the President announced that the delegations of Guinea, Somalia and Sudan had jointly submitted a draft resolution⁴⁵ relating to the situation in Southern Rhodesia.⁴⁶

⁴³ 1635th meeting, paras. 85-95.

⁴⁴ *Ibid.*, paras. 110-131.

⁴⁵ S/10606, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 82-83.

⁴⁶ 1636th meeting, para. 1.

The representative of Burundi* suggested that a world conference be held dealing with the complete and final elimination of racial subjugation and colonial domination in Africa, and he proposed that the Council request from the OAU a "Plan for a liberated Africa" which would establish a time-limit for accession by all countries to independence and for the elimination of *apartheid*; it would also include *inter alia* the dispatch of periodic missions from the Security Council to check the progress in implementing the plan.⁴⁷

At the same meeting the representative of Somalia stated that following the decision of the International Court of Justice, his Government had hoped that the Council would have asked all Member States to take positive action, collectively, to ensure the withdrawal of South Africa from Namibia, but unfortunately, the situation had remained the same. His Government, therefore, proposed that the Council should declare that any further refusal by South Africa to withdraw would constitute an act of aggression against Namibia and a threat to international peace and security within the context of Chapter VII of the Charter. Since the Council had recognized the right of the people to resist an illegal occupation, it should provide the Namibian liberation forces with the necessary assistance against South Africa's illegal presence. The Council should ensure that the arms embargo imposed on South Africa, the significance of which for Namibia had been recognized in Security Council resolution 283 (1970) be fully implemented. All relations with or involving Namibia should be entered into or maintained through the United Nations in order to have legal effect. Actual or potential foreign investors should be prevailed upon by their Governments to desist from making investments until the situation in Namibia had been solved to the satisfaction of the United Nations.

Regarding the situation in the Territories under Portuguese control, direct United Nations intervention had become necessary to save the lives of the valiant people in those Territories and to stop the senseless wars Portugal was waging against Africa. Portugal should be subjected to an arms embargo and be forced to grant the people the right of self-determination and independence.

Turning to Rhodesia, the Somali representative emphasized the rejection of the British-Rhodesian agreement by the African people and asked what the British Government intended to do at this point. His own Government had rejected the so-called agreement because it did not entail fundamental changes from the 1969 rebel constitution; because it deliberately ignored the cardinal principle of "no independence before majority rule"; because the so-called test of acceptability was meaningless in the absence of a referendum involving the people of Zimbabwe; because the implementation of the settlement was left to the good will of the rebel régime; because the terms of the "settlement" were concluded behind the backs of the African population and its legitimate representatives; and because the British Government aimed to seek face-saving means and to confer legal independence on the minority régime in defiance of United Nations resolutions and world opinion.

The representative of Somalia then introduced a draft resolution (S/10606), sponsored by Guinea, Somalia and the Sudan.

⁴⁷ *Ibid.*, paras. 17-22.

The draft resolution, in its operative part, would provide *inter alia* for (1) the reaffirmation by the Council that the situation in Southern Rhodesia constituted a threat to international peace and security, for (2) the Council's regret over the failure of the United Kingdom to bring the rebellion in Rhodesia to an end; (3) the Council would condemn the recent killings, woundings and detention of civilians carried out by the illegal régime; (4) the Council would call upon the United Kingdom to safeguard the lives and welfare of the African people against further brutal and repressive acts by the illegal régime; (5) the Council would urge the British Government not to implement the "settlement" proposals, taking into account the overwhelming African opposition to these proposals; (6) the Council would express its firm belief that a solution to the situation in Southern Rhodesia required that a constitutional conference should be convened, without delay, in which the African people, through their genuine representatives, would be able to participate in the formulation of new proposals for the constitutional advancement of their country; (7) it would urge the United Kingdom Government to convene such a constitutional conference as a matter of urgency; (8) it would call upon Member States to take more stringent measures in order: to assure full implementation of sanctions and to prevent any circumvention by their nationals, organizations, companies and other institutions of their nationality, of the decisions taken by the Security Council in resolutions 232 (1966) and 253 (1968), all provisions of which should remain fully in force; (9) it would call upon South Africa to withdraw immediately its police and armed forces from the territory of Southern Rhodesia.⁴⁸

At the beginning of the 1637th meeting, also held on 3 February, the President drew the attention of the Council members to the four additional draft resolutions which had been submitted to the Council: S/10607, sponsored by Guinea, Somalia and Sudan;⁴⁹ S/10376/Rev.2, sponsored by Argentina,⁵⁰ S/10608, sponsored by Guinea, Somalia and Sudan;⁵¹ and S/10609, sponsored by Guinea, India, Somalia, Sudan and Yugoslavia.⁵²

The representative of Guinea, speaking also on behalf of Somalia and Sudan, introduced the draft resolution (S/10607) on the Territories under Portuguese domination, under the preamble of which the Council would *inter alia* acknowledge the statements by the representatives of the liberation movements of Guinea (Bissau), Angola and Mozambique; deplore the fact that Portugal had failed to implement the pertinent resolutions of the Council, which were the only means to achieve a peaceful solution of the Territories; further deplore the policies and actions of those States which, in disregard of the repeated appeals addressed to them by the United Nations, continued to assist Portugal in its colonial policies; recognize that the liberation movements in Angola, Mozambique and Guinea (Bissau)

represented the authentic voice of the African people in these territories; and note with satisfaction the progress towards national independence and freedom made by the national liberation movements, both through their struggle and reconstruction programmes. Under the operative part of the draft resolution, the Council would *inter alia* (4) reaffirm its urgent demand to Portugal for: (b) ... the withdrawal of all the military and other forces at present employed for that purpose; (d) negotiations, on the basis of the recognition of the right to self-determination and independence, with the genuine representatives of the people of the Territories with a view to the transfer of power to political institutions freely elected and representatives of the peoples, in accordance with resolution 1514 (XV); (e) the granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples; (7) invite all States and the specialized agencies and other organizations within the United Nations system in consultation with the Organization of African Unity, to render to the peoples of the Territories, in particular the population in the liberated areas, all the moral and material assistance necessary to continue their struggle for the restoration of their inalienable right to self-determination and independence; and (8) further urge all States to take all appropriate measures to prevail upon the Government of Portugal to abide by the provisions of this resolution.

In conclusion, the representative of Guinea stated that the sponsors were open to suggestions for changes and improvements of the draft.⁵³

At the same meeting, the representative of Argentina introduced the revised text (S/10376/Rev.2) of the draft resolution,⁵⁴ which he had originally submitted to the Council at its 1598th meeting on 20 October 1971 during the discussion of the situation in Namibia and which had been revised as a result of consultations with the African Group and with all Council members. In paragraph 1 of the proposed draft resolution, the Council would invite the Secretary-General, in consultation with a group of the Council, the membership of which remained to be determined, to initiate contacts with all parties concerned, with a view to establishing the necessary conditions for the people of Namibia to exercise their right to self-determination and independence.⁵⁵

The representative of Italy proposed that the group of the Security Council, provided for in the Argentinian draft resolution, should be composed of the representatives of Argentina and Somalia.⁵⁶

At the same meeting the representative of India introduced the draft resolution (S/10609), co-sponsored by Guinea, India, Somalia, Sudan and Yugoslavia and relating to the question of *apartheid* and race conflict in South Africa, in the operative part of which the Council would *inter alia* (5) call upon all States ... to deny all military co-operation to the South African Government; and (8) decide to establish a committee of the Council to study

⁴⁸ 1636th meeting, paras. 47-88.

⁴⁹ S/10607, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 83-84.

⁵⁰ S/10376/Rev.2, adopted without change as resolution 309 (1972).

⁵¹ S/10608, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, p. 84.

⁵² S/10609, *ibid.*, pp. 84-85. For President's statement see 1637th meeting, para. 9.

⁵³ 1637th meeting, paras. 10-24.

⁵⁴ S/10376, *OR* 26th yr. *Suppl. for Oct.-Dec. 1971*, p. 27.

⁵⁵ 1637th meeting, paras. 28-49.

⁵⁶ *Ibid.*, para. 53.

and report urgently on ways and means to implement the resolutions of the Council on this question of *apartheid*.⁵⁷

The representative of Yugoslavia introduced a second draft resolution (S/10608) on Namibia, co-sponsored by Guinea, Somalia, Sudan and Yugoslavia.⁵⁸

The representative of the USSR called it a major task of the Council and primarily all its permanent members to provide support and assistance to the enslaved peoples of the south of Africa and not to protect the oppressors and enslavers of these peoples. He declared his delegation's intention to support and vote for the various draft resolutions. Referring to the Italian proposal with regard to the group of the Council under draft resolution S/10376/Rev.2 on Namibia, he suggested to enlarge the group to five members and to include the representatives of Guinea, India and Yugoslavia in addition to those named by Italy.⁵⁹

Following further discussion of this issue, the representative of Somalia suggested to follow customary practice and ask the President to establish the composition of the group through consultations with the members of the Council.⁶⁰

At the 1638th meeting on 4 November 1972, the representative of Yugoslavia drew the attention of the Council to the revised text⁶¹ of draft resolution S/10608, which had been arrived at through consultations with members of the Council. The revisions included, *inter alia*, the deletion of a reference to Article 25 of the Charter of the United Nations from the eighth preambular and the deletion of the phrase "... and has grave consequences as concerns international peace and security" from paragraph 6.⁶²

At the same meeting, after a procedural discussion concerning the priority of various draft resolutions before the Council,⁶³ the President stated that, following consultations with all the members of the Council, it had been agreed that the group of the Council to which the Argentine draft resolution (S/10376/Rev.2) referred, would consist of the representatives of Argentina, Somalia and Yugoslavia.⁶⁴ The Council proceeded then to vote on the revised Argentine draft resolution and adopted it by 14 votes to none; one member did not participate in the voting.⁶⁵ The resolution read as follows:

The Security Council,

Having examined further the question of Namibia and without prejudice to other resolutions adopted by the Security Council on this matter,

Recognizing the special responsibility and obligation of the United Nations towards the people and Territory of Namibia,

⁵⁷ 1637th meeting, paras. 64-78.

⁵⁸ *Ibid.*, paras. 87-96.

⁵⁹ *Ibid.*, paras. 107-115.

⁶⁰ *Ibid.*, para. 182. For further discussion of this issue, see Chapter V of this *Supplement*, case 10.

⁶¹ S/10608/Rev.1, adopted without change as resolution 310 (1972).

⁶² 1638th meeting, paras. 6-16.

⁶³ For further discussion see chapter I, part V, case 25.

⁶⁴ 1638th meeting, para. 99.

⁶⁵ *Ibid.*, para. 102. Adopted as resolution 309 (1972).

Reaffirming once again the inalienable and imprescriptible right of the people of Namibia to self-determination and independence,

Reaffirming also the national unity and territorial integrity of Namibia,

1. *Invites* the Secretary-General, in consultation and close co-operation with a group of the Security Council, composed of the representatives of Argentina, Somalia and Yugoslavia, to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

2. *Calls upon* the Government of South Africa to co-operate fully with the Secretary-General in the implementation of the present resolution;

3. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution not later than 31 July 1972.

The Council then proceeded to vote on the revised four-Power draft resolution (S/10608/Rev.1), which was adopted by 13 votes to none, with 2 abstentions.⁶⁶ The resolution read as follows:

The Security Council,

Taking note of the statement of the President of the Islamic Republic of Mauritania, in his capacity as current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity,

Taking note of the statement of the President of the United Nations Council for Namibia,

Gravely concerned over the present situation in Namibia and the repressive measures of the South African Government, following the strike of the African contract labourers in the country and the widespread and increasing manifestations of African resistance to the illegal occupation of the Territory by the South African Government,

Convinced that the Security Council, as a matter of urgency, should find ways and means to enable the people of the Territory to achieve self-determination and independence,

Conscious of the need for full co-operation of all Member States, in particular the permanent members of the Security Council and the main trading partners of South Africa, for this purpose,

Recalling its previous resolutions and those of the General Assembly pertaining to Namibia,

Conscious of the special responsibilities of the United Nations towards the people and Territory of Namibia,

Mindful of its responsibility to take necessary action to secure strict compliance with the obligations entered into by Member States under the relevant provisions of the Charter of the United Nations,

Reaffirming the inalienable right of the people of Namibia to self-determination and independence, in accordance with General Assembly resolution 1514 (XV) of 14 December 1960,

Reaffirming also the national unity and territorial integrity of Namibia,

1. *Strongly condemns* the refusal of South Africa to comply with the resolutions of the General Assembly and the Security Council pertaining to Namibia;

2. *Reaffirms* that the continued occupation of Namibia by the South African authorities is illegal and detrimental to the interests of the people of Namibia;

3. *Declares* that the defiant attitude of South Africa towards the decisions of the Security Council undermines the authority of the United Nations;

4. *Strongly condemns* the recent repressive measures against the African labourers in Namibia, and calls upon the Government of

⁶⁶ *Ibid.*, para. 103. Adopted as resolution 310 (1972).

South Africa to end immediately these repressive measures and to abolish any labour system which may be in conflict with the basic provisions of the Universal Declaration of Human Rights;

5. *Calls upon* all States whose nationals and corporations are operating in Namibia notwithstanding the relevant provisions of Security Council resolution 283 (1970) to use all available means to ensure that such nationals and corporations conform, in their policies of hiring Namibian workers, to the basic provisions of the Universal Declaration of Human Rights;

6. *Considers* that the continued occupation of Namibia by the Government of South Africa in defiance of the relevant resolutions of the United Nations and of the Charter creates conditions detrimental to the maintenance of peace and security in the region;

7. *Calls upon* South Africa to withdraw immediately its police and military forces as well as its civilian personnel from the Territory of Namibia;

8. *Decides* that, in the event of failure on the part of the Government of South Africa to comply with the present resolution, the Security Council shall meet immediately to decide upon effective steps or measures, in accordance with the relevant Chapters of the Charter, to secure the full and speedy implementation of the present resolution;

9. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution not later than 31 July 1972.

At the beginning of the 1639th meeting, also held on 4 February, the President announced that the Council would first discuss the draft resolution on Southern Rhodesia (S/10606), followed by the five-Power draft resolution on *apartheid* (S/10609/Rev.1) and an as yet unavailable revision of the draft resolution concerning the Portuguese Territories, which had originally been circulated in document S/10607.⁶⁷

Speaking in explanation of vote, the representative of the United Kingdom reiterated that his Government could not accept a directive to change its policy while it was in the process of being worked out. The draft resolution on Southern Rhodesia (S/10606) recommended courses of action which were unrealistic and impracticable. His delegation therefore could not accept the draft resolution.⁶⁸

Then the Council voted on the draft resolution sponsored by Guinea, Somalia and Sudan, which 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.⁶⁹

Taking up the draft resolution on the question of *apartheid*, the representative of India introduced a revised text (S/10609/Rev.1)⁷⁰ in which the words "and to deny all military co-operation to the South African Government" in paragraph 5 and the old paragraph 8 had been deleted.⁷¹

Subsequently, the Council voted on the revised five-Power draft resolution (S/10609/Rev.1), which was adopted by 14 votes to none with 1 abstention.⁷²

The resolution read as follows:

The Security Council,

Noting with grave concern the aggravation of the situation in South Africa resulting from the continued intensification and

expansion of the policies of *apartheid* and repression by the Government of South Africa,

Having heard the statements of those individuals invited to address the Council on this question,

Taking note of the statement of the representative of the Special Committee on *Apartheid*,

Deploring the persistent refusal of the Government of South Africa to implement the resolutions adopted by the Security Council in order to promote a peaceful solution in accordance with the Charter of the United Nations,

Gravely concerned that the situation in South Africa seriously disturbs international peace and security in southern Africa,

Noting the continued military build-up and strengthening of its military capability by the Government of South Africa,

Convinced that urgent measures must be taken by the Security Council to secure implementation of its resolutions and thereby promote a solution to the grave situation in South Africa and southern Africa,

1. *Condemns* the Government of South Africa for continuing its policies of *apartheid* in violation of its obligations under the Charter of the United Nations;

2. *Reiterates* its total opposition to the policies of *apartheid* of the Government of South Africa;

3. *Recognizes* the legitimacy of the struggle of the oppressed people of South Africa in pursuance of their human and political rights, as set forth in the Charter and the Universal Declaration of Human Rights;

4. *Urgently calls upon* the Government of South Africa to release all persons imprisoned, interned or subjected to other restrictions as a result of the policies of *apartheid*;

5. *Calls upon* all States to observe strictly the arms embargo against South Africa;

6. *Urges* Governments and individuals to contribute generously and regularly to the United Nations funds which are used for humanitarian and training purposes to assist the victims of *apartheid*;

7. *Commends* the inter-governmental organizations, non-governmental organizations and individuals for assisting in the education and training of South Africans and urges those who do not to begin and those who do to expand their efforts in this field;

8. *Decides*, as a matter of urgency, to examine methods of resolving the present situation arising out of the policies of *apartheid* of the Government of South Africa.

Following a brief suspension of the meeting,⁷³ the Council, on 5 February, took up the discussion of the draft resolution regarding the Portuguese Territories. The representative of Guinea, on behalf of the three sponsors of draft resolution S/10607, submitted a revised text,⁷⁴ which was the result of the consultations with other Council members and contained numerous changes in the pre-ambular and operative parts.⁷⁵ The sponsors also agreed to incorporate an amendment to paragraph 4 (c), proposed orally by the representative of Japan, which read: "To withdraw all its armed forces at present employed for the purpose of repression against the people of Angola, Mozambique and Guinea (Bissau)."⁷⁶

The Council then proceeded to vote upon the revised draft resolution (S/10607/Rev.1), which was adopted by 9 votes to none, with 6 abstentions.⁷⁷

⁶⁷ 1639th meeting, para. 1.

⁶⁸ *Ibid.*, paras. 43-44.

⁶⁹ *Ibid.*, para. 48.

⁷⁰ Adopted without change as resolution 311 (1972).

⁷¹ 1639th meeting, paras. 77-79.

⁷² *Ibid.*, para. 194. Adopted as resolution 311 (1972).

⁷³ 1639th meeting, para. 121.

⁷⁴ S/10607/Rev.1, adopted as resolution 312 (1972).

⁷⁵ *Ibid.*, paras. 124-137.

⁷⁶ *Ibid.*, paras. 148, 152, 154, 160.

⁷⁷ *Ibid.*, para. 161. Adopted as resolution 312 (1972).

The resolution read as follows:

The Security Council,

Having reviewed the situation in the African territories under Portuguese administration,

Having heard the statements of those individuals invited to address the Council on this question,

Taking note of the statement of 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,

Gravely concerned that the Government of Portugal is continuing its measures of repression in its military operations against the African peoples of Angola, Mozambique and Guinea (Bissau), in order to suppress the legitimate aspirations of the peoples for self-determination and independence,

Deploring the refusal of the Government of Portugal to implement the pertinent resolutions of the Security Council, adopted on the question of the Territories under Portuguese administration, in accordance with the purposes and principles of the Charter of the United Nations,

Further deploring the policies and actions of those States which continue to provide Portugal with military and other assistance, which it uses to pursue its colonial and repressive policies against the peoples of Angola, Mozambique and Guinea (Bissau),

Seriously concerned at the repeated violations by the armed forces of Portugal of the sovereignty and territorial integrity of independent African States,

Deeply disturbed at the reported use of chemical substances by Portugal in its colonial wars against the peoples of Angola, Mozambique and Guinea (Bissau),

Recognizing the legitimacy of the struggle of the liberation movements in Angola, Mozambique and Guinea (Bissau) in their demand for the achievement of self-determination and independence,

1. *Reaffirms* the inalienable right of the peoples of Angola, Mozambique and Guinea (Bissau) to self-determination and independence, as recognized by the General Assembly in its resolution 1514 (XV) of 14 December 1960, and recognizes the legitimacy of their struggle to achieve that right;

2. *Condemns* the persistent refusal of the Government of Portugal to implement General Assembly resolution 1514 (XV) and all other relevant resolutions of the Security Council;

3. *Again affirms* that the situation resulting from the policies of Portugal both in its colonies and in its constant provocations against the neighbouring States seriously disturbs international peace and security in the African continent;

4. *Calls upon Portugal:*

(a) To recognize immediately the right of the peoples of the Territories under its administration to self-determination and independence, in accordance with General Assembly resolution 1514 (XV);

(b) To cease immediately the colonial wars and all acts of repression against the peoples of Angola, Mozambique and Guinea (Bissau);

(c) To withdraw all its armed forces as presently employed for the purpose of the repression of the peoples of Angola, Mozambique and Guinea (Bissau);

(d) To promulgate an unconditional political amnesty and the restoration of democratic political rights;

(e) To transfer power to political institutions freely elected and representative of the peoples, in accordance with General Assembly resolution 1514 (XV);

5. *Again calls upon* Portugal to refrain from any violations of the sovereignty and territorial integrity of African States;

6. *Calls upon* all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the peoples of the Territories under its administration, and to take all the necessary measures to prevent the sale and supply of arms and military equipment to the Portuguese

Government for this purpose, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition to be used in the Territories under Portuguese administration;

7. *Requests* the Secretary-General to follow the implementation of the present resolution and report to the Security Council from time to time.

At the conclusion of the 1639th meeting, the President, with the authorization of the members of the Council, made a statement of consensus on behalf of the Council expressing gratitude to the host country, in particular the Emperor and Government of Ethiopia.⁷⁸

THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA RESULTING FROM THE POLICIES OF APARTHEID OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

In the course of its meetings in Addis Ababa, the Security Council considered among other issues the question of *apartheid* in South Africa and adopted resolution 311 (1972) relating to this item.⁷⁹

THE SITUATION IN SOUTHERN RHODESIA

Decision of 28 February 1972 (1645th meeting): resolution 314 (1972)

By letter⁸⁰ dated 15 February 1972 addressed to the President of the Security Council, the representatives of Guinea, Somalia and Sudan requested that the Council meet to resume consideration of the problem of Southern Rhodesia. They also included a request that the Council extend an invitation in accordance with rule 39 to Mr. Abel Muzorewa, Chairman of the African National Council of Zimbabwe, to address the Council.

At its 1640th meeting on 16 February 1972, the Council included the letter by the three representatives together with the fourth report⁸¹ and the interim report⁸² of the Committee established in pursuance of Security Council resolution 253 (1968) in its agenda. Following the adoption of the agenda, the Council decided without objection to extend an invitation to Mr. Muzorewa, as requested.⁸³ At the same meeting, the representative of Saudi Arabia was also invited, at his request, to participate without the right to vote in discussion.⁸⁴ The item on the agenda was considered at the 1640th to 1642nd and the 1645th meetings from 16 to 25 and on 28 February 1972.

At the 1640th meeting, Mr. Muzorewa said that the African National Council which he represented had been

⁷⁸ 1639th meeting, para. 178. For the text of the statement see also, *SCOR, 27th yr., Resolutions and Decisions of the Security Council 1972*, p. 3.

⁷⁹ For relevant proceedings see in this chapter the procedural history of the meetings in Addis Ababa under the heading "Consideration of questions relating to Africa with which the Security Council is currently seized and the implementation of the Council's resolutions", esp. p. 101.

⁸⁰ S/10540, *OR, 27th yr., Suppl. for Jan.-March 1972*, p. 50.

⁸¹ S/10229 and Add.1 and 2, *OR, 26th yr., Special Suppl. No. 2*.

⁸² S/10408, *OR, 26th yr., Suppl. for Oct.-Dec. 1971*, pp. 78-79.

⁸³ 1640th meeting, para. 1-2.

⁸⁴ *Ibid.*, paras. 56-57.

formed in December 1971 with the objective to explain and expose the dangers of accepting the Anglo-Rhodesian settlement proposals and to co-ordinate the campaign for their non-violent rejection by the African people of the country. He declared that these proposals were based on the illegal and racist 1969 Rhodesia Front Constitution and that their claim to provide majority rule was ridiculed by constitutional experts. Before and after the Unilateral Declaration of Independence (UDI), the British Government had excluded the African leaders from its dialogue with the Rhodesian authorities. The ANC demanded that the Rhodesian problem should not be settled without the active participation of the African people in the negotiations leading to such a settlement and that the settlement should not legalize UDI and the Republican Constitution. The ANC called on the Security Council to press the United Kingdom to honour the principles of General Assembly resolution 1514 (XV) of 14 December 1960 on the Granting of Independence to Colonial Countries and Peoples and to maintain the prohibition of economic or diplomatic relations with the Smith régime. The Africans accepted sanctions as a price for their freedom and rejected any claim that sanctions should be lifted to alleviate African suffering.

The ANC also urged the Council and the States supporting the cause of human freedom to intensify sanctions by fully blockading the ports of Beira and Lourenço Marques under Chapter VII of the Charter for all goods exported from or imported into Rhodesia. Mr. Muzorewa decried the resumption by the United States of the purchase of chrome from Rhodesia, which in his opinion had no other purpose than to boost the morale of the racist régime, and suggested an investigation whether the United States violated the law; if this were the case, the violation should be brought before the International Court of Justice. He also asked the Council to confer proper international refugee status upon the refugees and to grant asylum to those who have to leave the territory. He expressed the hope that Member States would at least stop the immigration of their citizens into Rhodesia, in accordance with Security Council resolution 253 (1968). The ANC did not seek to expel the white settlers from the country; it tried to achieve peaceful and just racial coexistence in order to avoid the impending bloodshed and was willing to pay the price of repatriation for those who wanted to leave under majority rule. His organization was prepared to frame a constitution acceptable to the Africans and those white people who accepted non-racism and majority rule.⁸⁵

The representative of Somalia deplored that the preoccupation with the Anglo-Rhodesian proposals seemed to weaken the resolve to make sanctions workable and enforceable. The Council had in the past been of one mind on this task, but recently the reports about violations of the sanctions had increased markedly. He emphasized the set of recommendations unanimously adopted by the Sanctions Committee and contained in the supplementary report, whereby the Committee tried to impress upon the international community the need to enforce sanctions vigorously. He hoped the Council would at its next meeting take

up these recommendations and in this manner underline the importance it attached to its own decisions.⁸⁶

The representative of the USSR stated that Mr. Muzorewa's statement as well as the information presented by the representative of ZAPU and ZANU at Addis Ababa showed conclusively that the African people of Zimbabwe rejected the British-Rhodesian proposals categorically and unanimously. He stressed once again that his Government sharply condemned the deal between Britain and the racist Smith régime and rejected the unworthy manoeuvres designed to lend this minority régime a respectable character. He called upon Britain to renounce the agreements with Rhodesia and to implement the measures proposed by the African spokesmen at Addis Ababa, including negotiations and a constitutional conference with the participation of the authentic representatives of the people of Zimbabwe. In conclusion he reiterated his Government's support for effective measures to eliminate the racist régime in Southern Rhodesia and to enable the people of Zimbabwe to exercise its legitimate right to self-determination and independence.⁸⁷

The representative of the United Kingdom expressed doubt that Mr. Muzorewa spoke for all Africans in Southern Rhodesia, and he reminded the Council that Bishop Muzorewa himself had spoken in favour of the Pearce Commission completing its task. His delegation had therefore been arguing that the Council should suspend its judgement on the proposals until the results were known.⁸⁸

At the beginning of the 1641st meeting on 24 February 1972, the President drew the attention of the members of the Council to the draft resolution which had been submitted by Guinea, Somalia and the Sudan.⁸⁹

At the same meeting, the representative of Somalia commented on the fourth report of the Sanctions Committee and suggested that the mandate of the Committee should be widened so that it would collect, sift and analyse all reports of known or suspected violations of sanctions, whatever the source, and that it should be provided with the necessary machinery to attain those objectives. The proposal by Bishop Muzorewa to extend the sanctions by a blockade of Beira and Lourenço Marques under Chapter VII had also been discussed in the Committee, but no agreement had been reached on it. The Council could not make its decisions effective if it did not stop Portugal's and south Africa's defiance of obligations under Article 25 of the Charter. The continuation of sanctions did not depend on the outcome of the British-Rhodesian arrangements, but on the decision of the Security Council. Turning to the recommendations contained in the interim report of the Committee, he briefly recalled that the decision of the United States to permit the import of Rhodesian chrome ore had led to the urgent call of the three African members for a meeting of the Committee to review the American decision. There was unanimity among the 15 members of the Committee to address a report to the Council which would recall the decision of the Council to impose sanctions under Chapter VII and the obligation imposed on

⁸⁶ *Ibid.*, paras. 27-29.

⁸⁷ *Ibid.*, paras. 30-41, 61.

⁸⁸ *Ibid.*, paras. 46-48.

⁸⁹ 1641st meeting, opening statement by the President. S/10541, OR, 27th yr., Suppl. for Jan.-March 1972, pp. 50-51.

⁸⁵ 1640th meeting, para. 3-20.

all Member States to prevent the import of Rhodesian commodities and products. As suggested by the Committee, the Council should state that any legislation or other measure permitting the import of Rhodesian chrome weakened the effectiveness of the sanctions, and it should call upon all States not to take any such act violating the provisions of resolution 253 (1968).

The representative of Somalia then introduced the draft resolution co-sponsored by the delegations of Guinea and Sudan. The draft was based primarily on the recommendations of the Committee and designed to assure the international community that the sanctions would continue to be carried out against Southern Rhodesia without exception so as to bring the illegal rebellion to an end.⁹⁰

The representative of France expressed general support for the draft resolution, but suggested several changes in the operative part. With regard to paragraph 1, he commented that the original purpose of the sanctions had been defined as being the end of the illegal régime, whereas the draft resolution indicated the exercise of the right of self-determination, and he proposed to restore the initial formulation to maintain the Council's flexibility of action and perhaps to reaffirm the right to self-determination in another paragraph. Concerning paragraph 2, he pointed out that not all resolutions pertaining to Rhodesia were mandatory, since only some of them had been adopted under Chapter VII. Therefore, it would be more accurate to urge the full implementation of all mandatory resolutions or to list the three resolutions that fell under that category. Obviously, Article 25 could not be applied to resolutions which were not adopted within the framework of Chapter VII.⁹¹

The representative of China stated that his Government and the Chinese people supported the recent resolution of the Organization of African Unity calling for widening the sanctions against the racist régime of Rhodesia and for imposing sanctions upon South Africa and Portugal for their refusal to implement the resolutions of the Security Council. The Council should also sternly condemn the violation by the United States of the sanctions imposed by the United Nations. In view of reports about covert import of Rhodesian chrome by certain big Powers his delegation deemed it necessary to entrust the Council Committee on sanctions and other related United Nations organs with serious investigations into these violations of the sanctions. In conclusion he announced that his delegation supported the draft resolution.⁹²

The representative of India suggested that the draft resolution needed further consideration and had to be improved in particular in the first three paragraphs. He noted that while the new United States legislation, if enacted, would violate the sanctions, many other Governments had been violating those provisions since their adoption. The Council could not stop with the draft resolution but should go much more deeply into the matter, strengthen and broaden the sanctions, publicize violations and make every effort to discover and stop leakages and to improve the machinery. Some improvement in the working methods of the Committee on sanctions

might be necessary, or the Council itself should deal with the report in a much more thorough fashion than it had done so far.⁹³

At the 1642nd meeting on 25 February 1972, the representative of the USSR criticised what he called the tactic of representatives of some Western countries to block the adoption by the Committee of concrete recommendations the implementation of which would strengthen the effectiveness of the sanctions. He alleged that these representatives tried to divert the Committee's work into technicalities and to prevent it from fulfilling its political mandate. He added that with the action of the United States the Council faced a new situation. In view of the violation of the sanctions by South Africa, Portugal and the United States he drew the attention of the Council to the General Assembly resolutions 2765 (XXVI) and 2796 (XXVI) and emphasized that sanctions under Chapter VII were not only binding but also enforcement measures in their substance. He recalled resolution 277 in which the permanent members of the Council were identified as especially responsible for the implementation of the sanctions and he cited Article 25 as further confirmation of the compulsory nature of sanctions. He urged the Council to accept the proposals of the African countries and of the Sanctions Committee and to expand the scope of sanctions against Rhodesia, to apply strict sanctions against South Africa and Portugal in accordance with resolution 2796 (XXVI), and to demand from the Government of the United States unconditional compliance with its obligations under the Charter with regard to the sanctions against Southern Rhodesia.⁹⁴

The representative of Somalia introduced the revised draft resolution⁹⁵ which incorporated suggestions by France, India and other members. In the second preambular paragraph the word "Reaffirming" would be replaced by "Recalling". Paragraphs 1, 2, 3, and 6 had undergone considerable changes reflecting mainly the French comments. In conclusion he reaffirmed that even if the rebel régime were accorded legal recognition, the responsibility of the United Nations to ensure that the illegal régime would be brought to an end and that the people of the Territory could exercise their right to self-determination, would in no way end.⁹⁶

The representative of Saudi Arabia* called sanctions desirable, but not implementable, because economic considerations would always tend to outweigh political objectives, and he called for effective measures that would really hurt the Rhodesian régime, such as an appeal to African workers in the chrome ore industry to boycott Rhodesia's most profitable industry by strike, combined with the establishment of a special UN fund to support these workers during the strike. Such steps would help to accelerate the process of self-determination.⁹⁷

The President, speaking as the representative of Sudan, declared that the draft resolution called for no more than

⁹⁰ 1641st meeting, intervention by Somalia.

⁹¹ *Ibid.*, intervention by France.

⁹² *Ibid.*, intervention by China.

⁹³ *Ibid.*, intervention by India.

⁹⁴ 1642nd meeting, paras. 3-33.

⁹⁵ S/10541/Rev.1 adopted with a small change as resolution 314 (1972).

⁹⁶ 1642nd meeting, paras. 35-46.

⁹⁷ *Ibid.*, paras. 52-67.

the full application of sanctions against Southern Rhodesia and for the compliance of all Member States with their obligations in this respect.⁹⁸

At the 1645th meeting on 28 February 1972, the representative of Belgium, in expressing his delegation's support for the draft resolution, commented on paragraph 6 in which the Sanctions Committee was once again charged with the double task of studying and recommending the means to ensure the implementation of sanctions; he pointed out that the provision that the Committee itself could make suggestions on its terms of reference went beyond the purely technical mandate issued to it under resolutions 253 (1968) and 277 (1970), but his delegation would nevertheless vote for paragraph 6 with understanding that the Council gave the Committee the authority to prepare recommendations on its terms of reference without, however, making this obligatory, as was the case with the terms of reference in its previous resolution.⁹⁹

The representative of France expressed his appreciation for the acceptance by the sponsors of his delegation's suggestions and declared that his delegation would vote for the draft resolution. Commenting on paragraph 6 he wondered whether the stipulated date of 1 April 1972 for submission of the Committee's special report could not be changed to 15 April to allow the Committee to complete its task under the draft resolution.¹⁰⁰

This suggestion was accepted by the representative of Somalia on behalf of the sponsors.¹⁰¹

Addressing himself to the criticism voiced against his Government's decision to lift the sanctions on Rhodesian chrome ore, the representative of the United States stated that the decision had been necessitated by considerations of national security. He pointed out that the sanctions against Rhodesian chrome were violated on a large scale by many countries including members of the Council. These allegations should be investigated. He recalled that his Government had been unable to obtain general agreement that where there was reasonable doubt about the origin of imported minerals, those minerals should be subject to effective chemical tests. His Government proposed that the Council ask the Committee to request from Governments periodic reports on the importation of strategic minerals from all sources. Such reports would greatly assist the Committee to obtain a fuller picture of on-going trade with Rhodesia. In the case of questionable shipments the Committee could request and obtain samples of such shipments and test them chemically to determine their origin. His Government would be prepared to co-operate fully in this effort. In conclusion he announced his delegation's abstention on the draft resolution because it could not accept those parts of the draft resolution which directly or indirectly affected laws which had been adopted and had to be implemented under the Constitution of the United States.¹⁰²

Subsequently, the representative of Somalia requested a separate vote on paragraph 1.¹⁰³ Paragraph 1 was adopted by 14 votes to none, with 1 abstention. The draft resolution as a whole was adopted by 13 votes in favour to none against, with 2 abstentions.¹⁰⁴ It read as follows:

The Security Council,

Having considered the recent developments concerning the question of Southern Rhodesia,

Recalling its resolutions 216 (1965) of 12 November 1965, 217 (1965), of 20 November 1965, 221 (1966) of 9 April 1966, 232 (1966) of 16 December 1966, 253 (1968) of 29 May 1968, 277 (1970) of 18 March 1970 and 288 (1970) of 17 November 1970,

Gravely concerned that certain States have not complied with the provisions of resolution 253 (1968), contrary to their obligations under Article 25 of the Charter of the United Nations,

Taking into account the fourth report of the Committee established in pursuance of Security Council resolution 253 (1968) and its interim report of 3 December 1971,

Acting in accordance with previous decisions of the Security Council on Southern Rhodesia, taken under Chapter VII of the Charter,

1. *Reaffirms* its decision that the present sanctions against Southern Rhodesia shall remain fully in force until the aims and objectives set out in resolution 253 (1968) are completely achieved;

2. *Urges* all States to implement fully all Security Council resolutions establishing sanctions against Southern Rhodesia, in accordance with their obligations under Article 25 and Article 2, paragraph 6, of the Charter of the United Nations and deplores the attitude of those States which have persisted in giving moral, political and economic assistance to the illegal régime;

3. *Declares* that any legislation passed, or act taken, by any State with a view to permitting, directly or indirectly, the importation from Southern Rhodesia of any commodity falling within the scope of the obligations imposed by resolution 253 (1968), including chrome ore, would undermine sanctions and would be contrary to the obligations of States;

4. *Calls upon* all States to refrain from taking any measures that would in any way permit or facilitate the importation from Southern Rhodesia of commodities falling within the scope of the obligations imposed by resolution 253 (1968), including chrome ore;

5. *Draws the attention* of all States to the need for increasing vigilance in implementing the provisions of resolution 253 (1968) and, accordingly, calls upon them to take more effective measures to ensure full implementation of the sanctions;

6. *Requests* the Committee established in pursuance of Security Council resolution 253 (1968) to meet, as a matter of urgency, to consider ways and means by which the implementation of sanctions may be ensured and to submit to the Council, not later than 15 April 1972, a report containing recommendations in this respect, including any suggestions that the Committee might wish to make concerning its terms of reference and any other measures designed to ensure the effectiveness of its work;

7. *Requests* the Secretary-General to provide all appropriate assistance to the Committee in the discharge of its task.

Decision of 28 July 1972 (1655th meeting): resolution 318 (1972)

At its 1654th meeting on 28 July 1972, the Council included the special report¹⁰⁵ dated 9 May 1972 of the Committee established in pursuance of Security Council resolution 253 (1968) in its agenda¹⁰⁶ and considered that

⁹⁸ 1642nd meeting, paras. 69-81.

⁹⁹ 1645th meeting, paras. 4-10.

¹⁰⁰ *Ibid.*, paras. 15-17.

¹⁰¹ *Ibid.*, para. 28.

¹⁰² *Ibid.*, paras. 29-42.

¹⁰³ *Ibid.*, para. 88.

¹⁰⁴ *Ibid.*, paras. 91-92. S/10541/Rev.1 and Corr.1 adopted as resolution 314 (1972).

¹⁰⁵ S/10632, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 47-49.

¹⁰⁶ 1654th meeting, preceding para. 1.

item during its 1654th and 1655th meetings on 28 July 1972.

The representative of Sudan speaking as Chairman of the Committee established in pursuance of Security Council resolution 253 (1968), presented the special report of the Committee in accordance with paragraph 6 of resolution 314 (1972). He stated that parts I, II and III, and paragraph 7 of the report had been accepted by all delegations, except for the United Kingdom delegation which entered a blanket reservation on all these parts, on paragraph 7 and on part IV as well. No general agreement was possible on part IV and, therefore, the individual positions of representatives were recorded. In reviewing the recommendations in part III, he made special reference to the proposal to change the name of the Committee and addressed himself to the method of work which left a lot to be desired. The Committee had so far not even been able to inform the public about cases of evasions of sanctions; it did not dispose of a system of information about trade statistics or inspection of suspected goods from Southern Rhodesia and had failed to enlist the co-operation of influential world trade organizations. While the recommendations in part III merely attempted to make up for the Committee's handicaps, part IV, in the view of the African members and of those who shared their point of view, was most significant for the effective implementation of sanctions. These delegations called for more decisive action against States, such as Portugal and South Africa, which openly refuse to comply with the sanctions against the Smith régime. They also would like the Committee to recommend to the Council condemnation of the United States for violating the sanctions. Others demanded the extension of sanctions against Portugal and South Africa. As the Chairman pointed out, there was another group of delegations who agreed with the African members in principle, but held that those demands were beyond the mandate of the Committee. In conclusion, the Chairman pointed out that the draft resolution was based only on the recommendations under part III, and he hoped that it would be accepted by all members of the Council.¹⁰⁷

The representative of the India proposed that the scope of the sanctions should be extended and the boycott of the illegal régime applied to communications, passports, postal services, and cultural, social and other activities. The administering Power should decide to make sanctions permanent, and the Secretariat should be asked to prepare an up-to-date list of existing legislation passed by various countries for implementing sanctions.¹⁰⁸

The representative of Belgium reaffirmed the position that the Committee could only play an auxiliary role and that the Council, even if it wished it so, would not be free to delegate to a subordinate body the responsibilities which the Charter conferred upon it alone. The Council functioning as a standing body did not need organs to exercise its powers in its name and in its place. The Committee should not allow itself to be distracted from its essential task, which was to verify the implementation of sanctions, by inquiries about problems of method, however fundamental they might be.¹⁰⁹

¹⁰⁷ 1654th meeting, paras. 5-18.

¹⁰⁸ *Ibid.*, paras. 22-28.

¹⁰⁹ *Ibid.*, paras. 30-43

The representative of Yugoslavia, in endorsing the recommendations and proposals of the Committee, pointed out the scope of the Committee's responsibilities, as cited in paragraph 22, extended to all political aspects of the situation in and around Southern Rhodesia that affected the implementation of sanctions and not merely their technical aspects.¹¹⁰

The representative of Somalia emphasized the significance of three measures recommended in the Committee report. The inclusion of inter-governmental agencies and non-governmental organizations as suppliers of information about suspected violations promised to improve significantly the Committee's capacity of monitoring the implementation of the sanctions. The report spelled out the fact that documentation from southern Africa, mainly from Portuguese-controlled territories and South Africa, in respect of goods produced also by Southern Rhodesia had to be considered suspect. In view of Portugal's and South Africa's refusal to co-operate with the United Nations, the Council should decide what action to take against these two countries who continually violated international law, the decisions of the Council and the provision of Article 25 of the Charter. Finally, the Committee recognized the need for the employment of experts in various fields to assist in the implementation of the sanctions.¹¹¹

At the 1655th meeting on 28 July 1972, the representative of Sudan introduced, on behalf of the delegations of Guinea, Somalia and Sudan, the draft resolution¹¹² pertaining to the Committee report. He pointed out that the sponsors had chosen a very mild draft resolution leaving out the political importance of the question of sanctions in order to achieve unanimous support. The draft document even refrained from condemning Member States which were breaching the sanctions, such as Portugal and South Africa.¹¹³

The representative of the United Kingdom announced that his delegation would lift the blanket reservation against the report and its recommendations and would endorse the proposals in part III some of which had their origin in British suggestions or had previously been decided upon by the Council. He expressed hope that the Committee would take up the cases and the relevant material under investigation, since there was much work to be done. His delegation would support the draft resolution which renewed the pressure on the régime in Rhodesia and set out the responsibilities of Governments and of the United Nations in clear terms.¹¹⁴

The representative of the United States regretted that the draft resolution was more substantive than procedural, as his delegation had expected a strictly procedural one.¹¹⁵

The representative of China supported the African proposals in part IV, called for the extension of the sanctions to cover South Africa and Portugal and for a condemnation of the United States on account of its recent

¹¹⁰ *Ibid.*, paras. 45-55.

¹¹¹ *Ibid.*, paras. 61-66.

¹¹² S/10747, adopted without change as resolution 318 (1972).

¹¹³ 1655th meeting, paras. 2-9.

¹¹⁴ *Ibid.*, paras. 11-16.

¹¹⁵ *Ibid.*, para. 20.

importation of chrome and nickel from Southern Rhodesia and announced that his delegation would vote for the draft resolution.¹¹⁶

The representative of the USSR declared that an essential task of the Committee was to increase the effectiveness of the obligatory sanctions against the racist régime in Rhodesia. The report of the Committee indicated that this subsidiary body was functioning better, due, among other things, to the decision to put the chairmanship of the Committee on a permanent basis. The Council should demand that all States should immediately end all ties with the Smith régime; it should condemn those States which openly violated the sanctions, first and foremost the United States, and it should expand the application of sanctions to Portugal and South Africa. The recommendations in the draft resolution which his delegation would support represented but a first step which should be followed by intense work in the Committee and by comprehensive examination of matters of substance in the Council.¹¹⁷

The representative of France stated that his Government had always desired to implement the measures under Chapter VII of the Charter. His delegation did not subscribe to the matters which were reproduced in paragraphs 1 and 2 of the draft resolution and which it considered to lie outside the competence of the Committee. His delegation would nevertheless support the draft resolution because the administering power did not oppose those two paragraphs.¹¹⁸

The representative of Somalia as one of the sponsors of the draft resolution expressed great disappointment about the exception taken by the United States to its paragraphs 5, 6 and 7 and declared that no State could be exempted from its obligations under Article 25 of the Charter. The least that could be done would be to condemn violations of the decisions of the Council.¹¹⁹

The draft resolution was adopted by 14 votes to none, with 1 abstention.¹²⁰ It read as follows:

The Security Council,

Recalling its resolution 314 (1972) of 28 February 1972, in which it requested the Committee established in pursuance of Security Council resolution 253 (1968) of 29 May 1968 to consider ways and means by which the implementation of sanctions might be ensured and to submit a report containing recommendations in this respect, including any suggestions that the Committee might wish to make concerning its terms of reference and any other measures designed to ensure the effectiveness of its work,

Having considered the special report of the Committee established in pursuance of Security Council resolution 253 (1968),

Mindful of the need to strengthen the machinery established by the Security Council in order to ensure proper implementation of the relevant resolutions of the Council,

Recalling further that, as stated in previous resolutions of the Security Council, the present sanctions against Southern Rhodesia shall remain fully in force until the aims and objectives set out in resolution 253 (1968) are completely achieved

Gravely concerned that certain States have not complied with the provisions of resolution 253 (1968), contrary to their obligations under Article 25 of the Charter of the United Nations,

1. *Reaffirms* the inalienable right of the people of Southern Rhodesia to self-determination and independence;

2. *Recognizes* the legitimacy of the struggle of the people of Southern Rhodesia to secure the enjoyment of their rights, as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV) of 14 December 1960;

3. *Takes note with appreciation* of the special report of the Committee established in pursuance of Security Council resolution 253 (1968);

4. *Approves* the recommendations and suggestions contained in section III of the special report;

5. *Calls upon* all States continuing to have economic and other relations with Southern Rhodesia to end such relations immediately;

6. *Demands* that all Member States scrupulously carry out their obligations to implement fully Security Council resolutions 253 (1968), 277 (1970) of 18 March 1970 and 314 (1972);

7. *Condemns* all acts violating the provisions of Security Council resolutions 253 (1968), 277 (1970) and 314 (1972);

8. *Calls upon* all States to co-operate fully with the Security Council in the effective implementation of sanctions and to give the Council all the necessary assistance that may be required of them towards the fulfilment of this task;

9. *Again draws the attention* of all States to the need for increasing vigilance in all matters relating to sanctions and, accordingly, urges them to review the adequacy of the legislation and the practices followed so far and, if necessary, to take more effective measures to ensure full implementation of all provisions of Security Council resolutions 253 (1968), 277 (1970) and 314 (1972);

10. *Requests* the Secretary-General to provide all appropriate assistance to the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia in the discharge of its responsibilities.

Decision of 29 September 1972 (1666th meeting): resolution 320 (1972)

Decision of 29 September 1972 (1666th meeting):

Rejection of draft resolution

By letter¹²¹ dated 20 September 1972 addressed to the President of the Security Council, the representatives of Guinea, Somalia and Sudan requested the President to convene a meeting of the Council as soon as possible to resume consideration of the problem of Southern Rhodesia.

At the 1663rd meeting on 27 September 1972, the Council included the letter in the agenda. Following the adoption of the agenda, the representatives of Algeria, Senegal, Morocco, Zambia, Mauritania, Guyana, Kenya,¹²² at the 1664th meeting the representatives of Tunisia and Nigeria,¹²³ and at the 1665th meeting the representatives of Mali, Cuba¹²⁴ and Saudi Arabia¹²⁵ were invited, at their request, to participate, without a vote, in the discussion of the item on the agenda. At the 1663rd meeting the Council also agreed to a request made by the

¹¹⁶ 1655th meeting, paras. 22-26.

¹¹⁷ *Ibid.*, paras. 29-39.

¹¹⁸ *Ibid.*, paras. 41-44.

¹¹⁹ *Ibid.*, para. 47.

¹²⁰ *Ibid.*, para. 49. Adopted as resolution 318 (1972).

¹²¹ S/10798, OR, 27th yr., Suppl. for July-Sept. 1972, p. 104.

¹²² 1663rd meeting, following the President's opening statement.

¹²³ 1664th meeting, para. 2.

¹²⁴ 1665th meeting, following the President's opening statement.

¹²⁵ *Ibid.*, following Italy's intervention.

representatives of Guinea, Somalia and Sudan in a letter¹²⁶ dated 27 September 1972 that it extend an invitation under rule 39 of the provisional rules of procedure to Mr. Eshmael Mlambo of Zimbabwe.¹²⁷ The Council considered the question at the 1663rd to 1666th meetings from 27 to 29 September 1972.

At the 1663rd meeting the representative of Morocco* stated that the Heads of African States had agreed at the summit conference in Rabat to give absolute priority to the liberation of the African continent where the process of decolonization had come to a standstill.¹²⁸

The representative of Zambia* reviewed the developments in Southern Rhodesia which he called a grave threat to peace and security in the region and in Africa as a whole, and reiterated the proposals for action which he had recommended to the Council at its 1628th meeting in Addis Ababa on 28 January 1972, in particular the call for a constitutional conference representative of all the people of Zimbabwe. In the light of the most recent developments, he urged the Council to take the following additional measures: first, to reaffirm the inalienable right of the people of Zimbabwe to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the Charter; second, to affirm the principle that there should be no independence before majority rule in Southern Rhodesia; third, to call upon the British Government to create favourable conditions necessary for free expression and political activity by the people of Zimbabwe, including the immediate release of all political prisoners, detainees and restrictees, and the repeal of all racist and repressive discriminatory legislation; fourth, to call upon all States to render additional material support to the liberation movements of Zimbabwe in their just struggle to rid themselves of the yoke of illegal rule, oppression and exploitation.¹²⁹

The representative of Mauritania* also called for a constitutional conference with the representation of the Zimbabwe people and declared that sanctions, if strictly applied, constituted a most effective measure to put an end to the illegal régime in Rhodesia. The Council should draw up a list of all States which continued to maintain economic and other relations with Southern Rhodesia, call upon them to terminate these at once and condemn those States which would continue to violate the provisions of Council resolutions 253 (1968) and 277 (1970). The Council should urgently establish an appropriate system of controlling effectively the application of the sanctions.¹³⁰

The representative of Algeria* stated that given the fact that the sanctions had been failing due to non-compliance of South Africa and Portugal, deliberate violation by the United States and the failure of the direct negotiations between the United Kingdom and the rebel régime, new methods were needed to bring about an effective solution in Southern Rhodesia. He endorsed the call for the convocation of a constitutional conference by the United

Kingdom, emphasized that the independence of Rhodesia could only be recognized after the establishment of majority rule, called for the continuation of the sanctions against the régime until an agreement emerged from the constitutional conference and had begun to be implemented, and asked for support for African political parties and Rhodesian liberation movements from international organizations until the conference actually convened.¹³¹

The representative of Senegal* pointed out that the Council had the means to ensure compliance with its decisions and that it should decide to use the resources available under Chapter VII of the Charter.¹³²

At the 1664th meeting on 28 September 1972, the representative of Kenya* appealed to the United States to reimpose the embargo on chrome and other Rhodesian products and urged the Council to ensure the implementation of a number of major objectives, in promoting majority rule in Rhodesia: the preservation of international peace and security as well as of the political independence and territorial integrity of the free African States, in particular Zambia and Tanzania; further, the dismantling of the *apartheid* front of South Africa, Portugal and Rhodesia, the termination of supplies of military hardware to the racist régimes in southern Africa, and increased assistance to African liberation movements. His Government specifically recommended the following steps to be taken by the Council: the convocation of a constitutional conference of all interested parties in Southern Rhodesia under the aegis of the United Nations; the strengthening and more effective application of the sanctions; the confiscation of Rhodesian exports at the place of entry into the importing country; the refusal of landing rights to airlines that landed at Salisbury and whose Governments permitted Rhodesian planes to land in their countries; the rupture of all postal, telegraphic and other communications with Rhodesia; the expulsion of South African military units and police contingents from Rhodesia; guarantees of protection to all bordering States in fear of aggression from Southern Rhodesia, South Africa and Portugal; and the release of all political prisoners and detainees in Southern Rhodesia.¹³³

The representative of Guinea recalled the proposals by the African members of the Council to extend the sanctions to South Africa and Portugal because of their violations of Article 25 of the Charter. The closure of the two ports of Beira and Lourenço-Marques would more definitely affect the economy of the illegal régime in Rhodesia. Therefore the Council should adopt a resolution extending sanctions to the régimes of South Africa and Portugal. Moreover, the Council should intensify the sanctions and ensure their strict application, although the people of Zimbabwe know that they would be the first victims of such an intensification. He concluded that his delegation remained convinced that it was for the United Kingdom, the administrative Power, in the first instance to take all necessary measures, including the use of force, to put an end to the rebel régime and to ensure the self-determination of the people of Zimbabwe.¹³⁴

¹²⁶ S/10802, OR, 27th yr., Suppl. for July-Sept. 1972, p. 107.

¹²⁷ 1663rd meeting, following the President's opening statement.

¹²⁸ *Ibid.*, intervention by Morocco.

¹²⁹ *Ibid.*, intervention by Zambia.

¹³⁰ *Ibid.*, intervention by Mauritania.

¹³¹ *Ibid.*, intervention by Algeria.

¹³² *Ibid.*, intervention by Senegal.

¹³³ 1664th meeting, paras. 4-38.

¹³⁴ *Ibid.*, paras. 63-81.

The representative of Sudan stated that in view of the profound importance of the question of Rhodesia to world peace and the United Nations the organization had to decide whether to continue the current unsuccessful programmes or to try to turn the present sanctions into full-scale economic warfare in order to achieve its objectives. He called for the convocation of a constitutional conference involving the genuine representatives of the people of Southern Rhodesia. He urged the Council to increase the role of the United Nations in policing the sanctions which would involve placing observers at the ports of major importers from Rhodesia to verify the true origin of raw material shipped under forged documents and would also include further tight surveillance of the port of Beira by the United Kingdom or some other members of the Council. The United Nations should publicize the methods and the names of countries which flout the sanctions, and the Council should agree that any cargo from Rhodesia had to be impounded by the Government of the port of call.¹³⁵

The representative of the USSR called for the termination of any violations of sanctions adopted under Chapter VII of the Charter and binding upon all States. His delegation supported fully the demand of the African States concerning the expansion of the sanctions against Southern Rhodesia, in particular through the application of measures under Article 41 of the Charter, such as the complete interruption of radio, telephonic and telegraphic communications and of any other ties with Southern Rhodesia. No dialogue or compromise with the Smith régime, but the immediate replacement of that régime by the democratic rule of the people of Zimbabwe was necessary.¹³⁶

At the 1665th meeting on 29 September 1972, the representative of Nigeria also emphasized the need to strengthen and expand sanctions and to establish a more effective system of enforcement including the ability to act swiftly against any country breaking the sanctions. He joined previous speakers in calling for the convening of a constitutional conference representing all peoples of Zimbabwe.¹³⁷

The President speaking as the representative of China proposed that the Council should reaffirm the right of the people of Zimbabwe to immediate national independence; condemn the white régime for its repressive policy against the Rhodesian régime and extend them to South Africa and Portugal; severely condemn all violations of the sanctions against Rhodesia, including continued United States imports of chrome and nickel from Rhodesia; and call upon all countries to render stronger assistance and support to the people of Zimbabwe.¹³⁸

At the same meeting the representative of Somalia introduced two draft resolutions¹³⁹ co-sponsored by Guinea, Somalia and Sudan, in order to get the Council to

commit itself to firm political and coercive action. The second draft resolution (S/10805) provided *inter alia* that the Council would reaffirm the inalienable right of the people of Southern Rhodesia to self-determination and independence and the legitimacy of their struggle to secure the enjoyment of their rights; would also (1) reaffirm the principle that there should be no independence before majority rule in Zimbabwe; (2) call upon the Government of the United Kingdom not to transfer or accord to the illegal régime any of the powers or attributes of sovereignty, and urge it to promote the country's attainment of independence by a democratic system of government in accordance with the aspirations of the majority of the population; (3) urge the United Kingdom to convene as soon as possible a national conference in which the genuine political representatives of the people of Zimbabwe would be able to work out a settlement relating to the future of the Territory for subsequent endorsement by the people through free and democratic processes; (4) call upon the United Kingdom Government to create the conditions necessary to permit the free expression of the right to self-determination, including: (a) the release of all political prisoners, detainees and restrictees, (b) the repeal of all repressive discriminatory legislation, (c) the removal of all restrictions of political activity and the establishment of full democratic freedom and equality of political rights; (5) further, call on the United Kingdom Government to ensure that in any exercise to ascertain the wishes of the people of Zimbabwe as to their political future, the procedure to be followed should be in accordance with the principle of universal adult suffrage and by secret ballot on the basis of one-man one-vote without regard to race, colour or to considerations of education, property or income; (6) condemn the United Kingdom Government for its failure to take effective measures to bring an end to the illegal régime in Zimbabwe; (7) call upon all States to give full support and co-operation to the United Nations in all measures designed to enforce strictly the mandatory sanctions imposed by the Security Council in accordance with the obligations assumed by Member States under Article 25 of the Charter of the United Nations.

In conclusion, the representative of Somalia declared that the sponsors considered the proposals of the two draft resolutions to be eminently reasonable, that they hoped for their unanimous adoption by the Council and that they welcomed comments and suggestions from other members of the Council.¹⁴⁰

At the 1666th meeting on 29 September 1972, the representative of India stated that as long as the great Powers did not agree on effective steps to overthrow the illegal régime in Rhodesia, the Council could do very little to promote the solution of the Zimbabwe problem. He recalled his delegation's proposals made in this respect at Addis Ababa and suggested that the Council should set up suitable machinery to consider and implement these and other ideas. Turning to the two draft resolutions he put forth several amendments to the second one (S/10805): in paragraph 4, the phrase "calls upon the United Kingdom Government to create the conditions ..." was unrealistic and should be changed into "calls upon the United Kingdom Government to try its utmost to bring about conditions necessary ...", and paragraph 6 was unacceptable

¹³⁵ 1664th meeting, paras. 94-135.

¹³⁶ *Ibid.*, paras. 169-187.

¹³⁷ 1665th meeting, intervention by Nigeria.

¹³⁸ *Ibid.*, statement by President as representative of China.

¹³⁹ S/10804, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, p. 108, subsequently adopted with minor changes as resolution 320 (1972), and S/10805, *ibid.*, pp. 108-109.

¹⁴⁰ 1665th meeting, intervention by Somalia.

to his delegation and should be deleted because to condemn any Government would contribute nothing; because the British Government had made it clear that it could not bring about the fall of the illegal régime in Zimbabwe short of using force and that it would not use force; and because such a condemnation would raise the question of what the Council had done to find a solution in Zimbabwe.¹⁴¹

The representative of the United States held that it was not appropriate for the Council to urge the United Kingdom to take measures that required the use of force. After a detailed review of the manner in which the sanctions against Rhodesia were covertly violated by many States, he reiterated his delegation's wish for a more systematic pursuit of all sanctions violations in terms of the total Rhodesian trade and warned that if the Council was serious about making sanctions work, it should avoid any one-sided approach and refrain from singling out the United States Government or any other Government without reference to the total problem.¹⁴²

The representative of the United Kingdom, commenting on the suggestion for a constitutional conference, declared that after the upsurge of political activity in Southern Rhodesia during the presence of the Pearce Commission there had to be time for reflection and it was for the Rhodesians themselves to solve their own problems. Hence, compromise was the only way forward, and the proposal for a constitutional conference had to be seen in this light. It would not be practicable for his Government to call for a conference without the acquiescence of the Smith régime. The call for the conference was more likely to hamper than to help the process of consultation inside Rhodesia. Since his Government would not accept directives that would bind it to impractical courses of action, his delegation could not accept the provisions of the draft resolution in document S/10805. With regard to the draft resolution (S/10804) on sanctions, it contained no proposals that would advance the work of the Sanctions Committee which could best fulfil a meaningful role if it adhered to its mandate under resolution 253 (1968).¹⁴³

The representative of Somalia deplored the fact that the draft resolution S/10805 did not meet with the approval of the United Kingdom Government; responsibility rested with the United Kingdom, but certain guidelines for political action, e.g. the principle of "one man, one vote", had to be established and used to guide the Council in dealing with the situation in Southern Rhodesia. He hoped the United Kingdom Government would reconsider its position. In order to complete the consultations about the two draft resolutions, he asked for a brief suspension of the meeting.¹⁴⁴

Following the suspension of the meeting, the representative of Somalia presented the amendments that the sponsors had accepted. In draft resolution S/10804, the revisions, aside from two minor changes in the preamble, affected paragraphs 3, 4 and 5. In paragraph 3, the expression "calls upon the United States" would be changed to "urges the United States"; in paragraph 4 the phrase

"including action under Chapter VII of the Charter" would be deleted and the words "and to report to the Council not later than 31 January 1973" were to be added at the end of the paragraph. In paragraph 5, the date "1 December 1972" should be replaced by "31 January 1973" and the "1664th, 1665th and 1666th" meetings should be added after "the 1663rd". With regard to draft resolution S/10805, the sponsors had accepted two minor changes in the preamble and in paragraph 4, first line, after the words "United Kingdom Government" the phrase "... to try its utmost to bring about ..." should be added and the words "to create" deleted. Paragraph 6 should be deleted in its entirety. In paragraph 7, "all measures" should read "effective measures". In conclusion, the representative proposed on behalf of the sponsors that all references to Southern Rhodesia should carry in parenthesis also the name "Zimbabwe", and expressed hope that the draft resolutions would now be acceptable to all members including those who had expressed reservations.¹⁴⁵

At the same meeting the draft resolution S/10804/Rev.1 was adopted by 13 to none with 12 abstentions.¹⁴⁶ The resolution read as follows:

The Security Council,

Recalling its resolution 253 (1968) of 29 May 1968 and subsequent resolutions in which all States are required to implement and make effective the economic, political and other sanctions against Southern Rhodesia (Zimbabwe) decided upon by the Council in furtherance of the objective of ending the rebellion in that territory,

Taking into account its resolutions 314 (1972) of 28 February 1972 and 318 (1972) of 28 July 1972 concerning the co-operation and obligations of States and the measures necessary to ensure the scrupulous observance and strict implementation of sanctions,

Deeply concerned that, despite their obligations under Article 25 of the Charter of the United Nations, several States continue to violate sanctions covertly and overtly in contravention of the provisions of resolution 253 (1968),

Gravely concerned about the detrimental consequences which violations could cause to the effectiveness of sanctions and, in the wider sense, to the authority of the Council,

Deeply concerned by the report of the United States of America that it has authorized the importation of chrome ore and other minerals from Southern Rhodesia (Zimbabwe),

Condemning the refusal of South Africa and Portugal to co-operate with the United Nations in the observance and implementation of sanctions against Southern Rhodesia (Zimbabwe),

1. *Reaffirms* its decision that sanctions against Southern Rhodesia (Zimbabwe) shall remain fully in force until the aims and objectives set out in resolution 253 (1968) are completely achieved;

2. *Calls upon* all States to implement fully all Security Council resolutions establishing sanctions against Southern Rhodesia (Zimbabwe), in accordance with Article 25 and Article 2, paragraph 6, of the Charter of the United Nations;

3. *Urges* the United States of America to co-operate fully with the United Nations in the effective implementation of sanctions;

4. *Requests* the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to undertake, as a matter of urgency, consideration of the type of action which could be taken in view of the open and persistent refusal of South Africa and Portugal to implement sanctions against the illegal régime in Southern Rhodesia (Zimbabwe) and to report to the Council not later than 31 January 1973;

¹⁴¹ 1666th meeting, paras. 5-24.

¹⁴² *Ibid.*, paras. 53-74.

¹⁴³ *Ibid.*, paras. 75-89.

¹⁴⁴ *Ibid.*, paras. 90-98.

¹⁴⁵ *Ibid.*, paras. 100-113.

¹⁴⁶ *Ibid.*, para. 115. Adopted as resolution 320 (1972).

5. *Further requests* the Committee to examine and submit a report to the Security Council not later than 31 January 1973 on all proposals and suggestions made at the 1663rd to 1666th meetings of the Council for extending the scope and improving the effectiveness of sanctions against Southern Rhodesia (Zimbabwe).

Then the Council voted on the draft resolution S/10805/Rev.1 for which the representative of Somalia requested separate votes on paragraphs 1 and 5.¹⁴⁷ Paragraph 1 received 10 votes in favour, 1 against, with 4 abstentions and failed of adoption, owing to the negative vote of a permanent member; paragraph 5 also received 10 votes in favour, 1 against, with 4 abstentions and failed of adoption, owing to the negative vote of a permanent member. The draft resolution as a whole also received 10 votes in favour, 1 against, with 4 abstentions and was not adopted, owing to the negative vote of a permanent member.¹⁴⁸

The representative of the United States, speaking in explanation of the vote, stated that his delegation abstained in the vote on S/10804, because given United States law it could not vote for the call by the Council with regard to sanctions across the board. His delegation also abstained on S/10805, because it agreed with other members of the Council that at this juncture all elements in Southern Rhodesia needed to remain in contact and jointly seek a solution to the present impasse. His delegation did not consider force to be an appropriate or effective instrument to resolve the Rhodesian or any other southern African problem; it regarded the steps taken by the Rhodesian régime to suppress the advocates of peaceful and constructive change as exacerbating the difficult situation. His delegation recognized that a constitutional conference would be impracticable under present conditions, but it hoped that such a conference representing all African and European Rhodesians could eventually be called.¹⁴⁹

In explaining his delegation's abstention on S/10805, the representative of France called upon the Council to render justice to the political will affirmed by the United Kingdom, to abstain from useless criticism, to refuse to go beyond reaffirming its general purposes and to refrain from putting itself in the place of the administering Power.¹⁵⁰

The representative of Belgium expressed his appreciation to the sponsors of S/10804 for deleting the reference to Chapter VII from paragraph 4, since it would have prejudged the outcome of the discussions in the Sanctions Committee. With regard to S/10805, his delegation abstained in the vote as it did not believe that the specific terms in paragraph 5 could be set by the Council.¹⁵¹

The representative of Sudan deplored the United Kingdom's abstention on S/10804, paragraph 5 of which merely asked the Committee to study proposals for strengthening the sanctions. This mandate was the least the Council could ask, considering the slow and often evasive procedure in the Committee.¹⁵²

The representative of Somalia pointed out that the United Kingdom and the four delegations which decided to abstain represented only one-third of the membership of the Council. In order to show that this one-third did not bear any relation to the number of those supporting draft resolution S/10805, the African Group of States would submit this document with the necessary amendments to the General Assembly for its vote for or against the basic political and human rights contained in the vetoed resolution.¹⁵³

The President speaking as the representative of China stated that although his delegation had supported both draft resolutions, it had reservations concerning paragraph 3 of S/10805, urging the British Government to convene a constitutional conference, because his Government had consistently held that, according to the principles of the Charter and the universal desire of the Zimbabwe people, the people of Zimbabwe should be given energetic support to achieve the immediate independence of Zimbabwe.¹⁵⁴

Decision of 22 May 1973 (1716th meeting): resolution 333 (1973)

Decisions of 22 May 1973 (1716th meeting):

Rejection of three-Power draft resolution

By letter¹⁵⁵ dated 8 May 1973 addressed to the President of the Council, the representatives of Guinea and Kenya requested a meeting of the Council at the earliest possible time to consider the second special report¹⁵⁶ of the Sanctions Committee.

At its 1712th meeting on 14 May 1973, the Council included the letter and the report in its agenda and adopted the agenda.¹⁵⁷ At the 1713th meeting the representative of Somalia was invited, at his request, to participate in the discussion without the right to vote.¹⁵⁸ The Council considered the issue at the 1712th to 1716th meetings from 14 to 26 May 1973.

At the 1712th meeting the representative of Guinea speaking as Chairman of the Committee presented the special report to the Council. She recalled that five years had elapsed since the adoption of sanctions by the Council and that justice had still not come to the African people in Southern Rhodesia. She deplored that the members of the Committee had failed to agree to the set of 24 proposals submitted by the African members who considered these points pertinent and reasonable. These proposals had been relegated to part IV of the report, although they were not exorbitant. The African delegations had recommended that exports from South Africa, Angola and Mozambique be closely controlled to increase the risks for cheating firms; that all States refuse landing rights to national carriers of the countries still granting landing rights to aircraft coming from Rhodesia or maintaining air services to that territory; that all States adopt legislation forbidding insurance cover-

¹⁴⁷ 1666th meeting, para. 117.

¹⁴⁸ *Ibid.*, paras. 119-121.

¹⁴⁹ *Ibid.*, paras. 126-127.

¹⁵⁰ *Ibid.*, paras. 131-132.

¹⁵¹ *Ibid.*, paras. 133-138.

¹⁵² *Ibid.*, paras. 144-145.

¹⁵³ *Ibid.*, paras. 152-153.

¹⁵⁴ *Ibid.*, paras. 157-158.

¹⁵⁵ S/10925, OR, 28th yr., Suppl. for April-June 1973, p. 36.

¹⁵⁶ S/10920 and Corr.1, *ibid.*, pp. 25-30. The report was submitted to the Council on 15 April 1973.

¹⁵⁷ 1712th meeting, following para. 1.

¹⁵⁸ 1713th meeting, para. 1.

age for flights to and from Rhodesia; that States prohibit shipping companies from carrying goods to or from Rhodesia and prohibit insurance coverage for such goods; that the blockade of Beira be extended to Lourenço Marques and that some States Members contribute to the British patrols; that States report to the Committee their current sources of supply for products they imported from Rhodesia before the imposition of sanctions; and that the Council call upon the United States to rescind its law permitting violation of the sanctions. She then turned to part III of the special report containing unanimous recommendations for measures to be taken by Governments, by the Committee or by the Secretary-General, and explained in greater detail the most important proposals. She concluded by expressing hope that at least these modest measures would be adopted by the Council.¹⁵⁹

The representative of Yugoslavia also voiced regret that the Committee was not able to submit stronger recommendations for action in view of the open defiance by South Africa and Portugal. The African proposals on this and the other points should be seriously considered by the Council for approval as essential for the effective implementation of the sanctions.¹⁶⁰

At the 1713th meeting on 16 May 1973, the representative of Somalia* strongly supported the African proposals in parts III and IV of the special report and called them the absolute minimum that should be expected from the Council. He also endorsed the Russian and Chinese proposals as the optimum approach to the Rhodesian problem. He urged the Council to continue the sanctions and not to abandon its commitment to the efforts of establishing a just society in the Territory.¹⁶¹

At the same meeting the representative of the United States stated that what was required was to make the sanctions more effective rather than to expand them and that the Committee for the first time had come to grips with some of the stumbling blocks to full implementation. The agreed suggestions in the report offered a serious prospect of making sanctions more effective and were fully supported by his delegation. He expressed his appreciation to the African delegations for the proposals which they submitted to the Committee with the purpose of obtaining wider compliance with sanctions. His delegation could not accept all of them because they raised certain practical and legal difficulties.¹⁶²

The representative of France supported the recommendations in part III of the report and noted that they were within the terms of reference of the Committee. But his delegation could not agree with certain proposals in part IV, particularly those declaring a kind of economic war on southern Africa as a whole. No political solution could be obtained without the administering Power which he hoped would continue to seek a settlement leading Rhodesia to self-determination in accordance with the freely expressed wishes of the population.¹⁶³

At the 1714th meeting on 17 May 1973, the representative of Kenya said that the proposals in Part III of the Committee report were nothing but stop-gap measures designed to boost African morale which would do little to help the people in Rhodesia. Therefore, the African delegations intended to pursue in the Council itself the set of suggestions which were contained in part IV and would put the severest pressure on the illegal régime. He briefly reviewed the major proposals and emphasized in particular the need for the Committee to assume an activist role of forestalling the violation of sanctions and for that purpose to be authorized to deal with the companies and with non-governmental organizations like chambers of commerce, trade unions and employers' organizations directly and no longer through the Governments.

Then he introduced two draft resolutions¹⁶⁴ jointly submitted by Guinea, Kenya and Sudan, and explained that each of them corresponded to a clearly stated task in paragraphs 4 and 5 of resolution 320 (1972). The first draft resolution (S/10927) dealt with the issue of extending the scope and improving the effectiveness of sanctions following the African proposals in part IV of the Committee report. The second draft resolution (S/10928) contained measures to counter South Africa's and Portugal's defiance of sanctions.¹⁶⁵ It provided that the Council would in the preamble reiterate its concern that its sanctions had failed so far, and its conviction that the sanctions could not terminate the illegal régime unless they were comprehensive, mandatory and effectively supervised and unless measures were taken against States which violated them, and would reaffirm that effective action had to be taken to end South Africa's and Portugal's refusal to implement the sanctions which undermined the effectiveness of these measures and constituted a violation of their obligations under Article 25 of the Charter, it further provided that the Council would (1) decide that all States should limit any purchase of chromium ores, asbestos, tobacco, pig iron, copper, sugar, maize and any products from South Africa, Mozambique and Angola to the quantitative levels prevailing in 1965; (2) request States to take the necessary measures, including enacting legislation denying or revoking landing rights to national carriers of countries that continue to grant such rights to aircraft from Southern Rhodesia or operate air services to Southern Rhodesia; (3) decide to extend the Beira blockade to cover all commodities and products from or destined for Southern Rhodesia to the port of Lourenço Marques; (4) urge the Government of the United Kingdom, as the administering Power, to take all effective measures to implement fully paragraph 3 above and to seek co-operation of other States in this task; and (5) condemn all those Governments, in particular South Africa and Portugal, that encouraged, assisted or connived at any violation of sanctions against Southern Rhodesia.

The representative of the USSR recalled the resolution of the Committee of Twenty-Four adopted on 27 April 1973 in which the Council was urged to expand its sanctions against the illegal régime in Southern Rhodesia by including all the measures under Article 41 of the Charter. The same body had also recommended to consider the

¹⁵⁹ 1712th meeting, paras. 5-33.

¹⁶⁰ *Ibid.*, paras. 45-47.

¹⁶¹ 1713th meeting, paras. 10-15.

¹⁶² *Ibid.*, paras. 31-37.

¹⁶³ *Ibid.*, paras. 68-69.

¹⁶⁴ S/10927, adopted without change as resolution 333 (1973). S/10928, *OR*, 28th yr., *Suppl. for April-June 1973*, p. 36.

¹⁶⁵ 1714th meeting, paras. 4-33.

application of sanctions against Portugal and South Africa. The Council could not disregard these insistent demands. He also reiterated his delegation's proposals to decide that all States cease their purchases in South Africa, Mozambique and Angola of goods which were the main Rhodesian export items, to introduce a compulsory embargo upon the sale to South Africa and Portugal of petroleum and petroleum products as well as a complete weapons embargo including the transfer of technology, and to expand the sanctions against Southern Rhodesia and in conformity with Article 41 to suspend all communications with Southern Rhodesia. In conclusion he welcomed the two draft resolutions and indicated his delegation's support for all effective measures.¹⁶⁶

At the beginning of the 1715th meeting on 18 May 1973, the President announced that Australia, India, Indonesia, Panama, Peru and Yugoslavia had joined the three African delegations as co-sponsors of draft resolution S/10927 and that Indonesia, Panama and Yugoslavia were also co-sponsoring document S/10928.¹⁶⁷

At the same meeting the representative of China urged the Council to adopt the reasonable African proposals as preliminary measures to strengthen the sanctions against Southern Rhodesia, to condemn and extend the sanctions to South Africa and Portugal, and to condemn those big Powers who violated the sanctions against Southern Rhodesia. His delegation would vote for the two draft resolutions.¹⁶⁸

The representative of the United Kingdom stated that paper sanctions which amounted to a declaration of economic warfare against the whole of Southern Africa and which his Government could not countenance would achieve nothing; instead, the existing comprehensive sanctions should be properly applied. The African proposals in part IV of the report could be implemented only if it was an easy matter to establish an evasion of the sanctions. As this was not the case, the *bona fide* trader would unjustly suffer, whereas the trader bent on breaking the sanctions could rely on not being found out. Therefore, it was at the point of the arrival of goods that action had to be taken to detect the evasions, and effective methods were available to carry out these controls. With regard to draft resolution S/10927 he expressed regret that the African delegations had gone beyond what had been agreed upon in part III of the report. Those recommendations were warmly supported by his delegation, but due to the inclusion of proposals which it regarded as inappropriate his delegation would have to abstain on the draft resolution as a whole.¹⁶⁹

The representative of Kenya pointed out that the sponsors had replaced the word "proposals" in paragraphs 1 and 2 of draft resolution S/10927 with the word "suggestions".¹⁷⁰

After addressing the Council as representative of Sudan the President proposed to proceed to vote on the two draft

resolutions in accordance with rule 31, paragraph 1 of the provisional rules of procedure.¹⁷¹

Upon request of the representative of Kenya the President suspended the meeting briefly to permit consultations.¹⁷² When the meeting was resumed, the representative of Kenya requested that the meeting be adjourned, so that his delegation and others could prepare themselves to challenge the impending veto against one of the draft resolutions.¹⁷³ Since there were no objections, the President declared the meeting of the Council adjourned.¹⁷⁴

At the 1716th meeting on 22 May 1976, the representative of Kenya emphasized that the two draft resolutions were merely answers to the mandate issued by the Council in resolution 320 (1972) and that they were sponsored by numerous delegations, and he called for unanimous adoption of the drafts by the Council. With regard to the veto to be cast against the document in S/10928 he pointed out that it would be exercised to thwart Council action against South Africa and Portugal although their defiance of the sanctions policy had been condemned by the Council as a threat to international peace and security.¹⁷⁵

The Council proceeded then to vote on the two draft resolutions in accordance with rule 32, paragraph 1 of the provisional rules of procedure. The draft resolution S/10927 was adopted by 12 votes to none, with 3 abstentions.¹⁷⁶

The resolution read as follows:

The Security Council,

Recalling its resolutions 320 (1972) of 29 September 1972 and 328 (1973) of 10 March 1973,

Noting that measures so far instituted by the Security Council and the General Assembly have not brought to an end the illegal régime in Southern Rhodesia,

Reiterating its grave concern that some States contrary to Security Council resolutions 232 (1966) of 16 December 1966, 253 (1968) of 29 May 1968 and 277 (1970) of 18 March 1970 and to their obligations under Article 25 of the Charter of the United Nations, have failed to prevent trade with the illegal régime in Southern Rhodesia,

Condemning the persistent refusal of South Africa and Portugal to co-operate with the United Nations in the effective observance and implementation of sanctions against Southern Rhodesia (Zimbabwe) in clear violation of the Charter of the United Nations,

Having considered the second special report of the Committee established in pursuance of resolution 253 (1968) (S/10920 and Corr.1),

Taking note of the letter dated 27 April 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 (S/10923),

1. *Approves* the recommendations and suggestions contained in paragraphs 10 to 22 of the second special report of the Committee established in pursuance of resolution 253 (1968);

2. *Requests* the Committee, as well as all Governments, and the Secretary-General as appropriate, to take urgent action to implement recommendations and suggestions referred to above;

¹⁶⁶ 1714th meeting, paras. 54-78.

¹⁶⁷ 1715th meeting, para. 2.

¹⁶⁸ *Ibid.*, paras. 13-16.

¹⁶⁹ *Ibid.*, paras. 19-30.

¹⁷⁰ *Ibid.*, para. 44.

¹⁷¹ *Ibid.*, para. 62.

¹⁷² *Ibid.*, para. 65.

¹⁷³ *Ibid.*, paras. 66-67.

¹⁷⁴ *Ibid.*, para. 68.

¹⁷⁵ 1716th meeting, paras. 20-25.

¹⁷⁶ *Ibid.*, para. 35. Adopted as resolution 333 (1973).

3. *Requests* States with legislation permitting importation of minerals and other products from Southern Rhodesia to repeal it immediately;

4. *Calls upon* States to enact and enforce immediately legislation providing for the imposition of severe penalties on persons natural or juridical that evade or commit breach of sanctions by:

(a) Importing any goods from Southern Rhodesia;

(b) Exporting any goods to Southern Rhodesia;

(c) Providing any facilities for transport of goods to and from Southern Rhodesia;

(d) Conducting or facilitating any transaction or trade that may enable Southern Rhodesia to obtain from or send to any country any goods or services;

(e) Continuing to deal with clients in South Africa, Angola, Mozambique, Guinea (Bissau) and Namibia after it has become known that the clients are re-exporting the goods or components thereof to Southern Rhodesia, or that goods received from such clients are of Southern Rhodesian origin;

5. *Requests* States, in the event of their trading with South Africa and Portugal, to provide that purchase contracts with those countries should clearly stipulate, in a manner legally enforceable, the prohibition of dealing in goods of South Rhodesian origin; likewise, sales contracts with these countries should include a prohibition of resale or re-export of goods to Southern Rhodesia;

6. *Calls upon* States to pass legislation forbidding insurance companies under their jurisdiction from covering air flights into and out of Southern Rhodesia and individuals or air cargo carried on them;

7. *Calls upon* States to undertake appropriate legislative measures to ensure that all valid marine insurance contracts contain specific provisions that no goods of Southern Rhodesian origin or destined to Southern Rhodesia shall be covered by such contracts;

8. *Calls upon* States to inform the Committee established in pursuance of resolution 253 (1968) on their present sources of supply and quantities of chrome, asbestos, nickel, pig iron, tobacco, meat and sugar, together with the quantities of these goods they obtained from Southern Rhodesia before the application of sanctions.

The second draft resolution S/10928 received 11 votes in favour, 2 against, and 2 abstentions and failed of adoption, owing to the negative votes of two permanent members.¹⁷⁷

The representative of the United States, speaking in explanation of vote, stated that the second draft resolution (S/10928) included several proposals on which his delegation and others had expressed strong reservations in the Committee discussions. His delegation considered it unrealistic to call for broader sanctions until all members of the United Nations had demonstrated their willingness to take more seriously the sanctions already in force. In these circumstances his delegation did not believe that the draft resolution would enhance the ability of the United Nations to act effectively. The adoption of a resolution which was clearly unenforceable would seriously damage the reputation of the United Nations and further erode public confidence in its ability to act in a meaningful way. These considerations were the only reason for his Government's decision to vote against the draft resolution.¹⁷⁸

THE SITUATION IN THE MIDDLE EAST

Decision of 28 February 1972 (1644th meeting): resolution 313 (1972)

¹⁷⁷ 1716th meeting, para. 48.

¹⁷⁸ *Ibid.*, paras. 86-87.

By letter¹⁷⁹ dated 25 February 1972 addressed to the President of the Security Council, the representative of Lebanon complained about a large-scale air and ground attack by Israel against Lebanon on the morning of the same day and requested an urgent meeting of the Security Council in view of the extreme gravity of the situation endangering the peace and security of Lebanon.

By letter¹⁸⁰ dated 25 February 1972 addressed to the President of the Security Council, the representative of Israel, after referring to his previous letter dated 24 February,¹⁸¹ complained about a further attack by terrorists from Lebanese territory against an Israeli Border Police patrol as a result of which one Israeli was killed and eight wounded. He stated that in face of this and other attacks Israel was compelled to take action in self-defence against encampments of the terrorists on 25 February. In view of the gravity of the continuing armed attacks against Israel he requested an urgent meeting of the Security Council.

At its 1643rd meeting on 26 February 1972, the Council included the complaints by Lebanon and Israel in the agenda listing each separately under the item "The Situation in the Middle East". Following the adoption of the agenda, the representatives of Lebanon and Israel,¹⁸² and subsequently those of the Syrian Arab Republic and of Saudi Arabia¹⁸³ were invited, at their request, to participate without the right to vote in the discussion of the item which was considered at the 1643rd and 1644th meetings, held on 26 and 27 February 1972.

At the 1463rd meeting the representative of Lebanon* charged that on 25 February a battalion of the Israeli armed forces, composed of 60 tanks and armoured cars and supported by air force and infantry units, had entered Lebanese territory and attacked several Lebanese villages. The Israeli air force also bombarded other villages causing death and destruction. On the same day, Israel had delivered a warning to Lebanon through the Mixed Armistice Commission that the Israeli action was in response to terrorist activities from Lebanese soil against Israel and that Israel would continue its incursions into Lebanon if the terrorist activities did not cease. The representative of Lebanon also reported that Israeli aggression was continuing. Recalling previous resolutions of the Security Council condemning Israel's attacks against Lebanon, he deplored Israel's defiance of the authority of the Security Council and its course of aggression threatening the territorial integrity and the peace of Lebanon. He rejected Israel's attempt to hold the Lebanese responsible for the resistance by Palestinians against the illegal Israeli occupation. If Israel had not paralysed the Mixed Armistice Commission, reliable information on the origin of the incidents in Israeli held territories would be available. No border control, even if exercised with utmost care as in the Lebanese case, could be flawless, as experience all over the world demonstrated.

¹⁷⁹ S/10546, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, p. 53.

¹⁸⁰ S/10550, *ibid.*, p. 57.

¹⁸¹ S/10543, *ibid.*, p. 51.

¹⁸² 1643rd meeting, para. 2.

¹⁸³ *Ibid.*, paras. 76-77.

In view of Israel's aggression in violation of Article 2 (4) of the Charter of the United Nations, the representative of Lebanon urged the Council to take measures which would prevent Israel from resorting to further acts of aggression, to determine that these acts constituted a breach of the peace and a threat to the peace and to impose on Israel the appropriate sanctions provided for in Chapter VII of the Charter.¹⁸⁴

The representative of Israel* declared that the Government of Lebanon was solely responsible for the creation of the situation in its border areas. For a long time and contrary to explicit obligations under international law, the Charter of the United Nations and the cease-fire established by the Security Council in 1967, the Government of Lebanon had permitted terrorist organizations to establish bases on its territory from which to carry out armed attacks against Israeli civilians and members of the armed forces and against Israeli property. The Lebanese Government had even entered into a written agreement with the terrorist organization providing for full co-operation between the Government and the terrorists. Israel held that every Government was bound by international law to refrain from attacks against another country and also obliged to prevent anybody from using its territory for such attacks or threats. Israel which had brought to the attention of the Council a large number of such attacks by terrorists had merely fulfilled its duty to protect its citizens from external attacks. The representative of Israel deplored that the Council had done nothing to impress on Lebanon its obligation to prevent attacks from its territory against Israel and requested that Lebanon be condemned for violating the cease-fire by its actions and by its omissions and be ordered to put an end to all terrorist activities from its territory against Israel.¹⁸⁵

At the same meeting, the representative of the USSR stated that the full-scale Israeli act of aggression constituted a particularly serious threat not only to peace and security in the Near East but to international peace as a whole. This violation of international law, of the Charter of the United Nations and of the decisions of the Security Council could not be masked as self-defence by Israel which tried to suppress the legitimate struggle of the Arabs for the liberation of their lands. The representative of the USSR called for the Council to condemn Israeli aggression, to implement its previous decisions by applying the provisions of Chapter VII of the Charter and to consider the question of expelling Israel from the United Nations for its aggression and violation of the Charter. He also urged the members of the Council and primarily its permanent members to renew the consultations in support of Ambassador Jarring's mission in the Middle East.¹⁸⁶

The representative of France expressed the view that the Government of Lebanon did everything to control the activities of the *fedayeen* and could not be held accountable for events on Israeli territory. He reported that his Government had communicated to Israel that it could not agree with any reprisals against any State, in particular against a peace-loving State like Lebanon which should be given assistance by the Council, whereas Israel should

immediately withdraw its troops from Lebanese territory.¹⁸⁷

The representative of Yugoslavia referred to the quasi-unanimous opinion of the international community that peace in the Middle East must be based on the territorial integrity and sovereignty of all States without recourse to force and asked for effective measures to prevent attacks like the Israeli ones and make them impossible in the future.¹⁸⁸

The representative of Japan recalled the proposal made by the Secretary-General in 1969 to station United Nations Observers on both sides of the Israel-Lebanon border to observe and maintain the Security Council cease-fire. The adoption of this proposal could have prevented the recurrence of border incidents.¹⁸⁹

The representative of the United Kingdom while deploring the acts of terrorism by *fedayeen* against Israel, denied that the Israeli measures against Lebanon were justifiable.¹⁹⁰

The representative of Italy reiterated his Government's support for the preservation of the integrity, political balance and welfare of Lebanon and stated that the Israeli reprisal exceeded by far the initial act of violence that allegedly prompted it, and violated the principles of the Charter, in particular the commitment of all Member States not to resort to the use of force to settle their disputes.¹⁹¹

The representative of Belgium appealed for respect for the territorial integrity and sovereignty of all States in the Middle East and urged Governments not to have recourse to force. He requested specifically that Israel refrain from any attack within the Lebanese territory, that Lebanon prevent the misuse by the Palestinian fighters of the hospitality offered to them for raids on Israeli territory and that the international control organ established under the Armistice Agreement of 1949 function without delay with the participation of Israel.¹⁹²

The representative of China asked for Israel's condemnation by the Security Council and for Israel's immediate withdrawal from Lebanese territory.¹⁹³

The representative of the USSR, in reference to the statement by the representative of Japan, pointed out that the proposal by the Secretary-General was made without the knowledge and agreement of the Security Council and that in accordance with the practice and the provisions of the Charter such a proposal should have been made only on the decision of the Council. He also suggested that the Council pass a brief resolution condemning Israeli aggression and calling for an immediate withdrawal from the Lebanese territory and warned against adjournment *sine die* because such a postponement under the pretext of consultations would prolong the aggressor's presence on Lebanese soil.¹⁹⁴

¹⁸⁷ *Ibid.*, paras. 115-121.

¹⁸⁸ *Ibid.*, paras. 123-130.

¹⁸⁹ *Ibid.*, paras. 131-132.

¹⁹⁰ *Ibid.*, paras. 134-135.

¹⁹¹ *Ibid.*, paras. 136-143.

¹⁹² *Ibid.*, paras. 161-167.

¹⁹³ *Ibid.*, para. 188.

¹⁹⁴ *Ibid.*, paras. 192-194.

¹⁸⁴ 1643rd meeting, paras. 5-29.

¹⁸⁵ *Ibid.*, paras. 32-51.

¹⁸⁶ *Ibid.*, paras. 52-75. Also 1644th meeting (PV), pp. 43-45.

Recalling the Preamble and Article 2 (3) and (4) of the Charter, the representative of Somalia urged the Council to call upon Israel to respect the sovereignty and territorial integrity of Lebanon and immediately to desist from its incursions into Lebanese territory.¹⁹⁵

The representative of Japan replying to the statement of the representative of the USSR stated that he had simply asked for the Secretary-General to make his views known if the Council were to raise the question of observers in future proceedings.¹⁹⁶

At the end of the 1643rd meeting, the President (Sudan) proposed to adjourn the meeting since the members of the Council seemed generally inclined to continue consideration of the issue at a later stage. The Council decided without objection to adjourn the meeting.¹⁹⁷

At the 1644th meeting on 27 February 1972, the representative of Lebanon* explained that due to continued aggression by the Israeli air force his Government had urgently requested that the Council be convened again. He reiterated his call for measures under the pertinent Articles of the Charter against Israel.¹⁹⁸

The representative of Argentina stated that Israel's claim that it acted in self-defence, recognized as legitimate by international law and in Article 51 of the Charter, was not valid because its reprisals against Lebanon were far in excess of what could be considered permissible self-defence in terms of need and proportionality.¹⁹⁹

The representative of Guinea also rejected Israel's assertion that its reprisal was an act of self-defence and urged the Council to demand an immediate withdrawal of Israeli troops from Lebanon and to impose relevant sanctions under the Charter.²⁰⁰

At the same meeting the representative of Italy introduced a draft resolution sponsored by Belgium, France, Italy and the United Kingdom, which read as follows:

The Security Council,

Deploring all actions which have resulted in the loss of innocent lives,

Demands that Israel immediately desist and refrain from any ground and air military action against Lebanon and forthwith withdraw all its military forces from Lebanese territory.

He appealed to the other members of the Council to refrain from proposing amendments and to proceed to vote on the draft resolution in order to permit speedy action in the rapidly deteriorating situation.²⁰¹

The representative of the United States expressed deep regret that Israel had prolonged its attacks on Lebanese territory and reiterated his Government's full support for the territorial integrity and political independence of Lebanon. He welcomed the draft resolution, but proposed to amend the preambular paragraph by adding "on both

sides". This change would express the humanitarian concern felt by the Council members.²⁰²

The representatives of the United Kingdom and France appealed to the representative of the United States not to insist on the amendment in order to permit the speedy and unanimous adoption of the draft resolution.²⁰³ In accordance with the wishes of the co-sponsors the representative of the United States agreed not to press his amendment.²⁰⁴

The representative of China opposed the preambular paragraph and proposed that it be replaced by the phrase "Condemning Israel's aggression against Lebanon". If this change were unacceptable to the sponsors, the preamble should be deleted.²⁰⁵

The representative of Somalia proposed to amend the preambular paragraph by speaking of "innocent civilian lives" and to include in the preamble a call to all Member States to refrain from the threat or use of force against the territorial integrity or political independence of any State. He added that the imposition of sanctions under Chapter VII should not be ruled out if Israel continued to violate the territory of neighbouring States.²⁰⁶

The representative of Yugoslavia suggested that the preambular paragraph be deleted.²⁰⁷

In view of the various amendments and suggestions the representative of France asked that the Council recess for ten minutes to allow the sponsors of the draft to consult briefly.²⁰⁸

Following the recess, the President speaking as representative of Sudan declared that the draft resolution fell far short of what was required and that more decisive and drastic action should be taken.²⁰⁹

Speaking on behalf of the sponsors, the representative of Italy announced that it would be difficult for them to delete the preambular paragraph, but that they agreed to having the two paragraphs put to separate votes.²¹⁰

At the same meeting, on 28 February 1972, the preambular paragraph of the draft resolution was voted upon and received 8 votes in favour to 4 against, with 3 abstentions, and was not adopted, having failed to receive the required majority of votes. The remainder of the draft resolution was unanimously adopted.²¹¹ It read as follows:

The Security Council,

Demands that Israel immediately desist and refrain from any ground and air military action against Lebanon and forthwith withdraw all its military forces from Lebanese territory.

²⁰² *Ibid.*, paras. 126-129.

²⁰³ *Ibid.*, United Kingdom, paras. 130-131; France, paras. 133-135.

²⁰⁴ *Ibid.*, para. 137.

²⁰⁵ *Ibid.*, paras. 147-152.

²⁰⁶ *Ibid.*, paras. 159-173.

²⁰⁷ *Ibid.*, paras. 179-181.

²⁰⁸ *Ibid.*, paras. 182-183.

²⁰⁹ *Ibid.*, paras. 206-212.

²¹⁰ *Ibid.*, paras. 214-217.

²¹¹ *Ibid.*, paras. 231-232. S/10552, as modified, adopted as resolution 313 (1972).

¹⁹⁵ 1643rd meeting, paras. 196-200.

¹⁹⁶ *Ibid.*, para. 207.

¹⁹⁷ *Ibid.*, para. 209.

¹⁹⁸ 1644th meeting, paras. 6-18.

¹⁹⁹ *Ibid.*, paras. 19-34.

²⁰⁰ *Ibid.*, paras. 35-50.

²⁰¹ *Ibid.*, paras. 109-114.

Decision of 19 April 1972:*Consensus of the members of the Security Council*

A consensus of the members of the Security Council was issued on 19 April 1972 which read as follows:²¹²

The President of the Security Council has held consultations with the members of the Council following the request of the Permanent Representative of Lebanon that the Security Council take necessary action to station additional United Nations observers in the Israel-Lebanon sector, as conveyed to the President of the Security Council and contained in annex 1 of his memorandum of 31 March 1972 to the Secretary-General, and in paragraph 1 of the annexed memorandum dated 4 April 1972 from the Secretary-General to the President of the Security Council. The President also informed and consulted the Secretary-General. Exceptionally, a formal meeting of the Security Council was not considered necessary in this instance.

In the course of these consultations, the members of the Security Council reached without objection a consensus on the action to be taken in response to the request of the Lebanese Government and invited the Secretary-General to proceed in the manner outlined in his above-mentioned memorandum. They further invited the Secretary-General to consult with the Lebanese authorities on the implementation of these arrangements.

They also invited the Secretary-General to report periodically to the Security Council and in doing so to give his views on the need for the continuance of the above measures and on their scale.

Decision of 26 June 1972 (1650th meeting): resolution 316 (1972)

By letter²¹³ dated 23 June 1972 addressed to the President of the Security Council, the representative of Lebanon complained about Israel's persistent aggression against Lebanon that had culminated in a large-scale air and ground attack on 21, 22, and 23 June, and requested an urgent meeting of the Security Council in view of the extreme gravity of the situation.

By letter²¹⁴ dated 23 June 1972 addressed to the President of the Security Council, the representative of Israel requested an urgent meeting of the Security Council to consider the continued armed attacks, shelling, sabotage, incursions, acts of air piracy and other acts of terror and violence perpetrated from Lebanese territory against Israel.

At its 1648th meeting on 23 June 1972, the Council included the letters by Lebanon and Israel in the agenda listing each separately under the item "The situation in the Middle East". Following the adoption of the agenda, the representatives of Lebanon and Israel,²¹⁵ and at the 1649th meeting those of the Syrian Arab Republic, Egypt, Kuwait and Jordan²¹⁶ were invited, at their request, to participate without the right to vote in the discussion of the item which was considered at the 1648th to 1650th meetings from 23 to 26 June 1972.

At the 1648th meeting, the representative of Lebanon* said that on 21 June an Israeli patrol had entered Lebanese territory and destroyed Lebanese vehicles and that at the same time a Syrian military delegation who paid a

traditional exchange visit to the Lebanese army, had been ambushed by an Israeli military armoured unit, while the delegation escorted by a Lebanese officer and five military policemen had been travelling in civilian cars about 400 metres inside Lebanese territory. Four Lebanese military policemen had been killed; the fifth was injured and died of his wounds in Israel. Five Syrian officers and the Lebanese officer had been kidnapped, one Syrian officer had been wounded and another had managed to escape.

After describing in detail further Israeli attacks he rejected Israel's charge that the Syrian officers had been captured while they were engaged in hostile acts against Israel and that infiltration or shelling of Israel had taken place from Lebanese territory.

The increase of the number of armistice observers on the Lebanon-Israel border had pleased the Government of Lebanon, but Israel's intransigence and defiance made their effective functioning difficult and had again led to Israel's acts of aggression against Lebanon. The representative reiterated his appeal to the Security Council to take decisive action under Chapter VII of the Charter and asked specifically for the very strong condemnation of Israel for its repeated acts of aggression and for the Council's insistence on the immediate return of the kidnapped Syrian and Lebanese officers to Lebanon.²¹⁷

At the same meeting, the representative of Israel* said that on 20 June Arab terror organizations based in Lebanon had opened bazooka fire on an Israeli civilian bus and wounded two elderly passengers. Similar attacks occurred on the next two days. The Israeli air force and artillery reacted in self-defence and struck against the bases from which the terrorists operate. On 21 June, an Israeli patrol encountered a military convoy approximately 100 metres from the border; the convoy opened fire on the patrol, and in the ensuing clash five Syrian officers, one Lebanese officer, a soldier and four gendarmes were taken prisoner. As long as Lebanon repudiated its obligation to ensure that its territory was not used for aggression against its neighbour, Israel had no alternative but to act in self-defence. As an example for Lebanon's role he cited the Lod airport massacre on 30 May which had been committed by terrorists who had been trained for that criminal mission in a terrorist camp near Beirut. He deplored the inability of the Security Council to stop Arab armed attacks against Israel or even to condemn these attacks from neighbouring Arab States.²¹⁸

At the 1650th meeting on 26 June 1972, the Council decided to add, as subitem (b) of the first item on its agenda ("The situation in the Middle East"), the "Letter dated 26 June 1972 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council"²¹⁹ in which the representative requested that the Syrian Arab Republic be considered an integral party to the Lebanese complaint.

²¹² S/10611 (Consensus of the members of the Security Council), *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 32-33; see also S/10612, *ibid.*, p. 33, and S/10617, *ibid.*, p. 36.

²¹³ S/10715, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 137.

²¹⁴ S/10716, *ibid.*, p. 137.

²¹⁵ 1648th meeting, paras. 1-3.

²¹⁶ 1649th meeting, paras. 2-3.

²¹⁷ 1648th meeting, paras. 8-42.

²¹⁸ *Ibid.*, paras. 45-87.

²¹⁹ 1650th meeting, para. 1. S/10720, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 140-141.

²²⁰ S/10722, subsequently adopted without change as resolution 316 (1972).

At the same meeting, the representative of France introduced a draft resolution sponsored by Belgium, France and the United Kingdom²²⁰ and urged its unanimous adoption.²²¹

The representative of the United States submitted a draft resolution²²² under which the Security Council would, *inter alia*, condemn acts of violence in the area; call for an immediate cessation of all such acts, and call on all Governments concerned to repatriate all armed forces prisoners held in custody.²²³

Several representatives²²⁴ stated that they would prefer a stronger condemnation of the Israeli act of aggression, but that they were prepared to vote in favour of the rather weak three-Power draft resolution.

At the same meeting, the draft resolution sponsored by Belgium, France and the United Kingdom was adopted by 13 votes to none with 2 abstentions.²²⁵ It read as follows:

The Security Council,

Having considered the agenda contained in document S/Agenda/1650/Rev.1,

Having noted the contents of the letters of the Permanent Representative of Lebanon, the Permanent Representative of Israel and the Permanent Representative of the Syrian Arab Republic,

Recalling the consensus of the members of the Security Council of 19 April 1972,

Having noted the supplementary information provided by the Chief of Staff of the United Nations Truce Supervision Organization contained in documents S/7930/Add.1584 to Add.1640, of 26 April to 21 June 1972, and particularly documents S/7930/Add.1641 to Add.1648, of 21 to 24 June 1972,

Having heard the statements of the representatives of Lebanon and of Israel,

Deploing the tragic loss of life resulting from all acts of violence and retaliation,

Gravely concerned at Israel's failure to comply with Security Council resolutions 262 (1968) of 31 December 1968, 270 (1969) of 26 August 1969, 280 (1970) of 19 May 1970, 285 (1970) of 5 September 1970 and 313 (1972) of 28 February 1972 calling on Israel to desist forthwith from any violation of the sovereignty and territorial integrity of Lebanon,

1. *Calls upon* Israel to strictly abide by the aforementioned resolutions and to refrain from all military acts against Lebanon;

2. *Condemns*, while profoundly deploring all acts of violence, the repeated attacks of Israeli forces on Lebanese territory and population in violation of the principles of the Charter of the United Nations and Israel's obligations thereunder;

3. *Expresses* the strong desire that appropriate steps will lead, as an immediate consequence, to the release in the shortest possible time of all Syrian and Lebanese military and security personnel abducted by Israeli armed forces on 21 June 1972 on Lebanese territory;

4. *Declares* that if the above-mentioned steps do not result in the release of the abducted personnel or if Israel fails to comply with the present resolution, the Council will reconvene at the earliest to consider further action.

The draft resolution submitted by the United States was not put to the vote in view of the adoption of the three-Power draft resolution.²²⁶

After the vote the representative of the United States stated that his delegation was obliged to abstain because it considered the draft resolution as unbalanced and therefore unacceptable.²²⁷

The representative of Belgium said that the natural right of self-defence enshrined in Article 51 of the Charter was limited to the single case of armed aggression and that the incidents which provoked Israel's reprisals could not be described as an act of aggression on the part of Lebanon.²²⁸

Decision of 21 July 1972 (1653rd meeting): resolution 317 (1972).

By two separate letters²²⁹ dated 5 July addressed to the President of the Security Council, the representatives of the Syrian Arab Republic and of Lebanon requested a meeting of the Security Council in view of Israel's refusal to abide by Security Council resolution 316 (1972).

By letter²³⁰ dated 17 July addressed to the President of the Security Council, the representative of Israel requested an urgent meeting of the Council to consider the mutual release of all prisoners of war, in accordance with the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949.

At the 1651st meeting on 18 July an extended procedural debate took place concerning the provisional agenda which included the two letters by Syria and Lebanon as well as the letter by Israel.²³¹ The motion by Somalia to delete item (3) (the letter by Israel) from the provisional agenda was voted upon and received 8 votes in favour to none against with seven abstentions and was not adopted falling short of the required majority of votes.²³² After further discussion the Council, at the recommendation of the President, decided to consider the Lebanese and Syrian requests first and to schedule a later Council meeting to consider the Israeli request.²³³ Following the adoption of the revised agenda, the representatives of Syria, Lebanon, Israel, Afghanistan, Islamic Republic of Mauritania and Morocco²³⁴ were invited, at their request, to participate without the right to vote in the discussion of the item which was considered at the 1651st to 1653rd meetings from 18 to 21 July 1972.

At the 1651st meeting, the President read a message from the Secretary-General in which he reported on the effort to implement resolution 316 (1972): at the request of the representatives of Lebanon and Syria he had

²²⁶ *Ibid.*, para. 83.

²²⁷ *Ibid.*, paras. 85-87.

²²⁸ *Ibid.*, para. 93.

²²⁹ S/10730 and S/10731, *OR*, 27th yr., *Suppl. for July-Sept.* 1972, pp. 57-58.

²³⁰ S/10739, *ibid.*, p. 72.

²³¹ 1651st meeting, paras. 2-139. For details see chapter II of this Supplement, pp. 22-24.

²³² *Ibid.*, para. 53.

²³³ *Ibid.*, paras. 125-139.

²³⁴ *Ibid.*, paras 140-141.

²²¹ 1650th meeting, paras. 15-17.

²²² S/10723, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 141.

²²³ 1650th meeting, para. 44.

²²⁴ *Ibid.*, Sudan: paras. 49-53; Somalia: paras. 54-57; China: paras. 58-63; USSR: paras. 64-80.

²²⁵ *Ibid.*, para. 82. Adopted as resolution 316 (1972).

exercised his good offices for the return of the Lebanese and Syrian officers; at the moment a generally acceptable solution was not yet in sight and he continued to pursue his efforts with all parties concerned in this matter.²³⁵ The President added that his own efforts had been equally unavailing.²³⁶

At the same meeting, the representative of Lebanon* sharply criticized Israel's lawlessness and persistent defiance of Security Council resolutions. He rejected Israel's attempts to link the release of the abducted Lebanese and Syrian personnel to a general exchange of prisoners of war. Since Israel's acts of aggression violated the principles of the Charter and threatened international peace and security, Lebanon advocated the application of sanctions against Israel to enforce the rule of law. He proposed two alternatives to the Council for consideration: the Council could condemn Israel for its failure to release the abducted personnel, reaffirm resolution 316 (1972), call upon Israel to release the abducted personnel unconditionally and immediately and empower the President of the Council and the Secretary-General to take appropriate measures to that effect; or the Council would in addition dispatch a military or civilian commission or delegation representing the Council to Israel to impress upon the Israeli government the importance of the call by the Council for the immediate and unconditional release of the abducted personnel.²³⁷

The representative of the Syrian Arab Republic* denounced the abduction as a flagrant violation of the law of the sovereignty of nations and rejected Israel's claim that the abducted officers were prisoners of war, a claim that had already been rejected by the Council. Israel could not apply the provisions of one of the four Geneva Conventions and disregard the other three. The Council should condemn Israel for its non-compliance with the Council decision and call upon it to release the abducted personnel unconditionally. Failing this, sanctions should be applied against Israel. Moreover, Article 6 of the Charter should be applied against Israel who had been admitted to membership in the United Nations under the condition that it should abide by the decisions and resolutions of the United Nations.²³⁸

The representative of the USSR said that Israel's aggressive policy represented a serious threat to the cause of universal peace and proved its unwillingness to fulfil one of the most important obligations of the Charter of the United Nations, contained in Article 25: to accept and carry out the decisions of the Security Council. The Security Council should condemn Israel's failure to implement resolution 316 and consider further action to ensure its implementation.²³⁹

At the 1652nd meeting on 20 July 1972, the representative of Somalia introduced a draft resolution sponsored by Guinea, Somalia, Sudan and Yugoslavia²⁴⁰ and urged that the Council act quickly and without further debate since

the draft resolution did not constitute a departure from resolution 316 (1972).²⁴¹

The representatives of Panama and Belgium requested that the Council be adjourned because they had not been able to get from their Governments instructions on how to vote on the draft resolution. The representative of Belgium added that he would be obliged to submit a formal motion for adjournment on the basis of rule 33 (3) of the Council's provisional rules of procedure, if the Council could not accede to his request.²⁴²

The sponsors of the draft resolution agreed to the requests and the Council was adjourned.²⁴³

At the 1653rd meeting on 21 July 1972, the representative of Panama announced that on specific instructions from his Foreign Ministry he would vote in favour of the draft resolution.²⁴⁴

The representative of India announced that his Government would co-sponsor the draft resolution.²⁴⁵

At the same meeting, the draft resolution sponsored by Guinea, India, Somalia, Sudan and Yugoslavia was adopted by 14 to none with 1 abstention.²⁴⁶ It read as follows:

The Security Council,

Having considered the agenda adopted by the Security Council at its 1651st meeting held on 18 July 1972,

Having noted the contents of the letters of the Permanent Representative of the Syrian Arab Republic and the Chargé d'affaires *ad interim* of Lebanon,

Having heard the statements of the representatives of Lebanon and of the Syrian Arab Republic,

Having noted with appreciation the efforts made by the President of the Security Council and by the Secretary-General following the adoption of resolution 316 (1972) of 26 June 1972,

1. *Reaffirms* resolution 316 (1972) adopted by the Security Council on 26 June 1972;

2. *Deplores* the fact that despite these efforts, effect has not yet been given to the Security Council's strong desire that all Syrian and Lebanese military and security personnel abducted by Israeli armed forces from Lebanese territory on 21 June 1972 should be released in the shortest possible time;

3. *Calls upon* Israel for the return of the above-mentioned personnel without delay;

4. *Requests* the President of the Security Council and the Secretary-General to make renewed efforts to secure the implementation of the present resolution.

Decision of 10 September 1972 (1662nd meeting):

Rejection of draft resolution

By letter²⁴⁷ dated 9 September 1972 addressed to the President of the Security Council, the representative of the Syrian Arab Republic requested an urgent meeting of the Security Council to consider Israel's continuing attacks on

²³⁵ 1651st meeting, para. 142.

²³⁶ *Ibid.*, para. 143.

²³⁷ *Ibid.*, paras. 147-171.

²³⁸ *Ibid.*, paras. 176-195.

²³⁹ *Ibid.*, paras. 262-273.

²⁴⁰ S/10742, adopted without change as resolution 317 (1972).

²⁴¹ 1652nd meeting, paras. 5-13.

²⁴² *Ibid.*, Panama: para. 40; Belgium: paras. 42-44.

²⁴³ *Ibid.*, paras. 53-55.

²⁴⁴ 1653rd meeting, para. 5.

²⁴⁵ *Ibid.*, paras. 10-11.

²⁴⁶ *Ibid.*, para. 14. Adopted as resolution 317 (1972).

²⁴⁷ S/10782, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 97-98.

Syrian territory, of which he had informed the Council in his letter of 8 September.²⁴⁸

By letter²⁴⁹ dated 10 September 1972 addressed to the President of the Security Council, the representative of Lebanon also requested a meeting of the Council in view of the gravity of the situation endangering the peace and security of Lebanon, and especially in view of the recent events reported in his letter of 8 September.²⁵⁰

At the 1661st meeting on 10 September 1972, the President stated that the meeting had been convened at the request of the Syrian Arab Republic, but that a few minutes before the meeting, the representative of Lebanon, in his letter dated 10 September, had also requested the meeting. Accordingly, he suggested to amend the provisional agenda and to add the letter of the representative of Lebanon. Since there was no objection, the provisional agenda was adopted in the amended form.²⁵¹ Following the adoption of the agenda, the representatives of Syria and Lebanon were invited, at their request, to participate, without the right to vote, in the discussion of the item.²⁵² The President reported to the Council that he had informed the representative of Israel in the afternoon of 9 September of the decision to convene the meeting of the Council and that the representative of Israel had replied in the evening of 9 September that he could not attend the meeting since 10 September was Jewish New Year.²⁵³ The Council considered the item at the 1661st and 1662nd meetings on 10 September 1972.

At the 1661st meeting, the representative of the Syrian Arab Republic* stated that on 8 and 9 September Israel had launched new aerial attacks against Syrian communities killing and wounding many civilians. The Vice-Premier of the Israeli Council of Ministers had described these operations as a first stage in a total offensive. In view of this clear-cut aggression by Israel he called upon the Security Council to compel Israel to halt immediately all military operations, to condemn it for this act of aggression and to take all appropriate measures to prevent a renewal of aggression.²⁵⁴

The representative of Lebanon* said that several Lebanese places had been attacked on 8 September by Israeli military aircraft causing death and injury among innocent civilians. None of these communities had served as commando bases, as alleged by Israel. He urged the Council to condemn Israel for this premeditated attack against Lebanon and to take measures to prevent any recurrence of such attacks.²⁵⁵

Recalling the tragic events during the Olympic Games in Munich the representative of the United States declared that the complaint by Syria could not be considered without connecting it to the events in Munich. The Syrian Government and other Governments in the area encouraged

rather than condemned the terrorism against Israel and therefore could not be absolved of responsibility for the cycle of violence and counter-violence in the Middle East. His Government would not support one-sided resolutions of the kind recently adopted by the Council. He suggested that the Council deplore the renewal of terrorist attacks and the loss of innocent lives on both sides as well as the outbreak of renewed violence in the Middle East, that it delcare encouragement of acts of terrorism unacceptable in civilized societies and inimical to the maintenance of the cease-fire in the Middle East. The Council should also condemn the terrorist attack of 5 September in Munich and urge States that were harbouring and supporting such terrorists to cease their support and to put an end to acts of terrorism.²⁵⁶

The representative of Somalia asked the Council to call for an immediate cessation of all military operations in the region and introduced to that effect a draft resolution,²⁵⁷ subsequently co-sponsored by Guinea and Yugoslavia,²⁵⁸ according to which the Council would call on the parties concerned to cease immediately all military operations and to exercise the greatest restraint in the interest of international peace and security.²⁵⁹

Another draft resolution²⁶⁰ was submitted by the representative of the United States, according to which the Council would (1) condemn the attack in Munich on 5 September by terrorists of the so-called Black September organization, and (2) call upon those States harbouring and supporting such terrorists to cease their encouragement and to take all necessary measures to bring about the immediate end of such senseless acts.²⁶¹

The representative of the USSR expressed surprise about the pretext under which the Israeli representatives had refused to attend the Council meeting, while the Government of Israel conducted armed aggression at the same time. In view of the urgency of the requests of Syria and Lebanon he suggested that the draft resolution introduced by Somalia should be voted upon immediately. The key to the solution of the conflict in the Middle East still was the withdrawal of Israeli troops from the occupied territories and the implementation of Council resolution 242 (1967). He sharply rejected any attempt to link the new acts of aggression by Israel with the distressing incident in Munich, for which Syria and Lebanon bore no responsibility.²⁶²

The representative of Belgium asked for a suspension of the meeting in order that the Council members could study the two draft resolutions in detail and contact their Governments for instructions on how to vote.²⁶³

The representative of Somalia replied that since his draft resolution was purely an act of humanity, it did not require any instructions and could be voted upon the same day.²⁶⁴

²⁴⁸ S/10781, *ibid.*, p. 97.

²⁴⁹ S/10783, *ibid.*, p. 98.

²⁵⁰ S/10780, *ibid.*, pp. 96-97.

²⁵¹ 1661st meeting, para. 2.

²⁵² *Ibid.*, paras. 3-4.

²⁵³ *Ibid.*, para. 5.

²⁵⁴ *Ibid.*, paras. 7-16.

²⁵⁵ *Ibid.*, paras. 19-24.

²⁵⁶ *Ibid.*, paras. 25-35.

²⁵⁷ S/10784, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, p. 98.

²⁵⁸ 1661st meeting, para. 91 (announcement by Somalia).

²⁵⁹ *Ibid.*, paras. 37-39.

²⁶⁰ S/10785, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, p. 98.

²⁶¹ 1661st meeting, para. 41.

²⁶² *Ibid.*, paras. 48-57.

²⁶³ *Ibid.*, para. 59.

²⁶⁴ *Ibid.*, paras. 60-62.

Following a procedural discussion,²⁶⁵ the President adjourned the meeting until later that afternoon.²⁶⁶

At the 1662nd meeting on 10 September, the representative of the United Kingdom introduced three amendments²⁶⁷ to the three-Power draft resolution. The amendments, sponsored by Belgium, France, Italy and the United Kingdom, provided for (1) the insertion of a second preambular paragraph in which the Council would deplore all acts of terrorism and violence and all breaches of the cease-fire in the Middle East, (2) the replacement, in the operative paragraph, of the words "the parties" by "all parties", and (3) the replacement, in the operative paragraph, of the words "cease immediately all military operations" by "take all measures for the immediate cessation and prevention of all military operations and terrorist activities."

The representative of the United Kingdom added that the meaning of these amendments would be clear and that the Council should condemn every resort to force against national or international law.²⁶⁸

The representative of Somalia declared that the amendments would alter the thrust of the draft resolution which was directed towards the regulation of the relationships within the membership of the United Nations and therefore urged an end of the military operations without condemning or condoning the acts of violence in the Middle East.²⁶⁹

The representatives of Yugoslavia²⁷⁰ and Guinea²⁷¹ as co-sponsors of the draft resolution also emphasized its interim quality and warned that the amendments introducing extraneous considerations would weaken the draft resolution and the chances for the cessation of all military operations.

Following statements by the representatives of India,²⁷² Panama,²⁷³ the USSR,²⁷⁴ Japan²⁷⁵ and the United States,²⁷⁶ the Council proceeded to the vote. According to a suggestion by the representative of India, the amendments (S/10786) submitted by the four European Members were voted on separately.²⁷⁷ The first paragraph of the amendments received 8 votes in favour, 4 against and 3 abstentions and was not adopted, having failed to obtain the required majority. The second paragraph received 9 votes in favour and 6 against and was not adopted owing to the negative vote of two permanent members of the Council. The third paragraph received 8 votes in favour and

7 against and was not adopted, having failed to obtain the required majority.²⁷⁸

The three-Power draft resolution received 13 votes in favour, 1 against, and 1 abstention and was not adopted owing to the negative vote of a permanent member of the Council.²⁷⁹

Following the vote, the representative of the United States stated that his delegation had decided to vote against the draft resolution because it could not consent to a double standard condemning the unwillingness of States to control their own military forces, but keeping silent on their unwillingness to control irregular forces of terror and murder in their territory.²⁸⁰

The representative of the USSR said that in conditions where Israel continued its aggression and undermined a peaceful settlement on the basis of United Nations decisions, the need arose to adopt additional measures against the aggressor under Chapter VII of the Charter and to impose appropriate sanctions.²⁸¹

The representative of Sudan deplored the use of the veto against a call for the ending of aggression and the sparing of human life, especially because the United Nations relied upon the permanent members of the Council to help in the maintenance of peace.²⁸²

Before adjourning the meeting, the President announced that he had been informed by the representative of the United States that he would not insist on a vote on his draft resolution at that meeting.²⁸³

Decision of 20 April 1973 (1710th meeting): resolution 331 (1973)

Decision of 21 April 1973 (1711th meeting): resolution 332 (1973)

By letter²⁸⁴ dated 12 April 1973 addressed to the President of the Security Council, the representative of Lebanon referred to his previous letter²⁸⁵ dated 11 April 1973, in which he had brought to the attention of the Council details regarding the Israeli act of aggression against Lebanon on the morning of 10 April, and requested, in view of the gravity of that act and the threat it posed to the peace and security in the Middle East, an urgent meeting of the Council.

At its 1705th meeting on 12 April 1973, the Council included the letter by Lebanon in the agenda. Following the adoption of the agenda, the representatives of Lebanon, Israel and Egypt,²⁸⁶ of Saudi Arabia,²⁸⁷ at the 1706th meeting those of Algeria and the Syrian Arab Republic,²⁸⁸

²⁶⁵ 1661st meeting, paras. 63-110.

²⁶⁶ *Ibid.*, para. 111.

²⁶⁷ S/10786, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 98-99.

²⁶⁸ 1662nd meeting, paras. 5-9.

²⁶⁹ *Ibid.*, paras. 11-12.

²⁷⁰ *Ibid.*, paras. 13-16.

²⁷¹ *Ibid.*, para. 17.

²⁷² *Ibid.*, paras. 23-38.

²⁷³ *Ibid.*, paras. 40-47.

²⁷⁴ *Ibid.*, paras. 48-54.

²⁷⁵ *Ibid.*, paras. 56-63.

²⁷⁶ *Ibid.*, paras. 64-66.

²⁷⁷ *Ibid.*, paras. 69-70.

²⁷⁸ *Ibid.*, paras. 71-73.

²⁷⁹ *Ibid.*, para. 74.

²⁸⁰ *Ibid.*, paras. 76-80.

²⁸¹ *Ibid.*, paras. 129-131.

²⁸² *Ibid.*, paras. 165-166.

²⁸³ *Ibid.*, para. 213.

²⁸⁴ S/10913, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 22-23.

²⁸⁵ S/10911, *ibid.*, pp. 20-21.

²⁸⁶ 1705th meeting, paras. 1-6.

²⁸⁷ *Ibid.*, para. 72.

²⁸⁸ 1706th meeting, paras. 3-4.

at the 1708th meeting the representative of Tunisia,²⁸⁹ and at the 1710th meeting the representative of Jordan²⁹⁰ were invited, at their request, to participate without the right to vote in the discussion of the item which was considered at the 1705th to 1711th meetings from 12 to 21 April 1973.

At the 1705th meeting, the representative of Lebanon* stated that as he had already described in his letter of 11 April, a squad of 35 Israeli terrorists in civilian clothes had landed on 10 April in the south of Beirut and driven in civilian Lebanese cars to various points in the city, where they attacked several buildings and killed three leading members of the Palestinian Liberation Organization. They also killed and wounded other people in the city and in a refugee camp in the vicinity of Beirut airport. The representative of Lebanon stressed again that his country continued to depend on the United Nations and in particular on the Security Council for its protection. The *raison d'être* for the United Nations was to protect the security of the small countries and the peaceful existence of their inhabitants. The repeated acts of aggression against Lebanon by Israel could not go unpunished. Therefore he called upon the Council to go beyond a mere condemnation of Israel aggression and to take action to put an end to it.²⁹¹

The representative of the United States categorically denied charges that his country had somehow helped carry out the aggression in Lebanon and was still harbouring several of those involved in its embassy, and described this "big lie" as a fabrication by those who were opposed to a peaceful settlement and wanted to incite new destruction and more deaths of innocent people.²⁹²

The representative of Israel* charged that Lebanon had convened the Security Council to ask for the continuation of terrorism and declared that his Government was duty-bound to protect the lives of its citizens and to put an end to assaults against them. This was the objective of its action in the night of 9-10 April against terrorist bases in the Beirut area. Israel would not acquiesce in the continued presence of terrorist groups on Lebanese soil. Lebanon could extricate itself from its predicament only by observing its international obligations and eliminating the terrorist groups and their activities from its territory. The Charter of the United Nations as well as the interests of international peace and security required that responsible Governments and the Security Council refused support to Lebanon as long as it remained a base for murderous terrorism.²⁹³

At the 1706th meeting on 13 April, the representative of Algeria* called Israeli defiance of international law and of the decisions of international organizations a serious threat to international order and deplored the failure of the international community to react to the Israeli measures taken with the aim of insuring its permanent presence in the territories acquired by force. The Israeli actions went far beyond the breach of international law and claimed futilely to furnish a reply to the inalterable aspirations of

the Palestinians. Israel's behaviour represented one of the gravest dangers to world equilibrium.²⁹⁴

The representative of the Syrian Arab Republic* argued that Israel, a State which trampled under foot the resolutions of the international community, should have no place in the Organization. Similarly, the Council could no longer postpone the adoption of appropriate measures to eliminate the consequences of Israeli aggression.²⁹⁵

The representative of the USSR pointed out that Israel had been among the States that refused to support General Assembly resolution 2936 (XXVII) on the non-use of force in international relations and the permanent prohibition of the use of nuclear weapons. Israel's act of aggression violated not only the United Nations Charter but also the new rule of international law expressed in that resolution. He proposed that the Council should reaffirm the renunciation of the use or threat of force to settle disputes between States. His Government which was categorically opposed to international terrorism, condemned Israeli terrorist methods that had been raised to State policy. He reiterated his suggestion that the permanent members of the Council resume their consultations on the Near East in order to help the Special Representative of the Secretary-General. He called upon the other members of the Council not only to condemn Israel's latest acts of aggression but also to impose effective sanctions against Israel up to and including its expulsion from membership in the United Nations.²⁹⁶

The representative of Sudan stated that it was the duty of the United Nations to uphold the right of the Palestinian Arabs not as refugees but as a legitimate liberation movement. Israel's acts of aggression in Lebanon should be strongly condemned, and if Israel continued to promote terrorism, the Council should consider applying effective measures along the lines stipulated by the Charter.²⁹⁷

The representative of Yugoslavia also called for Israel's condemnation and declared that it was high time for the Council to review the whole Middle Eastern situation and to examine what should be done to arrive at the implementation of resolution 242 (1967) as well as other resolutions.²⁹⁸

At the 1707th meeting on 16 April, the representative of Egypt* stated that in the wake of Israel's most recent aggression in Lebanon the Council had to consider measures envisaged by the Charter, such as complete or partial interruption of economic relations, communications and severance of diplomatic relations. He called it unbelievable that Israel continued to receive increasing massive military and economic assistance from one Member State. A ban on military supplies and financial aid to Israel would be essential for the attainment of peace in the Middle East. He also announced his Government's intention to ask later in the meeting for a full review of the entire Middle East situation by the Council, including a request for the submission of the comprehensive report by the Special

²⁸⁹ 1708th meeting, para. 5.

²⁹⁰ 1710th meeting, paras. 3-4.

²⁹¹ 1705th meeting, paras. 10-36.

²⁹² *Ibid.*, paras. 38-44.

²⁹³ *Ibid.*, paras. 47-71.

²⁹⁴ 1706th meeting, paras. 6-30.

²⁹⁵ *Ibid.*, para. 43.

²⁹⁶ *Ibid.*, paras. 47-85.

²⁹⁷ *Ibid.*, paras. 126-127.

²⁹⁸ *Ibid.*, paras. 141-144.

Representative of the Secretary-General, Ambassador Jarring.²⁹⁹

On 19 April, France and the United Kingdom submitted a draft resolution³⁰⁰ which provided *inter alia* in operative paragraph 4 for a warning by the Council that if Israel were to repeat such attacks the Council would meet to consider what further and more effective measures could be taken to ensure against their repetition.

On the same day, Guinea, India, Indonesia and Yugoslavia submitted an amendment,³⁰¹ which provided for the addition of another paragraph at the end of the British-French draft resolution, whereby the Council would call on all States to refrain from providing any assistance which encouraged such military attacks or impeded the search for a peaceful settlement.

At the beginning of the 1710th meeting on 20 April, the President drew the attention of the members of the Council to the revision³⁰² of the original draft resolution submitted by France and the United Kingdom, to the amendment sponsored by Guinea, India, Indonesia and Yugoslavia, and to a draft resolution submitted by Egypt.³⁰³ He informed the Council that he had received a request from the Foreign Minister of Egypt that his draft resolution be considered and voted upon first, since the Minister had to depart from New York on the same day. Recalling rule 32 of the Provisional Rules of Procedure according to which principal motions and draft resolutions should have precedence in the order of their submission, he announced that as there were no objections, he would give priority to the Egyptian draft resolution.³⁰⁴

The representative of Egypt introduced the draft resolution asking for an in-depth review of the situation in the Middle East by the Council and in preparation of that examination for a comprehensive report by the Secretary-General on the efforts undertaken by the United Nations since 1967, and he inquired from the Secretary-General as to how long it would take to prepare such a report.³⁰⁵

The Secretary-General indicated that it should be possible to prepare the requested report in three to four weeks.³⁰⁶

The representative of Sudan moved formally, under rule 38 of the rules of procedure, that the Council approve by a unanimous vote the draft resolution introduced by Egypt.³⁰⁷ Subsequently, the President asked the Council whether it would approve the draft resolution without a vote. Since there were no objections, he declared that the draft resolution had been adopted.³⁰⁸ It read as follows:

²⁹⁹ 1707th meeting, paras. 19-24.

³⁰⁰ S/10916. *OR*, 28th yr., *Suppl. for April-June 1973*, p. 24.

³⁰¹ S/10917, *ibid.*, p. 24.

³⁰² S/10916/Rev.1, adopted without change as resolution 332 (1973).

³⁰³ S/10918, adopted without change as resolution 331 (1973).

³⁰⁴ 1710th meeting, paras. 5-8.

³⁰⁵ *Ibid.*, paras. 10-18.

³⁰⁶ *Ibid.*, para. 19.

³⁰⁷ *Ibid.*, para. 35.

³⁰⁸ *Ibid.*, para. 65. Adopted as resolution 331 (1973).

The Security Council,

Having heard the statement of the Foreign Minister of the Arab Republic of Egypt,

1. *Requests* the Secretary-General to submit to the Security Council as early as possible a comprehensive report giving full account of the efforts undertaken by the United Nations pertaining to the situation in the Middle East since June 1967;

2. *Decides* to meet, following the submission of the Secretary-General's report, to examine the situation in the Middle East;

3. *Requests* the Secretary-General to invite Mr. Gunnar Jarring, the Special Representative of the Secretary-General, to be available during the Council's meetings in order to render assistance to the Council in the course of its deliberations.

After the adoption of the Egyptian draft resolution, the representative of France introduced the revised draft resolution submitted by the United Kingdom and France, in which the word "deplores" in operative paragraph 1 had been replaced by the word "condemns" and operative paragraph 4 had been deleted. He indicated that the sponsors had no objection to having the amendment submitted by Guinea, India, Indonesia and Yugoslavia incorporated in the draft resolution as a new operative paragraph 4.³⁰⁹

Speaking on behalf of the four sponsors, the representative of Guinea announced that they were withdrawing the amendment to the British-French draft resolution because it referred to the original draft and not to the revised text. Then she proposed that the Council be adjourned under rule 33, paragraph 3 so that consultations could continue.³¹⁰

At the 1711th meeting on 21 April, the revised draft resolution sponsored by France and the United Kingdom was adopted by 11 votes to none, with 4 abstentions.³¹¹ It read as follows:

The Security Council,

Having considered the agenda contained in document S/Agenda/1705,

Having noted the contents of the letter of the Permanent Representative of Lebanon to the United Nations (S/10913),

Having heard the statements of the representatives of Lebanon and Israel,

Grieved at the tragic loss of civilian life,

Gravely concerned at the deteriorating situation resulting from the violation of Security Council resolutions,

Deeply deploring all recent acts of violence resulting from the violation of Security Council resolutions,

Recalling the General Armistice Agreement between Israel and Lebanon of 23 March 1949 and the cease-fire established pursuant to resolutions 233 (1967) of 6 June 1967 and 234 (1967) of 7 June 1967,

Recalling its resolutions 262 (1968) of 31 December 1968, 270 (1969) of 26 August 1969, 280 (1970) of 19 May 1970 and 316 (1972) of 26 June 1972,

1. *Expresses deep concern* over and condemns all acts of violence which endanger or take innocent human lives;

2. *Condemns* the repeated military attacks conducted by Israel against Lebanon and Israel's violation of Lebanon's territorial integrity and sovereignty in contravention of the Charter of the United Nations, of the Armistice Agreement between Israel and Lebanon and of the Council's cease-fire resolutions;

³⁰⁹ *Ibid.*, paras. 71-72.

³¹⁰ *Ibid.*, paras. 72-73.

³¹¹ 1711th meeting, following a brief suspension of the meeting. Adopted as resolution 332 (1973).

3. *Calls upon* Israel to desist forthwith from all military attacks on Lebanon.

EXAMINATION OF THE SITUATION
IN THE MIDDLE EAST

Decision of 14 June 1973 (1726th meeting):

Statement by the President

Decision of 26 July 1973 (1735th meeting):

Rejection of the eight-Power draft resolution

In accordance with resolution 331 (1973) the Council convened at the 1717th meeting on 6 June 1973, following the submission of the Secretary-General's report, to examine the situation in the Middle East. The Council included in its agenda resolution 331 (1973) and the Report of the Secretary-General under Security Council resolution 331 (1973) dated 18 May 1973.³¹² Following the adoption of the agenda, the representatives of Egypt, Israel, Jordan, the United Republic of Tanzania, Chad, the Syrian Arab Republic, Nigeria, Algeria,³¹³ at the 1718th meeting the representatives of Morocco, the United Arab Emirates,³¹⁴ Somalia,³¹⁵ at the 1719th meeting the representatives of Guyana and Mauritania,³¹⁶ at the 1720th meeting the representatives of Qatar, Kuwait³¹⁷ and Saudi Arabia,³¹⁸ at the 1721st meeting the representative of Lebanon,³¹⁹ at the 1722nd meeting the representatives of Iran³²⁰ and Bahrain,³²¹ and at the 1734th meeting the representative of Tunisia,³²² were invited, at their request, to participate, without vote, in the discussion of the item on the agenda. The Council considered the question at the 1717th to 1726th and 1733rd to 1735th meetings from 6 to 14 June and 20 to 26 July 1973.

At the beginning of the 1717th meeting the President (USSR) recalled that the Council in adopting resolution 331 (1973) had decided to meet to examine the situation in the Middle East. He added that pursuant to that resolution, the Secretary-General had submitted to the Council a detailed report on the efforts undertaken by the United Nations pertaining to the situation in the Middle East since 1967, and the Special Representative of the Secretary-General, Ambassador Gunnar Jarring, would take part in the meetings of the Council. He stressed how unacceptable it was that the situation in the Middle East continued to be an explosive threat to international peace and security.³²³

³¹² S/10929, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 37-53.

³¹³ 1717th meeting, paras. 2-4.

³¹⁴ 1718th meeting, opening statement by the President.

³¹⁵ *Ibid.*, following the intervention by the Syrian Arab Republic.

³¹⁶ 1719th meeting, opening statement by the President.

³¹⁷ 1720th meeting, para. 3.

³¹⁸ *Ibid.*, para. 51.

³¹⁹ 1721st meeting, opening statement by the President.

³²⁰ 1722nd meeting, opening statement by the President.

³²¹ *Ibid.*, following the intervention by Morocco.

³²² 1734th meeting, following the intervention by Egypt.

³²³ 1717th meeting, paras. 6-14.

The Secretary-General briefly introduced his report which he said described great efforts but little progress, and emphasized that the Council could not succeed in the quest for a peaceful settlement in the Middle East if the parties concerned did not wish to avail themselves of its efforts and its advantages as a forum of discussion and an instrument for peace.³²⁴

The representative of Egypt* said that his Government had requested this series of meetings of the Council after six years of effort and endurance had failed to put an end to Israeli occupation of Arab territory. He reviewed the development of the conflict since 1947 emphasizing the original boundaries within which the Jewish State had been recognized by the United Nations, and the systematic expulsion of the Palestinians from their land by the Israeli rulers who had violated the original frontiers and seized large parts of adjoining Arab territories, most recently in the war of June 1967. He then considered in great detail the development since 1967 contrasting Israel's initial willingness to withdraw from all occupied territories with its recent refusal stated in reply to the questions raised by the Special Representative that it would not withdraw to the pre-5 June boundaries. Egypt had accepted the Council resolution 242 (1967) and in response to the aide-mémoire of the Special Representative dated 8 February 1971 had declared its readiness to enter into a peace agreement with Israel if Israel also carried out its obligations under the Charter and as requested by the Special Representative. Israel, however, had insisted that the so-called Jarring initiative of 8 February 1971 was outside his terms of reference, although the representatives of the four permanent members supported Ambassador Jarring's aide-mémoire and expressed satisfaction with Egypt's response.

He charged that the Israeli Government still aimed at keeping the *status quo* in order to perpetuate the occupation until the surrender of the Arabs. While Israel insisted on negotiations without prior conditions, it effectively posed several preconditions: it would not return to the boundaries of 5 June 1967, and it would maintain the occupation during the negotiations. He called upon all members of the United Nations to reject these and other violations of valid international law and to refrain from giving Israel aid that might help it in its continued occupation.

He urged the Council to demand the immediate and unconditional withdrawal of the Israeli forces of occupation from all the territories they now occupied and to affirm the sanctity of international borders. It should also resolve that the rights and aspirations of the Palestinian nation be respected, including their right to live in peace within secure and recognized boundaries in their homeland of Palestine. In conclusion he reaffirmed Egypt's respect for the Charter of the United Nations and its acceptance of all United Nations resolutions concerning the problem of the Middle East and invited the President of the Council to ask the representative of Israel whether or not Israel accepted the principle of non-acquisition of territory by force. His Government envisaged a comprehensive settlement of the conflict and could never accept a partial or interim settlement as proposed by Israel.³²⁵

³²⁴ *Ibid.*, paras. 15-22.

³²⁵ *Ibid.*, paras. 24-76.

The representative of Israel* reaffirmed his Government's position that it did not wish to freeze the existing situation or to perpetuate the cease-fire lines but wished to replace them in peace with secure and agreed boundaries to be established through negotiation with each of its Arab neighbours. He reviewed the efforts and proposals to promote a peaceful settlement since 1967 and stressed that the Israeli suggestions for negotiations between the parties involved had always been rejected by the Arab Governments. With regard to the aide-mémoire of the Special Representative dated 8 February 1971 he stated that his Government had been asked not only to withdraw to the old line but to do so in a prior commitment, because the Arab Governments had tried thereby to change the whole tenet of resolution 242 (1967) which called for the establishment of secure and recognized boundaries through and as a consequence of, negotiations. His Government could not accept this unilateral abrogation of the stipulations of resolution 242 (1967) especially in view of the fact that Egypt had committed itself merely to a peace agreement with Israel without accepting the resolution *in toto*.

He added that Israel would not introduce or accept the involvement of third powers in the search for a peaceful settlement because these third forces would further complicate the situation without contributing to the solution of the conflict. Instead, Israel continued to advocate the dialogue between the parties, one method that had not yet been applied in all these years, and remained prepared to enter into free negotiations without pre-conditions from any party.³²⁶

The representative of Jordan* emphasized that the principle of the inadmissibility of the acquisition of territory by war, stated unequivocally in resolution 242 (1967), allowed no ambiguity in how the provision for the withdrawal of Israeli armed forces from the occupied territories was to be understood. After a review of the years of occupation and of the vain efforts to implement the decisions of the United Nations and to solve the conflict he criticised Israel's use of the term "negotiation" which turned the goal of negotiation meaningless inasmuch as Israel made its own claims and territorial ambitions not negotiable and rejected *a priori* the two main Arab claims, the termination of Israeli occupation and respect for the inalienable rights of the Palestinian Arabs expelled from their homes. He concluded by stressing the principal importance of these objectives on which a lasting peace could be founded and by calling upon the Council to fully play its role as a party to this conflict.³²⁷

At the 1718th meeting on 7 June 1973, the representative of the United Republic of Tanzania* said that at its tenth ordinary session the Organization of African Unity Assembly of Heads of State and Government had designated certain Foreign Ministers including himself to make the feelings of Africa known to the Council regarding the situation in the Middle East which they viewed as a direct threat to their own security. The United Nations could not accept the Israeli position which had resulted in acts of State terrorism and whose endorsement would mean the endorsement of the acquisition of territories through the use

of force. The Organization of African Unity had suggested to its members to consider taking all measures, political and economic, against Israel if it did not heed the call of the international community for the withdrawal from the occupied territories. In flagrant violation of United Nations resolutions Israel continued to deny the Palestinian people their right to self-determination, to consolidate the fruits of conquest and to commit brutal acts of aggression against the State of Lebanon. He called upon the Council to decide on effective measures to eliminate the consequences of the war of 1967 and to establish conditions for a just and lasting peace, and he stressed the expectation that the Council would take all appropriate measures to enforce its decisions including certain measures under the Charter.³²⁸

The representative of Nigeria* demanded that if international peace and security were going to be based on the principles of the Charter of the United Nations, all parties to disputes brought before the organization should be willing to avail themselves of its legitimate efforts and institutions to resolve them. He urged Israel to pay more heed to the resolutions of the United Nations in order not to force the African countries to adopt measures that would not promote the Israeli cause for friendship and understanding in Africa. He concluded that the representatives of Africa, deeply conscious of Articles 2 and 25 of the Charter, were confident that the Council would be able to respond to the questions which the Foreign Minister of Egypt had raised in the name of justice and peace.³²⁹

The representative of Syria* declared that peace had escaped the Middle East so far because the Palestinian Arab peoples were deprived of their inalienable right to self-determination, a right that had been proclaimed in Article 1 of the Charter of the United Nations as one fundamental right. Israel was guilty of armed aggression against its Arab neighbours and of annexation of Arab territories in violation of United Nations resolutions, e.g. resolution 236 (1967). If the acquisition of territories by force were admissible, the United Nations would have lost its *raison d'être*, if not, the Security Council would have to adopt the necessary measures to redress the situation. The United Nations should put an end to Israeli aggression and bring about the Israeli withdrawal from the occupied territories and the free exercise by the Palestinians of their right to self-determination.³³⁰

At the 1719th meeting on 8 June 1973, the representative of Guyana* stated that the Arab-Israeli conflict could not be resolved without a solution of the central issue of the plight of the Palestinian Arabs and that the acquisition of territory by the threat or use of force in flagrant violation of international law could not be condoned. He referred in this connexion to the resolution on the Middle East adopted by the Conference of Foreign Ministers of Non-Aligned Countries held in Guyana, which spelled out these principal conditions for peace.³³¹

The representative of Egypt suggested that the Council could make Israel comply with international law. The Charter gave the Council the right to impose sanctions, but

³²⁸ 1718th meeting, intervention by the United Republic of Tanzania.

³²⁹ *Ibid.*, intervention by Nigeria.

³³⁰ *Ibid.*, intervention by Syria.

³³¹ 1719th meeting, intervention by Guyana.

³²⁶ 1717th meeting, paras. 79-114.

³²⁷ *Ibid.*, 117-139.

he would not even contemplate the possibility of the Council doing so until all States present in the Council had been persuaded to be more faithful to the Charter than to their own friendships and weaknesses. The only measure left was a resolution spelling out clearly that territories could not be acquired by force and that Israel should withdraw from the territories occupied in 1967.³³²

At the 1720th meeting on 11 June 1973, the representative of Kuwait* said that the Israeli rejection of the legitimate rights of the Palestinians constituted the major obstacle to peace. The respect for these rights and the strict adherence to the principle of non-acquisition of territory by force were the pillars for a durable peace in the region. Israel's theory of secure borders merely covered its policy of expansion and was illegal and contrary to the United Nations Charter. The continued occupation of Arab territories constituted an unprecedented challenge to the world's security and order. It was the urgent task of the Security Council to bring about the Israeli withdrawal and a just peace. To fail in this task would result in the ruin of the world organization.³³³

The representative of Algeria* also reaffirmed the basic demands for a peaceful settlement, i.e. the inadmissibility of acquisition of territories by war, the necessity to work for a just and lasting peace, the withdrawal of Israeli forces from the occupied territories, and the just settlement of the problem of the Palestinian people. The provisions of Chapters VI and VII of the Charter gave the Council the means of assuming its responsibilities correctly and of ensuring that all the members of the international community respected its authority and decisions.³³⁴

At the 1721st meeting on 11 June 1973, the representative of Sudan declared that the African States stood by resolution 242 (1967) which they did not consider ambiguous. They called for its implementation and urged the Council to set a time limit for the total withdrawal of Israeli armed forces from all occupied Arab lands. He read out certain paragraphs of the resolution adopted by the Organization of African Unity in Addis Ababa in which Israel's obstructive attitude which prevented the resumption of the Jarring Mission was deplored; in which Israel was invited to publicly declare its adherence to the principle of non-annexation of territories through the use of force, and in which Israel was asked to withdraw immediately from all the occupied Arab territories.³³⁵

At the same meeting, the representative of Egypt addressed three questions to the Secretary-General about the aide-mémoire of the Special Representative dated 8 February 1971: first, as the aide-mémoire dealt only with the Egyptian sector, did the Special Representative intend to issue other aide-mémoires for Jordan, about Palestinian refugees, and for Syria, if Syria should express its willingness to receive such an aide-mémoire? Second, could the Secretary-General confirm Ambassador Jarring's explanation that the absence of a reference to the Gaza Strip, which was entrusted to the administration of Egypt in accordance with the Egyptian-Israeli Armistice Agree-

ment of 1949, was without prejudice to the status of the strip as Arab territory from which Israel should withdraw? Third, could the Secretary-General also confirm that the Permanent Representative of the United States, in his capacity as the Chairman of the meeting of 24 June 1971 of the four-Power talks, did indeed inform the Secretary-General officially, if orally, that the representatives of the four permanent members of the Council welcomed and supported the initiative of the Special Representative in his aide-mémoire of 8 February and believed that in taking that initiative he was acting fully in accordance with the terms of his mandate under resolution 242 (1967)?³³⁶

The representative of the United Kingdom said that there had been useful bilateral exchanges between the United States and the Soviet Union and consultations between representatives of the four permanent members of the Council. These latter consultations, the so-called four-Power talks, were not formally set up by the United Nations and were therefore not covered in any detail in the Secretary-General's report. Though the talks did not succeed in finding a solution to the Middle East problem, and while the participants recognized that the terms of a settlement could not be dictated from outside, progress was made in particular on international guarantees. If it appeared that further consultations between permanent members of the Council would be useful, his delegation would be ready to take part in them. He suggested that in line with resolution 242 (1967) the primary objective of any action taken by the Council should be to provide renewed impetus to the mission of the Special Representative in such a way that it would generate its own momentum.³³⁷

At the 1722nd meeting on 12 June 1973, the representative of Guinea, in referring to the resolution adopted by the Organization of African Unity in Addis Ababa, stated that Africa was launching an appeal to the States Members of the United Nations to refrain from delivering weapons and other military equipment to Israel and to refrain from giving it moral support which would enable it to perpetuate the occupation of Arab territories. His delegation reaffirmed its unqualified support for the just Palestinian cause. He asked whether the Council would finally take the efficacious measures provided by the Charter to give effect to its decisions.³³⁸

The representative of Morocco* urged the United Nations to assume in the serious situation all its responsibilities by taking definite action to compel Israel to comply with the United Nations resolutions which entailed the Israeli withdrawal from all the occupied territories and respect for the inalienable rights of the Palestinian people. Resolution 242 (1967) which Israel misinterpreted, spoke first and foremost of the inadmissibility of the acquisition of territory by force and referred explicitly to Article 2 of the Charter.³³⁹

The representative of Yugoslavia reaffirmed the principles of non-acquisition of territory by force, of the total and unconditional Israeli withdrawal from the territories

³³² 1719th meeting, intervention by Egypt.

³³³ 1720th meeting, paras. 6-50.

³³⁴ *Ibid.*, paras. 53-90.

³³⁵ 1721st meeting, intervention by Sudan.

³³⁶ *Ibid.*, Egypt, first intervention.

³³⁷ *Ibid.*, intervention by the United Kingdom.

³³⁸ 1722nd meeting, intervention by Guinea.

³³⁹ *Ibid.*, intervention by Morocco.

occupied in 1967, of the right of all States in the Middle East to live in peace and free development within secure and recognized borders, of respect for the inalienable rights of the Palestinian people, and of the solution of the conflict by peaceful means. The great Powers or the permanent members of the Security Council could and should contribute to a peaceful solution, provided they proceeded from the position of implementing the basic decisions of the United Nations and secured the support of the international community for their action.³⁴⁰

At the 1723rd meeting on 12 June 1973, the President speaking as the representative of the Soviet Union said that the Middle East constituted the most dangerous hotbed of a military threat in the world. Israel's policy of aggression, expansionism, of violating the principle of the inadmissibility of the acquisition of territory by force and of defying the decisions of the United Nations in that respect was responsible for the continuation of the dangerous conflict in that region. Israel's actions were in flagrant violation of resolution 242 (1967) whose observance it hypocritically proclaimed. Israel would have to withdraw from the Arab territories in accordance with the fundamental norm enshrined in a number of important United Nations decisions of the inadmissibility of the acquisition of territory by force. Israel was sabotaging the initiative of the Special Representative, which the four permanent members of the Council had welcomed, and had announced to the world that it would not return to the frontier line which existed before 5 June 1967. Its demands for frontier modifications had expanded from minor modifications to insubstantial and by now substantial alterations.

He added that the Soviet Union was opposed to any attempts to bypass the Council and the United Nations and to supplant them by unilateral mediation and intervention of individual States. The Council charged with the responsibility for the maintenance of international peace had the right to impose its binding decisions on Israel, as the provisions of Chapter VII of the Charter indicated. The Soviet Union stood ready to support any constructive effort including the four-Power consultations and the mission of the Special Representative to attain a just and lasting peace in the Middle East.³⁴¹

The representative of Iran* also emphasized the principle of the inadmissibility of the acquisition of territory by force and the continued viability of resolution 242 (1967) for peace in the area. A sincere application of that resolution, including Israeli withdrawal from the occupied Arab lands, could and would lead to an equitable settlement, especially since both sides had again stated their willingness to enter into talks without preconditions.³⁴²

The representative of Israel recalled that following a resolution of the Council of 1948 the Arabs accepted direct negotiations with Israel which resulted in the Armistice Agreements of 1949, and suggested that if the Arab States desired genuine peace with Israel now, there could be no reason that would justify their refusal to enter negotiations with Israel without preconditions.³⁴³

³⁴⁰ 1722nd meeting, intervention by Yugoslavia.

³⁴¹ 1723rd meeting, first intervention by President as representative of the USSR.

³⁴² *Ibid.*, intervention by Iran.

³⁴³ *Ibid.*, Israel, first intervention.

Exercising the right of reply, the President speaking as the representative of the Soviet Union pointed out that the present situation was very different from that of 1948 when Israel did not occupy vast stretches of Arab territories, had not been condemned as aggressor by the United Nations and there existed no resolution 242 nor the machinery of mediation by the Special Representative. If Israel committed itself to the withdrawal of all its troops from the occupied Arab territories, the Council could adopt a resolution on talks that would be similar to that of 1948, but the representative of Israel would have to make a binding official statement to that effect.³⁴⁴

At the 1724th meeting on 13 June 1973, the representative of Saudi Arabia* called for the complete and unconditional withdrawal of Israeli forces from all the occupied territories and for the right of the Palestinian people to return to their homeland. If the Zionists refused to withdraw from the occupied territories, his Government shared Egypt's belief that there would be no other choice than to resort to action which would compel them to do so.³⁴⁵

The representative of Kenya recalled several Articles of the Charter and pertinent resolutions of the United Nations and stated that the situation in the Middle East constituted a threat to international peace and security. The opinion that resolution 242 (1967) formed the basis for a general revision of boundaries in the area was erroneous because it could never have been the intention of the Security Council to sanction the breach of the principle of the sanctity of existing boundaries.³⁴⁶

The representative of France stated that the continued occupation by Israel of large areas of Arab territory constituted a standing violation of the principles recognized by the community of nations, in particular the principle of inadmissibility of the acquisition of territory by force. The Arab States had an inalienable right to sovereignty and territorial integrity. The principles for a settlement were well known, including the principle to refrain from the threat or use of force and other norms of the Charter as well as those in resolution 242 (1967). The essential elements of that resolution were inseparable: there could be no withdrawal without commitments for peace, and there could be no commitments for peace without withdrawal. Israel's reply to the aide-mémoire of the Special Representative of 8 February 1971 constituted a prior condition which nothing could justify. The concept of secure and recognized boundaries was not contradictory to the principle of withdrawal from the occupied territories. It simply expressed the need to define all the frontiers and give them the status of internationally recognized boundaries. The Council should clearly reaffirm the validity of resolution 242 (1967) in its totality and decide to resume the efforts of the Secretary-General and his Special Representative to promote a peaceful settlement.³⁴⁷

The representative of the United Arab Emirates* recalled that right after the war of June 1967 Israel had supported a Latin American draft resolution in the General

³⁴⁴ *Ibid.*, second intervention by President as representative of the USSR.

³⁴⁵ 1724th meeting, intervention by Saudi Arabia.

³⁴⁶ *Ibid.*, intervention by Kenya.

³⁴⁷ *Ibid.*, intervention by France.

Assembly demanding the urgent withdrawal of Israeli forces from all occupied territories and had at that time favoured the transformation of the old armistice lines into permanent frontiers. The provisions of resolution 242 (1967) had to be understood against this background.³⁴⁸

Referring to a fundamental question raised by the Foreign Minister of Egypt, the representative of Lebanon* stated that the Charter and several resolutions and declarations adopted by the United Nations ruled out the acquisition of territory by force.³⁴⁹

At the same meeting, the representative of the United Arab Emirates, exercising the right of reply, added that the omission of the words "all" and "the" in operative paragraph 1 of resolution 242 (1967) had been explained by the sponsors as necessary to leave the possibility of agreed minor border modifications. If the Israeli Government agreed to this interpretation and was ready to withdraw from the occupied territories subject to such minor modifications, it should inform the Special Representative accordingly and indicate the minor modifications it requested. That would be indeed a far cry from the recently announced territorial claims that were totally unacceptable to the Arabs.³⁵⁰

At the 1725th meeting on 14 June 1973, the Secretary-General replied to the three questions addressed to him by the representative of Egypt: first, Ambassador Jarring had informed the representatives of Egypt and Israel of his intention to submit an aide-mémoire relating to Israel and Jordan, and if Syria were to accept resolution 242 (1967), to submit a memorandum relating to Syria. Second, since under the Egyptian-Israeli Armistice Agreement of 1949 Gaza which was not Egyptian territory, was put under Egyptian administration pending the conclusion of a peace settlement, it was not covered by the aide-mémoire, as explained by Ambassador Jarring at that time. Third, the Secretary-General was not present at nor associated with the four-Power meetings. He was briefed informally and for his own information by the representative of the permanent member who had presided over a particular meeting. A note on the oral report to his predecessor on the four-Power meeting on 24 June 1971 confirmed in a general sense what the Foreign Minister of Egypt had stated about that particular point.³⁵¹

Referring to three additional questions raised by the Foreign Minister of Egypt on 11 June 1973, the President (USSR) replied that the answers could be found in the appropriate provisions of the Charter of the United Nations and also in the decisions of the General Assembly and the Security Council and cited Articles 1, 2 and 55 as well as numerous resolutions and declarations to show the universal validity of the principles of the non-acquisition of territory by force, of the territorial integrity of States and of the self-determination of peoples.³⁵²

Speaking on a point of order, the representative of the United States stated that since there had been no consul-

tations on the three questions addressed to the Council, he assumed that the President had spoken in his individual capacity.³⁵³

The representative of Australia reaffirmed his Government's belief that resolution 242 (1967) provided the basis for a just and durable settlement and suggested that since both Egypt and Israel had declared their readiness to enter into talks without preconditions, it should be possible for them to approach such negotiations.³⁵⁴

The representative of Indonesia expressed his country's support for the struggle of the Palestinian people to secure their just and lawful rights, without which no settlement could be achieved in the Middle East. His country also supported the demands for the Israeli withdrawal from all the territories occupied since 1967. He asked whether the Council members assisted by the Secretary-General should not try to search for new constructive moves in closed session or through informal consultations rather than through debating the issue in open session. His Government looked especially to the permanent members and in particular to the two super-Powers for their contribution to the solution of the problem, since the Charter had accorded them a special position with the right of veto.³⁵⁵

The representative of Peru reaffirmed his Government's loyalty to the principles contained in resolution 242 (1967), i.e. the provisions of Article 2 of the Charter, and to the obligations devolving upon the parties which they should discharge in accordance with Articles 24 and 25 of the Charter. The Council could not sanction any acquisition of territory by force, and the Arab States should recognize the State of Israel, while Israel would withdraw from the occupied territories and participate in a solution of the problem of the Palestinian people.³⁵⁶

The representative of Austria referred to the principles enunciated by his Government already in October 1967 as still valid guidelines for the search for a settlement; these included the territorial integrity of all States of the area and the right to live in peace and security, the settlement of disputes by peaceful means and the duty to refrain from the threat or use of force, and the inadmissibility of the acquisition of territory by war or hostilities.³⁵⁷

At the 1726th meeting on 14 June 1973, the representative of the United States stated that resolution 242 (1967) remained the crucial element of the search for peace in the Middle East. The resolution had not addressed the question of who was responsible for the outbreak of the war nor had it called for unconditional Israeli withdrawal. The principles and provisions of the resolution which his Government endorsed as a whole included the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace, the withdrawal of Israeli armed forces from territories occupied and the termination

³⁴⁸ 1724th meeting, first intervention by the United Arab Emirates.

³⁴⁹ *Ibid.*, intervention by Lebanon.

³⁵⁰ *Ibid.*, second intervention by the United Arab Emirates.

³⁵¹ 1725th meeting, statement by the Secretary-General.

³⁵² *Ibid.*, second statement by President.

³⁵³ *Ibid.*, following second statement by the President. In reply (*ibid.*) the President (USSR) stated that he had confined himself to mentioning the provisions of the Charter and pertinent decisions of United Nations organs directly related to the problem touched upon by the representative of Egypt.

³⁵⁴ *Ibid.*, intervention by Australia.

³⁵⁵ *Ibid.*, intervention by Indonesia.

³⁵⁶ *Ibid.*, intervention by Peru.

³⁵⁷ *Ibid.*, intervention by Austria.

of all claims of belligerency and respect for the sovereignty, territorial integrity and political independence of every State within secure and recognized boundaries, guarantees for the freedom of navigation and for the territorial inviolability and independence of every State, and the necessity for a just settlement of the refugee problem, i.e. provisions for the legitimate aspirations of the Palestinians. His Government could not believe that a peace agreement would be possible without serious direct or indirect negotiations between the parties themselves. These negotiations would have to set the final borders on which the resolution was silent. His Government was prepared to facilitate and sustain any such process of negotiation until the purpose of the Council's action of 1967 was fulfilled.³⁵⁸

The representative of Panama recalled the Latin American draft resolution submitted during the Emergency Session of the General Assembly in June 1967, which the Arabs did not support, but for which Israel had voted, and which called for the total Israeli withdrawal. His Government still deemed resolution 242 (1967) to offer a sound basis for peace through negotiations and agreements. It also supported the principle of the inadmissibility of the annexation of territories by force and the guarantee of Israel's sovereignty and of its right to live in peace within secure and recognized boundaries.³⁵⁹

The representative of India stated that Israel's unwillingness to withdraw to the pre-5 June 1967 lines and to confirm the principle of the non-acquisition of territory by war was inconsistent with its claim that it had accepted resolution 242 (1967). The resolution did not contain the word "negotiations", and Ambassador Jarring's efforts had failed because of Israel's attitude. He suggested that in accordance with resolution 242 Israel should declare its adherence to the principle of the inadmissibility of territorial acquisitions through war and commit itself to withdraw from all Arab lands occupied since 1967. The Arabs should commit themselves to respect the sovereignty, territorial integrity, political independence and the right of every State to live in peace within secure and recognized boundaries. Both Israel and the Arab States would declare that they would respect the rights of the Palestinian people in every field. The Secretary-General or his Special Representative could publish the points on which both sides agreed in response to Ambassador Jarring's aide-mémoire of 8 February 1971. The representative of India deplored the failure of the four-Power consultations which the Council had entrusted to these permanent members, as a most dangerous trend severely impeding the ability of the Council to arrive at effective decisions.³⁶⁰

The representative of China said that there could be no true settlement of the Middle East question, as long as the lost territories of the Arab States were not recovered and the Palestinian people's right to national existence was not restored. He charged the two super-Powers with the responsibility for the "no war, no peace" situation in their contention for strategic points, oil resources, and spheres of influence in the region. He called again for the condemnation of the Israeli Zionists for their prolonged aggression, for their immediate withdrawal, for the restoration of the

right to national existence of the Palestinian people, and for the firm support by all Governments and peoples to the Palestinian and other Arab peoples.³⁶¹

The representative of Bahrain expressed the hope that the Council would bring Israel to declare its support for the principle of the non-acquisition of territory by force, to withdraw their troops from all occupied territories and to recognize the right of the people of Palestine to self-determination.³⁶²

At the same meeting, the representative of Egypt stated that the Council should already have passed to the submission and adoption of a resolution condemning the military occupation of Arab lands, and the usurpation of the rights of the Palestinian nation, and calling for the respect of established international boundaries, but that he understood that the Council needed more time to deliberate on the future course to be taken.³⁶³

At the end of the meeting, the President read the following statement:³⁶⁴

Some tentative suggestions have been made to me concerning the desirability of suspending for a reasonably short period the formal Security Council meetings dealing with the examination of the situation in the Middle East. Among delegations which have informed me that they think such a suspension might be appropriate are those of Austria, France and the United Kingdom.

The exchange of views on this matter with the members of the Security Council has revealed a common view that such a suspension would be useful. It can be used for further pondering on the results of the discussion of the question in the Security Council by both the members of the Council and the representatives of the States participating in the consideration of this question. In the light of the report of the Secretary-General on the efforts undertaken by his Special Representative and the statements made by all States participating in the present debate, the suspension could also be used for further unofficial consultations among the members of the Security Council as to the next steps of the Council.

There is a general understanding that the Security Council would resume its examination of the situation in the Middle East, for which purpose a meeting of the Council will be convened in the middle of July on a date to be determined following consultations among the members of the Council.

In accordance with the agreement of 14 June 1973, the Council resumed the examination of the situation in the Middle East at its 1733rd meeting on 20 July 1973.

The representative of Egypt recalled the obligation of members of the United Nations under Article 25 of the Charter to carry out the decisions of the Security Council and the fact that the Charter empowered the Council to take the measures necessary for the implementation of its resolutions, including the suspension of membership, expulsion, diplomatic and economic sanctions and coercive military action against the aggressor or law-breaker. In his view there were three options before the Council: first, it could take the necessary measures under the relevant Articles of the Charter to force Israel to withdraw from the occupied territories and to comply with the Council's decisions. This would be the proper course, but at least one permanent member would use its veto against such a decision. Second, the Council could remain inactive and

³⁵⁸ 1726th meeting, intervention by the United States.

³⁵⁹ *Ibid.*, intervention by Panama.

³⁶⁰ *Ibid.*, India, first intervention.

³⁶¹ *Ibid.*, intervention by China.

³⁶² *Ibid.*, intervention by Bahrain.

³⁶³ *Ibid.*, Egypt, first intervention.

³⁶⁴ *Ibid.*, President's concluding statement. See also *OR, 28th yr., Resolutions and Decisions of the Security Council 1973*, p. 9.

thereby undermine the entire United Nations system. Third, the Council could call for the application of the Charter principles, condemn Israel's policy of occupation and of violating the territorial integrity of the three Arab States, and invite States to refrain from giving Israel any aid in maintaining its policy of occupation and coercion.³⁶⁵

The representative of Israel stated that Egypt's demands were contrary not merely to resolution 242 (1967) but also to basic provisions of the Charter and he invoked Article 51 of the Charter in defence of Israel's actions against the Arab neighbours.³⁶⁶

The representative of the Soviet Union warned again that the Middle East Conflict remained explosive and created a threat to international peace and security and reminded the Council that during the discussion of this issue in June, thirty-one of the thirty-two participants had spoken against the acquisition of territory by force and in favour of territorial integrity of the States in the Middle East. They had also supported the strict observance of the principle approved at the twenty-seventh session of the General Assembly, namely the principle of the non-use of force in international relations. The Council had so far not followed the Assembly's recommendation that the Council adopt a corresponding resolution on taking effective measures to prevent the use of force in inter-State relations. The large majority of the members of the Council and of the United Nations regarded the following principles and provisions as the basis of a just peace settlement in the Middle East: the inadmissibility of the acquisition of territory by means of war, the non-use of force in international relations, respect for the territorial integrity and political independence of States in the area, the total and unconditional withdrawal of all Israeli troops from all occupied territories, respect for the legitimate rights of the Arab people of Palestine and the need for compliance with resolution 242 (1967).

He called upon the other permanent members of the Council to actively assist Ambassador Jarring and to agree to the resumption of the consultations of the permanent members. The settlement should be sought on the basis of resolution 242 (1967) and of the aide-mémoire of 8 February 1971 of the Special Representative. His delegation stood ready to co-operate with other delegations to prepare and adopt an effective resolution and measures to promote the establishment of peace in the Middle East.³⁶⁷

The representative of Egypt urged the Council to adopt the only resolution open to it under international law and the Charter and to order the immediate termination of the Israeli occupation.³⁶⁸

At the 1734th meeting on 25 July 1973, the President stated that as a result of consultations among members of the Council a draft resolution had been prepared and was sponsored by the delegations of Guinea, India, Indonesia, Panama, Peru, Sudan and Yugoslavia.³⁶⁹

³⁶⁵ 1733rd meeting, Egypt, first intervention.

³⁶⁶ *Ibid.*, Israel, first intervention.

³⁶⁷ *Ibid.*, intervention by the USSR.

³⁶⁸ *Ibid.*, Egypt, second intervention.

³⁶⁹ 1734th meeting, President's opening statement. For the text of the draft resolution S/10974 see *OR*, 28th yr., *Suppl. for July-Sept. 1973*, pp. 20-21.

The representative of India reported that the delegation of Kenya had joined the sponsors, and introduced the draft resolution, whereby the Council would emphasize its primary responsibility for the maintenance of international peace and security, emphasize further, that all Members of the United Nations were committed to respect the resolutions of the Security Council in accordance with the provisions of the Charter, reaffirm resolution 242 (1967), would be conscious that the rights of the Palestinians had to be safeguarded, would take note of the report of the Secretary-General which included an account of the objective and determined efforts of his Special Representative since 1967, and would (1) deeply regret that the Secretary-General was unable to report significant progress by him or by his Special Representative in carrying out the terms of resolution 242 (1967), and that nearly six years after its adoption a just and lasting peace in the Middle East had still not been achieved, (2) strongly deplore Israel's continuing occupation of the territories occupied as a result of the 1967 conflict, contrary to the principles of the Charter, (3) express serious concern at Israel's lack of co-operation with the Special Representative of the Secretary-General, (4) support the initiatives of the Special Representative of the Secretary-General taken in conformity with his mandate and contained in his aide-mémoire of 8 February 1971, (5) express its conviction that a just and peaceful solution of the problem of the Middle East could be achieved only on the basis of respect for national sovereignty, territorial integrity, the rights of all States in the area and for the rights and legitimate aspirations of the Palestinians, (6) declare that in the occupied territories no changes which might obstruct a peaceful and final settlement or which might adversely affect the political and other fundamental rights of all the inhabitants in these territories should be introduced or recognized, (7) request the Secretary-General and his Special Representative to resume and to pursue their efforts to promote a just and peaceful solution of the Middle East problem, (8) decide to afford the Secretary-General and his Special Representative all support and assistance for the discharge of their responsibilities, (9) call upon all parties concerned to extend full co-operation to the Secretary-General and his Special Representative, and (10) decide to remain seized of the problem and to meet again urgently whenever it became necessary.³⁷⁰

At the 1735th meeting on 26 July 1973, the representative of the USSR stated that his delegation as well as the co-sponsors of the draft resolution would like the Council to adopt a stronger draft resolution than the one proposed. The principle of the non-acquisition of territory by force should have been more clearly reflected, and a paragraph on the need for the immediate, unconditional and total withdrawal of all Israeli troops from all occupied Arab territories should have been included. In view of the position of the nonaligned members of the Council and of Egypt and Jordan, his delegation would support the draft resolution.³⁷¹

At the same meeting the eight-Power draft resolution received 13 votes in favour to 1 against and failed of

³⁷⁰ *Ibid.*, intervention by India.

³⁷¹ 1735th meeting, USSR, first intervention.

adoption owing to the negative vote of a permanent member; one member did not participate in the vote.³⁷²

Following the vote, the representative of the United States said that the draft resolution was highly partisan and unbalanced and that its adoption could only have added another obstacle to getting serious negotiations started between the parties. It would have fundamentally changed the principles contained in resolution 242 (1967), undermining the one agreed basis for the construction of a settlement. For that reason his Government felt compelled to vote against the draft resolution. His delegation had offered reasonable and carefully thought-out amendments, which, however, were not accepted by the sponsors. Operative paragraph 2 of the draft resolution deplored only Israel's continuing presence in the occupied territories, but failed to mention the other fundamental elements connected with the demand for withdrawal in resolution 242 (1967): peace between the parties, the right of all States in the area to live within secure and recognized boundaries and peace on the basis of agreement between the parties. An amendment designed to restore these principles of the central provision of resolution 242 had been rejected by the sponsors. Its acceptance could have brought the draft resolution into some measure of conformity with the essential provisions of resolution 242 (1967).³⁷³

The president speaking as the representative of the United Kingdom stated that the draft resolution had not weakened or changed the value of resolution 242 (1967). The phrase "the rights of the Palestinians" as used in the draft resolution referred essentially to the refugees and their rights under General Assembly resolution 194 (III) and its inclusion did not constitute a fresh prerequisite for a settlement or affect the provisions of resolution 242 (1967). Nevertheless, his Government believed that any just and lasting peace in the Middle East had to take account of the legitimate interests and aspirations of the Palestinians.³⁷⁴

Decision of 15 August 1973 (1740th meeting): resolution 337 (1973)

By letter³⁷⁵ dated 11 August 1973 addressed to the President of the Security Council, the representative of Lebanon complained about the invasion of Lebanese air space by the Israeli air force which intercepted a civilian plane and forced it to fly to Israel and land at a military base, and requested an urgent meeting of the Security Council to deal with this grave threat to Lebanon's sovereignty and international aviation.

At its 1736th meeting on 13 August 1973, the Council included the letter by Lebanon in the agenda. Following the adoption of the agenda, the representatives of Lebanon, Israel, Egypt, Iraq,³⁷⁶ and at the 1737th meeting the representative of Democratic Yemen³⁷⁷ were invited, at

their request, to participate without the right to vote in the discussion of the item on the agenda. The Council also agreed, at the 1737th meeting, to a request made by the representative of Sudan in a letter³⁷⁸ dated 13 August 1973 that it extend an invitation under rule 39 of the provisional rules of procedure to Mr. Talib El-Shebib, Permanent Observer of the League of Arab States to the United Nations.³⁷⁹ The Lebanese complaint was considered at the 1736th to 1740th meetings from 13 to 15 August 1973.

At the beginning of the 1736th meeting, the President also drew the attention of the members of the Council to a letter³⁸⁰ dated 11 August 1973 by the representative of Iraq addressed to the President in connexion with the item under consideration.³⁸¹

At the same meeting, the representative of Lebanon* stated that on the evening on 10 August Israeli air force units entered Lebanese air space and circled over Beirut and central and southern areas of Lebanon thereby endangering civilian aviation arriving at and departing from Beirut International Airport. A civilian airliner belonging to the Middle East Airlines and chartered by Iraqi Airways took off from Beirut to Baghdad, but was soon after its departure intercepted by two Israeli jet fighters and forced to follow them to Israeli territory and to land at an Israeli military air base under the threat of being shot down. Members of the Israeli armed forces in combat uniforms and with guns in their hands entered the plane and subjected its passengers and crew to military interrogation. After the plane had been detained for over two hours, it was permitted to take off and returned to Beirut airport.

The representative of Lebanon continued that Israel had engaged in an act of air piracy and State terrorism against international law, and he called for the condemnation of this latest act of aggression as well as for the consideration by the Council of the wide range of measures under the Charter of the United Nations to prevent Israel from endangering international peace and security in the future. In conclusion, he urged the Council to bring the resolution it might adopt to the attention of the International Civil Aviation Organization for its consideration.³⁸²

The representative of Iraq* declared that the abduction of the civilian airliner was a unique and shocking precedent that a Member State of the United Nations used piracy as an instrument of national policy and that this act confirmed the serious continued threat to international civil aviation by Israeli military actions. Israel posed now a permanent threat to international peace and security. In response to the persistent Zionist challenge the Council should adopt not merely verbal condemnations, but rather immediate steps for the application of disciplinary measures against this international outlaw.³⁸³

The representative of Egypt* also denounced the Israeli action as an act of State terrorism and as a threat to international peace and to the security of international civil

³⁷² 1735th meeting, following the intervention by Panama.

³⁷³ *Ibid.*, intervention by the United States.

³⁷⁴ *Ibid.*, intervention by the President as representative of the United Kingdom.

³⁷⁵ S/10983, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, p. 25.

³⁷⁶ 1736th meeting, opening statement by the President.

³⁷⁷ 1737th meeting, opening statement by the President.

³⁷⁸ S/10986, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, p. 26.

³⁷⁹ 1737th meeting, opening statement by the President.

³⁸⁰ S/10984, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, p. 25.

³⁸¹ 1736th meeting, opening statement by the President.

³⁸² *Ibid.*, Lebanon, first intervention.

³⁸³ *Ibid.*, intervention by Iraq.

aviation, and asked the Council to decide to apply against Israel the sanctions stipulated in the Charter to prevent further crimes of aggression.³⁸⁴

The representative of Israel* stated that the Israeli air force jets had diverted the airplane because there had been reason to believe that several terrorist leaders, in particular George Habash, were on the flight. After the identity of the passengers had been checked, the aircraft, with all aboard, had been allowed to proceed to its destination. Measures by individual States against terrorism were even more urgent and indispensable as a result of the sabotage by Arab States of all international action against the terrorists. Israel could not forego its right of self-defence and the duty to protect its citizens nor could it forego military defence action against terrorism launched from the territory of Arab States. Israel still hoped that the international community would stamp out international terrorism and ensure the safety and security of international air travel.³⁸⁵

The representative of the USSR indicated that his delegation was prepared to support the Council in the preparation of effective measures, including sanctions against Israel which had systematically and deliberately violated the decisions of the United Nations and the basic purposes and principles of its Charter.³⁸⁶

At the 1738th meeting on 14 August 1973, the President speaking as the representative of the United States deplored the violation of Lebanese sovereignty, of the United Nations Charter and of the rule of law in international civil aviation by Israel and emphasized that the commitment to the rule of law in international affairs imposed certain restraints on the methods Governments could use to protect themselves against those who operated outside the law. The United States would join again in urging all States, all individuals and all political groups in the Middle East to refrain from actions which would imperil the lives of innocent people and the safety of international travel.³⁸⁷

At the 1739th meeting on 15 August, the representative of Peru stated that the Israeli action could not be termed an act of self-defence as defined in Article 51 of the Charter for reasons that flow from the text of the article, but also from the way in which the premeditated incident had taken place.³⁸⁸

At the 1740th meeting on 15 August 1973, the representative of the United Kingdom introduced a draft resolution³⁸⁹ co-sponsored by France. He stated that the co-sponsors sought to reflect the views of all members of the Council and thus to enable the Council to take a decision without delay and unanimously.³⁹⁰

Then the draft resolution was unanimously adopted.³⁹¹ It read as follows:

³⁸⁴ 1736th meeting, intervention by Egypt.

³⁸⁵ *Ibid.*, Israel, first intervention.

³⁸⁶ *Ibid.*, USSR, first intervention.

³⁸⁷ 1738th meeting, intervention by President as representative of the United States.

³⁸⁸ 1739th meeting, intervention by Peru.

³⁸⁹ S/10987, adopted without change as resolution 337 (1973).

³⁹⁰ 1740th meeting, intervention by the United Kingdom.

³⁹¹ *Ibid.*, following the intervention by the United Kingdom. Adopted as resolution 337 (1973).

The Security Council,

Having considered the agenda contained in document S/Agenda/1736,

Having noted the contents of the letter from the Permanent Representative of Lebanon addressed to the President of the Security Council (S/10983),

Having heard the statement of the representative of Lebanon concerning the violation of Lebanon's sovereignty and territorial integrity and the hijacking, by the Israeli air force, of a Lebanese civilian airliner on lease to Iraqi Airways,

Gravely concerned that such an act carried out by Israel, a Member of the United Nations, constitutes a serious interference with international civil aviation and a violation of the Charter of the United Nations,

Recognizing that such an act could jeopardize the lives and safety of passengers and crew and violates the provisions of international conventions safeguarding civil aviation,

Recalling its resolution 262 (1968) of 31 December 1968 and 286 (1970) of 9 September 1970,

1. *Condemns* the Government of Israel for violating Lebanon's sovereignty and territorial integrity and for the forcible diversion and seizure by the Israeli air force of a Lebanese airliner from Lebanon's air space;

2. *Considers* that these actions by Israel constitute a violation of the Lebanese-Israeli Armistice Agreement of 1949, the cease-fire resolutions of the Security Council of 1967, the provisions of the Charter of the United Nations, the international conventions on civil aviation and the principles of international law and morality;

3. *Calls* on the International Civil Aviation Organization to take due account of this resolution when considering adequate measures to safeguard international civil aviation against these actions;

4. *Calls* on Israel to desist from any and all acts that violate Lebanon's sovereignty and territorial integrity and endanger the safety of international civil aviation and solemnly warns Israel that, if such acts are repeated, the Council will consider taking adequate steps or measures to enforce its resolutions."

Decision of 22 October 1973 (1747th meeting): resolution 338 (1973)

Decision of 23 October 1973 (1748th meeting): resolution 339 (1973)

By letter³⁹² dated 7 October 1973 addressed to the President of the Security Council, the representative of the United States requested a meeting of the Security Council to consider the situation in the Middle East, in accordance with Article 24 of the Charter of the United Nations by which the Member States had conferred primary responsibility for the maintenance of international peace and security on the Security Council.

At its 1743rd meeting on 8 October 1973, the Council included the letter by the United States in the agenda. Following the adoption of the agenda, the representatives of Egypt, Israel and Syria,³⁹³ and at the 1745th meeting the representatives of Nigeria³⁹⁴ and Saudi Arabia³⁹⁵ were invited, at their request, to participate without the right to vote in the discussion of the item on the agenda, which was considered at the 1743rd to 1748th meetings from 8 to 23 October 1973.

At the beginning of the 1743rd meeting, the President drew the attention of the members of the Council to several

³⁹² S/11010, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 70.

³⁹³ 1743rd meeting, opening statement by the President.

³⁹⁴ 1745th meeting, opening statement by the President.

³⁹⁵ *Ibid.*, following the intervention by Peru.

documents³⁹⁶ which had been issued in connexion with the item under consideration.

At the same meeting, the representative of the United States said that his Government had requested the meeting of the Council in order that it might deal urgently with the current situation in the Middle East. The outbreak of hostilities on a massive scale and the breakdown of the cease-fire had not been averted despite intensive efforts by his Government in the last minutes to prevent the recourse to tragic violence. These efforts included consultations with Egypt and Israel as well as with the permanent and other members of the Council and the Secretary-General. In so serious a situation his Government as a permanent member of the Council decided to exercise its responsibility under the Charter and hoped that the Council could restore its historic role of constructive ameliorator in this area. In order to end the current fighting and to promote a restoration of the cease-fire and eventually a stable peace, the following principles must in the judgement of his Government be applied by the Council: first, military operations must be halted. Second, conditions must be restored in the area that would be conducive to a settlement of the long-standing differences in the Middle East; there must be respect for the rights and positions of all the States in the region; and the beginning should be made by a return of the parties concerned to the positions before hostilities broke out. Third, the Council must be mindful of the need for universal respect for the integrity of those instruments and principles of settlement for the Middle Eastern dispute which had received the adherence of the interested parties and the support of the Council. The representative of the United States concluded by affirming his willingness to discuss these and any other principles as a basis for further action by the Council.³⁹⁷

Recalling the review of the Middle Eastern situation in the Council on 6 June 1973 and at subsequent meetings, the representative of Egypt* stated that the negative vote cast by the United States on that occasion had rendered the collective will of the Council inoperative and had thus helped to block any advance in the Arab search for an end to Israeli occupation and for a just and lasting settlement in the region. He charged that Israel advocated a policy of conquest, occupation and territorial expansion, that it had rejected Mr. Jarring's aide-mémoire of February 1971 and called for direct negotiations in which the conqueror could deal with the vanquished and dictate the peace terms, thereby implementing its expansionist aims. Israel's obstructionist attitude was coupled with a systematic policy of colonization of the occupied territories documented in many United Nations records. The same policy led to the new Israeli attack against Egypt on 6 October and to similar acts of aggression against Syria. Egyptian forces responded

to this policy and returned to Egyptian territory east of the Suez Canal.

Denying the allegations that Egypt had attacked first, the Egyptian representative asked the Secretary-General if United Nations observers had been stationed at El Sukhna and El Zaafarana and could confirm the Israeli attack on these localities. He rejected the suggestion that the parties be asked to return to the positions occupied before the hostilities had broken out, since it did not mean the return to the positions before the war of 1967 but an invitation to one country to offer part of its territory for occupation by another State.³⁹⁸

The representative of China cited the express provision of Article 1, paragraph 1 of the United Nations Charter for "the suppression of acts of aggression" and asked what the United Nations had done in accordance with that principle against past and present Israeli acts of aggression. He termed the suggestion that Egypt and Syria should withdraw to their position prior to their counter-attack against the aggressor, an open encouragement to aggression and permission for the Israeli aggressors to perpetuate their occupation of Arab territories. He called for the condemnation of all Israeli acts of aggression in the strongest terms and for the firmest support to the Egyptian, Syrian and Palestinian peoples in their action to resist the aggressors.³⁹⁹

The representative of Israel* strongly denied the Egyptian charge about an Israeli naval attack at Sukhna and Zaafarana and urged the other parties to the conflict to embark together with Israel upon the adventure of negotiated peace.⁴⁰⁰

The representative of the USSR said that the approach of the Soviet Union was determined by the fact that the war continued between Israel, which had occupied the land of others, and the Arab States, the victims of Israeli aggression, which were striving to recover their land. The solution of the problem should be sought by the implementation of the existing United Nations resolutions, with a complete Israeli withdrawal from the occupied Arab territories as a first step. Until Israel stated its willingness to withdraw all its troops from occupied territories, the adoption of any new resolution in the Council would merely be once more exploited by the aggressor to continue its policy of annexation and occupation.⁴⁰¹

At the 1744th meeting on 9 October 1973, the representative of Yugoslavia declared that the Arab countries and the Arab people of Palestine were resisting the aggressor on the basis of the legitimate right to self-defence, liberation of their occupied territories and self-determination in conformity with the Charter of the United Nations. Resistance to aggression and the defence of the principles of the Charter constituted in themselves a contribution to peace. Peace and security could be realized only on the basis of the complete withdrawal of Israeli forces from the occupied territories and through the implementation of the national rights of the Arab people of Palestine. Should Israel persist in its aggression, occupation

³⁹⁶ 1743rd meeting, opening statement by the President. S/11009 and Corr. 1, letter dated 6 October 1973 from the representative of the Syrian Arab Republic to the President of the Security Council, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 70; S/11011, letter dated 7 October 1973 from the Minister for Foreign Affairs of Israel to the Secretary-General, *ibid.*, pp. 70-71; S/11012, letter dated 7 October 1973 from the representative of the USSR to the Secretary-General, *ibid.*, p. 71; S/11013, letter dated 8 October 1973 from the Secretary-General to the President of the Security Council, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 72.

³⁹⁷ *Ibid.*, intervention by the United States.

³⁹⁸ *Ibid.*, intervention by Egypt.

³⁹⁹ *Ibid.*, intervention by China.

⁴⁰⁰ *Ibid.*, intervention by Israel.

⁴⁰¹ *Ibid.*, intervention by the USSR.

and annexation, it would be necessary to consider the application of sanctions against it within the meaning of Chapter VII of the Charter of the United Nations.⁴⁰²

At the same meeting, the representative of the Syrian Arab Republic* stated that in the present system of the United Nations the Organization was paralysed by the improper use of the right of veto which had recently been utilized against justice and logic and against the will of fourteen members of the Council. The war that Israel launched against Syria and Egypt on 6 October was the direct result of the promise that the United States would never let the Security Council adopt a resolution against the interests of Israel. Israel's call for a return to the positions held before 6 October was unacceptable since no country could agree to negotiate without prior condition while its territory was occupied by a foreign Power which declared that it would never withdraw from the major part of the territory occupied.⁴⁰³

At the beginning of the 1747th meeting on 21 October 1973, the President drew the attention of the members of the Council to a draft resolution, co-sponsored by the USSR and the United States.⁴⁰⁴

The representative of the United States stated that the aim of their joint draft resolution was to bring an immediate ceasefire in place and to begin promptly negotiations between the parties under appropriate auspices in order to seek a just and durable peace based on Security Council resolution 242 (1967). He also reported that both the Soviet Union and the United States believed that there should be an immediate exchange of prisoners of war.⁴⁰⁵

The representative of the USSR declared that the continuing war in the Middle East required that the Security Council take the most urgent and immediate measures to end the bloodshed and to implement a peaceful settlement on the basis of resolution 242 (1967). He urged the Council to act immediately in accordance with the Charter of the United Nations and to take the necessary decision without delay.⁴⁰⁶

After further discussion, the draft resolution co-sponsored by the USSR and the United States was adopted by 14 to none; one member did not participate in the vote.⁴⁰⁷ The resolution read as follows:

The Security Council,

1. *Calls upon* all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;
2. *Calls upon* the parties concerned to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts;
3. *Decides* that, immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under

⁴⁰² 1744th meeting, Yugoslavia, first intervention.

⁴⁰³ *Ibid.*, intervention by the Syrian Arab Republic.

⁴⁰⁴ 1747th meeting, opening statement by the President. S/11036, subsequently adopted without change as resolution 338 (1973).

⁴⁰⁵ *Ibid.*, intervention by the United States.

⁴⁰⁶ *Ibid.*, intervention by the USSR.

⁴⁰⁷ *Ibid.*, following the intervention by Guinea. Adopted as resolution 338 (1973).

appropriate auspices aimed at establishing a just and durable peace in the Middle East.

At the 1748th meeting on 23 October 1973, the representative of Egypt* said that he had asked for a meeting of the Council to consider the non-implementation of its resolution 338 (1973) and the breakdown of the cease-fire ordered by the Council.⁴⁰⁸

The representative of Israel* recalled that on 21 October his Government had expressed its readiness to comply with the proposed cease-fire provided the other parties would also accept and observe it. Only the Egyptian Government had agreed to the cease-fire on the Arab side. Subsequently it became clear that Egypt did not translate its declaration of acceptance into action and never stopped shooting. The fact of Egyptian aggression was the cause of Israel's military actions since the previous day and would determine Israel's attitude towards any draft resolution submitted to the Security Council. His Government also regarded the release of all war prisoners as an indispensable condition of any cease-fire.⁴⁰⁹

At the same meeting, the representative of the United States introduced a draft resolution which was sponsored by the USSR and the United States.⁴¹⁰

The representative of the USSR stated that the aim of the joint draft resolution was to confirm the decision of the Council of 22 October and that it also contained a request to the Secretary-General immediately to send United Nations observers to the cease-fire area. He emphasized that the USSR and the United States considered that the troops of the parties should be returned to the positions they occupied at the time the cease-fire adopted in resolution 338 (1973) came into force. He concluded with the request that the Council take a decision immediately and formally proposed that in view of the urgency of the situation the draft resolution be put to the vote at once.⁴¹¹

Following a brief procedural discussion regarding this proposal, in which the President of the Council and the representatives of China and of the USSR participated, the meeting was suspended for a short period.⁴¹²

After the resumption of the meeting the representative of China voiced his protest against the manner in which the USSR and the United States were trying to impose on the Council their joint draft resolution without giving the other members time for consideration and for seeking instructions from their Governments, and he opposed the use of the Council as a tool in the hands of the two super-Powers. He rejected the previous draft resolution as well as the new one, because they failed to condemn Israel's expanded aggression and to make any mention of the demand for Israel's total withdrawal from all occupied territories. He expressed his confidence that the Arab and Palestinian people would continue to break through the situation of "no war, no peace" which the two super-

⁴⁰⁸ 1748th meeting, Egypt, first intervention.

⁴⁰⁹ *Ibid.*, Israel, first intervention.

⁴¹⁰ *Ibid.*, United States, first intervention S/11039, adopted without change as resolution 339 (1973).

⁴¹¹ *Ibid.*, USSR, first intervention.

⁴¹² *Ibid.*, following the first intervention by the USSR.

Powers tried to reimpose on them, and on their own initiative finally win liberation.⁴¹³

The draft resolution co-sponsored by the USSR and the United States was adopted by 14 to none; one member did not participate in the vote.⁴¹⁴ The resolution read as follows:

The Security Council,

Referring to its resolution 338 (1973) of 22 October 1973,

1. *Confirms* its decision on an immediate cessation of all kinds of firing and of all military action, and urges that the forces of the two sides be returned to the positions they occupied at the moment the cease-fire became effective;

1. *Requests* the Secretary-General to take measures for immediate dispatch of United Nations observers to supervise the observance of the cease-fire between the forces of Israel and the Arab Republic of Egypt, using for this purpose the personnel of the United Nations now in the Middle East and first of all the personnel now in Cairo.

Decision of 25 October 1973 (1750th meeting): resolution 340 (1973)

Decision of 26 October 1973 (1751st meeting):

Adoption of two interim measures

In accordance with a request by the representative of Egypt who communicated it both in oral and written form on 25 October 1973 to the President, the Council was convened on the same date to resume its consideration of the situation in the Middle East.⁴¹⁵

At the beginning of 1749th meeting on 25 October, after the agenda had been adopted and the invitations issued since the 1743rd meeting had been renewed, the representative of Egypt* stated that his Government had asked for the urgent meeting of the Council to consider the continuing Israeli violations of the cease-fire decided in the resolutions 338 and 339 of 22 and 23 October 1973, but that in the meantime Israel had started a new war, a new aggression on the East Bank of the Suez Canal, where Egyptian forces had been massively attacked, as well as along the whole front except in the North. He charged that the United Nations military observers had been prevented by the Israeli military authorities from proceeding to their destinations. He asked the members of the Council to do their best to make sure that the observers were able to be stationed at their places and requested that the two Powers that brought the resolutions to the Council see to it that they were strictly implemented.⁴¹⁶

The representative of Israel* rejected the Egyptian charges as unfounded and declared that Egypt had never searched for a peaceful solution. At a moment when the fighting in violation of resolution 338 had died down, the time had come for a serious effort to make the cease-fire effective, and his Government reiterated its pledge to extend its full co-operation to General Siilvasvuo and UNTSO.⁴¹⁷

The representative of Sudan emphasized the duty of the Council and in particular of the two co-sponsoring Powers to implement these resolutions. There was no need yet to invoke Chapter VII of the Charter against Israel which should be condemned by the Council for its latest aggression.⁴¹⁸

The representative of the USSR demanded that the Council should immediately adopt measures to ensure Israel's compliance with the decisions and resolutions of the Council which so far constituted only a first step. The time had come for the Council to reflect upon Chapter VII of the Charter and to adopt appropriate strict sanctions against Israel. The Council should appeal to all Members of the United Nations to sever diplomatic relations and any other ties with Israel, an aggressor State which was incorrigibly violating the decisions of the General Assembly, the Security Council and the United Nations as a whole. Turning to the issue of the nationality of the United Nations observers, he noted with concern that all of them came from Western States and urged the Council to apply the principle of the United Nations Charter concerning equitable geographic distribution also to the recruitment of these military observers in the Middle East.⁴¹⁹

The representative of the United States reiterated his Government's commitment to resolutions 338 and 339 and to the return of the parties to the positions they occupied when the cease-fire became effective. These decisions could be implemented with the assistance of the United Nations observers who should be promptly increased and placed along the military lines.⁴²⁰

At the same meeting, after a suspension of a few hours, the representative of Kenya deplored the inability of the two super-Powers to stop the war and introduced a draft resolution⁴²¹ on behalf of Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia, which *inter alia* contained in operative paragraph 1, a demand for the observation of the cease-fire and for the withdrawal of the parties to the positions occupied at 1650 hours GMT on 22 October 1973; in operative paragraph 3 a decision to set up a United Nations Emergency Force under the authority of the Council and a request to the Secretary-General to report within 24 hours on the implementation of this decision; and in operative paragraph 5 a request to all Member States to extend their full co-operation in the implementation of this resolution as well as resolutions 338 and 339. He urged the adoption of the draft resolution as soon as possible.⁴²²

At the beginning of the 1750th meeting on 25 October 1973 the President drew the attention of the members of the Council to the revised draft resolution.⁴²³

The representative of Kenya reported that as a result of consultations certain amendments had been proposed which he accepted on behalf of the other sponsors of the draft resolution. The first amendment concerned operative

⁴¹³ 1748th meeting, China, second intervention.

⁴¹⁴ *Ibid.*, following China's second intervention. Adopted as resolution 339 (1973).

⁴¹⁵ 1749th meeting, President's opening statement.

⁴¹⁶ *Ibid.*, Egypt, first intervention.

⁴¹⁷ *Ibid.*, Israel, first intervention.

⁴¹⁸ *Ibid.*, intervention by Sudan.

⁴¹⁹ *Ibid.*, USSR, first intervention.

⁴²⁰ *Ibid.*, intervention by the United States.

⁴²¹ S/11046, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 88.

⁴²² 1749th meeting, intervention by Kenya.

⁴²³ 1750th meeting, President's opening statement. S/11045/Rev.1 subsequently adopted as resolution 340 (1973).

paragraph 1 in which the word "withdraw" was replaced by the word "return", because the latter described more accurately the moves to be undertaken by the parties to the conflict. In operative paragraph 3 the words "under its authority" were shifted and placed behind the word "immediately" and the following phrase was added after the words "Emergency Force": "to be composed of personnel drawn from States Members of the United Nations except the permanent members of the Security Council". The last amendment affected operative paragraph 5 in which the phrase "to the United Nations" was inserted between the word "co-operation" and the word "in". In conclusion he asked for unanimous support so that the Council would achieve its objectives in the Middle East as soon as possible.⁴²⁴

The representative of China said that China had always been opposed to the dispatch of so-called "peace-keeping forces" and maintained that position also with regard to the Middle East, because such a practice could only pave the way for further international intervention and control with the super-Powers as the behind-the-scenes boss, the evil consequences of which would gradually be recognized by the Arab people. Only out of consideration for the requests made by the victims of aggression would China refrain from vetoing the draft resolution and not participate in the voting.⁴²⁵

At the same meeting, the representative of the USSR announced that his delegation would vote for the draft resolution although it did not agree on principal grounds to the exclusion of the permanent members of the Council from participation in the United Nations force. If the aggressor continued to violate the decisions of the Council, the Council would then have to resort to sanctions according to Chapter VII of the Charter. He called again for strict observance of the principle of equitable geographical representation in setting up the observer force and for its operation in strict accordance with the Charter, i.e. under the immediate authority of the Council which should itself take decisions concerning all aspects of the establishment of the force and the discharge of its peace-keeping functions.⁴²⁶

The representative of Guinea expressed the hope that despite the reservations that paragraph 3 had evoked from some delegations all members of the Council and in particular its permanent members would oversee and ensure the strict application of the draft resolution and that the financial implications would not hamper the implementation of its provisions.⁴²⁷

The representative of the United Kingdom stated that the specific exclusion of forces of the permanent members from the proposed forces was in the view of his delegation without prejudice to the composition of the peace-keeping force which would later be needed to guarantee a final peace agreement and in which his Government would be willing to participate. He further said that his delegation interpreted the term "under its authority" in operative paragraph 3 as referring to the ultimate responsibility of the

Council for policy and not to the day-to-day operational control of the force.⁴²⁸

The representative of France indicated that his delegation would vote in favour of the draft resolution, subject to one reservation concerning the exclusion of the permanent members from the emergency force pursuant to operative paragraph 3. His Government held that the fact of not committing the responsibility of the permanent members weakened the impact of the Council's decision and renewed its willingness to participate in a real peace-keeping force. For these reasons the French delegation requested a separate vote on the words "except the permanent members of the Security Council" in operative paragraph 3 of the revised draft resolution.⁴²⁹

The representative of Saudi Arabia* asked whether all Powers were willing to contribute to financing the emergency force and whether the Secretary-General could give an idea of its initial expenses. The Secretary-General replied that he would report to the Council on the following day the first approximate estimate of the expenses involved.⁴³⁰

Replying to a question of the President, the representative of Kenya accepted on behalf of the co-sponsors of the revised draft resolution the request of France for a separate vote.⁴³¹

At the same meeting, the words "except the permanent members of the Security Council" in operative paragraph 3 of the revised draft resolution were maintained with 13 votes in favour, none against and 1 abstention; one member did not participate in the vote. The revised draft resolution as a whole was adopted by 14 votes to none; one member did not participate in the voting.⁴³²

The resolution read as follows:

The Security Council,

Recalling its resolutions 338 (1973) of 22 October and 339 (1973) of 23 October 1973,

Noting with regret the reported repeated violations of the cease-fire in non-compliance with resolutions 338 (1973) and 339 (1973),

Noting with concern from the Secretary-General's report that the United Nations military observers have not yet been enabled to place themselves on both sides of the cease-fire line,

1. *Demands* that immediate and complete cease-fire be observed and that the parties return to the positions occupied by them at 1650 hours GMT on 22 October 1973;

2. *Requests* the Secretary-General, as an immediate step, to increase the number of United Nations military observers on both sides;

3. *Decides* to set up immediately, under its authority, a United Nations Emergency Force to be composed of personnel drawn from States Members of the United Nations except the permanent members of the Security Council, and requests the Secretary-General to report within 24 hours on the steps taken to this effect;

4. *Requests* the Secretary-General to report to the Council on an urgent and continuing basis on the state of implementation of the present resolution, as well as resolutions 338 (1973) and 339 (1973);

⁴²⁸ *Ibid.*, intervention by the United Kingdom.

⁴²⁹ *Ibid.*, intervention by France.

⁴³⁰ *Ibid.*, intervention by Saudi Arabia.

⁴³¹ *Ibid.*, Kenya, second intervention.

⁴³² *Ibid.*, following Kenya's second intervention. Adopted as resolution 340 (1973).

⁴²⁴ 1750th meeting, Kenya, first intervention.

⁴²⁵ *Ibid.*, China, first intervention.

⁴²⁶ *Ibid.*, USSR, first intervention.

⁴²⁷ *Ibid.*, Guinea, first intervention.

5. *Requests* all Member States to extend their full co-operation to the United Nations in the implementation of the present resolution, as well as resolutions 338 (1973) and 339 (1973).

At the same meeting, the Council authorized the Secretary-General to take certain urgent interim measures, as proposed by him,⁴³³ namely, to transfer contingents from the United Nations Peace-keeping Force in Cyprus to Egypt and to appoint General Siilasvuo, Chief of Staff of UNTSO, as the interim Commander of the United Nations Emergency Force established under resolution 340 (1973).⁴³⁴

At the 1751st meeting on 26 October 1973, the Council continued its discussion of the situation in the Middle East. In addition to those previously invited, the representative of Zambia was invited, at its request, to participate without the right to vote in the discussion of the item on the agenda.⁴³⁵

The representative of Egypt stated that his delegation had requested the convening of the Security Council in order not only to speak about a breach of peace, but also to warn of a grave danger that threatened to extend beyond the Middle East. Violating the three resolutions adopted by the Council, Israel had still not observed the cease-fire and in his judgement a new major offensive was imminent. Israel had also set impractical and impossible conditions for its permission to let a convoy with medical and other vital supplies pass to the Egyptian forces in the Sinai. He asked Israel and in particular the United States whether the cease-fire would finally be implemented and appealed to the Council to concern itself with the new situation in order to revive the hopes for some movement towards peace.⁴³⁶

The representative of Israel charged that since the adoption of resolution 338, Egypt had been violating the cease-fire while claiming that Israel was violating it, even though Israeli forces reacted only to Egyptian assaults; he also asserted that Egypt alleged new fighting and new Israeli attacks when in fact there was no fighting going on at all. He added that Israel had delayed the convoy of trucks because it still had not received the list of prisoners held by Egypt and Syria and that instead Israel had delivered supplies of blood and plasma via planes to the encircled Egyptian forces.⁴³⁷

At the same meeting the representative of the USSR denounced the Israeli violations of the cease-fire and called upon the Council to take appropriate measures against these acts of aggression. He renewed his appeal to the other four permanent members to resume the consultations regarding the search for peace in the Middle East, which were currently stalled by the refusal of two of them to do so. In conclusion he read a statement by Secretary-General Brezhnev, in which he expressed support for resolution 338 and urged that peace talks should immediately begin

between the parties under appropriate auspices and that the USSR stood ready to take part in the necessary guarantees of a comprehensive peace settlement.⁴³⁸

The representative of the United States reaffirmed his Government's stand for strict observance of the cease-fire and suggested that the Council proceed systematically in its task of ending the fighting and beginning the peace negotiations.⁴³⁹

The representative of China rejected, the call for consultations among the five permanent members because these talks had never in the past been authorized by the Council nor had they been held within the framework of the United Nations and because his Government refused to become a part of an attempt by the big Powers to impose a settlement on the Palestinians and other Arab people.⁴⁴⁰

After further discussion, the representative of India suggested two interim measures in order to make sure that the situation would not get worse in the Middle East. The Secretary-General should be authorized to send additional men from Cyprus if he considered such a step necessary. Further, the Secretary-General and the President of the Council should send telegraphic appeals to the parties to co-operate fully and effectively with the International Red Cross for the proper discharge of its humanitarian task.⁴⁴¹

Referring to the two proposals made by the representative of India, the President of the Council stated that in the absence of any objection he considered these proposals as approved by the Council.⁴⁴²

The Secretary-General declared that he would actively consider the first proposal and that he would consult with the President of the Council about the necessary steps as regarded the second proposal.⁴⁴³

Decision of 27 October 1973 (1752nd meeting): resolution 341 (1973)

At the 1752nd meeting on 27 October 1973 the Council resumed the consideration of the situation in the Middle East. The agenda included in addition to the letter from the United States the report of the Secretary-General on the implementation of Security Council resolution 340 (1973).⁴⁴⁴ In accordance with the decisions taken at previous meetings, the representatives of Egypt, Israel, Syria, Nigeria, Saudi Arabia and Zambia were again invited to participate in the discussion.

At the beginning of the meeting, the President drew the attention of the members of the Council to the report of

⁴³³ S/11049: Letter dated 25 October 1973 from the Secretary-General to the President of the Security Council, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 89. 1750th meeting, statement by the Secretary-General.

⁴³⁴ *Ibid.*, President's concluding statement.

⁴³⁵ 1751st meeting, following Egypt's first intervention.

⁴³⁶ *Ibid.*, Egypt, first intervention.

⁴³⁷ *Ibid.*, Israel, first intervention.

⁴³⁸ *Ibid.*, USSR, first intervention.

⁴³⁹ *Ibid.*, intervention by the United States.

⁴⁴⁰ *Ibid.*, intervention by China.

⁴⁴¹ *Ibid.*, intervention by India. The representative of Yugoslavia supported the two proposals by the representative of India.

⁴⁴² *Ibid.*, following the intervention by Yugoslavia. For the decision see *OR*, 28th yr., *Resolutions and Decisions of the Security Council 1973*, p. 11.

⁴⁴³ *Ibid.*, statement by the Secretary-General.

⁴⁴⁴ S/11052, replaced by S/11052/Rev.1 in *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, pp. 91-92.

the Secretary-General and to the draft resolution proposed by Australia, approving the report.⁴⁴⁵

Speaking in explanation of his vote, the representative of China reaffirmed his Government's opposition to the dispatch of the so-called United Nations Emergency Force to the Middle East as well as to the sending of troops by the five permanent members. Therefore, his Government could, of course, not pay the expenses of the emergency force. His delegation would not participate in the voting on the draft resolution.⁴⁴⁶

At the same meeting, the Council adopted the Australian draft resolution by 14 votes to none; one member did not participate in the vote.⁴⁴⁷ The resolution read as follows:

The Security Council,

1. Approves the report of the Secretary-General on the implementation of Security Council resolution 340 (1973) contained in document S/11052/Rev.1 dated 27 October 1973;

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

After the vote, the representative of France stated that his Government wanted to emphasize the exclusive competence of the Security Council in the matter of peace-keeping and the maintenance of international security in accordance with Article 24 of the Charter. The Council should not only determine the establishment of the force, but it should also have control over all operations that might be ordered by it. This meant that the Council had to define the terms of reference, duration, size and composition of the force, to appoint the commander, to decide on the basic directives for the commander, to regulate the financing of the force and to ensure constant control over the application of its directives. Since the Council was not in a position to discharge this responsibility on a continuing basis, his delegation envisaged, in application of Article 29 of the Charter, the establishment of a subsidiary organ of the Council which would lessen the Council's work without prejudice to the primary responsibilities of the Council under the Charter. The committee would be in constant contact with the Secretary-General and could for instance propose to the Council the name of the Commander and draft basic directives. The representative of France accepted the proposed mode of financing of the emergency force within the regular United Nations budget, but indicated his delegation's willingness to agree to a complete exemption of the least advanced developing countries from contributing to the financing of the peace-keeping operations.⁴⁴⁸

The representative of Sudan said that notwithstanding the noble motives of the French suggestion, his delegation considered the contribution to the peace-keeping force too significant for the least developed countries to be excluded from participating in it.⁴⁴⁹

⁴⁴⁵ 1752nd meeting, President's opening statement. The draft resolution S/11054 was adopted without change as resolution 341 (1973).

⁴⁴⁶ *Ibid.*, intervention by China.

⁴⁴⁷ *Ibid.*, following China's intervention. Adopted as resolution 341 (1973).

⁴⁴⁸ *Ibid.*, intervention by France.

⁴⁴⁹ *Ibid.*, intervention by Sudan.

The representative of Saudi Arabia* pointed out that the emergency force might have to be extended for many years, which might bring the total expenditure to more than \$1 billion. The report of the Secretary-General should not have bypassed Article 17, paragraph 1 of the Charter according to which the budget of the organization had to be approved by the General Assembly and not the Security Council. Article 19 should also have been considered, in view of previous experiences.⁴⁵⁰

Decision of 2 November 1973 (1754th meeting):

Statement by the President

At the 1754th meeting on 2 November 1973 the Council resumed the consideration of the situation in the Middle East. The agenda included in addition to the letter from the United States the progress reports of the Secretary-General on the United Nations Emergency Force.⁴⁵¹

After renewing the invitations to the representatives of Egypt, Israel, Syria, Nigeria, Saudi Arabia and Zambia to participate in the discussion, the President of the Council stated that he was authorized to make a statement representing the agreement of the members of the Council.⁴⁵² The statement read as follows:

United Nations Emergency Force (Security Council resolution 340 (1973) of 25 October 1973): implementation-second phase

1. The members of the Security Council met for informal consultations on the morning of 1 November 1973 and heard a report from the Secretary-General on the progress so far made in the implementation of Security Council resolution 340 (1973).

2. After a lengthy and detailed exchange of views it was agreed that in regard to the next stage of implementation of resolution 340 (1973):

(a) The Secretary-General will immediately consult, to begin with, Ghana (from the African regional group), Indonesia and Nepal (from the Asian regional group), Panama and Peru (from the Latin American regional group), Poland (from the Eastern Europe regional group) and Canada (from the Western European and other States group), the latter two with particular responsibility for logistic support, with a view to dispatching contingents to the Middle East pursuant to Security Council resolution 340 (1973). The Secretary-General will dispatch troops to the area from these countries as soon as the necessary consultations have been completed. The Council members agreed that at least three African countries are expected to send contingents to the Middle East. The present decision of the Council is intended to bring about a better geographical distribution of the United Nations Emergency Force.

(b) The Secretary-General will regularly report to the Council on the results of his efforts undertaken pursuant to subparagraph (a) so that the question of balanced geographical distribution in the force can be reviewed.

3. The above-mentioned agreement was reached by members of the Council with the exception of the People's Republic of China which dissociates itself from it.

Decision of 12 November 1973 (1755th meeting):

Authorizing the President to send a reply to the Secretary-General

At its 1755th meeting on 12 November 1973 the Council considered the item entitled "Letter dated 8

⁴⁵⁰ *Ibid.*, intervention by Saudi Arabia.

⁴⁵¹ S/11056 and Add.1 and Add.1/Corr.1, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, pp. 93-94.

⁴⁵² 1754th meeting, President's opening statement. See *OR*, 28th yr., *Resolutions and Decisions of the Security Council 1973*, p. 12.

November 1973 from the Secretary-General addressed to the President of the Security Council concerning the appointment of the Commander of the United Nations Emergency Force".⁴⁵³ The President stated that he had received a letter in which the Secretary-General recalled that with the authorization of the Council he had appointed Major-General Siilasvuo as the interim Commander of UNEP, and in which he further indicated that it was his intention, if the Council consented, to appoint the General as the Force Commander.⁴⁵⁴ The Council authorized the President to send the following reply to the Secretary-General:⁴⁵⁵

I have the honour to acknowledge receipt of your letter dated 8 November 1973 by which you informed me of your intention to appoint General Siilasvuo, at present interim Commander of the United Nations Emergency Force, as the Force Commander, if the Security Council consents. In accordance with your request I have brought this matter to the attention of the members of the Council.

In reply I wish to inform you that the members of the Security Council give their consent to this appointment, with the exception of the People's Republic of China which dissociates itself from it.

ARRANGEMENTS FOR THE PROPOSED PEACE CONFERENCE ON THE MIDDLE EAST

Decision of 15 December 1973 (1760th meeting): resolution 344 (1973)

At the 1760th meeting held on 15 December 1973 in private, the Security Council included in its agenda the item "Arrangements for the proposed peace conference on the Middle East." The Council decided without any objection not to invoke rule 51 of the provisional rules of procedure, to circulate the verbatim record of the meeting in all the working languages as an unrestricted document in accordance with rule 49, and to issue a communiqué through the Secretary-General at the end of the meeting under rule 55.⁴⁵⁶

The President drew the attention of the members of the Council to the draft resolution sponsored by the ten non-permanent members Australia, Austria, Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia.⁴⁵⁷

The representative of Guinea recalled operative paragraph 3 of resolution 338 (1973) and emphasized again that the phrase "under appropriate auspices" referred to those of the United Nations. In the distressing situation of the Middle East everything had to be done to respect the role and responsibility of the Security Council. For this reason the 10 non-permanent members of the Council had submitted the draft resolution.⁴⁵⁸

The draft resolution was adopted by 10 to none with 4 abstentions; one member did not participate in the vote.⁴⁵⁹ The resolution read as follows:

⁴⁵³ S/11103, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 223.

⁴⁵⁴ 1755th meeting, President's statement.

⁴⁵⁵ *Ibid.*, See *OR*, 28th yr., *Resolutions and Decisions of the Security Council 1973*, p. 12.

⁴⁵⁶ 1760th meeting, President's opening statement.

⁴⁵⁷ *Ibid.*, S/11156 subsequently adopted without change as resolution 344 (1973).

⁴⁵⁸ *Ibid.*, intervention by Guinea.

⁴⁵⁹ *Ibid.*, following the intervention by Guinea. Adopted as resolution 344 (1973).

The Security Council,

Considering that it has decided by its resolution 338 (1973) of 22 October 1973 that talks among the parties to the Middle East conflict for the implementation of resolution 242 (1967) of 22 November 1967 should be held under "appropriate auspices",

Noting that a peace conference on the Middle East situation is to begin shortly at Geneva under the auspices of the United Nations,

1. *Expresses the hope* that the Peace Conference will make speedy progress towards the establishment of a just and durable peace in the Middle East;

2. *Expresses its confidence* that the Secretary-General will play a full and effective role at the Conference, in accordance with the relevant resolutions of the Security Council and that he will preside over its proceedings, if the parties so desire;

3. *Requests* the Secretary-General, to keep the Council suitably informed of the developments in negotiations at the Conference, in order to enable it to review the problems on a continuing basis;

4. *Requests* the Secretary-General to provide all necessary assistance and facilities for the work of the Conference.

Following the vote, the representative of France stated that his Government could not accept that the Council abdicated the exercise of the responsibility of the United Nations in this question to the point of seeming to be extraneous to the negotiations, that were about to open. If the Geneva Conference achieved positive results, the Council would have to give its approval to the final settlement by accompanying it with suitable guarantees. Therefore, the Council was duty-bound to recall before the inauguration of the Conference the link between the negotiations and the Council. The draft resolution was deficient in that it did not spell out the role of the Secretary-General and that it had been submitted although the Council did not even know under what conditions the Secretary-General would be invited to the Conference. The draft resolution also failed to determine the procedure by which the Secretary-General would keep the Council informed. For these reasons, his delegation was constrained to abstain on the draft resolution.⁴⁶⁰

The representative of the United Kingdom explained that his delegation had abstained from the vote because the two co-sponsors of resolution 338, from which the scheduled conference had evolved, had not yet endorsed the draft resolution.⁴⁶¹

The representative of the United States said that his delegation felt it could not support the resolution while the negotiations regarding invitations to the Geneva Conference were still proceeding.⁴⁶²

At the close of the 1760th meeting the Security Council approved in accordance with rule 55 of its provisional rules of procedure an official communiqué which was issued by the Secretary-General.⁴⁶³

Decision of 8 April 1974 (1765th meeting): resolution 346 (1974)

At the 1765th meeting on 8 April 1974 the Security Council included the following item in its agenda: The

⁴⁶⁰ *Ibid.*, intervention by France.

⁴⁶¹ *Ibid.*, intervention by the United Kingdom.

⁴⁶² *Ibid.*, intervention by the United States.

⁴⁶³ *Ibid.*, following the intervention by the President as representative of China. For the text of the official communiqué see *OR*, 28th yr., *Resolutions and Decisions of the Security Council*, p. 12-13.

Situation in the Middle East: Report of the Secretary-General on the United Nations Emergency Force.⁴⁶⁴

At the beginning of the meeting the President stated that the Council had received the draft resolution which had been elaborated in the course of intensive consultations among all the members of the Council.⁴⁶⁵

The representative of China restated his Government's opposition in principle to the dispatching of UNEF and explained that his delegation had refrained from voting against resolution 340 (1973) only out of consideration for the wishes of the victims of aggression. On the basis of that earlier stand his delegation would not participate in the vote on the draft resolution providing for the extension of the mandate of UNEF.⁴⁶⁶

The representative of Kenya called for equal treatment of all the countries that had contributed contingents to the United Nations Emergency Force with regard to the reimbursement of their expenses and stressed the need for equal treatment of all UNEF contingents by the parties to the dispute.⁴⁶⁷

Following these two statements, the Council adopted the draft resolution by 13 to none; two members did not participate in the voting.⁴⁶⁸ The resolution read as follows :

The Security Council,

Recalling its resolution 340 (1973) of 25 October and 341 (1973) of 27 October 1973 and the agreement reached by members of the Security Council on 2 November 1973,

Having reviewed the functioning of the United Nations Emergency Force set up under these resolutions as reported by the Secretary-General,

Noting from the report of the Secretary-General of 1 April 1974 (S/11248) that in the present circumstances the operation of the United Nations Emergency Force is still required,

1. *Expresses its appreciation* to the States which have contributed troops to the United Nations Emergency Force and to those which have made voluntary financial and material contributions for the support of the Force;

2. *Expresses its appreciation* to the Secretary-General for his efforts in implementing the decisions of the Security Council regarding the establishment and functioning of the United Nations Emergency Force;

3. *Commends* the United Nations Emergency Force for its contribution to efforts to achieve a just and durable peace in Middle East;

4. *Notes* the Secretary-General's view that the disengagement of Egyptian and Israeli forces is only a first step towards the settlement of the Middle East problem and that the continued operation of the United Nations Emergency Force is essential not only for the maintenance of the present quiet in the Egypt-Israel sector but also to assist, if required, in further efforts for the establishment of a just and durable peace in the Middle East and accordingly decides that, in accordance with the recommendation in paragraph 68 of the Secretary-General's report of 1 April 1974, the mandate of the United Nations Emergency Force, approved by the Security Council in its resolution 341 (1973), shall be extended for a further period of six months, that is, until 24 October 1974;

5. *Notes with satisfaction* that the Secretary-General is exerting every effort to solve in a satisfactory way the problems of the

⁴⁶⁴ S/11248 (Report of the Secretary-General), *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 88-95.

⁴⁶⁵ 1765th meeting, President's opening statement. The draft resolution S/11253 was subsequently adopted as resolution 346 (1974).

⁴⁶⁶ *Ibid.*, intervention by China.

⁴⁶⁷ *Ibid.*, intervention by Kenya.

⁴⁶⁸ *Ibid.*, following the intervention by Kenya. Adopted as resolution 346 (1974).

United Nations Emergency Force, including the urgent ones referred to in paragraph 71 of his report of 1 April 1974;

6. *Further notes with satisfaction* the Secretary-General's intention to keep under constant review the required strength of the Force with a view to making reductions and economies when the situation allows;

7. *Calls upon* all Member States, particularly the parties concerned, to extend their full support to the United Nations in the implementation of the present resolution;

8. *Requests* the Secretary-General to report to the Security Council on a continuing basis as requested in resolution 340 (1973).

Following the vote, several representatives addressed themselves to the issue of equal reimbursements for the countries participating in the emergency force⁴⁶⁹ and to the restrictions of the freedom of movement that had been imposed unilaterally by one party to the dispute on some UNEF contingents⁴⁷⁰ and asked for special efforts by the Security Council and by the Secretary-General to remedy those shortcomings. Two representatives also emphasized the central role of the Security Council in this peace-keeping operation which differed markedly from previous operations in that respect.⁴⁷¹

Decision of 24 April 1974 (1769th meeting): resolution 347 (1974)

By letter⁴⁷² dated 13 April 1974 addressed to the President of the Security Council, the representative of Lebanon complained about a new case of Israeli aggression against six Lebanese villages as a result of which two civilians had been killed, others wounded and thirteen civilians kidnapped, and he requested an urgent meeting of the Security Council to consider this grave situation.

At its 1766th meeting on 15 April 1974, the Council included the letter by Lebanon in the agenda. Following the adoption of the agenda, the representatives of Lebanon, Israel, Syria, Egypt⁴⁷³ and subsequently Kuwait⁴⁷⁴ and Saudi Arabia⁴⁷⁵ were invited, at their request, to participate without the right to vote in the discussion of the item which was considered at the 1766th to 1769th meetings from 15 to 24 April 1974.

At the 1766th meeting, the representative of Lebanon* stated that on the night of 12-13 April Israeli armed forces had attacked six Lebanese frontier villages inhabited solely by civilians, killed two civilians, wounded two, kidnapped thirteen persons and dynamited 31 homes. The attacks had been carried out under the pretext that the assailants responsible for the reprehensible attack on Kiryat Shmona had come from Lebanon. Lebanon deplored acts of violence, such as the incident at Kiryat Shmona, wherever they may occur, but it could not be held responsible for acts that were committed by elements acting outside its borders and control. Israel's action against the Lebanese

⁴⁶⁹ *Ibid.*, Peru, United Republic of Cameroon, USSR, Byelorussian SSR, Indonesia, France, Iraq.

⁴⁷⁰ *Ibid.*, Mauritania, USSR, Byelorussian SSR, Indonesia, France, Iraq.

⁴⁷¹ *Ibid.*, USSR, Byelorussian SSR.

⁴⁷² S/11264, *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 107-108.

⁴⁷³ 1766th meeting, President's opening statement.

⁴⁷⁴ *Ibid.*, following Israel's first intervention.

⁴⁷⁵ *Ibid.*, following Israel's second intervention.

villages constituted a premeditated act of aggression which should not merely be condemned by the Council, but against which the Council should take appropriate and effective measures under the relevant Articles of the Charter of the United Nations.⁴⁷⁶

The representative of Israel* said that in recent years Lebanon had become a main centre for Arab terrorist operations directed mainly against Israel. The most recent example was the massacre of 18 persons in Kiryat Shmona by a group of terrorists who had crossed into Israeli territory from Lebanese territory. These facts had been confirmed by leaders of the terrorist movement in Beirut. It was up to Lebanon to prevent the use of its territory for attacks against Israel. Israel was forced to take counter-measures on 12-13 April since Lebanon did not wish to meet its responsibility and end all terrorist activities on its soil. While Israel sought peace with its neighbours, it was determined to defend its rights and protect its citizens.⁴⁷⁷

The representative of the Syrian Arab Republic* declared that the Council had to deal with Israeli state terrorism which was fundamentally distinct from acts of individual violence expressing despair. Israel's most recent attacks against Lebanon were criminal acts in flagrant violation of the principles of the United Nations Charter, the resolutions of the Security Council, the Geneva Conventions and the fundamental principles of international law and human rights. The Council should condemn those acts and take the necessary measures to prevent their repetition.⁴⁷⁸

At the 1767th meeting on 16 April 1974 the representative of the USSR stated that the Israeli act of aggression against Lebanon constituted one new link in the chain of their crimes of annexation and appropriation of foreign lands, flagrantly violating the principle of the inadmissibility of the acquisition of territory by means of war or the use of force. Israel was still in defiance of the Security Council and its decisions. The USSR categorically opposed international terrorism and with similar determination it opposed a policy of aggression and state terrorism carried out by Israel. His country condemned the intrusions and attacks by one State against a neighbouring State under any pretext whatsoever. His delegation believed that the Council should not only categorically condemn the new acts of aggression by Israel but also take effective measures to put an end to them.⁴⁷⁹

The representative of the United Kingdom said that if the terrorists had indeed entered Israel from Lebanese ground, it would be right to remind the Lebanese Government of its duty under international law to take all reasonable steps to terminate the operations of the terrorist organizations. His delegation held the view that a Government-organized operation into the territory of another sovereign State could not be justified under the Charter. It was the duty of the Council and of the United Nations to do all to prevent the renewal of violence and counter-violence and to build a just and lasting peace in the Middle East.⁴⁸⁰

⁴⁷⁶ 1766th meeting, Lebanon, first intervention.

⁴⁷⁷ *Ibid.*, Israel, first intervention.

⁴⁷⁸ *Ibid.*, Syrian Arab Republic, first intervention.

⁴⁷⁹ 1767th meeting, USSR, first intervention.

⁴⁸⁰ *Ibid.*, intervention by the United Kingdom.

The representative of France declared that his Government condemned such acts of violence as those in Kiryat Shmona and the raids and reprisals by Israeli forces on Lebanese soil. The Council should pronounce itself against all acts of violence, regardless of their origins or reasons, and appeal to all parties, in the interests of peace to refrain from any act that might jeopardize the ongoing negotiations.⁴⁸¹

At the 1769th meeting on 24 April 1974 the President drew the attention of the members of the Council to a draft resolution submitted by several members after lengthy consultations.⁴⁸²

At the same meeting, the representative of the United States said that with a single amendment the draft resolution might win wide support in the Council and proposed that operative paragraph 2 be amended to read:

Condemns all acts of violence, especially those which"—at that point the four words "as at Kiryat Shmona" should be inserted—result in the tragic loss of innocent civilian life, and urges all concerned to refrain from any further acts of violence.⁴⁸³

The representative of Mauritania opposed the amendment because the mention of Kiryat Shmona entailed the reference to a third party which was not present at the Council meeting. No judgement could be rendered without hearing that party.⁴⁸⁴

The amendment proposed by the United States received 6 votes in favour, 7 against, and 2 abstentions and was not adopted, having failed to acquire the necessary majority.⁴⁸⁵

The draft resolution as a whole was adopted by 13 to none; two members did not participate in the vote.⁴⁸⁶ The resolution read as follows:

The Security Council,

Having considered the agenda item contained in document S/Agenda/1769/Rev.1,

Having noted the contents of the letters dated 12 and 13 April 1974 from the Permanent Representative of Lebanon (S/11263 and S/11264) and the letter dated 11 April 1974 from the Permanent Representative of Israel (S/11259),

Having heard the statements of the Foreign Minister of Lebanon and of the representative of Israel,

Recalling its previous relevant resolutions,

Deeply disturbed at the continuation of acts of violence,

Gravely concerned that such acts might endanger efforts now taking place to bring about a just and lasting peace in the Middle East,

1. *Condemns* Israel's violation of Lebanon's territorial integrity and sovereignty and calls once more on the Government of Israel to refrain from further military actions and threats against Lebanon;

2. *Condemns* all acts of violence, especially those which result in the tragic loss of innocent civilian life, and urges all concerned to refrain from any further acts of violence;

⁴⁸¹ *Ibid.*, intervention by France.

⁴⁸² 1769th meeting President's opening statement, S/11275, adopted without change as resolution 347 (1974).

⁴⁸³ *Ibid.*, United States, first intervention.

⁴⁸⁴ *Ibid.*, Mauritania, first intervention.

⁴⁸⁵ *Ibid.*, following Mauritania's first intervention.

⁴⁸⁶ *Ibid.*, following Mauritania's second intervention. Adopted as resolution 347 (1974).

3. *Calls upon* all Governments concerned to respect their obligations under the Charter of the United Nations and international law;

4. *Calls upon* Israel forthwith to release and return to Lebanon the abducted Lebanese civilians;

5. *Calls upon* all parties to refrain from any action which might endanger negotiations aimed at achieving a just and lasting peace in the Middle East.

The representative of the USSR declared that his delegation would have much preferred to support a stronger draft resolution prepared by the non-aligned members but not submitted because of insufficient support and that it voted in favour of the adopted draft only in recognition of the wishes of the country that had brought the complaint before the Council.⁴⁸⁷

The President speaking as the representative of Iraq said that his delegation had refrained from participating in the vote because the draft merely constituted a condemnation of Israel and fell short of firmer action against Israeli aggression and lawbreaking. It also took exception with the attempt to view individual acts of violence on the same level as acts of aggression by one Member State against another.⁴⁸⁸

The representative of Lebanon* deplored that the Council had not taken the effective measures against Israel that it had announced if Israel failed to comply with previous Council decisions.⁴⁸⁹

Decision of 31 May 1974 (1774th meeting): resolution 350 (1974)

By letter⁴⁹⁰ dated 30 May 1974 addressed to the President of the Security Council, the representative of the United States requested an urgent meeting of the Council to consider the situation in the Middle East, in particular the disengagement of Israeli and Syrian forces.

At its 1773rd meeting on 30 May 1974, the Council included the letter by the United States and a report of the Secretary-General on the same matter⁴⁹¹ in the agenda. At the 1774th meeting on 31 May 1974 the representatives of Israel and the Syrian Arab Republic⁴⁹² were invited, at their request, to participate in the discussion without the right to vote. The Council considered the question at the 1773rd and 1774th meetings on 30 and 31 May 1974.

At the 1773rd meeting, following the adoption of the agenda, the Secretary-General introduced his report including the texts of the agreement on disengagement between Israeli and Syrian forces and the protocol concerning the United Disengagement Observer Force. He said that he would take the necessary steps in accordance with the provisions of the protocol to set up the Observer Force, if the Council so decided, and that he intended to follow the same general principles as those defined in his report on the implementation of resolution 340 (1973). In the first instance, he would draw the new Observer Force from United Nations military personnel already in the area. He

would keep the Council fully informed of all the developments in this matter.⁴⁹³

At the beginning of the 1774th meeting on 31 May 1974, the President drew the attention of the members of the Council to the draft resolution which had been submitted by the United States and the USSR.⁴⁹⁴

At the same meeting the representative of the United States introduced the draft resolution and asked the Council to authorize the creation of the United Nations Disengagement Observer Force which constituted the next critical step on the road toward a permanent peace in the Middle East. He endorsed the statement by the Secretary-General concerning the principles to guide the new Observer Force and urged speedy adoption of the draft resolution.⁴⁹⁵

The representative of the USSR stated that the disengagement agreement was only a step towards the fulfilment of the major task, the total liberation of the Arab territories from Israeli occupation. Following the completion of the disengagement of Syrian and Israeli troops, the Geneva conference should proceed to a consideration of a comprehensive settlement in the area. He welcomed the statement by the Secretary-General with regard to the principles underlying the new Observer Force, but pointed out that there was no need to increase the expenses for the maintenance of the United Nations Forces in the Middle East, since units would be transferred from UNEF to the Observer Force along the Israeli-Syrian cease-fire lines. He urged the Council to adopt the draft resolution and noted that after the expiration of the initial period of six months the Council would have to consider its renewal.⁴⁹⁶

The representative of China reaffirmed his delegation's stand against the involvement of the two super-Powers in the Middle East and its disassociation from the dispatch of troops in the name of the United Nations under whatever form. Consequently, his delegation would not participate in the voting on the draft resolution.⁴⁹⁷

The draft resolution sponsored by the United States and the USSR was adopted by 13 to none; two members did not participate in the voting.⁴⁹⁸ The resolution read as follows:

The Security Council,

Having considered the report of the Secretary-General contained in documents S/11302 and Add.1, and *having heard* his statement made at the 1773rd meeting of the Security Council,

1. *Welcomes* the Agreement on Disengagement between Israeli and Syrian Forces, negotiated in implementation of Security Council resolution 338 (1973) of 22 October 1973;
2. *Takes notes* of the Secretary-General's report and the annexes thereto and his statement;
3. *Decides* to set up immediately under its authority a United Nations Disengagement Observer Force, and requests the Secretary-General to take the necessary steps to this effect in accordance with his above-mentioned report and the annexes thereto; the Force shall

⁴⁹³ 1773rd meeting, statement by the Secretary-General.

⁴⁹⁴ 1774th meeting, President's opening statement S/11305/Rev.1, subsequently adopted as resolution 350 (1974).

⁴⁹⁵ *Ibid.*, intervention by the United States.

⁴⁹⁶ *Ibid.*, USSR, first intervention.

⁴⁹⁷ *Ibid.*, intervention by China.

⁴⁹⁸ *Ibid.*, following the intervention by Iraq. Adopted as resolution 350 (1974).

⁴⁸⁷ 1769th meeting, intervention by the USSR.

⁴⁸⁸ *Ibid.*, intervention by President as representative of Iraq.

⁴⁸⁹ *Ibid.*, intervention by Lebanon.

⁴⁹⁰ S/11304, OR, 29th yr., Suppl. for April-June 1974, p. 146.

⁴⁹¹ S/11302 and Add.1, *ibid.*, pp. 144-145.

⁴⁹² 1774th meeting, President's opening statement.

be established for an initial period of six months, subject to renewal by further resolution of the Security Council;

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

Speaking in explanation of the vote, the representative of the United Kingdom declared that his delegation had stressed the need to carry out the functions of the Observer Force as economically as possible without however impairing its efficiency. He welcomed the Secretary-General's intention to set up the new Force on the basis of the same principles as those governing UNEF. The new Force would operate as long as it was authorized by the Council, and it would not be withdrawn without a decision of the Council to that effect.⁴⁹⁹

The representative of France emphasized that the Council had to decide the modalities governing the Force including an increase of the number of contingents, if required, and reaffirmed his Government's reservations with regard to the exclusion of units drawn from the permanent members of the Council from the Force personnel.⁵⁰⁰

Following the statements in explanation of vote, the Secretary-General said that he would propose interim arrangements to transfer the Austrian and Peruvian contingents from UNEF to the new Force, supported by logistical units from Canada and Poland, and to appoint Brigadier-General Gonzalo Briceño of Peru as interim Commander of UNDOF. The new operation would inevitably involve additional expenditure. He would make every possible effort to keep additional expenditures to a minimum, inasmuch as the effectiveness of the Force would permit. He would inform the Council in the due course of the concrete financial implications of the new operation.⁵⁰¹

The representative of the USSR stated that his delegation had no principal objections to most of the proposals made by the Secretary-General and was ready to vote in favour of them if they were put to the vote. But his delegation had one reservation in that it would prefer to see no increase in either size or cost of the United Nations forces in the Middle East, especially since the General Assembly had approved a fixed sum for the UNEF troops and it would be improper to violate that decision. He suggested a reduction of the Canadian UNEF contingent which by far exceeded the maximum level of strength agreed upon informally among members of the Council and the Secretary-General in October 1973.⁵⁰²

At the conclusion of the meeting the President stated that since there were no objections, the Council agreed to the proposals made by the Secretary-General in accordance with paragraph 4 of resolution 350 (1974).⁵⁰³

Decision of 23 October 1974 (1799th meeting): resolution 362 (1974)

At the 1799th meeting on 23 October 1974 the Security Council included the Report of the Secretary-General on the United Nations Emergency Force dated 12 October

1974⁵⁰⁴ in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution⁵⁰⁵ which had been drawn up during intensive consultations among all the members.⁵⁰⁶

The Secretary-General stated that his report covered the period from 2 April to 12 October 1974 which had been tranquil. He explained the difficulties that still were unresolved with regard to the complex question of reimbursement to the troop-contributing countries and with regard to the separate management of the two peace-keeping forces as well as to their financing. He would continue to seek solutions for these problems and keep the Council fully informed of further progress.⁵⁰⁷

Following the Secretary-General's statement, the draft resolution was adopted by 13 to none; two members did not participate in the voting.⁵⁰⁸

The resolution read as follows:

The Security Council,

Recalling its resolution 338 (1973) of 22 October, 340 (1973) of 25 October, 341 (1973) of 27 October 1973 and 346 (1974) of 8 April 1974,

Having examined the report of the Secretary-General on the activities of the United Nations Emergency Force (S/11536),

Noting the opinion of the Secretary-General that "although quiet now prevails in the Egypt-Israel sector, the over-all situation in the Middle East will remain fundamentally unstable as long as the underlying problems are unresolved",

Noting also from the report of the Secretary-General that in the present circumstances the operation of the United Nations Emergency Force is still required,

1. *Decides* that the mandate of the United Nations Emergency Force should be extended for an additional period of six months, that is, until 24 April 1975, in order to assist in further efforts for the establishment of a just and lasting peace in the Middle East;

2. *Commends* the United Nations Emergency Force and those Governments supplying contingents to it for their contribution towards the achievement of a just and lasting peace in the Middle East;

3. *Expresses its confidence* that the Force will be maintained with maximum efficiency and economy;

4. *Reaffirms* that the United Nations Emergency Force must be able to function as an integral and efficient military unit in the whole Egypt-Israel sector of operations without differentiation regarding the United Nations status of the various contingents, as stated in paragraph 26 of the report of the Secretary-General (S/11536) and requests the Secretary-General to continue his efforts to that end.

Speaking in explanation of vote, the representative of France expressed his delegation's concern about the financial aspects of the peace-keeping operation, in particular the expected deficit which would have to be covered and which required strict control. The Council should take full charge of this operation and not in any circumstances abandon its prerogatives. He regretted that the resolution adopted by the Council was not more explicit about the financial aspects of the operation, and expressed the hope that the

⁵⁰⁴ S/11536, *OR*, 29th yr., *Suppl. for Oct.-Dec. 1974*, pp. 29-33.

⁵⁰⁵ S/11542, subsequently adopted as resolution 362 (1974).

⁵⁰⁶ 1799th meeting, President's opening statement.

⁵⁰⁷ *Ibid.*, statement by the Secretary-General.

⁵⁰⁸ *Ibid.*, following the Secretary-General's statement. Adopted as resolution 362 (1974).

⁴⁹⁹ 1774th meeting, intervention by the United Kingdom.

⁵⁰⁰ *Ibid.*, intervention by France.

⁵⁰¹ *Ibid.*, statement by the Secretary-General.

⁵⁰² *Ibid.*, USSR, second intervention.

⁵⁰³ *Ibid.*, President's closing statement.

Secretary-General would provide at an early date all the relevant information as to the actual and estimated expenditures. He also called for private consultations, on the initiative of the President, among the members of the Council at regular intervals to examine periodic reports on the progress of the operation.⁵⁰⁹

The representative of the USSR reaffirmed his delegation's view-point that the increase of the total expenditure for the maintenance of UNEF was not justified and that the Council which was fully responsible for United Nations peace-keeping operations, should determine the size and the cost of these operations. He called once again for maximum economy in the maintenance of UNEF and for complete freedom of movement to all UNEF contingents in the area. He expressed his appreciation of the manner in which the UNEF operation was set up and emphasized the position that in accordance with the Charter the Council should be the master and commander-in-chief of all peace-keeping operations.⁵¹⁰

The representative of the United Kingdom stated that UNEF should be maintained with the maximum efficiency and economy, but that financial considerations should never be allowed to impair the efficiency of the operation.⁵¹¹

Decision of 29 November 1974 (1809th meeting): resolution 363 (1974)

At the 1809th meeting on 29 November 1974 the Security Council included the Report of the Secretary-General on the United Nations Disengagement Observer Force dated 27 November 1974⁵¹² in its agenda. Following the adoption of the agenda, the representatives of the Syrian Arab Republic and Israel were invited, at their request, to participate in the discussion without the right to vote.⁵¹³ The President of the Council drew the attention of the members to a draft resolution⁵¹⁴ which was sponsored by Austria, Indonesia, Kenya, Mauritania, Peru and the United Republic of Cameroon.⁵¹⁵

The Secretary-General introduced his report and emphasized the urgency of a negotiated settlement between the two parties involved, before the dangers of a military confrontation would increase again.⁵¹⁶

The representative of Peru introduced the draft resolution co-sponsored by his delegation and expressed the hope that the parties would be encouraged to renew peace negotiations in Geneva, in the nearest possible future, with the participation of all the parties to the conflict.⁵¹⁷

The draft resolution was adopted by 13 to none; two members did not participate in the voting.⁵¹⁸ The resolution read as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force (S/11563),

Having noted the efforts made to establish a durable and just peace in the Middle East area and the developments in the situation in the area,

Expressing concern over the prevailing state of tension in the area,

Reaffirming that the two agreements on disengagement of forces are only a step towards the implementation of Security Council resolution 338 (1973) of 22 October 1973,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months;

(c) That the Secretary-General will submit at the end of this period a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

Speaking in explanation of the vote, the representative of the USSR stressed that the disengagement of troops on the Israeli-Syrian sector was only a first step towards a complete settlement and that the framework of the Geneva Peace Conference which should be resumed as early as possible, was most suitable in the search for a lasting peace.⁵¹⁹

The representative of the United Republic of Cameroon also emphasized that the essential objective was the renewal of negotiations under appropriate auspices for the attainment of an acceptable peace settlement.⁵²⁰

The representative of France said that it was high time that the Geneva Peace Conference resumed its work.⁵²¹

The representative of the Byelorussian SSR reaffirmed once again the particular responsibility of the Security Council in all aspects of peace-keeping operations in the Middle East as elsewhere, and he called for the resumption of the Geneva Conference with the participation of all interested parties, including the representatives of the Arab people of Palestine.⁵²²

The President speaking as the representative of the United States stated that his Government shared the sense of urgency concerning a settlement in the Middle East and would make every effort to advance step by step towards a just and lasting peace in the area.⁵²³

THE SITUATION IN CYPRUS

Decision of 15 June 1972 (1646th meeting): resolution 315 (1972)

⁵¹⁸ *Ibid.*, following the intervention by Peru. Adopted as resolution 363 (1974).

⁵¹⁹ *Ibid.*, intervention by the USSR.

⁵²⁰ *Ibid.*, intervention by the United Republic of Cameroon.

⁵²¹ *Ibid.*, intervention by France.

⁵²² *Ibid.*, intervention by the Byelorussian SSR.

⁵²³ *Ibid.*, President's closing statement.

⁵⁰⁹ 1799th meeting, intervention by France.

⁵¹⁰ *Ibid.*, USSR, first intervention.

⁵¹¹ *Ibid.*, intervention by the United Kingdom.

⁵¹² S/11563, *OR*, 29th yr., *Suppl. for Oct.-Dec. 1974*, pp. 43-47.

⁵¹³ 1809th meeting.

⁵¹⁴ S/11565, subsequently adopted without change as resolution 363 (1974).

⁵¹⁵ 1809th meeting, President's opening statement.

⁵¹⁶ *Ibid.*, statement by the Secretary-General.

⁵¹⁷ *Ibid.*, intervention by Peru.

On 26 May 1972 the Secretary-General submitted to the Security Council his report⁵²⁴ covering the developments from 1 December 1971 to 26 May 1972. After noting that all parties concerned had agreed to reactivate the intercommunal talks he hoped that the talks would be conducted in the spirit of the Charter and the Council's resolutions. As for the financial situation, the Secretary-General pledged to continue his efforts to put the current financing of the peace-keeping operation on a sound basis and to liquidate the deficit. In view of the present tension, he recommended extension of the UNFICYP mandate until 15 December 1972. In an addendum to his report issued on 8 June⁵²⁵ the Secretary-General advised the Security Council that the inaugural meeting of the talks in their new form had been held that day in Nicosia and that he had attended the meeting.

At the 1646th meeting on 15 June 1972, the Security Council adopted, without objection, the provisional agenda⁵²⁶ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵²⁷ The Council considered the Secretary-General's report at its 1646th and 1647th meetings held on 15 June 1972.

At the outset of the 1646th meeting, the Secretary-General made a statement concerning his recent trip to Cyprus. He stated that after seeing the situation in Cyprus at first hand he had a better grasp of the situation and although he had no illusions about the difficulties of the problem, he was encouraged by the fact that those difficulties were fully recognized and that there prevailed a general desire and determination to continue the search for a solution.

The President (Yugoslavia) then stated that, as a result of prior consultations, an agreement had been reached on the text of a draft resolution⁵²⁸ which he then put to the vote. The said draft resolution was adopted by 14 votes to none, with 1 abstention.⁵²⁹ The text read as follows:

The Security Council,

Noting from the report of the Secretary-General of 26 May 1972⁵³⁰ that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 15 June 1972,

Noting also from the report the conditions prevailing in the island,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11

⁵²⁴ S/10664, *OR*, 27th yr., *Supplement for April-June 1972*, pp. 73-82.

⁵²⁵ S/10664/Add.1, *ibid.*, p. 83.

⁵²⁶ 1646th meeting, preceding para. 3.

⁵²⁷ *Ibid.*, para. 3.

⁵²⁸ S/10699, adopted without change as resolution 315 (1972).

⁵²⁹ 1646th meeting, para. 21.

⁵³⁰ S/10664, *OR*, 27th., *Supplement for April-June 1972*.

December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council, by availing themselves in a constructive manner of the present auspicious climate and opportunities;

3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 December 1972, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force.

After the vote, the representative of Cyprus expressed deep appreciation for the Secretary-General's active interest in the search for a solution to the Cyprus problem and welcomed the resumption of the intercommunal talks. He asserted, however, that parallel to the talks there should be a genuine effort by all concerned to encourage a climate of conciliation and confidence through normal contact between the two communities.

The representative of Turkey welcomed the Secretary-General's recent trip to Cyprus, Greece and Turkey and reiterated his country's determination to promote a peaceful, just and permanent solution to the Cyprus question. He hoped all concerned parties would reciprocate this spirit and sincerely participate in the search for a just and peaceful settlement of the conflict.

The representative of Greece welcomed the Secretary-General's initiative in securing the resumption of the intercommunal talks and expressed his country's deep appreciation for his active interest in the question. He expressed his firm conviction that the Secretary-General's efforts in regard to Cyprus would be crowned with success.

The representative of the United Kingdom congratulated the Secretary-General on his efforts in regard to the Cyprus question and the resumption of the intercommunal talks. He stressed the importance of making substantive progress in the talks and his country's close and continuing interest in a successful solution to the problem.

The representative of the United States welcomed the resumption of the intercommunal talks and praised the Secretary-General for his comprehensive report on Cyprus. However, he expressed some concern at the lack of significant progress towards normalization and deconfrontation. He hoped the resumption of the intercommunal talks would enable the return to normalization.

The representative of France welcoming the resumption of the intercommunal talks, praised the Secretary-General's role in bringing this about and stressed that the Security Council, with its responsibility for maintaining peace and security, should impress upon the parties the importance it attaches to the continuation of the talks. He urged the parties to take a more pragmatic approach designed to seek a provisional solution instead of undertaking an immediate examination of all the juridical problems involved.

The representative of China expressed regret that the problem had remained unsettled for so long. He considered that dissension between the two communities had been caused by imperialist incitement and that the whole problem was an issue left over by former colonial rule.

Consequently, it could be settled only by the elimination of imperialist meddling and by consultations among the parties concerned on an equal footing. As to the question of UNFICYP, China had its principled stand and had therefore abstained on the voting.

The representative of the USSR while noting with satisfaction the resumption of the intercommunal talks expressed the hope that the hostility between the Greeks and the Turks in Cyprus would be eliminated. He asserted that the prolonged stay of the United Nations Force on the island was not a normal situation under current international conditions and accordingly called upon the Council to study the possibility of settling the Cyprus problem in order to achieve the withdrawal of UNFICYP. On that understanding, his delegation had not opposed the resolution of extending its presence, since once again the decision was based on the provisions of Council resolution 186 (1964) of 4 March 1964 and preserved the existing functions of the Force and its system of financing on a voluntary basis.⁵³¹

Decision of 12 December 1972 (1683rd meeting): resolution 324 (1972)

On 1 December 1972, the Secretary-General submitted to the Security Council his report⁵³² on the United Nations operation in Cyprus concerning developments from 27 May to 1 December 1972. Reporting on the state of the intercommunal talks, the Secretary-General said that the reactivation of the talks had been the most important development during the period under review and a certain measure of agreement had been reached. The talks were the best instrument for achieving a lasting solution based on the concept of an independent, sovereign and unitary State with adequate preparation by the two communities. To make such a solution possible, however, two conditions would have to be met. First, both sides would have to be ready to make mutual concessions, and, second, the situation must remain quiet, with intercommunal tension kept to a minimum while the talks were pursued. In view of those considerations, the Secretary-General recommended that the mandate of UNFICYP be extended until 15 June 1973.

The Security Council considered the Secretary-General's report at its 1683rd meeting held on 12 December 1972. At the same meeting, the Council adopted, without objection, the provisional agenda⁵³³ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵³⁴

Subsequently, the President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution,⁵³⁵ which he then put to the

vote. He said draft resolution was adopted by 14 votes to none with 1 abstention. The text read as follows:

The Security Council,

Noting from the report of the Secretary-General of 1 December 1972⁵³⁶ that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 15 December 1972,

Noting also from the report the conditions prevailing in the island,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11 December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971 and 315 (1972) of 15 June 1972, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council, by availing themselves in a constructive manner of the present auspicious climate and opportunities;

3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 June 1973, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force.

Several representatives made statements after the voting. The representative of Cyprus stated that it was necessary to avoid activities that created tension that could adversely affect the intercommunal talks. For that reason, and as noted in the Secretary-General's report it was essential to have a measure of armed deconfrontation and a return to normal conditions. He hoped that the present climate would be conducive to bringing about such deconfrontation and normalization.

The representative of Turkey stated that as long as the Turkish community in Cyprus continued to live under conditions of extreme hardship and deprivation it would be difficult to return to normal conditions or realize a genuine deconfrontation. This could only be achieved by the elimination of the underlying causes of the Cyprus problem and by the creation of a climate of mutual confidence between the two communities.

The representative of Greece expressed his deep appreciation to the Secretary-General for his efforts aimed at bringing about a peaceful solution of the Cyprus problem and voiced agreement with the view expressed in the Secretary-General's report that both sides heed the objective judgements and advice of the United Nations Peace-keeping Force in Cyprus in order to avoid any adverse repercussions on the reactivated talks. He also agreed with the view contained in the Secretary-General's report that any increase in military capability increased the danger of

⁵³¹ For the texts of relevant statements, see: 1646th meeting: Secretary-General, paras. 6-19; China, paras. 92-95; Cyprus, paras. 23-44; Greece, paras. 71-78; Turkey, paras. 47-68; USSR, paras. 131-140; United Kingdom, paras. 98-103; 1647th meeting: France, paras. 69-78; United States, paras. 37-43.

⁵³² S/10842, *OR*, 27th yr., *Supplement for Oct.-Dec. 1972*, p. 53.

⁵³³ 1683rd meeting, preceding para. 1.

⁵³⁴ *Ibid.*, para. 1.

⁵³⁵ S/10847, adopted without change as resolution 324 (1972).

⁵³⁶ S/10842, *OR*, 27th yr., *Supplement for Oct.-Dec. 1972*.

escalation and stressed his Government's firm opposition to any illegal imports of arms into Cyprus.

The representative of the United Kingdom welcoming the resumption of the intercommunal talks stated that the talks provided the most promising way to approach a solution to the problem of Cyprus. He expressed deep appreciation of the Secretary-General's efforts in this regard and hoped that he would impress upon both parties that in order for the talks to succeed compromises were necessary.

The representative of the United States expressed his appreciation to the Secretary-General for his report of the United Nations operation in Cyprus and found encouragement in the assessment contained therein that the situation in the Island had remained quiet during the period under review. However, he expressed regret that little progress had been made towards a return to normal conditions and hoped that all outstanding issues would be resolved in a spirit of co-operation and goodwill.

The representative of the USSR noted with satisfaction the positive role of the efforts of the Secretary-General in the resumption of the intercommunal talks. The Soviet Union sincerely wished that those talks would be successful in the interests of all the citizens of the Republic of Cyprus. Regarding the status of the Force, he said that, in current international conditions, the eight-year stay of UNFICYP could not be described as normal. If such operations were going to last so long, then doubts would arise as to the advisability of carrying them out. Therefore, the USSR was of the opinion that UNFICYP could not be continued endlessly. His delegation had voted in favour of the extension of the stationing of the United Nations troops in Cyprus on the assumption that its renewal was effected in full accord with the provisions of the Council's resolution of 4 March 1964 and subsequent decisions of the Council on the Cyprus question, and, in particular, that the present functions of those troops and the voluntary arrangements for financing them would be maintained.⁵³⁷

Decision of 15 June 1973 (1727th meeting): resolution 334 (1973)

On 31 May 1973, the Secretary-General submitted to the Security Council his report⁵³⁸ on the United Nations operation in Cyprus concerning developments from 2 December 1972 to 31 May 1973. In his report, the Secretary-General said that the parties concerned were making a serious effort to agree through the intercommunal talks on a constitutional framework that would provide for adequate participation in government of the two communities. However, it had so far not been possible to establish a basis for such an accord. He added that the atmosphere of calm that was necessary for the promotion of such an agreement had not been maintained, especially with the Greek Cypriot community. Understandably, such developments had had an adverse impact on the talks.

Turning to the financial situation of UNFICYP, he said that it continued to be precarious, pointing out that the

⁵³⁷ For texts of relevant statements, see: 1683rd meeting: Cyprus, paras. 7-19; Greece, paras. 38-50; Turkey, paras. 23-34; USSR, paras. 141-166; United States, paras. 115-123; United Kingdom, paras. 52-56.

⁵³⁸ S/10940, OR, 28th yr., Supplement for April-June 1973, p. 58.

Governments providing contingents, as well as those that made voluntary contributions, were becoming increasingly uneasy at the delay in reaching a settlement. In that respect, the Secretary-General noted that for some time his office had been studying ways and means of reducing the United Nations commitment in terms of both finance and manpower. He intended to make recommendations in that regard in his next report to the Council, but the feasibility of any such move would depend on the progress of the talks.

The Security Council considered the Secretary-General's report at its 1727th and 1728th meetings held on 15 June 1973. At the 1727th meeting, the Council adopted without objection, the provisional agenda⁵³⁹ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵⁴⁰

Subsequently, the President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution,⁵⁴¹ which he then put to the vote. The said draft resolution was adopted by 14 votes to none with 1 abstention as resolution 334 (1973). The text read as follows:

The Security Council,

Noting from the report of the Secretary-General of 31 May 1973 (S/10940 and Corr.1) that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 15 June 1973,

Noting also from the report the conditions prevailing in the island,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11 December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971 and 315 (1972) of 15 June and 324 (1972) of 12 December 1972, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council by availing themselves in a constructive manner of the present auspicious climate and opportunities;

3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 December 1973, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force.

At the 1728th meeting, the President, speaking as the representative of the USSR, reaffirmed the position of his country that, in order to ensure the independence of

⁵³⁹ 1727th meeting, preceding para. 1.

⁵⁴⁰ *Ibid.*, para. 1.

⁵⁴¹ S/10946, adopted without change as resolution 334 (1973).

Cyprus, all foreign troops had to be withdrawn and foreign bases situated in its territory removed. The USSR took a positive view of the Secretary-General's report, in particular, the information concerning the intercommunal talks, and it agreed that the resumption of the talks was the best way of reaching an agreed solution. It hoped that as a result of those talks it might be possible to overcome the existing difficulties and to bring those negotiations to a positive end. Regarding the extension of the mandate of the Force and the voluntary procedure for its financing, he said that the USSR had not objected to the draft resolution on the assumption that the extension of the stationing of United Nations troops in Cyprus was effected in full accord with the provisions of the Council's resolution of 4 March 1964 and subsequent decisions of the Council on the Cyprus question, the present functions of those troops and the voluntary arrangements for financing them being maintained.⁵⁴² Statements were also made by the representatives of Cyprus, Turkey, Greece, the United States, the United Kingdom, Yugoslavia, France, Australia, India, Sudan, Guinea, Peru and Chad.

Decision of 14 December 1973 (1759th meeting): resolution 343 (1973)

On 1 December 1973, the Secretary-General submitted to the Security Council his report⁵⁴³ on the United Nations operation in Cyprus concerning developments from 1 June to 1 December 1973. Assessing the events of the previous six months, the Secretary-General said that, although the intercommunal talks had proceeded since 1972 in a constructive spirit, only limited progress had been made on the basic issues. However, he continued to believe that with concessions on both sides, an agreed accommodation could be worked out within the framework of the talks. The Secretary-General also noted that the problem of military confrontation had remained unchanged. However, he had been encouraged by the helpful response received from both communities when it had become necessary to dispatch the bulk of four UNFICYP contingents to the Middle East. During the period when the Force was understrength, the two communities, acting in concert with his request, were able to maintain calm and practically no incidents had occurred. He then outlined his plan for reducing the size of the Force but stressed that the implementation of that plan was dependent upon the close co-operation of all parties concerned with UNFICYP in its role of preventing a recurrence of fighting. The Secretary-General stated that in the prevailing circumstances he considered it essential that the Force be maintained for a further limited period and recommended extension of its mandate until 15 June 1974.

The Security Council considered the Secretary-General's report at its 1759th meeting held on 14 December 1973. At the same meeting, the Council adopted, without objection, the provisional agenda⁵⁴⁴ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵⁴⁵

Subsequently, the President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution,⁵⁴⁶ which he then put to the vote. The said draft resolution was adopted by 14 votes to none with 1 abstention. The text read as follows:

The Security Council,

Noting from the report of the Secretary-General of 1 December 1973 (S/11137) that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 15 December 1973,

Noting also from the report the conditions prevailing in the island,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11 December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971 and 315 (1972) of 15 June and 324 (1972) of 12 December 1972 and 334 (1973) of 15 June 1973, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council by availing themselves in a constructive manner of the present auspicious climate and opportunities;

3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 June 1974, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force.

In a statement after the voting, the representative of the USSR reaffirmed the position of his Government that in order to insure the sovereignty of Cyprus all foreign troops and military bases had to be withdrawn from its territory. Regarding the Secretary-General's proposal for the reduction of UNFICYP, he said that the USSR supported the idea in principle but stressed that the agreement of the Government of Cyprus would be an essential condition for undertaking such measures. He then pointed out that his delegation has cast its vote in favour of the resolutions on the assumption that the extension of the mandate would be carried out in compliance with resolution 186 (1964) and the subsequent decisions of the Council.⁵⁴⁷ The representatives of Cyprus, Greece, Turkey, the United States, the United Kingdom and France among others, also supported the extension of UNFICYP's mandate.

Decision of 29 May 1974 (1771st meeting): resolution 349 (1974)

On 22 May 1974, the Secretary-General submitted to the Security Council his report⁵⁴⁸ on the United Nations operation in Cyprus concerning developments from

⁵⁴² 1728th meeting, paras. 50-58.

⁵⁴³ S/11137, *OR*, 28th yr., *Supplement for Oct.-Dec. 1973*, p. 240.

⁵⁴⁴ 1759th meeting, preceding President's opening statement.

⁵⁴⁵ *Ibid.*, President's opening statement.

⁵⁴⁶ S/11154 adopted without change as resolution 343 (1973).

⁵⁴⁷ 1759th meeting, intervention by the USSR.

⁵⁴⁸ S/11294, *OR*, 29th yr., *Supplement for April-June 1974*, p. 131.

2 December 1973 to 22 May 1974. In his report, the Secretary-General expressed concern at the interruption of the intercommunal talks on 2 April 1974, as he considered the talks to be the best means for carrying out the search for an agreed settlement. He stated that after the interruption of the talks he had taken steps which had led to an agreement between the parties to resume the talks at the beginning of June on the same basis as that on which they had been conducted until 2 April 1974. However, he underlined that the road ahead would not be an easy one since the relations between the two communities were still marred by mutual fear and distrust. As regards the reduction of UNFICYP, he stated that the total strength of the Force had been reduced to 2,341 and the reduction had somewhat alleviated UNFICYP's financial situation. Although some Member States, including the largest financial contributor, favoured further reduction of the Force he felt that it would be premature at that stage to make further reductions and noted that the parties concerned had expressed reservations about even the current reductions. In view of the prevailing situation, the Secretary-General recommended, with the concurrence of the Governments concerned, that the Council extend the mandate of UNFICYP until 15 December 1974.

The Security Council considered the Secretary-General's report at its 1771st and 1772nd meetings held on 29 May 1974. At the 1771st meeting, the Council adopted without objection, the provisional agenda⁵⁴⁹ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵⁵⁰

Subsequently, the President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution⁵⁵¹ which he then put to the vote. The said draft resolution was adopted by 14 votes to none with 1 abstention. The text read as follows:

The Security Council,

Noting from the report of the Secretary-General of 22 May 1974 (S/11294) that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 15 June 1974,

Noting also from the report the conditions prevailing in the island,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11 December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971, 315 (1972) of 15 June and 324 (1972) of 12 December 1972 and 334 (1973) of 15 June and 343 (1973) of 14 December 1973, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council by availing themselves in a constructive manner of the present auspicious climate and opportunities;

3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 December 1974 in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force.

In a statement after the voting the representative of the USSR reiterated his Government's position opposing attempts to settle the Cyprus problem by means of external intervention and favouring the elimination of foreign bases. In connexion with the reduction of UNFICYP, he said that the USSR found the Secretary-General's position justified regarding the need for careful weighing of the consequences of further reductions. He reaffirmed that his delegation have voted in favour of the resolution on the understanding that the extension of the mandate of the Force was in full compliance with the provisions of resolution 186 (1964) of the Security Council.⁵⁵² The representatives of Cyprus, Greece, Turkey, France, the United Kingdom and the United States, among others, also made statements supporting the extension of UNFICYP's mandate.

Decision of 20 July 1974 (1781st meeting): resolution 353 (1974)

On 16 July the Secretary-General addressed a letter⁵⁵³ to the President of the Security Council requesting him to convene the Council in order that he might report on the information he had received through his Special Representative in Cyprus and the Commander of the United Nations Peace-keeping Force in Cyprus (UNFICYP).

In a letter also dated 16 July 1974⁵⁵⁴ addressed to the President of the Security Council, the representative of Cyprus requested an urgent meeting of the Council on the critical situation in Cyprus arising as a consequence of outside intervention, with grave and threatening implications for the Republic of Cyprus and for international peace and security in the area.

At the 1779th meeting on 16 July 1974, the Security Council adopted, without objection, the provisional agenda⁵⁵⁵ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵⁵⁶

At the outset of the discussion, the Secretary-General, reporting to the Council on the information he had received, beginning early on the morning of 15 July, from his Special Representative in Cyprus and the Commander of UNFICYP, confirmed that a coup was being staged in Cyprus by the National Guard against President Makarios. He described the efforts undertaken by his Special Representative and by the Commander of UNFICYP to prevent the spread of violence. He recalled in that connexion that the mandate of UNFICYP had been conceived in the

⁵⁵² 1771st meeting, intervention by the USSR.

⁵⁵³ S/11334, *OR*, 29th yr., *Supplement for July-Sept. 1974*, p. 22.

⁵⁵⁴ S/11335, *OR*, 29th yr., *Supplement for July-Sept. 1974*, p. 22.

⁵⁵⁵ 1779th meeting, President's opening statement.

⁵⁵⁶ *Ibid.*

⁵⁴⁹ 1771st meeting, preceding President's opening statement.

⁵⁵⁰ *Ibid.*, President's opening statement.

⁵⁵¹ S/11301 adopted without change as resolution 349 (1974).

context of the conflict between the two communities in Cyprus, and he pointed out that the recent events related to rivalries within one community. In contacts with the Secretary-General's Special Representative and the Force Commander at Paphos, Archbishop Makarios had requested that a Security Council meeting be held as soon as possible. UNFICYP had been authorized to extend protection to Archbishop Makarios on a humanitarian basis, but in the meantime he had left the island. The Secretary-General concluded by expressing the deepest concern that the latest events in Cyprus carried a serious threat to international peace and security in a much wider framework.

The representative of Cyprus stated that a coup had been organized in Cyprus by a large number of officers who came from Greece to train and command the Cypriot National Guard, which had been created in consequence of troubles in 1963 and 1964. They were supposed to be acting on instructions of the Government of Cyprus for the National Guard. In reality they were entirely directed and instructed from Athens. It emerged that for some time the batch of 650 officers had been engaging in subversive propaganda. The Government did not take the matter very seriously. But a time arrived when the situation appeared to become more dangerous than permissible. That occasioned a letter of 2 July from Archbishop Makarios to President Gizikis of Greece, asking that all the 650 officers be recalled from Cyprus for reasons stated in the letter. A reply in respect of that matter was being awaited when, suddenly the grave events described by the Secretary-General had erupted. UNFICYP had as part of its mandate the duty to prevent fighting and to contribute to the maintenance and restoration of law and order and a return to normal conditions. The Council was meeting not to take new steps by sending a peace-keeping force to Cyprus, but to reinforce its efforts and to extend them to deal with the new situation. It would be contrary to Charter principles for UNFICYP to remain inoperative. There must be a resolution for the cessation of fighting and bloodshed through a cease-fire, and for the protection of the independence, sovereignty and territorial integrity of Cyprus from outside military intervention.

The representative of Turkey stated that a *coup d'état* seemed to have been mounted in Athens and was carried out through the support of the Greek armed forces in Cyprus, with complicity of the worst elements in the island which had vowed to annex Cyprus to Greece, and which had never concealed their violently anti-Turkish sentiments. The Greek intervention was in flagrant violation of the rights conferred upon Greece by treaties and agreements to which it subscribed jointly with Turkey and the United Kingdom. That intervention was fostered, and the coup carried out, by Greek troops whose presence, in numbers vastly greater than had been provided for in the international agreements, had always been a source of grave concern to the Turkish Cypriots and an element of imbalance in Greek-Turkish relations. The United Nations should ensure that the balance of forces, so deeply disturbed to the detriment of the Turkish community, be re-established to the extent possible, and to that end, all necessary measures should be taken under effective control to prohibit any illicit entry of armaments, troops or munitions. Turkey proclaimed its devotion to a peaceful solution to the problems of the island. Yet it wished to leave no doubt with regard to its intention to safeguard its

legitimate rights and interests, enshrined in international agreements, as well as those of the Turkish community in Cyprus.

The representative of the United Kingdom stated that earlier that day President Makarios at his own request had left Cyprus on board a British aircraft from a British sovereign-base area. President Makarios had requested that he be allowed to enter the Akrotiri base on Cyprus; Britain had agreed to that request. President Makarios was reported to be in Malta. If he were indeed on his way to New York, it would seem sensible that the Council should wait and see what it was that he had to say, what he himself would wish the Council to do, and how he saw the situation.

The representative of Greece stated that he refuted vehemently and categorically all the allegations made by some delegations. The events that took place the day before in Cyprus, which continued that day, were an internal affair of Cyprus. The Greek Government, apart from following the situation with keen and well justified interest, had no relation whatsoever with their origin or incitement. The Greek Government was convinced that the territorial integrity and independence of Cyprus, and the unitary character of the Republic, should be maintained and respected by all parties concerned.⁵⁵⁷

Decision of 19 July 1974:

Statement by the President

At the 1780th meeting on 19 July, the representatives of Yugoslavia, Romania and India were invited, at their request, to participate in the discussion without the right to vote. Then the President (Peru) stated that the Secretary-General had informed the Council of two telegrams he had received from Nicosia on 17 and 18 July. The President read the telegrams to the Council: the first informed the Secretary-General that the Permanent Representative of Cyprus to the United Nations, Zenon Rossides, who had been allowed to participate in the Council's debate without the right to vote, had been released from his post and duties; the second requested a 24-hour adjournment of the Council's scheduled meeting. Both telegrams were signed "Dimitriou, Minister of Foreign Affairs, the Republic of Cyprus".

The President said the Council members had taken note of the information given by the Secretary-General, and were agreed that in respect of the current debate, in which Cyprus had been invited to participate, the President of Cyprus, Archbishop Makarios, who had expressed the wish to address the Council, would be received in that capacity. Mr. Rossides, having been duly accredited by the Head of State of Cyprus, was to be regarded as representing Cyprus in the debate.⁵⁵⁸

The Council then heard a statement by the President of Cyprus in which he accused Greece of having instigated the coup and appealed to the Council to act to reinstate constitutional order and democratic rights in Cyprus.⁵⁵⁹ Further statements were made by the representatives of

⁵⁵⁷ For texts of relevant statements, see: 1779th meeting intervention by: Secretary-General, Cyprus, Greece, Turkey, United Kingdom.

⁵⁵⁸ 1780th meeting, President's opening statement.

⁵⁵⁹ *Ibid.*, statement by President Makarios of Cyprus.

Australia, Austria, China, Greece, India, Romania, Turkey, the United Kingdom, the USSR and Yugoslavia.

Decision of 20 July 1974 (1781st meeting): resolution 353 (1974)

On 20 July, the representative of Greece in a letter addressed to the President of the Security Council,⁵⁶⁰ requested an urgent meeting of the Council in order to take appropriate steps with regard to the explosive situation created by the aggression of Turkish armed forces against Cyprus that was then in progress.

At its 1781st meeting on 20 July, the Council decided to include the letter from the Permanent representative of Greece on its agenda.⁵⁶¹ At the same meeting the representative of Mauritius was invited, at his request, in addition to those previously invited, to participate in the discussion without the right to vote.⁵⁶²

At the outset of the meeting the Secretary-General reported to the Council that in the early hours of that morning the Turkish Ambassador in Nicosia had informed the Commander of UNFICYP that Turkish troops would very shortly intervene in Cyprus. Turkish military activity had begun in the air and by sea about one hour thereafter. The Secretary-General summarized the day's developments in Cyprus, as reported by his Special Representative and the Force Commander, both as regards the military situation and the efforts of his Special Representative and of UNFICYP to prevent the fighting between Turkish forces and the Cyprus National Guard from spreading into intercommunal fighting. The Secretary-General felt that in view of the developments, which were extremely serious for the maintenance of international peace and security, an enormous responsibility had fallen to the Security Council to put a halt to the fighting, to prevent further escalation and to find a way to begin to restore peace. He appealed to the parties immediately to put a halt to the battle and to co-operate with UNFICYP in its efforts to limit the fighting and to protect the civilian population.⁵⁶³

The President then stated⁵⁶⁴ that as a result of prior consultations, an agreement had been reached on the text of a draft resolution.⁵⁶⁵ The said draft resolution was adopted unanimously and read as follows:

The Security Council,

Having considered the report of the Secretary-General, at its 1779th meeting, about the recent developments in Cyprus,

Having heard the statement of the President of the Republic of Cyprus and the statements of the representatives of Cyprus, Turkey, Greece and other Member States,

Having considered at its present meeting further developments in the island,

Deeply deploring the outbreak of violence and the continuing bloodshed:

Gravely concerned about the situation which has led to a serious threat to international peace and security, and which has created a most explosive situation in the whole Eastern Mediterranean area,

⁵⁶⁰ S/11348, OR, 29th yr., Supplement for July-Sept. 1974, p. 30.

⁵⁶¹ 1781st meeting. President's opening statement.

⁵⁶² *Ibid.*

⁵⁶³ *Ibid.*, statement by the Secretary-General.

⁵⁶⁴ *Ibid.*, following the Secretary-General's statement.

⁵⁶⁵ S/11350, adopted without change as resolution 353 (1974).

Equally concerned about the necessity to restore the constitutional structure of the Republic of Cyprus, established and guaranteed by international agreements,

Recalling its resolution 186 (1964) of 4 March 1964 and its subsequent resolutions on this matter,

Conscious of its primary responsibility for the maintenance of international peace and security in accordance with Article 24 of the Charter of the United Nations,

1. *Calls upon* all States to respect the sovereignty, independence and territorial integrity of Cyprus;

2. *Calls upon* all parties to the present fighting as a first step to cease all firing and requests all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation;

3. *Demands* an immediate end to foreign military intervention in the Republic of Cyprus that is in contravention of the provisions of paragraph 1 above;

4. *Requests* the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements, including those whose withdrawal was requested by the President of the Republic of Cyprus, Archbishop Makarios, in his letter of 2 July 1974;

5. *Calls upon* Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland to enter into negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus and to keep the Secretary-General informed;

6. *Calls upon* all parties to co-operate fully with the United Nations Peace-keeping Force in Cyprus to enable it to carry out its mandate;

7. *Decides* to keep the situation under constant review and asks the Secretary-General to report as appropriate with a view to adopting further measures in order to ensure that peaceful conditions are restored as soon as possible.

Decision of 23 July 1974 (1783rd meeting): resolution 354 (1974)

At the 1782nd meeting on 22 July 1974, the Secretary-General informed the Council that the Governments of Greece and Turkey had agreed to a cease-fire, which was to take effect at 1600 hours that day in Cyprus. However, he had received reports that fighting was still going on in breach of the cease-fire. He pointed out that UNFICYP had received many requests for assistance far beyond its capacity and that its strength was not sufficient to ensure effectively the maintenance of the cease-fire. It was therefore his intention to ask the troop-contributing countries to reinforce urgently their contingents already serving with the Force. In the absence of objection, the president expressed the Council's agreement that the Secretary-General should proceed to take those measures.⁵⁶⁶ Statements were then made by the representatives of Greece, Turkey, Cyprus, the USSR, Australia, the United Kingdom, France, Austria and the United States. The representative of the USSR, in reference to the Secretary-General's statement concerning UNFICYP, reiterated his Government's position that the composition and mandate of UNFICYP must be determined by the Security Council and that the financing of the United Nations troops in Cyprus was to be on a voluntary basis.⁵⁶⁷

The Secretary-General stated that the requests for assistance received from all sides during the fighting were manifestly beyond the present capabilities of UNFICYP.

⁵⁶⁶ 1782nd meeting, following the Secretary-General's statement.

⁵⁶⁷ *Ibid.*, intervention by the USSR.

That applied particularly to the role of UNFICYP in preventing the recurrence of intercommunal strife. For that reason the Council had been informed of the intention to reinforce UNFICYP.⁵⁶⁸

At the outset of the 1783rd meeting on 23 July, the Secretary-General reported to the Council on the contacts he had had with various Governments and representatives concerning the instability of the cease-fire. He reported that UNFICYP had arranged a cease-fire at the Nicosia international airport, which had been declared a United Nations-controlled area and occupied by UNFICYP troops. He further reported that upon his urgent request, Denmark, Finland, Sweden and the United Kingdom had undertaken to provide reinforcements to their contingents to a total of approximately 1,400 men and that other Governments were giving urgent and favourable consideration to his appeal.⁵⁶⁹

The President then put to the vote a draft resolution⁵⁷⁰ that had been elaborated in the course of consultations among members of the Council. The said draft resolution was adopted unanimously and read as follows:

The Security Council,

Reaffirming the provisions of its resolution 353 (1974) of 20 July 1974,

Demands that all parties to the present fighting comply immediately with the provisions of paragraph 2 of Security Council resolution 353 (1974) calling for an immediate cessation of all firing in the area and requesting all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation.

Decision of 24 July 1974 (1784th meeting):

Approval of the text of draft communiqué

Decision of 31 July 1974 (1788th meeting):

Rejection of USSR draft resolution

Decision of 1 August 1974 (1789th meeting): resolution 355 (1974)

On 24 July, the Council held its 1784th meeting in private and was informed by the Secretary-General of a letter received from the Foreign Minister of Turkey assuring him that, without prejudice to the contentions of the Turkish Government as to the legality of the United Nations presence at the Lefkose (Nicosia) airport, no attempt would be made to assume possession of the airport by the threat of force.⁵⁷¹

In a further report dated 25 July,⁵⁷² the Secretary-General outlined the situation in Cyprus and the pledges of military personnel to strengthen UNFICYP, and described the efforts of the Force to prevent the recurrence of fighting and to ensure observance of the cease-fire. He recalled that the original mandate of UNFICYP set out in resolution 186 (1964) of 4 March 1964 had been approved in different circumstances but said that it was his understanding that, under resolution 353 (1974), the Force must use its best efforts to ensure that the cease-fire was

maintained. Accordingly, all United Nations personnel with UNFICYP had been engaged in efforts to restore the cease-fire, ensure its observance and prevent incidents from escalating into a recurrence of full-scale fighting.

In a letter dated 26 July,⁵⁷³ the representative of Cyprus requested an emergency meeting of the Council to consider the grave deterioration of the situation in Cyprus resulting from the continuing violations of the cease-fire by Turkey.

At the 1785th meeting on 27 July, the Secretary-General, reporting on recent developments, including continuing breaches of the cease-fire, recalled that the mandate of UNFICYP had been established in the context of preventing the recurrence of fighting between the communities in Cyprus. Now the question had been raised of interposing UNFICYP between the Turkish armed forces and the Cypriot National Guard. Accordingly, he had instructed his representative at the tripartite talks in Geneva under resolution 353 (1974) to discuss with the Foreign Ministers of Greece, Turkey and the United Kingdom the best way in which UNFICYP could actively assist in limiting further hostilities and cease-fire violations. Concerning the negotiations in Geneva between the three Foreign Ministers, he reported that intensive efforts were going on to find a basis for working towards a settlement and expressed the hope that the negotiations would achieve the goals set in Security Council resolution 353 (1974).⁵⁷⁴ Thereafter, the Council heard statements by the representatives of Cyprus, Greece, Turkey, India, the USSR, Austria, the United Kingdom, the United Republic of Cameroon, France, the United States and the Byelorussian SSR. The representative of Cyprus spoke in exercise of the right of reply.

In a letter dated 28 July,⁵⁷⁵ the representative of the USSR requested an urgent meeting of the Council to consider the implementation of Council resolution 353 (1974). The letter stated that that resolution was not being implemented and, consequently, a tense situation threatening international peace and security continued to exist in Cyprus.

At its 1786th meeting on 28 July, the Council, without objection, included the following sub-item (d) in its agenda:

(d) Letter dated 28 July 1974 from the Acting Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the President of the Security Council (S/11389).

The Council heard statements by the representatives of the USSR, the United Kingdom, Greece, Turkey, Cyprus and Australia. The representatives of the United Kingdom and the USSR spoke on points of order, and the representatives of Greece, Turkey, the USSR, Cyprus and the United Kingdom spoke in exercise of the right of reply.

At the 1787th meeting on 29 July, the Council had before it a draft resolution⁵⁷⁶ sponsored by the USSR, the operative paragraphs of which would have the Security Council:

⁵⁶⁸ 1782nd meeting, second statement by the Secretary-General.

⁵⁶⁹ 1783rd meeting, statement by the Secretary-General.

⁵⁷⁰ S/11369, adopted without change as resolution 354 (1974).

⁵⁷¹ 1784th meeting, statement by the Secretary-General.

⁵⁷² S/11353/Add.7, OR, 29th yr., Supplement for July-Sept. 1974, p. 36.

⁵⁷³ S/11384, *ibid.*, p. 66.

⁵⁷⁴ 1785th meeting, statement by the Secretary-General.

⁵⁷⁵ S/11389, OR, 29th yr., Supplement for July-Sept. 1974, p. 68.

⁵⁷⁶ S/11391, OR, 29th yr., Supplement for July-Sept. 1974, p. 70.

Demand of all the States concerned that they undertake urgent and effective measures for the practical implementation of all the provisions of resolution 353 (1974);

Insist on the immediate cessation of firing and of all acts of violence against the Republic of Cyprus and on the speediest withdrawal of all foreign forces and military personnel present in Cyprus in violation of its sovereignty, independence and territorial integrity as a non-aligned State;

Decide to send immediately to Cyprus a Special Mission composed of ... members of the Security Council, to be appointed by the President of the Security Council after consultations with the Council members and with the Secretary-General, for the purpose of verifying on the spot the implementation of resolution 353 (1974) and of reporting to the Council.

Consider it necessary, taking into account the relevant provisions of resolution 353 (1974), that representatives of the constitutional Government of the Republic of Cyprus participate in the Geneva negotiations; and

Decide, in the absence of progress in the implementation of its resolution 353 (1974), to consider the question of further measures to be taken by the Council to ensure the implementation of the aforementioned resolution.

At the same meeting the Secretary-General reported to the Council on developments in the Geneva negotiations called for in resolution 353 (1974). He understood that, in spite of the strenuous efforts made, fundamental differences persisted between the positions of Greece and Turkey. He also reported that he was in contact with the Prime Minister of Turkey, who had agreed to follow up on a request by the Turkish Corps Commander in Cyprus that all UNFICYP personnel, including police and civilians, should be evacuated from the area controlled by the Turkish forces. In conclusion, the Secretary-General stated that, although the prevailing situation had not been envisaged when the UNFICYP mandate was established in 1964, he believed that UNFICYP was playing and could continue to play a most useful humanitarian role in all parts of Cyprus and bring assistance and protection to elements of the civilian population afflicted by the recent hostilities.

Statements were made in the debate by the representatives of the USSR, who introduced the draft resolution (S/11391), Greece and Turkey.

Between 26 and 31 July, the Secretary-General submitted further reports on the observation of the cease-fire, the humanitarian activities of UNFICYP and the changes in the strength of the Force,⁵⁷⁷ in which he indicated that, except for certain areas in the Kyrenia district and east of Nicosia, the cease-fire had gradually stabilized. He also reported on the protection being provided by UNFICYP to Greek Cypriots in Kyrenia and Bellapais and to Turkish Cypriots in isolated areas and communities in various parts of the country. A special section to deal with humanitarian matters had been established at UNFICYP headquarters, and UNFICYP was assisting in relief work being carried out by local and international agencies. Greek and Turkish Cypriots were assisted by UNFICYP escorts, vehicles and drivers, with medical and food supplies and blankets, and by inspection visits where personnel were being held in custody.

At the 1788th meeting on 31 July, the Council had before it a copy of the Declaration⁵⁷⁸ agreed to by the

Foreign Ministers of Greece, Turkey and the United Kingdom. According to that Declaration, the Foreign Ministers, while recognizing the importance of setting in train measures to regularize the situation in Cyprus on a lasting basis, agreed on the need to decide first on certain immediate measures. The Ministers declared that areas controlled by opposing armed forces on 30 July should not be extended and agreed on the following measures: (a) a security zone, the size of which was to be determined by the three countries in consultation with UNFICYP, should be established at the limit of the areas occupied by Turkish armed forces on 30 July at 2200 hours Geneva time, and UNFICYP alone should enter and supervise that zone; (b) all the Turkish enclaves occupied by Greek or Greek Cypriot forces should be immediately evacuated and should continue to be protected by UNFICYP; (c) in mixed villages UNFICYP would carry out the functions of security and police; and (d) detained military personnel and civilians should be released or exchanged under ICRC supervision.

The three Ministers, reaffirming that resolution 353 (1974) of the Council should be implemented in the shortest possible time, agreed that measures should be elaborated which would lead to a phased reduction of armed forces and armaments in Cyprus. They also agreed that further talks aiming at the restoration of peace should begin on 8 August at Geneva and that the representatives of the two Cypriot communities should be invited at an early stage to participate in the talks relating to the Constitution. The three Ministers further agreed to convey the contents of the Declaration to the Secretary-General and invite him to take appropriate action in the light thereof.

At the same time the President (Peru) informed the Council that the draft resolution S/11399 sponsored by the United Kingdom had been withdrawn.⁵⁷⁹ Under that resolution the Security Council would have taken note of the tripartite Declaration agreed to in Geneva and would request the Secretary-General to take appropriate action in the light of that Declaration. The Secretary-General then made a statement in which he expressed the hope that the agreement on a cease-fire reached in Geneva would be a first step towards full implementation of resolution 353 (1974). He noted that the Declaration envisaged certain tasks for UNFICYP, in particular the determination, in consultation with UNFICYP, of the character and size of the security zone, where no forces other than those of UNFICYP would be allowed to enter. He further informed the Council that as of 31 July the strength of UNFICYP was 3,484 men and would be approximately 4,443 by 12 August. The matter of the continued presence of UNFICYP in the Turkish area of control was under discussion with the Turkish military command in Cyprus. The Secretary-General felt confident that those discussions would enable UNFICYP to continue to perform its role in all parts of the island with the full agreement of all the parties concerned.⁵⁸⁰

Following the Secretary-General's statement the President announced that as a result of consultations a draft resolution⁵⁸¹ had emerged that would request the

⁵⁷⁷ S/11353/Add. 8-12, *OR, 29th yr., Supplement for July-Sept. 1974*, pp. 37-39.

⁵⁷⁸ S/11398, *OR, 29th yr., Supplement for July-Sept. 1974*, p. 73.

⁵⁷⁹ 1788th meeting, President's opening statement.

⁵⁸⁰ *Ibid.*, statement by the Secretary-General.

⁵⁸¹ S/11400, *OR, 29th yr., Supplement for July-Sept. 1974*, p. 75.

Secretary-General to take appropriate action in the light of his statement. The draft resolution, however, was not adopted owing to the negative vote of a permanent member.⁵⁸²

At the 1789th meeting on 1 August 1974, the President (USSR) stated that, in the course of consultations with the members of the Council, agreement had been reached on the text of a draft resolution.⁵⁸³ The said draft resolution was adopted by 12 votes to none with 2 abstentions. One member (China) did not participate in the vote. The text read as follows:

The Security Council,

Recalling its resolutions 186 (1964) of 4 March 1964, 353 (1974) of 20 July and 354 (1974) of 23 July 1974,

Noting that all States have declared their respect for the sovereignty, independence and territorial integrity of Cyprus,

Taking note of the Secretary-General's statement made at the 1788th meeting of the Security Council,

Requests the Secretary-General to take appropriate action in the light of his statement and to present a full report to the Council, taking into account that the cease-fire will be the first step in the full implementation of Security Council resolution 353 (1974).

Decision of 14 August 1974 (1792nd meeting): resolution 357 (1974)

During the first part of August, the Secretary-General continued to submit progress reports on the status of the cease-fire, on the meetings of the military representatives of Greece, Turkey and the United Kingdom to work out an agreement on a demarcation line and on the humanitarian activities of UNFICYP.⁵⁸⁴

On 10 August 1974, the Secretary-General submitted an interim report⁵⁸⁵ in pursuance of Council resolution 355 (1974) in which he said that, although the cease-fire, by and large, had been observed by the parties throughout most of the island, intermittent fighting and some forward movement in the area west of Kyrenia, along the coast and on the southern slopes of the Kyrenia mountains, continued.

On action taken pursuant to Council resolution 355 (1974), he reported that on 9 August military representatives of Greece, Turkey and the United Kingdom had signed an agreement concerning the demarcation line and submitted it to the Foreign Ministers in Geneva. He added that UNFICYP stood ready to carry out its functions pursuant to Security Council resolution 355 (1974), but full implementation of resolutions 353 (1974) and 355 (1974) was still in its first stage. For UNFICYP to carry out its task fully, a greater degree of co-operation was required with reference to the consolidation of the cease-fire, the establishment of UNFICYP-supervised security zones and the evacuation of occupied Turkish enclaves.

At the 1792nd meeting on 14 August 1974 called at the request of both Greece and Turkey, the Security Council decided, without objection, to add the following two sub-items to its agenda:

⁵⁸² 1788th meeting, preceding the Secretary-General's second statement.

⁵⁸³ S/11402, adopted without change as resolution 355 (1974).

⁵⁸⁴ S/11353/Add. 13-20, OR, 29th yr., Supplement for July-Sept. 1974, pp. 39-44.

⁵⁸⁵ S/11433, *ibid.*, p. 95.

(e) Letter dated 13 August 1974 from the Permanent Representative of Cyprus to the United Nations addressed to the President of the Security Council (S/11444);

(f) Letter dated 13 August 1974 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council (S/11445).

The President (USSR) then announced⁵⁸⁶ that, during consultations, members of the Council had agreed upon the text of a draft resolution,⁵⁸⁷ which he then put to the vote. The draft resolution was adopted unanimously. It read as follows:

The Security Council,

Recalling its resolutions 353 (1974) of 20 July, 354 (1974) of 23 July, and 355 (1974) of 1 August 1974,

Deeply deploring the resumption of fighting in Cyprus, contrary to the provisions of its resolution 353 (1974),

1. *Reaffirms* its resolution 353 (1974) in all its provisions and calls upon the parties concerned to implement those provisions without delay;

2. *Demands* that all parties to the present fighting cease all firing and military action forthwith;

3. *Calls* for the resumption of negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus, in accordance with resolution 353 (1974);

4. *Decides* to remain seized of the situation and on instant call to meet as necessary to consider what more effective measure may be required if the cease-fire is not respected.

Decisions of 15 August 1974 (1793rd meeting): resolutions 358 (1974) and 359 (1974)

On 14 and 15 August, the Secretary-General submitted further reports⁵⁸⁸ to the Security Council in connexion with attacks by Turkish forces in various areas in N Nicosia and elsewhere in Cyprus, which had begun at 0500 hours local time and had led to and caused casualties among the UNFICYP contingents from Canada, Finland and the United Kingdom and the death of three members of the Austrian contingent. The reports referred to damages incurred by UNFICYP posts and the efforts of the Force to arrange local cease-fires.

On 14 August, the Secretary-General circulated a message⁵⁸⁹ from the Acting President of Cyprus charging that, notwithstanding the Council's adoption of resolution 357 (1974), Turkish troops and aircraft were continuing their attacks and extending their area of control.

At the outset of the 1793rd meeting on 15 August, called at the request of Cyprus, after Algeria had been invited at its request to participate, without vote, in the discussion, the President (USSR) expressed very deep concern over the losses sustained by the Austrian, British, Canadian and Finnish contingents of UNFICYP.

The Council then heard a report by the Secretary-General in which he deeply deplored the resumption of fighting and the breakdown of negotiations. He said that in the existing situation it was impossible for UNFICYP to continue with the tasks of implementing resolution 353

⁵⁸⁶ 1792nd meeting, President's opening statement.

⁵⁸⁷ S/11446/Rev.1, adopted without change as resolution 357 (1974).

⁵⁸⁸ S/11153/Add. 21-27, OR, 29th yr., Supplement for July-Sept. 1974, pp. 44-48.

⁵⁸⁹ S/11447, OR, 29th yr., Supplement for July-Sept. 1974, p. 104.

(1974), although it was doing its utmost to assist the population, arrange local cease-fires, de-escalate the fighting and prevent the recurrence of intercommunal strife. He then referred to the difficulties encountered in the functioning of UNFICYP in the Turkish-controlled area and said that the Force could not fulfil its tasks if it was excluded from one area or another. After expressing his deepest concern and regret for the casualties suffered by UNFICYP, the Secretary-General referred to the protests that he and the Force Commander had sent to the parties concerned. The Prime Minister of Turkey had expressed his Government's profound regret in that regard. Commenting on questions of principle, the Secretary-General stressed that the essential basis for a United Nations peace-keeping operation, which was not an enforcement action under Chapter VII of the Charter, was acceptance and co-operation by the parties concerned, without which it could not function effectively. Under its mandate and at its current strength, UNFICYP could not interpose between the two armies. He concluded by saying that the continued fighting, in spite of the cease-fire appeals of the Security Council, called in question the very essence of the Charter and the *raison d'être* of the organization.⁵⁹⁰

The President (USSR) then put to the vote a draft resolution⁵⁹¹ elaborated during consultations among the members of the Council, which was adopted unanimously.⁵⁹² It read as follows:

The Security Council,

Deeply concerned about the continuation of violence and bloodshed in Cyprus,

Deeply deploring the non-compliance with its resolution 357 (1974) of 14 August 1974,

1. *Recalls* its resolutions 353 (1974) of 20 July 1974, 354 (1974) of 23 July 1974, 355 (1974) of 1 August 1974 and 357 (1974) of 14 August 1974;

2. *Insists* on the full implementation of the above resolutions by all parties and on the immediate and strict observance of the cease-fire.

At the 1793rd meeting, following the adoption of resolution 358 (1974), another draft resolution⁵⁹³ sponsored by Australia, Austria, France, Peru and the United Republic of Cameroon was submitted to the Council. The said draft resolution was adopted⁵⁹⁴ by the Council by 14 votes to none, with one member not participating in the vote. It read as follows:

The Security Council,

Noting with concern from the Secretary-General's report on developments in Cyprus, in particular documents S/11353/Add.24 and 25, that casualties are increasing among the personnel of the United Nations Peace-keeping Force in Cyprus as a direct result of the military action which is still continuing in Cyprus,

Recalling that the United Nations Force was stationed in Cyprus with the full consent of the Governments of Cyprus, Turkey and Greece,

Bearing in mind that the Secretary-General was requested by the Security Council in resolution 355 (1974) of 1 August 1974 to take

⁵⁹⁰ 1793rd meeting, statement by the Secretary-General.

⁵⁹¹ S/11448, adopted without change as resolution 358 (1974).

⁵⁹² 1793rd meeting, following the Secretary-General's statement.

⁵⁹³ S/11449/Rev.1, adopted without change as resolution 359 (1974).

⁵⁹⁴ 1793rd meeting, following the resumption of the suspended meeting.

appropriate action in the light of his statement made at the 1788th meeting of the Council in which he dealt with the role, functions and strength of the Force and related issues arising out of the most recent political developments in respect of Cyprus,

1. *Deeply deplores* the fact that members of the United Nations Peace-keeping Force in Cyprus have been killed and wounded;

2. *Demands* that all parties concerned fully respect the international status of the United Nations Force and refrain from any action which might endanger the lives and safety of its members;

3. *Urges* the parties concerned to demonstrate in a firm, clear and unequivocal manner their willingness to fulfil the commitments they have entered into in this regard;

4. *Demands further* that all parties co-operate with the United Nations Force in carrying out its tasks, including humanitarian functions, in all areas of Cyprus and in regard to all sections of the population of Cyprus;

5. *Emphasizes* the fundamental principle that the status and safety of the members of the United Nations Peace-keeping Force in Cyprus, and for that matter of any United Nations peace-keeping force, must be respected by the parties under all circumstances.

Decision of 16 August 1974 (1794th meeting): resolution 360 (1974)

In further reports⁵⁹⁵ dated 16 August, the Secretary-General described the military situation in Cyprus as reported by the UNFICYP Force Commander up to 1245 hours New York time on 16 August. Beginning at dawn fighting had resumed in the area of Nicosia, and movements of forces were reported in other areas. UNFICYP casualties since the resumption of hostilities on 14 August then totalled 35 –3 Austrian soldiers who had been killed by napalm and 32 who had been wounded –9 British, 5 Canadian, 2 Danish and 16 Finnish soldiers. Later the same day, it was reported that a cease-fire had gone into effect and was holding but that in a mine incident 2 Danish soldiers had been killed and 3 wounded.

At the 1794th meeting, on 16 August 1974, the Secretary-General informed the Council that the Prime Minister of Turkey had announced the acceptance by his Government of a cease-fire as from 1200 hours New York time that day, and that reports from UNFICYP indicated that it had gone into effect. He also informed the Council of the further casualties suffered by UNFICYP.⁵⁹⁶

The President (USSR) then put to the vote a draft resolution⁵⁹⁷ submitted by France that had been twice revised. The said draft resolution was adopted⁵⁹⁸ by 11 votes to none, with 3 abstentions and with one member not participating. It read as follows:

The Security Council,

Recalling its resolutions 353 (1974) of 20 July 1974, 354 (1974) of 23 July 1974, 355 (1974) of 1 August 1974, 357 (1974) of 14 August 1974 and 358 (1974) of 15 August 1974,

Noting that all States have declared their respect for the sovereignty, independence and territorial integrity of the Republic of Cyprus,

Gravely concerned at the deterioration of the situation in Cyprus, resulting from the further military operations, which

⁵⁹⁵ S/11353/Add. 28 and 29, *OR, 29th yr., Supplement for July-Sept. 1974*, pp. 48-49.

⁵⁹⁶ 1794th meeting, statement by the Secretary-General.

⁵⁹⁷ S/11450/Rev.2, adopted without change as resolution 360 (1974).

⁵⁹⁸ 1794th meeting, following the Secretary-General's statement.

constituted a most serious threat to peace and security in the Eastern Mediterranean area,

1. *Records its formal disapproval* of the unilateral military actions undertaken against the Republic of Cyprus;

2. *Urges* the parties to comply with all the provisions of previous resolutions of the Security Council, including those concerning the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements;

3. *Urges* the parties to resume without delay, in an atmosphere of constructive co-operation, the negotiations called for in resolutions 353 (1974) whose outcome should not be impeded or prejudged by the acquisition of advantages resulting from military operations;

4. *Requests* the Secretary-General to report to the Council, as necessary, with a view to the possible adoption of further measures designed to promote the restoration of peaceful conditions;

5. *Decides* to remain seized of the question permanently and to meet at any time to consider measures which may be required in the light of the developing situation.

Decision of 30 August 1974 (1795th meeting): resolution 361 (1974)

In progress reports⁵⁹⁹ issued between 17 and 20 August, the Secretary-General provided information about continued firing and Turkish advances on 17 and 18 August and indicated that the Force Commander's protests of the breaches of the cease-fire had been followed up at United Nations Headquarters. On 19 and 20 August, it was reported that as of 1600 hours local time the cease-fire was holding and there was no report of firing throughout the island.

On 27 August, the Secretary-General submitted a report⁶⁰⁰ on developments in Cyprus for the period 20 to 25 August 1974. After touching briefly on his visit to Cyprus, which would be the subject of a separate report, he outlined the activities of UNFICYP in providing protection to the Turkish-inhabited areas outside the area of Turkish control, investigating alleged atrocities, rendering humanitarian assistance, such as relief convoys to Greek and Turkish Cypriot towns and villages, and negotiating for the restoration of electrical and water facilities.

On 28 August, the Secretary-General submitted a report⁶⁰¹ on his recent visit to Cyprus, Greece and Turkey. In Cyprus, he had presided over a joint meeting on 26 August of the leaders of the two Cypriot communities, Mr. Clerides and Mr. Denktash. He had also met with the Prime Ministers and Foreign Ministers of Greece and Turkey during his visits to Athens and Ankara. He had found on all sides a strong desire to achieve a negotiated settlement, despite existing obstacles to such a course. His conversations had centred in particular on the future of the negotiations, the possible basis of a settlement in Cyprus, humanitarian questions, including refugees and the re-opening of the Nicosia airport, and the future role of UNFICYP.

With regard to UNFICYP, the Secretary-General felt that, because the situation in Cyprus was not the one in

which its original mandate had been established, its functions would soon have to be redefined. In the meantime, it was his intention to ensure that the Force played a useful role in Cyprus, in full co-operation with all the parties. Inasmuch as the situation in Cyprus remained a matter of deep concern as far as international peace and security were concerned, it was vital to make real progress towards peace and to avoid a recurrence of fighting. He believed that the Council could play a most important role in ensuring that result.

At the 1795th meeting on 30 August, called at the request of Cyprus, the Council included the following sub-item (g) in its agenda:

(g) Letter dated 27 August 1974 from the Permanent Representative of Cyprus to the United Nations addressed to the President of the Security Council (S/11471).

After statements by the representatives of Cyprus, Greece, Turkey, Austria and the President (USSR), speaking as the representative of the USSR, the Council unanimously adopted⁶⁰² a draft resolution⁶⁰³ sponsored by Austria, France and the United Kingdom. It read as follows:

The Security Council,

Conscious of its special responsibilities under the United Nations Charter,

Recalling its resolutions 186 (1964) of 4 March 1964, 353 (1974) of 20 July 1974, 354 (1974) of 23 July 1974, 355 (1974) of 1 August 1974, 357 (1974) of 14 August 1974, 358 (1974) and 359 (1974) of 15 August 1974 and 360 (1974) of 16 August 1974,

Noting that a large number of people in Cyprus have been displaced, and are in dire need of humanitarian assistance,

Mindful of the fact that it is one of the foremost purposes of the United Nations to lend humanitarian assistance in situations such as the one currently prevailing in Cyprus,

Noting also that the United Nations High Commissioner for Refugees has already been appointed Co-ordinator of United Nations Humanitarian Assistance for Cyprus, with the task of co-ordinating relief assistance to be provided by United Nations programmes and agencies and from other sources,

Having considered the report of the Secretary-General contained in document S/11473,

1. *Expresses its appreciation* to the Secretary-General for the part he has played in bringing about talks between the leaders of the two communities in Cyprus;

2. *Warmly welcomes* this development and calls upon those concerned in the talks to pursue them actively with the help of the Secretary-General and in the interests of the Cypriot people as a whole;

3. *Calls upon* all parties to do everything in their power to alleviate human suffering, to ensure the respect of fundamental human rights for every person and to refrain from all action likely to aggravate the situation;

4. *Expresses its grave concern* at the plight of the refugees and other persons displaced as a result of the situation in Cyprus and urges the parties concerned, in conjunction with the Secretary-General, to search for peaceful solutions to the problems of refugees and take appropriate measures to provide for their relief and welfare and to permit persons who wish to do so to return to their homes in safety;

5. *Requests* the Secretary-General to submit at the earliest possible opportunity a full report on the situation of the refugees and other persons referred to in paragraph 4 above and decides to keep that situation under constant review;

⁵⁹⁹ S/11353/Add. 30-33, *OR*, 29th yr., Supplement for July-Sept. 1974, pp. 49-50.

⁶⁰⁰ S/11468, *OR*, 29th yr., Supplement for July-Sept. 1974, p. 119.

⁶⁰¹ S/11473, *ibid.*, p. 125.

⁶⁰² 1795th meeting, following the intervention by the President as representative of the USSR.

⁶⁰³ S/11479, adopted without change as resolution 361 (1974).

6. *Further requests* the Secretary-General to continue to provide emergency United Nations humanitarian assistance to all parts of the population of the island in need of such assistance;

7. *Calls upon* all parties, as a demonstration of good faith, to take, both individually and in co-operation with each other, all steps which may promote comprehensive and successful negotiation;

8. *Reiterates* its call to all parties to co-operate fully with the United Nations Peace-keeping Force in Cyprus in carrying out its tasks;

9. *Expresses the conviction* that the speedy implementation of the provisions of the present solution will assist the achievement of a satisfactory settlement in Cyprus.

Decisions of 13 December 1974 (1810th meeting): resolutions 364 (1974) and 365 (1974)

Throughout September and the first half of October, the Secretary-General submitted progress reports every two weeks on developments in Cyprus.⁶⁰⁴ The reports dealt with the situation of UNFICYP, the location of UNFICYP posts, observance of the cease-fire, meetings between Mr. Clerides and Mr. Denktash and the humanitarian activities of UNFICYP.

On the situation of UNFICYP, the reports noted that in the areas under National Guard control UNFICYP enjoyed virtually complete freedom of movement, but in the Turkish-controlled areas, UNFICYP freedom of movement remained restricted. One Canadian soldier had been shot and killed by the National Guard, apparently owing to mistaken identification.

With regard to observance of the cease-fire, some forward movement by Turkish forces and their subsequent withdrawal was reported. Minor violations by both sides had occurred, but relative quiet continued to prevail in Cyprus throughout the period.

The meetings of Mr. Clerides and Mr. Denktash covered primarily humanitarian matters, such as the release of prisoners and detainees, the tracing of missing persons and assistance to the aged and infirm. As a result of the agreements reached at those meetings, the release of several categories of prisoners had begun on 16 September.

The reports contained details about the humanitarian activities carried on by UNFICYP, the assessment of the needs of refugees undertaken by the Office of the United Nations High Commissioner for Refugees (UNHCR), the deliveries of UNHCR supplies to refugees by UNFICYP and activities of the United Nations High Commissioner for Refugees, who had earlier been appointed Co-ordinator of United Nations Humanitarian Assistance for Cyprus. The last report submitted during that period noted that, as a consequence of all those factors, the general state of the refugees continued to improve slowly.

On 4 September, pursuant to resolution 361 (1974), the Secretary-General submitted a report⁶⁰⁵ in which he announced that the United Nations High Commissioner for Refugees, in his capacity as Co-ordinator of United Nations Humanitarian Assistance for Cyprus, had visited the island from 22 to 27 August to study the problem at first hand.

⁶⁰⁴ S/11468/Add.1-2, *OR*, 29th yr., *Supplement for July-Sept. 1974*, pp. 120-124, Add.3-4, *ibid.*, *Supplement for Oct.-Dec. 1974*, pp. 15-17.

⁶⁰⁵ S/11488, *OR*, 29th yr., *Supplement for July-Sept. 1974*, p. 134.

Attached to the report was the High Commissioner's report, which estimated the number of refugees in the south to be 163,800 Greek Cypriots and 34,000 Turkish Cypriots. The Co-ordinator also described the assistance already provided and expressed the hope for further support from the international community. To obtain such increased support, the Secretary-General on 6 September⁶⁰⁶ appealed for voluntary contributions from all States Members of the United Nations and members of the specialized agencies and estimated that some \$22 million would be required for humanitarian assistance in Cyprus from 1 September to the end of 1974.

In a further report dated 31 October,⁶⁰⁷ the Secretary-General, referring to the progress report of his Co-ordinator, indicated that the response to his appeal had been prompt and generous, amounting to approximately \$20 million in cash. In the annex to his report, the Co-ordinator, after having outlined the magnitude of the refugee problem, gave details about the assistance that had been provided by the United Nations.

In a letter dated 20 September,⁶⁰⁸ the Secretary-General addressed a further appeal to Governments for voluntary contributions for the financing of UNFICYP, the costs of which, owing to recent events in Cyprus, had led to a substantial increase in costs to the United Nations for the period to 15 December 1974. The need for additional funds to maintain UNFICYP was urgent, he stated, and would amount to some \$13-14 million for every six-month period during which the Force remained at its existing level.

Before the mandate of UNFICYP was due to expire on 15 December, the Secretary-General, on 6 December, submitted a report of the Council covering United Nations operations in Cyprus during the period from 23 May to 5 December.⁶⁰⁹ In the report, the Secretary-General said the period under review was marked by the gravest crisis undergone by Cyprus since the establishment of UNFICYP in 1964. The *coup d'état* of 15 July was followed by military intervention by Turkey and full-scale hostilities between the National Guard on one side and the Turkish Army and Turkish Cypriot fighters on the other. The Turkish armed forces were now in occupation of about 40 per cent of Cyprus. The economy of the island was seriously disrupted and one third of its population had been uprooted. Those events confronted UNFICYP with a new situation not covered by its mandate. UNFICYP exerted its best efforts to minimize the consequences of the hostilities by arranging local cease-fires, protecting the population threatened by the events and extending humanitarian relief assistance to refugees and other persons in need. UNFICYP continued to carry out its peace-keeping and humanitarian tasks to the maximum extent possible.

The situation in Cyprus would remain unstable and potentially dangerous so long as a settlement of the basic problems was not agreed upon. The Secretary-General was convinced that such a settlement could not be achieved by

⁶⁰⁶ S/11488/Add.1., *OR*, 29th yr., *Supplement for July-Sept. 1974*, p. 136.

⁶⁰⁷ S/11488/Add.2., *OR*, 29th yr., *Supplement for Oct.-Dec. 1974*, p. 18.

⁶⁰⁸ S/11528, *ibid.*, p. 20.

⁶⁰⁹ S/11568, *OR*, 29th yr., *Supplement for Oct.-Dec. 1974*, p. 50.

violence but only through free negotiations among the parties concerned. It was to be hoped that the talks between Acting President Glafcos Clerides and Vice-President Rauf Denktash, which had begun during the Secretary-General's visit to the island in late August, would pave the way for future negotiations towards a settlement.

In those circumstances, the Secretary-General considered the continued presence of UNFICYP to be essential not only to help maintain the cease-fire, to promote the security of the civilian population and to provide humanitarian relief assistance, but also to facilitate the search for a peaceful solution. He recommended that the Council extend the stationing of UNFICYP for a further six months. The parties concerned had signified their concurrence in that recommendation.

Recalling that after the events of July he had taken urgent measures to increase the strength of UNFICYP to meet the requirements of the new situation, the Secretary-General pointed out that the deficit in the UNFICYP budget, which exceeded \$27 million, had become a serious problem. The main reasons for it was the insufficiency of voluntary contributions which had continued to come from a disappointingly limited number of Governments. To finance the costs to the Organization of maintaining the Force for six months after 15 December and to meet all costs, it would be necessary to receive contributions to the UNFICYP Special Account totalling \$41.9 million.

At the 1810th meeting on 13 December 1974, the Security Council adopted⁶¹⁰ the following agenda without objection:

The Situation in Cyprus

Report of the Secretary-General on the United Nations Operations in Cyprus (S/11568).

The representatives of Cyprus, Turkey and Greece were invited, at their request, to participate in the discussion without the right to vote.

The President then stated that in the course of informal consultations, members of the Council had agreed that the Council should extend an invitation under rule 39 of its provisional rules of procedure to Mr. Vedat A. Celik. As there was no objection, it was so decided.

The Council had before it two draft resolutions⁶¹¹ which, as the President (Australia) explained, had been prepared in the course of extensive consultations among the members of the Council.⁶¹² He then put the two draft resolutions to the vote. The first draft resolution (S/11573) was adopted by 14 votes to none, with one member not participating in the vote. It read as follows:

The Security Council,

Noting from the report of the Secretary-General of 6 December 1974 (S/11568) that in existing circumstances the presence of the United Nations Peace-keeping Force in Cyprus is still needed to perform the tasks it is currently undertaking if the cease-fire is to be maintained in the island and the search for a peaceful settlement facilitated,

Noting from the report the conditions prevailing in the island,

Noting also the statement by the Secretary-General contained in paragraph 81 of his report, that the parties concerned had signified their concurrence in his recommendation that the Security Council extend the stationing of the Force in Cyprus for a further period of six months,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the Force in Cyprus beyond 15 December 1974,

Noting also the letter dated 7 November 1974 (S/11557) from the Secretary-General to the President of the Security Council together with the text of resolution 3212 (XXIX) entitled "Question of Cyprus" adopted unanimously by the General Assembly at its 2275th plenary meeting on 1 November 1974,

Noting further that resolution 3212 (XXIX) enunciates certain principles intended to facilitate a solution to the current problems of Cyprus by peaceful means, in accordance with the purposes and principles of the United Nations,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11 December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971, 315 (1972) of 15 June and 324 (1972) of 12 December 1972, 334 (1973) of 15 June and 343 (1973) of 14 December 1973 and 349 (1974) of 29 May 1974, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Reaffirms also* its resolutions 353 (1974) of 20 July, 354 (1974) of 23 July, 355 (1974) of 1 August, 357 (1974) of 14 August, 358 (1974) and 359 (1974) of 15 August, 360 (1974) of 16 August and 361 (1974) of 30 August 1974;

3. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council;

4. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 June 1975, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force;

5. *Appeals again* to all parties concerned to extend their full co-operation to the United Nations Force in its continuing performance of its duties.

The second resolution was adopted by consensus.⁶¹³ It read as follows:

The Security Council,

Having received the text of resolution 3212 (XXIX) of the General Assembly on the "Question of Cyprus",

Noting with satisfaction that that resolution was adopted unanimously,

1. *Endorses* General Assembly resolution 3212 (XXIX) and urges the parties concerned to implement it as soon as possible;

2. *Requests* the Secretary-General to report on the progress of the implementation of the present resolution.

Following the vote, statements were made by members of the Council and by the invited representatives of Cyprus, Greece and Turkey. The Council also heard a statement by Mr. Celik, in conformity with the decision taken at the beginning of the meeting.

⁶¹⁰ 1810th meeting, President's opening statement.

⁶¹¹ S/11573 and S/11574, both adopted without change as resolutions 364 (1974) and resolutions 365 (1974) respectively.

⁶¹² 1810th meeting, President's opening statement.

⁶¹³ *Ibid.*, President's statement following the vote.

The representative of the USSR stated that his delegation did not object to the extension of UNFICYP since the extension was being implemented through continuation of the existing voluntary financing of those troops.⁶¹⁴

The representative of China stated that his delegation had not participated in the vote on resolution 364 (1974) because his Government had always held different views in principle on the question of dispatching of United Nations forces.⁶¹⁵

THE SITUATION IN NAMIBIA

In the course of its meetings in Addis Ababa, the Security Council considered among other issues the situation in Namibia and adopted the resolutions 309 (1972) and 310 (1972) relating to this question.⁶¹⁶

Decision of 1 August 1972 (1657th meeting): resolution 319 (1972)

On 17 July 1972, the Secretary-General submitted a report⁶¹⁷ on the implementation of Security Council resolution 309 (1972) of 4 February 1972, whereby the Council had invited him, in consultation and close co-operation with a group of the Security Council, to initiate contacts with all the parties concerned, with a view to establishing the necessary conditions to enable the people of Namibia to exercise their right to self-determination and independence. Following an exchange of communications with the Government of South Africa, the Secretary-General had visited South Africa and Namibia between 6 and 10 March and had held discussions with the Prime Minister and the Minister for Foreign Affairs of South Africa. After his return to Headquarters, the Secretary-General had continued his contact with the Minister for Foreign Affairs of South Africa, and in the course of those discussions the following three points regarding the terms of reference of a representative of the Secretary-General emerged: (a) the task of the representative of the Secretary-General would be to assist in achieving the aim of self-determination and independence of the people of Namibia and to study all questions relevant thereto; (b) in carrying out his task, the representative might make recommendations to the Secretary-General and, in consultation with the latter, to the South African Government, and in so doing, he should assist in overcoming any points of difference; (c) the South African Government would co-operate in the discharge of the representative's task by providing him the requisite facilities to go to South Africa and to Namibia as necessary and to meet all sections of the population of Namibia. The Secretary-General had also conveyed to the Government of South Africa his concern regarding its announced plans with respect to the eastern Caprivi and Ovamboland in further application of its homelands policy and had expressed the hope that the

Government of South Africa would not proceed with any measures that would adversely affect the outcome of the contacts initiated by him pursuant to resolution 309 (1972). The Secretary-General had also contacted other parties concerned, including individuals and groups in Namibia and Namibian leaders outside the Territory. They included representatives of South West Africa People's Organization (SWAPO), South West Africa National Union (SWANU) and other political groups, delegations from a number of "homelands", the Executive Committee of South West Africa and the leaders of the Ovambo workers' committee in the recent strike. In those contacts, which had taken place without the presence of South African officials, various views had been expressed which might be classified into three broad categories: (1) groups calling for a united independent Namibia; (2) groups supporting self-government for the "homelands" and opposing unitary State, with possible federal system; and (3) views of the European Executive Committee of South West Africa, which also opposed the establishment of a unitary State. The Secretary-General reported further that, in addition to the group of three designated by the Security Council for him to consult, he had met with the presiding officers of United Nations bodies concerned with the situation in Namibia, as well as the Chairman and a number of members of the Organization of African Unity. He concluded that, on the basis of his discussions to date, and especially in view of the expressed willingness of the Government of South Africa to co-operate with the representative of the Secretary-General, he believed that it would be worthwhile to continue efforts to implement the mandate of the Security Council with the assistance of a representative. Should the Security Council decide to continue his mandate, the Secretary-General would keep the Security Council informed and in any case would report to the Council not later than 30 November 1972.

At the 1656th meeting on 31 July 1972, the Security Council included⁶¹⁸ the Secretary-General's report in its agenda, and considered the item at the 1656th and 1657th meetings on 31 July and 1 August 1972. At the 1656th meeting, following a request by the President of the United Nations Council for Namibia, two representatives of that body were invited⁶¹⁹ to participate in the discussion.

At the 1656th meeting, the representative of Belgium said that his delegation shared the Secretary-General's concern regarding the decision of the Government of South Africa to give autonomy to Ovamboland and to eastern Caprivi. No steps must be allowed to deprive the Namibian people of their rights or to prejudice the political structure of their future State.⁶²⁰

At the same meeting, the representative of Yugoslavia stated that his Government's attitude was based on the fundamental position of the United Nations with respect to Namibia, namely: South Africa must end the occupation and withdraw its administration from Namibia; the people of Namibia must exercise their inalienable right to self-determination and independence; the United Nations should act to reaffirm the national unity and territorial integrity of Namibia as it had a special responsibility and

⁶¹⁴ 1810th meeting, intervention by the USSR.

⁶¹⁵ *Ibid.* intervention by China.

⁶¹⁶ For the procedural history of the meetings in Addis Ababa see in this chapter the section under the heading "Consideration of questions relating to Africa with which the Security Council is currently seized and the implementation of the Council's relevant resolutions", especially pp. 100-101 for the Namibian question.

⁶¹⁷ S/10738, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 63-72.

⁶¹⁸ 1656th meeting, following para. 1.

⁶¹⁹ *Ibid.*, para. 2.

⁶²⁰ *Ibid.*, paras. 25-34.

obligation towards the people and the Territory of Namibia. Doubts expressed regarding South Africa's readiness to co-operate fully with the United Nations had been reinforced not only by the deficiencies shown by the South African Government in its contacts with the Secretary-General but also by its subsequent actions, such as the continued application of its homelands policy in Namibia, the intensification of its oppressive measures and certain recent statements of its leaders. However, since it was too early to reach definite decisions, and in view of the fact that some of the main interested parties, namely the representatives of the people of Namibia and of the Organization of African Unity, had not openly opposed the extension of the Secretary-General's mandate, his delegation could support its continuation until 15 or 30 November 1972 and, after the necessary consultations, the appointment of a representative of the Secretary-General. On receiving the Secretary-General's second report, the Council would be in a position to review more substantively the results of his mission. In the meantime, some of the following conditions should be fulfilled. First, there should be a specific and clear formulation of the tasks of the representative, including the conditions of his work and assignment in Namibia. His first duty should be to achieve an immediate end of the terror and oppression practiced against the people of Namibia, to establish their basic rights of freedom of expression and free movement within, to and from Namibia, to secure the release of political prisoners and the right of the political exiles to return, and to take an active part in political activities in Namibia. Second, the representative should enjoy full freedom of access to and throughout Namibia and should be able to meet anyone, anywhere. Third, the Government of South Africa must give unequivocal acknowledgement of resolution 309 (1972) as the framework within which contacts would be pursued. Fourth, the Government of South Africa should discontinue the application of so-called homelands policies and abolish its oppressive measures in Namibia. The fulfilment of those requirements by the Government of South Africa would create the conditions necessary for the continuation of the Secretary-General's mandate after November. In the meantime, action in pursuance of other resolutions of the United Nations relating to Namibia, including the arms embargo, should continue to be strictly implemented.⁶²¹

At the same meeting, the representative of Nigeria*, speaking as a representative of the United Nations Council for Namibia, stated that it was the position of the Council for Namibia that Security Council resolution 309 (1972) must not be misconstrued as a retreat from the legal status which Namibia had attained. It was merely one in a series of United Nations efforts aimed at the withdrawal of South Africa's illegal presence from Namibia. Recalling that resolution 309 (1972) had invited the Secretary-General to initiate contacts with all parties concerned, he stressed that the Council for Namibia was not just a concerned party, but the sole body established by the United Nations to prepare the people of Namibia for self-government and to administer the Territory until independence, and expressed regret at the failure to involve it actively in connexion with the implementation of resolution 309 (1972), an omission which he hoped would be avoided in any future course of

action in pursuance of that resolution. Since the visit of the Secretary-General to South Africa and Namibia, the Government of South Africa had not, by its public pronouncements and actions, given the Council for Namibia much hope that it was ready to accept the United Nations concept of self-determination for Namibia. Instead, it had proceeded to apply its policy of granting self-government to "homelands" and continued its repressive measures. He appealed to the Security Council to bear in mind those acts of breach of faith on the part of the South African Government when deciding on a future course of action, and stressed that the United Nations must resist with all its resources any attempt a Balkanization of the Territory of Namibia and preserve its unity and territorial integrity.⁶²²

At the 1657th meeting on 1 August 1972, the representative of Argentina introduced⁶²³ a draft resolution⁶²⁴ submitted by his delegation.

At the same meeting, at the suggestion of the representative of Somalia,⁶²⁵ the representative of Argentina accepted a revision⁶²⁶ of the draft resolution, whereby its third and fourth preambular paragraphs were made operative paragraphs 2 and 3, which read:

2. *Reaffirms* the inalienable and imprescriptible right of the people of Namibia to self-determination and independence;
3. *Reaffirms also* the national unity and territorial integrity of Namibia,

At the same meeting, the resolution submitted by Argentina, as revised, was voted upon and was adopted⁶²⁷ by 14 votes in favour, none against, with no abstentions as resolution 319 (1972). One member did not participate in the voting. The resolution read:

The Security Council,

Recalling its resolution 309 (1972) of 4 February 1972, and without prejudice to other resolutions adopted on the question of Namibia,

Having considered the report submitted by the Secretary-General in accordance with resolution 309 (1972),

1. *Notes with appreciation* the efforts made by the Secretary-General in the implementation of resolution 309 (1972);
2. *Reaffirms* the inalienable and imprescriptible right of the people of Namibia to self-determination and independence;
3. *Reaffirms also* the national unity and territorial integrity of Namibia;

4. *Invites* the Secretary-General, in consultation and close co-operation with the group of the Security Council established in accordance with resolution 309 (1972), to continue his contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

5. *Approves* the proposal of the Secretary-General to proceed, after necessary consultations, with the appointment of a representative to assist him in the discharge of his mandate as set out in paragraph 4 above;

⁶²² *Ibid.*, paras. 75-90.

⁶²³ 1657th meeting, paras. 36-49.

⁶²⁴ S/10750, adopted as amended at the 1657th meeting. See resolution 319 (1972).

⁶²⁵ 1657th meeting, para. 123.

⁶²⁶ *Ibid.*, paras. 137-146.

⁶²⁷ *Ibid.*, para. 150.

⁶²¹ 1656th meeting, paras. 36-50.

6. *Requests* the Secretary-General to keep the Security Council informed as appropriate and in any case to report to it on the implementation of resolution 309 (1972) and of the present resolution not later than 15 November 1972.

Decision of 6 December 1972 (1682nd meeting): resolution 323 (1972)

On 15 November, the Secretary-General submitted his report to the Security Council⁶²⁸ on the implementation of resolution 319 (1972) of 1 August 1972, whereby the Security Council had invited him to continue his contacts with all parties concerned, contacts which had been initiated in pursuance of resolution 309 (1972) of 4 February 1972, with the assistance of a representative. The Secretary-General stated that, on 24 September, in accordance with paragraph 5 of resolution 319 (1972), he had appointed Mr. Martin Escher of Switzerland as his representative to assist him in the discharge of his mandate and that, following consultations in New York, Mr. Escher had visited South Africa and Namibia from 8 October to 3 November 1972. After Mr. Escher had reported orally to the Secretary-General on the results of his contacts, both had met with the following parties and had informed them of the results of the mission: the group of the Security Council established in accordance with resolution 309 (1972) the President of the Security Council; representatives and officials of the Organization of African Unity; the Chairman of the African Group for the month of November; and Chairmen of United Nations bodies concerned with the situation in Namibia. Mr. Escher's written report was annexed to the Secretary-General's report. The Secretary-General noted that his representative, while in Namibia, had had the opportunity to meet privately with, and obtain the views of, a wide cross-section of the population concerning the future of the country. The Secretary-General believed that, although many issues remained to be clarified, the results of the mission contained a number of elements which the Council might wish to pursue, and expressed the hope that the information contained in his report would provide a useful basis for the Council to consider and to decide on the future course of action. In his annexed report to the Secretary-General, Mr. Escher stated that, prior to his visit to Namibia, he had met with a number of presiding officers and members of various United Nations bodies concerned with the question of Namibia, as well as the Minister for Foreign Affairs and the permanent representative of South Africa and representatives of the South West Africa People's Organization (SWAPO). In his discussions with the South African authorities, Mr. Escher had explained the position of the United Nations, in particular with regard to the national unity and territorial integrity of Namibia, and had brought up the question of complete and unequivocal clarification of South Africa's policy of self-determination and independence for Namibia. The Prime Minister had expressed the view that that was not the appropriate stage to go into a detailed discussion of the interpretation of self-determination and independence, and that experience in self-government, particularly on a regional basis, was an essential element for eventual self-determination. The Prime Minister had agreed, however, to establish an advisory council and to assume personally over-all responsibility for the Territory as a whole. Mr. Escher further maintained

⁶²⁸ S/10832, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 32-46.

that his impressions of his visit to Namibia were that the majority of its non-white population supported the establishment of a united, independent Namibia and expected the assistance of the United Nations in bringing it about. However, certain sections of the non-whites and the majority of the white population supported the "homelands" policy and approved continued rule by South Africa. In conclusion, Mr. Escher said that, although his discussions with the Prime Minister of South Africa had left a number of issues still to be clarified, he believed, in view of the readiness of the South African Government to continue the contacts and of the positive elements that had emerged from those discussions, that the contacts between the Secretary-General and the South African Government, as well as the other parties concerned, should be continued.

At the 1678th meeting on 28 November 1972, the Security Council included⁶²⁹ the Secretary-General's report in its agenda and considered the question at its 1678th to 1682nd meetings between 28 November and 3 December. Also at the 1678th meeting, the representatives of Chad, Ethiopia, Liberia, Mauritius, Morocco and Sierra Leone⁶³⁰ were invited to participate in the discussion. Subsequently, invitations were also extended to the representatives of Burundi, Nigeria and Zambia.⁶³¹ The Council also decided to extend an invitation to the President of the United Nations Council for Namibia,⁶³² and, at the request⁶³³ of the representatives of Somalia and the Sudan, to Mr. Peter Mueshuhange.⁶³⁴

At the 1678th meeting on 28 November 1972, the representative of Morocco*, who was also Acting President of the Council of Ministers of the Organization of African Unity, stated that any further contact with the Government of South Africa must be based on two principles: namely, respect for the territorial integrity of Namibia, as defined in the Mandate granted to South Africa by the League of Nations, and for the unity of the people of the Territory. The mission of the Secretary-General must be continued with absolute clarity of purpose, and the Security Council should set a reasonable period of time in order to ascertain the intentions of South Africa as regards its acceptance of the basis on which that mission had been launched.⁶³⁵

At the same meeting, the representative of Liberia* said that it was a matter of public record that South Africa's policy on self-determination did not envisage sovereignty for Namibia and Namibians, either as a territorial entity or even in individual "homelands". South Africa merely intended to grant some vague form of home rule to Namibia, by the terms of which Namibia would remain perpetually under South Africa's control. Judging from the report of the representative of the Secretary-General, no progress had been made in eliminating repressive measures. In the light of the foregoing, he wondered if the readiness of the South African Government to continue the contacts initiated by the Secretary-General might not be simply a

⁶²⁹ 1678th meeting, preceding para. 1.

⁶³⁰ *Ibid.*, paras. 1-3.

⁶³¹ 1679th meeting, paras 2-3, 97.

⁶³² 1678th meeting, paras. 3-4.

⁶³³ S/10841, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, p. 52.

⁶³⁴ 1679th meeting, para. 5.

⁶³⁵ 1678th meeting, paras. 30-45.

means of preventing the United Nations from taking effective measures to expel South Africa from Namibia. Moreover, there was also the danger that the terms under which the contacts had commenced might have undermined the authority of the United Nations by accepting, or implying, the right of the South African Government to dictate the terms on which the Secretary-General or his representative should enter a Territory over which South Africa exercised no legal rights. He proposed that in the first instance, the mandate of the Secretary-General should be continued, but with specific guidelines and terms of reference and with specified dates for the achievement of the stated objectives of the United Nations. Alternatively, or in conjunction with the Secretary-General's mission, the Security Council should adopt direct and concrete measures in order to achieve the early realization of self-determination in Namibia, namely: (1) all specialized agencies and other organizations within the United Nations system should be urged to take steps to prevent the Government of South Africa from representing the Territory, and to accept Namibia, as represented by the United Nations Council for Namibia, to become a full or an associate member; (2) the Council for Namibia should be accepted as representing Namibia to carry out appropriate functions in the territories of Member States, including issuing travel documents, and to sign international treaties; (3) the United Nations should provide an adequate budget and staff to the Council which should be encouraged to undertake a number of functions, including undertaking studies useful for a future Namibian Government, establishing land title registry, registering and levying taxes from corporations operating in Namibia and others. Such measures would not in themselves automatically bring about an end to South Africa's illegal occupation of Namibia, but they would signal to South Africa and her trading partners the determination of the United Nations to begin a new era of effective action and would, above all, accelerate the movement towards independence for Namibia.⁶³⁶

The representative of Turkey*, speaking in his capacity as the President of the United Nations Council for Namibia, stated that the Council for Namibia had carefully followed the mission of the representative of the Secretary-General. It regretted that its observations to the representative before and after his visit to South Africa had not been included in his report. Moreover, the Secretary-General's report on Mr. Escher's mission was far from satisfying the concerns of the Council for Namibia. It would seem that South Africa had not only refused to recognize the wishes of the Namibian people, so clearly expressed to the representative of the Secretary-General, for a united independent Namibia, but wished to have the United Nations endorse its policy of dismembering the Territory and its practice of *apartheid*. There was nothing to indicate that South Africa accepted the resolutions of the United Nations on Namibia or that the contacts had been carried out in accordance with the mandate of the Security Council resolutions: everything led to the belief that South Africa continued to claim that the discussions had been based on its invitation addressed to the Secretary-General personally. The Council for Namibia hoped that the Security Council, in taking a decision on the Secretary-General's report,

would take into account the fact that the situation in Namibia had not altered since the adoption of resolution 309 (1972), and that it would take effective measures to compel South Africa to withdraw from the Territory. Only then, the Council would be able to proceed to discharge its responsibilities in conformity with the decision of the international community and in accordance with the wishes of the Namibian people.⁶³⁷

The representative of Ethiopia* said that he was speaking as current Chairman of the African Group in the United Nations and as representative of one of the countries that had been given a mandate by the Assembly of Heads of State and Government of the Organization of African Unity to represent them in the Security Council discussion on the question of Namibia. Following consultations among themselves, the representatives of the African States were of the opinion that continuation of the Secretary-General's contacts, in the present circumstances and in the absence of some basic clarifications by the South African Government on a number of important issues, would not be productive and might, by lending credence to South Africa's claim that it was negotiating in earnest, make it possible for it to implement a policy of Balkanization of Namibia. He urged the Security Council to request the necessary clarification from South Africa on such issues as whether it accepted United Nations responsibility in the self-determination for Namibia, whether it accepted the establishment of an effective United Nations presence in the Territory, whether it accepted the exercise of self-determination by the people of Namibia as a whole and national unity and territorial integrity of Namibia, and whether it accepted that whatever rights it might have had under the Mandate of the League had been terminated. Until such time as unequivocal clarifications were given, the contacts which the Secretary-General had initiated through his representative should be suspended. All efforts should be directed towards giving effect to the responsibility that the United Nations had assumed for Namibia, with a view to establishing an effective United Nations presence in the Territory so that the people of Namibia would be able to freely exercise their right to self-determination.⁶³⁸

At the 1682nd meeting on 6 December 1972 the representative of Argentina stated that, as a result of the contacts between the Secretary-General and the Prime Minister of South Africa under resolution 309 (1972), the South African Government had confirmed that its policy in regard to Namibia was one of 'self-determination and independence'. However, his delegation had been disappointed that South Africa had failed to clarify unequivocally the meaning it attached to the term. There were many questions that still needed to be clarified, such as the meaning of "regional self-government" and "influx control" and the functions of the proposed advisory council. Nevertheless, Mr. Escher's mission had been justified by the many meetings which he had had with various sectors of the people of Namibia which had provided the Security Council with a body of factual and impartial information concerning the wishes of the Namibian people with regard to the future of their country. The political activity caused by the visit of the representative of the

⁶³⁶ 1678th meeting, paras. 49-103.

⁶³⁷ *Ibid.*, paras. 106-122.

⁶³⁸ *Ibid.*, paras. 125-177.

Secretary-General was another event which deserved to be emphasized. Whether it was admitted or not, Mr. Escher's visit had been regarded by the people of Namibia as the beginning of a United Nations presence in Namibia and several groups had requested that such United Nations presence be made more effective and permanent.⁶³⁹ The representative of Argentina then introduced⁶⁴⁰ a draft resolution⁶⁴¹ sponsored by his delegation. He noted that, in operative paragraph 5 of the draft resolution, which invited the Secretary-General to continue his efforts to ensure the exercise by the people of Namibia of their right to self-determination and independence, the words "with a view to establishing the necessary conditions", which had appeared in resolutions 309 (1972) and 319 (1972), had been eliminated since it appeared that the Government of South Africa had taken advantage of the phrase to delay a reply with regard to its policy of self-determination and independence. He added that the other parties, in particular the President of the United Nations Council for Namibia, should be consulted more thoroughly to ascertain their views and to obtain guidance in the quest for solutions.

At the same meeting, the representative of the USSR proposed⁶⁴² that operative paragraph 8 of the Argentine draft resolution should be amended to provide that the Security Council, rather than the President of the Security Council as had been originally provided, would appoint representatives to fill the vacancies that would occur in the group established in accordance with resolution 309 (1972). The proposal was accepted⁶⁴³ by the sponsor of the draft resolution.

At the 1682nd meeting on 6 December 1972, the draft resolution sponsored by Argentina, as revised orally at the meeting, was voted upon and adopted⁶⁴⁴ by 13 votes in favour, none against, with 1 abstention as resolution 323 (1972). One delegation did not participate in the voting. The resolution read:

The Security Council,

Recalling its resolutions 309 (1972) of 4 February 1972 and 319 (1972) of 1 August 1972, and without prejudice to other resolutions adopted on the question of Namibia,

Reaffirming the special responsibility and obligation of the United Nations towards the people and Territory of Namibia,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971,

Reaffirming the inalienable and imprescriptible right of the people of Namibia to self-determination and independence,

Affirming that the principle of the national unity and territorial integrity of Namibia cannot be subject to any conditions,

Having considered the report submitted by the Secretary-General in accordance with resolution 319 (1972),

1. *Observes with satisfaction* that the people of Namibia have again had an opportunity of expressing their aspirations clearly and unequivocally, in their own Territory, to representatives of the United Nations;

2. *Notes with interest* that the overwhelming majority of the opinions of those consulted by the representative of the Secretary-

General categorically stated, *inter alia* that they were in favour of the immediate abolition of the "homelands" policy, withdrawal of the South African administration from the Territory, Namibia's accession to national independence and the preservation of its territorial integrity, thus further confirming the consistently held position of the United Nations on this question;

3. *Deeply regrets* that there has been no complete and unequivocal clarification of the policy of the Government of South Africa regarding self-determination and independence for Namibia;

4. *Solemnly reaffirms* the inalienable and imprescriptible right of the people of Namibia to self-determination, national independence and the preservation of their territorial integrity, on which any solution for Namibia must be based, and rejects any interpretation, measure or policy to the contrary;

5. *Invites* the Secretary-General on the basis of paragraph 4 above to continue his valuable efforts, in consultation and close co-operation with the group of the Security Council established in accordance with resolution 309 (1972) and, as appropriate, with the assistance of representatives, to ensure that the people of Namibia, freely and with strict regard to the principle of human equality, exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

6. *Again calls upon* the Government of South Africa to co-operate fully with the Secretary-General in the implementation of the present resolution in order to bring about a peaceful transfer of power in Namibia;

7. *Requests* the other parties concerned to continue to extend their valuable co-operation to the Secretary-General with a view to assisting him in the implementation of the present resolution;

8. *Decides* that, immediately following the partial renewal of the membership of the Security Council on 1 January 1973, the Council shall appoint representatives to fill the vacancies that will occur in the group established in accordance with resolution 309 (1972);

9. *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 30 April 1973.

At the 1684th meeting on 16 January 1973, the President (Indonesia) informed the Council that, as a result of consultations held among members of the Council, a consensus had been reached to appoint the representatives of Peru and Sudan to fill the vacancies that had occurred in the group established in accordance with resolution 309 (1972) as a result of the expiration of the terms of office of the delegations of Argentina and Somalia.⁶⁴⁵

Decision of 11 December 1973 (1758th meeting): resolution 342 (1973)

On 30 April 1973, the Secretary-General submitted to the Security Council his report⁶⁴⁶ on the implementation of Council resolution 323 (1972) of 6 December 1972. The Secretary-General stated that, in close co-operation with the group of three of the Security Council, he had sought to obtain from the Government of South Africa a more complete and unequivocal statement of its policy regarding self-determination and independence for Namibia as well as clarification of its position on other questions arising from the report of his representative and from the debate in the Security Council. To this end the Secretary-General had transmitted to the Government of South Africa on 20 December 1972 a series of questions with respect to: (a) South Africa's policy regarding self-determination and independence for Namibia; (b) the composition and functions of the proposed advisory council; (c) the removal of

⁶³⁹ 1682nd meeting, paras. 75-100.

⁶⁴⁰ *Ibid.*, paras. 111-134.

⁶⁴¹ S/10846, same text as resolution 323 (1972).

⁶⁴² 1682nd meeting, para. 271.

⁶⁴³ *Ibid.*, paras. 272-276.

⁶⁴⁴ *Ibid.*, para. 277.

⁶⁴⁵ 1684th meeting, para. 10.

⁶⁴⁶ S/10921, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 30-34.

restrictions on movement and measures to ensure freedom of political activity, including freedom of speech and the holding of meetings; and (d) the discontinuance of measures in furtherance of South Africa's "homelands" policy. Subsequently, the Secretary-General and his representatives had held a detailed discussion of the preliminary replies of the South African Government with its Permanent Representative and had again emphasized the firm stand of the United Nations with regard to the international status of Namibia, its national unity and territorial integrity, and the right of the Namibian people, taken as a whole, to self-determination and independence. In the course of the discussions, particular attention had been paid to the Development of Self-Government for Native Nations in South West Africa Amendment Bill, which had been introduced in the South African Parliament on 8 February 1973, and to the advisory council which was then being established in Namibia. Following direct contacts in Geneva between the Secretary-General and the Minister for Foreign Affairs of South Africa, the Minister had submitted on 30 April a statement in clarification of his Government's position which contained the following points: the Government of South Africa would, in conformity with Article 1, paragraph 2, of the United Nations Charter, fully respect the wishes of the whole population of the Territory, with regard to its future constitutional organization, and any exercise to ascertain their wishes would not be compromised by any existing political and administrative arrangements; all political parties of the Territory would have full and free participation in the process leading to self-determination and independence; and the Government, in co-operation with the Secretary-General and in consultation with the people of the Territory, would determine such measures as would ensure the achievement of the goal of self-determination and independence. The Minister for Foreign Affairs of South Africa had also indicated that his Government did not envisage that individual population groups might suddenly become independent as separate entities, and that it recognized and accepted, subject to the requirements of public safety, the need for freedom of speech and political activity for all parties in the process leading to self-determination. The South African Government also envisaged the redelineation and enlargement of administrative districts so as to reduce restrictions on and increase freedom of movement. It reaffirmed that South West Africa had a separate international status and that it did not claim any part of the Territory. On the basis of present developments, it anticipated that it might not take longer than ten years for the people of the Territory to reach the stage where they would be ready to exercise their right to self-determination. The Secretary-General concluded that the position of the Government of South Africa was still far from coinciding with that of United Nations resolutions. While South Africa's position on some of the basic questions had been made clearer, the statement did not provide the complete and unequivocal clarification of its policy in regard to self-determination and independence for Namibia envisaged in resolution 323 (1972). In the light of the results achieved thus far, he said, the question arose whether the contacts and efforts initiated pursuant to resolutions 309 (1972), 319 (1972) and 323 (1972) should be continued. Should the Security Council decide to continue those efforts, it should bear in mind his earlier

statement to the effect that time and protracted discussion would be required if any progress was to be achieved.

By letter⁶⁴⁷ dated 4 December 1973 addressed to the President of the Security Council, the representatives of Guinea, Kenya and the Sudan requested an urgent meeting of the Security Council for the consideration of the serious situation in Namibia.

At the 1756th meeting on 10 December 1973, the Security Council adopted⁶⁴⁸ the agenda, including in it the Secretary-General's report on the implementation of resolution 323 (1972), and considered the question at its 1756th to 1758th meetings on 10 and 11 December. At the 1756th meeting, the Council decided to invite the representatives of Niger and Somalia to participate in the discussion.⁶⁴⁹ Subsequently, representatives of Nigeria⁶⁵⁰ and Saudi Arabia⁶⁵¹ were also invited. The Security Council also decided, at the 1756th meeting, to extend an invitation to a delegation of the United Nations Council for Namibia, composed of the President of the Council for Namibia and the representatives of Burundi, Indonesia and Mexico.⁶⁵² At the 1758th meeting on 11 December, the Council decided, at the request of the representatives of Guinea, Kenya and the Sudan,⁶⁵³ to extend an invitation to Mr. Mishake Muyongo.⁶⁵⁴

At the 1756th meeting on 10 December 1973, the Secretary-General, in presenting his report, stated that following the submission of the report, he had the opportunity to obtain the views of several of the parties concerned, namely, the United Nations Council for Namibia, the President of the South West Africa People's Organization (SWAPO) and Chief Clemens Kapuuu, the Chairman of the National Convention of Non-Whites in Namibia. Furthermore, the position of the Organization of African Unity on Namibia as contained in its resolution adopted in May of that year had been formally transmitted to him, and he had also discussed the matter with many heads of State and Government during his visits to Zambia and the United Republic of Tanzania and while attending the OAU Conference in Addis Ababa in May and the Conference of Non-Aligned States in Algiers in September. The Secretary-General reported that the general view had been that, in the light of the position of the Government of South Africa as given in its statement of 30 April 1973, no useful purpose would be served by continuing the policy envisaged in Security Council resolution 309 (1972) and that that approach should be resumed only if the Government of South Africa were to make a substantial move towards reconciling its position with that of the United Nations.⁶⁵⁵

At the same meeting, the representative of Peru said that, far from providing a clear and unequivocal statement

⁶⁴⁷ S/11145. *OR, 28th yr., Suppl. for Oct.-Dec. 1973*, p. 257.

⁶⁴⁸ 1756th meeting, President's opening statement.

⁶⁴⁹ *Ibid.*

⁶⁵⁰ 1757th meeting, President's opening statement.

⁶⁵¹ 1758th meeting, President's opening statement.

⁶⁵² 1756th meeting, President's opening statement.

⁶⁵³ S/11153. *OR, 28th yr., Suppl. for Oct.-Dec. 1973*, p. 265.

⁶⁵⁴ 1758th meeting, following the intervention by Nigeria.

⁶⁵⁵ 1756th meeting, statement by the Secretary-General.

on its policy in regard to the exercise of the right to self-determination and independence of the people of Namibia, the Government of South Africa had affirmed its policy to divide the Territory into Bantustans by means of legislative measures adopted at the beginning of 1973. He then introduced⁶⁵⁶ a draft resolution⁶⁵⁷ sponsored by Peru which had been prepared after consultation with members of the Council, and orally proposed⁶⁵⁸ the addition of a new preambular paragraph whereby the Council would recall its resolutions 309 (1972), 319 (1972) and 323 (1972).

The President of the United Nations Council for Namibia stated that in view of the refusal of the South African Government to engage in any meaningful dialogue, and of its attempt to misrepresent the contacts as United Nations approval for its illegal presence and conduct in Namibia, continuation of those contacts would only prejudice the United Nations position and reduce the pressure on South Africa created by the advisory opinion of the International Court of Justice. At a special session held in Lusaka in June 1973, the Council for Namibia had assessed the situation in Namibia and had issued a declaration reaffirming its decision of March 1973 that the contacts with South Africa must be terminated because they were detrimental to the interests and welfare of the people of Namibia. The Council for Namibia urged that the Security Council terminate the contacts and adopt a resolution containing some of the conclusions of the Lusaka session, namely: to recognize that continued illegal occupation of Namibia by South Africa would be a serious danger to international peace and security; to call upon all States to actively support the struggle of the Namibian people for freedom and independence; to oblige those States giving direct or indirect political, military, economic and financial support to South Africa to discontinue such support immediately, to withdraw all consular offices from Namibia and to terminate the investment of foreign capital and the activities of Western transnational corporations there. He stressed the view of the Council for Namibia that the Security Council bore a special responsibility to assist the legitimate struggle of the people of Namibia and to take effective measures to compel South Africa to withdraw immediately from the Territory by adopting, if necessary, measures under Chapter VII of the Charter of the United Nations.⁶⁵⁹

The representative of Guinea expressed the view that it was incumbent upon the Security Council, especially its permanent members, to take effective measures to compel the Government of South Africa to comply with the decisions of the United Nations. She called for the termination of the contacts initiated in accordance with resolution 309 (1972) and called upon all States, particularly those which maintained economic and military ties with South Africa, to extend to it the economic embargo, which had produced some effect in Southern Rhodesia.⁶⁶⁰

At the 1757th meeting on 11 December 1973, the representative of Australia stated that, although his delegation shared the general feeling of disappointment over the equivocal nature of the South African Government's responses, it did not fully agree with the view that no useful purpose would be served by continuing the contacts between the Secretary-General and the Government of South Africa. There was a difference between deciding to terminate contacts and leaving them in abeyance. It was not simply a question of the usefulness of carrying on a dialogue with South Africa, but rather of whether or not the Security Council should retain some degree of flexibility against the possibility of future change in circumstances and attitudes. In the light of those considerations, his delegation found itself able to support the draft resolution introduced by the representative of Peru.⁶⁶¹

The representative of the Sudan stated that the problem of Namibia was a challenge to the authority of the Security Council and of the other organs of the United Nations. His delegation was of the view that the Security Council should take a very serious view of the situation and should, first, determine that the continued presence of South Africa in Namibia constituted an act of aggression and therefore a threat to international peace and security, and, secondly, adopt appropriate measures under Chapter VII of the United Nations Charter to secure the compliance of the South African Government.⁶⁶²

At the 1758th meeting on 11 December 1973, the representative of the United States stated that his delegation believed that, on balance, the Secretary-General's efforts had been beneficial to the United Nations involvement in the Namibian question. His Government noted with concern, however, that some of South Africa's recent actions in continuing to implement its so-called homelands policy and to take repressive measures conflicted sharply with the tenor of that Government's statements to the Secretary-General. Nevertheless, his Government was reluctant to eliminate the possibility of future talks and continued to believe that such discussions were the most realistic way of gaining self-determination for the people of Namibia. A number of questions concerning South Africa's plans for Namibia required more specific replies and the Secretary-General should be free to seek them. In his Government's view, responses already given to the Secretary-General by the South African Government represented important departures from previous South African policy and signalled openings which were admittedly narrow but worth further exploration.⁶⁶³

At the 1758th meeting on 11 December 1973, the Security Council proceeded to vote on the draft resolution submitted by Peru, as orally revised, and adopted⁶⁶⁴ it unanimously as resolution 342 (1973). The resolution read:

The Security Council,

Recalling its resolutions 309 (1972) of 4 February 1972, 319 (1972) of 1 August 1972 and 323 (1972) of 6 December 1972,

Having considered the report of the Secretary-General (S/10921 and Corr.1),

⁶⁵⁶ 1756th meeting, intervention by Peru.

⁶⁵⁷ S/11152, OR, 28th yr., Suppl. for Oct.-Dec. 1973, p. 264.

⁶⁵⁸ 1756th meeting, intervention by Peru.

⁶⁵⁹ *Ibid.*, Intervention by the President of the United Nations Council for Namibia.

⁶⁶⁰ *Ibid.*, intervention by Guinea.

⁶⁶¹ 1757th meeting, intervention by Australia.

⁶⁶² *Ibid.*, intervention by Sudan.

⁶⁶³ 1758th meeting, intervention by the United States.

⁶⁶⁴ *Ibid.*, preceding the intervention by France.

1. *Takes note with appreciation* of the report of the Secretary-General;
2. *Decides*, in the light of the report and the documents attached thereto, to discontinue further efforts on the basis of resolution 309 (1972);
3. *Requests* the Secretary-General to keep the Security Council fully informed of any new important developments concerning the question of Namibia.

Decision of 17 December 1974 (1811th meeting): resolution 366 (1974)

By letter⁶⁶⁵ dated 13 December 1974 addressed to the President of the Security Council, the representative of Upper Volta referred to General Assembly resolution 3295 (XXIX) of 13 December 1974 and requested, in his capacity as current Chairman of the African Group, that a meeting of the Security Council be convened at the earliest possible date to consider the question of Namibia.

At the 1811th meeting on 17 December 1974, the Security Council adopted⁶⁶⁶ the agenda and considered the question at its 1811th and 1812th meetings, both held on 17 December. At the 1811th meeting, the Council decided to invite the representatives of Morocco, Nigeria, Somalia and Upper Volta to participate in its discussion.⁶⁶⁷ At the same meeting, the Council also decided, at the request of the President of the United Nations Council for Namibia, to extend an invitation to a delegation of the Council for Namibia, composed of the President of that Council and the representatives of India, Romania and Zambia.⁶⁶⁸ The Council further decided, at the request of the representatives of Kenya, Mauritania and the United Republic of Cameroon,⁶⁶⁹ to extend an invitation to Mr. Peter Muesihange.⁶⁷⁰

At the 1811th meeting, the President (Australia) stated that, in addition to the letter from the representative of Upper Volta requesting a Council meeting, the Security Council had also received a letter⁶⁷¹ from the Secretary-General, drawing attention to General Assembly resolution 3295 (XXIX) concerning the question of Namibia, section II of which read:

The General Assembly,

Urges the Security Council to convene urgently in order to take without delay effective measures, in accordance with the relevant Chapters of the Charter of the United Nations and with resolutions of the Security Council and of the General Assembly regarding Namibia, to put an end to South Africa's illegal occupation of Namibia;

The President then drew the attention of the Security Council to a draft resolution⁶⁷² jointly sponsored by Kenya, Mauritania and the United Republic of Cameroon,

⁶⁶⁵ S/11575, OR, 29th yr., Suppl. for Oct.-Dec. 1974, p. 67.

⁶⁶⁶ 1811th meeting, President's opening statement.

⁶⁶⁷ *Ibid.*, President's opening statement: preceding the intervention by Upper Volta; and preceding the intervention by Somalia.

⁶⁶⁸ *Ibid.*, President's opening statement.

⁶⁶⁹ S/11580, OR, 29th yr., Suppl. for Oct.-Dec. 1974, p. 69.

⁶⁷⁰ 1811th meeting, President's opening statement.

⁶⁷¹ S/11576, mimeographed. For the text of the resolution, see GAOR, 29th sess., Suppl. No. 31.

⁶⁷² S/11579, same text as resolution 366 (1974).

and said that, following consultations on the matter, members of the Council had agreed to proceed immediately to vote on the draft resolution.⁶⁷³

At the 1811th meeting on 17 December 1974, the Security Council voted on the three-Power draft resolution and adopted⁶⁷⁴ it unanimously as resolution 366 (1974). The resolution read:

The Security Council,

Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, by which the Assembly terminated South Africa's Mandate over the Territory of Namibia, and resolution 2248 (S-V) of 19 May 1967, by which it established a United Nations Council for Namibia, as well as all subsequent General Assembly resolutions on Namibia, in particular resolution 3295 (XXIX) of 13 December 1974,

Recalling Security Council resolutions 245 (1968) of 25 January and 246 (1968) of 14 March 1968, 264 (1969) of 20 March and 269 (1969) of 12 August 1969, 276 (1970) of 30 January, 282 (1970) of 23 July, 283 (1970) and 284 (1970) of 29 July 1970, 300 (1971) of 12 October and 301 (1971) of 20 October 1971 and 310 (1972) of 4 February 1972, which confirmed the General Assembly decisions,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971 that South Africa is under obligation to withdraw its presence from the Territory,

Concerned about South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with the resolutions and decisions of the General Assembly and the Security Council, as well as the advisory opinion of the International Court of Justice,

Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia,

1. *Condemns* the continued illegal occupation of the Territory of Namibia by South Africa;

2. *Condemns* the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;

3. *Demands* that South Africa make a solemn declaration that it will comply with the resolutions and decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia and that it recognizes the territorial integrity and unity of Namibia as a nation, such declaration to be addressed to the Security Council;

4. *Demands* that South Africa take the necessary steps to effect the withdrawal, in accordance with Security Council resolutions 264 (1969) and 269 (1969), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations;

5. *Further demands* that South Africa, pending the transfer of power provided for in paragraph 4 above:

(a) Comply fully, in spirit and in practice, with the provisions of the Universal Declaration of Human Rights;

(b) Release all Namibian political prisoners, including those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly Bantustans and homelands;

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment;

6. *Decides* to remain seized of the matter and to meet on or before 30 May 1975 for the purpose of reviewing South Africa's

⁶⁷³ 1811th meeting, President's opening statement.

⁶⁷⁴ *Ibid.*, following President's opening statement.

compliance with the terms of the present resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter of the United Nations.

Speaking after the vote, the President of the United Nations Council for Namibia said that South Africa's persistent defiance of the Security Council and other organs of the United Nations and its resort to deceptive manoeuvres when subjected to international pressure were a matter of public record. There were certain principles regarding Namibia on which all members of the Security Council were in agreement. It was high time that the Security Council went beyond a mere reaffirmation of agreed principles and bring to an end South Africa's illegal occupation of Namibia. He expressed the hope that, in the context of new and unfolding realities, the Council when it would meet again to consider the question of Namibia, as it had decided to do in the resolution that had just been adopted, would reach a unanimous decision on the action necessary to achieve that objective. He suggested that the Security Council might indicate that it would not hesitate to employ, if necessary, those measures provided for in Chapter VII of the Charter of the United Nations.⁶⁷⁵

The representative of Upper Volta*, speaking as the current chairman of the African Group, stated that the African States had requested the meeting of the Security Council in the hope that it could take measures to defuse the explosive situation prevailing in Namibia. He urged the Council, and in particular those permanent members that had certain relations with South Africa, to bring its influence to bear so as to compel South Africa to withdraw from the Territory. South Africa should give a solemn commitment on withdrawal and, in order to create a propitious atmosphere for negotiations, also take immediate measures, such as the freeing of political prisoners, the abolition of the laws and practices of *apartheid* and the return of exiles to their homes. In the light of the rapidly changing situation in southern Africa, the United Nations must throw its full weight on the side of freedom and justice and thereby help to avoid further unnecessary bloodshed.⁶⁷⁶

COMPLAINT BY SENEGAL

Decision of 23 October 1972 (1669th meeting): resolution 321 (1972)

By letter⁶⁷⁷ dated 16 October 1972 addressed to the President of the Security Council, the permanent representative of Senegal requested that a meeting of the Security Council be urgently convened to consider the incident of 12 October on the border between Senegal and Guinea (Bissau), in which a unit of the regular Portuguese army, including five armoured cars, had attacked a Senegalese post in the department of Velingara and then had withdrawn following action taken by the Senegalese army in defence of the territorial integrity of the country. Recalling that the Council had already adopted several resolutions

condemning Portugal for systematic acts of aggression and provocation against Senegal, he added that this latest incident must be considered the most serious and significant, because a deliberately planned act of war was involved.

At the 1667th meeting on 19 October 1972, the Council included the item in its agenda and invited the representatives of Senegal, Mauritania, Algeria and Mali to participate in the discussion.⁶⁷⁸ The question was considered at the 1667th to 1669th meetings, held between 19 and 23 October 1972.

At the 1667th meeting the representative of Senegal* recalled that it was in 1963 that Senegal had first requested the Security Council to find a way to stop the aggressive actions of Portugal. However, Portugal, in defiance of the right of peoples to self-determination and of the resolutions of the Security Council and of the report of the Special Mission sent by the Council to the area in July 1971, had continued its armed incursions into Senegal which were the subject of fresh complaints by Senegal to the Council in 1965, 1969 and 1971. The incident of 12 October doubtless constituted a real act of open war and Portugal had specifically confirmed the incident in a public declaration. It had even presented to Senegal its apologies and offers of compensation for the victims, and had announced that the officer responsible would be court-martialed. It was quite clear that Portugal was able to violate the tenets of international law because of the help it received from its NATO allies. What was really needed, if Portugal was sincere, was that it should create immediate conditions of peace in Guinea (Bissau) by opening negotiations with the PAIGC on the basis of the peace plan submitted by Senegal in March 1969. Meanwhile, the Council, while condemning Portugal for aggression against Senegal should also ask the Portuguese Government to commence at once negotiations in regard to Senegal's peace plan.⁶⁷⁹

At the same meeting the representative of Guinea submitted a draft resolution,⁶⁸⁰ sponsored jointly by Somalia and Sudan.

The representative of the USSR, after recalling that the Security Council had censured Portugal several times before for its acts of aggression against Senegal, stated that Portugal had flagrantly violated the most fundamental provisions of the Charter by continuing its acts of aggression against Senegal. It was also violating the Declaration on the Strengthening of International Security which was adopted by the General Assembly at its twenty-fifth session. The Soviet delegation had supported previous resolutions on the question and insisted on the strictest observance of those resolutions. It was ready to accord the same support to any new measures that would deal effectively with the problem.⁶⁸¹

The representative of Mali* stated that the latest Portuguese attack should be viewed in the context of the systematic assaults since 1963 against Senegalese villages by Portuguese army units and no further arguments were

⁶⁷⁵ 1811th meeting, intervention by the President of the United Nations Council for Namibia.

⁶⁷⁶ *Ibid.*, intervention by Upper Volta.

⁶⁷⁷ S/10807, SC. OR, 27th yr., Suppl. for Oct.-Dec. 1972, p. 17.

⁶⁷⁸ 1667th meeting, paras. 3-6.

⁶⁷⁹ *Ibid.*, paras. 9-43.

⁶⁸⁰ S/10813, SC, OR, 27th yr., Suppl. for Oct.-Dec. 1972, pp. 20-21.

⁶⁸¹ 1667th meeting, paras. 123-140.

needed to make clear the need for effective action by the Security Council to put an end to that situation. The Council, therefore must base its decision on Chapter VII of the Charter and not on weak recommendations whose non-application would only erode the authority of the United Nations.⁶⁸²

The representative of China declared that the Council should condemn Portugal for its aggression against Senegal. In view of Portugal's violation of the relevant resolutions, the Council should consider the application of sanctions, ask Portugal to end its rule over the Territories and call upon all States to give assistance to the struggle of the people under Portuguese domination.⁶⁸³

At the 1668th meeting on 20 October 1972, the representative of Italy, taking note of the letter of the representative of Portugal dated 18 October, from which it emerged that the Portuguese authorities had deplored the incident of 12 October, had apologized to the Senegalese authorities, had stated appropriate procedures for punishing those guilty and had offered to pay compensation to the victims, stated that this was the first time this had happened and that any sign of a change in the Portuguese attitude should not be underestimated. The guarantees which the letter stated Portugal was ready to offer could serve to reduce the tension resulting from the incidents in the area. The three-Power draft resolution would benefit from being more in line with certain particular circumstances of the event under consideration, and hence, more balanced by taking into account the position adopted by the Portuguese Government.⁶⁸⁴

At the 1669th meeting on 23 October 1972, the Council had before it a revised draft resolution⁶⁸⁵ which had resulted from consultations on the draft resolution submitted by the delegations of Guinea, Somalia and Sudan. In the revised draft resolution, the paragraph, "Taking note of the letter of the representative of Portugal contained in document S/10810", was inserted after the second pre-ambular paragraph, and the first two operative paragraphs were changed to read as follows: "1. *Condemns* the frontier violation and attack on the Senegalese post at Nianao committed by regular forces of the Portuguese army on 12 October 1972; 2. *Recalls* its resolution 294 (1971) condemning the acts of violence and destruction committed by the Portuguese forces against the people and villages of Senegal since 1963;"

Before the vote, the representative of Belgium regretted that the Council had missed an opportunity, however tenuous and fragile it might be, to lessen tensions in the area by not taking note of the assurances that Portugal was prepared to give. At the same time he requested Portugal to take appropriate measures to prevent the repetition of frontier incidents with Senegal.⁶⁸⁶

Subsequently, the representative of Japan, noting that the Portuguese authorities, virtually for the first time, had presented their apologies and offered compensation as well

as necessary guarantees, welcomed the revision of the three-Power draft resolution.⁶⁸⁷

At the same meeting the President speaking as the representative of France stated that Lisbon's goodwill in offering compensation should, preferably, have been more explicitly spelled out and that the wording of paragraph 4 of the draft resolution would have benefited from being more clearly focused on the problem actually before the Council, that of Guinea (Bissau), without having necessarily to refer to a resolution which certain delegations, including the French delegation, had been unable to vote for.⁶⁸⁸

Subsequently, the revised three-Power draft resolution was adopted by 12 votes in favour, to none against, with 3 abstentions.⁶⁸⁹

The resolution reads as follows:

The Security Council,

Considering the complaint of the Republic of Senegal against Portugal contained in document S/10807,

Having heard the Minister for Foreign Affairs of Senegal,

Taking note of the letter of the representative of Portugal contained in document S/10810,

Considering its resolutions 178 (1963) of 24 April 1963, 204 (1965) of 19 May 1965, 273 (1969) of 9 December 1969, 302 (1971) of 24 November 1971 and the report of 2 February 1971 (E/CN.4/1050) of the Working Group of Experts of the Commission on Human Rights concerning Portuguese acts of violence in Senegalese territory,

Deeply disturbed by the attitude of Portugal, which persistently refuses to comply with the relevant Security resolutions,

Deeply concerned about the multiplication of incidents which entail the risk of a threat to international peace and security,

Reaffirming that only complete respect for the sovereignty and territorial integrity of Senegal and all the African States bordering the territories of Guinea (Bissau), Angola and Mozambique, and for the principle of self-determination and independence defined in particular in General Assembly resolution 1514 (XV), will make it possible to eliminate the causes of tension in those regions of the African continent and create a climate of confidence, peace and security,

1. *Condemns* the frontier violation and attack on the Senegalese post at Nianao committed by regular forces of the Portuguese army on 12 October 1972;

2. *Recalls* its resolution 294 (1971) condemning the acts of violence and destruction committed by the Portuguese forces against the people and villages of Senegal since 1963;

3. *Demands* that the Government of Portugal should stop immediately and definitively any acts of violence and destruction directed against Senegalese territory and scrupulously respect the sovereignty, territorial integrity and security of that State and all other independent African States;

4. *Calls upon* the Government of Portugal to respect the principle of self-determination and independence defined in particular in General Assembly resolution 1514 (XV) and to take immediately all necessary steps to apply that principle;

5. *Declares* that if Portugal does not comply with the provisions of the present resolution the Security Council will meet to consider other steps;

6. *Decides* to remain seized of the question.

After the vote, the representative of the United Kingdom stated that the special circumstances regarding the

⁶⁸² 1668th meeting, paras. 18-22.

⁶⁸³ *Ibid.*, paras. 23-28.

⁶⁸⁴ *Ibid.*, paras. 39-50.

⁶⁸⁵ S/10813/Rev.1, adopted without change as resolution 321 (1972) of 23 October 1972.

⁶⁸⁶ 1669th meeting, para. 4.

⁶⁸⁷ *Ibid.*, paras. 19-20.

⁶⁸⁸ *Ibid.*, paras. 30-34.

⁶⁸⁹ *Ibid.*, para. 35. Adopted as resolution 321 (1972).

incident of 12 October, having been admitted and denounced by the responsible Government, which had also apologized and offered compensation and guarantees, did not call for outright condemnation, but might rather have provided the opportunity to explore means by which the danger of such acts of violence breaking out might be averted.⁶⁹⁰

At the same meeting, the representative of the United States of America stated that the revised draft did not reflect adequately the contents of the communication submitted by Portugal to the Security Council, which explained the Portuguese Government's response, and followed the standard acceptable procedure in international law for rectification of international incidents. The revised draft did not refer to the need to get at the more basic causes of tension in the region, nor to the need to search for some form of peaceful settlement on the part of the parties concerned in the conflict. As to the direction in which the Council should head in dealing with this problem, the United States delegation would continue to press its suggestion of November 1971 to establish a commission to investigate border incidents and to report periodically to the Security Council on progress toward a satisfactory settlement in the region.⁶⁹¹

QUESTION CONCERNING THE SITUATION IN TERRITORIES UNDER PORTUGUESE ADMINISTRATION

In the course of its meetings in Addis Ababa, the Security Council considered among other issues the question concerning the situation in Territories under Portuguese administration and adopted resolution 312 (1972) relating to this question.⁶⁹²

Decision of 22 November 1972 (1677th meeting): resolution 322 (1972)

By letter⁶⁹³ dated 7 November 1972 addressed to the President of the Security Council the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo, Dahomey, Egypt, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta, Zaire and Zambia requested a meeting of the Security Council to examine the situation in the Territories under Portuguese domination. In the letter, it was pointed out that the situation in those Territories came under discussion while the Security Council was examining several complaints made by African States relating to the acts of aggression by Portugal against their sovereignty and territorial integrity. The letter also stated that the situation in the Territories had evolved since 1963 in favour of national liberation movements. As a

result of that progressive trend, the Security Council was asked to take the necessary measures to bring the Government of Portugal to recognize the right of self-determination and independence of the African peoples under its domination and draw up a time-table for the transfer of power to the authentic representatives of the African peoples of Guinea (Bissau), Angola and Mozambique.

By letter⁶⁹⁴ dated 15 November 1972 addressed to the President of the Security Council the representative of Portugal expressed regret that the Security Council should have been convened on a request that was misconceived. He stated that the question at issue was beyond the competence of the Security Council, there being no dispute prevailing between Portugal and any of the States whose representatives had requested a Council meeting. The situation in the Portuguese Territories was a matter within the domestic jurisdiction of a Member State and as such, under Article 2, paragraph 7, of the Charter, expressly excluded from consideration by the United Nations.

In a letter⁶⁹⁵ dated 15 November 1972 to the President of the Security Council the Secretary-General conveyed the text of resolution 2918 (XXVII) relating to the question of Territories under Portuguese administration adopted by the General Assembly and drew attention to paragraph 7 of the resolution in which the General Assembly recommended that the Security Council should urgently consider taking all effective steps with a view to securing the full and speedy implementation of General Assembly resolution 1514 (XV) and of the related decisions of the Council.

The Secretary-General also conveyed the report⁶⁹⁶ dated 11 July 1972 on the implementation of Security Council resolution 312 (1972), containing the replies of Governments to his inquiry concerning action, taken or envisaged by them in implementation of paragraph 6 of that resolution.

At the 1672nd meeting on 15 November 1972 the Security Council adopted⁶⁹⁷ the agenda and considered the question at the 1672nd to 1677th meetings between 15 and 22 November 1972. At the 1672nd meeting on 15 November the representatives of Burundi, Ethiopia, Liberia, Madagascar, Nigeria, Sierra Leone, United Republic of Tanzania, Saudi Arabia and Tunisia were invited⁶⁹⁸ to take part in the discussion without the right to vote. At the same meeting the Security Council agreed to a request made by the representatives of Somalia and the Sudan, and invited⁶⁹⁹ under rule 39 of the provisional rules of procedure, Mr. Marcelino dos Santos, Vice-President of the Frente de Libertação de Moçambique (FRELIMO), Mr. Gil Fernandes, member of the Superior Council of PAIGC and Mr. Manuel Jorge of the Movimento Popular de Libertação de Angola (MPLA). Subsequently, at the 1673rd meeting on 16 November the representatives of Uganda⁷⁰⁰ and

⁶⁹⁰ 1669th meeting, paras. 38-40.

⁶⁹¹ *Ibid.*, paras. 41-46.

⁶⁹² For relevant proceedings see in this chapter the procedural history of the meetings in Addis Ababa under the heading "Consideration of questions relating to Africa with which the Security Council is currently seized and the implementation of the Council's resolutions", pp. 99, 101-102.

⁶⁹³ S/10828, OR, 27th yr., Suppl. for Oct.-Dec. 1972, p. 30.

⁶⁹⁴ S/10833, OR, 27th yr., Suppl. for Oct.-Dec. 1972 p. 47.

⁶⁹⁵ S/10836, GAOR, 27th session, Suppl. No. 30.

⁶⁹⁶ S/10734, OR, 27th yr., Suppl. for July-Sept. 1972, pp. 59-62.

⁶⁹⁷ 1672nd meeting, following para. 1.

⁶⁹⁸ *Ibid.*, paras. 2-3, 216.

⁶⁹⁹ *Ibid.*, para. 4.

⁷⁰⁰ 1673rd meeting, paras. 2-3.

Morocco⁷⁰¹ and at the 1674th meeting on 17 November the representative of Cuba⁷⁰² were also invited to participate.

At the 1672nd meeting on 15 November 1972, at the opening of the discussion, the representative of Liberia* urged the Security Council to deplore the armed repression by Portugal of the peoples of Angola, Mozambique, Guinea (Bissau) and Cape Verde to deprecate Portugal's continued violations of the territorial integrity and sovereignty of independent African States neighbouring on those Territories. He called upon the Security Council to reaffirm the inalienable rights of the peoples in territories under Portuguese administration to self-determination and independence and to affirm that the national liberation movements of those Territories were the legitimate representatives of the peoples with whom Portugal should enter into negotiations immediately with a view to arriving at a solution to the armed conflict that prevailed in those Territories. Finally, he appealed to all States, particularly the military allies of Portugal, to put an end to the sale or supply of weapons to Portugal.⁷⁰³

At the same meeting the representative of Sierra Leone* stated that the continued refusal of Portugal to recognize the legitimate aspirations of the peoples of the Territories under its control for self-determination constituted a permanent source of international friction and a constant threat to international peace. To remedy that situation Portugal would have to abandon the fiction that those Territories were provinces, not colonies, recognize the liberation movements of the peoples in those Territories and enter into negotiations with those peoples to decide on the steps towards an early exercise of the rights of self-determination.⁷⁰⁴

The representative of Ethiopia* recalled that the Security Council, by resolution 312 (1972) of 4 February 1972 had recognized the legitimacy of the struggle of the peoples under Portuguese domination to achieve their inalienable right to self-determination and independence. As a logical consequence of this resolution and in view of the progressive developments that had taken place in the struggle for liberation, the Security Council should consider recognizing those movements as the legitimate representatives of the peoples in the Territories concerned. The international community should give effective moral and material assistance to those national liberation movements. It was time for the Security Council to consider declaring an arms embargo against Portugal, because its aggressive activities threatened peace and stability on the African continent.⁷⁰⁵

At the same meeting the representative of Saudi Arabia* suggested that the Secretary-General might appoint an emissary to deal with the question concerning the situation in territories under Portuguese administration, as he had done with the question of Namibia. The Trusteeship Council might be reactivated, or a representative of the Secretary-General might make a fact-finding tour. In the

long run there was no alternative to giving freedom to the Africans living in Portuguese Territories.⁷⁰⁶

At the 1673rd meeting on 16 November 1972, the representative of the United Republic of Tanzania* said that peace was incompatible with colonialism. Portugal had used its colonial Territories to attack independent African States. Those acts alone had constituted a serious threat to international peace and security, justifying action by the Council under Chapter VII of the Charter. At the same time the Security Council must reaffirm the legitimacy of the struggle which was waged by the liberation movements, and recognize these as sole and authentic representatives of the people.⁷⁰⁷

At the same meeting Mr. dos Santos, addressing the Council on behalf of FRELIMO, asserted that the development of the national liberation struggle in Mozambique had shown that FRELIMO was unchallenged and undoubtedly leader of the people of Mozambique. The granting of the status of observer to FRELIMO by the Fourth Committee of the General Assembly of the United Nations constituted international recognition of that reality. It also meant that FRELIMO exercised *de facto* political authority over the people of Mozambique, extending to the liberated areas and to the areas still under colonial domination. The United Nations should further contribute to the liberation struggle by direct assistance from the United Nations, States Members and the specialized agencies and by the cessation of any further assistance to Portugal on the part of States Members and national and international organizations. FRELIMO, however, was ready to negotiate with the Government of Portugal on behalf of the entire people of Mozambique as soon as Portugal recognized their right to self-determination and national independence.⁷⁰⁸

At the same meeting the representative of Somalia stated that the time had come for positive measures in regard to the situation in the Portuguese colonies, measures that went beyond the affirmation of principles and the moderate calls for action that had been made in Addis Ababa in February 1972. Portugal's refusal to act in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples had led to the large-scale colonial wars waged by the Portuguese Government against the peoples of all the African Territories under its domination. The liberation struggle had been declared legitimate by the General Assembly of the United Nations and by the Security Council itself. The Security Council now had sufficient cause to invoke Chapter VII of the Charter and impose an arms embargo on Portugal so that it would not be assisted in its unjust war of repression against African peoples under its domination.⁷⁰⁹

On behalf of Guinea, Somalia and the Sudan, the representative of Somalia then introduced a draft resolution⁷¹⁰ which he said was designed to redress the situation in the Territories and to update previous resolutions of the Security Council and the General Assembly.

⁷⁰¹ 1673rd meeting, para. 116.

⁷⁰² 1674th meeting, paras. 2-3.

⁷⁰³ 1672nd meeting, paras. 52-56.

⁷⁰⁴ *Ibid.*, paras. 143-160.

⁷⁰⁵ *Ibid.*, paras. 190-201.

⁷⁰⁶ *Ibid.*, paras. 238-243.

⁷⁰⁷ 1673rd meeting, paras. 18-31.

⁷⁰⁸ *Ibid.*, paras. 109-114.

⁷⁰⁹ *Ibid.*, paras. 123-125, 137-138.

⁷¹⁰ S/10834, OR, 27th yr., Suppl. for Oct.-Dec. 1972, pp. 47-48.

Under it, the Security Council would, *inter alia*, (a) affirm that national liberation movements of the Territories under Portuguese domination were the legitimate representatives of the peoples of those Territories; (b) call upon the Government of Portugal to enter into negotiations with the national liberation movements of Angola, Guinea (Bissau) and Cape Verde and Mozambique with a view to arriving at a solution to the armed conflict and subsequent accession to independence; (c) appeal to all Governments, specialized agencies and other organizations within the United Nations system and non-governmental organizations to assist, morally and materially, the liberation movements of those Territories in their struggle for self-determination and independence; (d) impose an arms embargo on Portugal as long as it refused to renounce its policy of colonial domination; and (e) establish an *ad hoc* committee of five members of the Security Council to be charged with the implementation of the arms embargo.⁷¹¹

At the same meeting Mr. Fernandes, speaking on behalf of PAIGC, stated that during the 10 years of armed struggle, the people of Guinea (Bissau) and Cape Verde, under the leadership of PAIGC had made enormous progress. Almost three-quarters of their national territory had been liberated from colonial domination and two-thirds of Guinea (Bissau) was under their effective control. He confirmed the proposal made by PAIGC in Addis-Ababa to set a time-limit for the departure of Portuguese troops and to send a delegation of the Security Council to see the Portuguese Prime Minister and make concrete proposals for the beginning of negotiations. He also said that his people had just completed elections for their first national assembly which was due to meet in the near future and proclaim a State.⁷¹²

At the 1674th meeting on 17 November the representative of the USSR stated that in southern Africa the world was seeing a new and special kind of neo-colonialism: collective colonialism. In the Territories occupied by Portugal, it was not only the Portuguese colonialists who held sway but the international monopolies with headquarters in various capitals and large cities of Western countries. In those circumstances, the Council should set definite deadlines for the transfer of power to the true representatives of the African peoples of Guinea (Bissau), Angola and Mozambique. If Portugal violated the Security Council's decision that power be handed over to the peoples of those countries, then the Council should consider declaring sanctions against Portugal. With regard to the draft resolution sponsored by Guinea, Somalia and the Sudan, his delegation saw three important elements in that text. (a) The appeal to Portugal to begin negotiations with the national liberation movement. (b) The recognition of the national liberation movements as the legal representatives of their people. (c) The appeal to all States that were helping Portugal to put an end to such assistance. The Soviet Union supported the draft resolution and felt that the Security Council should immediately decide to put a stop to the delivery of arms and war materials to the Portuguese colonialists.⁷¹³

The representative of the Sudan emphasized that should the Council succeed in persuading the NATO Powers to withdraw their military and financial assistance to Portugal, Portugal itself would be greatly helped to face reality. If it failed to do so, the Council could invoke Chapter VII of the Charter and apply total sanctions to the whole of southern Africa for a start. Finally, if those efforts failed, the Council might have to consider as a final attempt, a new innovation such as a declaration of independence for those Territories under Portuguese domination.⁷¹⁴

Mr. Jorge, speaking on behalf of MPLA, informed the Council that MPLA controlled more than one-third of the territory of Angola. In those liberated areas, the new Angola State was rising. The Portuguese Government pursued its colonial war by concentrating most of its armed forces in Angola. He maintained that Portugal was strengthening its ties with the South African and Rhodesian racists and officially requesting members of NATO to establish military bases in Angola. The Security Council, he continued, should invite Portugal once again to halt its war of aggression and recognize the right to self-determination and independence of the Angolan people in accordance with General Assembly resolution 1514 (XV) thus making it possible for Portugal to negotiate with MPLA, the sole land legitimate representative of the Angolan people.⁷¹⁵

At the same meeting the representative of Uganda stated that the brand of Portuguese colonialism in Africa was outside the spirit and intention of Chapter XI, Article 73 of the Charter of the United Nations. That Article demanded of all colonial Powers to advance their colonial peoples to freedom and self-determination. It was in pursuance of that Article that resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples had been adopted by the General Assembly on 14 December 1960. Any colonial situation was of a temporary nature and the ultimate objective had to be the self-determination and independence of the colonized people. Uganda was willing to abide by whatever decisions the Council took in hastening the self-determination and independence of all Portuguese colonies.⁷¹⁶

At the 1676th meeting on 21 November the representative of Yugoslavia supported the suggestion that the Security Council should consider declaring the independence of the Territories if its other actions proved fruitless. Yugoslavia also supported the call to all States to end the supply of weapons to Portugal and any measures to ensure such an embargo. It was Yugoslavia's position of principle to support the initiatives of the African States, and he considered that the setting up of a subsidiary *ad hoc* body of the Security Council to deal exclusively with the decolonization process in the Portuguese-held Territories was indicated. It was essential to assist in establishing contacts leading to negotiations between Portugal and its legitimate partners the national liberation movement—on the basis of the right to self-determination and independence.⁷¹⁷

⁷¹¹ 1673rd meeting, paras. 141-147.

⁷¹² *Ibid.*, paras. 172-194.

⁷¹³ 1674th meeting, paras. 8-32.

⁷¹⁴ *Ibid.*, paras. 68-72.

⁷¹⁵ *Ibid.*, paras. 97-105, 128-133.

⁷¹⁶ *Ibid.*, paras. 146-161.

⁷¹⁷ 1676th meeting, paras. 19-27.

The representative of Somalia stated that, following consultations, the sponsors of the draft resolution contained in document S/10834 had decided to withdraw it and submit instead two separate draft resolutions.⁷¹⁸ The first of these (S/10838) would reaffirm the inalienable right of the peoples of Angola, Guinea (Bissau) and Cape Verde and Mozambique to self-determination and independence and call upon the Portuguese Government to enter into negotiations with the true representatives of the peoples of those Territories to enable them to achieve self-determination and independence. Before turning to the second draft resolution (S/10839), he introduced some further amendments to the first one (S/10838),⁷¹⁹ whereby *inter alia* the words "under the direction of their national liberation movements" were to be deleted from the last part of operative paragraph 1. Then he presented the second draft (S/10839) which embodied the measures to be taken against Portugal, including an arms embargo and the establishment of an *ad hoc* committee to investigate the flow of arms to Portugal.⁷²⁰

At the same meeting the representative of China supported the two draft resolutions submitted by Guinea, Somalia and the Sudan. He said that the Security Council should severely condemn Portugal for its colonial wars and its armed aggression against neighbouring African countries. A strict arms embargo and sanctions should be applied against Portugal and all countries should be called upon to give greater assistance and support to the national liberation movements in the Portuguese colonies.⁷²¹

At the 1677th meeting on 22 November the representative of India stated that the United Nations should declare the Portuguese colonies independent countries over which Portugal would no longer have legal authority. Because South Africa and Zimbabwe had continued to help Portugal, India had repeatedly suggested that complete and comprehensive sanctions be imposed against South Africa, Zimbabwe and Portugal. There was not much prospect of a negotiated settlement with Portugal. Independence should not be the subject of negotiation—only its timing and method of achievement. Should those measures fail,—and the objective indications were that they would, then the Security Council would be prepared for much more determined action.⁷²²

The representative of Somalia, on behalf of the sponsors, introduced some textual changes in the first draft resolution contained in document S/10838/Rev.1 that had been accepted by the sponsors in the course of informal consultations. That acceptance, he explained, did not necessarily signify satisfaction with the changes; in view of the political realities and differences of opinion among the members of the Council, the sponsors had no alternative but to agree to the more flexible but unsatisfactory text.

⁷¹⁸ S/10838, revised as S/10838/Rev.1, and adopted without further change as resolution 322 (1972) and S/10839, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, p. 51.

⁷¹⁹ S/10838/Rev.1. Subsequently adopted as resolution 322 (1972).

⁷²⁰ 1676th meeting, paras. 63-77.

⁷²¹ *Ibid.*, paras. 80-92.

⁷²² 1677th meeting, paras. 18-28.

He added that they would not press for a vote on the draft resolution contained in document S/10839.⁷²³

The representative of France emphasized that in the process leading to self-determination, the administering Power had to play the main role and any proposal that ignored this commonsense finding would be doomed to failure, as the history of decolonization amply confirmed. The Council would be incorrect if it sought to deny Portugal the peace and the responsibility to which it was entitled in the process in which the Council was inviting it to participate. Certain recent statements and letters of the Portuguese authorities seemed to be signs of movement toward constructive discussions. The sponsors of draft resolution contained in document S/10838/Rev.1 had wisely focused their attention on two points: reaffirmation of the inalienable right of the peoples to self-determination and the necessity to put an end to military or repressive operations as soon as possible, so that peaceful methods of negotiation might begin. Therefore the French delegation would support draft resolution S/10838/Rev.1 as a whole, but it did not consider the situation as falling under the provisions of Chapter VII of the Charter and would not be able to support the draft resolution in document S/10839.⁷²⁴

At the same meeting the representative of the United Kingdom stated that in the view of his delegation it was for the administering Power in accordance with Chapter XI of the Charter and not the Security Council or the General Assembly to determine the modalities through which self-determination was to be brought about. Accordingly, he would vote in favour of the draft resolution in document S/10838/Rev.1 as orally revised. As for the draft resolution contained in document S/10839, it could only have led to the prolongation of deadlock and confrontation and therefore, his delegation was pleased that it was not being pressed to the vote.⁷²⁵

At the same meeting the representative of the United States requested that a separate vote be taken on operative paragraph 2 of draft resolution S/10838/Rev.1 in order to enable the United States to express its reservations regarding that paragraph.⁷²⁶

As the sponsors, under rule 32 of the provisional rules of procedure, objected to a separate vote on operative paragraph 2, the draft resolution as a whole was put to the vote and adopted unanimously.⁷²⁷ The resolution read as follows:

The Security Council,

Having examined the situation in Angola, Guinea (Bissau) and Cape Verde, and Mozambique,

Recalling its resolution 312 (1972) of 4 February 1972,

Also recalling General Assembly resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and 2918 (XXVII) of 14 November 1972, on the question of Territories under Portuguese administration,

⁷²³ *Ibid.*, paras. 40-46.

⁷²⁴ *Ibid.*, paras. 51-62.

⁷²⁵ *Ibid.*, paras. 65-72.

⁷²⁶ *Ibid.*, para. 76.

⁷²⁷ *Ibid.*, para. 83. Adopted as resolution 322 (1972).

Taking note of the reports 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,

Considering that the Organization of African Unity recognizes the liberation movements of Angola, Guinea (Bissau) and Cape Verde, and Mozambique as the legitimate representatives of the peoples of those Territories,

Having heard the statements of the representatives of Member States and of Mr. Marcelino dos Santos, Mr. Gil Fernandes and Mr. Manuel Jorge, who were invited under rule 39 of the provisional rules of procedure to participate in the consideration of the question,

Conscious of the urgent need to avert further human suffering and material losses by the peoples of Angola, Guinea (Bissau) and Cape Verde, and Mozambique and to achieve a negotiated solution to the armed confrontation that exists in those Territories,

1. *Reaffirms* the inalienable right of the peoples of Angola, Guinea (Bissau) and Cape Verde, and Mozambique to self-determination and independence, as recognized by the General Assembly in its resolution 1514 (XV), and the legitimacy of the struggle by those peoples to achieve that right;

2. *Calls upon* the Government of Portugal to cease forthwith its military operations and all acts of repression against the peoples of Angola, Guinea (Bissau) and Cape Verde, and Mozambique;

3. *Calls upon* the Government of Portugal, in accordance with the relevant provisions of the Charter of the United Nations and General Assembly resolution 1514 (XV), to enter into negotiations with the parties concerned, with a view to achieving a solution to the armed confrontation that exists in the Territories of Angola, Guinea (Bissau) and Cape Verde, and Mozambique and permitting the peoples of those Territories to exercise their right to self-determination and independence;

4. *Requests* the Secretary-General to follow developments in the situation and to report periodically to the Security Council;

5. *Decides* to remain actively seized of this matter.

COMPLAINT BY ZAMBIA

Decisions of 2 February 1973 (1691st meeting): resolution 326 (1973) and 327 (1973)

By letter⁷²⁸ dated 24 January 1973 addressed to the President of the Security Council, the representative of Zambia informed the Council that on 9 January 1973 the illegal régime of Southern Rhodesia closed the border between Southern Rhodesia and his country and imposed an economic blockade against it. Since that date the illegal régime also had committed numerous acts of subversion and sabotage against Zambia and deployed its troops, together with 4,000 from South Africa, along the border. Those troops had committed a series of violations against the sovereignty and territorial integrity of his country. In view of those acts of aggression, constituting a serious threat to international peace and security, he requested that a meeting of the Security Council should be convened as a matter of urgency.

In a letter⁷²⁹ dated 23 January 1973 addressed to the President of the Council, Guinea, Kenya and the Sudan associated themselves with Zambia's request for a meeting of the Council to examine the situation on the Zambian border, subsequently, Yugoslavia also associated itself with that request.⁷³⁰

⁷²⁸ S/10865, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, p. 31.

⁷²⁹ S/10866, *Ibid.*

⁷³⁰ S/10869, *Ibid.*, p. 38.

In a letter⁷³¹ dated 26 January 1973 addressed to the President of the Council, the representative of South Africa transmitted a message from the South African Minister of Foreign Affairs drawing attention to a statement by his Prime Minister regarding the complaint by Zambia. The statement emphasized South Africa's non-interference in the domestic affairs of other countries and denied the charge that South African troops had been deployed along the border between Zambia and Southern Rhodesia.

In a letter⁷³² dated 29 January 1973 addressed to the Secretary-General the representative of Zambia transmitted a message from the President of Zambia stating that tension had continued to rise as more people were killed by land mines on Zambian soil by forces of the Smith régime and South Africa. The Zambian President urged the Council to put an end to the critical situation and to ensure the withdrawal of South African troops.

At the 1687th meeting on 29 January 1973 the Security Council adopted⁷³³ the agenda and considered the question at the 1687th to 1691st meetings between 29 January and 2 February 1973. At the 1687th meeting on 29 January the representatives of Zambia, Algeria, Chile, Egypt, Ghana, Morocco, Senegal, Somalia, United Republic of Tanzania and Zaire were invited, at their request to take part in the discussion without the right to vote.⁷³⁴ Subsequently, at the 1689th meeting on 31 January the representative of Cuba⁷³⁵ and at the 1690th meeting on 1 February the representatives of Cameroon and Guyana⁷³⁶ were also invited to participate.

At the 1687th meeting on 29 January 1973, the representative of Zambia* stated that the closure by the illegal régime in Southern Rhodesia of its border with Zambia on 9 January was an act of aggression aimed at inflicting serious damage to Zambia's economy in order to put pressure on Zambia not to support the liberation movement of the people of Zimbabwe. The current crisis had been exacerbated by the collusion of the Salisbury and Pretoria régimes. South African troops had moved into Southern Rhodesia in 1967 and had remained there as an occupation force. Both régimes had repeatedly carried out military incursions into Zambia. He described a series of nine incidents perpetrated in January 1973, that had involved border crossings, firing against villagers and the laying of mines inside Zambia, all of which had resulted in loss of life and serious injuries. Referring to the mandatory sanctions imposed by the Council against Southern Rhodesia he said that his Government had decided to establish permanent alternative routes for its trade and to abandon the southern route altogether. His delegation recommended that the Council should: (1) condemn Southern Rhodesia's acts of aggression against Zambia, including economic blockade and military threats; (2) condemn the Government of South Africa for the presence of its forces in Southern Rhodesia; (3) demand the immediate withdrawal of South African forces from Southern Rhodesia;

⁷³¹ S/10870, *Ibid.*, pp. 38-39.

⁷³² S/10877, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, p. 41.

⁷³³ 1687th meeting, preceding para. 1.

⁷³⁴ *Ibid.*, paras. 1-3.

⁷³⁵ 1689th meeting, para. 3.

⁷³⁶ 1690th meeting, para. 7.

(4) deplore the failure of the British Government to end the rebellion in Southern Rhodesia; (5) call upon the British Government as the administering Power to convene immediately a constitutional conference representative of all the people of Zimbabwe to determine the political future of the colony; (6) call upon the British Government to take effective measures aimed at creating favourable conditions necessary for free expression and political activity by the people of Zimbabwe, including the immediate release of all political prisoners and detainees and restrictivees and the repeal of all racist and repressive discriminatory legislation; (7) call upon all Member States to implement the sanctions policy fully and request the Committee to complete its report for the purpose of tightening sanctions against Southern Rhodesia under the full force of Chapter VII of the Charter in view of the changed circumstances; (8) reaffirm the inalienable right of the people of Zimbabwe to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the United Nations Charter; (9) reaffirm the principle that there should be no independence before majority rule in Southern Rhodesia; (10) reaffirm the principle of non-recognition of the rebel régime by Member States; (11) in recognition of the serious threats to peace and security on the Zambian borders immediately request the Secretary-General to send a special representative to assess the political and military situation in the area; (12) in recognition of the urgent need of Zambia for economic assistance, request the Secretary-General immediately to dispatch a team of experts to assess the needs of Zambia in maintaining an alternative system of road, rail, air and sea communications for sustaining its economy in accordance with the relevant paragraphs of Security Council resolutions 253 (1968) and 277 (1970).⁷³⁷

The representative of Ghana*, speaking on behalf of the group of African States, noted that by erecting a border blockade against Zambia, the Smith régime had sought to frustrate Zambia's economic efforts. The blockade was a provocative act and the United Kingdom, as the administering Power had an obligation to ensure that it was rolled back. In the meantime, Zambia was entitled to international assistance under Articles 49 and 50 of the Charter. The United Kingdom Government had refused to comply with Article 73 of the United Nations Charter which enjoined colonial and administering Powers to transmit each year information on their Territories to the Secretary-General. Insofar as the United Kingdom found itself unable to take the necessary effective measures against the rebel régime in Southern Rhodesia, it should have given way to the United Nations and the international community to consider taking action under Articles 41 and 42 of the Charter. There was also abundant evidence that the sanctions imposed by the Security Council were being breached in many devious ways. The continued importation by the Government of the United States of chrome and nickel from Zimbabwe was in open contravention of the provisions of Security Council resolutions 253 (1968), 277 (1970), 288 (1970) and 314 (1972) contrary to the specific obligations assumed by the United States under Article 25 of the United Nations Charter. The international community should assist the process leading to the formation of

a Government based on majority rule in Zimbabwe. Only then the acts of aggression against Zambia would cease.⁷³⁸

At the same meeting the representative of the United Republic of Tanzania* suggested that in order to counter-balance the effect of the economic blockade against Zambia, the Council should examine the best ways of assisting Zambia, in particular, the possibility of establishing a special economic assistance fund. It should also ask the Government of the United Kingdom to compensate Zambia for the losses it was incurring because of that Government's failure to bring down the rebellion. Tanzania expected the Council to broaden its current mandatory sanctions against the Smith régime in conformity with the relevant provisions of the Charter, including those in Chapter VII.⁷³⁹

The representative of the United Kingdom stated that his Government deplored the closure by the Rhodesian régime of the border with Zambia and expressed the hope that the Council would not have any difficulty in urging all concerned to do all in their power to prevent further acts of violence across the border. He drew a distinction between extending the sanctions and making them more effective. The trouble with the sanctions was that they were not rigorously applied, not even by those States that professed to comply fully with them. The whole question had been sent to the Committee on sanctions for study and it was for that body to produce any necessary recommendation. The current situation was not conducive to a solution of the political problem of Southern Rhodesia, which was at a crucial point. If a peaceful political settlement could be reached for Southern Rhodesia all the other related problems would solve themselves. Therefore, the Council must make certain that nothing said or done by it hindered the chances of peaceful solution.⁷⁴⁰

The representative of Yugoslavia pointed out that the illegal régime in Southern Rhodesia had justified its aggression against Zambia on the grounds that the Zimbabwe freedom fighters were receiving assistance, though the legitimacy of their struggle had been recognized by the United Nations. The Council must condemn all acts of aggression by Southern Rhodesia, request the removal of any foreign military personnel sent to Salisbury to help the Smith régime and make the implementation of the sanctions more effective. Under Articles 49 and 50 of the Charter and Security Council resolutions 253 (1968) and 277 (1970) Zambia was entitled to economic assistance; therefore, it would be helpful for the Council to send a mission, or a team of experts or a representative of the Secretary-General to review Zambia's needs on the spot.⁷⁴¹

The representative of the USSR stated that the Salisbury régime had intensified its oppression of the Zimbabwe people and its acts of aggression against other independent African States, in spite of United Nations full support to their struggle for independence. That state of affairs threatened international peace and security and remained possible only because the régime had the support of Portugal and South Africa and their Western allies. The

⁷³⁸ 1697th meeting, paras. 51-78.

⁷³⁹ *Ibid.*, paras. 95-100.

⁷⁴⁰ *Ibid.*, paras. 112-125.

⁷⁴¹ *Ibid.*, paras. 138-146.

⁷³⁷ 1687th meeting, paras. 8-40.

Soviet Union demanded that an end be put to the illegal Smith régime in order to eliminate the threat to peace in Africa. To that end the Security Council should extend and strengthen the sanctions against Southern Rhodesia and decide to decree corresponding sanctions against Portugal and South Africa.⁷⁴²

At the 1688th meeting on 30 January the representative of Egypt, speaking on behalf of the Arab countries, stated that a transfer of power to the people of Zimbabwe on the basis of majority rule was the only solution of the situation in Southern Rhodesia. To achieve that goal the Council must assist the peoples of Rhodesia to liberate themselves and should take suitable measures under the Charter to preserve the rights of Zambia.⁷⁴³

At the same meeting the representatives of Chile*, Algeria*, China, Senegal*, Zaire*, Kenya and India expressed solidarity with Zambia in its struggle against the racist régime in Rhodesia. The representative of Chile* stated that the Council should condemn the actions of Rhodesia and South Africa and ponder the need to grant status to the people of Zimbabwe by creating for them a council similar to the United Nations Council for Namibia.⁷⁴⁴

The representative of China said that the Security Council must demand the withdrawal of South African troops from Rhodesia, further strengthen its sanctions and extend them to South Africa and Portugal and call for active support for Zambia and the people of Zimbabwe.⁷⁴⁵

The representative of Zaire* noted that the convention on Transit Trade of Landlocked states rested on the principle of equality of treatment for coastal and landlocked states and the Council should continue to discuss Zambia's complaint until a suitable solution has been found.⁷⁴⁶

The representative of Kenya stated that Kenya supported all the recommendations contained in the statement of the representative of Zambia and urged the Council to invoke Articles 49 and 50 of the Charter and to send a mission to ascertain the needs of Zambia.⁷⁴⁷

At the 1689th meeting on 31 January the representative of Austria stated that Zambia, as the result of severing its last economic ties with Southern Rhodesia, was faced with a grave situation. Therefore the request expressed by Zambia, based on Articles 49 and 50 of the Charter and on the provisions of Security Council resolutions 253 (1968) and 277 (1970) for economic assistance deserved serious consideration. The success of any further action depended on the continued co-operation of all parties concerned, in particular the strict compliance with the sanctions imposed by the Council, and careful examination was required to determine whether such action could contribute effectively to eliminating the threat to peace in the area.⁷⁴⁸

At the same meeting the representative of the United States noted that the border closing had forced Zambia to seek alternate routes for its goods and the resulting plight underscored the need to examine carefully ways in which Zambia might be assisted. His Government had long considered that the problem of Southern Rhodesia should be resolved by peaceful means, one of them being the imposition of sanctions which it felt should be maintained and tightened. His delegation was in favour of sending a team of United Nations experts to determine Zambia's needs or of asking the UNDP resident representative to undertake that task.⁷⁴⁹

At the 1690th meeting on 7 February the representative of the Sudan introduced two draft resolutions jointly sponsored by Guinea, Kenya, the Sudan and Yugoslavia.⁷⁵⁰ He noted that the first draft resolution (S/10875) contained proposals regarding the political aspects of the complaint by Zambia and the second draft resolution (S/10876) concerned economic assistance to Zambia.

At the 1691st meeting on 2 February 1973 the representative of the Sudan stated that as a result of consultation among the members of the Council, the sponsors of the two draft resolutions had decided to amend them in order to have the approval of all delegations.⁷⁵¹ In the first draft resolution (S/10875) the word "régimes" in paragraph 3 had been replaced by the word "régime" and the words "that of" had been inserted between "and" and "South Africa". That paragraph read as follows:

Calls upon the Government of the United Kingdom to take all effective measures to put an end to such actions by the illegal and racist régime of Southern Rhodesia and that of South Africa.

The original paragraph 7 which read "Deplores the failure of the United Kingdom Government to take effective measures to bring to an end the illegal régime in Southern Rhodesia" had been deleted and replaced by a new paragraph 4 reading "Regrets that the measures so far taken have failed to bring the rebellion in Southern Rhodesia (Zimbabwe) to an end." The remaining paragraphs had been renumbered.⁷⁵²

At the same meeting the President put to the vote the revised draft resolution (S/10875/Rev.1) which was adopted⁷⁵³ by 13 votes to none with 2 abstentions. The resolution⁷⁵⁴ read:

The Security Council,

Taking note of the letter dated 24 January 1973 from the Permanent Representative of Zambia to the United Nations (S/10865), and having heard the statement made by the Permanent Representative of Zambia concerning recent acts of provocation against Zambia by the illegal régime in Salisbury,

Gravely concerned at the situation created by the provocative and aggressive acts committed by the illegal régime in Southern Rhodesia against the security and economy of Zambia,

⁷⁴⁹ *Ibid.*, paras. 67-77.

⁷⁵⁰ 1690th meeting, paras. 40-49. S/10875. *OR*, 28th yr., *Suppl. for Jan.-March 1973*, pp. 40-41; S/10876, adopted with minor changes as resolution 327 (1973). India and Indonesia subsequently joined the four delegations in sponsoring the two draft resolutions.

⁷⁵¹ 1691st meeting, para. 16.

⁷⁵² *Ibid.*, paras. 17-18.

⁷⁵³ *Ibid.*, para. 20.

⁷⁵⁴ Resolution 326 (1973).

⁷⁴² 1687th meeting, paras. 148-170.

⁷⁴³ 1688th meeting, paras. 52-77.

⁷⁴⁴ *Ibid.*, para. 22.

⁷⁴⁵ *Ibid.*, para. 49.

⁷⁴⁶ *Ibid.*, paras. 113-116.

⁷⁴⁷ *Ibid.*, paras. 143-146.

⁷⁴⁸ 1689th meeting, paras. 52-66.

Reaffirming the inalienable right of the people of Southern Rhodesia (Zimbabwe) to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, and the legitimacy of their struggle to secure the enjoyment of such rights, as set forth in the Charter of the United Nations,

Recalling its resolution 232 (1966) of 16 December 1966, in which it determined that the situation in Southern Rhodesia constituted a threat to international peace and security,

Convinced that the recent provocative and aggressive acts perpetrated by the illegal régime against Zambia aggravate the situation,

Deeply concerned that measures approved by the Council have failed to terminate the illegal régime and convinced that sanctions cannot put an end to the illegal régime unless they are comprehensive, mandatory and effectively supervised and unless measures are taken against States which violate them,

Deeply disturbed by the continued illegal presence and by the intensified military intervention of South Africa in Southern Rhodesia, contrary to Security Council resolution 277 (1970) of 18 March 1970, and also by the deployment of South African armed forces on the border with Zambia, which seriously threatens the sovereignty and territorial integrity of Zambia and other neighbouring African States,

Deeply shocked and grieved at the loss of human life and damage to property caused by the aggressive acts of the illegal régime in Southern Rhodesia and its collaborators against Zambia,

Reaffirming the primary responsibility of the Government of the United Kingdom of Great Britain and Northern Ireland over its colony of Southern Rhodesia, in accordance with the relevant United Nations resolutions,

1. *Condemns* all the acts of provocation and harassment, including economic blockade, blackmail and military threats, against Zambia by the illegal régime in collusion with the racist régime of South Africa;

2. *Condemns* all measures of political repression that violate fundamental freedoms and rights of the people of Southern Rhodesia (Zimbabwe), in particular, the recent measures of collective punishment;

3. *Calls upon* the Government of the United Kingdom of Great Britain and Northern Ireland to take all effective measures to put an end to such actions by the illegal and racist régime of Southern Rhodesia and that of South Africa;

4. *Regrets* that measures so far taken have failed to bring the rebellion in Southern Rhodesia (Zimbabwe) to an end;

5. *Condemns* the continued presence of South African military and armed forces in Southern Rhodesia, contrary to Security Council resolution 277 (1970);

6. *Demands* the immediate and total withdrawal of South African military and armed forces from Southern Rhodesia and from the border of that Territory with Zambia;

7. *Calls upon* the Government of the United Kingdom, as the administering Power, to ensure the effective implementation of paragraph 6 of the present resolution;

8. *Requests* the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to expedite the preparation of its report undertaken under Security Council resolution 320 (1972) of 29 September 1972, taking into account the recent developments in Southern Rhodesia;

9. *Decides* to dispatch immediately a special mission, consisting of four members of the Security Council, to be appointed by the President of the Security Council after consultations with the members, to assess the situation in the area, and requests the mission so constituted to report to the Council not later than 1 March 1973;

10. *Calls upon* the Government of Zambia, the Government of the United Kingdom and the Government of South Africa to provide the special mission with the necessary co-operation and assistance in the discharge of its task;

11. *Decides* to remain actively seized of the matter.

At the 1691st meeting on 2 February the representative of the Sudan informed further that in the second draft resolution the words "in paragraph 9 of resolution 326 (1973)" have been added.⁷⁵⁵ After that the revised draft resolution (S/10876/Rev.1) was put to the vote and adopted by 14 votes to none with 1 abstention.⁷⁵⁶ The resolution read:

The Security Council,

Having heard the statement of the Permanent Representative of Zambia to the United Nations,

Recalling its resolutions on the question of Southern Rhodesia, in particular resolution 232 (1966) of 16 December 1966, in which it determined that the situation in Southern Rhodesia constituted a threat to international peace and security,

Recalling further resolutions 253 (1968) of 29 May 1968 and 277 (1970) of 18 March 1970 imposing mandatory sanctions against Southern Rhodesia, particularly the respective provisions therein requesting the international community to extend assistance to Zambia in view of such special economic problems as it may be confronted with arising from the carrying out of the decisions of the Security Council,

Taking into account the decision of the Government of Zambia to sever immediately all remaining trade and communication links with Southern Rhodesia in compliance with the decisions of the Security Council and in strict observance of economic sanctions,

Recognizing that such a decision by the Government of Zambia will entail considerable special economic hardships,

1. *Commends* the Government of Zambia for its decision to sever all remaining economic and trade relations with Southern Rhodesia in compliance with the decisions of the Security Council;

2. *Takes cognizance* of the special economic hardships confronting Zambia as a result of its decision to carry out the decisions of the Security Council;

3. *Decides* to entrust the Special Mission, consisting of four members of the Security Council, referred to in paragraph 9 of resolution 326 (1973), assisted by a team of six United Nations experts, to assess the needs of Zambia, in maintaining alternative systems of road, rail, air and sea communications for the normal flow of traffic;

4. *Further requests* the neighbouring States to accord the Special Mission every co-operation in the discharge of its task;

5. *Requests* the Special Mission to report to the Security Council not later than 1 March 1973.

Following the voting, the President of the Council drew the Council's attention to the provisions of paragraph 9 of the resolution in document S/10875/Rev.1 and informed the Council that he intended to initiate consultations immediately with the aim of constituting the special mission and ensuring that the special mission was dispatched to Zambia.⁷⁵⁷

Decisions of 10 March 1973 (1694th meeting): resolutions 328 (1973) and 329 (1973)

On 5 March 1973 the Special Mission established in accordance with Security Council resolution 326 (1973) submitted its report⁷⁵⁸ to the Security Council. In its

⁷⁵⁵ 1691st meeting, para. 22.

⁷⁵⁶ *Ibid.*, para. 23. Adopted as resolution 327 (1973).

⁷⁵⁷ *Ibid.*, para. 89. In a note (S/10880) *OR*, 28th yr., *Suppl. for Jan.-March 1973*, p. 44, issued on 5 February 1973 the President of the Council reported that following consultations with the members of the Council agreement had been reached that the Special Mission to Zambia would be composed of the representatives of Austria, Indonesia, Peru and the Sudan.

⁷⁵⁸ S/10896/Rev.1, *OR*, 28th yr., *Special Supplement No. 2*.

assessment of the situation the Special Mission stated that from the consultations with cabinet members and experts in each of the countries it had visited, as well as from its own inspection visits in Zambia, it was clear that the state of tension in the area had been greatly increased following the aggressive acts committed against Zambia by the illegal régime of Southern Rhodesia. The effect of those actions had been felt in the political, military and economic sectors. The Zambian Government had maintained a policy of restraint towards its hostile neighbour and had no influence on the activities of liberation movements inside the Territories subjected to racism and minority rule. Therefore it could not be held responsible for developments occurring there. The Mission had been able to observe the military preparations confronting Zambia's frontier along the Zambezi River and considered that the deployment of South African forces near the Zambian border was an important factor in the continuation of the current tension. In the opinion of the Special Mission, the key to the solution of the problem lay in the application of majority rule in Southern Rhodesia, the strict implementation of sanctions against Southern Rhodesia, as well as implementation of relevant Council resolutions regarding the whole area. As to the needs of Zambia in maintaining alternative systems of communications the Mission reported that of 120,000 tons of monthly imports previously brought into Zambia through Southern Rhodesia, 105,000 tons could be transported by alternative routes through Zaire, Malawi and Tanzania and the remaining 15,000 tons by air. It noted that the overland routes could carry the increased tonnage, if facilities and manpower were provided. The cost of those requirements was estimated at \$124 million. The cost of air freight of 15,000 tons would be about \$6.5 million per month.

The Mission concluded that in the coming four to six months the economy of Zambia would be affected by shortages of imports, depletion of stocks and higher costs. Accordingly, only adequate and timely assistance would make it possible for Zambia to continue to develop its economy in a normal fashion.

At the 1692nd meeting on 8 March 1973 the Security Council adopted⁷⁵⁹ its agenda, which included the above report and considered the question at the 1692nd to 1694th meeting held between 8 and 10 March 1973. At the 1692nd meeting on 8 March the representatives of Algeria, Cuba, Egypt, Guyana, Senegal, United Republic of Tanzania, Zaire and Zambia, Chile, Ghana, Morocco and Cameroon⁷⁶⁰ and at the 1694th meeting on 10 March the representative of Spain⁷⁶¹ were invited to participate in the discussion.

At the 1692nd meeting on 8 March 1973 the representative of Indonesia in his capacity as Chairman of the Special Mission introduced the report and stressed that the Mission had ascertained that a considerable measure of tension existed in the area, the root-cause of which lay in the existence of colonialism, racism and illegal minority régimes in southern Africa. The provocative and aggressive acts and the continued military preparations by the illegal régime in Southern Rhodesia had only increased the tension

in the border area. A recurrence of those events could lead to a dangerous escalation and adversely affect Zambia's attitude of restraint. The Special Mission believed that the key to the solution of those problems lay in the implementation of mandatory sanctions against the illegal régime of Southern Rhodesia as well as other relevant resolutions of the Security Council with regard to the whole area and in the application of majority rule in the Territory of Southern Rhodesia. Considerable sums were required to meet the specific needs of Zambia to maintain alternative systems of road, rail and sea communications. The technical assistance would also be needed to assist Zambia in handling the major task of rerouting its imports and exports.⁷⁶²

At the same meeting the representative of Zambia* stated that since the visit of the Special Mission, additional incidents had occurred in the border area which again had resulted in civilian casualties. Enumerating the underlying causes of the tension in the area, he noted that the presence of South African military forces in Southern Rhodesia contributed to the escalation of tension. Therefore, pressure must be brought to bear on South Africa to remove those forces immediately. The rebellion of the illegal régime of Southern Rhodesia must be put to end and a representative constitutional conference convened by the United Kingdom. Zambia reaffirmed its decision not to use the southern route while the Smith régime remained in power. Zambia also appealed to the international community for assistance in carrying out its share of obligations to bring about the necessary political change in Southern Rhodesia and the elimination of tension throughout southern Africa.⁷⁶³

At the 1693rd meeting on 9 March 1973 the representative of the USSR stressed that the report of the Special Mission confirmed that the situation in southern Africa had further deteriorated. It also established that South Africa and Portugal were helping Southern Rhodesia in its aggressive acts against Zambia. A large part of the responsibility for the continued existence of the Salisbury régime, the report indicated, rested with the ruling circles of the United Kingdom.

The Council should put an end to the situation by taking measures under Article 41 to strengthen the sanctions and extend them to South Africa and Portugal, which were directly violating the Council's decisions. In that respect the USSR supported the proposal for the institution of boycott against companies violating the sanctions. The material liability for the consequences of the aggression against Zambia should be placed on those States and monopolies responsible for the coming to power of the racist régime which were continuing to maintain contact and carry on trade with it.⁷⁶⁴

At the same meeting the representative of Kenya introduced two draft resolutions⁷⁶⁵ jointly sponsored by Guinea, India, Kenya, the Sudan and Yugoslavia. He then explained that the first draft resolution (S/10898) dealt

⁷⁵⁹ 1692nd meeting, following para. 12.

⁷⁶⁰ *Ibid.*, paras. 13-14.

⁷⁶¹ 1694th meeting, para. 3.

⁷⁶² 1692nd meeting, paras. 19-29.

⁷⁶³ *Ibid.*, paras. 35-72.

⁷⁶⁴ 1693rd meeting, paras. 45-69.

⁷⁶⁵ S/10898 and S/10899, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, pp. 54-55.

with political and military aspects of the situation in southern Africa, focused on Zambia and with the continuing rebellion in Southern Rhodesia, the responsibility of the United Kingdom in that regard, the interference by South Africa in the affairs of Rhodesia and the right of the people of Zimbabwe to self-determination. The second draft resolution (S/10899) dealt with the question of assistance to Zambia and contained an appeal to the international community for special aid to Zambia through the United Nations and its specialized agencies.⁷⁶⁶

The representative of the United Kingdom stated that the closure of the border by the Rhodesian régime had been a blow to Zambia's economy and represented a heightening of tension. His Government had therefore welcomed the reversal of the Rhodesian régime's action as a measure leading towards a less tense situation. It did not regard the *status quo* in Southern Rhodesia as satisfactory; nor was it trying to protect the Smith régime. The Government of the United Kingdom desired to achieve a settlement acceptable to all the people of Rhodesia, but only the Rhodesians themselves could bring about a peaceful settlement.⁷⁶⁷

At the 1694th meeting on 10 March the representative of India emphasized that one of the principal objectives of the Council should be to ensure the withdrawal of South African troops from Southern Rhodesia. He recalled that the specific responsibilities of the United Kingdom to bring the rebellion in Southern Rhodesia to an end were set forth in the draft resolution dealing with the political and military aspects of the situation (S/10898). As to the economic problems facing Zambia they were directly related to the desire of the United Nations to impose effective sanctions on Southern Rhodesia.⁷⁶⁸

At the same meeting, as a result of informal consultations among the members of the Council, the representative of Kenya introduced two revised draft resolutions⁷⁶⁹ co-sponsored additionally by Indonesia, Panama and Peru.

The first draft resolution (S/10898/Rev.1) included the following amendments:

- (1) Paragraph 2 which had read "reaffirms that the situation in Southern Rhodesia constitutes a threat to international peace and security and that the state of tension has been heightened following the recent provocative and aggressive acts committed by the illegal régime of Southern Rhodesia against the Republic of Zambia" had been divided into a fourth preambular paragraph reading "Reaffirming that the situation in Southern Rhodesia constitutes a threat to international peace and security" and a new paragraph 2 reading "Affirms that the state of tension has been heightened following the recent provocative and aggressive acts committed by the illegal régime of Southern Rhodesia against the Republic of Zambia";
- (2) In paragraph 6 the phrase "taking into consideration the need to widen the scope of sanctions against the illegal régime and the desirability of the application of

Chapter VII of the United Nations Charter" had been replaced by the phrase "taking into account all proposals and suggestions for extending the scope and improving the effectiveness of sanctions against Southern Rhodesia (Zimbabwe)";

- (3) In paragraph 8 the words "as a whole" had been inserted following the words "people of Zimbabwe" and the final phrase reading "for subsequent endorsement by the people through free and universal adult suffrage" had been deleted.

The second draft resolution (S/10899/Rev.1) had been modified by the following changes in paragraph 5: the words "and the Economic and Social Council" had been deleted from the first line; the words "including the possible establishment of a special fund for Zambia" had been deleted from the fourth and fifth lines; and the words "for carrying out" had been replaced by the words "to enable it to carry out".⁷⁷⁰

The representative of Peru, commenting on the draft resolutions before the Council, said that his delegation believed that the Council should proceed to adopt measures designed to reach a political settlement and alleviate Zambia's economic plight. However, the first draft resolution (S/10898/Rev.1) barely hinted at such a solution. The Council's decision would therefore be somewhat interim in nature. He hoped that the Council would be given a further opportunity to discuss the problem when it had received the report of its Committee on sanctions.⁷⁷¹

The President then put to the vote the first revised draft resolution (S/10898/Rev.1) which was adopted⁷⁷² by 13 votes to none with 2 abstentions. The resolution⁷⁷³ read:

The Security Council,

Having considered with appreciation the report of the Security Council Special Mission established under resolution 326 (1973) of 2 February 1973 (S/10896 and Corr.1 and Add.1),

Having heard further the statement of the Permanent Representative of Zambia to the United Nations,

Recalling its resolutions 277 (1970) of 18 March 1970 and 326 (1973),

Reaffirming that the situation in Southern Rhodesia constitutes a threat to international peace and security,

Gravely concerned at the persistent refusal of the régime of South Africa to respond to the demands contained in resolutions 277 (1970) and 326 (1973) for the immediate withdrawal of its military and armed forces from Southern Rhodesia and convinced that this constitutes a serious challenge to the authority of the Security Council,

Bearing in mind that the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, has the primary responsibility for putting an end to the illegal racist minority régime and for transferring effective power to the people of Zimbabwe on the basis of the principle of majority rule,

Reaffirming the inalienable right of the people of Zimbabwe to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960 and the legitimacy of their struggle to secure the enjoyment of their right as set forth in the Charter of the United Nations,

1. Endorses the assessment and conclusions of the Special Mission established under resolution 326 (1973);

⁷⁶⁶ 1693rd meeting, paras. 72-93.

⁷⁶⁷ *Ibid.*, paras. 121-128.

⁷⁶⁸ 1694th meeting, paras. 12-21.

⁷⁶⁹ S/10898/Rev.1 and S/10899/Rev.1, adopted without change as resolutions 328 (1973) and 329 (1973).

⁷⁷⁰ 1694th meeting, paras. 22-27.

⁷⁷¹ *Ibid.*, paras. 72-74.

⁷⁷² *Ibid.*, para. 84.

⁷⁷³ Resolution 328 (1973).

2. *Affirms* that the state of tension has been heightened following the recent provocative and aggressive acts committed by the illegal régime in Southern Rhodesia against Zambia;

3. *Declares* that the only effective solution to this grave situation lies in the exercise by the people of Zimbabwe of their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

4. *Strongly condemns* the racist régime of South Africa for its persistent refusal to withdraw its military and armed forces from Southern Rhodesia;

5. *Reiterates* its demand for the immediate withdrawal of South African military and armed forces from Southern Rhodesia and from the border of that Territory with Zambia;

6. *Urges* the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to expedite the preparation of its report undertaken under Security Council resolution 320 (1972) of 29 September 1972, taking into account all proposals and suggestions for extending the scope and improving the effectiveness of sanctions against Southern Rhodesia (Zimbabwe);

7. *Requests* all Governments to take stringent measures to enforce and ensure full compliance by all individuals and organizations under their jurisdiction with the sanctions policy against Southern Rhodesia and calls upon all Governments to continue to treat the racist minority régime in Southern Rhodesia as wholly illegal;

8. *Urges* the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to convene as soon as possible a national constitutional conference where genuine representatives of the people of Zimbabwe as a whole would be able to work out a settlement relating to the future of the Territory;

9. *Calls upon* the Government of the United Kingdom to take all effective measures to bring about the conditions necessary to enable the people of Zimbabwe to exercise freely and fully their right to self-determination and independence including:

- (a) The unconditional release of all political prisoners, detainees and restrictees;
- (b) The repeal of all repressive and discriminatory legislation;
- (c) The removal of all restrictions on political activity and the establishment of full democratic freedom and equality of political rights;

10. *Decides* to meet again and consider further actions in the light of future developments.

The second revised draft resolution (S/10899/Rev.1) was adopted⁷⁷⁴ unanimously. The resolution⁷⁷⁵ read:

The Security Council,

Recalling its resolution 253 (1968) of 29 May 1968 requesting assistance to Zambia as a matter of priority,

Recalling further its resolution 277 (1970) of 18 March 1970, as well as resolutions 326 (1973) and 327 (1973) of 2 February 1973 by which it decided to dispatch a special mission to assess the situation in the area and the needs of Zambia,

Having considered the report of the Special Mission (S/10896 and Corr.1 and Add.1),

Having heard the statement of the Permanent Representative of Zambia,

Affirming that Zambia's action to divert its trade from the southern route reinforces Security Council decisions on sanctions against the illegal régime in Southern Rhodesia,

1. *Commends* the Government of Zambia for deciding to abandon the use of the southern route for its trade until the rebellion is quelled and majority rule is established in Southern Rhodesia;

2. *Takes note* of the urgent economic needs of Zambia as indicated in the report of the Special Mission and the annexes thereto;

3. *Appeals* to all States for immediate technical, financial and material assistance to Zambia in accordance with resolutions 253 (1968) and 277 (1970) and the recommendations of the Special Mission, so that Zambia can maintain its normal flow of traffic and enhance its capacity to implement fully the mandatory sanctions policy;

4. *Requests* the United Nations and the organizations and programmes concerned, in particular the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization and the United Nations Development Programme, as well as the specialized agencies, in particular the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the International Civil Aviation Organization, the Universal Postal Union, the International Telecommunication Union, the World Meteorological Organization and the Inter-Governmental Maritime Consultative Organization, to assist Zambia in the fields identified in the report of the Special Mission and the annexes thereto;

5. *Requests* the Secretary-General in collaboration with the appropriate organizations of the United Nations system, to organize with immediate effect all forms of financial, technical and material assistance to Zambia to enable it to carry out its policy of economic independence from the racist régime of Southern Rhodesia.

6. *Requests* the Economic and Social Council to consider periodically the question of economic assistance to Zambia as envisaged in the present resolution.

CONSIDERATION OF MEASURES FOR THE MAINTENANCE AND STRENGTHENING OF INTERNATIONAL PEACE AND SECURITY IN LATIN AMERICA IN CONFORMITY WITH THE PROVISIONS AND PRINCIPLES OF THE CHARTER

Decision of 21 March 1973 (1704th meeting)

Rejection of the eight-Power draft resolution

Decision of 21 March 1973 (1704th meeting): resolution 330 (1973)

By letter⁷⁷⁶ dated 9 January 1973 addressed to the President of the Security Council, the Minister of Foreign Affairs of Panama stated that his Government had decided, on the basis of Article 28, paragraph 3, of the Charter to propose that the Security Council should meet at Panama City from 15 to 21 March 1973 to consider an agenda that would have as its general theme the "consideration of measures for the strengthening of international peace and security and the promotion of international co-operation in Latin America, in accordance with the provisions and principles of the Charter and the resolutions related to the right to self-determination of peoples and strict respect for the sovereignty and independence of States."

At its 1686th meeting on 26 January 1973 the Security Council adopted resolution 325 (1973).⁷⁷⁷ Paragraph 1 of that resolution read as follows:

⁷⁷⁶ S/10858, OR, 28th yr., Suppl. for Jan.-March 1973, pp. 27-28.

⁷⁷⁷ For the proceedings leading to the adoption of this resolution and the discussions in connexion with the application of Article 28, paragraph 3, of the Charter and rule 5 of the *Provisional Rules of Procedure of the Security Council*, both dealing with meetings of the Security Council away from Headquarters, see chapter I of this *Supplement*.

⁷⁷⁴ 1694th meeting, para. 85.

⁷⁷⁵ Resolution 329 (1973).

Decides to hold meetings at Panama City beginning on Thursday, 15 March, and ending on Wednesday, 21 March 1973, and that the agenda shall be the "Consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter".

At the 1695th meeting on 15 March 1973, the Council adopted the agenda as drawn up in resolution 325 (1973) and considered it at the 1696th to 1704th meetings held in Panama City from 15 to 21 March 1973.

At the same meeting, the representatives of Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, Guyana, Haiti, Jamaica, Mauritania, Mexico, Uruguay, Venezuela and Zaire, were invited to participate in the discussion.⁷⁷⁸ At subsequent meetings, the Council likewise invited the representatives of Algeria and El Salvador,⁷⁷⁹ Honduras, Guatemala, Trinidad and Tobago, and Zambia,⁷⁸⁰ Canada and the Dominican Republic.⁷⁸¹ The Council also extended invitations, under rule 39 of the Provisional Rules of Procedure, to the Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL);⁷⁸² the Executive Secretary of the Organization of African Unity, 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,⁷⁸³ the Chairman of the Special Committee on *Apartheid*⁷⁸⁴ and the representative of the Arab League.⁷⁸⁵

At its 1695th meeting on 15 March 1973, the Security Council was addressed by the head of the Government of Panama and by the Secretary-General.

The head of the Government of Panama stated that Panama could not accept any form of neo-colonialism which was a disguised kind of colonialism by means of subjection of one country by another or by political, economic or cultural penetration. His country was very sensitive to all those conditions which had hindered its development. The Panamanian people had fought for their right to decide for themselves their own direction and conduct without foreign interference; to exploit and utilize their own natural resources, the wealth of their own seas and of their geographical position, and to choose freely their political system. It was an inalienable right of Panama to exploit its geographical position for the benefit of its own development. He urged the United Nations to take a more active stand in the solution of the problems besetting the Third World.⁷⁸⁶

The Secretary-General stated that regional co-operation had been fostered by the United Nations since the earliest days. Even in matters relating to the maintenance of international peace and security, regional action was not precluded. The Charter provided for regional arrangements

as long as they were consistent with its purposes and principles. The Organization of American States had rendered valuable assistance in the settlement of regional disputes by peaceful means. Under Article 54 of the Charter, the OAS kept the Security Council informed of the measures that it had undertaken. It was right that the Security Council should be made aware of the particular problems and potentialities of Latin America. The Security Council session in Panama should demonstrate to the peoples of Latin America the concern and involvement of the United Nations in the establishment of a peaceful and prosperous future for them.⁷⁸⁷

The representatives of Argentina*, Chile*, Colombia*, Cuba*, Ecuador*, Guyana*, Guinea, Jamaica*, Kenya, Mexico*, Panama, Peru, USSR, Uruguay*, Venezuela*, Yugoslavia and Zaire* speaking at the 1696th, 1697th, 1698th, 1699th, 1700th, 1701st and 1704th meetings stated that the new thrust for the maintenance and strengthening of international peace and security was based on certain principles: the opposition to imperialism, colonialism, neo-colonialism and racism and to the threat or use of force in international relations; respect for the territorial integrity of every State and the inadmissibility of acquisition of territories by force; strict observance of the principle of legal equality among States; compliance with the obligations emanating from the United Nations Charter; respect for and active support of the right of all States to carry out such collective and structural changes as they deemed necessary to their social and economic progress in accordance with the principle of ideological pluralism in international relations.

No measure of conformity to the principles of the Charter would guarantee effective peace and security in Latin America unless it was matched by a complementary effort to create conditions of economic security. The Council should acknowledge that economic, no less than military, aggression was a violation of the Charter, constituting not merely a threat to, but an assault upon the peace and security of the area.

The Latin American countries which were devoting themselves to the transformation of their socio-economic structure found in certain transnational firms one of their main obstacles, because in many cases those firms tended to apply coercive measures affecting international co-operation, to create virtual economic or financial blockades in international sources of credit and even to interfere in international trade itself.

The General Assembly had acknowledged, through its resolution 2880 (XXVI) and 2993 (XXVII),⁷⁸⁸ that it intended to implement the Declaration on the Strengthening of International Peace and Security, that "any measure or pressure directed against any State while exercising its sovereign right to freely dispose of its natural resources constitutes a violation of the principles of self-determination of peoples and non-intervention as set forth in the Charter, which, if pursued, could constitute a threat to international peace and security." Consequently, there was a need for effective dialogue between the developing countries and the dominant economic Powers so

⁷⁷⁸ 1696th meeting, paras. 2-3.

⁷⁷⁹ 1697th meeting, para. 2.

⁷⁸⁰ 1698th meeting, para. 2.

⁷⁸¹ 1699th meeting, para. 6.

⁷⁸² 1696th meeting, paras. 4-5.

⁷⁸³ 1699th meeting, para. 8.

⁷⁸⁴ *Ibid.*, para. 9.

⁷⁸⁵ 1700th meeting, para. 2.

⁷⁸⁶ 1695th meeting, paras. 5-22.

⁷⁸⁷ *Ibid.*, paras. 25-30.

⁷⁸⁸ General Assembly resolutions 2880 (XXVI), para. 9 and 2993 (XXVII), para. 4.

that economic relations might more closely reflect the declared objectives of the international strategy; and beyond relations between States, a determined effort to grapple with the many-sided problems arising from the economic power complexes for which the multinational corporations had been responsible. The Council should come to grips with the phenomenon of multinational corporations and devise mechanisms to ensure that their non-governmental character did not place them beyond the reach of the Council's authority.⁷⁸⁹

The representatives of China, Chile*, Ecuador*, Peru, Uruguay* and Yugoslavia had particularly emphasized that Latin American countries, in exercise of their sovereignty and marine jurisdiction over the 200 miles of sea adjacent to their coasts, had been confronting problems because of the predatory attitude of private enterprises encouraged by States that had followed a policy contrary to the principles of international co-operation and friendship, creating situations of conflict that could effect the peace and security of the continent. All coastal States had the right to dispose of their natural resources in their coastal seas, sea-bed and the subsoil therefore.⁷⁹⁰

At the 1699th and 1701st meetings, the representatives of Australia, Indonesia and the United States stated that the right of countries to dispose of their own natural resources was accompanied by the concomitant duty to provide prompt and adequate compensation in cases of nationalization in accordance with international law. They further stated that private investment could play a constructive role in the socio-economic development by providing the financial and technological means for the exploitation of natural resources.⁷⁹¹

At the 1701st meeting the representatives of France, the United Kingdom and the United States stated that economic questions could have important political implications, but they should not be brought before the Security Council. It was the role of the General Assembly or of the Economic and Social Council and not the responsibility of the Security Council to deal with such questions. Otherwise, the Security Council might be in danger of encroaching on the prerogatives of the General Assembly and other organs of the United Nations and of being absorbed in over-general discussions, finding itself incapable of carrying out the missions expressly entrusted to it under Article 24⁷⁹² of the Charter.⁷⁹³

At the 1696th meeting, the representative of Guyana* stated that one of the deficiencies of the United Nations organizational arrangements was that the Security Council

⁷⁸⁹ For the texts of relevant statements, see: 1696th meeting: Colombia*; Cuba*; Mexico*; Peru; 1697th meeting: Argentina*; Chile*; Ecuador*; Guyana*; 1698th meeting: Jamaica*; Venezuela*; 1699th meeting: China, Yugoslavia; 1700th meeting: Guinea; Kenya; USSR; 1701st meeting: Zaire*; 1704th meeting: Panama.

⁷⁹⁰ For texts of relevant statements, see: 1696th meeting: Peru; 1697th meeting: Chile*; Ecuador*; 1698th meeting: Uruguay*; 1699th meeting: China; Yugoslavia.

⁷⁹¹ For texts of relevant statements, see: 1699th meeting: Australia; Indonesia; 1701st meeting: United States;

⁷⁹² For application of the provisions of Article 24 of the Charter, see chapter XII of this *Supplement*.

⁷⁹³ For texts of relevant statements, see: 1701st meeting: France; United Kingdom; United States.

spent most of its time occupied with specific threats and actual breaches of world peace and security and little time was set aside for the essential tasks of review and appraisal of the prospects for a durable peace and for meaningful security in world-wide terms. That functional imbalance had produced serious practical difficulties for the discharge by the Council of its primary responsibility for maintaining international peace. It was the duty of the Council continuously to explore new ways of discharging its responsibilities and one of them was the elaboration and development of preventive diplomacy. But preventive diplomacy, like preventive medicine, should not await the manifestation of ill health. The investigative jurisdiction conferred upon the Council under Article 34⁷⁹⁴ was not restricted to specific disputes brought before it on the basis of adversary proceedings.⁷⁹⁵

At the 1700th meeting, the representative of Algeria* speaking on the primary responsibility conferred upon the Security Council by the Charter for maintaining international peace, stated that the permanent seats given to the great Powers in the Security Council was an institutional reflection of the importance and continuity of their responsibilities for maintaining world order and confirmed their role as guardians of international peace. The right of veto was therefore an undeniable privilege which compensated somehow for the particular burden vested in them. But the right to the veto could also serve to cover abuses and could supply yet another weapon to serve the will of domination. When thus used, the right to the veto was tainted with immorality.⁷⁹⁶ Therefore, it should be inadmissible for a great Power to exercise its right to the veto in a matter in which it was involved.⁷⁹⁷

At the 1696th, 1697th, 1699th and 1700th meetings, the representatives of Algeria*, Chile*, Guyana*, Peru, Trinidad and Tobago*, USSR and Yugoslavia, stated that another source of tension in Latin America was the policy of pressure, blockade and isolation brought to bear against Cuba which constituted a violation of the principles and purposes of the Charter.

The representative of Chile further stated that the coercive measures applied to Cuba by the system of regional security which existed within the framework of the Organization of American States were adopted in violation of Article 53 of the United Nations Charter which provided that "...no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council ..."⁷⁹⁸ The situation created by the adoption of such measures should be considered by the Council. It was not possible for any regional organization to interpret its organic provisions by breaching Article 103 of the United Nations Charter which guaranteed the prevalence of a legal system over the

⁷⁹⁴ For discussion relating to Article 34, see chapter X, part II.

⁷⁹⁵ 1696th meeting, paras. 40-45.

⁷⁹⁶ For application of the provisions of Article 27, para. 3, related to this question, see chapter III, part III.

⁷⁹⁷ 1700th meeting, paras. 82-86.

⁷⁹⁸ For the consideration of application of the provisions dealing with regional arrangements, see, chapter XII, part V and for the consideration of application of Article 103, see chapter XII, part VII.

commission of abuses such as those committed against Cuba.⁷⁹⁹

At the 1696th, 1697th, 1699th and 1701st meetings, the representatives of Argentina*, Guyana*, Indonesia, Jamaica*, Peru, Sudan, Trinidad and Tobago* and the USSR stated that the persistence of colonialism in Latin America or anywhere else in the world was inconsistent with the principles and purposes of the Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples and constituted a further, permanent threat to the maintenance of international peace and security.

Although the initial efforts of the United Nations towards decolonization were successful, no one familiar with the principles embodied in the Declaration on the Granting of Independence to Colonial Countries and Peoples in resolution 1514 (XV) could be satisfied with the developments of recent years. It should be noted that the implementation of the principles of that Declaration had not been accelerated, while there were still remnants of colonialism to be eradicated. In the light of that situation there was the need to call for a rekindling of the spirit of decolonization and for a reaffirmation and implementation of the principle of self-determination of peoples.⁸⁰⁰

The representative of the United Republic of Tanzania, speaking on behalf 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 the Special Committee, as the United Nations organ charged with the task of seeking the most suitable means for the immediate and full implementation of General Assembly resolution 1514 (XV), had been requested by the General Assembly not only to formulate specific proposals for the elimination of the remaining manifestations of colonialism but also to make concrete suggestions which would assist the Security Council in considering appropriate steps under the Charter with regard to developments in colonial Territories everywhere. In conformity with that request, the Special Committee had in the past submitted a number of recommendations in that regard to the General Assembly and, through it, to the Security Council. The Security Council, whose responsibility was the maintenance of international peace and security, not only should adopt resolutions aimed at ending colonialism in all its forms and manifestations but should, above all, take steps to ensure their implementation and give maximum encouragement to those who do so.⁸⁰¹

At the 1696th, 1698th and 1699th meetings, the representatives of Guyana*, Jamaica*, Trinidad and Tobago*, stated that Belize, a member of the Commonwealth Caribbean States and an active participant in the Caribbean Free Trade Area, was being denied independence not through the unwillingness of the United Kingdom to

withdraw or through its own lack of enthusiasm for self-determination, but because of the threat it faces from a neighbouring country, Guatemala, which asserted a claim to all its territory. So the single lingering obstacle to the achievement of independence by Belize was the fear of its people for the security and territorial integrity of their country. The Security Council should take note of that fear and consider what steps could be taken to safeguard the right of Belize to self-determination.⁸⁰²

At the 1698th meeting, the representative of Guatemala*, speaking in exercise of his right of reply, stated that his country had waged a tenacious struggle to regain part of its territory, but that the development of Peten, the northern department of Guatemala, had been hindered by a wall in the form of a British colony that stood in the way of access to the sea. Peten and Belize were one geographically and indispensable to one another for the development of both. Conversations with the United Kingdom to find an equitable solution to the problem sometimes joined by colleagues in Belize, had been suspended for the time being because, at the end of 1971, in an effort to intimidate it, excessive numbers of British troops had been landed on the territory of Belize and were still there. He asserted that Guatemala's rights to the territory of Belize were inalienable and imprescriptible. It was possible that one day Guatemala would be forced to turn to the Security Council, but so far the problem had not been submitted to the Council.⁸⁰³

At the 1697th meeting, the representative of Argentina* recalling that General Assembly resolution 2065 (XX) recommended that negotiations should take place in order to find a peaceful solution to the dispute over sovereignty between his country and the United Kingdom regarding the Malvinas Islands, stated that since the adoption of that resolution, negotiations were periodically and regularly held between the two countries and jointly reports about them had been submitted to the General Assembly. In preparing to report to the twenty-seventh session, however, it was not possible for Argentina to agree on a common text, since the United Kingdom position would have distorted the essence of the meetings between the representatives of the two countries. If the United Kingdom was not prepared to continue the negotiations, Argentina would feel compelled to change its attitude and would feel free to act so as to seek the final eradication of that anachronistic colonial situation.⁸⁰⁴

At the 1698th meeting, the representative of the United Kingdom, in exercise of the right of reply, rejected the account given by the representative of Guatemala of developments concerning Belize. He agreed that the issue was not on the agenda of the Council, and his delegation did not wish it to be on the agenda. However, his Government had no doubt of its sovereignty in Belize. In a further statement made at the 1701st meeting, the representative of the United Kingdom said that although the questions of the Falkland Islands and of Belize had both been mentioned, he agreed with both the represen-

⁷⁹⁹ For the texts of relevant statements, see: 1696th meeting: Guyana*; Peru; 1697th meeting: Chile*; 1699th meeting: Trinidad and Tobago*; Yugoslavia; 1700th meeting: Algeria*; USSR.

⁸⁰⁰ For texts of relevant statements, see: 1696th meeting: Guyana*; Peru; 1697th meeting: Argentina*; 1698th meeting: Jamaica*; 1699th meeting: Indonesia; 1700th meeting: USSR, 1701st meeting: Sudan.

⁸⁰¹ 1699th meeting, paras. 127-136.

⁸⁰² For texts of relevant statements, see: 1696th meeting: Guyana*, 1698th meeting: Jamaica*, 1699th meeting: Trinidad and Tobago*.

⁸⁰³ 1698th meeting, paras. 105-110.

⁸⁰⁴ 1697th meeting, paras. 88-91.

tative of Argentina and the representative of Guatemala, that those questions could be best tackled on the basis of bilateral decisions. His country's policy had consistently been based on the interest of the inhabitants and the principle of self-determination.⁸⁰⁵

At the 1697th meeting, the Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL) stated that consideration by the Council of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter should mean an effort to determine how the basic Principles and Purposes of the United Nations Charter could be fulfilled. He cited Article 1, paragraph 1, in which the United Nations had undertaken to maintain international peace and security; and Article 2, paragraph 4, under which Member States were to abstain from resorting to the threat or use of force.

As could be seen from its preamble, the Treaty for the Prohibition of Nuclear Weapons in Latin America, also known as the Treaty of Tlatelolco constituted a further contribution to the viability of those principles; to the ending of the arms race, and to general and complete disarmament under effective international control. That Treaty was the only valid example of a militarily denuclearized zone being established in an inhabited region of the planet.

After describing the provisions of the Treaty and the functions of OPANAL, he expressed the hope that the two Latin American States that had not yet signed the Treaty and the two signatory States that had not yet ratified it would soon be able to do so. Two of the four non-Latin American States with responsibilities for the Territories in the zone, the Netherlands and the United Kingdom, had signed and ratified Additional Protocol I of the Treaty, but the others had not. It would make a fundamental contribution to the peace and security of the region if the latter two States signed and ratified that Protocol. Two nuclear Powers, the United States and the United Kingdom, had signed and ratified Additional Protocol II, and China had taken an important step by committing itself to respect the denuclearization for warlike purposes of Latin America; but, the two other nuclear Powers had failed to sign that Protocol. It was to be hoped that the Security Council would join the General Assembly in requesting those States to sign that document.⁸⁰⁶

At the 1696th, 1698th, 1699th, 1700th and 1701st meetings, the representatives of Australia, China, Cuba*, Guyana*, Jamaica*, Kenya, Mexico*, Peru, USSR, United Kingdom, United States and Yugoslavia commended the Latin American countries for their contribution to the United Nations in the field of disarmament and in particular for their efforts to turn their area into a nuclear-free zone.

The representative of Jamaica*, Mexico*, Panama and Peru expressed the belief that the Security Council which, under the Charter, had the primary responsibility for the maintenance of international peace and security should urge States which could become Parties to the Treaty of

Tlatelolco, as well as those for whom the two additional Protocols were intended, to endeavour to take all the measures which depended on them so that the Treaty would rapidly be in force with the largest number of countries.

The representative of China stated that his country had supported the efforts made by the Latin American countries for the denuclearization of their area. On 14 November 1972, the Chinese Foreign Minister had declared that "... China will never use or threaten to use nuclear weapons against non-nuclear Latin American countries and the Latin American nuclear-weapon-free zone, nor will China test, manufacture, produce, stockpile, install or deploy nuclear weapons in these countries or in this zone, or send her means of transportation and delivery carrying nuclear weapons to traverse the territory, territorial sea and territorial air space of Latin American countries."

The representative of the USSR stated that his country had been urging the creation of nuclear-free zones in various parts of the world which should effectively and realistically limit the sphere and the possibility of disposing of nuclear weapons. The USSR sympathized with the noble idea of creating a nuclear-free zone in Latin America on the condition that it should be free from nuclear weapons and did not contain any written reservations or tacit loop-holes for the violation of its nuclear-free status. The USSR could not ignore the fact that a major nuclear Power was maintaining in Latin America the option of transporting nuclear weapons and also that it kept them at numerous military bases. Turning the territory of Latin American countries into a zone completely free from nuclear weapons would be an important factor in strengthening peace and security in Latin America and throughout the world. The USSR had already declared its readiness to undertake to respect the Treaty of Tlatelolco as soon as other nuclear Powers, also, would undertake similar obligations. Of course, there should also be prohibited the transit of nuclear weapons through the territory of States Parties to the zone and also the conduct of peaceful nuclear explosions contrary to the terms of the Treaty on the Non-Dissemination of Nuclear Weapons. Finally, an agreement on a nuclear-free zone should not be extended to the vast reaches of the open sea in the Atlantic and Pacific Oceans. His country would reserve the right to review its obligations concerning the observation of the status of nuclear-free zones if any State in regard to which the USSR might have undertaken an appropriate obligation should commit an act of aggression or become an accessory to aggression.

The representative of Cuba* said that although the initiative to establish in Latin America a nuclear-free zone was a laudable one, Cuba had refrained from subscribing to the Treaty because the noble aims of it would be a pure pipe dream until it covered also the denuclearization of the only nuclear Power in the hemisphere.

The representative of Guyana* stated that his Government had acknowledged the great achievement represented by the Treaty of Tlatelolco. It was an achievement worthy, in the main, of the approbation of the Security Council as a practical step at the regional level towards the maintenance of international peace and security, which should inspire the emulation of other regions of the world so that ultimately at the international level it would be possible to

⁸⁰⁵ 1698th meeting, para. 126; 1701st meeting, para. 107.

⁸⁰⁶ 1697th meeting, paras. 96-115.

move from the stage of non-proliferation to total prohibition of nuclear weapons. But Guyana was not a signatory because it was said to be excluded by article 25 of the Treaty from accepting its obligations because of a prior dispute between an extra-continental country and a Latin American State, which had existed before Guyana attained independence. That exclusionary doctrine was taken from article 8 of the Charter of the Organization of American States. As with article 8 of the OAS Charter, while Guyana was being excluded by that unwarranted deviation from the principle of universality, it was the régime of denuclearization which the Treaty sought to establish that really suffered, because so long as a single State in Latin America was unable to accept the obligations of the Treaty its operation would be impaired, and, beyond the Treaty and its objectives, those exclusionary arrangements damaged the fabric of Latin American co-operation.

The representatives of Jamaica* and Kenya* expressed the hope that all impediments and anomalies which were pointed out by the representative of Guyana would be removed so as to enable every independent country in the region to become a party to the Treaty of Tlatelolco.⁸⁰⁷

At the 1696th, 1697th, 1698th, 1699th, 1700th and 1701st meetings, the representatives of Algeria*, Argentina*, Austria, Canada*, China, Chile*, Colombia*, Costa Rica*, Cuba*, El Salvador*, Guinea, Guyana*, Honduras*, India, Indonesia, Jamaica*, Kenya, Mexico*, Peru, Sudan, Trinidad and Tobago*, USSR, Venezuela*, Yugoslavia and Zambia*, addressing themselves to the question of the Panama Canal and the Canal Zone, stated that the Treaty of 1903, signed almost within two weeks of Panamanian independence, could not be regarded by any modern standards as normal, particularly when the circumstances under which it was signed were considered. It was an instrument which one party, the United States, interpreted as allowing it to deny Panama effective exercise of sovereignty on its entire territory. That unequal Treaty had recently been recognized as such by the United States Government, which had accepted that a far-reaching revision of its relationship with Panama was overdue. It was also understood that the United States was prepared to give up the concept of perpetuity.

It was the geographical situation of Panama which made it possible to build a navigable canal through its Territory linking the two oceans by the shortest possible way. Its geographical position was precisely Panama's principal natural resource. Panama had the inalienable right to recover its sovereignty over that natural resource and to use it for the good of its people.

The Council should support the aspiration of the Government of Panama to restore the territorial integrity of its country. No nation could accept an unnatural situation in which its Territory was split into two parts separated by an occupying foreign Power. The Canal Zone, which geographically, politically, economically and socially belonged to Panama, was a part of its Territory. Its occupation by the United States constituted a violation of

the territorial integrity of Panama as well as a constant source of tension and consequently a threat to peace and security in Latin America. The situation in the Canal Zone was in complete violation of the United Nations Charter. Any solution of that question should be based on the respect for the law and the search for justice and should be adopted in accordance with the principles of the Charter and mainly the principle of territorial integrity and the principle of sovereign equality of States. It should also safeguard the principle of freedom of international navigation.

The representatives of Chile*, China, Colombia*, Cuba*, Guinea and Peru stated that the situation in the Canal Zone could not be defined otherwise than as a colonial enclave and a colonial domination.

The representatives of Cuba* and Peru stated that the solution to the problem of the Panama Canal should guarantee a true peaceful use of the water-way to the benefit of the international community, through a neutralization of the Canal.

The representatives of China, Cuba*, Guyana*, USSR and Yugoslavia stated that foreign military bases stationed in the Canal Zone and elsewhere in the hemisphere could be used and indeed had been used for intervention in the domestic affairs of Latin American countries. These military bases should be removed as a contribution to the strengthening and the maintenance of international peace and security in the area.

At the 1699th and 1701st meetings, the representatives of Australia, France and the United Kingdom expressed the view that although the Treaty of 1903 contained features that were anachronistic and overdue for change, which was recognized by the parties directly concerned, it was not for the Council to enter into details or to dictate the terms of an agreement which was already under negotiation between Panama and the United States.

At the 1701st meeting, the representative of the United States stated that all mankind had been well served by the Panama Canal since its completion. Although the 1903 Treaty was still governing the basic relationship between Panama and the United States concerning the Canal, that relationship was significantly revised in the Treaties of 1936 and 1955. On both occasions the United States relinquished important rights and provided important new benefits for Panama. In 1964, the United States, recognizing that a comprehensive modernization should be undertaken, began negotiations with Panama, with three essential objectives in view: (1) the Canal should be available to the world's commercial vessels on an equal basis at reasonable cost; (2) so that the Canal should serve world commerce efficiently, the United States should have the right to provide additional Canal capacity; and (3) the Canal should continue to be operated and defended by the United States for an extended but specified period of time. His delegation, no less than others that had spoken, supported Panama's just aspirations. The United States negotiators had already recognized that: (1) the 1903 Canal Treaty should be replaced by a new, modern treaty; (2) any new Canal Treaty should be of fixed duration, rejecting the concept of perpetuity; (3) Panama should have returned to it a substantial territory now part of the Canal Zone, with arrangements for use of other areas. Those other areas

⁸⁰⁷ For texts of relevant statements, see: 1696th meeting: Cuba*; Guyana*; Mexico*; 1698th meeting: Jamaica*; 1699th meeting: Australia; China; Yugoslavia; 1700th meeting: Kenya; USSR; 1701st meeting: United Kingdom; United States; 1704th meeting: Panama.

should be the minimum required for United States operations and defence of the Canal, and would be integrated into the legal, economic, social and cultural life of Panama, on a time-table to be agreed upon; (4) Panama should exercise its jurisdiction in the Canal area pursuant to a mutually agreed time-table; and (5) Panama should receive substantially increased annual payments for the use of its territory relating to the Canal. Consequently, those who were attacking the 1903 Treaty were attacking a phantom foe. It was on the verge of being changed for the third time in 1967 and it would be changed again as negotiations between the two countries continued in a spirit of friendship and co-operation.

At the 1702nd meeting, the President, speaking as representative of Panama in exercise of the right of reply, stated that the purposes of the United States in the bilateral negotiations could not satisfy Panama. There was no logic in the affirmation that in order for the Canal to serve world trade efficiently, the United States should have the right to increase its capability. That was not in accord with Panama's legitimate aspirations to regain complete jurisdiction over its territory and to exercise its sovereign rights over its natural resources. The aim of ensuring that the Canal would continue to be "operated and defended" by the United States for an "additional period of time" was a subtle way of expressing the concept of perpetuity in figures. What Panama was seeking was a change in structure, not a change in wording. What there had been were American proposals designed to disguise, in perpetuity, the colonialist enclave. The Panamanian proposals which intended to put an end to the situation, had never been accepted by the United States. Basically, the United States wished to maintain the *status quo*. The Security Council should play a vital role in the solution of the problem and should not accept a false bilateral negotiation as genuine. While Panama wanted the two countries to negotiate, the world should be alert and vigilant so that the negotiations would really be that, and not the imposition of the will of the stronger. The situation between Panama and the United States was potentially explosive and liable to endanger international peace.

At the 1704th meeting, the President, speaking as representative of Panama, further stated that the situation of political and administrative dependency on a foreign Power in which part of Panamanian territory found itself resulted from the concession granted by Panama to the United States for a building of a canal to carry ships across the isthmus linking the oceans, which was embodied in the "Convention of the Isthmic Canal between Panama and the United States", signed in Washington on 18 November 1903. That instrument was an assault on the physical unity of Panama and turned it into a transected country. Panama was deprived of its main ports at the exit of the Canal and had been unable to benefit from the many possibilities offered to it by its geographical position in the exploitation of international trade. The overwhelming powers unequally assumed by the United States on Panamanian soil had created a colonial type of situation that was a burden to Panama, damaged its integrity and constituted a physical and political mortgage that could no longer be extended. The United States arbitrarily controlled the international ports adjacent to the Canal and insisted on unjustified trade competition when it continued the operation of the Panama Railroad across the isthmus. Furthermore, the

United States had assumed undue control over Panamanian air space and over the allocation of radio frequencies, and, in that respect, had arbitrarily assumed frequencies for official and public services, whose granting was normally the right of the sovereign of the territory, since the radio frequency spectrum was a common natural resource shared by all nations of the world, whose simultaneous use was limited in each case.

He pointed out that constant friction resulted also from the discrimination, both visible and disguised, that occurred in the administration of the Canal, predominantly in the granting of employment, salaries, pensions and other essentials. United States officials were exercising in that zone on Panamanian soil the functions of Government and imposing laws and regulations decided upon by their legislature. Thus, foreign judges handed down judgements on Panamanian citizens and other nationals. Consequently, it was easy to understand the repudiation by Panama of such a situation and the will of the Panamanian people to struggle by all means until an end was put to it. Proof of the explosive situation were the bloody events of 9 January 1964 which led to a breaking off of diplomatic relations with the United States. On that occasion Panama had accused the United States of aggression in the United Nations Security Council⁸⁰⁸ and in the OAS Council. Later both countries signed before the OAS Council a joint declaration in which both Governments agreed to undertake negotiations to eliminate the causes of conflict between them. Among those causes of conflict he mentioned the perpetuity of the Canal concession, the unilateral interpretation by the United States of the existing contractual stipulations and their *de facto* imposition on Panama, the exercise of United States jurisdiction over the Canal Zone, which had turned that Zone into a colonialist enclave, the installation of military bases for purposes other than protecting the Canal and the insufficient and unjust benefits derived by Panama from the interoceanic waterway. The Government and people of Panama had complete confidence that the Security Council possessed sufficient authority to settle the question in accordance with the principles of international law and justice and pursuant to the terms of Chapter VI of the Charter on the peaceful settlement of disputes.⁸⁰⁹

At the 1701st meeting, the Secretary-General stated that one issue of special concern to the Latin American countries was the question of the Panama Canal, which had been mentioned by every speaker. That problem awaited a solution that could only be based on the respect for the law and the search for justice. A solution would have to take into account the basic principles of the Charter such as the principles of territorial integrity, sovereign equality, the obligation to settle all international disputes by peaceful means and the principle that had become an accepted common standard, namely, that any State was entitled to

⁸⁰⁸ See *Repertoire of the Practice of the Security Council, Supplement 1964-1965*, chapter VIII, part II, pp. 99-100.

⁸⁰⁹ For texts of relevant statements, see: 1696th meeting: Colombia*, Cuba*, Guyana*, Mexico*, Peru; 1697th meeting: Argentina*, Chile*, El Salvador*; 1698th meeting: Costa Rica*, Jamaica*, Uruguay*, Venezuela*; 1699th meeting: Australia; China; Indonesia; Trinidad and Tobago*; Yugoslavia; Zambia*; 1700th meeting: Algeria*; Austria; Canada*; Guinea*; Honduras*; Kenya; USSR; 1701st meeting: France; India; Sudan; United Kingdom; United States; 1702nd meeting: Panama; 1704th meeting: Panama.

put to full use and for its own account all its natural potentialities. He appealed strongly to Panama and the United States to seek a solution in a spirit of friendship and confidence and further urged the members of the Council to seek an agreement that would help the parties concerned in their efforts towards a solution that would take into account the national aspiration as well as the legitimate rights and interests of the community of nations that were at stake.⁸¹⁰

At the 1698th meeting on 16 March 1973, the President speaking as representative of Panama introduced⁸¹¹ a draft resolution,⁸¹² jointly with Peru under which the Council, *inter alia*, would: (1) Take note that the Governments of Panama and the United States, in the Joint Declaration signed before the OAS Council on 3 April 1964, agreed to reach a fair and just agreement; (2) Take note further of the disposition shown by both Governments to conclude the following agreements: (a) To abrogate the Isthmian Canal Convention of 1903 and its amendments; (b) To conclude an entirely new Treaty regarding the present Panama Canal; (c) To respect Panama's sovereignty in all its territory; (d) To ensure the reintegration of the territory known as the Canal Zone with Panama, putting an end to said Zone as an area under United States jurisdiction; (e) To give back to Panama the jurisdictional prerogatives assumed by the United States in the so-called Panama Canal Zone, on the dates subject to negotiations; (f) To lay the groundwork for the assumption by Panama of full responsibility for the operation of the Canal; (3) Call upon the parties to execute promptly a new treaty including the agreements mentioned above; (4) Urge the United States and Panama to resume negotiations; (5) Declare that the effective neutralization of the Panama Canal would foster international peace and security and the maintenance of the peaceful use of the Canal by the international community; (6) Decide to propose the inclusion of the question of the neutralization of inter-oceanic canals in the agenda of the next regular session of the General Assembly.

At the 1702nd meeting on 20 March 1973, the President, speaking as representative of Panama, introduced⁸¹³ a revised text of the two-Power draft resolution⁸¹⁴ and announced that it was jointly submitted by Guinea, Kenya, Panama, Peru, Sudan and Yugoslavia. Under the revised text of the draft resolution, the Security Council would: (1) *Take note* that the Governments of Panama and the United States, in the Joint Declaration signed before the Council of the Organization of American States, agreed to reach a just and fair agreement, with a view to the prompt elimination of the causes of conflict between them; (2) *Take note* also of the willingness shown by those Governments to establish in a formal instrument agreements on the abrogation of the 1903 convention on the Isthmian Canal and its amendments and to conclude a new, just and fair treaty concerning the present Panama Canal which would fulfil Panama's legitimate aspirations

and guarantee full respect for Panama's effective sovereignty over all of its territory; (3) Urge the Governments of the United States and Panama to continue negotiations in a high spirit of friendship, mutual respect and co-operation and to conclude without delay a new treaty aimed at the prompt elimination of the causes of conflict between them; and (4) Decide to keep the question under consideration.

At the 1704th meeting on 21 March 1973, the six-Power draft resolution was voted upon and failed of adoption,⁸¹⁵ the result of the vote being 13 in favour, 1 against, with 1 abstention, the negative vote being that of a permanent member.

Speaking in explanation of vote, the representative of the United States stated that although his delegation agreed with much in the draft resolution, it had voted against it because all the matters involved were in the process of bilateral negotiations. It was inappropriate for the Council to adopt a resolution dealing with matters of substance in a continuing negotiation. Moreover, the draft resolution was unbalanced and incomplete and therefore subject to serious misinterpretation. Finally, it dealt with the points of interest to Panama but ignored the legitimate interests of the United States.⁸¹⁶

At the 1700th meeting on 19 March 1973, the representative of Peru introduced⁸¹⁷ a draft resolution⁸¹⁸ jointly submitted by Panama, Peru and Yugoslavia which he said reflected the serious concern over the future of peace and security on the continent threatened by the persistence of coercive measures intended to break the sovereign will of States or to affect their decisions.

At the 1702nd meeting on 20 March 1973, the President (Panama) announced that the delegations of Guinea, Kenya, Panama, Peru, Sudan and Yugoslavia were co-sponsors of the draft resolutions.⁸¹⁹

At the 1704th meeting on 21 March 1973, the draft resolution was put to the vote and was adopted⁸²⁰ by 12 votes in favour, none against and 3 abstentions.

It read as follows:⁸²¹

The Security Council,

Recalling General Assembly resolutions 1803 (XVII) of 14 December 1962 and 3016 (XXVII) of 18 December 1972 concerning permanent sovereignty over natural resources,

Reaffirming General Assembly resolution 2625 (XXV) of 24 October 1970, which states that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

Further recalling General Assembly resolution 2993 (XXVII) of 15 December 1972 on implementation of the Declaration on the Strengthening of International Security, in particular paragraph 4 thereof,

⁸¹⁵ 1704th meeting, para. 66.

⁸¹⁶ *Ibid.*, paras. 68-80.

⁸¹⁷ 1700th meeting, paras. 202-205.

⁸¹⁸ S/10932/Rev.1.

⁸¹⁹ 1702nd meeting, para. 36. Once more revised as S/10932/Rev.2.

⁸²⁰ 1704th meeting, para. 124.

⁸²¹ Resolution 330 (1973).

⁸¹⁰ 1701st meeting, paras. 16-17.

⁸¹¹ 1698th meeting, para. 112.

⁸¹² S/10931. Incorporated into the official record of the 1698th meeting.

⁸¹³ 1702nd meeting, paras. 28-36.

⁸¹⁴ S/10931/Rev.1, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, pp. 57-58.

Noting with deep concern the existence and use of coercive measures which affect the free exercise of permanent sovereignty over the natural resources of Latin American countries,

Recognizing that the use or encouragement of the use of coercive measures may create situations likely to endanger peace and security in Latin America,

1. *Urges* States to adopt appropriate measures to impede the activities of those enterprises which deliberately attempt to coerce Latin American countries;

2. *Requests* States, with a view to maintaining and strengthening peace and security in Latin America, to refrain from using or encouraging the use of any type of coercive measures against States of the region.

At the same meeting, the President (Panama) said that he wished to make a statement "with a view to summing up the main points of the discussions which the Security Council has held here."⁸²²

At the same meeting, the representative of Guinea, speaking on behalf of the members of the Council,⁸²³ said that as a result of consultations held among themselves they had agreed on a statement of consensus,⁸²⁴ which read as follows:

On 2 February 1973, the Security Council adopted resolution 325 (1973) in which it decided to hold meetings in Panama City from 15 to 21 March 1973 devoted to the consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter.

In accordance with that resolution, the Security Council held its 1695th to 1704th meetings in Panama City. During the course of these meetings, the members of the Security Council have listened with great interest to addresses by His Excellency General Omar Torrijos, Head of the Government of Panama, by representatives of Member States of the United Nations invited to participate in the Council's discussions pursuant to Article 31 of the Charter, and by several spokesmen for other United Nations bodies or inter-governmental organizations to whom invitations were extended in accordance with rule 39 of the provisional rules of procedure.

Before concluding their meetings in Panama City, the members of the Security Council wish to convey to His Excellency the President of the Republic of Panama and to the Head and other members of the Government of Panama their deep gratitude for the invitation issued to the Security Council and for the generous hospitality and unflinching courtesy and helpfulness extended to them at all times during their visit to Panama. They further wish to assure the Government and the people of Panama and in particular the authorities and population of Panama City, that the delegations of the members of the Council who came from New York and all those who accompanied them carry away with them an abiding memory of the warm welcome extended to them.

In addition, the members of the Security Council express to the Secretary-General of the United Nations their sincere appreciation for the outstanding contribution made by him and his staff to ensure a smooth and efficient functioning of the services required for the meetings of the Council.

COMPLAINT BY CUBA

By letter⁸²⁵ dated 13 September 1973, addressed to the President of the Council, the representative of Cuba

⁸²² 1704th meeting, para. 147. For the text of the President's statement see *ibid.*, paras. 147-164. For the application of the Provisional Rules of Procedure of the Security Council concerning the exercise of the Presidency of the Council, see in chapter I, part III.

⁸²³ *Ibid.*, paras 190-191.

⁸²⁴ *OR*, 28th yr., *Resolutions and Decisions of the Security Council 1973*, p. 4.

⁸²⁵ S/10995, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, pp. 31-32.

requested an urgent meeting of the Security Council to consider the serious acts committed by the Armed Forces of Chile, which violated the obligations placed upon every Member State under Article 2, paragraphs 2 and 4 of the Charter. The situation created by these acts constituted a serious threat to international peace and security within the meaning of Articles 34, 35 and 39 of the Charter. In submitting this request, the representative of Cuba referred to his previous letter⁸²⁶ dated 12 September 1973, whereby he had transmitted a note from the Acting Foreign Minister of Cuba informing the President of the Council of what had occurred in Chile on 11 and 12 September.

At the 1741st meeting on 17 September 1973, the Council included the item in its agenda. Following the adoption of the agenda, the representatives of Cuba, Chile, Democratic Yemen,⁸²⁷ and at the 1742nd meeting thereof, Senegal, Madagascar⁸²⁸ and Algeria⁸²⁹ were invited, at their request, to participate in the discussion without the right to vote. The Council considered this item at its 1741st and 1742nd meetings on 17 and 18 September 1973.

At the 1741st meeting, the representative of Cuba*, referring to his two letters to the President of the Council, stated that on 11 September, during the military coup against the constitutional government of President Allende, several hundred members of the Chilean armed forces had surrounded the Cuban Embassy in Santiago and opened fire on it, wounding several members of the Embassy staff including the Ambassador. The siege, the armed attack against the Embassy and the attempted assassination of the Cuban Ambassador were gross violations of the Vienna Convention on Diplomatic Relations, specifically of its articles 22, 29, 30, 44 and 45 (a). He further charged that the Cuban merchant vessel *Playa Larga* had been attacked by Chilean aircraft and naval vessels while sailing in international waters off Chile. He also mentioned other incidents including the arbitrary arrest of two Cuban doctors participating in a programme organized by the World Health Organization and the Pan American Health Organization. He denounced these incidents and expressed his Government's concern over the fate of a number of Cuban citizens who were in Chile to fulfil bilateral agreements between the Governments of Chile and Cuba or to participate in activities planned by organizations within the United Nations system. In concluding his remarks he condemned the military regime that emerged from the coup of 11 September as a threat to all civilized peoples and attributed its rise to power to the interfering policies of North American imperialism, to the activities of powerful foreign monopolistic corporations, and to the involvement of the Chilean right.⁸³⁰

The representative of Chile* stated that the events about which Cuba had complained in its letter of 12 September had never threatened international peace and security. The first letter of 11 September had not invoked any Articles of the Charter defining matters that fell within the purview of the Council nor did it contain a request for a Council

⁸²⁶ S/10993, *ibid.*, pp. 30-31.

⁸²⁷ 1741st meeting. President's opening statement.

⁸²⁸ 1742nd meeting. President's opening statement.

⁸²⁹ *Ibid.* following the intervention by Australia.

⁸³⁰ 1741st meeting, Cuba, first intervention.

meeting. Only after the problems had been resolved, did the Cuban Government invoke the provisions of the Charter and ask the President of the Council to convene an urgent meeting. Referring to the *Playa Larga*, the representative of Chile said that the ship had disobeyed the repeated orders of the maritime authorities not to sail and had left without the pilot or the papers called for by Chilean navigation laws. In accordance with article 23 of the Vienna Convention of the High Seas, Chile had invoked the right of hot pursuit against a ship that had been in a Chilean port and subject to Chilean jurisdiction. The harassment of the ship had ended on 12 September, at midday, and the whole question fell within the domestic jurisdiction of Chile.

With regard to the charges concerning the incident at the Cuban Embassy, the Chilean representative stated that a military patrol had been sent to protect the Embassy from popular indignation about the systematic interference by Cuban diplomats in the domestic affairs of Chile. The military patrol had been received with offensive remarks against the Chilean army and the situation in Chile. Staff members of the Embassy had repeatedly fired at the soldiers who returned the fire in self-defence. As the first shots came from the Embassy, it was Cuba that had violated the Charter. On 12 September, late in the day, the Cuban Ambassador and his staff had, by agreement, left Chile; there was no ground for action by the Council.⁸³¹

The representative of the Soviet Union rejected the attempts to justify the attacks on the Embassy and on the ship as entirely unconvincing and compared these attacks to terrorist actions, which constituted inadmissible violations of international law as contained in the 1961 Vienna Convention on Diplomatic Relations. Cuba was acting in strict compliance with the United Nations Charter in calling upon the Council to consider the situation and to take appropriate action. He called for the condemnation of the hostile actions of the Chilean forces against the Embassy and its staff and urged the Council to adopt appropriate decisions of principle to prevent similar unlawful actions in international relations in the future.⁸³²

The representative of Panama condemned the attacks on the Cuban Embassy and on the ship as violations of the norms of international law, but as an advocate of the non-intervention in the internal affairs of other States refrained from commenting on developments in Chile.⁸³³

The representative of Democratic Yemen* recalled the warning which President Allende had issued in his address to the General Assembly in 1972, that the International Telephone and Telegraph Company attempted to bring about civil war in Chile. This warning had come true. As a result, the fate of 10,000 political refugees who had come to live in exile in Chile, was at stake, for the military junta was reported to consider their forcible deportation to their own countries. He concluded that the Council was duty-bound to intervene on their behalf and see to it that their human rights were upheld in accordance with international law and morality.⁸³⁴

At the 1742nd meeting on 18 September 1973, the representative of the United States declared that the United States regretted departures from constitutional processes wherever they occurred and opposed any violent action against diplomatic establishment and merchant shipping in international waters. His delegation agreed with several other Council members that the actions charged by Cuba had resulted from the violent internal upheavals within the territory of a Member State. Therefore, any redress would be more appropriately sought through bilateral channels. He also said that there were other ways, short of a Council meeting, to gain the attention of the international community, such as circulating letters. If other Member States sought to convene the Council on every occasion when injuries were inflicted or when diplomatic and overseas missions were damaged, the Council would be in almost continuous session. Exercising his right of reply, he rejected the accusations made by the representative of Cuba against the United States.⁸³⁵

The representative of India said that the events in Chile were essentially an internal matter and that there was no evidence of an immediate threat to international peace and security. In view of the nature of the complaint and the paucity of facts, his delegation suggested that the Council adjourn until it had had time to sift the facts and consider their legal implications.⁸³⁶

The representative of Guinea stated that the attack on the Cuban Embassy and on the ship, together with the arrest and detention of innocent persons, constituted grave violations of the principles of the Charter and of international law. She called upon the Council to condemn the military junta for these attacks and for acts of provocation likely to trouble international peace and security.⁸³⁷

The representative of Algeria* said that the facts on which the Cuban complaint was based were sufficiently clear and grave to impel the Council to take the necessary measures against the military authorities of Chile as a matter of urgency. Although his Government as a principle avoided any interference in the domestic affairs of other countries and denounced all acts of foreign interference, the dangerous situation behind the brutal activities of the new military regime should retain the attention of the Council. It would be a mistake to divorce the acts denounced by Cuba from the whole context of the situation in Chile or to assess them without taking full account of their inherent danger to peace and harmony in that part of the world.⁸³⁸

The President, speaking as the representative of Yugoslavia, stated that any Member State had the right to call for a meeting of the Council and that the facts presented by Cuba constituted a serious threat to international peace and security within the meaning of Articles 34, 35 and 39 of the Charter and fully warranted the meeting of the Council. The new authorities in Chile were attacking relations with other countries on political and ideological grounds and subjected large numbers of foreign nationals to arrest, terror and violence. The broader implication of the situ-

⁸³¹ 1741st meeting, intervention by Chile.

⁸³² *Ibid.*, intervention by the USSR.

⁸³³ *Ibid.*, intervention by Panama.

⁸³⁴ *Ibid.*, intervention by Democratic Yemen.

⁸³⁵ 1742nd meeting, intervention by the United States.

⁸³⁶ *Ibid.*, intervention by India.

⁸³⁷ *Ibid.*, intervention by Guinea.

⁸³⁸ *Ibid.*, intervention by Algeria.

ation was that the dispute had its roots predominantly in foreign interference against the Government of Chile during the past three years or more. It had been precisely in the larger context of peace and security in Latin America that the Council, meeting in Panama, had adopted resolution 330 (1973).⁸³⁹

The representative of Madagascar* said that the incidents about which Cuba complained represented very serious breaches of the standards of conduct imposed by international law. The Council should not merely confine itself to noting a situation that threatened international peace and security, for its duty was to prevent any development which might jeopardize peace and normal friendly relations between nations.⁸⁴⁰

A number of representatives stated that they followed the recent events in Chile with concern, but that they rigorously adhered to the principle of non-intervention in domestic affairs. They noted the contradictory statements by the representatives of Cuba and Chile and added that they could not pass judgement as long as the facts were not clearly established.⁸⁴¹

At the end of the 1742nd meeting, the President stated that it would be premature to fix a time for another meeting on the issue since he had no indication when members of the Council might wish to speak or present proposals on the item.⁸⁴²

COMPLAINT BY IRAQ

INITIAL PROCEEDINGS

By a letter⁸⁴³ dated 12 February 1974, the representative of Iraq requested the President of the Security Council to convene an urgent meeting of the Council to consider the "continuing acts of aggression launched by Iranian armed forces against the territorial integrity of Iraq."

At the 1762nd meeting on 15 February 1974, the Council included⁸⁴⁴ the question in its agenda. The representatives of Iran, Democratic Yemen,⁸⁴⁵ the Libyan Arab Republic and the United Arab Emirates⁸⁴⁶ were invited to participate in the discussion. The Council considered the question at its 1762nd to 1764th and 1770th meetings, held between 15 February and 28 May 1974.

Decision of 28 February 1974 (1764th meeting):

Statement by the President of the Council

During the discussion the representative of Iraq charged that Iran, on several occasions, had committed acts of

aggression against his country. After describing the attacks and violations of Iraqi territory that had taken place on the borders of the two countries on 10 and 24 December 1973 and on 4 and 10 February 1974 leaving a death toll of 44 known,⁸⁴⁷ he stated that Iran's aggressive policy towards his country stemmed from Iran's refusal to abide by its obligations under the mutually binding Iraqi-Iranian Boundary Treaty of 1937. Iran's violations of its treaty obligations had culminated in its declaration, made in April 1969, to the effect that it was unilaterally abrogating it. In that connexion, he recalled that in a letter dated 11 July 1969, his Government had given a detailed account to the Council of the Iranian illegal action and of the historical background of the Shat Al-Arab dispute.⁸⁴⁸ Moreover, his Government had drawn also the attention of the Secretary-General to the seriousness of the situation on the Iraqi-Iranian border and had expressed its readiness to accept a special mission of the Secretary-General to investigate that situation. It had also offered to submit the alleged Iranian complaints regarding the implementation of the 1937 Boundary Treaty to the International Court of Justice. Iran, in both cases had turned down Iraq's offer. The problem had proved itself to be insoluble so far, due to Iran's refusal to renounce its territorial claims against Iraq. The Security Council was duty-bound to expend its efforts to see that justice was done and peace and stability restored to the region. His Government wanted to preserve Iraqi-Iranian relations, on the basis of justice and respect for Iraqi sovereignty and would welcome direct negotiations in connexion with the Iraqi-Iranian border disputes, only after Iran had declared before the Council, its willingness to abide by the 1937 Boundary Treaty.⁸⁴⁹

The representative of Iran* denied Iraq's allegations of Iranian aggression and stated that on the contrary, it was his country who was the victim of Iraq's acts of aggression. In a letter addressed to the Embassy of Iraq in Teheran, and circulated as a Security Council document,⁸⁵⁰ the Government of Iran had described those acts of aggression and had drawn the attention of the Iraqi Government to the very dangerous consequences of such violations. He added that Iraq had also conducted mass deportations of Iranian nationals and made efforts to incite the people in Iran to revolt.

The representative of Iran then said that his country did not consider the 1937 Boundary Treaty to be valid and had repeatedly offered to enter immediately into negotiations with the Government of Iraq on the basis of the accepted principles of international law and justice and taking into account the interests of the two parties, with a view to the complete normalization of the situation. However, the delegation of Iraq had refused to have recourse to these normal means. After stating further that there did not exist any treaty delimiting the land frontier between Iran and Iraq, he stated that his Government would not be opposed if the Council sent a representative on a fact-finding mission

⁸³⁹ 1742rd meeting, intervention by President as representative of Yugoslavia.

⁸⁴⁰ *Ibid.*, intervention by Madagascar.

⁸⁴¹ 1741st meeting: Peru; 1742nd meeting: Indonesia, Australia, Kenya, Austria.

⁸⁴² 1742nd meeting, President's closing statement.

⁸⁴³ S/11216, *OR*, 29th yr., *Suppl. for Jan.-March 1974*, p. 96.

⁸⁴⁴ 1762nd meeting, President's opening statement.

⁸⁴⁵ *Ibid.*

⁸⁴⁶ 1763rd meeting, President's opening statement.

⁸⁴⁷ Those actions were described by Iraq in document S/11216, *OR*, 29th yr., *Suppl. for Jan.-March 1974*, p. 96.

⁸⁴⁸ S/9323, *OR*, 24th yr., *Suppl. for July-Sept. 1969*, pp. 108-123.

⁸⁴⁹ 1762nd and 1763rd meetings: several interventions by Iraq.

⁸⁵⁰ S/10627, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 41-42.

to the battlefield of 10 February 1974, who would then report back to the Council.⁸⁵¹

At the 1764th meeting, on 28 February 1974, the President (France) read out the following statement as representing the consensus of the views of the members of the Council,⁸⁵² which was adopted without any objection.⁸⁵³

1. Following the complaint presented on 12 February 1974 by the representative of Iraq, the Security Council met on 15 and 20 February. The President of the Security Council has had consultations with all the members of the Council and with the Permanent Representative of Iran. As a result, the President has found that there exists within the Council a consensus in the following terms.

2. The Security Council, having heard the statements of the representatives of Iraq and Iran regarding the events referred to in the complaint by Iraq, believes that it is important to deal with a situation which could endanger peace and stability in the region. It deplors all the loss of human life; it appeals to the parties to refrain from all military action and from any move which might aggravate the situation. The Council reaffirms the fundamental principles set out in the Charter regarding respect for the territorial sovereignty of States and the pacific settlement of disputes and the duty of all States to fulfil their obligations under international law, as well as the principles referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

3. From the information available to the Council, it appears that the cause of the events lies, *inter alia*, in the fact that the legal basis for the delimitation of the boundary between the parties is contested.

4. The Council had noted the recent exchange of ambassadors between the two States and hopes that this could constitute a channel through which problems affecting relations between the parties might be resolved.

5. As additional information is required, the Security Council requests the Secretary-General

to appoint as soon as possible a special representative to conduct an investigation of the events that have given rise to the complaint by Iraq and

to report within three months.

6. The above-mentioned consensus was reached by members of the Council with the exception of China, which dissociates itself from it; the Chinese delegation made the following statement:

"The Chinese delegation hopes that Iran and Iraq will arrive at a fair and reasonable settlement of their boundary dispute through negotiations in accordance with the five principles of peaceful co-existence. Therefore, the Chinese delegation does not favour United Nations involvement in any form in a boundary dispute. In view of this position, the Chinese delegation dissociates itself from the above consensus of the Security Council."⁸⁵⁴

At the same meeting, the representative of China said his Government as stated in paragraph 6 had dissociated from the consensus because it had always stood for the settlement of questions such as the one being considered by the Council through friendly consultations between the parties, without United Nations involvement.⁸⁵⁵

The representative of Peru stated that it was the understanding of his delegation that the mandate of the special representative to be appointed by the Secretary-General was wholly contained and defined exclusively in paragraph 5 of the consensus, that is, he was "to conduct

an investigation of the events that have given rise to the complaint by Iraq."⁸⁵⁶

Decision of 28 May (1770th meeting): resolution 348 (1974)

On 20 May 1974 the Secretary-General submitted to the Security Council his report⁸⁵⁷ on the implementation of the consensus adopted by the Security Council on 28 February 1974 regarding the complaint by Iraq concerning incidents on its frontier with Iran. In his report, the Secretary-General stated that his Special Representative, Ambassador Luis Weckmann-Muñoz, had informed him that the Governments of Iran and Iraq had agreed through the Special Representative, who was acting in the exercise of the Secretary-General's good offices,⁸⁵⁸ to the following points: (a) a strict observance of the 7 March 1974 cease-fire agreement; (b) prompt and simultaneous withdrawal of armed forces along the entire border; (c) the creation of a favourable atmosphere conducive to achieving the purpose stated in the following paragraph, by refraining totally from any hostile actions against each other; and (d) an early resumption, without any preconditions, at the appropriate level and place, of conversations with a view to a comprehensive settlement of all bilateral issues.

At the 1770th meeting on 28 May 1974, the Security Council resumed its consideration of the item⁸⁵⁹ and included in its agenda the report by the Secretary-General (S/11291).⁸⁶⁰ The Council invited the representative of Iran to participate in the discussion.⁸⁶¹

At the same meeting, the President (Kenya) after recapitulating briefly the previous action taken by the Council on the matter, stated that consultations held between the parties concerned and then among the members of the Council had resulted in agreement on the text of a draft resolution.⁸⁶²

The representative of the USSR stated that regarding paragraph 4 of the draft resolution, his delegation would have preferred it to indicate that in discharging his mandate from the Security Council, the Secretary-General would act in accordance with and with the approval of the Security Council, in matters concerning the nature and scope of assistance to the parties in the settlement of disputes. However, taking into account the explanations of the parties, and the consultations held among members of the Council, the USSR delegation would not insist on the inclusion in the draft resolution of a special provision on the understanding that if the parties should request assistance of the Secretary-General he would agree with the Security Council on the nature and extent of such assistance.⁸⁶³

⁸⁵⁶ *Ibid.*, intervention by Peru.

⁸⁵⁷ S/11291, *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 125-129.

⁸⁵⁸ In connexion with the exercise of the good offices of the Secretary-General see in chapter I, part IV, Case 9.

⁸⁵⁹ 1770th meeting. President's opening statement.

⁸⁶⁰ *Ibid.*

⁸⁶¹ *Ibid.*

⁸⁶² *Ibid.*, The President (Kenya) referred to the draft resolution contained in document S/11299, adopted without change as resolution 348 (1974).

⁸⁶³ *Ibid.*, intervention by the USSR.

⁸⁵¹ 1762nd meeting, Iran, first intervention.

⁸⁵² 1764th meeting, President's statement of consensus.

⁸⁵³ *Ibid.*, following the President's statement.

⁸⁵⁴ *Resolutions and Decisions of the Security Council 1974*, p. 1.

⁸⁵⁵ 1764th meeting, intervention by China.

At the same meeting, the draft resolution was voted upon and adopted by 14 votes in favour, none against and no abstentions.⁸⁶⁴ One member (China) did not participate in the vote.⁸⁶⁵ The draft resolution read as follows:⁸⁶⁶

The Security Council,

Recalling its consensus adopted on 28 February 1974 (S/11229),

1. *Takes notes with appreciation* of the Secretary-General's report, which was circulated to the Security Council on 20 May 1974 (S/11291);

2. *Welcomes* the reported determination on the part of Iran and Iraq to de-escalate the prevailing situation and to improve their relations and, in particular, the fact that both countries have agreed through the Secretary-General's Special Representative, acting in the exercise of the Secretary-General's good offices, to the following points:

(a) A strict observance of the 7 March 1974 cease-fire agreement;

(b) Prompt and simultaneous withdrawal of concentrations of armed forces along the entire border, in accordance with an arrangement to be agreed upon between the appropriate authorities of the two countries;

(c) The creation of a favourable atmosphere conducive to achieving the purpose stated in the following subparagraph, by refraining totally from any hostile actions against each other;

(d) An early resumption, without any preconditions, at the appropriate level and place, of conversations with a view to a comprehensive settlement of all bilateral issues;

3. *Expresses the hope* that the parties will take as soon as possible the necessary steps to implement the agreement reached;

4. *Invites* the Secretary-General to lend whatever assistance may be requested by both countries in connexion with the said agreement.

After the vote, the representative of the United Kingdom stated that it was not appropriate to discuss the precise relationship between the Secretary-General and the Security Council on a resolution dealing with an agreement entered into bilaterally between the parties to a dispute, particularly when no amendment to that effect had been moved to paragraph 4 of the draft resolution. Nothing in that resolution, and nothing that had taken place in the Security Council that day had in anyway altered the relationship that existed between the Secretary-General and the Security Council.⁸⁶⁷

RELATIONSHIP BETWEEN THE UNITED NATIONS AND SOUTH AFRICA

INITIAL PROCEEDINGS

By a letter dated 9 October 1974⁸⁶⁸ addressed to the President of the Security Council, the representative of Tunisia, in his capacity as the Chairman of the African Group at the United Nations, requested a meeting of the Security Council to review the relationship between the United Nations and South Africa in conformity with General Assembly resolution 3207 (XXIX) adopted on

⁸⁶⁴ 1770th meeting, following the intervention by China.

⁸⁶⁵ For the applicability of article 27, paragraph 3, see in chapter IV, part III.

⁸⁶⁶ Resolution 348 (1974).

⁸⁶⁷ 1770th meeting, intervention by the United Kingdom.

⁸⁶⁸ S/11532, *OR, 29th year, Supplement for October-December 1974*, p. 25.

30 September 1974. Under that resolution the General Assembly had called on the Security Council to review the relationship between the United Nations and South Africa in the light of the constant violation by South Africa of the principles of the Charter of the United Nations and the Universal Declaration of Human Rights.

The Council held 11 meetings between 18 and 30 October 1974 to consider the item. In the course of the discussion, the President (United Republic of Cameroon), with the consent of the Council, and at their request, invited the representatives of Algeria, Bangladesh, Barbados, Congo, Cuba, Czechoslovakia, Dahomey, Egypt, the German Democratic Republic, Ghana, Guinea, Guyana, India, Kuwait, Liberia, Libyan Arab Republic, Madagascar, Mali, Mauritius, Morocco, Nigeria, Pakistan, Qatar, Romania, Saudi Arabia, Sierra Leone, Somalia, South Africa, the Syrian Arab Republic, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Upper Volta, Yugoslavia and Zaire to participate in the debate without the right to vote.

The Council also decided to extend invitations under rule 39 of its provisional rules of procedure to Mr. David Sibeko of the Pan Africanist Congress of Azania, Mr. Duma Nokwe, of the African National Congress, Noel Mukono of the Zimbabwe African National Union, T. George Silundika of the Zimbabwe African People's Union and Mr. Theo-Ben Gurirab of the South West Africa People's Organization.

At the 1796th meeting on 18 October 1974, following the adoption of the agenda⁸⁶⁹ the Council began its discussion of the question with statements by the representatives of Tunisia, Somalia and Sierra Leone.

The representative of Tunisia*, representing the African group, stated that the political and social system practised in South Africa was in total violation of, and in flagrant contradiction with, the principles and purposes of the Charter of the United Nations and the Universal Declaration of Human Rights. Furthermore, South Africa, in violation of Article 2 of the Charter, had continued illegally to occupy the Territory of Namibia, despite the fact that in 1966 the General Assembly had terminated its Mandate, and it had sent troops to Southern Rhodesia and maintained them there, defying both the administering Power and the United Nations. Moreover, in violation of Articles 5 and 25 of the Charter, it had refused to apply the Security Council decisions that imposed sanctions on Rhodesia under Chapter VII of the Charter and had continued to maintain political, economic, military and other relations with the minority régime in Rhodesia. The representative of Tunisia then said that in view of South Africa's attitude during the past twenty-nine years of its membership in the United Nations, his delegation would urge the Council to invoke Article 6 of the Charter and expel South Africa from the Organization.⁸⁷⁰

The representative of Somalia*, speaking as current Chairman of the Council of Ministers of the Organization of African Unity had also called for the invocation of Article 6 of the Charter. He stressed that in its consideration of the relationship between the United Nations and South Africa, the Council must also take into account its own conclusion

⁸⁶⁹ 1796th meeting, President's opening statement.

⁸⁷⁰ *Ibid.*, intervention by Tunisia.

that the situation in South Africa was a threat to regional peace and security which could well escalate into a threat to international peace and security. The Council could not turn away from the responsibility of considering whether South Africa should be expelled from the United Nations. Objective consideration of the facts would show that South Africa's continued presence as a Member State made a mockery of international law and morality.⁸⁷¹

The representative of Sierra Leone* taking note of the demands for the expulsion of South Africa from the United Nations stated that whatever decision was taken at the conclusion of the debate would have a direct relevance to the conditions of life and respect for the human dignity of millions of citizens in the southern part of Africa. The Council should carry out its onerous duties with sincerity and without flinching from whatever decision it believed would serve the principles of the Organization and serve to further respect for human dignity.⁸⁷²

The representative of Egypt* stated that South Africa's *apartheid* policy was not limited to South African territory but encompassed southern and northern Africa as well where acts of aggression and threats to international peace and security were repeatedly perpetuated by South Africa and its allies. The collaboration between South Africa and Israel in the military, political and economic spheres had also represented a serious threat to international peace and security. It was therefore vital for the United Nations to adopt certain measures against South Africa, including expulsion from the Organization and observance by Member States of a total boycott in its dealing with the South African régime.⁸⁷³

The representative of Nigeria*, asserting that South Africa's policies and actions had created a threat to international peace and security called for the exclusion of the South African régime from participation in the Organization under Articles 5 and 6 of the Charter of the United Nations. In discussing the argument that South Africa's expulsion from the Organization would violate the principle of universality, he stated that that principle could be upheld only in accordance with the principles of the Charter and not as a means to condone and defend gross violations of the Charter. Otherwise, Articles 5 and 6 would be rendered meaningless.⁸⁷⁴

The representative of Mauritius* stated that it was intolerable and destructive of the United Nations to allow a régime, which openly opposed the collective decisions of the Security Council and the General Assembly, to continue participation in their decision-making process. Also intolerable was that three permanent members—France, the United Kingdom and the United States—which maintained close military contact with the South African régime should be allowed to veto any constructive resolution to apply the provisions of the Charter, particularly Articles 5 and 6.⁸⁷⁵

The representative of Madagascar* stated that the fact was that once the South African Government had refused the good offices of the Organization, attacked the consti-

tutionality of its resolutions and decisions, rejected the recommendations under Chapters VI and XI of the Charter, and ignored the innumerable appeals for co-operation under Articles 1, 13, 55 and 56, the Organization itself became a party to the dispute, thus creating a situation for which no express provision was made in the Charter. The logical consequences of that situation were covered by Article 6, concerning expulsion and Articles 41 and 42, on sanctions and the use of force, two articles not mutually exclusive. In the case of South Africa, the pertinent Articles of Chapter VI had already been applied when the Organization set up good offices commissions, called for mediation and ordered inquiries conducted by a group of experts of the Council. Article 40 was invoked when the Council decided to institute an arms embargo. For 28 years the Organization had seen South Africa persistently infringe Charter principles, thus calling for the application to itself of Article 6. As for Article 27, it was necessary to clarify its scope with a view to applying its provisions in relation to Chapter VII of the Charter. Looked at in political terms, if one or more States had given diplomatic, political and military support to South Africa, and perhaps were prepared to go on doing so, it could be concluded that they too bore responsibility for the reprehensible actions of the South African régime. In that case they became a party to the dispute, and Article 27 of the Charter would be applicable to them.⁸⁷⁶

Also calling for the expulsion or suspension of South Africa from the United Nations were the representatives of Algeria*, Byelorussian SSR, China, Congo*, Cuba*, Dahomey*, the German Democratic Republic*, Ghana*, Guinea*, Guyana*, India*, Indonesia*, Iraq*, Kenya, Kuwait*, Libya*, Mali*, Mauritania, Morocco*, Pakistan*, Peru*, Qatar*, Syria*, Tanzania*, Uganda*, Upper Volta*, United Republic of Cameroon, Yugoslavia* and Zaire*.

The representative of the USSR, in supporting the demands for South Africa's expulsion from the Organization stated that the South African régime had been able to defy the United Nations owing to the support it enjoyed from certain western Powers, members of the North Atlantic Treaty Organization as well as from transnational monopolies belonging to them. He urged the permanent members of the Council not to put any obstacles in the move to exclude South Africa from the United Nations.⁸⁷⁷

The representatives of Bangladesh*, Czechoslovakia* and Liberia* called for more effective steps against South Africa in the face of its continued defiance of the United Nations and the representative of Austria while conceding that expulsion was one alternative, suggested that other possibilities ought to be explored as well.⁸⁷⁸

The representative of Barbados* proposed that the Security Council give the South African Government a final deadline by which it must report to the Council its complete withdrawal from Namibia. Consistent with Article 40 of the Charter, the Council might, before making recommendations or deciding upon measures provided for in Article 39, call upon South Africa to comply with

⁸⁷¹ 1796th meeting, intervention by Somalia.

⁸⁷² *Ibid.*, intervention by Sierra Leone.

⁸⁷³ 1797th meeting, intervention by Egypt.

⁸⁷⁴ *Ibid.*, intervention by Nigeria.

⁸⁷⁵ *Ibid.*, intervention by Mauritius.

⁸⁷⁶ 1801st meeting, intervention by Madagascar

⁸⁷⁷ 1806th meeting, intervention by the USSR.

⁸⁷⁸ For texts of relevant statements, see: 1808th meeting: Austria; 1798th meeting: Bangladesh; 1801st meeting: Czechoslovakia; 1803rd meeting: Liberia.

certain provisional measures with respect to withdrawal from Namibia, in order to prevent an aggravation of an already grave situation threatening international peace and security. It would be for the Council to decide upon the nature of the provisional measures. In any case, it would be clear that the Council would, by that act, have taken preventive action, within the meaning of Article 5 of the Charter, against South Africa.⁸⁷⁹

The representative of Saudi Arabia* proposed that the supporters of South Africa ought to persuade it to transfer authority over Namibia to the Trusteeship Council within a period of two years after which Namibia would become an independent State.⁸⁸⁰

The representative of Australia said that his delegation would support moves to expel South Africa from the Organization as his country had decided that moral considerations on the question had to be decisive. However, he stressed that the expulsion of South Africa, should it come about had to be treated as a special and exceptional action which must on no account be applied indiscriminately to countries that might happen to attract the opposition of a majority in the Assembly or in the Council in respect of particular acts alleged to be contrary to the Charter.⁸⁸¹

The representative of South Africa* stated that his Government's position in regard to Article 2, paragraph 7 of the Charter was well known. South Africa's participation in these proceedings, in so far as they related to the internal affairs of South Africa, should not be construed to mean that South Africa had changed its position in regard to that Article, ~~but~~ should be seen as flowing from willingness to discuss its differences with other countries genuinely interested in a constructive solution to them. He asserted that there was no valid reason for singling out South Africa's relations with the United Nations and that it was just a political move in pursuance of a vendetta being conducted by certain Member States. It had been said that South Africa had disregarded resolutions of United Nations organs; but those resolutions were based on inadequate, prejudiced and often grossly distorted information which was not objectively weighed to separate facts from ignorant or malicious misrepresentations. There had been demands in the Council for the expulsion of South Africa from the Organization and in other organs of the Organization attempts had been made to prevent South Africa from exercising its rights and privileges of membership, something not only manifestly illegal but which had set a dangerous precedent. Such course of action might benefit one or two countries remote from the region who had pursued political designs of their own but certainly not anyone in South Africa and least of all the people in whose name such an action was being urged.⁸⁸²

The representative of Costa Rica stated that although South Africa deserved some form of sanction because of its reluctance to act in accordance with the principles of the Charter, expulsion was much too grave an action to take in this instance, specially, since all other means provided in the Charter had not been exhausted. Thus his delegation could not support a call for South Africa's expulsion although it was prepared to support action for immediate suspension of South Africa from the United Nations for as long as it continued to practice *apartheid* and refused to abide by the decisions of the United Nations concerning Namibia.⁸⁸³

The representatives of France, the United States and the United Kingdom also opposed the expulsion of South Africa from the United Nations. While deploring the policy of *apartheid* practised by that country, they asserted that expulsion of a Member State would create a dangerous precedent and would also remove it from the pressures of international opinion.⁸⁸⁴

Decision of 30 October 1974 (1808th meeting):

Rejection of the draft resolution submitted by Iraq, Kenya, Mauritania and the United Republic of Cameroon

At the 1802nd meeting on 25 October the Council had before it a draft resolution⁸⁸⁵ submitted by Kenya, Mauritania and the United Republic of Cameroon and later co-sponsored by Iraq under which the Security Council would have recommended to the General Assembly the immediate expulsion of South Africa from the United Nations under Article 6 of the Charter in view of that country's refusal to abandon its policies of *apartheid*, its refusal to withdraw from the territory of Namibia and its military and other support of the illegal régime in southern Rhodesia in violation of the pertinent resolutions of the Security Council.

At the 1804th meeting the President drew attention to a draft resolution submitted under rule 38 by Saudi Arabia.⁸⁸⁶ Under the draft resolution, the Security Council would urge South Africa to transfer without undue delay its authority over Namibia to the Trusteeship Council; request the Secretary-General to appoint two co-administrators from neutral countries to administer Namibia together with South Africa during the period of transfer; and request the United Nations Commissioner for Namibia to assist by co-ordinating the transfer of power from South Africa to the Trusteeship Council.

At the 1808th meeting on 30 October 1974, the four-Power draft resolution was rejected by 10 votes in favour, 3 against with 2 abstentions.⁸⁸⁷

⁸⁸³ 1808th meeting, intervention by Costa Rica.

⁸⁸⁴ For texts of relevant statements, see 1808th meeting: France, United Kingdom, United States.

⁸⁸⁵ S/11543, OR, 29th year, Supplement for October-December 1974, pp. 34-35.

⁸⁸⁶ S/11547, OR, 29th year, Supplement for October-December 1974, p. 36.

⁸⁸⁷ 1808th meeting, following the intervention by Mauritania.

⁸⁷⁹ 1802nd meeting, intervention by Barbados.

⁸⁸⁰ 1797th meeting, intervention by Saudi Arabia.

⁸⁸¹ 1807th meeting, intervention by Australia.

⁸⁸² 1800th meeting, intervention by South Africa.

Chapter IX

DECISIONS IN THE EXERCISE OF OTHER FUNCTIONS AND POWERS

NOTE

Decisions of the Security Council relative to recommendations to the General Assembly regarding the admission of new Members and other questions of membership have been dealt with in chapter VII, and the decisions on questions considered under the Council's responsibility for the maintenance of international peace and security in chapter VIII.

During the period under review, further action has been taken by the Council regarding the decision¹ taken in 1970 in the exercise of other functions and powers under the Charter.² The case history is presented below.

¹ Resolution 286 (1970). See *Supplement 1969-1971*, chapter IX for the case history.

² Decisions concerning the relations of the Security Council with other organs of the United Nations, arising from Articles 12, 93 (2) and 97 of the Charter, are covered in chapter VI.

THE SITUATION CREATED BY INCREASING INCIDENTS INVOLVING HIJACKING OF COMMERCIAL AIRCRAFT

Decision: consensus of 20 June 1972

In a note³ the Secretary-General circulated for the information of the members of the Council an exchange of telegrams concerning the hijacking of commercial aircraft. In a telegram dated 8 June 1972 addressed to the Secretary-General, the Governing Body of the International Federation of Air Line Pilots Associations (IFALPA) requested the Security Council to convene a meeting not later than 16 June to determine necessary actions to implement previous United Nations and International Civil Aviation Organization decisions and, in particular, enforcement measures against States offering sanctuary and failing to prosecute hijackers and saboteurs. If the United Nations failed to take effective action, IFALPA would institute a world-wide 24-hour stoppage of air services on 19 June. In his reply telegram dated 11 June 1972, the Secretary-General expressed to the President of IFALPA his concern at the trend of unlawful interference with civil aviation and informed IFALPA that he had immediately relayed its message to the President of the Security Council and that consultations concerning the matter were being conducted among members of the Council.

On 20 June 1972, the President of the Council announced⁴ that the members of the Security Council on 20 June 1972 had adopted by consensus the following decision:

Members of the Security Council are gravely concerned at the threat to the lives of passengers and crews arising from the hijacking of aircraft and other unlawful interference with international civil aviation. In these circumstances, they wish to reaffirm Security Council resolution 286 (1970) of 9 September 1970 and to recall that the General Assembly has expressed its deep concern about the situation.

Members of the Security Council condemn and consider it necessary to put an end to acts that are directed against the safety of civil aviation and that are being perpetrated in various parts of the world presenting serious obstacles to the normal use of air transportation, an important means of international intercourse.

The Security Council calls upon States to take all appropriate measures within their jurisdiction to deter and prevent such acts and to take effective measures to deal with those who commit such acts.

The Security Council invites all States to expand and intensify co-operative international efforts and measures in this field, in conformity with Charter obligations, with a view to ensuring the maximum possible safety and reliability of international civil aviation.

In a letter⁵ dated 22 June 1972 to the President of the Council the representative of India stated that while India accepted the consensus as showing concern with the evil of hijacking and indicating the course of action all can pursue, it had considerable reservations on the procedure followed. Any action or decision by the Council without a formal meeting, particularly when the provisional rules of procedure had not been suspended, could have serious and far-reaching legal and other consequences. Although his Government continued to believe that informal consultations were both valid and valuable, it felt that the procedure followed should not constitute a precedent for future action by the Council on matters concerning international peace and security.

In a letter⁶ also dated 22 June 1972 to the President of the Council the representative of Italy stated that, during the consultations, he had reserved the right to state his Government's position after the approval of the consensus of 20 June 1972. His Government would have preferred that the Council take a firmer stand on the question of the unlawful interference with international civil aviation, and

³ S/10692, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 107.

⁴ S/10705, *ibid.*, p. 128.

⁵ S/10709, *ibid.*, pp. 132-133.

⁶ S/10711, *ibid.*, pp. 133-134.

it would have also preferred the adoption of a resolution on the matter in a formal meeting of the Security Council rather than a decision agreed upon by the members of the Council through informal consultations. This would have avoided, *inter alia*, the discrepancy between the opening

words of the first two paragraphs of the consensus and those of the last two paragraphs. Such formal expediences, aiming at circumventing obstacles of a substantial nature, might create a trend toward a further weakening of the significance of decisions taken by the Council.

Chapter X

CONSIDERATION OF THE PROVISIONS OF CHAPTER VI OF THE CHARTER

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INTRODUCTORY NOTE

As in the previous volumes of the *Repertoire*, the criterion for inclusion of material in the present chapter is the occurrence of discussion in the Council regarding Articles 33-38 of Chapter VI of the Charter. Thus, chapter X does not cover all the activities of the Council in the pacific settlement of disputes, for the debates preceding the major decisions of the Council in this field have dealt almost exclusively with the actual issues before the Council and the relative merits of measures proposed without discussion of their relation to the provisions of the Charter. For the decisions of the Council in the pacific settlement of disputes, the reader should turn to the appropriate sub-headings of the Analytical Table of Measures adopted by the Security Council.¹

The material in this chapter constitutes only part of the relevant material, since the procedures of the Council reviewed in chapters I-VI, in so far as they relate to the consideration of disputes and situations, are also integral to the application by the Council of Chapter VI of the Charter. Chapter X only presents the instances of deliberate consideration by the Council of the relation of its proceedings or of measures proposed to the text of Chapter VI.

The case histories on each question must be examined in the context of the respective proceedings presented in chapter VIII.

CHAPTER VI OF THE CHARTER: PACIFIC SETTLEMENT OF DISPUTES

Article 33

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

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

¹ Chapter VIII, part I.

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

During the period under review, none of the communications submitting disputes or situations to the Security Council contained references to prior effort at pacific settlement. However, opening statements during the initial stage of the debates in connexion with the situation in Cyprus and the complaint by Iraq contained such references.²

The significance of Article 33 in the pacific settlement of disputes and situations rests not only on the discharge by the parties of their obligation under that Article but also on the possibility of recourse to the Article by the Council itself.³

The four case histories entered in this part of chapter X cover proceedings in the Council that have some bearing on the exercise by the Council of its responsibility to bring about pacific settlement of a dispute or situation.

Resolutions and decisions adopted by the Security Council during the period under review contained no explicit reference to Article 33. But some of them contained provisions calling on the parties concerned to enter into direct negotiations in order to settle their differences by peaceful means (Cases 1, 2 and 4). In another instance, the Council requested the Secretary-General to appoint a special representative to conduct an investigation of the events that had given rise to the complaint, and subsequently took note with appreciation of the report of the Secretary-General which informed the Council about the enquiry by the Special Representative acting in the exercise of the Secretary-General's good offices (Case 3). In all these cases, the Council issued also general calls for a negotiated settlement of the questions contested by the parties.

A number of draft resolutions which were either not adopted or not voted upon by the Council might also be considered as an implicit application of Article 33. During the meetings in Addis Ababa the representatives of Guinea, Somalia and Sudan submitted a draft resolution⁴ in connexion with the situation in territories under Portuguese administration; its operative paragraph 4 would reaffirm the urgent demand of the Council for: (d) "Negotiations, on

² In connexion with the situation in Cyprus: 1646th meeting: Secretary-General, paras. 6-19; Cyprus, paras. 27-39; 1683rd meeting: Cyprus, paras. 7-12; 1727th meeting: Cyprus, paras. 8-13; 1759th meeting: Cyprus, first intervention; 1771st meeting: Cyprus; 1779th meeting: Cyprus, first intervention. In connexion with the complaint by Iraq; 1762nd meeting: Iraq, first intervention; Iran, first intervention.

³ In this connexion confer also the various decisions of the Council entered under "Measures for settlement" and "Provisions bearing on specific issues relating to the settlement" in the Analytical Table of Measures of chapter VIII of this *Supplement*.

⁴ S/10607, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 83-84. The text was introduced by the representative of Guinea at the 1637th meeting, paras. 10-24. At an earlier meeting (1635th meeting, paras. 62-66) the representative of the United States expressed hope that the parties involved in Portugal's African Territories would explore new avenues of settlement, such as bilateral or third-party commissions.

the basis of the right to self-determination and independence, with the genuine representatives of the people of the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with resolution 1514 (XV); ...", This provision was deleted from the revised draft subsequently adopted by the Council.⁵

During the meetings of the Council in Panama City the representatives of Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia submitted a draft resolution regarding the questions of the Panama Canal.⁶ Under the draft resolution the Council would have recalled that it is a purpose of the United Nations to bring about adjustment or settlement of international disputes or situations which might lead to a breach of the peace, and (1) would have taken note that the Governments of the Republic of Panama and the United States of America agreed to reach a just and fair agreement with a view to the prompt elimination of the causes of conflict between them, (2) would have taken note also of the willingness shown by the Governments of the United States of America and the Republic of Panama to establish in a formal instrument agreements on the abrogation of the 1903 convention on the Isthmian Canal and its amendments and to conclude a new, just and fair treaty concerning the present Panama Canal which would fulfil Panama's legitimate aspirations and guarantee full respect for Panama's effective sovereignty over all of its territory; and (3) would have urged the Governments of the United States of America and the Republic of Panama to continue negotiations in a high spirit of friendship, mutual respect and co-operation and to conclude without delay a new treaty aimed at the prompt elimination of the causes of conflict between them.

In the course of the discussion focusing on the issue of the Panama Canal a large number of representatives stated their Governments' support for the pacific settlement of the issue, called upon the two parties to strive for a speedy conclusion of a new treaty and endorsed an urgent appeal by the Council, as proposed in the draft resolution, to the parties regarding the continuation and objectives of the negotiations between the United States and Panama.⁷ Other representatives also expressed support for a negotiated settlement, held, however, that it was up to the two parties to decide how to proceed in their talks, and cautioned the Council not to intervene unduly in this

⁵ 1639th paras. 130-135. S/10607/Rev.1 adopted as resolution 312 (1972).

⁶ S/10931/Rev.1, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, pp. 57-58. It was submitted at the 1702nd meeting, paras. 28-29. For the original draft S/10931 submitted by Panama and Peru see 1698th meeting, para. 112.

⁷ For texts of relevant statements see 1697th meeting: Argentina, paras. 63-67; 1698th meeting: Venezuela, para. 42; Costa Rica, para. 57; Panama, paras. 114-118; 1699th meeting: Trinidad and Tobago, paras. 15-17; Indonesia, paras. 72-73; Yugoslavia, para. 84; 1700th meeting: Kenya, paras. 25-28; Austria, para. 47; Guinea, para. 65; 1701st meeting, India, paras. 55-58.

bilateral matter.⁸ The representative of the United States, invoking Article 33, stated: "While the Charter of the United Nations confers this responsibility on the Security Council, it also provides—indeed, in Article 33, it specifically enumerates—many ways to resolve international issues before such matters are brought directly before the Council,"⁹ and added that the Panama Canal question could best be resolved by direct negotiations between the parties rather than through involvement of the Security Council.¹⁰

The draft resolution received 13 votes in favour, 1 against with 1 abstention and failed of adoption owing to the negative vote of a permanent member of the Council.¹¹

During the examination of the situation in the Middle East held by the Council at 1717th to 1726th and 1733rd to 1735th meetings,¹² a draft resolution was submitted by the delegations of Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia;¹³ under this draft the Council would *inter alia* take note of the report of the Secretary-General which included an account of the objective and determined efforts of his Special Representative since 1967, (1) deeply regret that the Secretary-General was unable to report significant progress by him or by his Special Representative in carrying out the terms of resolution 242 (1967), (3) express serious concern at Israel's lack of co-operation with the Special Representative of the Secretary-General, (7) request the Secretary-General and his Special Representative to resume and pursue their efforts to promote a just and peaceful solution of the Middle East problem, (8) decide to afford the Secretary-General and his Special Representative all support and assistance for the discharge of their responsibilities and (9) call upon all parties concerned to extend full co-operation to the Secretary-General and his Special Representative.

While expressing general support for the exercise of good offices through the Special Representative, those representatives who made what might be considered implicit references to Article 33, addressed themselves to the issue of negotiations, direct or indirect, with or without prior conditions, between Israel and the Arab States involved: several spokesmen stressed the need for negotiations to arrive at a peace settlement,¹⁴ others rejected this proposal and advocated the involvement of the Security Council in the search for further steps toward peace in the Middle East.¹⁵

The draft resolution received 13 votes in favour, 1 against—one member did not participate in the vote—and failed of adoption owing to the negative vote of a permanent member of the Council.¹⁶

Except for one explicit reference to Article 33,¹⁷ there have been only what might be considered implicit references to this Article in the debates in the Council.¹⁸ In connexion with the situation in Namibia, several representatives mentioned the various means for the peaceful settlement of disputes and situations under the Charter; one of them supported the ongoing negotiations between the Government of South Africa and the Secretary-General as a major instrument provided for in the Charter, while two African spokesmen warned that all the provisions for peaceful settlement under the Charter had been used to no avail because of South African defiance and that these instruments should only be employed if they were likely to succeed.¹⁹ In connexion with his Government's complaint the representative of Senegal urged the Council to order the Government of Portugal to start at once on the negotiations regarding the Senegalese peace plan.²⁰ During the Council meetings in Panama City one representative declared that the use of peaceful means was customary in settling disputes among the American States; others addressed themselves to the unresolved questions of the Malvinas and of Belize and urged that these issues be settled peacefully by negotiation and compromise.²¹

Case 1. Situation in territories under Portuguese administration: In connexion with draft resolutions submitted jointly by Guinea, Somalia and Sudan (S/10834), withdrawn, S/10838, replaced by S/10838/Rev.1, voted upon and adopted on 22 November 1972 as resolution 322 (1972).

Numerous speakers urged that the Portuguese Government should accept the call of the liberation movements in the territories under its administration for negotiations toward a peaceful settlement as a result of which these territories would gain their independence. These negotiations should be initiated in accordance with the provisions for peaceful settlement under the Charter. Besides general calls for negotiations several representatives offered more specific proposals: some of these envisaged to restrict the subject of the negotiations to the mode of transferring governmental authority to the independence movements in the territories; others emphasized the need for unconditional open talks. Most of the speakers in the debate suggested a strong involvement of the United Nations in

⁸ For relevant statements see 1699th meeting: Australia, para. 112; 1700th meeting: Canada, para. 173; 1701st meeting: France, para. 15; United Kingdom, para. 106.

⁹ 1701st meeting, para. 117.

¹⁰ *Ibid.*, para. 121. See also 1702nd meeting, para. 38, and 1704th meeting, paras. 73-75.

¹¹ 1704th meeting, para. 66.

¹² For the procedural history of these meetings see chapter VIII, part II: "The situation in the Middle East," pp. 124-131.

¹³ S/10974, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, pp. 20-21.

¹⁴ See 1717th meeting: Israel, paras. 109-112; 1735th meeting: Australia.

¹⁵ See 1717th meeting: Jordan, para. 135; 1720th meeting: Kuwait, para. 37; 1734th meeting: Tunisia.

¹⁶ 1735th meeting, following the intervention by Panama.

¹⁷ See above, foot-note 9.

¹⁸ Implicit references to Article 33 which occurred during the proceedings involving the cases 1 through 4 below, are not included in this paragraph.

¹⁹ For relevant statements in connexion with the situation in Namibia see 1657th meeting: Italy, para. 105; 1678th meeting: Ethiopia; 1757th meeting: Niger.

²⁰ In connexion with the complaint by Senegal see 1667th meeting: Senegal, paras. 42-43.

²¹ For relevant statements see 1696th meeting: Colombia, para. 123; 1697th meeting: Argentina, para. 90; 1698th meeting: Guatemala, paras. 108-109; 1700th meeting: Guinea, para. 60; 1701st meeting: United Kingdom, para. 107.

getting the negotiations started and even in mediating between the parties during the actual negotiating process.²²

The draft resolutions submitted by Guinea, Somalia and Sudan contained paragraphs calling upon the Government of Portugal to enter into negotiations with the other parties involved. Thus, draft resolution S/10834, which was subsequently withdrawn, would have provided under paragraph 6 as follows:

Calls upon the Government of Portugal, in conformity with the recommendations contained in General Assembly resolution 2918 (XXVII), and in accordance with the relevant provisions of the Charter of the United Nations and General Assembly resolution 1514 (XV), to enter into negotiations with the national liberation movements of Angola, Guinea (Bissau) and Cape Verde, and Mozambique recognized by the Organization of African Unity with a view to arriving at a solution to the armed conflict that prevails in those Territories and permitting them to accede to independence; ...²³

It was replaced by a new text which underwent a few further changes (S/10838/Rev.1) and was subsequently adopted by the Council as resolution 322 (1972).²⁴ It read in its paragraph 3 as follows:

Calls upon the Government of Portugal, in accordance with the relevant provisions of the Charter of the United Nations and General Assembly resolution 1514 (XV), to enter into negotiations with the parties concerned, with a view to achieving a solution to the armed confrontation that exists in the Territories of Angola, Guinea (Bissau) and Cape Verde, and Mozambique and permitting the peoples of those Territories to exercise their right to self-determination and independence; ...

Case 2. *Situation in the Middle East:* In connexion with a draft resolution submitted jointly by the USSR and the United States (S/11036), voted upon and adopted on 21 October 1973 as resolution 338 (1973); another draft resolution jointly submitted by the ten non-permanent members of the Council (S/11156), voted upon and adopted on 15 December 1973 as resolution 344 (1973), and a third draft resolution submitted jointly by Austria, Indonesia, Kenya, Mauritania, Peru, and the United Republic of Cameroon (S/11565), voted upon and adopted on 29 November 1974 as resolution 363 (1974).

Following the outbreak of hostilities in the Middle East in October 1973, the Council issued several calls for the immediate start of negotiations between the parties, the first of these being resolution 338 (1973). The two sponsors of draft resolution S/11036, the USSR and the United States, affirmed resolution 242 (1967) as the main instrument for the settlement of the conflict in the Middle East and urged the parties and the members of the Council to initiate the search for a peaceful settlement through negotiations in accordance with the Charter of the United Nations and under appropriate auspices. Spokesmen for the parties involved differed as to the goals and the procedures of the suggested negotiations, one side advocating direct talks, the other side rejecting direct negotiations at that

time and favouring principal involvement of the United Nations.²⁵

Under the draft resolution which was adopted as resolution 338 (1973), the Security Council *inter alia*

2. *Calls upon* the parties concerned to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts;

3. *Decides* that, immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.²⁶

In accordance with resolution 338 (1973) steps were taken to start negotiations between the parties. The Council convened to discuss the arrangements for the proposed Peace Conference on the Middle East and adopted the draft resolution S/11156, which had been submitted by the ten non-permanent members of the Council, as resolution 344 (1973) which read *inter alia* as follows:

The Security Council,

Considering that it has decided by its resolution 338 (1973) of 22 October 1973 that talks among the parties to the Middle East conflict for the implementation of resolution 242 (1967) of 22 November 1967 should be held under "appropriate auspices",

Noting that a peace conference on the Middle East situation is to begin shortly at Geneva under the auspices of the United Nations,

1. *Expresses the hope* that the Peace Conference will make speedy progress towards the establishment of a just and durable peace in the Middle East;

2. *Expresses its confidence* that the Secretary-General will play a full and effective role at the Conference in accordance with the relevant resolutions of the Security Council and that he will preside over its proceedings, if the parties so desire;

3. *Requests* the Secretary-General to keep the Council suitably informed of the developments in negotiations at the Conference, in order to enable it to review the problems on a continuing basis; ...

During the debate several speakers stated that the phrase "under appropriate auspices" in resolution 338 (1973) referred to those of the United Nations, that the arrangements for the Peace Conference on the Middle East were not sufficient to implement the phrase in resolution 338 and that the new resolution constituted an attempt to involve the United Nations and in particular the Council in this upcoming conference directly related to the responsibility of the Council for the maintenance of peace and security. One of these speakers went further by stating that his Government could not accept the abdication of this responsibility by the Council; in his opinion the Council would have to give its approval to the final peace settlement by accompanying it with suitable guarantees, but resolution 344 (1973) failed to spell out the link between the negotiations and the Council or to establish the conditions under which the Secretary-General would be invited to the Conference and under which he would keep the Council informed. Others abstained in the vote because they held that the adopted text could not be supported at that moment since negotiations regarding invitations to the conference were still proceeding and since previous resolu-

²² For relevant statements see 1672nd meeting: Sierra Leone, Ethiopia, 1673rd meeting: Tanzania, Mr. Dos Santos, Somalia. 1674th meeting: Belgium; 1676th meeting: Yugoslavia, Italy, Somalia; 1677th meeting: Panama; India; Japan; Somalia; France; United Kingdom; United States.

²³ S/10834, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 47-48.

²⁴ For the detailed procedural history of this case see chapter VIII, part II, under the same title.

²⁵ For relevant statements see 1743rd meeting: United States, Egypt; Israel; 1747th meeting: United States; USSR.

²⁶ For the detailed procedural history of this case see chapter VIII, part II, under the same title.

utions contained the whole framework for the conference and the peace negotiations.²⁷

In connexion with the renewal of the United Nations Disengagement Observer Force for another period of six months, the Council included the report of the Secretary-General²⁸ in the agenda. The Secretary-General, in orally introducing the report in the Council, emphasized the urgency of a negotiated settlement between the two parties involved. Several representatives expressed hope that the peace negotiations would be renewed again and called urgently for a resumption of the Peace Conference in Geneva as the most suitable forum for the conduct of the peace talks under resolution 338 (1973). The President speaking as his Government's representative stated that his Government shared the sense of urgency and would make every effort to advance step by step towards peace in the area.²⁹

The draft resolution S/11565 was jointly submitted by Austria, Indonesia, Kenya, Mauritania, Peru and the United Republic of Cameroon and was adopted as resolution 363 (1974).³⁰ It provided *inter alia*:

The Security Council

...

Having noted the efforts made to establish a durable and just peace in the Middle East area and the developments in the situation in the area,

...

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973); ...

Case 3. *Complaint by Iraq*: In connexion with a statement of 28 February 1974 by the President, representing the consensus of the members of the Council (S/11229) and a draft resolution emerging from consultations among members of the Council (S/11299), voted upon and adopted as resolution 348 (1974).

During the debate concerning frontier incidents involving Iran and Iraq all speakers urged the use of peaceful means in settling these incidents and called for bilateral negotiations between the parties involved. While one party insisted on strictly bilateral exchanges through normal diplomatic channels, the other sought to employ also judicial settlement and third party involvement in the search for a solution. Following the mission of the Special Representative of the Secretary-General and the report of the Secretary-General thereon,³¹ the Council resumed the discussion. Most representatives explicitly acknowledged

the important third party role played by the United Nations and emphasized the use of the good offices of the Secretary-General through his Special Representative in bringing about the agreement among the parties regarding the next stages of the process of resolving the issue of the frontier incidents. Two members of the Council pointed out that the Secretary-General should seek the agreement of the Council regarding the nature and extent of his assistance to the parties in the exercise of his good offices.³²

At the 1764th meeting on 28 February 1974, the President read a statement³³ representing the consensus of the members of the Council, which provided *inter alia*:

2. ... The Council reaffirms the fundamental principles set out in the Charter regarding respect for the territorial sovereignty of States and the pacific settlement of disputes...

3. From the information available to the Council, it appears that the cause of the events lies, *inter alia*, in the fact that the legal basis for the delimitation of the boundary between the parties is contested.

4. The Council has noted the recent exchange of ambassadors between the two States and hopes that this could constitute a channel through which problems affecting relations between the parties might be resolved.

5. As additional information is required, the Security Council requests the Secretary-General:

– to appoint as soon as possible a special representative ...; and

– to report within three months. ...

On 20 May 1974, the Secretary-General submitted his report³⁴ in accordance with the consensus of the Council, in which he communicated to the Council the points of agreement between the parties arrived at through his Special Representative, acting in exercise of the good offices of the Secretary-General.

At its 1770th meeting on 28 May 1974, the Council considered this report and adopted a draft resolution which had emerged as a result of prior consultations,³⁵ as resolution 348 (1974). It read as follows:

The Security Council,

Recalling its consensus adopted on 28 February 1974 (S/11229),

1. *Takes note with appreciation* of the Secretary-General's report, which was circulated to the Security Council on 20 May 1974 (S/11291);

2. *Welcomes* the reported determination on the part of Iran and Iraq to de-escalate the prevailing situation and to improve their relations and, in particular, the fact that both countries have agreed through the Secretary-General's Special Representative, acting in the exercise of the Secretary-General's good offices, to the following points:

(a) A strict observance of the 7 March 1974 ceasefire agreement;

²⁷ For relevant statements see 1760th meeting: Guinea; France; United Kingdom; United States; China. For the detailed procedural history of this case see chapter VIII, part II, under the same title.

²⁸ S/11563, dated 27 November 1974, *OR, 29th yr., Suppl. for Oct.-Dec. 1974*, pp. 43-47.

²⁹ For relevant statements see 1809th meeting: Secretary-General; Peru; USSR; Cameroon; France; Byelorussian SSR; President (United States).

³⁰ For the detailed procedural history of this case see chapter VIII, part II, under the same title.

³¹ S/11291, *OR, 29th yr., Suppl. for April-June 1974*, pp. 125-129. For the consideration of this matter as an instance of the Council's investigative function under the Charter see part II, case 7.

³² For relevant statements see 1762nd meeting: Iraq; Iran; 1763rd meeting: United Arab Emirates; Iran; 1764th meeting: President; China; 1770th meeting: USSR; China; United Kingdom; United States; Byelorussian SSR; President (Kenya); Iran; Iraq.

³³ S/11229, *OR, 29th yr., Suppl. for Jan.-March 1974*, pp. 108-109.

³⁴ S/11291, *OR, 29th yr., Suppl. for April-June 1974*, pp. 125-129.

³⁵ S/11299, adopted without change. For the detailed procedural history of this case see chapter VIII, part II, under the same title.

(b) Prompt and simultaneous withdrawal of concentrations of armed forces along the entire border, in accordance with an arrangement to be agreed upon between the appropriate authorities of the two countries;

(c) The creation of a favourable atmosphere conducive to achieving the purpose stated in the following subparagraph, by refraining totally from any hostile actions against each other;

(d) An early resumption, without any preconditions, at the appropriate level and place, of conversations with a view to a comprehensive settlement of all bilateral issues;

3. Expresses the hope that the parties will take as soon as possible the necessary steps to implement the agreement reached;

4. Invites the Secretary-General to lend whatever assistance may be requested by both countries in connexion with the said agreement.

Case 4. *Situation in Cyprus*: In connexion with a draft resolution emerging from consultations among members of the Council (S/11350), voted upon and adopted as resolution 353 (1974), a draft resolution submitted by the United Kingdom, (S/11446), revised through consultations among members of the Council (S/11446/Rev.1), voted upon and adopted as resolution 357 (1974), a draft resolution submitted by France (S/11450), twice revised (S/11450/Rev.2), voted upon and adopted as resolution 360 (1974), a draft resolution submitted by Austria, France and the United Kingdom (S/11479), voted upon and adopted as resolution 361 (1974), and a draft resolution emerging from consultations among members of the Council (S/11573), voted upon and adopted as resolution 364 (1974).

Prior to the crisis of July 1974, the Council had, on occasion adopted resolutions which might be considered as an indirect application of Article 33: in extending the stationing in Cyprus of the United Nations Peace-keeping Force for further periods, the Council also continued to urge the parties to maintain determined co-operative efforts to achieve the objectives of the Security Council by availing themselves in a constructive manner of the current auspicious climate and opportunities.³⁶

During the debates in the Council concerning the crisis of summer 1974, numerous speakers called for negotiations between the parties directly involved and among the guarantor States to seek a just and lasting peaceful settlement of the intercommunal issues dividing the island republic and the surrounding neighbouring States. Most of these invoked the principles of the Charter of the United Nations for the pacific settlement of disputes and indicated that the continued involvement of the United Nations, in particular in the person of the Secretary-General and his Representative, was highly desirable and useful. One representative called for negotiations under the chairmanship of the Secretary-General and proposed the principal participation of the Security Council in the search for a solution. The representative of Cyprus raised the question whether

negotiations could be fair and open while the invader was occupying large parts of the territory.³⁷

At the 1781st meeting on 20 July 1974, the President proposed to put to the vote a draft resolution which had emerged as a result of consultations among members of the Council.³⁸ The draft resolution was adopted as resolution 353 (1974); it provided in paragraph 5:

(The Security Council, ...)

5. Calls upon Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland to enter into negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus and to keep the Secretary-General informed; ...

At the 1792nd meeting on 14 August 1974, the Council voted upon a draft resolution, originally submitted by the United Kingdom³⁹ and revised during consultations among members of the Council,⁴⁰ and adopted it as resolution 357 (1974), paragraph 3 of which read as follows:

(The Security Council, ...)

3. Calls for the resumption of negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus, in accordance with resolution 353 (1974); ...

At the 1794th meeting on 16 August 1974, the President noted that a draft resolution submitted by France⁴¹ had been twice revised.⁴² The Council voted upon and adopted the revised draft resolution as resolution 360 (1974). It provided under paragraph 3:

(The Security Council, ...)

3. Urges the parties to resume without delay, in an atmosphere of constructive co-operation, the negotiations called for in resolution 353 (1974) whose outcome should not be impeded or prejudged by the acquisition of advantages resulting from military operations; ...

At the 1795th meeting on 30 August 1974, a draft resolution sponsored by Austria, France and the United Kingdom⁴³ was voted upon and adopted as resolution 361 (1974); it provided *inter alia*:

(The Security Council, ...)

1. Expresses its appreciation to the Secretary-General for the part he has played in bringing about talks between the leaders of the two communities in Cyprus;

2. Warmly welcomes this development and calls upon those concerned in the talks to pursue them actively with the help of the Secretary-General and in the interests of the Cypriot people as a whole; ...

7. Calls upon all parties, as a demonstration of good faith, to take, both individually and in co-operation with each other, all steps which may promote comprehensive and successful negotiations; ...

In connexion with the extension of the mandate of UNFICYP at the 1810th meeting on 13 December 1974, the Council in voting for the draft resolution which had

³⁷ For relevant statements see 1779th meeting: Cyprus; 1780th meeting: United States; 1781st meeting: United Kingdom; United States; Austria; 1782nd meeting: United States; 1792nd meeting: United States; 1794th meeting: President (USSR); 1810th meeting: Cyprus; United States.

³⁸ S/11350, adopted without change.

³⁹ S/11446, *OR*, 29th yr., *Suppl. for July-Sept. 1974*, p. 104.

⁴⁰ S/11446/Rev.1, adopted without change.

⁴¹ S/11450, *ibid.*, pp. 105-106.

⁴² S/11450/Rev.2, adopted without further change.

⁴³ S/11479, adopted as orally revised.

³⁶ Resolutions 315 (1972) of 15 June 1972; 324 (1972) of 12 December 1972; 334 (1973) of 15 June 1973; 343 (1973) of 14 December 1973; 349 (1974) of 29 May 1974; especially para. 2. In these resolutions the Council reaffirmed earlier resolutions whereby it had *inter alia* recommended certain measures of pacific settlement, in particular resolution 186 (1964) of 4 March 1964, para. 7, and resolution 244 (1967) of 22 December 1967, paras. 3 and 5.

emerged from consultations among members of the Council,⁴⁴ provided *inter alia* the following:

(The Security Council, ...)

⁴⁴ S/11573, adopted without change. For the detailed procedural history of this case see chapter VIII, part II, p. 144, under the same title.

Noting further that resolution 3212 (XXIX) enunciates certain principles intended to facilitate a solution to the current problems of Cyprus by peaceful means, in accordance with the purposes and principles of the United Nations, ...

3. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council; ...

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER

NOTE

During the period under review, there has been no instance of an explicit reference to Article 34 in the resolutions or decisions of the Security Council. But there has been some constitutional discussion regarding the interpretation and application of this Article in connexion with an informal proposal under consideration.⁴⁵

The four case histories entered in this part relate in varying degrees to the functions of investigation by the Security Council as envisaged in Article 34, but in only one of these instances the stated purpose of the proposed investigation was to determine whether the continuance of the particular dispute or situation was in fact likely to endanger the maintenance of international peace and security.⁴⁶ In another instance, the Council requested the Secretary-General to appoint a special representative to conduct an investigation of the events in a situation which could endanger peace and stability in the region.⁴⁷ In a third instance involving the situation created by the aggressive acts of the illegal régime in Southern Rhodesia against the security and economy of Zambia, the Council decided to dispatch a special Security Council mission, assisted by a team of six United Nations experts, to assess the situation in the area and the needs of Zambia in maintaining alternative systems of communications for the normal flow of traffic.⁴⁸ In the fourth instance, the Council considered a draft resolution which proposed the dispatch of a special mission of the Council for the purpose of assessing the development of events in Cyprus, creating a serious threat to international peace and security, and of verifying on the spot the implementation of resolution 353 (1974).⁴⁹

On a number of occasions, suggestions have been made that the Council consider the dispatch of fact-finding and information-gathering missions to assist in the struggle for self-determination and independence,⁵⁰ to form investigating committees and missions for the purpose of exam-

ining the progress in major issues affecting the future of Africa,⁵¹ for the control of the arms flow into the territories under Portuguese administration⁵² and for the involvement of the Council in ending border incidents in Africa.⁵³

In discussing such a suggestion, one spokesman pointed to the great value of investigations conducted by the United Nations in the past and quoted their success as proof "that there exists no substitute for first-hand information on the political, economic and social situation in the Territories and on the views, wishes and aspirations of the people,....".⁵⁴

During the Council debates, Article 34 was invoked several times. In connexion with the complaint by Cuba, the Article was referred to, together with Articles 35 and 39, in support of or in opposition to, the charges brought by the Government of Cuba.⁵⁵ The Article was also invoked during the consideration of measures for the maintenance and strengthening of international peace and security in Latin America by a representative who then added: "The perception that Article 34 of the Charter provides a rich source of constitutional authority has already done much to strengthen the Council's effectiveness and to develop the Organization's peace-keeping role. It is unquestionably the case that acts of aggression have been discouraged through United Nations presences appointed to observe, to report and to publicize activities in troubled areas of the world. ... But preventive diplomacy, like preventive medicine, should not await the manifestation of ill health. The investigative jurisdiction conferred by Article 34 is not restricted to specific disputes brought to the Council on the basis of adversary proceedings. It can and should be invoked by the Council itself responsive to its

⁵¹ In connexion with the same question: 1630th meeting: Yugoslavia.

⁵² In connexion with the situation in Territories under Portuguese administration: 1672nd meeting: Liberia; 1676th meeting: Somalia; 1677th meeting: India, and in opposition to such an investigating committee: Panama.

⁵³ In connexion with the complaint by Senegal: 1669th meeting: United States.

⁵⁴ In connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America: 1699th meeting: Chairman, Special Committee of Twenty-Four.

⁵⁵ In connexion with the complaint by Cuba: 1741st meeting: Chile; 1742nd meeting: President (Yugoslavia); See also case 6 below for further details.

⁴⁵ Case 6 below, in connexion with the complaint by Cuba.

⁴⁶ Case 6.

⁴⁷ Case 7 below, in connexion with the complaint by Iraq.

⁴⁸ Case 5 below, in connexion with the complaint by Zambia.

⁴⁹ Case 8 below, in connexion with the situation in Cyprus.

⁵⁰ In connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America: 1699th meeting: Chairman, Special Committee of Twenty-Four, in connexion with the consideration of questions relating to Africa ...: 1636th meeting: Burundi.

obligations for maintaining peace and security in all regions of the world.⁵⁶

Case 5. *Complaint by Zambia*: In connexion with draft resolutions submitted jointly by Guinea, Kenya, Sudan and Yugoslavia (S/10875 and S/10876), revised, voted upon and adopted on 2 February 1973 as resolutions 326 and 327 (1973).

During the discussions prior to and following the adoption of the two resolutions by the Council, the majority of its members favoured the dispatch of a Council mission and of a team of United Nations experts to examine the situation in Zambia and to assess its needs for the maintenance of its economy and of alternative systems of communications, as long as the illegal régime in Southern Rhodesia continued to exist and to threaten or to attack the security and the economy of Zambia. Others expressed grave doubts about the utility of a political mission and proposed to restrict the investigating team to technical experts drawn from the locally and otherwise easily available United Nations staff, so that the investigation could be conducted free from the political and time pressure of a high-level Council mission and could if necessary be extended or intensified in order to gauge the effectiveness of the Council measures in Zambia.⁵⁷

The two draft resolutions⁵⁸ jointly submitted by the initial sponsors Guinea, Kenya, Sudan and Yugoslavia, were slightly revised in the course of the proceedings and subsequently adopted as resolutions 326 and 327 (1973).⁵⁹

Resolution 326, paragraph 9 read as follows:

(The Security Council, ...)

9. *Decides* to dispatch immediately a special mission, consisting of four members of the Security Council, to be appointed by the President of the Security Council after consultations with the members, to assess the situation in the area, and requests the mission so constituted to report to the Council not later than 1 March 1973; ...

Resolution 327, paragraph 3 provided the following:

(The Security Council, ...)

"3. *Decides* to entrust the Special Mission, consisting of four members of the Security Council, referred to in paragraph 9 of resolution 326 (1973), assisted by a team of six United Nations experts, to assess the needs of Zambia, in maintaining alternative systems of road, rail, air and sea communications for the normal flow of traffic; ..."

The report of the Security Council Mission established under resolution 326 (1973)⁶⁰ was submitted to the Council on 6 March 1973 and considered during the 1692nd through 1694th meetings.⁶¹

⁵⁶ 1696th meeting: Guyana.

⁵⁷ For relevant statements see 1687th meeting: Zambia; 1688th meeting: Kenya; 1689th meeting: France; United States; 1690th meeting: Sudan; 1691st meeting: United States; France; President; 1692nd meeting: Indonesia.

⁵⁸ S/10875 and S/10876; they were replaced by S/10875/Rev.1 and S/10876/Rev.1 cosponsored also by India and Indonesia.

⁵⁹ For the vote see chapter VIII, part II, under the same title.

⁶⁰ S/10896/Rev.1, *OR*, 28th yr., *Special Supplement No. 2*.

⁶¹ For the detailed procedural history of this case see chapter VIII, part II, under the same title.

Case 6. *Complaint by Cuba*: In connexion with two letters (S/10993 and S/10995) from the representative of Cuba calling for a meeting of the Security Council, invoking Articles 34, 35 and 39 of the Charter and asking for the intervention of the Council.

The Council debate about the Cuban charges against Chile engendered some relevant constitutional discussion regarding the interpretation of Article 34 and the definition of the alleged acts as a threat to international peace and security. Several speakers supporting the Cuban viewpoint invoked Article 34 alone or together with Articles 35 and 39 and described the Chilean acts of violence as constituting a serious threat to international peace and security. On the basis of this interpretation the representative of Cuba formally asked for an investigation of his Government's charges by the Council. Those opposing the Cuban allegations did not see the events as fulfilling the criteria of Article 34 and related provisions of the Charter and rejected therefore the call for a Council investigation. Quoting the text of Article 34, the representative of Chile stated: "... Therefore two conditions have to be fulfilled at the same time for the Security Council to be allowed to carry out an investigation. The controversy or dispute complained about must first of all be present and, secondly, it must threaten or endanger the maintenance of international peace and security. In the incident that occurred around the Cuban Embassy in Santiago neither of those two conditions is fulfilled."⁶²

Although the representative of Cuba formally asked for an investigation by the Council, no draft resolution to that effect was submitted, and the President adjourned the meeting without setting a new date for another meeting on the issue.⁶³

Case 7. *Complaint by Iraq*: In connexion with the President's statement representing the consensus of the members of the Council (S/11229).

During the consideration by the Council of the complaint by Iraq concerning incidents on its frontier with Iran, the representative of Iraq expressed his Government's willingness to accept a special mission of the Secretary-General to investigate the situation along the eastern borders. Following the successful outcome of the mission of the Secretary-General's Special Representative, several spokesmen praised the investigation by the Special Representative as an example of the quiet resolution of political conflict and as successful fact-finding which would allow the resumption of negotiations toward a bilateral agreement between the two parties.⁶⁴

At a result of consultations among the members the President was able to make a statement representing the consensus of the members of the Council.⁶⁵ It provided in paragraph 5 as follows:

⁶² For relevant statements see 1741st meeting: Cuba; Chile; 1742nd meeting: United States; President (Yugoslavia); Cuba; Chile.

⁶³ For the detailed procedural history of this case see chapter VIII, part II, pp. 187-189, under the same title.

⁶⁴ For relevant statements see 1762nd meeting: Iraq; 1764th meeting: President; 1770th meeting: United States; Iran.

⁶⁵ S/11229, *OR*, 29th yr., *Resolutions and Decisions of the Security Council, 1974*, pp. 1-2.

5. As additional information is required, the Security Council requests the Secretary-General:

... to appoint as soon as possible a special representative to conduct an investigation of the events that have given rise to the complaint by Iraq; and

... to report within three months.

On 20 May 1974, the Secretary-General submitted a report to the Council on the implementation of its consensus, and the Council considered the report at its 1770th meeting.⁶⁶

Case 8. *Situation in Cyprus*: In connexion with a draft resolution submitted by the USSR (S/11391), considered but not voted upon.

In the course of the Council debates concerning the crisis of summer 1974, the representative of the USSR repeatedly called for the immediate dispatch of a Special Mission of the Council to Cyprus for the purpose of verifying on the spot the implementation of resolution 353

⁶⁶ S/11291, with an annex containing the report of the Special Representative, *OR, 29th yr., Suppl. for April-June 1974*, pp. 125-129. For the detailed procedural history of this case see chapter VIII, part II, p. 189 under the same title.

(1974) and of reporting to the Council. This proposal was also part of a draft resolution sponsored by the USSR.⁶⁷ The representative underlined the urgency of his Government's proposal by pointing to the deteriorating situation on the island and to the lack of up-to-date information for the Council whose active engagement would intensify the investigation of the current development and function as a moderating pacifying force on the troubled island. A number of representatives supported the USSR proposal, while others criticized it as a superfluous manoeuvre merely designed to disturb the efforts by the interested parties and by the Secretary-General to arrive at a peaceful solution. The draft resolution (S/11391) was considered by the Council which, however, did not vote upon the measure.⁶⁸

⁶⁷ S/11391, *OR, 29th yr., Suppl. for July-Sept. 1974*, p. 70.

⁶⁸ For relevant statements see 1786th meeting: United Kingdom; 1787th meeting: USSR; 1792nd meeting: President (USSR); Cyprus; 1793rd meeting: President (USSR); 1794th meeting: President (USSR); 1795th meeting: President (USSR); United Kingdom; China; Byelorussian SSR; 1810th meeting: Byelorussian SSR; 1810th meeting: Byelorussian SSR. For the detailed procedural history of this case see chapter VIII, part II, p. 144 under the same title.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER

NOTE

During the period under review, twelve questions involving the maintenance of international peace and security were brought to the attention of the Security Council, all by Members of the United Nations. The relevant date regarding the submission of these questions are summarized in the appended tabulation.

The Security Council has continued to consider, at the request of the parties or other Members of the United Nations, questions that had previously been included in the agenda: the situation in Southern Rhodesia; the situation in the Middle East; complaint by Senegal; the situation in Territories under Portuguese administration; complaint by Zambia; the situation in Namibia; and complaint by the Government of Cyprus.⁶⁹

SUBMISSION BY MEMBERS OF THE UNITED NATIONS

Members of the United Nations have generally submitted questions to the Security Council by means of a communi-

⁶⁹ No new complaints were submitted under this agenda item; following the series of meetings since the 1779th meeting, on 16 July 1974, during which the Council discussed the new developments under the agenda item "The situation in Cyprus", the Council decided at its 1810th meeting, on 13 December 1974, to have the former item ("Letter dated 26 December 1963 from the Permanent Representative of Cyprus...") deleted from the list of items of which the Security Council is seized. Accordingly, the old item is not included in this tabulation. For the consideration by the Council of the reports of the Secretary-General on the United Nations operation in Cyprus see chapter VIII, part II under the title: *The Situation in Cyprus*.

cation addressed to the President of the Security Council, although Article 35 was cited only once⁷⁰ as the basis for submission.⁷¹

No question was submitted to the Council as a dispute. In twenty-one instances⁷² questions were explicitly described as situations; in eleven,⁷³ the letter of submission contained terms similar to those of Article 39. In one instance,⁷⁴ the Council was requested by a group of Members from the OAU to decide to convene meetings in an African capital to consider questions relating to Africa; a somewhat similar request was submitted by a Council member to hold meetings at Panama City to consider issues relating to Latin America.⁷⁵ In another case, Members requested meetings to resume consideration of a matter already on the agenda of the Council and to consider a special Committee report on the question.⁷⁶ Two Members requested separately that the Council consider the refusal

⁷⁰ Together with Articles 34 and 39. See tabulation section B, entry 8.

⁷¹ In two other instances, Charter articles were cited in the letter requesting a meeting of the Council: see tabulation section B, entry 3 (XII), where Article 24 was invoked, and entry 6, containing an explicit reference to Article 28 (3).

⁷² See tabulation, section B, entries 3 (i-iii, vi, ix, xii-xiv); 5; 7 (ii); 8; 9 (i); 11 (i-ix).

⁷³ See tabulation, section B, entries 3 (i, iii, ix-xi); 4; 7 (i); 8; 10; 11 (ii, vii).

⁷⁴ See tabulation, section B, entry 1.

⁷⁵ See tabulation, section B, entry 6.

⁷⁶ See tabulation, section B, 2 (i-iii).

by another Member to implement a Council resolution,⁷⁷ whereas the latter asked for a meeting a few days later to consider the mutual release of all prisoners of war involved in their conflict.⁷⁸ On two occasions, a Member, as Chairman of the African Group, referred to a General Assembly resolution adopted on the same day and asked for a meeting of the Council to consider the related question.⁷⁹

STATES NOT MEMBERS OF THE UNITED NATIONS

During the period under review, there was no incidence of a question being submitted by a non-member of the United Nations.

⁷⁷ See tabulation, section B, entry 3 (v and vi)

⁷⁸ See tabulation, section B, entry 3 (vii)

⁷⁹ See tabulation, section B, entries 9 (ii) and 12

PROCEDURAL CONSEQUENCES OF SUBMISSION UNDER ARTICLE 35

Communications submitting questions for consideration by the Security Council have been dealt with in accordance with rules 6-9 of the provisional rules of procedure; material relating to the application of these rules is contained in chapter II, parts II and III, of this *Supplement*.

During the period under review, none of the letters of submission contained a draft resolution.

The Council has not considered 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 period.⁸⁰

⁸⁰ In one instance, in connexion with the situation in the Middle East, several Council members raised objections to the inclusion of a subitem in the provisional agenda. For the procedural history of this important case, including the vote and the resolution of the resulting procedural impasse see chapter II, part III, C. 1, Case.

Tabulation of questions submitted to the Security Council (1972-1974)

**SECTION A. QUESTIONS SUBMITTED BY MEMBERS AS DISPUTES
SECTION B. QUESTIONS SUBMITTED BY MEMBERS AS SITUATIONS

| Question | Submitted by | Other parties | Articles invoked in letter | Request for action by Security Council | Reference |
|---|--------------------------------|---------------|----------------------------|--|---|
| 1. Consideration of questions relating to Africa (letter dated 29 December 1971) | Secretary-General ^a | OAU | None | transmitting to the President of the Council the text of General Assembly resolution 2863 (XXVI) regarding the OAU request for Council meetings in an African capital | S/10480, mimeographed |
| 2. Situation in Southern Rhodesia (i) letter dated 15 February 1972) | Guinea, Somalia, Sudan | | None | "request that the Council convene to resume consideration of this matter." | S/10540, OR, 27th yr., Suppl. for Jan.-March 1972, p. 50. |
| (ii) letter dated 20 September 1972) | Guinea, Somalia, Sudan | | None | "to convene a meeting ... to resume consideration of the problem of Southern Rhodesia" | S/10798, OR, 27th yr., Suppl. for July-Aug. 1972, p. 104. |
| (iii) letter dated 8 May 1973) | Guinea, Kenya | | None | "to convene a meeting ... to consider the second special report of the ... Committee ... concerning the question of Southern Rhodesia" | S/10925, OR, 28th yr., Suppl. for April-June 1973, p. 36. |
| 3. Situation in the Middle East (i) letter dated 25 February 1972 ^b) | Lebanon | Israel | None | "persistent acts of aggression by Israel against Lebanon, ... In view of extreme gravity of the situation endangering the peace and security of Lebanon, request to convene meeting" | S/10546, OR, 27th yr., Suppl. for Jan.-March 1972, p. 53. |
| (ii) letter dated 25 February 1972) | Israel | Lebanon | None | "intolerable situation created by ... armed attacks against Israel from Lebanese territory. In view of the gravity of armed attacks, request to convene an urgent meeting" | S/10550, OR, 27th yr., Suppl. for Jan.-March 1972, p. 57. |
| (iii) letter dated 23 June 1972 ^b) | Lebanon | Israel | None | "persistent acts of aggression by Israel against Lebanon. In view of the extreme gravity of the situation, request to convene an urgent meeting" | S/10715, OR, 27th yr., Suppl. for April-June 1972, p. 137. |
| (iv) letter dated 23 June 1972) | Israel | Lebanon | None | "request to convene meeting to consider the continuous armed attacks from Lebanese territory against Israel" | S/10716, OR, 27th yr., Suppl. for April-June 1972, p. 137. |

^a Although the Secretary-General transmitted the General Assembly resolutions to the Council President, the request for a series of Council meetings was initially submitted by the Executive Secretary of OAU on behalf of the members to the Council President (S/10272 dated 13 July 1971).

^b The letter of submission employs terms similar to those of Article 39 of the Charter.

Tabulation of questions submitted to the Security Council (1972-1974) (continued)

**SECTION A. QUESTIONS SUBMITTED BY MEMBERS AS DISPUTES
SECTION B. QUESTIONS SUBMITTED BY MEMBERS AS SITUATIONS

| Question | Submitted by | Other parties | Articles invoked in letter | Request for action by Security Council | Reference |
|---|------------------|---------------|----------------------------|---|---|
| ((v) letter dated 5 July 1972) | Syrian Arab Rep. | Israel | None | "request a meeting of Council to deal with refusal by Israel to heed SC res. 316 (1972)" (release of Syrian and Lebanese military and security personnel abducted by Israel) | S/10730, OR, 27th yr., Suppl. for July-Sept. 1972, p. 57. |
| ((vi) letter dated 5 July 1972) | Lebanon | Israel | None | "in view of the gravity of the situation resulting from Israeli defiance of the SC resolution 316 (1972), request to convene a meeting" | S/10731, OR, 27th yr., Suppl. for July-Sept. 1972, pp. 57 f. |
| ((vii) letter dated 17 July 1972) | Israel | | None | "request to convene a meeting to consider the mutual release of all prisoners of war" | S/10739, OR, 27th yr., Suppl. for July-Sept. 1972, p. 72. |
| ((viii) letter dated 9 September 1972) | Syrian Arab Rep. | Israel | None | "in view of continuing Israeli attacks on Syrian territories, request an urgent meeting" | S/10782, OR, 27th yr., Suppl. for July-Sept. 1972, pp. 97 f. |
| ((ix) letter dated 10 September 1972 ^b) | Lebanon | Israel | None | "premeditated and unprovoked aggression by Israel; in view of gravity of situation request an urgent meeting" | S/10783, OR, 27th yr., Suppl. for July-Sept. 1972, p. 98. |
| ((x) letter dated 12 April 1973 ^b) | Lebanon | Israel | None | "act of aggression by Israel; due to the gravity of that act and the threat it poses to peace and security in the Middle East, request to convene urgent meeting" | S/10913, OR, 27th yr., Suppl. for April-June 1973, pp. 22 f. |
| ((xi) letter dated 11 August 1973 ^b) | Lebanon | Israel | None | "Israeli air force invaded the air space of Lebanon and forced a civilian plane to fly into Israel; request an urgent meeting to deal with this most serious act of Israeli aggression" | S/10983, OR, 28th yr., Suppl. for July-Sept. 1973, p. 25. |
| ((xii) letter dated 7 October 1973) | United States | | 24 | "request a meeting to consider the situation in the Middle East" | S/11010, OR, 28th yr., Suppl. for Oct.-Dec. 1973, p. 70. |
| ((xiii) letter dated 14 April 1974) | Lebanon | Israel | None | "Israeli armed forces launched an attack against six villages in southern Lebanon. Due to gravity of the situation, endangering peace and security of Lebanon, request an urgent meeting" | S/11264, OR, 29th yr., Suppl. for April-June 1974, pp. 107 f. |

| | | | | | | | |
|----|---|----------------------|--|----------|--|--|---|
| | ((xiv) letter dated 30 May 1974) | United States | | None | "request an urgent meeting to consider the situation in the Middle East, in particular the disengagement of Israeli and Syrian forces" | S/11304, <i>OR</i> , 29th yr., <i>Suppl. for April-June 1974</i> , p. 146. | |
| 4. | Complaint by Senegal (letter dated 16 October 1972 ^b) | Senegal | | Portugal | None | "this latest systematic act of aggression by Portugal against Senegal is most serious and significant, because a deliberate planned act of war is involved. ... Request a meeting as a matter of urgency" | S/10807, <i>OR</i> , 27th yr., <i>Suppl. for Oct.-Dec. 1972</i> , p. 17. |
| 5. | Situation in Territories under Portuguese administration (letter dated 7 November 1972) | Thirty-seven States | | Portugal | None | "request to convene a meeting to examine the present situation in the Territories under Portuguese domination. The Council should take the necessary measures to bring Portugal to recognize the right of self-determination and independence of the African peoples under its domination" | S/10828, <i>OR</i> , 27th yr., <i>Suppl. for Oct.-Dec. 1972</i> , p. 30. |
| 6. | Consideration of measures for the maintenance and strengthening of international peace and security in Latin America (letter dated 9 January 1973) | Panama | | | 28 (3) | proposal that the Council meet at Panama City to consider measures for the strengthening of international peace and security | S/10858, <i>OR</i> , 28th yr., <i>Suppl. for Jan.-March 1973</i> , pp. 27 f. |
| 7. | Complaint by Zambia (i) letter dated 24 January 1973 ^b | Zambia | | | None | "request urgently to convene a meeting for the purpose of considering serious acts of aggression against Zambia, committed by the white minority, illegal and racist régime in the British colony of Southern Rhodesia" | S/10865, <i>OR</i> , 28th yr., <i>Suppl. for Jan.-March 1973</i> , p. 31. |
| | (ii) letter dated 23 January 1973) | Guinea, Kenya, Sudan | | | None | "request urgent meeting to consider the explosive situation along the Zambian border which threatens the peace and security of the whole area" | S/10866, <i>OR</i> , 28th yr., <i>Suppl. for Jan.-March 1973</i> , p. 31. |
| 8. | Complaint by Cuba (letter dated 13 September 1973 ^b) | Cuba | | Chile | 34, 35, 39 | "Request to convene the Council as a matter of urgency with a view to considering the serious acts committed by the Armed Forces of Chile... The situation constitutes a serious threat to international peace and security within the meaning of Articles 34, 35 and 39 of the Charter" | S/10995, <i>OR</i> , 28th yr., <i>Suppl. for July-Sept. 1973</i> , p. 31. |

Tabulation of questions submitted to the Security Council (1972-1974) (concluded)

**SECTION A. QUESTIONS SUBMITTED BY MEMBERS AS DISPUTES
SECTION B. QUESTIONS SUBMITTED BY MEMBERS AS SITUATIONS

| Question | Submitted by | Other parties | Articles invoked in letter | Request for action by Security Council | Reference |
|--|----------------------|----------------|----------------------------|--|--|
| 9. Situation in Namibia (i) letter dated 4 December 1973) | Guinea, Kenya, Sudan | | None | "request an urgent meeting for the consideration of the serious situation in Namibia" | S/11145, OR, 28th yr., Suppl. for Oct.-Dec. 1973, p. 257. |
| (ii) letter dated 13 December 1974) | Upper Volta | | None | "As Chairman of the African Group, refer to General Assembly res. 3295 (XXIX) of 13 December 1974, and request a meeting of the Council at the earliest possible date to consider the question of Namibia" | S/11575, OR, 29th yr., Suppl. for Oct.-Dec. 1974, p. 67. |
| 10. Complaint by Iraq (letter dated 12 February 1974b) | Iraq | Iran | None | "Request an urgent meeting to consider the continuing acts of aggression launched by Iranian armed forces against the territorial integrity of Iraq" | S/11216, OR, 29th yr., Suppl. for Jan.-Feb. 1974, p. 96. |
| 11. Situation in Cyprus (i) letter dated 16 July 1974) | Cyprus | | None | "Request an urgent meeting on the critical situation in Cyprus that has been created today as a result of outside intervention with grave and threatening implications to the Republic of Cyprus and to international peace and security in the area, and for appropriate measures to be taken to protect the independence, sovereignty and territorial integrity of Cyprus" | S/11335, OR, 29th yr., Suppl. for July-Sept. 1974, p. 22 |
| (ii) letter dated 20 July 1974b) | Greece | Turkey, Cyprus | None | "Request an urgent meeting in order to take appropriate steps following the explosive situation for international peace and security that was created by the brutal aggression of Turkish armed forces against Cyprus now in progress" | S/11348, OR, 29th yr., Suppl. for July-Sept. 1974, p. 30. |
| (iii) letter dated 21 July 1974) | Cyprus | | None | "Request an emergency meeting because of the grave deterioration of the situation in Cyprus" | S/11358, OR, 29th yr., Suppl. for July-Sept. 1974, p. 53. |
| (iv) letter dated 23 July 1974) | Greece | Turkey, Cyprus | None | "Request to convene immediately the Council in order to examine a most serious situation created by the continuous Turkish violations of the cease-fire decided by the Council" | S/11366, OR, 29th yr., Suppl. for July-Sept. 1974, p. 57. |

| | | | | | |
|---|---------|-------------------|------|--|---|
| (v) letter dated 26 July 1974) | Cyprus | Turkey | None | "Request an emergency meeting to consider the grave deterioration of the situation in Cyprus, through the continued and flagrant violations of the cease-fire by Turkey" | S/11384, <i>OR</i> , 29th yr., <i>Suppl. for July-Sept. 1974</i> , p. 66. |
| ((vi) letter dated 28 July 1974) | USSR | Cyprus | None | "Request an urgent meeting to consider the question of the implementation of resolution 353 (1974), adopted on 20 July 1974, concerning the situation in Cyprus. ... a tense situation threatening international peace and security continues to exist in Cyprus." | S/11389, <i>OR</i> , 29th yr., <i>Suppl. for July-Sept. 1974</i> , pp. 68 f. |
| ((vii) letter dated 13 August 1974b) | Cyprus | Turkey | None | "Request an emergency meeting to be convened immediately to consider the dangerously grave situation that has arisen in Cyprus in consequence of renewed acts of naked aggression against Cyprus by Turkey" | S/11444, <i>OR</i> , 29th yr., <i>Suppl. for July-Sept. 1974</i> , p. 103. |
| ((viii) letter dated 13 August 1974) | Greece | Turkey, Cyprus | None | "Request an urgent meeting in order to take appropriate steps following the explosive situation for international peace and security that was created after the interruption of the second phase of the Geneva talks as a result of the Turkish Foreign Minister's declaration that he considers the Conference terminated." | S/11445, <i>OR</i> , 29th yr., <i>Suppl. for July-Sept. 1974</i> , p. 104. |
| ((ix) letter dated 27 August 1974) | Cyprus | Turkey | None | "Request a meeting to consider the grave situation in Cyprus including the refugee problem, and more particularly that arising from the expulsion by force and terror of the whole Greek Cypriot population from their homeland in the invaded territory" | S/11471, <i>OR</i> , 29th yr., <i>Suppl. for July-Sept. 1974</i> , p. 124. |
| 12. Relationship between the United Nations and South Africa (letter dated 9 October 1974) | Tunisia | | None | "As Chairman of the African Group, request the convening of a meeting to review the relationship between the United Nations and South Africa, in conformity with resolution 3207 (XXIX) adopted by the General Assembly on 30 September 1974" | S/11532, <i>OR</i> , 29th yr., <i>Suppl. for Oct.-Dec. 1974</i> , p. 25. |

Part IV

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

NOTE

Part IV deals with cases in which discussion has arisen regarding the responsibility of the Security Council for the settlement of the particular dispute or situation under consideration in the light of the provisions of Chapter VI of the Charter.⁸¹

During the period under review, debates preceding decisions of the Council in this field have dealt almost exclusively with the actual issues before the Council and the relative merits of measures proposed without discussion regarding their relation to the provisions of the Charter. Evidence for the interpretation of the provisions of Articles 36-38 has continued to be scant. None of the Articles have been invoked in the text of decisions adopted by the Council, whereas Article 37 and Chapter VI as a whole have been explicitly, yet merely incidentally, referred to during the debates.⁸²

The material included in this part deals mainly with the issue whether the Council could or should be involved in the discussion of a particular question or situation. In one instance (Case 9) some representatives clearly expressed their opposition to an active role of the Council in ongoing bilateral negotiations, while on two other occasions Article 2 (7) of the Charter was cited as barring the Council from concerning itself with the respective issue.⁸³

For relevant decisions other than those reviewed in this part the appropriate headings in the Analytical Table of Measures of chapter VIII of this *Supplement* should be consulted, as well as the materials in the other parts of chapter X.⁸⁴

Case 9. *Consideration of measures for the maintenance and strengthening of international peace and security*: In connexion with a draft resolution submitted by Panama, Peru and Yugoslavia (S/10931), resubmitted in revised

⁸¹ For general criteria for entries in this part, see *Repertoire of the Practice of the Security Council 1946-1951*, pp. 296 and 410.

⁸² Article 37: in connexion with the Consideration of measures for the maintenance and strengthening of international peace and security in Latin America ..., 1698th meeting: President (Panama), Chapter VI: in connexion with the same agenda item, 1704th meeting: President (Panama); in connexion with the situation in the Middle East, 1720th meeting: Algeria; in connexion with the Relationship between the United Nations and South Africa, 1801st meeting: Madagascar.

⁸³ In connexion with the Relationship between the United Nations and South Africa, Article 2 (7) was invoked by South Africa, at the 1800th meeting. Chile (1741st meeting) invoked the same provision in connexion with the complaint by Cuba. Chile also introduced another reason against the Council's involvement: the alleged situation was no longer continuing, but had been terminated, and was therefore outside the provisions of Chapter VI.

⁸⁴ Special attention should be drawn to part I of this chapter, since the material covered in that part focuses primarily on the basic instruments of peaceful settlement and on the constitutional place occupied by the Council in this procedure.

form by Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia (S/10931/Rev.1), voted upon and not adopted, owing to the negative vote of a permanent member of the Council.

During the meetings in Panama City the question of the Panama Canal was of central concern. The sponsors of the original draft resolution (S/10931) and those co-sponsoring the revision (S/10931/Rev.1) held that the Council possessed the authority to settle the question of the Panama Canal Zone in accordance with the principles of international law and justice and with the provisions of Chapter VI of the Charter. This view was opposed by other members of the Council including a permanent member party to the question, who took the position that the Council could not dictate to the parties the specific terms of a settlement which they were in the process of negotiating, but indicate merely the general principles on the basis of which such a settlement should be established.⁸⁵

Draft resolution S/10931⁸⁶ provided *inter alia* that the Council would (3) call upon the parties directly concerned to execute promptly a new treaty including the agreements mentioned above for the purpose of eliminating the causes of conflict between the two countries, and (5) declare that the effective neutralization of the Panama Canal would foster international peace and security and the maintenance of the peaceful use of the Canal by the international community.

The revised draft resolution S/10931/Rev.1⁸⁷ which was sponsored by eight non-permanent members, would *inter alia* have recalled peaceful settlement of disputes as a principal purpose of the United Nations and under paragraph 3 would have urged the Government of the United States of America and the Republic of Panama to continue negotiations in a high spirit of friendship, mutual respect and co-operation and to conclude without delay a new treaty aimed at the prompt elimination of the causes of conflict between them.

At the 1704th meeting the revised draft resolution received 13 votes in favour, 1 against with 1 abstention and failed of adoption owing to the negative vote of a permanent member of the Council.⁸⁸

⁸⁵ For relevant statements see 1698th meeting: President (Panama), 1701st meeting: France; 1704th meeting: President (Panama); United States, United Kingdom, France. The representative of the United States added that his delegation considered the revised draft resolution as unbalanced and imprecise and voted against it also for that reason. The representative of the United Kingdom explained that his delegation abstained in the vote because the text was not acceptable to one of the parties.

⁸⁶ For the text see 1698th meeting.

⁸⁷ S/10931/Rev.1, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, pp. 57-58.

⁸⁸ For the detailed procedural history of this case see chapter VIII, part II, under the same title.

Chapter XI

CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER

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INTRODUCTORY NOTE

The present *Supplement*, like the two preceding ones, presents, in chapter XI, the decisions of the Security Council which either constitute explicit applications or might be considered as implicit applications, of the provisions of Chapter VII of the Charter. Thus, like its predecessor it also departs from the practice of earlier volumes of the *Repertoire* which, in chapter XI, dealt with instances in which proposals placed before the Security Council evoked discussion regarding the application of Chapter VII of the Charter.

CHAPTER VII OF THE CHARTER: ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent any aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed forces are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other measures of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the applications of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLES 39 THROUGH 42 OF THE CHARTER

NOTE

Due to the frequently interconnected nature of the Security Council proceedings involving especially Articles 39 and 41, Articles 39 through 42 are considered together, rather than separately, in this *Supplement*.

During the period under review, the Security Council has not taken any decisions explicitly under Article 39 of the Charter. It has, however, decided in three instances¹ to reiterate its determination that the situation under consideration constituted a threat to international peace and security: in two of these cases the Council recalled a previous resolution² in which Article 39 had been invoked, whereas in the third case the Council reaffirmed that decision without recalling the particular resolution.³ In another case⁴ the Council implicitly referred to Article 39 by recalling and enumerating all previous relevant decisions and by adding that the Council was "acting in accordance with previous decisions on Southern Rhodesia, taken under Chapter VII of the Charter." On two other occasions, when the Council considered draft resolutions regarding the same agenda item,⁵ these texts included a determination that the situation in Southern Rhodesia constituted a serious threat to international peace and security, and in one of these cases⁶ the previous resolutions on that item were noted by the Council; both draft resolutions failed of adoption owing to the negative votes of permanent members.

In connexion with other agenda items the Council took decisions some provisions of which might be considered to constitute implicit references to the language of Article 39. These instances are briefly listed as follows:

¹ Resolutions 326 and 327 (1973) of 2 February 1973 and resolution 328 (1973) of 10 March 1973 in connexion with the complaint by Zambia. The adoption of none of these resolutions was preceded by a constitutional discussion bearing on Article 39.

² Resolution 232 (1966) of 16 December 1966 in connexion with the situation in Southern Rhodesia.

³ Resolution 328 (1973) did not recall resolution 232 (1966).

⁴ Resolution 314 (1972) of 28 February 1972 in connexion with the situation in Southern Rhodesia.

⁵ S/10606, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 82-83, and S/10928, *OR*, 28th yr., *Suppl. for April-June 1973*, p. 36. No constitutional discussion regarding Article 39 took place.

⁶ S/10606.

Resolution 311 (1972), preambular paragraph 5:

Gravely concerned that the situation in South Africa seriously disturbs international peace and security in southern Africa,⁷

Resolution 312 (1972), paragraph 3:

Again affirms that the situation resulting from the policies of Portugal both in its colonies and in its constant provocations against the neighbouring States seriously disturbs international peace and security in the African continent;⁸

Resolution 353, preambular paragraph 5:

Gravely concerned about the situation which has led to a serious threat to international peace and security, ...⁹

Resolution 360, preambular paragraph 3:

Gravely concerned at the deterioration of the situation in Cyprus, resulting from the further military operations, which constituted a most serious threat to peace and security in the Eastern Mediterranean area,¹⁰

Several draft resolutions which either were not voted upon or failed of adoption contained similar language possibly referring implicitly to Article 39. Since the relevant proceedings do not permit definite classification of these instances as not falling under Article 39, they are also identified and quoted in the following:

S/10834, paragraph 2:¹¹

Reaffirms that the situation resulting both from the colonialist policy of Portugal in those Territories and from the constant aggressions by Portuguese military forces against independent African States adjacent to those Territories seriously disturbs international peace and security in the African continent;¹¹

S/10839, paragraph 1:

Same as S/10834, paragraph 2;

S/10839, paragraph 3:

Affirms that the military and other forms of assistance that certain military allies of Portugal within the North Atlantic Treaty

⁷ In connexion with the question of race conflict in South Africa.

⁸ In connexion with the situation in Territories under Portuguese Administration.

⁹ In connexion with the situation in Cyprus.

¹⁰ In connexion with the situation in Cyprus.

¹¹ In connexion with the situation in Territories under Portuguese Administration, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 47-48.

Organization supply to the Government of Portugal permits it to pursue its policy of colonial domination and repression against the peoples of Angola, Guinea (Bissau) and Cape Verde, and Mozambique, thus endangering the peace and international security on the African continent;¹²

S/11346, preambular paragraph 4:

Gravely concerned about the situation which carries a serious threat to international peace and security,¹³

S/11346/Rev.1, preambular paragraph 4:

Gravely concerned about the situation which may lead to a serious threat to international peace and security,¹⁴

S/11391, preambular paragraph 1:

Having considered the development of events in Cyprus, which creates a serious threat to international peace and security,¹⁵

On one occasion, a letter of submission requesting consideration of a question by the Council explicitly invoked Article 39 together with Articles 34 and 35.¹⁶ Several other letters of submission employed language similar to that of Article 39.¹⁷

A few explicit references to Article 39 were made during the Council proceedings,¹⁸ but there were numerous statements which 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 initiate the corresponding measures under the Charter.¹⁹

During the period under review, the Council took no decision explicitly under Article 40 of the Charter. The question whether there have been any resolutions or decision proposals containing implicit references to that Article, cannot be simply answered in the affirmative because the action considered by the Council and the accompanying proceedings did not contain indications as to whether the Council as a whole was in any form acting in accordance with the provision of Article 40. Furthermore there has been 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.

¹² In connexion with the same agenda item, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, p. 51.

¹³ In connexion with the situation in Cyprus, *OR*, 29th yr., *Suppl. for July-Sept. 1974*, pp. 28-29.

¹⁴ In connexion with the same agenda item, *ibid.*, p. 29.

¹⁵ In connexion with the same agenda item, *ibid.*, p. 70.

¹⁶ S/10995, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, p. 31, in connexion with the complaint by Cuba.

¹⁷ See the tabulation in part III of chapter X.

¹⁸ In connexion with the complaint by Cuba: 1741st meeting: Chile; 1742nd meeting: President (Yugoslavia); in connexion with the Relationship between the United Nations and South Africa: 1800th meeting: Uganda; 1802nd meeting: Barbados; in connexion with the situation in Cyprus: 1810th meeting: Cyprus, and in connexion with the situation in Namibia: 1812th meeting: United Kingdom.

¹⁹ These statements occurred especially in connexion with the relationship between the United Nations and South Africa, the situation in Territories under Portuguese Administration, and the situation in Namibia, but also during the consideration of the situation in the Middle East; the complaint by Cuba; consideration of questions relating to Africa; the complaint by Senegal; the consideration of measures for the maintenance and strengthening of international peace and security in Latin America; the situation in Cyprus; and the complaint by Zambia.

Those decisions and statements which might contain implicit references to Article 40, are briefly summarized below.

The Council issued several urgent appeals for an immediate cease-fire following the outbreak of overt military hostilities in the Middle East and in Cyprus.²⁰ It called also for the observance of an arms embargo against South Africa together with some other measures designed to ease the dangerous situation in southern Africa²¹ and called upon Portugal to cease the colonial wars against the peoples of Angola, Mozambique and Guinea (Bissau) and to refrain from further impeding their liberation and independence.²²

During the consideration of the relationship between the United Nations and South Africa, two representatives invoked Article 40 explicitly, contending that the arms embargo against South Africa had been initiated in 1963 under that Article.²³

During the period under review, the Council has not taken any new decision explicitly under Article 41 of the Charter. It did, however, recall or reaffirm two previous resolutions²⁴ which included explicit invocation of the Article.²⁵ One resolution²⁶ contained the phrase "Acting in accordance with previous decisions of the Security Council on Southern Rhodesia, taken under Chapter VII of the Charter." In the case of another resolution²⁷ the Council reaffirmed a previous resolution that listed the full range of economic sanctions imposed by the Council against Southern Rhodesia.²⁸ These decisions thus contained at least implicit references to Article 41.

²⁰ Resolutions 338, 339 and 340 (1973) in connexion with the Middle East, and resolutions 353, 354, 357, 358 and 360 (1974) in connexion with the situation in Cyprus. See here also the draft resolutions S/11346, S/11346/Rev.1, S/11391, and S/11450, *OR*, 29th yr., *Suppl. for July-Sept. 1974*, pp. 28-29, 70, 105-106, regarding Cyprus. Resolution 313 (1972) regarding a complaint by Lebanon against Israel might be interpreted as an implicit reference to Article 40, especially since the representatives of Yugoslavia and Lebanon called the Council decision an interim resolution and a provisional measure respectively (1644th meeting, paras. 249, 259).

²¹ See resolution 311 (1972), especially paras. 4-6, in connexion with the question of race conflict in South Africa.

²² See resolutions 312 (1972), paras. 4-6 and 322 (1972), paras. 2 and 3, also the draft resolutions S/10834, paras. 4, 6-10, and S/10839, paras. 4-6, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 47-48, 51, regarding the situation in the Territories under Portuguese Administration.

²³ 1801st meeting: Madagascar; 1802nd meeting: Barbados, in connexion with the relationship between the United Nations and South Africa. For statements which might contain implicit references to Article 40 see 1672nd meeting: Ethiopia; 1673rd meeting: Somalia; Madagascar; 1674th meeting: USSR; 1676th meeting: Yugoslavia; China; 1677th meeting: India, in connexion with the situation in Territories under Portuguese Administration. See also the reference to the 1644th meeting in note 20 above.

²⁴ Resolutions 232 (1966) and 277 (1970).

²⁵ Resolution 232 (1966) was recalled in resolution 314 (1972), 326, 327 and 333 (1973); resolution 277 (1970) was recalled in resolutions 314 and 318 (1972), and resolutions 326, 327, 328, 329 and 333 (1973).

²⁶ Resolution 314 (1972), preambular paragraph 5.

²⁷ Resolution 320 (1972).

²⁸ Resolution 253 (1968).

Those draft resolutions that failed of adoption,²⁹ referred to Article 41 only implicitly. In the case of two draft resolutions³⁰ which were revised and adopted, the revisions amounted to the deletion of two similar expressions invoking Chapter VII and urging the Council Committee established in pursuance of resolution 253 (1968) to report on the question of further action under that Chapter against Southern Rhodesia and of initiating such action against South Africa and Portugal.³¹

None of these decisions engendered a constitutional discussion concerning Article 41, but merely the restatement of previously stated positions. The repeated demand by some Member States for an expansion of the sanctions against Southern Rhodesia by application of all the measures under Article 41 including a communications ban and the rejection of this proposal by others on practical political grounds should, however, be mentioned here.³²

During the Council proceedings there were numerous explicit references to Article 41.³³ Implicit references,

²⁹ S/10606, recalling resolution 232 (1966), *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 82-83; S/10805, also recalling resolution 232 (1966), *ibid.*, *Suppl. for July-Sept. 1972*, pp. 108-110; S/10928, *OR*, 28th yr., *Suppl. for April-June 1973*, p. 36.

³⁰ S/10804, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, p. 108, and S/10898, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, pp. 54-55.

³¹ In S/10804, para. 4, the words "including action under Chapter VII of the Charter" were deleted, and in S/10898, para. 6, the phrase "and the desirability of the application of Chapter VII of the United Nations Charter" was deleted.

³² For relevant statements see in connexion with the situation in Southern Rhodesia: 1663rd meeting: Senegal; 1664th meeting: USSR; 1665th meeting: France; 1714th meeting: Kenya; USSR. In connexion with the complaint by Zambia: 1687th meeting: Ghana; Tanzania; United Kingdom; 1689th meeting: Somalia; United States; 1693rd meeting: USSR.

³³ In connexion with the Consideration of questions relating to Africa: 1629th meeting: Chairman, Special Comm. of Twenty-Four;

usually in the form of remarks about sanctions and other mandatory measures, also occurred very frequently. These implicit references were made most often in connexion with southern African issues, but also quite frequently during the consideration of the situation in the Middle East and in Cyprus.

Article 42 of the Charter was not invoked in any decision of the Council. Participants in the Council proceedings did refer to the Article both explicitly³⁴ and implicitly³⁵ in debating the question whether the Council should decide to use force under Chapter VII of the Charter.

1630th meeting: Yugoslavia. In connexion with the situation in Southern Rhodesia: 1664th meeting: USSR; 1714th meeting: Kenya; USSR. In connexion with the situation in the Middle East: 1643rd meeting: Saudi Arabia. In connexion with the complaint by Zambia: 1687th meeting: Ghana; Tanzania; 1693rd meeting: USSR; 1694th meeting: Kenya. In connexion with the situation in Cyprus: 1781st meeting: Costa Rica; 1810th meeting: Cyprus. In connexion with the Relationship between the United Nations and South Africa: 1801st meeting: Madagascar; 1802nd meeting: Barbados; 1804th meeting: Congo; 1806th meeting: Kenya; Peru.

³⁴ Article 42 was explicitly invoked in connexion with the Consideration of questions relating to Africa: 1630th meeting: Yugoslavia; also in connexion with the complaint by Zambia: 1687th meeting: Ghana; 1694th meeting: Kenya; in connexion with the situation in Cyprus: 1781st meeting: Costa Rica; 1810th meeting: Cyprus; and in connexion with the Relationship between the United Nations and South Africa: 1800th meeting: Uganda; 1801st meeting: Madagascar; 1802nd meeting: Barbados; 1804th meeting: Congo; 1806th meeting: Kenya.

³⁵ Implicit references to Article 42 were made in connexion with the Consideration of questions relating to Africa: 1633rd meeting: Mr. Mucshihange; Mr. Nzo; Mr. Telli; 1635th meeting: United States; also in connexion with the situation in Southern Rhodesia: 1664th meeting: Guinea; further in connexion with the situation in Namibia: 1679th meeting: Zambia.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLES 43-47 OF THE CHARTER

NOTE

No questions arose in the Security Council during the period under review concerning the application and interpretation of Articles 43-47 of the Charter.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLES 48-51 OF THE CHARTER

NOTE

Two resolutions adopted by the Security Council during the period under review contained provisions relating to Articles 49 and 50 of the Charter. Responding to the complaint by Zambia against acts of aggression by the illegal régime of Southern Rhodesia, the Council decided in

the first resolution³⁶ to dispatch a mission to assess the economic needs of Zambia arising from its full implementation of sanctions against the régime, and in the second resolution³⁷ to appeal to all States for immediate assistance

³⁶ Resolution 327 (1973). See case 1.

³⁷ Resolution 328 (1973). See case 1.

to Zambia and to request the Secretary-General as well as the United Nations and its specialized agencies to organize all forms of assistance to enable Zambia to continue its policy of economic independence from the Southern Rhodesian régime.

During the Council proceedings explicit references were made to Article 48,³⁸ Article 49,³⁹ Article 50,⁴⁰ and Article 51.⁴¹

Case 1. *Complaint by Zambia*: In connexion with a draft resolution submitted by Guinea, Kenya, Sudan and Yugoslavia (S/10876), replaced by (S/10876/Rev.1), voted upon and adopted on 2 February 1973 as resolution 327 (1973), and a second draft resolution submitted by Guinea, India, Kenya, Sudan and Yugoslavia (S/10899), subsequently revised and sponsored in addition by Indonesia, Panama and Peru (S/10899/Rev.1), voted upon and adopted as resolution 329 (1973).

During the consideration of the complaint by Zambia a large number of speakers expressed their strong appreciation of the selfless manner with which Zambia had been implementing the economic sanctions against Southern Rhodesia, regardless of the severe hardships for its own economy, and unanimously considered its request for international aid in accordance with Articles 49 and 50 as fully justified under the Charter of the United Nations and the previous decisions of the Security Council. The only issue that caused some disagreement was whether the Council should appoint a mission or a team of experts to assess the needs of Zambia.⁴²

³⁸ In connexion with the complaint by Zambia: 1694th meeting: Kenya. In connexion with the relationship between the United Nations and South Africa: 1806th meeting: Kenya.

³⁹ In connexion with the complaint by Zambia: 1687th meeting: Ghana; Yugoslavia; 1688th meeting: Kenya; 1689th meeting: Somalia; Austria; 1690th meeting: Sudan. In connexion with the relationship between the United Nations and South Africa: 1806th meeting: Kenya.

⁴⁰ In connexion with the complaint by Zambia: 1687th meeting: Ghana; Yugoslavia; 1688th meeting: Kenya; 1689th meeting: Austria; 1690th meeting: Sudan; 1693rd meeting: Guinea; 1694th meeting: United Kingdom.

⁴¹ In connexion with the situation in the Middle East: 1644th meeting: Argentina; 1650th meeting: Belgium; 1709th meeting: Panama; President (Peru); 1725th meeting: Israel; President (USSR); 1733rd meeting: Israel; 1739th meeting: Peru; 1745th meeting: USSR; 1767th meeting: Israel; 1768th meeting: President (Iraq); 1769th meeting: Costa Rica. In connexion with the complaint by Cuba: 1742nd meeting: Chile. Although none of the decisions had any bearing on Article 51 or the right of self-defence, various issues in the discussions concerning the Middle East led to noteworthy arguments relating to the interpretation of the principle of self-defence. During the 1644th meeting Argentina pointed out that the permissibility of acts of "self-defence" must be established in terms of need and proportionality, a standard which Israel's reprisals against Lebanon did not fulfil. At the 1650th meeting France also emphasized the criterion of proportionality for legitimate self-defence, whereas Belgium stressed that self-defence could not be invoked continually, but only for a single case of aggression at a time. Panama (1709th meeting) held that a punitive action could not be called self-defence under Article 51. At the 1768th meeting the President (Iraq) quoted Lauterpacht according to whom the legality of acts of "self-defence" was to be determined by an organ like the Security Council or an international judicial body.

⁴² For relevant statements see 1687th meeting: Ghana; Tanzania; Morocco; Yugoslavia; 1688th meeting: Chile; Kenya; India; 1689th meeting: Somalia; Australia; Austria; Sudan; 1690th

At the 1690th meeting two draft resolutions (S/10875⁴³ and S/10876⁴⁴) sponsored by Guinea, Kenya, Sudan and Yugoslavia, were introduced. At the 1691st meeting they were replaced by revised texts (S/10875/Rev.1 and S/10876/Rev.1) which were sponsored in addition by India and Indonesia and adopted by the Council as resolutions 326 and 327 (1973). Whereas resolution 326 (1973) concerned political aspects of the complaint by Zambia, resolution 327 (1973) addressed the issue of economic assistance to Zambia. Resolution 327 (1973) provided *inter alia* as follows:

The Security Council,

...

1. *Commends* the Government of Zambia for its decision to sever all remaining economic and trade relations with Southern Rhodesia in compliance with the decisions of the Security Council;

2. *Takes cognizance* of the special economic hardships confronting Zambia as a result of its decision to carry out the decisions of the Security Council;

3. *Decides* to entrust the Special Mission, consisting of four members of the Security Council, referred to in paragraph 9 of resolution 326 (1973), assisted by a team of six United Nations experts, to assess the needs of Zambia, in maintaining alternative systems of road, rail, air and sea communications for the normal flow of traffic;

4. *Further requests* the neighbouring States to accord the Special Mission every co-operation in the discharge of its task;

5. *Requests* the Special Mission to report to the Security Council not later than 1 March 1973.

Under the mandate of resolution 326 (1973) the Security Council Special Mission consisting of representatives of Austria, Indonesia, Peru and the Sudan, submitted its report including the report of the team of United Nations experts designated in accordance with resolution 327 (1973),⁴⁵ on 5 March 1973 to the Council. The report clearly demonstrated the economic needs of Zambia and contained detailed proposals for international assistance.

During the following Council meetings devoted to the complaint by Zambia, Guinea, India, Kenya, Sudan and Yugoslavia submitted another two draft resolutions (S/10898 and S/10899)⁴⁶ of which the latter dealt with the aspect of economic assistance. Both drafts were revised with Indonesia, Panama and Peru as additional sponsors, and at the 1694th meeting adopted as resolutions 328 and 329 (1973). Resolution 329 (1973) read *inter alia* as follows:

meeting: Guyana; Sudan; 1691st meeting: USSR; 1692nd meeting: Indonesia; Zambia; 1693rd meeting: Guinea; Kenya; 1694th meeting: India; United Kingdom.

⁴³ S/10875, *OR, 28th yr., Suppl. for Jan.-March 1973*, pp. 40-41, subsequently revised and adopted as resolution 326 (1973).

⁴⁴ S/10876, slightly revised and adopted without substantive change as resolution 327 (1973).

⁴⁵ S/10896/Rev.1, Report of the Security Council Special Mission established under resolution 326 (1973), *OR, 28th yr., Special Supplement No. 2*.

⁴⁶ S/10898, *OR, 28th yr., Suppl. for Jan.-March 1973*, pp. 54-55, revised (S/10898/Rev.1) and adopted as resolution 328 (1973); S/10899, *ibid.*, p. 55, revised (S/10899/Rev.1) and adopted as resolution 329 (1973). For the detailed procedural history of this case see chapter VIII, part II, under the same title.

The Security Council,

1. *Commends* the Government of Zambia for deciding to abandon the use of the southern route for its trade until the rebellion is quelled and majority rule is established in Southern Rhodesia;

2. *Takes note* of the urgent economic needs of Zambia as indicated in the report of the Special Mission and the annexes thereto;

3. *Appeals* to all States for immediate technical, financial and material assistance to Zambia in accordance with resolutions 253 (1968) and 277 (1970) and the recommendations of the Special Mission, so that Zambia can maintain its normal flow of traffic and enhance its capacity to implement fully the mandatory sanctions policy;

4. *Requests* the United Nations and the organizations and programmes concerned, in particular the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization and the United Nations Development Pro-

gramme, as well as the specialized agencies, in particular the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the International Civil Aviation Organization, the Universal Postal Union, the International Telecommunication Union, the World Meteorological Organization and the Inter-Governmental Maritime Consultative Organization, to assist Zambia in the fields identified in the report of the Special Mission and the annexes thereto;

5. *Requests* the Secretary-General in collaboration with the appropriate organizations of the United Nations system, to organize with immediate effect all forms of financial, technical and material assistance to Zambia to enable it to carry out its policy of economic independence from the racist régime of Southern Rhodesia;

6. *Requests* the Economic and Social Council to consider periodically the question of economic assistance to Zambia as envisaged in the present resolution.

Part IV

CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER IN GENERAL

NOTE

During the period under review, no issue arose which concerned the application and interpretation of Chapter VII of the Charter in general. One decision⁴⁷ taken by the Security Council contained an explicit reference to Chapter VII, but did not evoke any constitutional discussion. In the case of two draft resolutions⁴⁸ explicit references to Chapter VII were deleted from the revised texts which were adopted by the Council; again the deliberations leading to these decisions did not involve any constitutional discussion of the Chapter as a whole. Chapter VII was not invoked in any letter of submission, but it was explicitly referred to in connexion with the consideration of the following agenda items: the consideration of questions relating to Africa,⁴⁹ the situation in Southern Rhodesia,⁵⁰ the situation in the Middle East,⁵¹

⁴⁷ Resolution 314 (1972) in relationship with the situation in Southern Rhodesia: its fifth preambular paragraph reads as follows: "Acting in accordance with previous decisions of the Security Council on Southern Rhodesia, taken under Chapter VII of the Charter."

⁴⁸ S/10804, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, p. 108: Its paragraph 4 contained an urgent request that the Committee established in pursuance of resolution 253 (1968) consider the type of action, "including action under Chapter VII of the Charter," to be taken in view of the persistent defiance by Portugal and South Africa of the sanctions against Southern Rhodesia. S/10804/Rev.1 was adopted as resolution 320 (1972). S/10898, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, pp. 54-55: para. 6 was to urge the same committee to expedite its report under resolution 320 (1972) regarding the widening of sanctions "and the desirability of the application of Chapter VII of the United Nations Charter..." S/10898/Rev.1 was adopted as resolution 328 (1973) in connexion with the complaint by Zambia.

⁴⁹ 1628th meeting: Egypt; President, Council for Namibia; 1630th meeting: Yugoslavia; 1631st meeting: USSR; Ghana; 1633rd meeting: Mr. Mueshihange; Mr. Telli; 1634th meeting: Mr. Carr; Belgium; 1636th meeting: Somalia.

⁵⁰ 1640th meeting: Mr. Muzorewa; 1641st meeting: Somalia; France; 1642nd meeting: USSR; 1645th meeting: Japan; 1655th

the situation in Namibia,⁵² the complaint by Senegal,⁵³ the situation in Territories under Portuguese administration,⁵⁴ the complaint by Zambia,⁵⁵ the consideration of measures for the maintenance and strengthening of international peace and security in Latin America,⁵⁶ the situation in Cyprus,⁵⁷ and the relationship between the United Nations and South Africa.⁵⁸ Beyond these explicit invocations of Chapter VII many calls for measures under that Chapter were also made during the Council's deliberations without, however, giving rise to a constitutional discussion of its provisions in general.

meeting: France; 1663rd meeting: Zambia; Senegal; 1664th meeting: Argentina; USSR; 1665th meeting: France; 1666th meeting: Somalia; Belgium; 1714th meeting: Kenya; 1715th meeting: Guinea.

⁵¹ 1643rd meeting: Lebanon; USSR; Saudi Arabia; 1644th meeting: Somalia; 1648th meeting: Lebanon; 1720th meeting: Algeria; 1723rd meeting: President (USSR); 1734th meeting: Israel; 1744th meeting: Yugoslavia; 1745th meeting: USSR; 1749th meeting: Sudan; USSR; 1750th meeting: USSR.

⁵² 1656th meeting: Somalia; 1657th meeting: Guinea; 1679th meeting: Somalia; Zambia; 1681st meeting: Sudan; 1756th meeting: President, Council for Namibia; Guinea; 1757th meeting: Niger; Sudan; 1811th meeting: President, Council for Namibia; Upper Volta; Somalia; 1812th meeting: Kenya.

⁵³ 1668th meeting: Mali.

⁵⁴ 1673rd meeting: Tanzania; Somalia; 1674th meeting: Sudan; 1677th meeting: France.

⁵⁵ 1687th meeting: Zambia; Tanzania; 1688th meeting: Chile; 1689th meeting: Somalia.

⁵⁶ 1703rd meeting: Chairman, Special Committee on *Apartheid*.

⁵⁷ 1728th meeting: Chad; 1793rd meeting: Secretary-General; Cyprus.

⁵⁸ 1796th meeting: Tunisia; 1797th meeting: Mauritius; 1800th meeting: Uganda; 1801st meeting: Madagascar; 1803rd meeting: Romania; 1806th meeting: Kenya; Morocco; 1807th meeting: Byelorussian SSR.

Chapter XII

CONSIDERATION OF THE PROVISIONS OF OTHER ARTICLES OF THE CHARTER

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INTRODUCTORY NOTE

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

Part I

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

Article 1

"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

During the period under review, the Security Council did not engage in constitutional discussions regarding Article 1, paragraph 2, of the Charter. The principle of self-determination embodied in that Charter provision was, however, implicitly invoked in Security Council resolutions 309 (1972) and 310 (1972), both of 4 February 1972, 319 (1972) of 1 August 1972 and 323 (1972) of 6 December 1972 regarding the situation in Namibia; resolutions 312 (1972) of 4 February 1972 and 322 (1972) of 22 November 1972 in connexion with the situation in Territories under Portuguese Administration; resolution 318 (1972) of 28 July 1972 relating to the situation in Southern Rhodesia; resolution 321 (1972) of 23 October 1972 in connexion with the complaint by Senegal and resolutions 326 (1973) of 2 February 1973 and 328 (1973) of 10 March 1973 regarding the complaint by Zambia. The Security Council also considered several draft resolutions invoking the principle of self-determination implicitly, which either were rejected or not voted upon or from which the reference to the principle of self-determination was deleted before adoption by the Council.² In many of

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 chapters X-XII, p. 296.

² In connexion with the situation in Southern Rhodesia, the draft resolutions S/10606 (failing of adoption), *OR, 27th yr., Suppl. for Jan.-March 1972*, pp. 82f., and S/10805/Rev.1 (failing of adoption), *ibid., Suppl. for July-Sept. 1972*, pp. 108-110; in connexion with the situation in Territories under Portuguese Administration, draft resolutions S/10607 (reference deleted and revision adopted), *ibid., Suppl. for Jan.-March 1972*, pp. 83f., S/10834 (withdrawn) and S/10839 (not voted upon), *ibid., Suppl. for Oct.-Dec. 1972*, pp. 47-48, 51; and in connexion with the

these cases³ the text contained in addition references to General Assembly resolution 1514 (XV) of 14 December 1960, the "Declaration on the Granting of Independence to Colonial Countries and Peoples".

Article 1, paragraph 2 was occasionally invoked explicitly without, however, giving rise to a constitutional discussion.⁴

examination of the relationship between the United Nations and South Africa the draft resolutions S/11543 (explicitly invoking Article 1 together with Articles 2, 6, 55 and 56, but failing of adoption) and S/11547 (not voted upon), *ibid., 29th yr., Suppl. for Oct.-Dec. 1974*, pp. 34-35 and 36.

³ Resolution 310 (1972), preambular para. 9; resolution 312 (1972), paras. 1, 2, 4 a; resolution 322 (1972), preambular para. 3, paras. 1 and 3; resolution 318 (1972), para. 2; resolution 321 (1972), preambular para. 7, para. 4; resolution 326 (1973), preambular para. 3, and resolution 328 (1973), preambular para. 7, para. 3; also draft resolutions S/10606, preambular paras. 5 and 9; S/10607, para. 4 (d); S/10805/Rev.1, preambular paras. 3 and 7; S/10834, preambular para. 3, paras. 1, 3, and 6; S/10839, para. 2.

⁴ In connexion with the consideration of questions relating to Africa, 1633rd mtg.: Mr. Leballo, (invoking Article 1 as a whole); 1635th mtg.: United States, (invoking Article 1, para. 2 together with para. 3); in connexion with the situation in Territories under Portuguese Administration, 1672nd meeting: Liberia. For some discussion regarding the definition of self-determination, see *ibid.*, and 1674th mtg.: Uganda. In connexion with the complaint by Zambia, 1688th mtg.: Egypt; in connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, 1702nd mtg.: President (Panama), and also 1699th mtg., for a definition by Australia of self-determination in Latin America. In connexion with the situation in the Middle East, 1718th mtg.: Syrian Arab Republic, and 1725th mtg.: President (USSR).

Implicit references to the principle of self-determination which occurred frequently in the Security Council proceedings and in communications addressed to the President of the Security Council are too numerous to be listed here.

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, none of the resolutions adopted by the Council contained an explicit reference to Article 2, paragraph 4 of the Charter. The decisions and deliberations of the Council reflected, however, the importance of this Charter provision and of the concomitant principles and obligations. Of the twenty-one resolutions referring to Article 2, paragraph 4, ten⁵ use language derived from the Charter, while the other 11⁶ contain only implicit references to it. Eight draft resolutions, which either failed of adoption or were not brought to a vote, also contained references to Article 2, paragraph 4: six⁷ of these used language derived from it, one⁸ referred implicitly to it, and one⁹ contained an explicit reference to Article 2 as a whole.

In a large number of instances,¹⁰ the Council resolutions or drafts contained implicit references to the principle of the prohibition of the threat or use of force in international

⁵ Resolution 310 (1972), preambular para. 10; resolution 312 (1972), preambular para. 7, para. 5; resolution 321 (1972), preambular para. 7, para. 3; resolution 326 (1973), preambular para. 7; resolution 332 (1973), para. 2; resolution 337 (1973), preambular para. 3, para. 1; resolution 347 (1974), para. 1; resolution 353 (1974), para. 1; resolution 355 (1974), preambular para. 2; resolution 360 (1974), preambular para. 2.

⁶ Resolution 313 (1972); resolution 316 (1972), preambular para. 6, para. 1; resolution 317 (1972), paras. 1-3; resolution 328 (1973), para. 2; resolution 330 (1973), preambular para. 2, para. 2; resolution 338 (1973), para. 1; resolution 339 (1973), para. 1; resolution 340 (1973), preambular para. 2, para. 1; resolution 357 (1974), preambular para. 2, para. 2; resolution 358 (1978), preambular para. 1; resolution 366 (1974), preambular paras. 4 and 5, para. 1.

⁷ In connexion with the situation in Territories under Portuguese Administration, the draft resolutions S/10834, preambular para. 4; and S/10839, preambular para. 2, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 47-48, 51; in connexion with the situation in the Middle East, draft resolution S/10974, para. 5, *ibid.*, 28th yr., *Suppl. for July-Sept. 1973*, pp. 20-21; in connexion with the situation in Cyprus, the draft resolutions S/11346 and Rev.1, para. 1, *ibid.*, 29th yr., *Suppl. for July-Sept. 1974*, pp. 28-29; S/11391, para. 2, *ibid.*, p. 70; and S/11399, para. 1, *ibid.*, p. 75.

⁸ In connexion with the situation in the Middle East, draft resolution S/10723, preambular para. 3, paras. 1 and 2, *ibid.*, 27th yr., *Suppl. for April-June 1972*, p. 141.

⁹ In connexion with the relationship between the United Nations and South Africa, draft resolution S/11543, preambular para. 4, *ibid.*, 29th yr., *Suppl. for Oct.-Dec. 1974*, pp. 34-35.

¹⁰ Resolution 312 (1972), preambular para. 7, para. 5; resolution 316 (1972), para. 1; resolution 326 (1973), preambular para. 7; resolution 330 (1973), preambular para. 2, para. 2; resolution 332 (1973), para. 2; resolution 337 (1973), preambular para. 3, para. 4; resolution 347 (1974), para. 1; resolution 353 (1974), para. 3; resolution 366 (1974), para. 5; draft resolutions S/10804 (see above note 7), para. 4 and S/10839 (see also note 7), para. 2.

relations against the territorial integrity or political independence of any State. Other paragraphs¹¹ invoked the principle of respect for and acknowledgement of the sovereignty, territorial integrity or inviolability, and political independence of every State. Dealing more directly with the situation under review, the Council condemned,¹² or was asked to condemn,¹³ acts of aggression, or it called for a cease-fire, for the withdrawal from occupied territory and for other such measures.¹⁴ There were a few other cases that could be considered to have a bearing on the provisions of Article 2, paragraph 4, e.g., when the Council deplored the loss of life through violence, the resumption of fighting and other cease-fire violations, the continuation of violence or the failure to release abducted military personnel.¹⁵

Although references of this kind to the provisions of Article 2, paragraph 4 were rather numerous, the Council, during the period under review, engaged only very seldom in what might be described as some constitutional discussion or at least as clear espousal of the Charter principle. Eight case histories belonging in this category are included below.

On a number of occasions,¹⁶ Article 2, para. 4 was explicitly invoked, but usually did not give rise to a constitutional discussion.

¹¹ Resolution 310 (1972), preambular para. 10; resolution 321 (1972), preambular para. 7, para. 3; resolution 353 (1974), para. 1; resolution 355 (1974), preambular para. 2; resolution 360 (1974), preambular para. 2; draft resolutions S/10974 (see above note 7), para. 5; S/11346 (see also note 7), para. 1, and S/11391 (see also note 7), para. 1.

¹² Resolution 316 (1972), para. 2; resolution 326 (1973), preambular paras. 2, 5 and 8, para. 1; resolution 328 (1973), para. 2; resolution 332 (1973), paras. 1 and 2; resolution 337 (1973), para. 1; resolution 347 (1974), paras. 1 and 2; resolution 360 (1974), para. 1; resolution 366 (1974), preambular para. 4, para. 1.

¹³ Draft resolutions S/10723 (see above note 8), para. 1; S/10834 (see above note 7), para. 2; S/10839 (see also note 7), para. 1.

¹⁴ Resolution 313 (1972); resolution 317 (1973), para. 2; resolution 332 (1973), para. 3; resolution 338 (1973), para. 1; resolution 339 (1973), para. 1; resolution 340 (1973), para. 1; resolution 353 (1974), paras. 2 and 4; resolution 357 (1974), para. 2; draft resolutions S/10723 (see above note 8), para. 2; S/11346 (see above note 7), para. 2; S/11391 (see also note 7), para. 2.

¹⁵ Resolution 316 (1972), preambular para. 6; resolution 317 (1972), paras. 2 and 3; resolution 340 (1973), preambular para. 2; resolution 357 (1974), preambular para. 2; resolution 358 (1974), preambular para. 1.

¹⁶ In connexion with the situation in the Middle East, 1643rd mtg.: Lebanon, Somalia, (together with 2 (3)); 1718th mtg.: Nigeria, (Article 2 as a whole); 1720th mtg.: Kuwait, 1722nd mtg.: Morocco, 1724th mtg.: Kenya, France, 1725th mtg.: President

Case 1. *The situation in the Middle East*: In connexion with the draft resolution jointly submitted by Belgium, France, Italy and the United Kingdom, amended, voted upon and adopted on 28 February 1972.

During the discussion of the Lebanese and Israeli complaints, one charging massive attacks by Israeli armed forces against Lebanese villages, the other alleging unending armed raids by terrorists from Lebanese territory against Israel, nearly all speakers invoked explicitly Article 2, paragraph 4, and stated that the use of force against the territory of another State was inadmissible and that the argument of self-defence in retaliation against terrorist attacks had to be rejected in view of the meaning of Article 51 of the Charter; the Government of Lebanon could not be held accountable for the movements and actions of Palestinians who were resisting the Israeli occupation of their homeland. Arguing in defence of its retaliatory measures, the representative of Israel asserted that under international law every Government was bound to refrain from the use of force and to prevent anybody from using its territory for threats and attacks against another country; his Government had merely fulfilled its duty to protect its citizens from these external attacks.¹⁷

At the 1644th meeting on 27 February 1972, the representative of Italy introduced a draft resolution¹⁸ sponsored by Belgium, France, Italy and the United Kingdom, which read as follows:

The Security Council,

Deploing all actions which have resulted in the loss of innocent lives,

Demanding that Israel immediately desist and refrain from any ground and air military action against Lebanon and forthwith withdraw all its military forces from Lebanese territory.

Following the discussion concerning various amendments and deletions regarding the draft resolution and a brief recess allowing the sponsors of the draft to consult briefly,¹⁹ the preambular paragraph of the draft resolution was voted upon separately and received 8 votes in favour to 4 against, with 3 abstentions, and was not adopted, having failed to receive the required majority of votes; the

(USSR), Peru, (Article 2 as a whole); 1767th mtg.: Lebanon, 1769th mtg.: Costa Rica, (Article 2 as a whole); in connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, 1697th mtg.: Mr. Gros Espiell, 1702 mtg.: President (Panama); in connexion with the situation in Cyprus, S/10610, Letter dated 15 April 1972 from the representative of Cyprus, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 31; 1793rd mtg.: Cyprus, 1794th mtg.: Cyprus, 1795th mtg.: Cyprus, (together with Article 2 (1 and 3)); 1810th mtg.: Cyprus; in connexion with the complaint by Cuba, S/10995, Letter dated 13 September 1973 from the representative of Cuba, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, p. 31 (together with Article 2 (2)); in connexion with the relationship between the United Nations and South Africa, 1800th mtg.: Yugoslavia, 1802nd mtg.: Barbados, (together with Article 2 (2)); draft resolution S/11543, *OR*, 29th yr., *Suppl. for Oct.-Dec. 1974*, pp. 34-35, preambular para. 4 (Article 2 as a whole). The proceedings of the Council contain many implicit references to Article 2, paragraph 4, too numerous to be listed here.

¹⁷ For relevant statements, see 1643rd mtg.: Lebanon, Israel, USSR, France, Yugoslavia, United Kingdom, Italy, Belgium, China, Somalia; 1644th mtg.: Argentina; Guinea; USSR; France; United States.

¹⁸ S/10552, amended and adopted as resolution 313 (1972).

¹⁹ 1644th mtg., paras. 201-204.

remainder of the draft resolution was unanimously adopted.²⁰

Case 2. *The situation in the Middle East*: In connexion with the draft resolution jointly submitted by Belgium, France and the United Kingdom, voted upon and adopted on 26 June 1972, and the draft resolution submitted by the United States, not voted upon.

During the discussion of the Lebanese and Israeli complaints, both charging continued armed attacks and other acts of violence, the representative of Lebanon asked the Council to condemn the Israeli acts of aggression and to take decisive measures under Chapter VII, whereas the representative of Israel claimed once again the right to act in self-defence, as long as Lebanon repudiated its obligation to ensure that its territory was not used for aggression against its neighbour. Various speakers strongly criticized Israel's reprisals because the incidents which provoked its retaliation could not be described as an act of aggression on the part of Lebanon and because the natural right of self-defence enshrined in Article 51 of the Charter was limited to the single case of armed aggression.²¹

At the 1650th meeting on 26 June 1972, the representative of France introduced a draft resolution²² sponsored by Belgium, France and the United Kingdom and urged its unanimous adoption. It read, *inter alia*, as follows:

The Security Council,

Deploing the tragic loss of life resulting from all acts of violence and retaliation,

Gravely concerned at Israel's failure to comply with Security Council resolutions 262 (1968) of 31 December 1968, 20 (1969) of 26 August 1969, 280 (1970) of 19 May 1970, 285 (1970) of 5 September 1970 and 313 (1972) of 28 February 1972 calling on Israel to desist forthwith from any violation of the sovereignty and territorial integrity of Lebanon,

1. *Calls upon* Israel to strictly abide by the aforementioned resolutions and to refrain from all military acts against Lebanon;

2. *Condemns*, while profoundly deploring all acts of violence, the repeated attacks of Israeli forces on Lebanese territory and population in violation of the principles of the Charter of the United Nations and Israel's obligations thereunder;

...

The representative of the United States also submitted a draft resolution²³ under which the Security Council would, *inter alia*, condemn acts of violence in the area; call for an immediate cessation of all such acts, and call on all Governments concerned to repatriate all armed forces prisoners held in custody.

Following a brief discussion of the two drafts, the three-power draft resolution was voted upon and adopted by 13 votes to none, with 2 abstentions.²⁴ The United States draft resolution was not put to the vote in view of the adoption of the other draft resolution.²⁵

²⁰ *Ibid.*, paras. 230-232. Adopted as resolution 313 (1972). For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

²¹ For relevant statements, see 1648th mtg.: Lebanon; Israel; USSR, China, 1649th mtg.: Kuwait, India, United Kingdom, Somalia, 1650th mtg.: France; Belgium.

²² S/10722, adopted without change as resolution 316 (1972).

²³ S/10723, *OR*, 27th yr., *Suppl. for April-July 1972*, p. 141.

²⁴ 1650th mtg. para. 82. Adopted as resolution 316 (1972).

²⁵ *Ibid.*, para. 83. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

Case 3. *Consideration of measures for the maintenance and strengthening of international peace and security in Latin America*: In connexion with the draft resolution jointly submitted by Panama, Peru, and Yugoslavia, subsequently revised and also sponsored by Guinea, Kenya, and Sudan, voted upon and adopted on 21 March 1973.

During the meetings of the Security Council at Panama City, many Latin American speakers and a number of other representatives stressed the importance of certain principles, e.g., respect for the territorial integrity of every State; inadmissibility of acquisition of territories by force; observance of the principle of equal rights among States; opposition to colonialism and imperialism and to the threat or use of force in international relations, and compliance with the obligations deriving from the Charter of the United Nations, for the maintenance and strengthening of international peace and security and demanded that in order to create conditions of economic security the Council should acknowledge that economic, no less than military, aggression including coercive measures by transnational firms and other international companies constituted not merely a threat to, but an assault upon the peace and security of the area. Representatives of several other States held, however, that although economic questions could have important implications, they should not be brought before the Council.²⁶

At the 1700th meeting on 19 March 1973, the representative of Peru introduced a draft resolution²⁷ jointly submitted by Panama, Peru and Yugoslavia. At the 1702nd meeting on 20 March 1973, the President (Panama) announced that Guinea, Kenya and Sudan had become co-sponsors of the draft resolution. It read *inter alia* as follows:

The Security Council,

...

Reaffirming General Assembly resolution 2625 (XXV) of 24 October 1970, which states that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

Noting with deep concern the existence and use of coercive measures which affect the free exercise of permanent sovereignty over the natural resources of Latin American countries,

Recognizing that the use or encouragement of the use of coercive measures may create situations likely to endanger peace and security in Latin America.

1. *Urges* States to adopt appropriate measures to impede the activities of those enterprises which deliberately attempt to coerce Latin American countries;

2. *Requests* States, with a view to maintaining and strengthening peace and security in Latin America, to refrain from using or encouraging the use of any type of coercive measures against States of the region.

²⁶ For relevant statements, see 1696th mtg.: Peru, Guyana, Mexico, Colombia, Cuba, 1697th mtg.: Ecuador, Chile, Argentina, 1698th mtg.: Jamaica, Venezuela, 1699th mtg.: China, Yugoslavia, 1700th mtg.: Kenya, Guinea, USSR, 1701st mtg.: France, Zaire, United Kingdom, United States, 1704th mtg.: President (Panama).

²⁷ S/10932/Rev.1, slightly revised, voted upon and adopted as resolution 330 (1973).

At the 1704th meeting on 21 March 1973, the draft resolution was put to the vote and adopted by 12 votes to none, with 3 abstentions.²⁸

Case 4. *The situation in the Middle East*: In connexion with the draft resolution jointly submitted by France and the United Kingdom, revised, voted upon and adopted on 21 April 1973.

During the discussion of the Lebanese complaint about a new large-scale act of aggression by Israel against Lebanon, many representatives condemned the Israeli action as a flagrant violation of the principles of territorial integrity and of the non-use of force in international relations; in one instance, Israel's policy was labelled state terrorism, and the Council was urged to reaffirm the renunciation of the use or threat of force. Israel, on the other hand, reiterated its charges concerning Palestinian groups operating from Lebanese territory and again claimed its duty to protect the lives of its citizens against these assaults, until the Government of Lebanon observed its obligations and eliminated the terrorist groups and their activities from its territory.²⁹

On 19 April 1973, France and the United Kingdom submitted a draft resolution,³⁰ and on the same day Guinea, India, Indonesia and Yugoslavia submitted an amendment³¹ adding an operative paragraph with a call by the Council on all States to refrain from providing any assistance which encouraged military attacks or impeded the search for a peaceful settlement.

At the 1710th meeting on 20 April 1973, the representative of France introduced the draft resolution submitted by France and the United Kingdom in revised form,³² whereupon the amendment was withdrawn by its four sponsors.³³

At the 1711th meeting on 21 April 1973, the revised draft resolution was adopted by 11 votes to none, with 4 abstentions.³⁴ It read as follows:

The Security Council,

Deeply deploring all recent acts of violence resulting in the loss of life of innocent civilians and the endangering of international civil aviation,

1. *Expresses deep concern* over and condemns all acts of violence which endanger or take innocent human lives;

2. *Condemns* the repeated military attacks conducted by Israel against Lebanon and Israel's violation of Lebanon's territorial integrity and sovereignty in contravention of the Charter of the United Nations, of the Armistice Agreement between Israel and Lebanon and of the Council's cease-fire resolutions;

3. *Calls upon* Israel to desist forthwith from all military attacks on Lebanon.

²⁸ 1704th mtg., para. 124. For the detailed procedural history of this case, see chapter VIII, part II, p. 179 under the same title.

²⁹ For relevant statements, see 1705th mtg.: Lebanon, Israel, 1706th mtg.: Algeria, USSR, Sudan, Yugoslavia, 1708th mtg.: United Kingdom, United States, Australia, Lebanon, 1709th mtg.: Kenya, Panama, France, President (Peru).

³⁰ S/10916, OR, 28th yr., Suppl. for April-June 1973, p. 24.

³¹ S/10917, *ibid.*, p. 24.

³² S/10916/Rev.1, adopted without change as resolution 332 (1973).

³³ 1710th mtg.: Guinea, para. 73.

³⁴ 1711th mtg., following the resumption of the suspended meeting. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

Case 5. *The situation in the Middle East*: In connexion with the draft resolution jointly submitted by Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia, voted upon and not adopted on 26 July 1973.

During the comprehensive examination of the situation in the Middle East based upon the report of the Secretary-General under Security Council resolution 331 (1973) dated 18 May 1973,³⁵ members of the Council and other representatives nearly unanimously called in clear and unequivocal terms for the adherence by the parties in the Middle East to the principles of the inadmissibility of the acquisition of territory by war, the respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State, the freedom from threats or acts of force, and in that connexion demanded the withdrawal of the armed forces of Israel from occupied Arab territories, in accordance with resolution 242 (1967). The representative of Israel reaffirmed his Government's acceptance of that resolution, but argued that the demand for prior withdrawal of the Israeli forces did not conform to the stipulations of resolution 242 (1967) and that his Government maintained its invitation to its Arab neighbours to negotiate peace agreements with each of them, without outside interference by third parties.³⁶

At the 1734th meeting on 25 July 1973, the representative of India introduced the draft resolution³⁷ jointly sponsored by Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia, whereby the Council *inter alia* would emphasize its primary responsibility for the maintenance of international peace and security, reaffirm resolution 242 (1967), (2) strongly deplore Israel's continuing occupation of the territories occupied as a result of the 1967 conflict, contrary to the principles of the Charter, (5) express its convictions that a just and peaceful solution of the problem of the Middle East could be achieved only on the basis of respect for national sovereignty, territorial integrity, the rights of all States in the area and for the rights and legitimate aspirations of the Palestinians.

At the 1735th meeting on 26 July 1973, the eight-Power draft resolution received 13 votes in favour to 1 against and failed of adoption owing to the negative vote of a permanent member; one member did not participate in the vote.³⁸

Case 6. *Complaint by Iraq*: In connexion with the letter dated 12 February 1974 from the representative of Iraq and the statement of the President, representing the consensus of the members of the Council.

³⁵ S/10929, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 37-53.

³⁶ For relevant statements, see 1717th mtg.: Egypt, Israel, Jordan, 1718th mtg.: Tanzania, Nigeria, Syrian Arab Republic, 1719th mtg.: Guyana, 1720 mtg.: Kuwait, Algeria, 1721st mtg.: Sudan, United Kingdom, Egypt, 1722nd mtg.: Morocco, Yugoslavia, 1723rd mtg.: President (USSR), Iran, Egypt, 1724th mtg.: Kenya, France, 1725th mtg.: President (USSR), Israel, Peru, Austria, 1726th mtg.: United States, Panama, India, China, Bahrain, 1733rd mtg.: Egypt, Israel, Jordan, USSR.

³⁷ S/10974, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, pp. 20-21.

³⁸ 1735th meeting, following the intervention by Panama. For the detailed procedural history of this case, see chapter VIII, part II, pp. 124-131 under the same title.

During the discussion of the complaint by Iraq, the representatives of Iraq and Iran reiterated their charges which they had brought to the attention of the Council in their letters of 12 February 1974,³⁹ and alleged that the armed forces of the other side had invaded their own territory and committed severe acts of aggression, in violation of the territorial integrity and independence of the neighbouring State. Both sides declared their willingness to try to settle their differences through negotiations, possibly involving the good offices of a third party.⁴⁰

At the beginning of the 1764th meeting on 28 February 1974, the President stated that following consultations with all the members of the Council and with the Representative of Iran, he was able to announce a consensus of the Council,⁴¹ which provided *inter alia* as follows:

2. *The Security Council*, having heard the statements of the representatives of Iraq and Iran regarding the events referred to in the complaint by Iraq, believes that it is important to deal with a situation which could endanger peace and stability in the region. It deplores all the loss of human life; it appeals to the parties to refrain from all military action and from any move which might aggravate the situation. The Council reaffirms the fundamental principles set out in the Charter regarding respect for the territorial sovereignty of States and the pacific settlement of disputes and the duty of all States to fulfil their obligations under international law, as well as the principles referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)).

Case 7. *The situation in the Middle East*: In connexion with the draft resolution voted upon and adopted on 24 April 1974.

During the discussion of the Lebanese complaint regarding renewed cases of Israeli aggression against Lebanese villages, most speakers severely criticized the violation of the territorial integrity of Lebanon by Israeli armed attacks, reaffirmed the principle of the inadmissibility of the acquisition of territory by war or force and called for urgent measures by the Council to put an end to Israeli aggression. A few representatives deplored all acts of violence in the area including terrorist actions by Palestinians and called for an end to Israel's acts of reprisal. Israel reiterated its charges against Lebanon for allowing the Palestinian organizations to operate on its territory and asserted again its rights and duty to defend the lives of its citizens against any danger.⁴²

At the 1769th meeting on 24 April 1974, the President drew the attention of the members of the Council to a draft

³⁹ S/11216, letter dated 12 February 1974 from Iraq, *OR*, 29th yr., *Suppl. for Jan.-March 1974*, p. 96, and S/11218, letter dated 12 February 1974 from Iran, *ibid.*, pp. 97-98.

⁴⁰ For relevant statements, see 1762nd mtg.: Iraq, Iran, 1763rd mtg.: Democratic Yemen, Libyan Arab Republic, Iran, Iraq.

⁴¹ S/11229, *OR*, 29th yr., *Resolutions and Decisions of the Security Council, 1974*, pp. 1-2. 1764th meeting: President (France); statement. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

⁴² For relevant statements, see 1766th mtg.: Lebanon, Israel, Syrian Arab Republic, Kuwait, 1767th mtg.: USSR, United Kingdom, France, Lebanon, Israel, 1768th mtg.: Austria, Australia, 1769th mtg.: United States.

resolution submitted by several members after lengthy consultations.⁴³ It read *inter alia* as follows:

The Security Council,

...

Deeply aïsturbed at the continuation of acts of violence,

...

1. *Condemns* Israel's violation of Lebanon's territorial integrity and sovereignty and calls once more on the Government of Israel to refrain from further military actions and threats against Lebanon;

2. *Condemns* all acts of violence, especially those which result in the tragic loss of innocent civilian life, and urges all concerned to refrain from any further acts of violence;

...

An amendment proposed by the United States to insert the four words "as at Kiryat Shmona" in paragraph 2,⁴⁴ received 6 votes in favour, 7 against and 2 abstentions and was not adopted, having failed to acquire the necessary majority.⁴⁵ Then the original draft resolution was voted upon and adopted by 13 votes to none, with two members not participating.⁴⁶

Case 8. *The situation in Cyprus*: In connexion with a draft resolution revised and not voted upon; a draft resolution voted upon and adopted on 20 July 1974; the draft resolution adopted on 23 July 1974; a draft resolution submitted by the USSR and not voted upon; a draft resolution submitted and withdrawn by the United Kingdom; a draft resolution voted upon and not adopted, owing to the negative vote of a permanent member of the Council; a draft resolution voted upon and adopted on 1 August 1974; a draft resolution submitted by the United Kingdom, revised and adopted on 14 August 1974; a draft resolution voted upon and adopted on 15 August 1974; a draft resolution submitted by France, twice revised and adopted on 16 August 1974.

During the long deliberations concerning the critical situation in Cyprus during July and August 1974, the members of the Security Council and the parties invoked near-unanimously the principles and provisions of Article 2, paragraph 4, and reaffirmed the sovereignty, independence and territorial integrity of the Republic of Cyprus. The Council condemned the intervention of foreign troops on the island and called urgently for a cease-fire and a complete withdrawal of all these troops. The spokesman for the intervening State asserted that the intervention had taken place to restore the constitutional rights of the Turkish minority; the intervention did not constitute a violation of Charter principles, but an effort to solve the Cypriot problem in a manner of justice and equity.⁴⁷

At the conclusion of the 1780th meeting on 19 July 1974, the President (Peru) announced that a draft resolution which was the result of consultations,⁴⁸ would be circulated among the members of the Council and he hoped to be able to put it to the vote at the next meeting. The draft resolution provided *inter alia* that the Council would deeply deplore the outbreak of violence and the continuing bloodshed and would (1) call upon all States to respect the sovereignty, independence and territorial integrity of Cyprus, and (2) demand an immediate end to foreign military intervention in the Republic of Cyprus and request the immediate withdrawal of foreign military personnel in excess of those envisaged in international agreements.

The draft resolution was slightly revised in two pre-ambular and one operative paragraphs,⁴⁹ but it was not brought to a vote.

At the 1781st meeting on 20 July 1974, the President stated that as a result of continuous consultations with the Secretary-General and representatives of Member States it had been possible to circulate a draft resolution⁵⁰ which he proposed to put to the vote. The draft was voted upon and unanimously adopted.⁵¹ It read *inter alia* as follows:

The Security Council,

...

Deeply deploring the outbreak of violence and the continuing bloodshed,

...

1. *Calls upon* all States to respect the sovereignty, independence, and territorial integrity of Cyprus;

2. *Calls upon* all parties to the present fighting as a first step to cease all firing and requests all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation;

3. *Demands* an immediate end to foreign military intervention in the Republic of Cyprus that is in contravention of the provisions of paragraph 1 above;

4. *Requests* the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements, ...;

...

At the 1783rd meeting on 23 July 1974, the President stated that as a result of talks and consultations a draft resolution⁵² had been distributed for circulation. He put it to a vote immediately, and it was unanimously adopted.⁵³ It read *inter alia* as follows:

The Security Council,

...

Greece; 1786th mtg.: USSR; 1789th mtg.: USSR, 1792nd mtg.: Cyprus, Turkey, 1793rd mtg.: Cyprus, President (USSR), Algeria, 1794th mtg.: Cyprus, 1795th mtg.: Cyprus, President (USSR), France.

⁴⁸ S/11346, *OR*, 29th yr., *Suppl. for July-Sept. 1974*, pp. 28-29.

⁴⁹ S/11346/Rev.1, *ibid.*, p. 29.

⁵⁰ S/11350, unanimously adopted as resolution 353 (1974).

⁵¹ 1781st meeting following the statement by the Secretary-General.

⁵² S/11369, unanimously adopted as resolution 354 (1974).

⁵³ 1783rd meeting following the statement by the Secretary-General.

⁴³ S/11275, adopted without change as resolution 347 (1974).

⁴⁴ 1769th mtg. United States, first intervention.

⁴⁵ *Ibid.*, following the first intervention by Mauritania.

⁴⁶ *Ibid.*, following the second intervention by Mauritania. Adopted as resolution 347 (1978). For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

⁴⁷ For relevant statements, see 1779th mtg.: Secretary-General, Cyprus, USSR, Turkey, France, United States, 1780th mtg.: President Makarios, Greece, Turkey, Yugoslavia, Romania, China, United States, 1781st mtg., Secretary-General, United Kingdom, France, Mauritania, Kenya, USSR; Mauritius; Cyprus; 1783rd mtg.:

Demands that all parties to the present fighting comply immediately with the provisions of paragraph 2 of Security Council resolution 353 (1974) calling for an immediate cessation of all firing in the area and requesting all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation.

At the 1787th meeting on 29 July 1974, the President drew the attention of the Council members to a draft resolution sponsored by the USSR.⁵⁴ During the same meeting the representative of the USSR introduced the draft resolution which would *inter alia* (2) insist on the immediate cessation of firing and of all acts of violence against the Republic of Cyprus and on the speediest withdrawal of all foreign forces and military personnel present in Cyprus in violation of its sovereignty, independence and territorial integrity as a non-aligned State. The draft resolution was not put to a vote.

At the 1788th meeting on 31 July 1974, the President announced the withdrawal of a draft resolution sponsored by the United Kingdom,⁵⁵ which *inter alia* would have noted that all States had declared their respect for the sovereignty, independence and territorial integrity of Cyprus.

At the same meeting the President also announced that, as a result of consultations, a draft resolution⁵⁶ was being circulated, which *inter alia* would note that all States had declared their respect for the sovereignty, independence and territorial integrity of Cyprus. Following lengthy deliberations in the course of which the USSR submitted two amendments⁵⁷ and the Council adopted one of them and rejected the other, the draft resolution, as amended, received 12 votes in favour to 2 against, with one member not participating in the vote, and failed of adoption owing to the negative vote of a permanent member.⁵⁸

At the 1789th meeting on 1 August 1974, the President stated that, in the course of consultations with the members of the Council, agreement had been reached on a draft resolution.⁵⁹ It was immediately put to the vote and adopted by 12 votes to none, with 2 abstentions and one member not participating.⁶⁰ It read *inter alia* as follows:

The Security Council,

...

Noting that all States have declared their respect for the sovereignty, independence and territorial integrity of Cyprus,

...

Prior to the 1792nd meeting on 14 August 1974, a draft resolution had been submitted by the United Kingdom.⁶¹ At the 1792nd meeting, the President announced that, during consultations, members of the Council had agreed upon a revised text,⁶² which he put to the vote at once and

which was unanimously adopted.⁶³ It read *inter alia* as follows:

The Security Council,

...

Deeply deploring the resumption of fighting in Cyprus, contrary to the provisions of its resolution 353 (1974),

...

2. *Demands* that all parties to the present fighting cease all firing and military action forthwith;

...

At the 1793rd meeting on 15 August 1974, the President put to the vote a draft resolution which had been agreed upon during consultations.⁶⁴ It was unanimously adopted⁶⁵ and read *inter alia* as follows:

The Security Council,

Deeply concerned about the continuation of violence and bloodshed in Cyprus,

...

2. *Insists* on the full implementation of the above resolutions by all parties and on the immediate and strict observance of the cease-fire.

At the 1794th meeting on 16 August 1974, the President drew the attention of the members of the Council to a draft resolution submitted by France the previous day,⁶⁶ which had been twice revised.⁶⁷ The original text provided *inter alia* that the Council, noting that all States had declared their respect for the sovereignty, independence and territorial integrity of Cyprus and for the constitutional structure of that country, as established and guaranteed by international guarantees, gravely concerned at the further deterioration of the situation in Cyprus, resulting from the military operations conducted by Turkey, which constituted a most serious threat to peace and security in the eastern Mediterranean area, would: (i) records its formal disapproval of the resumption of military operations in Cyprus by Turkey; (ii) demand once again that all parties cease all firing and all military activity forthwith and strictly observe the cease-fire throughout the island; and (iii) urge the parties to comply with all the provisions of previous resolutions of the Security Council including those concerning the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements, and to resume negotiations without delay for the restoration of peace and constitutional government in Cyprus, in conformity with resolution 353 (1974).

The revised draft resolution was put to the vote and adopted by 11 votes to none, with 3 abstentions and one member not participating.⁶⁸ It read *inter alia* as follows:

⁵⁴ S/11391, *OR, 29th yr., Suppl. for July-Sept. 1974*, p. 70.

⁵⁵ S/11399, *ibid.*, p. 75.

⁵⁶ S/11400, *ibid.*, p. 75.

⁵⁷ S/11401, *ibid.*, p. 75.

⁵⁸ 1788th meeting, preceding the second statement by the Secretary-General.

⁵⁹ S/11402, adopted as resolution 355 (1974).

⁶⁰ 1789th meeting, preceding the intervention by China.

⁶¹ S/11446, *OR, 29th yr., Suppl. for July-Sept. 1974*, p. 104.

⁶² S/11446/Rev.1, adopted as resolution 357 (1974).

⁶³ 1792nd meeting, following the President's opening statement.

⁶⁴ S/11448, adopted as resolution 358 (1974).

⁶⁵ 1793rd meeting, following the statement by the Secretary-General.

⁶⁶ S/11450, *OR, 29th yr., Suppl. for July-Sept.*, pp. 105-106.

⁶⁷ S/11450/Rev.2, subsequently adopted as resolution 360 (1974).

⁶⁸ 1794th meeting, following the statement by the Secretary-General. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

The Security Council,

...

Noting that all States have declared their respect for the sovereignty, independence and territorial integrity of the Republic of Cyprus,

Gravely concerned at the deterioration of the situation in Cyprus, resulting from the further military operations, which constituted a most serious threat to peace and security in the Eastern Mediterranean area,

1. *Records its formal disapproval* of the unilateral military actions undertaken against the Republic of Cyprus,

2. *Urges* the parties to comply with all the provisions of previous resolutions of the Security Council, including those concerning the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements;

...

B. Article 2, paragraph 5 of the Charter

“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 connexion with Article 2, paragraph 5 of the Charter. The Council, however, adopted a number of resolutions containing provisions which might be described as implicit references to the principle in that paragraph of Article 2.⁶⁹ There were several explicit references to Article 2, paragraph 5, during the debates of the Security Council.⁷⁰

⁶⁹ Resolution 320 (1972), preambular para. 6, para. 3; and resolution 333 (1973), preambular para. 4, in connexion with the situation in Southern Rhodesia; resolution 326 (1973), paras. 5 and 10, in connexion with the complaint by Zambia; and resolution 340 (1973), para. 5, in connexion with the situation in the Middle East. With the exception of the paragraph in resolution 326 (1973) all the other references could be linked to Article 25 which states the principle of Article 2, paragraph 5 in a narrower and more specific manner. For the consideration of the provisions of Article 25, see below, part IV.

⁷⁰ In connexion with the consideration of questions relating to Africa, 1632nd mtg., Liberia, para. 28; in connexion with the relationship between the United Nations and South Africa, 1800th mtg.: Yugoslavia, and 1803rd mtg.: Romania.

C. 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

During the period under review, the Council adopted two resolutions⁷¹ which invoked Article 2, paragraph 6 explicitly. In one of these cases, a constitutional argument was raised during the Council proceedings, as a result of which the explicit reference to the Charter provision was added to the text of a draft resolution.⁷² In several other resolutions as well as in a consensus decision⁷³ adopted by

⁷¹ Resolutions 314 (1972) and 320 (1972) in connexion with the situation in Southern Rhodesia.

⁷² Resolution 314 (1972). See case 9.

⁷³ Resolution 310 (1972), para. 5, in connexion with the situation in Namibia; resolution 311 (1972), para. 5, in connexion with the question of race conflict in South Africa; resolution 312 (1972), preambular para. 6, para. 6, in connexion with the situation in Territories under Portuguese administration; resolutions 318 (1972), paras. 5 and 8, and 333 (1973), paras. 2-8, in connexion with the situation in Southern Rhodesia; resolution 328 (1973), para. 7, in connexion with the complaint by Zambia; resolution 347 (1974), para. 3, in connexion with the situation in the Middle East; and the consensus decision of 20 June 1972, the last two paras., *OR, 27th yr., Resolutions and Decisions of the Security Council 1972*, p. 18, in connexion with the situation created by increasing incidents involving the hijacking of commercial aircraft.

the Council, Article 2, paragraph 6 was referred to in an implicit manner without giving rise to a constitutional discussion. In a few instances, the provision was explicitly mentioned during the Council proceedings.⁷⁴

Case 9. *Situation in Southern Rhodesia*: In connexion with the draft resolution jointly submitted by Guinea, Somalia and the Sudan, revised, voted upon and adopted on 28 February 1972.

At the 1641st meeting on 24 February 1972, the President drew the attention of the members of the Council to the draft resolution which had been submitted by Guinea, Somalia and the Sudan.⁷⁵

At the same meeting the representative of Somalia introduced the draft resolution, paragraph 2 of which read as follows:

2. *Urges* all States to implement fully all Security Council resolutions pertaining to Southern Rhodesia in accordance with

⁷⁴ In connexion with the relationship between the United Nations and South Africa, 1798th mtg., Guyana, and 1800th mtg., Uganda.

⁷⁵ S/10541, *OR, 27th yr., Suppl. for Jan.-March 1972*, pp. 50-51.

their obligations under Article 25 of the United Nations Charter, and deplores the attitude of those States which have persisted in giving moral, political and economic assistance to the illegal régime;

The representative of France, in commenting on the draft resolution, pointed out, concerning paragraph 2, that not all resolutions pertaining to Rhodesia were mandatory, since only some of them had been adopted under Chapter VII; therefore, it would be more accurate to urge the full implementation of all mandatory resolutions or to list the three resolutions that fell under that category; obviously, Article 25 could not be applied to resolutions which were not adopted within the framework of Chapter VII.⁷⁶

At the 1642nd meeting on 25 February 1972, the representative of Somalia introduced the revised draft resolution,⁷⁷ which incorporated significant changes in

⁷⁶ 1641st meeting, France.

⁷⁷ S/10541/Rev.1, adopted with a small change as resolution 314 (1972).

paragraphs 1, 2, 3 and 6, reflecting mainly the comments of the French representative.⁷⁸

At the 1645th meeting on 28 February 1972, the draft resolution was voted upon: Paragraph 1, in a separate vote, was adopted by 14 votes to none, with 1 abstention; then, the draft resolution as a whole was adopted by 13 votes to none, with 2 abstentions.⁷⁹ In a revised form, as adopted, an explicit reference to Article 2, paragraph 6, had been added to paragraph 2 of the operative part of the resolution.⁸⁰ It read in paragraph 2 as follows:

2. *Urges* all States to implement fully all Security Council resolutions establishing sanctions against Southern Rhodesia, in accordance with their obligations under Article 25 and Article 2, paragraph 6, of the Charter of the United Nations and deplores the attitude of those States which have persisted in giving moral, political and economic assistance to the illegal régime.

⁷⁸ 1642nd meeting: Somalia, paras. 35-46.

⁷⁹ 1645th meeting, paras. 91-92.

⁸⁰ Paragraphs 4 and 5 of resolution 314 (1972) contain implicit references to Article 2, paragraph 6. For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

D. Article 2, paragraph 7, of the Charter

“Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.”

NOTE

The principle of non-interference in domestic affairs was frequently mentioned in Council proceedings, but the Council did not adopt any decision invoking implicitly or explicitly the provisions of Article 2, paragraph 7.

During the consideration of the complaint by Cuba, the representative of Chile cited the principle of non-interference explicitly and described in detail what his Government viewed as instances of massive intervention of Cuba in Chile.⁸¹ A large number of representatives, regardless of their particular evaluation of the complaint by Cuba against Chile, declared unequivocally that their Governments would rigorously adhere to the principle of non-intervention in domestic affairs.⁸² One representative

⁸¹ 1741st meeting, Chile.

⁸² 1741st meeting: Peru, Panama, 1742nd meeting: Indonesia, Kenya, Austria, Sudan, Algeria, Madagascar.

requested, however, that in view of the grave attack on the Cuban diplomatic community in Chile the Council should define the limits of the rule of non-intervention in domestic affairs and not remain indifferent to the events in Chile.⁸³

Aside from numerous incidental invocations of the principle of non-intervention, there were several explicit references to Article 2, paragraph 7, during the Council proceedings⁸⁴ and in one case, in a communication by a Member State to the President of the Security Council,⁸⁵ without giving rise to a constitutional discussion.

⁸³ *Ibid.*, Senegal. For the detailed procedural history of the complaint by Cuba, see chapter VIII, part II, under that title.

⁸⁴ In connexion with the situation in the Middle East, 1711th mtg., Sudan, in connexion with the relationship between the United Nations and South Africa, 1800th mtg., South Africa, 1801st mtg., Ghana, 1802nd mtg., India, Barbados, 1806th mtg., Kenya.

⁸⁵ S/10833, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, p. 47.

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’s 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, 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 Security Council adopted one resolution⁸⁶ which invoked Article 24 explicitly, while discussing the situation in Cyprus. Prior to the adoption of this resolution, the text of another draft resolution⁸⁷ containing the same explicit invocation of Article 24, had been circulated among the members of the Council, but it was not put to a vote. The consideration of these texts did not involve any constitutional discussion.

During the Middle East war of October 1973, the United States explicitly invoked the principle of Article 24 in calling for a meeting of the Security Council.⁸⁸ Following the adoption of resolution 341 (1973) setting up UNEF, the representative of France emphasized the position of his Government with regard to the exclusive competence of the Security Council in the matter of peace-keeping and the maintenance of international security in accordance with Article 24 of the Charter and added that to enable the

⁸⁶ Resolution 353 (1973), preambular para. 8.

⁸⁷ S/11346 and S/11346/Rev.1, preambular para. 7, *OR*, 29th yr., *Suppl. for July-Sept. 1974*, pp. 28-29.

⁸⁸ S/11010, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 70.

Council to establish as well as to control an international force a subsidiary organ could be set up whose purpose would be to lessen the Council's work without prejudice to the primary responsibilities conferred upon the Council by the Charter.⁸⁹

There were a number of explicit references to Article 24, aside from those already mentioned, in the course of Council debates, but no constitutional discussion ensued.⁹⁰

Article 24, paragraph 3, was explicitly referred to in a note⁹¹ by the President of the Security Council, regarding a decision of the Council to change the format of the Council's annual report.

⁸⁹ 1752nd mtg., France. See also similar remarks at the 1760th mtg., France, in connexion with the role of the United Nations and the Security Council in the arrangements for the peace conference on the Middle East (resolution 344 (1973)).

⁹⁰ In connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, 1701st mtg., France, in connexion with the situation in the Middle East, 1725th mtg., Peru, 1743rd mtg., Egypt, in connexion with the relationship between the United Nations and South Africa, 1800th mtg., Uganda.

⁹¹ S/11586, *OR*, 29th yr., *Suppl. for Oct.-Dec. 1974*, p. 72.

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 Security Council adopted four resolutions⁹² in which Article 25 of the Charter was explicitly invoked. Article 25 was also explicitly referred to in five draft resolutions, of which three⁹³ were voted upon and not adopted, and two⁹⁴ were subsequently revised and then adopted.

⁹² In connexion with the situation in Southern Rhodesia, resolutions 314 (1972), preambular para. 5, para. 2; 318 (1972), preambular para. 5; 320 (1972), preambular para. 3, para. 2; 333 (1973), preambular para. 3.

⁹³ S/10606, preambular para. 7, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 82-83; S/10805 and Rev.1, para. 7, *ibid.*, *Suppl. for July-Sept. 1972*, pp. 108-110; and S/10928, preambular para. 6, *ibid.*, 28th yr. *Suppl. for April-June 1973*, p. 36: all in connexion with the situation in Southern Rhodesia.

⁹⁴ Again in connexion with the situation in Southern Rhodesia, S/10541, preambular para. 3, para. 2, *OR*, 27th yr., *Suppl. for*

A large number of resolutions⁹⁵ and several draft resolutions which either were not brought to a vote or

Jan.-March 1972, pp. 50-51, subsequently revised and adopted as resolution 314 (1972); and S/10804, preambular para. 3, para. 2, *ibid.*, *Suppl. for July-Sept. 1972*, p. 108, revised and adopted as resolution 320 (1972).

⁹⁵ In connexion with the situation in Namibia, resolution 310, preambular para. 8, para. 1; and resolution 366 (1974), preambular para. 4, para. 4; in connexion with the question of race conflict in South Africa, resolution 311 (1972), preambular para. 4; in connexion with the situation in Territories under Portuguese administration, resolution 312 (1972), preambular para. 5; in connexion with the situation in the Middle East, resolutions 316 (1972), para. 1; 338 (1973), para. 2; 340 (1973), para. 5; 346 (1974), para. 7; and 363 (1974), para. 1, (a); in connexion with the complaint by Senegal, resolution 321 (1972), preambular para. 5; in connexion with the complaint by Zambia, resolution 326 (1973), para. 7; and in connexion with the situation in Cyprus, resolutions 357 (1974), para. 1; 358 (1974), preambular para. 2, para. 2; 360 (1974), para. 2.

failed of adoption,⁹⁶ contained paragraphs which 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 Security Council usually in connexion with decisions previously taken by the Council.⁹⁷ But the Council did not engage in

⁹⁶ In connexion with the situation in Namibia, S/10608, preambular para. 8, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, p. 84; in connexion with the situation in Territories under Portuguese administration, S/10839, para. 2, *ibid.*, *Suppl. for Oct.-Dec. 1972*, p. 51; and in connexion with the situation in Cyprus, S/11391, para. 1, *OR*, 29th yr., *Suppl. for July-Sept. 1974*, p. 70.

⁹⁷ In connexion with the consideration of questions relating to Africa, 1628th mtg., Egypt, 1630th mtg., Yugoslavia, 1632nd mtg., Liberia, para. 27; 1636th mtg., Somalia, in connexion with the situation in Southern Rhodesia, 1641st mtg., Somalia, France, 1642nd mtg., Somalia, President (Sudan), 1654th mtg., Somalia, 1655th mtg., Somalia, 1664th mtg., Yugoslavia, Guinea, 1712th mtg., Yugoslavia, in connexion with the situation in the

any constitutional discussion concerning Article 25, that represented more than a reaffirmation of long held views about its interpretation and application.

Article 25 was explicitly invoked in a communication⁹⁸ from the Executive Secretary of the Organization of African Unity to the President of the Council and in a letter⁹⁹ from the President of the Council to the Secretary-General.

Middle East, 1651st mtg., USSR, 1718th mtg., Nigeria, 1725th mtg., Peru, 1733rd mtg., Egypt, 1735th mtg., India, and in connexion with the relationship between the United Nations and South Africa, 1796th mtg., Tunisia, 1797th mtg., Syria, 1798th mtg., Mr. Sibeko, 1800th mtg., Yugoslavia, 1806th mtg., Kenya, 1808th mtg., United States.

⁹⁸ S/10741, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 73-79; here p. 76 (OAU resolution on Zimbabwe, para. 8).

⁹⁹ S/10822, *ibid.*, *Suppl. for Oct.-Dec. 1972*, p. 27 relating to the reply by the Security Council concerning the implementation of the Declaration on the Strengthening of International Security.

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 the 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 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 1972 to 1974 to the following communications, which have been circulated by the Secretary-General to the representatives 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 19 July 1972: transmitting the texts of the resolutions adopted by the Assembly of Heads of State and Government of the OAU at its ninth session.¹⁰⁰

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

C. Communications from States parties to disputes or situations

- (i) Dated 1 October 1973: Guinea, requesting a meeting of the Security Council as a matter of urgency to consider the serious situation between Guinea and Senegal.¹⁰¹
- (ii) Dated 21 February 1974: Guinea, withdrawing the complaint against Senegal, following the visit of the President of OAU to Guinea.¹⁰²

¹⁰⁰ S/10741, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 73-79.

¹⁰¹ S/11004, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 61.

¹⁰² S/11225, *OR*, 29th yr., *Suppl. for Jan.-Feb. 1974*, p. 102.

***D. Communications from other States concerning matters before regional organizations*

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.¹⁰³

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 an intensive constitutional debate, but on several occasions, the Articles of Chapter VIII and the principles established in these Charter provisions were explicitly invoked and amplified in terms of their relevance for the work of the regional organization and its relationship to the United Nations.¹⁰⁴

¹⁰³ See report of the Security Council to the General Assembly, 1972-1972, *GAOR*, 28th Session, *Suppl. No. 2*, p. 148; report of the Security Council to the General Assembly, 1973-1974, *GAOR*, 29th Session, *Suppl. No. 2*, p. 78.

¹⁰⁴ In connexion with the consideration of questions relating to Africa, 1627th mtg., President (Somalia), (Article 52); in connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, 1695th mtg., Secretary-General, (Article 54); 1697th mtg., Chile, (Article 53); 1701st mtg., United Kingdom, (Article 52, Chapter VIII); United States, (Chapter VIII); and in connexion with the situation in the Middle East, 1724th mtg., Kenya, (Article 52). For further details regarding the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, see the procedural history in chapter VIII, part II, p. 179 under the same title.

Part VI

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

Part VII

CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER

“...”

Article 103

“In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.”

NOTE

During the period under review, there were several instances in which the principle of Article 103 was explicitly invoked and discussed in its applicability for two questions inscribed on the agenda of the Security Council.

In connexion with the situation in Cyprus, a series of letters from the representatives of Cyprus and Turkey

raised the question whether and to what extent Article 103 was relevant for the Cyprus question. The representative of Cyprus alleged that the treaties on Cyprus were imposed upon the people of Cyprus in circumstances amounting to duress and precluding free choice and that they fell within the ambit of Article 103 of the Charter in that they conflicted with fundamental Charter provisions on sovereign equality, non-use of force in international

relations and non-intervention.¹⁰⁵ The representative of Turkey denied all these charges and expressed the view that the Cyprus treaties were not in violation of Article 103, but were violated by the Government of Cyprus which failed to implement the constitutional arrangements fully and equitably.¹⁰⁶ The issue was not raised during the Council proceedings.

¹⁰⁵ For the Cypriot view, see S/10585, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 20, and S/10610, *ibid.*, pp. 30-32.

¹⁰⁶ For the Turkish position, see S/10595, *ibid.*, pp. 27-28, and S/10650, *ibid.*, pp. 60-62.

During the Council meetings in Panama City Article 103 was explicitly referred to by two representatives who stressed that under no circumstances whatsoever could the principles of the Charter of the United Nations be diminished or limited by the interpretation of the regional jurisdiction of the OAS.¹⁰⁷

¹⁰⁷ In connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, 1697th mtg., Chile, and 1702nd mtg., President (Panama).

Part VIII

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