

## **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.<sup>1</sup> The complaint by Senegal,<sup>2</sup> the question of race conflict in South Africa,<sup>3</sup> the situation in Southern Rho-

desia,<sup>4</sup> the complaint by the Government of Cyprus,<sup>5</sup> the situation in the Middle East,<sup>6</sup> and the situation in Namibia,<sup>7</sup> which were included in the Council's agenda before the period under review, are discussed in the order of resumption of their consideration by the Council.

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.

<sup>1</sup> *Ibid.*, *Supplement 1959-1963*, pp. 219f.; *ibid.*, *Supplement 1964-1965*, pp. 108-127; *ibid.*, *Supplement 1966-1968*, pp. 105-113.

<sup>2</sup> *Ibid.*, *Supplement 1966-1968*, pp. 134-164.

<sup>3</sup> *Ibid.*, *Supplement 1966-1968*, pp. 164-168 (formerly Question of South West Africa).

<sup>1</sup> 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 1969-1971 appear under conventional short titles.

<sup>2</sup> *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, pp. 204-206; *ibid.*, *Supplement 1964-1965*, pp. 153f.

<sup>3</sup> *Ibid.*, *Supplement 1959-1963*, pp. 213-217; *ibid.*, *Supplement 1964-1965*, pp. 131-135.

<sup>4</sup> *Ibid.*, *Supplement 1959-1963*, pp. 217-219; *ibid.*, *Supplement 1964-1965*, pp. 143-149; *ibid.*, *Supplement 1966-1968*, pp. 113-124.

### 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. Hearing of interested governments and authorities Situation in Northern Ireland:

Decision: President's statement of 20 August 1969.

###### B. Establishment of a special mission of inquiry

###### (i) Complaint by Guinea:

Decision of 23 November 1970 (res. 289 (1970)),  
paras. 3, 4.

Decision of 3 August 1971 (res. 295 (1971)),  
paras. 2, 3.

Decision: President's statement of 26 August  
1971.

###### (ii) Complaint by Senegal:

Decision of 15 July 1971 (res. 294 (1971)),  
para. 4.

## II. Determination of the nature of the question

- A. Determination of the **existence** of a threat to the peace  
 Situation in Southern Rhodesia:  
 Decision of 18 March 1970 (res. 277 (1970)), pre-  
 amble.
- 111. Injunctions to Governments and authorities involved  
 in disputes and situations**
- A. Call for cessation of hostilities  
 Complaint by Guinea:  
 Decision of 18 March 1970 (res. 277 (1970)), pre-  
 para. 1.
- B. Call for adherence to cease-fire  
 Situation in the India/Pakistan subcontinent:  
 Decision of 21 December 1971 (res. 307 (1971)), pre-  
 amble, para. 1.
- C. Call to refrain from action in contravention of resolutions  
 and decisions of the Security Council  
 Situation in the Middle East:  
 Decision of 15 September 1969 (res. 271 (1969) ),  
 para. 3.
- D. Call to refrain from actions in violation of the sovereignty,  
 territorial integrity and security of another State or ter-  
 ritory
- (i) Complaint by Zambia:  
 Decision of 28 July 1969 (res. 268 (1969)),  
 para. 2.  
 Decision of 12 October 1971 (res. 300 (1971)),  
 para. 2.
- (ii) Complaint by Senegal:  
 Decision of 9 December 1969 (res. 273  
 (1969)), para. 2.  
 Decision of 15 July 1971 (res. 294 (1971)),  
 para. 1.  
 Decision of 24 November 1971 (res. 302  
 (1971)), para. 5
- (iii) Complaint by Guinea:  
 Decision of 22 December 1969 (res. 275  
 (1969)), para. 2
- IV. Measures (in connexion with injunctions) to be taken  
 by Governments and authorities directly involved in  
 disputes and situations**
- A. Withdrawal of fighting personnel
- (i) Situation in the Middle East:  
 Decision of 12 May 1970 (res. 279 (1970)).  
 Decision of 5 September 1970 (res. 285  
 (1970)).
- (ii) Complaint by Guinea:  
 Decision of 23 November 1970 (res. 289  
 (1970)), para. 2.
- (iii) Situation in the India/Pakistan subcontinent:  
 Decision of 21 December 1971 (res. 307  
 (1971)), para. 1.
- B. Call for the observance of the Geneva Conventions of  
 1949
- (i) Situation in the Middle East:  
 Decision of 15 September 1969 (res. 271  
 (1969) ), para. 4.
- (ii) Situation in the India/Pakistan subcontinent:  
 Decision of 21 December 1971 (res. 307  
 (1971)), para. 3.
- C. Call for restraint by the parties  
 Cyprus question:  
 Decision of 10 June 1969 (res. 266 (1969)), para. 2.

Decision of 11 December 1969 (res. 274 (1969)),  
 para. 2.  
 Decision of 9 June 1970 (res. 281 (1970) ), para. 2.  
 Decision of 10 December 1970 (res. 291 (1970)).  
 para. 2.  
 Decision of 26 May 1971 (res. 293 (1971)) para. 2.  
 Decision of 13 December 1971 (res. 305 (1971)),  
 para. 2.

## 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 18 March 1970 (res. 277 (1970)). pre-  
 amble, paras. 1-17.  
 Decision of 17 November 1970 (res. 288 (1970)),  
 preamble, paras. 1-3.
- B. Measures under Article 41 of the Charter  
 Situation in Southern Rhodesia:  
 Decision of 18 March 1970 (res. 277 (1970)),  
 paras. 9-11.
- C. Compliance with decisions of the Council in accordance  
 with Article 25 of the Charter
- (i) Situation in Southern Rhodesia:  
 Decision of 17 November 1970 (res. 288  
 (1970)), para. 4.
- (ii) Complaint by Guinea:  
 Decision of 8 December 1970 (res. 290 (1970) ),  
 para. 9.
- D. Withholding of assistance including armed personnel and  
 arms
- (i) Situation in Southern Rhodesia:  
 Decision of 18 March 1970 (res. 277 (1970)),  
 paras. 2, 7.
- (ii) Question of race conflict in South Africa:  
 Decision of 23 July 1970 (res. 282 (1970)),  
 paras. 4, 6.
- (iii) Complaint by Guinea:  
 Decision of 8 December 1970 (res. 290 (1970)),  
 para. 6.
- E. Withholding of funds for investment purposes and of other  
 financial resources to a territory  
 Situation in Namibia:  
 Decision of 29 July 1970 (res. 283 (1970)), paras. 4-7.
- F. Refrain from any action which may aggravate the situation  
 Situation in the India/Pakistan subcontinent:  
 Decision of 21 December 1971 (res. 307 (1971)),  
 para. 2.
- VI. Measures for settlement**
- A. Inadmissibility of the acquisition of territory by war  
 Situation in the Middle East:  
 Decision of 3 July 1969 (res. 267 (1969)), preamble.  
 Decision of 15 September 1969 (res. 271 (1969)),  
 preamble.  
 Decision of 25 September 1971 (res. 298 (1971)),  
 preamble.
- B. Affirmation of the national unity, territorial integrity and  
 inviolability of States and former dependent territories
- (i) Situation in Namibia:  
 Decision of 20 March 1969 (res. 264 (1969)),  
 para. 4.  
 Decision of 12 August 1969 (res. 269 (1969)).  
 para. 3.  
 Decision of 20 October 1971 (res. 301 (1971)),  
 para. 2.

- (ii) Complaint by Guinea:  
Decision of 3 August 1971 (res. 295 (1971)), para. 1.  
Decision: President's statement of 30 November 1971.
- (iii) Complaint by Zambia:  
Decision of 12 October 1971 (res. 300 (1971)), para. 1.
- C. Affirmation of the inalienable right of peoples to freedom and independence
- (i) Situation in Namibia:  
Decision of 20 March 1969 (res. 264 (1969)), preamble.  
Decision of 30 January 1970 (res. 276 (1970)), preamble.  
Decision of 29 July 1970 (res. 283 (1970)), preamble.  
Decision of 20 October 1971 (res. 301 (1971)), preamble.
- (ii) Complaint by Guinea:  
Decision of 8 December 1970 (res. 290 (1970)), preamble.
- D. Recognition of the legitimacy of the struggle for freedom and independence
- (i) Situation in Namibia:  
Decision of 12 August 1969 (res. 269 (1969)), para. 4.  
Decision of 20 October 1971 (res. 301 (1971)), preamble.
- (ii) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (res. 277 (1970)), preamble.
- (iii) Question of race conflict in South Africa:  
Decision of 23 July 1970 (res. 282 (1970)), preamble.
- E. Call for the withdrawal from former mandated territories  
Situation in Namibia:  
Decision of 20 March 1969 (res. 264 (1969)), para. 3.  
Decision of 12 August 1969 (res. 269 (1969)), para. 5.  
Decision of 20 October 1971 (res. 301 (1971)), paras. 8, 9.
- F. Call for measures to respect and implement the right of self-determination and independence
- (i) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (res. 277 (1970)), para. 4.  
Decision of 17 November 1970 (res. 288 (1970)), para. 2.
- (ii) Complaint by Guinea:  
Decision of 8 December 1970 (res. 290 (1970)), para. 7.
- (iii) Complaint by Senegal:  
Decision of 24 November 1971 (res. 302 (1971)), paras. 6, 7.
- VII. Provisions bearing on specific issues relating to the settlement**
- A. Deprecation of actions incompatible with the purposes and principles of the Charter
- (i) Situation in Namibia:  
Decision of 20 March 1969 (res. 264 (1969)), paras. 2, 4.
- (ii) Situation in the Middle East:  
Decision of 26 August 1969 (res. 270 (1969)), para. 1.
- B. Deprecation of events affecting a situation  
Situation in the Middle East:  
Decision of 15 September 1969 (res. 271 (1969)), para. 2.
- C. Deprecation of loss of life and damage to property
- (i) Situation in the Middle East:  
Decision of 1 April 1969 (res. 265 (1969)), para. 2.  
Decision of 19 May 1970 (res. 280 (1970)), para. 4.
- (ii) Complaint by Guinea:  
Decision of 22 December 1969 (res. 275 (1969)), para. 1.
- D. Request that appropriate reparations be made
- (i) Complaint by Zambia:  
Decision of 28 July 1969 (res. 268 (1969)), paras. 3, 4.
- (ii) Complaint by Guinea:  
Decision of 22 December 1969 (res. 275 (1969)), paras. 3, 4.  
Decision of 8 December 1970 (res. 290 (1970)), para. 3.
- E. Call for settlement of refugee problems  
Situation in the India/Pakistan subcontinent:  
Decision of 21 December 1971 (res. 307 (1971)), para. 4.
- F. Condemnation of invasions, armed attacks and other acts of violence
- (i) Situation in the Middle East:  
Decision of 1 April 1969 (res. 265 (1969)), para. 3.  
Decision of 26 August 1969 (res. 270 (1969)), paras. 1-4.  
Decision of 19 May 1970 (res. 280 (1970)), paras. 2, 3.
- (ii) Complaint by Zambia:  
Decision of 28 July 1969 (res. 268 (1969)), para. 1.
- (iii) Complaint by Senegal:  
Decision of 9 December 1969 (res. 273 (1969)), para. 1.  
Decision of 15 July 1971 (res. 294 (1971)), paras. 2, 3.
- (iv) Complaint by Guinea:  
Decision of 8 December 1970 (res. 290 (1970)), para. 2.
- G. Condemnation of illegal occupation and political repression
- (i) Situation in Namibia:  
Decision of 12 August 1969 (res. 269 (1969)), para. 3.  
Decision of 30 January 1970 (res. 276 (1970)), para. 4.
- (ii) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (res. 277 (1970)), para. 5.
- (iii) Question of race conflict in South Africa:  
Decision of 23 July 1970 (res. 282 (1970)), preamble, para. 1.
- H. Censuring illegal legislative and administrative measures and declaring them invalid
- (i) Situation in Namibia:  
Decision of 20 March 1969 (res. 264 (1969)), paras. 2, 4, 5.  
Decision of 30 January 1970 (res. 276 (1970)), preamble, para. 2.  
Decision of 20 October 1971 (res. 301 (1971)), paras. 3, 4, 12.

- (ii) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (**res. 277 (1970)**), para. 1.  
Decision of 17 November 1970 (**res. 288 (1970)**), para. 1.
- (iii) Situation in the Middle East:  
Decision of 3 July 1969 (**res. 267 (1969)**), paras. 3, 4.  
Decision of 25 September 1971 (**res. 298 (1971)**), para. 3.
- I. Call for rescission of measures designed to change the status of a territory  
Situation in the Middle East:  
Decision of 3 July 1969 (**res. 267 (1969)**), para. 5.  
Decision of 15 September 1969 (**res. 271 (1969)**), para. 3.  
Decision of 25 September 1971 (**res. 298 (1971)**), para. 4.
- J. Call for measures by administering authority to end the rule of a rebellious regime in a Non-Self-Governing territory  
Situation in Southern Rhodesia:  
Decision of 18 March 1970 (**res. 277 (1970)**), para. 10.  
Decision of 17 November 1970 (**res. 288 (1970)**), para. 2.
- K. Affirmation of special United Nations responsibilities towards the people of a former mandated territory  
Situation in Namibia:  
Decision of 20 March 1969 (**res. 264 (1969)**), preamble, para. 1.  
Decision of 29 July 1970 (**res. 284 (1970)**), preamble.  
Decision of 20 October 1971 (**res. 301 (1971)**), para. 1.
- L. Urging assistance to peoples in their efforts to achieve or to maintain freedom and independence  
(i) Situation in Namibia:  
Decision of 12 August 1969 (**res. 269 (1969)**), para. 8.  
Decision of 29 July 1970 (**res. 283 (1970)**), paras. 8, 10-12.  
Decision of 20 October 1971 (**res. 301 (1971)**), paras. 7, 15.  
(ii) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (**res. 277 (1970)**), paras. 14, 15.  
(iii) Complaint by Guinea:  
Decision of 8 December 1970 (**res. 290 (1970)**), para. 4.
- M. Call for denial of international recognition and of membership in international organizations to an illegal régime  
(i) Situation in Namibia:  
Decision of 12 August 1969 (**res. 269 (1969)**), para. 7.  
Decision of 30 January 1970 (**res. 276 (1970)**), para. 5.  
Decision of 29 July 1970 (**res. 283 (1970)**), paras. 1-3.  
Decision of 20 October 1971 (**res. 301 (1971)**), para. 1 I.  
(ii) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (**res. 277 (1970)**), paras. 2, 3, 12, 13.  
Decision of 17 November 1970 (**res. 288 (1970)**), para. 5.
- N. Determination of duration of stationing of UN Force and mode of financing  
Cyprus question:  
Decision of 10 June 1969 (**res. 266 (1969)**), para. 3.  
Decision of 11 December 1969 (**res. 274 (1969)**), para. 3.  
Decision of 9 June 1970 (**res. 281 (1970)**), para. 3.  
Decision of 10 December 1970 (**res. 291 (1970)**), para. 3.  
Decision of 26 May 1971 (**res. 293 (1971)**), para. 3.  
Decision of 13 December 1971 (**res. 305 (1971)**), para. 3.
- O. Seeking an advisory opinion of the International Court of Justice, in accordance with Article 96 of the Charter  
Situation in Namibia:  
Decision of 29 July 1970 (**res. 284 (1970)**), para. 1.
- P. Taking note of advisory opinion of the International Court of Justice  
Situation in Namibia:  
Decision of 20 October 1971 (**res. 301 (1971)**), paras. 5, 6.
- VIII. Measures to promote the implementation of resolutions
- A. Request to Member States to co-operate in the implementation of resolutions and decisions of the Security Council  
(i) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (**res. 277 (1970)**), para. 17.  
(ii) Question of race conflict in South Africa:  
Decision of 23 July 1970 (**res. 282 (1970)**), para. 6.  
(iii) Situation in Namibia:  
Decision of 20 October 1971 (**res. 301 (1971)**), para. 15.
- B. Establishment or employment of subsidiary organs  
(i) Situation in Namibia:  
Decision of 30 January 1970 (**res. 276 (1970)**), para. 6.  
Decision of 29 July 1970 (**res. 283 (1970)**), paras. 14, 15.  
Decision of 20 October 1971 (**res. 301 (1971)**), paras. 13, 14.  
(ii) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (**res. 277 (1970)**), para. 21.  
(iii) Complaint by Guinea:  
Decision of 23 November 1970 (**res. 289 (1970)**), paras. 3, 4.  
Decision of 3 August 1971 (**res. 295 (1971)**), paras. 2, 3.  
Decision: President's statement of 26 August 1971.  
(iv) Complaint by Senegal:  
Decision of 15 July 1971 (**res. 294 (1971)**), para. 4.
- C. Call for co-operation with subsidiary organs  
(i) Situation in Namibia:  
Decision of 30 January 1970 (**res. 276 (1970)**), paras. 7, 8.  
(ii) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (**res. 277 (1970)**), paras. 22, 23.
- D. Authorizations and requests to the Secretary-General  
1. To follow implementation of resolutions and decisions of the Security Council and to report thereon  
(i) Situation in Namibia:

- Decision of 20 March 1969 (**res. 264 (1969)**), para. 9.
- Decision of 12 August 1969 (**res. 269 (1969)**), para. 9.
- Decision of 20 October 1971 (**res. 301 (1971)**), para. 16.
- (ii) Situation in the Middle East:  
**Decision of 3 July 1969 (res. 267 (1969))**, para. 8.  
 Decision of 15 September 1969 (**res. 271 (1969)**), para. 7.  
 Decision of 25 September 1971 (**res. 298 (1971)**), para. 5.
- (iii) Situation in Southern Rhodesia:  
 Decision of 18 March 1970 (**res. 277 (1970)**), para. 20.
- (iv) Question of race conflict in South Africa:  
**Decision of 23 July 1970 (res. 282 (1970))**, para. 5
- (v) Complaint by Guinea:  
 Decision of 8 December 1970 (**res. 290 (1970)**), para. 11.
- (vi) Complaint by Senegal:  
 Decision of 24 November 1971 (**res. 302 (1971)**), para. 8.
- (vii) Situation in the India/Pakistan subcontinent:  
 Decision of 21 December 1971 (**res. 307 (1971)**), para. 6.
2. To study a question  
 Situation in Namibia:  
 Decision of 29 July 1970 (**res. 283 (1970)**), para. 9.
3. To give assistance to a subsidiary body  
 Situation in Namibia:  
 Decision of 30 January 1970 (**res. 276 (1970)**), para. 8.  
 Decision of 29 July 1970 (**res. 283 (1970)**), para. 16.
4. To transmit a resolution of the Security Council to the International Court of Justice  
 Situation in Namibia:  
 Decision of 29 July 1970 (**res. 284 (1970)**), para. 2.
5. To designate a special representative to lend his good offices for the solution of humanitarian problems  
 Situation in the India/Pakistan subcontinent:  
 Decision of 21 December 1971 (**res. 307 (1971)**), para. 5.
- E. Taking note of reports of the Secretary-General, Special Representatives, special commissions and subsidiary organs
- (i) Question of Bahrain:  
 Decision of 11 May 1970 (**res. 278 (1970)**), preamble.
- (ii) Complaint by Guinea:  
 Decision of 8 December 1970 (**res. 290 (1970)**), preamble, para. 1.  
 Decision: President's statement of 30 November 1971.
- (iii) Complaint by Senegal:  
**Decision of 24 November 1971 (res. 302 (1971))**, paras. 1, 2.
- F. Measures to obtain compliance
1. Reaffirmation of previous decisions
- (n) of the Security Council
- (i) Situation in the Middle East:  
 Decision of 1 April 1969 (**res. 265 (1969)**), para. 1.
- Decision of 3 July 1969 (**res. 267 (1969)**), para. 1.
- Decision of 15 September 1969 (**res. 271 (1969)**), para. 1.
- Decision of 25 September 1971 (**res. 298 (1971)**), para. 1.
- (ii) Cyprus question:  
 Decision of 10 June 1969 (**res. 266 (1969)**), para. 1.  
 Decision of 11 December 1969 (**res. 274 (1969)**), para. 1.  
 Decision of 9 June 1970 (**res. 281 (1970)**), para. 1.  
 Decision of 10 December 1970 (**res. 291 (1970)**), para. 1.  
 Decision of 26 May 1971 (**res. 293 (1971)**), para. 1.  
 Decision of 13 December 1971 (**res. 305 (1971)**), para. 1.
- (iii) Situation in Namibia:  
 Decision of 12 August 1969 (**res. 269 (1969)**), para. 1.  
 Decision of 30 January 1970 (**res. 276 (1970)**), preamble.  
 Decision of 29 July 1970 (**res. 283 (1970)**), preamble.  
 Decision of 20 October 1971 (**res. 301 (1971)**), preamble, para. 10.
- (iv) Situation in Southern Rhodesia:  
 Decision of 18 March 1970 (**res. 277 (1970)**), preamble.  
 Decision of 17 November 1970 (**res. 288 (1970)**), preamble, paras. 1, 3.
- (v) Question of race conflict in South Africa:  
 Decision of 23 July 1970 (**res. 282 (1970)**), para. 2.
- (vi) Complaint by Senegal:  
 Decision of 24 November 1971 (**res. 302 (1971)**), para. 3.
- (b) of the General Assembly  
 Situation in Namibia:  
 Decision of 30 January 1970 (**res. 276 (1970)**), preamble.  
 Decision of 29 July 1970 (**res. 283 (1970)**), preamble.  
 Decision of 20 October 1971 (**res. 301 (1971)**), para. 1.
2. Request for compliance with previous resolutions
- (i) Situation in the Middle East:  
 Decision of 15 September 1969 (**res. 271 (1969)**), para. 5.
- (ii) Situation in Southern Rhodesia:  
 Decision of 18 March 1970 (**res. 277 (1970)**), para. 8.  
 Decision of 17 November 1970 (**res. 288 (1970)**), para. 4.
3. Warning against failure to comply with Council decisions
- (i) Situation in the Middle East:  
 Decision of 1 April 1969 (**res. 265 (1969)**), para. 3.  
 Decision of 19 May 1970 (**res. 280 (1970)**), para. 3.
- (ii) Complaint by Guinea:  
 Decision of 22 December 1969 (**res. 275 (1969)**), para. 5.

- Decision of 8 December 1970 (res. 290 (1970)), para. 8.
4. Request to States to exert influence to induce compliance
- (i) Situation in Namibia:  
Decision of 20 March 1969 (res. 264 (1969)), para. 7.
- (ii) Complaint by Guinea:  
Decision of 8 December 1970 (res. 290 (1970)), para. 10.
5. Declaration of intention to consider further measures under the Charter
- (i) Situation in Namibia:  
Decision of 20 March 1969 (res. 264 (1969)), para. 8.
- (ii) Situation in the Middle East:  
Decision of 1 April 1969 (res. 265 (1969)), para. 3.  
Decision of 3 July 1969 (res. 267 (1969)), para. 7.  
Decision of 26 August 1969 (res. 270 (1969)), para. 4.  
Decision of 15 September 1969 (res. 271 (1969)), para. 6.  
Decision of 19 May 1970 (res. 280 (1970)), para. 3.
- (iii) Complaint by Zambia:  
Decision of 28 July 1969 (res. 268 (1969)), para. 5.  
Decision of 12 October 1971 (res. 300 (1971)), para. 3.
- (iv) Complaint by Senegal:  
Decision of 9 December 1969 (res. 273 (1969)), para. 3.  
Decision of 24 November 1971 (res. 302 (1971)), para. 9.
6. Urging States not Members of the United Nations, in accordance with Article 2 of the Charter, to observe the provisions of the resolutions of the Council
- Situation in Southern Rhodesia:  
Decision of 18 March 1970 (res. 277 (1970)), para. 18.
7. Invoking Article 6 of the Charter
- Situation in Namibia:  
Decision of 12 August 1969 (res. 269 (1969)), preamble.
- G. Deprecation of refusal or failure to implement resolutions and decisions of the Security Council
- (i) Situation in Namibia:  
Decision of 20 March 1969 (res. 264 (1969)), para. 6.  
Decision of 12 August 1969 (res. 269 (1969)), para. 2.  
Decision of 30 January 1970 (res. 276 (1970)), para. 1.
- (ii) Situation in the Middle East:  
Decision of 1 April 1969 (res. 265 (1969)), para. 3.  
Decision of 3 July 1969 (res. 267 (1969)), para. 2.  
Decision of 26 August 1969 (res. 270 (1969)), para. 1.  
Decision of 15 September 1969 (res. 271 (1969)), para. 5.  
Decision of 19 May 1970 (res. 280 (1970)), para. 1.  
Decision of 25 September 1971 (res. 298 (1971)), para. 2.
- (iii) Question of race conflict in South Africa:  
Decision of 23 July 1970 (res. 282 (1970)), para. 3.
- (iv) Situation in Southern Rhodesia:  
Decision of 17 November 1970 (res. 288 (1970)), para. 4.
- (v) Complaint by Senegal:  
Decision of 24 November 1971 (res. 302 (1971)), para. 4.
- H. Deprecation of refusal or failure to implement the resolutions of the General Assembly
- (i) Situation in Namibia:  
Decision of 20 March 1969 (res. 264 (1969)), para. 6.  
Decision of 30 January 1970 (res. 276 (1970)), para. 1.
- (ii) Situation in the Middle East:  
Decision of 3 July 1969 (res. 267 (1969)), para. 2.  
Decision of 15 September 1969 (res. 271 (1969)), para. 5.  
Decision of 25 September 1971 (res. 298 (1971)), para. 2.
- I. Deprecation of actions in defiance of the authority of the United Nations
- (i) Situation in Namibia:  
Decision of 12 August 1969 (res. 269 (1969)), para. 2.  
Decision of 30 January 1970 (res. 276 (1970)), para. 3.
- (ii) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (res. 277 (1970)), para. 6.
- IX. Measures to ensure further consideration**
- A. Request for information on implementation of resolutions or developments in a situation
1. From the parties
- Situation in the Middle East:  
Decision of 3 July 1969 (res. 267 (1969)), para. 6.
2. From Member States or all States
- (i) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (res. 277 (1970)), paras. 19, 23.
- (ii) Situation in Namibia:  
Decision of 29 July 1970 (res. 283 (1970)), para. 13.
3. From the Secretary-General
- (i) Situation in Namibia:  
Decision of 20 March 1969 (res. 264 (1969)), para. 9.  
Decision of 12 August 1969 (res. 269 (1970)), para. 9.  
Decision of 20 October 1971 (res. 301 (1971)), para. 16.
- (ii) Situation in the Middle East:  
Decision of 3 July 1969 (res. 267 (1969)), para. 8.  
Decision of 15 September 1969 (res. 271 (1969)), para. 7.  
Decision of 25 September 1971 (res. 298 (1971)), para. 5.
- (iii) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (res. 277 (1970)), para. 20.
- (iv) Question of race conflict in South Africa:  
Decision of 23 July 1970 (res. 282 (1970)), para. 5.



- (v) Complaint by Senegal:  
Decision of 24 November 1971 (**res. 302 (1971)**), para. 8.
- (vi) Situation in the India/Pakistan subcontinent:  
Decision of 21 December 1971 (**res. 307 (1971)**), para. 6.
4. From specialized agencies and other organs of the United Nations
- (i) Situation in Namibia:  
Decision of 30 January 1970 (**res. 276 (1970)**), para. 7.
- (ii) Situation in Southern Rhodesia\*  
Decision of 18 March 1970 (**res. 277 (1970)**), para. 23.
- B. Provision by express decision to consider the matter further
- (i) Situation in Namibia:  
Decision of 20 March 1969 (**res. 264 (1969)**), para. 10.  
Decision of 12 August 1969 (**res. 269 (1969)**), para. 10.  
Decision of 30 January 1970 (**res. 276 (1970)**), para. 9.  
Decision of 29 July 1970 (**res. 283 (1970)**), para. 17.
- (ii) Complaint by Zambia:  
Decision of 28 July 1969 (**res. 268 (1969)**), para. 6.
- (iii) Complaint by Senegal:  
Decision of 9 December 1969 (**res. 273 (1969)**), para. 4.  
Decision of 24 November 1971 (**res. 302 (1971)**), para. 10.
- (iv) Situation in Southern Rhodesia:  
Decision of 18 March 1970 (**res. 277 (1970)**), para. 24.
- Decision of 17 November 1970 (**res. 288 (1970)**), para. 6.
- (v) Complaint by Guinea:  
Decision of 23 November 1970 (**res. 289 (1970)**), para. 5.  
Decision of 8 December 1970 (**res. 290 (1970)**), para. 12.  
Decision of 3 August 1971 (**res. 295 (1971)**), para. 4.
- (vi) Situation in the India/Pakistan subcontinent:  
Decision of 21 December 1971 (**res. 307 (1971)**), para. 7.
- C. Deferment of consideration for other efforts to materialize Question concerning the islands of Abu Musa, the Greater Tunb and the Lesser Tunb:  
Decision: President's statement of 9 December 1971.
- X. Measures in connexion with the inability of the Security Council to reach an agreement**
- A. Referring question to the General Assembly under General Assembly resolution 377 A (V)  
Situation in the India/Pakistan subcontinent:  
Decision of 6 December 1971 (**res. 303 (1971)**), last para.
- XI. Measures to promote international peace and security**
- A. Periodic meeting<sup>8</sup> of the Security Council in accordance with Article 28 (2) of the Charter  
Initiation of a periodic meeting<sup>8</sup>  
Decision: President's statement of 12 June 1970.

<sup>8</sup> Pursuant to the decision taken on 12 June 1970, a periodic meeting of the Council (1555th meeting) was held in private on 2 J October 1970. At the close of the meeting a **communiqué** was issued by the Secretary-General in accordance with rule 55 of the provisional rules of procedure of the Council.

## Part II

### SITUATION IN NAMIBIA

#### INITIAL PROCEEDINGS

By letter<sup>9</sup> dated 14 March 1969 addressed to the President of the Security Council, the representatives of Afghanistan, Algeria, Burundi, Cameroon, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Equatorial Guinea, Gabon, Ghana, Guinea, India, Indonesia, Ivory Coast, Madagascar, Mali, Mauritania, Mauritius, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Yugoslavia and Zambia requested an urgent meeting of the Security Council to examine the deteriorating situation in Namibia. In the letter, it was recalled that the General Assembly, by its resolution 2145 (XXI), had terminated the mandate of the South African Government to administer Namibia (South West Africa), and had decided that "henceforth South West Africa comes under the direct responsibility of the United Nations". That resolution had also reaffirmed the inalienable rights of the people of the Territory to self-determination, freedom and independence in accordance with the relevant provisions of the Charter of the United Nations and General Assembly resolution

<sup>9</sup> S/9090.

1514 (XV). It was further recalled in the letter that the Security Council, in its resolution 246 (1968), had recognized its special responsibilities towards the people and Territory of Namibia. In spite of the decisions of the General Assembly and the Security Council, the Government of South Africa continued to maintain its occupation of the Territory of Namibia, constituting "a grave threat to international peace and security". Having regard to General Assembly resolutions 2372 (XXII) and 2403 (XXIII), it was thus incumbent upon the Security Council to examine urgently the grave situation and to take, in accordance with the relevant provisions of the Charter, appropriate measures to enable the people of Namibia to exercise their right to self-determination and independence. The representatives of Cyprus, Ethiopia, Liberia, Libya, Mongolia and Turkey subsequently associated themselves with that request.<sup>10</sup>

At the 1464th meeting on 20 March 1969, following the adoption of the agenda,<sup>11</sup> the representative of the United Arab Republic, who had requested participation in the discussion in his capacity as President of the United Nations Council for Namibia for that month, was invited to participate in the discussion.<sup>12</sup> The

<sup>10</sup> S/9090 and Add.I-3, **OR, 24th yr., Suppl. for Jan.-March 1969**, pp. 126-127.

<sup>11</sup> 1463th meeting, preceding para. 8.

<sup>12</sup> *Ibid.*, para. 9.

Council considered the question at its 1464th and 1465th meetings, both held on 20 March 1969.

**Decision** of 20 March 1969: Resolution 264 (1969)

At the 1464th meeting, the President (Hungary) stated that a change had been made in the title of the item from "The Question of South West Africa" to "The situation in Namibia" in view of General Assembly resolution 2372 (XXII) of 12 June 1968 which had proclaimed that, henceforth, South West Africa should be known as Namibia. He added that the agenda for the meeting had been drawn up in accordance with that decision of the General Assembly.

At the same meeting, the representative of Algeria, referring to the fact that the General Assembly had terminated the mandate exercised by South Africa over Namibia and that the Security Council had recognized its special responsibility towards its people and the Territory, stated that the Council must now determine the means of imposing the collective will of the Members of the United Nations in order to achieve the right of self-determination for the Namibians. The United Nations, he added, must assume direct responsibility for the administration of Namibia until its accession to full sovereignty. In so doing, the United Nations would be simply performing its cardinal task of decolonization under General Assembly resolution 1514 (XV). The continued occupation of Namibia by South Africa was not only a case of "direct armed aggression" and a serious violation of the fundamental principles of the Charter, but that Government was also engaged in the systematic destruction of the unity of the Namibian people and of the integrity of its territory, which must be recognized as "the gravest threat to international peace and security". The Council should, therefore, consider **practical** measures to secure the withdrawal of the South African authorities from Namibia, even if it had to be accomplished through enforcement **measures**.<sup>13</sup>

**Decision** of 20 March 1969 (1465th meeting) : resolution 264 (1969)

At the 1464th meeting, the representative of Zambia introduced a draft resolution, jointly submitted by Colombia, Nepal, Pakistan, Paraguay, Senegal and Zambia.<sup>14</sup> Referring to its paragraph 2,<sup>15</sup> he stated that the sponsors of the draft resolution would have **liked** it to state that South Africa's continued presence in Namibia was an act of aggression and, therefore, a threat to international peace and security. However, they had had to **accommodate** the feelings of certain members who were averse to the idea of an inevitable confrontation with South Africa. He pointed out that, in the view of the sponsors of the draft resolution, paragraph 8<sup>17</sup> did not entirely exclude the application of Chapter VII of the **Charter**.<sup>18</sup>

<sup>13</sup> 1464th meeting, paras. 17-29.

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

<sup>15</sup> S/9100, *ibid.*

<sup>16</sup> According to paragraph 2, the Security Council would consider that the continued presence of South Africa in Namibia was illegal and contrary to the principles of the Charter and the previous decisions of the United Nations and was detrimental to the interests of the population of the territory and those of the international community.

<sup>17</sup> Paragraph 8 provided that, in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council would meet immediately to determine upon necessary steps in **accordance** with the relevant provisions of the Charter of the United Nations.

<sup>18</sup> 1464th meeting, paras. 38, 43.

At the 1465th meeting on 20 March 1969, the representative of the United Arab Republic\* speaking as the President of the United Nations Council for Namibia, stated that the Council which had been charged with the administration of the Territory of Namibia on behalf of the United Nations until the attainment of independence, had not been able to discharge its responsibility due to the policy of defiance and obstruction pursued by the South African authorities. The continued and illegal presence of South Africa in Namibia constituted an act of aggression which the United Nations had the responsibility to suppress by all the means provided to it by the Charter. It was only if all necessary measures were taken for the removal of South Africa's presence from the Territory that the Council for Namibia could be expected to discharge its responsibility and the people of Namibia achieve their freedom and independence.<sup>19</sup>

At the same meeting, the Council adopted<sup>20</sup> the draft resolution by 13 votes to none with 2 abstentions.

The resolution<sup>21</sup> read as follows:

**"The Security Council,**

**"Taking note** of General Assembly resolutions 2248 (S-V) of 19 May 1967, 2324 (XXII) and 2325 (XXII) of 16 December 1967, 2372 (XXII) of 12 June 1968 and 2403 (XXIII) of 16 December 1968,

**"Taking into account** General Assembly resolution 2145 (XXI) of 27 October 1966 by which the General Assembly of the United Nations terminated the Mandate of South West Africa and assumed direct responsibility for the territory until its independence,

**"Recalling** its resolutions 245 (1968) of 25 January 1968 and 246 (1968) of 14 March 1968,

**"Reaffirming** the inalienable right of the people of Namibia to freedom and independence in accordance with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,

**"Mindful** of the grave consequences of South Africa's continued occupation of Namibia,

**"Reaffirming** its special responsibility toward the people and the territory of Namibia,

"1. **Recognizes** that the United Nations General Assembly terminated the Mandate of South Africa over Namibia and assumed direct responsibility for the territory until its independence;

"2. **Considers** that the continued presence of South Africa in Namibia is illegal and contrary to the principles of the Charter and the previous decisions of the United Nations and is detrimental to the interests of the population of the Territory and those of the international community;

"3. **Calls** upon the Government of South Africa to withdraw immediately its administration from the Territory;

"4. Declares that the actions of the Government of South Africa designed to destroy the national unity and territorial integrity of Namibia through the establishment of Bantustans are contrary to the provisions of the Charter of the United Nations;

<sup>19</sup> 1465th meeting, paras. 99-102.

<sup>20</sup> *Ibid.*, para. 165.

<sup>21</sup> Resolution 264 (1969).

"5. Declares that the Government of South Africa has no right to enact the 'South West Africa Affairs Bill', as such an enactment would be a violation of the relevant resolutions of the General Assembly;

"6. **Condemns** the refusal of South Africa to comply with General Assembly resolutions 2145 (XXI), (S-V), 2324 (XXII), 2325 (XXII), 2372 (XXII) and 2403 (XXIII) and Security Council resolutions 245 (1968) and 246 (1968);

"7. **Invites** all States to exert their influence in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

"8. **Decides** that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon necessary steps or measures in accordance with the relevant provisions of the Charter of the United Nations;

"9. **Requests** the Secretary-General to follow closely the implementation of the present resolution and to report to the Security Council as soon as possible;

"10. **Decides** to remain actively seized of the matter."

**Decision of 12 August 1969 (1497th meeting): resolution 269 (1969)**

By letter\*\* dated 24 July 1969 addressed to the President of the Security Council, the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia, members of the United Nations Council for Namibia, requested an urgent meeting of the Security Council to consider the situation resulting from the wholly negative reaction of South Africa to Security Council resolution 264 (1969) and from the measures which it was continuing to take in defiance of the authority of the Security Council and the General Assembly. It was recalled in the letter that the above-mentioned resolution had called upon the Government of South Africa immediately to withdraw its administration from the Territory of Namibia and had decided that in the event of failure on the part of South Africa to comply, the Security Council would meet immediately to determine upon necessary steps in accordance with the relevant provisions of the Charter of the United Nations.

By letter<sup>23</sup> dated 1 August 1969, the representatives of Afghanistan, Algeria, Burma, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Laos, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta and Yemen associated themselves with the above-mentioned request for an urgent Council action to deal with the dangerous situation in Namibia. The letter stated that the situation arising out of South Africa's refusal to comply with the decisions

of the United Nations, in particular with Council resolutions 245 (1968), 246 (1968) and 264 (1969), was urgent and serious, whose continuance would aggravate the already serious threat to international peace and security in the area, and that only resolute action by the Security Council under the provisions of Chapter VII of the United Nations Charter could achieve the objective of securing the immediate withdrawal of South Africa from Namibia,

At the 1492nd meeting on 30 July 1969, the Security Council included the question in its agenda,<sup>24</sup> and considered it at the 1492nd to 1497th meetings, held between 30 July and 12 August 1969. At the 1492nd meeting, the representative of Chile was invited to participate in the discussion.<sup>25</sup> Subsequently, at the 1493rd meeting, an invitation was also extended to the representative of India.<sup>26</sup>

At the 1492nd meeting, the representative of Colombia called the Council's attention to a letter<sup>27</sup> dated 23 July 1969 which he had addressed in his capacity as President of the United Nations Council for Namibia for that month to the President of the Security Council, and in which he had pointed out that the Council for Namibia had been unable to discharge its responsibility under the terms of General Assembly resolutions 2145 (XXI) and 2248 (S-V) owing to the South African Government's defiance of these resolutions and of the United Nations authority in continuing the illegal occupation of the Territory. He had also expressed concern in that letter at the policy pursued by South Africa of dismembering the Territory of Namibia by the establishment of "homelands" and prosecuting Namibians in an arbitrary trial. The Security Council had reached the point when it could not allow South Africa to continue its illegal occupation of Namibia and thus challenge the authority of the Council and of the United Nations. Pursuant to operative paragraph 8 of its resolution 264 (1969), the Security Council had now to decide upon the necessary measures in accordance with the relevant provisions of the Charter of the United Nations.<sup>28</sup>

The representative of Zambia emphasized that, in view of South Africa's defiance of Security Council resolution 264 (1969) and other decisions of the United Nations there was no other way of dealing with this problem but to apply Chapter VII of the Charter of the United Nations.<sup>29</sup>

Subsequently, at the 1497th meeting on 12 August 1969, the representative of Zambia introduced<sup>30</sup> a draft resolution,<sup>31</sup> jointly submitted by Algeria, Colombia, Pakistan, Paraguay, Senegal and Zambia and requested that a vote be taken on the draft resolution on that day.

At the same meeting, the draft resolution was adopted<sup>32</sup> by 11 votes to none with 4 abstentions. The resolution<sup>33</sup> read as follows:

**"The Security Council,**

**"Recalling** its resolution 264 (1969) of 20 March 1969,

<sup>24</sup> 1492nd meeting, preceding para. 1.

<sup>25</sup> *Ibid.*, para. 1.

<sup>26</sup> 1493rd meeting, para. 64.

<sup>27</sup> S/9352, OR, 24th yr., Suppl. for July-Sept. 1969, p. 136.

<sup>28</sup> 1492nd meeting, paras. 6-25.

<sup>29</sup> *Ibid.* paras. 28-44.

<sup>30</sup> 1497th meeting, paras. 10-13.

<sup>31</sup> S/9384; same text as resolution 269 (1969).

<sup>32</sup> 1497th meeting, para. 22.

<sup>33</sup> Resolution 269 (1969).

<sup>22</sup> S/9359, OR, 24th yr., Suppl. for July-Sept. 1969, p. 138.

<sup>23</sup> S/9372 and Add.1-3, OR, 24th yr., Suppl. for July-Sept. 1969, p. 147.

"Taking note of the report of the Secretary-General contained in document S/9204,

"Mindful of its responsibility to take necessary action to secure strict compliance with the obligations entered into by States Members of the United Nations under the provisions of Article 25 of the Charter of the United Nations,

"Mindful also of its responsibilities under Article 6 of the Charter of the United Nations,

"1. *Reaffirms* its resolution 264 (1969) ;

"2. *Condemns* the Government of South Africa for its refusal to comply with resolution 264 (1969) and for its persistent defiance of the authority of the United Nations;

"3. *Decides* that the continued occupation of the Territory of Namibia by the South African authorities constitutes an aggressive encroachment on the authority of the United Nations, a violation of the territorial integrity and a denial of the political sovereignty of the people of Namibia;

"4. *Recognizes* the legitimacy of the struggle of the people of Namibia against the illegal presence of the South African authorities in the Territory;

"5. *Calls* upon the Government of South Africa to withdraw its administration from the Territory immediately and in any case before 4 October 1969;

"6. *Decides* that in the event of failure on the part of the Government of South Africa to comply with the provisions of the preceding paragraph of the present resolution, the Security Council will meet immediately to determine upon effective measures in accordance with the appropriate provisions of the relevant Chapters of the Charter of the United Nations;

"7. *Calls upon* all States to refrain from all dealings with the Government of South Africa purporting to act on behalf of the Territory of Namibia;

"8. *Requests* all States to increase their moral and material assistance to the people of Namibia in their struggle against foreign occupation;

"9. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report to the Security Council as soon as possible;

"10. *Decides* to remain actively seized of the matter."

Decision of 30 January 1970 (1529th meeting) : resolution 276 (1970)

By letter<sup>34</sup> dated 26 January 1970 addressed to the President of the Security Council, the representatives of Afghanistan, Algeria, Burundi, Cambodia, Ceylon, Chad, Congo (Democratic Republic of), Congo (People's Republic of), Dahomey, Ethiopia, Gabon, India, Indonesia, Iran, Iraq, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Morocco, Nepal, Niger, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Togo, Tunisia, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yugoslavia and Zam-

<sup>34</sup> S/9616.

bia referred to paragraph 6 of Security Council resolution 269 (1969) and requested an urgent meeting of the Security Council to examine the situation resulting from the failure of the Government of South Africa to comply with the letter and spirit of that resolution, in particular its paragraph 4.<sup>35</sup> The representatives of Cameroon, Cyprus, Ghana, Guinea, Japan, Kenya, Philippines, Thailand and Yemen subsequently associated themselves with this request.<sup>36</sup>

At the 1527th meeting on 28 January 1970, following the adoption of the agenda,<sup>37</sup> the representative of Turkey, who had requested to participate in the Council discussion in his capacity as President of the United Nations Council for Namibia for that month, was invited to participate in the discussion.<sup>38</sup> Subsequently, at the 1529th meeting, the Council also decided to invite the representatives of India and Pakistan.<sup>39</sup> The Council considered the question at the 1527th to 1529th meetings held between 28 and 30 January 1970.

At the 1527th meeting, the representative of Finland introduced<sup>40</sup> a draft resolution,<sup>41</sup> jointly submitted by Burundi, Finland, Nepal, Sierra Leone and Zambia.

In introducing the draft resolution, the representative of Finland observed that its purpose was to make it possible, in the absence of the possibility of action under Chapter VII of the Charter, on which the division of opinion in the Council seemed irreconcilable, for the Security Council to explore the possibilities of practical action by which it could advance the cause of the people of Namibia. It sought to define the area of agreement between the great majority of Members and purposely avoided those issues which tended to divide the Council.<sup>42</sup>

At the 1528th meeting on 29 January 1970, the representative of Finland, on behalf of the sponsors of the five-Power draft resolution, submitted a number of revisions<sup>43</sup> to the draft resolution which had been arrived at as a result of consultations both within the Council and with delegations from outside the Council.

At the same meeting, the representative of Turkey,\* as the President of the United Nations Council for Namibia, stated that the Council, at its recent meetings, had examined new ways and means, practical and effective steps, which would not necessarily stand in the way of the stern solutions set out in Chapter VII of the Charter and which only the Security Council could invoke. It had considered an interim report from a sub-committee entrusted with examining the ways and means of assisting the Security Council to promote the implementation of the previous resolutions adopted, and particularly resolution 269 (1969). In the light of the foregoing, he expressed the hope that the *ad hoc* sub-committee envisaged in the draft resolution would work as quickly as possible and submit to the Security Council recommendations in keeping with the views of

<sup>35</sup> Paragraph 4 of resolution 260 (1969) provided that the Security Council "recognizes the legitimacy of the struggle of the people of Namibia against the illegal presence of the South African authorities in the Territory".

<sup>36</sup> S/9616/Add.1-3, OR, 25th yr., Suppl. for Jan.-March 1970, p. 112.

<sup>37</sup> 1527th meeting, preceding para. 24.

<sup>38</sup> *Ibid.*, para. 26.

<sup>39</sup> 1529th meeting, paras. 2, 70.

<sup>40</sup> 1527th meeting, paras. 30, 31.

<sup>41</sup> S/9620, OR, 25th yr., Suppl. for Jan.-March 1970, p. 114.

<sup>42</sup> 1527th meeting, paras. 35-38.

<sup>43</sup> S/9620/Rev.1, 1528th meeting, paras. 4-9.

the United Nations Council for Namibia regarding the need for effective action.”

The representative of the USSR held that the position of South Africa in disregarding the decisions of the United Nations, including those of the Security Council which were binding on all States Members of the United Nations under Article 25 of the Charter, represented a threat to peace and international security. He recalled that Security Council resolution 269 (1969) had warned the Government of South Africa that, if by 4 October 1969 it had not withdrawn its administration from Namibia, the Council would determine upon “effective measures in accordance with the appropriate provisions of the relevant Chapters of the Charter of the United Nations”. In order to exert effective pressure on South Africa and bring about an end to the occupation of Namibia, the Security Council must call upon all States to discontinue completely all economic, trade, transport and other relationships with the Republic of South Africa in accordance with Article 41 of the Charter.<sup>45</sup>

At the 1529th meeting, on 30 January 1970, the revised draft resolution was put to the vote and adopted<sup>46</sup> by 13 votes to none, with 2 abstentions. It read as follows:”

**“The Security Council,**

**“Reaffirming** the inalienable right of the people of Namibia to freedom and independence recognized in General Assembly resolution 1514 (XV) of 14 December 1960,

**“Reaffirming** General Assembly resolution 2 145 (XXI) of 27 October 1966, by which the United Nations decided that the Mandate for South West Africa was terminated and assumed direct responsibility for the Territory until its independence,

**“Reaffirming** Security Council resolution 264 (1969) of 20 March 1969 in which the Council recognized the termination of the Mandate and called upon the Government of South Africa to withdraw immediately its administration from the Territory,

**“Reaffirming** that the extension and enforcement of South African laws in the Territory together with the continued detentions, trials and subsequent sentencing of Namibians by the Government of South Africa constitute illegal acts and flagrant violations of the rights of the Namibians concerned, the Universal Declaration of Human Rights and the international status of the Territory, now under direct United Nations responsibility,

**“Recalling** Security Council resolution 269 (1969) of 12 August 1969,

“1. **Strongly** condemns the refusal of the Government of South Africa to comply with the resolutions of the General Assembly and Security Council pertaining to Namibia:

“2. **Declares** that the continued presence of the South African authorities in Namibia is illegal and that consequently all acts taken by the Government of South Africa on behalf of or concerning Namibia after the termination of the Mandate are illegal and invalid;

**“3. Declares further** that the defiant attitude of the Government of South Africa towards the Council’s decisions undermines the authority of the United Nations;

**“4. Considers** that the continued occupation of Namibia by the Government of South Africa in defiance of the relevant United Nations resolutions and of the Charter of the United Nations has grave consequences for the rights and interests of the people of Namibia;

**“5. Calls** upon all States, particularly those which have economic and other interests in Namibia, to refrain from any dealings with the Government of South Africa which are inconsistent with paragraph 2 of the present resolution;

**“6. Decides** to establish, in accordance with rule 28 of its provisional rules of procedure, an **Ad Hoc** Sub-Committee of the Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including the present resolution, can be effectively implemented in accordance with the appropriate provisions of the Charter, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations by 30 April 1970;

**“7. Requests** all States, as well as the specialized agencies and other relevant organs of the United Nations, to give the Sub-Committee all the information and other assistance it may require in pursuance of the present resolution;

**“8. Further requests** the Secretary-General to give every assistance to the Sub-Committee in the performance of its task;

**“9. Decides** to resume consideration of the question of Namibia as soon as the recommendations of the Sub-Committee have been made available.”

**Decision** of 29 July 1970 (1550th meeting) : resolutions 283 (1970) and 284 (1970)

By letter<sup>48</sup> dated 23 July 1970 addressed to the President of the Security Council, the representatives of Burundi, Finland, Nepal, Sierra Leone and Zambia, referring to paragraph 9 of Security Council resolution 276 (1970) whereby the Council had decided to resume consideration of the question of Namibia as soon as the recommendations of the **Ad Hoc** Sub-Committee, established in pursuance of that resolution, were made available and noting that the Sub-Committee had submitted its report<sup>49</sup> to the Council, requested an early meeting of the Security Council to resume consideration of the question of Namibia.

At the 1550th meeting on 29 July 1970, the Council included in its agenda the report of the **Ad Hoc** Sub-Committee as well as the letter from the representatives of the five countries and considered the question at that meeting.

After the adoption of the agenda,<sup>50</sup> the President called the Council’s attention<sup>51</sup> to two draft resolutions which had been submitted to the Council for consideration, one sponsored jointly by Burundi, Finland, Nepal, Sierra Leone and Zambia<sup>52</sup> and the other sponsored by Finland.<sup>53</sup>

<sup>48</sup> S/9886, OR, 25th yr., Suppl. for July-Sept. 1970, p. 117.

<sup>49</sup> S/9863, *ibid.*, p. 81.

<sup>50</sup> 1550th meeting, preceding para. 1.

<sup>51</sup> *Ibid.*, para 1.

<sup>52</sup> S/9891.

<sup>53</sup> S/9892.

<sup>44</sup> 1528th meeting, paras. 27-29.

<sup>45</sup> *Ibid.*, paras. 102, 103, 118, 119.

<sup>46</sup> 1529th meeting, para. 184.

<sup>47</sup> Resolution 276 (1970).

In introducing the five-Power draft resolution, the representative of Burundi stated that the rapid expansion of the armed forces of South Africa in recent years was not only the chief cause of its refusal to withdraw from Namibia but also the certain source of a future world conflagration, a danger that the Security Council, in its capacity of guarantor of international peace, could not minimize. He observed that the draft resolution was inspired by the main conclusions of the report of the *Ad Hoc* Sub-Committee on Namibia.<sup>54</sup>

The representative of Finland introduced the second draft resolution, whereby the Council would request an advisory opinion of the International Court of Justice, and stated that his proposal was also intended to reactivate the International Court of Justice itself. It was one of the principal organs of the United Nations and the highest international authority on law whose role was essential for the development of a peaceful international order.<sup>55</sup>

At the same meeting, the five-Power draft resolution was put to the vote and was adopted<sup>56</sup> by 13 votes to none with 2 abstentions. It read as follows:<sup>57</sup>

**"The Security Council,**

**"Reaffirming** once more the inalienable right of the people of Namibia to freedom and independence recognized in General Assembly resolution 1514 (XV) of 14 December 1960,

**"Reaffirming** Security Council resolutions 264 (1969) of 20 March 1969 and 276 (1970) of 30 January 1970 in which the Council recognized the decision of the General Assembly to terminate the Mandate for South West Africa and assume direct responsibility for the Territory until its independence and in which the continued presence of the South African authorities in Namibia, as well as all acts taken by that Government on behalf of or concerning Namibia after the termination of the Mandate, were declared illegal and invalid,

**"Recalling** its resolution 269 (1969) of 12 August 1969,

**"Noting with great concern** the continued flagrant refusal of the Government of South Africa to comply with the decisions of the Security Council demanding the immediate withdrawal of South Africa from the Territory,

**"Deeply concerned** that the enforcement of South African laws and juridical procedures in the Territory have continued in violation of the international status of the Territory,

**"Reaffirming** its resolution 282 (1970) of 23 July 1970 on the arms embargo against the Government of South Africa and the significance of that resolution with regard to the Territory and people of Namibia,

**"Recalling** the decision taken by the Security Council on 30 January 1970 to establish, in accordance with rule 28 of its provisional rules of procedure, an *Ad Hoc* Sub-Committee of the Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including resolution 276 (1970),

could be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations to the Council,

**"Having** examined the report submitted by the *Ad Hoc* Sub-Committee and the recommendations contained in that report,

**"Bearing in mind** the special responsibility of the United Nations with regard to the Territory of Namibia and its people,

**"1. Requests** all States to refrain from any relations-diplomatic, consular or otherwise-with South Africa implying recognition of the authority of the Government of South Africa over the Territory of Namibia;

**"2. Culls upon** all States maintaining diplomatic or consular relations with South Africa to issue a formal declaration to the Government of South Africa to the effect that they do not recognize any authority of South Africa with regard to Namibia and that they consider South Africa's continued presence in Namibia illegal;

**"3. Calls** upon all States maintaining such relations to terminate existing diplomatic and consular representation as far as they extend to Namibia, and to withdraw any diplomatic or consular mission or representative residing in the Territory;

**"4. Culls upon** all States to ensure that companies and other commercial and industrial enterprises owned by, or under direct control of, the State cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia;

**"5. Culls upon** all States to withhold from their nationals or companies of their nationality not under direct governmental control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with Namibia;

**"6. Culls upon** all States to ensure that companies and other commercial enterprises owned by, or under direct control of, the State cease all further investment activities, including concessions in Namibia;

**"7. Culls upon** all States to discourage their nationals or companies of their nationality not under direct governmental control from investing or obtaining concessions in Namibia, and to this end to withhold protection of such investment against claims of a future lawful government of Namibia;

**"8. Requests** all States to undertake without delay a detailed study and review of all bilateral treaties between themselves and South Africa in so far as these treaties contain provisions by which they apply to the Territory of Namibia;

**"9. Requests** the Secretary-General to undertake without delay a detailed study and review of all multilateral treaties to which South Africa is a party and which, either by direct reference or on the basis of relevant provisions of international law, might be considered to apply to the Territory of Namibia;

**"10. Requests** the United Nations Council for Namibia to make available to the Security Council the results of its study and proposals with regard to the issuance of passports and visas for Namibians,

<sup>54</sup> 1550th meeting, paras. 3, 12, 13, 31, 32.

<sup>55</sup> *Ibid.*, paras. 38-42.

<sup>56</sup> *Ibid.*, para. 155.

<sup>57</sup> Resolution 283 (1970).

and to undertake a study and make proposals with regard to special passport and visa regulations to be adopted by States concerning travel of their citizens to Namibia;

"11. Culls upon all States to discourage the promotion of tourism and emigration to Namibia;

"12. Requests the General Assembly, at its twenty-fifth session, to set up a United Nations fund for Namibia to provide assistance to Namibians who have suffered from persecution and to finance a comprehensive educational and training programme for Namibians, with particular regard to their future administrative responsibilities in the Territory;

"13. **Requests** all States to report to the Secretary-General on measures they have taken in order to give effect to the provisions set forth in the present resolution;

"14. **Decides** to reestablish, in accordance with rule 28 of its provisional rules of procedure, the Sub-Committee on Namibia and to request the Sub-Committee to study further effective recommendations on ways and means by which the relevant resolutions of the Council can be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia;

"15. **Requests** the Sub-Committee to study the replies submitted by Governments to the Secretary-General in pursuance of paragraph 13 of the present resolution and to report to the Council as appropriate;

"16. **Requests the** Secretary-General to give every assistance to the Sub-Committee in the performance of its tasks;

"17. **Decides** to remain actively seized of this matter."

The Council then proceeded to the vote on the draft resolution submitted by Finland. The representative of France requested<sup>58</sup> in accordance with rule 32 of the provisional rules of procedure, a separate vote on the last passage of paragraph 1 of this draft resolution, reading as follows: "... notwithstanding Security Council resolution 296 (1970)". The phrase was retained<sup>59</sup> by 11 votes to none with 4 abstentions. The Council then adopted<sup>60</sup> the Finnish draft resolution as a whole by 12 votes to none with 3 abstentions. It read as follows :<sup>61</sup>

**"The Security Council,**

**"Reaffirming** the special responsibility of the United Nations with regard to the Territory and the people of Namibia,

**"Recalling** its resolution 276 ( 1970) of 30 January 1970 on the question of Namibia,

**"Taking note** of the report and recommendations submitted by the **Ad Hoc** Sub-Committee established in pursuance of Security Council resolution 276 (1970),

**"Taking further note** of the recommendation of the **Ad Hoc** Sub-Committee on the possibility of

requesting an advisory opinion from the tional Court of Justice,

**"Considering** that an advisory opinion from the International Court of Justice would be useful, the Security Council in its further consideration the question of Namibia and in furtherance of the objectives the Council is seeking,

**"1. Decides** to submit, in accordance with Article 96, paragraph 1, of the Charter of the United Nations, the following question to the International Court of Justice, with the request for an advisory opinion which shall be transmitted to the Security Council at an early date;

"What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)?"

**"2. Requests the** Secretary-General to transmit the present resolution to the International Court of Justice, in accordance with Article 65 of the Statute of the Court, accompanied by all documents likely to throw light upon the question."

**Decision** of 20 October 1971 (1598th meeting) : resolution 301 (1971)

By letter<sup>62</sup> dated 17 September 1971 addressed to the President of the Security Council, the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Democratic Republic of), Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Liberia, Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda., United Republic of Tanzania, Upper Volta and **Zambia** referred to resolution **AHG/Res. 65** (VIII) adopted on 23 June 1971 at the eighth session of the Assembly of Heads of State and Government of the Organization of African Unity, held at Addis Ababa, which had urged the immediate summoning of a special session of the Security Council to discuss ways and means of enforcing the past decisions of the United Nations in the light of the legal obligation imposed on the world community by the decision of the International Court of Justice.<sup>63</sup> In pursuance of that resolution, the Member States submitting the letter requested that the Security Council be convened on 27 September 1971, in order to enable His Excellency Moktar Ould Daddah, Chairman of the Organization of African Unity at that time, to participate personally in the debates of the Security Council. The representatives of Swaziland and Dahomey subsequently became co-signatories of this letter.<sup>64</sup>

At the 1583rd meeting on 27 September 1971, the Council included in its agenda the above-mentioned letter as well as the report of the **Ad Hoc** Sub-Committee on **Namibia**<sup>65</sup> and considered the question at the 1583rd to 1585th, 1587th to 1589th, 1593rd to 1595th, 1597th and 1598th meetings between 27 September and 20 October 1971. At the 1583rd meeting,

<sup>62</sup> S/10326, OR, 26th yr., Suppl. for July-Sept. 1971, p. 64.

<sup>63</sup> *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports. 1971, p. 16.*

<sup>64</sup> 1583rd meeting, para. 1; 1588th meeting, para. 9.

<sup>65</sup> S/10330 and Corr.1 and Add.1, OR, 26th yr., *Special Supplement No. 5.*

<sup>58</sup> 1550th meeting, para. 157.

<sup>59</sup> Ibid., para. 159.

<sup>60</sup> Ibid., para. 160.

<sup>61</sup> Resolution 284 (1970). For discussion in relation to Article 96, see chapter VI, Case 6.

the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity was invited to address the Council.<sup>66</sup> Subsequently, invitations were also extended to the representatives of Ethiopia, Guyana, Liberia, South Africa, and Sudan<sup>67</sup> Chad,<sup>68</sup> Nigeria, Mauritius,<sup>69</sup> Saudi Arabia,<sup>70</sup> India and Uganda.<sup>71</sup> The Council also decided to invite, in accordance with rule 39 of the provisional rules of procedure, the President of the United Nations Council for Namibia<sup>72</sup> and the representative of the South West Africa People's Organization.<sup>73</sup>

At the 1583rd meeting on 27 September 1971, the President of Mauritania and Chairman of the Organization of African Unity at that time, called the Council's attention to the fact that since 1960 the South African Government had constantly violated all the pertinent resolutions of both the General Assembly and the Security Council and observed that, in the light of the advisory opinion of the International Court of Justice which categorically stated that the continued presence of South Africa in Namibia was illegal and that it must immediately withdraw its administration and end its occupation of that Territory, the Organization of African Unity had asked that the Security Council apply the pertinent provisions of Chapter VII of the United Nations Charter against the Government of South Africa. When the Security Council had decided to apply the necessary measures against the Government of South Africa, then the United Nations, in consultation with the Namibian people and the Organization of African Unity, should undertake consultations in order to create the necessary conditions for the implementation of the declaration of independence of Namibia as a sovereign State. The Organization of African Unity was now urging the Security Council to go beyond mere declarations of principle by taking concrete action to put an end to the occupation of the international Territory of Namibia by a foreign Power. The Organization was fully aware of the difficulties in implementing the terms of Chapter VII, but the challenge by South Africa to the international community might well shatter the very basis of the Charter and be a real threat to international peace and security. The international community should be called upon scrupulously and rigorously to apply political, economic and military sanctions that might be called for by the circumstances. In that respect, the great Powers, particularly the permanent members of the Security Council, bore special responsibility. He therefore appealed to the Security Council to apply all the means necessary to ensure that the principles, the objectives and the decisions of the United Nations were fully respected.<sup>74</sup>

At the 1584th meeting on 27 September 1971, a point of order was raised by the representative of Somalia regarding the request of South Africa for participation in the Council's discussion and the terminology contained in this request. Following a proce-

dural discussion, the Council decided,<sup>75</sup> without vote, to invite the representative of South Africa.

At the same meeting, the representative of Nigeria speaking in his capacity as President of the United Nations Council for Namibia, declared that the advisory opinion of the International Court of Justice meant that the Court had recognized the United Nations Council for Namibia as the *de jure* Government of Namibia. The Council's identity and travel documents for Namibians were recognized by more than 70 Governments. However, if the Council had the legal powers of a sovereign entity vis-à-vis Namibia, it lacked the resources and was unable to exercise those powers, particularly inside the Territory. To enable the Council for Namibia to carry out its responsibilities, the Security Council would have to put an end to the illegal occupation of Namibia by South Africa by the application of the strongest possible measures against that country, including those provided in Chapter VII of the Charter if necessary.<sup>76</sup>

The representative of South Africa\* said that the advisory opinion of the International Court of Justice was completely unacceptable to his Government. The Court had not answered the fundamental question in dispute, namely, under which provision of the Charter could the General Assembly, which had the power to discuss and to recommend but not to make binding decisions or to take direct action, have terminated South Africa's right of administration. Nor had the Court met the issues involved concerning the powers of the Security Council. Article 24<sup>77</sup> conferred upon the Security Council the primary responsibility for the maintenance of international peace and security, but, contrary to the Court's opinion, it granted no general powers which the Council could exercise whenever it deemed that a situation "might lead to a breach of the peace". The Court had further stated that, should the Security Council so intend, any decision which it might take would be binding in terms of Article 25.<sup>78</sup> The powers that the Charter conferred upon the Council to discharge its responsibilities, however, were specifically provided for and carefully circumscribed in Chapters VI, VII, VIII and XII in order to deal with "a threat to the peace" or situations "likely to endanger" the peace. Furthermore, while the Court had recognized that the Council could validly have acted only for the purpose of maintaining international peace and security, the Court had failed to deal with the clear evidence that the Council had in fact acted for a completely different purpose, namely, to secure as an end in itself the removal of South Africa from South West Africa. As for the question of the factual justification for the purported revocation of South Africa's administration of the Territory, the Court had censured South Africa while refusing to hear detailed evidence or to cooperate with South Africa in holding a plebiscite. The purpose of the Court's censure was thus clearly political rather than legal and emphasized the basically political nature of the Opinion. Acceptance of the Opinion, which sought to confer upon the General Assembly and the Security Council powers far surpassing anything agreed upon by the framers of the Charter, would mean

<sup>66</sup> 1583rd meeting, para. 2.

<sup>67</sup> 1584th meeting, paras. 46, 48.

<sup>68</sup> *Ibid.*, para. 94.

<sup>69</sup> 1587th meeting, para. 4.

<sup>70</sup> 1589th meeting, para. 128.

<sup>71</sup> 1595th meeting, para. 5.

<sup>72</sup> 1584th meeting, para. 49.

<sup>73</sup> 1588th meeting, para. 88. For discussion on rule 39, see chapter III, Case 5, p. 41.

<sup>74</sup> 1583rd meeting, paras. 17-25.

<sup>75</sup> 1584th meeting, para. 48. For consideration of the application of rule 37, see chapter III, Case 4.

<sup>76</sup> 1584th meeting, paras. 78-82.

<sup>77</sup> For the consideration of the provisions of Article 24, see in chapter XII, part 111.

<sup>78</sup> For the consideration of the provisions of Article 25, see in chapter XII, part IV.



that, in almost any situation in which two thirds of the Members of the Organization wished to impose their will upon a particular State or group of States, they could now do so without regard to the provisions of the Charter as these had hitherto been understood. There was peace, prosperity and progress in South West Africa and no threat to international peace and security as a result of conditions there; there was thus no possible role for the Security Council to play in the affairs of the Territory.”

At the 1585th meeting on 28 September 1971, the representative of Liberia<sup>79</sup> maintained that South Africa's determination to continue its illegal presence in Namibia constituted an act of aggression and must be regarded as satisfying one of the requirements of Article 39 of the Charter, by virtue of which the Security Council could take action to restore international peace and security, including those measures listed under Article 41 of the Charter. He called upon the permanent members of the Security Council to respect their obligations under the Charter, which were concomitant with their special positions under the terms of Articles 23 and 27, for the protection of the international community against arbitrary violations of the principles of the Charter and the decisions of the Organization.<sup>80</sup>

The representative of Sierra Leone stated that, contrary to what the representative of South Africa had said, the majority opinion of the Court had examined the question of the competence of the General Assembly and had concluded that, in respect of Mandates, it was not limited to the form of recommendations. The majority opinion had also stated that the Security Council, when it had adopted its resolutions on the situation in Namibia, had been acting in the exercise of what it deemed to be its primary responsibility, the maintenance of peace and security, which, under the Charter, embraced situations that might lead to a breach of the peace. With respect to the South African complaint that the Court had issued its opinion without having heard factual evidence of progress in the Territory, the Court had found that no factual evidence was needed for the purpose of determining that the policy of apartheid as applied by South Africa in Namibia, which was a matter of public record, constituted a denial of fundamental human rights and was a flagrant violation of the purposes and principles of the Charter.<sup>81</sup>

At the 1589th meeting on 6 October 1971, the representative of the United Kingdom stated that the part of the Advisory Opinion which asserted that certain resolutions of the Security Council in connexion with the item on Namibia were legally binding was open to the most serious legal objection. His Government considered that the Security Council could take decisions generally binding on Member States only when it had made a determination under Article 39 that a threat to the peace, breach of the peace or act of aggression existed. It had been the understanding, well founded on the Charter, that only in these circumstances were the decisions binding under Article 25.<sup>82</sup> No such determination existed in relation to the item on the agenda.<sup>83</sup>

At the 1593rd meeting on 13 October 1971, the representative of Syria stated that four Afro-Asian

members of the Ad Hoc Sub-Committee on Namibia, namely, Burundi, Sierra Leone, Somalia and Syria, had come to the conclusion., presented in Part B of paragraph 19 of the Committee's report (S/10330), that the national liberation movement in Namibia was entitled to wage its struggle by all available means and that any further refusal of South Africa to withdraw from Namibia would constitute an act of aggression and a threat to international peace and security within the context of Chapter VII of the Charter. He added that he fully endorsed the conclusion of the International Court of Justice that Article 25 of the Charter applied not only to enforcement measures adopted under Chapter VII but also to existing resolutions of the Security Council in connexion with the situation in Namibia.<sup>84</sup>

At the 1595th meeting on 15 October 1971, the representative of Somalia introduced<sup>85</sup> a draft resolution,<sup>86</sup> submitted jointly with Burundi, Sierra Leone and Syrian Arab Republic.

At the 1597th meeting on 19 October 1971, the representative of Somalia introduced<sup>87</sup> the revised text<sup>88</sup> of the four-Power draft resolution which, he said, had been arrived at as a result of consultations and by incorporating a number of suggestions made on the original text of the draft resolution.

At the 1598th meeting on 20 October 1971, the revised draft resolution, which had been further amended<sup>89</sup> by its sponsors as a result of consultations with members of the Council, was put to the vote and adopted<sup>90</sup> by 13 votes in favour, none against with 2 abstentions. It read as follows:<sup>91</sup>

**“The Security Council,**

**“Reaffirming** the inalienable right of the people of Namibia to freedom and independence, as recognized in General Assembly resolution 1514 (XV) of 14 December 1960,

**“Recognizing** that the United Nations has direct responsibility for Namibia, following the adoption of General Assembly resolution 2145 (XXI) of 27 October 1966, and that States should conduct any relations with or involving Namibia in a manner consistent with that responsibility,

**“Reaffirming** its resolutions 264 (1969) of 20 March 1969, 276 (1970) of 30 January 1970 and 283 (1970) of 29 July 1970,

**“Recalling** its resolution 284 (1970) of 29 July 1970, in which it requested the International Court of Justice for an advisory opinion on the question:

“What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)?”;

**“Gravely concerned** at the refusal of the Government of South Africa to comply with the resolutions of the Security Council pertaining to Namibia,

<sup>84</sup> 1593rd meeting, paras. 71-76, 81-82.

<sup>85</sup> 1595th meeting, para. 106.

<sup>86</sup> S/10372, OH, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 25-26.

<sup>87</sup> 1597th meeting, para. 5.

<sup>88</sup> S/10372/Rev.1. Same text as resolution 301 (1971).

<sup>89</sup> In the amended text the word “endorses” in operative paragraph 6 was replaced by the words “agrees with”. 1598th meeting, para. 4.

<sup>90</sup> 1598th meeting, para. 31.

<sup>91</sup> Resolution 301 (1971).

<sup>79</sup> 1584th meeting, paras. 96-131.

<sup>80</sup> 1585th meeting, paras. 48-50.

<sup>81</sup> *Ibid.*, paras. 65-67, 71, 72, 106, 107.

<sup>82</sup> For the consideration of the provisions of Article 25, see in chapter XII, part IV.

<sup>83</sup> 1589th meeting, paras. 50-51.

“Recalling its resolution 282 (1970) of 23 July 1970 on the arms embargo against the Government of South Africa and stressing the significance of that resolution with regard to the Territory of Namibia,

“**Recognizing** the legitimacy of the movement of the people of Namibia against the illegal occupation of their Territory by the South African authorities and their right to self-determination and independence,

“Taking *note* of the statements of the delegation of the Organization of African Unity, led by the President of Mauritania in his capacity as current Chairman of the **Assembly** of Heads of State and Government of that organization,

“Noting *further* the statement of the President of the United Nations Council for Namibia,

“Having **heard** the statements of the delegation of the Government of South Africa,

“**Having considered** the report of the **Ad Hoc** Sub-Committee on Namibia,

“1. **Reaffirms** that the Territory of Namibia is the direct responsibility of the United Nations and that this responsibility includes the obligation to support and promote the rights of the people of Namibia in accordance with General Assembly resolution 1514 (XV);

“2. **Reaffirms** the national unity and territorial integrity of Namibia;

“3. **Condemns** all moves by the Government of South Africa designed to destroy that unity and territorial integrity, such as the establishment of Bantustans;

“4. **Declares** that South Africa’s continued illegal presence in Namibia constitutes an internationally wrongful act and a breach of international obligations and that South Africa remains accountable to the international community for any violations of its international obligations or the rights of the people of the Territory of Namibia;

“5. **Takes note with appreciation** of the advisory opinion of the International Court of Justice of 21 June 1971;

“6. **Agrees** with the Court’s opinion, as expressed in paragraph 133 of its advisory opinion:

“ (1) that, the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately and thus put an end to its occupation of the Territory;

“ (2) that States Members of the United Nations are under obligation to recognize the illegality of South Africa’s presence in Namibia and the invalidity of its acts on behalf of or concerning Namibia, and to refrain from any acts and in particular any dealings with the Government of South Africa implying recognition of the legality of, or lending support or assistance to, such presence and administration;

“ (3) that it is incumbent upon States which are not Members of the United Nations to give assistance, within the scope of subparagraph (2) above, in the action which has been taken by the United Nations with regard to Namibia;”

“7. **Declares** that all matters affecting the rights of the people of Namibia are of immediate concern to all Members of the United Nations and, as a result, the latter should take this into account in their dealings with the Government of South Africa, in particular in any dealings implying recognition of the legality of, or lending support or assistance to, such illegal presence and administration;

“8. **Calls once again** upon South Africa to withdraw from the Territory of Namibia;

“9. **Declares** that any further refusal of the South African Government to withdraw from Namibia could create conditions detrimental to the maintenance of peace and security in the region;

“10. **Reaffirms** the provisions of resolution 283 (1970), in particular paragraphs 1 to 8 and 11;

“11. Culls **upon** all States, in the discharge of their responsibilities towards the people of Namibia and subject to the exceptions set forth in paragraphs 122 and 125 of the advisory opinion of 21 June 1971:

“(a) To abstain from **entering** into treaty relations with South Africa in all cases in which the Government of South Africa purports to act on behalf of or concerning Namibia;

“(b) To abstain from invoking or applying those treaties or provisions of treaties concluded by South Africa on behalf of or concerning Namibia which involve active intergovernmental co-operation;

“(c) To review their bilateral treaties with South Africa in order to ensure that they are not inconsistent with paragraphs 5 and 6 above;

“(d) To abstain from sending diplomatic or special missions to South Africa that include the Territory of Namibia in their jurisdiction;

“(e) To abstain from sending consular agents to Namibia and to withdraw any such agents already there; ;

“(f) To abstain from entering into economic and other forms of relationship or dealings with South Africa on behalf of or concerning Namibia which may entrench its authority over the Territory;

“12. **Declares** that franchises, rights, titles or contracts relating to Namibia granted to individuals or companies by South Africa after the adoption of General Assembly resolution 2145 (XXI) are not subject to protection or espousal by their States against claims of a future lawful Government of Namibia; ;

“13. **Requests** the **Ad Hoc** Sub-Committee on Namibia to continue to carry out the tasks entrusted to it under paragraphs 14 and 15 of Security Council resolution 283 (1970) and, in particular, taking into account the need to provide for the effective protection of **Namibian** interests at the international level, to study appropriate measures for the fulfilment of the responsibility of the United Nations towards Namibia;

“14. **Requests** the **Ad Hoc** Sub-Committee on Namibia to review all treaties and agreements which

are contrary to the provisions of the present resolution in order to ascertain whether States have entered into agreements which recognize South Africa's authority over Namibia, and to report periodically thereon;

"15. *Calls upon* all States to support and promote the rights of the people of Namibia and to this end to implement fully the provisions of the present resolution;

"16. *Requests* the Secretary-General to report periodically on the implementation of the provisions of the present resolution."

**Decision** of 20 October 1971 (1598th meeting):

*Adjournment of the meeting*

At the 1598th meeting on 20 October 1971, the representative of Argentina introduced<sup>92</sup> a draft resolution<sup>93</sup> under which the Security Council would: (1) invite the Secretary-General, acting on behalf of the United Nations, to take all necessary steps as soon as possible, including making contact with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of the Territory 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; and (2) request the Secretary-General to report to the Security Council on the implementation of the resolution. He then stated that the course of action outlined in the proposed draft resolution, which was the result of extensive consultations, was not in any way incompatible with that envisaged in the resolution that the Council had then adopted. It was based on the belief that every possible alternative had to be explored to ensure the future of Namibia in accordance with the basic principles which had been established regarding the Territory by previous resolutions of the United Nations.<sup>94</sup>

In the course of the discussion that followed, a number of suggestions for the revision of the draft resolution were made and a number of representatives expressed the wish that the draft resolution be voted upon at a later meeting so that members of the Council could consider further the text and to engage in consultations.

The President (Nicaragua) then suggested<sup>95</sup> that the meeting be adjourned and that the consideration of the Argentine draft resolution continue at a subsequent meeting on a date to be set by the President. Consultations would continue among the members and the President would be at their disposal. There being no objection, it was so decided.<sup>96</sup>

On 22 October 1971, the representative of Argentina submitted the revised text<sup>97</sup> of his delegation's draft resolution, in which, *in fine*: (1) the words "and without prejudice to other resolutions adopted by the Security Council on this matter" were added to the first preambular paragraph; and (2) a new operative paragraph 2 was added which read: "*Calls upon* the Government of South Africa to co-operate fully with

the Secretary-General in the implementation of this resolution."

The question remained on the list of matters of which the Security Council is seized.

SITUATION IN THE MIDDLE EAST

**Decision** of 1 April 1969 (1473rd meeting): resolution 265 (1969)

By letter<sup>98</sup> dated 26 March 1969 addressed to the President of the Security Council, the representative of Jordan, having referred to his earlier letters of 16 and 17 March 1969<sup>99</sup> concerning active Israeli aggression against civilian centres in Jordan, complained that earlier that day Israeli jet fighters had attacked, using heavy bombs and rockets, Jordanian villages and civilian centres in the area of Es Salt, causing heavy loss of life and damage to property. In view of this grave attack, an urgent meeting of the Security Council was requested to consider these continuous and grave violations by Israel and to adopt more adequate and effective measures to check Israeli acts of aggression and restore international peace and security.

By letter<sup>100</sup> dated 27 March 1969 addressed to the President of the Security Council, the representative of Israel, having referred to his letter of 17 March 1969<sup>101</sup> regarding persistent armed attacks against Israel by regular and irregular forces from Jordan necessitating measures of self-defence by Israel, requested an urgent meeting of the Security Council to consider the complaint of grave and continual violations by Jordan of the cease-fire, the provisions of the United Nations Charter, and of international law, including: (a) armed attacks, armed infiltration and acts of murder and violence by terrorist groups operating from Jordan territory with the official support, aid and encouragement of the Jordanian Government and armed forces; (b) firing across the cease-fire lines by Jordanian forces, and in particular the wanton shelling of Israeli villages.

At the 1466th meeting on 27 March 1969, after a procedural discussion on the adoption of the agenda,<sup>102</sup> the Council decided<sup>103</sup> without vote to include the two letters in its agenda and invited<sup>104</sup> the representatives of Jordan and Israel to participate in the discussion of the question without the right to vote. Invitation<sup>105</sup> was also extended to the representative of Saudi Arabia at the 1467th meeting. The Council considered the question at the 1466th to 1473rd meetings, held between 27 March and 1 April 1969.

At the 1466th meeting on 27 March 1969, the representative of Jordan+ stated that during the last three months acts of aggression committed by Israel from the air and the land against civilian centres and means of communication deep inside Jordan territory had not only been continuing, as reported<sup>106</sup> by the

<sup>98</sup> S/9113, OR, 24th yr., Suppl. for Jan.-March 1969, pp. 142-143.

<sup>99</sup> S/9083 and S/9085, *Ibid.*, p. 124.

<sup>100</sup> S/9114, *Ibid.*, p. 143.

<sup>101</sup> S/9089, *Ibid.*, p. 126.

<sup>102</sup> For the discussion and the decision on the agenda, see in chapter II, Case 3.

<sup>103</sup> 1466th meeting, para. 24.

<sup>104</sup> *Ibid.*, para. 25.

<sup>105</sup> 1467th meeting, para. 1.

<sup>106</sup> Reference was made to the following communications: S/8911 and S/8916. OR, 23rd yr., Suppl. for Oct.-Dec. 1968, pp. 133-134 and 158 respectively; S/9039, S/9083 and S/9085, OR, 24th yr., Suppl. for Jan.-March 1969, pp. 97-100 and 124 respectively.

<sup>92</sup> 1598th meeting, para. 45.

<sup>93</sup> S/10376, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 27.

<sup>94</sup> 1598th meeting, paras. 44-45.

<sup>95</sup> *Ibid.*, paras. 94-95.

<sup>96</sup> *Ibid.*, para. 100.

<sup>97</sup> S/10376/Rev.1, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 27.

representative of Jordan in his communications to the Security Council, in direct violation of the cease-fire resolutions and in utter disregard for the Armistice Agreement, but had intensified and culminated in an air raid by Israeli jet fighters on civilian areas between the East Bank and the West Bank of the Jordan River where there were no military installations in the immediate area and where no anti-aircraft fire had been directed against the Israeli planes. The attacks showed that Israeli policy was not one of self-defence, but the incident under consideration constituted a clear-cut act of aggression; it was also a challenge and a test for the Security Council which organ, in its resolution 262 (1968) of 31 December 1968, had condemned Israel for its premeditated military action and had issued a warning that if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions.<sup>107</sup> In this connexion, the Council was called upon to take adequate and effective measures under Chapter VII of the Charter.<sup>108</sup>

The representative of Israel,\* noted that the basic United Nations doctrine on Arab terror warfare was contained in the provisions of Security Council resolution 56 (1948) of 19 August 1948. Jordan's role in warfare by terror against the people of Israel was a major one since Jordanian territory served as the central jumping-off ground for the main terror organizations which maintained headquarters, branches, recruiting offices and terror bases there. In the incidents under consideration, Israel had acted in self-defence to disable those centres of attack and bases for terror operations against Israel. Until an end was put to the Arab war against Israel which was being pursued in particular by the method of terror warfare and until the Arab States maintained the cease-fire to which they had pledged themselves, Israel's right to self-defence would remain inalienable. It could not be questioned or curtailed by labelling Israeli counteractions as reprisals, a concept which had no application to the present situation in the Middle East.<sup>109</sup>

At the 1472nd meeting on 1 April 1969, the representative of Pakistan, on behalf of the delegations of Senegal, Zambia and Pakistan, introduced a draft resolution<sup>110</sup> which, he stated, was the result of prolonged consultations not only among the Asian-African members of the Security Council, but also with other permanent and non-permanent members.

At the 1473rd meeting on 1 April 1969, the representative of Pakistan pointed out that revisions had been made in the original draft resolution in order to accommodate to a wider extent certain views expressed to the three sponsors in the course of further intensive consultations with a view to moving towards unanimity if possible.

At the same meeting the three-Power draft resolution was put to the vote and adopted<sup>111</sup> by 11 votes in favour, none against with 4 abstentions. It read as follows:<sup>112</sup>

**"The Security Council,**

**"Having considered** the agenda contained in document S/Agenda/1466/Rev.1,

<sup>107</sup> Resolution 262 (1968), paras. 1 and 3.  
<sup>108</sup> 1466th meeting, paras. 30, 37-39, 40, 43, 45, 48, 49-51, 53, 55.

<sup>109</sup> *Ibid.*, paras. 62-69, 85, 87-88, 95-96, 100.

<sup>110</sup> 1472nd meeting, para. 8, circulated as document S/9120.

<sup>111</sup> 1473rd meeting, para. 92.

<sup>112</sup> Resolution 265 (1971).

**"Having heard** the statements made before the Council,

**"Recalling** its resolution 236 (1967) of 12 June 1967,

**"Observing** that numerous premeditated violations of the cease-fire have occurred,

**"Viewing with deep concern** that the recent air attacks on Jordanian villages and other populated areas were of a preplanned nature, in violation of resolutions 248 (1968) of 24 March 1968 and 256 (1968) of 16 August 1968,

**"Gravely concerned** about the deteriorating situation which endangers peace and security in the area,

"1. **Reaffirms** resolutions 248 (1968) and 256 (1968);

"2. **Deplores** the loss of civilian life and damage to property;

"3. **Condemns** the recent premeditated air attacks launched by Israel on Jordanian villages and populated areas in flagrant violation of the United Nations Charter and the cease-fire resolutions, and warns once again that if such attacks were to be repeated the Security Council would have to meet to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such attacks."

**Decision** of 3 July 1969 (1485th meeting) : resolution 267 (1969)

By letter<sup>113</sup> dated 26 June 1969 addressed to the President of the Security Council, the representative of Jordan stated that Israel continued to violate basic human rights in Jerusalem and to take measures contrary to the provisions of Security Council resolution 252 (1968) and the United Nations Charter. Referring to Israeli actions and planned measures for the establishment of Israeli settlements in the Holy City and replacement of the City's inhabitants, he requested an urgent meeting of the Security Council to consider the continued Israeli defiance of its resolution 252 (1968) on Jerusalem.

At the 1482nd meeting on 30 June 1969 following the adoption<sup>114</sup> of the agenda, the Council invited<sup>115</sup> the representatives of Jordan and Israel to participate without vote in the discussion of the question. Invitations<sup>116</sup> were also extended to the representatives of the United Arab Republic, Saudi Arabia, Syria and Morocco at the 1482nd meeting, to the representatives of Iraq, Indonesia and Lebanon at the 1483rd meeting, to the representative of Malaysia at the 1484th meeting and to the representatives of Afghanistan, Sudan, Yemen, Tunisia and Kuwait at the 1485th meeting. The Council considered the question at its 1482nd to 1485th meetings held between 30 June and 3 July 1969.

At the 1482nd meeting on 30 June 1969, the representative of Jordan,\* having stated that in recent weeks and months Israel, in its determination to achieve its plan for expansion, had repeatedly committed acts of aggression in violation of the Armistice Agreement and

<sup>113</sup> S/9284, OR, 24th yr., Suppl. for Apr.-June 1969, pp. 345-346.

<sup>114</sup> 1482nd meeting, immediately preceding para. 1.

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*, paras. 1, 98; 1483rd meeting, paras. 4 and 24; 1484th meeting, para. 2; 1485th meeting, para. 2.

the cease-fire, maintained that the situation in the Jerusalem area was threatening not only the political, social and economic life of Christian and Moslem Jordanian citizens in Jerusalem but also international peace and security. Recalling the terms of Security Council resolution 252 (1968) of 21 May 1968 by which the Council had declared that all legislative and administrative measures and actions taken by Israel which tended to change the legal status of Jerusalem were invalid, he pointed out that on 23 August 1968, the Israeli authorities had passed and published the so-called Legal and Administrative Matters (Regulation) Law the object of which had been to complete the process of Israel's unilateral annexation of Jerusalem and other surrounding areas, Emphasizing that the issue before the Council was resolution 252 (1968) adopted by the Council and defied by Israel, together with continued defiance and the further violations that had been committed, the representative of Jordan urged the Council to take the following steps: (1) to take note of the report submitted by the Secretary-General<sup>117</sup> on 11 April and 30 June 1969 in pursuance of Security Council resolution 252 (1968) of 21 May 1968 concerning the status of Jerusalem; to deplore the failure of Israel to show any regard for Security Council resolution 252 (1968) and to condemn in the strongest terms the non-compliance of Israel with that resolution; (2) to emphasize once more the established principle that acquisition of territory by military conquest was inadmissible; (3) as an interim measure, once more to call urgently upon Israel to rescind all measures taken by it that had resulted or might result in changing the status of the city of Jerusalem and, in the future, to refrain from all actions likely to have such effect; (4) to issue a solemn warning to Israel that unless the above-mentioned illegal acts of legislation were rescinded, the Council would convene without delay to take action, including the application of Article 41 of the Charter; (5) to request that Israel inform the Council, within a fortnight, of its intentions with regard to the implementation of the provisions of the resolution; (6) as an interim measure, to appeal to all Member States to refrain from sending arms and military equipment to Israel until it has complied with the above-mentioned requests of the Council. The representative of Jordan\* further called upon the Council to reaffirm its resolution 252 (1968) of 21 May 1968, as well as General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively, on Jerusalem, and to declare the new Israeli legislation dated 23 August 1968 and the subsequent decrees and legislation null and void. He also expressed the hope that the Security Council would call upon the Secretary-General to submit a report to the Council on the implementation of its resolution.<sup>118</sup>

At the same meeting, the representative of Israel\* contended that the present Jordanian complaint was but a manoeuvre to divert attention from the fact that the Arab Governments had hardened even further their refusal to conclude peace with Israel and that Arab aggressive warfare against Israel continued unabated. The pretext for Jordan's call for an emergency meeting was a year-old law which provided for the issuance of licences and permitted for the exercise of commerce and professions, i.e., regulations which were required

<sup>117</sup> S/9149 nnd Add.1, OR, 24th yr., Suppl. for Apr.-June 1969, pp. 106-113.

<sup>118</sup> 1482nd meeting, paras. 5, 6, 7, 9, 12, 14-17, 44, 78, 81, 82.

for the welfare of the population, Jewish and Arab alike: the generally accepted principles of human rights and political democracy could not be suspended in the case of Jerusalem whose unity, growth, welfare and security would be maintained and protected by Israel.<sup>119</sup>

At the 1483rd meeting on 1 July 1969, the representative of the United Kingdom reaffirmed the position of his Government, as stated in the General Assembly on 21 June 1967, that it followed from Article 2 of the Charter that war should not lead to territorial aggrandizement and reaffirmed the principle that no unilateral action should or could change the status of Jerusalem. He held it to be essential for the Council to require that nothing should be done by unilateral action to prejudice the future of Jerusalem which had to be kept open and be discussed and decided as part of a final settlement ensuring a permanent peace. Noting that the vital concern of the countries of the Middle East for peace in the area could not be disputed and that agreement by outside Powers without the agreement of the countries and peoples directly concerned would not secure a permanent peace, the representative of the United Kingdom observed that the Security Council had a legitimate interest in, and international responsibility for, peace and security. The Council was not to be told by anyone that its primary responsibility for the maintenance of international peace and security was diminished or deferred.<sup>120</sup> He emphasized that in so far as Jerusalem was the heart of the whole problem, a just and complete settlement should not be ruled out in advance and should not be rendered impossible by any act designed to prejudice the future status of the City.<sup>121</sup>

At the 1485th meeting on 3 July 1969, the representative of Pakistan referred to the total disregard by Israel of General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967 and Security Council resolution 252 (1968) of 21 May 1968, and that country's refusal to rescind the legislative and administrative measures and actions taken by it to change the legal status of Jerusalem. He expressed the view of his delegation that any decision that the Council might take had to be a firm vindication of the principle of the inadmissibility of territorial acquisition by war and recalled that this principle had been emphasized in Council resolution 242 (1967) of 22 November 1967 and reaffirmed in resolution 252 (1968).<sup>122</sup> Subsequently, the representative of Pakistan, on behalf of the delegations of Senegal, Zambia and Pakistan, introduced a draft resolution<sup>123</sup> which, he stated, was the result of the consultations held among members of the Security Council.

At the same meeting, the President stated that a separate vote had been requested on operative paragraph 5 of the three-Power draft resolution.]? Thereupon, the said operative paragraph was put to the vote and adopted<sup>124</sup> by 14 votes in favour, none against with 1 abstention. Subsequently, the draft resolution as a whole was put to the vote and adopted<sup>125</sup> unanimously. It read<sup>127</sup> as follows:

<sup>119</sup> *Ibid.*, paras. 53, 71, 74.

<sup>120</sup> For discussion of this question, see chapter XII, part III, under Article 24.

<sup>121</sup> 1483rd meeting, paras. 27, 33, 36, 37.

<sup>122</sup> 1485th meeting, paras. 163, 181.

<sup>123</sup> *Ibid.*, para. 185, circulated as document S/9311.

<sup>124</sup> 1485th meeting, para. 194.

<sup>125</sup> *Ibid.*

<sup>126</sup> *Ibid.*, para. 195.

<sup>127</sup> Resolution 267 (1969).

**"The Security Council,**

"Recalling its resolution 252 ( 1968) of 21 May 1968 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively, concerning measures and actions by Israel affecting the status of the City of Jerusalem,

"Having **heard** the statements of the parties concerned on the question,

"**Noting** that since the adoption of the above-mentioned resolutions Israel has taken further measures tending to change the status of the City of Jerusalem,

"**Reaffirming** the established principle that acquisition of territory by military conquest is inadmissible,

"1. **Reaffirms** its resolution 252 (1968);

"2. Deplores the failure of Israel to show any regard for the resolutions of the General Assembly and the Security Council mentioned above;

"3. **Censures** in the strongest terms all measures taken to change the status of the City of Jerusalem;

"4. Confirms that all legislative and administrative measures and actions taken by Israel which purport to alter the status of Jerusalem, including expropriation of land and properties thereon, are invalid and cannot change that status;

"5. **Urgently** calls once more upon Israel to rescind forthwith all measures taken by it which may tend to change the status of the City of Jerusalem, and in future to refrain from all actions likely to have such an effect;

"6. **Requests** Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of the present resolution;

"7. **Determines** that, in the event of a negative response or no response from Israel, the Security Council shall reconvene without delay to consider what further action should be taken in this matter;

"8. **Requests** the Secretary-General to report to the Security Council on the implementation of the present resolution."

**Decision** of 26 August 1969 ( 1504th meeting) : resolution 270 ( 1969)

By **letter**<sup>128</sup> dated 12 August 1969 addressed to the President of the Security Council, the representative of Lebanon, pursuant to his earlier **letter**<sup>129</sup> of 11 August 1969 by which he had informed the Security Council of the premeditated and unprovoked aggression committed by Israel against civilian villages in southern Lebanon, and in view of the gravity of the situation endangering the peace and security of Lebanon, requested the convening of an urgent meeting of the Security Council.

By **letter**<sup>130</sup> dated 12 August 1969 addressed to the President of the Security Council, the representative of Israel stated that the cease-fire to which Lebanon was committed forbade all military activities. In explicit violation of this obligation, repeated attacks had been launched against Israel from Lebanese terri-

tory. It was generally known that Lebanon harboured on its territory, and particularly in its southern region bordering with Israel, considerable concentrations of irregular forces which were engaged in waging terror warfare against Israel. During the past month alone twenty-one attacks by shelling, firing and mining had been carried out against inhabited localities in Israel. In the face of these attacks Israel had been compelled to take, on 11 August 1969, action in self-defence against the terror encampments. In view of the gravity of the armed attacks perpetrated against Israel from Lebanese territory, the representative of Israel requested the President to convene an urgent meeting of the Security Council.

At the 1498th meeting on 13 August 1969, the Council **decided**<sup>131</sup> without vote to include the letters in its agenda and invited<sup>132</sup> the representatives of Lebanon and Israel to participate in the debate without the right to vote. The Council considered the question at its 1498th to 1502nd and 1504th meetings, held between 13 and 26 August 1969.

At the 1498th meeting on 13 August 1969, the representative of Lebanon\* maintained that Israel, by a sudden and unprovoked air strike, including the use of napalm bombs, against villages in southern Lebanon, had committed an act of flagrant, unprovoked and massive aggression. Referring to the Israeli countercharge that the strike was in retaliation for attacks alleged to have been launched from Lebanese territory against inhabited localities in Israel, he held that in so far as Israel refused to resort to the Mixer Armistice Commission established under the Armistice Agreement or to allow any investigation on its territory to establish unbiased evidence, these allegations remained unsubstantiated. He maintained further that Lebanon could not be held responsible for the actions of Palestinian Arabs who, as freedom fighters and people seeking self-determination, were fighting in self-defence against the aggressor and occupier. In view of the provisions of Security Council resolution 262 (1968) of 31 December 1968, the representative of Lebanon requested the Council to take prompt and effective action in the form of sanctions provided for in the Charter in order to forestall any similar acts of aggression in the future and to prevent the deterioration of the general situation in the Middle East.<sup>133</sup>

The representative of Israel\* contended that the Government of Lebanon could not be absolved of responsibility for the use of its territory as a base of terror warfare against Israel. Having noted that the Lebanese authorities seemed unable or unwilling to put an end to the utilization of their territory for armed attacks against Israel, in breach of the cease-fire, he maintained that their failure to do so had necessitated Israel's recourse to the right of self-defence in order to disable the terror bases situated in Lebanon.<sup>134</sup>

At the 1504th meeting on 26 August 1969, the President (Spain) announced that as a result of intensive consultation among Council members, agreement had been reached on the text of a draft resolution which represented a consensus among the members of the Council.<sup>135</sup>

<sup>131</sup> 1498th meeting, para. 9.

<sup>132</sup> *Ibid.*, para. 10.

<sup>133</sup> *Ibid.*, paras. 12, 14-22, 30, 31, 34, 35, 38, 39.

<sup>134</sup> *Ibid.*, paras. 47, 48, 66, 67, 82, 83, 86.

<sup>135</sup> 1504th meeting; para. 2.

<sup>128</sup> S/9385, OR, 24th yr., Suppl. for July-Sept. 1969, p. 153.

<sup>129</sup> S/9383, *Ibid.*, p. 152.

<sup>130</sup> S/9387, *ibid.*, p. 156.

At the same meeting the **President**, in the absence of objections, declared the draft resolution to have **been** unanimously adopted.<sup>136</sup> It read<sup>137</sup> as follows:

“The **Security Council**,

“**Having considered** the agenda contained in document S/Agenda/1498/Rev.1,

“**Having noted** the contents of the letter of the **Charge d'affaires ad interim** of Lebanon (S/9383),

“**Having heard** the statements of the representatives of **Lebanon** and **Israel**,

“**Grieved** at the tragic loss of civilian life and property,

“**Gravely concerned** about the deteriorating situation 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) and 234 (1967) of 6 and 7 June 1967, respectively,

“Recalling its resolution 262 ( 1968) of 31 December 1968,

“**Mindful** of its responsibility under the relevant provisions of the Charter of the United Nations,

“**1. Condemns** the premeditated air attack by **Israel** on villages in southern **Lebanon** in violation of its obligations under the Charter and Security Council resolutions;

“**2. Deplores** all violent incidents in violation of the cease-fire;

“**3. Deplores** the extension of the area of fighting;

“**4. Declares** that such actions of military reprisal and other grave violations of the cease-fire cannot be tolerated and that the Security Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts.”

Decision of 15 September 1969 (15 12th meeting) : resolution 271 (1969)

By letter<sup>138</sup> dated 29 August 1969 addressed to the President of the Security Council, the representatives of Afghanistan, Algeria, Guinea, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Morocco, Niger, Pakistan, Saudi Arabia, Somalia, Southern **Yemen**, Sudan, Syria, Tunisia, Turkey, the United Arab Republic and **Yemen**, pursuant to their telegraphic communication<sup>139</sup> of 22 August 1969 regarding the grave event of 21 August 1969 in Jerusalem, i.e. the outbreak of fire in the Holy Mosque of Al Aqsa, requested the convening of an urgent meeting of the Security Council to consider the grievous situation resulting from the extensive damage caused by arson to the Holy Al Aqsa Mosque in Jerusalem.

At the 1507th meeting on 9 September 1969 following the adoption of the agenda,<sup>140</sup> the Council decided

<sup>136</sup> 1504th meeting.

<sup>137</sup> Resolution 27b (1969).

<sup>138</sup> S/9421 and Add.1 and 2, OR, 24th yr., Suppl. for July-Sept. 1969, p. 166.

<sup>139</sup> S/9447, OR, 24th yr., Suppl. for July-Sept. 1969, pp. 173-184; Annex I, p. 177.

<sup>140</sup> 1507th meeting, para. 2.

to invite<sup>141</sup> the representatives of **Israel**, the United Arab Republic and **Indonesia** to participate, without the right to vote, in the discussion of the question, **Invitations**<sup>142</sup> were also extended to the representatives of **India** and **Somalia** at the 1508th meeting, to the representatives of **Jordan** and **Saudi Arabia** at the 1509th meeting, to the representatives of **Ceylon** and **Malaysia** at the 1510th meeting and to the representatives of **Lebanon** and **Tunisia** at the 1511th meeting. The Council considered the question at the 1507th to 1512th meetings, held between 9 and 15 September 1969.

At the 1507th to 1512th meetings held on 9-12 and 15 September 1969, ten<sup>143</sup> of the twenty-five signatories to the letter dated 29 August 1969<sup>144</sup> requesting an urgent meeting of the Security Council, as well as two other **States**<sup>145</sup> non-members of the Security Council who were invited to participate in the debate, contended that the grievous situation resulting from the extensive damage caused by arson to the Holy Al Aqsa Mosque arose from a set of political circumstances which were part of the larger Middle East situation and that this incident was inextricably associated with the military occupation of the Old City by **Israel** and with **Israel's** attempts to annex **Jerusalem** in defiance of the decisions of the Security Council, in violation of the resolutions of the General Assembly, and in breach of the principle repeatedly affirmed and emphasized by both the Security Council and the General Assembly that acquisition of territory by military conquest was inadmissible. It was maintained that holy places were organically related to the City itself and could not be isolated from their physical environment nor from the social and political order imposed on it. Accordingly, the desecration committed on the Holy Al Aqsa Mosque, and the attendant question of the protection of the sanctity and security of holy shrines, had to be considered in the context of the general situation prevailing in the Middle East and as a part of the question of the future of **Jerusalem** and the status of the Old City. In this connexion, reference was made to Security Council resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 by which that organ had confirmed that all legislative and administrative measures and actions taken by **Israel** designed to alter the status of **Jerusalem** were invalid, had censured such measures and had called upon **Israel** to rescind them. It was noted that on the basis of these resolutions neither the Security Council nor any Member of the United Nations could extend even an implicit recognition to the validity or legitimacy of **Israeli** authority over the Holy City nor give even tacit consent to the measures being taken by **Israel** against the arsonist and for the restitution of damages caused. The very minimum required of

<sup>141</sup> *Ibid.*, para. 4.

<sup>142</sup> 1508th meeting, para. 2; 1509th meeting, paras. 3 and 105; 1510th meeting, para. 3; and 1511th meeting, para. 3.

<sup>143</sup> 1507th meeting: **Indonesia**, paras. 66-70, 72, 76, 77; **Pakistan**, paras. 9, 10, 11, 13, 26, 28-30, 32; **UAR**, paras. 36, 39, 50-51; 1508th meeting: **Algeria**, paras. 13-14, 16, 17, 27-29; **Somalia**, paras. 45, 57-58, 59, 60, 61-64; 1509th meeting: **Jordan**, paras. 47, 54; **Saudi Arabia**, para. 181; 1510th meeting: **Malaysia**, paras. 40, 42, 43, 44; 1511th meeting: **Lebanon**, paras. 22, 23, 25, 26, 27, 28; **Tunisia**, paras. 33, 34, 37, 43; 1512th meeting: **Jordan**, paras. 14, 18; **Pakistan**, paras. 94-97, 100, 101-105, 107-109.

<sup>144</sup> See foot-note 43 above.

<sup>145</sup> 1508th meeting: **India**, paras. 35, 37, 38, 40, 41; 1510th meeting: **Ceylon**, paras. 26, 27, 28, 31.

the Council at this time was decisive action to break the deadlock created by Israel's non-compliance with, and to ensure implementation of, its past resolutions pertaining to the City of Jerusalem.

At the 1507th and 1509th meetings held on 9 and 11 September 1969, the representative of Israel\* maintained that the real question before the Security Council was how to deal with the exploitation of the fire at the Al Aqsa Mosque for political purposes and how to prevent the vindication of incitement to belligerency. Having pointed out that all necessary measures had already been taken by the Israeli authorities to ascertain the circumstances of the fire by arson and to restore the building, he stated that all attempts, whether in the area or in the Security Council, to seize on the fire as a weapon for intensifying belligerency towards Israel and assailing Israel's rights and standing were unacceptable.<sup>146</sup>

At the 1510th meeting on 12 September 1969, the representative of Pakistan introduced<sup>147</sup> a draft resolution,<sup>148</sup> the text of which, he noted, reflected the consensus of the twenty-five Member States that had requested the Council to meet to consider the situation resulting from the incident of 21 August 1969. With regard to the third operative paragraph which would have the Council determine that the desecration of the Holy Al Aqsa Mosque emphasized the immediate necessity of Israel's desisting from acting in violation of Council resolutions 252 (1960) and 267 (1969), he wished to make it clear that in this paragraph Pakistan alleged no complicity by Israel in the act of arson and that to make such a connexion would be to give an unwarranted meaning to the text.<sup>149</sup>

At the 1511th meeting on 15 September 1969, the representative of the United States, having observed that the facts surrounding the fire at the Holy Al Aqsa Mosque had to be investigated thoroughly and impartially and that there could be no disagreement on the necessity for more adequate precautions against repetition of such desecration, stated that his delegation did not consider it appropriate or desirable to re-examine and pronounce upon the status of Jerusalem or to link the fire in Al Aqsa to the whole Arab-Israeli conflict. He further maintained that the draft resolution before the Council had gone far beyond the purpose for which the Security Council had been called into session and that the draft resolution, having reaffirmed Council resolution 267 (1969), should have dealt substantively only with measures for the maintenance, repair and protection of the Holy Places, including provisions for adequate participation of Moslem representatives.<sup>150</sup>

At the 1512th meeting held also on 15 September 1969, the representative of the USSR stated that all decisions of the United Nations on the question of Jerusalem were based on the principle reflecting the legal consciousness of the States Members of the United Nations that the military takeover by Israel of the Arab part of Jerusalem was an unlawful act. He observed that the Security Council, in its resolution 242 (1967) of 22 November 1967 calling for the

withdrawal of Israeli troops from occupied Arab territories, had not made any exclusion or exception either for the Arab part of Jerusalem or for any other Arab territory taken by Israel. Having noted that the decisions of the Security Council were binding upon all Member States who, under Article 25 of the Charter, had the obligation to implement such, the representative of the USSR stated that non-implementation by Israel of the decisions of the Security Council on Jerusalem had worsened the situation, increased the threat to peace and had created an atmosphere of arbitrariness under an occupation régime that had led to a new flagrant act of vandalism. He held that in so far as the setting of the fire to the Al Aqsa Mosque was a direct result of the aggression, occupation and policy of aggression being carried out by Israel with respect to Jerusalem and other Arab territories, the Council had to clearly state the political and moral responsibility of that country for the arson in the Mosque and for the tense situation in the Arab part of Jerusalem and other occupied Arab territories.<sup>151</sup>

At the same meeting, the representative of Pakistan, on behalf of the co-sponsors of the draft resolution before the Council, made an oral amendment to operative paragraph 4 of the Pakistan draft resolution whereby that paragraph would refer to not only "Geneva Conventions" but also to "international law" governing military occupation.<sup>152</sup>

Subsequently, the representative of France, having stated the position of his delegation that in the case before the Council a reference to the 1954 Convention and Protocol for the Protection of Cultural Property in the event of Armed Conflict would have been more appropriate than the "Geneva Conventions governing military occupation"; requested, in accordance with rule 32 of the provisional rules of procedure of the Council, a separate vote on operative paragraph 4 of the draft resolution.<sup>153</sup> Accordingly, that paragraph was put to the vote first and adopted<sup>154</sup> by 10 votes in favour, none against with 5 abstentions. Subsequently, the draft resolution as a whole was put to the vote and adopted<sup>155</sup> by 11 votes in favour, none against with 4 abstentions. It read<sup>156</sup> as follows:

**"The Security Council,**

"Grieved at the extensive damage caused by arson to the Holy Al Aqsa Mosque in Jerusalem on 21 August 1969 under the military occupation of Israel,

"Mindful of the consequent loss to human culture,

"Having heard the statements made before the Council reflecting the universal outrage caused by the act of sacrilege in one of the most venerated shrines of mankind,

"Recalling its resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively, concerning measures and actions by Israel affecting the status of the City of Jerusalem,

"Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

<sup>146</sup> 1507th meeting, paras. 115-121, 123, 125; 1509th meeting, para. 101.

<sup>147</sup> 1510th meeting, para. 57.

<sup>148</sup> S/9445 incorporated into the record of the 1510th meeting, para. 57 and adopted, without change but with an interpolation to paragraph 4, as resolution 271 (1969).

<sup>149</sup> 1510th meeting, para. 67.

<sup>150</sup> 1511th meeting, paras. 63-65, 71-73.

<sup>151</sup> 1512th meeting, paras. 35-40, 46, 47-49, 51, 55.

<sup>152</sup> *Ibid.*, para. 112.

<sup>153</sup> *Ibid.*, para. 118.

<sup>154</sup> *Ibid.*, para. 136.

<sup>155</sup> *Ibid.*, para. 137.

<sup>156</sup> Resolution 271 (1969).



"1. *Reaffirms* its resolutions 252 (1968) and 267 (1969);

"2. *Recognizes* that any act of destruction or profanation of the Holy Places, religious building and sites in Jerusalem or any encouragement of, or connivance at, any such act may seriously endanger international peace and security;

"3. *Determines* that the execrable act of desecration and profanation of the Holy Al Aqsa Mosque emphasizes the immediate necessity of Israel's desisting from acting in violation of the aforesaid resolutions and rescinding forthwith all measures and actions taken by it designed to alter the status of Jerusalem;

"4. Culls upon Israel scrupulously to observe the provisions of the Geneva Conventions and international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Supreme Moslem Council of Jerusalem, including any co-operation that Council may desire from countries with predominantly Moslem population and from Moslem communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem;

"5. *Condemns* the failure of Israel to comply with the aforementioned resolutions and calls upon it to implement forthwith the provisions of these resolutions;

"6. *Reiterates* the determination in paragraph 7 of resolution 267 (1969) that, in the event of a negative response or no response, the Security Council shall convene without delay to consider what further action should be taken in this matter;

"7. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report thereon to the Security Council at the earliest possible date."

**Decision** of 12 May 1970 (1537th meeting): resolution 279 (1970)

**Decision** of 19 May 1970 (1542nd meeting): resolution 280 (1970)

By letter<sup>157</sup> dated 12 May 1970 addressed to the President of the Security Council, the representative of Lebanon stated that Israeli armed forces had launched, earlier that day, an invasion of Lebanon. Israeli armoured and infantry units in large proportions had penetrated Lebanese territory and Israeli air force and artillery were at this time bombarding several towns and villages. This act of aggression against Lebanon was in flagrant violation of the Lebanon-Israel armistice agreement and the provisions of the United Nations Charter. An urgent meeting of the Security Council was requested in view of the gravity of the situation endangering the peace and security of Lebanon and of the area.

By letter<sup>158</sup> dated 12 May 1970 addressed to the President of the Security Council, the representative of Israel requested an urgent meeting of the Security Council to consider the acts of armed attack, shelling, incursion, murder and violence perpetrated from Lebanese territory against the territory and population of

Israel in flagrant violation of the cease-fire and the United Nations Charter.

At the 1537th meeting on 12 May 1970 following the adoption<sup>159</sup> of its agenda, the Council invited<sup>160</sup> the representatives of Lebanon and Israel to participate in the debate of the Council. At the same meeting, invitations<sup>161</sup> were also extended to the representatives of Morocco and Saudi Arabia. The Council considered the question at its 1537th to 1542nd meetings, held between 12 and 19 May 1970.

At the 1537th meeting on 12 May 1970 the Secretary-General stated that he had received information from the Acting Chief of Staff of UNTSO that an armoured attack had been launched by Israel into Lebanon with the support of artillery and air force. He noted further that he was unable to give detailed information of the actions in progress in view, amongst others, of the fact that his efforts to increase substantially the number of observers in both sides in that area were unsuccessful.<sup>162</sup>

In his opening statement, the representative of Lebanon\* informed the Council that early that morning Israel had launched a large-scale aggression against his country: Israeli armoured and infantry units had crossed the Lebanese border into southern and eastern parts of a district situated in the south-eastern part of Lebanon and that the Israeli air force and heavy artillery had, since then, been bombarding the civilian towns and villages in the area. Emphasizing that this aggression had occurred in the wake of several threats made by Israeli officials against Lebanon in the last few months, one of which Lebanon had conveyed to the Security Council by letter dated 7 March 1970,<sup>163</sup> he held that note had to be taken of "the official calculating thinking of the planners of aggression in Israel". Having recalled the terms of resolution 262 (1968) of 31 December 1965 in which the Security Council had issued a warning to Israel that if acts such as the premeditated and large-scale military action by the armed forces of Israel against the civil International Airport of Beirut were to be repeated, the Council would have to consider further steps to give effect to its decisions, the representative of Lebanon stated that the action his country sought from the Council at this time was the immediate withdrawal of all Israeli troops from Lebanese territory, a strong condemnation of Israel and the application of Chapter VII of the United Nations Charter.<sup>164</sup>

The representative of Israel,\* having referred to his letters of 5, 15 and 29 January, 27 February, 4 and 10 March and 10 May 1970<sup>165</sup> in which he had informed the Security Council of the acts of aggression being perpetrated from Lebanese territory against the territory and population of Israel in violation of the cease-fire and the United Nations Charter, stated that his Government had requested this urgent meeting of the Security Council to consider those acts. Noting

<sup>159</sup> 1537th meeting, para. 2.

<sup>160</sup> *Ibid.*, para. 4.

<sup>161</sup> *Ibid.*, para. 28.

<sup>162</sup> *Ibid.*, paras. h-8.

<sup>163</sup> S/9683, OR, 25th yr., Suppl. for Jan.-Mar. 1970, pp. 153-154.

<sup>164</sup> 1537th meeting, paras. 1-15, 17, 19, 23, 24.

<sup>165</sup> S/9593, S/9604, S/9621, S/9670, S/9678 and S/9691, OR, 25th yr., Suppl. for Jan.-Mar. 1970, pp. 101-102, 105-106, 114-115, 146, 150 and 155-156 respectively; S/9790, OR, 25th yr., Suppl. for Apr.-June 1970, pp. 180-181.

<sup>157</sup> S/9794, OR, 25th yr., Suppl. for Apr.-June 1970, p. 181.

<sup>158</sup> S/9795, *ibid.*, p. 181.

that Israel had repeatedly called on the Government of Lebanon to observe the cease-fire and to put an end to those attacks and had also requested organs of the United Nations and Governments of Member States to apprise Lebanon of the gravity of the situation created by the continuation of warfare from its territory, he maintained that in so far as the acts of aggression had not ended but on the contrary had grown in number and scope, Israel had been compelled to act in self-defence. On the morning of 12 May 1970, Israel defence forces had taken action against bases of aggression concentrated in south-east Lebanon in order to comb the area of the irregular forces and the terrorist squads engaged in terror warfare against Israel; the Israeli forces would leave the area on completion of their mission. The representative of Israel further maintained that under the cease-fire and the Charter, the Government of Lebanon bore full responsibility for armed attacks carried out from its territory against Israel — whether by regular or irregular forces. He added that this responsibility was evident, in the light of the official agreements between the Government of Lebanon and the irregular forces operating against Israel from Lebanese territory. At the close of his statement, the representative of Israel informed the Security Council that he had received a communiqué issued by an Israeli army spokesman that the operation had been concluded and that the Israeli forces were deploying to leave the area.<sup>166</sup>

At the same meeting the representative of Spain, having observed that the military invasion of Lebanon by armed Israeli forces in flagrant violation of the Charter could not be condoned and that it was not appropriate for the Council to remain passive in the face of events which the parties had recognized as factual, submitted<sup>167</sup> a draft resolution<sup>168</sup> and requested that it be put to the vote immediately.<sup>169</sup> It was formally seconded by the representative of Zambia.<sup>170</sup>

The President (France) observed that the draft resolution before the Council was an interim proposal which in no way prejudged the discussion and the continuation of the debate.<sup>171</sup> Following a procedural discussion as to whether the representative of Israel should be allowed to speak at that stage,<sup>172</sup> the President put to the vote the proposal of the representative of Syria that the Council should proceed to the vote immediately. The proposal was not adopted,<sup>173</sup> there being 7 votes in favour, 2 against with 6 abstentions.

Subsequently the representative of Israel contended that in so far as Israeli action had been terminated and that Israeli forces were being withdrawn from Lebanese territory, the draft resolution proposed by the representative of Spain was divorced from reality and did not take cognizance of the facts of the situation because it did not refer to the warfare being waged against Israel in flagrant breach of the Charter. The Israeli action under consideration had been directed solely against the terrorist bases imposed on Lebanon against Lebanese interests. He held that the Security Council

should not proceed to take any action whatever before clarifying those facts positively and definitively.<sup>174</sup>

The representative of Spain stated that his delegation had submitted the given draft resolution, without prejudice to whatever further action the Security Council might wish to take, in view of the fact that the principle contained in Article 2(4) of the Charter had been violated by the Israeli action.<sup>175</sup>

At the same meeting the representative of the United States proposed an oral amendment which would add to the Spanish draft resolution, "and an immediate cessation of all military operations in the area".<sup>176</sup>

The representative of the USSR proposed an oral sub-amendment to the amendment of the United States to substitute "immediate stopping of aggression and withdrawal" for "immediate cease-fire".<sup>177</sup>

After the representative of the United States drew attention to the fact that the word "cease-fire" did not appear in his amendment, the sub-amendment was modified by the representative of the USSR to read "and stopping of Israeli aggression against Lebanon".<sup>178</sup>

At the 1537th meeting on 12 May 1970, the USSR sub-amendment to the United States amendment was put to the vote and was not adopted,<sup>179</sup> there being 3 votes in favour, none against with 12 abstentions. Thereupon, the United States amendment was voted on and not adopted,<sup>180</sup> there being 2 votes in favour, none against with 13 abstentions:

Subsequently, the draft resolution submitted by Spain was put to the vote and adopted<sup>181</sup> unanimously. It read<sup>182</sup> as follows:

**"The Security Council**

**"Demands** the immediate withdrawal of all Israeli armed forces from Lebanese territory."

At the 1538th meeting held also on 12 May 1970, the representative of Lebanon stated that according to information he had just received from his country, the Israeli forces were still in large numbers in the region of southern Lebanon and had not given any indication of withdrawing.<sup>183</sup>

The representative of Israel stated that in so far as it was already night in the region, the Israeli forces which were still on Lebanese soil refrained from withdrawal in order to avoid shooting incidents in the dark.<sup>184</sup>

At the 1539th meeting on 13 May 1970, the President conveyed to the Security Council a message from the Secretary-General that he had as yet received no information from the Acting Chief of Staff of UNTSO regarding the implementation of Council resolution 279 (1970) of 12 May 1970, due to the fact that verification of information in the field was not possible because of the absence of direct means of observation on both sides in the Israel-Lebanese sector.<sup>185</sup>

<sup>174</sup> *Ibid.*, para. 81, 100.

<sup>175</sup> *Ibid.*, para. 84.

<sup>176</sup> *Ibid.*, para. 91.

<sup>177</sup> *Ibid.*, para. 113.

<sup>178</sup> *Ibid.*, para. 128.

<sup>179</sup> *Ibid.*, para. 129.

<sup>180</sup> *Ibid.*, para. 130.

<sup>181</sup> *Ibid.*, para. 132.

<sup>182</sup> Resolution 279 (1970).

<sup>183</sup> 1538th meeting para. 30.

<sup>184</sup> *Ibid.*, para. 108.

<sup>185</sup> 1539th meeting para. 3.

<sup>166</sup> 1537th meeting, paras. 31, 34, 36, 38, 39, 40, 41.

<sup>167</sup> *Ibid.*, para. 44.

<sup>168</sup> *Ibid.*, para. 46; circulated as document S/9800.

<sup>169</sup> *Ibid.*

<sup>170</sup> *Ibid.*, para. 41.

<sup>171</sup> *Ibid.*, para. 50.

<sup>172</sup> See chapter I. Case 30, and chapter 111. Case 8.

<sup>173</sup> 1537th meeting, para. 77.

Subsequently, a communication<sup>186</sup> dated 13 May 1970 from the permanent representative of Israel, transmitting to the United Nations a message from the Prime Minister of Israel, was read out in the Security Council. The message, *inter alia*, stated that the combing operation, which circumstances had compelled Israel to undertake, had been carried out and concluded according to plan and that the Israeli forces which were involved in this defensive action had returned to their base.<sup>187</sup>

At the same meeting the representative of Lebanon stated that during the previous night the Israeli air force, covering the withdrawal of Israeli forces from Lebanon, had bombed and shelled Lebanese military and civilian positions contrary to the contentions by Israel that the so-called combing operation was directed against commando positions in Lebanon.<sup>188</sup>

At the 1540th meeting on 14 May 1970, the representative of the United States emphasized the continued opposition of his Government to all acts of violence across frontiers in violation of the cease-fire from any source. The way to end such violence, he believed, was to make an all-out effort to bring about a peaceful political settlement of the Arab-Israeli conflict encompassing all States in the area. As a first step in that direction, he urged that there be renewed consultations between Israel, Lebanon and the Secretary-General, in connexion with the latter's earlier suggestion to station observers in adequate numbers on both sides of the border between Israel and Lebanon, to work out a mutually acceptable arrangement, without prejudice to the legal positions of those involved, by which UNTSO could carry out an effective observer operation.<sup>189</sup>

The representative of Israel informed the Council that during the previous night a unit of irregular forces had penetrated from across the Lebanese border and opened fire on an Israeli village. Having noted that fire had been returned in this and other instances of similar hostilities in the night, he stated that these constituted acts of aggression of the kind that compelled Israel to take defensive actions to protect its territory and its citizens.<sup>190</sup>

At the same meeting, the Security Council received a communication from the Secretary-General stating that the Acting Chairman of the Israel-Lebanon Mixed Armistice Commission had informed the Acting Chief of Staff of UNTSO that the complete withdrawal of the Israeli forces from Lebanon had been officially confirmed by the Lebanese authorities.<sup>191</sup>

At the 1541st meeting on 15 May 1970, the representative of Colombia, referring to the provisional nature of the recently adopted Council resolution<sup>192</sup> and to the fact that the measures taken by the Council in the past had not been complied with, suggested that the Security Council might consider the possibility of setting up a committee composed of three members of the Council that were not directly linked to the conflict to hear the parties, to take note of the efforts at negotiation made by the Secretary-General and be given access to the political formulas of the four Great

Powers and then, within a reasonable period of time, to present to the Council a series of solutions covering all aspects of the problem, namely, the refugees, the frontiers, Jerusalem, disarmament, etc.<sup>193</sup>

At the 1542nd meeting on 19 May 1970, after the President had suspended the meeting in order to provide certain delegations with time for consultation on a draft resolution,<sup>194</sup> the representative of Zambia read out the text of the draft resolution<sup>195</sup> arrived at during those consultations.

At the same meeting, the draft resolution was put to the vote and adopted<sup>196</sup> by 11 votes in favour, none against with 4 abstentions. It read<sup>197</sup> as follows:

**"The Security Council,**

**"Having considered** the agenda contained in document S/Agenda/ 1537,

**"Having noted** the contents of the letters of the Permanent Representative of Lebanon and the Permanent Representative of Israel,

**"Having heard** the statements of the representatives of Lebanon and Israel,

**"Gravely concerned** about the deteriorating situation resulting from violations of resolutions of the Security Council,

**"Recalling** its resolutions 262 ( 1968) of 31 December 1968 and 270 (1969) of 26 August 1969,

**"Convinced** that the Israeli military attack against Lebanon was premeditated and of a large scale and carefully planned in nature,

**"Recalling** its resolution 279 ( 1970) of 12 May 1970 demanding the immediate withdrawal of all Israeli armed forces from Lebanese territory,

"1. **Deplores** the failure of Israel to abide by resolutions 262 (1968) and 270 (1969);

"2. **Condemns** Israel for its premeditated military action in violation of its obligations under the Charter of the United Nations;

"3. **Declares** that such armed attacks can no longer be tolerated and repeats its solemn warning to Israel that if they were to be repeated the Security Council would, in accordance with resolution 262 ( 1968) and the present resolution, consider taking adequate and effective steps or measures in accordance with the relevant Articles of the Charter to implement its resolutions;

"4. **Deplores** the loss of life and damage to property inflicted as a result of violations of resolutions of the Security Council.\*"

**Decision** of 5 September 1970 ( 1551 st meeting) : resolution 285 (1970)

By a letter<sup>198</sup> dated 5 September 1970 addressed to the President of the Security Council, the representative of Lebanon having referred to his earlier letter<sup>199</sup> of 4 September 1970 regarding the continuous acts of aggression that had been committed by Israel

<sup>183</sup> 1541st meeting, paras. 13-14.

<sup>184</sup> 1542nd meeting, paras. 31-32.

<sup>185</sup> *Ibid.*, para. 34, circulated as document S/9807 and adopted without change as resolution 280 (1970).

<sup>186</sup> *Ibid.*, para. 57.

<sup>187</sup> Resolution 280 (1970).

<sup>188</sup> S. 9925, OR, 25th yr., Suppl. for July-Sept. 1970, p. 141.

<sup>189</sup> S/9924, *Ibid.*, pp. 140-141.

<sup>186</sup> S/9801, OR, 25th yr., Suppl. for Apr.-June 1970, p. 182.

<sup>187</sup> 1539th meeting, para. 6.

<sup>188</sup> *Ibid.*, para. 140.

<sup>189</sup> 1540th meeting, paras. 32, 34, 36.

<sup>190</sup> *Ibid.*, paras. 59, 63.

<sup>191</sup> *Ibid.*, para. 84.

<sup>192</sup> Resolution 279 (1970).

against Lebanon in the past few weeks, complained that earlier that day two infantry companies of Israeli armed forces, under heavy air support, had penetrated inside Lebanese territory, bombing civilian installations and opening roads for Israeli military use, permitting further expansionist operations. In view of the extreme gravity of the situation endangering the peace and security of Lebanon, the President was requested to convene an urgent meeting of the Security Council.

At the 1551st meeting on 5 September 1970 following the adoption<sup>200</sup> of the agenda, the Council decided to invite<sup>201</sup> the representatives of Lebanon and Israel to participate without vote in the discussion of the question which was considered at that meeting only.

At the beginning of the meeting, the Secretary-General read to the Security Council the texts of two cables he had received from the Chief of Staff of UNTSO regarding the matter before the Council. In the messages it was, *inter alia*, stated: that on 5 September 1970 the Lebanese authorities had informed the Israel-Lebanon Mixed Armistice Commission (ILMAC) of an attack by Israeli aircraft and penetration by Israeli mixed infantry and armoured force into Lebanese territory, and had requested confirmation by a UN Military Observer on the spot, as well as the immediate withdrawal of the Israeli unit from Lebanese territory; that the Assistant Israel Defence Force Liaison Officer, who initially had had no information on the alleged attack, had later that day informed the Chief of UNTSO that all Israeli defence forces had withdrawn from Lebanese territory. The Secretary-General recalled the statement he had made on 12 May 1970 on a similar occasion<sup>202</sup> that he had long sought, without success, to increase substantially the number of United Nations observers on both sides in that area and that this accounted for the lack of detailed information of actions such as the one under consideration.<sup>203</sup>

The representative of Lebanon,\* having noted that during the past two weeks Israeli armed forces had committed fifty-eight acts of aggression against Lebanon, repeated the charge made in his letter requesting an urgent meeting of the Council that Israeli armed forces, backed by its air force and tanks, had penetrated from the border and launched an attack inside Lebanese territory. He stated that the Israeli military operations were still continuing and Israeli forces were still engaging units of the Lebanese army inside Lebanese territory. The representative of Lebanon stated also that his country requested from the Security Council the immediate and complete withdrawal of all Israeli forces from all Lebanese territory; condemnation of Israel for its repeated acts of aggression against Lebanon, in violation of the Charter and the pertinent resolutions of the Security Council — resolutions 262 (1968) of 31 December 1968, 270 (1969) of 26 August 1969, 279 (1970) of 12 May 1970 and 280 (1970) of 19 May 1970; the application of Chapter VII of the Charter against Israel, in accordance with operative paragraph 3 of Council resolution 280 (1970) whereby Israel had been warned that in case of a repetition of armed attack, the Council would consider taking adequate and effective steps or meas-

ures in accordance with the relevant Articles of the Charter to implement its resolutions.<sup>204</sup>

The representative of Israel\* maintained that an attempt by Lebanon to dramatize a "minor patrolling incident" could not justify the urgent meeting of the Security Council. He contended further that the inequitable and one-side text of resolution 280 (1970) of 19 May 1970 had given encouragement to the aggressor and that since the adoption of that resolution over two hundred acts of aggression had been committed from Lebanese territory with the connivance of the Lebanese authorities against the territory and population of Israel. The so-called "Cairo Agreement" signed between Lebanon and the Palestinian commandos on 3 November 1969, he maintained, provided the basis for terrorist activity against Israel from Lebanon. Under the terms of that agreement, he noted, the Palestinians' armed struggle was reaffirmed to be in Lebanon's interest and the Lebanese army had undertaken to co-operate in the installation of supplies, rest and aid posts for Palestinian commandos. It was against this background of continuous acts of aggression committed from Lebanese territory and of the admitted helplessness of the Lebanese authorities to control their own territory that Israel had been compelled to exercise its right of self-defence in the present instance. On 4 and 5 September 1970, a small unit of the Israel Defence Forces had carried out a search and comb mission directed solely against terrorists in the affected part of Lebanon. Those units had evacuated Lebanese territory upon completion of their mission. In this minor Israeli action of defensive and limited nature, the Lebanese Army had not been directly involved except for some shelling from a distance. He further stressed that Lebanon was obliged as a Member of the United Nations to prevent irregular, as well as regular, forces from using its territory for aggression against another Member State. If Lebanon chose to repudiate this principle, it could not claim to be immune to Israel's defence against aggression.<sup>205</sup>

The representative of Spain maintained that in so far as an invasion of Lebanon by Israel had occurred, the fact that a withdrawal had been initiated was not sufficient proof for the Council to remain inactive. Bearing in mind that the incident under consideration was repetition of actions which had occurred in the past with flagrant violation of certain principles of the Charter, he urged that the Council should act with all the urgency required by the situation and submitted<sup>206</sup> a draft resolution.<sup>207</sup> He requested that it be put to the vote before the conclusion of the meeting.<sup>208</sup>

Subsequently, the draft resolution was put to the vote and adopted<sup>209</sup> by 14 votes in favour, none against with 1 abstention. It read<sup>210</sup> as follows:

**"The Security Council**

**"Demands** the complete and immediate withdrawal of all Israeli armed forces from Lebanese territory."

**Decision** of 25 September 1971 (1582nd meeting): resolution 298 (1971)

<sup>204</sup> *Ibid.*, paras. 16-25.

<sup>205</sup> *Ibid.*, paras. 46, 47, 48, 51, 52, 53, 54, 55.

<sup>206</sup> *Ibid.*, paras. 59, 60-64.

<sup>207</sup> *Ibid.*, circulated as document S/9928.

<sup>208</sup> *Ibid.*, para. 64.

<sup>209</sup> *Ibid.*, para. 93.

<sup>210</sup> Resolution 285 (1970).

<sup>200</sup> 1551st meeting, para. 7.

<sup>201</sup> *Ibid.*, para. 8.

<sup>202</sup> 1537th meeting, paras. 6-8.

<sup>203</sup> 1551st meeting, paras. 11-14.

By letter<sup>211</sup> dated 13 September 1971 addressed to the President of the Security Council, the representative of Jordan requested an urgent meeting of the Security Council to consider Israel's illegal measures in Jerusalem in defiance of Security Council resolutions 252 (1968), 267 (1969) and 271 (1969). He stated that Israel had been continuing its illegal and unilateral measures and steps to change the Arab character of the City and its environs and was presently contemplating a new legislation to extend the border of Jerusalem to include 30 new Arab towns and villages with a population over 100,000. These measures were referred to in the Jordanian delegation's latest letters,<sup>212</sup> as well as the Secretary-General's reports of 18 February 1971<sup>213</sup> and 20 April 1971.<sup>214</sup> Israel's negative attitude had been demonstrated since it had started to implement the so-called "master plan" for Jerusalem. In so far as the situation created by illegal Israeli measures constituted a direct threat to the character of Jerusalem and the surrounding suburbs and villages, the lives and destiny of its people and international peace and security, it called for immediate consideration by the Security Council.

At the 1579th meeting of the Security Council on 16 September 1971, the representative of Syria proposed that in so far as the reports from the Secretary-General which had been called for by the Security Council in its resolutions 252 (1968), 267 (1969) and 271 (1969) related to the question to be considered by the Council, the item on the provisional agenda regarding the situation in the Middle East should be divided into two sections and include these reports in addition to the letter dated 13 September 1971 from the representative of Jordan.<sup>215</sup> The agenda as amended was adopted<sup>216</sup> without objection. It read:

"The situation in the Middle East:

"(a) Letter dated 13 September 1971 from the Permanent Representative of Jordan to the United Nations addressed to the President of the Security Council (S/10313)

"(b) Reports of the Secretary-General (S/8052, S/8146, S/9149 and Add.1, S/9537, S/10124 and Add.1 and 2)".

Subsequently, the Council invited<sup>217</sup> the representatives of Jordan, Egypt and Israel to participate without vote in the discussion of the question before the Council. Invitations<sup>218</sup> were also extended to the representatives of Mali, Morocco, Lebanon and Saudi Arabia at the 1580th meeting and to the representative of Tunisia at the 1581st meeting. The Council considered the question at its 1579th to 1582nd meetings, held between 16 and 25 September 1971.

At the 1579th meeting on 16 September 1971, the representative of Jordan\* stated that the worsening situation in Jerusalem was the result of the Israeli persistence in the implementation of measures designed

<sup>211</sup> S/10313, OR, 26th yr., Suppl. for July-Sept. 1971, p. 63.

<sup>212</sup> S/10075, S/10123, S/10130/Corr.1, S/10139, S/10149 and S/10152, OR, 26th yr., Suppl. for Jan.-Mar. 1971, pp. 36-39, 77, 81-86, 96, 102, 103-104 respectively; S/10169, OR, 26th yr., Suppl. for Apr.-June 1971, p. 21-22.

<sup>213</sup> S/10124, OR, 26th yr., Suppl. for Jan.-Mar. 1971, p. 77-79.

<sup>214</sup> S/10124/Add.1, OR, 26th yr., Suppl. for Apr.-June 1971, p. 20-21.

<sup>215</sup> 1579th meeting, paras. 3-5.

<sup>216</sup> Ibid., para. 7.

<sup>217</sup> Ibid., para. 9.

<sup>218</sup> 1580th meeting, paras. 2, 75; 1581st meeting, para. 45.

(i) to change the status and character of the Holy City, in disregard of the repeated General Assembly and Security Council resolutions and (ii) to prevent the conclusion of a just and peaceful settlement, in the hope that the cease-fire lines would ultimately become the new borders of Israel. New legislation now being contemplated by Israel would extend the borders of Jerusalem by annexing 3 more Arab towns and 27 Arab villages over and above what had already been unilaterally and illegally annexed in June 1967. Furthermore, reports emanating from the occupied territories referred to attempts in the Israeli Parliament to enact a law to confine holy Moslem religious places in Haram Esh-Sherif area to Al Aqsa and the Dome of the Rock mosques whereby the plaza of Haram Esh-Sherif and other religious and cultural buildings which constituted part of it and which were held sacred by the Moslems, would be subject to future illegal Israeli regulations and excavations. He stated that the Israeli authorities still declined to supply the Secretary-General, in spite of his repeated requests, with information on the "master plan" for "greater Jerusalem" which envisaged, *inter alia*, developments affecting the premises of the "Government House"-the headquarters of the UNTSO situated in the "no-man's land" in Jerusalem. At the close of his statement, the representative of Jordan reiterated the charge that Israel followed a systematic and determined policy of "Judaizing" the Holy City and its environs, and in this connexion, drew attention to the following points: that the Israeli annexationist measures in Jerusalem constituted a renunciation of the Israeli commitments under the Armistice Agreement of which Israel was a signatory; that they were a breach of the cease-fire Agreement which implied that troop movements must be halted and "any attempt to gain legal and geographical advantages from the current situation must be deplored"; that these measures were contrary to contemporary international law and practice which did not recognize the right of conquest or the right of the conqueror to acquire territory as a result of his conquest; that they were in contradiction of the principles of the United Nations Charter which reaffirmed the established principle that acquisition of territory by military conquest was inadmissible; that they were in violation of General Assembly and Security Council resolutions pertaining to Jerusalem, particularly General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) and Security Council resolutions 252 (1968), 267 (1969) and 271 (1969); that they were also in violation of the Hague Convention of 1907 and the Geneva Conventions of 1949 and international law and practice governing military occupation, the 1955 Convention and Protocol for the Protection of Cultural Property in the Event of Armed Conflict, the Declaration of Human Rights, 1948 and the United Nations Convention on Civil and Political Rights; and that these measures undermined the sovereignty and territorial integrity of an independent and sovereign Member State of the United Nations. In view of the repeated Israeli violation of the United Nations resolutions, as well as international conventions, he felt that the Security Council should invoke whatever sanctions it deemed fit under Chapter VII of the Charter to ensure respect for its decisions and to prevent a fait accompli in Jerusalem from interfering with a just solution to the Middle East problem.<sup>219</sup>

<sup>219</sup> 1579th meeting, paras. 17, 19, 20, 27, 28, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 76-86.

At the 1580th meeting on 16 September 1971, the representative of Israel\* contended that the present complaint before the Security Council constituted an attempt on the part of Jordan to divert attention from its internal difficulties. He maintained that Jordan had been associated with Jerusalem only through its invasion of 1948, in violation of the Charter and of United Nations resolutions, and through the subsequent illegal occupation of the city's eastern sector. That occupation, he added, did not accord Jordan any rights, especially now that it had been terminated. It had never been recognized by any of the States Members of the United Nations and could not serve as a basis for invoking international conventions and instruments; nor could it be used as a lever to infringe upon the City's right to normal existence, to reconstruction and development. Contrary to the Jordanian allegations, there was no "master plan". The development of Jerusalem, including construction, having been interrupted by war and the subsequent bisection of the city had to proceed once more on its normal course. He denied Jordanian allegations that Israel contemplated the extension of the city's municipal boundaries to include neighbouring Arab towns and villages and their populations, and stated that the legislation referred to in the Jordanian complaint had been a private bill submitted by an individual member of the Israeli Parliament which had long ago been withdrawn. In conclusion, the representative of Israel declared that while rejecting any claims based on aggression against Jerusalem and the city's former illegal division, Israel would continue to be guided by the legitimate rights and interests of Jerusalem's citizens irrespective of nationality and faith and would scrupulously ensure the sanctity of the Holy Places, freedom of access to them and the jurisdiction of the various religious communities over them.<sup>220</sup>

At the 1582nd meeting on 25 September 1971, the representative of the USSR stated that the resolutions adopted by the Security Council and the General Assembly on the question of Jerusalem and on the situation in the Middle East were based on a generally recognized principle of international law that it was inadmissible to acquire territory through war.<sup>221</sup> Despite those resolutions, Israel continued to wage a policy aimed at conquering and assimilating Arab territories and preventing and subverting a peaceful political settlement in the area as provided for by Security Council resolution 242 (1967) of 22 November 1967. He concluded by expressing support for the demand of the Arab countries that a special mission of the Security Council be dispatched to Jerusalem.<sup>222</sup>

At the same meeting the representative of Somalia introduced<sup>223</sup> a draft resolution<sup>224</sup> which, he noted, took cognizance of the main issues of the question and attempted to chart a course of action for the Council that would take the United Nations one step forward in meeting its responsibilities.<sup>225</sup>

Subsequently the representative of Syria submitted\*\*

<sup>220</sup> 1580th meeting, paras. 6, 9, 11, 21, 28, 34, 61, 69-72.

<sup>221</sup> For discussion on the question of inadmissibility of acquisition of territory by force in connexion with Article 2(4), see chapter XII, Case 6.

<sup>222</sup> 1582nd meeting, paras. 4, 7, 8-15, 20, 26, 30. The suggestion was made by an invited member (Morocco) at the 1581st meeting, paras. 24, 25.

<sup>223</sup> 1582nd meeting, para. 126.

<sup>224</sup> S/10337, OR, 26th yr., Suppl. for July-Sept. 1971, p. 67.

<sup>225</sup> 1582nd meeting, paras. 105, 106, 107, 108, 109, 110, 111, 127-133.

<sup>226</sup> *Ibid.*, para. 154.

a number of amendments\*\* to the Somalian draft resolution.

In response to an appeal made by the representatives of France,<sup>226</sup> the United States,<sup>226</sup> United Kingdom,<sup>230</sup> Somalia<sup>231</sup> and Italy<sup>232</sup> to withdraw his amendments in the interest of unanimity, the representative of Syria withdrew the second, third and fourth amendments which he had submitted but requested<sup>233</sup> a vote to be taken on the first amendment.

At the 1582nd meeting on 25 September 1971, the Syrian amendment to the draft resolution submitted by Somalia was put to the vote and adopted<sup>234</sup> by 13 votes in favour, none against with 2 abstentions,

Subsequently, paragraph 5 of the draft resolution was voted upon, a separate vote having been requested thereon by the representative of the USSR<sup>235</sup> and adopted<sup>236</sup> by 12 votes in favour, none against with 3 abstentions.

At the same meeting, the draft resolution, as amended, as a whole was put to the vote and adopted<sup>237</sup> by 14 votes in favour, none against with 1 abstention. It read<sup>238</sup> as follows:

**"The Security Council,**

**"Recalling** its resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967 concerning measures and actions by Israel designed to change the status of the Israeli-occupied section of Jerusalem,

**"Having considered** the letter of the Permanent Representative of Jordan on the situation in Jerusalem and the reports of the Secretary-General, and having heard the statements of the parties concerned on the question,

**"Reaffirming** the principle that acquisition of territory by military conquest is inadmissible,

**"Noting with concern** the non-compliance by Israel with the above-mentioned resolutions,

**"Noting with concern** also that since the adoption of the above-mentioned resolutions Israel has taken further measures designed to change the status and character of the occupied section of Jerusalem.

"1. **Reaffirms** its resolutions 252 (1968) and 267 (1969);

"2. **Deplores** the failure of Israel to respect the previous resolutions adopted by the United Nations concerning measures and actions by Israel purporting to affect the status of the City of Jerusalem;

"3. **Confirms** in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, trans-

<sup>227</sup> S/10338/Rev.1, OR, 26th yr., Suppl. for July-Sept. 1971, p. 67.

<sup>228</sup> 1582nd meeting, paras. 252-253.

<sup>229</sup> *Ibid.*, para. 257.

<sup>230</sup> *Ibid.*, para. 314.

<sup>231</sup> *Ibid.*, para. 317.

<sup>232</sup> *Ibid.*, para. 324.

<sup>233</sup> *Ibid.*, para. 328.

<sup>234</sup> *Ibid.*, para. 335.

<sup>235</sup> *Ibid.*, paras. 279, 280, 330, 331, 332.

<sup>236</sup> *Ibid.*, para. 338.

<sup>237</sup> *Ibid.*, para. 339.

<sup>238</sup> Resolution 298 (1971).

fer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status;

"4. **Urgently calls** upon Israel to rescind all previous measures and actions and to take no further steps in the occupied section of Jerusalem which may purport to change the status of the City or which would prejudice the rights of the inhabitants and the interests of the international community, or a just and lasting peace;

"5. **Requests** the Secretary-General, in consultation with the President of the Security Council and using such instrumentalities as he may choose, including a representative or a mission, to report to the Council as appropriate and in any event within sixty days on the implementation of the present resolution."

#### COMPLAINT BY THE GOVERNMENT OF CYPRUS

**Decision of 10 June 1969 (1474th meeting):** resolution 266 (1969)

On 2 June 1969, the Secretary-General submitted to the Security Council his report<sup>230</sup> on the United Nations Operation in Cyprus covering developments from 3 December 1968 to 2 June 1969. In his report the Secretary-General noted that the situation during the period under review had been generally calm. There had been no major breaches of the cease-fire, although certain incidents had, at times, created tension. Relations between Greek and Turkish Cypriots had continued to show some improvements; in particular, there had been a marked increase in the number of contacts between members of both communities. An atmosphere more conducive to normalization had thus been created. He was further convinced that in the then existing circumstances, the peace-keeping work of the United Nations Force represented an indispensable element in maintaining and further improving the calm atmosphere in the island and in promoting the steps toward normalization. He therefore considered a further extension of the stationing of the United Nations Force to be imperative. Moreover, all the parties concerned supported its continued presence in Cyprus.

The Security Council considered the report of the Secretary-General at its 1474th meeting on 10 June 1969, at which meeting the agenda was adopted,<sup>240</sup> without objection. The representatives of Cyprus, Greece and Turkey were invited<sup>241</sup> to participate in the discussion.

At the same meeting, as a result of the consultations held among members of the Council prior to the meeting, an agreement was reached on the text of a draft resolution<sup>242</sup> which read as follows:

#### **"The Security Council,**

**"Noting** from the report of the Secretary-General of 3 June 1969 (S/9233) 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 1969,

**"Noting** from the observations in the report, that the improvement of the situation in Cyprus has been maintained during the period under review,

"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, 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, and 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 24 November 1967;

"2. **Urges** the parties concerned to act with the utmost restraint and to continue determined cooperative 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 1969, in the expectation that by then sufficient progress toward a final solution will make possible a withdrawal or substantial reduction of the Force."

At the same meeting the President (Paraguay) put to the vote the draft resolution which was adopted<sup>243</sup> unanimously. After the vote the representative of the USSR stated that having regard to the wishes of the parties directly concerned, his Government would not object to the proposal for an extension of another six months of the stay of the United Nations Force in Cyprus in view of the fact that such an extension was in full conformity with the provisions of the Security Council resolution of 4 March 1964, i.e., they would continue to function under the existing mandate and be financed on a voluntary basis.<sup>244</sup>

**Decision of 11 December 1969 (1521st meeting):**

On 3 December 1969, the Secretary-General submitted to the Security Council his report<sup>245</sup> on the United Nations operation in Cyprus covering developments from 3 June 1969 to 1 December 1969. In the report, the Secretary-General stated that despite the fact that there had been a great improvement as a result of nearly six years of patient and persistent efforts, in which the UNFICYP had played a vital role, the situation in Cyprus remained basically unstable and uncertain. He thus saw no other alternative but to recommend a further extension of the stationing of the United Nations Force in Cyprus.<sup>246</sup>

The Security Council considered the report of the Secretary-General at its 1521st meeting on 11 December

<sup>243</sup> *Ibid.*, para. 64; resolution 266 (1969).

<sup>244</sup> *Ibid.*, paras. 137-139.

<sup>245</sup> S/9521 and Add.1, OR, 24th yr., Suppl. for Oct.-Dec. 1969, pp. 120-142.

<sup>246</sup> The parties concerned had expressed their agreement to the proposed extension.

<sup>230</sup> S/9233, OR, 24th yr., Suppl. for Apr.-June 1969, pp. 175-185.

<sup>240</sup> 1474th meeting, preceding para. 8.

<sup>241</sup> *Ibid.*, para. 8.

<sup>242</sup> *Ibid.*, paras. 10-11.

1969, at which meeting the agenda was adopted<sup>247</sup> without objection. The representatives of Cyprus, Greece and Turkey were invited<sup>248</sup> to participate in the discussion.

At the same meeting the President (Zambia) stated that as a result of prior informal consultations a draft resolution had been prepared. Subsequently, he announced that further consultations held with the members of the Council had resulted in a minor modification of the third preambular paragraph.<sup>249</sup>

The representative of the USSR while emphasizing that the United Nations peace-keeping operation in Cyprus should not continue indefinitely and having regard to the position of the interested parties, stated that his Government did not object to the proposed extension of the stationing of the United Nations Force for a further period of six months on condition that its mandate would be carried out in full accordance with the provisions of the Council resolution 186 of 4 March 1964 and its financing continued to be done on a voluntary basis.<sup>250</sup>

At the same meeting the President (Zambia) put to the vote the draft resolution which was adopted<sup>251</sup> unanimously. The text read<sup>252</sup> as follows:

**"The Security Council,**

**"Noting** from the report of the Secretary-General of 3 December 1969 (S/9521) 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 1969;

**"Noting**, from the observations in the report, that the improvement of the situation in Cyprus has continued during the period under review,

"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, and 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, and 266 (1969) of 10 June 1969 and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 24/25 November 1967;

"2. the parties concerned to act with the utmost restraint and to continue 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;

<sup>247</sup> 1521st meeting: preceding para. 1.

<sup>248</sup> *Ibid.*, para. 1.

<sup>249</sup> The amended third preambular paragraph read: "Noting from the observations in the report that the improvement of the situation in Cyprus has continued during the period under review."

<sup>250</sup> 1521st meeting, paras. 69-70.

<sup>251</sup> *Ibid.*, para. 72; S/9550/Rev.1.

<sup>252</sup> Resolution 274 (1969).

"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 1970, in the expectation that by then sufficient progress toward a final solution will make possible a withdrawal or substantial reduction of the Force."

**Decision** of 9 June 1970 (1543rd meeting) : resolution 281 (1970)

On 1 June 1970, the Secretary-General submitted to the Security Council his report<sup>253</sup> covering the developments from 2 December 1969 to 1 June 1970. Having observed that in the prevailing circumstances it would be unrealistic to expect an early solution of the basic problems of Cyprus and having noted that reductions both in strength and the cost of UNFICYP had been put into effect in the past six months and that this process had been viewed with anxiety by both the Government of Cyprus and the Turkish Cypriot leadership which attached importance to the continued presence of United Nations troops for tranquillity and peace, the Secretary-General recommended that UNFICYP at its existing strength should be continued for a further six months.

The Security Council considered the report of the Secretary-General at its 1543rd meeting on 9 June 1970 at which meeting the provisional agenda was adopted without objection,<sup>254</sup> and the representatives of Cyprus, Greece and Turkey were invited to participate in the Council's discussion.<sup>255</sup>

At the same meeting, the President (Nepal) announced that in the course of informal consultations among the members of the Security Council, a draft resolution<sup>256</sup> had been prepared for consideration by the Council.<sup>257</sup> He put to the vote the said draft resolution and it was adopted unanimously.<sup>258</sup> The text read as follows:<sup>259</sup>

**"The Security Council,**

**"Noting** from the report of the Secretary-General of 1 June 1970 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 1970,

**"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

<sup>253</sup> S/9814, OR, 25th yr., Suppl. for April-June 1970. pp. 190-200.

<sup>254</sup> 1543rd meeting, para. 4.

<sup>255</sup> *Ibid.*, para. 5.

<sup>256</sup> S/9831, adopted without change as resolution 281 (1970).

<sup>257</sup> 1543rd meeting, para. 7.

<sup>258</sup> *Ibid.*, para. 87.

<sup>259</sup> Resolution 281 (1970).



1968, and 266 (1969) of 10 June and 274 (1969) of 11 December 1969, 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 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 1970, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force."

Subsequently, the representative of the USSR took note of the fact that over six years had elapsed since the United Nations Force in Cyprus had first appeared on the island. He considered it necessary to stress that the carrying out of this United Nations operation in the field of peace-keeping could not and must not continue indefinitely. By the very nature and length of this operation, it could not, in his view, serve as a prototype or model for a normal United Nations peace-keeping operation. The presence on the territory of an independent and sovereign State of foreign forces in itself, even under the aegis of the United Nations, could only be an extraordinary measure, which must end at the first opportunity. He stated that the USSR did not object to extending the stay of UNFICYP for another six-month period, it being understood that this extension was in full conformity with Security Council resolution 186 (1964) of 4 March 1964, in other words with the present functions of United Nations forces in Cyprus and the existing system for their financing on a voluntary basis.<sup>260</sup>

**Decision of 10 December 1970** (1564th meeting) : resolution 291 (1970)

On 2 December 1970, the Secretary-General submitted to the Security Council his report<sup>261</sup> covering the developments from 2 June 1970 to 1 December 1970. Noting that the situation prevailing in Cyprus was one of "negative stability", that is, the record of the past six months showed neither progress towards further normalization and the elimination of confrontation nor a return to the tense and explosive situation which had existed prior to the commencement of the intercommunal talks in June 1968, the Secretary-General recommended to the Security Council the extension of UNFICYP's mandate with agreement of the Governments of Cyprus, Greece and Turkey, for another period of six months in view of the fact that its withdrawal would involve an acute risk of a return to the pattern of intercommunal violence.

The Security Council considered the report of the Secretary-General at its 1564th meeting on 10 December 1970, at which meeting the provisional agenda was adopted without objection?<sup>262</sup> and the representatives of Cyprus, Greece and Turkey were invited to participate in the discussion.\*<sup>263</sup>

At the same meeting, the President (USSR) stated that pursuant to informal consultations which had been held among the members of the Council, a draft resolution<sup>264</sup> had been prepared.<sup>265</sup> He put to the vote the said draft resolution and it was adopted unanimously.<sup>266</sup> The text read as follows:<sup>267</sup>

"*The Security Council,*

"*Noting* from the report of the Secretary-General of 2 December 1970 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 1970,

"*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 and 281 (1970) of 9 June 1970, 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 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 1971, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force."

Subsequently, the representative of the USSR reiterated the position of his Government that so lengthy a stay as the seven-year presence of the United Nations troops in Cyprus could not be regarded as normal in any way and that the presence of foreign troops on the territory of an independent and sovereign State, even under the auspices of the United Nations, could be only a temporary and extraordinary measure to be terminated at the first opportunity. Having expressed the hope that that opportunity would arise not later than the end of the latest six-months term for the stay of the United Nations Force in Cyprus, he stated that it was on this understanding and also taking into account the position in this matter of the interested

<sup>260</sup> 1543rd meeting, paras. 126-1 28.

<sup>261</sup> S/10005, OR, 25th yr., Suppl. for Oct.-Dec. 1970, pp. 57-71.

<sup>262</sup> 1564th meeting, preceding para. 1.

<sup>263</sup> *Ibid.*, para. 1.

<sup>264</sup> S/10036 adopted without change as resolution 291 (1970).

<sup>265</sup> 1564th meeting, para. 3.

<sup>266</sup> *Ibid.*, para. 86.

<sup>267</sup> Resolution 291 (1970).

parties, that the USSR had not, at this time, raised the question of the withdrawal of these troops from Cyprus. He also noted that his Government had not objected to the extension of the stay of the United Nations troops in Cyprus for a further six-months period, on the understanding that the extension was to be effected in complete accordance with the provisions of Council resolution 186 (1964), namely that the present restricted functions of the troops would remain as before and the present operating arrangements for their financing on a voluntary basis would be maintained.<sup>268</sup>

Decision of 26 May 1971 (1568th meeting): resolution 293 (1971)

On 20 May 1971, the Secretary-General submitted to the Security Council his report<sup>269</sup> covering the developments from 2 December 1970 to 19 May 1971. The Secretary-General reported that in the period under review there had been little perceptible improvement in the situation in Cyprus and no indication of progress towards a negotiated solution of the underlying problems of the island. On the contrary, there had, on occasion, been a tendency on the part of spokesmen both for the Cyprus Government and for the Turkish Cypriot community to adopt uncompromising attitudes in their public statements which had resulted in an aggravation of tension. There were strong indications that unless renewed effort was made on all sides to bridge the existing difficulties, Cyprus could be entering a new period of tension in which little substantial progress towards the solution of the main problems could be expected and the danger of renewed unrest was to be feared. In view of such circumstances, the Secretary-General recommended that the Council extend the mandate of the UNFICYP for a further period of six months until 15 December 1971. Having noted that all the parties principally concerned were in agreement with this recommendation, he stated that any sizable reduction of the operation would be inadvisable until an appreciable degree of elimination of confrontation between the forces on the island could be achieved. In this connexion, the Secretary-General, drawing attention to the fact that this constituted the nineteenth time that he had recommended to the Security Council the extension of the mandate of UNFICYP, observed that the prospect of an apparently indefinite commitment for the United Nations in Cyprus posed fundamental questions for the Organization in facing its responsibilities for the maintenance of international peace and security. He believed the time had come for a comprehensive review of this problem and expressed hope that members of the Security Council would give it serious consideration in the coming months and would give thought especially to constructive alternatives to the present arrangement.

The Security Council considered the report of the Secretary-General at its 1567th and 1568th meetings held on 26 May 1971.

At the 1567th meeting the Security Council adopted,<sup>270</sup> without objection, the provisional agenda and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.<sup>271</sup>

Subsequently, the President (Burundi) announced that during informal consultations which had been held

among the members of the Council a draft resolution<sup>272</sup> had been prepared.<sup>273</sup>

At the same meeting, the President put the draft resolution to the vote and it was adopted unanimously.<sup>274</sup> The text read as follows:<sup>275</sup>

*"The Security Council,*

*"Noting from the report of the Secretary-General of 20 May 1971 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 1971,*

*"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, and 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 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 determined cooperative 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 1971, 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 1568th meeting held also on 26 May 1971, the representative of the USSR stated that his country's position on the Cyprus question remained valid and in force. The question of Cyprus had to be settled on the basis of independence, sovereignty and territorial integrity of the Republic of Cyprus and without any outside interference. All foreign forces had to be withdrawn from its territory. He emphasized once again that many years had elapsed since foreign military contingents called United Nations forces had for the first time been dispatched to Cyprus. Such a lengthy United Nations operation for the maintenance of peace could not serve as a model for other such operations. In itself, the presence on the territory of a sovereign and independent State of foreign troops—even under the

<sup>268</sup> 1564th meeting, paras. 163-164.

<sup>269</sup> S/10199, OR, 26th yr., Suppl. for Apr.-June 1971, pp. 50-60.

<sup>270</sup> 1567th meeting, para. 1.

<sup>271</sup> *Ibid.*, para. 2.

<sup>272</sup> S/O209 adopted without change as resolution 233 (1971).

<sup>273</sup> 1567th meeting, para. 3.

<sup>274</sup> *Ibid.*, para. 127.

<sup>275</sup> Resolution 293 (1971).

aegis and in the name of the United Nations—could only be an **extraordinary** and short-term measure to be ended as soon as possible. On this understanding and taking into account the position of the parties concerned, his **delegation** had not at this time raised the question of complete withdrawal of United Nations forces from the territory of Cyprus. Further, the USSR had agreed with the extension on the understanding that it would be in full conformity with Council resolution 186 (1964) and subsequent resolutions on the question of Cyprus, that is, by adhering to the **present** functions of the forces and the present procedure for financing on a voluntary **basis**.<sup>276</sup>

**Decision** of 13 December 1971 (1613th meeting): resolution 305 (1971)

On 30 November 1971, the Secretary-General submitted to the Security Council his **report**<sup>277</sup> covering the developments from 20 May to 30 November 1971. Having stated that the period under review had been marked by a deterioration of the general situation in Cyprus, the Secretary-General stated that the prevailing **uncasiness** had been due to the uncertainties of the intercommunal talks which had been deadlocked. He remained convinced that the best way of achieving a solution to the Cyprus problem was through a negotiated agreement between the two communities on its constitutional aspects. The Secretary-General also observed that the intercommunal talks in their present form had reached an impasse which could not be overcome without a new impetus. With this in mind, he had made some procedural suggestions designed to reactivate these talks and make them more effective. It was his suggestion that with a view to facilitating the future conduct of the intercommunal talks, his Special Representative in Cyprus should, in the exercise of the Secretary-General's good offices, take part in the talks between the representatives of the two communities and that the Governments of Greece and Turkey should each make available a constitutional expert who would attend the talks in an advisory capacity. He emphasized that there was no intention that the Special Representative should act as a mediator or put forward substantive proposals **concerning** solutions to the problem.

In his report, the Secretary-General also observed that two fears especially dominated the Cyprus problem—on the Greek Cypriot side the fear of partition and on the Turkish Cypriot side the fear of **enosis**. It was his view that if the Security Council were able to assist the parties in dispelling the difficulties created by these two ideas and, in doing so, to reaffirm its own determination to ensure that a just **settlement** would be reached in Cyprus within the principles of the Charter and the spirit and letter of its resolutions on the subject, an improvement in the atmosphere of the intercommunal talks and in the relations between the parties might result. He also expressed the view that on some of the basic issues the Council's advice, guidance and new **initiatives**, with the agreement of the parties, would be a reassuring and constructive element in their efforts to reach a settlement. It would be for the Council itself, he noted, to consider how best it might play such a role. In view of the present tension in Cyprus and the fact that it was essential to maintain quiet in the island while the search for a

solution to the Cyprus problem continued, the Secretary-General **recommended**, with the agreement of the parties concerned, an extension of the mandate of UNFICYP for a further period of six months, until 15 June 1972.

Referring to the fundamental problems that the prospect of an indefinite **commitment** for the United Nations in Cyprus posed for the Organization in facing its responsibilities for the maintenance of international **peace and security**, the Secretary-General stated that he had not put forward any suggestions regarding constructive alternatives to the **present** arrangement because the possibility of such alternatives depended on the outcome of ongoing efforts to reactivate the intercommunal talks and on the effect of such a development on the situation in the island.

The Security Council considered the report of the Secretary-General at its 1612th and 1613th meetings held on 13 December 1971. At the 1612th meeting of the Security Council, the provisional agenda was adopted without **objection**<sup>278</sup> and the representatives of Cyprus, Greece and Turkey were invited to participate in the Council's discussion.<sup>279</sup>

Subsequently, the President announced that as a result of consultations held among the members of the Security Council prior to that meeting, a draft **resolution**<sup>280</sup> had been prepared.<sup>281</sup> The draft resolution was put to the vote and adopted by 14 votes in favour to none against with 1 member not participating in the vote.<sup>282</sup> The text read as follows:<sup>283</sup>

**"The Security Council,**

**"Noting** from the report of the Secretary-General of 30 November 1971 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 1971,

**"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, and 293 (1971) of 26 May 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;

<sup>278</sup> 1612th meeting, preceding para. 1.

<sup>279</sup> *Ibid.*, para. 3.

<sup>280</sup> S/10441 adopted, without change but with the insertion in paragraph 2 of the words "and accelerate", which had been omitted, after the word "continue", as resolution 305 (1971).

<sup>281</sup> 1612th meeting, para. 5

<sup>282</sup> *Ibid.*, para. 6.

<sup>283</sup> Resolution 305 (1971).

<sup>276</sup> 1568th meeting, paras. 11-115.

<sup>277</sup> S/10401, OR, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 42-55.

"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 1972, 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 same meeting, the representative of Cyprus\* stated, *inter alia*, that his Government had decided to accept, despite certain reservations, the Secretary-General's suggestions regarding the intercommunal talks, on the understanding that it did not create a precedent. He held that if the new effort, under the proposal of the Secretary-General, failed to bring about the achievement of the objectives of the Security Council—as stated in its resolution 186 (1964) of 4 March 1964—either the Council on its own initiative, or the Government of Cyprus, would ask the Security Council to utilize the Secretary-General's further suggestion that the Council should become more actively involved in assisting the parties in the search for a solution to the Cyprus problem.<sup>284</sup>

The representative of Turkey\*, expressed confidence that continuation of contacts with the Secretary-General on the matter of reactivation of intercommunal talks by the parties concerned would soon produce a consensus upon which the talks might be resumed.<sup>285</sup>

The representative of Greece,\* reiterated his Government's acceptance of the Secretary-General's suggestions regarding the reactivation of intercommunal talks and pointed out that participation of a representative of the Secretary-General in these conversations, and within the framework of the Secretary-General's good offices, could be in keeping with Council resolution 244 (1967) of 22 December 1967, specifically paragraph 3, on the basis of which the dialogues had begun.<sup>286</sup>

The representative of the USSR stated that his Government's earlier position on the question of Cyprus still remained valid and that it shared the view, expressed in the Secretary-General's report and also put forth by the Representative of Cyprus, that the Security Council should be more actively engaged in the search for a solution to the problem of Cyprus. The Security Council should once again study all possibilities for a settlement of the situation in Cyprus leading to a withdrawal of United Nations troops from the island. He noted that it was on this understanding and also bearing in mind the position on this issue of the parties concerned that the Soviet delegation had not at this time raised the question of a withdrawal of the United Nations troops from Cyprus.<sup>287</sup>

At the 1613th meeting on 13 December 1971, the President, on behalf of the Council, appealed to the interested parties to agree on the modalities of reactivating the talks in accordance with the suggestions made by the Secretary-General.<sup>288</sup>

<sup>284</sup> 1612th meeting, paras. 30-31, 33-35, 37-38.

<sup>285</sup> *Ibid.*, para. 52.

<sup>286</sup> *Ibid.*, para. 68.

<sup>287</sup> *Ibid.*, paras. 145, 147, 148, 152-156.

<sup>288</sup> 1613th meeting; para. 72.

## SITUATION IN SOUTHERN RHODESIA

**Decision of 17 June 1969 (1477th meeting) :**  
**Statement by the President**

**Decision of 24 June 1969 ( 1481st meeting) :**  
**Rejection of the joint draft resolution**

By letter<sup>289</sup> dated 6 June 1969 addressed to the President of the Security Council, the representatives of Afghanistan, Algeria, Botswana, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Laos, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Swaziland, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia requested the President of the Security Council to call an urgent meeting of the Council to consider the situation in Southern Rhodesia (Zimbabwe). It was stated in the letter that because of the lack of co-operation on the part of several Member States, notably South Africa and Portugal, the comprehensive mandatory sanctions imposed by Security Council resolution 253 (1968) of 29 May 1968 had failed to bring about the desired result. The illegal racist minority régime had continued to strengthen its authority over the Territory and its population and was contemplating further new measures designed to formalize the system of *apartheid* already in operation in the Territory. The rapid deterioration in the situation and the refusal of the United Kingdom to act in an appropriate manner—namely, to resort to the use of force—had created a serious situation which constituted an increased threat to international peace and security. The Council must take more energetic measures within the framework of Chapter VII of the Charter so that the people of Southern Rhodesia (Zimbabwe) could exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV).

At the 1475th meeting on 13 June 1969, the Council adopted the agenda,<sup>290</sup> including also at the request of the representatives of Algeria *two reports*<sup>291</sup> of the Committee established in pursuance of Security Council resolution 253 (1968). The Council considered the

<sup>289</sup> S/9237 and Add.1 and 2, OR, 24th yr., Suppl. for April-June 1969, p. 187. Document S/9237/Add.1, dated 9 June 1969, indicated the addition of Ivory Coast and Mongolia, and document S/9237/Add.2, dated 13 June 1969, the addition of Cyprus to the list of signatories of the letter.

<sup>290</sup> 1475th meeting, para. 1.

<sup>291</sup> S/8954, OR, 23rd yr., Suppl. for Oct.-Dec. 1968, pp. 181-295 and S/9252 and Add.1, OR, 24th yr., Suppl. for Apr.-June 1969, pp. 195-329. In its first report (S/8954) the Committee stated, among other things, that in contravention of resolution 232 (1966) there were some countries, besides South Africa and Portugal, which had continued to trade with Southern Rhodesia. In its 'second report (S/9252 and Add.1) the Committee stated that, as a result of the refusal of South Africa and Portugal to take measures in accordance with the Council's decisions and the failure of some other States to implement fully the provisions of resolution 253 (1968), it was compelled to observe that the sanctions established by that resolution against the illegal régime in Southern Rhodesia had not yet brought about the desired results. The Committee therefore felt that consideration should be given to more effective measures to ensure full implementation of Security Council resolution 253 (1968).

question at its 1475th to 1481st meetings, between 13 and 24 June 1969. The representatives of Burundi, Guinea, India, Mauritania, Somalia, Sudan, Saudi Arabia and the United Republic of Tanzania were invited to participate in the discussion.<sup>292</sup>

At the 1475th meeting, the President drew the attention<sup>293</sup> of the Council to a letter<sup>294</sup> dated 10 June 1969 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 transmitting the text of a resolution adopted on that date by the Special Committee on the situation in Southern Rhodesia.

At the same meeting, the representative of Algeria stated that a new examination of the problem of Southern Rhodesia by the Security Council was indispensable in view of the ineffectiveness of the economic sanctions imposed by Security Council resolution 253 (1968) and the progressive deterioration of the situation which the Council had already recognized as a threat to peace. Instead of facing insurmountable difficulties as a result of the sanctions, the illegal régime of Southern Rhodesia was on the verge of taking a new step to consolidate and blatantly reaffirm its racist character by putting its draft constitution to a referendum. The ineffectiveness of the economic sanctions was due primarily to the fact that the Territory had had sources of supply offered by South Africa and Portugal and also to the fact that certain other States had failed to implement fully the provisions of resolution 253 (1968). The administering Power, which was still primarily responsible for the situation in Southern Rhodesia, was refusing to take more determined measures called for by the African countries to put an end to the rebellion. The Security Council must therefore implement more extensive and effective measures with all the determination which the situation required and by bringing to bear the entire authority of the Council to ensure a more strict implementation of its decisions.<sup>295</sup>

The representative of Zambia said that the basic issue in Southern Rhodesia was the denial of the right of self-determination to the majority of the people by the illegal racist régime which controlled that Territory. In the face of the defiance of South Africa and Portugal which had doomed the sanctions to failure, the obvious course of action for the Security Council would be to extend the mandatory sanctions against those two countries. In order to succeed in Southern Rhodesia, the Security Council must be prepared to apply the provisions of Articles 41 and 42 of Chapter VII of the Charter. The United Kingdom had ruled out the only weapon by which it could have put an end to the rebellion for the reason that use of force would lead to unnecessary loss of life and property and that possibilities for a negotiated settlement existed. The

proposed draft constitution made it clear, however, that there was no possibility for a negotiated settlement and a racial war appeared inevitable. In the absence of effective measures by the Council, there would be no choice left but to use force; the only question was whether it would be applied by the administering Power or by the people of Zimbabwe themselves. He urged the Council to ponder the consequences and to take effective measures on the matter.<sup>296</sup>

The representatives of Burundi,\* Guinea,\* Hungary, India,\* Mauritania,\* Nepal, Pakistan, Senegal, Somalia,\* Sudan,\* the USSR and the United Republic of Tanzania\* also deplored the ineffectiveness of the economic sanctions and the failure of certain Member States to fully implement the relevant decisions of the Security Council and called for more determined and effective measures including the application of the provisions of Chapter VII of the Charter and the use of force by the administering Power.<sup>297</sup>

Speaking at the 1475th meeting, the representative of the United Kingdom stressed the importance of an urgent and unanimous action by the Security Council, prior to the proposed referendum in Southern Rhodesia, to condemn the proposals for a new constitution, whose blatantly racist character offended every democratic principle, and again to call upon all States to refuse to recognize the illegal régime in whatever form. Thereafter, the British Government would be prepared to consult other Governments, particularly African Governments, on further action. On its part, his Government was resolved to pursue steadily the current course of denying recognition and maintaining sanctions against the illegal régime. The most important principle was that no settlement should be accepted which was not approved by the people of Rhodesia as a whole.<sup>298</sup>

At the 1477th meeting on 17 June 1969, the President of the Council (Paraguay) made the following statement:<sup>299</sup>

"In the debate on the question under consideration, so far all members of the Security Council have expressed their views. In the course of their statements, the members of the Security Council unanimously regarded the proposed referendum that the illegal régime in Southern Rhodesia is planning to hold on 20 June as 'illegal, considered that the so-called constitutional proposals are invalid, and declared that any constitution promulgated by the régime of the racist minority could have no legal effect.

"In view of the continuing danger to international peace and security presented by the situation in Southern Rhodesia, the Council will now continue its consideration of this question."

At the 1479th meeting on 19 June 1969, the representative of Algeria introduced<sup>300</sup> a draft resolution,<sup>301</sup>

<sup>292</sup> 1477th meeting, paras. 1-2, 74; 1478th meeting, paras. 1-4; 1480th meeting, paras. 1-3.

<sup>293</sup> 1475th meeting, para. 6.

<sup>294</sup> S/9244, OR, 24th yr., Suppl. for April-June 1969, p. 190. The resolution adopted by the Special Committee on Southern Rhodesia, among other things, drew the attention of the Security Council to the gravity of the situation in Southern Rhodesia which constituted a threat to international peace and security, and to the urgent necessity of applying certain measures envisaged under Chapter VII of the Charter to the illegal régime in Southern Rhodesia and the Governments of South Africa and Portugal, which had refused to carry out the mandatory decisions of the Security Council. For discussion concerning action under Chapter VII, see chapter XI, Case 4.

<sup>295</sup> 1475th meeting, paras. 9-24.

<sup>296</sup> *Ibid.*, paras. 31-45.

<sup>297</sup> For texts of relevant statements, see: 1475th meeting, Pakistan, paras. 87-118; Senegal, paras. 49, 50, 63; 1476th meeting, Hungary, paras. 82-85; Nepal, paras. 17-23; USSR, paras. 24-52; 1477th meeting, Guinea,\* paras. 60-69; Mauritania,\* paras. 20-30; Somalia,\* paras. 77-90; United Republic of Tanzania,\* paras. 38-51; 1478th meeting, India,\* paras. 9-21; Sudan,\* paras. 26-32; 1480th meeting, Burundi,\* paras. 27-34.

<sup>298</sup> 1475th meeting, paras. 70-83.

<sup>299</sup> 1477th meeting, paras. 4-5.

<sup>300</sup> 1479th meeting, paras. 7-21.

<sup>301</sup> S/9270/Rev.1, OR, 24th yr., Suppl. for April-June 1969, p. 338.

jointly sponsored by Algeria, Nepal, Pakistan, Senegal and Zambia, under which the Council, reaffirming its resolution 232 (1966) in which it had determined that the situation in Southern Rhodesia constituted a threat to international peace and security, would emphasize the responsibility of the Government of the United Kingdom, as the administering Power, for the situation prevailing in Southern Rhodesia and condemn the so-called constitutional proposals of the illegal racist minority régime aimed at perpetuating its power and sanctioning the system of *apartheid* in Southern Rhodesia; urge the United Kingdom to take urgently all necessary measures, including the use of force, to bring to an end the rebellion in Southern Rhodesia and enable the people of Zimbabwe to exercise their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV); decide that all States should sever immediately all economic and other relations with the illegal régime in Southern Rhodesia, including railway, maritime, air transport, postal, telephonic and wireless communications and other means of communication; censure the assistance given by the Governments of Portugal and South Africa to the illegal régime in defiance of resolutions of the Security Council; decide that Member States and members of the specialized agencies should carry out the measures dealing with imports and exports envisaged in resolution 253 (1968) and in the present resolution against the Republic of South Africa and the Portuguese colony of Mozambique; call upon all Member States and members of the specialized agencies to carry out the decisions of the Security Council in accordance with their obligations under the Charter; call upon Member States and, in particular, those with primary responsibility under the Charter for the maintenance of international peace and security to assist effectively in the implementation of the measures called for by the present resolution; urge all States to render moral and material assistance to the national liberation movements of Zimbabwe in order to enable them to achieve their freedom and independence; request all States to report to the Secretary-General on the measures taken to implement the present, resolution; and request the Secretary-General to report to the Security Council on the progress of the implementation of the resolution.

At the same meeting, the representative of the United Kingdom referred to the demand by a number of representatives for the use of force by his Government and stated that, since Rhodesia was first formed as a self-governing colony in 1923, there had never been a British army there or any British official in administrative authority. The question therefore was not one of merely taking local action to maintain order, but one of invasion and of starting a war. The United Kingdom was not in a position to take action of that kind because, once force was used, escalation could easily ensue and its results were incalculable. As for the call to extend the sanctions to Portugal and South Africa, he reiterated his Government's position that, in view of the long and extensive economic ties between the United Kingdom and South Africa, it could not proceed to the extreme action of a full trade boycott backed by a naval blockade of all southern Africa. In conclusion, ruling out the use of force and the extension of the sanctions to South Africa and Portugal, he reaffirmed his Government's view that the sanctions against Southern Rhodesia must be maintained and, if possible, intensified.<sup>302</sup>

<sup>302</sup> 1479th meeting, paras. 30-39.

The representatives of Colombia, Finland, France, Paraguay and the United States, after condemning the draft constitution that the illegal régime of Southern Rhodesia was putting to a vote, stated that the Council should concentrate on finding effective measures on the basis of unanimity rather than on proposals such as the use of force and the extension of the economic sanctions to South Africa and Portugal, which were bound to divide the Council.<sup>303</sup>

At the 1481st meeting on 24 June 1969, the five-Power draft resolution was put to the vote and was not adopted. It received 8 votes in favour, none against and 7 abstentions.<sup>304</sup>

Decision of 17 March 1970 (1534th meeting):  
**Rejection of a motion for adjournment**

Decision of 17 March 1970 (1534th meeting):  
**Rejection of a motion for suspension**

Decision of 17 March 1970 (1534th meeting):  
**Rejection of the United Kingdom draft resolution**

Decision of 17 March 1970 (1534th meeting):  
**Rejection of the joint draft resolution submitted by Burundi, Nepal, Sierra Leone, Syria and Zambia**

Decision of 18 March 1970 (1535th meeting): resolution 277 (1970)

By letter<sup>305</sup> dated 3 March 1970, the representative of the United Kingdom informed the President of the Security Council that "the illegal régime in Southern Rhodesia has purported to declare the dissolution of its illegal parliament and the assumption of republican status". Stating further that that declaration, like the 1965 declaration of independence and subsequent acts, was illegal, the United Kingdom Government requested an urgent meeting of the Council.

At the 1530th meeting on 6 March 1970, the Security Council included the letter from the representative of the United Kingdom in its agenda<sup>306</sup> and considered the question at the 1530th to 1535th meetings held between 6 and 18 March 1970. At its 1531st meeting on 11 March 1970, the Council also included in its agenda a letter<sup>307</sup> dated 6 March 1970 addressed to the President of the Security Council by the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Democratic Republic of), Congo (People's Republic of), Dahomey, Equatorial Guinea, Ethiopia, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Swaziland, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia, requesting an urgent meeting of the Council to consider "the deterioration in the situation in Southern Rhodesia as a result of the proclamation of a so-called republic by the illegal, racist, minority régime in Salisbury, which is thereby endangering international peace and security". The repre-

<sup>303</sup> For texts of relevant statements, see: 1475th meeting, United States, paras. 119-136; 1476th meeting, Colombia, paras. 61-62; Finland, paras. 54-58; France, paras. 6-10; 1480th meeting, Finland, paras. 6-9; 1481st meeting, Colombia, para. 109; France, para. 103; Paraguay, paras. 129-139; United States, paras. 11 O-1 15.

<sup>304</sup> 1481st meeting, para. 78.

<sup>305</sup> S/9675, OR, 25th yr., Suppl. for Jan.-March 1970, p. 149.

<sup>306</sup> 1530th meeting, para. 3.

<sup>307</sup> S/9682, OR, 25th yr., Suppl. for Jan.-March 1970, p. 153.

sentative of Gabon subsequently associated himself with the above request.<sup>308</sup>

At the 1531st meeting on 11 March the representatives of Algeria, Senegal and Pakistan were invited to participate in the discussion.<sup>309</sup> At subsequent meetings, the Council also invited the representatives of Yugoslavia,<sup>310</sup> India<sup>311</sup> and Saudi Arabia<sup>312</sup> to participate in the discussion.

At the 1530th meeting on 6 March 1970, the President drew the attention of the Council to a United Kingdom draft resolution submitted on 3 March 1970,<sup>313</sup> which was subsequently revised. Under the revised draft resolution,<sup>314</sup> the Security Council, after recalling and reaffirming its resolutions 216 (1965), 217 (1965), 221 (1966), 232 (1966) and 253 (1968), would condemn the illegal acts of the racist minority regime in Southern Rhodesia, including the purported assumption of a republican status; and decide, in accordance with Article 41 of the United Nations Charter, that all Member States of the United Nations should refrain from recognizing the illegal regime or from rendering any assistance to it, and urge States not Members of the United Nations, having regard to the principles stated in Article 2 of the Charter, to act accordingly.

Introducing the revised text, the representative of the United Kingdom stated that the Council should concentrate on a single purpose, namely, to deny firmly and unanimously recognition of the republican status purportedly declared by the illegal regime in Salisbury. He urged the Council to act in full agreement and without delay in adopting the draft resolution, as it had done earlier in adopting resolution 216 (1965).<sup>315</sup>

At the request of the representative of Zambia, who, speaking on behalf of the delegations of Burundi, Sierra Leone and Zambia, explained that the Organization of African Unity had decided to send a delegation of Foreign Ministers to participate in the Security Council discussion, the Council decided to adjourn until 10 March 1970.<sup>316</sup>

At the 1531st meeting on 11 March 1970, the representative of Zambia stated that he had been directed by the Organization of African Unity to place before the Council the following specific requests: that the existence of an illegal regime in Rhodesia should be condemned and no recognition given to it; that all States should undertake all appropriate measures to ensure that no act should be performed in their territories by anyone or any institution whatsoever on behalf of the illegal minority regime; that all States should, in accordance with Chapter VII of the Charter, immediately sever all consular, economic, military or other relations with that regime, including rail, maritime and air transport and postal, telegraphic, radio and other means of communication; and that those measures should also be applied by the specialized agencies and organs of the United Nations. The African countries believed that the permanent members of the Security Council had a special responsibility to see to it that an end was put to the threat to international

peace and security posed by the illegal regime. Furthermore, the United Kingdom had the primary responsibility over the Territory and should apply all means at its disposal, including the use of force, to end the rebellion.<sup>317</sup>

The representative of Sierra Leone noted that in view of the open defiance of Council decisions by South Africa and Portugal, there was no alternative but to extend the sanctions to cover them as well and to take measures under Articles 41 and 42 of Chapter VII of the Charter, since the Council had recognized in its previous resolutions that the situation in Southern Rhodesia constituted a threat to international peace and security.<sup>318</sup>

The representative of the United Kingdom reiterated his appeal for an urgent and unanimous decision to deny recognition of the illegal regime and the illegal declaration of republican status, and added that he had never intended that the matter before the Council should solely be a question of recognition. In particular, his delegation would not retreat from any of the Council's previous decisions and would be ready to examine every aspect of the matter in consultation with the other members of the Council.<sup>319</sup>

At the 1532nd meeting on 12 March 1970, the representative of the USSR stated that the Security Council had already taken certain measures against the illegal regime in South Africa. These measures were taken within the framework of Article 41 of Chapter VII of the Charter. They were also pursuant to Article 25 of the Charter which was mandatory for all Member States. However these measures had failed due to the fact that Portugal and South Africa had flouted the decision of the Council and had continued to maintain broadly based trade, transport, military and all kinds of relations with Southern Rhodesia. Moreover, through arrangements with its NATO allies the United Kingdom had effectively prevented the adoption by the Security Council of more effective measures against Southern Rhodesia, and the principal violators of the sanctions, South Africa and Portugal. At the same time it had refused to take any substantive measures of its own. The Security Council was, however, duty bound to take further effective measures in order to enable the people of Southern Rhodesia to exercise their right to self-determination.<sup>320</sup>

At the same meeting the representative of Syria introduced<sup>321</sup> a draft resolution<sup>322</sup> jointly sponsored by Burundi, Nepal, Sierra Leone, Syria and Zambia. Under its provisions, the Security Council, acting under Chapter VII of the Charter, would: (1) condemn the proclamation of a republic in Zimbabwe by the racist minority regime in Salisbury and declare null and void any form of government not based on the principle of majority rule; (2) decide that all States Members of the United Nations should refrain from recognizing the illegal regime and urge States not members of the Organization, having regard to the principles set out in Article 2 of the Charter, to act accordingly; (3) call upon all States to take measures as appropriate, at the national level, to ensure that any act performed by officials and institutions of the illegal regime in South-

<sup>308</sup> 1531st meeting, para. 1.

<sup>309</sup> *Ibid.*, para. 2.

<sup>310</sup> 1532nd meeting, para. 2.

<sup>311</sup> *Ibid.*, para. 122.

<sup>312</sup> 1534th meeting, para. 48.

<sup>313</sup> S/9676 (mimco).

<sup>314</sup> S/9676/Rev.1, 1530th meeting, para. 9.

<sup>315</sup> 1530th meeting, paras. 16-23.

<sup>316</sup> *Ibid.*, para. 84.

<sup>317</sup> 1531st meeting, paras. 21, 23-27.

<sup>318</sup> *Ibid.*, paras. 40-41.

<sup>319</sup> *Ibid.*, paras. 94-96.

<sup>320</sup> 1532nd meeting, paras. 5-32.

<sup>321</sup> *Ibid.*, para. 72.

<sup>322</sup> S/9696, OR, 25th yr., Suppl. for Jan.-March 1970, pp. 160-161.

ern Rhodesia or by persons and organizations purporting to act for it should not be accorded any official recognition, including judicial notice, by the competent organs of their State; (4) emphasize the responsibility of the Government of the United Kingdom, as the administering Power, with regard to the situation in Southern Rhodesia; (5) condemn the persistent refusal of the Government of the United Kingdom to use force to bring an end to the rebellion in Southern Rhodesia and enable the people of Zimbabwe to exercise their right to self-determination and independence in accordance with General Assembly resolution 15 14 (XV); (6) decide that all States should immediately sever all diplomatic, consular, economic, military and other relations with the illegal regime in Southern Rhodesia, including railway, maritime, air transport, postal, telegraphic and wireless communications and other means of communication; (7) request the Government of the United Kingdom, as the administering Power? to rescind any existing agreements on the basis of which foreign consular, trade and other representations might currently be maintained in or with Southern Rhodesia; (8) condemn the assistance given by the Governments of Portugal and South Africa and by other imperialist Powers to the illegal regime in defiance of Security Council resolutions and demand the immediate withdrawal of South African troops from the Territory of Zimbabwe; (9) decide that Member States and members of the specialized agencies should apply against South Africa and Portugal measures set out in resolution 253 (1968) and in the present resolution; (10) call upon all Member States and members of the specialized agencies to carry out the decisions of the Security Council in accordance with their obligations under the Charter; (11) call upon all States Members of the United Nations, and, in particular, those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the present resolution; (12) urge all States to render moral and material assistance to the national liberation movements of Zimbabwe in order to enable them to regain their freedom and independence; , (13) request all States to report to the Secretary-General on the measures taken to implement the present resolution; and (14) request the Secretary-General to report to the Security Council on the progress made in implementing the present resolution.<sup>325</sup>

The representative of Finland observed that neither of the two draft resolutions before the Council provided a basis for unanimous action. Consequently, the Security Council should make every effort to agree on a course of action acceptable to all of its members. In this regard, his delegation suggested that the Council might, under the mandatory provisions of Article 41 of the Charter,<sup>324</sup> decide that all Member States should immediately sever diplomatic, consular, trade, military and other relations with the illegal regime and interrupt any existing means of transportation to and from Southern Rhodesia. It should also exclude that regime from participation in any multilateral relations between States and suspend its membership in some of the specialized agencies. Furthermore, the Council should call upon Member States to carry out the sanctions more effectively and might give a wider and more

<sup>323</sup> 1532nd meeting, paras. 65-86.

<sup>324</sup> For consideration of applicability of Article 41, see chapter XI. Case 5.

active role to the Committee established by resolution 253 (1968). Finally, his delegation suggested that more assistance should be given by States Members of the United Nations and by members of the specialized agencies and other international organizations to Zambia, a country that very strongly felt the impact of the consequences of the measures taken against Southern Rhodesia.<sup>325</sup>

At the 1534th meeting on 17 March 1970, the representative of the United Kingdom, referring to the demands made by several delegations for the use of force, reiterated his Government's position that it could not undertake to start a war by invading Southern Rhodesia which had been self-governing for half a century. Nor was his Government in a position to extend sanctions against all southern Africa.<sup>326</sup>

At the same meeting, the representative of the United Kingdom formally proposed, in view of the new suggestions made at the previous meeting by the representative of Finland, a twenty-four hour adjournment in order to facilitate further consultations before voting.<sup>327</sup> After a brief procedural discussion, the Council voted upon the United Kingdom motion and rejected it<sup>328</sup> by 6 votes in favour, 7 against and 2 abstentions.

At the same meeting, the representative of the United States formally moved that, in view of the possibility that the five-Power draft resolution might be voted upon paragraph-by-paragraph, the Council suspend its meeting for half an hour, in order to give the members time to reflect on the new situation before voting on the draft resolution before it.<sup>329</sup> After further procedural discussion, the Security Council rejected<sup>330</sup> the United States proposal by 6 votes in favour, 7 against with 2 abstentions.

The Security Council proceeded then to vote upon the United Kingdom draft resolution, which was not adopted.<sup>331</sup> There were 5 votes in favour, none against, with 10 abstentions.

The President (Colombia) stated that in putting to the vote in accordance with the request by the representative of Spain and in the absence of objections to it, separate votes would be taken on operative paragraphs 8 and 9 of the five-Power draft resolution. Operative paragraphs 8 and 9 were not adopted. Each of them received 7 votes in favour, none against with 8 abstentions. The five-Power draft resolution, as modified by the deletion of operative paragraphs 8 and 9, was then voted upon. The result of the vote was 9 in favour, 2 against, with 4 abstentions. It failed of adoption, owing to the negative votes of two permanent members of the Security Council.<sup>332</sup>

Speaking after the vote, the representative of Finland maintained that the Council therefore must make every effort to agree on a course of action which would intensify the international pressures on the illegal regime in Southern Rhodesia. Bearing that in mind, his delegation was submitting to the Council a draft resolution<sup>333</sup>

<sup>325</sup> 1533rd meeting, paras. 47-58.

<sup>326</sup> 1534th meeting, paras. 10-19.

<sup>327</sup> *Ibid.*, para. 132.

<sup>328</sup> *Ibid.*, para. 138. See also chapter I, part V.

<sup>329</sup> *Ibid.*, paras. 139-149.

<sup>330</sup> *Ibid.*, para. 172. See also chapter I, part VI.

<sup>331</sup> *Ibid.*, para. 185.

<sup>332</sup> *Ibid.*, paras. 205-207.

<sup>333</sup> S/9709, OR. 25th yr., Suppl. for Jan.-March 1970, pp. 165-166.



along the lines of his suggestions made to the Council at its previous meeting.<sup>334</sup>

At the 1535th meeting on 18 March 1970, the representative of Finland stated that, after consultations with the sponsors of the various draft resolutions that had been considered by the Council, he was submitting a revised text<sup>335</sup> of his delegation's draft resolution.<sup>336</sup>

At the same meeting, the revised draft resolution was adopted<sup>337</sup> by 14 votes in favour, none against, with 1 abstention. The resolution<sup>338</sup> read:

**"The Security Council,**

**"Reaffirming** 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 and 253 (1968) of 29 May 1968,

**"Reaffirming** that, to the extent not superseded in the present resolution, the measures provided for in resolutions 217 (1965), 232 (1966) and 253 (1968), as well as those initiated by Member States in implementation of those resolutions, shall continue in effect,

**"Taking into account** the reports of the Committee established in pursuance of Security Council resolution 253 (1968),

**"Noting with grave concern** that:

"(a) The measures so far taken have failed to bring the rebellion in Southern Rhodesia to an end,

"(b) Some States, contrary to resolutions 232 (1966) and 253 (1968) of the Security Council and to their obligations under Article 25 of the Charter of the United Nations, have failed to prevent trade with the illegal régime of Southern Rhodesia,

"(c) The Governments of the Republic of South Africa and Portugal have continued to give assistance to the illegal régime of Southern Rhodesia, thus diminishing the effects of the measures decided upon by the Security Council,

"(d) The situation in Southern Rhodesia continues to deteriorate as a result of the introduction by the illegal régime of new measures, including the purported assumption of republican status, aimed at repressing the African people in violation of General Assembly resolution 1514 (XV) of 14 December 1960,

**"Recognizing** the legitimacy of the struggle of the people of Southern Rhodesia to secure the enjoyment of their rights as set forth in the Charter and in conformity with the objectives of General Assembly resolution 1514 (XV),

**"Reaffirming** that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

**"Acting** under Chapter VII of the Charter,

"1. **Condemns** the illegal proclamation of republican status of the Territory by the illegal régime in Southern Rhodesia;

"2. **Decides** that Member States shall refrain from recognizing this illegal régime or from rendering any assistance to it;

"3. **Calls upon** Member States to take appropriate measures, at the national level, to ensure that any act performed by officials and institutions of the illegal régime in Southern Rhodesia shall not be accorded any recognition, official or otherwise, including judicial notice, by the competent organs of their State;

"4. **Reaffirms** the primary responsibility of the Government of the United Kingdom of Great Britain and Northern Ireland to enable the people of Zimbabwe to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations and in conformity with General Assembly resolution 1514 (XV), and urges that Government to discharge fully its responsibility;

"5. **Condemns** all measures of political repression, including arrests, detentions, trials and executions, which violate fundamental freedoms and rights of the people of Southern Rhodesia;

"6. **Condemns** the policies of the Government of South Africa and Portugal, which continue to maintain political, economic, military, and other relations with the illegal régime in Southern Rhodesia in violation of the relevant resolutions of the United Nations;

"7. **Demands** the immediate withdrawal of South African police and armed personnel from the Territory of Southern Rhodesia;

"8. **Calls upon** Member States to take more stringent measures in order 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 shall fully remain in force;

"9. **Decides**, in accordance with Article 41 of the Charter and in furthering the objective of ending the rebellion, that Member States shall:

"(a) Immediately sever all diplomatic, consular, trade, military and other relations that they may have with the illegal régime in Southern Rhodesia, and terminate any representation that they may maintain in the Territory;

"(b) Immediately interrupt any existing means of transportation to and from Southern Rhodesia;

"10. **Requests** the Government of the United Kingdom, as the administering Power, to rescind or withdraw any existing agreements on the basis of which foreign consular, trade and other representation may at present be maintained in or with Southern Rhodesia;

"11. **Requests** Member States to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Article;

"12. **Calls upon** Member States to take appropriate action to suspend any membership or associate membership that the illegal régime of Southern Rhodesia has in the specialized agencies of the United Nations;

"13. **Urges** member States of any international or regional organizations to suspend the membership of the illegal régime of Southern Rhodesia from their respective organizations and to refuse any request for membership from that régime;

<sup>334</sup> 1534th meeting, paras. 209-221.

<sup>335</sup> S/9709/Rev.1, adopted without change as resolution 277 (1970).

<sup>336</sup> 1535th meeting, paras. 4-17.

<sup>337</sup> *Ibid.*, para. 85.

<sup>338</sup> Resolution 277 (1970).

"14. Urges Member States to increase moral and material assistance to the people of Southern Rhodesia in their legitimate struggle to achieve freedom and independence;

"15. Requests the specialized agencies and other international organizations concerned, in consultation with the Organization of African Unity, to give aid and assistance to refugees from Southern Rhodesia and those who are suffering from oppression by the illegal régime of Southern Rhodesia;

"16. Requests Member States, the United Nations, the specialized agencies and other international organizations in the United Nations system to make an urgent effort to increase their assistance to Zambia as a matter of priority with a view to helping it solve such special economic problems as it may be confronted with arising from the carrying out of the decisions of the Security Council on this question;

"17. Calls upon Member States, in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the present resolution;

"18. Urges, having regard to the principle stated in Article 2 of the Charter, States not Members of the United Nations to act in accordance with the provisions of the present resolution;

"19. Calls upon Member States to report to the Secretary-General by 1 June 1970 on the measures taken to implement the present resolution;

"20. Requests the Secretary-General to report to the Security Council on the progress of the implementation of the present resolution, the first report to be submitted no later than 1 July 1970;

"21. Decides that the Committee of the Security Council established in pursuance of resolution 253 (1968), in accordance with rule 28 of the provisional rules of procedure of the Council, shall be entrusted with the responsibility of:

"(a) Examining such reports on the implementation of the present resolution as will be submitted by the Secretary-General;

"(b) Seeking from Member States such further information regarding the effective implementation of the provisions laid down in the present resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council;

"(c) Studying ways and means by which Member States could carry out more effectively the decisions of the Security Council regarding sanctions against the illegal régime of Southern Rhodesia and making recommendations to the Council;

"23. Requests the United Kingdom, as the administering Power, to continue to give maximum assistance to the Committee and to provide the Committee with any information it may receive in order that the measures envisaged in the present resolution as well as resolution 232 (1966) and 253 (1968) may be rendered fully effective;

"23. Calls upon Member States, as well as the specialized agencies, to supply such information as may be sought by the Committee in pursuance of the present resolution;

"24. Decides to maintain this item on its agenda for further action as appropriate in the light of developments."

Decision of 10 November 1970 (1556th meeting) :

**Rejection of the joint draft resolution submitted by Burundi, Nepal, Sierra Leone, Syria and Zambia**

Decision of 17 November 1970 (1557th meeting) : resolution 288 (1970)

By letter<sup>339</sup> dated 6 November 1970 addressed to the President of the Security Council, the representatives of Burundi, Nepal, Sierra Leone, Syria and Zambia stated that, since the adoption of Security Council resolution 277 (1970), a number of disturbing political and economic developments had taken place in the Territory of Southern Rhodesia which required the close examination and attention of the Security Council and requested an early meeting of the Security Council.

At the 1556th meeting on 10 November 1970, the Council included<sup>340</sup> the above-mentioned letter together with the third report of the Committee established in pursuance of Security Council resolution 253 (1968)<sup>341</sup> in the agenda. The question was considered at the 1556th and 1557th meetings of the Council on 10 and 17 November 1970.

At the same meeting, the President drew the attention of the Council to a draft resolution,<sup>342</sup> submitted by the representatives of Burundi, Nepal, Sierra Leone, Syria and Zambia, by which the Security Council, acting under Chapter VII of the Charter, would (1) call upon the United Kingdom as the administering Power not to grant independence to Southern Rhodesia without the fulfilment of majority rule; (2) decide that the current sanctions against Southern Rhodesia should remain in force; (3) urge all States to fully implement all Security Council resolutions pertaining to Southern Rhodesia in accordance with their obligations under Article 25 of the Charter and deplore the attitude of those States that had persisted in giving moral, political and economic assistance to the illegal régime; and (4) urge all States not to grant any form or recognition to the illegal régime in Southern Rhodesia.

The representative of Nepal, introducing the above draft resolution, stated that the third report of the Security Council Committee on sanctions, dated 15 June 1970<sup>343</sup> and the Secretary-General's introduction to his annual report<sup>344</sup> presented the incontrovertible evidence that the policies of sanctions had failed in their objective of bringing down the illegal régime of Southern Rhodesia. That failure was due to lack of co-operation of certain States. The draft resolution, therefore, expressed grave concern that certain States, contrary to their obligations under Article 25 of the Charter, had not complied with the provisions of previous Security Council resolutions concerning application of sanctions. The most important part of the draft resolution was operative paragraph 1, which sought to clarify the central issue involved in the situation in Southern Rhodesia, namely, the denial of the inalienable right of self-determination to the majority

<sup>339</sup> S/9975/Rev.1, OR, 25th yr., Suppl. for Oct.-Dec. 1970, p. 36.

<sup>340</sup> 1556th meeting, preceding para. 67.

<sup>341</sup> S/9844 and Add.1-3, OR, 25th yr., Special Supplements Nos. 3 and 3A.

<sup>342</sup> S/9976, OR, 25th yr., Suppl. for Oct.-Dec. 1970, pp. 36-37.

<sup>343</sup> S/9844 and Add.1-3. See foot-note 340 above.

<sup>344</sup> A/8001, Add.1, GA, OR, 25th Session, Suppl. No. 1A, para. 11.

of the population by a racist minority régime. The responsibility of the United Nations and that of the administering Power would not end with the overthrow of the illegal régime but with the full and effective application of the principle of self-determination. Accordingly, the administering Power was requested not to grant independence to Southern Rhodesia without the fulfilment of majority rule.<sup>345</sup>

The representative of Zambia said that, since the Council had last considered the situation in Southern Rhodesia in March 1970, the illegal régime in Southern Rhodesia had consolidated its political, military and economic position. One of the most disturbing developments was the attitude of the new Government of the United Kingdom towards the question of sanctions. Although at one time the British Government had accepted the policy of no independence before majority rule, the present Government appeared to be willing to negotiate with the rebel régime and to accept a settlement that would leave the African majority of the Territory under the control of the white minority.<sup>346</sup>

The representative of the United Kingdom stated that his Government had been taking positive steps to meet its responsibilities with regard to the situation in Southern Rhodesia. Thus, it was considering whether there was a basis for a settlement of this problem in accordance with the five principles it had formulated. The first of those principles was the principle and intention that unimpeded progress to majority rule would have to be maintained and guaranteed. He added that his Government was committed to seeing that any settlement should be acceptable to the Rhodesian people as a whole. The British Government could not accept any fresh commitment in the Security Council that would restrict it in any way in reaching such a settlement, if that proved practicable; nor did it consider it acceptable that the Security Council should, at that juncture, seek to lay down any conditions for a settlement. Regarding the question of sanctions, his delegation regretted that they had not achieved their immediate political objective. However, it was undeniable that sanctions continued to exert pressure on the Rhodesian economy and to restrict its rate of development. Contrary to what had been alleged, his Government had just renewed the annual legislation that imposed sanctions. Referring to the draft resolution before the Council, he said that it was too little in that two of its operative paragraphs seemed to repeat in less precise terms steps that the Council had already taken; it was too much, on the other hand, in that operative paragraph 1 attempted to bind the United Kingdom not to grant independence to Southern Rhodesia without the fulfilment of majority rule. His Government had never accepted that commitment in a United Nations resolution and still could not do so. In conclusion, he said that the United Kingdom had always accepted and continued to accept its primary responsibility concerning Southern Rhodesia. However, it was not prepared to enter into negotiations with its negotiating position publicly dictated from outside.<sup>347</sup>

The representative of France stated that the United Nations should prefer, over recommendations that would not facilitate attainment of the objectives sought, concrete initiatives taken in concert with the administering Power. The United Kingdom was the responsible

authority which was in duty bound to take measures that fit the circumstances to end the Rhodesian rebellion. The Council could not tell the British Government what it should do. Although his delegation had no objection to the substance of the draft resolution, it found operative paragraph 1 legally doubtful, as its language seemed to go beyond the powers of the Council under Article 41.<sup>348</sup>

At the same meeting, the Council proceeded to vote upon the five-Power draft resolution. The result of the vote was 12 in favour, 1 against with 2 abstentions. The draft resolution failed of adoption,<sup>349</sup> owing to the negative vote of a permanent member of the Council.

At the 1557th meeting, on 17 November 1970, the President (Syria) announced that, during consultations held since the previous meeting, a draft resolution had been prepared which appeared to have the support of all the members of the Council. He further stated that, although the delegation of France had repeated the reservations which it had expressed at the 1556th meeting on 10 November 1970,<sup>350</sup> that delegation had nevertheless associated itself with the consensus that had emerged in favour of the draft resolution.<sup>351</sup>

At the same meeting, the draft resolution was put to the vote and was adopted<sup>352</sup> unanimously. It read as follows:<sup>353</sup>

**"The Security Council,**

**"Having considered** the question of Southern Rhodesia,

**"Reaffirming** 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 and 277 (1970) of 18 March 1970,

**"Gravely concerned** that certain States have not complied with the provisions of resolutions 232 (1966), 253 (1968) and 277 (1970), contrary to their obligations under Article 25 of the Charter of the United Nations,

**"Reaffirming** the primary responsibility of the Government of the United Kingdom of Great Britain and Northern Ireland to enable the people of Southern Rhodesia to achieve self-determination and independence, and in particular their responsibility of bringing the illegal declaration of independence to an end,

**"Taking into account** the third report of the Committee established in pursuance of Security Council resolution 253 (1968),

**"Acting** in accordance with previous decisions of the Security Council on Southern Rhodesia, taken under Chapter VII of the Charter,

**"1. Reaffirms** its condemnation of the illegal declaration of independence in Southern Rhodesia;

**"2. Culls upon** the United Kingdom of Great Britain and Northern Ireland, as the administering Power in the discharge of its responsibility, to take urgent and effective measures to bring to an end the

<sup>348</sup> *Ibid.*, paras. 164-167. For discussion of the applicability of Article 41, see chapter XI, Case 6.

<sup>349</sup> *Ibid.*, para. 212.

<sup>350</sup> *Ibid.*, para. 167. See foot-note 59 above.

<sup>351</sup> 1557th meeting, para. 1.

<sup>352</sup> *Ibid.*, para. 3.

<sup>353</sup> Resolution 288 (1970).

<sup>345</sup> 1556th meeting, paras. 72, 73, 78-80.

<sup>346</sup> *Ibid.*, paras. 87, 91.

<sup>347</sup> *Ibid.*, paras. 131-143.

illegal rebellion in Southern Rhodesia and enable the people to exercise their right to self-determination, in accordance with the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV) of 14 December 1960;

"3. *Decides* that the present sanctions against Southern Rhodesia shall remain in force;

"4. *Urges* all States to fully implement all Security Council resolutions pertaining to Southern Rhodesia, in accordance with their obligations under Article 25 of the Charter, and deplores the attitude of those States which have persisted in giving moral, political and economic assistance to the illegal régime;

"5. *Further urges* all States, in furtherance of the objectives of the Security Council, not to grant any form of recognition to the illegal regime in Southern Rhodesia;

"6. *Decides* to remain actively seized of the matter."<sup>354</sup>

Decision of 30 December 1971 (1623rd meeting):

#### **Rejection of the draft resolution**

By letter<sup>355</sup> dated 24 November 1971 addressed to the President of the Security Council, the representative of the United Kingdom requested a meeting of the Security Council to be held on 25 November 1971, or as soon as possible thereafter, in order that he might make a statement about the results of the discussions which the Secretary of State for Foreign and Commonwealth Affairs of his Government had had in Salisbury regarding the situation in Southern Rhodesia.

At the 1602nd meeting on 25 November 1971, the Council included<sup>356</sup> in its agenda the letter of the representative of the United Kingdom as well as the fourth report of the Committee established in pursuance of Security Council resolution 253 (1968)<sup>357</sup> and considered the question at the 1602nd to 1605th, 1609th, 1622nd and 1623rd meetings held between 25 November and 30 December 1971. The representatives of Saudi Arabia,<sup>358</sup> the United Republic of Tanzania and Kenya,<sup>359</sup> Zambia and Ghana,<sup>360</sup> Uganda, Nigeria, Algeria and India<sup>361</sup> were invited to participate in the discussion.

At the 1602nd meeting, the representative of the United Kingdom stated that although there had never been any doubt in the Security Council that the settlement of the situation in Southern Rhodesia was primarily a matter for his Government, it had also always been recognized that the question was one of legitimate and continuing concern to the world community. For that reason it seemed to his Government right and fitting that it should inform the Security Council of the agreement that had been reached between the United Kingdom Foreign Secretary and Mr. Ian Smith in

Salisbury on 24 November 1971 on proposals for a settlement of the Southern Rhodesian problem. The central parts of the proposals, the text of which he said would be made available to all members of the Council,<sup>362</sup> were the constitutional arrangement which, he asserted, would enable unimpeded progress towards majority rule and thus constituted a substantial change in direction away from the existing state of affairs embodied in the 1969 constitution. The proposals also contained a new declaration of rights, which would afford protection to the fundamental rights and freedoms of the individual. The other main provisions in the proposals related to amendment of the Rhodesian constitution. Certain specially entrenched provisions of the constitution, including the new provisions to give effect to increased African representation and the new Declaration of Rights, would be guaranteed against retrogressive amendment. The proposals also provided for a review of existing legislation through an independent commission to examine the problem of racial discrimination, as well as other provisions having a direct bearing on the status and rights of the Africans, such as the release of a significant number of detainees and restrictees, the ending of the state of emergency, and important provisions concerning land and development, which would include a development programme assisted by the British Government aimed at increasing education and job opportunities for Africans. The agreement on the above proposals constituted only a first step and no change in the existing situation, including the application of sanctions, would be made before the people of Rhodesia as a whole had had a full and free opportunity to demonstrate that those proposals were acceptable. In that connexion, he said his Government would appoint a commission to ascertain directly from all sections of the population of Rhodesia their views on the acceptability of the proposals and report thereon to the British Government.<sup>363</sup>

The representative of the USSR maintained that the (British-Rhodesian) talks had been conducted with an unlawful, racist regime, already condemned as such by the United Nations, and had resulted in an agreement concluded without the participation or consultation of the majority of the people of Zimbabwe or their political parties, contrary to the appeal made by the General Assembly in its resolution 2652 (XXV). It was clear, he asserted, that the proposals were aimed at maintaining for a long time the existing racist order prevailing in the Territory. It was therefore necessary that the leaders of the Zimbabwe African People's Union (ZAPU) and the Zimbabwe African National Union (ZANU) should be invited to address the Council and give it their opinion of the proposals.<sup>364</sup>

At the 1604th meeting on 2 December 1971, the Security Council, acting on the proposal made by the representative of the USSR and supported by the representative of Somalia,<sup>365</sup> decided, without objection, to invite Mr. Joshua Nkomo and Mr. N. Sithole to appear before the Council to state their views on the proposals on Southern Rhodesia.<sup>366</sup>

<sup>354</sup> For the consideration of the provisions of Chapter VII of the Charter, see chapter XI, part V.

<sup>355</sup> S/10396, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 40.

<sup>356</sup> 1602nd meeting, preceding para. 1.

<sup>357</sup> S/10229 and Add.1 and 2. OR, 26th yr., Special Supplement No. 2. At the 1609th meeting, the Council also included in its agenda an interim report of the same Committee (S/10408, OR, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 78-79). See 1609th meeting, para. 68.

<sup>358</sup> 1602nd meeting, para. 99.

<sup>359</sup> 1603rd meeting, para. 88.

<sup>360</sup> 1604th meeting, para. 8.

<sup>361</sup> 1623rd meeting, para. 2.

<sup>362</sup> By a letter dated 1 December 1971, the representative of the United Kingdom transmitted to the President of the Security Council the text of a White Paper entitled "Rhodesia: proposals for a settlement", S/10405, OR, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 60-73.

<sup>363</sup> 1602nd meeting, paras. 1-59.

<sup>364</sup> *Ibid.*, paras. 62-79.

<sup>365</sup> *Ibid.*, paras. 79, 137-118.

<sup>366</sup> 1604th meeting, paras. 44-48. For the consideration of the invitations to Mr. Nkomo and Mr. Sithole, see chapter III, Case 6.

At the 1609th meeting on 8 December 1971, the representative of China said that, since the illegal declaration of the so-called independence in November 1965, the colonialist authorities of Southern Rhodesia had intensified their fascist rule over the people of Zimbabwe and their suppression of the struggle of the people of Zimbabwe for national independence. The experience of Afro-Asian countries had proved that without political independence economic and social progress could not be achieved, and therefore, under the United Kingdom proposals, majority rule by the Africans in Southern Rhodesia could never be achieved. The proposals were only aimed at legitimizing the fascist and racist rule over the Zimbabwe people and at enabling the colonialists to openly cancel the sanctions against the Rhodesian colonialist authorities. The only solution to the question of Southern Rhodesia was the realization of national independence of the Zimbabwe people.<sup>307</sup>

During the debate, the representatives of Algeria,\* Burundi, Ghana,\* India,\* Kenya,\* Nigeria,\* Saudi Arabia,\* Sierra Leone, Somalia, the Syrian Arab Republic, Uganda,\* the United Republic of Tanzania\* and Zambia\* stated their objections to the proposals for a settlement of the Southern Rhodesian problem on the grounds that they had been negotiated and agreed upon without the participation of the political leaders of the majority of the Zimbabwe people, were contrary to the principles and objectives laid down in the United Nations Charter and in General Assembly resolution 1514 (XV) and disregarded the relevant General Assembly and Security Council resolutions concerning the question of Southern Rhodesia. The terms of the proposals, they stressed, did not enable the majority of the people of Southern Rhodesia to exercise freely and equally their right to self-determination nor did they correspond to the principle of unimpeded progress towards majority rule. They also disputed the United Kingdom's contention that the proposals fulfilled the five principles set by the British Government and pointed out, in that connexion, that those principles had never been accepted by the United Nations, the Organization of African Unity or the independent African States as a basis for a settlement. They emphatically urged the Council to reject the proposals and to strengthen sanctions against the illegal régime of Southern Rhodesia and expressed their concern about the recent violations of sanctions reported by the Committee established in pursuance of Security Council resolution 253 (1968).<sup>308</sup>

The representatives of Belgium, France and Italy stated that the proposals had the merit of ending the *status quo* and offering the people of Rhodesia the possibility of setting in motion machinery that could and should transform their institutions. It was important therefore not to prejudge the agreement before

the results of the test of acceptability were known.<sup>300</sup>

At the 1622nd meeting on 29 December 1971, the representative of Somalia explained the contents of a working paper that had been drawn up by his delegation and circulated informally, which he hoped would form the basis of a draft resolution.<sup>370</sup>

At the 1623rd meeting on 30 December 1971, the representative of the United Kingdom said that his delegation did not believe that any resolution by the Security Council was called for at that juncture and that the Council should await the outcome of the test of acceptability before contemplating any further action.<sup>371</sup>

At the same meeting, the representative of Somalia introduced<sup>372</sup> a draft resolution<sup>373</sup> jointly sponsored by Burundi, Sierra Leone, Somalia and the Syrian Arab Republic, which was based on the working paper that had been submitted to the Council at the previous meeting by his delegation. By the operative paragraphs of the draft resolution, the Security Council would (1) decide that the terms of the proposals did not fulfil the conditions necessary to ensure that all the people of Southern Rhodesia would be able to exercise freely and equally their right to self-determination; (2) reject the "proposals for a settlement" as they did not guarantee the inalienable rights of the majority of the People of Southern Rhodesia; (3) consider that the principle of universal adult suffrage for the people of Southern Rhodesia without regard to colour or race must be the basis for any constitutional and political arrangements for the Territory; (4) urge the United Kingdom, pursuant to paragraph 3 above, not to accord any form of recognition to an independent State of Southern Rhodesia which was not based on majority rule or on the will of the majority as determined by universal adult suffrage; (5) call upon the United Kingdom to ensure that, in any exercise to ascertain the wishes of the people of Southern Rhodesia as to their political future, the procedure to be followed would be by secret referendum on the basis of one vote, without regard to race or colour or to educational, property or income considerations; (6) further call upon the United Kingdom, after having ensured the establishment of conditions under which all the people of Southern Rhodesia would be able to exercise freely and equally their right to self-determination on the basis of paragraphs 3 and 5 above, to facilitate the participation of a United Nations team of observers during the preparation for, and in the actual conduct of, any exercise to ascertain the wishes of the people of Southern Rhodesia as to their political future; (7) decide to continue political, diplomatic and economic sanctions against Southern Rhodesia until the rebellious régime in that territory was brought to an end; and (8) request the Government of the United Kingdom not to transfer under any circumstances to its colony of Southern Rhodesia, as at present governed, any of the powers or attributes of sovereignty, but to promote that country's attainment of independence by a democratic system of Government in accordance with the aspirations of the majority of the population.

<sup>307</sup> 1609th meeting, paras. 74-81.

<sup>308</sup> For text of relevant statements, see: 1602nd meeting (PV): Burundi, paras. 81-97, 131-132; Somalia, paras. 133-142; Syrian Arab Republic, paras. 125-127; 1603rd meeting: United Republic of Tanzania,\* paras. 92-141; 1604th meeting: Saudi Arabia,\* paras. 56-96; Somalia, paras. 11-38; 1605th meeting: Ghana,\* paras. 3 1-68; Kenya,\* paras. 73-105; Zambia,\* paras. 6-27; 1609th meeting: Sierra Leone, paras. 84-116; 1622nd meeting: Saudi Arabia,\* paras. 93-103; Somalia, paras. 6-36; Syrian Arab Republic, paras. 63-69; 1623rd meeting: Algeria,\* paras. 135-153; India,\* paras. 96-119; Nigeria,\* paras. 88-94; Uganda,\* paras. 44-85.

<sup>309</sup> For text of relevant statements see: 1623rd meeting: Belgium, paras. 155-162; France, paras. 33-35, 189-191; Italy, paras. 1 R-32, 184-187.

<sup>370</sup> 1622nd meeting, paras. 8-9.

<sup>371</sup> 1633rd meeting, paras. 178-179.

<sup>372</sup> *Ibid.*, paras. 23 1-233.

<sup>373</sup> S/10489, OH, 26th yr., *Suppl. for Oct.-Dec. 1971*, pp. 129-130.

Following a brief suspension of the meeting, the representative of Somalia requested separate votes on the second and fifth preambular paragraphs and operative paragraphs 3, 4, and 5.<sup>374</sup>

At the same meeting the draft resolution was put to the vote with the following results:<sup>375</sup>

The second preambular paragraph, which would have the Council note that the proposals for a settlement had not been negotiated in consultation with the accredited political leaders of the majority of the people of Southern Rhodesia, was adopted by 10 votes to none, with 5 abstentions.

The fifth preambular paragraph, which stated that the Council was mindful of the conditions necessary to permit the free expression of the right to self-determination, was adopted by 14 votes to none, with 1 abstention.

Operative paragraph 3 was adopted by 14 votes to none, with 1 abstention.

Operative paragraphs 4 and 5 were each adopted by 10 votes to none, with 5 abstentions.

The draft resolution as a whole failed of adoption, owing to a negative vote by one of the permanent members of the Security Council. It received 9 votes in favour, 1 against with five abstentions.<sup>376</sup>

#### COMPLAINT BY ZAMBIA

##### INITIAL PROCEEDINGS

By letter<sup>377</sup> dated 15 July 1969 addressed to the President of the Security Council, the Permanent Representative of Zambia requested an early meeting of the Council to discuss the recent Portuguese violations of the territorial integrity of Zambia, and also the bombing of a village, destruction of property and the wounding and killing of two innocent and unarmed civilians at Lote village in the Katete District of Eastern Province of Zambia on 30 June 1969. He recalled that several unprovoked activities of the Portuguese Government had been brought to the attention of the Security Council and added that the recent aggression was a proof of the bellicose intentions of the Lisbon Government. Lest its application of the inherent right of self-defence as envisaged in Article 51 of the Charter might result in a more serious situation, his Government now requested the Security Council to take corrective measures in order to bring an end to those acts which constitute a threat to international peace and security.

Subsequently, in a letter<sup>378</sup> dated 18 July 1969 addressed to the President of the Council, thirty-five Member States acting on behalf of the Organization of African Unity expressed their support for the request for a meeting of the Security Council.

At the 1486th meeting on 18 July 1969, the item was included in the Council's agenda.<sup>379</sup> The Council considered the question at its 1486th to 1491st meetings between 22 and 29 July 1969. The representatives

of Portugal,<sup>380</sup> Tanzania,<sup>381</sup> Somalia,<sup>382</sup> Kenya,<sup>383</sup> the United Arab Republic,<sup>384</sup> Liberia, Madagascar, Sierra Leone, Tunisia, Gabon,<sup>385</sup> and Democratic Republic of the Congo<sup>386</sup> were invited to participate in the discussions.

At the 1486th meeting the representative of Zambia\* stated that since his request for a meeting there was yet another armed attack by Portuguese soldiers on Zambian civilians in Balovale District which had resulted in the killing of two persons. He further stated that the reason why his Government had not brought the matter to the Council sooner was that it thought it preferable to resolve such matters bilaterally. However, since the Portuguese authorities had become intransigent, his Government found it necessary to seek now recourse before the Council. He further stated that in the period between 18 May 1966 and 30 June 1969 there were some sixty Portuguese military incursions into the Zambian territory, thirty-five by land and twenty-five by air. Those were aggressive acts causing a continuous turmoil and instability and threatening the peace and security not only in Zambia alone but in Africa as a whole. They were in open violation of Article 2, paragraph 4 of the Charter.

The representative of Zambia went on to recount a few of the instances of the alleged Portuguese armed aggression against Zambian territory as well as technical data relating to fragments of bombs, mines and grenades so as to substantiate the direct involvement of the Portuguese armed forces in the incidents complained of and to indicate to the members of NATO that such arms as they made available to Portugal were being used not for the defence of Portugal or for the member countries of NATO, but for the oppression of the peoples of Mozambique and Angola and for launching attacks against Zambia. In the light of this chain of acts of aggression, it was incumbent upon the Council to consider whether Portugal, a Member of the United Nations, was observing that principle. In conclusion, the representative of Zambia, after stating that his Government reserved its inherent right to take action in self-defence under Article 51 of the Charter, requested the Council to condemn Portugal for its unprovoked and premeditated aggression against unarmed Zambian civilians, to call on Portugal to cease all its acts of aggression, to return Zambian nationals kidnapped by Portuguese soldiers in Angola and Mozambique and to demand that it make amends for the destruction of Zambian homes and property.<sup>387</sup>

The representative of Portugal\* stated that he found it strange that the Zambian Government had brought the matter to the Security Council bypassing bilateral talks which had been adopted by agreement by the two Governments. Moreover, its allegations lacked any substance. The only incident concretely mentioned which was alleged to have taken place on 30 June, i.e., the bombing of Lote village in Eastern Zambia, was also devoid of any foundation. He further wondered why the representative of Zambia should have submitted to the Council a list of incidents which took place since 1966 inasmuch as all those past incidents

<sup>374</sup> 1623rd meeting paras. 249-259.

<sup>375</sup> *Ibid.* paras. 266-272.

<sup>376</sup> *Ibid.* para. 272.

<sup>377</sup> S/9331, O.R. 24th yr., Suppl. for July-Sept. 1969, p. 127.

<sup>378</sup> S/9340 and Add.1 -3, *ibid.*, p. 131.

<sup>379</sup> 1486th meeting, preceding para. 1.

<sup>380</sup> *Ibid.*, para. 1.

<sup>381</sup> 1487th meeting, para. 12.

<sup>382</sup> *Ibid.* para. 13.

<sup>383</sup> 1488th meeting, para. 2.

<sup>384</sup> *Ibid.*, para. 44.

<sup>385</sup> 1489th meeting, para. 2.

<sup>386</sup> *Ibid.*, para. 31.

<sup>387</sup> 1486th meeting, paras. 6-9, 14-21, 51, 52, 58.

had been considered as settled through bilateral talks. He went on to say that there had been no incidents prior to 1966. However, in 1966 the Zambian Government decided to open its territory to hostile activities against Angola and Mozambique; it had authorized in its territory the establishment of training and supply bases for armed attacks on the adjoining Portuguese territories.

It was therefore the Zambian Government that had embarked on a policy of hostility to Portugal, its policy of permitting violence against Portugal gave rise to attacks carried out from Zambian territory against Portuguese territories.

The Portuguese Government, faced with that situation, had on the one hand, tried to reason with Zambia and on the other, had issued strict instructions to its own security forces to respect the territorial integrity and the sovereignty of the Republic of Zambia. Moreover, it could not allow its security forces in the frontier area to be harassed and fired upon by hostile elements stationed across the border without those security forces reacting in self-defence. It was up to the Zambian Government to take measures to stop the firing across the border from its territory into Portuguese territory. Thus his Government expected the Security Council to call upon the Government of Zambia to abide by the norms of international good conduct in this respect.

He further emphasized that not only had the Zambian Government authorized hostile elements to carry out unlawful violent activities against the Portuguese security forces, but also Zambian armed forces were sometimes involved in the incidents. Portuguese air space had also been repeatedly violated by the Zambian Air Force. Thus, Portugal had patiently tried to come to an understanding with Zambia through their bilateral talks in New York, London and Zambia itself. But Zambia did not seem to want that understanding and instead brought unfounded charges against Portugal before the Security Council.

In conclusion, the representative of Portugal stated that his Government would give Zambia all assurances of its continued desire of co-operation and good neighbourliness and he wished that Zambia would still come to realize the advantages of mutual co-operation in the furtherance of the well-being of the respective populations. Referring to Article 33 of the Charter, he expressed the belief that the Luso-Zambian Mixed Commission might still be an instrument of understanding and co-operation between Zambia and Portugal.<sup>385</sup>

In reply, the representative of Zambia,\* referring to the Portuguese assertion of the existence of a permanent Zambian-Portuguese commission to deal with frontier incidents, stated that there had never been a permanent Zambian-Portuguese joint commission to look into such border incidents. Only committees from both sides had met from time to time on an *ad hoc* basis. Zambia, he added, had used that channel in the past. However, no sooner had an agreement been reached than the Portuguese attacked another Zambian village. As to the complaint of the representative of Portugal about the activities of the Angolan and Mozambique nationals inside Mozambique or inside Angola, he asserted that the Government of Zambia could not accept responsibility for them since that was the

responsibility of the Government of Portugal as it was the duty of every Government to control the activities of its own nationals.<sup>389</sup>

At the 1488th meeting on 23 July 1969 the representative of Portugal,\* commenting on the specific charges brought by Zambia to the Council, stated that it became apparent that either the Zambian Government could not or did not wish to control its frontiers. Nevertheless, it could not escape responsibility for the attacks made on Portuguese territory. In conclusion, he denied the allegations that his Government was using NATO arms in Africa.<sup>390</sup>

At the 1489th meeting on 24 July 1969 the representative of Zambia\* stated that his Government had brought the Lote incident to the Council because for four years Portugal had been violating its territorial integrity. In connexion with three series of incidents, the Zambian Government had invited the representatives of the Portuguese Government to see for themselves the results of their aggression. They accepted responsibility only for one incident. For the two other incidents, they claimed that they had acted in the exercise of the so-called right of pursuit. Following that rejection, the Zambian Government had come to the conclusion that pacific settlement had no meaning for the Portuguese.

**Decision** of 28 July 1969 (1491st meeting) : resolution 268 (1969)

At the 1491st meeting on 28 July 1969 the representative of Pakistan introduced a draft resolution jointly sponsored by Algeria, Nepal, Pakistan and Senegal.<sup>391</sup> Subsequently, the President put to the vote the four-Power draft resolution which was adopted<sup>392</sup> by 11 votes in favour, none against, with 4 abstentions. The resolution<sup>393</sup> read:

**"The Security Council,**

**"Having heard** the statements by the parties,

**"Mindful** of its responsibility to take effective collective measures for the prevention and removal of threats to international peace and security,

**"Bearing in mind** that all States should 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 manner inconsistent with the purposes of the United Nations,

**"Concerned** about the grave situation created by the Portuguese bombing of Lote village in the Katete District of the Eastern Province of Zambia bordering the Territory of Mozambique,

**"Gravely concerned** that incidents of this nature endanger international peace and security,

"1. **Strongly censures** the Portuguese attacks on Lote village in the Katete District of the Eastern Province of Zambia resulting in the loss of Zambian civilian life and property;

"2. **Calls upon** Portugal to desist forthwith from violating the territorial integrity of, and from carrying out unprovoked raids against, Zambia;

"3. **Demands** the immediate release and repatriation of all civilians from Zambia kidnapped by

<sup>389</sup> *Ibid.*, paras. 109, 110, 112.

<sup>390</sup> 1488th meeting, paras. 27, 28, 40-42.

<sup>391</sup> 1491st meeting, paras. 3, 4.

<sup>392</sup> *Ibid.*, para. 26.

<sup>393</sup> Resolution 268 (1969)

<sup>388</sup> 1486th meeting, paras. 63-69, 71, 73, 74, 85, 86, 92.

Portuguese military forces operating in the colonial Territories of Angola and Mozambique;

"4. **Further demands** from Portugal the return of all property unlawfully taken by Portuguese military forces from Zambian territory;

"5. **Declares** that in the event of failure on the part of Portugal to comply with paragraph 2 of the present resolution, the Security Council will meet to consider further measures;

"6. **Decides** to remain seized of the matter."

Decision of 12 October 1971 (1592nd meeting): resolution 300

By letter<sup>394</sup> dated 6 October 1971 addressed to the President of the Security Council, the Permanent Representative of Zambia requested to convene as soon as possible a meeting of the Council to consider a series of serious incidents and violations of the sovereignty, air space and territorial integrity of Zambia by the forces of the Government of South Africa. In the letter it was further stated that for a considerable time numerous such incidents had taken place at the border area between Zambia and the international Territory of Namibia, where South Africa illegally maintained its military and police forces to suppress the Namibian liberation movement. As recently as 5 October 1971 South African forces illegally crossed into Zambian territory from the Caprivi Strip of Namibia.

In a letter<sup>395</sup> dated 7 October 1971 addressed to the President of the Council, forty-seven Member States<sup>396</sup> associated themselves with Zambia's request for the convening of the meeting. Subsequently, Lesotho also associated itself with the request for a meeting of the Council.<sup>397</sup>

At the 1590th meeting on 8 October 1971, the item was included in the Council's agenda. The Council considered the question at its 1590th to 1592nd meetings held between 8 and 12 October 1971. The representatives of Zambia, Tanzania, Nigeria, South Africa, Kenya,<sup>398</sup> Guinea,<sup>399</sup> Yugoslavia,<sup>400</sup> India and Pakistan<sup>401</sup> were invited to participate in the discussions.

At the 1590th meeting on 8 October 1971, the representative of Zambia\* stated that there had been a series of systematic and premeditated violations of the sovereignty, air space and territorial integrity of Zambia by the armed forces of South Africa. On 5 October 1971, at 19:30 hours Zambian time, units of the South African Army entered Zambia illegally at Katime Mulilo in speed-boats and helicopters, allegedly pursuing freedom-fighters who they assumed had entered the Caprivi Strip in the United Nations Territory of Namibia, through Zambia. After having

<sup>394</sup> S/10352, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 20.

<sup>395</sup> S/10364, *Ibid.*, p. 24.

<sup>396</sup> *Ibid.*, Forty-seven Member States: Algeria, Barbados, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Democratic Republic of), Dahomey, Egypt, Ethiopia, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guyana, India, Ivory Coast, Jamaica, Kenya, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Pakistan, People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Upper Volta, Yugoslavia and Zambia.

<sup>397</sup> S/10368, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 25.

<sup>398</sup> 1590th meeting, paras. 1-2.

<sup>399</sup> *Ibid.*, para. 143.

<sup>400</sup> 1591st meeting, para. 2.

<sup>401</sup> *Ibid.*, paras. 3-4.

spent some time searching vainly inside Zambia, the South African armed forces retreated to their military base at the Caprivi Strip. He further enumerated 24 incidents which had occurred between 26 October 1968 and 5 October 1971. Those serious incidents were conducted against Zambia because it happened to border the international territory of Namibia which was under an illegal minority régime; it believed in a policy of non-racialism; it was opposed to a dialogue with South Africa and the so-called outward looking policy; it believed that the peoples of southern Africa and Guinea-Bissau had the right to self-determination and independence in accordance with General Assembly resolution 1514 (XV); it was opposed to white supremacy; and it adhered to its obligations under Article 25 of the Charter. The Zambian Government, he stressed, had no responsibility for the activities of the Namibian freedom-fighters inside Namibia in their just struggle to resist South Africa's occupation and oppression.

Furthermore, South Africa had interfered in the domestic affairs of Zambia by financing opposition parties inside Zambia. While Zambia desired peace and stability on its borders, it was unrealistic to talk about peace with South Africa until the major problems of apartheid and race were resolved. Although he had certain reservations regarding the sending of fact-finding missions, his Government would welcome the despatch of such a mission by the Council provided it would also be given uninhibited access to Namibia.<sup>402</sup>

At the same meeting the representative of South Africa\* stated that on 4 and 5 October incidents had indeed occurred in the Caprivi Strip. On 4 October members of the South African police force were patrolling near the border between the Eastern Caprivi and Zambia when their vehicle was hit by a land mine. As a result, four of the occupants were seriously injured. On the following day, when other members of the police force were dispatched to investigate the incident, another land mine exploded, killing one of the police officers. The trail of four persons was found leading from the direction of the Zambian border to the location of the land mine and back again in the direction of the Zambian border. The Prime Minister of South Africa had repeatedly warned that his country would not tolerate attacks upon its people or the people of "South West Africa" from across the borders of the Republic or of the Territory. Steps were being taken to pursue the culprits and the pursuers would defend themselves if they were attacked. The South African police force, however, had not crossed the Zambian border. They had followed the trail left by the four persons to where it had disappeared within the area of the Caprivi Strip and had returned to their stations. He admitted that unauthorized border crossings and trespassing in air-space had previously occurred in the area of the Zambian Eastern Caprivi border, but both sides had been responsible, not only South Africa. They were unintentional and were caused by the twisting river boundary between Zambia and the Caprivi Strip and the fact that the border was not always in the mid-stream.

In the period between 23 October 1969 and 5 May 1970, Zambia complained of eight violations of air space by South Africa. On the other hand, Zambia had between November 1969 and July 1971 violated South West African air space on twelve occasions. He stressed that the charges of the Zambian Government were

<sup>402</sup> 1590th meeting, paras. 7-23.



entirely unfounded. However, there were incidents of a far more serious nature which involved the infiltration of armed bands across the border from Zambia into the Caprivi Strip causing death and destruction. Five mine explosions had occurred in 1971. Those armed bands operated from camps situated in Zambia, they were given shelter on **Zambian** soil and received the support of the Zambian Government. The South African Government had asked Zambia to prevent armed incursions from Zambia into South West Africa, but there had been no response. While it was the policy of his Government to avoid border incidents and violations of the air space of neighbouring countries, in the case of incursions of terrorists, it had a duty to protect the inhabitants of South Africa and "South West Africa" against the acts of terrorism and such acts would not be tolerated.<sup>403</sup>

At the same meeting the representative of the Syrian Arab Republic introduced<sup>404</sup> a draft resolution jointly sponsored by Burundi, Sierra Leone, Somalia and the Syrian Arab Republic.

At the 1592nd meeting on 12 October 1971, the representative of Somalia stated that as a result of extensive consultations among the members of the Council, the three African sponsoring countries had decided<sup>405</sup> to revise the draft resolution to take into account the various positions of members and to bring forward a resolution which would ensure a unanimous vote,

The President then put to the vote the revised draft resolution which was adopted<sup>406</sup> unanimously. The text<sup>407</sup> read as follows:

**"The Security Council,**

**"Having received** the letter of the Permanent Representative of Zambia contained in document S/10352 and also the letter from 47 Member States contained in document S/10364,

**"Taking note** of the statements made by the Permanent Representative of Zambia at its 1590th meeting, concerning violations of the sovereignty, air space and territorial integrity of Zambia by South Africa,

**"Taking note** of the statement made by the Minister of Foreign Affairs of the Republic of South Africa,

**"Bearing in mind** that all Member States must refrain in their relations from resorting to threat or the use of force against the territorial integrity or political independence of any State,

**"Conscious** that it has the responsibility to take efficient collective measures to prevent and eliminate threats to peace and security,

**"Concerned** by the situation on the borders of Zambia and Namibia, in the vicinity of the Caprivi Strip,

**"1. Reiterates** that any violation of the sovereignty and territorial integrity of a Member State is contrary to the Charter of the United Nations;

**"2. Calls upon** South Africa to fully respect the sovereignty and territorial integrity of Zambia;

**"3. Further declares** that in the event of South Africa violating the sovereignty or the territorial integrity of Zambia, the Security Council will meet again to examine the situation further in accordance with the relevant provisions of the Charter."

## SITUATION IN NORTHERN IRELAND

### INITIAL PROCEEDINGS

In a letter<sup>408</sup> dated 17 August 1969, the representative of Ireland requested, in accordance with Article 35 of the Charter, an urgent meeting of the Security Council. It was stated in the letter that the preceding week had witnessed the development of a situation in the six counties of Northern Ireland, resulting from the continuous suppression of the people of these counties. The Royal Ulster Constabulary had been unable to control that situation and that had led to the intervention of British military forces. Proposals by his Government that the United Kingdom ask for the dispatch of a United Nations peace-keeping force and, subsequently, that a joint British-Irish peace-keeping force be established had been rejected by the British Government. The Government of Ireland therefore felt obliged to appeal to the Security Council for the dispatch of a United Nations peace-keeping force, since it could not stand by and see the people in the six counties of Northern Ireland suffer injury; nor could it tolerate the tensions created along the border between the two areas which might give rise to serious disturbances in its own State. The letter requested that the Irish delegation be permitted to be heard at all stages of the consideration by the Council in order to present its case.

The Security Council met to consider the situation in Northern Ireland at its 1503rd meeting held on 20 August 1969.

In connexion with the adoption of the agenda, the representative of the United Kingdom stated that the principle of domestic jurisdiction set out in Article 2, paragraph 7 of the Charter was fundamental. If this principle were breached or eroded, the consequences would be most serious for the United Nations.<sup>409</sup>

The representative of Finland proposed that the Security Council, before taking a decision on its agenda, invite the Minister for External Affairs of Ireland to make a statement to the Council in explanation of his Government's request for the meeting of the Security Council.<sup>410</sup>

Decision of 20 August 1969 (1503rd meeting):

#### *Statement by the President*

At the 1503rd meeting on 20 August 1969, the President (Spain) stated that the Security Council, before taking a decision on the provisional agenda, agreed to invite the Minister for External Affairs of Ireland to make a statement to the Council in explanation of his Government's request for an urgent meeting of the Security Council.<sup>411</sup>

At the same meeting, the Minister for External Affairs of Ireland,\* after taking exception to the argument that the situation in Northern Ireland fell exclu-

<sup>403</sup> 1590th meeting, paras. 59-72.

<sup>404</sup> *Ibid.*, paras. 175-177.

<sup>405</sup> 1592nd meeting, paras. 3-18.

<sup>406</sup> *Ibid.*, para. 20.

<sup>407</sup> Resolution 300 (1971).

<sup>408</sup> S/9394, OR, 24th yr., Suppl. for July-Sept, 1969, p. 159.

<sup>409</sup> 1503rd meeting, paras. 2-14. For consideration of Article 2(7), see in chapter XII, Case 12.

<sup>410</sup> 1503rd meeting, paras. 15-17.

<sup>411</sup> *Ibid.*, para. 20.

sively within the domestic jurisdiction of the **United Kingdom**,<sup>412</sup> stated that the present situation in the Six Counties of Northern Ireland had its origins in the partition of Ireland, a unilateral act on the part of the United Kingdom Government which had never been conceded to by the Government of Ireland whose declared policy was to bring about reunification by peaceful means. The persistent denial by the United Kingdom Government of their civil rights to a large part of the population of Northern Ireland had culminated in the present crisis. It was the position of the delegation of Ireland\* that while that aspect of the matter alone would be sufficient to justify the request for a Council meeting, another consideration as to why the Council should deal with this question was that the grave situation in Northern Ireland could become aggravated to a degree which would affect relations between Great Britain and Ireland. There was no doubt that the situation in Northern Ireland was grave and could affect relations between Great Britain and Ireland. The current crisis had been brought about by the decision of the Government of the six counties to allow the holding of a provocative parade by a Protestant sectarian organization at Derry, despite the warnings of his Government about the dangers involved. The disturbances at Derry had quickly spread to other towns in the area and had led to the loss of life, the destruction of property and the virtual collapse of law and order. The calling of British troops had been a confession of the inability of the Government of the six counties to maintain law and order impartially through its police force. There was need, he stressed, for an impartial peace-keeping force, inasmuch as the use of British troops constituted a basic factor in the perpetuation of partition. The Council must consider also that the tension created by these events might spread beyond the area itself and lead to friction between two neighbouring Member States.<sup>413</sup>

**Decision** of 20 August 1969 (1503rd meeting) :

#### **Adjournment**

At the 1503rd meeting on 20 August 1969, the representative of Zambia stated that the question before the Council was whether or not to adopt the agenda. In the light of the statements so far made it might be wise for the Council to adjourn a decision on that matter. Consequently he proposed that in accordance with the rules of procedure, and particularly rule 33, paragraph 2, the meeting be adjourned.<sup>414</sup>

The proposal for adjournment was unanimously adopted.

#### **COMPLAINT BY SENEGAL.**

**Decision** of 9 December 1969 (1520th meeting): resolution 273 (1969)

By letter<sup>415</sup> dated 27 November 1969 addressed to the President of the Security Council, the representative of Senegal informed the Council that on 25 November 1969 the regular Portuguese Army, based at Bégène in Guinea (Bissau), had shelled the village of Samine in southern Senegal, leaving one person dead and eight seriously wounded and causing property damage. It was not the first time that the Portuguese forces had

attacked Senegal's nationals and violated its territory. In view of the growing loss of life and destruction of property, the Government of Senegal was obliged to denounce Portugal's policy of systematic provocation and to request the convening of the Security Council as soon as possible to consider the question.

By letter<sup>416</sup> dated 2 December 1969 to the President of the Security Council, the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia supported Senegal's request. Recalling that other African States bordering on the Territories under Portuguese domination had also been the object of Portugal's acts of aggression, the signatories to the letter expressed Africa's concern at the constant threat and acts of aggression committed by Portugal and expressed the hope that the Security Council would be able to take the necessary measures to put an end to those acts of aggression in accordance with Chapter VII of the United Nations Charter.

At the 1516th meeting on 4 December 1969, the Security Council adopted<sup>417</sup> the agenda and considered the question at the 1516th to 1520th meetings between 4 and 9 December 1969. At the 1516th meeting on 4 December, the representatives of Portugal, Guinea and Morocco were invited<sup>418</sup> to take part in the discussion. Subsequently, at the 1517th meeting on 5 December the representatives of Liberia, Madagascar, Sierra Leone, Tunisia, Mali, Saudi Arabia, Syria, Yemen and the United Arab Republic,<sup>419</sup> and at the 1518th meeting on 8 December the representative of Mauritania<sup>420</sup> were also invited to participate.

At the 1516th meeting on 4 December 1969, the representative of Senegal recounted the incident described in his letter of 27 November, which his Government considered sufficiently grave to constitute a threat to international peace and security. He then referred to numerous earlier violations of Senegal's sovereignty and territorial integrity committed by Portuguese forces since April 1963 and recalled previous Council resolutions<sup>421</sup> in which those actions were deplored and Portugal was requested to take all effective and necessary action to prevent such violations. Notwithstanding those resolutions Portugal had committed further acts of provocation and since January 1969 incidents had become more frequent and more serious as Portuguese forces violated Senegalese air space and shelled Senegalese villages, killing, wounding and kidnapping villagers. If Portugal were to persist in its policy of systematic provocations and violations of the territorial integrity of African countries, in which it was being supported by its allies, particularly South Africa, Senegal would have no alternative but to resort to force in order to impose respect of its territorial sovereignty. However, Senegal was convinced that the Security Council would make such an action unneces-

<sup>412</sup> For consideration of Article 2(7), see in chapter XII, Case 12.

<sup>413</sup> 1503rd meeting, paras. 23-43.

<sup>414</sup> *Ibid.*, para. 68.

<sup>415</sup> S/9513, OR. 24th yr., Suppl. for Oct.-Dec. 1969, p. 117.

<sup>416</sup> S/9524 and Add.1, *ibid.*, p. 144.

<sup>417</sup> 1516th meeting, preceding para. 40.

<sup>418</sup> *Ibid.*, paras. 40-41.

<sup>419</sup> 1517th meeting, paras. 4, 59, 92.

<sup>420</sup> 1518th meeting, para. 3.

<sup>421</sup> Resolution 178 (1963) and resolution 204 (1965).

sary by passing an effective resolution to condemn severely the Portuguese authorities and their acts of aggression.<sup>422</sup>

At the same meeting, the representative of Portugal\* stated in reply that the attacks had come in every case from Senegal and that Portugal had limited itself to actions strictly in conformity with the needs of self-defence. It was a matter of common knowledge that for several years anti-Portuguese organizations had operated against Portuguese Guinea from bases in Senegal, of which Samine was one. After enumerating the incidents of violations of the territory of Portuguese Guinea, including artillery attacks, raids and violations of air space, the representative of Portugal stated that no one could contest Portugal's right of self-defence, which it had exercised within its own territory and to the indispensable minimum. In the particular incident under consideration, Portugal did not exclude the possibility a priori that, following artillery attacks and raids coming from Senegal, Portugal's return fire might have produced results alleged by Senegal. If it had, it was incumbent on Senegal to contact Portugal to settle the question through investigation and conciliation under the terms of Article 33 of the Charter. On its part, Portugal was prepared to discuss the case with Senegal and, after a proper bilateral investigation, to compensate Senegal for any damage which might have occurred.<sup>423</sup>

At the 1518th meeting on 8 December 1969, the President (Zambia) informed<sup>424</sup> the Council that, by a letter<sup>425</sup> dated 7 December, the representative of Senegal had requested an urgent meeting of the Council to consider a further complaint concerning the renewed shelling of Samine on that day which had resulted in further casualties and property damage. The letter was included<sup>426</sup> in the agenda along with the previous complaint.

At the same meeting, the representative of Senegal stated that Portugal had committed the new act of aggression, as mentioned in his delegation's letter, at the time that the Council was considering the previous complaint by Senegal and thus had defied the authority of the Security Council. He also recalled the four-point peace plan for Guinea (Bissau) publicly proposed by the President of Senegal, according to which there would be a cease-fire followed immediately by negotiations between Portugal and the nationalist movements leading to a period of internal autonomy to be followed by independence within the framework of a Lusitanian-African community. The shellings of Senegalese villages were the only Portuguese response to that peace plan. He therefore asked the Security Council to condemn Portugal severely and without delay for its repeated acts of aggression.<sup>427</sup>

In the course of the discussion, a number of representatives expressed the view that Portugal's claim of the right of self-defence was unacceptable because Portugal's continued colonial presence in Africa was illegitimate and in contravention of the United Nations Charter and Security Council and General Assembly resolutions.<sup>428</sup>

At the 1519th meeting on 8 December 1969, the Council had before it a draft resolution<sup>429</sup> jointly sponsored by Algeria, Nepal, Pakistan and Zambia that was subsequently revised<sup>430</sup> by the sponsors as a result of consultations.

At the 1520th meeting on 9 December 1969, the representative of Portugal\* stated that, contrary to what had been asserted during the debate: his delegation had not admitted the charges contained in Senegal's original complaint. He had emphasized Portugal's inalienable right of self-defence against armed attacks against its territory, attacks which were contrary to the Charter and could not be legitimized by any resolutions of the General Assembly, which were no more than recommendations, or even of the Security Council. There was nothing in the Charter to justify a "double standard" in the interpretation of Article 51 so as to deny the right of self-defence to Portugal. He emphasized that Portugal had been admitted as a Member State with all its territories as defined in the Portuguese Constitution and it was not within the competence of the United Nations to question the territorial integrity of the Portuguese State. Referring to the incident alleged in Senegal's complaint of 7 December, the representative of Portugal stated that information obtained by his delegation did not indicate that Portuguese security forces had been involved. However, a clash appeared to have taken place at Samine involving the local population and rival armed groups organized there to attack Portuguese Guinea. He reiterated his call for investigation in loco in order to discover the truth of the situation.<sup>431</sup>

At the same meeting, the revised draft resolution was adopted<sup>432</sup> by 13 votes to none, with 2 abstentions. The resolution<sup>433</sup> read:

**"The Security Council,**

**"Taking note** of the complaints by Senegal against Portugal contained in documents S/9513 and S/9541,

**"Conscious** of its responsibility for taking effective collective measures to forestall and eliminate threats to international peace and security,

**"Bearing in mind** that all States must refrain in their international relations from recourse to the threat or use of force against the territorial integrity or political independence of any State or in any manner incompatible with the purposes of the United Nations,

**"Concerned** about the serious situation created by the shelling of the village of Samine in the southern region of Senegal from the Bégène base,

**"Deeply concerned** at the fact that incidents of this nature jeopardize international peace and security,

**"Bearing in mind** its resolution 178 (1963) of 24 April 1963 and 204 (1965) of 19 May 1965,

**"1. Strongly condemns** the Portuguese authorities for the shelling of the village of Samine, which (1) on 25 November 1969 caused one death and seriously wounded eight persons, struck a building of the Senegalese gendarmerie and completely destroyed two

<sup>422</sup> 1516th meeting, paras. 47-69.

<sup>423</sup> *Ibid.*, paras. 101-135.

<sup>424</sup> 1518th meeting, para. 4.

<sup>425</sup> S/9541. OR, 24th yr., Suppl. for Oct.-Dec. 1969, p. 151.

<sup>426</sup> 1518th meeting, preceding para. 1.

<sup>427</sup> *Ibid.*, paras. 5-13.

<sup>428</sup> For texts of relevant statements, see 1518th meeting: Madagascar,\* paras. 18-19; Mauritania,\* paras 131-132; Nepal,

paras. 116-121; Tunisia,\* paras. 37, 42-44; USSR, paras. 104-105; United Arab Republic,\* paras. 57-62; 1519th meeting: Pakistan, para. 17; Syria,\* para. 46.

<sup>429</sup> S/9542, 15 19th meeting, para. 3.

<sup>430</sup> S/9542, Rev.1, *ibid.*, paras. 28-29.

<sup>431</sup> 1520th meeting, paras. 9-19.

<sup>432</sup> *Ibid.*, para. 56.

<sup>433</sup> Resolution 273 (1969).

houses in the village of Saminc, and (2) on 7 December 1969 caused five deaths and seriously wounded one woman;

"2. *Again* calls upon Portugal to desist forthwith from violating the sovereignty and territorial integrity of Senegal;

"3. Declares that in the event of failure by Portugal to comply with paragraph 2 of the present resolution, the Security Council will meet to consider other measures;

"4. *Decides* to remain seized of the question."

**Decision of 15 July 1971 (1572nd meeting) : resolution 294 (1971)**

By letter<sup>434</sup> dated 6 July 1971 addressed to the President of the Security Council, the representative of Senegal informed the Security Council of "further obvious and flagrant violation of Senegal's sovereignty and territorial integrity", including laying of anti-tank and anti-personnel mines, which had been committed by the regular Portuguese forces since May 1971 and which had resulted in death, injury and destruction. In view of those incidents as well as those related in his earlier letters dated 27 April<sup>435</sup> and 16 June 1971,<sup>436</sup> he requested that a meeting of the Security Council should be convened as a matter of urgency.

In a letter<sup>437</sup> dated 10 July addressed to the President of the Security Council, the representative of Portugal expressed regret that Senegal had requested a meeting of the Council without first seeking to clarify the truth of the facts through direct contacts with Portugal as provided for in the Charter. Moreover, Senegal had systematically attributed responsibility for incidents on the Luso-Senegalese frontier to Portugal without presenting evidence to substantiate those charges. Portugal had continued to suffer from aggressions committed by the Partido Africano da Independência da Guiné e Cabo Verde (PAIGC), a subversive group which organized and prepared, in Senegalese territory, armed attacks against Portuguese Guinea and which bore responsibility for all the problems that had arisen in their respective frontier areas. Referring to the incidents related in Senegal's complaint, the Portuguese representative stated that circumstances appeared to indicate that PAIGC had been responsible for them. His Government therefore repudiated Senegal's charges and categorically rejected any responsibility for the incidents.

In a letter<sup>438</sup> dated 12 July 1971 addressed to the President of the Security Council, the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Swaziland, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia supported Senegal's request for a Council meeting and requested the Security Council to take such measures as were necessary to

ensure that Portugal conformed to the relevant Security Council and General Assembly resolutions by putting an end to its flagrant acts of aggression and by granting self-determination and independence to its colonies in accordance with General Assembly resolution 1514 (XV).

At the 1569th meeting on 12 July 1971, the Security Council included<sup>439</sup> the item in the agenda and considered it at its 1569th to 1572nd meetings between 12 and 15 July 1971. At the 1569th meeting on 12 July, the representatives of Senegal and Guinea were invited<sup>440</sup> to participate in the discussion. Subsequently, at the 1570th meeting on 13 July the representatives of Mali, Sudan and Mauritania,<sup>441</sup> and at the 1571st meeting on 14 July the representatives of Mauritius, Togo and Zambia<sup>442</sup> were also invited to participate.

At the 1569th meeting on 12 July 1971, the representative of Senegal\* stated that the latest acts of aggression by Portuguese forces added to a long list of violations of the territorial integrity of Senegal and were closely linked with Portuguese repression of the nationalist movements in Guinea (Bissau). After recalling the Security Council's consideration of earlier Senegalese complaints against Portugal, he added that Portuguese violence had escalated since the Council last considered the question in December 1969, resulting in mounting casualties and material damage, and now included the laying of anti-tank and anti-personnel mines on Senegalese territory. The representative of Senegal then recounted the incidents related in the latest Senegalese complaint and stated that the African States were convinced that Portugal could carry the burden of its policy of repression only because it received support from its NATO allies. He recalled that his Government had proposed a peace plan that would end the armed struggle in Guinea (Bissau) between Portugal and the nationalists and would lead to independence through negotiation. The plan had been approved by the liberation movement but Portugal had not made any response. Recalling Security Council resolution 273 (1969), whereby the Council had declared that "in the event of failure by Portugal to comply with paragraph 2 of the present resolution, the Security Council will meet to consider other measures",<sup>443</sup> the representatives of Senegal said that his Government, having exhausted all the procedures provided for under the Charter, was requesting the Security Council to take effective measures to implement its decisions and to fulfil its responsibility under the Charter to repress any acts of aggression."

At the 1570th meeting on 13 July 1971, the representative of the USSR recalled the resolution<sup>444</sup> adopted by the Security Council in April 1963, which condemned Portuguese incursion into the territory of Senegal and demanded that Portugal take all necessary measures to prevent any violations of the sovereignty and territorial inviolability of Senegal, and asserted that Portugal had ignored this decision which was obligatory under the United Nations Charter and had continued its policy of aggression against Senegal and other

<sup>439</sup> 1569th meeting, preceding para. 7.

<sup>440</sup> *Ibid.* paras. 7-9.

<sup>441</sup> 1570th meeting, paras. 2, 3, 45.

<sup>442</sup> 1571st meeting, paras. 4-5.

<sup>443</sup> Resolution 273 (1969), para. 3. In its para. 2, the Security Council called upon Portugal to desist forthwith from violating the sovereignty and territorial integrity of Senegal.

<sup>444</sup> 1569th meeting, paras. 14-72.

<sup>445</sup> Resolution 178 (1963).

<sup>434</sup> S/10251, OR, 26th yr., Suppl. for July-Sept. 1971, p. 28.

<sup>435</sup> S/10182, OR, 26th yr., Suppl. for April-June 1971, pp. 33-34.

<sup>436</sup> S/10227, *ibid.*, p. 81.

<sup>437</sup> S/10255, OR, 26th yr., Suppl. for July-Sept. 1971, pp. 29-30.

-- <sup>438</sup> S/10259 and Add.1 and 2, *ibid.*, pp. 32-33.

African States. These aggressive actions were a direct continuation of Portugal's colonial policy and could be halted only if the provisions of the General Assembly resolution 1514 (XV) on the Declaration on the Granting of Independence to Colonial Countries and Peoples were implemented. Colonialism, racism and *apartheid* were by no means internal matters of Portugal, South Africa and Southern Rhodesia, but were permanent and dangerous sources of acute conflicts, wars and international tension. In its resolution 290 (1970) the Security Council already had solemnly warned Portugal that, should its armed attacks against independent African States be repeated, the Council would immediately consider appropriate effective steps in accordance with the relevant provisions of the Charter.<sup>446</sup> It was, therefore, incumbent upon the Security Council to take immediate effective measures against Portugal to halt its aggressive acts.<sup>447</sup>

At the 1572nd meeting on 15 July 1971, the representative of Somalia noted that Senegal had sought solutions to the dispute by negotiation and other peaceful means in accordance with the provisions of Article 33 of the United Nations Charter. The Security Council was now faced with the responsibility, which it could not shirk, of dealing with acts of aggression. Referring to the report<sup>448</sup> of the *Ad Hoc* Working Group of Experts of the Commission on Human Rights, which had toured extensively the Casamance region in Senegal in 1970 and had obtained at first-hand some revealing evidence about the situation on the border between Senegal and Guinea (Bissau), he said that his delegation believed that the Security Council should use to the full its investigative powers under Article 34 of the Charter so that effective measures to preserve peace in the region might be undertaken on a sound and informed basis.<sup>449</sup> He then introduced a draft resolution<sup>450</sup> jointly sponsored by Burundi, Japan, Sierra Leone, Somalia and Syria.<sup>451</sup>

At the same meeting, at the request of the representative of the United States, operative paragraph 4 of the draft resolution was put to a separate vote and adopted<sup>452</sup> unanimously. The draft resolution as a whole was then adopted<sup>453</sup> by 13 votes to none, with 2 abstentions.

The resolution<sup>454</sup> read:

**"The Security Council,**

**"Taking** note of the complaints by Senegal against Portugal contained in documents S/10182 and S/10251,

**"Taking note** of the letter of the Charge d'affaires *ad interim* of Portugal,

**"Having** heard the statement of the Minister for Foreign Affairs of Senegal,

**"Bearing in mind** that all States Members of the United Nations must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purpose of the United Nations,

<sup>446</sup> Resolution 290 (1970), para. 8.

<sup>447</sup> 1570th meeting, paras. 23-44.

<sup>448</sup> E/CN.4/1050.

<sup>449</sup> For consideration of Article 34, see in chapter X, Case 2.

<sup>450</sup> S/10266, 1572nd meeting, para. 37.

<sup>451</sup> 1572nd meeting, paras. 26-37.

<sup>452</sup> *Ibid.*, paras. 12-84.

<sup>453</sup> *Ibid.*, para. 85.

<sup>454</sup> Resolution 294 (1971).

**"Conscious** of its duty to take effective collective measures for the prevention and removal of threats to international peace and security and for the suppression of acts of aggression,

**"Disturbed** by the increasingly serious situation created by acts of violence perpetrated by the Portuguese armed forces against Senegal since the adoption of Security Council resolution 273 (1969) of 9 December 1969,

**"Deeply distressed** by the repeated laying of mines in Senegalese territory,

**"Gravely concerned** that incidents of this nature, by threatening the sovereignty and territorial integrity of Senegal, might endanger international peace and security,

**"Bearing in mind** its resolutions 178 (1963) of 24 April 1963, 204 (1965) of 19 May 1965 and 273 (1969) of 9 December 1969,

**"Having taken note** of the report of the *Ad Hoc* Working Group of Experts of the Commission on Human Rights concerning Portuguese acts of violence in Senegalese territory,

**"Noting** that Portugal has not complied with the provisions of paragraph 2 of resolution 273 (1969),

**"1. Demands** that the Government of Portugal should stop immediately any acts of violence and destruction in Senegalese territory and respect the sovereignty, territorial integrity and security of Senegal;

**"2. Condemns** the acts of violence and destruction perpetrated since 1963 by the Portuguese armed forces of Guinea (Bissau) against the population and villages of Senegal;

**"3. Condemns** the unlawful laying of anti-tank and anti-personnel mines in Senegalese territory;

**"4. Requests** the President of the Security Council and the Secretary-General to send to the spot, as a matter of urgency, a special mission of members of the Council assisted by their military experts to carry out an inquiry into the facts of which the Council has been informed, to examine the situation along the border between Guinea (Bissau) and Senegal and to report to the Council, making any recommendations aimed at guaranteeing peace and security in this region."

**Decision** of 24 November 1971 (1601st meeting) : resolution 302 (1971)

On 16 September 1971 the Special Mission established in accordance with Security Council resolution 294 (1971) submitted its report<sup>455</sup> to the Security Council. In its conclusions the Special Mission stated that, from the statements made to it, as well as from its own observations, it was clear that it was a strict principle of the foreign policy of the Republic of Senegal to avoid any engagement with Portuguese forces other than for the actual defence of its territory and that the recurrent armed attacks against Senegal caused considerable loss of human life and material damage and created a climate of insecurity and instability which was fraught with a threat to peace and security in the region. All the evidence of acts of violence and destruction found by the Mission itself was along the frontier

<sup>455</sup> S/10308 and Corr.1, OR, 26th yr., Special Supplement No. 3.

between Senegal and Guinea (Bissau), an area in which, according to the observations of the Mission, PAIGC was not engaged in any military activity. The Special Mission found the indications such as to designate the Portuguese authorities in Guinea (Bissau) as responsible and it further concluded that the above-mentioned acts of violence and destruction appeared to be the consequence of the special situation prevailing in Guinea (Bissau), which was in contradiction to the General Assembly resolution 1514 (XV) on the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Mission recommended that the Security Council should take all appropriate steps and initiatives in order to induce Portugal, on the one hand, to respect the sovereignty and territorial integrity of Senegal and to cease immediately acts of violence and destruction against its territory and people and, on the other, to respect the inalienable right to self-determination and independence of the people of Guinea (Bissau) and to enable that right to be exercised without further delay.

In a letter<sup>456</sup> dated 29 September 1971 addressed to the President of the Security Council, the Minister for Foreign Affairs of Portugal said that his Government categorically rejected the conclusions of the Special Mission, which were also wholly in contradiction to the facts verified by the Mission in Senegal. While PAIGC itself admitted to the Special Mission that its members were engaged in acts of violence in Portuguese Guinea, the Special Mission assigned the responsibility for those acts to the authorities in Portuguese Guinea, who were only exercising their right of legitimate self-defence under Article 51 of the Charter. He recalled that the Ministers for Foreign Affairs of Portugal and Senegal had agreed to set up a permanent mixed commission to investigate the situation along the frontier between Senegal and Portuguese Guinea and asserted that, while Portugal had offered forthwith to implement the agreement, the Government of Senegal had failed to carry it out. Notwithstanding this, his Government, in a constructive spirit to find a practicable system of co-operation, would reiterate its proposal to establish a permanent commission for control of the frontier.

At the 1586th meeting on 29 September 1971, the Security Council adopted<sup>457</sup> its agenda and considered the question at the 1586th and 1599th to 1601st meetings held between 29 September and 24 November 1971. At the 1586th meeting on 29 September the representative of Senegal,<sup>458</sup> and at the 1599th meeting on 23 November the representatives of Guinea, Mali, Mauritania, Mauritius, Sudan, Togo and Zambia<sup>459</sup> were invited to participate in the discussion.

At the 1586th meeting on 29 September 1971, the representative of Nicaragua, in his capacity as Chairman of the Special Mission, introduced the report and stressed that that Mission was the first to which the Council had granted authority to make recommendations necessary to guarantee peace and security in the region.<sup>460</sup>

The representative of Senegal\* said that his Government was pleased with the report and hoped that its

recommendations would be satisfactorily applied. His Government demanded the immediate and final cessation of acts of aggression committed against its people and believed, as did the members of the Special Mission, that the problem could be solved only if the right of self-determination was restored to the people of Guinea (Bissau).<sup>461</sup>

The representative of the USSR noted with satisfaction that the Security Council had reinstated the practice of sending missions composed of Council members to carry out direct and immediate tasks such as on-the-spot investigations in the maintenance of international peace and was thus returning to the practical working methods envisaged for it in the United Nations Charter and in the Council's rules of procedure. He hoped that the Council would continue the practice and reiterated his Government's belief that the Security Council, as the main organ responsible for the maintenance of international peace and security, should be the organ that organized and executed peace-keeping operations.<sup>462</sup>

At the 1599th meeting on 23 November 1971, the representative of Senegal+ referred to Portugal's letter of 29 September and explained that there had been a meeting in May 1971 between the Foreign Ministers of Senegal and Portugal at the latter's request, but that no positive decision had been reached and Senegal had never accepted the establishment of a joint commission. Referring to further incidents, cited in his letter<sup>463</sup> dated 15 November 1971, which had occurred since the investigation by the Special Mission on the frontier between Senegal and Guinea (Bissau) on 30 October and on the night of 3/4 November, and recalling that the Security Council had already condemned Portugal's acts of aggression and had warned that, should they continue, it would consider other measures, he asserted that the Council could not consider what additional measures to take against Portugal without taking into account the causes underlying the chronic insecurity in the region and that it could not take measures any less firm and decisive than those provided in its earlier resolutions.<sup>464</sup>

At the same meeting, the representative of Burundi introduced a draft resolution<sup>465</sup> jointly submitted by Burundi, Sierra Leone and Somalia, which was subsequently revised<sup>466</sup> by the sponsors as a result of consultations with other members of the Council.

At the 1601st meeting on 24 November 1971, the revised draft resolution was adopted<sup>467</sup> by 14 votes to none, with 1 abstention. The resolution<sup>468</sup> read:

***The Security Council,***

***Considering*** the complaints by Senegal against Portugal contained in documents S/1 0182 and S/10251,

***Recalling*** its resolutions 178 (1963) of 24 April 1963, 204 (1965) of 19 May 1965 and 273 (1969) of 9 December 1969,

***Having considered*** the report of the Special Mission of the Security Council established in accordance with resolution 294 (1971) of 15 July 1971,

<sup>461</sup> 1586th meeting, paras. 28-30.

<sup>462</sup> *Ibid.*, paras. 79-86.

<sup>463</sup> S/10388, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 34.

<sup>464</sup> 1599th meeting, paras. 114-126.

<sup>465</sup> S/10395, 1599th meeting, paras. 143-152.

<sup>466</sup> 1601st meeting, paras. 5-14.

<sup>467</sup> *Ibid.*, para. 38.

<sup>468</sup> Resolution 302 (1971).

<sup>456</sup> S/10343, OR, 26th yr., Suppl. for July-Sept. 1971, pp. 67-69.

<sup>457</sup> 1586th meeting, preceding para. 1.

<sup>458</sup> *Ibid.*, para. 2.

<sup>459</sup> 1599th meeting, paras. 99-100.

<sup>460</sup> 1586th meeting, paras. 5-8. For consideration of Article 34, see in chapter X, Case 2.

**“Deeply concerned** at the climate of insecurity and instability, fraught with a threat to peace and security in the region,

**“Affirming** the need to ensure the prerequisites for eliminating the causes of tension in the region and creating an atmosphere of trust, peace and security, as recommended by the Special Mission in its report,

**“1. Expresses its appreciation** for the work accomplished by the Special Mission of the Security Council established under resolution 294 ( 1971 ) ;

**“2. Takes note with satisfaction** of the recommendations of the Special Mission contained in paragraph 128 of its report;

**“3. Reaffirms** the provisions of its resolution 294 (1971) condemning the acts of violence and destruction perpetrated since 1963 by the Portuguese armed forces of Guinea (Bissau) against the population and villages of Senegal;

**“4. Strongly deplors** the lack of co-operation with the Special Mission on the part of the Portuguese Government, which prevented the Special Mission from implementing fully the mandate given to it under paragraph 4 of resolution 294 (1971) ;

**“5. Culls upon** the Government of Portugal to take immediate effective measures:

“(a) So that the sovereignty and territorial integrity of Senegal shall be fully respected;

“(b) To prevent acts of violence and destruction against the territory and the people of Senegal, in order to contribute to the safeguarding of peace and security in the region;

**“6. Culls upon** the Government of Portugal to respect fully the inalienable right to self-determination and independence of the people of Guinea (Bissau);

**“7. Calls upon the** Government of Portugal to take without further delay the necessary measures, so that this inalienable right of the people of Guinea (Bissau) shall be exercised;

**“8. Requests** the President of the Security Council and the Secretary-General to keep this question under review and report on the implementation of the present resolution to the Council within an appropriate period and at the latest within six months;

**“9. Declares** that, in the event of failure by Portugal to comply with the provisions of the present resolution, the Security Council will meet to consider the initiatives and steps that the situation requires;

**“10. Decides** to remain seized of the question.”

#### COMPLAINT BY GUINEA

##### INITIAL PROCEEDINGS

By letter<sup>469</sup> dated 4 December 1969 addressed to the President of the Security Council, the representative of Guinea requested that a meeting of the Security Council be convened to consider the “aggression recently committed by the Portuguese colonial army against the territorial integrity of the Republic of Guinea”. In the letter the representative of Guinea referred to his pre-

vious letter<sup>470</sup> dated 2 December in which he had informed the Council of the shelling of two Guinean frontier villages a few days previously by Portuguese forces. The representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Swaziland, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia subsequently associated themselves with Guinea’s request in a letter<sup>471</sup> dated 5 December 1969 in which they hoped that the Council would take necessary steps under Chapter VII of the Charter to end Portuguese acts of aggression.

In a further letter<sup>472</sup> dated 12 December 1969, the representative of Guinea informed the Security Council of several incidents of bombing and other acts of “provocation and violations . . . of Guinean national territory” which were said to have been committed by Portuguese forces between 13 April and 13 November 1969. These incidents had resulted in a number of deaths and injuries as well as considerable property damage and the Guinean motor barge *Patrice Lwnumba* and twenty-one of its passengers were still being detained by Portuguese authorities.

At the 1522nd meeting on 15 December 1969, the Security Council included<sup>473</sup> the item in its agenda and invited the representatives of Guinea and Portugal to participate in the discussion.<sup>474</sup> At subsequent meetings, invitations were extended also to the representatives of Congo (Brazzaville), Liberia, Madagascar, Mali, Sierra Leone, Syria, Tunisia,<sup>475</sup> Lesotho, Saudi Arabia,<sup>476</sup> Libya, Yemen,<sup>477</sup> India,<sup>478</sup> Bulgaria and Mauritius.<sup>479</sup> The Council considered the question at the 1522nd to 1526th meetings held between 15 and 22 December 1969.

**Decision** of 22 December 1969 ( 1526th meeting ) : resolution 275 (1970)

At the 1522nd meeting on 15 December 1969, the representative of Guinea<sup>480</sup> stated that provocations by Portugal against his country and against other African States had persisted and posed a serious threat to the peace and security of the African continent. After reiterating the account of the incidents listed in his letter of 12 December<sup>480</sup> and also referring to the continued detention by Portuguese authorities since March 1968 of a Guinean aircraft and its two crew members, he expressed his confidence that the Security Council would unanimously condemn Portugal for its occupation of Mozambique, Angola and Guinea (Bissau) and its acts of aggression against the Republic of Guinea. It would also ask Portugal to free immediately the Guinean nationals being detained, return the Guinean aircraft and motor barge, compensate the victims of its

<sup>470</sup> S/9525, *ibid.*, p. 145.

<sup>471</sup> S/9549, *ibid.*, p. 154.

<sup>472</sup> S/9554, *ibid.*, pp. 155-157.

<sup>473</sup> 1522nd meeting, preceding para. 1, para. 2.

<sup>474</sup> *ibid.*, para. 1.

<sup>475</sup> 1523rd meeting, para. 3.

<sup>476</sup> *ibid.*, para. 26.

<sup>477</sup> 1524th meeting, para. 2.

<sup>478</sup> *ibid.*, para. 27.

<sup>479</sup> 1525th meeting, para. 2.

<sup>480</sup> S/9554. See foot-note 472 above.

<sup>469</sup> S/9528, *OR. 24th yr., Suppl. for Oct.-Dec. 1969*, p. 147.

aggression and cease all acts of provocation on the frontiers of the Republic of Guinea.<sup>481</sup>

At the same meeting, the representative of Portugal\* stated that it was Portuguese Guinea that had been subjected to constant attacks coming from the Republic of Guinea. After citing a number of such incidents, he proposed that the Security Council investigate the charges made by both sides in order to determine the facts and to place the responsibility where it belonged. With regard to the Guinean motor barge and its passengers and the aircraft and its crew detained in Portuguese Guinea, Portugal was prepared to consider their release only when twenty-four Portuguese military personnel, unlawfully kidnapped and detained in the Republic of Guinea, had been set free.<sup>482</sup>

At the 1524th meeting on 18 December 1969, the representative of Portugal\* further stated that, on the basis of the investigation conducted since the matter had been brought to the Council, his Government rejected as unfounded in fact the shelling incidents and air raids which had been alleged by the Government of Guinea. He emphasized that, whatever the allegations, any action taken by Portugal was always taken within its own territory and in the exercise of its right of self-defence.<sup>483</sup>

At the 1525th meeting on 19 December 1969, the representative of Nepal introduced a draft resolution<sup>484</sup> jointly sponsored by Algeria, Nepal, Pakistan, Senegal and Zambia.

At the 1526th meeting on 22 December 1969, the draft resolution was put to the vote and was adopted<sup>485</sup> by 9 votes in favour, none against with 6 abstentions. The resolution<sup>486</sup> read as follows:

**"The Security Council,**

"Having noted the contents of the letters of the representative of Guinea in document S/9525, S/9528 and S/9554,

"Observing that incidents of this nature jeopardize international peace and security,

"Mindful that no State should act in any manner inconsistent with the principles and purposes of the Charter of the United Nations,

"Gravely concerned with any and all such attacks by Portugal directed against independent African States,

"Grieved at the extensive damage caused by the Portuguese shelling of Guinean villages from positions in the Territory of Guinea (Bissau),

"1. Deeply deplores the loss of life and heavy damage to several Guinean villages inflicted by the Portuguese military authorities operating from bases in Guinea (Bissau);

"2. Culls upon Portugal to desist forthwith from violating the sovereignty and territorial integrity of the Republic of Guinea;

"3. Calls upon the Portuguese authorities in Guinea (Bissau) to immediately release the Guinean civilian plane which was captured on 26 March 1968 together with the pilots thereon;

<sup>481</sup> 1522nd meeting, paras. 7-39.

<sup>482</sup> *Ibid.*, paras. 44-90.

<sup>483</sup> 1524th meeting, paras. 71-73.

<sup>484</sup> S/9574, 1525th meeting, para. 9.

<sup>485</sup> 1526th meeting, para. 48.

<sup>486</sup> Resolution 275 (1969).

"4. Further calls upon the Portuguese authorities in Guinea (Bissau) to immediately release the Guinean motor barge, *Patrice Lumumba*, which was captured on 27 August 1969 together with the passengers thereon;

"5. Solemnly warns Portugal that if such acts were to be repeated in future, the Council would have to seriously consider further steps to give effect to this decision."

Decision of 23 November 1970 (1558th meeting): resolution 289 (1970)

By letter<sup>487</sup> dated 22 November 1970 addressed to the President of the Security Council, the representative of Guinea requested the convening of the Security Council as a matter of extreme urgency. It was stated in the letter further that that morning the territory of Guinea had been the object of an armed attack by Portuguese forces who had landed at several points in the capital and that mercenary commando troops had shelled the town, and contained a request for immediate intervention by airborne United Nations troops to assist the National Army of the Republic of Guinea.

In a telegram<sup>488</sup> of the same date addressed to the Secretary-General, the President of the Republic of Guinea reiterated the charge of Portuguese aggression and the request for United Nations intervention.

In a letter<sup>489</sup> also dated 22 November 1970 addressed to the President of the Security Council, the representative of Portugal denied the accusations of the Government of Guinea. Stating that Portugal had no connexion with the matter to which the Guinean letter had referred, he expressed the hope that the Security Council would reject as groundless the charges made by Guinea.

At the 1558th meeting on 22/23 November 1970, the Security Council included the item in the agenda<sup>490</sup> and considered it at that meeting. The representatives of Guinea, Mali, Mauritania, Saudi Arabia and Senegal were invited<sup>491</sup> to participate in the discussion.

The Secretary-General informed the Council of the message<sup>492</sup> he had received from the President of the Republic of Guinea as well as of the message from the resident representative of the United Nations Development Programme in Conakry, sent at the request of the Government of Guinea, which confirmed that disembarkment of external forces described by the Government as Portuguese had taken place that morning in Conakry and that the representative had personally seen four ships disembark and fighters fly over the city.<sup>493</sup>

After calling the Council's attention to earlier complaints brought before it by his Government and by a number of other African States against Portugal, the representative of Guinea\* informed the Council that the Republic of Guinea had that morning been the object of premeditated armed aggression by Portuguese colonial forces. Mercenaries had left Guinea (Bissau) on ten Portuguese ships and had landed at several points in Conakry and fighting was continuing. In view of the serious situation, he requested that the Security Council should demand the immediate cessation of the aggression and the immediate withdrawal of all Portu-

<sup>487</sup> S/9987, OR, 25th yr., Suppl. for Oct.-Dec. 1970, p. 51.

<sup>488</sup> S/9988, 1558th meeting, para. 7.

<sup>489</sup> S/9989, OR, 25th yr., Suppl. for Oct.-Dec. 1970, pp. 51-52.

<sup>490</sup> 1558th meeting, preceding para. 1.

<sup>491</sup> *Ibid.*, paras. 3.

<sup>492</sup> S/9988. See foot-note 488 above.

<sup>493</sup> 1558th meeting, paras. 7. 10.



guese and mercenary troops and all military equipment. The Council should also unequivocally condemn the Government of Portugal for the premeditated attack against the sovereignty and territorial integrity of the Republic of Guinea and should decide to send the troops necessary to restore peace and security in the area.<sup>494</sup>

After a suspension of the meeting for purposes of consultation, the President (Syria) called the Council's attention to the draft resolution<sup>495</sup> which had been submitted jointly by Burundi, Nepal, Sierra Leone, Syria and Zambia and which had been revised by the co-sponsors.<sup>496</sup>

The representative of Nepal, in introducing on behalf of its co-sponsors the revised five-power draft resolution,<sup>497</sup> whereby the Security Council would, *inter alia*, send a special mission to Guinea to report on the situation, stated that it was interim in nature and expressed confidence that the Council would take appropriate decisions upon receipt of all available evidence. He requested that the draft resolution be put immediately to the vote.<sup>498</sup>

The representative of the United States, referring to paragraph 4 of the draft resolution which provided that the special mission would be formed after consultation between the President of the Security Council and the Secretary-General, said that the Security Council might request the Secretary-General to send a representative to the area, a procedure which had often been used in the past. If, on the other hand, the sponsors preferred that the mission be composed of representatives of Governments, his delegation considered it important that all members of the Council be consulted. Accordingly, he proposed an amendment whereby the special mission would be formed after consultation among members of the Security Council.<sup>499</sup>

The United States amendment was put to the vote and was not adopted.<sup>500</sup> The vote was 3 in favour, none against, with 12 abstentions. The draft resolution was then put to the vote and was adopted<sup>501</sup> unanimously. The resolution read:<sup>502</sup>

**"The Security Council,**

**"Having heard** the statement made by the Permanent Representative of the Republic of Guinea,

**"Having taken note** of the request made by the President of the Republic of Guinea,

**"1. Demands** the immediate cessation of the armed attack against the Republic of Guinea;

**"2. Demands** the immediate withdrawal of all external armed forces and mercenaries, together with the military equipment used in the armed attack against the territory of the Republic of Guinea;

**"3. Decides** to send a special mission to the Republic of Guinea to report on the situation immediately;

**"4. Decides** that this special mission be formed after consultation between the President of the Security Council and the Secretary-General;

**"5. Decides** to maintain the matter on its agenda."

Decision of 8 December 1970 (1563rd meeting) : resolution 290 (1970)

On 3 December 1970, the Special Mission to the Republic of Guinea, established under resolution 289 (1970), submitted its report<sup>503</sup> to the Security Council. In its conclusions, the report stated that, in the best judgement of the Special Mission, the force of 350-400 men that invaded the Republic of Guinea in several ships on 22/23 November had been assembled in Guinea (Bissau) and was composed of naval and military units of the Portuguese armed forces acting in conjunction with Guinean dissident elements from outside Guinea.

In a letter<sup>504</sup> dated 4 December 1970 addressed to the President of the Security Council, the representative of Portugal, referring to the report of the Special Mission, declared that his Government had not ordered, authorized or consented to any military operations against the Republic of Guinea. Reiterating his Government's desire for peace and co-operation, particularly with those States contiguous to its territories, he said he considered it lacking in elementary justice for the Special Mission to have reached its conclusions or for the Security Council to pronounce itself without first informing the Portuguese Government of the findings. In view of this, his Government would reject any resolution seeking to establish the culpability of Portuguese entities or individuals in the situation.

At its 1559th meeting on 4 December 1970, the Security Council included<sup>505</sup> the report of the Special Mission in its agenda and considered it at the 1559th to 1563rd meetings held between 4 and 8 December. At the 1559th meeting, the Council decided to invite the representatives of Guinea, Algeria, Liberia, Mali, Mauritania, Mauritius, People's Republic of the Congo, Saudi Arabia, Senegal, Sudan, United Republic of Tanzania, Yugoslavia, Ethiopia and United Arab Republic<sup>506</sup> to participate in the discussion. Subsequently, at the 1560th meeting on 5 December the representatives of Cuba and Southern Yemen,<sup>507</sup> at the 1561st meeting on 7 December the representatives of Uganda, India and Somalia,<sup>508</sup> and at the 1562nd meeting on 7 December the representatives of Haiti and Pakistan<sup>509</sup> were also invited to participate.

At the 1559th meeting on 4 December 1970, the representative of Nepal, in his capacity as Chairman of the Special Mission, introduced the report and expressed the hope that it would serve the purpose of fully clarifying the situation in order that the Security Council might take any further action considered necessary.<sup>510</sup>

The representative of Guinea\* recalled the series of violations of Guinea's sovereignty and territorial integ-

<sup>494</sup> 1 558th meeting, 15, 17, 18, 20, 25.

<sup>495</sup> S/9990, OR, 25<sup>th</sup> yr., 3<sup>rd</sup> Suppl. for Oct.-Dec. 1970, p. 52.

<sup>496</sup> 1558th meeting para. 79.

<sup>497</sup> S/9990/Rev.1, 1558th meeting para. 81.

<sup>498</sup> 1558th meeting, para. 82.

<sup>499</sup> 1558th meeting, paras. 8-1-86.

<sup>500</sup> *Ibid.*, para. 100.

<sup>501</sup> *Ibid.*, para. 101.

<sup>502</sup> Resolution 289 (1970).

<sup>503</sup> S/10009 and Add.1, OR, 25<sup>th</sup> yr., Suppl. for Oct.-Dec. 1970, pp. 73-77.

<sup>504</sup> S/10014, *ibid.*, p. 77.

<sup>505</sup> 1559th meeting, preceding para. 9.

<sup>506</sup> *Ibid.*, para. 94.

<sup>507</sup> 1560th meeting, para. 4.

<sup>508</sup> 1561st meeting, paras. 2, 92, 111.

<sup>509</sup> 1562nd meeting, paras. 3, 79.

<sup>510</sup> 1559th meeting, paras. 16-18.

ity by Portugal since 1961, which his Government had brought to the attention of the Council, and stated that thus the latest act of aggression was not an isolated incident but was rooted in the determination of imperialism to reestablish its hegemony and to deny African peoples their sovereignty and independence. The grave situation resulting from the persistence of the Portuguese colonial regimes in Guinea (Bissau), Mozambique and Angola constituted a constant threat to international peace and security and therefore the United Nations faced the issue not only of Portugal's aggressive policy against Africa but of what steps it should take to ensure respect for the principles in whose name the Organization had been founded.<sup>511</sup>

The representative of Algeria\* stated that the complaint before the Council was not just a complaint of Guinea but of all Africa and that Algeria considered itself as being directly concerned by the aggression against Guinea. He deplored the fact that, two weeks after that aggression, the Security Council had not yet taken any positive action to assist the victims of the aggression and to condemn the aggressors.<sup>512</sup>

The representative of Tanzania\* stated that the situation in Guinea, as determined by the Special Mission of the Security Council, constituted a threat to the peace and act of aggression within the meaning of Article 39 of the Charter. It was now incumbent upon the Security Council not only to condemn Portugal but also to take effective measures in accordance with the provisions of Articles 39 and 41.<sup>513</sup>

In the course of the discussion, calls for effective action by the Security Council under Articles 39,<sup>514</sup> 41<sup>515</sup> and, if necessary, 42<sup>516</sup> or under Chapter VII<sup>517</sup> of the Charter were also made by a number of other representatives.

At the 1562nd meeting on 7 December 1970, the President (USSR) informed<sup>518</sup> the members of the Council of a letter<sup>519</sup> of that date addressed to him by the representative of Portugal transmitting the text of an official communique issued that day by the Minister for Foreign Affairs of Portugal. In it, the Portuguese Government had stated that the sources of information available to the Security Council's Special Mission had all been under the control of the Government of Guinea and that, in view of this disregard of the most elementary procedural principles, the conclusions of the Special Mission's report could not be acceptable.

At the same meeting, following a brief suspension, the representative of Burundi introduced a draft resolution<sup>520</sup> jointly submitted by Burundi, Nepal, Sierra Leone, Syria and Zambia.

<sup>511</sup> 1559th meeting, paras. 21-39, 45.

<sup>512</sup> *Ibid.*, paras. 52-56.

<sup>513</sup> *Ibid.*, paras. 102, 111-113.

<sup>514</sup> For text of relevant statement, see: 1560th meeting (PV): Yugoslavia,\* para. 73.

<sup>515</sup> For text of relevant statements, see: 1560th meeting: Southern Yemen,\* paras. 9, 13; USSR, paras. 139-140; Yugoslavia,\* para. 74.

<sup>516</sup> For text of relevant statements, see: 1560th meeting: Southern Yemen,\* para. 9; USSR, para. 140; Yugoslavia,\* para. 74.

<sup>517</sup> For text of relevant statements, see: 1560th meeting: UAR,\* para. 60; 1561st meeting: Poland, para. 69; Somalia,\* para. 137; Syria, para. 50; Uganda,\* para. 8; Zambia, para. 20.

<sup>518</sup> 1562nd meeting, para. 4.

<sup>519</sup> S/10024, OR, 25th yr., Suppl. for Oct.-Dec. 1970, pp. 78-79.

<sup>520</sup> S/10030, 1562nd meeting, paras. 49, SO.

At the 1563rd meeting on 8 December 1970, the five-Power draft resolution was put to the vote and was adopted<sup>521</sup> by 11 votes to none, with 4 abstentions. The resolution<sup>522</sup> read:

**"The Security Council,**

**"Having considered with appreciation** the report of the Security Council Special Mission to the Republic of Guinea established under resolution 289 (1970) of 23 November 1970,

**"Having heard** further statements by the Permanent Representative of the Republic of Guinea,

**"Gravely concerned** that the invasion of the territory of the Republic of Guinea on 22 and 23 November 1970 from Guinea (Bissau) was carried out by naval and military units of the Portuguese armed forces, and by the armed attack against the Republic of Guinea on 27 and 28 November 1970,

**"Gravely concerned** that such armed attacks directed against independent African States pose a serious threat to the peace and security of independent African States,

**"Mindful** of its responsibility to take effective collective measures for the prevention and removal of threats to international peace and security,

**"Recalling** its resolutions 218 (1965) of 23 November 1965 and 275 (1969) of 22 December 1969 which condemned Portugal and affirmed that the situation resulting from the policies of Portugal both as regards the African population of its colonies and the neighbouring States adversely affects the peace and stability of the African continent,

**"Reaffirming** the inalienable right of the people of Angola, Mozambique and Guinea (Bissau) to freedom and independence in accordance with the Charter of the United Nations and the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,

**"Grieved** at the loss of life and extensive damage caused by the armed attack and invasion of the Republic of Guinea,

**"1. Endorses** the conclusions of the report of the Special Mission to the Republic of Guinea;

**"2. Strongly condemns** the Government of Portugal for its invasion of the Republic of Guinea;

**"3. Demands** that full compensation by the Government of Portugal be paid to the Republic of Guinea for the extensive damage to life and property caused by the armed attack and invasion and requests the Secretary-General to assist the Government of the Republic of Guinea in the assessment of the extent of the damage involved;

**"4. Appeals** to all States to render moral and material assistance to the Republic of Guinea to strengthen and defend its independence and territorial integrity;

**"5. Declares** that the presence of Portuguese colonialism on the African continent is a serious threat to the peace and security of independent African States;

**"6. Urges** all States to refrain from providing the

<sup>521</sup> 1563rd meeting, para. 155.

<sup>522</sup> Resolution 290 (1970).

Government of Portugal with any military and material assistance enabling it to continue its repressive actions against the peoples of the Territories under its domination and against independent African States;

"7. Culls upon the Government of Portugal to apply without further delay to the peoples of the Territories under its domination the principles of self-determination and independence in accordance with the relevant resolutions of the Security Council and General Assembly resolution 15 14 (XV) ;

"8. Solemnly warns the Government of Portugal that in the event of any repetition of armed attacks against independent African States, the Security Council shall immediately consider appropriate effective steps or measures in accordance with the relevant provisions of the Charter of the United Nations;

"9. Culls upon the Government of Portugal to comply fully with all the resolutions of the Security Council, in particular the present resolution, in accordance with its obligations under Article 25 of the Charter;

"10. Requests all States, in particular Portugal's allies, to exert their influence on the Government of Portugal to ensure compliance with the provisions of the present resolution;

"11. Requests the President of the Security Council and the Secretary-General to follow closely the implementation of the present resolution;

"12. Decides to remain actively seized of the matter."

Decision of 3 August 1971 (1573rd meeting) : resolution 295 (1971)

Decision of 26 August 1971 (1576th meeting):

#### Statement by the President

By letter<sup>523</sup> dated 3 August 1971 addressed to the President of the Security Council, the representative of Guinea stated that the intelligence service of his Government had intercepted conversations between units of Portuguese colonial forces discussing an imminent military aggression by Portugal against the Republic of Guinea, in particular against the main points along the frontier with Guinea (Bissau) and against Conakry, with the aim, presumably, of liberating those taken prisoner in the course of the aggression of 22 November 1970 against Guinea. In view of the imminent threat to international peace and security, he requested an immediate meeting of the Security Council.

At the 1573rd meeting on 3 August 1971, the Security Council included<sup>524</sup> the item in the agenda and considered the question at the 1573rd and 1576th meetings on 3 and 26 August 1971. At the 1573rd meeting the representative of Guinea was invited<sup>525</sup> to participate in the discussion.

At the 1573rd meeting on 3 August 1971, the representative of Guinea\* recalled that his country had been the victim of aggression by Portugal for twelve years, including the most recent incident on 22 November 1970. At that time the Special Mission sent to Guinea by the Security Council had found incontrovertible evidence of Portuguese acts of aggression and, on the

basis of its report the Security Council, in resolution 290 (1970), had strongly condemned Portugal for its invasion of Guinea and had decided to remain actively seized of the matter. Notwithstanding that resolution, Portuguese violations of Guinea's territory had continued. In view of the new serious acts of aggression being prepared against it, the Government of Guinea had decided to take preventive action and to draw the Council's attention to the situation in time so that it might take appropriate and effective steps.<sup>526</sup>

At the same meeting, the representative of Somalia introduced a draft resolution,<sup>527</sup> jointly submitted by Burundi, Sierra Leone, Somalia and Syria, whereby the Security Council would, *inter alia*, decide to send a "special representative of the Security Council" to Guinea to consult with the authorities and to report on the situation immediately.

Following a brief suspension of the meeting, the representative of Somalia stated that the draft resolution had been revised as a result of consultations so that the Security Council would decide to send a "special mission of three members of the Security Council" rather than a "representative".<sup>528</sup> The draft resolution was then put to the vote and was adopted<sup>529</sup> unanimously. The resolution<sup>530</sup> read:

#### "The Security Council,

"Taking note of the letter addressed to the President of the Security Council by the Permanent Representative of Guinea,

"Having heard the statement of the Permanent Representative of Guinea,

"Bearing in mind that all States Members of the United Nations must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

"1. Affirms that the territorial integrity and political independence of the Republic of Guinea must be respected;

"2. Decides to send a special mission of three members of the Security Council to Guinea to consult with the authorities and to report on the situation immediately;

"3. Decides that this special mission be appointed after consultation between the President of the Security Council and the Secretary-General;

"4. Decides to maintain the matter on its agenda."

In a letter<sup>531</sup> dated 4 August 1971 to the President of the Security Council, the representative of Guinea requested that the dispatch of the Special Mission established under resolution 295 (1971) be postponed. Subsequently, in a letter<sup>532</sup> dated 12 August 1971, he informed the President of the Council that his Government was prepared to receive the Special Mission as soon as possible.

<sup>526</sup> *Ibid.*, paras. 9-23.

<sup>527</sup> S/1028 I, 1573rd meeting paras.40-41.

<sup>528</sup> 1573rd meeting paras.68-70.

<sup>529</sup> *Ibid.*, para.80.

<sup>530</sup> Resolution 295 (1971).

<sup>531</sup> S/10283, OR, 26thyrSuppl. for July-Sept. 1971, p. 42.

<sup>532</sup> S/10287, *ibid.*, p. 44.

<sup>523</sup> S/10280, OR, 26th yr., Suppl. for July-Sept. 1971, pp. 41-42.

<sup>524</sup> 1573rd meeting, preceding para. 5.

<sup>525</sup> *Ibid.*, para. 5.

At the 1576th meeting on 26 August 1971, the President (Italy) read out the following statement expressing the consensus of the Council, which was approved without objection:<sup>533</sup>

“It is the consensus of the Security Council that the Special Mission called for in resolution 295 (1971) should be composed of two members of the Council instead of three. The Special Mission will proceed to Conakry to consult the Government of the Republic of Guinea on its complaint and will report back to the Council as soon as possible.”

Decision of 30 November 1971 (1603rd meeting) :

**Statement by the President**

On 14 September 1971, the Security Council Special Mission to the Republic of Guinea established under resolution 295 (1971) submitted its report.<sup>534</sup> The report described the meetings at which Guinean officials had given detailed accounts of Guinea's complaint and had responded to questions by the members of the Special Mission as well as documentary and other material relating to that complaint submitted to the Special Mission by the Government of Guinea.

In a letter<sup>535</sup> dated 29 September 1971 addressed to the President of the Security Council, the representative of Portugal stated that a perusal of the report of the Special Mission had made it clear that the Mission had found no evidence to support Guinea's charges concerning imminent military aggression by Portugal but showed that the alleged intercepted conversations on which Guinea had based its complaint had taken place between two Guinean nationals. He expressed regret that the Security Council should have been asked to convene on such vague and misleading information.

At the 1586th meeting on 29 September 1971, the Security Council included<sup>536</sup> the Special Mission's report in the agenda and considered it at that meeting and at the 1603rd meeting on 30 November 1971. At the 1586th meeting the representative of Guinea was invited<sup>537</sup> to participate in the discussion.

At the 1586th meeting on 29 September 1971, the representative of Syria, one of the two members of the Special Mission, introduced<sup>538</sup> the report.

The representative of Guinea\* stated that the report was a faithful record of observed facts which clearly indicated the continuing threat posed by Portugal to the security of his country. He appealed to the Security Council to ensure the security of Guinea by enforcing General Assembly resolution 1514 (XV) which guaranteed the right of self-determination to all peoples and by applying the necessary sanctions to Portugal in order to ensure its compliance with the relevant resolutions of the Council.<sup>539</sup>

At the 1603rd meeting on 30 November 1971, the President (Poland), with the authorization of the members of the Council,<sup>540</sup> made the following statement of consensus on behalf of the Council:<sup>541</sup>

<sup>533</sup> 1576th meeting, paras. 4-5. See *OR, 26th yr., Resolutions and Decisions of the Security Council 1971, p. 4.*

<sup>534</sup> S/10309/Rev.1, *OR, 26th yr., Special Supplement No. 4.*

<sup>535</sup> S/10344, *OR, 26th yr., Suppl. for July-Sept. 1971, p. 69.*

<sup>536</sup> 1586th meeting, preceding para. 92.

<sup>537</sup> *Ibid.*, para. 92.

<sup>538</sup> *Ibid.*, paras. 94-101.

<sup>539</sup> *Ibid.*, paras. 109-112.

<sup>540</sup> 1603rd meeting, para. 5.

<sup>541</sup> Decision of 30 November 1971, *OR, 26th yr., Resolutions and Decisions of the Security Council 1971, p. 5.*

“It will be recalled that on 3 August the Security Council decided to dispatch a Special Mission to the Republic of Guinea. The Special Mission, consisting of the representative of Syria, Ambassador George J. Tomeh and the deputy representative of Argentina, Minister Julio César Carasales, visited Guinea from 30 August to 2 September 1971 and held extensive consultations with officials of the Government of Guinea.

“In those consultations, the Guinean authorities co-operated fully with the Special Mission and extended to it all the facilities necessary for the successful achievement of its task.

“Upon its return to New York and in accordance with its terms of reference, the Special Mission submitted its report to the Security Council, circulated as document S/10309. The Council began its first examination of the report of the Special Mission at its 1586th meeting on 29 September 1971.

“It is evident from this report that there is continuing concern in Guinea regarding the possibility of renewed acts against that country's territorial integrity and political independence similar to those which led to the events of November 1970. In this respect, the view has been expressed by the Government of Guinea that action should be taken by the Security Council to prevent Portugal from violating the territorial integrity and political independence of Guinea.

“It is also clear that the failure by Portugal to apply the principle of self-determination, including the right to independence, in Guinea (Bissau) is having an unsettling effect on conditions in the area.

“The Security Council, having taken note with appreciation of the report of the Special Mission and of the representations made by the Government of Guinea, reiterates paragraph 1 of resolution 295 (1971) which ‘affirms that the territorial integrity and political independence of the Republic of Guinea must be respected.’”

QUESTION OF BAHRAIN

INITIAL PROCEEDINGS

In a report<sup>542</sup> dated 28 March 1970, the Secretary-General informed the members of the Security Council that, in response to requests by the Governments of Iran and the United Kingdom and following extended consultations with the two parties, he had agreed to exercise his good offices in a matter pertaining to Bahrain. In agreeing to that, he had in mind that such action by the Secretary-General, at the request of Member States, had become customary in United Nations practice and in certain situations had proved to be a valuable means of relieving and preventing tension which could otherwise be prolonged or aggravated by premature disclosure and public debate.

The report contained the text of an announcement issued by the Secretary-General, after consultation with the parties, in which the Secretary-General outlined the events leading to his decision to exercise his good offices and quoted the terms of reference agreed upon by the Governments of Iran and the United Kingdom as follows: “Having regard to the problem created by the differing views of the parties concerned about the

<sup>542</sup> S/9726, *OR, 25th yr., Suppl. for Jan.-March 1970, pp. 175-176.*

status of Bahrain and the need to find a solution to this problem in order to create an atmosphere of tranquillity, stability and friendliness throughout the area, the Secretary-General of the United Nations is requested by the parties concerned to send a personal representative to ascertain the wishes of the people of Bahrain". The announcement went on to state that, following consultations with the parties, the Secretary-General had designated Mr. Vittorio Winspeare Guicciardi, Under-Secretary-General and Director-General of the United Nations Office at Geneva, as his personal representative. The Secretary-General had been assured that the people of Bahrain would be enabled to express their wishes to him freely and privately. The personal representative was to submit his findings in a report to the Secretary-General, who would, in turn, as agreed by the parties concerned, transmit them to the Security Council for its consideration and endorsement.

In a note<sup>543</sup> dated 30 April 1970, transmitting to the Security Council the report of his personal representative, the Secretary-General recalled that the Governments of Iran and the United Kingdom had undertaken to accept the results of his findings after, and subject to, their endorsement by the Security Council. The Secretary-General indicated that with the submission of his personal representative's report, his responsibilities in the exercise of his good offices with regard to Bahrain had been fully discharged. In his report, the personal representative stated that his consultations had convinced him that the overwhelming majority of the people of Bahrain wished to gain recognition of their identity in a fully independent and sovereign State, free to decide for itself its relations with other States.

By letter<sup>544</sup> dated 4 May 1970, the representative of Iran requested a meeting of the Security Council to consider a report of the Secretary-General on the question of Bahrain.

By letter<sup>545</sup> dated 5 May 1970, the representative of the United Kingdom submitted a similar request.

The item was included in the agenda<sup>546</sup> and was considered by the Council at its 1536th meeting on 11 May 1970. The representatives of Iran,<sup>547</sup> Southern Yemen<sup>548</sup> and Pakistan<sup>549</sup> were invited to participate in the discussion.

Decision of 11 May 1970 (1536th meeting) : resolution 278 (1970)

At the beginning of the 1536th meeting, the President (France) drew attention to a draft resolution,<sup>550</sup> formulated as a result of consultation by the members of the Security Council prior to the meeting.

At the 1536th meeting on 11 May 1970 the draft resolution was unanimously adopted.<sup>551</sup> The resolution<sup>552</sup> read as follows:

"The Security Council,

"Noting the communication from the Secretary-General to the Security Council of 28 March 1970,

"Noting the statements made by the representatives of Iran and the United Kingdom of Great Britain and Northern Ireland in their letters to the Secretary-General of 9 March 1970 and 20 March 1970,

"1. Endorses the report of the Personal Representative of the Secretary-General which has been circulated to the Security Council, under cover of a note from the Secretary-General, on 30 April 1970;

"2. Welcomes the conclusions and findings of the report, in particular that 'the overwhelming majority of the people of Bahrain wish to gain recognition of their identity in a fully independent and sovereign State free to decide for itself its relations with other States'."

The representative of Iran\* stated that with the decision taken by the Council the long-standing dispute between Iran and the United Kingdom had come to an end, both sides having agreed to defer to the wishes of the inhabitants of Bahrain as ascertained by the Secretary-General, if his findings were endorsed by the Security Council. The reduction of tension and the peaceful adjustment of an international difference would be welcomed by all who cherished the principles of the Charter. The Security Council had endorsed the Secretary-General's report, and Iran was abiding by that outcome and was certain that the basic human rights of persons of Iranian origin would be fully respected and safeguarded.<sup>553</sup>

The representative of the United Kingdom referred to the agreement reached on Bahrain as a classic example of how disputes could be settled peacefully. A deeply rooted dispute, which could have led to suspicion, mistrust and perhaps disruption, to the detriment of the people directly concerned, had been peacefully settled, thanks to a number of convergent favourable factors.<sup>554</sup>

The representatives of China, Colombia, Finland, France, Nepal, Pakistan,\* Sierra Leone, the United States and Zambia referred to the agreement reached on Bahrain as an example of how disputes could be settled peacefully. By submitting the problem to the good offices of the Secretary-General and by accepting the results of his findings, the Governments of Iran and the United Kingdom had shown their faith in the principle of peaceful settlement. By agreeing to exercise his good offices the Secretary-General had acted in the best tradition of the United Nations. The results accomplished, said the representative of France, were within the spirit of the United Nations Charter, which under Article 33(1) provided that Member States could use any peaceful means they chose.<sup>555</sup>

The representative of the USSR stated that, regarding the procedure followed in the action undertaken by the Secretary-General, his Government adhered to the position set forth in its letter of 2 April 1970 to the Secretary-General.<sup>556</sup> With regard to the substance of

<sup>543</sup> S/9772, OK, 25th yr., Suppl., for April-June 1970, pp. 166-170.

<sup>544</sup> S/9779, *ibid.* p. 175.

<sup>545</sup> S/9783, *ibid.* p. 178.

<sup>546</sup> 1536th meeting, para. 3.

<sup>547</sup> *Ibid.*, para. 4.

<sup>548</sup> *Ibid.*, para. 5.

<sup>549</sup> *Ibid.*, para. 33.

<sup>550</sup> S/9772 (mimeo).

<sup>551</sup> 1536th meeting, para. 7.

<sup>552</sup> Resolution 278 (1970).

<sup>553</sup> 1536th meeting, paras. 10-16.

<sup>554</sup> *Ibid.*, paras. 23-32.

<sup>555</sup> For consideration of the provisions of Chapter VI, see chapter X, part I.

<sup>556</sup> S/9737, OR, 25th yr., Suppl. for April-June 1970, p. 143. In the letter addressed to the President of the Security Council, the USSR Permanent Mission to the United Nations drew attention to the fact that the Secretary-General had considered it possible to communicate information to the members of the Security Council on an *ex post facto* basis, without consulting the members of the Council beforehand, concerning the adop-

the question under discussion, he stressed that the USSR had always favoured the implementation of the principles of self-determination, freedom and national independence of countries and nations under colonial domination, or in colonial or semi-colonial dependence on imperialism.<sup>557</sup>

#### QUESTION OF RACE CONFLICT IN SOUTH AFRICA

Decision of 23 July 1970 (1549th meeting) : resolution 282 (1970)

By letter<sup>558</sup> dated 15 July 1970, the representatives of Algeria, Burundi, Cameroon, Central African Republic, Congo (Democratic Republic of), Dahomey, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, India, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Pakistan, People's Republic of the Congo, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yugoslavia and Zambia requested an urgent meeting of the Security Council to resume consideration of the question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Republic of South Africa with a view to examining in particular the situation arising from violations of the arms embargo called for in Security Council resolutions 181 (1963), 182 (1963) and 191 (1964). Despite these resolutions, the letter added, a number of Member States continued to furnish South Africa with all types of aircraft, helicopters, heavy arms and other equipment which were being used for the imposition of its racist policies and for military aggression against freedom-loving peoples. The information on the extent of these violations had been provided over the years in the reports of the Special Committee on the Policies of *Apartheid* of the Government of the Republic of South Africa, including the most recent communication<sup>559</sup> from the Chairman of the Committee to the President of the Security Council.

of measures in connexion with the problem of Bahrain, which related to a type of situation that could lead to complications in international relations. It emphasized that under the United Nations Charter, decisions on matters connected with action by the United Nations relating to the maintenance of international peace and security should be taken by the Security Council. In his reply (S/9738, OR, 25th yr., Suppl. for April-June 1970, pp. 143-144), the Secretary-General stated that his position on the exercise of his good offices had been set forth in his letter of 7 March 1969 (S/9055, OR, 24th yr., Suppl. for Jan.-March 1969, p. 110). However, the Secretary-General felt that it might be useful to call attention to one aspect of the question. From time to time, States Members approached the Secretary-General directly, asking for the exercise of his good offices, because they considered that a difference between them might be capable of an amicable solution if dealt with at an early stage quietly and diplomatically. If the proposals were fully consistent with the purposes and principles of the Charter and in no way impinged upon the authority of the Security Council or any other United Nations organ, he felt obligated to assist Member States in the manner requested. To do otherwise would be to thwart a commendable effort by Member States to abide by the principle of peaceful settlement of disputes. The good offices in Bahrain entailed only a fact-finding mission, and a report thereon would be presented to the Council, so that any substantive action would be taken only by that organ.

<sup>557</sup> 1536th meeting, paras. 73-86. For texts of other relevant statements, see: *ibid.*: China, paras. 125-126; Colombia, para. 89; Finland, paras. 131-132; France, paras. 154-158; Nepal, paras. 120-122; Pakistan, paras. 143-150; Sierra Leone, paras. 94-97; Spain, paras. 63-66; United States, paras. 53-56; Zambia, paras. 111-116.

<sup>558</sup> S/9867, OR, 25th yr., Suppl. for July-Sept. 1970, p. 106.

<sup>559</sup> S/9859 and Corr. 1, *ibid.*, pp. 75-76.

cil. The failure of the Security Council to denounce the violations had encouraged other States to reconsider their commitment to the observance of the embargo. The violations of the embargo had enabled the Government of South Africa to amass considerable military power, which it used not only to impose its racist policies but also to flout the decisions of the United Nations with regard to Namibia, Southern Rhodesia and the Portuguese-occupied Territories of Angola and Mozambique. In addition, its military power was being employed to threaten the sovereignty of neighbouring independent African States. Any further weakening of the arms embargo would have grave consequences both for the United Nations and for the peoples of southern Africa and would seriously prejudice relations between African States and those States who were contravening the embargo. Subsequently, the representative of Chad associated himself with the above request for a Council meeting.<sup>560</sup>

At the 1545th meeting on 17 July 1970, the Security Council included the item in its agenda<sup>561</sup> and considered the question at the 1545th to 1549th meetings between 17 and 23 July 1970. The representatives of India, Mauritius, Somalia,<sup>562</sup> Ghana and Pakistan<sup>563</sup> were invited to participate in the discussion.

At the 1545th meeting on 17 July 1970, the representative of Mauritius,\* speaking as Chairman of the African group at that time, stated that, in spite of the arms embargo imposed by the Council, the South African Government had continued to receive arms and military equipment as well as spare parts from a number of countries and had been able to receive licences, technical assistance and foreign capital for an expanded manufacture of arms, ammunition, military vehicles and other equipment. The views of these States that the embargo covered only arms which could be used for internal repression and for imposing *apartheid* and that, consequently, they could provide South Africa with the arms and equipment it needed for its external defence was no longer valid, inasmuch as South Africa had committed itself not only to a policy of repression of the organized opposition to its own racial policies but also to a policy of military and economic support of the white minority régimes elsewhere in southern Africa. South Africa and Southern Rhodesia had been conducting against the combined forces of the liberation movements of South Africa and Zimbabwe a guerrilla warfare in which South Africa had been using arms and equipment supposedly supplied for its external defence. Furthermore, South Africa had repeatedly threatened the independent States of southern Africa for their support of the opponents of *apartheid*. The African States therefore called for a complete and mandatory embargo on arms, ammunition, military equipment and vehicles to South Africa, not only because the military build-up of South Africa enabled her to defy the United Nations but also because it constituted a serious threat to international peace and security.<sup>564</sup>

At the same meeting, the representative of Somalia,\* who was Chairman of the Special Committee on *Apartheid*, stated that, contrary to the hopes that had been raised by establishment of the arms embargo and by

<sup>560</sup> 1545th meeting, President (Nicaragua), paras. 11-13.

<sup>561</sup> *Ibid.*, preceding para. 10.

<sup>562</sup> *Ibid.*, para. 10.

<sup>563</sup> 1546th meeting, para. 13.

<sup>564</sup> 1545th meeting, paras. 17-38.

the renewed commitment of the permanent members of the Security Council to take appropriate action to persuade South Africa to abandon its racist policies, the political situation in that country and the neighbouring Territories had deteriorated since the Council last considered it in 1963 and 1964. At that time, the Council had described the situation as "seriously disturbing international peace and security"<sup>565</sup> and several Council members, including the African and Asian members, had considered the situation dangerous enough to warrant action under Chapter VII of the Charter. Subsequent developments had made the situation a clear threat to international peace and security, as evidenced by the intensification of racist and repressive measures, the deployment of South African military units in Southern Rhodesia and by further collaboration between South Africa and the Portuguese colonial régimes in Angola and Mozambique. Correspondingly there had been an increase in resistance to those measures by the liberation movements in southern Africa. With these developments in mind, the Security Council should specifically inquire how the South African Government had been able to acquire the military and economic power to carry out its internal and external aggressions with impunity while it was subject to an arms embargo. It was necessary that the arms embargo be strengthened by eliminating the loop-holes to which some States had resorted in justifying their continued supply of arms and equipment to the South African authorities and that universal adherence to the embargo be secured.<sup>566</sup>

A number of representatives also expressed their concern at the reported intention of the Government of the United Kingdom to resume sale of arms to the Pretoria Government.<sup>567</sup>

At the 1548th meeting on 22 July 1970, the President (Nicaragua) called the Council's attention<sup>568</sup> to the draft resolution<sup>569</sup> which had been submitted jointly on 21 July by Burundi, Nepal, Sierra Leone, Syria and Zambia.

The representative of Zambia, in introducing the draft resolution, stated that it was intended to reaffirm previous Security Council resolutions on the arms embargo and to strengthen it by incorporating measures contained in operative paragraph 4.<sup>570</sup>

At the 1549th meeting on 23 July 1970, the draft resolution, in its revised form,<sup>571</sup> was put to the vote and was adopted<sup>572</sup> by 12 votes to none, with 3 abstentions. The resolution<sup>573</sup> read as follows:

<sup>565</sup> Resolution 181 (1963), eighth preambular para.; resolution 182 (1963), ninth preambular para.; resolution 191 (1964), fifth preambular para.

<sup>566</sup> 1545th meeting, paras. 59-61, 66-74, 103-111.

<sup>567</sup> For text of relevant statements, see: 1545th meeting: Mauritius,\* paras. 33-38; Somalia,\* paras. 77-81; India,\* paras. 94-95; Zambia, paras. 128-129; 1546th meeting: Ghana,\* paras. 31-32; Sierra Leone, paras. 99-105; Pakistan,\* paras. 155-156; 1547th meeting: USSR, paras. 18-20; Poland, paras. 69-75; Burundi, paras. 83-111; 1548th meeting: China, paras. 23-24; Zambia, para. 27-28.

<sup>568</sup> 1548th meeting, para. 4.

<sup>569</sup> S/9882, OR. 25th yr., Suppl. for July-Sept. 1970, pp. 113-114.

<sup>570</sup> 1548th meeting, paras. 31-33.

<sup>571</sup> S/9882/Rev. 2. The revision included replacing the words "constitutes a serious threat to international peace and security" in the seventh preambular paragraph with the words "constitutes a potential threat to international peace and security". See 1549th meeting, para. 6.

<sup>572</sup> 1549th meeting, para. 29.

<sup>573</sup> Resolution 282 (1970).

### "The Security Council,

"Having considered the question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Republic of South Africa, as submitted by forty Member States,

"Reiterating its condemnation of the evil and abhorrent policies of *apartheid* and the measures being taken by the Government of South Africa to enforce and extend those policies beyond its borders,

"Recognizing 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 of the United Nations and the Universal Declaration of Human Rights,

"Gravely concerned by the persistent refusal of the Government of South Africa to abandon its racist policies and to abide by the resolutions of the Security Council and the General Assembly on this question and others relating to southern Africa,

"Gravely concerned by the situation arising from violations of the arms embargo called for in its resolutions 181 (1963) of 7 August 1963, 182 (1963) of 4 December 1963 and 191 (1964) of 18 June 1964,

"Convinced of the need to strengthen the arms embargo called for in the above resolutions,

"Convinced further that the situation resulting from the continued application of the policies of *apartheid* and the constant build-up of the South African military and police forces, made possible by the continued acquisition of arms, military vehicles and other equipment and of spare parts for military equipment from a number of Member States and by local manufacture of arms and ammunition under licences granted by some Member States, constitutes a potential threat to international peace and security,

"Recognizing that the extensive arms build-up of the military forces of South Africa poses a real threat to the security and sovereignty of independent African States opposed to the racial policies of the Government of South Africa, in particular the neighbouring States,

"1. Reiterates its total opposition to the policies of *apartheid* of the Government of the Republic of South Africa;

"2. Reaffirms its resolutions 181 (1963), 182 (1963) and 191 (1964);

"3. Condemns the violations of the arms embargo called for in resolutions 181 (1963), 182 (1963) and 191 (1964);

"4. Culls upon all States to strengthen the arms embargo

"(a) By implementing fully the arms embargo against South Africa unconditionally and without reservations whatsoever;

"(b) By withholding the supply of all vehicles and equipment for use of the armed forces and paramilitary organizations of South Africa;

"(c) By ceasing the supply of spare parts for all vehicles and military equipment used by the armed forces and paramilitary organizations of South Africa;

“(d) By revoking all licences and military patents granted to the South African Government or to South African companies for the manufacture of arms and ammunition, aircraft and naval craft or other military vehicles and by refraining from further granting such licences and patents;

“(e) By prohibiting investment in, or technical assistance for, the manufacture of arms and ammunition, aircraft, naval craft, or other military vehicles;

“(f) By ceasing provision of military training for members of the South African armed forces and all other forms of military co-operation with South Africa;

“(g) By undertaking the appropriate action to give effect to the above measures;

“5. **Requests** the Secretary-General to follow closely the implementation of the present resolution and report to the Security Council from time to time;

“6. **Calls upon** all States to observe strictly the arms embargo against South Africa and to assist effectively in the implementation of the present resolution.”

#### REVIEW OF THE INTERNATIONAL SITUATION

**Communiqué** of 21 October 1970 (1555th meeting):

In a note<sup>574</sup> dated 19 October 1970, the Secretary-General, in accordance with the final paragraph of the consensus<sup>575</sup> expressed and approved by the Security Council on 12 June 1970, issued the following provisional agenda of the first periodic meeting of the Security Council which he had drawn up, in consultation with the members of the Council, and which had been approved by the Council's President:

“1. Adoption of the agenda

“2. Review of the international situation.”

The first periodic meeting of the Security Council, its 1555th meeting, was held in private on 21 October 1970. In accordance with rule 55 of the provisional rules of procedure of the Security Council,<sup>576</sup> the following communiqué<sup>577</sup> was issued by the Secretary-General at the close of that meeting in place of a verbatim record:

“1. The first periodic meeting of the Security Council envisaged in Article 28, paragraph 2, of the Charter was held on 21 October 1970 at the Headquarters of the United Nations in New York. The meeting was presided over by the Foreign Minister of Spain and attended by the Foreign Ministers of China, Colombia, Finland, France, Nepal, Nicaragua, Poland, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, by the Deputy Foreign Minister of Syria, and the Permanent Representatives to the United Nations of Burundi, Sierra Leone and Zambia.

“2. At the meeting the Secretary-General delivered a statement on the international situation. The representatives of the member States of the Security Council had a general exchange of views on current

issues affecting international peace and security. They pledged their full support for seeking peaceful solutions to outstanding international disputes and conflicts in accordance with the principles and purposes of the Charter of the United Nations.

“3. In reviewing issues currently before the Security Council, members of the Council also consulted on how to contribute to a peaceful political settlement in the Middle East. They reaffirmed their conviction that Security Council resolution 242 (1967) of 22 November 1967 should be supported and carried out in all its parts, and that to this end all concerned should fully co-operate in a concerted effort to promote the establishment of a just and lasting peace in the Middle East.

“4. With regard to the problems of southern Africa which have been considered by the Security Council, members of the Council reaffirmed their determination to continue their search for practicable means in conformity with the Charter, which would enable the peoples of that area to exercise their inalienable right to self-determination and to enjoy their fundamental human rights in freedom and dignity.

“5. Members of the Security Council declared that the capability of the Council to act effectively for the maintenance of international peace and security should be further strengthened. They agreed that the holding of periodic meetings in accordance with Article 28, paragraph 2, of the Charter was an important step in that direction. They also agreed to examine possibilities for further improvements in the methods of work of the Security Council in promoting the peaceful settlement of disputes in accordance with the Charter.

“6. In view of the primary responsibility of the Security Council for the maintenance of international peace and security, members of the Council emphasized the importance of reaching early agreement on guidelines for future peace-keeping operations in conformity with the Charter.

“7. It was agreed that the date of the next periodic meeting of the Security Council will be determined through consultations between the members of the Council.

“8. The representatives of Burundi, Sierra Leone and Zambia reserved their position on paragraph 4. The representative of Syria stated that his Government's position was reflected in his delegation's statement made at the meeting.”

#### SITUATION IN THE INDIA/PAKISTAN SUBCONTINENT

##### INITIAL PROCEEDINGS

By a report<sup>578</sup> dated 3 December 1971, the Secretary-General brought to the attention of the Security Council the efforts he had so far made in regard to the further grave deterioration in the situation along the borders of East Pakistan and elsewhere in the subcontinent which, in his view, constituted a threat to international peace and security. The Secretary-General noted that while he had kept the President of the Security Council informed of these efforts under the broad terms of Article 99 of the United Nations Charter, he felt that the initiative on this matter in the Security

<sup>574</sup> S/9965, OR, 25th yr., Suppl. for Oct.-Dec. 1970, p. 28.

<sup>575</sup> 1543th meeting, paras. 2 and 3. See also chapter I, Case 2.

<sup>576</sup> S/96/Rev.5 (1969).

<sup>577</sup> 1555th meeting, para. 1. See also Decision of 21 October 1970, OR, 25th yr., Resolutions and Decisions of the Security Council 1970, p. II.

<sup>578</sup> S/10410 and Add.1, OR, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 80-85.



Council could best be taken by the parties themselves or by the members of the Council.

By letter<sup>579</sup> dated 4 December 1971, the representatives of Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Somalia, the United Kingdom and the United States requested an urgent meeting of the Security Council to consider the recent deteriorating situation that had led to armed clashes between India and Pakistan. By letter<sup>580</sup> dated 4 December 1971, the representative of Tunisia supported the request that the Council be convened.

At the 1606th meeting on 4 December 1971, the Security Council decided,<sup>581</sup> without vote, to include in its agenda the following items: "(a) Letter dated 4 December 1971 from the representatives of Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Somalia, the United Kingdom and the United States of America to the President of the Security Council (S/10411),", and "(6) Report of the Secretary-General (S/10410)".

The question was considered by the Council at its 1606th to 1608th meetings on 4 to 6 December 1971.

At the 1606th meeting on 4 December 1971, in view of an announcement made by the President (Sierra Leone) that he had received a request for participation from the representative of Tunisia,<sup>582</sup> the representative of Italy stated that, owing to the urgency of the crisis that the Council was facing, the discussion should be restricted, for the first meeting of the Council on the item under consideration, to the members of the Council and the main parties concerned, i.e., India and Pakistan, if they wished to take part in the debate. He requested the President to convey invitations to the representatives of India and Pakistan to present their views to the Council.<sup>583</sup>

The representative of the USSR, having drawn the attention of the members of the Council to a letter<sup>584</sup> from the delegation of Bangladesh which had been distributed to them, proposed that in so far as the said letter concerning current events in East Pakistan showed the emergence of the situation before the Council, it be issued in the form in which documents were customarily published in the United Nations, and that, as requested therein, a representative of Bangladesh be invited to participate in the meetings of the Security Council.<sup>585</sup>

The President (Sierra Leone) informed the Council that he had received a letter from the representative of India in which the latter had requested that his letter, together with a communication attached thereto and also addressed to the President of the Security Council by the delegation of Bangladesh, be circulated as a document of the Security Council. Noting that he had given instructions to that effect, the President ruled

that the Council defer consideration of the question of inviting Bangladesh until the document containing the application was before the Council.<sup>586</sup>

After a procedural discussion on the question of invitations,<sup>587</sup> and on the circulation of documents in the Council, the representatives of India and Pakistan were invited to take part in the debate.<sup>588</sup> Invitations were also extended to the representatives of Tunisia<sup>589</sup> and Saudi Arabia<sup>590</sup> at the 1607th meeting of the Council after a procedural discussion.

**Decision** of 4 December 1971 (1606th meeting) :

*Suspension of the meeting*

**Decision** of 4 December 1971 (1606th meeting) :

*Rejection of the United States draft resolution*

**Decision** of 5 December 1971 (1607th meeting) :

*Rejection of the USSR draft resolution*

**Decision** of 5 December 1971 (1607th meeting) :

*Rejection of the eight-Power draft resolution*

**Decision** of 6 December 1971 (1608th meeting) :  
resolution 303 (1971)

In his opening statement, the representative of Pakistan\* stated that the situation which had occasioned the request by nine delegations for the present meeting of the Security Council was the outbreak of full-scale hostilities between India and Pakistan on 3 December 1971. Having recalled that certain aspects of the situation in Pakistan, i.e., developments in East Pakistan and the adjacent Indian states, and their actual and possible consequences, had, on two previous occasions, already been brought to the attention of the members of the Security Council by the Secretary-General acting in fact, though not explicitly, in the exercise of his functions under Article 99, he held that in so far as the Security Council had not thought it fit to meet to consider the situation on the basis of the information provided by the Secretary-General, it should now interpret the letter from the nine delegations strictly and not with retrospective effect, that is, confine its consideration to the outbreak, on 3 December 1971, of full-scale hostilities between India and Pakistan. Noting that Pakistan's eastern province had been under massive attack by India's regular troops, tanks and aircraft since 21 November 1971, the representative of Pakistan stated that this unprovoked, pre-planned, large-scale and co-ordinated attack had culminated in full-scale war on 3 December 1971. India had not only launched an aggression against the territory of Pakistan but had openly demanded that Pakistan dismember itself, and in pursuance of that demand, had escalated its aggressive activities to bring about the disintegration of Pakistan. In his view, these two facts had to be the basis for the Security Council consideration of the question for the situation before the Council devolved on the Charter principle of territorial integrity of States, constituted a breach of the peace and involved not only Pakistan but all States in danger of being overrun by larger, more powerful, predatory neighbours. Having

<sup>579</sup> S/10411, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 86.

<sup>580</sup> S/10413, *Ibid.*, p. 89.

<sup>581</sup> 1606th meeting, para. 1.

<sup>582</sup> *Ibid.*, para. 2.

<sup>583</sup> *Ibid.*, paras. 3, 10-15, 53-55.

<sup>584</sup> S/10415, OR, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 89-90. By a letter dated 4 December 1971 the representative of India transmitted to the President of the Security Council a copy of a letter also dated 4 December 1971 and addressed to the President of the Security Council by Justice Abu Sayud Chowdhury requesting to be allowed to make a statement before the Security Council on behalf of the people and Government of Bangladesh and signing himself "Leader, Bangladesh delegation to the United Nations."

<sup>585</sup> 1606th meeting, paras. 5-9, 33.

<sup>586</sup> *Ibid.*, paras. 28, 56. For a procedural discussion on deferment, the ruling of the President and the challenge thereto, see chapter I, part V under rules 30 and 35.

<sup>587</sup> For the procedural discussion on the question of participation in the proceedings of the Security Council, see chapter III, part I, Case 1.

<sup>588</sup> 1606th meeting, paras. 43-44.

<sup>589</sup> 1607th meeting, para. 18.

<sup>590</sup> *Ibid.*, paras. 20, 22.

recalled that India had first denied the involvement of its forces in the fighting which had begun in Pakistan territory on 21 December 1971, the representative of Pakistan noted that India had subsequently cited the right of self-defence thereby admitting its direct participation in the fighting. He observed that under the Charter of the United Nations it was not permissible for a Member State which had not been attacked to enter the territory of another Member State in the name of self-defence. Noting that India had alleged intrusion by Pakistan forces into Indian territory as an excuse for launching an armed attack on his country, the representative of Pakistan stated that prior to 3 December 1971, Pakistan had been the victim of acts of sabotage, subversion and terrorism committed by armed bands organized by India and that these acts had involved armed incursions into Pakistan from bases in Indian territory. He maintained that even the most elementary considerations of internal security had demanded the capture and expulsion of these bands from the territory of Pakistan but that at no time and place had the armed forces of Pakistan stationed in the East taken any steps beyond those which were adequate to safeguard the borders of the State and maintained its internal security. Invoking the principle that a State which is the victim in its own territory of subversive and/or terrorist acts by irregular, volunteer or armed bands organized by another State, was entitled to take all reasonable and adequate steps to safeguard its existence and its institutions, the representative of Pakistan emphasized that his country had not exceeded this right in suppressing armed and terrorist bands which aimed to bring about a dismemberment of the State. Having maintained, on the basis of statements by the Prime Minister of India, that India considered the preservation of Pakistan's territorial integrity, i.e., presence of Pakistan troops in East Pakistan as a threat to India's security, he held that whatever the nature of the internal crisis in Pakistan, it had posed no military threat to India. He held further that India's belligerence had given a dimension to Pakistan's internal crisis which it would not have had otherwise. He charged that the present situation, which gravely threatened international peace and security, was in fact an outcome of India's intervention in Pakistan's internal affairs and cited a number of acts of this intervention. Noting that his country acknowledged the international character of only one result of its internal crisis, i.e., the migration from East Pakistan of a large number of people into India, the representative of Pakistan pointed out that this was not a political problem but rather a humanitarian one, and that it would have been political if Pakistan were to deny their right to return to their homes. Such, however, was not the case. In closing, the representative of Pakistan requested the Security Council to find the means to make India desist from its act of aggression and stated that only means devised by the Security Council, consistent with Pakistan's independence, sovereignty and territorial integrity and with the principle of non-intervention in the domestic affairs of Member States, would command Pakistan's support and co-operation?

The representative of India? after pointing out that he was participating in the debate not under Article 31 of the Charter but under rules 37 and 38 of the Rules of Procedure, stated that the problem before the Council could not properly be considered as from any particular date: it had a long history behind it which

was essentially a history between the West Pakistan regime and the people of Bangladesh, and that therefore it would be impossible for the Council to obtain a proper perspective of the problem without the participation of the elected representatives of the people of Bangladesh. He maintained that by attempting to suppress militarily the wishes of the people as expressed in the outcome of the elections as to what kind of government they wanted, Pakistan itself, not India, was breaking up Pakistan, and, in the process, creating aggression against India. He charged that in view of its failure to suppress the rebellion in East Bengal, and its failure to obtain India's co-operation for the repression of the East Bengalis, Pakistan had attempted to internationalize the problem, that is, to turn it into an Indo-Pakistan dispute, by involving India first through refugee aggression, i.e., disruption of India's social and economic structure through an influx of refugees, and then through military aggression. After citing numerous complaints of border violations and stating that the Pakistan army had shelled civilian villages, the representative of India maintained that Indian troops had gone into Pakistan territory after 21 November 1971 only in the exercise of the right of self-defence. Having stated that India would not permit its national security to be jeopardized and that it would continue to help the people of Bangladesh in any way it could, short of fighting their battles, he warned the Security Council that India would not be a party to any solution that would mean continuation of the oppression of East Pakistani people. In closing, he emphasized that the question of a cease-fire was not one between India and Pakistan but between the Pakistan Army and the people of Bangladesh and that, therefore, the latter had to be heard before the Council.<sup>592</sup>

At the same meeting, the representative of the United States, having noted that civil strife in East Pakistan had created a new refugee community in India of unparalleled dimensions and had brought India and Pakistan into a state of open hostilities which could escalate into an all-out conflict, held that the situation constituted a grave threat to the peace and stability of Asia. He pointed out that the proposal by the United States Government that both sides should withdraw their military forces from their borders had been accepted by Pakistan but not by India. He also recalled that India had not joined Pakistan in heeding the Secretary-General's offer of his good offices to assist in the reconciliation of their differences. Referring to admitted incursions of Indian troops across the border of East Pakistan, the representative of the United States declared as unacceptable a situation in which a government intervened across its borders in the affairs of another with military force in violation of the Charter. He expressed the willingness of his government to support effective measures by the Security Council to bring about a cessation of hostilities and a withdrawal of forces so that progress could be made in building the political, economic and social conditions in East Pakistan in which the refugees would return from India and in which peace could be ensured.<sup>593</sup> To this end, he submitted a draft resolution<sup>594</sup> under the terms of which the Security Council, convinced that hostilities along the India-Pakistan border constituted an immediate threat to international peace and security, would: (1) call upon the Governments of India and

<sup>592</sup> *Ibid.*, paras. 150-1 85.

<sup>593</sup> paras. 186200.

<sup>594</sup> S/10416, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 90.

<sup>591</sup> 1606th meeting, paras. 69439.

Pakistan to take all steps required for an immediate cessation of hostilities; (2) call for an immediate withdrawal of armed personnel present on the territory of the other to their own sides of the India-Pakistan borders; (3) authorize the Secretary-General, at the request of the Government of India or Pakistan, to place observers along the borders to report on the implementation of the cease-fire and troops withdrawal, drawing as necessary on UNMOGIP personnel; (4) call upon the Governments of India and Pakistan and others concerned to exert their best efforts towards the creation of a climate conducive to the voluntary return of refugees to East Pakistan; (5) call upon all States to refrain from any action that would endanger the peace in the area; (6) invite the Governments of India and Pakistan to respond affirmatively to the proposal of the Secretary-General offering his good offices to secure and maintain peace in the subcontinent; and (7) request the Secretary-General to report to the Security Council as soon as possible on the implementation of the resolution.

The representative of France observed that the situation in the **Indo-Pakistan** subcontinent had two aspects: the first was political in nature and affected the relations between the Government of Pakistan and the population of East Pakistan; the second was derived from the first, by reason of the influx of refugees to India, and affected relations between India and Pakistan. He felt that consideration by the Security Council of the first aspect of the situation only could be regarded as interference in internal affairs of Pakistan; consideration of the second aspect only could be regarded as partial and **superficial** in view of the millions of refugees under India's care. The representative of France held that it was the duty of the members of the Council to put an end to the hostilities, to alleviate the suffering of the people, and to deal with the causes of the crisis, with the consent of the parties, by negotiation, to reach a just and peaceful settlement.<sup>595</sup>

The representative of China stated that India, using the question of East Pakistan, had committed armed aggression against Pakistan. He asked the Security Council to condemn this act of aggression and to demand the immediate and unconditional withdrawal of all armed forces of India from Pakistan.<sup>596</sup>

The representative of the USSR stated that as a result of the political crisis in East Pakistan, the interruption of talks between the military administration of Pakistan and the lawful representatives of the Pakistan people, and the application of force and terror by the military authorities against the people of East Pakistan, ten million people had been compelled to flee their homeland and take refuge in India. Having recalled that the representative of Pakistan had, in his statement before the Council, acknowledged that there was a serious domestic crisis in his country which had acquired an international character, he referred to the question of whether the Security Council should deal with the root causes of that crisis, inasmuch as that might constitute interference in Pakistan's internal affairs. He held that under Articles 39, 40 and 41 of the Charter, the Council unquestionably had the right to examine the causes of the emergence of dangerous situations which threatened international peace and security. The representative of the USSR maintained

that the dangerous course of events in the **Indo-Pakistan** subcontinent called for a speedy attainment of a political settlement in East Pakistan which would take into account the inalienable rights and lawful interests of its population and permit the refugees to return to their homes peacefully and in an atmosphere of security. Commenting on the draft resolution submitted by the United States, he expressed the position of his delegation that it was one-sided and unacceptable because it tried to shift responsibility from the guilty to the innocent.<sup>597</sup>

The representative of the United States requested a suspension of the meeting for twenty minutes to give the members of the Council time to hold consultations on his delegation's draft resolution?

The representative of the USSR made an amendment to the United States proposal to the effect that the meeting should be adjourned for twenty-four hours instead of twenty minutes.<sup>599</sup>

After a brief procedural discussion, the United States proposal to suspend the meeting for twenty minutes was put to the vote. It was adopted<sup>600</sup> by 10 votes in favour, none against, with 4 abstentions and one member of the Council not participating in the vote.

After a brief suspension of the meeting, the representative of the USSR, introduced a draft resolution<sup>601</sup> by which the Security Council would call for a political settlement in East Pakistan which would inevitably result in a cessation of hostilities; and call upon the Government of Pakistan to take measures to cease all acts of violence by Pakistani forces in East Pakistan which had led to the deterioration of the situation.

The President (Sierra Leone), having noted that there were now two draft resolutions before the Council, one submitted by the United States and the other by the USSR, proposed that in the absence of further speakers, the Council should proceed to the vote.<sup>602</sup>

Thereafter, the representative of Somalia introduced a draft resolution,<sup>603</sup> jointly sponsored by the delegations of Argentina, Burundi, Nicaragua and Sierra Leone, under the terms of which the Security Council, convinced that hostilities along the India-Pakistan border constituted an immediate threat to international peace and security, would recognize the need to deal appropriately at a subsequent stage, within the framework of the Charter of the United Nations, with the issues which had given rise to the hostilities; call upon the Governments of India and Pakistan to take forthwith all measures for an immediate cease-fire and withdrawal of their armed forces on the territory of the other to their own side of the India-Pakistan border; and request the Secretary-General to keep the Council promptly and currently informed on the situation.

Subsequently, the representative of Italy announced that his delegation, together with two other delegations, had prepared a draft resolution and proposed to introduce it after the first vote, that is, the vote on the

<sup>597</sup> *Ibid.*, paras. 251-278.

<sup>598</sup> *Ibid.*, para. 342.

<sup>599</sup> *Ibid.*, para. 349.

<sup>600</sup> *Ibid.*, para. 354.

<sup>601</sup> S/1041 S (mimeo) incorporated into the text of 1606th meeting, para. 358.

<sup>602</sup> 1606th meeting, para. 368.

<sup>603</sup> S/10419, *OR*, 26th yr., *Suppl. for Oct.-Dec. 1971*, p. 91. 1606th meeting, para. 369. This draft resolution was superseded by draft resolution S/10423. See foot-note 617 below.

<sup>595</sup> 1606th meeting, paras. 220-227.

<sup>596</sup> *Ibid.*, paras. 235-240.

United States draft resolution, in order that the Council might have all the different proposals before it.<sup>604</sup>

The Council then proceeded to vote on the United States draft resolution which failed of adoption. The vote was 11 in favour, 2 against with 2 abstentions, one of the negative votes being that of a permanent member of the Council.<sup>605</sup>

After a brief procedural discussion on a point of order raised by the representative of the USSR,<sup>606</sup> the representative of Italy introduced a joint draft resolution<sup>607</sup> sponsored by the representatives of Belgium, Japan and Italy, which provided that the Security Council would: (1) call upon the Governments concerned forthwith as a first step, for an immediate cease-fire and for a cessation of all military activities; (2) urge the Governments concerned to intensify their efforts to bring about conditions necessary for the speedy and voluntary repatriation of the millions of refugees to their homes; (3) call for the full co-operation of all States with the Secretary-General for rendering assistance to and relieving the distress of those refugees; (4) request the Secretary-General to keep the Council promptly and currently informed on the situation; and (5) decide to follow closely the situation and to meet again as soon as necessary.

In introducing the draft resolution, the representative of Italy stated that its sponsors felt that the Council should not adjourn without making a further attempt to adopt a decision in order to stop the fighting and to take a first step towards the final political solution of the question under consideration. He pointed out that its operative paragraphs 2 and 3 contained the provisions of a resolution that had already been adopted by the Third Committee of the General Assembly.<sup>608</sup> He added that the sponsors of the draft resolution were ready to consider any suggestions and amendments leading to a Security Council consensus.<sup>609</sup>

After a procedural debate about another suspension of the meeting and the order in which the draft resolutions should be voted upon, the meeting was adjourned.<sup>610</sup>

At its 1607th meeting on 5 December 1971, the Security Council included<sup>611</sup> on its agenda an additional report<sup>612</sup> from the Secretary-General transmitting the texts of two messages he had received from the Prime Minister of India and the President of Pakistan respectively in which the latter had charged and the former had denied that India had launched an attack on West Pakistan. Also included on the agenda was the report<sup>613</sup> of the Secretary-General on the situation along the

<sup>604</sup> 1606th meeting, para. 370.

<sup>605</sup> *Ibid.*, para. 371.

<sup>606</sup> *Ibid.*, para. 378. See also chapter I, part V, Case 37 of this Supplement.

<sup>607</sup> S/10417, OR, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 90-91. This draft resolution was superseded by draft resolution S/10423. See foot-note 617.

<sup>608</sup> Later adopted as General Assembly resolution 2790A (XXVI). See GA, OR, 26th session, Suppl. No. 29 (A/8429), pp. 84-85.

<sup>609</sup> 1606th meeting, paras. 384-387.

<sup>610</sup> *Ibid.*, para. 439. For the question of precedence in the voting of draft resolutions, see chapter I, Case 37.

<sup>611</sup> 1607th meeting, para. 1.

<sup>612</sup> S/10410/Add.1, OR, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 85-86.

<sup>613</sup> S/10412, *Ibid.*, pp. 87-88. Note that at the 1608th meeting, the Council also included in its agenda an additional report on the situation along the cease-fire line in Kashmir (S/10412/Add.1, *Ibid.*, pp. 88-89).

cease-fire line in Kashmir. In view of the question before the Security Council, the Secretary-General had considered it appropriate to make available to the Council members information regarding violations and admitted systematic non-observance of the Karachi Agreement along the cease-fire line in the State of Jammu and Kashmir.

After an initial procedural discussion on participation, the Security Council decided<sup>614</sup> to adjourn the consideration of the question of extending an invitation to a representative of Bangladesh to a later date for further consultations.

At the same meeting, the representative of China introduced a draft resolution<sup>615</sup> by which the Security Council, after strongly condemning the Indian Government's acts of creating a so-called "Bangladesh" and of subverting, dismembering and committing aggression against Pakistan, would call upon the Government of India to withdraw its armed forces and personnel from Pakistan territory immediately and unconditionally and call upon the Government of Pakistan to withdraw the armed forces it had sent into Indian territory for counter-attacks; call upon India and Pakistan to cease hostilities and to withdraw respectively from the international border between India and Pakistan and to disengage from each other so as to create conditions for a peaceful settlement of their disputes; call upon all States to support the Pakistan people in their just struggle to resist Indian aggression; and request the Secretary-General to submit as early as possible a report on the implementation of this resolution.

Introducing his draft resolution, the representative of China expressed his objection to the argument that a request could first be made for a cease-fire by both India and Pakistan and the cessation of all military actions while the question of withdrawal of military forces could be deferred to a later date. He held that in so far as India had carried out subversion and committed aggression by sending troops to invade Pakistan territory, the demand for immediate, unconditional and complete withdrawal of Indian troops, would be tantamount to encouraging aggression and recognizing the presence of Indian troops on Pakistan territory as legal. He called upon the Member States sponsoring draft resolutions before the Council to give serious consideration to such consequences.<sup>616</sup>

At the same meeting, the representative of Argentina introduced a draft resolution<sup>617</sup> jointly sponsored with the representatives of Belgium, Burundi, Italy, Japan, Nicaragua, Sierra Leone and Somalia, by which the Security Council would: (1) call upon the Governments of India and Pakistan to take forthwith all measures for an immediate cease-fire and withdrawal for

<sup>614</sup> 1607th meeting, para. 72. For a discussion of the applicability of rule 39 of the provisional rules of procedure, see chapter III, part I, Case 7 of this Supplement.

<sup>615</sup> S/10421, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 92. At the 1607th meeting the representative of China stated that he did not ask to have this draft resolution put to a vote because his delegation was holding consultations in connexion with it (1607th meeting, para. 239). At the 1608th meeting, the President (Sierra Leone), stated that the Chinese draft resolution was not pressed to the vote (1608th meeting, para. 277).

<sup>616</sup> 1607th meeting, paras. 74-76.

<sup>617</sup> S/10423, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 93. This draft resolution superseded draft resolutions contained in documents S/10419 and S/10417 (see foot-notes 603 and 607 above) as stated by the President of the Council at the 1607th meeting. (1607th meeting, para. 215.)

their armed forces on the territory of the other to their own side of the India-Pakistan borders; (2) urge that efforts be intensified in order to bring about, speedily and in accordance with the Charter, conditions necessary for the voluntary return of the East Pakistan refugees to their homes; (3) call for the full co-operation of all States with the Secretary-General for rendering assistance to and relieving the distress of those refugees; (4) request the Secretary-General to keep the Council promptly and currently informed on the implementation of this resolution; and (5) decide to follow the situation closely and to meet again as soon as necessary.

Introducing the joint draft resolution, the representative of Argentina stated that the sponsors' primary concern was to seek a way to find a solution that would be satisfactory to the parties to the conflict. The draft resolution had taken cognizance of the need to deal adequately, at a later stage and within the framework of the Charter, with the questions which had given rise to the hostilities. However, at present the most urgent task was to restore peace in the region. The draft resolution was the result of consultations among the sponsors of the two draft resolutions previously submitted to the Council (S/10417 and S/10419), who were able to overcome their differences.<sup>618</sup>

At the same meeting, the Security Council voted upon the draft resolution submitted by the USSR which was not adopted. It received 2 votes in favour, 1 against and 12 abstentions.<sup>619</sup>

Then the Council voted upon the joint draft resolution submitted by Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Sierra Leone and Somalia, which received 11 votes in favour, 2 against with 2 abstentions and failed of adoption owing to the negative vote of one of the permanent members of the Council.<sup>620</sup>

The representative of Italy then introduced<sup>621</sup> a joint draft resolution,<sup>622</sup> sponsored by the representatives of Belgium, Italy, Japan, Nicaragua, Sierra Leone and Tunisia,\* which, in the view of its sponsors, did not prejudice any of the issues raised during the debate nor any of the measures which the Council would have to take in the future. Under the terms of this draft resolution, the Security Council would: (1) call upon the Governments concerned forthwith, as a first step for an immediate cease-fire; (2) request the Secretary-General to keep the Council promptly and currently informed of the implementation of this resolution; and (3) decide to continue to discuss further measures to be taken in order to restore peace in the area.

At the 1608th meeting on 6 December 1971, the representative of the USSR pointed out that one of the co-sponsors of the draft resolution contained in document S/10425, Tunisia, was not a member of the Security Council. He pointed out that it was not customary in the practice of the Council for a non-member State to co-sponsor a draft resolution, without its co-sponsorship being endorsed or taken over by a member of the Council.<sup>623</sup>

After a procedural debate regarding rule 38 of the rules of procedure,<sup>624</sup> the representative of Tunisia\* stated, that, in order to facilitate the work of the Council, Tunisia would withdraw as a co-sponsor of the draft resolution.<sup>625</sup>

Subsequently, the representative of France stated that his delegation, together with the delegation of the United Kingdom, had drawn up a draft resolution largely based upon previous texts because it had seemed to them that such a draft resolution could marshal the greatest support without bringing about any irreducible opposition. However, the draft resolution would not be submitted because the consultations that they had undertaken had convinced them that it would be faced with exceptions and objections. He wished none the less to read it out because it was important to have it set down in the archives of the Council. By the operative paragraphs of that draft resolution the Security Council would have: called upon the Governments concerned to order forthwith, as a first step, an immediate cease-fire, the cessation of all military activities and mutual disengagement; urged that efforts be deployed to create the necessary conditions for the voluntary return of refugees from East Pakistan in accordance with the Charter; asked all States to co-operate fully with the Secretary-General with a view to lending assistance to these refugees and alleviating their plight; requested the Secretary-General to keep the Council promptly and regularly informed of the implementation of this resolution; and decided to follow the situation closely and to meet again as soon as necessary.<sup>626</sup>

At the same meeting the representative of the USSR, commenting on the draft resolution submitted by the representatives of Belgium, Italy, Japan, Nicaragua, and Sierra Leone (S/10425), maintained that the five-Power draft resolution was inadequate in meeting the situation created by the policy of repression pursued by the Government of Pakistan against the people of East Pakistan. Under the circumstances, the only correct course for the Council to follow would be the adoption of a decision in which both the question of the cease-fire and the question of the political settlement of the crisis in East Pakistan were organically and inseparably bound together. Accordingly, he submitted the following amendments<sup>627</sup> to the five-Power draft resolution: in operative paragraph 1, to replace the words "all Governments concerned" by the words "all parties concerned", and at the end of the same paragraph, to add the words "and cessation of all military operations"; between operative paragraphs 1 and 2, to insert two new operative paragraphs, by which the Security Council would call upon the Government of Pakistan simultaneously to take effective action towards a political settlement in East Pakistan, giving immediate recognition to the will of the East Pakistan population as expressed in the elections of December 1970, and would declare that the provisions of operative paragraphs 1 and 2 of this resolution constituted a single whole.<sup>628</sup>

The representative of Italy announced that the sponsors of the five-Power draft resolution (S/10425)

<sup>618</sup> 1607th meeting, paras. 199-202.

<sup>619</sup> *Ibid.*, para. 217.

<sup>620</sup> *Ibid.*, para. 240.

<sup>621</sup> *Ibid.*, para. 260.

<sup>622</sup> S/10425, *OR*, 26th yr., *Suppl. for Oct.-Dec. 1971*, p. 94.

<sup>623</sup> 1608th meeting, para. 15.

<sup>624</sup> For consideration of question concerning the submission of proposals or draft resolutions by invited representatives, see in chapter III, Case 9 of this *Supplement*.

<sup>625</sup> 1608th meeting, paras. 23 and 24.

<sup>626</sup> *Ibid.*, paras. 42-45, 116, 279.

<sup>627</sup> S/10426 and Rev.1, *OR*, 26th yr., *Suppl. for Oct.-Dec. 1971*, p. 94.

<sup>628</sup> 1608th meeting, paras. 46-63.

had decided to withdraw it because in the last twenty-four hours the situation had radically changed whereby the draft resolution was no longer up to date.<sup>629</sup>

The representative of Somalia introduced a draft resolution<sup>630</sup> jointly sponsored with the representatives of Argentina, Burundi, Japan, Nicaragua and Sierra Leone. He observed that in spite of the proliferation of draft resolutions submitted to the Council, it was not possible to reach a formula acceptable to all its members despite the fact that there was no aspect of the problem which could not be related to one provision or another of the Charter and which could not be settled within its scope. He noted that in the course of the debate, his delegation, together with other delegations, had attempted to formulate a resolution which would not only reflect the concern of the United Nations with the situation under consideration but also be predicated upon the principles and purposes of the Charter. As a result of that attempt the Council had had before it the draft resolution S/10423, which had received the negative vote of a permanent member of the Council. He held that the time had come for the Council to transfer the question to the General Assembly under section A of the "Uniting for peace" resolution, so that it might receive the consideration of all the Member States of the United Nations.<sup>631</sup>

The representative of the USSR also introduced<sup>632</sup> a draft resolution<sup>633</sup> which contained the provisions of the five-Power draft resolution (S/10425) together with the amendments to it, previously submitted by his own delegation (S/10426).

Subsequently, the six-Power draft resolution introduced by Somalia (S/10429) was voted upon and adopted<sup>634</sup> by 11 votes in favour, none against and 4 abstentions. It read as follows:<sup>635</sup>

*"The Security Council,*

*"Having considered the item on the agenda of its 1606th meeting, as contained in document S/Agenda/1606,*

*"Taking into account that the lack of unanimity of its permanent members at the 1606th and 1607th meetings of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security,*

*"Decides to refer the question contained in document S/Agenda/1606 to the General Assembly at its twenty-sixth session, as provided for in General Assembly resolution 377 A (V) of 3 November 1950."*

**Decision of 13 December 1971 (1613th meeting):**

*Rejection of the United States draft resolution*

**Decision of 14 December 1971 (1614th meeting):**

*Adjournment of the meeting*

<sup>629</sup> 1608th meeting, paras. 65-68.

<sup>630</sup> S/10429, adopted without change as resolution 303 (1971).

<sup>631</sup> 1608th meeting, paras. 128-138. For consideration of the question of transferring the consideration of the item in the agenda under General Assembly resolution 377 A (V) of 3 November 1950 and practices and proceedings in relation to Article 12 of the Charter, see chapter VI, part I.

<sup>632</sup> 1608th meeting, paras. 160-162.

<sup>633</sup> S/10428, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 95. This draft resolution was not pressed to the vote. In this connexion see the statement made by the President (Sierra Leone), 1608th meeting, para. 277.

<sup>634</sup> 1608th meeting, para. 322.

<sup>635</sup> Resolution 303 (1971).

**Decision of 21 December 1971 (1621st meeting):** resolution 307 (1971)

By letter<sup>636</sup> dated 12 December 1971, the representative of the United States stated that the war on the India-Pakistan subcontinent continued to rage unabated. Urgent efforts by the Security Council to effect a cease-fire and withdrawal at its 1606th, 1607th and 1608th meetings had failed, thus necessitating immediate referral of the crisis to the General Assembly under the "Uniting for peace" procedure.<sup>637</sup> The Assembly had considered this grave situation and had adopted resolution 2793 (XXVI)<sup>638</sup> which *inter alia* called on India and Pakistan to institute a cease-fire and to withdraw troops from each other's territories. One of the parties, Pakistan, had accepted the resolution. The other party, India, had not yet done so. The United States believed that the Security Council had an obligation to end this threat to world peace on a most urgent basis and it had therefore requested the convening of an immediate meeting of the Security Council.

At the 1611th meeting on 12 December 1971, the Security Council had before it a provisional agenda which read as follows:

"Letter dated 12 December 1971 from the permanent representative of the United States of America to the United Nations addressed to the President of the Security Council S/10444."<sup>639</sup>

The agenda was adopted<sup>640</sup> without any objection.

The question was considered by the Security Council at its 1611th, 1613th to 1617th and 1621st meetings between 12 and 21 December 1971. In accordance with previous decisions<sup>641</sup> the representatives of India, Pakistan, Saudi Arabia and Tunisia were invited to participate in the discussion. At the 1615th meeting, the representative of Ceylon<sup>642</sup> was also invited to participate in the discussion.

At the request of the representative of the United States, the Under-Secretary-General for Political and Security Council Affairs, on behalf of the Secretary-General, reported that immediately after the adoption by the General Assembly on 17 December 1971 of resolution 2793 (XVI), the Secretary-General had communicated the text of that resolution to the Governments of India and Pakistan. The replies were to be distributed later that date.<sup>643</sup>

The representative of the United States stated that in view of India's defiance of world opinion, expressed in the adoption of GA resolution 2793 (XXVI) by such an overwhelming majority, the United States was referring the issue back to the Security Council. Pakistan had accepted the General Assembly resolution,

<sup>636</sup> S/10444, OR, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 104 and 105.

<sup>637</sup> In accordance with General Assembly resolution 377 (V).

<sup>638</sup> GA, OR, 26th sess., plen. m., 2003rd meeting, para. 490.

<sup>639</sup> At the 1614th meeting, at the suggestion of the representative of Somalia, the agenda was amended to read as follows: "The situation in the India/Pakistan subcontinent". For the adoption of the agenda, see chapter II, Case 8.

<sup>640</sup> 1611th meeting, paras. 1-2.

<sup>641</sup> See foot-notes 588, 589 and 590 above.

<sup>642</sup> 1615th meeting, para. 3.

<sup>643</sup> 1611th meeting, para. 8. The reply from the Government of Pakistan is contained in document S/10440, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 103. The reply from the Government of India is contained in document S/10445, *ibid.*, pp. 105-106. For the statement of the Under-Secretary-General see in chapter I, Case 20.

and the Council had the responsibility to demand immediate compliance by India. The Council should also insist that India give a clear and unequivocal assurance that it did not intend to annex Pakistan territory or change the *status quo* in Kashmir, contrary to United Nations resolutions.<sup>644</sup> The representative of the United States concluded his statement by submitting a draft resolution<sup>645</sup> under the terms of the revised text of which, the Security Council would inter *alia*: call upon the Governments of India and Pakistan to take forthwith all measures for an immediate cease-fire and withdrawal of their armed forces on the territory of the other to their own side of the India-Pakistan borders; urge that efforts be intensified in order to bring about, speedily and in accordance with the purposes and principles of the Charter of the United Nations, conditions necessary for the voluntary return of the East Pakistan refugees to their homes; call for the full co-operation of all States with the Secretary-General for rendering assistance to and relieving the distress of those refugees; call upon the parties concerned to take all possible measures and precautions to safeguard the lives and well-being of the civilian population in the area; and request the Secretary-General to keep the Security Council promptly and currently informed on the implementation of this resolution.

The representative of India outlined in detail the views of his Government on the events that had led to the crisis and stated that it was essential for the Council to take note of them in seeking a constructive solution to the conflict. He noted that his Government had endeavoured, since the beginning of the crisis in East Pakistan on 25 March 1971, to put the problem in perspective and though the genesis of the problem had been explained and the prognosis of its implications outlined repeatedly, the international community had failed to understand fundamental causation and had thus found itself unable to remedy it at its roots. He stated that it was after Pakistan's massive attacks and military provocations against his country that India had decided to move into Bangladesh and to repel the Pakistan aggression in the west. In face of unprovoked aggression India had been compelled to take the necessary steps to defend its territorial integrity and security. The people of Bangladesh, battling for their very existence, and the people of India, fighting to defeat aggression, had found themselves partisans in the same cause, and therefore the Government of India had accorded recognition to the People's Republic of Bangladesh on 6 December 1971. That recognition had been delayed to avoid any precipitation of the crisis, but the emergence of Bangladesh had been based on the manifest will of the people of East Bengal. The entry of Indian armed forces into Bangladesh had not been motivated by any intention of territorial aggrandizement. India had recognized Bangladesh to provide a proper juridical and political basis for the presence of the Indian army in support of the Bangladesh Government in that country, and Indian armed forces would remain in Bangladesh territory only as long as Bangladesh required their presence. India earnestly hoped that the United Nations would consider once again the realities of the situation, so that the basic causes of

the conflict could be removed and peace restored. However any resolution of the Council would be ineffective, if it did not take full note of the successful struggle of the people of Bangladesh and of the fact that the Government of Bangladesh was in effective control of its territory.<sup>646</sup>

The representative of Pakistan said that his country's fight was for principles that affected all States. The first principle concerned in this struggle was that a sovereign, independent State, brought into being by its own will, should not be dismembered by force; the second principle was that the United Nations, and particularly the Security Council upon which the Charter had placed the primary responsibility for the maintenance of international peace and security, must discharge its responsibilities towards collective security. Another basic unalterable principle of international law was non-interference in the internal affairs of other countries, but all that the Indian Foreign Minister had spoken about was the internal affairs of Pakistan. The basic issue was not, as India had claimed, a question of self-determination. Had India believed in self-determination, the people of the state of Jammu and Kashmir, would have been allowed a long time ago to decide whether they were going to be a part of India or Pakistan; but the people of Kashmir had never been allowed to exercise their right to self-determination. On 7 December, the General Assembly had decided, by an overwhelming and massive vote of 104 in favour on an international referendum, that Pakistan was one and must remain one. Pakistan had no diplomatic relations with some of the countries that had voted for maintaining the integrity of Pakistan as a matter of principle. If Pakistan were dismembered, the germs of dismemberment would spread. Concluding his statement the representative of Pakistan said that his country should be given the chance to decide on its own affairs, its own social system and its own evolution without interference from outside.<sup>647</sup>

The President (Sierra Leone) stated that since there was a need for further consultations to be held both among the representatives and their respective Governments and among the representatives themselves with regard to the matter under consideration, he would, in the absence of an objection, consider suspended the discussion on the item on the agenda.<sup>648</sup> After a procedural debate<sup>649</sup> in which the representatives of China, France, Somalia, the USSR and the United States participated, the meeting was adjourned.

At the 1613th meeting on 13 December 1971, the representative of the USSR raised a point of order and proposed again<sup>650</sup> that representatives of Bangladesh be heard by the Council in accordance with rule 39 of the provisional rules of procedure. After a procedural discussion on participation<sup>651</sup> in which the President of the Council (Sierra Leone) and the representatives of Argentina, China, India,\* Pakistan,\* Poland and the USSR participated, the President (Sierra Leone), invoking rule 30 of the Council's provisional rules of procedure, gave the ruling<sup>652</sup> that, he could not admit to the presence in the Security Council of any representatives from a State which, in his view, had not yet

<sup>644</sup> 1611 th meeting, paras. 15-31.

<sup>645</sup> S/10446/Rev.1, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 107. The original draft resolution S/10446 contained a paragraph calling upon the Government of India forthwith to accept a cease-tie and withdrawal of armed forces as set forth in General Assembly resolution 2793 (XXVI) (S/ 10446, *ibid.*, pp. 106407). This paragraph was deleted in the revised text.

<sup>646</sup> 161 lth meeting, paras. 33-135.

<sup>647</sup> *Ibid.*, paras. 141-243.

<sup>648</sup> *Ibid.*, paras. 244-246.

<sup>649</sup> For the discussion of this question see chapter I, Case 42.

<sup>650</sup> For the earlier proposal, see foot-note 585 above.

<sup>651</sup> For discussion of this question see chapter III, part 1. See also foot-note 587 above.

<sup>652</sup> 1613th meeting, paras. 90-94.

satisfied the necessary criteria for recognition. He noted, at the same time, that his ruling did not mean that, if individuals who were concerned in the matter before the Council wished to be heard, they could not be heard in accordance with the provisions of rule 39.

The representative of the USSR raised the question of inviting Justice Abu Sayud Chowdbury, mentioned by the representative of India in his letter to the President of the Security Council,<sup>653</sup> as a person competent to assist the Council in coming to a decision on the matter before it.<sup>654</sup>

The President (Sierra Leone), having noted that he considered the USSR proposal as a point of order, proposed to put it to the vote.<sup>655</sup> The representative of the USSR stated that he did not insist on a vote,<sup>656</sup> and the President considered the proposal withdrawn.<sup>657</sup>

Subsequently, the representative of the United States pointed out that a suggestion by the Government of Japan for a change<sup>658</sup> in the United States draft resolution before the Council (S/10446) had been accepted and the text was revised accordingly.<sup>659</sup>

At the same meeting the United States' revised draft resolution was put to the vote. It received 11 votes in favour, 2 against with 2 abstentions and it was not adopted owing to the negative vote of one of the permanent members of the Council.<sup>660</sup>

Thereafter, the representative of Italy introduced<sup>661</sup> a draft resolution,<sup>662</sup> co-sponsored by Italy and Japan, under the terms of which the Security Council would, *inter alia*: call upon all Member States to refrain from any action or threat of action likely to worsen the situation in the Indo-Pakistan subcontinent or to endanger international peace; call upon all parties concerned, to take forthwith, as a first step, all measures to bring about an immediate cease-fire and cessation of all hostilities; urge India and Pakistan both to carry on operations of disengagement and withdrawal; call for immediate steps aimed at achieving a comprehensive political settlement; call for the full co-operation of all States with the Secretary-General in rendering assistance to and relieving the distress of the East Pakistan refugees; call upon all parties concerned to take all possible measures and precautions to safeguard the lives and well-being of the civilian population in the area and to ensure the full observation of all the Geneva Conventions; decide to appoint, with the consent of India and Pakistan, a committee composed of three members of the Security Council to assist them in their efforts to bring about normalcy in the area of conflict and to achieve reconciliation; request the Secretary-General to keep the Security Council currently informed on the implementation of this resolution; and, decide to remain seized of the matter.

At the 1614th meeting on 14 December 1971, the representative of Somalia suggested that the question under discussion should be entitled as follows on the

agenda of the Security Council: "The situation in the India/Pakistan sub-continent".<sup>663</sup> In the absence of further suggestions or comments, the President (Sierra Leone) considered the suggestion by Somalia as accepted.<sup>664</sup>

At the same meeting, the representative of the United Kingdom made a formal motion under rule 33, that the meeting be suspended for the purpose of consultations.<sup>665</sup> After a procedural debate, the United Kingdom proposal was voted upon and adopted by 11 votes in favour, none against, with 4 abstentions.<sup>666</sup>

At its 1615th meeting on 15 December 1971, the Security Council had before it a draft resolution<sup>667</sup> submitted by the representative of Poland,<sup>668</sup> under the terms of the revised text<sup>669</sup> of which the Security Council would have decided that: (a) in the eastern theatre of conflict, the power would be peacefully transferred to the representatives of the people lawfully elected in December 1970; (b) immediately after the beginning of the process of power transfer, the military actions would be ceased and an initial cease-fire would start for a period of 72 hours; (c) after the immediate commencement of the initial period of cease-fire, the Pakistan armed forces would start withdrawal to the pre-set locations in the eastern theatre of conflict with a view to evacuation from the eastern theatre of conflict; (d) similarly, the entire West Pakistan, as well as the entire East Pakistan civilian personnel and other persons in West Pakistan willing to return home, would be given an opportunity to do so under the supervision of the United Nations, with the guarantee that nobody would be subjected to repressions; (e) as soon as within the period of seventy-two hours the withdrawal of the Pakistan troops and their concentration for that purpose would have started, the cease-fire would have become permanent. The Indian armed forces would be withdrawn from East Pakistan upon consultations with the newly established authorities organized as a result of the transfer of power; and, (f) recognizing the principle according to which territorial acquisitions made through the use of force would not be retained by either party to the conflict, the Governments of India and Pakistan would immediately begin negotiations with a view to the speediest implementation of this principle in the western theatre of military operations.

In view of the continuing consultations, the representative of Somalia made a motion, under rule 33 of the provisional rules of procedure, for a brief suspension.<sup>670</sup> In the absence of objections, the meeting was suspended.<sup>671</sup>

Upon resumption of the meeting, the representative of the Syrian Arab Republic read out<sup>672</sup> the text of a draft resolution<sup>673</sup> by which the Security Council would have urged the Government of Pakistan to immediately

<sup>653</sup> See foot-note 584 above.

<sup>654</sup> 1613th meeting, paras. 113-114.

<sup>655</sup> *Ibid.*, para. 122.

<sup>656</sup> *Ibid.*, paras. 123, 125, 137.

<sup>657</sup> *Ibid.*, para. 138.

<sup>658</sup> See foot-note 645 above.

<sup>659</sup> 1613th meeting, paras. 142-143.

<sup>660</sup> *Ibid.*, para. 231.

<sup>661</sup> *Ibid.*, paras. 298-301, 305-307.

<sup>662</sup> S/10451, *OR*, 26th yr., *Suppl. for Oct.-Dec. 1971*, p. 108.

Subsequently, the representative of Italy stated that the co-sponsors would not insist upon their draft resolution being considered (1617th meeting, para. 34).

<sup>663</sup> 1614th meeting, para. 8.

<sup>664</sup> *Ibid.*, para. 9.

<sup>665</sup> *Ibid.*, para. 40.

<sup>666</sup> *Ibid.*, para. 49. For discussion of this question see chapter I, Case 43.

<sup>667</sup> S/10453, *OR*, 26th yr., *Suppl. for Oct.-Dec. 1971*, p. 109.

<sup>668</sup> 1615th meeting, paras. 62-67.

<sup>669</sup> S/10453/Rev.1, *OR*, 26th yr., *Suppl. for Oct.-Dec. 1971*, p. 110. Prior to the revision, paragraphs (a) and (e) had contained references to "the lawfully elected representatives of the people headed by Sheikh Mujibur Rahman".

<sup>670</sup> 1615th meeting, paras. 104, 108.

<sup>671</sup> *Ibid.*, para. 109.

<sup>672</sup> *Ibid.*, paras. 110-112.

<sup>673</sup> S/10456, *OR*, 26th yr., *Suppl. for Oct.-Dec. 1971*, p. 111.



release all political prisoners to enable the elected representatives of East Pakistan to resume their mandate; decided an immediate cease-fire on all fronts and a disengagement of all those engaged in hostilities, including the withdrawal of the armed forces under the respective command of India and Pakistan to their own side of the border and the cease-fire line in Jammu and Kashmir; requested the Secretary-General to appoint a special representative with a view to supervising the above-mentioned operations, assisting the elected representatives of East Pakistan and the Government of Pakistan to reach a comprehensive settlement, establishing the conditions for the voluntary return of the refugees and normalizing the relations between India and Pakistan; and requested the Secretary-General to keep the Council informed of the implementation of this resolution.

Subsequently, the representative of the United Kingdom introduced<sup>674</sup> a draft resolution<sup>675</sup> jointly sponsored with the representative of France. Under its provisions, the Security Council would call upon the Governments of India and Pakistan to institute an immediate and durable cease-fire and cessation of all hostilities in all areas of conflict in the western theatre and in East Pakistan, to remain in effect until operations of disengagement leading to withdrawal had taken place in both theatres; call for the urgent conclusion of a comprehensive political settlement in accordance with the wishes of the people concerned; call upon all Member States to refrain from any action which might aggravate the situation; call upon all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949; call for full international assistance in the relief of suffering and the rehabilitation of refugees and their return to their homes; invite the Secretary-General to appoint a special representative to lend his good offices in particular for the solution of humanitarian problems; and request the Secretary-General to report to the Security Council on the implementation of this resolution.

Introducing the draft resolution, the representative of the United Kingdom stated 'that his delegation together with the delegation of France had been engaged in intensive negotiations in an effort to achieve a text of a resolution which could be agreed by the parties concerned, or, at least, which would not raise insuperable difficulties. Although there was not full agreement on the text that he had just introduced, he felt that the time had come to put before the Council the result of the efforts made and the position reached by the sponsors of the draft resolution. He hoped that further progress would be possible and noted that in so far as delegations might need time to reflect and ask for instructions, he was not asking the Council to take action on the draft resolution at the present time?'

The representative of the USSR also submitted<sup>677</sup> a draft resolution<sup>678</sup> by which the Security Council would call upon all countries concerned to take steps for bringing about immediate cease-fire and cessation of all hostilities on the eastern and western fronts; call for the simultaneous conclusion of a political settlement in accordance with the wishes of the people of East Pakistan; call upon all those concerned to take all

measures necessary to preserve human life and to observe the Geneva Conventions of 1949; request the Secretary-General to keep the Council informed of the implementation of this resolution; and decide to discuss the further measures to be taken in order to restore peace in the whole area.

At the 1616th meeting on 16 December 1971, the representative of India quoted a statement made by the Prime Minister of his country in which it was said that India had no territorial ambitions and that in view of the surrender of the Pakistani armed forces in Bangladesh, it was pointless to continue the existing conflict. Therefore Indian armed forces had been ordered to cease fire everywhere on the western front with effect from 17 December 1971. It was the Indian hope, the statement said, that there would be a corresponding immediate response from the Government of Pakistan.<sup>679</sup>

At the 1617th meeting on 16 December 1971, the representative of the USSR observed that in view of the statement made by the Government of India that it had taken the decision to cease-fire, the draft resolutions before the Council had no further sense. In the light of the new situation, he withdrew<sup>680</sup> his delegation's draft resolution (S/10457) then before the Council and submitted<sup>681</sup> instead a new draft resolution<sup>682</sup> by the terms of which the Security Council would welcome the cessation of hostilities in East Pakistan and express the hope that the state of cease-fire would be observed by both sides which would guarantee unimpeded transfer of power to the lawful representatives of the people elected in December 1970, and appropriate settlement of problems related to the conflict in the area; call for immediate cease-fire and cessation of all other military actions along the entire border between India and West Pakistan and along the cease-fire line of 1965 in Jammu and Kashmir; welcome the statement of the Government of India to cease fire unilaterally and cease all military action in the area, and urgently call upon the Government of Pakistan to take identical decisions without delay; and call upon all Member States of the United Nations to render comprehensive assistance for the speediest cessation of military actions and to refrain from any steps which could impede normalization of the situation on the In&Pakistan subcontinent.

Upon resumption of the meeting after a brief suspension for further consultations,<sup>683</sup> the representative of the United States submitted<sup>684</sup> a draft resolution<sup>685</sup> jointly sponsored with Japan, Under the terms of that draft resolution, the Security Council would have demanded that an immediate and durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until operations of disengagement took place, leading to withdrawal of

<sup>679</sup> 1616th meeting, para. 5.

<sup>680</sup> 1617th meeting, para. 12.

<sup>681</sup> *Ibid.*, para. 7.

<sup>682</sup> S/10458, *OR, 26th yr., Suppl. for Oct.-Dec. 1971*, pp. 111-112.

<sup>683</sup> 1617th meeting, paras. 11, 18.

<sup>684</sup> *Ibid.*, paras. 14, 19.

<sup>685</sup> S/10459/Rev.1, *OR, 26th yr., Suppl. for Oct.-Dec. 1971*, pp. 112-113. In the initial draft, the Security Council would have demanded that a durable cease-fire be observed and would have requested the Secretary-General to strengthen as appropriate the staff of the United Nations East Pakistan Relief Operation, headed by his special representative, in order to provide all possible assistance for the solution of humanitarian problems. See: S/10459, *ibid.*, p. 112, paras. 1 and 5.

<sup>674</sup> 1615th meeting, para. 114.

<sup>675</sup> S/10455, *yr., Suppl. for Oct.-Dec. 1971*, p. 110.

<sup>676</sup> 1615th meeting, paras. 114-115.

<sup>677</sup> *Ibid.*, paras. 125-127.

<sup>678</sup> S/10457, *OR, 26th yr., Suppl. for Oct.-Dec. 1971*, p. 111.

the armed forces from all the occupied territories; called upon all Member States to refrain from any action which might aggravate the situation in the subcontinent or endanger international peace; called upon all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949; called for international assistance in the relief of suffering and the rehabilitation of refugees and their return to their homes and for full co-operation with the Secretary-General to that effect; invited the Secretary-General to appoint a special representative to lend his good offices in particular for the solution of humanitarian problems; requested the Secretary-General to keep the Council informed on the implementation of this resolution; and decided to continue to discuss the further measures to be taken in order to restore peace in the whole area.

At the 1621st meeting on 21 December 1971, the President (Sierra Leone) stated that whereas there had been a number of draft resolutions pending before the Council when it had adjourned for consultations, it had been possible, after intensive consultations with India and Pakistan, to reach agreement on a draft resolution<sup>686</sup> sponsored by the representatives of Argentina, Burundi, Japan, Nicaragua, Sierra Leone and Somalia. The draft resolution, he noted, was factual and capable of commanding the support of all members of the Council. It was non-partisan and to a considerable extent represented a compromise of the multiplicity of draft resolutions that had been presented to the Council or discussed by the Council members during the last two weeks. It had been voided of all controversial aspects and took account of the realities of the existing situation.<sup>687</sup>

At the same meeting, the six-Power draft resolution was put to the vote and adopted<sup>688</sup> by 13 votes in favour, none against and 2 abstentions. It read as follows: <sup>689</sup>

*“The Security Council,*

*“Having discussed* the grave situation in the subcontinent, which remains a threat to international peace and security,

*“Noting* General Assembly resolution 2793 (XXVI) of 7 December 1971,

*“Noting* the reply of the Government of Pakistan on 9 December 1971,

*“Noting* the reply of the Government of India on 12 December 1971,

*“Having heard* the statements of the Deputy Prime Minister of Pakistan and the Foreign Minister of India,

*“Noting further* the statement made at the 1616th meeting of the Security Council by the Foreign Minister of India containing a unilateral declaration of a cease-fire in the western theatre,

*“Noting* Pakistan’s agreement to the cease-fire in

the western theatre with effect from 17 December 1971,

*“Noting* that consequently a cease-fire and a cessation of hostilities prevail,

*“1. Demands* that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals take place, as soon as practicable, of all armed forces to their respective territories and to positions which fully respect the cease-fire line in Jammu and Kashmir supervised by the United Nations Military Observer Group in India and Pakistan;

*“2. Calls upon* all Member States to refrain from any action which may aggravate the situation in the subcontinent or endanger international peace;

*“3. Calls upon* all those concerned to take all measures necessary to preserve human life and for the observance of the Geneva Conventions of 1949 and to apply in full their provisions as regards the protection of the wounded and sick, prisoners of war and civilian population;

*“4. Calls for* international assistance in the relief of suffering and the rehabilitation of refugees and their return in safety and dignity to their homes, and for full co-operation with the Secretary-General to that effect;

*“5. Authorizes* the Secretary-General to appoint if necessary a special representative to lend his good offices for the solution of humanitarian problems;

*“6. Requests* the Secretary-General to keep the Council informed without delay on developments relating to the implementation of the present resolution;

*“7. Decides* to remain seized of the matter and to keep it under active consideration.”

After the vote, the representative of Somalia made a brief statement on behalf of the co-sponsors in explanation of certain aspects of the resolution. He pointed out that the context in which the co-sponsors wished the terms, i.e., withdrawals of all armed forces, contained in paragraph 1 to be interpreted were the following: In the eastern theatre, the resolution called for complete withdrawal of foreign armed forces as soon as practicable; in the western theatre, it called for the commencement of the process of disengagement leading without delay to withdrawal of the armed forces of both parties. In so far as the Government of India had declared that it had no territorial ambitions, it was the view of the co-sponsors that, in the implementation of the resolution, the parties involved could make any mutually acceptable arrangement or adjustment that they deemed necessary.<sup>690</sup>

In connexion with the interpretative statement made by the representative of Somalia on behalf of the co-sponsors, the representative of Pakistan held that the word “territories” in paragraph 1 of resolution 307 (1971) could not mean anything but the national territories as constituted when the State of Pakistan came into existence in 1947. The United Nations could not, in any situation involving two or more organized States, distinguish between territories except in the national sense. In no circumstances could the **Organiza-**

<sup>686</sup> S/10465, adopted without change as Security Council resolution 307 (1971).

<sup>687</sup> 1621st meeting, paras. 3-8. For the discussion of the statement made by the President of the Council, see chapter I, part III, Case 17.

<sup>688</sup> 1621st meeting, para. 14.

<sup>689</sup> Resolution 307 (1971).

<sup>690</sup> 1621st meeting, paras. 15-20.

tion violate the principle of the territorial integrity of Member States; consequently, it was precluded from according even implicit recognition to the result of any attempt, by aggression, subversion, or other use of force, to dismember Pakistan. Paragraph 1 could therefore mean nothing other than that the armed forces of India must withdraw from Pakistan to Indian territory, in both the East and West, and that the armed forces of Pakistan must withdraw from Indian territory. He emphasized that no legal distinction could be drawn between the withdrawals of Indian and Pakistan armed forces in the eastern theatre and those in the western theatre. If the wording of the interpretative statement with respect to the two theatres conveyed a sense of difference, it was only because in the eastern theatre there were no Pakistan forces on Indian territory but there were Indian forces on Pakistan territory, while in the western theatre forces of both sides were on each other's territory. In the eastern theatre withdrawals had to be one-sided and that meant that withdrawals would apply only to the Indian occupation forces while in the western theatre they had to be mutual.<sup>691</sup>

The representative of India, on the other hand, contended, with reference to the eastern theatre, that Pakistan no longer had any right to keep any troops in Bangladesh, and any attempt by Pakistan to enter Bangladesh by force would create a threat to peace and security and could endanger peace and stability once again. As regards the western theatre, he stated that the international frontier between India and Pakistan was well defined. However, as a result of hostilities, certain areas of Pakistan were now under the control of Indian troops, and a much smaller area of India was under the control of Pakistani troops: India accepted the principle of withdrawals. He also noted that although the State of Jammu and Kashmir was an integral part of India, in order to avoid bloodshed and for preserving peace, India had respected the cease-fire line supervised by UNMOGIP. In the course of the present conflict, it had been crossed by troops of both sides. In order to avoid the repetition of such incidents, India proposed to discuss and settle with Pakistan certain necessary adjustments in the cease-fire line so that it would become more stable, rational and viable.<sup>692</sup>

Responding to the statement by the representative of India, the representative of Pakistan rejected the contention that Pakistan had no right to keep troops in so-called Bangladesh. He maintained that East Pakistan was an integral part of the territory of Pakistan, and the juridical status and the inalienable rights of the people of Pakistan could not be altered in any manner by an act of aggression and military occupation. The proclamation of the independence of a territory which was part of Pakistan in the capital of India had not been an act of self-determination of the people of East Pakistan but an act of dismemberment of a sovereign country by military aggression. He also maintained that the withdrawal of occupying armed forces could not be conditional upon negotiations. It was only after withdrawal that negotiations could take place which would lead to a settlement of a conflict. These negotiations did not, he added, require any recognition of any entity not accepted by the Government of Pakistan.<sup>693</sup>

## QUESTION CONCERNING THE ISLANDS OF ABU MUSA, THE GREATER TUNB AND THE LESSER TUNB

### INITIAL PROCEEDINGS

By letter<sup>694</sup> dated 3 December 1971 addressed to the President of the Security Council, the representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen requested an urgent meeting of the Security Council to consider "the dangerous situation in the Arabian Gulf area arising from the occupation by the armed forces of Iran of the islands of Abu Musa, the Greater Tunb and the Lesser Tunb, on 30 November 1971".

By letter<sup>695</sup> dated 7 December 1971, the representative of Iraq transmitted to the Secretary-General the text of a cable dated 30 November 1971 from the Ruler of Ras Al-Khaima in which the Ruler stated that Iranian troops had, that morning, invaded the two islands of Tunb which were an indivisible part of the territory of Ras Al-Khaima. Having charged Iran with aggression, the Ruler requested Iraq to take immediate and effective measures to repulse the aggression and to submit the matter to the Security Council, as well as the Council of the League of Arab States.

The question was considered by the Security Council at its 1610th meeting on 9 December 1971 and the representatives of Algeria, Iraq, the Libyan Arab Republic, the People's Democratic Republic of Yemen, Kuwait, Iran and the United Arab Emirates were invited to participate in the discussion.<sup>696</sup>

### Decision of 9 December 1971 (1610th meeting):

#### *Statement by the President*

At the 1610th meeting on 9 December 1971, following the adoption<sup>697</sup> of the agenda, without objection, the representative of Iraq\* stated that the recent events in the Gulf had resulted in a tense and serious situation and a potential threat to the peace and security of the entire region. By the invasion of the two islands of Greater and Lesser Tunb which were an integral part of Ras Al-Khaima, and by partial occupation of the adjacent island of Abu Musa under the pretext of an alleged agreement with the Sheikh of Al-Sharjah of whose territory that island was a part, Iran had violated its international obligations under the Charter, in particular Article 2, paragraph 4, which recognized the inadmissibility of the acquisition of territory by the use of force. The representative of Iraq further maintained also that the invasion of the Tunb islands and the partial occupation of the island of Abu Musa was the latest step in a policy of territorial expansion by the Government of Iran. Referring to intermittent claims by Iranian rulers to certain areas and islands in the Gulf which had, for centuries, been under Arab jurisdiction, he maintained that these claims had, in recent years, been reduced in scope and had been concentrated on the three islands of Abu Musa and the Greater Tunb and the Lesser Tunb, particularly after the announcement in 1968 of the British Government's intentions to withdraw from the Gulf by the end of 1971.

The representative of Iraq charged further that the armed aggression by Iran, in contravention of Article

<sup>691</sup> 1621st meeting, paras. 106, 111-112.

<sup>692</sup> *Ibid.*, paras. 129-131.

<sup>693</sup> *Ibid.*, paras. 145-146.

<sup>694</sup> S/10409, *OR*, 26th yr., *Suppl. for Oct.-Dec. 1971*, p. 79.

<sup>695</sup> S/10434, *ibid.*, pp. 101-102.

<sup>696</sup> 1610th meeting, paras. 44-52.

<sup>697</sup> *Ibid.*, preceding para. 44.

2(4), also demonstrated the collusion between Iran and the United Kingdom. He held that in so far as the islands of the two Tunbs were an integral part of the territory of Ras Al-Khaima, and the island of Abu Musa was part of the territory of Al-Sharjah, both of which were among the Trucial States for whose protection and territorial integrity the United Kingdom was responsible under the "exclusive agreements" of 6 and 8 March 1892 concluded between the Sheiks of the Trucial Coast and the United Kingdom, the latter had failed to honour its international obligations in not defending the three islands.

Having noted that the Iranian aggressions and violations of the Charter directly threatened Iraqi interests and that his Government reserved the right to take any and every action in order to protect its territory integrity and its vital interests in the Gulf, the representative of Iraq appealed to the Security Council to take all effective measures to condemn Iran as an aggressor and Britain as its collaborator, and to ensure the withdrawal of the Iranian forces of occupation from the islands.<sup>698</sup>

The representative of Kuwait\* stated that Iran had flagrantly annexed three islands by force in complete disregard of the Charter, in particular Article 2, and in contravention of paragraph 4 of Article 2, and the principle of inadmissibility of territorial acquisition by force. The representative of Kuwait called on the Security Council to adopt a resolution calling on Iran to withdraw its forces from the three Arab islands since the occupation of their territory not only was a violation of the Charter and its principles but it also endangered the stability and peace of the Gulf.<sup>699</sup>

The representative of Algeria,\* having observed that over the entire period of British presence in the region as the Administering Power the islands of the Greater and Lesser Tunb, as well as the island of Abu Musa, had been part of the territory that had recently become the federation of the United Arab Emirates, held that the question of the proprietorship over the islands could not be dealt with by way of an agreement between Iran and the United Kingdom, nor by a military occupation such as Iran had carried out in contravention of the Charter principles and in violation of the United Nations Declaration on the Strengthening of International Security. Iran's resort to the use of force called for a condemnation by the Security Council?

The representative of the People's Democratic Republic of Yemen,\* having stated that the three islands of Abu Musa and the Greater and Lesser Tunbs had been always considered as parts of the Arab mainland, parts of the Gulf area as a whole, held that the British Government had to assume responsibility for the illegal act of aggression committed by Iran because the United Kingdom had declared itself responsible for this area until the end of 1971. Moreover, even if Iran's claim to the islands were valid, it would not be proper for it, as a Member of the United Nations, to seize the islands by force in violation of the purposes and principles of the Charter of the United Nations. His Government believed firmly that the British Government was responsible for the illegitimate action taken by Iran and that

Iran must immediately withdraw from Abu Musa and Greater and Lesser Tunbs.<sup>701</sup>

The representative of Iran\* stated that Iran had proceeded in accordance with its peace-loving policy in trying to find a peaceful settlement with regard to Abu Musa and the Tunb islands although there was no doubt that these islands belonged to Iran. Whereas the arrangements made concerning Abu Musa had met with the approval of Sharjah, efforts to find a negotiated solution with regard to the Tunb islands had failed and Iran had had no alternative but to establish the exercise of its sovereign rights over what was Iranian territory. The Iranian Government would not allow the territory of its off-shore islands to be violated; nor would it allow its sovereign rights over the islands in question to be infringed in any way.<sup>702</sup>

The representative of the United Kingdom recalled the decision of his Government, that the existing treaties between the United Kingdom and Bahrain, Qatar and the seven Trucial States would be terminated and the British forces would be withdrawn by the end of 1971. With regard to Abu Musa, an island administered by the ruler of Sharjah and situated towards the Arab side of the Gulf, the representative of the United Kingdom noted that, as a result of unremitting efforts on the part of the United Kingdom, an agreed settlement had eventually been reached between Iran and the ruler of Sharjah on 29 November 1971 under the terms of which neither gave up its claim to the island nor recognized the other's claim. It had been agreed that Iranian troops should be stationed in specified areas on the island and that oil revenues, should oil subsequently be found on or in the vicinity of the island, would be divided equally between Sharjah and Iran. As for the islands of the Greater and Lesser Tunb, he regretted that it had not been possible to reach a negotiated settlement. He observed that the ending of Britain's special position and responsibilities with the Gulf had meant the striking of a balance between the conflicting claims of neighbouring States, and taking into account of realities.

The representative of Libya\* pointed out that his Government condemned the Iranian military aggression and occupation of the three islands in the Gulf; it condemned also the connivance of the British Government and its violation of treaty provisions and international law.<sup>703</sup>

The representative of the United Arab Emirates\* held that the use of force by Iran to settle a territorial dispute arising out of a claim, which in the view of the United Arab Emirates was untenable both historically and juridically, was contrary to the Charter of the United Nations and incompatible with the traditional friendship between the Arab and Iranian peoples. He expressed the hope of his Government that Iran would reconsider its position on the three islands and find it possible to settle this problem in a manner that befitted relations between neighbours.<sup>704</sup>

The representative of Somalia observed that the parties should settle their dispute amicably so that the region might be assured of peace, security and stability. Noting that in discharging its responsibilities in matters so sensitive as unresolved territorial disputes, the Security Council had to act in strict conformity with the

<sup>698</sup> 1610th meeting, paras. 56-67, 81-88, 90-113.

<sup>699</sup> *Ibid.*, paras. 123-131, 142, 145-157.

<sup>700</sup> *Ibid.*, paras. 159-166.

<sup>701</sup> *Ibid.*, paras. 173, 175, 177-181, 187-190.

<sup>702</sup> *Ibid.*, paras. 200-220.

<sup>703</sup> *Ibid.*, paras. 233-240.

<sup>704</sup> *Ibid.*, paras. 266-270, 273.

letter and spirit of the Charter, in particular, Chapter VI. He maintained that it would be precipitate at this stage for the Council to recommend any recourse under Article 36 for States friendly to both the complainants, and Iran had initiated governmental contacts in an attempt to bring the two sides together. His delegation, therefore, suggested that the Council defer consideration of this matter to a later date, so as to allow sufficient time for these efforts of quiet diplomacy to work. Should these third-party efforts fail, the Council could, at the request of complainants, or by exercising its

own discretion should the situation so demand, resume consideration of the complaint.<sup>705</sup>

The President (Sierra Leone) announced,<sup>706</sup> in the absence of objections, that the Security Council had decided to defer consideration of the matter to a later date, so that sufficient time was allowed for thorough third-party efforts to materialize.<sup>707</sup>

<sup>705</sup> 1610th meeting paras 275-281.

<sup>706</sup> *Ibid.*, paras. 282-283.

<sup>707</sup> Decision of 9 December 1971, *OR, 26th yr., Resolutions and Decisions of the Security Council 1971*, p. 11.