

Chapter VIII

**CONSIDERATION OF QUESTIONS UNDER THE COUNCIL'S RESPONSIBILITY
FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY**

CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE	83
PART I. ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL	
Note	84
PART II	
Consideration of questions relating to Africa with which the Security Council is currently seized and the implementation of the Council's relevant resolutions	92
The question of race conflict in South Africa resulting from the policies of <i>apartheid</i> of the Government of the Republic of South Africa	102
Situation in Southern Rhodesia	102
The Situation in the Middle East	114
The Situation in Cyprus	144
The Situation in Namibia	159
Complaint by Senegal	167
Question concerning the situation in territories under Portuguese Administration	169
Complaint by Zambia	173
Consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter ..	179
Complaint by Cuba	181
Complaint by Iraq	189
Relationship between United Nations and South Africa	191

INTRODUCTORY NOTE

The principles underlying the organization and presentation of the material presented in chapters VIII-XII of this *Supplement* are the same as for the previous volumes of the *Repertoire*. Those volumes should be consulted for a full statement of such principles.

Chapter VIII indicates the chain of proceedings on the substance of each of the questions included in the report of the Security Council to the General Assembly under the heading: "Questions considered by the Security Council under its responsibility for the maintenance of international peace and security". The range of questions covers broadly those which may be deemed to fall under chapters VI and VII of the Charter. In chapters X, XI and XII of the *Repertoire* is presented ancillary material from the Official Records bearing on relevant Articles of the Charter. References to the ancillary material are given at the appropriate points in the entries for each question in this chapter.

As an outline of the proceedings of the Council in respect of the questions included in its agenda, chapter VIII constitutes a framework within which the ancillary legal and constitutional discussion recorded in chapters X to XII may be considered. The chapter is, therefore, an aid to the examination of the deliberations of the Council expressly related to the provisions of the Charter within the context of the chain of proceedings on the agenda item.

The questions are dealt with in the chronological order of their inclusion in the agenda of the Council.¹ The complaint by Cuba,² the complaint by Iraq,³ the complaint by Senegal,⁴ the situation in Territories under Portuguese administration,⁵ the question of race conflict in South Africa,⁶ the situation in Southern Rhodesia,⁷ the situation

in Cyprus,⁸ the situation in the Middle East,⁹ the situation in Namibia,¹⁰ and the complaint by Zambia,¹¹ however, were included in the Council's agenda before the period under review and are, therefore, discussed in the order in which the Council resumed their consideration.

The framework of the material for each question is provided by the succession of affirmative and negative decisions within the purview of this chapter. Decisions related to the subject matter of chapters I-VI of the *Repertoire* are, as a rule, omitted as not relevant to the purpose of this chapter or of the ancillary chapters X-XII. The decisions are entered in uniform manner. Affirmative decisions are entered under a heading indicative of the content of the decision, and negative decisions are entered under a heading indicative solely of the origin of the proposal or draft resolution. Affirmative decisions have been reproduced in full as constitutive of the practice of the Council, while negative decisions are indicated in summarized form. Where the negative decision relates to a draft resolution in connexion with which discussion has taken place concerning the application of the Charter, the text of the relevant parts of the draft resolution will in most instances be found in chapters X-XII.

As in the previous volumes of the *Repertoire*, an analytical table of measures adopted by the Council arranged broadly by type of measure has been included as part I of chapter VIII. This table should be regarded as of the nature of an index to chapter VIII; and no constitutional significance should be attached to the headings adopted in the compilation of this table or to the inclusion of particular measures under the individual headings. In certain instances main headings and subheadings have been added, deleted or modified in order to adjust the table to the recent changes in the nature of the measures adopted by the Security Council.

¹ For a tabulation of the data on submission, see chapter X, part III. As indicated in the editorial note, the questions included in the agenda of the Council during the years 1972-1974 appear under conventional short titles.

² *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, pp. 184-185, 188-189, 196-197, 199-201, 201-204.

³ *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, pp. 192-193.

⁴ *Ibid.*, *Supplement 1959-1963*, pp. 204-206; *ibid.*, *Supplement 1964-1965*, pp. 153-154; *ibid.*, *Supplement 1969-1971*, pp. 140-145.

⁵ *Ibid.*, *Supplement 1959-1963*, pp. 209-213; *ibid.*, *Supplement 1964-1965*, pp. 154-157.

⁶ *Ibid.*, *Supplement 1959-1963*, pp. 213-217; *ibid.*, *Supplement 1964-1965*, pp. 131-135; *ibid.*, *Supplement 1969-1971*, pp. 152-154.

⁷ *Ibid.*, *Supplement 1959-1963*, pp. 217-219; *ibid.*, *Supplement 1964-1965*, pp. 143-149; *ibid.*, *Supplement 1966-1968*, pp. 113-124; *ibid.*, *Supplement 1969-1971*, pp. 126-136.

⁸ *Ibid.*, *Supplement 1959-1963*, pp. 219-220; *ibid.*, *Supplement 1964-1965*, pp. 108-227; *ibid.*, *Supplement 1966-1968*, pp. 105-113; *ibid.*, *Supplement 1969-1971*, pp. 121-126. (formerly Complaint by the Government of Cyprus)

⁹ *Ibid.*, *Supplement 1966-1968*, pp. 134-164; *ibid.*, *Supplement 1969-1971*, pp. 109-121.

¹⁰ *Ibid.*, *Supplement 1966-1968*, pp. 164-168; *ibid.*, *Supplement 1969-1971*, pp. 99-109

¹¹ *Ibid.*, *Supplement 1969-1971*, pp. 136-139.

Part I

ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL

NOTE

As in the previous volumes of the *Repertoire*, the entries in this tabulation are restricted to a reference to the question, the date of the decision and the serial number of the decision.

I. Preliminary measures for the elucidation of fact

- A. Establishment of a special mission
Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), paras. 9, 10
Decision of 2 February 1973 (res. 327 (1973)), para. 3
- B. Conduct of an investigation of events leading to a complaint
Complaint by Iraq:
Decision of 28 February 1974 (President's statement), para. 5

II. Determination of the nature of the question

- A. Reaffirming that a situation constitutes a threat to international peace and security
Complaint by Zambia:
Decision of 10 March 1973 (res. 328 (1973)), preamble
- B. Recalling a determination that a situation constitutes a threat to international peace and security
Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), preamble
Decision of 2 February 1973 (res. 327 (1973)), preamble
- C. Concerned about a situation which has led to a serious threat to international peace and security
Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)), preamble
- D. Concerned about the deterioration of a situation, which constituted a most serious threat to peace and security in an area
Situation in Cyprus:
Decision of 16 August 1974 (res. 360 (1974)), preamble
- E. Declaring that a situation seriously disturbs international peace and security in a region
(i) Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)), preamble
(ii) Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), para. 3
- F. Concerned about incidents entailing the risk of a threat to international peace and security
Complaint by Senegal:
Decision of 23 October 1972 (res. 321 (1972)), preamble
- G. Recognizing that coercive measures may create situations likely to endanger peace and security in a region
Consideration of measures for the maintenance and strengthening of international peace and security in Latin America:
Decision of 21 March 1973 (res. 330 (1973)), preamble

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

- A. Call for cessation of hostilities and military operations
(i) Situation in territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), para. 4 (b)
Decision of 4 February 1972 (res. 312 (1972)), para. 4 (b)
(ii) Situation in the Middle East:
Decision of 28 February 1972 (res. 313 (1972))
Decision of 22 October 1973 (res. 338 (1973)), para. 1

Decision of 23 October 1973 (res. 339 (1973)), para. 1

Decision of 25 October 1973 (res. 340 (1973)), para. 1

(iii) Complaint by Senegal:

Decision of 23 October 1973 (res. 321 (1972)), para. 3

(iv) Situation in Cyprus:

Decision of 20 July 1974 (res. 353 (1974)), para. 1

Decision of 23 July 1974 (res. 354 (1974)), oper. para.

Decision of 14 August 1974 (res. 357 (1974)), para. 2

Decision of 15 August 1974 (res. 358 (1974)), para. 2

B. Call for adherence to cease-fire

Complaint by Iraq:

Decision of 28 May 1974 (res. 348 (1974)), para. 2 (a)

C. Demand to refrain from military acts

(i) Situation in the Middle East:

Decision of 26 June 1972 (res. 316 (1972)), para. 1

Decision of 21 April 1973 (res. 332 (1973)), para. 3

Decision of 24 April 1974 (res. 347 (1974)), paras. 1, 2, 4

(ii) Complaint by Iraq:

Decision of 28 February 1974 (President's statement), para. 1

D. Call for the return to previously held positions

Situation in the Middle East:

Decision of 23 October 1973 (res. 339 (1973)), para. 4

Decision of 25 October 1973 (res. 340 (1973)), para. 1

E. Demand for an immediate end to foreign military intervention

Situation in Cyprus:

Decision of 20 July 1974 (res. 353 (1974)), para. 3

F. Call to desist from acts violating the sovereignty and territorial integrity of another State

Situation in the Middle East:

Decision of 15 August 1973 (res. 337 (1973)), para. 4

Decision of 24 April 1974 (res. 347 (1974)), para. 1

G. Call to refrain from any action likely to aggravate the situation

Situation in Cyprus:

Decision of 30 August 1974 (res. 361 (1974)), para. 3

H. Call to refrain from any action which might endanger peace negotiations

Situation in the Middle East:

Decision of 24 April 1974 (res. 347 (1974)), para. 5

I. Call to refrain from any action which might endanger the lives and safety of members of a United Nations Force

Situation in Cyprus:

Decision of 15 August 1974 (res. 359 (1974)), para. 2

IV. Measures (in connexion with injunctions) to be taken by Governments and authorities directly involved in disputes and situations

A. Call for withdrawal of armed forces

(i) Situation in Territories under Portuguese administration:

Decision of 4 February 1972 (res. 312 (1972)), para. 4 (c)

(ii) Situation in the Middle East:

Decision of 28 February 1972 (res. 313 (1972))

(iii) Complaint by Zambia:

Decision of 2 February 1973 (res. 326 (1973)), paras. 5, 6

Decision of 10 March 1973 (res. 328 (1973)), para. 5

(iv) Complaint by Iraq:

Decision of 28 May 1974 (res. 348 (1974)), para. 2 (b)

(v) Situation in Cyprus:

Decision of 20 July 1974 (res. 353 (1974)), para. 4

Decision of 16 August 1974 (res. 360 (1974)), para. 2

- B. Call for restraint by the parties**
 Situation in Cyprus:
 Decision of 15 June 1972 (res. 315 (1972)), para. 2
 Decision of 12 December 1972 (res. 324 (1972)), para. 2
 Decision of 15 June 1973 (res. 334 (1973)), para. 2
 Decision of 14 December 1973 (res. 343 (1973)), para. 2
 Decision of 29 May 1974 (res. 349 (1974)), para. 2
 Decision of 20 July 1974 (res. 353 (1974)), para. 2
 Decision of 23 July 1974 (res. 354 (1974)), oper. para.
 Decision of 13 December 1974 (res. 364 (1974)), para. 3
- C. Call for release of military and civilian captives**
 Situation in the Middle East:
 Decision of 26 June 1972 (res. 316 (1972)), para. 3
 Decision of 21 July 1972 (res. 317 (1972)), para. 3
 Decision of 24 April 1974 (res. 347 (1974)), para. 4
- D. Call for release of all persons imprisoned, interned or otherwise under control**
 (i) Question of Race Conflict in South Africa:
 Decision of 4 February 1972 (res. 311 (1972)), para. 4
 (ii) Complaint by Zambia:
 Decision of 10 March 1973 (res. 328 (1973)), para. 9 (a)
 (iii) Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 5 (b)
- E. Call for promulgation of political amnesty and restoration of democratic political rights**
 (i) Situation in Territories under Portuguese administration:
 Decision of 4 February 1972 (res. 312 (1972)), para. 4 (d)
 (ii) Complaint by Zambia:
 Decision of 10 March 1973 (res. 328 (1973)), para. 9 (c)
- F. Call for transfer of political power**
 (i) Situation in Territories under Portuguese administration:
 Decision of 4 February 1972 (res. 312 (1972)), para. 4 (e)
 (ii) Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 4
- G. Call for an end to violations of the sovereignty and territorial integrity of other States**
 (i) Situation in Territories under Portuguese administration:
 Decision of 4 February 1972 (res. 312 (1972)), para. 5
 (ii) Complaint by Senegal:
 Decision of 23 October 1972 (res. 321 (1972)), para. 3
- H. Call for recognition of the right of dependent peoples to self-determination and independence**
 Situation in Territories under Portuguese administration:
 Decision of 4 February 1972 (res. 312 (1972)), para. 4 (a)
- I. Call for respect for the principle of self-determination and independence**
 Complaint by Senegal:
 Decision of 23 October 1972 (res. 321 (1972)), para. 4
- J. Call to demonstrate a willingness to fulfil the commitments regarding the United Nations Force**
 Situation in Cyprus:
 Decision of 15 August 1974 (res. 359 (1974)), para. 3
- K. Demanding respect for the international status of the UN Force**
 Situation in Cyprus:
 Decision of 15 August 1974 (res. 359 (1974)), para. 2
- L. Calling upon the parties to co-operate with the UN Force**
 Situation in Cyprus:
 Decision of 20 July 1974 (res. 353 (1974)), para. 6
 Decision of 15 August 1974 (res. 359 (1974)), para. 3
 Decision of 30 August 1974 (res. 361 (1974)), para. 8
 Decision of 13 December 1974 (res. 364 (1974)), para. 5
- M. Calling upon the parties to pursue talks actively**
 Situation in Cyprus:
 Decision of 30 August 1974 (res. 361 (1974)), paras. 2, 7
- N. Calling upon the parties to alleviate human suffering and in particular to provide assistance to the refugees**
 Situation in Cyprus:
 Decision of 30 August 1974 (res. 361 (1974)), paras. 3, 4
- O. Calling upon the parties to fulfil their obligations under the Charter**
 Situation in the Middle East:
 Decision of 8 April 1974 (res. 346 (1974)), para. 7
 Decision of 24 April 1974 (res. 347 (1974)), para. 3
- P. Calling upon the parties to start immediately the implementation of a previous Security Council resolution**
 (i) Situation in the Middle East:
 Decision of 22 October 1973 (res. 338 (1973)), para. 2
 Decision of 29 November 1974 (res. 363 (1974)), preamble; (a)
 (ii) Situation in Cyprus:
 Decision of 14 August 1974 (res. 357 (1974)), para. 1
 Decision of 15 August 1974 (res. 358 (1974)), para. 2
 Decision of 16 August 1974 (res. 360 (1974)), para. 2
- Q. Demand for complete implementation of the United Nations decisions in regard to a former mandated territory**
 Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 3
- R. Demand for the abolition of the *apartheid* laws in a former mandated territory**
 Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 5 (c)
- S. Demand for unconditional return of all exiles**
 Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 5 (d)
- T. Demand for full compliance with the Universal Declaration of Human Rights**
 Situation in Namibia:
 Decision of 17 December 1974 (res. 366 (1974)), para. 5 (a)
- U. Calling upon the administrative Power to put an end to illegal actions in a rebellious colony**
 Complaint by Zambia:
 Decision of 2 February 1973 (res. 326 (1973)), paras. 3, 7
 Decision of 10 March 1973 (res. 328 (1973)), preamble, para. 9 (b), (c)
- V. Urging the administrative Power to convene a constitutional conference**
 Complaint by Zambia:
 Decision of 10 March 1973 (res. 328 (1973)), para. 8
- W. Urging the administrative Power to grant the exercise of the right to self-determination and independence**
 Complaint by Zambia:
 Decision of 10 March 1973 (res. 328 (1973)), para. 9
- V. Measures (in connexion with injunctions) to be taken by other Governments and authorities**
- A. Measures under Chapter VII of the Charter**
 Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), paras. 1-6
 Decision of 22 May 1973 (res. 333 (1973)), paras. 1-8
- B. Compliance with decisions of the Security Council in accordance with Article 25 of the Charter**
 Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), preamble; para. 2
 Decision of 28 July 1972 (res. 318 (1972)), preamble
 Decision of 29 September 1972 (res. 320 (1972)), para. 2
 Decision of 22 May 1973 (res. 333 (1973)), preamble
- C. Reaffirmation of sanctions**
 (i) Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), para. 1

- Decision of 28 July 1972 (res. 318 (1972)), preamble
Decision of 29 September 1972 (res. 320 (1972)), paras. 2, 3
- (ii) Complaint by Zambia:
Decision of 2 February 1973 (res. 327 (1973)), preamble
- D. Urging all States to fully implement the sanctions
- (i) Situation in Southern Rhodesia:
Decision of 28 February 1972 (res. 314 (1972)), paras. 2, 5
Decision of 28 July 1972 (res. 318 (1972)), paras. 5, 6, 8, 9
Decision of 29 September 1972 (res. 320 (1972)), paras. 2, 3
Decision of 22 May 1973 (res. 333 (1973)), paras. 2-8
- (ii) Complaint by Zambia:
Decision of 10 March 1973 (res. 328 (1973)), para. 7
- E. Calling for strengthened sanctions
Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), preamble
Decision of 10 March 1973 (res. 328 (1973)), para. 6
- F. Call for the observance of an arms embargo
Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)), para. 5
- G. Withholding of assistance including arms and other military equipment
Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), para. 6
- H. Calling upon States to provide immediate economic assistance
Complaint by Zambia:
Decision of 10 March 1973 (res. 329 (1973)), para. 3
- I. Requesting the United Nations and its agencies concerned to provide assistance
Complaint by Zambia:
Decision of 10 March 1973 (res. 329 (1973)), para. 4
- J. Commending the decision to sever all economic relations
Complaint by Zambia:
Decision of 2 February 1973 (res. 327 (1973)), para. 1
Decision of 10 March 1973 (res. 329 (1973)), preamble; para. 1
- K. Calling upon all States to respect the sovereignty, independence and territorial integrity of a State
Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)), para. 1
Decision of 1 August 1974 (res. 355 (1974)), preamble
Decision of 16 August 1974 (res. 360 (1974)), preamble
- L. Calling upon the International Civil Aviation Organization to take account of a Security Council resolution in considering measures to safeguard international civil aviation
Situation in the Middle East:
Decision of 15 August 1973 (res. 337 (1973)), para. 3
- M. Requesting the Secretary-General to despatch United Nations Observers to supervise the observance of a cease-fire
Situation in the Middle East:
Decision of 23 October 1973 (res. 339 (1973)), para. 2
- N. Requesting the Secretary-General to increase the number of United Nations Observers
Situation in the Middle East:
Decision of 25 October 1973 (res. 340 (1973)), para. 2
- VI. Measures for settlement**
- A. Call for negotiations
- (i) Situation in Territories under Portuguese administration:
Decision of 22 November 1972 (res. 322 (1972)), para. 3
- (ii) Complaint by Iraq:
Decision of 28 May 1974 (res. 348 (1974)), paras. 2 (a) and (d)
- (iii) Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)), para. 5
Decision of 14 August 1974 (res. 357 (1974)), para. 3
Decision of 16 August 1974 (res. 360 (1974)), para. 3
- B. Decision to start negotiations
Situation in the Middle East:
Decision of 22 October 1973 (res. 338 (1973)), para. 3
- C. Decision to examine methods of resolving a situation
Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)), para. 8
- D. Peace Conference
1. Hope that it will lead to a just and durable peace
Situation in the Middle East:
Decision of 15 December 1973 (res. 344 (1973)), para. 1
2. Confidence that the Secretary-General will play an effective role
Situation in the Middle East:
Decision of 15 December 1973 (res. 344 (1973)), para. 2
3. Requesting the Secretary-General to keep the Security Council fully informed
Situation in the Middle East:
Decision of 15 December 1973 (res. 344 (1973)), para. 3
4. Requesting the Secretary-General to provide all assistance and facilities to the conference
Situation in the Middle East:
Decision of 15 December 1973 (res. 344 (1973)), para. 4
- E. Endorsement of the pacific settlement of disputes
Complaint by Iraq:
Decision of 28 February 1974 (President's statement), para. 2
- F. Reaffirmation of the inalienable right of peoples to self-determination and independence
- (i) Situation in Namibia:
Decision of 4 February 1972 (res. 309 (1972)), preamble
Decision of 4 February 1972 (res. 310 (1972)), preamble
Decision of 1 August 1972 (res. 319 (1972)), para. 2
Decision of 6 December 1972 (res. 323 (1972)), preamble; para. 4
- (ii) Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), para. 1
Decision of 22 November 1972 (res. 322 (1972)), para. 1
- (iii) Situation in Southern Rhodesia:
Decision of 28 July 1972 (res. 318 (1972)), para. 1
- (iv) Complaint by Senegal:
Decision of 23 October 1972 (res. 321 (1972)), preamble
- (v) Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), preamble
Decision of 10 March 1973 (res. 328 (1973)), preamble; para. 3
- G. Reaffirmation of national unity and territorial integrity
- (i) Situation in Namibia:
Decision of 4 February 1972 (res. 309 (1972)), preamble
Decision of 4 February 1972 (res. 310 (1972)), preamble
Decision of 1 August 1972 (res. 319 (1972)), para. 3
Decision of 6 December 1972 (res. 323 (1972)), preamble; para. 4
Decision of 17 December 1974 (res. 366 (1974)), para. 4
- (ii) Complaint by Senegal:
Decision of 23 October 1972 (res. 321 (1972)), preamble
- H. Recognition of the legitimacy of a people's struggle for its rights
- (i) Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)), para. 3
- (ii) Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), preamble; para. 1
Decision of 22 November 1972 (res. 322 (1972)), para. 1

- (iii) Situation in Southern Rhodesia:
Decision of 28 July 1972 (res. 318 (1972)), para. 2
- (iv) Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)),
preamble
Decision of 10 March 1973 (res. 328 (1973)),
preamble
- I. Call for the withdrawal from a former mandated Territory
Situation in Namibia:
Decision of 4 February 1972 (res. 310 (1972)), para. 7
Decision of 17 December 1974 (res. 366 (1974)), para. 4
- J. Decision to set up a United Nations Force
Situation in the Middle East:
Decision of 25 October 1973 (res. 340 (1973)), para. 3
Decision of 27 October 1973 (res. 341 (1973)), para. 2
Decision of 31 May 1974 (res. 350 (1974)), para. 3
- VII. Provisions bearing on specific issues relating to the settlement**
- A. Affirming that tensions have risen following aggressive actions
Complaint by Zambia:
Decision of 10 March 1973 (res. 328 (1973)), para. 2
- B. Appreciation of
- Contributions of States to a United Nations Force
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 1
 - The Secretary-General's effort regarding the establishment and operation of a United Nations Force
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 2
 - The Secretary-General's part in setting up intercommunal talks
Situation in Cyprus:
Decision of 30 August 1974 (res. 361 (1974)),
para. 1
 - The Contribution by the United Nations Force to efforts to achieve a durable peace
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 3
Decision of 23 October 1974 (res. 362 (1974)),
para. 2
 - Economic hardships resulting from the implementation of United Nations sanctions
Complaint by Zambia:
Decision of 2 February 1973 (res. 327 (1973)),
para. 2
Decision of 10 March 1973 (res. 329 (1973)),
para. 2
- C. Calling upon States to bring their own corporations to conform in their hiring practices to the Universal Declaration of Human Rights
Situation in Namibia:
Decision of 4 February 1972 (res. 310 (1972)), para. 5
- D. Concerned about
- The prevailing state of tension
Situation in the Middle East:
Decision of 29 November 1974 (res. 363 (1974)),
preamble
 - The necessity to restore the constitutional structure of a State
Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)),
preamble
 - The refugee problem and the need for humanitarian assistance
Situation in Cyprus:
Decision of 30 August 1974 (res. 361 (1974)),
preamble; para. 4
- E. Conscious of the primary responsibility of the Security Council for the maintenance of international peace and security in accordance with Article 24 of the Charter
Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)), preamble
- F. Condemnation of the policy of *apartheid*
- Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)),
paras. 1, 2
 - Situation in Namibia:
Decision of 17 December 1974 (res. 366 (1974)),
para. 2
- G. Condemnation of illegal occupation and repression
- Situation in Namibia:
Decision of 4 February 1972 (res. 310 (1972)),
paras. 2, 4, 6
Decision of 17 December 1974 (res. 366 (1974)),
preamble, paras. 1, 2
 - Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)),
paras. 1, 2
Decision of 10 March 1973 (res. 328 (1973)), para. 4
- H. Deploping
- The continuation or resumption of fighting
Situation in Cyprus:
Decision of 14 August 1974 (res. 357 (1974)),
preamble
Decision of 15 August 1974 (res. 358 (1974)),
preamble
 - The killing and wounding of members of the United Nations Force
Situation in Cyprus:
Decision of 15 August 1974 (res. 359 (1974)),
para. 1
- I. Deprecation of
- The loss of life
 - Situation in the Middle East:
Decision of 26 June 1972 (res. 316 (1972)),
preamble
Decision of 21 April 1973 (res. 332 (1973)),
preamble; para. 1
 - Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)),
preamble
 - Complaint by Iraq:
Decision of 28 February 1974 (President's
statement), para. 1
 - Acts of violence
 - Situation in the Middle East:
Decision of 26 June 1972 (res. 316 (1972)),
para. 2
Decision of 21 April 1973 (res. 332 (1973)),
preamble; para. 1
Decision of 24 April 1974 (res. 347 (1974)),
preamble; para. 1
 - Complaint by Senegal:
Decision of 23 October 1972 (res. 321 (1972)),
paras. 1, 2
 - Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)),
preamble
 - Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)),
preamble
Decision of 15 August 1974 (res. 358 (1974)),
preamble
 - Measures undermining sanctions
Situation in Southern Rhodesia:
Decision of 28 February 1972 (res. 314 (1972)),
paras. 2-4
Decision of 28 July 1972 (res. 318 (1972)), para. 7
Decision of 29 September 1972 (res. 320 (1972)),
preamble
 - Military actions against other States
 - Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)),
preamble
 - Complaint by Senegal:
Decision of 23 October 1972 (res. 321 (1972)),
preamble, para. 1

- (iii) Situation in the Middle East:
Decision of 21 April 1973 (res. 332 (1973)), para. 2
Decision of 15 August 1973 (res. 337 (1973)), para. 1
Decision of 24 April 1974 (res. 347 (1974)), para. 1
- (iv) Situation in Cyprus:
Decision of 16 August 1974 (res. 360 (1974)), para. 1
5. Military actions against liberation movements
Situation in Territories under Portuguese administration:
Decision of 4 February 1972 (res. 312 (1972)), preamble
6. Failure by former mandatory Power to grant self-determination and independence to a former mandated Territory
Situation in Namibia:
Decision of 6 December 1972 (res. 323 (1972)), para. 2
7. Interference with international civil aviation
Situation in the Middle East:
Decision of 15 August 1973 (res. 337 (1973)) preamble; paras. 1, 2
- J. Discontinuing further efforts on the basis of res. 309 (1972)
Situation in Namibia:
Decision of 11 December 1973 (res. 342 (1973)), para. 2
- K. Emphasizing the principle that the status and safety of the members of a United Nations Force must be respected
Situation in Cyprus:
Decision of 15 August 1974 (res. 359 (1974)), para. 4
- L. Endorsing a General Assembly resolution
Situation in Cyprus:
Decision of 13 December 1974 (res. 365 (1974)), para. 1
- M. Extending the stationing of a United Nations Force
(i) Situation in Cyprus:
Decision of 15 June 1972 (res. 315 (1972)), para. 3
Decision of 12 December 1972 (res. 324 (1972)), para. 3
Decision of 15 June 1973 (res. 334 (1973)), para. 3
Decision of 14 December 1973 (res. 343 (1973)), para. 3
Decision of 29 May 1974 (res. 349 (1974)), para. 3
Decision of 13 December 1974 (res. 364 (1974)), para. 4
(ii) Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 4
Decision of 23 October 1974 (res. 362 (1974)), para. 1
Decision of 29 November 1974 (res. 363 (1974)), para. (b)
- N. Inviting the Secretary-General
1. In consultation with a group of the Security Council, to initiate or maintain contacts with all parties concerned, with a view to establishing the necessary conditions for the people of a former mandated Territory to exercise their right to self-determination and independence
Situation in Namibia:
Decision of 4 February 1972 (res. 309 (1972)), para. 1
Decision of 1 August 1972 (res. 319 (1972)), para. 4
Decision of 6 December 1972 (res. 323 (1972)), para. 5
2. To station additional United Nations Observers along a border
Situation in the Middle East:
Decision of 19 August 1972 (Consensus)
- O. Noting the overwhelming desire of the people for national independence and territorial integrity of a former mandated Territory
Situation in Namibia:
Decision of 6 December 1972 (res. 323 (1972)), para. 2
- P. Reaffirming
1. That disengagement agreements are merely a step toward the establishment of peace
Situation in the Middle East:
Decision of 29 November 1974 (res. 363 (1974)), preamble
2. The mode of operation of a United Nations Force
Situation in the Middle East:
Decision of 23 October 1974 (res. 362 (1974)), paras. 3, 4
3. The responsibility of the administrative Power over a rebellious colony
Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), preamble
- Q. Recognition of a special United Nations responsibility toward a people and its Territory
Situation in Namibia:
Decision of 4 February 1972 (res. 309 (1972)), preamble
Decision of 4 February 1972 (res. 310 (1972)), preamble
Decision of 6 December 1972 (res. 323 (1972)), preamble
- R. Regretting the failure of sanctions
(i) Complaint by Zambia:
Decision of 2 February 1973 (res. 326 (1973)), para. 4
(ii) Situation in Southern Rhodesia:
Decision of 22 May 1973 (res. 333 (1973)), preamble
- S. Requesting States to refrain from coercive measures against Latin American countries
Consideration of measures for the maintenance and strengthening of international peace and security in Latin America:
Decision of 21 March 1973 (res. 330 (1973)), para. 2
- T. Taking note of
1. The need to continue the operation of a United Nations Force
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 4
Decision of 23 October 1974 (res. 362 (1974)), preamble
2. The Secretary-General's efforts to solve the problems of a United Nations Force
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 5
3. The Secretary-General's intention to constantly review the required strength of a United Nations Force
Situation in the Middle East:
Decision of 8 April 1974 (res. 346 (1974)), para. 6
- U. Urging
1. Measures to aid the victims of *apartheid*
Question of race conflict in South Africa:
Decision of 4 February 1972 (res. 311 (1972)), paras. 6, 7
2. The parties to implement a General Assembly resolution
Situation in Cyprus:
Decision of 13 December 1974 (res. 365 (1974)), para. 1
3. States to impede the activities of those enterprises which attempt to coerce Latin American countries
Consideration of measures for the maintenance and strengthening of international peace and security in Latin America:
Decision of 21 March 1973 (res. 330 (1973)), para. 1
- V. Welcoming
1. A disengagement agreement
Situation in the Middle East:
Decision of 31 May 1974 (res. 350 (1974)), para. 1
2. The determination of the parties to settle their differences peacefully
Complaint by Iraq:
Decision of 28 May 1974 (res. 348 (1974)), para. 2

VIII. Measures to promote the implementation of resolutions

A. Measures to obtain compliance

1. Recalling previous resolutions

(a) Of the General Assembly

- (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 310 (1972)), preamble
 - Decision of 17 December 1974 (res. 366 (1974)), preamble
- (ii) Situation in Territories under Portuguese administration:
 - Decision of 4 February 1972 (res. 312 (1972)), paras. 1, 2, 4
 - Decision of 22 November 1972 (res. 322 (1972)), preamble, paras. 1, 3
- (iii) Situation in Southern Rhodesia:
 - Decision of 28 July 1972 (res. 318 (1972)), para. 2
- (iv) Complaint by Senegal:
 - Decision of 23 October 1972 (res. 321 (1972)), preamble; para. 4
- (v) Complaint by Zambia:
 - Decision of 10 March 1973 (res. 328 (1973)), preamble; para. 3
- (vi) Consideration of measures for the maintenance and strengthening of international peace and security in Latin America:
 - Decision of 21 March 1973 (res. 330 (1973)), preamble
- (vii) Complaint by Iraq:
 - Decision of 28 February 1974 (President's statement), para. 2
- (viii) Situation in Cyprus:
 - Decision of 13 December 1974 (res. 364 (1974)), preamble

(b) Of the Security Council

- (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 310 (1972)), preamble
 - Decision of 1 August 1972 (res. 319 (1972)), preamble
 - Decision of 6 December 1972 (res. 323 (1972)), preamble
 - Decision of 11 December 1973 (res. 342 (1973)), preamble
 - Decision of 17 December 1974 (res. 366 (1974)), preamble
- (ii) Situation in Southern Rhodesia:
 - Decision of 28 February 1972 (res. 314 (1972)), preamble
 - Decision of 28 July 1972 (res. 318 (1972)), preamble; paras. 6, 7, 9
 - Decision of 29 September 1972 (res. 320 (1972)), preamble
 - Decision of 22 May 1973 (res. 333 (1973)), preamble
- (iii) Situation in the Middle East:
 - Decision of 21 July 1972 (res. 317 (1972)), preamble
 - Decision of 21 April 1973 (res. 332 (1973)), preamble
 - Decision of 15 August 1973 (res. 337 (1973)), preamble
 - Decision of 23 October 1973 (res. 339 (1973)), preamble
 - Decision of 25 October 1973 (res. 340 (1973)), preamble; paras. 4, 5
 - Decision of 8 April 1974 (res. 346 (1974)), preamble, paras. 4, 8
 - Decision of 24 April 1974 (res. 347 (1974)), preamble
 - Decision of 31 May 1974 (res. 350 (1974)), para. 1
 - Decision of 23 October 1974 (res. 362 (1974)), preamble
- (iv) Complaint by Senegal:
 - Decision of 23 October 1972 (res. 321 (1972)), preamble; para. 2

- (v) Situation in Territories under Portuguese administration:
 - Decision of 22 November 1972 (res. 322 (1972)), preamble

(vi) Complaint by Zambia:

- Decision of 2 February 1973 (res. 326 (1973)), preamble
- Decision of 2 February 1973 (res. 327 (1973)), preamble
- Decision of 10 March 1973 (res. 328 (1973)), preamble; para. 6
- Decision of 10 March 1973 (res. 329 (1973)), preamble

(vii) Complaint by Iraq:

- Decision of 28 May 1974 (res. 348 (1974)), preamble

(viii) Situation in Cyprus:

- Decision of 29 May 1974 (res. 349 (1974)), para. 1
- Decision of 20 July 1974 (res. 353 (1974)), preamble
- Decision of 23 July 1974 (res. 354 (1974)), preamble; oper. para.
- Decision of 1 August 1974 (res. 355 (1974)), preamble
- Decision of 14 August 1974 (res. 357 (1974)), preamble
- Decision of 16 August 1974 (res. 360 (1974)), preamble
- Decision of 30 August 1974 (res. 361 (1974)), preamble

2. Reaffirming previous decisions

(a) Of the General Assembly

Complaint by Zambia:

- Decision of 10 March 1973 (res. 328 (1973)), preamble; para. 3

(b) Of the Security Council

(i) Situation in Southern Rhodesia:

- Decision of 28 February 1972 (res. 314 (1972)), para. 1
- Decision of 28 July 1972 (res. 318 (1972)), paras. 6, 9
- Decision of 29 September 1972 (res. 320 (1972)), para. 1

(ii) Situation in Cyprus:

- Decision of 15 June 1972 (res. 315 (1972)), para. 1
- Decision of 12 December 1972 (res. 324 (1972)), para. 1
- Decision of 15 June 1973 (res. 334 (1973)), para. 1
- Decision of 14 December 1973 (res. 343 (1973)), para. 1
- Decision of 29 May 1974 (res. 349 (1974)), para. 1
- Decision of 14 August 1974 (res. 357 (1974)), preamble; para. 1
- Decision of 13 December 1974 (res. 364 (1974)), paras. 1, 2

(iii) Situation in the Middle East:

- Decision of 26 June 1972 (res. 316 (1972)), preamble; para. 1
- Decision of 21 July 1972 (res. 317 (1972)), para. 1
- Decision of 25 October 1973 (res. 340 (1973)), paras. 4, 5

3. Warning against failure to comply with Security Council decisions

(i) Situation in Namibia:

- Decision of 4 February 1972 (res. 310 (1972)), para. 8

(ii) Situation in the Middle East:

- Decision of 26 June 1972 (res. 316 (1972)), para. 4
- Decision of 15 August 1973 (res. 337 (1973)), para. 4

(iii) Complaint by Senegal:

- Decision of 23 October 1972 (res. 321 (1972)), para. 5

4. Declaration of intention to consider further measures under the Charter
- (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 310 (1972)), para. 8
 - (ii) Situation in the Middle East:
 - Decision of 26 June 1972 (res. 316 (1972)), para. 4
 - Decision of 15 August 1973 (res. 337 (1973)), para. 4
 - (iii) Complaint by Senegal:
 - Decision of 23 October 1972 (res. 321 (1972)), para. 5
5. Invoking Article 25 of the Charter
- Situation in Southern Rhodesia:
 - Decision of 28 February 1972 (res. 314 (1972)), para. 2
 - Decision of 28 July 1972 (res. 318 (1972)), preamble
 - Decision of 29 September 1972 (res. 320 (1972)), preamble; para. 2
 - Decision of 22 May 1973 (res. 333 (1973)), preamble
6. Invoking Article 2(6) of the Charter
- Situation in Southern Rhodesia:
 - Decision of 28 February 1972 (res. 314 (1972)), para. 2
 - Decision of 29 September 1972 (res. 320 (1972)), para. 2
- B. Requesting States to co-operate in the implementation of resolutions and decisions of the Security Council
- (i) Situation in Southern Rhodesia:
 - Decision of 28 July 1972 (res. 318 (1972)), paras. 6, 8, 9
 - Decision of 22 May 1973 (res. 333 (1973)), para. 2
 - (ii) Situation in the Middle East:
 - Decision of 25 October 1973 (res. 340 (1973)), para. 5
 - Decision of 8 April 1974 (res. 346 (1974)), para. 7
- C. Request to parties to co-operate with the Secretary-General in the implementation of a Security Council resolution
- Situation in Namibia:
 - Decision of 6 December 1972 (res. 323 (1972)), para. 7
- D. Calling upon a former mandatory Power to co-operate with the Secretary-General in the implementation of a Security Council resolution
- Situation in Namibia:
 - Decision of 4 February 1972 (res. 309 (1972)), para. 2
 - Decision of 6 December 1972 (res. 323 (1972)), para. 6
- E. Requesting the President of the Security Council and the Secretary-General to make efforts to secure the implementation of a resolution
- Situation in the Middle East:
 - Decision of 21 July 1972 (res. 317 (1972)), para. 4
- F. Expressing the conviction that the implementation of a Security Council resolution will help achieve a settlement
- Situation in Cyprus:
 - Decision of 30 August 1974 (res. 361 (1974)), para. 9
- G. Deprecation of refusal or failure to implement the resolutions
1. Of the General Assembly
 - (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 310 (1972)), para. 1
 - (ii) Situation in Territories under Portuguese administration:
 - Decision of 4 February 1972 (res. 312 (1972)), para. 2
 2. Of the Security Council
 - (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 310 (1972)), para. 1
 - Decision of 17 December 1974 (res. 366 (1974)), preamble
 - (ii) Question of race conflict in South Africa:
 - Decision of 4 February 1972 (res. 311 (1972)), preamble
 - (iii) Situation in Territories under Portuguese administration:
 - Decision of 4 February 1972 (res. 312 (1972)), preamble; para. 2
 - (iv) Situation in the Middle East:
 - Decision of 26 June 1972 (res. 316 (1972)), preamble
 - Decision of 21 July 1972 (res. 317 (1972)), para. 2
 - Decision of 15 August 1973 (res. 337 (1973)), para. 2
 - (v) Situation in Southern Rhodesia:
 - Decision of 29 September 1972 (res. 320 (1972)), preamble
 - Decision of 22 May 1973 (res. 333 (1973)), preamble
 - (vi) Complaint by Senegal:
 - Decision of 23 October 1972 (res. 321 (1972)), preamble
 - (vii) Complaint by Zambia:
 - Decision of 10 March 1973 (res. 328 (1973)), preamble
 - (viii) Situation in Cyprus:
 - Decision of 15 August 1974 (res. 358 (1974)), preamble
- H. Authorizing or requesting the Secretary-General
1. To report on the implementation of a resolution or decision of the Security Council
 - (i) Situation in Namibia:
 - Decision of 4 February 1972 (res. 309 (1972)), para. 3
 - Decision of 4 February 1972 (res. 310 (1972)), para. 9
 - Decision of 1 August 1972 (res. 319 (1972)), para. 6
 - Decision of 6 December 1972 (res. 323 (1972)), para. 9
 - (ii) Situation in Territories under Portuguese administration:
 - Decision of 4 February 1972 (res. 312 (1972)), para. 7
 - (iii) Situation in the Middle East:
 - Decision of 19 April 1972 (Consensus)
 - Decision of 25 October 1973 (res. 340 (1973)), paras. 3, 4
 - Decision of 15 December 1973 (res. 344 (1973)), para. 3
 - Decision of 8 April 1974 (res. 346 (1974)), para. 8
 - Decision of 29 November 1974 (res. 363 (1974)), para. (c)
 - (iv) Complaint by Iraq:
 - Decision of 28 February 1974 (President's statement), para. 5
 - (v) Situation in Cyprus:
 - Decision of 13 December 1974 (res. 364 (1974)), para. 2
 2. To report on the developments in a situation
 - (i) Situation in Territories under Portuguese administration:
 - Decision of 22 November 1972 (res. 322 (1972)), para. 4
 - (ii) Situation in the Middle East:
 - Decision of 20 April 1973 (res. 331 (1973)), para. 1
 - Decision of 31 May 1974 (res. 360 (1974)), para. 4
 - Decision of 29 November 1974 (res. 363 (1974)) para. (c)
 - (iii) Situation in Namibia:
 - Decision of 11 December 1973 (res. 342 (1973)) para. 3
 - (iv) Situation in Cyprus:
 - Decision of 20 July 1974 (res. 353 (1974)), para. 7

- Decision of 16 August 1974 (res. 360 (1974)), para. 4
3. To take appropriate actions and report to the Security Council
 Situation in Cyprus:
 Decision of 1 August 1974 (res. 355 (1974)), oper. para.
4. To implement a resolution of the Security Council
 Situation in Southern Rhodesia:
 Decision of 22 May 1973 (res. 333 (1973)), para. 2
5. To submit a report on the refugee problem
 Situation in Cyprus:
 Decision of 30 August 1974 (res. 361 (1974)), para. 5
6. To appoint a representative or representatives
 Situation in Namibia:
 Decision of 1 August 1972 (res. 319 (1972)), para. 5
 Decision of 6 December 1972 (res. 323 (1972)), para. 5
7. To appoint a special representative to conduct an investigation
 Complaint by Iraq:
 Decision of 28 February 1974 (President's statement), para. 5
8. To invite his Special Representative to assist in the deliberations of the Security Council
 Situation in the Middle East:
 Decision of 20 April 1973 (res. 331 (1973)), para. 3
9. To lend his assistance to the parties
 Complaint by Iraq:
 Decision of 28 May 1974 (res. 348 (1974)), para. 4
10. To assist a subsidiary organ in the discharge of its task
 (i) Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), para. 7
 Decision of 28 July 1972 (res. 318 (1972)), para. 10
 (ii) Situation in the Middle East:
 Decision of 15 December 1973 (res. 344 (1973)), para. 4
11. To organize a programme of assistance
 Complaint by Zambia:
 Decision of 10 March 1973 (res. 329 (1973)), para. 5
12. To provide emergency humanitarian assistance
 Situation in Cyprus:
 Decision of 30 August 1974 (res. 361 (1974)), para. 6
- I. Establishment or employment of subsidiary organs
 (i) Complaint by Zambia:
 Decision of 2 February 1973 (res. 326 (1973)), para. 9
 Decision of 2 February 1973 (res. 327 (1973)), para. 3
 (ii) Situation in Southern Rhodesia:
 Decision of 22 May 1973 (res. 333 (1973)), para. 2
- J. Call for co-operation with subsidiary organs
 Complaint by Zambia:
 Decision of 2 February 1973 (res. 326 (1973)), para. 10
 Decision of 2 February 1973 (res. 327 (1973)), para. 4
- K. Requesting a report from a subsidiary organ
 (i) Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), para. 6
 Decision of 29 September 1972 (res. 320 (1972)), paras. 4, 5
 (ii) Complaint by Zambia:
 Decision of 2 February 1973 (res. 326 (1973)), para. 8
 Decision of 2 February 1973 (res. 327 (1973)), para. 5
 Decision of 10 March 1973 (res. 328 (1973)), para. 6
- L. Taking note of reports of a subsidiary organ
 (i) Situation in Southern Rhodesia:
 Decision of 28 February 1972 (res. 314 (1972)), preamble
 Decision of 28 July 1972 (res. 318 (1972)), paras. 3, 4
 Decision of 22 May 1973 (res. 333 (1973)), preamble, para. 1
- (ii) Complaint by Zambia:
 Decision of 10 March 1973 (res. 329 (1973)), preamble
- M. Taking note of reports or activities of the Secretary-General and of his representatives
 (i) Situation in Namibia:
 Decision of 1 August 1972 (res. 319 (1972)) para. 1
 Decision of 11 December 1973 (res. 342 (1973)), para. 1
 (ii) Situation in the Middle East:
 Decision of 27 October 1973 (res. 341 (1973)), para. 1
 Decision of 31 May 1974 (res. 350 (1974)), para. 2
 (iii) Complaint by Iraq:
 Decision of 28 May 1974 (res. 348 (1974)) para. 1
 (iv) Situation in Cyprus:
 Decision of 1 August 1974 (res. 355 (1974)), preamble
 Decision of 15 August 1974 (res. 359 (1974)), preamble
 Decision of 30 August 1974 (res. 361 (1974)), preamble
 Decision of 13 December 1974 (res. 364 (1974)), preamble
- N. Providing for the appointment of Representatives to fill vacancies in a Security Council group
 Situation in Namibia:
 Decision of 6 December 1972 (res. 323 (1972)), para. 7
- O. Declaring that defiance towards Security Council decisions undermines the authority of the United Nations
 Situation in Namibia:
 Decision of 4 February 1972 (res. 310 (1972)), para. 3
- P. Deprecation of violations of a cease-fire
 Situation in the Middle East:
 Decision of 25 October 1973 (res. 340 (1973)), preamble
- Q. Deploping the failure to station United Nations observers
 Situation in the Middle East:
 Decision of 25 October 1973 (res. 340 (1973)) preamble
- R. Recalling the advisory opinion of the International Court of Justice
 Situation in Namibia:
 Decision of 6 December 1972 (res. 323 (1972)) preamble
 Decision of 17 December 1974 (res. 366 (1974)) preamble
- IX. Measures to ensure further consideration**
- A. Request for information from the Secretary-General regarding the implementation of a resolution
 (i) Situation in Namibia:
 Decision of 4 February 1972 (res. 309 (1972)), para. 3
 Decision of 4 February 1972 (res. 310 (1972)), para. 9
 Decision of 1 August 1972 (res. 319 (1972)), para. 6
 Decision of 6 December 1972 (res. 323 (1972)), para. 9
 (ii) Situation in the Middle East:
 Decision of 25 October 1973 (res. 340 (1973)), para. 4
 Decision of 2 November 1973 (President's statement)
 Decision of 8 April 1974 (res. 346 (1974)), para. 8
 Decision of 31 May 1974 (res. 350 (1974)) para. 4
 Decision of 29 November 1974 (res. 363 (1974)) para. (c)
- B. Provision by express decision to consider the matter further
 (i) Complaint by Senegal:
 Decision of 23 October 1972 (res. 321 (1972)), para. 6
 (ii) Situation in Territories under Portuguese administration:
 Decision of 22 November 1972 (res. 322 (1972)), para. 5
 (iii) Complaint by Zambia:
 Decision of 2 February 1973 (res. 326 (1973)), para. 11

- Decision of 10 March 1973 (res. 328 (1973)) para. 10
- (iv) Situation in the Middle East:
Decision of 14 June 1973 (President's statement)
- (v) Situation in Cyprus:
Decision of 20 July 1974 (res. 353 (1974)), para. 7
Decision of 14 August 1974 (res. 357 (1974)), para. 4
Decision of 16 August 1974 (res. 360 (1974)), para. 5
- (vi) Situation in Namibia:
Decision of 17 December 1974 (res. 366 (1974)), para. 6

- C. Decision to meet following the submission of the Secretary-General's report
Situation in the Middle East:
Decision of 20 April 1973 (res. 331 (1973)), para. 2
- D. Requesting the Economic and Social Council to consider periodically the question of economic assistance
Complaint by Zambia:
Decision of 10 March 1973 (res. 329 (1973)), para. 6

Part II

CONSIDERATION OF QUESTIONS RELATING TO AFRICA WITH WHICH THE SECURITY COUNCIL IS CURRENTLY SEIZED AND THE IMPLEMENTATION OF THE COUNCIL'S RELEVANT RESOLUTIONS

Decisions of 4 February 1972 (1638th meeting): resolutions 309 (1972) and 310 (1972)

Decision of 4 February 1972 (1638th meeting):

Rejection of three-Power draft resolution

Decisions of 4 February 1972 (1639th meeting): resolutions 311 (1972) and 312 (1972)

In accordance with its resolution 308 (1972) of 19 January 1972¹² the Security Council held 13 meetings—1627th to 1639th—in Addis Ababa between 28 January and 4 February 1972.

At the 1628th meeting on 28 January 1972, the Council adopted the agenda, which had been recommended by resolution 308 (1972), entitled: "Consideration of questions relating to Africa with which the Security Council is currently seized and the implementation of the Council's relevant resolutions." At the same meeting, the Council decided to invite the representatives of Cameroon, Congo, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Kenya, Liberia, Malawi, Mauritania, Mauritius, Morocco, Nigeria, Senegal, Tunisia, Uganda, United Republic of Tanzania, Zaire and Zambia to participate without vote in the discussion.¹³ Subsequently, at the 1630th meeting, on 31 January 1972, invitations were also extended to the representatives of Algeria, Burundi and the Libyan Arab Republic.¹⁴

Also at the 1628th meeting, in view of the decisions taken by three United Nations bodies to be represented at the Security Council meetings in Africa,¹⁵ the Council further decided to extend invitations to the representative of the Special Committee on *Apartheid*, the representative of Trinidad and Tobago, the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence

to Colonial Countries and Peoples, the representative of the United Republic of Tanzania and to the President of the United Nations Council for Namibia, the representative of Pakistan.¹⁶ At the same meeting, the Security Council decided, at the request of the representatives of Guinea, Somalia and the Sudan,¹⁷ to extend an invitation, under rule 39 of its provisional rules of procedure, to the following persons: Mr. Mohamed Fouad El-Bedewi, Mr. Amilcar Cabral, Mr. M. Luvualo, Mr. M. dos Santos, Mr. Peter Mueshahange, Mr. Richard Hove,¹⁸ Mr. Potlako Leballo, Mr. Alfred Nzo, Mr. George Silundika, Mr. Abdul Minty, Mr. Diallo Telli,¹⁹ also at the 1632nd meeting to Reverend Canon Burgess Carr,²⁰ and at the 1633rd meeting to Mr. Johny Eduardo.²¹

At the 1627th meeting on 28 January 1972, the Council was addressed by the Emperor of Ethiopia and by the President of Mauritania in his capacity as Chairman of the Assembly of Heads of State and Government of OAU. The Council also heard addresses by the Secretary-General and by the Secretary of State for Foreign Affairs of Somalia, speaking in his capacity as President of the Council.

President Moktar Ould Daddah of Mauritania, Chairman of the OAU at its eighth session, stated that despite the often disappointing efforts of the United Nations to translate its principles and resolutions concerning colonialism and racial discrimination into facts, Africa looked to the historic session of the Security Council on its soil with renewed expectations and in the spirit of realism. A new approach was needed that would place upon the Council and particularly its permanent members the responsibility to control the implementation of the main decisions. The OAU formally proposed that a Committee of the Council including its five permanent members should take charge of Namibia and make all arrangements to ensure its effective administration leading to its self-determination and independence.

The Security Council should immediately assume its responsibilities to the same degree in Rhodesia. Africa

¹² For the proceedings leading to the adoption of resolution 308 (1972) and the discussions in connexion with the application of Article 28, paragraph 3, of the Charter and rule 5 of the Provisional Rules of Procedure of the Security Council, both dealing with meetings of the Security Council away from Headquarters, see chapter I of this *Supplement*.

¹³ 1628th meeting: opening statement by the President.

¹⁴ 1630th meeting, paras. 1-3.

¹⁵ S/10600, *SC. OR. 27th yr., Suppl. for Jan.-March 1972*, pp. 79-80.

¹⁶ 1628th meeting, opening statement by the President.

¹⁷ S/10602/Rev.2, *SC. OR. 27th yr., Suppl. for Jan.-March 1972*, p. 80; S/10604 *ibid.*, p. 81; S/10605, *ibid.*, p. 82.

¹⁸ Instead of Mr. Hove, Mr. M.K.H. Hamadziripi made a statement to the Council, at its 1633rd meeting, with the consent of the Council.

¹⁹ 1630th meeting, paras. 4-11.

²⁰ 1632nd meeting, para. 11.

²¹ 1633rd meeting, paras. 1-2.

proposed that the Council should take official note of the failure of the settlement efforts between the United Kingdom and the minority régime in Rhodesia and proclaim them invalid. It was incumbent on the United Kingdom to negotiate with the authentic representatives of the African peoples to bring about majority rule and independence in that Territory. The Council should also consider its attitude concerning Portugal and South Africa. These two States that refused to apply the Council decisions against decolonization and racial discrimination, should be suspended from membership in the United Nations. Such a decision could be applied immediately in contrast to economic sanctions whose application was being subjected to capricious interpretations. In conclusion, Mr. Daddah submitted the African proposal for an international aid fund to be set up within the United Nations and to assist in Africa and elsewhere the liberation movements and people who fight against racial discrimination.²²

The President said that by accepting the invitation of OAU to meet in Africa, the Council, acting under Article 28, paragraph 3 of the Charter, was enabled to pay special attention to the regional problems of Africa, to respond publicly and positively to the needs of the area rife with actual and potential threats to the peace and to effect the co-operation with regional organizations envisaged in Article 52 of the Charter as an aid to the task of peace-keeping. One important aspect of the meeting in Africa would be that world attention would be focused on the evils engendered by racism and colonialism in southern Africa.²³

At the 1628th meeting also held on 28 January 1972, the representative of Egypt* deplored that although the Charter of the United Nations had already stated the principle of self-determination 26 years ago, the authorities in South Africa, Namibia, Rhodesia and in the Portuguese territories were still subjecting several million Africans to colonial rule and were now resorting to military operations, supported by foreign economic and other interests, to crush the legitimate struggle of the Africans to achieve freedom and independence. Since no action followed the words on these problems in the United Nations, the only way left was liberation through armed struggle. The situation in Rhodesia which had become explosive could only be solved by the immediate transfer of power to the people of Zimbabwe on the basis of majority rule. The "terms of settlement" negotiated between the United Kingdom and the illegal régime did not fulfil the conditions of the right to self-determination. Sanctions against the Rhodesian régime should be rigorously applied, and sanctions should be imposed upon South Africa and Portugal whose Governments openly defied Article 25 of the Charter and the Council decisions. Regarding Namibia, the Council should take immediate and effective measures under Chapter VII of the Charter to ensure the removal of South Africa from the Territory and to assume direct responsibility for the Territory until independence. Turning to the internationally condemned system of *apartheid* in South Africa, he hoped that the Council would heed the repeated appeals of the General Assembly to take effective measures,

including those under Chapter VII of the Charter, to put an end to the explosive situation in South Africa. Portugal continued to refuse to implement the United Nations resolutions and to wage a colonial war against the peoples of Angola, Mozambique and Guinea (Bissau). The Council should take all effective measures in accordance with the relevant Charter provisions to ensure that all repressive activities and military operations by Portugal in these Territories be stopped, that Portuguese forces be withdrawn and that the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)) be fully implemented.²⁴

At the same meeting the representative of Zambia* joined the African people of Zimbabwe in condemning the Home-Smith "settlement proposals" for Southern Rhodesia and suggested the following course of action to the Council: The Council should support the Zimbabwe people in their rejection of the settlement proposals and demand that the British Government recall the Pearce Commission. The Council should further ask the British Government to convene without delay a constitutional conference of all the people of Zimbabwe, it should condemn the United Kingdom as administering Power for the wanton mass murders, arrests and detentions of Zimbabwe people by the Smith régime, and it should call upon the British Government to intervene in the colony militarily. In the meantime, sanctions should be maintained, tightened and expanded to include South Africa and Portugal. The Council should also reaffirm the principle of non-recognition of the rebel régime by Member States. With regard to Namibia he asked why the Council did not take decisive action to expel South Africa from the Territory and assume direct control to allow the Namibian people the exercise of their right to self-determination. He appealed to the allies of Portugal, particularly some NATO partners, to stop giving Portugal military and financial assistance, and requested that the United Nations, its specialized agencies and Member States continue to support the liberation struggle in the occupied territories.²⁵

The representative of Pakistan*, speaking as the President of the United Nations Council for Namibia, declared that the General Assembly, the Security Council and the International Court of Justice were in agreement that the continued presence of South Africa in Namibia was illegal, that it should withdraw from the Territory immediately and completely, that the United Nations bore a direct and special responsibility for the Territory, and that all States had to refrain from any relations with South Africa which implied recognition of its authority over Namibia. The United Nations Council for Namibia had been established by the General Assembly to administer Namibia until independence. He hoped that the Security Council, during its session in Africa, would provide the Council for Namibia with the appropriate means for fully discharging its responsibilities towards that Territory. Recalling the current strike by Namibian labourers against the contract labour system, he noted that the Council for Namibia had demanded an immediate end to that system and had called upon all foreign corporations operating in the Territory to cease using it and to refuse to become party to any

²² 1627th meeting: statement by the President of Mauritania.

²³ *Ibid.*, President's statement before closing the meeting.

²⁴ 1628th meeting: intervention by Egypt.

²⁵ *Ibid.*, intervention by Zambia.

settlement of that strike that did not take into account the just demands of the Namibian workers. As an immediate step the Security Council could issue a similar call to the Member States. The cardinal issue before the Security Council was the removal of South Africa from Namibia so as to enable the United Nations to discharge its responsibilities towards that Territory, and the Council should no longer shrink, if necessary, from appropriate measures under Chapter VII of the Charter to achieve that end.²⁶

The representative of Trinidad and Tobago*, speaking as the representative of the Special Committee on *Apartheid*, recalled that by its resolutions 181 (1963), 182 (1963) and 282 (1970) the Council had imposed an arms embargo on South Africa. However, a number of Member States had continued to supply arms to South Africa, maintaining that they were fulfilling their obligations under existing agreements or distinguishing between arms for internal anti-guerrilla operations and those for external defence. The Special Committee rejected that contention and believed that the time had come for all Governments to accept the letter and spirit of the resolutions of the Council and to carry them out, as the Charter provided. He also drew the Council's attention to the resolutions concerning *apartheid* adopted by the General Assembly at its twenty-sixth session. By resolution 2775 A(XXVI) the Assembly had called upon all Governments to implement fully the arms embargo and invited the Council to consider the situation with a view to securing the implementation of Council resolution 282 (1970). In resolution 2775 F (XXVI) the Assembly recommended that the Council consider urgently the situation in South Africa resulting from the policies of *apartheid* with a view to the adoption of effective measures including those envisaged under Chapter VII of the Charter. Since some delegations had expressed their inability in the Assembly debates to support this resolution because it fell within the exclusive competence of the Council, the Special Committee repeated these recommendations before the Council earnestly hoping for the adoption of effective measures.²⁷

At the 1629th meeting on 29 January 1972, the representative of Kenya* emphasized the fact that in 1972 over 30 million Africans in the southern part of Africa were being subjected to humiliation and colonial servitude that defied description. He reiterated his Government's condemnation of the Anglo-Rhodesian settlement as unjust and undemocratic and proposed several points on which a new settlement be based: a system of guarantees enforceable through British military presence in Rhodesia; African representation in the armed forces at the decision-making level; top positions for Africans in the civil service, industry, academic institutions and the police and security services; withdrawal of South African police and army personnel from Rhodesia; guarantee of complete freedom of movement and organization to the African majority under international supervision; detailed programme for common vote rolls and the attainment of African majority rule acceptable to the Rhodesia Africans; convocation of a round-table conference of Rhodesian whites, Zimbabwe Africans and the British administration under the aegis of the United Nations to work out a realistic and equitable

settlement; in the meantime, continuation and strengthening of sanctions until the settlement would be ready. Turning to the question of *apartheid*, he stressed that his Government had rejected the South African call for a dialogue because Pretoria had spurned all peaceful solutions and the dialogue would not lead to any improvement in the political and economic status of the Africans and would merely confer respectability on the obnoxious concept of *apartheid* and imply recognition of Bantustans. He added that his Government would support the freedom movements in the Portuguese Territories as much as possible, urged the United Nations to do likewise and appealed to the NATO countries to desist from assisting Portugal unless it stopped its colonial wars and oppression in Africa.²⁸

At the same meeting the representative of Tanzania*, speaking as the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, pointed out that the grave situation in southern Africa continued to deteriorate and to pose a most serious threat to international peace and security and to the territorial integrity of several African States. His Special Committee wanted to bring to the urgent attention of the Security Council the imminent need, among others: to widen the scope of sanctions against the illegal régime of Southern Rhodesia by declaring mandatory all the measures laid down in Article 41 of the Charter; to consider carefully the question of imposing sanctions upon South Africa and Portugal, in view of their refusal to carry out the relevant decisions of the Security Council; to give urgent consideration, with a view to promoting the elimination of colonialism, to the question of imposing a total embargo on arms of all kinds to South Africa and Rhodesia; and to consider urgently the adoption of measures to prevent the supply of arms to Portugal, as such arms have enabled that country to deny self-determination and independence to the peoples of the occupied Territories.²⁹

At the 1630th meeting on 31 January 1972, the representative of Uganda* declared that sanctions provided no effective solution to the rebellion in Rhodesia and that there was no short cut to physical intervention to topple the racist Smith régime. The United Kingdom should intervene, re-establish effective control over the Territory, set a time-table for the attainment of independence, reaffirm that independence would be on the basis of majority rule, withdraw the Home/Smith settlement proposals, and put an immediate stop to the brutal force inflicted upon the Africans who were exercising their rights of speech and assembly and release political detainees. If the United Kingdom could not take these steps, it should surrender its responsibilities and authority to the Security Council. In the case of Namibia which South Africa would not quit short of the use of force by the United Nations, his delegation proposed the following measures: implementation of the Council resolutions in concrete terms; direct physical intervention in Namibia by United Nations forces to enforce the ruling of the International Court of Justice and to expel the racist régime of South Africa; organization of political machinery to enable the people of Namibia to attain independence through self-determination; ensuring

²⁶ 1628th meeting: intervention by Pakistan.

²⁷ *Ibid.*, intervention by Trinidad and Tobago.

²⁸ 1629th meeting: intervention by Kenya.

²⁹ *Ibid.*, intervention by Tanzania.

compliance by all States with these goals and in particular ensuring the acceptance of these changes by foreign business interests in Namibia.³⁰

At the same meeting the representative of Tanzania* also called on the United Kingdom to abrogate the Home/Smith proposals, to withdraw the Pearce Commission and to shoulder its responsibility in Rhodesia, and he supported the demand by the OAU for the immediate take-over by the United Nations of the administration of Namibia. In view of the aggressive and defiant role of South Africa and Portugal, these two outlaws should be expelled from the United Nations.³¹

The representative of China reiterated his Government's basic policy regarding Africa, condemned the strongholds of colonialism and racism in South Africa, Rhodesia, Namibia and in the Portuguese Territories and urged the Security Council to condemn the atrocities committed by the Rhodesian régime against the Zimbabwe people and to reject the fraud of the so-called "agreement" between Britain and the Rhodesian régime; to condemn the Portuguese and South African colonialist authorities for their repression of the national liberation movements and for the policies of *apartheid* and to condemn the United States, Britain and other countries for their support of Rhodesia, South Africa and Portuguese colonialism. The Council should further expand and strengthen the sanctions against Rhodesia, South Africa and Portugal and call upon all Governments and peoples to give active support to the peoples of Azania, Namibia, Zimbabwe, Angola, Mozambique and Guinea (Bissau) in their liberation struggles.³²

The representative of Yugoslavia noted that although the Council had demonstrated its support for Africa by coming to Addis Ababa, by giving the representatives of African States and liberation movements the opportunity to address the Council on African soil and by a number of specific measures in the past, the time had come to take further and bolder steps for the achievement of liberation and independence of Namibia and other African Territories under colonial rule. The Council should review the implementation of its resolutions and devise new ways to ensure compliance. Regarding the flagrant violations of Council measures in South Africa, Namibia, Rhodesia and in the Portuguese Territories and measuring these against the mandatory provision of Article 25 of the Charter, the Council had to arrest the erosion of the authority of the United Nations. The flagrant violations of the sanctions, arms embargoes etc. encouraged the South African, Rhodesian and Portuguese régimes to initiate new oppressive actions and might even lead them to new adventures of conquest. Therefore, the Council should consider what sanctions should be automatically applied to anyone violating its decisions. The United Nations and the Council should increasingly be able to apply Articles 41 and 42 of the Charter against those who defied its resolutions and decisions and who threatened peace and security or whose acts constituted an affront to the conscience of the world. Yugoslavia supported the proposals to persuade the United Kingdom to fulfil its responsibilities as the administering Power in Southern Rhodesia, to safeguard the lives and

welfare of the African majority in that country and to withdraw the Pearce Commission immediately. Everything should be done to make the United States rescind its decision of importing chrome from Rhodesia in violation of the United Nations sanctions. Among more positive, more active measures in favour of the liberation movements his Government would pay closest attention to the proposal of the Chairman of the OAU that the Council assume direct responsibility for Namibia. In order to be able to follow the implementation of its resolutions and decisions on African issues, the Council might consider both present and new practices, such as holding periodic meetings, sending missions, establishing special reporting and monitoring techniques. These could be combined with the existing structure of co-operation between the OAU and various United Nations bodies and further developed.³³

At the 1631st meeting on 31 January 1972, the representative of the USSR stated that the perpetuation of colonial and racist régimes in Africa not only resulted in suffering and insults to human dignity but also constituted a threat to the whole African continent. The Council should take immediate and effective measures to ensure the speediest possible elimination of the colonial and racist oppression of peoples. His country had taken the initiative which led to the adoption of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)) and subsequently of additional declarations reaffirming the legitimacy of the struggle of colonial peoples for their freedom and independence. He noted the strongholds of colonialism and racism in southern Africa and condemned the manifold violations of resolutions and decisions of the United Nations by the rulers of these régimes and by their imperialist supporters in defiance of Article 25 of the Charter. His Government supported the demands for the adoption and implementation of effective measures to eliminate colonialism, racism and *apartheid* in Africa.

Concerning Rhodesia, the Council should reject the British-Rhodesian settlement proposals, reaffirm that any settlement must be based on equality and universal suffrage, irrespective of race and colour; it should request the United Kingdom to eliminate the white minority régime and ensure an immediate transfer of power to the Zimbabwe people. Sanctions should not only be strictly complied with, but further increased in effectiveness and extended to South Africa and Portugal which were supporting the illegal régime. In regard to South Africa his Government advocated the strictest compliance with United Nations resolutions against *apartheid* and for an end to the occupation of Namibia by the Pretoria régime and for the independence of Namibia. South Africa could be forced to comply with Council decisions by sanctions and a trade embargo as well as the strictest possible international isolation of that régime. The sanctions should be imposed in accordance with Chapter VII of the Charter. The representative recalled that his delegation together with Guinea had submitted a draft convention on the suppression and punishment of the crime of *apartheid* to the twenty-sixth session of the General Assembly. As for Portugal, the Council should take the strictest measures against the Portuguese aggressors in order to put an end to its presence on the African continent

³⁰ 1630th meeting, paras. 53-65.

³¹ *Ibid.*, paras. 79-85.

³² *Ibid.*, paras. 94-99.

³³ *Ibid.*, paras. 120-133.

and to its attempts to encroach upon the sovereignty and independence of African States.³⁴

At the same meeting the representative of Ghana* stated that the basic issue underlying all the southern African questions was one of race and human rights. He criticized some members of the Council who distinguished between the Rhodesian question, which the Council had defined as a threat to international peace and security under Chapter VII of the Charter, and the other problems such as *apartheid*, Portuguese colonialism and others. The General Assembly, however, had condemned these, too, as threats to peace and security. To remove these threats preventive diplomacy was needed before the breach of the peace occurred. Since the problems of southern Africa were indissolubly interwoven with each other, any solutions proposed were to be aimed at all three Powers concerned: South Africa, Portugal and Rhodesia. All those who so far had given invaluable verbal support should move now to practical and concrete measures, in and out of the United Nations. As the application of political solutions was often hampered by the danger of the veto and the danger of the consensus, the Council could follow precedents, e.g. the deliberations of four permanent members about the Middle East, the strategic talks of the two super-Powers, the Vietnam negotiations, and try to promote solutions in southern Africa outside the Council debates but guided by its goals and principles.

He then suggested a number of measures for consideration by the council: The Council should issue during these meetings a declaration of support for all liberation movements struggling for their human and political rights. The Council should appeal to the ruling Governments in southern Africa to initiate procedures immediately with the leaders of the struggling peoples for the attainment of these rights. It should recommend the suspension of all plans for the political future of the African peoples which had been condemned as contrary to United Nations principles and request the renegotiation of those plans. The Council should condemn *apartheid* as contrary to the Charter and as a crime against humanity. It should call for the early review of the laws of each State concerned to achieve greater conformity with the Charter. It should adopt measures to implement the advisory opinion of the International Court of Justice on Namibia. All States should be invited to assist the liberation movements either directly or through a new United Nations fund. The Council should widen and strengthen sanctions against Rhodesia and ask Portugal and South Africa to implement them. Their failure to do so should result in a threat to consider the suspension of their membership in the United Nations. The Council should call on the major trading partners of South Africa to reduce their trade and economic relations with that country; the United States, for instance, might discontinue its sugar quota to South Africa, as it should comply with the embargo against Rhodesian chrome. All military aid to Portugal and South Africa should be stopped. South Africa should be isolated from all sports and cultural international competitions. The Secretary-General should be requested to initiate contacts with a view to securing the eventual independence of Namibia. The Council should decide not to recognize Rhodesian independence until it would be achieved on the basis of majority rule. The Council might

³⁴ 1631st meeting, paras. 46-88.

wish to initiate periodic reviews of the burning African problems as a whole at regular intervals in order to observe their development.³⁵

At the 1632nd meeting on 1 February 1972, Mr. El-Bedewi, speaking on behalf of the OAU Coordinating Committee for the Liberation of Africa, invited the Security Council to visit the liberated areas in Guinea (Bissau), Mozambique and Angola and declared that the time had come for the Council to assume its responsibilities and use all means within the Charter—including force—to uproot racism and colonialism in Africa. In conclusion he submitted several proposals formulated by the OAU Committee, which would provide *inter alia* that the Council would expressly ask all Member countries, especially the great Powers, to cease any kind of support to those colonialist Governments which might use it to suppress liberation movements; that all freedom-loving countries be urged to grant to the liberation movements recognized by OAU all necessary moral, financial and material assistance, and that the settlement in African territories currently under consideration by the Council should be negotiated with the authentic representatives of the recognized liberation movements.³⁶

Mr. dos Santos of the Mozambique Liberation Front asked the Council to persuade the United States and several West European countries as well as Japan to cease all forms of co-operation with Portugal, to make decisions of the General Assembly prohibiting the provision of arms for use in the colonies compulsory and to set up controls to verify compliance especially with respect to NATO arms. He also asked that sanctions should be taken against Portugal on account of its refusal to conform to the principles of the Charter.³⁷

At the 1633rd meeting also held on 1 February, Mr. Mueshange endorsed the proposal by the President of OAU to create a committee of the Council including its permanent members, to be entrusted with the administration of Namibia, asked for the application of Chapter VII of the Charter and consequently for the dispatch of United Nations forces to replace the oppressive South African forces. Further, the United Nations Council for Namibia should be strengthened and recognized as the legal authority in the Territory. As a last resort military action under Chapter VII should be taken against South Africa.³⁸

At the same meeting Mr. Diallo Telli, the Secretary-General of the Organization of African Unity, stressed that the effectiveness of United Nations action against colonialism, racial discrimination, and *apartheid* depended upon the direct action of the Security Council and in particular the action of its permanent members. The Council, benefitting from the full co-operation of its permanent members, could easily find ways of taking over the administration of Namibia and of organizing together with the United Kingdom a constitutional conference with the authentic representatives of the Zimbabwe people, outside the poisoned atmosphere of Rhodesia in order to permit

³⁵ *Ibid.*, paras. 150-152, 162-164.

³⁶ 1632nd meeting, paras. 53-54, 59-60.

³⁷ *Ibid.*, paras. 138-140.

³⁸ 1633rd meeting, paras. 36-42.

the people of Rhodesia to exercise freely, on the basis of majority rule, its inalienable right to self-determination and independence. The Council could also undertake measures to further the rapid decolonization of the Portuguese Territories and of South Africa. If the Portuguese and South African Governments resisted these steps, it would remain for the Council to use political, economic and military sanctions as provided for in Chapter VII of the Charter, including the expulsion or suspension of those two Governments from the United Nations until they would end colonial rule and *apartheid*. He urged the Council to recognize explicitly the legitimacy of the national liberation struggle and to step up its assistance to the liberation movements. The Council should insist that the specialized agencies earmark an important portion of their respective budgets for assistance to the victims of colonial exploitation and racial oppression in Africa, and this assistance should be supplemented by the special fund which the OAU Chairman had suggested at his opening address. Among other measures he also supported the proposal that the Council set up a watchdog committee to supervise the implementation of the arms embargo resolutions against South Africa and Portugal.³⁹

At the 1634th meeting on 2 February 1972, the representative of Belgium stated that in Rhodesia it was up to the United Kingdom as the administering Power to prepare a new régime based on majority rule and self-determination and that the Council would depart from its proper role if it tried to take the place of the administering Power. Nevertheless the Council had the right to concern itself with the application of the "test of acceptability" provided for under the British-Rhodesian agreement. In condemning the policy of *apartheid* he pointed out that his Government was opposed to the Council deciding to apply against South Africa the sanctions under Chapter VII of the Charter or other equivalent measures, such as the breaking-off of diplomatic, economic and trade relations. Such steps would force South Africa into an isolation which would strengthen its policy, whereas maintaining contacts with South Africa would keep the country aware of the unpopularity of its policy. Regarding Namibia, the Belgian delegation continued to hope that the South African Government would agree to arrangements to permit the Namibian people to exercise freely its right to self-determination. He also mentioned the appointment of a United Nations representative as a step toward the settlement of the problem.⁴⁰

At the 1635th meeting, also held on 2 February, the representative of the United Kingdom declared that Britain was facing a dilemma in that it had to choose between on the one hand, perpetuating a deadlock leading inside Rhodesia to *apartheid* and on the other hand, negotiations. His Government shared with the Governments of independent African countries and with the members of the Council the ultimate objective, but agreement was lacking as to the choice of means. His Government wanted a settlement which would provide guaranteed progress towards majority rule on a basis acceptable to the people of Rhodesia as a whole.⁴¹

The representative of the United States said that in discussing the burning issues of southern Africa everyone should be clear on the fact that the United Nations as an organization of peace could not redress wrongs by making war. Moreover the United Nations was not more than an auxiliary instrument, while the people themselves who were suffering from colonial rule and racial justice in those parts of Africa, were the primary factor in eliminating these ills. The United States Government rejected completely the system of *apartheid*, but it believed that the best means of encouraging change would be through increased communications with all elements of the population of South Africa, not through attempts at isolation. His Government had long held that the South African presence in Namibia was illegal, and had taken many steps to discourage American business from investing in that Territory. But it did not believe that the imposition of sanctions by the Security Council would result in the desired changes. Therefore, the Council should discuss ways to initiate contacts with the parties concerned to establish the necessary conditions to enable the people of Namibia to exercise their right to self-determination. In Rhodesia his Government continued to support strong mandatory economic sanctions, but refused to join other members of the Council in urging the use of force to bring about change. The Pearce Commission which had visited Rhodesia had for the first time enabled the people of Rhodesia to express their opinion in rejecting the British-Rhodesian settlement proposals. The United States was aware of the Portuguese problem. It hoped that the parties involved would explore new avenues of settlement, such as bilateral or third-party commissions. His Government consistently maintained the right to self-determination of the people in Portugal's African Territories, had informed Portugal to that effect and was still enforcing its own arms embargo against arms shipments for use in the African Territories.⁴²

The representative of India called the white Government of South Africa the most important element in the problems the Council was discussing. It was the principal agent for spreading *apartheid*, for maintaining Portugal's colonial rule over Angola, Mozambique and Guinea (Bissau), for sustaining the Smith régime in Rhodesia and for illegally occupying Namibia. No satisfactory solution to any of these problems would be found unless the Government of South Africa could be persuaded or coerced to follow a civilized policy. Concerning Rhodesia, he recommended, now that the people of Zimbabwe had rejected the Home-Smith proposals, that the British Government consider relinquishing its legal responsibility for the Territory if it did not want to exercise its administrative authority against the illegal régime. Sanctions against Rhodesia should be tightened and widened, and the Sanctions Committee of the Council should be more vigorous in pursuing and in publicizing all infringements. All communications systems to and from Rhodesia should be cut off extending to passports, visas, postal services, transports and communication systems of all kinds. The presence of the South African "police" force in Rhodesia should also be ended. As regarded Namibia, the Council for Namibia should assess taxes on foreign companies operating in Namibia and ask them to pay those taxes into a central UN fund. In case of refusal, the United Nations could sue

³⁹ 1633rd meeting, paras. 144-157.

⁴⁰ 1634th meeting, paras. 104-118.

⁴¹ 1635th meeting, paras. 20-21.

⁴² *Ibid.*, paras. 39-62.

these companies in appropriate national courts. The Organization might consider stationing a ship outside the territorial waters of Namibia with the authority to issue fishing licences within and beyond these territorial waters. If South Africa refused to comply, it could be sued for damages before the International Court of Justice. He also suggested to consider the stationing of an all-African border force along the Namibian borders with other African countries. To continue the fight against *apartheid* he advised an effective trade ban and arms embargo on South Africa. Other economic sanctions and the termination of diplomatic and consular relations should also be weighed. In order to terminate Portuguese colonialism the United Nations should immediately declare Angola, Mozambique and Guinea (Bissau) independent and free of Portuguese authority. The very presence of the Portuguese in these Territories constituted a form of aggression, and one could not consider any of these Territories, including South Africa, as a sovereign independent State until all citizens enjoyed full and equal civil rights.⁴³

The representative of France recalled that successful decolonization had been carried out since 1945 under the provisions of Chapters XI and XII of the Charter. The accumulation of 128 resolutions on this issue since 1960 had been in vain and reflected a wrong approach. While there was agreement on the objectives to be attained—freedom, self-determination and independence for the peoples of Namibia, Rhodesia, Angola, Mozambique and Guinea (Bissau) as well as for the victims of *apartheid*, no real progress could be achieved without the participation of Portugal and South Africa and, in the case of Rhodesia, of Great Britain. The alternative would have to be violence and war, which nobody would wish to propose for the United Nations and for southern Africa. Concerning Rhodesia, his delegation would suggest not to stop the consultation process involving the Pearce Commission in order to get the full report from the British Government, and to ask the United Kingdom to take immediate measures for the protection of the life and well-being of the African majority against brutality and repression. As regarded Namibia, his Government renewed the call for a negotiation between the United Nations and South Africa for an international régime over Namibia under which its people could decide their destiny freely. The new Secretary-General, with the support of the Council and in constant consultation with its five permanent members, should begin these negotiations with the Government of South Africa immediately, and the Council should set a period of six months at the end of which the Secretary-General should present his report. This process for Namibia ought to be exemplary for the other problems also to be resolved.⁴⁴

At the beginning of the 1636th meeting on 3 February 1972, the President announced that the delegations of Guinea, Somalia and Sudan had jointly submitted a draft resolution⁴⁵ relating to the situation in Southern Rhodesia.⁴⁶

⁴³ 1635th meeting, paras. 85-95.

⁴⁴ *Ibid.*, paras. 110-131.

⁴⁵ S/10606, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 82-83.

⁴⁶ 1636th meeting, para. 1.

The representative of Burundi* suggested that a world conference be held dealing with the complete and final elimination of racial subjugation and colonial domination in Africa, and he proposed that the Council request from the OAU a "Plan for a liberated Africa" which would establish a time-limit for accession by all countries to independence and for the elimination of *apartheid*; it would also include *inter alia* the dispatch of periodic missions from the Security Council to check the progress in implementing the plan.⁴⁷

At the same meeting the representative of Somalia stated that following the decision of the International Court of Justice, his Government had hoped that the Council would have asked all Member States to take positive action, collectively, to ensure the withdrawal of South Africa from Namibia, but unfortunately, the situation had remained the same. His Government, therefore, proposed that the Council should declare that any further refusal by South Africa to withdraw would constitute an act of aggression against Namibia and a threat to international peace and security within the context of Chapter VII of the Charter. Since the Council had recognized the right of the people to resist an illegal occupation, it should provide the Namibian liberation forces with the necessary assistance against South Africa's illegal presence. The Council should ensure that the arms embargo imposed on South Africa, the significance of which for Namibia had been recognized in Security Council resolution 283 (1970) be fully implemented. All relations with or involving Namibia should be entered into or maintained through the United Nations in order to have legal effect. Actual or potential foreign investors should be prevailed upon by their Governments to desist from making investments until the situation in Namibia had been solved to the satisfaction of the United Nations.

Regarding the situation in the Territories under Portuguese control, direct United Nations intervention had become necessary to save the lives of the valiant people in those Territories and to stop the senseless wars Portugal was waging against Africa. Portugal should be subjected to an arms embargo and be forced to grant the people the right of self-determination and independence.

Turning to Rhodesia, the Somali representative emphasized the rejection of the British-Rhodesian agreement by the African people and asked what the British Government intended to do at this point. His own Government had rejected the so-called agreement because it did not entail fundamental changes from the 1969 rebel constitution; because it deliberately ignored the cardinal principle of "no independence before majority rule"; because the so-called test of acceptability was meaningless in the absence of a referendum involving the people of Zimbabwe; because the implementation of the settlement was left to the good will of the rebel régime; because the terms of the "settlement" were concluded behind the backs of the African population and its legitimate representatives; and because the British Government aimed to seek face-saving means and to confer legal independence on the minority régime in defiance of United Nations resolutions and world opinion.

The representative of Somalia then introduced a draft resolution (S/10606), sponsored by Guinea, Somalia and the Sudan.

⁴⁷ *Ibid.*, paras. 17-22.

The draft resolution, in its operative part, would provide *inter alia* for (1) the reaffirmation by the Council that the situation in Southern Rhodesia constituted a threat to international peace and security, for (2) the Council's regret over the failure of the United Kingdom to bring the rebellion in Rhodesia to an end; (3) the Council would condemn the recent killings, woundings and detention of civilians carried out by the illegal régime; (4) the Council would call upon the United Kingdom to safeguard the lives and welfare of the African people against further brutal and repressive acts by the illegal régime; (5) the Council would urge the British Government not to implement the "settlement" proposals, taking into account the overwhelming African opposition to these proposals; (6) the Council would express its firm belief that a solution to the situation in Southern Rhodesia required that a constitutional conference should be convened, without delay, in which the African people, through their genuine representatives, would be able to participate in the formulation of new proposals for the constitutional advancement of their country; (7) it would urge the United Kingdom Government to convene such a constitutional conference as a matter of urgency; (8) it would call upon Member States to take more stringent measures in order: to assure full implementation of sanctions and to prevent any circumvention by their nationals, organizations, companies and other institutions of their nationality, of the decisions taken by the Security Council in resolutions 232 (1966) and 253 (1968), all provisions of which should remain fully in force; (9) it would call upon South Africa to withdraw immediately its police and armed forces from the territory of Southern Rhodesia.⁴⁸

At the beginning of the 1637th meeting, also held on 3 February, the President drew the attention of the Council members to the four additional draft resolutions which had been submitted to the Council: S/10607, sponsored by Guinea, Somalia and Sudan;⁴⁹ S/10376/Rev.2, sponsored by Argentina,⁵⁰ S/10608, sponsored by Guinea, Somalia and Sudan;⁵¹ and S/10609, sponsored by Guinea, India, Somalia, Sudan and Yugoslavia.⁵²

The representative of Guinea, speaking also on behalf of Somalia and Sudan, introduced the draft resolution (S/10607) on the Territories under Portuguese domination, under the preamble of which the Council would *inter alia* acknowledge the statements by the representatives of the liberation movements of Guinea (Bissau), Angola and Mozambique; deplore the fact that Portugal had failed to implement the pertinent resolutions of the Council, which were the only means to achieve a peaceful solution of the Territories; further deplore the policies and actions of those States which, in disregard of the repeated appeals addressed to them by the United Nations, continued to assist Portugal in its colonial policies; recognize that the liberation movements in Angola, Mozambique and Guinea (Bissau)

represented the authentic voice of the African people in these territories; and note with satisfaction the progress towards national independence and freedom made by the national liberation movements, both through their struggle and reconstruction programmes. Under the operative part of the draft resolution, the Council would *inter alia* (4) reaffirm its urgent demand to Portugal for: (b) ... the withdrawal of all the military and other forces at present employed for that purpose; (d) negotiations, on the basis of the recognition of the right to self-determination and independence, with the genuine representatives of the people of the Territories with a view to the transfer of power to political institutions freely elected and representatives of the peoples, in accordance with resolution 1514 (XV); (e) the granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples; (7) invite all States and the specialized agencies and other organizations within the United Nations system in consultation with the Organization of African Unity, to render to the peoples of the Territories, in particular the population in the liberated areas, all the moral and material assistance necessary to continue their struggle for the restoration of their inalienable right to self-determination and independence; and (8) further urge all States to take all appropriate measures to prevail upon the Government of Portugal to abide by the provisions of this resolution.

In conclusion, the representative of Guinea stated that the sponsors were open to suggestions for changes and improvements of the draft.⁵³

At the same meeting, the representative of Argentina introduced the revised text (S/10376/Rev.2) of the draft resolution,⁵⁴ which he had originally submitted to the Council at its 1598th meeting on 20 October 1971 during the discussion of the situation in Namibia and which had been revised as a result of consultations with the African Group and with all Council members. In paragraph 1 of the proposed draft resolution, the Council would invite the Secretary-General, in consultation with a group of the Council, the membership of which remained to be determined, to initiate contacts with all parties concerned, with a view to establishing the necessary conditions for the people of Namibia to exercise their right to self-determination and independence.⁵⁵

The representative of Italy proposed that the group of the Security Council, provided for in the Argentinian draft resolution, should be composed of the representatives of Argentina and Somalia.⁵⁶

At the same meeting the representative of India introduced the draft resolution (S/10609), co-sponsored by Guinea, India, Somalia, Sudan and Yugoslavia and relating to the question of *apartheid* and race conflict in South Africa, in the operative part of which the Council would *inter alia* (5) call upon all States ... to deny all military co-operation to the South African Government; and (8) decide to establish a committee of the Council to study

⁴⁸ 1636th meeting, paras. 47-88.

⁴⁹ S/10607, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 83-84.

⁵⁰ S/10376/Rev.2, adopted without change as resolution 309 (1972).

⁵¹ S/10608, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, p. 84.

⁵² S/10609, *ibid.*, pp. 84-85. For President's statement see 1637th meeting, para. 9.

⁵³ 1637th meeting, paras. 10-24.

⁵⁴ S/10376, *OR* 26th yr. *Suppl. for Oct.-Dec. 1971*, p. 27.

⁵⁵ 1637th meeting, paras. 28-49.

⁵⁶ *Ibid.*, para. 53.

and report urgently on ways and means to implement the resolutions of the Council on this question of *apartheid*.⁵⁷

The representative of Yugoslavia introduced a second draft resolution (S/10608) on Namibia, co-sponsored by Guinea, Somalia, Sudan and Yugoslavia.⁵⁸

The representative of the USSR called it a major task of the Council and primarily all its permanent members to provide support and assistance to the enslaved peoples of the south of Africa and not to protect the oppressors and enslavers of these peoples. He declared his delegation's intention to support and vote for the various draft resolutions. Referring to the Italian proposal with regard to the group of the Council under draft resolution S/10376/Rev.2 on Namibia, he suggested to enlarge the group to five members and to include the representatives of Guinea, India and Yugoslavia in addition to those named by Italy.⁵⁹

Following further discussion of this issue, the representative of Somalia suggested to follow customary practice and ask the President to establish the composition of the group through consultations with the members of the Council.⁶⁰

At the 1638th meeting on 4 November 1972, the representative of Yugoslavia drew the attention of the Council to the revised text⁶¹ of draft resolution S/10608, which had been arrived at through consultations with members of the Council. The revisions included, *inter alia*, the deletion of a reference to Article 25 of the Charter of the United Nations from the eighth preambular and the deletion of the phrase "... and has grave consequences as concerns international peace and security" from paragraph 6.⁶²

At the same meeting, after a procedural discussion concerning the priority of various draft resolutions before the Council,⁶³ the President stated that, following consultations with all the members of the Council, it had been agreed that the group of the Council to which the Argentine draft resolution (S/10376/Rev.2) referred, would consist of the representatives of Argentina, Somalia and Yugoslavia.⁶⁴ The Council proceeded then to vote on the revised Argentine draft resolution and adopted it by 14 votes to none; one member did not participate in the voting.⁶⁵ The resolution read as follows:

The Security Council,

Having examined further the question of Namibia and without prejudice to other resolutions adopted by the Security Council on this matter,

Recognizing the special responsibility and obligation of the United Nations towards the people and Territory of Namibia,

⁵⁷ 1637th meeting, paras. 64-78.

⁵⁸ *Ibid.*, paras. 87-96.

⁵⁹ *Ibid.*, paras. 107-115.

⁶⁰ *Ibid.*, para. 182. For further discussion of this issue, see Chapter V of this *Supplement*, case 10.

⁶¹ S/10608/Rev.1, adopted without change as resolution 310 (1972).

⁶² 1638th meeting, paras. 6-16.

⁶³ For further discussion see chapter I, part V, case 25.

⁶⁴ 1638th meeting, para. 99.

⁶⁵ *Ibid.*, para. 102. Adopted as resolution 309 (1972).

Reaffirming once again the inalienable and imprescriptible right of the people of Namibia to self-determination and independence,

Reaffirming also the national unity and territorial integrity of Namibia,

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

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

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

The Council then proceeded to vote on the revised four-Power draft resolution (S/10608/Rev.1), which was adopted by 13 votes to none, with 2 abstentions.⁶⁶ The resolution read as follows:

The Security Council,

Taking note of the statement of the President of the Islamic Republic of Mauritania, in his capacity as current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity,

Taking note of the statement of the President of the United Nations Council for Namibia,

Gravely concerned over the present situation in Namibia and the repressive measures of the South African Government, following the strike of the African contract labourers in the country and the widespread and increasing manifestations of African resistance to the illegal occupation of the Territory by the South African Government,

Convinced that the Security Council, as a matter of urgency, should find ways and means to enable the people of the Territory to achieve self-determination and independence,

Conscious of the need for full co-operation of all Member States, in particular the permanent members of the Security Council and the main trading partners of South Africa, for this purpose,

Recalling its previous resolutions and those of the General Assembly pertaining to Namibia,

Conscious of the special responsibilities of the United Nations towards the people and Territory of Namibia,

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

Reaffirming the inalienable right of the people of Namibia to self-determination and independence, in accordance with General Assembly resolution 1514 (XV) of 14 December 1960,

Reaffirming also the national unity and territorial integrity of Namibia,

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

2. *Reaffirms* that the continued occupation of Namibia by the South African authorities is illegal and detrimental to the interests of the people of Namibia;

3. *Declares* that the defiant attitude of South Africa towards the decisions of the Security Council undermines the authority of the United Nations;

4. *Strongly condemns* the recent repressive measures against the African labourers in Namibia, and calls upon the Government of

⁶⁶ *Ibid.*, para. 103. Adopted as resolution 310 (1972).

South Africa to end immediately these repressive measures and to abolish any labour system which may be in conflict with the basic provisions of the Universal Declaration of Human Rights;

5. *Calls upon* all States whose nationals and corporations are operating in Namibia notwithstanding the relevant provisions of Security Council resolution 283 (1970) to use all available means to ensure that such nationals and corporations conform, in their policies of hiring Namibian workers, to the basic provisions of the Universal Declaration of Human Rights;

6. *Considers* that the continued occupation of Namibia by the Government of South Africa in defiance of the relevant resolutions of the United Nations and of the Charter creates conditions detrimental to the maintenance of peace and security in the region;

7. *Calls upon* South Africa to withdraw immediately its police and military forces as well as its civilian personnel from the Territory of Namibia;

8. *Decides* that, in the event of failure on the part of the Government of South Africa to comply with the present resolution, the Security Council shall meet immediately to decide upon effective steps or measures, in accordance with the relevant Chapters of the Charter, to secure the full and speedy implementation of the present resolution;

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

At the beginning of the 1639th meeting, also held on 4 February, the President announced that the Council would first discuss the draft resolution on Southern Rhodesia (S/10606), followed by the five-Power draft resolution on *apartheid* (S/10609/Rev.1) and an as yet unavailable revision of the draft resolution concerning the Portuguese Territories, which had originally been circulated in document S/10607.⁶⁷

Speaking in explanation of vote, the representative of the United Kingdom reiterated that his Government could not accept a directive to change its policy while it was in the process of being worked out. The draft resolution on Southern Rhodesia (S/10606) recommended courses of action which were unrealistic and impracticable. His delegation therefore could not accept the draft resolution.⁶⁸

Then the Council voted on the draft resolution sponsored by Guinea, Somalia and Sudan, which received 9 votes in favour to 1 against, with 5 abstentions and was not adopted owing to the negative vote of a permanent member of the Council.⁶⁹

Taking up the draft resolution on the question of *apartheid*, the representative of India introduced a revised text (S/10609/Rev.1)⁷⁰ in which the words "and to deny all military co-operation to the South African Government" in paragraph 5 and the old paragraph 8 had been deleted.⁷¹

Subsequently, the Council voted on the revised five-Power draft resolution (S/10609/Rev.1), which was adopted by 14 votes to none with 1 abstention.⁷²

The resolution read as follows:

The Security Council,

Noting with grave concern the aggravation of the situation in South Africa resulting from the continued intensification and

expansion of the policies of *apartheid* and repression by the Government of South Africa,

Having heard the statements of those individuals invited to address the Council on this question,

Taking note of the statement of the representative of the Special Committee on *Apartheid*,

Deploring the persistent refusal of the Government of South Africa to implement the resolutions adopted by the Security Council in order to promote a peaceful solution in accordance with the Charter of the United Nations,

Gravely concerned that the situation in South Africa seriously disturbs international peace and security in southern Africa,

Noting the continued military build-up and strengthening of its military capability by the Government of South Africa,

Convinced that urgent measures must be taken by the Security Council to secure implementation of its resolutions and thereby promote a solution to the grave situation in South Africa and southern Africa,

1. *Condemns* the Government of South Africa for continuing its policies of *apartheid* in violation of its obligations under the Charter of the United Nations;

2. *Reiterates* its total opposition to the policies of *apartheid* of the Government of South Africa;

3. *Recognizes* the legitimacy of the struggle of the oppressed people of South Africa in pursuance of their human and political rights, as set forth in the Charter and the Universal Declaration of Human Rights;

4. *Urgently calls upon* the Government of South Africa to release all persons imprisoned, interned or subjected to other restrictions as a result of the policies of *apartheid*;

5. *Calls upon* all States to observe strictly the arms embargo against South Africa;

6. *Urges* Governments and individuals to contribute generously and regularly to the United Nations funds which are used for humanitarian and training purposes to assist the victims of *apartheid*;

7. *Commends* the inter-governmental organizations, non-governmental organizations and individuals for assisting in the education and training of South Africans and urges those who do not to begin and those who do to expand their efforts in this field;

8. *Decides*, as a matter of urgency, to examine methods of resolving the present situation arising out of the policies of *apartheid* of the Government of South Africa.

Following a brief suspension of the meeting,⁷³ the Council, on 5 February, took up the discussion of the draft resolution regarding the Portuguese Territories. The representative of Guinea, on behalf of the three sponsors of draft resolution S/10607, submitted a revised text,⁷⁴ which was the result of the consultations with other Council members and contained numerous changes in the pre-ambular and operative parts.⁷⁵ The sponsors also agreed to incorporate an amendment to paragraph 4 (c), proposed orally by the representative of Japan, which read: "To withdraw all its armed forces at present employed for the purpose of repression against the people of Angola, Mozambique and Guinea (Bissau)."⁷⁶

The Council then proceeded to vote upon the revised draft resolution (S/10607/Rev.1), which was adopted by 9 votes to none, with 6 abstentions.⁷⁷

⁶⁷ 1639th meeting, para. 1.

⁶⁸ *Ibid.*, paras. 43-44.

⁶⁹ *Ibid.*, para. 48.

⁷⁰ Adopted without change as resolution 311 (1972).

⁷¹ 1639th meeting, paras. 77-79.

⁷² *Ibid.*, para. 194. Adopted as resolution 311 (1972).

⁷³ 1639th meeting, para. 121.

⁷⁴ S/10607/Rev.1, adopted as resolution 312 (1972).

⁷⁵ *Ibid.*, paras. 124-137.

⁷⁶ *Ibid.*, paras. 148, 152, 154, 160.

⁷⁷ *Ibid.*, para. 161. Adopted as resolution 312 (1972).

The resolution read as follows:

The Security Council,

Having reviewed the situation in the African territories under Portuguese administration,

Having heard the statements of those individuals invited to address the Council on this question,

Taking note of the statement of the Chairman of the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Gravely concerned that the Government of Portugal is continuing its measures of repression in its military operations against the African peoples of Angola, Mozambique and Guinea (Bissau), in order to suppress the legitimate aspirations of the peoples for self-determination and independence,

Deploring the refusal of the Government of Portugal to implement the pertinent resolutions of the Security Council, adopted on the question of the Territories under Portuguese administration, in accordance with the purposes and principles of the Charter of the United Nations,

Further deploring the policies and actions of those States which continue to provide Portugal with military and other assistance, which it uses to pursue its colonial and repressive policies against the peoples of Angola, Mozambique and Guinea (Bissau),

Seriously concerned at the repeated violations by the armed forces of Portugal of the sovereignty and territorial integrity of independent African States,

Deeply disturbed at the reported use of chemical substances by Portugal in its colonial wars against the peoples of Angola, Mozambique and Guinea (Bissau),

Recognizing the legitimacy of the struggle of the liberation movements in Angola, Mozambique and Guinea (Bissau) in their demand for the achievement of self-determination and independence,

1. *Reaffirms* the inalienable right of the peoples of Angola, Mozambique and Guinea (Bissau) to self-determination and independence, as recognized by the General Assembly in its resolution 1514 (XV) of 14 December 1960, and recognizes the legitimacy of their struggle to achieve that right;

2. *Condemns* the persistent refusal of the Government of Portugal to implement General Assembly resolution 1514 (XV) and all other relevant resolutions of the Security Council;

3. *Again affirms* that the situation resulting from the policies of Portugal both in its colonies and in its constant provocations against the neighbouring States seriously disturbs international peace and security in the African continent;

4. *Calls upon Portugal:*

(a) To recognize immediately the right of the peoples of the Territories under its administration to self-determination and independence, in accordance with General Assembly resolution 1514 (XV);

(b) To cease immediately the colonial wars and all acts of repression against the peoples of Angola, Mozambique and Guinea (Bissau);

(c) To withdraw all its armed forces as presently employed for the purpose of the repression of the peoples of Angola, Mozambique and Guinea (Bissau);

(d) To promulgate an unconditional political amnesty and the restoration of democratic political rights;

(e) To transfer power to political institutions freely elected and representative of the peoples, in accordance with General Assembly resolution 1514 (XV);

5. *Again calls upon* Portugal to refrain from any violations of the sovereignty and territorial integrity of African States;

6. *Calls upon* all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the peoples of the Territories under its administration, and to take all the necessary measures to prevent the sale and supply of arms and military equipment to the Portuguese

Government for this purpose, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition to be used in the Territories under Portuguese administration;

7. *Requests* the Secretary-General to follow the implementation of the present resolution and report to the Security Council from time to time.

At the conclusion of the 1639th meeting, the President, with the authorization of the members of the Council, made a statement of consensus on behalf of the Council expressing gratitude to the host country, in particular the Emperor and Government of Ethiopia.⁷⁸

THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA RESULTING FROM THE POLICIES OF APARTHEID OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

In the course of its meetings in Addis Ababa, the Security Council considered among other issues the question of *apartheid* in South Africa and adopted resolution 311 (1972) relating to this item.⁷⁹

THE SITUATION IN SOUTHERN RHODESIA

Decision of 28 February 1972 (1645th meeting): resolution 314 (1972)

By letter⁸⁰ dated 15 February 1972 addressed to the President of the Security Council, the representatives of Guinea, Somalia and Sudan requested that the Council meet to resume consideration of the problem of Southern Rhodesia. They also included a request that the Council extend an invitation in accordance with rule 39 to Mr. Abel Muzorewa, Chairman of the African National Council of Zimbabwe, to address the Council.

At its 1640th meeting on 16 February 1972, the Council included the letter by the three representatives together with the fourth report⁸¹ and the interim report⁸² of the Committee established in pursuance of Security Council resolution 253 (1968) in its agenda. Following the adoption of the agenda, the Council decided without objection to extend an invitation to Mr. Muzorewa, as requested.⁸³ At the same meeting, the representative of Saudi Arabia was also invited, at his request, to participate without the right to vote in discussion.⁸⁴ The item on the agenda was considered at the 1640th to 1642nd and the 1645th meetings from 16 to 25 and on 28 February 1972.

At the 1640th meeting, Mr. Muzorewa said that the African National Council which he represented had been

⁷⁸ 1639th meeting, para. 178. For the text of the statement see also, *SCOR, 27th yr., Resolutions and Decisions of the Security Council 1972*, p. 3.

⁷⁹ For relevant proceedings see in this chapter the procedural history of the meetings in Addis Ababa under the heading "Consideration of questions relating to Africa with which the Security Council is currently seized and the implementation of the Council's resolutions", esp. p. 101.

⁸⁰ S/10540, *OR, 27th yr., Suppl. for Jan.-March 1972*, p. 50.

⁸¹ S/10229 and Add.1 and 2, *OR, 26th yr., Special Suppl. No. 2*.

⁸² S/10408, *OR, 26th yr., Suppl. for Oct.-Dec. 1971*, pp. 78-79.

⁸³ 1640th meeting, para. 1-2.

⁸⁴ *Ibid.*, paras. 56-57.

formed in December 1971 with the objective to explain and expose the dangers of accepting the Anglo-Rhodesian settlement proposals and to co-ordinate the campaign for their non-violent rejection by the African people of the country. He declared that these proposals were based on the illegal and racist 1969 Rhodesia Front Constitution and that their claim to provide majority rule was ridiculed by constitutional experts. Before and after the Unilateral Declaration of Independence (UDI), the British Government had excluded the African leaders from its dialogue with the Rhodesian authorities. The ANC demanded that the Rhodesian problem should not be settled without the active participation of the African people in the negotiations leading to such a settlement and that the settlement should not legalize UDI and the Republican Constitution. The ANC called on the Security Council to press the United Kingdom to honour the principles of General Assembly resolution 1514 (XV) of 14 December 1960 on the Granting of Independence to Colonial Countries and Peoples and to maintain the prohibition of economic or diplomatic relations with the Smith régime. The Africans accepted sanctions as a price for their freedom and rejected any claim that sanctions should be lifted to alleviate African suffering.

The ANC also urged the Council and the States supporting the cause of human freedom to intensify sanctions by fully blockading the ports of Beira and Lourenço Marques under Chapter VII of the Charter for all goods exported from or imported into Rhodesia. Mr. Muzorewa decried the resumption by the United States of the purchase of chrome from Rhodesia, which in his opinion had no other purpose than to boost the morale of the racist régime, and suggested an investigation whether the United States violated the law; if this were the case, the violation should be brought before the International Court of Justice. He also asked the Council to confer proper international refugee status upon the refugees and to grant asylum to those who have to leave the territory. He expressed the hope that Member States would at least stop the immigration of their citizens into Rhodesia, in accordance with Security Council resolution 253 (1968). The ANC did not seek to expel the white settlers from the country; it tried to achieve peaceful and just racial coexistence in order to avoid the impending bloodshed and was willing to pay the price of repatriation for those who wanted to leave under majority rule. His organization was prepared to frame a constitution acceptable to the Africans and those white people who accepted non-racism and majority rule.⁸⁵

The representative of Somalia deplored that the preoccupation with the Anglo-Rhodesian proposals seemed to weaken the resolve to make sanctions workable and enforceable. The Council had in the past been of one mind on this task, but recently the reports about violations of the sanctions had increased markedly. He emphasized the set of recommendations unanimously adopted by the Sanctions Committee and contained in the supplementary report, whereby the Committee tried to impress upon the international community the need to enforce sanctions vigorously. He hoped the Council would at its next meeting take

up these recommendations and in this manner underline the importance it attached to its own decisions.⁸⁶

The representative of the USSR stated that Mr. Muzorewa's statement as well as the information presented by the representative of ZAPU and ZANU at Addis Ababa showed conclusively that the African people of Zimbabwe rejected the British-Rhodesian proposals categorically and unanimously. He stressed once again that his Government sharply condemned the deal between Britain and the racist Smith régime and rejected the unworthy manoeuvres designed to lend this minority régime a respectable character. He called upon Britain to renounce the agreements with Rhodesia and to implement the measures proposed by the African spokesmen at Addis Ababa, including negotiations and a constitutional conference with the participation of the authentic representatives of the people of Zimbabwe. In conclusion he reiterated his Government's support for effective measures to eliminate the racist régime in Southern Rhodesia and to enable the people of Zimbabwe to exercise its legitimate right to self-determination and independence.⁸⁷

The representative of the United Kingdom expressed doubt that Mr. Muzorewa spoke for all Africans in Southern Rhodesia, and he reminded the Council that Bishop Muzorewa himself had spoken in favour of the Pearce Commission completing its task. His delegation had therefore been arguing that the Council should suspend its judgement on the proposals until the results were known.⁸⁸

At the beginning of the 1641st meeting on 24 February 1972, the President drew the attention of the members of the Council to the draft resolution which had been submitted by Guinea, Somalia and the Sudan.⁸⁹

At the same meeting, the representative of Somalia commented on the fourth report of the Sanctions Committee and suggested that the mandate of the Committee should be widened so that it would collect, sift and analyse all reports of known or suspected violations of sanctions, whatever the source, and that it should be provided with the necessary machinery to attain those objectives. The proposal by Bishop Muzorewa to extend the sanctions by a blockade of Beira and Lourenço Marques under Chapter VII had also been discussed in the Committee, but no agreement had been reached on it. The Council could not make its decisions effective if it did not stop Portugal's and south Africa's defiance of obligations under Article 25 of the Charter. The continuation of sanctions did not depend on the outcome of the British-Rhodesian arrangements, but on the decision of the Security Council. Turning to the recommendations contained in the interim report of the Committee, he briefly recalled that the decision of the United States to permit the import of Rhodesian chrome ore had led to the urgent call of the three African members for a meeting of the Committee to review the American decision. There was unanimity among the 15 members of the Committee to address a report to the Council which would recall the decision of the Council to impose sanctions under Chapter VII and the obligation imposed on

⁸⁶ *Ibid.*, paras. 27-29.

⁸⁷ *Ibid.*, paras. 30-41, 61.

⁸⁸ *Ibid.*, paras. 46-48.

⁸⁹ 1641st meeting, opening statement by the President. S/10541, *OR*, 27th yr., *Suppl.*, for Jan.-March 1972, pp. 50-51.

⁸⁵ 1640th meeting, para. 3-20.

all Member States to prevent the import of Rhodesian commodities and products. As suggested by the Committee, the Council should state that any legislation or other measure permitting the import of Rhodesian chrome weakened the effectiveness of the sanctions, and it should call upon all States not to take any such act violating the provisions of resolution 253 (1968).

The representative of Somalia then introduced the draft resolution co-sponsored by the delegations of Guinea and Sudan. The draft was based primarily on the recommendations of the Committee and designed to assure the international community that the sanctions would continue to be carried out against Southern Rhodesia without exception so as to bring the illegal rebellion to an end.⁹⁰

The representative of France expressed general support for the draft resolution, but suggested several changes in the operative part. With regard to paragraph 1, he commented that the original purpose of the sanctions had been defined as being the end of the illegal régime, whereas the draft resolution indicated the exercise of the right of self-determination, and he proposed to restore the initial formulation to maintain the Council's flexibility of action and perhaps to reaffirm the right to self-determination in another paragraph. Concerning paragraph 2, he pointed out that not all resolutions pertaining to Rhodesia were mandatory, since only some of them had been adopted under Chapter VII. Therefore, it would be more accurate to urge the full implementation of all mandatory resolutions or to list the three resolutions that fell under that category. Obviously, Article 25 could not be applied to resolutions which were not adopted within the framework of Chapter VII.⁹¹

The representative of China stated that his Government and the Chinese people supported the recent resolution of the Organization of African Unity calling for widening the sanctions against the racist régime of Rhodesia and for imposing sanctions upon South Africa and Portugal for their refusal to implement the resolutions of the Security Council. The Council should also sternly condemn the violation by the United States of the sanctions imposed by the United Nations. In view of reports about covert import of Rhodesian chrome by certain big Powers his delegation deemed it necessary to entrust the Council Committee on sanctions and other related United Nations organs with serious investigations into these violations of the sanctions. In conclusion he announced that his delegation supported the draft resolution.⁹²

The representative of India suggested that the draft resolution needed further consideration and had to be improved in particular in the first three paragraphs. He noted that while the new United States legislation, if enacted, would violate the sanctions, many other Governments had been violating those provisions since their adoption. The Council could not stop with the draft resolution but should go much more deeply into the matter, strengthen and broaden the sanctions, publicize violations and make every effort to discover and stop leakages and to improve the machinery. Some improvement in the working methods of the Committee on sanctions

might be necessary, or the Council itself should deal with the report in a much more thorough fashion than it had done so far.⁹³

At the 1642nd meeting on 25 February 1972, the representative of the USSR criticised what he called the tactic of representatives of some Western countries to block the adoption by the Committee of concrete recommendations the implementation of which would strengthen the effectiveness of the sanctions. He alleged that these representatives tried to divert the Committee's work into technicalities and to prevent it from fulfilling its political mandate. He added that with the action of the United States the Council faced a new situation. In view of the violation of the sanctions by South Africa, Portugal and the United States he drew the attention of the Council to the General Assembly resolutions 2765 (XXVI) and 2796 (XXVI) and emphasized that sanctions under Chapter VII were not only binding but also enforcement measures in their substance. He recalled resolution 277 in which the permanent members of the Council were identified as especially responsible for the implementation of the sanctions and he cited Article 25 as further confirmation of the compulsory nature of sanctions. He urged the Council to accept the proposals of the African countries and of the Sanctions Committee and to expand the scope of sanctions against Rhodesia, to apply strict sanctions against South Africa and Portugal in accordance with resolution 2796 (XXVI), and to demand from the Government of the United States unconditional compliance with its obligations under the Charter with regard to the sanctions against Southern Rhodesia.⁹⁴

The representative of Somalia introduced the revised draft resolution⁹⁵ which incorporated suggestions by France, India and other members. In the second preambular paragraph the word "Reaffirming" would be replaced by "Recalling". Paragraphs 1, 2, 3, and 6 had undergone considerable changes reflecting mainly the French comments. In conclusion he reaffirmed that even if the rebel régime were accorded legal recognition, the responsibility of the United Nations to ensure that the illegal régime would be brought to an end and that the people of the Territory could exercise their right to self-determination, would in no way end.⁹⁶

The representative of Saudi Arabia* called sanctions desirable, but not implementable, because economic considerations would always tend to outweigh political objectives, and he called for effective measures that would really hurt the Rhodesian régime, such as an appeal to African workers in the chrome ore industry to boycott Rhodesia's most profitable industry by strike, combined with the establishment of a special UN fund to support these workers during the strike. Such steps would help to accelerate the process of self-determination.⁹⁷

The President, speaking as the representative of Sudan, declared that the draft resolution called for no more than

⁹⁰ 1641st meeting, intervention by Somalia.

⁹¹ *Ibid.*, intervention by France.

⁹² *Ibid.*, intervention by China.

⁹³ *Ibid.*, intervention by India.

⁹⁴ 1642nd meeting, paras. 3-33.

⁹⁵ S/10541/Rev.1 adopted with a small change as resolution 314 (1972).

⁹⁶ 1642nd meeting, paras. 35-46.

⁹⁷ *Ibid.*, paras. 52-67.

the full application of sanctions against Southern Rhodesia and for the compliance of all Member States with their obligations in this respect.⁹⁸

At the 1645th meeting on 28 February 1972, the representative of Belgium, in expressing his delegation's support for the draft resolution, commented on paragraph 6 in which the Sanctions Committee was once again charged with the double task of studying and recommending the means to ensure the implementation of sanctions; he pointed out that the provision that the Committee itself could make suggestions on its terms of reference went beyond the purely technical mandate issued to it under resolutions 253 (1968) and 277 (1970), but his delegation would nevertheless vote for paragraph 6 with understanding that the Council gave the Committee the authority to prepare recommendations on its terms of reference without, however, making this obligatory, as was the case with the terms of reference in its previous resolution.⁹⁹

The representative of France expressed his appreciation for the acceptance by the sponsors of his delegation's suggestions and declared that his delegation would vote for the draft resolution. Commenting on paragraph 6 he wondered whether the stipulated date of 1 April 1972 for submission of the Committee's special report could not be changed to 15 April to allow the Committee to complete its task under the draft resolution.¹⁰⁰

This suggestion was accepted by the representative of Somalia on behalf of the sponsors.¹⁰¹

Addressing himself to the criticism voiced against his Government's decision to lift the sanctions on Rhodesian chrome ore, the representative of the United States stated that the decision had been necessitated by considerations of national security. He pointed out that the sanctions against Rhodesian chrome were violated on a large scale by many countries including members of the Council. These allegations should be investigated. He recalled that his Government had been unable to obtain general agreement that where there was reasonable doubt about the origin of imported minerals, those minerals should be subject to effective chemical tests. His Government proposed that the Council ask the Committee to request from Governments periodic reports on the importation of strategic minerals from all sources. Such reports would greatly assist the Committee to obtain a fuller picture of on-going trade with Rhodesia. In the case of questionable shipments the Committee could request and obtain samples of such shipments and test them chemically to determine their origin. His Government would be prepared to co-operate fully in this effort. In conclusion he announced his delegation's abstention on the draft resolution because it could not accept those parts of the draft resolution which directly or indirectly affected laws which had been adopted and had to be implemented under the Constitution of the United States.¹⁰²

Subsequently, the representative of Somalia requested a separate vote on paragraph 1.¹⁰³ Paragraph 1 was adopted by 14 votes to none, with 1 abstention. The draft resolution as a whole was adopted by 13 votes in favour to none against, with 2 abstentions.¹⁰⁴ It read as follows:

The Security Council,

Having considered the recent developments concerning the question of Southern Rhodesia,

Recalling its resolutions 216 (1965) of 12 November 1965, 217 (1965), of 20 November 1965, 221 (1966) of 9 April 1966, 232 (1966) of 16 December 1966, 253 (1968) of 29 May 1968, 277 (1970) of 18 March 1970 and 288 (1970) of 17 November 1970,

Gravely concerned that certain States have not complied with the provisions of resolution 253 (1968), contrary to their obligations under Article 25 of the Charter of the United Nations,

Taking into account the fourth report of the Committee established in pursuance of Security Council resolution 253 (1968) and its interim report of 3 December 1971,

Acting in accordance with previous decisions of the Security Council on Southern Rhodesia, taken under Chapter VII of the Charter,

1. *Reaffirms* its decision that the present sanctions against Southern Rhodesia shall remain fully in force until the aims and objectives set out in resolution 253 (1968) are completely achieved;

2. *Urges* all States to implement fully all Security Council resolutions establishing sanctions against Southern Rhodesia, in accordance with their obligations under Article 25 and Article 2, paragraph 6, of the Charter of the United Nations and deplores the attitude of those States which have persisted in giving moral, political and economic assistance to the illegal régime;

3. *Declares* that any legislation passed, or act taken, by any State with a view to permitting, directly or indirectly, the importation from Southern Rhodesia of any commodity falling within the scope of the obligations imposed by resolution 253 (1968), including chrome ore, would undermine sanctions and would be contrary to the obligations of States;

4. *Calls upon* all States to refrain from taking any measures that would in any way permit or facilitate the importation from Southern Rhodesia of commodities falling within the scope of the obligations imposed by resolution 253 (1968), including chrome ore;

5. *Draws the attention* of all States to the need for increasing vigilance in implementing the provisions of resolution 253 (1968) and, accordingly, calls upon them to take more effective measures to ensure full implementation of the sanctions;

6. *Requests* the Committee established in pursuance of Security Council resolution 253 (1968) to meet, as a matter of urgency, to consider ways and means by which the implementation of sanctions may be ensured and to submit to the Council, not later than 15 April 1972, a report containing recommendations in this respect, including any suggestions that the Committee might wish to make concerning its terms of reference and any other measures designed to ensure the effectiveness of its work;

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

Decision of 28 July 1972 (1655th meeting): resolution 318 (1972)

At its 1654th meeting on 28 July 1972, the Council included the special report¹⁰⁵ dated 9 May 1972 of the Committee established in pursuance of Security Council resolution 253 (1968) in its agenda¹⁰⁶ and considered that

⁹⁸ 1642nd meeting, paras. 69-81.

⁹⁹ 1645th meeting, paras. 4-10.

¹⁰⁰ *Ibid.*, paras. 15-17.

¹⁰¹ *Ibid.*, para. 28.

¹⁰² *Ibid.*, paras. 29-42.

¹⁰³ *Ibid.*, para. 88.

¹⁰⁴ *Ibid.*, paras. 91-92. S/10541/Rev.1 and Corr.1 adopted as resolution 314 (1972).

¹⁰⁵ S/10632, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 47-49.

¹⁰⁶ 1654th meeting, preceding para. 1.

item during its 1654th and 1655th meetings on 28 July 1972.

The representative of Sudan speaking as Chairman of the Committee established in pursuance of Security Council resolution 253 (1968), presented the special report of the Committee in accordance with paragraph 6 of resolution 314 (1972). He stated that parts I, II and III, and paragraph 7 of the report had been accepted by all delegations, except for the United Kingdom delegation which entered a blanket reservation on all these parts, on paragraph 7 and on part IV as well. No general agreement was possible on part IV and, therefore, the individual positions of representatives were recorded. In reviewing the recommendations in part III, he made special reference to the proposal to change the name of the Committee and addressed himself to the method of work which left a lot to be desired. The Committee had so far not even been able to inform the public about cases of evasions of sanctions; it did not dispose of a system of information about trade statistics or inspection of suspected goods from Southern Rhodesia and had failed to enlist the co-operation of influential world trade organizations. While the recommendations in part III merely attempted to make up for the Committee's handicaps, part IV, in the view of the African members and of those who shared their point of view, was most significant for the effective implementation of sanctions. These delegations called for more decisive action against States, such as Portugal and South Africa, which openly refuse to comply with the sanctions against the Smith régime. They also would like the Committee to recommend to the Council condemnation of the United States for violating the sanctions. Others demanded the extension of sanctions against Portugal and South Africa. As the Chairman pointed out, there was another group of delegations who agreed with the African members in principle, but held that those demands were beyond the mandate of the Committee. In conclusion, the Chairman pointed out that the draft resolution was based only on the recommendations under part III, and he hoped that it would be accepted by all members of the Council.¹⁰⁷

The representative of the India proposed that the scope of the sanctions should be extended and the boycott of the illegal régime applied to communications, passports, postal services, and cultural, social and other activities. The administering Power should decide to make sanctions permanent, and the Secretariat should be asked to prepare an up-to-date list of existing legislation passed by various countries for implementing sanctions.¹⁰⁸

The representative of Belgium reaffirmed the position that the Committee could only play an auxiliary role and that the Council, even if it wished it so, would not be free to delegate to a subordinate body the responsibilities which the Charter conferred upon it alone. The Council functioning as a standing body did not need organs to exercise its powers in its name and in its place. The Committee should not allow itself to be distracted from its essential task, which was to verify the implementation of sanctions, by inquiries about problems of method, however fundamental they might be.¹⁰⁹

¹⁰⁷ 1654th meeting, paras. 5-18.

¹⁰⁸ *Ibid.*, paras. 22-28.

¹⁰⁹ *Ibid.*, paras. 30-43

The representative of Yugoslavia, in endorsing the recommendations and proposals of the Committee, pointed out the scope of the Committee's responsibilities, as cited in paragraph 22, extended to all political aspects of the situation in and around Southern Rhodesia that affected the implementation of sanctions and not merely their technical aspects.¹¹⁰

The representative of Somalia emphasized the significance of three measures recommended in the Committee report. The inclusion of inter-governmental agencies and non-governmental organizations as suppliers of information about suspected violations promised to improve significantly the Committee's capacity of monitoring the implementation of the sanctions. The report spelled out the fact that documentation from southern Africa, mainly from Portuguese-controlled territories and South Africa, in respect of goods produced also by Southern Rhodesia had to be considered suspect. In view of Portugal's and South Africa's refusal to co-operate with the United Nations, the Council should decide what action to take against these two countries who continually violated international law, the decisions of the Council and the provision of Article 25 of the Charter. Finally, the Committee recognized the need for the employment of experts in various fields to assist in the implementation of the sanctions.¹¹¹

At the 1655th meeting on 28 July 1972, the representative of Sudan introduced, on behalf of the delegations of Guinea, Somalia and Sudan, the draft resolution¹¹² pertaining to the Committee report. He pointed out that the sponsors had chosen a very mild draft resolution leaving out the political importance of the question of sanctions in order to achieve unanimous support. The draft document even refrained from condemning Member States which were breaching the sanctions, such as Portugal and South Africa.¹¹³

The representative of the United Kingdom announced that his delegation would lift the blanket reservation against the report and its recommendations and would endorse the proposals in part III some of which had their origin in British suggestions or had previously been decided upon by the Council. He expressed hope that the Committee would take up the cases and the relevant material under investigation, since there was much work to be done. His delegation would support the draft resolution which renewed the pressure on the régime in Rhodesia and set out the responsibilities of Governments and of the United Nations in clear terms.¹¹⁴

The representative of the United States regretted that the draft resolution was more substantive than procedural, as his delegation had expected a strictly procedural one.¹¹⁵

The representative of China supported the African proposals in part IV, called for the extension of the sanctions to cover South Africa and Portugal and for a condemnation of the United States on account of its recent

¹¹⁰ *Ibid.*, paras. 45-55.

¹¹¹ *Ibid.*, paras. 61-66.

¹¹² S/10747, adopted without change as resolution 318 (1972).

¹¹³ 1655th meeting, paras. 2-9.

¹¹⁴ *Ibid.*, paras. 11-16.

¹¹⁵ *Ibid.*, para. 20.

importation of chrome and nickel from Southern Rhodesia and announced that his delegation would vote for the draft resolution.¹¹⁶

The representative of the USSR declared that an essential task of the Committee was to increase the effectiveness of the obligatory sanctions against the racist régime in Rhodesia. The report of the Committee indicated that this subsidiary body was functioning better, due, among other things, to the decision to put the chairmanship of the Committee on a permanent basis. The Council should demand that all States should immediately end all ties with the Smith régime; it should condemn those States which openly violated the sanctions, first and foremost the United States, and it should expand the application of sanctions to Portugal and South Africa. The recommendations in the draft resolution which his delegation would support represented but a first step which should be followed by intense work in the Committee and by comprehensive examination of matters of substance in the Council.¹¹⁷

The representative of France stated that his Government had always desired to implement the measures under Chapter VII of the Charter. His delegation did not subscribe to the matters which were reproduced in paragraphs 1 and 2 of the draft resolution and which it considered to lie outside the competence of the Committee. His delegation would nevertheless support the draft resolution because the administering power did not oppose those two paragraphs.¹¹⁸

The representative of Somalia as one of the sponsors of the draft resolution expressed great disappointment about the exception taken by the United States to its paragraphs 5, 6 and 7 and declared that no State could be exempted from its obligations under Article 25 of the Charter. The least that could be done would be to condemn violations of the decisions of the Council.¹¹⁹

The draft resolution was adopted by 14 votes to none, with 1 abstention.¹²⁰ It read as follows:

The Security Council,

Recalling its resolution 314 (1972) of 28 February 1972, in which it requested the Committee established in pursuance of Security Council resolution 253 (1968) of 29 May 1968 to consider ways and means by which the implementation of sanctions might be ensured and to submit a report containing recommendations in this respect, including any suggestions that the Committee might wish to make concerning its terms of reference and any other measures designed to ensure the effectiveness of its work,

Having considered the special report of the Committee established in pursuance of Security Council resolution 253 (1968),

Mindful of the need to strengthen the machinery established by the Security Council in order to ensure proper implementation of the relevant resolutions of the Council,

Recalling further that, as stated in previous resolutions of the Security Council, the present sanctions against Southern Rhodesia shall remain fully in force until the aims and objectives set out in resolution 253 (1968) are completely achieved

Gravely concerned that certain States have not complied with the provisions of resolution 253 (1968), contrary to their obligations under Article 25 of the Charter of the United Nations,

1. *Reaffirms* the inalienable right of the people of Southern Rhodesia to self-determination and independence;

2. *Recognizes* the legitimacy of the struggle of the people of Southern Rhodesia to secure the enjoyment of their rights, as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV) of 14 December 1960;

3. *Takes note with appreciation* of the special report of the Committee established in pursuance of Security Council resolution 253 (1968);

4. *Approves* the recommendations and suggestions contained in section III of the special report;

5. *Calls upon* all States continuing to have economic and other relations with Southern Rhodesia to end such relations immediately;

6. *Demands* that all Member States scrupulously carry out their obligations to implement fully Security Council resolutions 253 (1968), 277 (1970) of 18 March 1970 and 314 (1972);

7. *Condemns* all acts violating the provisions of Security Council resolutions 253 (1968), 277 (1970) and 314 (1972);

8. *Calls upon* all States to co-operate fully with the Security Council in the effective implementation of sanctions and to give the Council all the necessary assistance that may be required of them towards the fulfilment of this task;

9. *Again draws the attention* of all States to the need for increasing vigilance in all matters relating to sanctions and, accordingly, urges them to review the adequacy of the legislation and the practices followed so far and, if necessary, to take more effective measures to ensure full implementation of all provisions of Security Council resolutions 253 (1968), 277 (1970) and 314 (1972);

10. *Requests* the Secretary-General to provide all appropriate assistance to the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia in the discharge of its responsibilities.

Decision of 29 September 1972 (1666th meeting): resolution 320 (1972)

Decision of 29 September 1972 (1666th meeting):

Rejection of draft resolution

By letter¹²¹ dated 20 September 1972 addressed to the President of the Security Council, the representatives of Guinea, Somalia and Sudan requested the President to convene a meeting of the Council as soon as possible to resume consideration of the problem of Southern Rhodesia.

At the 1663rd meeting on 27 September 1972, the Council included the letter in the agenda. Following the adoption of the agenda, the representatives of Algeria, Senegal, Morocco, Zambia, Mauritania, Guyana, Kenya,¹²² at the 1664th meeting the representatives of Tunisia and Nigeria,¹²³ and at the 1665th meeting the representatives of Mali, Cuba¹²⁴ and Saudi Arabia¹²⁵ were invited, at their request, to participate, without a vote, in the discussion of the item on the agenda. At the 1663rd meeting the Council also agreed to a request made by the

¹¹⁶ 1655th meeting, paras. 22-26.

¹¹⁷ *Ibid.*, paras. 29-39.

¹¹⁸ *Ibid.*, paras. 41-44.

¹¹⁹ *Ibid.*, para. 47.

¹²⁰ *Ibid.*, para. 49. Adopted as resolution 318 (1972).

¹²¹ S/10798, OR, 27th yr., Suppl. for July-Sept. 1972, p. 104.

¹²² 1663rd meeting, following the President's opening statement.

¹²³ 1664th meeting, para. 2.

¹²⁴ 1665th meeting, following the President's opening statement.

¹²⁵ *Ibid.*, following Italy's intervention.

representatives of Guinea, Somalia and Sudan in a letter¹²⁶ dated 27 September 1972 that it extend an invitation under rule 39 of the provisional rules of procedure to Mr. Eshmael Mlambo of Zimbabwe.¹²⁷ The Council considered the question at the 1663rd to 1666th meetings from 27 to 29 September 1972.

At the 1663rd meeting the representative of Morocco* stated that the Heads of African States had agreed at the summit conference in Rabat to give absolute priority to the liberation of the African continent where the process of decolonization had come to a standstill.¹²⁸

The representative of Zambia* reviewed the developments in Southern Rhodesia which he called a grave threat to peace and security in the region and in Africa as a whole, and reiterated the proposals for action which he had recommended to the Council at its 1628th meeting in Addis Ababa on 28 January 1972, in particular the call for a constitutional conference representative of all the people of Zimbabwe. In the light of the most recent developments, he urged the Council to take the following additional measures: first, to reaffirm the inalienable right of the people of Zimbabwe to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the Charter; second, to affirm the principle that there should be no independence before majority rule in Southern Rhodesia; third, to call upon the British Government to create favourable conditions necessary for free expression and political activity by the people of Zimbabwe, including the immediate release of all political prisoners, detainees and restrictees, and the repeal of all racist and repressive discriminatory legislation; fourth, to call upon all States to render additional material support to the liberation movements of Zimbabwe in their just struggle to rid themselves of the yoke of illegal rule, oppression and exploitation.¹²⁹

The representative of Mauritania* also called for a constitutional conference with the representation of the Zimbabwe people and declared that sanctions, if strictly applied, constituted a most effective measure to put an end to the illegal régime in Rhodesia. The Council should draw up a list of all States which continued to maintain economic and other relations with Southern Rhodesia, call upon them to terminate these at once and condemn those States which would continue to violate the provisions of Council resolutions 253 (1968) and 277 (1970). The Council should urgently establish an appropriate system of controlling effectively the application of the sanctions.¹³⁰

The representative of Algeria* stated that given the fact that the sanctions had been failing due to non-compliance of South Africa and Portugal, deliberate violation by the United States and the failure of the direct negotiations between the United Kingdom and the rebel régime, new methods were needed to bring about an effective solution in Southern Rhodesia. He endorsed the call for the convocation of a constitutional conference by the United

Kingdom, emphasized that the independence of Rhodesia could only be recognized after the establishment of majority rule, called for the continuation of the sanctions against the régime until an agreement emerged from the constitutional conference and had begun to be implemented, and asked for support for African political parties and Rhodesian liberation movements from international organizations until the conference actually convened.¹³¹

The representative of Senegal* pointed out that the Council had the means to ensure compliance with its decisions and that it should decide to use the resources available under Chapter VII of the Charter.¹³²

At the 1664th meeting on 28 September 1972, the representative of Kenya* appealed to the United States to reimpose the embargo on chrome and other Rhodesian products and urged the Council to ensure the implementation of a number of major objectives, in promoting majority rule in Rhodesia: the preservation of international peace and security as well as of the political independence and territorial integrity of the free African States, in particular Zambia and Tanzania; further, the dismantling of the *apartheid* front of South Africa, Portugal and Rhodesia, the termination of supplies of military hardware to the racist régimes in southern Africa, and increased assistance to African liberation movements. His Government specifically recommended the following steps to be taken by the Council: the convocation of a constitutional conference of all interested parties in Southern Rhodesia under the aegis of the United Nations; the strengthening and more effective application of the sanctions; the confiscation of Rhodesian exports at the place of entry into the importing country; the refusal of landing rights to airlines that landed at Salisbury and whose Governments permitted Rhodesian planes to land in their countries; the rupture of all postal, telegraphic and other communications with Rhodesia; the expulsion of South African military units and police contingents from Rhodesia; guarantees of protection to all bordering States in fear of aggression from Southern Rhodesia, South Africa and Portugal; and the release of all political prisoners and detainees in Southern Rhodesia.¹³³

The representative of Guinea recalled the proposals by the African members of the Council to extend the sanctions to South Africa and Portugal because of their violations of Article 25 of the Charter. The closure of the two ports of Beira and Lourenço-Marques would more definitely affect the economy of the illegal régime in Rhodesia. Therefore the Council should adopt a resolution extending sanctions to the régimes of South Africa and Portugal. Moreover, the Council should intensify the sanctions and ensure their strict application, although the people of Zimbabwe know that they would be the first victims of such an intensification. He concluded that his delegation remained convinced that it was for the United Kingdom, the administrative Power, in the first instance to take all necessary measures, including the use of force, to put an end to the rebel régime and to ensure the self-determination of the people of Zimbabwe.¹³⁴

¹²⁶ S/10802, OR, 27th yr., Suppl. for July-Sept. 1972, p. 107.

¹²⁷ 1663rd meeting, following the President's opening statement.

¹²⁸ *Ibid.*, intervention by Morocco.

¹²⁹ *Ibid.*, intervention by Zambia.

¹³⁰ *Ibid.*, intervention by Mauritania.

¹³¹ *Ibid.*, intervention by Algeria.

¹³² *Ibid.*, intervention by Senegal.

¹³³ 1664th meeting, paras. 4-38.

¹³⁴ *Ibid.*, paras. 63-81.

The representative of Sudan stated that in view of the profound importance of the question of Rhodesia to world peace and the United Nations the organization had to decide whether to continue the current unsuccessful programmes or to try to turn the present sanctions into full-scale economic warfare in order to achieve its objectives. He called for the convocation of a constitutional conference involving the genuine representatives of the people of Southern Rhodesia. He urged the Council to increase the role of the United Nations in policing the sanctions which would involve placing observers at the ports of major importers from Rhodesia to verify the true origin of raw material shipped under forged documents and would also include further tight surveillance of the port of Beira by the United Kingdom or some other members of the Council. The United Nations should publicize the methods and the names of countries which flout the sanctions, and the Council should agree that any cargo from Rhodesia had to be impounded by the Government of the port of call.¹³⁵

The representative of the USSR called for the termination of any violations of sanctions adopted under Chapter VII of the Charter and binding upon all States. His delegation supported fully the demand of the African States concerning the expansion of the sanctions against Southern Rhodesia, in particular through the application of measures under Article 41 of the Charter, such as the complete interruption of radio, telephonic and telegraphic communications and of any other ties with Southern Rhodesia. No dialogue or compromise with the Smith régime, but the immediate replacement of that régime by the democratic rule of the people of Zimbabwe was necessary.¹³⁶

At the 1665th meeting on 29 September 1972, the representative of Nigeria also emphasized the need to strengthen and expand sanctions and to establish a more effective system of enforcement including the ability to act swiftly against any country breaking the sanctions. He joined previous speakers in calling for the convening of a constitutional conference representing all peoples of Zimbabwe.¹³⁷

The President speaking as the representative of China proposed that the Council should reaffirm the right of the people of Zimbabwe to immediate national independence; condemn the white régime for its repressive policy against the Rhodesian régime and extend them to South Africa and Portugal; severely condemn all violations of the sanctions against Rhodesia, including continued United States imports of chrome and nickel from Rhodesia; and call upon all countries to render stronger assistance and support to the people of Zimbabwe.¹³⁸

At the same meeting the representative of Somalia introduced two draft resolutions¹³⁹ co-sponsored by Guinea, Somalia and Sudan, in order to get the Council to

commit itself to firm political and coercive action. The second draft resolution (S/10805) provided *inter alia* that the Council would reaffirm the inalienable right of the people of Southern Rhodesia to self-determination and independence and the legitimacy of their struggle to secure the enjoyment of their rights; would also (1) reaffirm the principle that there should be no independence before majority rule in Zimbabwe; (2) call upon the Government of the United Kingdom not to transfer or accord to the illegal régime any of the powers or attributes of sovereignty, and urge it to promote the country's attainment of independence by a democratic system of government in accordance with the aspirations of the majority of the population; (3) urge the United Kingdom to convene as soon as possible a national conference in which the genuine political representatives of the people of Zimbabwe would be able to work out a settlement relating to the future of the Territory for subsequent endorsement by the people through free and democratic processes; (4) call upon the United Kingdom Government to create the conditions necessary to permit the free expression of the right to self-determination, including: (a) the release of all political prisoners, detainees and restrictees, (b) the repeal of all repressive discriminatory legislation, (c) the removal of all restrictions of political activity and the establishment of full democratic freedom and equality of political rights; (5) further, call on the United Kingdom Government to ensure that in any exercise to ascertain the wishes of the people of Zimbabwe as to their political future, the procedure to be followed should be in accordance with the principle of universal adult suffrage and by secret ballot on the basis of one-man one-vote without regard to race, colour or to considerations of education, property or income; (6) condemn the United Kingdom Government for its failure to take effective measures to bring an end to the illegal régime in Zimbabwe; (7) call upon all States to give full support and co-operation to the United Nations in all measures designed to enforce strictly the mandatory sanctions imposed by the Security Council in accordance with the obligations assumed by Member States under Article 25 of the Charter of the United Nations.

In conclusion, the representative of Somalia declared that the sponsors considered the proposals of the two draft resolutions to be eminently reasonable, that they hoped for their unanimous adoption by the Council and that they welcomed comments and suggestions from other members of the Council.¹⁴⁰

At the 1666th meeting on 29 September 1972, the representative of India stated that as long as the great Powers did not agree on effective steps to overthrow the illegal régime in Rhodesia, the Council could do very little to promote the solution of the Zimbabwe problem. He recalled his delegation's proposals made in this respect at Addis Ababa and suggested that the Council should set up suitable machinery to consider and implement these and other ideas. Turning to the two draft resolutions he put forth several amendments to the second one (S/10805): in paragraph 4, the phrase "calls upon the United Kingdom Government to create the conditions ..." was unrealistic and should be changed into "calls upon the United Kingdom Government to try its utmost to bring about conditions necessary ...", and paragraph 6 was unacceptable

¹³⁵ 1664th meeting, paras. 94-135.

¹³⁶ *Ibid.*, paras. 169-187.

¹³⁷ 1665th meeting, intervention by Nigeria.

¹³⁸ *Ibid.*, statement by President as representative of China.

¹³⁹ S/10804, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, p. 108, subsequently adopted with minor changes as resolution 320 (1972), and S/10805, *ibid.*, pp. 108-109.

¹⁴⁰ 1665th meeting, intervention by Somalia.

to his delegation and should be deleted because to condemn any Government would contribute nothing; because the British Government had made it clear that it could not bring about the fall of the illegal régime in Zimbabwe short of using force and that it would not use force; and because such a condemnation would raise the question of what the Council had done to find a solution in Zimbabwe.¹⁴¹

The representative of the United States held that it was not appropriate for the Council to urge the United Kingdom to take measures that required the use of force. After a detailed review of the manner in which the sanctions against Rhodesia were covertly violated by many States, he reiterated his delegation's wish for a more systematic pursuit of all sanctions violations in terms of the total Rhodesian trade and warned that if the Council was serious about making sanctions work, it should avoid any one-sided approach and refrain from singling out the United States Government or any other Government without reference to the total problem.¹⁴²

The representative of the United Kingdom, commenting on the suggestion for a constitutional conference, declared that after the upsurge of political activity in Southern Rhodesia during the presence of the Pearce Commission there had to be time for reflection and it was for the Rhodesians themselves to solve their own problems. Hence, compromise was the only way forward, and the proposal for a constitutional conference had to be seen in this light. It would not be practicable for his Government to call for a conference without the acquiescence of the Smith régime. The call for the conference was more likely to hamper than to help the process of consultation inside Rhodesia. Since his Government would not accept directives that would bind it to impractical courses of action, his delegation could not accept the provisions of the draft resolution in document S/10805. With regard to the draft resolution (S/10804) on sanctions, it contained no proposals that would advance the work of the Sanctions Committee which could best fulfil a meaningful role if it adhered to its mandate under resolution 253 (1968).¹⁴³

The representative of Somalia deplored the fact that the draft resolution S/10805 did not meet with the approval of the United Kingdom Government; responsibility rested with the United Kingdom, but certain guidelines for political action, e.g. the principle of "one man, one vote", had to be established and used to guide the Council in dealing with the situation in Southern Rhodesia. He hoped the United Kingdom Government would reconsider its position. In order to complete the consultations about the two draft resolutions, he asked for a brief suspension of the meeting.¹⁴⁴

Following the suspension of the meeting, the representative of Somalia presented the amendments that the sponsors had accepted. In draft resolution S/10804, the revisions, aside from two minor changes in the preamble, affected paragraphs 3, 4 and 5. In paragraph 3, the expression "calls upon the United States" would be changed to "urges the United States"; in paragraph 4 the phrase

"including action under Chapter VII of the Charter" would be deleted and the words "and to report to the Council not later than 31 January 1973" were to be added at the end of the paragraph. In paragraph 5, the date "1 December 1972" should be replaced by "31 January 1973" and the "1664th, 1665th and 1666th" meetings should be added after "the 1663rd". With regard to draft resolution S/10805, the sponsors had accepted two minor changes in the preamble and in paragraph 4, first line, after the words "United Kingdom Government" the phrase "... to try its utmost to bring about ..." should be added and the words "to create" deleted. Paragraph 6 should be deleted in its entirety. In paragraph 7, "all measures" should read "effective measures". In conclusion, the representative proposed on behalf of the sponsors that all references to Southern Rhodesia should carry in parenthesis also the name "Zimbabwe", and expressed hope that the draft resolutions would now be acceptable to all members including those who had expressed reservations.¹⁴⁵

At the same meeting the draft resolution S/10804/Rev.1 was adopted by 13 to none with 12 abstentions.¹⁴⁶ The resolution read as follows:

The Security Council,

Recalling its resolution 253 (1968) of 29 May 1968 and subsequent resolutions in which all States are required to implement and make effective the economic, political and other sanctions against Southern Rhodesia (Zimbabwe) decided upon by the Council in furtherance of the objective of ending the rebellion in that territory,

Taking into account its resolutions 314 (1972) of 28 February 1972 and 318 (1972) of 28 July 1972 concerning the co-operation and obligations of States and the measures necessary to ensure the scrupulous observance and strict implementation of sanctions,

Deeply concerned that, despite their obligations under Article 25 of the Charter of the United Nations, several States continue to violate sanctions covertly and overtly in contravention of the provisions of resolution 253 (1968),

Gravely concerned about the detrimental consequences which violations could cause to the effectiveness of sanctions and, in the wider sense, to the authority of the Council,

Deeply concerned by the report of the United States of America that it has authorized the importation of chrome ore and other minerals from Southern Rhodesia (Zimbabwe),

Condemning the refusal of South Africa and Portugal to co-operate with the United Nations in the observance and implementation of sanctions against Southern Rhodesia (Zimbabwe),

1. *Reaffirms* its decision that sanctions against Southern Rhodesia (Zimbabwe) shall remain fully in force until the aims and objectives set out in resolution 253 (1968) are completely achieved;

2. *Calls upon* all States to implement fully all Security Council resolutions establishing sanctions against Southern Rhodesia (Zimbabwe), in accordance with Article 25 and Article 2, paragraph 6, of the Charter of the United Nations;

3. *Urges* the United States of America to co-operate fully with the United Nations in the effective implementation of sanctions;

4. *Requests* the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to undertake, as a matter of urgency, consideration of the type of action which could be taken in view of the open and persistent refusal of South Africa and Portugal to implement sanctions against the illegal régime in Southern Rhodesia (Zimbabwe) and to report to the Council not later than 31 January 1973;

¹⁴¹ 1666th meeting, paras. 5-24.

¹⁴² *Ibid.*, paras. 53-74.

¹⁴³ *Ibid.*, paras. 75-89.

¹⁴⁴ *Ibid.*, paras. 90-98.

¹⁴⁵ *Ibid.*, paras. 100-113.

¹⁴⁶ *Ibid.*, para. 115. Adopted as resolution 320 (1972).

5. *Further requests* the Committee to examine and submit a report to the Security Council not later than 31 January 1973 on all proposals and suggestions made at the 1663rd to 1666th meetings of the Council for extending the scope and improving the effectiveness of sanctions against Southern Rhodesia (Zimbabwe).

Then the Council voted on the draft resolution S/10805/Rev.1 for which the representative of Somalia requested separate votes on paragraphs 1 and 5.¹⁴⁷ Paragraph 1 received 10 votes in favour, 1 against, with 4 abstentions and failed of adoption, owing to the negative vote of a permanent member; paragraph 5 also received 10 votes in favour, 1 against, with 4 abstentions and failed of adoption, owing to the negative vote of a permanent member. The draft resolution as a whole also received 10 votes in favour, 1 against, with 4 abstentions and was not adopted, owing to the negative vote of a permanent member.¹⁴⁸

The representative of the United States, speaking in explanation of the vote, stated that his delegation abstained in the vote on S/10804, because given United States law it could not vote for the call by the Council with regard to sanctions across the board. His delegation also abstained on S/10805, because it agreed with other members of the Council that at this juncture all elements in Southern Rhodesia needed to remain in contact and jointly seek a solution to the present impasse. His delegation did not consider force to be an appropriate or effective instrument to resolve the Rhodesian or any other southern African problem; it regarded the steps taken by the Rhodesian régime to suppress the advocates of peaceful and constructive change as exacerbating the difficult situation. His delegation recognized that a constitutional conference would be impracticable under present conditions, but it hoped that such a conference representing all African and European Rhodesians could eventually be called.¹⁴⁹

In explaining his delegation's abstention on S/10805, the representative of France called upon the Council to render justice to the political will affirmed by the United Kingdom, to abstain from useless criticism, to refuse to go beyond reaffirming its general purposes and to refrain from putting itself in the place of the administering Power.¹⁵⁰

The representative of Belgium expressed his appreciation to the sponsors of S/10804 for deleting the reference to Chapter VII from paragraph 4, since it would have prejudged the outcome of the discussions in the Sanctions Committee. With regard to S/10805, his delegation abstained in the vote as it did not believe that the specific terms in paragraph 5 could be set by the Council.¹⁵¹

The representative of Sudan deplored the United Kingdom's abstention on S/10804, paragraph 5 of which merely asked the Committee to study proposals for strengthening the sanctions. This mandate was the least the Council could ask, considering the slow and often evasive procedure in the Committee.¹⁵²

The representative of Somalia pointed out that the United Kingdom and the four delegations which decided to abstain represented only one-third of the membership of the Council. In order to show that this one-third did not bear any relation to the number of those supporting draft resolution S/10805, the African Group of States would submit this document with the necessary amendments to the General Assembly for its vote for or against the basic political and human rights contained in the vetoed resolution.¹⁵³

The President speaking as the representative of China stated that although his delegation had supported both draft resolutions, it had reservations concerning paragraph 3 of S/10805, urging the British Government to convene a constitutional conference, because his Government had consistently held that, according to the principles of the Charter and the universal desire of the Zimbabwe people, the people of Zimbabwe should be given energetic support to achieve the immediate independence of Zimbabwe.¹⁵⁴

Decision of 22 May 1973 (1716th meeting): resolution 333 (1973)

Decisions of 22 May 1973 (1716th meeting):

Rejection of three-Power draft resolution

By letter¹⁵⁵ dated 8 May 1973 addressed to the President of the Council, the representatives of Guinea and Kenya requested a meeting of the Council at the earliest possible time to consider the second special report¹⁵⁶ of the Sanctions Committee.

At its 1712th meeting on 14 May 1973, the Council included the letter and the report in its agenda and adopted the agenda.¹⁵⁷ At the 1713th meeting the representative of Somalia was invited, at his request, to participate in the discussion without the right to vote.¹⁵⁸ The Council considered the issue at the 1712th to 1716th meetings from 14 to 26 May 1973.

At the 1712th meeting the representative of Guinea speaking as Chairman of the Committee presented the special report to the Council. She recalled that five years had elapsed since the adoption of sanctions by the Council and that justice had still not come to the African people in Southern Rhodesia. She deplored that the members of the Committee had failed to agree to the set of 24 proposals submitted by the African members who considered these points pertinent and reasonable. These proposals had been relegated to part IV of the report, although they were not exorbitant. The African delegations had recommended that exports from South Africa, Angola and Mozambique be closely controlled to increase the risks for cheating firms; that all States refuse landing rights to national carriers of the countries still granting landing rights to aircraft coming from Rhodesia or maintaining air services to that territory; that all States adopt legislation forbidding insurance cover-

¹⁴⁷ 1666th meeting, para. 117.

¹⁴⁸ *Ibid.*, paras. 119-121.

¹⁴⁹ *Ibid.*, paras. 126-127.

¹⁵⁰ *Ibid.*, paras. 131-132.

¹⁵¹ *Ibid.*, paras. 133-138.

¹⁵² *Ibid.*, paras. 144-145.

¹⁵³ *Ibid.*, paras. 152-153.

¹⁵⁴ *Ibid.*, paras. 157-158.

¹⁵⁵ S/10925, OR, 28th yr., Suppl. for April-June 1973, p. 36.

¹⁵⁶ S/10920 and Corr.1, *ibid.*, pp. 25-30. The report was submitted to the Council on 15 April 1973.

¹⁵⁷ 1712th meeting, following para. 1.

¹⁵⁸ 1713th meeting, para. 1.

age for flights to and from Rhodesia; that States prohibit shipping companies from carrying goods to or from Rhodesia and prohibit insurance coverage for such goods; that the blockade of Beira be extended to Lourenço Marques and that some States Members contribute to the British patrols; that States report to the Committee their current sources of supply for products they imported from Rhodesia before the imposition of sanctions; and that the Council call upon the United States to rescind its law permitting violation of the sanctions. She then turned to part III of the special report containing unanimous recommendations for measures to be taken by Governments, by the Committee or by the Secretary-General, and explained in greater detail the most important proposals. She concluded by expressing hope that at least these modest measures would be adopted by the Council.¹⁵⁹

The representative of Yugoslavia also voiced regret that the Committee was not able to submit stronger recommendations for action in view of the open defiance by South Africa and Portugal. The African proposals on this and the other points should be seriously considered by the Council for approval as essential for the effective implementation of the sanctions.¹⁶⁰

At the 1713th meeting on 16 May 1973, the representative of Somalia* strongly supported the African proposals in parts III and IV of the special report and called them the absolute minimum that should be expected from the Council. He also endorsed the Russian and Chinese proposals as the optimum approach to the Rhodesian problem. He urged the Council to continue the sanctions and not to abandon its commitment to the efforts of establishing a just society in the Territory.¹⁶¹

At the same meeting the representative of the United States stated that what was required was to make the sanctions more effective rather than to expand them and that the Committee for the first time had come to grips with some of the stumbling blocks to full implementation. The agreed suggestions in the report offered a serious prospect of making sanctions more effective and were fully supported by his delegation. He expressed his appreciation to the African delegations for the proposals which they submitted to the Committee with the purpose of obtaining wider compliance with sanctions. His delegation could not accept all of them because they raised certain practical and legal difficulties.¹⁶²

The representative of France supported the recommendations in part III of the report and noted that they were within the terms of reference of the Committee. But his delegation could not agree with certain proposals in part IV, particularly those declaring a kind of economic war on southern Africa as a whole. No political solution could be obtained without the administering Power which he hoped would continue to seek a settlement leading Rhodesia to self-determination in accordance with the freely expressed wishes of the population.¹⁶³

At the 1714th meeting on 17 May 1973, the representative of Kenya said that the proposals in Part III of the Committee report were nothing but stop-gap measures designed to boost African morale which would do little to help the people in Rhodesia. Therefore, the African delegations intended to pursue in the Council itself the set of suggestions which were contained in part IV and would put the severest pressure on the illegal régime. He briefly reviewed the major proposals and emphasized in particular the need for the Committee to assume an activist role of forestalling the violation of sanctions and for that purpose to be authorized to deal with the companies and with non-governmental organizations like chambers of commerce, trade unions and employers' organizations directly and no longer through the Governments.

Then he introduced two draft resolutions¹⁶⁴ jointly submitted by Guinea, Kenya and Sudan, and explained that each of them corresponded to a clearly stated task in paragraphs 4 and 5 of resolution 320 (1972). The first draft resolution (S/10927) dealt with the issue of extending the scope and improving the effectiveness of sanctions following the African proposals in part IV of the Committee report. The second draft resolution (S/10928) contained measures to counter South Africa's and Portugal's defiance of sanctions.¹⁶⁵ It provided that the Council would in the preamble reiterate its concern that its sanctions had failed so far, and its conviction that the sanctions could not terminate the illegal régime unless they were comprehensive, mandatory and effectively supervised and unless measures were taken against States which violated them, and would reaffirm that effective action had to be taken to end South Africa's and Portugal's refusal to implement the sanctions which undermined the effectiveness of these measures and constituted a violation of their obligations under Article 25 of the Charter, it further provided that the Council would (1) decide that all States should limit any purchase of chromium ores, asbestos, tobacco, pig iron, copper, sugar, maize and any products from South Africa, Mozambique and Angola to the quantitative levels prevailing in 1965; (2) request States to take the necessary measures, including enacting legislation denying or revoking landing rights to national carriers of countries that continue to grant such rights to aircraft from Southern Rhodesia or operate air services to Southern Rhodesia; (3) decide to extend the Beira blockade to cover all commodities and products from or destined for Southern Rhodesia to the port of Lourenço Marques; (4) urge the Government of the United Kingdom, as the administering Power, to take all effective measures to implement fully paragraph 3 above and to seek co-operation of other States in this task; and (5) condemn all those Governments, in particular South Africa and Portugal, that encouraged, assisted or connived at any violation of sanctions against Southern Rhodesia.

The representative of the USSR recalled the resolution of the Committee of Twenty-Four adopted on 27 April 1973 in which the Council was urged to expand its sanctions against the illegal régime in Southern Rhodesia by including all the measures under Article 41 of the Charter. The same body had also recommended to consider the

¹⁵⁹ 1712th meeting, paras. 5-33.

¹⁶⁰ *Ibid.*, paras. 45-47.

¹⁶¹ 1713th meeting, paras. 10-15.

¹⁶² *Ibid.*, paras. 31-37.

¹⁶³ *Ibid.*, paras. 68-69.

¹⁶⁴ S/10927, adopted without change as resolution 333 (1973). S/10928, *OR*, 28th yr., *Suppl. for April-June 1973*, p. 36.

¹⁶⁵ 1714th meeting, paras. 4-33.

application of sanctions against Portugal and South Africa. The Council could not disregard these insistent demands. He also reiterated his delegation's proposals to decide that all States cease their purchases in South Africa, Mozambique and Angola of goods which were the main Rhodesian export items, to introduce a compulsory embargo upon the sale to South Africa and Portugal of petroleum and petroleum products as well as a complete weapons embargo including the transfer of technology, and to expand the sanctions against Southern Rhodesia and in conformity with Article 41 to suspend all communications with Southern Rhodesia. In conclusion he welcomed the two draft resolutions and indicated his delegation's support for all effective measures.¹⁶⁶

At the beginning of the 1715th meeting on 18 May 1973, the President announced that Australia, India, Indonesia, Panama, Peru and Yugoslavia had joined the three African delegations as co-sponsors of draft resolution S/10927 and that Indonesia, Panama and Yugoslavia were also co-sponsoring document S/10928.¹⁶⁷

At the same meeting the representative of China urged the Council to adopt the reasonable African proposals as preliminary measures to strengthen the sanctions against Southern Rhodesia, to condemn and extend the sanctions to South Africa and Portugal, and to condemn those big Powers who violated the sanctions against Southern Rhodesia. His delegation would vote for the two draft resolutions.¹⁶⁸

The representative of the United Kingdom stated that paper sanctions which amounted to a declaration of economic warfare against the whole of Southern Africa and which his Government could not countenance would achieve nothing; instead, the existing comprehensive sanctions should be properly applied. The African proposals in part IV of the report could be implemented only if it was an easy matter to establish an evasion of the sanctions. As this was not the case, the *bona fide* trader would unjustly suffer, whereas the trader bent on breaking the sanctions could rely on not being found out. Therefore, it was at the point of the arrival of goods that action had to be taken to detect the evasions, and effective methods were available to carry out these controls. With regard to draft resolution S/10927 he expressed regret that the African delegations had gone beyond what had been agreed upon in part III of the report. Those recommendations were warmly supported by his delegation, but due to the inclusion of proposals which it regarded as inappropriate his delegation would have to abstain on the draft resolution as a whole.¹⁶⁹

The representative of Kenya pointed out that the sponsors had replaced the word "proposals" in paragraphs 1 and 2 of draft resolution S/10927 with the word "suggestions".¹⁷⁰

After addressing the Council as representative of Sudan the President proposed to proceed to vote on the two draft

resolutions in accordance with rule 31, paragraph 1 of the provisional rules of procedure.¹⁷¹

Upon request of the representative of Kenya the President suspended the meeting briefly to permit consultations.¹⁷² When the meeting was resumed, the representative of Kenya requested that the meeting be adjourned, so that his delegation and others could prepare themselves to challenge the impending veto against one of the draft resolutions.¹⁷³ Since there were no objections, the President declared the meeting of the Council adjourned.¹⁷⁴

At the 1716th meeting on 22 May 1976, the representative of Kenya emphasized that the two draft resolutions were merely answers to the mandate issued by the Council in resolution 320 (1972) and that they were sponsored by numerous delegations, and he called for unanimous adoption of the drafts by the Council. With regard to the veto to be cast against the document in S/10928 he pointed out that it would be exercised to thwart Council action against South Africa and Portugal although their defiance of the sanctions policy had been condemned by the Council as a threat to international peace and security.¹⁷⁵

The Council proceeded then to vote on the two draft resolutions in accordance with rule 32, paragraph 1 of the provisional rules of procedure. The draft resolution S/10927 was adopted by 12 votes to none, with 3 abstentions.¹⁷⁶

The resolution read as follows:

The Security Council,

Recalling its resolutions 320 (1972) of 29 September 1972 and 328 (1973) of 10 March 1973,

Noting that measures so far instituted by the Security Council and the General Assembly have not brought to an end the illegal régime in Southern Rhodesia,

Reiterating its grave concern that some States contrary to Security Council resolutions 232 (1966) of 16 December 1966, 253 (1968) of 29 May 1968 and 277 (1970) of 18 March 1970 and to their obligations under Article 25 of the Charter of the United Nations, have failed to prevent trade with the illegal régime in Southern Rhodesia,

Condemning the persistent refusal of South Africa and Portugal to co-operate with the United Nations in the effective observance and implementation of sanctions against Southern Rhodesia (Zimbabwe) in clear violation of the Charter of the United Nations,

Having considered the second special report of the Committee established in pursuance of resolution 253 (1968) (S/10920 and Corr.1),

Taking note of the letter dated 27 April from the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (S/10923),

1. *Approves* the recommendations and suggestions contained in paragraphs 10 to 22 of the second special report of the Committee established in pursuance of resolution 253 (1968);

2. *Requests* the Committee, as well as all Governments, and the Secretary-General as appropriate, to take urgent action to implement recommendations and suggestions referred to above;

¹⁶⁶ 1714th meeting, paras. 54-78.

¹⁶⁷ 1715th meeting, para. 2.

¹⁶⁸ *Ibid.*, paras. 13-16.

¹⁶⁹ *Ibid.*, paras. 19-30.

¹⁷⁰ *Ibid.*, para. 44.

¹⁷¹ *Ibid.*, para. 62.

¹⁷² *Ibid.*, para. 65.

¹⁷³ *Ibid.*, paras. 66-67.

¹⁷⁴ *Ibid.*, para. 68.

¹⁷⁵ 1716th meeting, paras. 20-25.

¹⁷⁶ *Ibid.*, para. 35. Adopted as resolution 333 (1973).

3. *Requests* States with legislation permitting importation of minerals and other products from Southern Rhodesia to repeal it immediately;

4. *Calls upon* States to enact and enforce immediately legislation providing for the imposition of severe penalties on persons natural or juridical that evade or commit breach of sanctions by:

(a) Importing any goods from Southern Rhodesia;

(b) Exporting any goods to Southern Rhodesia;

(c) Providing any facilities for transport of goods to and from Southern Rhodesia;

(d) Conducting or facilitating any transaction or trade that may enable Southern Rhodesia to obtain from or send to any country any goods or services;

(e) Continuing to deal with clients in South Africa, Angola, Mozambique, Guinea (Bissau) and Namibia after it has become known that the clients are re-exporting the goods or components thereof to Southern Rhodesia, or that goods received from such clients are of Southern Rhodesian origin;

5. *Requests* States, in the event of their trading with South Africa and Portugal, to provide that purchase contracts with those countries should clearly stipulate, in a manner legally enforceable, the prohibition of dealing in goods of South Rhodesian origin; likewise, sales contracts with these countries should include a prohibition of resale or re-export of goods to Southern Rhodesia;

6. *Calls upon* States to pass legislation forbidding insurance companies under their jurisdiction from covering air flights into and out of Southern Rhodesia and individuals or air cargo carried on them;

7. *Calls upon* States to undertake appropriate legislative measures to ensure that all valid marine insurance contracts contain specific provisions that no goods of Southern Rhodesian origin or destined to Southern Rhodesia shall be covered by such contracts;

8. *Calls upon* States to inform the Committee established in pursuance of resolution 253 (1968) on their present sources of supply and quantities of chrome, asbestos, nickel, pig iron, tobacco, meat and sugar, together with the quantities of these goods they obtained from Southern Rhodesia before the application of sanctions.

The second draft resolution S/10928 received 11 votes in favour, 2 against, and 2 abstentions and failed of adoption, owing to the negative votes of two permanent members.¹⁷⁷

The representative of the United States, speaking in explanation of vote, stated that the second draft resolution (S/10928) included several proposals on which his delegation and others had expressed strong reservations in the Committee discussions. His delegation considered it unrealistic to call for broader sanctions until all members of the United Nations had demonstrated their willingness to take more seriously the sanctions already in force. In these circumstances his delegation did not believe that the draft resolution would enhance the ability of the United Nations to act effectively. The adoption of a resolution which was clearly unenforceable would seriously damage the reputation of the United Nations and further erode public confidence in its ability to act in a meaningful way. These considerations were the only reason for his Government's decision to vote against the draft resolution.¹⁷⁸

THE SITUATION IN THE MIDDLE EAST

Decision of 28 February 1972 (1644th meeting): resolution 313 (1972)

By letter¹⁷⁹ dated 25 February 1972 addressed to the President of the Security Council, the representative of Lebanon complained about a large-scale air and ground attack by Israel against Lebanon on the morning of the same day and requested an urgent meeting of the Security Council in view of the extreme gravity of the situation endangering the peace and security of Lebanon.

By letter¹⁸⁰ dated 25 February 1972 addressed to the President of the Security Council, the representative of Israel, after referring to his previous letter dated 24 February,¹⁸¹ complained about a further attack by terrorists from Lebanese territory against an Israeli Border Police patrol as a result of which one Israeli was killed and eight wounded. He stated that in face of this and other attacks Israel was compelled to take action in self-defence against encampments of the terrorists on 25 February. In view of the gravity of the continuing armed attacks against Israel he requested an urgent meeting of the Security Council.

At its 1643rd meeting on 26 February 1972, the Council included the complaints by Lebanon and Israel in the agenda listing each separately under the item "The Situation in the Middle East". Following the adoption of the agenda, the representatives of Lebanon and Israel,¹⁸² and subsequently those of the Syrian Arab Republic and of Saudi Arabia¹⁸³ were invited, at their request, to participate without the right to vote in the discussion of the item which was considered at the 1643rd and 1644th meetings, held on 26 and 27 February 1972.

At the 1463rd meeting the representative of Lebanon* charged that on 25 February a battalion of the Israeli armed forces, composed of 60 tanks and armoured cars and supported by air force and infantry units, had entered Lebanese territory and attacked several Lebanese villages. The Israeli air force also bombarded other villages causing death and destruction. On the same day, Israel had delivered a warning to Lebanon through the Mixed Armistice Commission that the Israeli action was in response to terrorist activities from Lebanese soil against Israel and that Israel would continue its incursions into Lebanon if the terrorist activities did not cease. The representative of Lebanon also reported that Israeli aggression was continuing. Recalling previous resolutions of the Security Council condemning Israel's attacks against Lebanon, he deplored Israel's defiance of the authority of the Security Council and its course of aggression threatening the territorial integrity and the peace of Lebanon. He rejected Israel's attempt to hold the Lebanese responsible for the resistance by Palestinians against the illegal Israeli occupation. If Israel had not paralysed the Mixed Armistice Commission, reliable information on the origin of the incidents in Israeli held territories would be available. No border control, even if exercised with utmost care as in the Lebanese case, could be flawless, as experience all over the world demonstrated.

¹⁷⁷ 1716th meeting, para. 48.

¹⁷⁸ *Ibid.*, paras. 86-87.

¹⁷⁹ S/10546, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, p. 53.

¹⁸⁰ S/10550, *ibid.*, p. 57.

¹⁸¹ S/10543, *ibid.*, p. 51.

¹⁸² 1643rd meeting, para. 2.

¹⁸³ *Ibid.*, paras. 76-77.

In view of Israel's aggression in violation of Article 2 (4) of the Charter of the United Nations, the representative of Lebanon urged the Council to take measures which would prevent Israel from resorting to further acts of aggression, to determine that these acts constituted a breach of the peace and a threat to the peace and to impose on Israel the appropriate sanctions provided for in Chapter VII of the Charter.¹⁸⁴

The representative of Israel* declared that the Government of Lebanon was solely responsible for the creation of the situation in its border areas. For a long time and contrary to explicit obligations under international law, the Charter of the United Nations and the cease-fire established by the Security Council in 1967, the Government of Lebanon had permitted terrorist organizations to establish bases on its territory from which to carry out armed attacks against Israeli civilians and members of the armed forces and against Israeli property. The Lebanese Government had even entered into a written agreement with the terrorist organization providing for full co-operation between the Government and the terrorists. Israel held that every Government was bound by international law to refrain from attacks against another country and also obliged to prevent anybody from using its territory for such attacks or threats. Israel which had brought to the attention of the Council a large number of such attacks by terrorists had merely fulfilled its duty to protect its citizens from external attacks. The representative of Israel deplored that the Council had done nothing to impress on Lebanon its obligation to prevent attacks from its territory against Israel and requested that Lebanon be condemned for violating the cease-fire by its actions and by its omissions and be ordered to put an end to all terrorist activities from its territory against Israel.¹⁸⁵

At the same meeting, the representative of the USSR stated that the full-scale Israeli act of aggression constituted a particularly serious threat not only to peace and security in the Near East but to international peace as a whole. This violation of international law, of the Charter of the United Nations and of the decisions of the Security Council could not be masked as self-defence by Israel which tried to suppress the legitimate struggle of the Arabs for the liberation of their lands. The representative of the USSR called for the Council to condemn Israeli aggression, to implement its previous decisions by applying the provisions of Chapter VII of the Charter and to consider the question of expelling Israel from the United Nations for its aggression and violation of the Charter. He also urged the members of the Council and primarily its permanent members to renew the consultations in support of Ambassador Jarring's mission in the Middle East.¹⁸⁶

The representative of France expressed the view that the Government of Lebanon did everything to control the activities of the *fedayeen* and could not be held accountable for events on Israeli territory. He reported that his Government had communicated to Israel that it could not agree with any reprisals against any State, in particular against a peace-loving State like Lebanon which should be given assistance by the Council, whereas Israel should

immediately withdraw its troops from Lebanese territory.¹⁸⁷

The representative of Yugoslavia referred to the quasi-unanimous opinion of the international community that peace in the Middle East must be based on the territorial integrity and sovereignty of all States without recourse to force and asked for effective measures to prevent attacks like the Israeli ones and make them impossible in the future.¹⁸⁸

The representative of Japan recalled the proposal made by the Secretary-General in 1969 to station United Nations Observers on both sides of the Israel-Lebanon border to observe and maintain the Security Council cease-fire. The adoption of this proposal could have prevented the recurrence of border incidents.¹⁸⁹

The representative of the United Kingdom while deploring the acts of terrorism by *fedayeen* against Israel, denied that the Israeli measures against Lebanon were justifiable.¹⁹⁰

The representative of Italy reiterated his Government's support for the preservation of the integrity, political balance and welfare of Lebanon and stated that the Israeli reprisal exceeded by far the initial act of violence that allegedly prompted it, and violated the principles of the Charter, in particular the commitment of all Member States not to resort to the use of force to settle their disputes.¹⁹¹

The representative of Belgium appealed for respect for the territorial integrity and sovereignty of all States in the Middle East and urged Governments not to have recourse to force. He requested specifically that Israel refrain from any attack within the Lebanese territory, that Lebanon prevent the misuse by the Palestinian fighters of the hospitality offered to them for raids on Israeli territory and that the international control organ established under the Armistice Agreement of 1949 function without delay with the participation of Israel.¹⁹²

The representative of China asked for Israel's condemnation by the Security Council and for Israel's immediate withdrawal from Lebanese territory.¹⁹³

The representative of the USSR, in reference to the statement by the representative of Japan, pointed out that the proposal by the Secretary-General was made without the knowledge and agreement of the Security Council and that in accordance with the practice and the provisions of the Charter such a proposal should have been made only on the decision of the Council. He also suggested that the Council pass a brief resolution condemning Israeli aggression and calling for an immediate withdrawal from the Lebanese territory and warned against adjournment *sine die* because such a postponement under the pretext of consultations would prolong the aggressor's presence on Lebanese soil.¹⁹⁴

¹⁸⁷ *Ibid.*, paras. 115-121.

¹⁸⁸ *Ibid.*, paras. 123-130.

¹⁸⁹ *Ibid.*, paras. 131-132.

¹⁹⁰ *Ibid.*, paras. 134-135.

¹⁹¹ *Ibid.*, paras. 136-143.

¹⁹² *Ibid.*, paras. 161-167.

¹⁹³ *Ibid.*, para. 188.

¹⁹⁴ *Ibid.*, paras. 192-194.

¹⁸⁴ 1643rd meeting, paras. 5-29.

¹⁸⁵ *Ibid.*, paras. 32-51.

¹⁸⁶ *Ibid.*, paras. 52-75. Also 1644th meeting (PV), pp. 43-45.

Recalling the Preamble and Article 2 (3) and (4) of the Charter, the representative of Somalia urged the Council to call upon Israel to respect the sovereignty and territorial integrity of Lebanon and immediately to desist from its incursions into Lebanese territory.¹⁹⁵

The representative of Japan replying to the statement of the representative of the USSR stated that he had simply asked for the Secretary-General to make his views known if the Council were to raise the question of observers in future proceedings.¹⁹⁶

At the end of the 1643rd meeting, the President (Sudan) proposed to adjourn the meeting since the members of the Council seemed generally inclined to continue consideration of the issue at a later stage. The Council decided without objection to adjourn the meeting.¹⁹⁷

At the 1644th meeting on 27 February 1972, the representative of Lebanon* explained that due to continued aggression by the Israeli air force his Government had urgently requested that the Council be convened again. He reiterated his call for measures under the pertinent Articles of the Charter against Israel.¹⁹⁸

The representative of Argentina stated that Israel's claim that it acted in self-defence, recognized as legitimate by international law and in Article 51 of the Charter, was not valid because its reprisals against Lebanon were far in excess of what could be considered permissible self-defence in terms of need and proportionality.¹⁹⁹

The representative of Guinea also rejected Israel's assertion that its reprisal was an act of self-defence and urged the Council to demand an immediate withdrawal of Israeli troops from Lebanon and to impose relevant sanctions under the Charter.²⁰⁰

At the same meeting the representative of Italy introduced a draft resolution sponsored by Belgium, France, Italy and the United Kingdom, which read as follows:

The Security Council,

Deploring all actions which have resulted in the loss of innocent lives,

Demands that Israel immediately desist and refrain from any ground and air military action against Lebanon and forthwith withdraw all its military forces from Lebanese territory.

He appealed to the other members of the Council to refrain from proposing amendments and to proceed to vote on the draft resolution in order to permit speedy action in the rapidly deteriorating situation.²⁰¹

The representative of the United States expressed deep regret that Israel had prolonged its attacks on Lebanese territory and reiterated his Government's full support for the territorial integrity and political independence of Lebanon. He welcomed the draft resolution, but proposed to amend the preambular paragraph by adding "on both

sides". This change would express the humanitarian concern felt by the Council members.²⁰²

The representatives of the United Kingdom and France appealed to the representative of the United States not to insist on the amendment in order to permit the speedy and unanimous adoption of the draft resolution.²⁰³ In accordance with the wishes of the co-sponsors the representative of the United States agreed not to press his amendment.²⁰⁴

The representative of China opposed the preambular paragraph and proposed that it be replaced by the phrase "Condemning Israel's aggression against Lebanon". If this change were unacceptable to the sponsors, the preamble should be deleted.²⁰⁵

The representative of Somalia proposed to amend the preambular paragraph by speaking of "innocent *civilian* lives" and to include in the preamble a call to all Member States to refrain from the threat or use of force against the territorial integrity or political independence of any State. He added that the imposition of sanctions under Chapter VII should not be ruled out if Israel continued to violate the territory of neighbouring States.²⁰⁶

The representative of Yugoslavia suggested that the preambular paragraph be deleted.²⁰⁷

In view of the various amendments and suggestions the representative of France asked that the Council recess for ten minutes to allow the sponsors of the draft to consult briefly.²⁰⁸

Following the recess, the President speaking as representative of Sudan declared that the draft resolution fell far short of what was required and that more decisive and drastic action should be taken.²⁰⁹

Speaking on behalf of the sponsors, the representative of Italy announced that it would be difficult for them to delete the preambular paragraph, but that they agreed to having the two paragraphs put to separate votes.²¹⁰

At the same meeting, on 28 February 1972, the preambular paragraph of the draft resolution was voted upon and received 8 votes in favour to 4 against, with 3 abstentions, and was not adopted, having failed to receive the required majority of votes. The remainder of the draft resolution was unanimously adopted.²¹¹ It read as follows:

The Security Council,

Demands that Israel immediately desist and refrain from any ground and air military action against Lebanon and forthwith withdraw all its military forces from Lebanese territory.

²⁰² *Ibid.*, paras. 126-129.

²⁰³ *Ibid.*, United Kingdom, paras. 130-131; France, paras. 133-135.

²⁰⁴ *Ibid.*, para. 137.

²⁰⁵ *Ibid.*, paras. 147-152.

²⁰⁶ *Ibid.*, paras. 159-173.

²⁰⁷ *Ibid.*, paras. 179-181.

²⁰⁸ *Ibid.*, paras. 182-183.

²⁰⁹ *Ibid.*, paras. 206-212.

²¹⁰ *Ibid.*, paras. 214-217.

²¹¹ *Ibid.*, paras. 231-232. S/10552, as modified, adopted as resolution 313 (1972).

¹⁹⁵ 1643rd meeting, paras. 196-200.

¹⁹⁶ *Ibid.*, para. 207.

¹⁹⁷ *Ibid.*, para. 209.

¹⁹⁸ 1644th meeting, paras. 6-18.

¹⁹⁹ *Ibid.*, paras. 19-34.

²⁰⁰ *Ibid.*, paras. 35-50.

²⁰¹ *Ibid.*, paras. 109-114.

Decision of 19 April 1972:

Consensus of the members of the Security Council

A consensus of the members of the Security Council was issued on 19 April 1972 which read as follows:²¹²

The President of the Security Council has held consultations with the members of the Council following the request of the Permanent Representative of Lebanon that the Security Council take necessary action to station additional United Nations observers in the Israel-Lebanon sector, as conveyed to the President of the Security Council and contained in annex 1 of his memorandum of 31 March 1972 to the Secretary-General, and in paragraph 1 of the annexed memorandum dated 4 April 1972 from the Secretary-General to the President of the Security Council. The President also informed and consulted the Secretary-General. Exceptionally, a formal meeting of the Security Council was not considered necessary in this instance.

In the course of these consultations, the members of the Security Council reached without objection a consensus on the action to be taken in response to the request of the Lebanese Government and invited the Secretary-General to proceed in the manner outlined in his above-mentioned memorandum. They further invited the Secretary-General to consult with the Lebanese authorities on the implementation of these arrangements.

They also invited the Secretary-General to report periodically to the Security Council and in doing so to give his views on the need for the continuance of the above measures and on their scale.

Decision of 26 June 1972 (1650th meeting): resolution 316 (1972)

By letter²¹³ dated 23 June 1972 addressed to the President of the Security Council, the representative of Lebanon complained about Israel's persistent aggression against Lebanon that had culminated in a large-scale air and ground attack on 21, 22, and 23 June, and requested an urgent meeting of the Security Council in view of the extreme gravity of the situation.

By letter²¹⁴ dated 23 June 1972 addressed to the President of the Security Council, the representative of Israel requested an urgent meeting of the Security Council to consider the continued armed attacks, shelling, sabotage, incursions, acts of air piracy and other acts of terror and violence perpetrated from Lebanese territory against Israel.

At its 1648th meeting on 23 June 1972, the Council included the letters by Lebanon and Israel in the agenda listing each separately under the item "The situation in the Middle East". Following the adoption of the agenda, the representatives of Lebanon and Israel,²¹⁵ and at the 1649th meeting those of the Syrian Arab Republic, Egypt, Kuwait and Jordan²¹⁶ were invited, at their request, to participate without the right to vote in the discussion of the item which was considered at the 1648th to 1650th meetings from 23 to 26 June 1972.

At the 1648th meeting, the representative of Lebanon* said that on 21 June an Israeli patrol had entered Lebanese territory and destroyed Lebanese vehicles and that at the same time a Syrian military delegation who paid a

traditional exchange visit to the Lebanese army, had been ambushed by an Israeli military armoured unit, while the delegation escorted by a Lebanese officer and five military policemen had been travelling in civilian cars about 400 metres inside Lebanese territory. Four Lebanese military policemen had been killed; the fifth was injured and died of his wounds in Israel. Five Syrian officers and the Lebanese officer had been kidnapped, one Syrian officer had been wounded and another had managed to escape.

After describing in detail further Israeli attacks he rejected Israel's charge that the Syrian officers had been captured while they were engaged in hostile acts against Israel and that infiltration or shelling of Israel had taken place from Lebanese territory.

The increase of the number of armistice observers on the Lebanon-Israel border had pleased the Government of Lebanon, but Israel's intransigence and defiance made their effective functioning difficult and had again led to Israel's acts of aggression against Lebanon. The representative reiterated his appeal to the Security Council to take decisive action under Chapter VII of the Charter and asked specifically for the very strong condemnation of Israel for its repeated acts of aggression and for the Council's insistence on the immediate return of the kidnapped Syrian and Lebanese officers to Lebanon.²¹⁷

At the same meeting, the representative of Israel* said that on 20 June Arab terror organizations based in Lebanon had opened bazooka fire on an Israeli civilian bus and wounded two elderly passengers. Similar attacks occurred on the next two days. The Israeli air force and artillery reacted in self-defence and struck against the bases from which the terrorists operate. On 21 June, an Israeli patrol encountered a military convoy approximately 100 metres from the border; the convoy opened fire on the patrol, and in the ensuing clash five Syrian officers, one Lebanese officer, a soldier and four gendarmes were taken prisoner. As long as Lebanon repudiated its obligation to ensure that its territory was not used for aggression against its neighbour, Israel had no alternative but to act in self-defence. As an example for Lebanon's role he cited the Lod airport massacre on 30 May which had been committed by terrorists who had been trained for that criminal mission in a terrorist camp near Beirut. He deplored the inability of the Security Council to stop Arab armed attacks against Israel or even to condemn these attacks from neighbouring Arab States.²¹⁸

At the 1650th meeting on 26 June 1972, the Council decided to add, as subitem (b) of the first item on its agenda ("The situation in the Middle East"), the "Letter dated 26 June 1972 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council"²¹⁹ in which the representative requested that the Syrian Arab Republic be considered an integral party to the Lebanese complaint.

²¹² S/10611 (Consensus of the members of the Security Council), *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 32-33; see also S/10612, *ibid.*, p. 33, and S/10617, *ibid.*, p. 36.

²¹³ S/10715, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 137.

²¹⁴ S/10716, *ibid.*, p. 137.

²¹⁵ 1648th meeting, paras. 1-3.

²¹⁶ 1649th meeting, paras. 2-3.

²¹⁷ 1648th meeting, paras. 8-42.

²¹⁸ *Ibid.*, paras. 45-87.

²¹⁹ 1650th meeting, para. 1. S/10720, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 140-141.

²²⁰ S/10722, subsequently adopted without change as resolution 316 (1972).

At the same meeting, the representative of France introduced a draft resolution sponsored by Belgium, France and the United Kingdom²²⁰ and urged its unanimous adoption.²²¹

The representative of the United States submitted a draft resolution²²² under which the Security Council would, *inter alia*, condemn acts of violence in the area; call for an immediate cessation of all such acts, and call on all Governments concerned to repatriate all armed forces prisoners held in custody.²²³

Several representatives²²⁴ stated that they would prefer a stronger condemnation of the Israeli act of aggression, but that they were prepared to vote in favour of the rather weak three-Power draft resolution.

At the same meeting, the draft resolution sponsored by Belgium, France and the United Kingdom was adopted by 13 votes to none with 2 abstentions.²²⁵ It read as follows:

The Security Council,

Having considered the agenda contained in document S/Agenda/1650/Rev.1,

Having noted the contents of the letters of the Permanent Representative of Lebanon, the Permanent Representative of Israel and the Permanent Representative of the Syrian Arab Republic,

Recalling the consensus of the members of the Security Council of 19 April 1972,

Having noted the supplementary information provided by the Chief of Staff of the United Nations Truce Supervision Organization contained in documents S/7930/Add.1584 to Add.1640, of 26 April to 21 June 1972, and particularly documents S/7930/Add.1641 to Add.1648, of 21 to 24 June 1972,

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

Deploing the tragic loss of life resulting from all acts of violence and retaliation,

Gravely concerned at Israel's failure to comply with Security Council resolutions 262 (1968) of 31 December 1968, 270 (1969) of 26 August 1969, 280 (1970) of 19 May 1970, 285 (1970) of 5 September 1970 and 313 (1972) of 28 February 1972 calling on Israel to desist forthwith from any violation of the sovereignty and territorial integrity of Lebanon,

1. *Calls upon* Israel to strictly abide by the aforementioned resolutions and to refrain from all military acts against Lebanon;

2. *Condemns*, while profoundly deploring all acts of violence, the repeated attacks of Israeli forces on Lebanese territory and population in violation of the principles of the Charter of the United Nations and Israel's obligations thereunder;

3. *Expresses* the strong desire that appropriate steps will lead, as an immediate consequence, to the release in the shortest possible time of all Syrian and Lebanese military and security personnel abducted by Israeli armed forces on 21 June 1972 on Lebanese territory;

4. *Declares* that if the above-mentioned steps do not result in the release of the abducted personnel or if Israel fails to comply with the present resolution, the Council will reconvene at the earliest to consider further action.

The draft resolution submitted by the United States was not put to the vote in view of the adoption of the three-Power draft resolution.²²⁶

After the vote the representative of the United States stated that his delegation was obliged to abstain because it considered the draft resolution as unbalanced and therefore unacceptable.²²⁷

The representative of Belgium said that the natural right of self-defence enshrined in Article 51 of the Charter was limited to the single case of armed aggression and that the incidents which provoked Israel's reprisals could not be described as an act of aggression on the part of Lebanon.²²⁸

Decision of 21 July 1972 (1653rd meeting): resolution 317 (1972).

By two separate letters²²⁹ dated 5 July addressed to the President of the Security Council, the representatives of the Syrian Arab Republic and of Lebanon requested a meeting of the Security Council in view of Israel's refusal to abide by Security Council resolution 316 (1972).

By letter²³⁰ dated 17 July addressed to the President of the Security Council, the representative of Israel requested an urgent meeting of the Council to consider the mutual release of all prisoners of war, in accordance with the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949.

At the 1651st meeting on 18 July an extended procedural debate took place concerning the provisional agenda which included the two letters by Syria and Lebanon as well as the letter by Israel.²³¹ The motion by Somalia to delete item (3) (the letter by Israel) from the provisional agenda was voted upon and received 8 votes in favour to none against with seven abstentions and was not adopted falling short of the required majority of votes.²³² After further discussion the Council, at the recommendation of the President, decided to consider the Lebanese and Syrian requests first and to schedule a later Council meeting to consider the Israeli request.²³³ Following the adoption of the revised agenda, the representatives of Syria, Lebanon, Israel, Afghanistan, Islamic Republic of Mauritania and Morocco²³⁴ were invited, at their request, to participate without the right to vote in the discussion of the item which was considered at the 1651st to 1653rd meetings from 18 to 21 July 1972.

At the 1651st meeting, the President read a message from the Secretary-General in which he reported on the effort to implement resolution 316 (1972): at the request of the representatives of Lebanon and Syria he had

²²⁶ *Ibid.*, para. 83.

²²⁷ *Ibid.*, paras. 85-87.

²²⁸ *Ibid.*, para. 93.

²²⁹ S/10730 and S/10731, *OR*, 27th yr., *Suppl. for July-Sept.* 1972, pp. 57-58.

²³⁰ S/10739, *ibid.*, p. 72.

²³¹ 1651st meeting, paras. 2-139. For details see chapter II of this Supplement, pp. 22-24.

²³² *Ibid.*, para. 53.

²³³ *Ibid.*, paras. 125-139.

²³⁴ *Ibid.*, paras 140-141.

²²¹ 1650th meeting, paras. 15-17.

²²² S/10723, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 141.

²²³ 1650th meeting, para. 44.

²²⁴ *Ibid.*, Sudan: paras. 49-53; Somalia: paras. 54-57; China: paras. 58-63; USSR: paras. 64-80.

²²⁵ *Ibid.*, para. 82. Adopted as resolution 316 (1972).

exercised his good offices for the return of the Lebanese and Syrian officers; at the moment a generally acceptable solution was not yet in sight and he continued to pursue his efforts with all parties concerned in this matter.²³⁵ The President added that his own efforts had been equally unavailing.²³⁶

At the same meeting, the representative of Lebanon* sharply criticized Israel's lawlessness and persistent defiance of Security Council resolutions. He rejected Israel's attempts to link the release of the abducted Lebanese and Syrian personnel to a general exchange of prisoners of war. Since Israel's acts of aggression violated the principles of the Charter and threatened international peace and security, Lebanon advocated the application of sanctions against Israel to enforce the rule of law. He proposed two alternatives to the Council for consideration: the Council could condemn Israel for its failure to release the abducted personnel, reaffirm resolution 316 (1972), call upon Israel to release the abducted personnel unconditionally and immediately and empower the President of the Council and the Secretary-General to take appropriate measures to that effect; or the Council would in addition dispatch a military or civilian commission or delegation representing the Council to Israel to impress upon the Israeli government the importance of the call by the Council for the immediate and unconditional release of the abducted personnel.²³⁷

The representative of the Syrian Arab Republic* denounced the abduction as a flagrant violation of the law of the sovereignty of nations and rejected Israel's claim that the abducted officers were prisoners of war, a claim that had already been rejected by the Council. Israel could not apply the provisions of one of the four Geneva Conventions and disregard the other three. The Council should condemn Israel for its non-compliance with the Council decision and call upon it to release the abducted personnel unconditionally. Failing this, sanctions should be applied against Israel. Moreover, Article 6 of the Charter should be applied against Israel who had been admitted to membership in the United Nations under the condition that it should abide by the decisions and resolutions of the United Nations.²³⁸

The representative of the USSR said that Israel's aggressive policy represented a serious threat to the cause of universal peace and proved its unwillingness to fulfil one of the most important obligations of the Charter of the United Nations, contained in Article 25: to accept and carry out the decisions of the Security Council. The Security Council should condemn Israel's failure to implement resolution 316 and consider further action to ensure its implementation.²³⁹

At the 1652nd meeting on 20 July 1972, the representative of Somalia introduced a draft resolution sponsored by Guinea, Somalia, Sudan and Yugoslavia²⁴⁰ and urged that the Council act quickly and without further debate since

the draft resolution did not constitute a departure from resolution 316 (1972).²⁴¹

The representatives of Panama and Belgium requested that the Council be adjourned because they had not been able to get from their Governments instructions on how to vote on the draft resolution. The representative of Belgium added that he would be obliged to submit a formal motion for adjournment on the basis of rule 33 (3) of the Council's provisional rules of procedure, if the Council could not accede to his request.²⁴²

The sponsors of the draft resolution agreed to the requests and the Council was adjourned.²⁴³

At the 1653rd meeting on 21 July 1972, the representative of Panama announced that on specific instructions from his Foreign Ministry he would vote in favour of the draft resolution.²⁴⁴

The representative of India announced that his Government would co-sponsor the draft resolution.²⁴⁵

At the same meeting, the draft resolution sponsored by Guinea, India, Somalia, Sudan and Yugoslavia was adopted by 14 to none with 1 abstention.²⁴⁶ It read as follows:

The Security Council,

Having considered the agenda adopted by the Security Council at its 1651st meeting held on 18 July 1972,

Having noted the contents of the letters of the Permanent Representative of the Syrian Arab Republic and the Chargé d'affaires *ad interim* of Lebanon,

Having heard the statements of the representatives of Lebanon and of the Syrian Arab Republic,

Having noted with appreciation the efforts made by the President of the Security Council and by the Secretary-General following the adoption of resolution 316 (1972) of 26 June 1972,

1. *Reaffirms* resolution 316 (1972) adopted by the Security Council on 26 June 1972;
2. *Deplores* the fact that despite these efforts, effect has not yet been given to the Security Council's strong desire that all Syrian and Lebanese military and security personnel abducted by Israeli armed forces from Lebanese territory on 21 June 1972 should be released in the shortest possible time;
3. *Calls upon* Israel for the return of the above-mentioned personnel without delay;
4. *Requests* the President of the Security Council and the Secretary-General to make renewed efforts to secure the implementation of the present resolution.

Decision of 10 September 1972 (1662nd meeting):

Rejection of draft resolution

By letter²⁴⁷ dated 9 September 1972 addressed to the President of the Security Council, the representative of the Syrian Arab Republic requested an urgent meeting of the Security Council to consider Israel's continuing attacks on

²³⁵ 1651st meeting, para. 142.

²³⁶ *Ibid.*, para. 143.

²³⁷ *Ibid.*, paras. 147-171.

²³⁸ *Ibid.*, paras. 176-195.

²³⁹ *Ibid.*, paras. 262-273.

²⁴⁰ S/10742, adopted without change as resolution 317 (1972).

²⁴¹ 1652nd meeting, paras. 5-13.

²⁴² *Ibid.*, Panama: para. 40; Belgium: paras. 42-44.

²⁴³ *Ibid.*, paras. 53-55.

²⁴⁴ 1653rd meeting, para. 5.

²⁴⁵ *Ibid.*, paras. 10-11.

²⁴⁶ *Ibid.*, para. 14. Adopted as resolution 317 (1972).

²⁴⁷ S/10782, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 97-98.

Syrian territory, of which he had informed the Council in his letter of 8 September.²⁴⁸

By letter²⁴⁹ dated 10 September 1972 addressed to the President of the Security Council, the representative of Lebanon also requested a meeting of the Council in view of the gravity of the situation endangering the peace and security of Lebanon, and especially in view of the recent events reported in his letter of 8 September.²⁵⁰

At the 1661st meeting on 10 September 1972, the President stated that the meeting had been convened at the request of the Syrian Arab Republic, but that a few minutes before the meeting, the representative of Lebanon, in his letter dated 10 September, had also requested the meeting. Accordingly, he suggested to amend the provisional agenda and to add the letter of the representative of Lebanon. Since there was no objection, the provisional agenda was adopted in the amended form.²⁵¹ Following the adoption of the agenda, the representatives of Syria and Lebanon were invited, at their request, to participate, without the right to vote, in the discussion of the item.²⁵² The President reported to the Council that he had informed the representative of Israel in the afternoon of 9 September of the decision to convene the meeting of the Council and that the representative of Israel had replied in the evening of 9 September that he could not attend the meeting since 10 September was Jewish New Year.²⁵³ The Council considered the item at the 1661st and 1662nd meetings on 10 September 1972.

At the 1661st meeting, the representative of the Syrian Arab Republic* stated that on 8 and 9 September Israel had launched new aerial attacks against Syrian communities killing and wounding many civilians. The Vice-Premier of the Israeli Council of Ministers had described these operations as a first stage in a total offensive. In view of this clear-cut aggression by Israel he called upon the Security Council to compel Israel to halt immediately all military operations, to condemn it for this act of aggression and to take all appropriate measures to prevent a renewal of aggression.²⁵⁴

The representative of Lebanon* said that several Lebanese places had been attacked on 8 September by Israeli military aircraft causing death and injury among innocent civilians. None of these communities had served as commando bases, as alleged by Israel. He urged the Council to condemn Israel for this premeditated attack against Lebanon and to take measures to prevent any recurrence of such attacks.²⁵⁵

Recalling the tragic events during the Olympic Games in Munich the representative of the United States declared that the complaint by Syria could not be considered without connecting it to the events in Munich. The Syrian Government and other Governments in the area encouraged

rather than condemned the terrorism against Israel and therefore could not be absolved of responsibility for the cycle of violence and counter-violence in the Middle East. His Government would not support one-sided resolutions of the kind recently adopted by the Council. He suggested that the Council deplore the renewal of terrorist attacks and the loss of innocent lives on both sides as well as the outbreak of renewed violence in the Middle East, that it delcare encouragement of acts of terrorism unacceptable in civilized societies and inimical to the maintenance of the cease-fire in the Middle East. The Council should also condemn the terrorist attack of 5 September in Munich and urge States that were harbouring and supporting such terrorists to cease their support and to put an end to acts of terrorism.²⁵⁶

The representative of Somalia asked the Council to call for an immediate cessation of all military operations in the region and introduced to that effect a draft resolution,²⁵⁷ subsequently co-sponsored by Guinea and Yugoslavia,²⁵⁸ according to which the Council would call on the parties concerned to cease immediately all military operations and to exercise the greatest restraint in the interest of international peace and security.²⁵⁹

Another draft resolution²⁶⁰ was submitted by the representative of the United States, according to which the Council would (1) condemn the attack in Munich on 5 September by terrorists of the so-called Black September organization, and (2) call upon those States harbouring and supporting such terrorists to cease their encouragement and to take all necessary measures to bring about the immediate end of such senseless acts.²⁶¹

The representative of the USSR expressed surprise about the pretext under which the Israeli representatives had refused to attend the Council meeting, while the Government of Israel conducted armed aggression at the same time. In view of the urgency of the requests of Syria and Lebanon he suggested that the draft resolution introduced by Somalia should be voted upon immediately. The key to the solution of the conflict in the Middle East still was the withdrawal of Israeli troops from the occupied territories and the implementation of Council resolution 242 (1967). He sharply rejected any attempt to link the new acts of aggression by Israel with the distressing incident in Munich, for which Syria and Lebanon bore no responsibility.²⁶²

The representative of Belgium asked for a suspension of the meeting in order that the Council members could study the two draft resolutions in detail and contact their Governments for instructions on how to vote.²⁶³

The representative of Somalia replied that since his draft resolution was purely an act of humanity, it did not require any instructions and could be voted upon the same day.²⁶⁴

²⁴⁸ S/10781, *ibid.*, p. 97.

²⁴⁹ S/10783, *ibid.*, p. 98.

²⁵⁰ S/10780, *ibid.*, pp. 96-97.

²⁵¹ 1661st meeting, para. 2.

²⁵² *Ibid.*, paras. 3-4.

²⁵³ *Ibid.*, para. 5.

²⁵⁴ *Ibid.*, paras. 7-16.

²⁵⁵ *Ibid.*, paras. 19-24.

²⁵⁶ *Ibid.*, paras. 25-35.

²⁵⁷ S/10784, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, p. 98.

²⁵⁸ 1661st meeting, para. 91 (announcement by Somalia).

²⁵⁹ *Ibid.*, paras. 37-39.

²⁶⁰ S/10785, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, p. 98.

²⁶¹ 1661st meeting, para. 41.

²⁶² *Ibid.*, paras. 48-57.

²⁶³ *Ibid.*, para. 59.

²⁶⁴ *Ibid.*, paras. 60-62.

Following a procedural discussion,²⁶⁵ the President adjourned the meeting until later that afternoon.²⁶⁶

At the 1662nd meeting on 10 September, the representative of the United Kingdom introduced three amendments²⁶⁷ to the three-Power draft resolution. The amendments, sponsored by Belgium, France, Italy and the United Kingdom, provided for (1) the insertion of a second preambular paragraph in which the Council would deplore all acts of terrorism and violence and all breaches of the cease-fire in the Middle East, (2) the replacement, in the operative paragraph, of the words "the parties" by "all parties", and (3) the replacement, in the operative paragraph, of the words "cease immediately all military operations" by "take all measures for the immediate cessation and prevention of all military operations and terrorist activities."

The representative of the United Kingdom added that the meaning of these amendments would be clear and that the Council should condemn every resort to force against national or international law.²⁶⁸

The representative of Somalia declared that the amendments would alter the thrust of the draft resolution which was directed towards the regulation of the relationships within the membership of the United Nations and therefore urged an end of the military operations without condemning or condoning the acts of violence in the Middle East.²⁶⁹

The representatives of Yugoslavia²⁷⁰ and Guinea²⁷¹ as co-sponsors of the draft resolution also emphasized its interim quality and warned that the amendments introducing extraneous considerations would weaken the draft resolution and the chances for the cessation of all military operations.

Following statements by the representatives of India,²⁷² Panama,²⁷³ the USSR,²⁷⁴ Japan²⁷⁵ and the United States,²⁷⁶ the Council proceeded to the vote. According to a suggestion by the representative of India, the amendments (S/10786) submitted by the four European Members were voted on separately.²⁷⁷ The first paragraph of the amendments received 8 votes in favour, 4 against and 3 abstentions and was not adopted, having failed to obtain the required majority. The second paragraph received 9 votes in favour and 6 against and was not adopted owing to the negative vote of two permanent members of the Council. The third paragraph received 8 votes in favour and

7 against and was not adopted, having failed to obtain the required majority.²⁷⁸

The three-Power draft resolution received 13 votes in favour, 1 against, and 1 abstention and was not adopted owing to the negative vote of a permanent member of the Council.²⁷⁹

Following the vote, the representative of the United States stated that his delegation had decided to vote against the draft resolution because it could not consent to a double standard condemning the unwillingness of States to control their own military forces, but keeping silent on their unwillingness to control irregular forces of terror and murder in their territory.²⁸⁰

The representative of the USSR said that in conditions where Israel continued its aggression and undermined a peaceful settlement on the basis of United Nations decisions, the need arose to adopt additional measures against the aggressor under Chapter VII of the Charter and to impose appropriate sanctions.²⁸¹

The representative of Sudan deplored the use of the veto against a call for the ending of aggression and the sparing of human life, especially because the United Nations relied upon the permanent members of the Council to help in the maintenance of peace.²⁸²

Before adjourning the meeting, the President announced that he had been informed by the representative of the United States that he would not insist on a vote on his draft resolution at that meeting.²⁸³

Decision of 20 April 1973 (1710th meeting): resolution 331 (1973)

Decision of 21 April 1973 (1711th meeting): resolution 332 (1973)

By letter²⁸⁴ dated 12 April 1973 addressed to the President of the Security Council, the representative of Lebanon referred to his previous letter²⁸⁵ dated 11 April 1973, in which he had brought to the attention of the Council details regarding the Israeli act of aggression against Lebanon on the morning of 10 April, and requested, in view of the gravity of that act and the threat it posed to the peace and security in the Middle East, an urgent meeting of the Council.

At its 1705th meeting on 12 April 1973, the Council included the letter by Lebanon in the agenda. Following the adoption of the agenda, the representatives of Lebanon, Israel and Egypt,²⁸⁶ of Saudi Arabia,²⁸⁷ at the 1706th meeting those of Algeria and the Syrian Arab Republic,²⁸⁸

²⁶⁵ 1661st meeting, paras. 63-110.

²⁶⁶ *Ibid.*, para. 111.

²⁶⁷ S/10786, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 98-99.

²⁶⁸ 1662nd meeting, paras. 5-9.

²⁶⁹ *Ibid.*, paras. 11-12.

²⁷⁰ *Ibid.*, paras. 13-16.

²⁷¹ *Ibid.*, para. 17.

²⁷² *Ibid.*, paras. 23-38.

²⁷³ *Ibid.*, paras. 40-47.

²⁷⁴ *Ibid.*, paras. 48-54.

²⁷⁵ *Ibid.*, paras. 56-63.

²⁷⁶ *Ibid.*, paras. 64-66.

²⁷⁷ *Ibid.*, paras. 69-70.

²⁷⁸ *Ibid.*, paras. 71-73.

²⁷⁹ *Ibid.*, para. 74.

²⁸⁰ *Ibid.*, paras. 76-80.

²⁸¹ *Ibid.*, paras. 129-131.

²⁸² *Ibid.*, paras. 165-166.

²⁸³ *Ibid.*, para. 213.

²⁸⁴ S/10913, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 22-23.

²⁸⁵ S/10911, *ibid.*, pp. 20-21.

²⁸⁶ 1705th meeting, paras. 1-6.

²⁸⁷ *Ibid.*, para. 72.

²⁸⁸ 1706th meeting, paras. 3-4.

at the 1708th meeting the representative of Tunisia,²⁸⁹ and at the 1710th meeting the representative of Jordan²⁹⁰ were invited, at their request, to participate without the right to vote in the discussion of the item which was considered at the 1705th to 1711th meetings from 12 to 21 April 1973.

At the 1705th meeting, the representative of Lebanon* stated that as he had already described in his letter of 11 April, a squad of 35 Israeli terrorists in civilian clothes had landed on 10 April in the south of Beirut and driven in civilian Lebanese cars to various points in the city, where they attacked several buildings and killed three leading members of the Palestinian Liberation Organization. They also killed and wounded other people in the city and in a refugee camp in the vicinity of Beirut airport. The representative of Lebanon stressed again that his country continued to depend on the United Nations and in particular on the Security Council for its protection. The *raison d'être* for the United Nations was to protect the security of the small countries and the peaceful existence of their inhabitants. The repeated acts of aggression against Lebanon by Israel could not go unpunished. Therefore he called upon the Council to go beyond a mere condemnation of Israel aggression and to take action to put an end to it.²⁹¹

The representative of the United States categorically denied charges that his country had somehow helped carry out the aggression in Lebanon and was still harbouring several of those involved in its embassy, and described this "big lie" as a fabrication by those who were opposed to a peaceful settlement and wanted to incite new destruction and more deaths of innocent people.²⁹²

The representative of Israel* charged that Lebanon had convened the Security Council to ask for the continuation of terrorism and declared that his Government was duty-bound to protect the lives of its citizens and to put an end to assaults against them. This was the objective of its action in the night of 9-10 April against terrorist bases in the Beirut area. Israel would not acquiesce in the continued presence of terrorist groups on Lebanese soil. Lebanon could extricate itself from its predicament only by observing its international obligations and eliminating the terrorist groups and their activities from its territory. The Charter of the United Nations as well as the interests of international peace and security required that responsible Governments and the Security Council refused support to Lebanon as long as it remained a base for murderous terrorism.²⁹³

At the 1706th meeting on 13 April, the representative of Algeria* called Israeli defiance of international law and of the decisions of international organizations a serious threat to international order and deplored the failure of the international community to react to the Israeli measures taken with the aim of insuring its permanent presence in the territories acquired by force. The Israeli actions went far beyond the breach of international law and claimed futilely to furnish a reply to the inalterable aspirations of

the Palestinians. Israel's behaviour represented one of the gravest dangers to world equilibrium.²⁹⁴

The representative of the Syrian Arab Republic* argued that Israel, a State which trampled under foot the resolutions of the international community, should have no place in the Organization. Similarly, the Council could no longer postpone the adoption of appropriate measures to eliminate the consequences of Israeli aggression.²⁹⁵

The representative of the USSR pointed out that Israel had been among the States that refused to support General Assembly resolution 2936 (XXVII) on the non-use of force in international relations and the permanent prohibition of the use of nuclear weapons. Israel's act of aggression violated not only the United Nations Charter but also the new rule of international law expressed in that resolution. He proposed that the Council should reaffirm the renunciation of the use or threat of force to settle disputes between States. His Government which was categorically opposed to international terrorism, condemned Israeli terrorist methods that had been raised to State policy. He reiterated his suggestion that the permanent members of the Council resume their consultations on the Near East in order to help the Special Representative of the Secretary-General. He called upon the other members of the Council not only to condemn Israel's latest acts of aggression but also to impose effective sanctions against Israel up to and including its expulsion from membership in the United Nations.²⁹⁶

The representative of Sudan stated that it was the duty of the United Nations to uphold the right of the Palestinian Arabs not as refugees but as a legitimate liberation movement. Israel's acts of aggression in Lebanon should be strongly condemned, and if Israel continued to promote terrorism, the Council should consider applying effective measures along the lines stipulated by the Charter.²⁹⁷

The representative of Yugoslavia also called for Israel's condemnation and declared that it was high time for the Council to review the whole Middle Eastern situation and to examine what should be done to arrive at the implementation of resolution 242 (1967) as well as other resolutions.²⁹⁸

At the 1707th meeting on 16 April, the representative of Egypt* stated that in the wake of Israel's most recent aggression in Lebanon the Council had to consider measures envisaged by the Charter, such as complete or partial interruption of economic relations, communications and severance of diplomatic relations. He called it unbelievable that Israel continued to receive increasing massive military and economic assistance from one Member State. A ban on military supplies and financial aid to Israel would be essential for the attainment of peace in the Middle East. He also announced his Government's intention to ask later in the meeting for a full review of the entire Middle East situation by the Council, including a request for the submission of the comprehensive report by the Special

²⁸⁹ 1708th meeting, para. 5.

²⁹⁰ 1710th meeting, paras. 3-4.

²⁹¹ 1705th meeting, paras. 10-36.

²⁹² *Ibid.*, paras. 38-44.

²⁹³ *Ibid.*, paras. 47-71.

²⁹⁴ 1706th meeting, paras. 6-30.

²⁹⁵ *Ibid.*, para. 43.

²⁹⁶ *Ibid.*, paras. 47-85.

²⁹⁷ *Ibid.*, paras. 126-127.

²⁹⁸ *Ibid.*, paras. 141-144.

Representative of the Secretary-General, Ambassador Jarring.²⁹⁹

On 19 April, France and the United Kingdom submitted a draft resolution³⁰⁰ which provided *inter alia* in operative paragraph 4 for a warning by the Council that if Israel were to repeat such attacks the Council would meet to consider what further and more effective measures could be taken to ensure against their repetition.

On the same day, Guinea, India, Indonesia and Yugoslavia submitted an amendment,³⁰¹ which provided for the addition of another paragraph at the end of the British-French draft resolution, whereby the Council would call on all States to refrain from providing any assistance which encouraged such military attacks or impeded the search for a peaceful settlement.

At the beginning of the 1710th meeting on 20 April, the President drew the attention of the members of the Council to the revision³⁰² of the original draft resolution submitted by France and the United Kingdom, to the amendment sponsored by Guinea, India, Indonesia and Yugoslavia, and to a draft resolution submitted by Egypt.³⁰³ He informed the Council that he had received a request from the Foreign Minister of Egypt that his draft resolution be considered and voted upon first, since the Minister had to depart from New York on the same day. Recalling rule 32 of the Provisional Rules of Procedure according to which principal motions and draft resolutions should have precedence in the order of their submission, he announced that as there were no objections, he would give priority to the Egyptian draft resolution.³⁰⁴

The representative of Egypt introduced the draft resolution asking for an in-depth review of the situation in the Middle East by the Council and in preparation of that examination for a comprehensive report by the Secretary-General on the efforts undertaken by the United Nations since 1967, and he inquired from the Secretary-General as to how long it would take to prepare such a report.³⁰⁵

The Secretary-General indicated that it should be possible to prepare the requested report in three to four weeks.³⁰⁶

The representative of Sudan moved formally, under rule 38 of the rules of procedure, that the Council approve by a unanimous vote the draft resolution introduced by Egypt.³⁰⁷ Subsequently, the President asked the Council whether it would approve the draft resolution without a vote. Since there were no objections, he declared that the draft resolution had been adopted.³⁰⁸ It read as follows:

²⁹⁹ 1707th meeting, paras. 19-24.

³⁰⁰ S/10916. *OR*, 28th yr., *Suppl. for April-June 1973*, p. 24.

³⁰¹ S/10917, *ibid.*, p. 24.

³⁰² S/10916/Rev.1, adopted without change as resolution 332 (1973).

³⁰³ S/10918, adopted without change as resolution 331 (1973).

³⁰⁴ 1710th meeting, paras. 5-8.

³⁰⁵ *Ibid.*, paras. 10-18.

³⁰⁶ *Ibid.*, para. 19.

³⁰⁷ *Ibid.*, para. 35.

³⁰⁸ *Ibid.*, para. 65. Adopted as resolution 331 (1973).

The Security Council,

Having heard the statement of the Foreign Minister of the Arab Republic of Egypt,

1. *Requests* the Secretary-General to submit to the Security Council as early as possible a comprehensive report giving full account of the efforts undertaken by the United Nations pertaining to the situation in the Middle East since June 1967;

2. *Decides* to meet, following the submission of the Secretary-General's report, to examine the situation in the Middle East;

3. *Requests* the Secretary-General to invite Mr. Gunnar Jarring, the Special Representative of the Secretary-General, to be available during the Council's meetings in order to render assistance to the Council in the course of its deliberations.

After the adoption of the Egyptian draft resolution, the representative of France introduced the revised draft resolution submitted by the United Kingdom and France, in which the word "deplores" in operative paragraph 1 had been replaced by the word "condemns" and operative paragraph 4 had been deleted. He indicated that the sponsors had no objection to having the amendment submitted by Guinea, India, Indonesia and Yugoslavia incorporated in the draft resolution as a new operative paragraph 4.³⁰⁹

Speaking on behalf of the four sponsors, the representative of Guinea announced that they were withdrawing the amendment to the British-French draft resolution because it referred to the original draft and not to the revised text. Then she proposed that the Council be adjourned under rule 33, paragraph 3 so that consultations could continue.³¹⁰

At the 1711th meeting on 21 April, the revised draft resolution sponsored by France and the United Kingdom was adopted by 11 votes to none, with 4 abstentions.³¹¹ It read as follows:

The Security Council,

Having considered the agenda contained in document S/Agenda/1705,

Having noted the contents of the letter of the Permanent Representative of Lebanon to the United Nations (S/10913),

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

Grieved at the tragic loss of civilian life,

Gravely concerned at the deteriorating situation resulting from the violation of Security Council resolutions,

Deeply deploring all recent acts of violence resulting from the violation of Security Council resolutions,

Recalling the General Armistice Agreement between Israel and Lebanon of 23 March 1949 and the cease-fire established pursuant to resolutions 233 (1967) of 6 June 1967 and 234 (1967) of 7 June 1967,

Recalling its resolutions 262 (1968) of 31 December 1968, 270 (1969) of 26 August 1969, 280 (1970) of 19 May 1970 and 316 (1972) of 26 June 1972,

1. *Expresses deep concern* over and condemns all acts of violence which endanger or take innocent human lives;

2. *Condemns* the repeated military attacks conducted by Israel against Lebanon and Israel's violation of Lebanon's territorial integrity and sovereignty in contravention of the Charter of the United Nations, of the Armistice Agreement between Israel and Lebanon and of the Council's cease-fire resolutions;

³⁰⁹ *Ibid.*, paras. 71-72.

³¹⁰ *Ibid.*, paras. 72-73.

³¹¹ 1711th meeting, following a brief suspension of the meeting. Adopted as resolution 332 (1973).

3. *Calls upon* Israel to desist forthwith from all military attacks on Lebanon.

EXAMINATION OF THE SITUATION
IN THE MIDDLE EAST

Decision of 14 June 1973 (1726th meeting):

Statement by the President

Decision of 26 July 1973 (1735th meeting):

Rejection of the eight-Power draft resolution

In accordance with resolution 331 (1973) the Council convened at the 1717th meeting on 6 June 1973, following the submission of the Secretary-General's report, to examine the situation in the Middle East. The Council included in its agenda resolution 331 (1973) and the Report of the Secretary-General under Security Council resolution 331 (1973) dated 18 May 1973.³¹² Following the adoption of the agenda, the representatives of Egypt, Israel, Jordan, the United Republic of Tanzania, Chad, the Syrian Arab Republic, Nigeria, Algeria,³¹³ at the 1718th meeting the representatives of Morocco, the United Arab Emirates,³¹⁴ Somalia,³¹⁵ at the 1719th meeting the representatives of Guyana and Mauritania,³¹⁶ at the 1720th meeting the representatives of Qatar, Kuwait³¹⁷ and Saudi Arabia,³¹⁸ at the 1721st meeting the representative of Lebanon,³¹⁹ at the 1722nd meeting the representatives of Iran³²⁰ and Bahrain,³²¹ and at the 1734th meeting the representative of Tunisia,³²² were invited, at their request, to participate, without vote, in the discussion of the item on the agenda. The Council considered the question at the 1717th to 1726th and 1733rd to 1735th meetings from 6 to 14 June and 20 to 26 July 1973.

At the beginning of the 1717th meeting the President (USSR) recalled that the Council in adopting resolution 331 (1973) had decided to meet to examine the situation in the Middle East. He added that pursuant to that resolution, the Secretary-General had submitted to the Council a detailed report on the efforts undertaken by the United Nations pertaining to the situation in the Middle East since 1967, and the Special Representative of the Secretary-General, Ambassador Gunnar Jarring, would take part in the meetings of the Council. He stressed how unacceptable it was that the situation in the Middle East continued to be an explosive threat to international peace and security.³²³

³¹² S/10929, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 37-53.

³¹³ 1717th meeting, paras. 2-4.

³¹⁴ 1718th meeting, opening statement by the President.

³¹⁵ *Ibid.*, following the intervention by the Syrian Arab Republic.

³¹⁶ 1719th meeting, opening statement by the President.

³¹⁷ 1720th meeting, para. 3.

³¹⁸ *Ibid.*, para. 51.

³¹⁹ 1721st meeting, opening statement by the President.

³²⁰ 1722nd meeting, opening statement by the President.

³²¹ *Ibid.*, following the intervention by Morocco.

³²² 1734th meeting, following the intervention by Egypt.

³²³ 1717th meeting, paras. 6-14.

The Secretary-General briefly introduced his report which he said described great efforts but little progress, and emphasized that the Council could not succeed in the quest for a peaceful settlement in the Middle East if the parties concerned did not wish to avail themselves of its efforts and its advantages as a forum of discussion and an instrument for peace.³²⁴

The representative of Egypt* said that his Government had requested this series of meetings of the Council after six years of effort and endurance had failed to put an end to Israeli occupation of Arab territory. He reviewed the development of the conflict since 1947 emphasizing the original boundaries within which the Jewish State had been recognized by the United Nations, and the systematic expulsion of the Palestinians from their land by the Israeli rulers who had violated the original frontiers and seized large parts of adjoining Arab territories, most recently in the war of June 1967. He then considered in great detail the development since 1967 contrasting Israel's initial willingness to withdraw from all occupied territories with its recent refusal stated in reply to the questions raised by the Special Representative that it would not withdraw to the pre-5 June boundaries. Egypt had accepted the Council resolution 242 (1967) and in response to the aide-mémoire of the Special Representative dated 8 February 1971 had declared its readiness to enter into a peace agreement with Israel if Israel also carried out its obligations under the Charter and as requested by the Special Representative. Israel, however, had insisted that the so-called Jarring initiative of 8 February 1971 was outside his terms of reference, although the representatives of the four permanent members supported Ambassador Jarring's aide-mémoire and expressed satisfaction with Egypt's response.

He charged that the Israeli Government still aimed at keeping the *status quo* in order to perpetuate the occupation until the surrender of the Arabs. While Israel insisted on negotiations without prior conditions, it effectively posed several preconditions: it would not return to the boundaries of 5 June 1967, and it would maintain the occupation during the negotiations. He called upon all members of the United Nations to reject these and other violations of valid international law and to refrain from giving Israel aid that might help it in its continued occupation.

He urged the Council to demand the immediate and unconditional withdrawal of the Israeli forces of occupation from all the territories they now occupied and to affirm the sanctity of international borders. It should also resolve that the rights and aspirations of the Palestinian nation be respected, including their right to live in peace within secure and recognized boundaries in their homeland of Palestine. In conclusion he reaffirmed Egypt's respect for the Charter of the United Nations and its acceptance of all United Nations resolutions concerning the problem of the Middle East and invited the President of the Council to ask the representative of Israel whether or not Israel accepted the principle of non-acquisition of territory by force. His Government envisaged a comprehensive settlement of the conflict and could never accept a partial or interim settlement as proposed by Israel.³²⁵

³²⁴ *Ibid.*, paras. 15-22.

³²⁵ *Ibid.*, paras. 24-76.

The representative of Israel* reaffirmed his Government's position that it did not wish to freeze the existing situation or to perpetuate the cease-fire lines but wished to replace them in peace with secure and agreed boundaries to be established through negotiation with each of its Arab neighbours. He reviewed the efforts and proposals to promote a peaceful settlement since 1967 and stressed that the Israeli suggestions for negotiations between the parties involved had always been rejected by the Arab Governments. With regard to the aide-mémoire of the Special Representative dated 8 February 1971 he stated that his Government had been asked not only to withdraw to the old line but to do so in a prior commitment, because the Arab Governments had tried thereby to change the whole tenet of resolution 242 (1967) which called for the establishment of secure and recognized boundaries through and as a consequence of, negotiations. His Government could not accept this unilateral abrogation of the stipulations of resolution 242 (1967) especially in view of the fact that Egypt had committed itself merely to a peace agreement with Israel without accepting the resolution *in toto*.

He added that Israel would not introduce or accept the involvement of third powers in the search for a peaceful settlement because these third forces would further complicate the situation without contributing to the solution of the conflict. Instead, Israel continued to advocate the dialogue between the parties, one method that had not yet been applied in all these years, and remained prepared to enter into free negotiations without pre-conditions from any party.³²⁶

The representative of Jordan* emphasized that the principle of the inadmissibility of the acquisition of territory by war, stated unequivocally in resolution 242 (1967), allowed no ambiguity in how the provision for the withdrawal of Israeli armed forces from the occupied territories was to be understood. After a review of the years of occupation and of the vain efforts to implement the decisions of the United Nations and to solve the conflict he criticised Israel's use of the term "negotiation" which turned the goal of negotiation meaningless inasmuch as Israel made its own claims and territorial ambitions not negotiable and rejected *a priori* the two main Arab claims, the termination of Israeli occupation and respect for the inalienable rights of the Palestinian Arabs expelled from their homes. He concluded by stressing the principal importance of these objectives on which a lasting peace could be founded and by calling upon the Council to fully play its role as a party to this conflict.³²⁷

At the 1718th meeting on 7 June 1973, the representative of the United Republic of Tanzania* said that at its tenth ordinary session the Organization of African Unity Assembly of Heads of State and Government had designated certain Foreign Ministers including himself to make the feelings of Africa known to the Council regarding the situation in the Middle East which they viewed as a direct threat to their own security. The United Nations could not accept the Israeli position which had resulted in acts of State terrorism and whose endorsement would mean the endorsement of the acquisition of territories through the use

of force. The Organization of African Unity had suggested to its members to consider taking all measures, political and economic, against Israel if it did not heed the call of the international community for the withdrawal from the occupied territories. In flagrant violation of United Nations resolutions Israel continued to deny the Palestinian people their right to self-determination, to consolidate the fruits of conquest and to commit brutal acts of aggression against the State of Lebanon. He called upon the Council to decide on effective measures to eliminate the consequences of the war of 1967 and to establish conditions for a just and lasting peace, and he stressed the expectation that the Council would take all appropriate measures to enforce its decisions including certain measures under the Charter.³²⁸

The representative of Nigeria* demanded that if international peace and security were going to be based on the principles of the Charter of the United Nations, all parties to disputes brought before the organization should be willing to avail themselves of its legitimate efforts and institutions to resolve them. He urged Israel to pay more heed to the resolutions of the United Nations in order not to force the African countries to adopt measures that would not promote the Israeli cause for friendship and understanding in Africa. He concluded that the representatives of Africa, deeply conscious of Articles 2 and 25 of the Charter, were confident that the Council would be able to respond to the questions which the Foreign Minister of Egypt had raised in the name of justice and peace.³²⁹

The representative of Syria* declared that peace had escaped the Middle East so far because the Palestinian Arab peoples were deprived of their inalienable right to self-determination, a right that had been proclaimed in Article 1 of the Charter of the United Nations as one fundamental right. Israel was guilty of armed aggression against its Arab neighbours and of annexation of Arab territories in violation of United Nations resolutions, e.g. resolution 236 (1967). If the acquisition of territories by force were admissible, the United Nations would have lost its *raison d'être*, if not, the Security Council would have to adopt the necessary measures to redress the situation. The United Nations should put an end to Israeli aggression and bring about the Israeli withdrawal from the occupied territories and the free exercise by the Palestinians of their right to self-determination.³³⁰

At the 1719th meeting on 8 June 1973, the representative of Guyana* stated that the Arab-Israeli conflict could not be resolved without a solution of the central issue of the plight of the Palestinian Arabs and that the acquisition of territory by the threat or use of force in flagrant violation of international law could not be condoned. He referred in this connexion to the resolution on the Middle East adopted by the Conference of Foreign Ministers of Non-Aligned Countries held in Guyana, which spelled out these principal conditions for peace.³³¹

The representative of Egypt suggested that the Council could make Israel comply with international law. The Charter gave the Council the right to impose sanctions, but

³²⁸ 1718th meeting, intervention by the United Republic of Tanzania.

³²⁹ *Ibid.*, intervention by Nigeria.

³³⁰ *Ibid.*, intervention by Syria.

³³¹ 1719th meeting, intervention by Guyana.

³²⁶ 1717th meeting, paras. 79-114.

³²⁷ *Ibid.*, 117-139.

he would not even contemplate the possibility of the Council doing so until all States present in the Council had been persuaded to be more faithful to the Charter than to their own friendships and weaknesses. The only measure left was a resolution spelling out clearly that territories could not be acquired by force and that Israel should withdraw from the territories occupied in 1967.³³²

At the 1720th meeting on 11 June 1973, the representative of Kuwait* said that the Israeli rejection of the legitimate rights of the Palestinians constituted the major obstacle to peace. The respect for these rights and the strict adherence to the principle of non-acquisition of territory by force were the pillars for a durable peace in the region. Israel's theory of secure borders merely covered its policy of expansion and was illegal and contrary to the United Nations Charter. The continued occupation of Arab territories constituted an unprecedented challenge to the world's security and order. It was the urgent task of the Security Council to bring about the Israeli withdrawal and a just peace. To fail in this task would result in the ruin of the world organization.³³³

The representative of Algeria* also reaffirmed the basic demands for a peaceful settlement, i.e. the inadmissibility of acquisition of territories by war, the necessity to work for a just and lasting peace, the withdrawal of Israeli forces from the occupied territories, and the just settlement of the problem of the Palestinian people. The provisions of Chapters VI and VII of the Charter gave the Council the means of assuming its responsibilities correctly and of ensuring that all the members of the international community respected its authority and decisions.³³⁴

At the 1721st meeting on 11 June 1973, the representative of Sudan declared that the African States stood by resolution 242 (1967) which they did not consider ambiguous. They called for its implementation and urged the Council to set a time limit for the total withdrawal of Israeli armed forces from all occupied Arab lands. He read out certain paragraphs of the resolution adopted by the Organization of African Unity in Addis Ababa in which Israel's obstructive attitude which prevented the resumption of the Jarring Mission was deplored; in which Israel was invited to publicly declare its adherence to the principle of non-annexation of territories through the use of force, and in which Israel was asked to withdraw immediately from all the occupied Arab territories.³³⁵

At the same meeting, the representative of Egypt addressed three questions to the Secretary-General about the aide-mémoire of the Special Representative dated 8 February 1971: first, as the aide-mémoire dealt only with the Egyptian sector, did the Special Representative intend to issue other aide-mémoires for Jordan, about Palestinian refugees, and for Syria, if Syria should express its willingness to receive such an aide-mémoire? Second, could the Secretary-General confirm Ambassador Jarring's explanation that the absence of a reference to the Gaza Strip, which was entrusted to the administration of Egypt in accordance with the Egyptian-Israeli Armistice Agree-

ment of 1949, was without prejudice to the status of the strip as Arab territory from which Israel should withdraw? Third, could the Secretary-General also confirm that the Permanent Representative of the United States, in his capacity as the Chairman of the meeting of 24 June 1971 of the four-Power talks, did indeed inform the Secretary-General officially, if orally, that the representatives of the four permanent members of the Council welcomed and supported the initiative of the Special Representative in his aide-mémoire of 8 February and believed that in taking that initiative he was acting fully in accordance with the terms of his mandate under resolution 242 (1967)?³³⁶

The representative of the United Kingdom said that there had been useful bilateral exchanges between the United States and the Soviet Union and consultations between representatives of the four permanent members of the Council. These latter consultations, the so-called four-Power talks, were not formally set up by the United Nations and were therefore not covered in any detail in the Secretary-General's report. Though the talks did not succeed in finding a solution to the Middle East problem, and while the participants recognized that the terms of a settlement could not be dictated from outside, progress was made in particular on international guarantees. If it appeared that further consultations between permanent members of the Council would be useful, his delegation would be ready to take part in them. He suggested that in line with resolution 242 (1967) the primary objective of any action taken by the Council should be to provide renewed impetus to the mission of the Special Representative in such a way that it would generate its own momentum.³³⁷

At the 1722nd meeting on 12 June 1973, the representative of Guinea, in referring to the resolution adopted by the Organization of African Unity in Addis Ababa, stated that Africa was launching an appeal to the States Members of the United Nations to refrain from delivering weapons and other military equipment to Israel and to refrain from giving it moral support which would enable it to perpetuate the occupation of Arab territories. His delegation reaffirmed its unqualified support for the just Palestinian cause. He asked whether the Council would finally take the efficacious measures provided by the Charter to give effect to its decisions.³³⁸

The representative of Morocco* urged the United Nations to assume in the serious situation all its responsibilities by taking definite action to compel Israel to comply with the United Nations resolutions which entailed the Israeli withdrawal from all the occupied territories and respect for the inalienable rights of the Palestinian people. Resolution 242 (1967) which Israel misinterpreted, spoke first and foremost of the inadmissibility of the acquisition of territory by force and referred explicitly to Article 2 of the Charter.³³⁹

The representative of Yugoslavia reaffirmed the principles of non-acquisition of territory by force, of the total and unconditional Israeli withdrawal from the territories

³³² 1719th meeting, intervention by Egypt.

³³³ 1720th meeting, paras. 6-50.

³³⁴ *Ibid.*, paras. 53-90.

³³⁵ 1721st meeting, intervention by Sudan.

³³⁶ *Ibid.*, Egypt, first intervention.

³³⁷ *Ibid.*, intervention by the United Kingdom.

³³⁸ 1722nd meeting, intervention by Guinea.

³³⁹ *Ibid.*, intervention by Morocco.

occupied in 1967, of the right of all States in the Middle East to live in peace and free development within secure and recognized borders, of respect for the inalienable rights of the Palestinian people, and of the solution of the conflict by peaceful means. The great Powers or the permanent members of the Security Council could and should contribute to a peaceful solution, provided they proceeded from the position of implementing the basic decisions of the United Nations and secured the support of the international community for their action.³⁴⁰

At the 1723rd meeting on 12 June 1973, the President speaking as the representative of the Soviet Union said that the Middle East constituted the most dangerous hotbed of a military threat in the world. Israel's policy of aggression, expansionism, of violating the principle of the inadmissibility of the acquisition of territory by force and of defying the decisions of the United Nations in that respect was responsible for the continuation of the dangerous conflict in that region. Israel's actions were in flagrant violation of resolution 242 (1967) whose observance it hypocritically proclaimed. Israel would have to withdraw from the Arab territories in accordance with the fundamental norm enshrined in a number of important United Nations decisions of the inadmissibility of the acquisition of territory by force. Israel was sabotaging the initiative of the Special Representative, which the four permanent members of the Council had welcomed, and had announced to the world that it would not return to the frontier line which existed before 5 June 1967. Its demands for frontier modifications had expanded from minor modifications to insubstantial and by now substantial alterations.

He added that the Soviet Union was opposed to any attempts to bypass the Council and the United Nations and to supplant them by unilateral mediation and intervention of individual States. The Council charged with the responsibility for the maintenance of international peace had the right to impose its binding decisions on Israel, as the provisions of Chapter VII of the Charter indicated. The Soviet Union stood ready to support any constructive effort including the four-Power consultations and the mission of the Special Representative to attain a just and lasting peace in the Middle East.³⁴¹

The representative of Iran* also emphasized the principle of the inadmissibility of the acquisition of territory by force and the continued viability of resolution 242 (1967) for peace in the area. A sincere application of that resolution, including Israeli withdrawal from the occupied Arab lands, could and would lead to an equitable settlement, especially since both sides had again stated their willingness to enter into talks without preconditions.³⁴²

The representative of Israel recalled that following a resolution of the Council of 1948 the Arabs accepted direct negotiations with Israel which resulted in the Armistice Agreements of 1949, and suggested that if the Arab States desired genuine peace with Israel now, there could be no reason that would justify their refusal to enter negotiations with Israel without preconditions.³⁴³

³⁴⁰ 1722nd meeting, intervention by Yugoslavia.

³⁴¹ 1723rd meeting, first intervention by President as representative of the USSR.

³⁴² *Ibid.*, intervention by Iran.

³⁴³ *Ibid.*, Israel, first intervention.

Exercising the right of reply, the President speaking as the representative of the Soviet Union pointed out that the present situation was very different from that of 1948 when Israel did not occupy vast stretches of Arab territories, had not been condemned as aggressor by the United Nations and there existed no resolution 242 nor the machinery of mediation by the Special Representative. If Israel committed itself to the withdrawal of all its troops from the occupied Arab territories, the Council could adopt a resolution on talks that would be similar to that of 1948, but the representative of Israel would have to make a binding official statement to that effect.³⁴⁴

At the 1724th meeting on 13 June 1973, the representative of Saudi Arabia* called for the complete and unconditional withdrawal of Israeli forces from all the occupied territories and for the right of the Palestinian people to return to their homeland. If the Zionists refused to withdraw from the occupied territories, his Government shared Egypt's belief that there would be no other choice than to resort to action which would compel them to do so.³⁴⁵

The representative of Kenya recalled several Articles of the Charter and pertinent resolutions of the United Nations and stated that the situation in the Middle East constituted a threat to international peace and security. The opinion that resolution 242 (1967) formed the basis for a general revision of boundaries in the area was erroneous because it could never have been the intention of the Security Council to sanction the breach of the principle of the sanctity of existing boundaries.³⁴⁶

The representative of France stated that the continued occupation by Israel of large areas of Arab territory constituted a standing violation of the principles recognized by the community of nations, in particular the principle of inadmissibility of the acquisition of territory by force. The Arab States had an inalienable right to sovereignty and territorial integrity. The principles for a settlement were well known, including the principle to refrain from the threat or use of force and other norms of the Charter as well as those in resolution 242 (1967). The essential elements of that resolution were inseparable: there could be no withdrawal without commitments for peace, and there could be no commitments for peace without withdrawal. Israel's reply to the aide-mémoire of the Special Representative of 8 February 1971 constituted a prior condition which nothing could justify. The concept of secure and recognized boundaries was not contradictory to the principle of withdrawal from the occupied territories. It simply expressed the need to define all the frontiers and give them the status of internationally recognized boundaries. The Council should clearly reaffirm the validity of resolution 242 (1967) in its totality and decide to resume the efforts of the Secretary-General and his Special Representative to promote a peaceful settlement.³⁴⁷

The representative of the United Arab Emirates* recalled that right after the war of June 1967 Israel had supported a Latin American draft resolution in the General

³⁴⁴ *Ibid.*, second intervention by President as representative of the USSR.

³⁴⁵ 1724th meeting, intervention by Saudi Arabia.

³⁴⁶ *Ibid.*, intervention by Kenya.

³⁴⁷ *Ibid.*, intervention by France.

Assembly demanding the urgent withdrawal of Israeli forces from all occupied territories and had at that time favoured the transformation of the old armistice lines into permanent frontiers. The provisions of resolution 242 (1967) had to be understood against this background.³⁴⁸

Referring to a fundamental question raised by the Foreign Minister of Egypt, the representative of Lebanon* stated that the Charter and several resolutions and declarations adopted by the United Nations ruled out the acquisition of territory by force.³⁴⁹

At the same meeting, the representative of the United Arab Emirates, exercising the right of reply, added that the omission of the words "all" and "the" in operative paragraph 1 of resolution 242 (1967) had been explained by the sponsors as necessary to leave the possibility of agreed minor border modifications. If the Israeli Government agreed to this interpretation and was ready to withdraw from the occupied territories subject to such minor modifications, it should inform the Special Representative accordingly and indicate the minor modifications it requested. That would be indeed a far cry from the recently announced territorial claims that were totally unacceptable to the Arabs.³⁵⁰

At the 1725th meeting on 14 June 1973, the Secretary-General replied to the three questions addressed to him by the representative of Egypt: first, Ambassador Jarring had informed the representatives of Egypt and Israel of his intention to submit an aide-mémoire relating to Israel and Jordan, and if Syria were to accept resolution 242 (1967), to submit a memorandum relating to Syria. Second, since under the Egyptian-Israeli Armistice Agreement of 1949 Gaza which was not Egyptian territory, was put under Egyptian administration pending the conclusion of a peace settlement, it was not covered by the aide-mémoire, as explained by Ambassador Jarring at that time. Third, the Secretary-General was not present at nor associated with the four-Power meetings. He was briefed informally and for his own information by the representative of the permanent member who had presided over a particular meeting. A note on the oral report to his predecessor on the four-Power meeting on 24 June 1971 confirmed in a general sense what the Foreign Minister of Egypt had stated about that particular point.³⁵¹

Referring to three additional questions raised by the Foreign Minister of Egypt on 11 June 1973, the President (USSR) replied that the answers could be found in the appropriate provisions of the Charter of the United Nations and also in the decisions of the General Assembly and the Security Council and cited Articles 1, 2 and 55 as well as numerous resolutions and declarations to show the universal validity of the principles of the non-acquisition of territory by force, of the territorial integrity of States and of the self-determination of peoples.³⁵²

Speaking on a point of order, the representative of the United States stated that since there had been no consul-

tations on the three questions addressed to the Council, he assumed that the President had spoken in his individual capacity.³⁵³

The representative of Australia reaffirmed his Government's belief that resolution 242 (1967) provided the basis for a just and durable settlement and suggested that since both Egypt and Israel had declared their readiness to enter into talks without preconditions, it should be possible for them to approach such negotiations.³⁵⁴

The representative of Indonesia expressed his country's support for the struggle of the Palestinian people to secure their just and lawful rights, without which no settlement could be achieved in the Middle East. His country also supported the demands for the Israeli withdrawal from all the territories occupied since 1967. He asked whether the Council members assisted by the Secretary-General should not try to search for new constructive moves in closed session or through informal consultations rather than through debating the issue in open session. His Government looked especially to the permanent members and in particular to the two super-Powers for their contribution to the solution of the problem, since the Charter had accorded them a special position with the right of veto.³⁵⁵

The representative of Peru reaffirmed his Government's loyalty to the principles contained in resolution 242 (1967), i.e. the provisions of Article 2 of the Charter, and to the obligations devolving upon the parties which they should discharge in accordance with Articles 24 and 25 of the Charter. The Council could not sanction any acquisition of territory by force, and the Arab States should recognize the State of Israel, while Israel would withdraw from the occupied territories and participate in a solution of the problem of the Palestinian people.³⁵⁶

The representative of Austria referred to the principles enunciated by his Government already in October 1967 as still valid guidelines for the search for a settlement; these included the territorial integrity of all States of the area and the right to live in peace and security, the settlement of disputes by peaceful means and the duty to refrain from the threat or use of force, and the inadmissibility of the acquisition of territory by war or hostilities.³⁵⁷

At the 1726th meeting on 14 June 1973, the representative of the United States stated that resolution 242 (1967) remained the crucial element of the search for peace in the Middle East. The resolution had not addressed the question of who was responsible for the outbreak of the war nor had it called for unconditional Israeli withdrawal. The principles and provisions of the resolution which his Government endorsed as a whole included the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace, the withdrawal of Israeli armed forces from territories occupied and the termination

³⁴⁸ 1724th meeting, first intervention by the United Arab Emirates.

³⁴⁹ *Ibid.*, intervention by Lebanon.

³⁵⁰ *Ibid.*, second intervention by the United Arab Emirates.

³⁵¹ 1725th meeting, statement by the Secretary-General.

³⁵² *Ibid.*, second statement by President.

³⁵³ *Ibid.*, following second statement by the President. In reply (*ibid.*) the President (USSR) stated that he had confined himself to mentioning the provisions of the Charter and pertinent decisions of United Nations organs directly related to the problem touched upon by the representative of Egypt.

³⁵⁴ *Ibid.*, intervention by Australia.

³⁵⁵ *Ibid.*, intervention by Indonesia.

³⁵⁶ *Ibid.*, intervention by Peru.

³⁵⁷ *Ibid.*, intervention by Austria.

of all claims of belligerency and respect for the sovereignty, territorial integrity and political independence of every State within secure and recognized boundaries, guarantees for the freedom of navigation and for the territorial inviolability and independence of every State, and the necessity for a just settlement of the refugee problem, i.e. provisions for the legitimate aspirations of the Palestinians. His Government could not believe that a peace agreement would be possible without serious direct or indirect negotiations between the parties themselves. These negotiations would have to set the final borders on which the resolution was silent. His Government was prepared to facilitate and sustain any such process of negotiation until the purpose of the Council's action of 1967 was fulfilled.³⁵⁸

The representative of Panama recalled the Latin American draft resolution submitted during the Emergency Session of the General Assembly in June 1967, which the Arabs did not support, but for which Israel had voted, and which called for the total Israeli withdrawal. His Government still deemed resolution 242 (1967) to offer a sound basis for peace through negotiations and agreements. It also supported the principle of the inadmissibility of the annexation of territories by force and the guarantee of Israel's sovereignty and of its right to live in peace within secure and recognized boundaries.³⁵⁹

The representative of India stated that Israel's unwillingness to withdraw to the pre-5 June 1967 lines and to confirm the principle of the non-acquisition of territory by war was inconsistent with its claim that it had accepted resolution 242 (1967). The resolution did not contain the word "negotiations", and Ambassador Jarring's efforts had failed because of Israel's attitude. He suggested that in accordance with resolution 242 Israel should declare its adherence to the principle of the inadmissibility of territorial acquisitions through war and commit itself to withdraw from all Arab lands occupied since 1967. The Arabs should commit themselves to respect the sovereignty, territorial integrity, political independence and the right of every State to live in peace within secure and recognized boundaries. Both Israel and the Arab States would declare that they would respect the rights of the Palestinian people in every field. The Secretary-General or his Special Representative could publish the points on which both sides agreed in response to Ambassador Jarring's aide-mémoire of 8 February 1971. The representative of India deplored the failure of the four-Power consultations which the Council had entrusted to these permanent members, as a most dangerous trend severely impeding the ability of the Council to arrive at effective decisions.³⁶⁰

The representative of China said that there could be no true settlement of the Middle East question, as long as the lost territories of the Arab States were not recovered and the Palestinian people's right to national existence was not restored. He charged the two super-Powers with the responsibility for the "no war, no peace" situation in their contention for strategic points, oil resources, and spheres of influence in the region. He called again for the condemnation of the Israeli Zionists for their prolonged aggression, for their immediate withdrawal, for the restoration of the

right to national existence of the Palestinian people, and for the firm support by all Governments and peoples to the Palestinian and other Arab peoples.³⁶¹

The representative of Bahrain expressed the hope that the Council would bring Israel to declare its support for the principle of the non-acquisition of territory by force, to withdraw their troops from all occupied territories and to recognize the right of the people of Palestine to self-determination.³⁶²

At the same meeting, the representative of Egypt stated that the Council should already have passed to the submission and adoption of a resolution condemning the military occupation of Arab lands, and the usurpation of the rights of the Palestinian nation, and calling for the respect of established international boundaries, but that he understood that the Council needed more time to deliberate on the future course to be taken.³⁶³

At the end of the meeting, the President read the following statement:³⁶⁴

Some tentative suggestions have been made to me concerning the desirability of suspending for a reasonably short period the formal Security Council meetings dealing with the examination of the situation in the Middle East. Among delegations which have informed me that they think such a suspension might be appropriate are those of Austria, France and the United Kingdom.

The exchange of views on this matter with the members of the Security Council has revealed a common view that such a suspension would be useful. It can be used for further pondering on the results of the discussion of the question in the Security Council by both the members of the Council and the representatives of the States participating in the consideration of this question. In the light of the report of the Secretary-General on the efforts undertaken by his Special Representative and the statements made by all States participating in the present debate, the suspension could also be used for further unofficial consultations among the members of the Security Council as to the next steps of the Council.

There is a general understanding that the Security Council would resume its examination of the situation in the Middle East, for which purpose a meeting of the Council will be convened in the middle of July on a date to be determined following consultations among the members of the Council.

In accordance with the agreement of 14 June 1973, the Council resumed the examination of the situation in the Middle East at its 1733rd meeting on 20 July 1973.

The representative of Egypt recalled the obligation of members of the United Nations under Article 25 of the Charter to carry out the decisions of the Security Council and the fact that the Charter empowered the Council to take the measures necessary for the implementation of its resolutions, including the suspension of membership, expulsion, diplomatic and economic sanctions and coercive military action against the aggressor or law-breaker. In his view there were three options before the Council: first, it could take the necessary measures under the relevant Articles of the Charter to force Israel to withdraw from the occupied territories and to comply with the Council's decisions. This would be the proper course, but at least one permanent member would use its veto against such a decision. Second, the Council could remain inactive and

³⁵⁸ 1726th meeting, intervention by the United States.

³⁵⁹ *Ibid.*, intervention by Panama.

³⁶⁰ *Ibid.*, India, first intervention.

³⁶¹ *Ibid.*, intervention by China.

³⁶² *Ibid.*, intervention by Bahrain.

³⁶³ *Ibid.*, Egypt, first intervention.

³⁶⁴ *Ibid.*, President's concluding statement. See also *OR*, 28th yr., *Resolutions and Decisions of the Security Council 1973*, p. 9.

thereby undermine the entire United Nations system. Third, the Council could call for the application of the Charter principles, condemn Israel's policy of occupation and of violating the territorial integrity of the three Arab States, and invite States to refrain from giving Israel any aid in maintaining its policy of occupation and coercion.³⁶⁵

The representative of Israel stated that Egypt's demands were contrary not merely to resolution 242 (1967) but also to basic provisions of the Charter and he invoked Article 51 of the Charter in defence of Israel's actions against the Arab neighbours.³⁶⁶

The representative of the Soviet Union warned again that the Middle East Conflict remained explosive and created a threat to international peace and security and reminded the Council that during the discussion of this issue in June, thirty-one of the thirty-two participants had spoken against the acquisition of territory by force and in favour of territorial integrity of the States in the Middle East. They had also supported the strict observance of the principle approved at the twenty-seventh session of the General Assembly, namely the principle of the non-use of force in international relations. The Council had so far not followed the Assembly's recommendation that the Council adopt a corresponding resolution on taking effective measures to prevent the use of force in inter-State relations. The large majority of the members of the Council and of the United Nations regarded the following principles and provisions as the basis of a just peace settlement in the Middle East: the inadmissibility of the acquisition of territory by means of war, the non-use of force in international relations, respect for the territorial integrity and political independence of States in the area, the total and unconditional withdrawal of all Israeli troops from all occupied territories, respect for the legitimate rights of the Arab people of Palestine and the need for compliance with resolution 242 (1967).

He called upon the other permanent members of the Council to actively assist Ambassador Jarring and to agree to the resumption of the consultations of the permanent members. The settlement should be sought on the basis of resolution 242 (1967) and of the aide-mémoire of 8 February 1971 of the Special Representative. His delegation stood ready to co-operate with other delegations to prepare and adopt an effective resolution and measures to promote the establishment of peace in the Middle East.³⁶⁷

The representative of Egypt urged the Council to adopt the only resolution open to it under international law and the Charter and to order the immediate termination of the Israeli occupation.³⁶⁸

At the 1734th meeting on 25 July 1973, the President stated that as a result of consultations among members of the Council a draft resolution had been prepared and was sponsored by the delegations of Guinea, India, Indonesia, Panama, Peru, Sudan and Yugoslavia.³⁶⁹

³⁶⁵ 1733rd meeting, Egypt, first intervention.

³⁶⁶ *Ibid.*, Israel, first intervention.

³⁶⁷ *Ibid.*, intervention by the USSR.

³⁶⁸ *Ibid.*, Egypt, second intervention.

³⁶⁹ 1734th meeting, President's opening statement. For the text of the draft resolution S/10974 see *OR*, 28th yr., *Suppl. for July-Sept. 1973*, pp. 20-21.

The representative of India reported that the delegation of Kenya had joined the sponsors, and introduced the draft resolution, whereby the Council would emphasize its primary responsibility for the maintenance of international peace and security, emphasize further, that all Members of the United Nations were committed to respect the resolutions of the Security Council in accordance with the provisions of the Charter, reaffirm resolution 242 (1967), would be conscious that the rights of the Palestinians had to be safeguarded, would take note of the report of the Secretary-General which included an account of the objective and determined efforts of his Special Representative since 1967, and would (1) deeply regret that the Secretary-General was unable to report significant progress by him or by his Special Representative in carrying out the terms of resolution 242 (1967), and that nearly six years after its adoption a just and lasting peace in the Middle East had still not been achieved, (2) strongly deplore Israel's continuing occupation of the territories occupied as a result of the 1967 conflict, contrary to the principles of the Charter, (3) express serious concern at Israel's lack of co-operation with the Special Representative of the Secretary-General, (4) support the initiatives of the Special Representative of the Secretary-General taken in conformity with his mandate and contained in his aide-mémoire of 8 February 1971, (5) express its conviction that a just and peaceful solution of the problem of the Middle East could be achieved only on the basis of respect for national sovereignty, territorial integrity, the rights of all States in the area and for the rights and legitimate aspirations of the Palestinians, (6) declare that in the occupied territories no changes which might obstruct a peaceful and final settlement or which might adversely affect the political and other fundamental rights of all the inhabitants in these territories should be introduced or recognized, (7) request the Secretary-General and his Special Representative to resume and to pursue their efforts to promote a just and peaceful solution of the Middle East problem, (8) decide to afford the Secretary-General and his Special Representative all support and assistance for the discharge of their responsibilities, (9) call upon all parties concerned to extend full co-operation to the Secretary-General and his Special Representative, and (10) decide to remain seized of the problem and to meet again urgently whenever it became necessary.³⁷⁰

At the 1735th meeting on 26 July 1973, the representative of the USSR stated that his delegation as well as the co-sponsors of the draft resolution would like the Council to adopt a stronger draft resolution than the one proposed. The principle of the non-acquisition of territory by force should have been more clearly reflected, and a paragraph on the need for the immediate, unconditional and total withdrawal of all Israeli troops from all occupied Arab territories should have been included. In view of the position of the nonaligned members of the Council and of Egypt and Jordan, his delegation would support the draft resolution.³⁷¹

At the same meeting the eight-Power draft resolution received 13 votes in favour to 1 against and failed of

³⁷⁰ *Ibid.*, intervention by India.

³⁷¹ 1735th meeting, USSR, first intervention.

adoption owing to the negative vote of a permanent member; one member did not participate in the vote.³⁷²

Following the vote, the representative of the United States said that the draft resolution was highly partisan and unbalanced and that its adoption could only have added another obstacle to getting serious negotiations started between the parties. It would have fundamentally changed the principles contained in resolution 242 (1967), undermining the one agreed basis for the construction of a settlement. For that reason his Government felt compelled to vote against the draft resolution. His delegation had offered reasonable and carefully thought-out amendments, which, however, were not accepted by the sponsors. Operative paragraph 2 of the draft resolution deplored only Israel's continuing presence in the occupied territories, but failed to mention the other fundamental elements connected with the demand for withdrawal in resolution 242 (1967): peace between the parties, the right of all States in the area to live within secure and recognized boundaries and peace on the basis of agreement between the parties. An amendment designed to restore these principles of the central provision of resolution 242 had been rejected by the sponsors. Its acceptance could have brought the draft resolution into some measure of conformity with the essential provisions of resolution 242 (1967).³⁷³

The president speaking as the representative of the United Kingdom stated that the draft resolution had not weakened or changed the value of resolution 242 (1967). The phrase "the rights of the Palestinians" as used in the draft resolution referred essentially to the refugees and their rights under General Assembly resolution 194 (III) and its inclusion did not constitute a fresh prerequisite for a settlement or affect the provisions of resolution 242 (1967). Nevertheless, his Government believed that any just and lasting peace in the Middle East had to take account of the legitimate interests and aspirations of the Palestinians.³⁷⁴

Decision of 15 August 1973 (1740th meeting): resolution 337 (1973)

By letter³⁷⁵ dated 11 August 1973 addressed to the President of the Security Council, the representative of Lebanon complained about the invasion of Lebanese air space by the Israeli air force which intercepted a civilian plane and forced it to fly to Israel and land at a military base, and requested an urgent meeting of the Security Council to deal with this grave threat to Lebanon's sovereignty and international aviation.

At its 1736th meeting on 13 August 1973, the Council included the letter by Lebanon in the agenda. Following the adoption of the agenda, the representatives of Lebanon, Israel, Egypt, Iraq,³⁷⁶ and at the 1737th meeting the representative of Democratic Yemen³⁷⁷ were invited, at

their request, to participate without the right to vote in the discussion of the item on the agenda. The Council also agreed, at the 1737th meeting, to a request made by the representative of Sudan in a letter³⁷⁸ dated 13 August 1973 that it extend an invitation under rule 39 of the provisional rules of procedure to Mr. Talib El-Shebib, Permanent Observer of the League of Arab States to the United Nations.³⁷⁹ The Lebanese complaint was considered at the 1736th to 1740th meetings from 13 to 15 August 1973.

At the beginning of the 1736th meeting, the President also drew the attention of the members of the Council to a letter³⁸⁰ dated 11 August 1973 by the representative of Iraq addressed to the President in connexion with the item under consideration.³⁸¹

At the same meeting, the representative of Lebanon* stated that on the evening on 10 August Israeli air force units entered Lebanese air space and circled over Beirut and central and southern areas of Lebanon thereby endangering civilian aviation arriving at and departing from Beirut International Airport. A civilian airliner belonging to the Middle East Airlines and chartered by Iraqi Airways took off from Beirut to Baghdad, but was soon after its departure intercepted by two Israeli jet fighters and forced to follow them to Israeli territory and to land at an Israeli military air base under the threat of being shot down. Members of the Israeli armed forces in combat uniforms and with guns in their hands entered the plane and subjected its passengers and crew to military interrogation. After the plane had been detained for over two hours, it was permitted to take off and returned to Beirut airport.

The representative of Lebanon continued that Israel had engaged in an act of air piracy and State terrorism against international law, and he called for the condemnation of this latest act of aggression as well as for the consideration by the Council of the wide range of measures under the Charter of the United Nations to prevent Israel from endangering international peace and security in the future. In conclusion, he urged the Council to bring the resolution it might adopt to the attention of the International Civil Aviation Organization for its consideration.³⁸²

The representative of Iraq* declared that the abduction of the civilian airliner was a unique and shocking precedent that a Member State of the United Nations used piracy as an instrument of national policy and that this act confirmed the serious continued threat to international civil aviation by Israeli military actions. Israel posed now a permanent threat to international peace and security. In response to the persistent Zionist challenge the Council should adopt not merely verbal condemnations, but rather immediate steps for the application of disciplinary measures against this international outlaw.³⁸³

The representative of Egypt* also denounced the Israeli action as an act of State terrorism and as a threat to international peace and to the security of international civil

³⁷² 1735th meeting, following the intervention by Panama.

³⁷³ *Ibid.*, intervention by the United States.

³⁷⁴ *Ibid.*, intervention by the President as representative of the United Kingdom.

³⁷⁵ S/10983, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, p. 25.

³⁷⁶ 1736th meeting, opening statement by the President.

³⁷⁷ 1737th meeting, opening statement by the President.

³⁷⁸ S/10986, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, p. 26.

³⁷⁹ 1737th meeting, opening statement by the President.

³⁸⁰ S/10984, *OR*, 28th yr., *Suppl. for July-Sept. 1973*, p. 25.

³⁸¹ 1736th meeting, opening statement by the President.

³⁸² *Ibid.*, Lebanon, first intervention.

³⁸³ *Ibid.*, intervention by Iraq.

aviation, and asked the Council to decide to apply against Israel the sanctions stipulated in the Charter to prevent further crimes of aggression.³⁸⁴

The representative of Israel* stated that the Israeli air force jets had diverted the airplane because there had been reason to believe that several terrorist leaders, in particular George Habash, were on the flight. After the identity of the passengers had been checked, the aircraft, with all aboard, had been allowed to proceed to its destination. Measures by individual States against terrorism were even more urgent and indispensable as a result of the sabotage by Arab States of all international action against the terrorists. Israel could not forego its right of self-defence and the duty to protect its citizens nor could it forego military defence action against terrorism launched from the territory of Arab States. Israel still hoped that the international community would stamp out international terrorism and ensure the safety and security of international air travel.³⁸⁵

The representative of the USSR indicated that his delegation was prepared to support the Council in the preparation of effective measures, including sanctions against Israel which had systematically and deliberately violated the decisions of the United Nations and the basic purposes and principles of its Charter.³⁸⁶

At the 1738th meeting on 14 August 1973, the President speaking as the representative of the United States deplored the violation of Lebanese sovereignty, of the United Nations Charter and of the rule of law in international civil aviation by Israel and emphasized that the commitment to the rule of law in international affairs imposed certain restraints on the methods Governments could use to protect themselves against those who operated outside the law. The United States would join again in urging all States, all individuals and all political groups in the Middle East to refrain from actions which would imperil the lives of innocent people and the safety of international travel.³⁸⁷

At the 1739th meeting on 15 August, the representative of Peru stated that the Israeli action could not be termed an act of self-defence as defined in Article 51 of the Charter for reasons that flow from the text of the article, but also from the way in which the premeditated incident had taken place.³⁸⁸

At the 1740th meeting on 15 August 1973, the representative of the United Kingdom introduced a draft resolution³⁸⁹ co-sponsored by France. He stated that the co-sponsors sought to reflect the views of all members of the Council and thus to enable the Council to take a decision without delay and unanimously.³⁹⁰

Then the draft resolution was unanimously adopted.³⁹¹ It read as follows:

³⁸⁴ 1736th meeting, intervention by Egypt.

³⁸⁵ *Ibid.*, Israel, first intervention.

³⁸⁶ *Ibid.*, USSR, first intervention.

³⁸⁷ 1738th meeting, intervention by President as representative of the United States.

³⁸⁸ 1739th meeting, intervention by Peru.

³⁸⁹ S/10987, adopted without change as resolution 337 (1973).

³⁹⁰ 1740th meeting, intervention by the United Kingdom.

³⁹¹ *Ibid.*, following the intervention by the United Kingdom. Adopted as resolution 337 (1973).

The Security Council,

Having considered the agenda contained in document S/Agenda/1736,

Having noted the contents of the letter from the Permanent Representative of Lebanon addressed to the President of the Security Council (S/10983),

Having heard the statement of the representative of Lebanon concerning the violation of Lebanon's sovereignty and territorial integrity and the hijacking, by the Israeli air force, of a Lebanese civilian airliner on lease to Iraqi Airways,

Gravely concerned that such an act carried out by Israel, a Member of the United Nations, constitutes a serious interference with international civil aviation and a violation of the Charter of the United Nations,

Recognizing that such an act could jeopardize the lives and safety of passengers and crew and violates the provisions of international conventions safeguarding civil aviation,

Recalling its resolution 262 (1968) of 31 December 1968 and 286 (1970) of 9 September 1970,

1. *Condemns* the Government of Israel for violating Lebanon's sovereignty and territorial integrity and for the forcible diversion and seizure by the Israeli air force of a Lebanese airliner from Lebanon's air space;

2. *Considers* that these actions by Israel constitute a violation of the Lebanese-Israeli Armistice Agreement of 1949, the cease-fire resolutions of the Security Council of 1967, the provisions of the Charter of the United Nations, the international conventions on civil aviation and the principles of international law and morality;

3. *Calls* on the International Civil Aviation Organization to take due account of this resolution when considering adequate measures to safeguard international civil aviation against these actions;

4. *Calls* on Israel to desist from any and all acts that violate Lebanon's sovereignty and territorial integrity and endanger the safety of international civil aviation and solemnly warns Israel that, if such acts are repeated, the Council will consider taking adequate steps or measures to enforce its resolutions."

Decision of 22 October 1973 (1747th meeting): resolution 338 (1973)

Decision of 23 October 1973 (1748th meeting): resolution 339 (1973)

By letter³⁹² dated 7 October 1973 addressed to the President of the Security Council, the representative of the United States requested a meeting of the Security Council to consider the situation in the Middle East, in accordance with Article 24 of the Charter of the United Nations by which the Member States had conferred primary responsibility for the maintenance of international peace and security on the Security Council.

At its 1743rd meeting on 8 October 1973, the Council included the letter by the United States in the agenda. Following the adoption of the agenda, the representatives of Egypt, Israel and Syria,³⁹³ and at the 1745th meeting the representatives of Nigeria³⁹⁴ and Saudi Arabia³⁹⁵ were invited, at their request, to participate without the right to vote in the discussion of the item on the agenda, which was considered at the 1743rd to 1748th meetings from 8 to 23 October 1973.

At the beginning of the 1743rd meeting, the President drew the attention of the members of the Council to several

³⁹² S/11010, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 70.

³⁹³ 1743rd meeting, opening statement by the President.

³⁹⁴ 1745th meeting, opening statement by the President.

³⁹⁵ *Ibid.*, following the intervention by Peru.

documents³⁹⁶ which had been issued in connexion with the item under consideration.

At the same meeting, the representative of the United States said that his Government had requested the meeting of the Council in order that it might deal urgently with the current situation in the Middle East. The outbreak of hostilities on a massive scale and the breakdown of the cease-fire had not been averted despite intensive efforts by his Government in the last minutes to prevent the recourse to tragic violence. These efforts included consultations with Egypt and Israel as well as with the permanent and other members of the Council and the Secretary-General. In so serious a situation his Government as a permanent member of the Council decided to exercise its responsibility under the Charter and hoped that the Council could restore its historic role of constructive ameliorator in this area. In order to end the current fighting and to promote a restoration of the cease-fire and eventually a stable peace, the following principles must in the judgement of his Government be applied by the Council: first, military operations must be halted. Second, conditions must be restored in the area that would be conducive to a settlement of the long-standing differences in the Middle East; there must be respect for the rights and positions of all the States in the region; and the beginning should be made by a return of the parties concerned to the positions before hostilities broke out. Third, the Council must be mindful of the need for universal respect for the integrity of those instruments and principles of settlement for the Middle Eastern dispute which had received the adherence of the interested parties and the support of the Council. The representative of the United States concluded by affirming his willingness to discuss these and any other principles as a basis for further action by the Council.³⁹⁷

Recalling the review of the Middle Eastern situation in the Council on 6 June 1973 and at subsequent meetings, the representative of Egypt* stated that the negative vote cast by the United States on that occasion had rendered the collective will of the Council inoperative and had thus helped to block any advance in the Arab search for an end to Israeli occupation and for a just and lasting settlement in the region. He charged that Israel advocated a policy of conquest, occupation and territorial expansion, that it had rejected Mr. Jarring's aide-mémoire of February 1971 and called for direct negotiations in which the conqueror could deal with the vanquished and dictate the peace terms, thereby implementing its expansionist aims. Israel's obstructionist attitude was coupled with a systematic policy of colonization of the occupied territories documented in many United Nations records. The same policy led to the new Israeli attack against Egypt on 6 October and to similar acts of aggression against Syria. Egyptian forces responded

to this policy and returned to Egyptian territory east of the Suez Canal.

Denying the allegations that Egypt had attacked first, the Egyptian representative asked the Secretary-General if United Nations observers had been stationed at El Sukhna and El Zaafarana and could confirm the Israeli attack on these localities. He rejected the suggestion that the parties be asked to return to the positions occupied before the hostilities had broken out, since it did not mean the return to the positions before the war of 1967 but an invitation to one country to offer part of its territory for occupation by another State.³⁹⁸

The representative of China cited the express provision of Article 1, paragraph 1 of the United Nations Charter for "the suppression of acts of aggression" and asked what the United Nations had done in accordance with that principle against past and present Israeli acts of aggression. He termed the suggestion that Egypt and Syria should withdraw to their position prior to their counter-attack against the aggressor, an open encouragement to aggression and permission for the Israeli aggressors to perpetuate their occupation of Arab territories. He called for the condemnation of all Israeli acts of aggression in the strongest terms and for the firmest support to the Egyptian, Syrian and Palestinian peoples in their action to resist the aggressors.³⁹⁹

The representative of Israel* strongly denied the Egyptian charge about an Israeli naval attack at Sukhna and Zaafarana and urged the other parties to the conflict to embark together with Israel upon the adventure of negotiated peace.⁴⁰⁰

The representative of the USSR said that the approach of the Soviet Union was determined by the fact that the war continued between Israel, which had occupied the land of others, and the Arab States, the victims of Israeli aggression, which were striving to recover their land. The solution of the problem should be sought by the implementation of the existing United Nations resolutions, with a complete Israeli withdrawal from the occupied Arab territories as a first step. Until Israel stated its willingness to withdraw all its troops from occupied territories, the adoption of any new resolution in the Council would merely be once more exploited by the aggressor to continue its policy of annexation and occupation.⁴⁰¹

At the 1744th meeting on 9 October 1973, the representative of Yugoslavia declared that the Arab countries and the Arab people of Palestine were resisting the aggressor on the basis of the legitimate right to self-defence, liberation of their occupied territories and self-determination in conformity with the Charter of the United Nations. Resistance to aggression and the defence of the principles of the Charter constituted in themselves a contribution to peace. Peace and security could be realized only on the basis of the complete withdrawal of Israeli forces from the occupied territories and through the implementation of the national rights of the Arab people of Palestine. Should Israel persist in its aggression, occupation

³⁹⁶ 1743rd meeting, opening statement by the President. S/11009 and Corr. 1, letter dated 6 October 1973 from the representative of the Syrian Arab Republic to the President of the Security Council, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 70; S/11011, letter dated 7 October 1973 from the Minister for Foreign Affairs of Israel to the Secretary-General, *ibid.*, pp. 70-71; S/11012, letter dated 7 October 1973 from the representative of the USSR to the Secretary-General, *ibid.*, p. 71; S/11013, letter dated 8 October 1973 from the Secretary-General to the President of the Security Council, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 72.

³⁹⁷ *Ibid.*, intervention by the United States.

³⁹⁸ *Ibid.*, intervention by Egypt.

³⁹⁹ *Ibid.*, intervention by China.

⁴⁰⁰ *Ibid.*, intervention by Israel.

⁴⁰¹ *Ibid.*, intervention by the USSR.

and annexation, it would be necessary to consider the application of sanctions against it within the meaning of Chapter VII of the Charter of the United Nations.⁴⁰²

At the same meeting, the representative of the Syrian Arab Republic* stated that in the present system of the United Nations the Organization was paralysed by the improper use of the right of veto which had recently been utilized against justice and logic and against the will of fourteen members of the Council. The war that Israel launched against Syria and Egypt on 6 October was the direct result of the promise that the United States would never let the Security Council adopt a resolution against the interests of Israel. Israel's call for a return to the positions held before 6 October was unacceptable since no country could agree to negotiate without prior condition while its territory was occupied by a foreign Power which declared that it would never withdraw from the major part of the territory occupied.⁴⁰³

At the beginning of the 1747th meeting on 21 October 1973, the President drew the attention of the members of the Council to a draft resolution, co-sponsored by the USSR and the United States.⁴⁰⁴

The representative of the United States stated that the aim of their joint draft resolution was to bring an immediate ceasefire in place and to begin promptly negotiations between the parties under appropriate auspices in order to seek a just and durable peace based on Security Council resolution 242 (1967). He also reported that both the Soviet Union and the United States believed that there should be an immediate exchange of prisoners of war.⁴⁰⁵

The representative of the USSR declared that the continuing war in the Middle East required that the Security Council take the most urgent and immediate measures to end the bloodshed and to implement a peaceful settlement on the basis of resolution 242 (1967). He urged the Council to act immediately in accordance with the Charter of the United Nations and to take the necessary decision without delay.⁴⁰⁶

After further discussion, the draft resolution co-sponsored by the USSR and the United States was adopted by 14 to none; one member did not participate in the vote.⁴⁰⁷ The resolution read as follows:

The Security Council,

1. *Calls upon* all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;

2. *Calls upon* the parties concerned to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts;

3. *Decides* that, immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under

appropriate auspices aimed at establishing a just and durable peace in the Middle East.

At the 1748th meeting on 23 October 1973, the representative of Egypt* said that he had asked for a meeting of the Council to consider the non-implementation of its resolution 338 (1973) and the breakdown of the cease-fire ordered by the Council.⁴⁰⁸

The representative of Israel* recalled that on 21 October his Government had expressed its readiness to comply with the proposed cease-fire provided the other parties would also accept and observe it. Only the Egyptian Government had agreed to the cease-fire on the Arab side. Subsequently it became clear that Egypt did not translate its declaration of acceptance into action and never stopped shooting. The fact of Egyptian aggression was the cause of Israel's military actions since the previous day and would determine Israel's attitude towards any draft resolution submitted to the Security Council. His Government also regarded the release of all war prisoners as an indispensable condition of any cease-fire.⁴⁰⁹

At the same meeting, the representative of the United States introduced a draft resolution which was sponsored by the USSR and the United States.⁴¹⁰

The representative of the USSR stated that the aim of the joint draft resolution was to confirm the decision of the Council of 22 October and that it also contained a request to the Secretary-General immediately to send United Nations observers to the cease-fire area. He emphasized that the USSR and the United States considered that the troops of the parties should be returned to the positions they occupied at the time the cease-fire adopted in resolution 338 (1973) came into force. He concluded with the request that the Council take a decision immediately and formally proposed that in view of the urgency of the situation the draft resolution be put to the vote at once.⁴¹¹

Following a brief procedural discussion regarding this proposal, in which the President of the Council and the representatives of China and of the USSR participated, the meeting was suspended for a short period.⁴¹²

After the resumption of the meeting the representative of China voiced his protest against the manner in which the USSR and the United States were trying to impose on the Council their joint draft resolution without giving the other members time for consideration and for seeking instructions from their Governments, and he opposed the use of the Council as a tool in the hands of the two super-Powers. He rejected the previous draft resolution as well as the new one, because they failed to condemn Israel's expanded aggression and to make any mention of the demand for Israel's total withdrawal from all occupied territories. He expressed his confidence that the Arab and Palestinian people would continue to break through the situation of "no war, no peace" which the two super-

⁴⁰² 1744th meeting, Yugoslavia, first intervention.

⁴⁰³ *Ibid.*, intervention by the Syrian Arab Republic.

⁴⁰⁴ 1747th meeting, opening statement by the President. S/11036, subsequently adopted without change as resolution 338 (1973).

⁴⁰⁵ *Ibid.*, intervention by the United States.

⁴⁰⁶ *Ibid.*, intervention by the USSR.

⁴⁰⁷ *Ibid.*, following the intervention by Guinea. Adopted as resolution 338 (1973).

⁴⁰⁸ 1748th meeting, Egypt, first intervention.

⁴⁰⁹ *Ibid.*, Israel, first intervention.

⁴¹⁰ *Ibid.*, United States, first intervention S/11039, adopted without change as resolution 339 (1973).

⁴¹¹ *Ibid.*, USSR, first intervention.

⁴¹² *Ibid.*, following the first intervention by the USSR.

Powers tried to reimpose on them, and on their own initiative finally win liberation.⁴¹³

The draft resolution co-sponsored by the USSR and the United States was adopted by 14 to none; one member did not participate in the vote.⁴¹⁴ The resolution read as follows:

The Security Council,

Referring to its resolution 338 (1973) of 22 October 1973,

1. *Confirms* its decision on an immediate cessation of all kinds of firing and of all military action, and urges that the forces of the two sides be returned to the positions they occupied at the moment the cease-fire became effective;

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

Decision of 25 October 1973 (1750th meeting): resolution 340 (1973)

Decision of 26 October 1973 (1751st meeting):

Adoption of two interim measures

In accordance with a request by the representative of Egypt who communicated it both in oral and written form on 25 October 1973 to the President, the Council was convened on the same date to resume its consideration of the situation in the Middle East.⁴¹⁵

At the beginning of 1749th meeting on 25 October, after the agenda had been adopted and the invitations issued since the 1743rd meeting had been renewed, the representative of Egypt* stated that his Government had asked for the urgent meeting of the Council to consider the continuing Israeli violations of the cease-fire decided in the resolutions 338 and 339 of 22 and 23 October 1973, but that in the meantime Israel had started a new war, a new aggression on the East Bank of the Suez Canal, where Egyptian forces had been massively attacked, as well as along the whole front except in the North. He charged that the United Nations military observers had been prevented by the Israeli military authorities from proceeding to their destinations. He asked the members of the Council to do their best to make sure that the observers were able to be stationed at their places and requested that the two Powers that brought the resolutions to the Council see to it that they were strictly implemented.⁴¹⁶

The representative of Israel* rejected the Egyptian charges as unfounded and declared that Egypt had never searched for a peaceful solution. At a moment when the fighting in violation of resolution 338 had died down, the time had come for a serious effort to make the cease-fire effective, and his Government reiterated its pledge to extend its full co-operation to General Siilvasvuo and UNTSO.⁴¹⁷

The representative of Sudan emphasized the duty of the Council and in particular of the two co-sponsoring Powers to implement these resolutions. There was no need yet to invoke Chapter VII of the Charter against Israel which should be condemned by the Council for its latest aggression.⁴¹⁸

The representative of the USSR demanded that the Council should immediately adopt measures to ensure Israel's compliance with the decisions and resolutions of the Council which so far constituted only a first step. The time had come for the Council to reflect upon Chapter VII of the Charter and to adopt appropriate strict sanctions against Israel. The Council should appeal to all Members of the United Nations to sever diplomatic relations and any other ties with Israel, an aggressor State which was incorrigibly violating the decisions of the General Assembly, the Security Council and the United Nations as a whole. Turning to the issue of the nationality of the United Nations observers, he noted with concern that all of them came from Western States and urged the Council to apply the principle of the United Nations Charter concerning equitable geographic distribution also to the recruitment of these military observers in the Middle East.⁴¹⁹

The representative of the United States reiterated his Government's commitment to resolutions 338 and 339 and to the return of the parties to the positions they occupied when the cease-fire became effective. These decisions could be implemented with the assistance of the United Nations observers who should be promptly increased and placed along the military lines.⁴²⁰

At the same meeting, after a suspension of a few hours, the representative of Kenya deplored the inability of the two super-Powers to stop the war and introduced a draft resolution⁴²¹ on behalf of Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia, which *inter alia* contained in operative paragraph 1, a demand for the observation of the cease-fire and for the withdrawal of the parties to the positions occupied at 1650 hours GMT on 22 October 1973; in operative paragraph 3 a decision to set up a United Nations Emergency Force under the authority of the Council and a request to the Secretary-General to report within 24 hours on the implementation of this decision; and in operative paragraph 5 a request to all Member States to extend their full co-operation in the implementation of this resolution as well as resolutions 338 and 339. He urged the adoption of the draft resolution as soon as possible.⁴²²

At the beginning of the 1750th meeting on 25 October 1973 the President drew the attention of the members of the Council to the revised draft resolution.⁴²³

The representative of Kenya reported that as a result of consultations certain amendments had been proposed which he accepted on behalf of the other sponsors of the draft resolution. The first amendment concerned operative

⁴¹³ 1748th meeting, China, second intervention.

⁴¹⁴ *Ibid.*, following China's second intervention. Adopted as resolution 339 (1973).

⁴¹⁵ 1749th meeting, President's opening statement.

⁴¹⁶ *Ibid.*, Egypt, first intervention.

⁴¹⁷ *Ibid.*, Israel, first intervention.

⁴¹⁸ *Ibid.*, intervention by Sudan.

⁴¹⁹ *Ibid.*, USSR, first intervention.

⁴²⁰ *Ibid.*, intervention by the United States.

⁴²¹ S/11046, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 88.

⁴²² 1749th meeting, intervention by Kenya.

⁴²³ 1750th meeting, President's opening statement. S/11045/Rev.1 subsequently adopted as resolution 340 (1973).

paragraph 1 in which the word "withdraw" was replaced by the word "return", because the latter described more accurately the moves to be undertaken by the parties to the conflict. In operative paragraph 3 the words "under its authority" were shifted and placed behind the word "immediately" and the following phrase was added after the words "Emergency Force": "to be composed of personnel drawn from States Members of the United Nations except the permanent members of the Security Council". The last amendment affected operative paragraph 5 in which the phrase "to the United Nations" was inserted between the word "co-operation" and the word "in". In conclusion he asked for unanimous support so that the Council would achieve its objectives in the Middle East as soon as possible.⁴²⁴

The representative of China said that China had always been opposed to the dispatch of so-called "peace-keeping forces" and maintained that position also with regard to the Middle East, because such a practice could only pave the way for further international intervention and control with the super-Powers as the behind-the-scenes boss, the evil consequences of which would gradually be recognized by the Arab people. Only out of consideration for the requests made by the victims of aggression would China refrain from vetoing the draft resolution and not participate in the voting.⁴²⁵

At the same meeting, the representative of the USSR announced that his delegation would vote for the draft resolution although it did not agree on principal grounds to the exclusion of the permanent members of the Council from participation in the United Nations force. If the aggressor continued to violate the decisions of the Council, the Council would then have to resort to sanctions according to Chapter VII of the Charter. He called again for strict observance of the principle of equitable geographical representation in setting up the observer force and for its operation in strict accordance with the Charter, i.e. under the immediate authority of the Council which should itself take decisions concerning all aspects of the establishment of the force and the discharge of its peace-keeping functions.⁴²⁶

The representative of Guinea expressed the hope that despite the reservations that paragraph 3 had evoked from some delegations all members of the Council and in particular its permanent members would oversee and ensure the strict application of the draft resolution and that the financial implications would not hamper the implementation of its provisions.⁴²⁷

The representative of the United Kingdom stated that the specific exclusion of forces of the permanent members from the proposed forces was in the view of his delegation without prejudice to the composition of the peace-keeping force which would later be needed to guarantee a final peace agreement and in which his Government would be willing to participate. He further said that his delegation interpreted the term "under its authority" in operative paragraph 3 as referring to the ultimate responsibility of the

Council for policy and not to the day-to-day operational control of the force.⁴²⁸

The representative of France indicated that his delegation would vote in favour of the draft resolution, subject to one reservation concerning the exclusion of the permanent members from the emergency force pursuant to operative paragraph 3. His Government held that the fact of not committing the responsibility of the permanent members weakened the impact of the Council's decision and renewed its willingness to participate in a real peace-keeping force. For these reasons the French delegation requested a separate vote on the words "except the permanent members of the Security Council" in operative paragraph 3 of the revised draft resolution.⁴²⁹

The representative of Saudi Arabia* asked whether all Powers were willing to contribute to financing the emergency force and whether the Secretary-General could give an idea of its initial expenses. The Secretary-General replied that he would report to the Council on the following day the first approximate estimate of the expenses involved.⁴³⁰

Replying to a question of the President, the representative of Kenya accepted on behalf of the co-sponsors of the revised draft resolution the request of France for a separate vote.⁴³¹

At the same meeting, the words "except the permanent members of the Security Council" in operative paragraph 3 of the revised draft resolution were maintained with 13 votes in favour, none against and 1 abstention; one member did not participate in the vote. The revised draft resolution as a whole was adopted by 14 votes to none; one member did not participate in the voting.⁴³²

The resolution read as follows:

The Security Council,

Recalling its resolutions 338 (1973) of 22 October and 339 (1973) of 23 October 1973,

Noting with regret the reported repeated violations of the cease-fire in non-compliance with resolutions 338 (1973) and 339 (1973),

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

1. *Demands* that immediate and complete cease-fire be observed and that the parties return to the positions occupied by them at 1650 hours GMT on 22 October 1973;

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

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

4. *Requests* the Secretary-General to report to the Council on an urgent and continuing basis on the state of implementation of the present resolution, as well as resolutions 338 (1973) and 339 (1973);

⁴²⁸ *Ibid.*, intervention by the United Kingdom.

⁴²⁹ *Ibid.*, intervention by France.

⁴³⁰ *Ibid.*, intervention by Saudi Arabia.

⁴³¹ *Ibid.*, Kenya, second intervention.

⁴³² *Ibid.*, following Kenya's second intervention. Adopted as resolution 340 (1973).

⁴²⁴ 1750th meeting, Kenya, first intervention.

⁴²⁵ *Ibid.*, China, first intervention.

⁴²⁶ *Ibid.*, USSR, first intervention.

⁴²⁷ *Ibid.*, Guinea, first intervention.

5. *Requests* all Member States to extend their full co-operation to the United Nations in the implementation of the present resolution, as well as resolutions 338 (1973) and 339 (1973).

At the same meeting, the Council authorized the Secretary-General to take certain urgent interim measures, as proposed by him,⁴³³ namely, to transfer contingents from the United Nations Peace-keeping Force in Cyprus to Egypt and to appoint General Siilasvuo, Chief of Staff of UNTSO, as the interim Commander of the United Nations Emergency Force established under resolution 340 (1973).⁴³⁴

At the 1751st meeting on 26 October 1973, the Council continued its discussion of the situation in the Middle East. In addition to those previously invited, the representative of Zambia was invited, at its request, to participate without the right to vote in the discussion of the item on the agenda.⁴³⁵

The representative of Egypt stated that his delegation had requested the convening of the Security Council in order not only to speak about a breach of peace, but also to warn of a grave danger that threatened to extend beyond the Middle East. Violating the three resolutions adopted by the Council, Israel had still not observed the cease-fire and in his judgement a new major offensive was imminent. Israel had also set impractical and impossible conditions for its permission to let a convoy with medical and other vital supplies pass to the Egyptian forces in the Sinai. He asked Israel and in particular the United States whether the cease-fire would finally be implemented and appealed to the Council to concern itself with the new situation in order to revive the hopes for some movement towards peace.⁴³⁶

The representative of Israel charged that since the adoption of resolution 338, Egypt had been violating the cease-fire while claiming that Israel was violating it, even though Israeli forces reacted only to Egyptian assaults; he also asserted that Egypt alleged new fighting and new Israeli attacks when in fact there was no fighting going on at all. He added that Israel had delayed the convoy of trucks because it still had not received the list of prisoners held by Egypt and Syria and that instead Israel had delivered supplies of blood and plasma via planes to the encircled Egyptian forces.⁴³⁷

At the same meeting the representative of the USSR denounced the Israeli violations of the cease-fire and called upon the Council to take appropriate measures against these acts of aggression. He renewed his appeal to the other four permanent members to resume the consultations regarding the search for peace in the Middle East, which were currently stalled by the refusal of two of them to do so. In conclusion he read a statement by Secretary-General Brezhnev, in which he expressed support for resolution 338 and urged that peace talks should immediately begin

between the parties under appropriate auspices and that the USSR stood ready to take part in the necessary guarantees of a comprehensive peace settlement.⁴³⁸

The representative of the United States reaffirmed his Government's stand for strict observance of the cease-fire and suggested that the Council proceed systematically in its task of ending the fighting and beginning the peace negotiations.⁴³⁹

The representative of China rejected, the call for consultations among the five permanent members because these talks had never in the past been authorized by the Council nor had they been held within the framework of the United Nations and because his Government refused to become a part of an attempt by the big Powers to impose a settlement on the Palestinians and other Arab people.⁴⁴⁰

After further discussion, the representative of India suggested two interim measures in order to make sure that the situation would not get worse in the Middle East. The Secretary-General should be authorized to send additional men from Cyprus if he considered such a step necessary. Further, the Secretary-General and the President of the Council should send telegraphic appeals to the parties to co-operate fully and effectively with the International Red Cross for the proper discharge of its humanitarian task.⁴⁴¹

Referring to the two proposals made by the representative of India, the President of the Council stated that in the absence of any objection he considered these proposals as approved by the Council.⁴⁴²

The Secretary-General declared that he would actively consider the first proposal and that he would consult with the President of the Council about the necessary steps as regarded the second proposal.⁴⁴³

Decision of 27 October 1973 (1752nd meeting): resolution 341 (1973)

At the 1752nd meeting on 27 October 1973 the Council resumed the consideration of the situation in the Middle East. The agenda included in addition to the letter from the United States the report of the Secretary-General on the implementation of Security Council resolution 340 (1973).⁴⁴⁴ In accordance with the decisions taken at previous meetings, the representatives of Egypt, Israel, Syria, Nigeria, Saudi Arabia and Zambia were again invited to participate in the discussion.

At the beginning of the meeting, the President drew the attention of the members of the Council to the report of

⁴³³ S/11049: Letter dated 25 October 1973 from the Secretary-General to the President of the Security Council, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 89. 1750th meeting, statement by the Secretary-General.

⁴³⁴ *Ibid.*, President's concluding statement.

⁴³⁵ 1751st meeting, following Egypt's first intervention.

⁴³⁶ *Ibid.*, Egypt, first intervention.

⁴³⁷ *Ibid.*, Israel, first intervention.

⁴³⁸ *Ibid.*, USSR, first intervention.

⁴³⁹ *Ibid.*, intervention by the United States.

⁴⁴⁰ *Ibid.*, intervention by China.

⁴⁴¹ *Ibid.*, intervention by India. The representative of Yugoslavia supported the two proposals by the representative of India.

⁴⁴² *Ibid.*, following the intervention by Yugoslavia. For the decision see *OR*, 28th yr., *Resolutions and Decisions of the Security Council 1973*, p. 11.

⁴⁴³ *Ibid.*, statement by the Secretary-General.

⁴⁴⁴ S/11052, replaced by S/11052/Rev.1 in *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, pp. 91-92.

the Secretary-General and to the draft resolution proposed by Australia, approving the report.⁴⁴⁵

Speaking in explanation of his vote, the representative of China reaffirmed his Government's opposition to the dispatch of the so-called United Nations Emergency Force to the Middle East as well as to the sending of troops by the five permanent members. Therefore, his Government could, of course, not pay the expenses of the emergency force. His delegation would not participate in the voting on the draft resolution.⁴⁴⁶

At the same meeting, the Council adopted the Australian draft resolution by 14 votes to none; one member did not participate in the vote.⁴⁴⁷ The resolution read as follows:

The Security Council,

1. Approves the report of the Secretary-General on the implementation of Security Council resolution 340 (1973) contained in document S/11052/Rev.1 dated 27 October 1973;

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

After the vote, the representative of France stated that his Government wanted to emphasize the exclusive competence of the Security Council in the matter of peace-keeping and the maintenance of international security in accordance with Article 24 of the Charter. The Council should not only determine the establishment of the force, but it should also have control over all operations that might be ordered by it. This meant that the Council had to define the terms of reference, duration, size and composition of the force, to appoint the commander, to decide on the basic directives for the commander, to regulate the financing of the force and to ensure constant control over the application of its directives. Since the Council was not in a position to discharge this responsibility on a continuing basis, his delegation envisaged, in application of Article 29 of the Charter, the establishment of a subsidiary organ of the Council which would lessen the Council's work without prejudice to the primary responsibilities of the Council under the Charter. The committee would be in constant contact with the Secretary-General and could for instance propose to the Council the name of the Commander and draft basic directives. The representative of France accepted the proposed mode of financing of the emergency force within the regular United Nations budget, but indicated his delegation's willingness to agree to a complete exemption of the least advanced developing countries from contributing to the financing of the peace-keeping operations.⁴⁴⁸

The representative of Sudan said that notwithstanding the noble motives of the French suggestion, his delegation considered the contribution to the peace-keeping force too significant for the least developed countries to be excluded from participating in it.⁴⁴⁹

⁴⁴⁵ 1752nd meeting, President's opening statement. The draft resolution S/11054 was adopted without change as resolution 341 (1973).

⁴⁴⁶ *Ibid.*, intervention by China.

⁴⁴⁷ *Ibid.*, following China's intervention. Adopted as resolution 341 (1973).

⁴⁴⁸ *Ibid.*, intervention by France.

⁴⁴⁹ *Ibid.*, intervention by Sudan.

The representative of Saudi Arabia* pointed out that the emergency force might have to be extended for many years, which might bring the total expenditure to more than \$1 billion. The report of the Secretary-General should not have bypassed Article 17, paragraph 1 of the Charter according to which the budget of the organization had to be approved by the General Assembly and not the Security Council. Article 19 should also have been considered, in view of previous experiences.⁴⁵⁰

Decision of 2 November 1973 (1754th meeting):

Statement by the President

At the 1754th meeting on 2 November 1973 the Council resumed the consideration of the situation in the Middle East. The agenda included in addition to the letter from the United States the progress reports of the Secretary-General on the United Nations Emergency Force.⁴⁵¹

After renewing the invitations to the representatives of Egypt, Israel, Syria, Nigeria, Saudi Arabia and Zambia to participate in the discussion, the President of the Council stated that he was authorized to make a statement representing the agreement of the members of the Council.⁴⁵² The statement read as follows:

United Nations Emergency Force (Security Council resolution 340 (1973) of 25 October 1973): implementation-second phase

1. The members of the Security Council met for informal consultations on the morning of 1 November 1973 and heard a report from the Secretary-General on the progress so far made in the implementation of Security Council resolution 340 (1973).

2. After a lengthy and detailed exchange of views it was agreed that in regard to the next stage of implementation of resolution 340 (1973):

(a) The Secretary-General will immediately consult, to begin with, Ghana (from the African regional group), Indonesia and Nepal (from the Asian regional group), Panama and Peru (from the Latin American regional group), Poland (from the Eastern Europe regional group) and Canada (from the Western European and other States group), the latter two with particular responsibility for logistic support, with a view to dispatching contingents to the Middle East pursuant to Security Council resolution 340 (1973). The Secretary-General will dispatch troops to the area from these countries as soon as the necessary consultations have been completed. The Council members agreed that at least three African countries are expected to send contingents to the Middle East. The present decision of the Council is intended to bring about a better geographical distribution of the United Nations Emergency Force.

(b) The Secretary-General will regularly report to the Council on the results of his efforts undertaken pursuant to subparagraph (a) so that the question of balanced geographical distribution in the force can be reviewed.

3. The above-mentioned agreement was reached by members of the Council with the exception of the People's Republic of China which dissociates itself from it.

Decision of 12 November 1973 (1755th meeting):

Authorizing the President to send a reply to the Secretary-General

At its 1755th meeting on 12 November 1973 the Council considered the item entitled "Letter dated 8

⁴⁵⁰ *Ibid.*, intervention by Saudi Arabia.

⁴⁵¹ S/11056 and Add.1 and Add.1/Corr.1, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, pp. 93-94.

⁴⁵² 1754th meeting, President's opening statement. See *OR*, 28th yr., *Resolutions and Decisions of the Security Council 1973*, p. 12.

November 1973 from the Secretary-General addressed to the President of the Security Council concerning the appointment of the Commander of the United Nations Emergency Force".⁴⁵³ The President stated that he had received a letter in which the Secretary-General recalled that with the authorization of the Council he had appointed Major-General Siilasvuo as the interim Commander of UNEP, and in which he further indicated that it was his intention, if the Council consented, to appoint the General as the Force Commander.⁴⁵⁴ The Council authorized the President to send the following reply to the Secretary-General:⁴⁵⁵

I have the honour to acknowledge receipt of your letter dated 8 November 1973 by which you informed me of your intention to appoint General Siilasvuo, at present interim Commander of the United Nations Emergency Force, as the Force Commander, if the Security Council consents. In accordance with your request I have brought this matter to the attention of the members of the Council.

In reply I wish to inform you that the members of the Security Council give their consent to this appointment, with the exception of the People's Republic of China which dissociates itself from it.

ARRANGEMENTS FOR THE PROPOSED PEACE CONFERENCE ON THE MIDDLE EAST

Decision of 15 December 1973 (1760th meeting): resolution 344 (1973)

At the 1760th meeting held on 15 December 1973 in private, the Security Council included in its agenda the item "Arrangements for the proposed peace conference on the Middle East." The Council decided without any objection not to invoke rule 51 of the provisional rules of procedure, to circulate the verbatim record of the meeting in all the working languages as an unrestricted document in accordance with rule 49, and to issue a communiqué through the Secretary-General at the end of the meeting under rule 55.⁴⁵⁶

The President drew the attention of the members of the Council to the draft resolution sponsored by the ten non-permanent members Australia, Austria, Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan and Yugoslavia.⁴⁵⁷

The representative of Guinea recalled operative paragraph 3 of resolution 338 (1973) and emphasized again that the phrase "under appropriate auspices" referred to those of the United Nations. In the distressing situation of the Middle East everything had to be done to respect the role and responsibility of the Security Council. For this reason the 10 non-permanent members of the Council had submitted the draft resolution.⁴⁵⁸

The draft resolution was adopted by 10 to none with 4 abstentions; one member did not participate in the vote.⁴⁵⁹ The resolution read as follows:

⁴⁵³ S/11103, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 223.

⁴⁵⁴ 1755th meeting, President's statement.

⁴⁵⁵ *Ibid.*, See *OR*, 28th yr., *Resolutions and Decisions of the Security Council 1973*, p. 12.

⁴⁵⁶ 1760th meeting, President's opening statement.

⁴⁵⁷ *Ibid.*, S/11156 subsequently adopted without change as resolution 344 (1973).

⁴⁵⁸ *Ibid.*, intervention by Guinea.

⁴⁵⁹ *Ibid.*, following the intervention by Guinea. Adopted as resolution 344 (1973).

The Security Council,

Considering that it has decided by its resolution 338 (1973) of 22 October 1973 that talks among the parties to the Middle East conflict for the implementation of resolution 242 (1967) of 22 November 1967 should be held under "appropriate auspices",

Noting that a peace conference on the Middle East situation is to begin shortly at Geneva under the auspices of the United Nations,

1. *Expresses the hope* that the Peace Conference will make speedy progress towards the establishment of a just and durable peace in the Middle East;

2. *Expresses its confidence* that the Secretary-General will play a full and effective role at the Conference, in accordance with the relevant resolutions of the Security Council and that he will preside over its proceedings, if the parties so desire;

3. *Requests* the Secretary-General, to keep the Council suitably informed of the developments in negotiations at the Conference, in order to enable it to review the problems on a continuing basis;

4. *Requests* the Secretary-General to provide all necessary assistance and facilities for the work of the Conference.

Following the vote, the representative of France stated that his Government could not accept that the Council abdicated the exercise of the responsibility of the United Nations in this question to the point of seeming to be extraneous to the negotiations, that were about to open. If the Geneva Conference achieved positive results, the Council would have to give its approval to the final settlement by accompanying it with suitable guarantees. Therefore, the Council was duty-bound to recall before the inauguration of the Conference the link between the negotiations and the Council. The draft resolution was deficient in that it did not spell out the role of the Secretary-General and that it had been submitted although the Council did not even know under what conditions the Secretary-General would be invited to the Conference. The draft resolution also failed to determine the procedure by which the Secretary-General would keep the Council informed. For these reasons, his delegation was constrained to abstain on the draft resolution.⁴⁶⁰

The representative of the United Kingdom explained that his delegation had abstained from the vote because the two co-sponsors of resolution 338, from which the scheduled conference had evolved, had not yet endorsed the draft resolution.⁴⁶¹

The representative of the United States said that his delegation felt it could not support the resolution while the negotiations regarding invitations to the Geneva Conference were still proceeding.⁴⁶²

At the close of the 1760th meeting the Security Council approved in accordance with rule 55 of its provisional rules of procedure an official communiqué which was issued by the Secretary-General.⁴⁶³

Decision of 8 April 1974 (1765th meeting): resolution 346 (1974)

At the 1765th meeting on 8 April 1974 the Security Council included the following item in its agenda: The

⁴⁶⁰ *Ibid.*, intervention by France.

⁴⁶¹ *Ibid.*, intervention by the United Kingdom.

⁴⁶² *Ibid.*, intervention by the United States.

⁴⁶³ *Ibid.*, following the intervention by the President as representative of China. For the text of the official communiqué see *OR*, 28th yr., *Resolutions and Decisions of the Security Council*, p. 12-13.

Situation in the Middle East: Report of the Secretary-General on the United Nations Emergency Force.⁴⁶⁴

At the beginning of the meeting the President stated that the Council had received the draft resolution which had been elaborated in the course of intensive consultations among all the members of the Council.⁴⁶⁵

The representative of China restated his Government's opposition in principle to the dispatching of UNEF and explained that his delegation had refrained from voting against resolution 340 (1973) only out of consideration for the wishes of the victims of aggression. On the basis of that earlier stand his delegation would not participate in the vote on the draft resolution providing for the extension of the mandate of UNEF.⁴⁶⁶

The representative of Kenya called for equal treatment of all the countries that had contributed contingents to the United Nations Emergency Force with regard to the reimbursement of their expenses and stressed the need for equal treatment of all UNEF contingents by the parties to the dispute.⁴⁶⁷

Following these two statements, the Council adopted the draft resolution by 13 to none; two members did not participate in the voting.⁴⁶⁸ The resolution read as follows :

The Security Council,

Recalling its resolution 340 (1973) of 25 October and 341 (1973) of 27 October 1973 and the agreement reached by members of the Security Council on 2 November 1973,

Having reviewed the functioning of the United Nations Emergency Force set up under these resolutions as reported by the Secretary-General,

Noting from the report of the Secretary-General of 1 April 1974 (S/11248) that in the present circumstances the operation of the United Nations Emergency Force is still required,

1. *Expresses its appreciation* to the States which have contributed troops to the United Nations Emergency Force and to those which have made voluntary financial and material contributions for the support of the Force;

2. *Expresses its appreciation* to the Secretary-General for his efforts in implementing the decisions of the Security Council regarding the establishment and functioning of the United Nations Emergency Force;

3. *Commends* the United Nations Emergency Force for its contribution to efforts to achieve a just and durable peace in Middle East;

4. *Notes* the Secretary-General's view that the disengagement of Egyptian and Israeli forces is only a first step towards the settlement of the Middle East problem and that the continued operation of the United Nations Emergency Force is essential not only for the maintenance of the present quiet in the Egypt-Israel sector but also to assist, if required, in further efforts for the establishment of a just and durable peace in the Middle East and accordingly decides that, in accordance with the recommendation in paragraph 68 of the Secretary-General's report of 1 April 1974, the mandate of the United Nations Emergency Force, approved by the Security Council in its resolution 341 (1973), shall be extended for a further period of six months, that is, until 24 October 1974;

5. *Notes with satisfaction* that the Secretary-General is exerting every effort to solve in a satisfactory way the problems of the

⁴⁶⁴ S/11248 (Report of the Secretary-General), *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 88-95.

⁴⁶⁵ 1765th meeting, President's opening statement. The draft resolution S/11253 was subsequently adopted as resolution 346 (1974).

⁴⁶⁶ *Ibid.*, intervention by China.

⁴⁶⁷ *Ibid.*, intervention by Kenya.

⁴⁶⁸ *Ibid.*, following the intervention by Kenya. Adopted as resolution 346 (1974).

United Nations Emergency Force, including the urgent ones referred to in paragraph 71 of his report of 1 April 1974;

6. *Further notes with satisfaction* the Secretary-General's intention to keep under constant review the required strength of the Force with a view to making reductions and economies when the situation allows;

7. *Calls upon* all Member States, particularly the parties concerned, to extend their full support to the United Nations in the implementation of the present resolution;

8. *Requests* the Secretary-General to report to the Security Council on a continuing basis as requested in resolution 340 (1973).

Following the vote, several representatives addressed themselves to the issue of equal reimbursements for the countries participating in the emergency force⁴⁶⁹ and to the restrictions of the freedom of movement that had been imposed unilaterally by one party to the dispute on some UNEF contingents⁴⁷⁰ and asked for special efforts by the Security Council and by the Secretary-General to remedy those shortcomings. Two representatives also emphasized the central role of the Security Council in this peace-keeping operation which differed markedly from previous operations in that respect.⁴⁷¹

Decision of 24 April 1974 (1769th meeting): resolution 347 (1974)

By letter⁴⁷² dated 13 April 1974 addressed to the President of the Security Council, the representative of Lebanon complained about a new case of Israeli aggression against six Lebanese villages as a result of which two civilians had been killed, others wounded and thirteen civilians kidnapped, and he requested an urgent meeting of the Security Council to consider this grave situation.

At its 1766th meeting on 15 April 1974, the Council included the letter by Lebanon in the agenda. Following the adoption of the agenda, the representatives of Lebanon, Israel, Syria, Egypt⁴⁷³ and subsequently Kuwait⁴⁷⁴ and Saudi Arabia⁴⁷⁵ were invited, at their request, to participate without the right to vote in the discussion of the item which was considered at the 1766th to 1769th meetings from 15 to 24 April 1974.

At the 1766th meeting, the representative of Lebanon* stated that on the night of 12-13 April Israeli armed forces had attacked six Lebanese frontier villages inhabited solely by civilians, killed two civilians, wounded two, kidnapped thirteen persons and dynamited 31 homes. The attacks had been carried out under the pretext that the assailants responsible for the reprehensible attack on Kiryat Shmona had come from Lebanon. Lebanon deplored acts of violence, such as the incident at Kiryat Shmona, wherever they may occur, but it could not be held responsible for acts that were committed by elements acting outside its borders and control. Israel's action against the Lebanese

⁴⁶⁹ *Ibid.*, Peru, United Republic of Cameroon, USSR, Byelorussian SSR, Indonesia, France, Iraq.

⁴⁷⁰ *Ibid.*, Mauritania, USSR, Byelorussian SSR, Indonesia, France, Iraq.

⁴⁷¹ *Ibid.*, USSR, Byelorussian SSR.

⁴⁷² S/11264, *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 107-108.

⁴⁷³ 1766th meeting, President's opening statement.

⁴⁷⁴ *Ibid.*, following Israel's first intervention.

⁴⁷⁵ *Ibid.*, following Israel's second intervention.

villages constituted a premeditated act of aggression which should not merely be condemned by the Council, but against which the Council should take appropriate and effective measures under the relevant Articles of the Charter of the United Nations.⁴⁷⁶

The representative of Israel* said that in recent years Lebanon had become a main centre for Arab terrorist operations directed mainly against Israel. The most recent example was the massacre of 18 persons in Kiryat Shmona by a group of terrorists who had crossed into Israeli territory from Lebanese territory. These facts had been confirmed by leaders of the terrorist movement in Beirut. It was up to Lebanon to prevent the use of its territory for attacks against Israel. Israel was forced to take counter-measures on 12-13 April since Lebanon did not wish to meet its responsibility and end all terrorist activities on its soil. While Israel sought peace with its neighbours, it was determined to defend its rights and protect its citizens.⁴⁷⁷

The representative of the Syrian Arab Republic* declared that the Council had to deal with Israeli state terrorism which was fundamentally distinct from acts of individual violence expressing despair. Israel's most recent attacks against Lebanon were criminal acts in flagrant violation of the principles of the United Nations Charter, the resolutions of the Security Council, the Geneva Conventions and the fundamental principles of international law and human rights. The Council should condemn those acts and take the necessary measures to prevent their repetition.⁴⁷⁸

At the 1767th meeting on 16 April 1974 the representative of the USSR stated that the Israeli act of aggression against Lebanon constituted one new link in the chain of their crimes of annexation and appropriation of foreign lands, flagrantly violating the principle of the inadmissibility of the acquisition of territory by means of war or the use of force. Israel was still in defiance of the Security Council and its decisions. The USSR categorically opposed international terrorism and with similar determination it opposed a policy of aggression and state terrorism carried out by Israel. His country condemned the intrusions and attacks by one State against a neighbouring State under any pretext whatsoever. His delegation believed that the Council should not only categorically condemn the new acts of aggression by Israel but also take effective measures to put an end to them.⁴⁷⁹

The representative of the United Kingdom said that if the terrorists had indeed entered Israel from Lebanese ground, it would be right to remind the Lebanese Government of its duty under international law to take all reasonable steps to terminate the operations of the terrorist organizations. His delegation held the view that a Government-organized operation into the territory of another sovereign State could not be justified under the Charter. It was the duty of the Council and of the United Nations to do all to prevent the renewal of violence and counter-violence and to build a just and lasting peace in the Middle East.⁴⁸⁰

⁴⁷⁶ 1766th meeting, Lebanon, first intervention.

⁴⁷⁷ *Ibid.*, Israel, first intervention.

⁴⁷⁸ *Ibid.*, Syrian Arab Republic, first intervention.

⁴⁷⁹ 1767th meeting, USSR, first intervention.

⁴⁸⁰ *Ibid.*, intervention by the United Kingdom.

The representative of France declared that his Government condemned such acts of violence as those in Kiryat Shmona and the raids and reprisals by Israeli forces on Lebanese soil. The Council should pronounce itself against all acts of violence, regardless of their origins or reasons, and appeal to all parties, in the interests of peace to refrain from any act that might jeopardize the ongoing negotiations.⁴⁸¹

At the 1769th meeting on 24 April 1974 the President drew the attention of the members of the Council to a draft resolution submitted by several members after lengthy consultations.⁴⁸²

At the same meeting, the representative of the United States said that with a single amendment the draft resolution might win wide support in the Council and proposed that operative paragraph 2 be amended to read:

Condemns all acts of violence, especially those which"—at that point the four words "as at Kiryat Shmona" should be inserted—result in the tragic loss of innocent civilian life, and urges all concerned to refrain from any further acts of violence.⁴⁸³

The representative of Mauritania opposed the amendment because the mention of Kiryat Shmona entailed the reference to a third party which was not present at the Council meeting. No judgement could be rendered without hearing that party.⁴⁸⁴

The amendment proposed by the United States received 6 votes in favour, 7 against, and 2 abstentions and was not adopted, having failed to acquire the necessary majority.⁴⁸⁵

The draft resolution as a whole was adopted by 13 to none; two members did not participate in the vote.⁴⁸⁶ The resolution read as follows:

The Security Council,

Having considered the agenda item contained in document S/Agenda/1769/Rev.1,

Having noted the contents of the letters dated 12 and 13 April 1974 from the Permanent Representative of Lebanon (S/11263 and S/11264) and the letter dated 11 April 1974 from the Permanent Representative of Israel (S/11259),

Having heard the statements of the Foreign Minister of Lebanon and of the representative of Israel,

Recalling its previous relevant resolutions,

Deeply disturbed at the continuation of acts of violence,

Gravely concerned that such acts might endanger efforts now taking place to bring about a just and lasting peace in the Middle East,

1. *Condemns* Israel's violation of Lebanon's territorial integrity and sovereignty and calls once more on the Government of Israel to refrain from further military actions and threats against Lebanon;

2. *Condemns* all acts of violence, especially those which result in the tragic loss of innocent civilian life, and urges all concerned to refrain from any further acts of violence;

⁴⁸¹ *Ibid.*, intervention by France.

⁴⁸² 1769th meeting President's opening statement, S/11275, adopted without change as resolution 347 (1974).

⁴⁸³ *Ibid.*, United States, first intervention.

⁴⁸⁴ *Ibid.*, Mauritania, first intervention.

⁴⁸⁵ *Ibid.*, following Mauritania's first intervention.

⁴⁸⁶ *Ibid.*, following Mauritania's second intervention. Adopted as resolution 347 (1974).

3. *Calls upon* all Governments concerned to respect their obligations under the Charter of the United Nations and international law;

4. *Calls upon* Israel forthwith to release and return to Lebanon the abducted Lebanese civilians;

5. *Calls upon* all parties to refrain from any action which might endanger negotiations aimed at achieving a just and lasting peace in the Middle East.

The representative of the USSR declared that his delegation would have much preferred to support a stronger draft resolution prepared by the non-aligned members but not submitted because of insufficient support and that it voted in favour of the adopted draft only in recognition of the wishes of the country that had brought the complaint before the Council.⁴⁸⁷

The President speaking as the representative of Iraq said that his delegation had refrained from participating in the vote because the draft merely constituted a condemnation of Israel and fell short of firmer action against Israeli aggression and lawbreaking. It also took exception with the attempt to view individual acts of violence on the same level as acts of aggression by one Member State against another.⁴⁸⁸

The representative of Lebanon* deplored that the Council had not taken the effective measures against Israel that it had announced if Israel failed to comply with previous Council decisions.⁴⁸⁹

Decision of 31 May 1974 (1774th meeting): resolution 350 (1974)

By letter⁴⁹⁰ dated 30 May 1974 addressed to the President of the Security Council, the representative of the United States requested an urgent meeting of the Council to consider the situation in the Middle East, in particular the disengagement of Israeli and Syrian forces.

At its 1773rd meeting on 30 May 1974, the Council included the letter by the United States and a report of the Secretary-General on the same matter⁴⁹¹ in the agenda. At the 1774th meeting on 31 May 1974 the representatives of Israel and the Syrian Arab Republic⁴⁹² were invited, at their request, to participate in the discussion without the right to vote. The Council considered the question at the 1773rd and 1774th meetings on 30 and 31 May 1974.

At the 1773rd meeting, following the adoption of the agenda, the Secretary-General introduced his report including the texts of the agreement on disengagement between Israeli and Syrian forces and the protocol concerning the United Disengagement Observer Force. He said that he would take the necessary steps in accordance with the provisions of the protocol to set up the Observer Force, if the Council so decided, and that he intended to follow the same general principles as those defined in his report on the implementation of resolution 340 (1973). In the first instance, he would draw the new Observer Force from United Nations military personnel already in the area. He

would keep the Council fully informed of all the developments in this matter.⁴⁹³

At the beginning of the 1774th meeting on 31 May 1974, the President drew the attention of the members of the Council to the draft resolution which had been submitted by the United States and the USSR.⁴⁹⁴

At the same meeting the representative of the United States introduced the draft resolution and asked the Council to authorize the creation of the United Nations Disengagement Observer Force which constituted the next critical step on the road toward a permanent peace in the Middle East. He endorsed the statement by the Secretary-General concerning the principles to guide the new Observer Force and urged speedy adoption of the draft resolution.⁴⁹⁵

The representative of the USSR stated that the disengagement agreement was only a step towards the fulfilment of the major task, the total liberation of the Arab territories from Israeli occupation. Following the completion of the disengagement of Syrian and Israeli troops, the Geneva conference should proceed to a consideration of a comprehensive settlement in the area. He welcomed the statement by the Secretary-General with regard to the principles underlying the new Observer Force, but pointed out that there was no need to increase the expenses for the maintenance of the United Nations Forces in the Middle East, since units would be transferred from UNEF to the Observer Force along the Israeli-Syrian cease-fire lines. He urged the Council to adopt the draft resolution and noted that after the expiration of the initial period of six months the Council would have to consider its renewal.⁴⁹⁶

The representative of China reaffirmed his delegation's stand against the involvement of the two super-Powers in the Middle East and its disassociation from the dispatch of troops in the name of the United Nations under whatever form. Consequently, his delegation would not participate in the voting on the draft resolution.⁴⁹⁷

The draft resolution sponsored by the United States and the USSR was adopted by 13 to none; two members did not participate in the voting.⁴⁹⁸ The resolution read as follows:

The Security Council,

Having considered the report of the Secretary-General contained in documents S/11302 and Add.1, and *having heard* his statement made at the 1773rd meeting of the Security Council,

1. *Welcomes* the Agreement on Disengagement between Israeli and Syrian Forces, negotiated in implementation of Security Council resolution 338 (1973) of 22 October 1973;

2. *Takes notes* of the Secretary-General's report and the annexes thereto and his statement;

3. *Decides* to set up immediately under its authority a United Nations Disengagement Observer Force, and requests the Secretary-General to take the necessary steps to this effect in accordance with his above-mentioned report and the annexes thereto; the Force shall

⁴⁹³ 1773rd meeting, statement by the Secretary-General.

⁴⁹⁴ 1774th meeting, President's opening statement S/11305/Rev.1, subsequently adopted as resolution 350 (1974).

⁴⁹⁵ *Ibid.*, intervention by the United States.

⁴⁹⁶ *Ibid.*, USSR, first intervention.

⁴⁹⁷ *Ibid.*, intervention by China.

⁴⁹⁸ *Ibid.*, following the intervention by Iraq. Adopted as resolution 350 (1974).

⁴⁸⁷ 1769th meeting, intervention by the USSR.

⁴⁸⁸ *Ibid.*, intervention by President as representative of Iraq.

⁴⁸⁹ *Ibid.*, intervention by Lebanon.

⁴⁹⁰ S/11304, OR, 29th yr., Suppl. for April-June 1974, p. 146.

⁴⁹¹ S/11302 and Add.1, *ibid.*, pp. 144-145.

⁴⁹² 1774th meeting, President's opening statement.

be established for an initial period of six months, subject to renewal by further resolution of the Security Council;

4. *Requests* the Secretary-General to keep the Security Council fully informed of further developments.

Speaking in explanation of the vote, the representative of the United Kingdom declared that his delegation had stressed the need to carry out the functions of the Observer Force as economically as possible without however impairing its efficiency. He welcomed the Secretary-General's intention to set up the new Force on the basis of the same principles as those governing UNEF. The new Force would operate as long as it was authorized by the Council, and it would not be withdrawn without a decision of the Council to that effect.⁴⁹⁹

The representative of France emphasized that the Council had to decide the modalities governing the Force including an increase of the number of contingents, if required, and reaffirmed his Government's reservations with regard to the exclusion of units drawn from the permanent members of the Council from the Force personnel.⁵⁰⁰

Following the statements in explanation of vote, the Secretary-General said that he would propose interim arrangements to transfer the Austrian and Peruvian contingents from UNEF to the new Force, supported by logistical units from Canada and Poland, and to appoint Brigadier-General Gonzalo Briceño of Peru as interim Commander of UNDOF. The new operation would inevitably involve additional expenditure. He would make every possible effort to keep additional expenditures to a minimum, inasmuch as the effectiveness of the Force would permit. He would inform the Council in the due course of the concrete financial implications of the new operation.⁵⁰¹

The representative of the USSR stated that his delegation had no principal objections to most of the proposals made by the Secretary-General and was ready to vote in favour of them if they were put to the vote. But his delegation had one reservation in that it would prefer to see no increase in either size or cost of the United Nations forces in the Middle East, especially since the General Assembly had approved a fixed sum for the UNEF troops and it would be improper to violate that decision. He suggested a reduction of the Canadian UNEF contingent which by far exceeded the maximum level of strength agreed upon informally among members of the Council and the Secretary-General in October 1973.⁵⁰²

At the conclusion of the meeting the President stated that since there were no objections, the Council agreed to the proposals made by the Secretary-General in accordance with paragraph 4 of resolution 350 (1974).⁵⁰³

Decision of 23 October 1974 (1799th meeting): resolution 362 (1974)

At the 1799th meeting on 23 October 1974 the Security Council included the Report of the Secretary-General on the United Nations Emergency Force dated 12 October

1974⁵⁰⁴ in its agenda. Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution⁵⁰⁵ which had been drawn up during intensive consultations among all the members.⁵⁰⁶

The Secretary-General stated that his report covered the period from 2 April to 12 October 1974 which had been tranquil. He explained the difficulties that still were unresolved with regard to the complex question of reimbursement to the troop-contributing countries and with regard to the separate management of the two peace-keeping forces as well as to their financing. He would continue to seek solutions for these problems and keep the Council fully informed of further progress.⁵⁰⁷

Following the Secretary-General's statement, the draft resolution was adopted by 13 to none; two members did not participate in the voting.⁵⁰⁸

The resolution read as follows:

The Security Council,

Recalling its resolution 338 (1973) of 22 October, 340 (1973) of 25 October, 341 (1973) of 27 October 1973 and 346 (1974) of 8 April 1974,

Having examined the report of the Secretary-General on the activities of the United Nations Emergency Force (S/11536),

Noting the opinion of the Secretary-General that "although quiet now prevails in the Egypt-Israel sector, the over-all situation in the Middle East will remain fundamentally unstable as long as the underlying problems are unresolved",

Noting also from the report of the Secretary-General that in the present circumstances the operation of the United Nations Emergency Force is still required,

1. *Decides* that the mandate of the United Nations Emergency Force should be extended for an additional period of six months, that is, until 24 April 1975, in order to assist in further efforts for the establishment of a just and lasting peace in the Middle East;

2. *Commends* the United Nations Emergency Force and those Governments supplying contingents to it for their contribution towards the achievement of a just and lasting peace in the Middle East;

3. *Expresses its confidence* that the Force will be maintained with maximum efficiency and economy;

4. *Reaffirms* that the United Nations Emergency Force must be able to function as an integral and efficient military unit in the whole Egypt-Israel sector of operations without differentiation regarding the United Nations status of the various contingents, as stated in paragraph 26 of the report of the Secretary-General (S/11536) and requests the Secretary-General to continue his efforts to that end.

Speaking in explanation of vote, the representative of France expressed his delegation's concern about the financial aspects of the peace-keeping operation, in particular the expected deficit which would have to be covered and which required strict control. The Council should take full charge of this operation and not in any circumstances abandon its prerogatives. He regretted that the resolution adopted by the Council was not more explicit about the financial aspects of the operation, and expressed the hope that the

⁵⁰⁴ S/11536, *OR*, 29th yr., *Suppl. for Oct.-Dec. 1974*, pp. 29-33.

⁵⁰⁵ S/11542, subsequently adopted as resolution 362 (1974).

⁵⁰⁶ 1799th meeting, President's opening statement.

⁵⁰⁷ *Ibid.*, statement by the Secretary-General.

⁵⁰⁸ *Ibid.*, following the Secretary-General's statement. Adopted as resolution 362 (1974).

⁴⁹⁹ 1774th meeting, intervention by the United Kingdom.

⁵⁰⁰ *Ibid.*, intervention by France.

⁵⁰¹ *Ibid.*, statement by the Secretary-General.

⁵⁰² *Ibid.*, USSR, second intervention.

⁵⁰³ *Ibid.*, President's closing statement.

Secretary-General would provide at an early date all the relevant information as to the actual and estimated expenditures. He also called for private consultations, on the initiative of the President, among the members of the Council at regular intervals to examine periodic reports on the progress of the operation.⁵⁰⁹

The representative of the USSR reaffirmed his delegation's view-point that the increase of the total expenditure for the maintenance of UNEF was not justified and that the Council which was fully responsible for United Nations peace-keeping operations, should determine the size and the cost of these operations. He called once again for maximum economy in the maintenance of UNEF and for complete freedom of movement to all UNEF contingents in the area. He expressed his appreciation of the manner in which the UNEF operation was set up and emphasized the position that in accordance with the Charter the Council should be the master and commander-in-chief of all peace-keeping operations.⁵¹⁰

The representative of the United Kingdom stated that UNEF should be maintained with the maximum efficiency and economy, but that financial considerations should never be allowed to impair the efficiency of the operation.⁵¹¹

Decision of 29 November 1974 (1809th meeting): resolution 363 (1974)

At the 1809th meeting on 29 November 1974 the Security Council included the Report of the Secretary-General on the United Nations Disengagement Observer Force dated 27 November 1974⁵¹² in its agenda. Following the adoption of the agenda, the representatives of the Syrian Arab Republic and Israel were invited, at their request, to participate in the discussion without the right to vote.⁵¹³ The President of the Council drew the attention of the members to a draft resolution⁵¹⁴ which was sponsored by Austria, Indonesia, Kenya, Mauritania, Peru and the United Republic of Cameroon.⁵¹⁵

The Secretary-General introduced his report and emphasized the urgency of a negotiated settlement between the two parties involved, before the dangers of a military confrontation would increase again.⁵¹⁶

The representative of Peru introduced the draft resolution co-sponsored by his delegation and expressed the hope that the parties would be encouraged to renew peace negotiations in Geneva, in the nearest possible future, with the participation of all the parties to the conflict.⁵¹⁷

The draft resolution was adopted by 13 to none; two members did not participate in the voting.⁵¹⁸ The resolution read as follows:

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force (S/11563),

Having noted the efforts made to establish a durable and just peace in the Middle East area and the developments in the situation in the area,

Expressing concern over the prevailing state of tension in the area,

Reaffirming that the two agreements on disengagement of forces are only a step towards the implementation of Security Council resolution 338 (1973) of 22 October 1973,

Decides:

(a) To call upon the parties concerned to implement immediately Security Council resolution 338 (1973);

(b) To renew the mandate of the United Nations Disengagement Observer Force for another period of six months;

(c) That the Secretary-General will submit at the end of this period a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

Speaking in explanation of the vote, the representative of the USSR stressed that the disengagement of troops on the Israeli-Syrian sector was only a first step towards a complete settlement and that the framework of the Geneva Peace Conference which should be resumed as early as possible, was most suitable in the search for a lasting peace.⁵¹⁹

The representative of the United Republic of Cameroon also emphasized that the essential objective was the renewal of negotiations under appropriate auspices for the attainment of an acceptable peace settlement.⁵²⁰

The representative of France said that it was high time that the Geneva Peace Conference resumed its work.⁵²¹

The representative of the Byelorussian SSR reaffirmed once again the particular responsibility of the Security Council in all aspects of peace-keeping operations in the Middle East as elsewhere, and he called for the resumption of the Geneva Conference with the participation of all interested parties, including the representatives of the Arab people of Palestine.⁵²²

The President speaking as the representative of the United States stated that his Government shared the sense of urgency concerning a settlement in the Middle East and would make every effort to advance step by step towards a just and lasting peace in the area.⁵²³

THE SITUATION IN CYPRUS

Decision of 15 June 1972 (1646th meeting): resolution 315 (1972)

⁵¹⁸ *Ibid.*, following the intervention by Peru. Adopted as resolution 363 (1974).

⁵¹⁹ *Ibid.*, intervention by the USSR.

⁵²⁰ *Ibid.*, intervention by the United Republic of Cameroon.

⁵²¹ *Ibid.*, intervention by France.

⁵²² *Ibid.*, intervention by the Byelorussian SSR.

⁵²³ *Ibid.*, President's closing statement.

⁵⁰⁹ 1799th meeting, intervention by France.

⁵¹⁰ *Ibid.*, USSR, first intervention.

⁵¹¹ *Ibid.*, intervention by the United Kingdom.

⁵¹² S/11563, *OR*, 29th yr., *Suppl. for Oct.-Dec. 1974*, pp. 43-47.

⁵¹³ 1809th meeting.

⁵¹⁴ S/11565, subsequently adopted without change as resolution 363 (1974).

⁵¹⁵ 1809th meeting, President's opening statement.

⁵¹⁶ *Ibid.*, statement by the Secretary-General.

⁵¹⁷ *Ibid.*, intervention by Peru.

On 26 May 1972 the Secretary-General submitted to the Security Council his report⁵²⁴ covering the developments from 1 December 1971 to 26 May 1972. After noting that all parties concerned had agreed to reactivate the intercommunal talks he hoped that the talks would be conducted in the spirit of the Charter and the Council's resolutions. As for the financial situation, the Secretary-General pledged to continue his efforts to put the current financing of the peace-keeping operation on a sound basis and to liquidate the deficit. In view of the present tension, he recommended extension of the UNFICYP mandate until 15 December 1972. In an addendum to his report issued on 8 June⁵²⁵ the Secretary-General advised the Security Council that the inaugural meeting of the talks in their new form had been held that day in Nicosia and that he had attended the meeting.

At the 1646th meeting on 15 June 1972, the Security Council adopted, without objection, the provisional agenda⁵²⁶ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵²⁷ The Council considered the Secretary-General's report at its 1646th and 1647th meetings held on 15 June 1972.

At the outset of the 1646th meeting, the Secretary-General made a statement concerning his recent trip to Cyprus. He stated that after seeing the situation in Cyprus at first hand he had a better grasp of the situation and although he had no illusions about the difficulties of the problem, he was encouraged by the fact that those difficulties were fully recognized and that there prevailed a general desire and determination to continue the search for a solution.

The President (Yugoslavia) then stated that, as a result of prior consultations, an agreement had been reached on the text of a draft resolution⁵²⁸ which he then put to the vote. The said draft resolution was adopted by 14 votes to none, with 1 abstention.⁵²⁹ The text read as follows:

The Security Council,

Noting from the report of the Secretary-General of 26 May 1972⁵³⁰ that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 15 June 1972,

Noting also from the report the conditions prevailing in the island,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11

⁵²⁴ S/10664, *OR*, 27th yr., *Supplement for April-June 1972*, pp. 73-82.

⁵²⁵ S/10664/Add.1, *ibid.*, p. 83.

⁵²⁶ 1646th meeting, preceding para. 3.

⁵²⁷ *Ibid.*, para. 3.

⁵²⁸ S/10699, adopted without change as resolution 315 (1972).

⁵²⁹ 1646th meeting, para. 21.

⁵³⁰ S/10664, *OR*, 27th., *Supplement for April-June 1972*.

December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council, by availing themselves in a constructive manner of the present auspicious climate and opportunities;

3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 December 1972, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force.

After the vote, the representative of Cyprus expressed deep appreciation for the Secretary-General's active interest in the search for a solution to the Cyprus problem and welcomed the resumption of the intercommunal talks. He asserted, however, that parallel to the talks there should be a genuine effort by all concerned to encourage a climate of conciliation and confidence through normal contact between the two communities.

The representative of Turkey welcomed the Secretary-General's recent trip to Cyprus, Greece and Turkey and reiterated his country's determination to promote a peaceful, just and permanent solution to the Cyprus question. He hoped all concerned parties would reciprocate this spirit and sincerely participate in the search for a just and peaceful settlement of the conflict.

The representative of Greece welcomed the Secretary-General's initiative in securing the resumption of the intercommunal talks and expressed his country's deep appreciation for his active interest in the question. He expressed his firm conviction that the Secretary-General's efforts in regard to Cyprus would be crowned with success.

The representative of the United Kingdom congratulated the Secretary-General on his efforts in regard to the Cyprus question and the resumption of the intercommunal talks. He stressed the importance of making substantive progress in the talks and his country's close and continuing interest in a successful solution to the problem.

The representative of the United States welcomed the resumption of the intercommunal talks and praised the Secretary-General for his comprehensive report on Cyprus. However, he expressed some concern at the lack of significant progress towards normalization and deconfrontation. He hoped the resumption of the intercommunal talks would enable the return to normalization.

The representative of France welcoming the resumption of the intercommunal talks, praised the Secretary-General's role in bringing this about and stressed that the Security Council, with its responsibility for maintaining peace and security, should impress upon the parties the importance it attaches to the continuation of the talks. He urged the parties to take a more pragmatic approach designed to seek a provisional solution instead of undertaking an immediate examination of all the juridical problems involved.

The representative of China expressed regret that the problem had remained unsettled for so long. He considered that dissension between the two communities had been caused by imperialist incitement and that the whole problem was an issue left over by former colonial rule.

Consequently, it could be settled only by the elimination of imperialist meddling and by consultations among the parties concerned on an equal footing. As to the question of UNFICYP, China had its principled stand and had therefore abstained on the voting.

The representative of the USSR while noting with satisfaction the resumption of the intercommunal talks expressed the hope that the hostility between the Greeks and the Turks in Cyprus would be eliminated. He asserted that the prolonged stay of the United Nations Force on the island was not a normal situation under current international conditions and accordingly called upon the Council to study the possibility of settling the Cyprus problem in order to achieve the withdrawal of UNFICYP. On that understanding, his delegation had not opposed the resolution of extending its presence, since once again the decision was based on the provisions of Council resolution 186 (1964) of 4 March 1964 and preserved the existing functions of the Force and its system of financing on a voluntary basis.⁵³¹

Decision of 12 December 1972 (1683rd meeting): resolution 324 (1972)

On 1 December 1972, the Secretary-General submitted to the Security Council his report⁵³² on the United Nations operation in Cyprus concerning developments from 27 May to 1 December 1972. Reporting on the state of the intercommunal talks, the Secretary-General said that the reactivation of the talks had been the most important development during the period under review and a certain measure of agreement had been reached. The talks were the best instrument for achieving a lasting solution based on the concept of an independent, sovereign and unitary State with adequate preparation by the two communities. To make such a solution possible, however, two conditions would have to be met. First, both sides would have to be ready to make mutual concessions, and, second, the situation must remain quiet, with intercommunal tension kept to a minimum while the talks were pursued. In view of those considerations, the Secretary-General recommended that the mandate of UNFICYP be extended until 15 June 1973.

The Security Council considered the Secretary-General's report at its 1683rd meeting held on 12 December 1972. At the same meeting, the Council adopted, without objection, the provisional agenda⁵³³ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵³⁴

Subsequently, the President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution,⁵³⁵ which he then put to the

vote. He said draft resolution was adopted by 14 votes to none with 1 abstention. The text read as follows:

The Security Council,

Noting from the report of the Secretary-General of 1 December 1972⁵³⁶ that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 15 December 1972,

Noting also from the report the conditions prevailing in the island,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11 December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971 and 315 (1972) of 15 June 1972, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council, by availing themselves in a constructive manner of the present auspicious climate and opportunities;

3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 June 1973, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force.

Several representatives made statements after the voting. The representative of Cyprus stated that it was necessary to avoid activities that created tension that could adversely affect the intercommunal talks. For that reason, and as noted in the Secretary-General's report it was essential to have a measure of armed deconfrontation and a return to normal conditions. He hoped that the present climate would be conducive to bringing about such deconfrontation and normalization.

The representative of Turkey stated that as long as the Turkish community in Cyprus continued to live under conditions of extreme hardship and deprivation it would be difficult to return to normal conditions or realize a genuine deconfrontation. This could only be achieved by the elimination of the underlying causes of the Cyprus problem and by the creation of a climate of mutual confidence between the two communities.

The representative of Greece expressed his deep appreciation to the Secretary-General for his efforts aimed at bringing about a peaceful solution of the Cyprus problem and voiced agreement with the view expressed in the Secretary-General's report that both sides heed the objective judgements and advice of the United Nations Peace-keeping Force in Cyprus in order to avoid any adverse repercussions on the reactivated talks. He also agreed with the view contained in the Secretary-General's report that any increase in military capability increased the danger of

⁵³¹ For the texts of relevant statements, see: 1646th meeting: Secretary-General, paras. 6-19; China, paras. 92-95; Cyprus, paras. 23-44; Greece, paras. 71-78; Turkey, paras. 47-68; USSR, paras. 131-140; United Kingdom, paras. 98-103; 1647th meeting: France, paras. 69-78; United States, paras. 37-43.

⁵³² S/10842, *OR*, 27th yr., *Supplement for Oct.-Dec. 1972*, p. 53.

⁵³³ 1683rd meeting, preceding para. 1.

⁵³⁴ *Ibid.*, para. 1.

⁵³⁵ S/10847, adopted without change as resolution 324 (1972).

⁵³⁶ S/10842, *OR*, 27th yr., *Supplement for Oct.-Dec. 1972*.

escalation and stressed his Government's firm opposition to any illegal imports of arms into Cyprus.

The representative of the United Kingdom welcoming the resumption of the intercommunal talks stated that the talks provided the most promising way to approach a solution to the problem of Cyprus. He expressed deep appreciation of the Secretary-General's efforts in this regard and hoped that he would impress upon both parties that in order for the talks to succeed compromises were necessary.

The representative of the United States expressed his appreciation to the Secretary-General for his report of the United Nations operation in Cyprus and found encouragement in the assessment contained therein that the situation in the Island had remained quiet during the period under review. However, he expressed regret that little progress had been made towards a return to normal conditions and hoped that all outstanding issues would be resolved in a spirit of co-operation and goodwill.

The representative of the USSR noted with satisfaction the positive role of the efforts of the Secretary-General in the resumption of the intercommunal talks. The Soviet Union sincerely wished that those talks would be successful in the interests of all the citizens of the Republic of Cyprus. Regarding the status of the Force, he said that, in current international conditions, the eight-year stay of UNFICYP could not be described as normal. If such operations were going to last so long, then doubts would arise as to the advisability of carrying them out. Therefore, the USSR was of the opinion that UNFICYP could not be continued endlessly. His delegation had voted in favour of the extension of the stationing of the United Nations troops in Cyprus on the assumption that its renewal was effected in full accord with the provisions of the Council's resolution of 4 March 1964 and subsequent decisions of the Council on the Cyprus question, and, in particular, that the present functions of those troops and the voluntary arrangements for financing them would be maintained.⁵³⁷

Decision of 15 June 1973 (1727th meeting): resolution 334 (1973)

On 31 May 1973, the Secretary-General submitted to the Security Council his report⁵³⁸ on the United Nations operation in Cyprus concerning developments from 2 December 1972 to 31 May 1973. In his report, the Secretary-General said that the parties concerned were making a serious effort to agree through the intercommunal talks on a constitutional framework that would provide for adequate participation in government of the two communities. However, it had so far not been possible to establish a basis for such an accord. He added that the atmosphere of calm that was necessary for the promotion of such an agreement had not been maintained, especially with the Greek Cypriot community. Understandably, such developments had had an adverse impact on the talks.

Turning to the financial situation of UNFICYP, he said that it continued to be precarious, pointing out that the

⁵³⁷ For texts of relevant statements, see: 1683rd meeting: Cyprus, paras. 7-19; Greece, paras. 38-50; Turkey, paras. 23-34; USSR, paras. 141-166; United States, paras. 115-123; United Kingdom, paras. 52-56.

⁵³⁸ S/10940, OR, 28th yr., Supplement for April-June 1973, p. 58.

Governments providing contingents, as well as those that made voluntary contributions, were becoming increasingly uneasy at the delay in reaching a settlement. In that respect, the Secretary-General noted that for some time his office had been studying ways and means of reducing the United Nations commitment in terms of both finance and manpower. He intended to make recommendations in that regard in his next report to the Council, but the feasibility of any such move would depend on the progress of the talks.

The Security Council considered the Secretary-General's report at its 1727th and 1728th meetings held on 15 June 1973. At the 1727th meeting, the Council adopted without objection, the provisional agenda⁵³⁹ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵⁴⁰

Subsequently, the President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution,⁵⁴¹ which he then put to the vote. The said draft resolution was adopted by 14 votes to none with 1 abstention as resolution 334 (1973). The text read as follows:

The Security Council,

Noting from the report of the Secretary-General of 31 May 1973 (S/10940 and Corr.1) that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 15 June 1973,

Noting also from the report the conditions prevailing in the island,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11 December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971 and 315 (1972) of 15 June and 324 (1972) of 12 December 1972, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council by availing themselves in a constructive manner of the present auspicious climate and opportunities;

3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 December 1973, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force.

At the 1728th meeting, the President, speaking as the representative of the USSR, reaffirmed the position of his country that, in order to ensure the independence of

⁵³⁹ 1727th meeting, preceding para. 1.

⁵⁴⁰ *Ibid.*, para. 1.

⁵⁴¹ S/10946, adopted without change as resolution 334 (1973).

Cyprus, all foreign troops had to be withdrawn and foreign bases situated in its territory removed. The USSR took a positive view of the Secretary-General's report, in particular, the information concerning the intercommunal talks, and it agreed that the resumption of the talks was the best way of reaching an agreed solution. It hoped that as a result of those talks it might be possible to overcome the existing difficulties and to bring those negotiations to a positive end. Regarding the extension of the mandate of the Force and the voluntary procedure for its financing, he said that the USSR had not objected to the draft resolution on the assumption that the extension of the stationing of United Nations troops in Cyprus was effected in full accord with the provisions of the Council's resolution of 4 March 1964 and subsequent decisions of the Council on the Cyprus question, the present functions of those troops and the voluntary arrangements for financing them being maintained.⁵⁴² Statements were also made by the representatives of Cyprus, Turkey, Greece, the United States, the United Kingdom, Yugoslavia, France, Australia, India, Sudan, Guinea, Peru and Chad.

Decision of 14 December 1973 (1759th meeting): resolution 343 (1973)

On 1 December 1973, the Secretary-General submitted to the Security Council his report⁵⁴³ on the United Nations operation in Cyprus concerning developments from 1 June to 1 December 1973. Assessing the events of the previous six months, the Secretary-General said that, although the intercommunal talks had proceeded since 1972 in a constructive spirit, only limited progress had been made on the basic issues. However, he continued to believe that with concessions on both sides, an agreed accommodation could be worked out within the framework of the talks. The Secretary-General also noted that the problem of military confrontation had remained unchanged. However, he had been encouraged by the helpful response received from both communities when it had become necessary to dispatch the bulk of four UNFICYP contingents to the Middle East. During the period when the Force was understrength, the two communities, acting in concert with his request, were able to maintain calm and practically no incidents had occurred. He then outlined his plan for reducing the size of the Force but stressed that the implementation of that plan was dependent upon the close co-operation of all parties concerned with UNFICYP in its role of preventing a recurrence of fighting. The Secretary-General stated that in the prevailing circumstances he considered it essential that the Force be maintained for a further limited period and recommended extension of its mandate until 15 June 1974.

The Security Council considered the Secretary-General's report at its 1759th meeting held on 14 December 1973. At the same meeting, the Council adopted, without objection, the provisional agenda⁵⁴⁴ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵⁴⁵

Subsequently, the President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution,⁵⁴⁶ which he then put to the vote. The said draft resolution was adopted by 14 votes to none with 1 abstention. The text read as follows:

The Security Council,

Noting from the report of the Secretary-General of 1 December 1973 (S/11137) that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 15 December 1973,

Noting also from the report the conditions prevailing in the island,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11 December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971 and 315 (1972) of 15 June and 324 (1972) of 12 December 1972 and 334 (1973) of 15 June 1973, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council by availing themselves in a constructive manner of the present auspicious climate and opportunities;

3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 June 1974, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force.

In a statement after the voting, the representative of the USSR reaffirmed the position of his Government that in order to insure the sovereignty of Cyprus all foreign troops and military bases had to be withdrawn from its territory. Regarding the Secretary-General's proposal for the reduction of UNFICYP, he said that the USSR supported the idea in principle but stressed that the agreement of the Government of Cyprus would be an essential condition for undertaking such measures. He then pointed out that his delegation has cast its vote in favour of the resolutions on the assumption that the extension of the mandate would be carried out in compliance with resolution 186 (1964) and the subsequent decisions of the Council.⁵⁴⁷ The representatives of Cyprus, Greece, Turkey, the United States, the United Kingdom and France among others, also supported the extension of UNFICYP's mandate.

Decision of 29 May 1974 (1771st meeting): resolution 349 (1974)

On 22 May 1974, the Secretary-General submitted to the Security Council his report⁵⁴⁸ on the United Nations operation in Cyprus concerning developments from

⁵⁴² 1728th meeting, paras. 50-58.

⁵⁴³ S/11137, *OR*, 28th yr., *Supplement for Oct.-Dec. 1973*, p. 240.

⁵⁴⁴ 1759th meeting, preceding President's opening statement.

⁵⁴⁵ *Ibid.*, President's opening statement.

⁵⁴⁶ S/11154 adopted without change as resolution 343 (1973).

⁵⁴⁷ 1759th meeting, intervention by the USSR.

⁵⁴⁸ S/11294, *OR*, 29th yr., *Supplement for April-June 1974*, p. 131.

2 December 1973 to 22 May 1974. In his report, the Secretary-General expressed concern at the interruption of the intercommunal talks on 2 April 1974, as he considered the talks to be the best means for carrying out the search for an agreed settlement. He stated that after the interruption of the talks he had taken steps which had led to an agreement between the parties to resume the talks at the beginning of June on the same basis as that on which they had been conducted until 2 April 1974. However, he underlined that the road ahead would not be an easy one since the relations between the two communities were still marred by mutual fear and distrust. As regards the reduction of UNFICYP, he stated that the total strength of the Force had been reduced to 2,341 and the reduction had somewhat alleviated UNFICYP's financial situation. Although some Member States, including the largest financial contributor, favoured further reduction of the Force he felt that it would be premature at that stage to make further reductions and noted that the parties concerned had expressed reservations about even the current reductions. In view of the prevailing situation, the Secretary-General recommended, with the concurrence of the Governments concerned, that the Council extend the mandate of UNFICYP until 15 December 1974.

The Security Council considered the Secretary-General's report at its 1771st and 1772nd meetings held on 29 May 1974. At the 1771st meeting, the Council adopted without objection, the provisional agenda⁵⁴⁹ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵⁵⁰

Subsequently, the President announced that as a result of prior consultations, agreement had been reached on the text of a draft resolution⁵⁵¹ which he then put to the vote. The said draft resolution was adopted by 14 votes to none with 1 abstention. The text read as follows:

The Security Council,

Noting from the report of the Secretary-General of 22 May 1974 (S/11294) that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 15 June 1974,

Noting also from the report the conditions prevailing in the island,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11 December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971, 315 (1972) of 15 June and 324 (1972) of 12 December 1972 and 334 (1973) of 15 June and 343 (1973) of 14 December 1973, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council by availing themselves in a constructive manner of the present auspicious climate and opportunities;

3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 December 1974 in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force.

In a statement after the voting the representative of the USSR reiterated his Government's position opposing attempts to settle the Cyprus problem by means of external intervention and favouring the elimination of foreign bases. In connexion with the reduction of UNFICYP, he said that the USSR found the Secretary-General's position justified regarding the need for careful weighing of the consequences of further reductions. He reaffirmed that his delegation have voted in favour of the resolution on the understanding that the extension of the mandate of the Force was in full compliance with the provisions of resolution 186 (1964) of the Security Council.⁵⁵² The representatives of Cyprus, Greece, Turkey, France, the United Kingdom and the United States, among others, also made statements supporting the extension of UNFICYP's mandate.

Decision of 20 July 1974 (1781st meeting): resolution 353 (1974)

On 16 July the Secretary-General addressed a letter⁵⁵³ to the President of the Security Council requesting him to convene the Council in order that he might report on the information he had received through his Special Representative in Cyprus and the Commander of the United Nations Peace-keeping Force in Cyprus (UNFICYP).

In a letter also dated 16 July 1974⁵⁵⁴ addressed to the President of the Security Council, the representative of Cyprus requested an urgent meeting of the Council on the critical situation in Cyprus arising as a consequence of outside intervention, with grave and threatening implications for the Republic of Cyprus and for international peace and security in the area.

At the 1779th meeting on 16 July 1974, the Security Council adopted, without objection, the provisional agenda⁵⁵⁵ and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.⁵⁵⁶

At the outset of the discussion, the Secretary-General, reporting to the Council on the information he had received, beginning early on the morning of 15 July, from his Special Representative in Cyprus and the Commander of UNFICYP, confirmed that a coup was being staged in Cyprus by the National Guard against President Makarios. He described the efforts undertaken by his Special Representative and by the Commander of UNFICYP to prevent the spread of violence. He recalled in that connexion that the mandate of UNFICYP had been conceived in the

⁵⁵² 1771st meeting, intervention by the USSR.

⁵⁵³ S/11334, *OR*, 29th yr., *Supplement for July-Sept. 1974*, p. 22.

⁵⁵⁴ S/11335, *OR*, 29th yr., *Supplement for July-Sept. 1974*, p. 22.

⁵⁵⁵ 1779th meeting, President's opening statement.

⁵⁵⁶ *Ibid.*

⁵⁴⁹ 1771st meeting, preceding President's opening statement.

⁵⁵⁰ *Ibid.*, President's opening statement.

⁵⁵¹ S/11301 adopted without change as resolution 349 (1974).

context of the conflict between the two communities in Cyprus, and he pointed out that the recent events related to rivalries within one community. In contacts with the Secretary-General's Special Representative and the Force Commander at Paphos, Archbishop Makarios had requested that a Security Council meeting be held as soon as possible. UNFICYP had been authorized to extend protection to Archbishop Makarios on a humanitarian basis, but in the meantime he had left the island. The Secretary-General concluded by expressing the deepest concern that the latest events in Cyprus carried a serious threat to international peace and security in a much wider framework.

The representative of Cyprus stated that a coup had been organized in Cyprus by a large number of officers who came from Greece to train and command the Cypriot National Guard, which had been created in consequence of troubles in 1963 and 1964. They were supposed to be acting on instructions of the Government of Cyprus for the National Guard. In reality they were entirely directed and instructed from Athens. It emerged that for some time the batch of 650 officers had been engaging in subversive propaganda. The Government did not take the matter very seriously. But a time arrived when the situation appeared to become more dangerous than permissible. That occasioned a letter of 2 July from Archbishop Makarios to President Gizikis of Greece, asking that all the 650 officers be recalled from Cyprus for reasons stated in the letter. A reply in respect of that matter was being awaited when, suddenly the grave events described by the Secretary-General had erupted. UNFICYP had as part of its mandate the duty to prevent fighting and to contribute to the maintenance and restoration of law and order and a return to normal conditions. The Council was meeting not to take new steps by sending a peace-keeping force to Cyprus, but to reinforce its efforts and to extend them to deal with the new situation. It would be contrary to Charter principles for UNFICYP to remain inoperative. There must be a resolution for the cessation of fighting and bloodshed through a cease-fire, and for the protection of the independence, sovereignty and territorial integrity of Cyprus from outside military intervention.

The representative of Turkey stated that a *coup d'état* seemed to have been mounted in Athens and was carried out through the support of the Greek armed forces in Cyprus, with complicity of the worst elements in the island which had vowed to annex Cyprus to Greece, and which had never concealed their violently anti-Turkish sentiments. The Greek intervention was in flagrant violation of the rights conferred upon Greece by treaties and agreements to which it subscribed jointly with Turkey and the United Kingdom. That intervention was fostered, and the coup carried out, by Greek troops whose presence, in numbers vastly greater than had been provided for in the international agreements, had always been a source of grave concern to the Turkish Cypriots and an element of imbalance in Greek-Turkish relations. The United Nations should ensure that the balance of forces, so deeply disturbed to the detriment of the Turkish community, be re-established to the extent possible, and to that end, all necessary measures should be taken under effective control to prohibit any illicit entry of armaments, troops or munitions. Turkey proclaimed its devotion to a peaceful solution to the problems of the island. Yet it wished to leave no doubt with regard to its intention to safeguard its

legitimate rights and interests, enshrined in international agreements, as well as those of the Turkish community in Cyprus.

The representative of the United Kingdom stated that earlier that day President Makarios at his own request had left Cyprus on board a British aircraft from a British sovereign-base area. President Makarios had requested that he be allowed to enter the Akrotiri base on Cyprus; Britain had agreed to that request. President Makarios was reported to be in Malta. If he were indeed on his way to New York, it would seem sensible that the Council should wait and see what it was that he had to say, what he himself would wish the Council to do, and how he saw the situation.

The representative of Greece stated that he refuted vehemently and categorically all the allegations made by some delegations. The events that took place the day before in Cyprus, which continued that day, were an internal affair of Cyprus. The Greek Government, apart from following the situation with keen and well justified interest, had no relation whatsoever with their origin or incitement. The Greek Government was convinced that the territorial integrity and independence of Cyprus, and the unitary character of the Republic, should be maintained and respected by all parties concerned.⁵⁵⁷

Decision of 19 July 1974:

Statement by the President

At the 1780th meeting on 19 July, the representatives of Yugoslavia, Romania and India were invited, at their request, to participate in the discussion without the right to vote. Then the President (Peru) stated that the Secretary-General had informed the Council of two telegrams he had received from Nicosia on 17 and 18 July. The President read the telegrams to the Council: the first informed the Secretary-General that the Permanent Representative of Cyprus to the United Nations, Zenon Rossides, who had been allowed to participate in the Council's debate without the right to vote, had been released from his post and duties; the second requested a 24-hour adjournment of the Council's scheduled meeting. Both telegrams were signed "Dimitriou, Minister of Foreign Affairs, the Republic of Cyprus".

The President said the Council members had taken note of the information given by the Secretary-General, and were agreed that in respect of the current debate, in which Cyprus had been invited to participate, the President of Cyprus, Archbishop Makarios, who had expressed the wish to address the Council, would be received in that capacity. Mr. Rossides, having been duly accredited by the Head of State of Cyprus, was to be regarded as representing Cyprus in the debate.⁵⁵⁸

The Council then heard a statement by the President of Cyprus in which he accused Greece of having instigated the coup and appealed to the Council to act to reinstate constitutional order and democratic rights in Cyprus.⁵⁵⁹ Further statements were made by the representatives of

⁵⁵⁷ For texts of relevant statements, see: 1779th meeting intervention by: Secretary-General, Cyprus, Greece, Turkey, United Kingdom.

⁵⁵⁸ 1780th meeting, President's opening statement.

⁵⁵⁹ *Ibid.*, statement by President Makarios of Cyprus.

Australia, Austria, China, Greece, India, Romania, Turkey, the United Kingdom, the USSR and Yugoslavia.

Decision of 20 July 1974 (1781st meeting): resolution 353 (1974)

On 20 July, the representative of Greece in a letter addressed to the President of the Security Council,⁵⁶⁰ requested an urgent meeting of the Council in order to take appropriate steps with regard to the explosive situation created by the aggression of Turkish armed forces against Cyprus that was then in progress.

At its 1781st meeting on 20 July, the Council decided to include the letter from the Permanent representative of Greece on its agenda.⁵⁶¹ At the same meeting the representative of Mauritius was invited, at his request, in addition to those previously invited, to participate in the discussion without the right to vote.⁵⁶²

At the outset of the meeting the Secretary-General reported to the Council that in the early hours of that morning the Turkish Ambassador in Nicosia had informed the Commander of UNFICYP that Turkish troops would very shortly intervene in Cyprus. Turkish military activity had begun in the air and by sea about one hour thereafter. The Secretary-General summarized the day's developments in Cyprus, as reported by his Special Representative and the Force Commander, both as regards the military situation and the efforts of his Special Representative and of UNFICYP to prevent the fighting between Turkish forces and the Cyprus National Guard from spreading into intercommunal fighting. The Secretary-General felt that in view of the developments, which were extremely serious for the maintenance of international peace and security, an enormous responsibility had fallen to the Security Council to put a halt to the fighting, to prevent further escalation and to find a way to begin to restore peace. He appealed to the parties immediately to put a halt to the battle and to co-operate with UNFICYP in its efforts to limit the fighting and to protect the civilian population.⁵⁶³

The President then stated⁵⁶⁴ that as a result of prior consultations, an agreement had been reached on the text of a draft resolution.⁵⁶⁵ The said draft resolution was adopted unanimously and read as follows:

The Security Council,

Having considered the report of the Secretary-General, at its 1779th meeting, about the recent developments in Cyprus,

Having heard the statement of the President of the Republic of Cyprus and the statements of the representatives of Cyprus, Turkey, Greece and other Member States,

Having considered at its present meeting further developments in the island,

Deeply deploring the outbreak of violence and the continuing bloodshed:

Gravely concerned about the situation which has led to a serious threat to international peace and security, and which has created a most explosive situation in the whole Eastern Mediterranean area,

⁵⁶⁰ S/11348, OR, 29th yr., Supplement for July-Sept. 1974, p. 30.

⁵⁶¹ 1781st meeting. President's opening statement.

⁵⁶² *Ibid.*

⁵⁶³ *Ibid.*, statement by the Secretary-General.

⁵⁶⁴ *Ibid.*, following the Secretary-General's statement.

⁵⁶⁵ S/11350, adopted without change as resolution 353 (1974).

Equally concerned about the necessity to restore the constitutional structure of the Republic of Cyprus, established and guaranteed by international agreements,

Recalling its resolution 186 (1964) of 4 March 1964 and its subsequent resolutions on this matter,

Conscious of its primary responsibility for the maintenance of international peace and security in accordance with Article 24 of the Charter of the United Nations,

1. *Calls upon* all States to respect the sovereignty, independence and territorial integrity of Cyprus;

2. *Calls upon* all parties to the present fighting as a first step to cease all firing and requests all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation;

3. *Demands* an immediate end to foreign military intervention in the Republic of Cyprus that is in contravention of the provisions of paragraph 1 above;

4. *Requests* the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements, including those whose withdrawal was requested by the President of the Republic of Cyprus, Archbishop Makarios, in his letter of 2 July 1974;

5. *Calls upon* Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland to enter into negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus and to keep the Secretary-General informed;

6. *Calls upon* all parties to co-operate fully with the United Nations Peace-keeping Force in Cyprus to enable it to carry out its mandate;

7. *Decides* to keep the situation under constant review and asks the Secretary-General to report as appropriate with a view to adopting further measures in order to ensure that peaceful conditions are restored as soon as possible.

Decision of 23 July 1974 (1783rd meeting): resolution 354 (1974)

At the 1782nd meeting on 22 July 1974, the Secretary-General informed the Council that the Governments of Greece and Turkey had agreed to a cease-fire, which was to take effect at 1600 hours that day in Cyprus. However, he had received reports that fighting was still going on in breach of the cease-fire. He pointed out that UNFICYP had received many requests for assistance far beyond its capacity and that its strength was not sufficient to ensure effectively the maintenance of the cease-fire. It was therefore his intention to ask the troop-contributing countries to reinforce urgently their contingents already serving with the Force. In the absence of objection, the president expressed the Council's agreement that the Secretary-General should proceed to take those measures.⁵⁶⁶ Statements were then made by the representatives of Greece, Turkey, Cyprus, the USSR, Australia, the United Kingdom, France, Austria and the United States. The representative of the USSR, in reference to the Secretary-General's statement concerning UNFICYP, reiterated his Government's position that the composition and mandate of UNFICYP must be determined by the Security Council and that the financing of the United Nations troops in Cyprus was to be on a voluntary basis.⁵⁶⁷

The Secretary-General stated that the requests for assistance received from all sides during the fighting were manifestly beyond the present capabilities of UNFICYP.

⁵⁶⁶ 1782nd meeting, following the Secretary-General's statement.

⁵⁶⁷ *Ibid.*, intervention by the USSR.

That applied particularly to the role of UNFICYP in preventing the recurrence of intercommunal strife. For that reason the Council had been informed of the intention to reinforce UNFICYP.⁵⁶⁸

At the outset of the 1783rd meeting on 23 July, the Secretary-General reported to the Council on the contacts he had had with various Governments and representatives concerning the instability of the cease-fire. He reported that UNFICYP had arranged a cease-fire at the Nicosia international airport, which had been declared a United Nations-controlled area and occupied by UNFICYP troops. He further reported that upon his urgent request, Denmark, Finland, Sweden and the United Kingdom had undertaken to provide reinforcements to their contingents to a total of approximately 1,400 men and that other Governments were giving urgent and favourable consideration to his appeal.⁵⁶⁹

The President then put to the vote a draft resolution⁵⁷⁰ that had been elaborated in the course of consultations among members of the Council. The said draft resolution was adopted unanimously and read as follows:

The Security Council,

Reaffirming the provisions of its resolution 353 (1974) of 20 July 1974,

Demands that all parties to the present fighting comply immediately with the provisions of paragraph 2 of Security Council resolution 353 (1974) calling for an immediate cessation of all firing in the area and requesting all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation.

Decision of 24 July 1974 (1784th meeting):

Approval of the text of draft communiqué

Decision of 31 July 1974 (1788th meeting):

Rejection of USSR draft resolution

Decision of 1 August 1974 (1789th meeting): resolution 355 (1974)

On 24 July, the Council held its 1784th meeting in private and was informed by the Secretary-General of a letter received from the Foreign Minister of Turkey assuring him that, without prejudice to the contentions of the Turkish Government as to the legality of the United Nations presence at the Lefkose (Nicosia) airport, no attempt would be made to assume possession of the airport by the threat of force.⁵⁷¹

In a further report dated 25 July,⁵⁷² the Secretary-General outlined the situation in Cyprus and the pledges of military personnel to strengthen UNFICYP, and described the efforts of the Force to prevent the recurrence of fighting and to ensure observance of the cease-fire. He recalled that the original mandate of UNFICYP set out in resolution 186 (1964) of 4 March 1964 had been approved in different circumstances but said that it was his understanding that, under resolution 353 (1974), the Force must use its best efforts to ensure that the cease-fire was

maintained. Accordingly, all United Nations personnel with UNFICYP had been engaged in efforts to restore the cease-fire, ensure its observance and prevent incidents from escalating into a recurrence of full-scale fighting.

In a letter dated 26 July,⁵⁷³ the representative of Cyprus requested an emergency meeting of the Council to consider the grave deterioration of the situation in Cyprus resulting from the continuing violations of the cease-fire by Turkey.

At the 1785th meeting on 27 July, the Secretary-General, reporting on recent developments, including continuing breaches of the cease-fire, recalled that the mandate of UNFICYP had been established in the context of preventing the recurrence of fighting between the communities in Cyprus. Now the question had been raised of interposing UNFICYP between the Turkish armed forces and the Cypriot National Guard. Accordingly, he had instructed his representative at the tripartite talks in Geneva under resolution 353 (1974) to discuss with the Foreign Ministers of Greece, Turkey and the United Kingdom the best way in which UNFICYP could actively assist in limiting further hostilities and cease-fire violations. Concerning the negotiations in Geneva between the three Foreign Ministers, he reported that intensive efforts were going on to find a basis for working towards a settlement and expressed the hope that the negotiations would achieve the goals set in Security Council resolution 353 (1974).⁵⁷⁴ Thereafter, the Council heard statements by the representatives of Cyprus, Greece, Turkey, India, the USSR, Austria, the United Kingdom, the United Republic of Cameroon, France, the United States and the Byelorussian SSR. The representative of Cyprus spoke in exercise of the right of reply.

In a letter dated 28 July,⁵⁷⁵ the representative of the USSR requested an urgent meeting of the Council to consider the implementation of Council resolution 353 (1974). The letter stated that that resolution was not being implemented and, consequently, a tense situation threatening international peace and security continued to exist in Cyprus.

At its 1786th meeting on 28 July, the Council, without objection, included the following sub-item (d) in its agenda:

(d) Letter dated 28 July 1974 from the Acting Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the President of the Security Council (S/11389).

The Council heard statements by the representatives of the USSR, the United Kingdom, Greece, Turkey, Cyprus and Australia. The representatives of the United Kingdom and the USSR spoke on points of order, and the representatives of Greece, Turkey, the USSR, Cyprus and the United Kingdom spoke in exercise of the right of reply.

At the 1787th meeting on 29 July, the Council had before it a draft resolution⁵⁷⁶ sponsored by the USSR, the operative paragraphs of which would have the Security Council:

⁵⁶⁸ 1782nd meeting, second statement by the Secretary-General.

⁵⁶⁹ 1783rd meeting, statement by the Secretary-General.

⁵⁷⁰ S/11369, adopted without change as resolution 354 (1974).

⁵⁷¹ 1784th meeting, statement by the Secretary-General.

⁵⁷² S/11353/Add.7, OR, 29th yr., Supplement for July-Sept. 1974, p. 36.

⁵⁷³ S/11384, *ibid.*, p. 66.

⁵⁷⁴ 1785th meeting, statement by the Secretary-General.

⁵⁷⁵ S/11389, OR, 29th yr., Supplement for July-Sept. 1974, p. 68.

⁵⁷⁶ S/11391, OR, 29th yr., Supplement for July-Sept. 1974, p. 70.

Demand of all the States concerned that they undertake urgent and effective measures for the practical implementation of all the provisions of resolution 353 (1974);

Insist on the immediate cessation of firing and of all acts of violence against the Republic of Cyprus and on the speediest withdrawal of all foreign forces and military personnel present in Cyprus in violation of its sovereignty, independence and territorial integrity as a non-aligned State;

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

Consider it necessary, taking into account the relevant provisions of resolution 353 (1974), that representatives of the constitutional Government of the Republic of Cyprus participate in the Geneva negotiations; and

Decide, in the absence of progress in the implementation of its resolution 353 (1974), to consider the question of further measures to be taken by the Council to ensure the implementation of the aforementioned resolution.

At the same meeting the Secretary-General reported to the Council on developments in the Geneva negotiations called for in resolution 353 (1974). He understood that, in spite of the strenuous efforts made, fundamental differences persisted between the positions of Greece and Turkey. He also reported that he was in contact with the Prime Minister of Turkey, who had agreed to follow up on a request by the Turkish Corps Commander in Cyprus that all UNFICYP personnel, including police and civilians, should be evacuated from the area controlled by the Turkish forces. In conclusion, the Secretary-General stated that, although the prevailing situation had not been envisaged when the UNFICYP mandate was established in 1964, he believed that UNFICYP was playing and could continue to play a most useful humanitarian role in all parts of Cyprus and bring assistance and protection to elements of the civilian population afflicted by the recent hostilities.

Statements were made in the debate by the representatives of the USSR, who introduced the draft resolution (S/11391), Greece and Turkey.

Between 26 and 31 July, the Secretary-General submitted further reports on the observation of the cease-fire, the humanitarian activities of UNFICYP and the changes in the strength of the Force,⁵⁷⁷ in which he indicated that, except for certain areas in the Kyrenia district and east of Nicosia, the cease-fire had gradually stabilized. He also reported on the protection being provided by UNFICYP to Greek Cypriots in Kyrenia and Bellapais and to Turkish Cypriots in isolated areas and communities in various parts of the country. A special section to deal with humanitarian matters had been established at UNFICYP headquarters, and UNFICYP was assisting in relief work being carried out by local and international agencies. Greek and Turkish Cypriots were assisted by UNFICYP escorts, vehicles and drivers, with medical and food supplies and blankets, and by inspection visits where personnel were being held in custody.

At the 1788th meeting on 31 July, the Council had before it a copy of the Declaration⁵⁷⁸ agreed to by the

Foreign Ministers of Greece, Turkey and the United Kingdom. According to that Declaration, the Foreign Ministers, while recognizing the importance of setting in train measures to regularize the situation in Cyprus on a lasting basis, agreed on the need to decide first on certain immediate measures. The Ministers declared that areas controlled by opposing armed forces on 30 July should not be extended and agreed on the following measures: (a) a security zone, the size of which was to be determined by the three countries in consultation with UNFICYP, should be established at the limit of the areas occupied by Turkish armed forces on 30 July at 2200 hours Geneva time, and UNFICYP alone should enter and supervise that zone; (b) all the Turkish enclaves occupied by Greek or Greek Cypriot forces should be immediately evacuated and should continue to be protected by UNFICYP; (c) in mixed villages UNFICYP would carry out the functions of security and police; and (d) detained military personnel and civilians should be released or exchanged under ICRC supervision.

The three Ministers, reaffirming that resolution 353 (1974) of the Council should be implemented in the shortest possible time, agreed that measures should be elaborated which would lead to a phased reduction of armed forces and armaments in Cyprus. They also agreed that further talks aiming at the restoration of peace should begin on 8 August at Geneva and that the representatives of the two Cypriot communities should be invited at an early stage to participate in the talks relating to the Constitution. The three Ministers further agreed to convey the contents of the Declaration to the Secretary-General and invite him to take appropriate action in the light thereof.

At the same time the President (Peru) informed the Council that the draft resolution S/11399 sponsored by the United Kingdom had been withdrawn.⁵⁷⁹ Under that resolution the Security Council would have taken note of the tripartite Declaration agreed to in Geneva and would request the Secretary-General to take appropriate action in the light of that Declaration. The Secretary-General then made a statement in which he expressed the hope that the agreement on a cease-fire reached in Geneva would be a first step towards full implementation of resolution 353 (1974). He noted that the Declaration envisaged certain tasks for UNFICYP, in particular the determination, in consultation with UNFICYP, of the character and size of the security zone, where no forces other than those of UNFICYP would be allowed to enter. He further informed the Council that as of 31 July the strength of UNFICYP was 3,484 men and would be approximately 4,443 by 12 August. The matter of the continued presence of UNFICYP in the Turkish area of control was under discussion with the Turkish military command in Cyprus. The Secretary-General felt confident that those discussions would enable UNFICYP to continue to perform its role in all parts of the island with the full agreement of all the parties concerned.⁵⁸⁰

Following the Secretary-General's statement the President announced that as a result of consultations a draft resolution⁵⁸¹ had emerged that would request the

⁵⁷⁷ S/11353/Add. 8-12, *OR, 29th yr., Supplement for July-Sept. 1974*, pp. 37-39.

⁵⁷⁸ S/11398, *OR, 29th yr., Supplement for July-Sept. 1974*, p. 73.

⁵⁷⁹ 1788th meeting, President's opening statement.

⁵⁸⁰ *Ibid.*, statement by the Secretary-General.

⁵⁸¹ S/11400, *OR, 29th yr., Supplement for July-Sept. 1974*, p. 75.

Secretary-General to take appropriate action in the light of his statement. The draft resolution, however, was not adopted owing to the negative vote of a permanent member.⁵⁸²

At the 1789th meeting on 1 August 1974, the President (USSR) stated that, in the course of consultations with the members of the Council, agreement had been reached on the text of a draft resolution.⁵⁸³ The said draft resolution was adopted by 12 votes to none with 2 abstentions. One member (China) did not participate in the vote. The text read as follows:

The Security Council,

Recalling its resolutions 186 (1964) of 4 March 1964, 353 (1974) of 20 July and 354 (1974) of 23 July 1974,

Noting that all States have declared their respect for the sovereignty, independence and territorial integrity of Cyprus,

Taking note of the Secretary-General's statement made at the 1788th meeting of the Security Council,

Requests the Secretary-General to take appropriate action in the light of his statement and to present a full report to the Council, taking into account that the cease-fire will be the first step in the full implementation of Security Council resolution 353 (1974).

Decision of 14 August 1974 (1792nd meeting): resolution 357 (1974)

During the first part of August, the Secretary-General continued to submit progress reports on the status of the cease-fire, on the meetings of the military representatives of Greece, Turkey and the United Kingdom to work out an agreement on a demarcation line and on the humanitarian activities of UNFICYP.⁵⁸⁴

On 10 August 1974, the Secretary-General submitted an interim report⁵⁸⁵ in pursuance of Council resolution 355 (1974) in which he said that, although the cease-fire, by and large, had been observed by the parties throughout most of the island, intermittent fighting and some forward movement in the area west of Kyrenia, along the coast and on the southern slopes of the Kyrenia mountains, continued.

On action taken pursuant to Council resolution 355 (1974), he reported that on 9 August military representatives of Greece, Turkey and the United Kingdom had signed an agreement concerning the demarcation line and submitted it to the Foreign Ministers in Geneva. He added that UNFICYP stood ready to carry out its functions pursuant to Security Council resolution 355 (1974), but full implementation of resolutions 353 (1974) and 355 (1974) was still in its first stage. For UNFICYP to carry out its task fully, a greater degree of co-operation was required with reference to the consolidation of the cease-fire, the establishment of UNFICYP-supervised security zones and the evacuation of occupied Turkish enclaves.

At the 1792nd meeting on 14 August 1974 called at the request of both Greece and Turkey, the Security Council decided, without objection, to add the following two sub-items to its agenda:

⁵⁸² 1788th meeting, preceding the Secretary-General's second statement.

⁵⁸³ S/11402, adopted without change as resolution 355 (1974).

⁵⁸⁴ S/11353/Add. 13-20, OR, 29th yr., Supplement for July-Sept. 1974, pp. 39-44.

⁵⁸⁵ S/11433, *ibid.*, p. 95.

(e) Letter dated 13 August 1974 from the Permanent Representative of Cyprus to the United Nations addressed to the President of the Security Council (S/11444);

(f) Letter dated 13 August 1974 from the Permanent Representative of Greece to the United Nations addressed to the President of the Security Council (S/11445).

The President (USSR) then announced⁵⁸⁶ that, during consultations, members of the Council had agreed upon the text of a draft resolution,⁵⁸⁷ which he then put to the vote. The draft resolution was adopted unanimously. It read as follows:

The Security Council,

Recalling its resolutions 353 (1974) of 20 July, 354 (1974) of 23 July, and 355 (1974) of 1 August 1974,

Deeply deploring the resumption of fighting in Cyprus, contrary to the provisions of its resolution 353 (1974),

1. *Reaffirms* its resolution 353 (1974) in all its provisions and calls upon the parties concerned to implement those provisions without delay;

2. *Demands* that all parties to the present fighting cease all firing and military action forthwith;

3. *Calls* for the resumption of negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus, in accordance with resolution 353 (1974);

4. *Decides* to remain seized of the situation and on instant call to meet as necessary to consider what more effective measure may be required if the cease-fire is not respected.

Decisions of 15 August 1974 (1793rd meeting): resolutions 358 (1974) and 359 (1974)

On 14 and 15 August, the Secretary-General submitted further reports⁵⁸⁸ to the Security Council in connexion with attacks by Turkish forces in various areas in N Nicosia and elsewhere in Cyprus, which had begun at 0500 hours local time and had led to and caused casualties among the UNFICYP contingents from Canada, Finland and the United Kingdom and the death of three members of the Austrian contingent. The reports referred to damages incurred by UNFICYP posts and the efforts of the Force to arrange local cease-fires.

On 14 August, the Secretary-General circulated a message⁵⁸⁹ from the Acting President of Cyprus charging that, notwithstanding the Council's adoption of resolution 357 (1974), Turkish troops and aircraft were continuing their attacks and extending their area of control.

At the outset of the 1793rd meeting on 15 August, called at the request of Cyprus, after Algeria had been invited at its request to participate, without vote, in the discussion, the President (USSR) expressed very deep concern over the losses sustained by the Austrian, British, Canadian and Finnish contingents of UNFICYP.

The Council then heard a report by the Secretary-General in which he deeply deplored the resumption of fighting and the breakdown of negotiations. He said that in the existing situation it was impossible for UNFICYP to continue with the tasks of implementing resolution 353

⁵⁸⁶ 1792nd meeting, President's opening statement.

⁵⁸⁷ S/11446/Rev.1, adopted without change as resolution 357 (1974).

⁵⁸⁸ S/11153/Add. 21-27, OR, 29th yr., Supplement for July-Sept. 1974, pp. 44-48.

⁵⁸⁹ S/11447, OR, 29th yr., Supplement for July-Sept. 1974, p. 104.

(1974), although it was doing its utmost to assist the population, arrange local cease-fires, de-escalate the fighting and prevent the recurrence of intercommunal strife. He then referred to the difficulties encountered in the functioning of UNFICYP in the Turkish-controlled area and said that the Force could not fulfil its tasks if it was excluded from one area or another. After expressing his deepest concern and regret for the casualties suffered by UNFICYP, the Secretary-General referred to the protests that he and the Force Commander had sent to the parties concerned. The Prime Minister of Turkey had expressed his Government's profound regret in that regard. Commenting on questions of principle, the Secretary-General stressed that the essential basis for a United Nations peace-keeping operation, which was not an enforcement action under Chapter VII of the Charter, was acceptance and co-operation by the parties concerned, without which it could not function effectively. Under its mandate and at its current strength, UNFICYP could not interpose between the two armies. He concluded by saying that the continued fighting, in spite of the cease-fire appeals of the Security Council, called in question the very essence of the Charter and the *raison d'être* of the organization.⁵⁹⁰

The President (USSR) then put to the vote a draft resolution⁵⁹¹ elaborated during consultations among the members of the Council, which was adopted unanimously.⁵⁹² It read as follows:

The Security Council,

Deeply concerned about the continuation of violence and bloodshed in Cyprus,

Deeply deploring the non-compliance with its resolution 357 (1974) of 14 August 1974,

1. *Recalls* its resolutions 353 (1974) of 20 July 1974, 354 (1974) of 23 July 1974, 355 (1974) of 1 August 1974 and 357 (1974) of 14 August 1974;

2. *Insists* on the full implementation of the above resolutions by all parties and on the immediate and strict observance of the cease-fire.

At the 1793rd meeting, following the adoption of resolution 358 (1974), another draft resolution⁵⁹³ sponsored by Australia, Austria, France, Peru and the United Republic of Cameroon was submitted to the Council. The said draft resolution was adopted⁵⁹⁴ by the Council by 14 votes to none, with one member not participating in the vote. It read as follows:

The Security Council,

Noting with concern from the Secretary-General's report on developments in Cyprus, in particular documents S/11353/Add.24 and 25, that casualties are increasing among the personnel of the United Nations Peace-keeping Force in Cyprus as a direct result of the military action which is still continuing in Cyprus,

Recalling that the United Nations Force was stationed in Cyprus with the full consent of the Governments of Cyprus, Turkey and Greece,

Bearing in mind that the Secretary-General was requested by the Security Council in resolution 355 (1974) of 1 August 1974 to take

⁵⁹⁰ 1793rd meeting, statement by the Secretary-General.

⁵⁹¹ S/11448, adopted without change as resolution 358 (1974).

⁵⁹² 1793rd meeting, following the Secretary-General's statement.

⁵⁹³ S/11449/Rev.1, adopted without change as resolution 359 (1974).

⁵⁹⁴ 1793rd meeting, following the resumption of the suspended meeting.

appropriate action in the light of his statement made at the 1788th meeting of the Council in which he dealt with the role, functions and strength of the Force and related issues arising out of the most recent political developments in respect of Cyprus,

1. *Deeply deplores* the fact that members of the United Nations Peace-keeping Force in Cyprus have been killed and wounded;

2. *Demands* that all parties concerned fully respect the international status of the United Nations Force and refrain from any action which might endanger the lives and safety of its members;

3. *Urges* the parties concerned to demonstrate in a firm, clear and unequivocal manner their willingness to fulfil the commitments they have entered into in this regard;

4. *Demands further* that all parties co-operate with the United Nations Force in carrying out its tasks, including humanitarian functions, in all areas of Cyprus and in regard to all sections of the population of Cyprus;

5. *Emphasizes* the fundamental principle that the status and safety of the members of the United Nations Peace-keeping Force in Cyprus, and for that matter of any United Nations peace-keeping force, must be respected by the parties under all circumstances.

Decision of 16 August 1974 (1794th meeting): resolution 360 (1974)

In further reports⁵⁹⁵ dated 16 August, the Secretary-General described the military situation in Cyprus as reported by the UNFICYP Force Commander up to 1245 hours New York time on 16 August. Beginning at dawn fighting had resumed in the area of Nicosia, and movements of forces were reported in other areas. UNFICYP casualties since the resumption of hostilities on 14 August then totalled 35 –3 Austrian soldiers who had been killed by napalm and 32 who had been wounded –9 British, 5 Canadian, 2 Danish and 16 Finnish soldiers. Later the same day, it was reported that a cease-fire had gone into effect and was holding but that in a mine incident 2 Danish soldiers had been killed and 3 wounded.

At the 1794th meeting, on 16 August 1974, the Secretary-General informed the Council that the Prime Minister of Turkey had announced the acceptance by his Government of a cease-fire as from 1200 hours New York time that day, and that reports from UNFICYP indicated that it had gone into effect. He also informed the Council of the further casualties suffered by UNFICYP.⁵⁹⁶

The President (USSR) then put to the vote a draft resolution⁵⁹⁷ submitted by France that had been twice revised. The said draft resolution was adopted⁵⁹⁸ by 11 votes to none, with 3 abstentions and with one member not participating. It read as follows:

The Security Council,

Recalling its resolutions 353 (1974) of 20 July 1974, 354 (1974) of 23 July 1974, 355 (1974) of 1 August 1974, 357 (1974) of 14 August 1974 and 358 (1974) of 15 August 1974,

Noting that all States have declared their respect for the sovereignty, independence and territorial integrity of the Republic of Cyprus,

Gravely concerned at the deterioration of the situation in Cyprus, resulting from the further military operations, which

⁵⁹⁵ S/11353/Add. 28 and 29, *OR, 29th yr., Supplement for July-Sept. 1974*, pp. 48-49.

⁵⁹⁶ 1794th meeting, statement by the Secretary-General.

⁵⁹⁷ S/11450/Rev.2, adopted without change as resolution 360 (1974).

⁵⁹⁸ 1794th meeting, following the Secretary-General's statement.

constituted a most serious threat to peace and security in the Eastern Mediterranean area,

1. *Records its formal disapproval* of the unilateral military actions undertaken against the Republic of Cyprus;

2. *Urges* the parties to comply with all the provisions of previous resolutions of the Security Council, including those concerning the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements;

3. *Urges* the parties to resume without delay, in an atmosphere of constructive co-operation, the negotiations called for in resolutions 353 (1974) whose outcome should not be impeded or prejudged by the acquisition of advantages resulting from military operations;

4. *Requests* the Secretary-General to report to the Council, as necessary, with a view to the possible adoption of further measures designed to promote the restoration of peaceful conditions;

5. *Decides* to remain seized of the question permanently and to meet at any time to consider measures which may be required in the light of the developing situation.

Decision of 30 August 1974 (1795th meeting): resolution 361 (1974)

In progress reports⁵⁹⁹ issued between 17 and 20 August, the Secretary-General provided information about continued firing and Turkish advances on 17 and 18 August and indicated that the Force Commander's protests of the breaches of the cease-fire had been followed up at United Nations Headquarters. On 19 and 20 August, it was reported that as of 1600 hours local time the cease-fire was holding and there was no report of firing throughout the island.

On 27 August, the Secretary-General submitted a report⁶⁰⁰ on developments in Cyprus for the period 20 to 25 August 1974. After touching briefly on his visit to Cyprus, which would be the subject of a separate report, he outlined the activities of UNFICYP in providing protection to the Turkish-inhabited areas outside the area of Turkish control, investigating alleged atrocities, rendering humanitarian assistance, such as relief convoys to Greek and Turkish Cypriot towns and villages, and negotiating for the restoration of electrical and water facilities.

On 28 August, the Secretary-General submitted a report⁶⁰¹ on his recent visit to Cyprus, Greece and Turkey. In Cyprus, he had presided over a joint meeting on 26 August of the leaders of the two Cypriot communities, Mr. Clerides and Mr. Denktash. He had also met with the Prime Ministers and Foreign Ministers of Greece and Turkey during his visits to Athens and Ankara. He had found on all sides a strong desire to achieve a negotiated settlement, despite existing obstacles to such a course. His conversations had centred in particular on the future of the negotiations, the possible basis of a settlement in Cyprus, humanitarian questions, including refugees and the re-opening of the Nicosia airport, and the future role of UNFICYP.

With regard to UNFICYP, the Secretary-General felt that, because the situation in Cyprus was not the one in

which its original mandate had been established, its functions would soon have to be redefined. In the meantime, it was his intention to ensure that the Force played a useful role in Cyprus, in full co-operation with all the parties. Inasmuch as the situation in Cyprus remained a matter of deep concern as far as international peace and security were concerned, it was vital to make real progress towards peace and to avoid a recurrence of fighting. He believed that the Council could play a most important role in ensuring that result.

At the 1795th meeting on 30 August, called at the request of Cyprus, the Council included the following sub-item (g) in its agenda:

(g) Letter dated 27 August 1974 from the Permanent Representative of Cyprus to the United Nations addressed to the President of the Security Council (S/11471).

After statements by the representatives of Cyprus, Greece, Turkey, Austria and the President (USSR), speaking as the representative of the USSR, the Council unanimously adopted⁶⁰² a draft resolution⁶⁰³ sponsored by Austria, France and the United Kingdom. It read as follows:

The Security Council,

Conscious of its special responsibilities under the United Nations Charter,

Recalling its resolutions 186 (1964) of 4 March 1964, 353 (1974) of 20 July 1974, 354 (1974) of 23 July 1974, 355 (1974) of 1 August 1974, 357 (1974) of 14 August 1974, 358 (1974) and 359 (1974) of 15 August 1974 and 360 (1974) of 16 August 1974,

Noting that a large number of people in Cyprus have been displaced, and are in dire need of humanitarian assistance,

Mindful of the fact that it is one of the foremost purposes of the United Nations to lend humanitarian assistance in situations such as the one currently prevailing in Cyprus,

Noting also that the United Nations High Commissioner for Refugees has already been appointed Co-ordinator of United Nations Humanitarian Assistance for Cyprus, with the task of co-ordinating relief assistance to be provided by United Nations programmes and agencies and from other sources,

Having considered the report of the Secretary-General contained in document S/11473,

1. *Expresses its appreciation* to the Secretary-General for the part he has played in bringing about talks between the leaders of the two communities in Cyprus;

2. *Warmly welcomes* this development and calls upon those concerned in the talks to pursue them actively with the help of the Secretary-General and in the interests of the Cypriot people as a whole;

3. *Calls upon* all parties to do everything in their power to alleviate human suffering, to ensure the respect of fundamental human rights for every person and to refrain from all action likely to aggravate the situation;

4. *Expresses its grave concern* at the plight of the refugees and other persons displaced as a result of the situation in Cyprus and urges the parties concerned, in conjunction with the Secretary-General, to search for peaceful solutions to the problems of refugees and take appropriate measures to provide for their relief and welfare and to permit persons who wish to do so to return to their homes in safety;

5. *Requests* the Secretary-General to submit at the earliest possible opportunity a full report on the situation of the refugees and other persons referred to in paragraph 4 above and decides to keep that situation under constant review;

⁵⁹⁹ S/11353/Add. 30-33, *OR*, 29th yr., *Supplement for July-Sept. 1974*, pp. 49-50.

⁶⁰⁰ S/11468, *OR*, 29th yr., *Supplement for July-Sept. 1974*, p. 119.

⁶⁰¹ S/11473, *ibid.*, p. 125.

⁶⁰² 1795th meeting, following the intervention by the President as representative of the USSR.

⁶⁰³ S/11479, adopted without change as resolution 361 (1974).

6. *Further requests* the Secretary-General to continue to provide emergency United Nations humanitarian assistance to all parts of the population of the island in need of such assistance;

7. *Calls upon* all parties, as a demonstration of good faith, to take, both individually and in co-operation with each other, all steps which may promote comprehensive and successful negotiation;

8. *Reiterates* its call to all parties to co-operate fully with the United Nations Peace-keeping Force in Cyprus in carrying out its tasks;

9. *Expresses the conviction* that the speedy implementation of the provisions of the present solution will assist the achievement of a satisfactory settlement in Cyprus.

Decisions of 13 December 1974 (1810th meeting): resolutions 364 (1974) and 365 (1974)

Throughout September and the first half of October, the Secretary-General submitted progress reports every two weeks on developments in Cyprus.⁶⁰⁴ The reports dealt with the situation of UNFICYP, the location of UNFICYP posts, observance of the cease-fire, meetings between Mr. Clerides and Mr. Denktash and the humanitarian activities of UNFICYP.

On the situation of UNFICYP, the reports noted that in the areas under National Guard control UNFICYP enjoyed virtually complete freedom of movement, but in the Turkish-controlled areas, UNFICYP freedom of movement remained restricted. One Canadian soldier had been shot and killed by the National Guard, apparently owing to mistaken identification.

With regard to observance of the cease-fire, some forward movement by Turkish forces and their subsequent withdrawal was reported. Minor violations by both sides had occurred, but relative quiet continued to prevail in Cyprus throughout the period.

The meetings of Mr. Clerides and Mr. Denktash covered primarily humanitarian matters, such as the release of prisoners and detainees, the tracing of missing persons and assistance to the aged and infirm. As a result of the agreements reached at those meetings, the release of several categories of prisoners had begun on 16 September.

The reports contained details about the humanitarian activities carried on by UNFICYP, the assessment of the needs of refugees undertaken by the Office of the United Nations High Commissioner for Refugees (UNHCR), the deliveries of UNHCR supplies to refugees by UNFICYP and activities of the United Nations High Commissioner for Refugees, who had earlier been appointed Co-ordinator of United Nations Humanitarian Assistance for Cyprus. The last report submitted during that period noted that, as a consequence of all those factors, the general state of the refugees continued to improve slowly.

On 4 September, pursuant to resolution 361 (1974), the Secretary-General submitted a report⁶⁰⁵ in which he announced that the United Nations High Commissioner for Refugees, in his capacity as Co-ordinator of United Nations Humanitarian Assistance for Cyprus, had visited the island from 22 to 27 August to study the problem at first hand.

⁶⁰⁴ S/11468/Add.1-2, *OR*, 29th yr., *Supplement for July-Sept. 1974*, pp. 120-124, Add.3-4, *ibid.*, *Supplement for Oct.-Dec. 1974*, pp. 15-17.

⁶⁰⁵ S/11488, *OR*, 29th yr., *Supplement for July-Sept. 1974*, p. 134.

Attached to the report was the High Commissioner's report, which estimated the number of refugees in the south to be 163,800 Greek Cypriots and 34,000 Turkish Cypriots. The Co-ordinator also described the assistance already provided and expressed the hope for further support from the international community. To obtain such increased support, the Secretary-General on 6 September⁶⁰⁶ appealed for voluntary contributions from all States Members of the United Nations and members of the specialized agencies and estimated that some \$22 million would be required for humanitarian assistance in Cyprus from 1 September to the end of 1974.

In a further report dated 31 October,⁶⁰⁷ the Secretary-General, referring to the progress report of his Co-ordinator, indicated that the response to his appeal had been prompt and generous, amounting to approximately \$20 million in cash. In the annex to his report, the Co-ordinator, after having outlined the magnitude of the refugee problem, gave details about the assistance that had been provided by the United Nations.

In a letter dated 20 September,⁶⁰⁸ the Secretary-General addressed a further appeal to Governments for voluntary contributions for the financing of UNFICYP, the costs of which, owing to recent events in Cyprus, had led to a substantial increase in costs to the United Nations for the period to 15 December 1974. The need for additional funds to maintain UNFICYP was urgent, he stated, and would amount to some \$13-14 million for every six-month period during which the Force remained at its existing level.

Before the mandate of UNFICYP was due to expire on 15 December, the Secretary-General, on 6 December, submitted a report of the Council covering United Nations operations in Cyprus during the period from 23 May to 5 December.⁶⁰⁹ In the report, the Secretary-General said the period under review was marked by the gravest crisis undergone by Cyprus since the establishment of UNFICYP in 1964. The *coup d'état* of 15 July was followed by military intervention by Turkey and full-scale hostilities between the National Guard on one side and the Turkish Army and Turkish Cypriot fighters on the other. The Turkish armed forces were now in occupation of about 40 per cent of Cyprus. The economy of the island was seriously disrupted and one third of its population had been uprooted. Those events confronted UNFICYP with a new situation not covered by its mandate. UNFICYP exerted its best efforts to minimize the consequences of the hostilities by arranging local cease-fires, protecting the population threatened by the events and extending humanitarian relief assistance to refugees and other persons in need. UNFICYP continued to carry out its peace-keeping and humanitarian tasks to the maximum extent possible.

The situation in Cyprus would remain unstable and potentially dangerous so long as a settlement of the basic problems was not agreed upon. The Secretary-General was convinced that such a settlement could not be achieved by

⁶⁰⁶ S/11488/Add.1., *OR*, 29th yr., *Supplement for July-Sept. 1974*, p. 136.

⁶⁰⁷ S/11488/Add.2., *OR*, 29th yr., *Supplement for Oct.-Dec. 1974*, p. 18.

⁶⁰⁸ S/11528, *ibid.*, p. 20.

⁶⁰⁹ S/11568, *OR*, 29th yr., *Supplement for Oct.-Dec. 1974*, p. 50.

violence but only through free negotiations among the parties concerned. It was to be hoped that the talks between Acting President Glafcos Clerides and Vice-President Rauf Denktash, which had begun during the Secretary-General's visit to the island in late August, would pave the way for future negotiations towards a settlement.

In those circumstances, the Secretary-General considered the continued presence of UNFICYP to be essential not only to help maintain the cease-fire, to promote the security of the civilian population and to provide humanitarian relief assistance, but also to facilitate the search for a peaceful solution. He recommended that the Council extend the stationing of UNFICYP for a further six months. The parties concerned had signified their concurrence in that recommendation.

Recalling that after the events of July he had taken urgent measures to increase the strength of UNFICYP to meet the requirements of the new situation, the Secretary-General pointed out that the deficit in the UNFICYP budget, which exceeded \$27 million, had become a serious problem. The main reasons for it was the insufficiency of voluntary contributions which had continued to come from a disappointingly limited number of Governments. To finance the costs to the Organization of maintaining the Force for six months after 15 December and to meet all costs, it would be necessary to receive contributions to the UNFICYP Special Account totalling \$41.9 million.

At the 1810th meeting on 13 December 1974, the Security Council adopted⁶¹⁰ the following agenda without objection:

The Situation in Cyprus

Report of the Secretary-General on the United Nations Operations in Cyprus (S/11568).

The representatives of Cyprus, Turkey and Greece were invited, at their request, to participate in the discussion without the right to vote.

The President then stated that in the course of informal consultations, members of the Council had agreed that the Council should extend an invitation under rule 39 of its provisional rules of procedure to Mr. Vedat A. Celik. As there was no objection, it was so decided.

The Council had before it two draft resolutions⁶¹¹ which, as the President (Australia) explained, had been prepared in the course of extensive consultations among the members of the Council.⁶¹² He then put the two draft resolutions to the vote. The first draft resolution (S/11573) was adopted by 14 votes to none, with one member not participating in the vote. It read as follows:

The Security Council,

Noting from the report of the Secretary-General of 6 December 1974 (S/11568) that in existing circumstances the presence of the United Nations Peace-keeping Force in Cyprus is still needed to perform the tasks it is currently undertaking if the cease-fire is to be maintained in the island and the search for a peaceful settlement facilitated,

Noting from the report the conditions prevailing in the island,

Noting also the statement by the Secretary-General contained in paragraph 81 of his report, that the parties concerned had signified their concurrence in his recommendation that the Security Council extend the stationing of the Force in Cyprus for a further period of six months,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the Force in Cyprus beyond 15 December 1974,

Noting also the letter dated 7 November 1974 (S/11557) from the Secretary-General to the President of the Security Council together with the text of resolution 3212 (XXIX) entitled "Question of Cyprus" adopted unanimously by the General Assembly at its 2275th plenary meeting on 1 November 1974,

Noting further that resolution 3212 (XXIX) enunciates certain principles intended to facilitate a solution to the current problems of Cyprus by peaceful means, in accordance with the purposes and principles of the United Nations,

1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, 266 (1969) of 10 June and 274 (1969) of 11 December 1969, 281 (1970) of 9 June and 291 (1970) of 10 December 1970, 293 (1971) of 26 May and 305 (1971) of 13 December 1971, 315 (1972) of 15 June and 324 (1972) of 12 December 1972, 334 (1973) of 15 June and 343 (1973) of 14 December 1973 and 349 (1974) of 29 May 1974, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 25 November 1967;

2. *Reaffirms also* its resolutions 353 (1974) of 20 July, 354 (1974) of 23 July, 355 (1974) of 1 August, 357 (1974) of 14 August, 358 (1974) and 359 (1974) of 15 August, 360 (1974) of 16 August and 361 (1974) of 30 August 1974;

3. *Urges* the parties concerned to act with the utmost restraint and to continue and accelerate determined co-operative efforts to achieve the objectives of the Security Council;

4. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 June 1975, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force;

5. *Appeals again* to all parties concerned to extend their full co-operation to the United Nations Force in its continuing performance of its duties.

The second resolution was adopted by consensus.⁶¹³ It read as follows:

The Security Council,

Having received the text of resolution 3212 (XXIX) of the General Assembly on the "Question of Cyprus",

Noting with satisfaction that that resolution was adopted unanimously,

1. *Endorses* General Assembly resolution 3212 (XXIX) and urges the parties concerned to implement it as soon as possible;

2. *Requests* the Secretary-General to report on the progress of the implementation of the present resolution.

Following the vote, statements were made by members of the Council and by the invited representatives of Cyprus, Greece and Turkey. The Council also heard a statement by Mr. Celik, in conformity with the decision taken at the beginning of the meeting.

⁶¹⁰ 1810th meeting, President's opening statement.

⁶¹¹ S/11573 and S/11574, both adopted without change as resolutions 364 (1974) and resolutions 365 (1974) respectively.

⁶¹² 1810th meeting, President's opening statement.

⁶¹³ *Ibid.*, President's statement following the vote.

The representative of the USSR stated that his delegation did not object to the extension of UNFICYP since the extension was being implemented through continuation of the existing voluntary financing of those troops.⁶¹⁴

The representative of China stated that his delegation had not participated in the vote on resolution 364 (1974) because his Government had always held different views in principle on the question of dispatching of United Nations forces.⁶¹⁵

THE SITUATION IN NAMIBIA

In the course of its meetings in Addis Ababa, the Security Council considered among other issues the situation in Namibia and adopted the resolutions 309 (1972) and 310 (1972) relating to this question.⁶¹⁶

Decision of 1 August 1972 (1657th meeting): resolution 319 (1972)

On 17 July 1972, the Secretary-General submitted a report⁶¹⁷ on the implementation of Security Council resolution 309 (1972) of 4 February 1972, whereby the Council had invited him, in consultation and close co-operation with a group of the Security Council, to initiate contacts with all the parties concerned, with a view to establishing the necessary conditions to enable the people of Namibia to exercise their right to self-determination and independence. Following an exchange of communications with the Government of South Africa, the Secretary-General had visited South Africa and Namibia between 6 and 10 March and had held discussions with the Prime Minister and the Minister for Foreign Affairs of South Africa. After his return to Headquarters, the Secretary-General had continued his contact with the Minister for Foreign Affairs of South Africa, and in the course of those discussions the following three points regarding the terms of reference of a representative of the Secretary-General emerged: (a) the task of the representative of the Secretary-General would be to assist in achieving the aim of self-determination and independence of the people of Namibia and to study all questions relevant thereto; (b) in carrying out his task, the representative might make recommendations to the Secretary-General and, in consultation with the latter, to the South African Government, and in so doing, he should assist in overcoming any points of difference; (c) the South African Government would co-operate in the discharge of the representative's task by providing him the requisite facilities to go to South Africa and to Namibia as necessary and to meet all sections of the population of Namibia. The Secretary-General had also conveyed to the Government of South Africa his concern regarding its announced plans with respect to the eastern Caprivi and Ovamboland in further application of its homelands policy and had expressed the hope that the

Government of South Africa would not proceed with any measures that would adversely affect the outcome of the contacts initiated by him pursuant to resolution 309 (1972). The Secretary-General had also contacted other parties concerned, including individuals and groups in Namibia and Namibian leaders outside the Territory. They included representatives of South West Africa People's Organization (SWAPO), South West Africa National Union (SWANU) and other political groups, delegations from a number of "homelands", the Executive Committee of South West Africa and the leaders of the Ovambo workers' committee in the recent strike. In those contacts, which had taken place without the presence of South African officials, various views had been expressed which might be classified into three broad categories: (1) groups calling for a united independent Namibia; (2) groups supporting self-government for the "homelands" and opposing unitary State, with possible federal system; and (3) views of the European Executive Committee of South West Africa, which also opposed the establishment of a unitary State. The Secretary-General reported further that, in addition to the group of three designated by the Security Council for him to consult, he had met with the presiding officers of United Nations bodies concerned with the situation in Namibia, as well as the Chairman and a number of members of the Organization of African Unity. He concluded that, on the basis of his discussions to date, and especially in view of the expressed willingness of the Government of South Africa to co-operate with the representative of the Secretary-General, he believed that it would be worthwhile to continue efforts to implement the mandate of the Security Council with the assistance of a representative. Should the Security Council decide to continue his mandate, the Secretary-General would keep the Security Council informed and in any case would report to the Council not later than 30 November 1972.

At the 1656th meeting on 31 July 1972, the Security Council included⁶¹⁸ the Secretary-General's report in its agenda, and considered the item at the 1656th and 1657th meetings on 31 July and 1 August 1972. At the 1656th meeting, following a request by the President of the United Nations Council for Namibia, two representatives of that body were invited⁶¹⁹ to participate in the discussion.

At the 1656th meeting, the representative of Belgium said that his delegation shared the Secretary-General's concern regarding the decision of the Government of South Africa to give autonomy to Ovamboland and to eastern Caprivi. No steps must be allowed to deprive the Namibian people of their rights or to prejudice the political structure of their future State.⁶²⁰

At the same meeting, the representative of Yugoslavia stated that his Government's attitude was based on the fundamental position of the United Nations with respect to Namibia, namely: South Africa must end the occupation and withdraw its administration from Namibia; the people of Namibia must exercise their inalienable right to self-determination and independence; the United Nations should act to reaffirm the national unity and territorial integrity of Namibia as it had a special responsibility and

⁶¹⁴ 1810th meeting, intervention by the USSR.

⁶¹⁵ *Ibid.* intervention by China.

⁶¹⁶ For the procedural history of the meetings in Addis Ababa see in this chapter the section under the heading "Consideration of questions relating to Africa with which the Security Council is currently seized and the implementation of the Council's relevant resolutions", especially pp. 100-101 for the Namibian question.

⁶¹⁷ S/10738, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 63-72.

⁶¹⁸ 1656th meeting, following para. 1.

⁶¹⁹ *Ibid.*, para. 2.

⁶²⁰ *Ibid.*, paras. 25-34.

obligation towards the people and the Territory of Namibia. Doubts expressed regarding South Africa's readiness to co-operate fully with the United Nations had been reinforced not only by the deficiencies shown by the South African Government in its contacts with the Secretary-General but also by its subsequent actions, such as the continued application of its homelands policy in Namibia, the intensification of its oppressive measures and certain recent statements of its leaders. However, since it was too early to reach definite decisions, and in view of the fact that some of the main interested parties, namely the representatives of the people of Namibia and of the Organization of African Unity, had not openly opposed the extension of the Secretary-General's mandate, his delegation could support its continuation until 15 or 30 November 1972 and, after the necessary consultations, the appointment of a representative of the Secretary-General. On receiving the Secretary-General's second report, the Council would be in a position to review more substantively the results of his mission. In the meantime, some of the following conditions should be fulfilled. First, there should be a specific and clear formulation of the tasks of the representative, including the conditions of his work and assignment in Namibia. His first duty should be to achieve an immediate end of the terror and oppression practiced against the people of Namibia, to establish their basic rights of freedom of expression and free movement within, to and from Namibia, to secure the release of political prisoners and the right of the political exiles to return, and to take an active part in political activities in Namibia. Second, the representative should enjoy full freedom of access to and throughout Namibia and should be able to meet anyone, anywhere. Third, the Government of South Africa must give unequivocal acknowledgement of resolution 309 (1972) as the framework within which contacts would be pursued. Fourth, the Government of South Africa should discontinue the application of so-called homelands policies and abolish its oppressive measures in Namibia. The fulfilment of those requirements by the Government of South Africa would create the conditions necessary for the continuation of the Secretary-General's mandate after November. In the meantime, action in pursuance of other resolutions of the United Nations relating to Namibia, including the arms embargo, should continue to be strictly implemented.⁶²¹

At the same meeting, the representative of Nigeria*, speaking as a representative of the United Nations Council for Namibia, stated that it was the position of the Council for Namibia that Security Council resolution 309 (1972) must not be misconstrued as a retreat from the legal status which Namibia had attained. It was merely one in a series of United Nations efforts aimed at the withdrawal of South Africa's illegal presence from Namibia. Recalling that resolution 309 (1972) had invited the Secretary-General to initiate contacts with all parties concerned, he stressed that the Council for Namibia was not just a concerned party, but the sole body established by the United Nations to prepare the people of Namibia for self-government and to administer the Territory until independence, and expressed regret at the failure to involve it actively in connexion with the implementation of resolution 309 (1972), an omission which he hoped would be avoided in any future course of

action in pursuance of that resolution. Since the visit of the Secretary-General to South Africa and Namibia, the Government of South Africa had not, by its public pronouncements and actions, given the Council for Namibia much hope that it was ready to accept the United Nations concept of self-determination for Namibia. Instead, it had proceeded to apply its policy of granting self-government to "homelands" and continued its repressive measures. He appealed to the Security Council to bear in mind those acts of breach of faith on the part of the South African Government when deciding on a future course of action, and stressed that the United Nations must resist with all its resources any attempt a Balkanization of the Territory of Namibia and preserve its unity and territorial integrity.⁶²²

At the 1657th meeting on 1 August 1972, the representative of Argentina introduced⁶²³ a draft resolution⁶²⁴ submitted by his delegation.

At the same meeting, at the suggestion of the representative of Somalia,⁶²⁵ the representative of Argentina accepted a revision⁶²⁶ of the draft resolution, whereby its third and fourth preambular paragraphs were made operative paragraphs 2 and 3, which read:

2. *Reaffirms* the inalienable and imprescriptible right of the people of Namibia to self-determination and independence;
3. *Reaffirms also* the national unity and territorial integrity of Namibia,

At the same meeting, the resolution submitted by Argentina, as revised, was voted upon and was adopted⁶²⁷ by 14 votes in favour, none against, with no abstentions as resolution 319 (1972). One member did not participate in the voting. The resolution read:

The Security Council,

Recalling its resolution 309 (1972) of 4 February 1972, and without prejudice to other resolutions adopted on the question of Namibia,

Having considered the report submitted by the Secretary-General in accordance with resolution 309 (1972),

1. *Notes with appreciation* the efforts made by the Secretary-General in the implementation of resolution 309 (1972);
2. *Reaffirms* the inalienable and imprescriptible right of the people of Namibia to self-determination and independence;
3. *Reaffirms also* the national unity and territorial integrity of Namibia;

4. *Invites* the Secretary-General, in consultation and close co-operation with the group of the Security Council established in accordance with resolution 309 (1972), to continue his contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

5. *Approves* the proposal of the Secretary-General to proceed, after necessary consultations, with the appointment of a representative to assist him in the discharge of his mandate as set out in paragraph 4 above;

⁶²² *Ibid.*, paras. 75-90.

⁶²³ 1657th meeting, paras. 36-49.

⁶²⁴ S/10750, adopted as amended at the 1657th meeting. See resolution 319 (1972).

⁶²⁵ 1657th meeting, para. 123.

⁶²⁶ *Ibid.*, paras. 137-146.

⁶²⁷ *Ibid.*, para. 150.

⁶²¹ 1656th meeting, paras. 36-50.

6. *Requests* the Secretary-General to keep the Security Council informed as appropriate and in any case to report to it on the implementation of resolution 309 (1972) and of the present resolution not later than 15 November 1972.

Decision of 6 December 1972 (1682nd meeting): resolution 323 (1972)

On 15 November, the Secretary-General submitted his report to the Security Council⁶²⁸ on the implementation of resolution 319 (1972) of 1 August 1972, whereby the Security Council had invited him to continue his contacts with all parties concerned, contacts which had been initiated in pursuance of resolution 309 (1972) of 4 February 1972, with the assistance of a representative. The Secretary-General stated that, on 24 September, in accordance with paragraph 5 of resolution 319 (1972), he had appointed Mr. Martin Escher of Switzerland as his representative to assist him in the discharge of his mandate and that, following consultations in New York, Mr. Escher had visited South Africa and Namibia from 8 October to 3 November 1972. After Mr. Escher had reported orally to the Secretary-General on the results of his contacts, both had met with the following parties and had informed them of the results of the mission: the group of the Security Council established in accordance with resolution 309 (1972) the President of the Security Council; representatives and officials of the Organization of African Unity; the Chairman of the African Group for the month of November; and Chairmen of United Nations bodies concerned with the situation in Namibia. Mr. Escher's written report was annexed to the Secretary-General's report. The Secretary-General noted that his representative, while in Namibia, had had the opportunity to meet privately with, and obtain the views of, a wide cross-section of the population concerning the future of the country. The Secretary-General believed that, although many issues remained to be clarified, the results of the mission contained a number of elements which the Council might wish to pursue, and expressed the hope that the information contained in his report would provide a useful basis for the Council to consider and to decide on the future course of action. In his annexed report to the Secretary-General, Mr. Escher stated that, prior to his visit to Namibia, he had met with a number of presiding officers and members of various United Nations bodies concerned with the question of Namibia, as well as the Minister for Foreign Affairs and the permanent representative of South Africa and representatives of the South West Africa People's Organization (SWAPO). In his discussions with the South African authorities, Mr. Escher had explained the position of the United Nations, in particular with regard to the national unity and territorial integrity of Namibia, and had brought up the question of complete and unequivocal clarification of South Africa's policy of self-determination and independence for Namibia. The Prime Minister had expressed the view that that was not the appropriate stage to go into a detailed discussion of the interpretation of self-determination and independence, and that experience in self-government, particularly on a regional basis, was an essential element for eventual self-determination. The Prime Minister had agreed, however, to establish an advisory council and to assume personally over-all responsibility for the Territory as a whole. Mr. Escher further maintained

⁶²⁸ S/10832, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, pp. 32-46.

that his impressions of his visit to Namibia were that the majority of its non-white population supported the establishment of a united, independent Namibia and expected the assistance of the United Nations in bringing it about. However, certain sections of the non-whites and the majority of the white population supported the "homelands" policy and approved continued rule by South Africa. In conclusion, Mr. Escher said that, although his discussions with the Prime Minister of South Africa had left a number of issues still to be clarified, he believed, in view of the readiness of the South African Government to continue the contacts and of the positive elements that had emerged from those discussions, that the contacts between the Secretary-General and the South African Government, as well as the other parties concerned, should be continued.

At the 1678th meeting on 28 November 1972, the Security Council included⁶²⁹ the Secretary-General's report in its agenda and considered the question at its 1678th to 1682nd meetings between 28 November and 3 December. Also at the 1678th meeting, the representatives of Chad, Ethiopia, Liberia, Mauritius, Morocco and Sierra Leone⁶³⁰ were invited to participate in the discussion. Subsequently, invitations were also extended to the representatives of Burundi, Nigeria and Zambia.⁶³¹ The Council also decided to extend an invitation to the President of the United Nations Council for Namibia,⁶³² and, at the request⁶³³ of the representatives of Somalia and the Sudan, to Mr. Peter Mueshuhange.⁶³⁴

At the 1678th meeting on 28 November 1972, the representative of Morocco*, who was also Acting President of the Council of Ministers of the Organization of African Unity, stated that any further contact with the Government of South Africa must be based on two principles: namely, respect for the territorial integrity of Namibia, as defined in the Mandate granted to South Africa by the League of Nations, and for the unity of the people of the Territory. The mission of the Secretary-General must be continued with absolute clarity of purpose, and the Security Council should set a reasonable period of time in order to ascertain the intentions of South Africa as regards its acceptance of the basis on which that mission had been launched.⁶³⁵

At the same meeting, the representative of Liberia* said that it was a matter of public record that South Africa's policy on self-determination did not envisage sovereignty for Namibia and Namibians, either as a territorial entity or even in individual "homelands". South Africa merely intended to grant some vague form of home rule to Namibia, by the terms of which Namibia would remain perpetually under South Africa's control. Judging from the report of the representative of the Secretary-General, no progress had been made in eliminating repressive measures. In the light of the foregoing, he wondered if the readiness of the South African Government to continue the contacts initiated by the Secretary-General might not be simply a

⁶²⁹ 1678th meeting, preceding para. 1.

⁶³⁰ *Ibid.*, paras. 1-3.

⁶³¹ 1679th meeting, paras 2-3, 97.

⁶³² 1678th meeting, paras. 3-4.

⁶³³ S/10841, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, p. 52.

⁶³⁴ 1679th meeting, para. 5.

⁶³⁵ 1678th meeting, paras. 30-45.

means of preventing the United Nations from taking effective measures to expel South Africa from Namibia. Moreover, there was also the danger that the terms under which the contacts had commenced might have undermined the authority of the United Nations by accepting, or implying, the right of the South African Government to dictate the terms on which the Secretary-General or his representative should enter a Territory over which South Africa exercised no legal rights. He proposed that in the first instance, the mandate of the Secretary-General should be continued, but with specific guidelines and terms of reference and with specified dates for the achievement of the stated objectives of the United Nations. Alternatively, or in conjunction with the Secretary-General's mission, the Security Council should adopt direct and concrete measures in order to achieve the early realization of self-determination in Namibia, namely: (1) all specialized agencies and other organizations within the United Nations system should be urged to take steps to prevent the Government of South Africa from representing the Territory, and to accept Namibia, as represented by the United Nations Council for Namibia, to become a full or an associate member; (2) the Council for Namibia should be accepted as representing Namibia to carry out appropriate functions in the territories of Member States, including issuing travel documents, and to sign international treaties; (3) the United Nations should provide an adequate budget and staff to the Council which should be encouraged to undertake a number of functions, including undertaking studies useful for a future Namibian Government, establishing land title registry, registering and levying taxes from corporations operating in Namibia and others. Such measures would not in themselves automatically bring about an end to South Africa's illegal occupation of Namibia, but they would signal to South Africa and her trading partners the determination of the United Nations to begin a new era of effective action and would, above all, accelerate the movement towards independence for Namibia.⁶³⁶

The representative of Turkey*, speaking in his capacity as the President of the United Nations Council for Namibia, stated that the Council for Namibia had carefully followed the mission of the representative of the Secretary-General. It regretted that its observations to the representative before and after his visit to South Africa had not been included in his report. Moreover, the Secretary-General's report on Mr. Escher's mission was far from satisfying the concerns of the Council for Namibia. It would seem that South Africa had not only refused to recognize the wishes of the Namibian people, so clearly expressed to the representative of the Secretary-General, for a united independent Namibia, but wished to have the United Nations endorse its policy of dismembering the Territory and its practice of *apartheid*. There was nothing to indicate that South Africa accepted the resolutions of the United Nations on Namibia or that the contacts had been carried out in accordance with the mandate of the Security Council resolutions: everything led to the belief that South Africa continued to claim that the discussions had been based on its invitation addressed to the Secretary-General personally. The Council for Namibia hoped that the Security Council, in taking a decision on the Secretary-General's report,

would take into account the fact that the situation in Namibia had not altered since the adoption of resolution 309 (1972), and that it would take effective measures to compel South Africa to withdraw from the Territory. Only then, the Council would be able to proceed to discharge its responsibilities in conformity with the decision of the international community and in accordance with the wishes of the Namibian people.⁶³⁷

The representative of Ethiopia* said that he was speaking as current Chairman of the African Group in the United Nations and as representative of one of the countries that had been given a mandate by the Assembly of Heads of State and Government of the Organization of African Unity to represent them in the Security Council discussion on the question of Namibia. Following consultations among themselves, the representatives of the African States were of the opinion that continuation of the Secretary-General's contacts, in the present circumstances and in the absence of some basic clarifications by the South African Government on a number of important issues, would not be productive and might, by lending credence to South Africa's claim that it was negotiating in earnest, make it possible for it to implement a policy of Balkanization of Namibia. He urged the Security Council to request the necessary clarification from South Africa on such issues as whether it accepted United Nations responsibility in the self-determination for Namibia, whether it accepted the establishment of an effective United Nations presence in the Territory, whether it accepted the exercise of self-determination by the people of Namibia as a whole and national unity and territorial integrity of Namibia, and whether it accepted that whatever rights it might have had under the Mandate of the League had been terminated. Until such time as unequivocal clarifications were given, the contacts which the Secretary-General had initiated through his representative should be suspended. All efforts should be directed towards giving effect to the responsibility that the United Nations had assumed for Namibia, with a view to establishing an effective United Nations presence in the Territory so that the people of Namibia would be able to freely exercise their right to self-determination.⁶³⁸

At the 1682nd meeting on 6 December 1972 the representative of Argentina stated that, as a result of the contacts between the Secretary-General and the Prime Minister of South Africa under resolution 309 (1972), the South African Government had confirmed that its policy in regard to Namibia was one of 'self-determination and independence'. However, his delegation had been disappointed that South Africa had failed to clarify unequivocally the meaning it attached to the term. There were many questions that still needed to be clarified, such as the meaning of "regional self-government" and "influx control" and the functions of the proposed advisory council. Nevertheless, Mr. Escher's mission had been justified by the many meetings which he had had with various sectors of the people of Namibia which had provided the Security Council with a body of factual and impartial information concerning the wishes of the Namibian people with regard to the future of their country. The political activity caused by the visit of the representative of the

⁶³⁶ 1678th meeting, paras. 49-103.

⁶³⁷ *Ibid.*, paras. 106-122.

⁶³⁸ *Ibid.*, paras. 125-177.

Secretary-General was another event which deserved to be emphasized. Whether it was admitted or not, Mr. Escher's visit had been regarded by the people of Namibia as the beginning of a United Nations presence in Namibia and several groups had requested that such United Nations presence be made more effective and permanent.⁶³⁹ The representative of Argentina then introduced⁶⁴⁰ a draft resolution⁶⁴¹ sponsored by his delegation. He noted that, in operative paragraph 5 of the draft resolution, which invited the Secretary-General to continue his efforts to ensure the exercise by the people of Namibia of their right to self-determination and independence, the words "with a view to establishing the necessary conditions", which had appeared in resolutions 309 (1972) and 319 (1972), had been eliminated since it appeared that the Government of South Africa had taken advantage of the phrase to delay a reply with regard to its policy of self-determination and independence. He added that the other parties, in particular the President of the United Nations Council for Namibia, should be consulted more thoroughly to ascertain their views and to obtain guidance in the quest for solutions.

At the same meeting, the representative of the USSR proposed⁶⁴² that operative paragraph 8 of the Argentine draft resolution should be amended to provide that the Security Council, rather than the President of the Security Council as had been originally provided, would appoint representatives to fill the vacancies that would occur in the group established in accordance with resolution 309 (1972). The proposal was accepted⁶⁴³ by the sponsor of the draft resolution.

At the 1682nd meeting on 6 December 1972, the draft resolution sponsored by Argentina, as revised orally at the meeting, was voted upon and adopted⁶⁴⁴ by 13 votes in favour, none against, with 1 abstention as resolution 323 (1972). One delegation did not participate in the voting. The resolution read:

The Security Council,

Recalling its resolutions 309 (1972) of 4 February 1972 and 319 (1972) of 1 August 1972, and without prejudice to other resolutions adopted on the question of Namibia,

Reaffirming the special responsibility and obligation of the United Nations towards the people and Territory of Namibia,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971,

Reaffirming the inalienable and imprescriptible right of the people of Namibia to self-determination and independence,

Affirming that the principle of the national unity and territorial integrity of Namibia cannot be subject to any conditions,

Having considered the report submitted by the Secretary-General in accordance with resolution 319 (1972),

1. *Observes with satisfaction* that the people of Namibia have again had an opportunity of expressing their aspirations clearly and unequivocally, in their own Territory, to representatives of the United Nations;

2. *Notes with interest* that the overwhelming majority of the opinions of those consulted by the representative of the Secretary-

General categorically stated, *inter alia* that they were in favour of the immediate abolition of the "homelands" policy, withdrawal of the South African administration from the Territory, Namibia's accession to national independence and the preservation of its territorial integrity, thus further confirming the consistently held position of the United Nations on this question;

3. *Deeply regrets* that there has been no complete and unequivocal clarification of the policy of the Government of South Africa regarding self-determination and independence for Namibia;

4. *Solemnly reaffirms* the inalienable and imprescriptible right of the people of Namibia to self-determination, national independence and the preservation of their territorial integrity, on which any solution for Namibia must be based, and rejects any interpretation, measure or policy to the contrary;

5. *Invites* the Secretary-General on the basis of paragraph 4 above to continue his valuable efforts, in consultation and close co-operation with the group of the Security Council established in accordance with resolution 309 (1972) and, as appropriate, with the assistance of representatives, to ensure that the people of Namibia, freely and with strict regard to the principle of human equality, exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

6. *Again calls upon* the Government of South Africa to co-operate fully with the Secretary-General in the implementation of the present resolution in order to bring about a peaceful transfer of power in Namibia;

7. *Requests* the other parties concerned to continue to extend their valuable co-operation to the Secretary-General with a view to assisting him in the implementation of the present resolution;

8. *Decides* that, immediately following the partial renewal of the membership of the Security Council on 1 January 1973, the Council shall appoint representatives to fill the vacancies that will occur in the group established in accordance with resolution 309 (1972);

9. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution as soon as possible and not later than 30 April 1973.

At the 1684th meeting on 16 January 1973, the President (Indonesia) informed the Council that, as a result of consultations held among members of the Council, a consensus had been reached to appoint the representatives of Peru and Sudan to fill the vacancies that had occurred in the group established in accordance with resolution 309 (1972) as a result of the expiration of the terms of office of the delegations of Argentina and Somalia.⁶⁴⁵

Decision of 11 December 1973 (1758th meeting): resolution 342 (1973)

On 30 April 1973, the Secretary-General submitted to the Security Council his report⁶⁴⁶ on the implementation of Council resolution 323 (1972) of 6 December 1972. The Secretary-General stated that, in close co-operation with the group of three of the Security Council, he had sought to obtain from the Government of South Africa a more complete and unequivocal statement of its policy regarding self-determination and independence for Namibia as well as clarification of its position on other questions arising from the report of his representative and from the debate in the Security Council. To this end the Secretary-General had transmitted to the Government of South Africa on 20 December 1972 a series of questions with respect to: (a) South Africa's policy regarding self-determination and independence for Namibia; (b) the composition and functions of the proposed advisory council; (c) the removal of

⁶³⁹ 1682nd meeting, paras. 75-100.

⁶⁴⁰ *Ibid.*, paras. 111-134.

⁶⁴¹ S/10846, same text as resolution 323 (1972).

⁶⁴² 1682nd meeting, para. 271.

⁶⁴³ *Ibid.*, paras. 272-276.

⁶⁴⁴ *Ibid.*, para. 277.

⁶⁴⁵ 1684th meeting, para. 10.

⁶⁴⁶ S/10921, *OR*, 28th yr., *Suppl. for April-June 1973*, pp. 30-34.

restrictions on movement and measures to ensure freedom of political activity, including freedom of speech and the holding of meetings; and (d) the discontinuance of measures in furtherance of South Africa's "homelands" policy. Subsequently, the Secretary-General and his representatives had held a detailed discussion of the preliminary replies of the South African Government with its Permanent Representative and had again emphasized the firm stand of the United Nations with regard to the international status of Namibia, its national unity and territorial integrity, and the right of the Namibian people, taken as a whole, to self-determination and independence. In the course of the discussions, particular attention had been paid to the Development of Self-Government for Native Nations in South West Africa Amendment Bill, which had been introduced in the South African Parliament on 8 February 1973, and to the advisory council which was then being established in Namibia. Following direct contacts in Geneva between the Secretary-General and the Minister for Foreign Affairs of South Africa, the Minister had submitted on 30 April a statement in clarification of his Government's position which contained the following points: the Government of South Africa would, in conformity with Article 1, paragraph 2, of the United Nations Charter, fully respect the wishes of the whole population of the Territory, with regard to its future constitutional organization, and any exercise to ascertain their wishes would not be compromised by any existing political and administrative arrangements; all political parties of the Territory would have full and free participation in the process leading to self-determination and independence; and the Government, in co-operation with the Secretary-General and in consultation with the people of the Territory, would determine such measures as would ensure the achievement of the goal of self-determination and independence. The Minister for Foreign Affairs of South Africa had also indicated that his Government did not envisage that individual population groups might suddenly become independent as separate entities, and that it recognized and accepted, subject to the requirements of public safety, the need for freedom of speech and political activity for all parties in the process leading to self-determination. The South African Government also envisaged the redelineation and enlargement of administrative districts so as to reduce restrictions on and increase freedom of movement. It reaffirmed that South West Africa had a separate international status and that it did not claim any part of the Territory. On the basis of present developments, it anticipated that it might not take longer than ten years for the people of the Territory to reach the stage where they would be ready to exercise their right to self-determination. The Secretary-General concluded that the position of the Government of South Africa was still far from coinciding with that of United Nations resolutions. While South Africa's position on some of the basic questions had been made clearer, the statement did not provide the complete and unequivocal clarification of its policy in regard to self-determination and independence for Namibia envisaged in resolution 323 (1972). In the light of the results achieved thus far, he said, the question arose whether the contacts and efforts initiated pursuant to resolutions 309 (1972), 319 (1972) and 323 (1972) should be continued. Should the Security Council decide to continue those efforts, it should bear in mind his earlier

statement to the effect that time and protracted discussion would be required if any progress was to be achieved.

By letter⁶⁴⁷ dated 4 December 1973 addressed to the President of the Security Council, the representatives of Guinea, Kenya and the Sudan requested an urgent meeting of the Security Council for the consideration of the serious situation in Namibia.

At the 1756th meeting on 10 December 1973, the Security Council adopted⁶⁴⁸ the agenda, including in it the Secretary-General's report on the implementation of resolution 323 (1972), and considered the question at its 1756th to 1758th meetings on 10 and 11 December. At the 1756th meeting, the Council decided to invite the representatives of Niger and Somalia to participate in the discussion.⁶⁴⁹ Subsequently, representatives of Nigeria⁶⁵⁰ and Saudi Arabia⁶⁵¹ were also invited. The Security Council also decided, at the 1756th meeting, to extend an invitation to a delegation of the United Nations Council for Namibia, composed of the President of the Council for Namibia and the representatives of Burundi, Indonesia and Mexico.⁶⁵² At the 1758th meeting on 11 December, the Council decided, at the request of the representatives of Guinea, Kenya and the Sudan,⁶⁵³ to extend an invitation to Mr. Mishake Muyongo.⁶⁵⁴

At the 1756th meeting on 10 December 1973, the Secretary-General, in presenting his report, stated that following the submission of the report, he had the opportunity to obtain the views of several of the parties concerned, namely, the United Nations Council for Namibia, the President of the South West Africa People's Organization (SWAPO) and Chief Clemens Kapuuu, the Chairman of the National Convention of Non-Whites in Namibia. Furthermore, the position of the Organization of African Unity on Namibia as contained in its resolution adopted in May of that year had been formally transmitted to him, and he had also discussed the matter with many heads of State and Government during his visits to Zambia and the United Republic of Tanzania and while attending the OAU Conference in Addis Ababa in May and the Conference of Non-Aligned States in Algiers in September. The Secretary-General reported that the general view had been that, in the light of the position of the Government of South Africa as given in its statement of 30 April 1973, no useful purpose would be served by continuing the policy envisaged in Security Council resolution 309 (1972) and that that approach should be resumed only if the Government of South Africa were to make a substantial move towards reconciling its position with that of the United Nations.⁶⁵⁵

At the same meeting, the representative of Peru said that, far from providing a clear and unequivocal statement

⁶⁴⁷ S/11145, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 257.

⁶⁴⁸ 1756th meeting, President's opening statement.

⁶⁴⁹ *Ibid.*

⁶⁵⁰ 1757th meeting, President's opening statement.

⁶⁵¹ 1758th meeting, President's opening statement.

⁶⁵² 1756th meeting, President's opening statement.

⁶⁵³ S/11153, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 265.

⁶⁵⁴ 1758th meeting, following the intervention by Nigeria.

⁶⁵⁵ 1756th meeting, statement by the Secretary-General.

on its policy in regard to the exercise of the right to self-determination and independence of the people of Namibia, the Government of South Africa had affirmed its policy to divide the Territory into Bantustans by means of legislative measures adopted at the beginning of 1973. He then introduced⁶⁵⁶ a draft resolution⁶⁵⁷ sponsored by Peru which had been prepared after consultation with members of the Council, and orally proposed⁶⁵⁸ the addition of a new preambular paragraph whereby the Council would recall its resolutions 309 (1972), 319 (1972) and 323 (1972).

The President of the United Nations Council for Namibia stated that in view of the refusal of the South African Government to engage in any meaningful dialogue, and of its attempt to misrepresent the contacts as United Nations approval for its illegal presence and conduct in Namibia, continuation of those contacts would only prejudice the United Nations position and reduce the pressure on South Africa created by the advisory opinion of the International Court of Justice. At a special session held in Lusaka in June 1973, the Council for Namibia had assessed the situation in Namibia and had issued a declaration reaffirming its decision of March 1973 that the contacts with South Africa must be terminated because they were detrimental to the interests and welfare of the people of Namibia. The Council for Namibia urged that the Security Council terminate the contacts and adopt a resolution containing some of the conclusions of the Lusaka session, namely: to recognize that continued illegal occupation of Namibia by South Africa would be a serious danger to international peace and security; to call upon all States to actively support the struggle of the Namibian people for freedom and independence; to oblige those States giving direct or indirect political, military, economic and financial support to South Africa to discontinue such support immediately, to withdraw all consular offices from Namibia and to terminate the investment of foreign capital and the activities of Western transnational corporations there. He stressed the view of the Council for Namibia that the Security Council bore a special responsibility to assist the legitimate struggle of the people of Namibia and to take effective measures to compel South Africa to withdraw immediately from the Territory by adopting, if necessary, measures under Chapter VII of the Charter of the United Nations.⁶⁵⁹

The representative of Guinea expressed the view that it was incumbent upon the Security Council, especially its permanent members, to take effective measures to compel the Government of South Africa to comply with the decisions of the United Nations. She called for the termination of the contacts initiated in accordance with resolution 309 (1972) and called upon all States, particularly those which maintained economic and military ties with South Africa, to extend to it the economic embargo, which had produced some effect in Southern Rhodesia.⁶⁶⁰

At the 1757th meeting on 11 December 1973, the representative of Australia stated that, although his delegation shared the general feeling of disappointment over the equivocal nature of the South African Government's responses, it did not fully agree with the view that no useful purpose would be served by continuing the contacts between the Secretary-General and the Government of South Africa. There was a difference between deciding to terminate contacts and leaving them in abeyance. It was not simply a question of the usefulness of carrying on a dialogue with South Africa, but rather of whether or not the Security Council should retain some degree of flexibility against the possibility of future change in circumstances and attitudes. In the light of those considerations, his delegation found itself able to support the draft resolution introduced by the representative of Peru.⁶⁶¹

The representative of the Sudan stated that the problem of Namibia was a challenge to the authority of the Security Council and of the other organs of the United Nations. His delegation was of the view that the Security Council should take a very serious view of the situation and should, first, determine that the continued presence of South Africa in Namibia constituted an act of aggression and therefore a threat to international peace and security, and, secondly, adopt appropriate measures under Chapter VII of the United Nations Charter to secure the compliance of the South African Government.⁶⁶²

At the 1758th meeting on 11 December 1973, the representative of the United States stated that his delegation believed that, on balance, the Secretary-General's efforts had been beneficial to the United Nations involvement in the Namibian question. His Government noted with concern, however, that some of South Africa's recent actions in continuing to implement its so-called homelands policy and to take repressive measures conflicted sharply with the tenor of that Government's statements to the Secretary-General. Nevertheless, his Government was reluctant to eliminate the possibility of future talks and continued to believe that such discussions were the most realistic way of gaining self-determination for the people of Namibia. A number of questions concerning South Africa's plans for Namibia required more specific replies and the Secretary-General should be free to seek them. In his Government's view, responses already given to the Secretary-General by the South African Government represented important departures from previous South African policy and signalled openings which were admittedly narrow but worth further exploration.⁶⁶³

At the 1758th meeting on 11 December 1973, the Security Council proceeded to vote on the draft resolution submitted by Peru, as orally revised, and adopted⁶⁶⁴ it unanimously as resolution 342 (1973). The resolution read:

The Security Council,

Recalling its resolutions 309 (1972) of 4 February 1972, 319 (1972) of 1 August 1972 and 323 (1972) of 6 December 1972,

Having considered the report of the Secretary-General (S/10921 and Corr.1),

⁶⁵⁶ 1756th meeting, intervention by Peru.

⁶⁵⁷ S/11152, *OR*, 28th yr., *Suppl. for Oct.-Dec. 1973*, p. 264.

⁶⁵⁸ 1756th meeting, intervention by Peru.

⁶⁵⁹ *Ibid.*, Intervention by the President of the United Nations Council for Namibia.

⁶⁶⁰ *Ibid.*, intervention by Guinea.

⁶⁶¹ 1757th meeting, intervention by Australia.

⁶⁶² *Ibid.*, intervention by Sudan.

⁶⁶³ 1758th meeting, intervention by the United States.

⁶⁶⁴ *Ibid.*, preceding the intervention by France.

1. *Takes note with appreciation* of the report of the Secretary-General;
2. *Decides*, in the light of the report and the documents attached thereto, to discontinue further efforts on the basis of resolution 309 (1972);
3. *Requests* the Secretary-General to keep the Security Council fully informed of any new important developments concerning the question of Namibia.

Decision of 17 December 1974 (1811th meeting): resolution 366 (1974)

By letter⁶⁶⁵ dated 13 December 1974 addressed to the President of the Security Council, the representative of Upper Volta referred to General Assembly resolution 3295 (XXIX) of 13 December 1974 and requested, in his capacity as current Chairman of the African Group, that a meeting of the Security Council be convened at the earliest possible date to consider the question of Namibia.

At the 1811th meeting on 17 December 1974, the Security Council adopted⁶⁶⁶ the agenda and considered the question at its 1811th and 1812th meetings, both held on 17 December. At the 1811th meeting, the Council decided to invite the representatives of Morocco, Nigeria, Somalia and Upper Volta to participate in its discussion.⁶⁶⁷ At the same meeting, the Council also decided, at the request of the President of the United Nations Council for Namibia, to extend an invitation to a delegation of the Council for Namibia, composed of the President of that Council and the representatives of India, Romania and Zambia.⁶⁶⁸ The Council further decided, at the request of the representatives of Kenya, Mauritania and the United Republic of Cameroon,⁶⁶⁹ to extend an invitation to Mr. Peter Muesihange.⁶⁷⁰

At the 1811th meeting, the President (Australia) stated that, in addition to the letter from the representative of Upper Volta requesting a Council meeting, the Security Council had also received a letter⁶⁷¹ from the Secretary-General, drawing attention to General Assembly resolution 3295 (XXIX) concerning the question of Namibia, section II of which read:

The General Assembly,

Urges the Security Council to convene urgently in order to take without delay effective measures, in accordance with the relevant Chapters of the Charter of the United Nations and with resolutions of the Security Council and of the General Assembly regarding Namibia, to put an end to South Africa's illegal occupation of Namibia;

The President then drew the attention of the Security Council to a draft resolution⁶⁷² jointly sponsored by Kenya, Mauritania and the United Republic of Cameroon,

⁶⁶⁵ S/11575, *OR, 29th yr., Suppl. for Oct.-Dec. 1974*, p. 67.

⁶⁶⁶ 1811th meeting, President's opening statement.

⁶⁶⁷ *Ibid.*, President's opening statement: preceding the intervention by Upper Volta; and preceding the intervention by Somalia.

⁶⁶⁸ *Ibid.*, President's opening statement.

⁶⁶⁹ S/11580, *OR, 29th yr., Suppl. for Oct.-Dec. 1974*, p. 69.

⁶⁷⁰ 1811th meeting, President's opening statement.

⁶⁷¹ S/11576, mimeographed. For the text of the resolution, see *GAOR, 29th sess., Suppl. No. 31*.

⁶⁷² S/11579, same text as resolution 366 (1974).

and said that, following consultations on the matter, members of the Council had agreed to proceed immediately to vote on the draft resolution.⁶⁷³

At the 1811th meeting on 17 December 1974, the Security Council voted on the three-Power draft resolution and adopted⁶⁷⁴ it unanimously as resolution 366 (1974). The resolution read:

The Security Council,

Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, by which the Assembly terminated South Africa's Mandate over the Territory of Namibia, and resolution 2248 (S-V) of 19 May 1967, by which it established a United Nations Council for Namibia, as well as all subsequent General Assembly resolutions on Namibia, in particular resolution 3295 (XXIX) of 13 December 1974,

Recalling Security Council resolutions 245 (1968) of 25 January and 246 (1968) of 14 March 1968, 264 (1969) of 20 March and 269 (1969) of 12 August 1969, 276 (1970) of 30 January, 282 (1970) of 23 July, 283 (1970) and 284 (1970) of 29 July 1970, 300 (1971) of 12 October and 301 (1971) of 20 October 1971 and 310 (1972) of 4 February 1972, which confirmed the General Assembly decisions,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971 that South Africa is under obligation to withdraw its presence from the Territory,

Concerned about South Africa's continued illegal occupation of Namibia and its persistent refusal to comply with the resolutions and decisions of the General Assembly and the Security Council, as well as the advisory opinion of the International Court of Justice,

Gravely concerned at South Africa's brutal repression of the Namibian people and its persistent violation of their human rights, as well as its efforts to destroy the national unity and territorial integrity of Namibia,

1. *Condemns* the continued illegal occupation of the Territory of Namibia by South Africa;

2. *Condemns* the illegal and arbitrary application by South Africa of racially discriminatory and repressive laws and practices in Namibia;

3. *Demands* that South Africa make a solemn declaration that it will comply with the resolutions and decisions of the United Nations and the advisory opinion of the International Court of Justice of 21 June 1971 in regard to Namibia and that it recognizes the territorial integrity and unity of Namibia as a nation, such declaration to be addressed to the Security Council;

4. *Demands* that South Africa take the necessary steps to effect the withdrawal, in accordance with Security Council resolutions 264 (1969) and 269 (1969), of its illegal administration maintained in Namibia and to transfer power to the people of Namibia with the assistance of the United Nations;

5. *Further demands* that South Africa, pending the transfer of power provided for in paragraph 4 above:

(a) Comply fully, in spirit and in practice, with the provisions of the Universal Declaration of Human Rights;

(b) Release all Namibian political prisoners, including those imprisoned or detained in connexion with offences under so-called internal security laws, whether such Namibians have been charged or tried or are held without charge and whether held in Namibia or South Africa;

(c) Abolish the application in Namibia of all racially discriminatory and politically repressive laws and practices, particularly Bantustans and homelands;

(d) Accord unconditionally to all Namibians currently in exile for political reasons full facilities for return to their country without risk of arrest, detention, intimidation or imprisonment;

6. *Decides* to remain seized of the matter and to meet on or before 30 May 1975 for the purpose of reviewing South Africa's

⁶⁷³ 1811th meeting, President's opening statement.

⁶⁷⁴ *Ibid.*, following President's opening statement.

compliance with the terms of the present resolution and, in the event of non-compliance by South Africa, for the purpose of considering the appropriate measures to be taken under the Charter of the United Nations.

Speaking after the vote, the President of the United Nations Council for Namibia said that South Africa's persistent defiance of the Security Council and other organs of the United Nations and its resort to deceptive manoeuvres when subjected to international pressure were a matter of public record. There were certain principles regarding Namibia on which all members of the Security Council were in agreement. It was high time that the Security Council went beyond a mere reaffirmation of agreed principles and bring to an end South Africa's illegal occupation of Namibia. He expressed the hope that, in the context of new and unfolding realities, the Council when it would meet again to consider the question of Namibia, as it had decided to do in the resolution that had just been adopted, would reach a unanimous decision on the action necessary to achieve that objective. He suggested that the Security Council might indicate that it would not hesitate to employ, if necessary, those measures provided for in Chapter VII of the Charter of the United Nations.⁶⁷⁵

The representative of Upper Volta*, speaking as the current chairman of the African Group, stated that the African States had requested the meeting of the Security Council in the hope that it could take measures to defuse the explosive situation prevailing in Namibia. He urged the Council, and in particular those permanent members that had certain relations with South Africa, to bring its influence to bear so as to compel South Africa to withdraw from the Territory. South Africa should give a solemn commitment on withdrawal and, in order to create a propitious atmosphere for negotiations, also take immediate measures, such as the freeing of political prisoners, the abolition of the laws and practices of *apartheid* and the return of exiles to their homes. In the light of the rapidly changing situation in southern Africa, the United Nations must throw its full weight on the side of freedom and justice and thereby help to avoid further unnecessary bloodshed.⁶⁷⁶

COMPLAINT BY SENEGAL

Decision of 23 October 1972 (1669th meeting): resolution 321 (1972)

By letter⁶⁷⁷ dated 16 October 1972 addressed to the President of the Security Council, the permanent representative of Senegal requested that a meeting of the Security Council be urgently convened to consider the incident of 12 October on the border between Senegal and Guinea (Bissau), in which a unit of the regular Portuguese army, including five armoured cars, had attacked a Senegalese post in the department of Velingara and then had withdrawn following action taken by the Senegalese army in defence of the territorial integrity of the country. Recalling that the Council had already adopted several resolutions

condemning Portugal for systematic acts of aggression and provocation against Senegal, he added that this latest incident must be considered the most serious and significant, because a deliberately planned act of war was involved.

At the 1667th meeting on 19 October 1972, the Council included the item in its agenda and invited the representatives of Senegal, Mauritania, Algeria and Mali to participate in the discussion.⁶⁷⁸ The question was considered at the 1667th to 1669th meetings, held between 19 and 23 October 1972.

At the 1667th meeting the representative of Senegal* recalled that it was in 1963 that Senegal had first requested the Security Council to find a way to stop the aggressive actions of Portugal. However, Portugal, in defiance of the right of peoples to self-determination and of the resolutions of the Security Council and of the report of the Special Mission sent by the Council to the area in July 1971, had continued its armed incursions into Senegal which were the subject of fresh complaints by Senegal to the Council in 1965, 1969 and 1971. The incident of 12 October doubtless constituted a real act of open war and Portugal had specifically confirmed the incident in a public declaration. It had even presented to Senegal its apologies and offers of compensation for the victims, and had announced that the officer responsible would be court-martialed. It was quite clear that Portugal was able to violate the tenets of international law because of the help it received from its NATO allies. What was really needed, if Portugal was sincere, was that it should create immediate conditions of peace in Guinea (Bissau) by opening negotiations with the PAIGC on the basis of the peace plan submitted by Senegal in March 1969. Meanwhile, the Council, while condemning Portugal for aggression against Senegal should also ask the Portuguese Government to commence at once negotiations in regard to Senegal's peace plan.⁶⁷⁹

At the same meeting the representative of Guinea submitted a draft resolution,⁶⁸⁰ sponsored jointly by Somalia and Sudan.

The representative of the USSR, after recalling that the Security Council had censured Portugal several times before for its acts of aggression against Senegal, stated that Portugal had flagrantly violated the most fundamental provisions of the Charter by continuing its acts of aggression against Senegal. It was also violating the Declaration on the Strengthening of International Security which was adopted by the General Assembly at its twenty-fifth session. The Soviet delegation had supported previous resolutions on the question and insisted on the strictest observance of those resolutions. It was ready to accord the same support to any new measures that would deal effectively with the problem.⁶⁸¹

The representative of Mali* stated that the latest Portuguese attack should be viewed in the context of the systematic assaults since 1963 against Senegalese villages by Portuguese army units and no further arguments were

⁶⁷⁵ 1811th meeting, intervention by the President of the United Nations Council for Namibia.

⁶⁷⁶ *Ibid.*, intervention by Upper Volta.

⁶⁷⁷ S/10807, SC. OR, 27th yr., Suppl. for Oct.-Dec. 1972, p. 17.

⁶⁷⁸ 1667th meeting, paras. 3-6.

⁶⁷⁹ *Ibid.*, paras. 9-43.

⁶⁸⁰ S/10813, SC, OR, 27th yr., Suppl. for Oct.-Dec. 1972, pp. 20-21.

⁶⁸¹ 1667th meeting, paras. 123-140.

needed to make clear the need for effective action by the Security Council to put an end to that situation. The Council, therefore must base its decision on Chapter VII of the Charter and not on weak recommendations whose non-application would only erode the authority of the United Nations.⁶⁸²

The representative of China declared that the Council should condemn Portugal for its aggression against Senegal. In view of Portugal's violation of the relevant resolutions, the Council should consider the application of sanctions, ask Portugal to end its rule over the Territories and call upon all States to give assistance to the struggle of the people under Portuguese domination.⁶⁸³

At the 1668th meeting on 20 October 1972, the representative of Italy, taking note of the letter of the representative of Portugal dated 18 October, from which it emerged that the Portuguese authorities had deplored the incident of 12 October, had apologized to the Senegalese authorities, had stated appropriate procedures for punishing those guilty and had offered to pay compensation to the victims, stated that this was the first time this had happened and that any sign of a change in the Portuguese attitude should not be underestimated. The guarantees which the letter stated Portugal was ready to offer could serve to reduce the tension resulting from the incidents in the area. The three-Power draft resolution would benefit from being more in line with certain particular circumstances of the event under consideration, and hence, more balanced by taking into account the position adopted by the Portuguese Government.⁶⁸⁴

At the 1669th meeting on 23 October 1972, the Council had before it a revised draft resolution⁶⁸⁵ which had resulted from consultations on the draft resolution submitted by the delegations of Guinea, Somalia and Sudan. In the revised draft resolution, the paragraph, "Taking note of the letter of the representative of Portugal contained in document S/10810", was inserted after the second pre-ambular paragraph, and the first two operative paragraphs were changed to read as follows: "1. *Condemns* the frontier violation and attack on the Senegalese post at Nianao committed by regular forces of the Portuguese army on 12 October 1972; 2. *Recalls* its resolution 294 (1971) condemning the acts of violence and destruction committed by the Portuguese forces against the people and villages of Senegal since 1963;"

Before the vote, the representative of Belgium regretted that the Council had missed an opportunity, however tenuous and fragile it might be, to lessen tensions in the area by not taking note of the assurances that Portugal was prepared to give. At the same time he requested Portugal to take appropriate measures to prevent the repetition of frontier incidents with Senegal.⁶⁸⁶

Subsequently, the representative of Japan, noting that the Portuguese authorities, virtually for the first time, had presented their apologies and offered compensation as well

as necessary guarantees, welcomed the revision of the three-Power draft resolution.⁶⁸⁷

At the same meeting the President speaking as the representative of France stated that Lisbon's goodwill in offering compensation should, preferably, have been more explicitly spelled out and that the wording of paragraph 4 of the draft resolution would have benefited from being more clearly focused on the problem actually before the Council, that of Guinea (Bissau), without having necessarily to refer to a resolution which certain delegations, including the French delegation, had been unable to vote for.⁶⁸⁸

Subsequently, the revised three-Power draft resolution was adopted by 12 votes in favour, to none against, with 3 abstentions.⁶⁸⁹

The resolution reads as follows:

The Security Council,

Considering the complaint of the Republic of Senegal against Portugal contained in document S/10807,

Having heard the Minister for Foreign Affairs of Senegal,

Taking note of the letter of the representative of Portugal contained in document S/10810,

Considering its resolutions 178 (1963) of 24 April 1963, 204 (1965) of 19 May 1965, 273 (1969) of 9 December 1969, 302 (1971) of 24 November 1971 and the report of 2 February 1971 (E/CN.4/1050) of the Working Group of Experts of the Commission on Human Rights concerning Portuguese acts of violence in Senegalese territory,

Deeply disturbed by the attitude of Portugal, which persistently refuses to comply with the relevant Security resolutions,

Deeply concerned about the multiplication of incidents which entail the risk of a threat to international peace and security,

Reaffirming that only complete respect for the sovereignty and territorial integrity of Senegal and all the African States bordering the territories of Guinea (Bissau), Angola and Mozambique, and for the principle of self-determination and independence defined in particular in General Assembly resolution 1514 (XV), will make it possible to eliminate the causes of tension in those regions of the African continent and create a climate of confidence, peace and security,

1. *Condemns* the frontier violation and attack on the Senegalese post at Nianao committed by regular forces of the Portuguese army on 12 October 1972;

2. *Recalls* its resolution 294 (1971) condemning the acts of violence and destruction committed by the Portuguese forces against the people and villages of Senegal since 1963;

3. *Demands* that the Government of Portugal should stop immediately and definitively any acts of violence and destruction directed against Senegalese territory and scrupulously respect the sovereignty, territorial integrity and security of that State and all other independent African States;

4. *Calls upon* the Government of Portugal to respect the principle of self-determination and independence defined in particular in General Assembly resolution 1514 (XV) and to take immediately all necessary steps to apply that principle;

5. *Declares* that if Portugal does not comply with the provisions of the present resolution the Security Council will meet to consider other steps;

6. *Decides* to remain seized of the question.

After the vote, the representative of the United Kingdom stated that the special circumstances regarding the

⁶⁸² 1668th meeting, paras. 18-22.

⁶⁸³ *Ibid.*, paras. 23-28.

⁶⁸⁴ *Ibid.*, paras. 39-50.

⁶⁸⁵ S/10813/Rev.1, adopted without change as resolution 321 (1972) of 23 October 1972.

⁶⁸⁶ 1669th meeting, para. 4.

⁶⁸⁷ *Ibid.*, paras. 19-20.

⁶⁸⁸ *Ibid.*, paras. 30-34.

⁶⁸⁹ *Ibid.*, para. 35. Adopted as resolution 321 (1972).

incident of 12 October, having been admitted and denounced by the responsible Government, which had also apologized and offered compensation and guarantees, did not call for outright condemnation, but might rather have provided the opportunity to explore means by which the danger of such acts of violence breaking out might be averted.⁶⁹⁰

At the same meeting, the representative of the United States of America stated that the revised draft did not reflect adequately the contents of the communication submitted by Portugal to the Security Council, which explained the Portuguese Government's response, and followed the standard acceptable procedure in international law for rectification of international incidents. The revised draft did not refer to the need to get at the more basic causes of tension in the region, nor to the need to search for some form of peaceful settlement on the part of the parties concerned in the conflict. As to the direction in which the Council should head in dealing with this problem, the United States delegation would continue to press its suggestion of November 1971 to establish a commission to investigate border incidents and to report periodically to the Security Council on progress toward a satisfactory settlement in the region.⁶⁹¹

QUESTION CONCERNING THE SITUATION IN TERRITORIES UNDER PORTUGUESE ADMINISTRATION

In the course of its meetings in Addis Ababa, the Security Council considered among other issues the question concerning the situation in Territories under Portuguese administration and adopted resolution 312 (1972) relating to this question.⁶⁹²

Decision of 22 November 1972 (1677th meeting): resolution 322 (1972)

By letter⁶⁹³ dated 7 November 1972 addressed to the President of the Security Council the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo, Dahomey, Egypt, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta, Zaire and Zambia requested a meeting of the Security Council to examine the situation in the Territories under Portuguese domination. In the letter, it was pointed out that the situation in those Territories came under discussion while the Security Council was examining several complaints made by African States relating to the acts of aggression by Portugal against their sovereignty and territorial integrity. The letter also stated that the situation in the Territories had evolved since 1963 in favour of national liberation movements. As a

result of that progressive trend, the Security Council was asked to take the necessary measures to bring the Government of Portugal to recognize the right of self-determination and independence of the African peoples under its domination and draw up a time-table for the transfer of power to the authentic representatives of the African peoples of Guinea (Bissau), Angola and Mozambique.

By letter⁶⁹⁴ dated 15 November 1972 addressed to the President of the Security Council the representative of Portugal expressed regret that the Security Council should have been convened on a request that was misconceived. He stated that the question at issue was beyond the competence of the Security Council, there being no dispute prevailing between Portugal and any of the States whose representatives had requested a Council meeting. The situation in the Portuguese Territories was a matter within the domestic jurisdiction of a Member State and as such, under Article 2, paragraph 7, of the Charter, expressly excluded from consideration by the United Nations.

In a letter⁶⁹⁵ dated 15 November 1972 to the President of the Security Council the Secretary-General conveyed the text of resolution 2918 (XXVII) relating to the question of Territories under Portuguese administration adopted by the General Assembly and drew attention to paragraph 7 of the resolution in which the General Assembly recommended that the Security Council should urgently consider taking all effective steps with a view to securing the full and speedy implementation of General Assembly resolution 1514 (XV) and of the related decisions of the Council.

The Secretary-General also conveyed the report⁶⁹⁶ dated 11 July 1972 on the implementation of Security Council resolution 312 (1972), containing the replies of Governments to his inquiry concerning action, taken or envisaged by them in implementation of paragraph 6 of that resolution.

At the 1672nd meeting on 15 November 1972 the Security Council adopted⁶⁹⁷ the agenda and considered the question at the 1672nd to 1677th meetings between 15 and 22 November 1972. At the 1672nd meeting on 15 November the representatives of Burundi, Ethiopia, Liberia, Madagascar, Nigeria, Sierra Leone, United Republic of Tanzania, Saudi Arabia and Tunisia were invited⁶⁹⁸ to take part in the discussion without the right to vote. At the same meeting the Security Council agreed to a request made by the representatives of Somalia and the Sudan, and invited⁶⁹⁹ under rule 39 of the provisional rules of procedure, Mr. Marcelino dos Santos, Vice-President of the Frente de Libertação de Moçambique (FRELIMO), Mr. Gil Fernandes, member of the Superior Council of PAIGC and Mr. Manuel Jorge of the Movimento Popular de Libertação de Angola (MPLA). Subsequently, at the 1673rd meeting on 16 November the representatives of Uganda⁷⁰⁰ and

⁶⁹⁰ 1669th meeting, paras. 38-40.

⁶⁹¹ *Ibid.*, paras. 41-46.

⁶⁹² For relevant proceedings see in this chapter the procedural history of the meetings in Addis Ababa under the heading "Consideration of questions relating to Africa with which the Security Council is currently seized and the implementation of the Council's resolutions", pp. 99, 101-102.

⁶⁹³ S/10828, OR, 27th yr., Suppl. for Oct.-Dec. 1972, p. 30.

⁶⁹⁴ S/10833, OR, 27th yr., Suppl. for Oct.-Dec. 1972 p. 47.

⁶⁹⁵ S/10836, GAOR, 27th session, Suppl. No. 30.

⁶⁹⁶ S/10734, OR, 27th yr., Suppl. for July-Sept. 1972, pp. 59-62.

⁶⁹⁷ 1672nd meeting, following para. 1.

⁶⁹⁸ *Ibid.*, paras. 2-3, 216.

⁶⁹⁹ *Ibid.*, para. 4.

⁷⁰⁰ 1673rd meeting, paras. 2-3.

Morocco⁷⁰¹ and at the 1674th meeting on 17 November the representative of Cuba⁷⁰² were also invited to participate.

At the 1672nd meeting on 15 November 1972, at the opening of the discussion, the representative of Liberia* urged the Security Council to deplore the armed repression by Portugal of the peoples of Angola, Mozambique, Guinea (Bissau) and Cape Verde to deprecate Portugal's continued violations of the territorial integrity and sovereignty of independent African States neighbouring on those Territories. He called upon the Security Council to reaffirm the inalienable rights of the peoples in territories under Portuguese administration to self-determination and independence and to affirm that the national liberation movements of those Territories were the legitimate representatives of the peoples with whom Portugal should enter into negotiations immediately with a view to arriving at a solution to the armed conflict that prevailed in those Territories. Finally, he appealed to all States, particularly the military allies of Portugal, to put an end to the sale or supply of weapons to Portugal.⁷⁰³

At the same meeting the representative of Sierra Leone* stated that the continued refusal of Portugal to recognize the legitimate aspirations of the peoples of the Territories under its control for self-determination constituted a permanent source of international friction and a constant threat to international peace. To remedy that situation Portugal would have to abandon the fiction that those Territories were provinces, not colonies, recognize the liberation movements of the peoples in those Territories and enter into negotiations with those peoples to decide on the steps towards an early exercise of the rights of self-determination.⁷⁰⁴

The representative of Ethiopia* recalled that the Security Council, by resolution 312 (1972) of 4 February 1972 had recognized the legitimacy of the struggle of the peoples under Portuguese domination to achieve their inalienable right to self-determination and independence. As a logical consequence of this resolution and in view of the progressive developments that had taken place in the struggle for liberation, the Security Council should consider recognizing those movements as the legitimate representatives of the peoples in the Territories concerned. The international community should give effective moral and material assistance to those national liberation movements. It was time for the Security Council to consider declaring an arms embargo against Portugal, because its aggressive activities threatened peace and stability on the African continent.⁷⁰⁵

At the same meeting the representative of Saudi Arabia* suggested that the Secretary-General might appoint an emissary to deal with the question concerning the situation in territories under Portuguese administration, as he had done with the question of Namibia. The Trusteeship Council might be reactivated, or a representative of the Secretary-General might make a fact-finding tour. In the

long run there was no alternative to giving freedom to the Africans living in Portuguese Territories.⁷⁰⁶

At the 1673rd meeting on 16 November 1972, the representative of the United Republic of Tanzania* said that peace was incompatible with colonialism. Portugal had used its colonial Territories to attack independent African States. Those acts alone had constituted a serious threat to international peace and security, justifying action by the Council under Chapter VII of the Charter. At the same time the Security Council must reaffirm the legitimacy of the struggle which was waged by the liberation movements, and recognize these as sole and authentic representatives of the people.⁷⁰⁷

At the same meeting Mr. dos Santos, addressing the Council on behalf of FRELIMO, asserted that the development of the national liberation struggle in Mozambique had shown that FRELIMO was unchallenged and undoubtedly leader of the people of Mozambique. The granting of the status of observer to FRELIMO by the Fourth Committee of the General Assembly of the United Nations constituted international recognition of that reality. It also meant that FRELIMO exercised *de facto* political authority over the people of Mozambique, extending to the liberated areas and to the areas still under colonial domination. The United Nations should further contribute to the liberation struggle by direct assistance from the United Nations, States Members and the specialized agencies and by the cessation of any further assistance to Portugal on the part of States Members and national and international organizations. FRELIMO, however, was ready to negotiate with the Government of Portugal on behalf of the entire people of Mozambique as soon as Portugal recognized their right to self-determination and national independence.⁷⁰⁸

At the same meeting the representative of Somalia stated that the time had come for positive measures in regard to the situation in the Portuguese colonies, measures that went beyond the affirmation of principles and the moderate calls for action that had been made in Addis Ababa in February 1972. Portugal's refusal to act in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples had led to the large-scale colonial wars waged by the Portuguese Government against the peoples of all the African Territories under its domination. The liberation struggle had been declared legitimate by the General Assembly of the United Nations and by the Security Council itself. The Security Council now had sufficient cause to invoke Chapter VII of the Charter and impose an arms embargo on Portugal so that it would not be assisted in its unjust war of repression against African peoples under its domination.⁷⁰⁹

On behalf of Guinea, Somalia and the Sudan, the representative of Somalia then introduced a draft resolution⁷¹⁰ which he said was designed to redress the situation in the Territories and to update previous resolutions of the Security Council and the General Assembly.

⁷⁰¹ 1673rd meeting, para. 116.

⁷⁰² 1674th meeting, paras. 2-3.

⁷⁰³ 1672nd meeting, paras. 52-56.

⁷⁰⁴ *Ibid.*, paras. 143-160.

⁷⁰⁵ *Ibid.*, paras. 190-201.

⁷⁰⁶ *Ibid.*, paras. 238-243.

⁷⁰⁷ 1673rd meeting, paras. 18-31.

⁷⁰⁸ *Ibid.*, paras. 109-114.

⁷⁰⁹ *Ibid.*, paras. 123-125, 137-138.

⁷¹⁰ S/10834, OR, 27th yr., Suppl. for Oct.-Dec. 1972, pp. 47-48.

Under it, the Security Council would, *inter alia*, (a) affirm that national liberation movements of the Territories under Portuguese domination were the legitimate representatives of the peoples of those Territories; (b) call upon the Government of Portugal to enter into negotiations with the national liberation movements of Angola, Guinea (Bissau) and Cape Verde and Mozambique with a view to arriving at a solution to the armed conflict and subsequent accession to independence; (c) appeal to all Governments, specialized agencies and other organizations within the United Nations system and non-governmental organizations to assist, morally and materially, the liberation movements of those Territories in their struggle for self-determination and independence; (d) impose an arms embargo on Portugal as long as it refused to renounce its policy of colonial domination; and (e) establish an *ad hoc* committee of five members of the Security Council to be charged with the implementation of the arms embargo.⁷¹¹

At the same meeting Mr. Fernandes, speaking on behalf of PAIGC, stated that during the 10 years of armed struggle, the people of Guinea (Bissau) and Cape Verde, under the leadership of PAIGC had made enormous progress. Almost three-quarters of their national territory had been liberated from colonial domination and two-thirds of Guinea (Bissau) was under their effective control. He confirmed the proposal made by PAIGC in Addis-Ababa to set a time-limit for the departure of Portuguese troops and to send a delegation of the Security Council to see the Portuguese Prime Minister and make concrete proposals for the beginning of negotiations. He also said that his people had just completed elections for their first national assembly which was due to meet in the near future and proclaim a State.⁷¹²

At the 1674th meeting on 17 November the representative of the USSR stated that in southern Africa the world was seeing a new and special kind of neo-colonialism: collective colonialism. In the Territories occupied by Portugal, it was not only the Portuguese colonialists who held sway but the international monopolies with headquarters in various capitals and large cities of Western countries. In those circumstances, the Council should set definite deadlines for the transfer of power to the true representatives of the African peoples of Guinea (Bissau), Angola and Mozambique. If Portugal violated the Security Council's decision that power be handed over to the peoples of those countries, then the Council should consider declaring sanctions against Portugal. With regard to the draft resolution sponsored by Guinea, Somalia and the Sudan, his delegation saw three important elements in that text. (a) The appeal to Portugal to begin negotiations with the national liberation movement. (b) The recognition of the national liberation movements as the legal representatives of their people. (c) The appeal to all States that were helping Portugal to put an end to such assistance. The Soviet Union supported the draft resolution and felt that the Security Council should immediately decide to put a stop to the delivery of arms and war materials to the Portuguese colonialists.⁷¹³

The representative of the Sudan emphasized that should the Council succeed in persuading the NATO Powers to withdraw their military and financial assistance to Portugal, Portugal itself would be greatly helped to face reality. If it failed to do so, the Council could invoke Chapter VII of the Charter and apply total sanctions to the whole of southern Africa for a start. Finally, if those efforts failed, the Council might have to consider as a final attempt, a new innovation such as a declaration of independence for those Territories under Portuguese domination.⁷¹⁴

Mr. Jorge, speaking on behalf of MPLA, informed the Council that MPLA controlled more than one-third of the territory of Angola. In those liberated areas, the new Angola State was rising. The Portuguese Government pursued its colonial war by concentrating most of its armed forces in Angola. He maintained that Portugal was strengthening its ties with the South African and Rhodesian racists and officially requesting members of NATO to establish military bases in Angola. The Security Council, he continued, should invite Portugal once again to halt its war of aggression and recognize the right to self-determination and independence of the Angolan people in accordance with General Assembly resolution 1514 (XV) thus making it possible for Portugal to negotiate with MPLA, the sole land legitimate representative of the Angolan people.⁷¹⁵

At the same meeting the representative of Uganda stated that the brand of Portuguese colonialism in Africa was outside the spirit and intention of Chapter XI, Article 73 of the Charter of the United Nations. That Article demanded of all colonial Powers to advance their colonial peoples to freedom and self-determination. It was in pursuance of that Article that resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples had been adopted by the General Assembly on 14 December 1960. Any colonial situation was of a temporary nature and the ultimate objective had to be the self-determination and independence of the colonized people. Uganda was willing to abide by whatever decisions the Council took in hastening the self-determination and independence of all Portuguese colonies.⁷¹⁶

At the 1676th meeting on 21 November the representative of Yugoslavia supported the suggestion that the Security Council should consider declaring the independence of the Territories if its other actions proved fruitless. Yugoslavia also supported the call to all States to end the supply of weapons to Portugal and any measures to ensure such an embargo. It was Yugoslavia's position of principle to support the initiatives of the African States, and he considered that the setting up of a subsidiary *ad hoc* body of the Security Council to deal exclusively with the decolonization process in the Portuguese-held Territories was indicated. It was essential to assist in establishing contacts leading to negotiations between Portugal and its legitimate partners the national liberation movement—on the basis of the right to self-determination and independence.⁷¹⁷

⁷¹¹ 1673rd meeting, paras. 141-147.

⁷¹² *Ibid.*, paras. 172-194.

⁷¹³ 1674th meeting, paras. 8-32.

⁷¹⁴ *Ibid.*, paras. 68-72.

⁷¹⁵ *Ibid.*, paras. 97-105, 128-133.

⁷¹⁶ *Ibid.*, paras. 146-161.

⁷¹⁷ 1676th meeting, paras. 19-27.

The representative of Somalia stated that, following consultations, the sponsors of the draft resolution contained in document S/10834 had decided to withdraw it and submit instead two separate draft resolutions.⁷¹⁸ The first of these (S/10838) would reaffirm the inalienable right of the peoples of Angola, Guinea (Bissau) and Cape Verde and Mozambique to self-determination and independence and call upon the Portuguese Government to enter into negotiations with the true representatives of the peoples of those Territories to enable them to achieve self-determination and independence. Before turning to the second draft resolution (S/10839), he introduced some further amendments to the first one (S/10838),⁷¹⁹ whereby *inter alia* the words "under the direction of their national liberation movements" were to be deleted from the last part of operative paragraph 1. Then he presented the second draft (S/10839) which embodied the measures to be taken against Portugal, including an arms embargo and the establishment of an *ad hoc* committee to investigate the flow of arms to Portugal.⁷²⁰

At the same meeting the representative of China supported the two draft resolutions submitted by Guinea, Somalia and the Sudan. He said that the Security Council should severely condemn Portugal for its colonial wars and its armed aggression against neighbouring African countries. A strict arms embargo and sanctions should be applied against Portugal and all countries should be called upon to give greater assistance and support to the national liberation movements in the Portuguese colonies.⁷²¹

At the 1677th meeting on 22 November the representative of India stated that the United Nations should declare the Portuguese colonies independent countries over which Portugal would no longer have legal authority. Because South Africa and Zimbabwe had continued to help Portugal, India had repeatedly suggested that complete and comprehensive sanctions be imposed against South Africa, Zimbabwe and Portugal. There was not much prospect of a negotiated settlement with Portugal. Independence should not be the subject of negotiation—only its timing and method of achievement. Should those measures fail,—and the objective indications were that they would, then the Security Council would be prepared for much more determined action.⁷²²

The representative of Somalia, on behalf of the sponsors, introduced some textual changes in the first draft resolution contained in document S/10838/Rev.1 that had been accepted by the sponsors in the course of informal consultations. That acceptance, he explained, did not necessarily signify satisfaction with the changes; in view of the political realities and differences of opinion among the members of the Council, the sponsors had no alternative but to agree to the more flexible but unsatisfactory text.

⁷¹⁸ S/10838, revised as S/10838/Rev.1, and adopted without further change as resolution 322 (1972) and S/10839, *OR*, 27th yr., *Suppl. for Oct.-Dec. 1972*, p. 51.

⁷¹⁹ S/10838/Rev.1. Subsequently adopted as resolution 322 (1972).

⁷²⁰ 1676th meeting, paras. 63-77.

⁷²¹ *Ibid.*, paras. 80-92.

⁷²² 1677th meeting, paras. 18-28.

He added that they would not press for a vote on the draft resolution contained in document S/10839.⁷²³

The representative of France emphasized that in the process leading to self-determination, the administering Power had to play the main role and any proposal that ignored this commonsense finding would be doomed to failure, as the history of decolonization amply confirmed. The Council would be incorrect if it sought to deny Portugal the peace and the responsibility to which it was entitled in the process in which the Council was inviting it to participate. Certain recent statements and letters of the Portuguese authorities seemed to be signs of movement toward constructive discussions. The sponsors of draft resolution contained in document S/10838/Rev.1 had wisely focused their attention on two points: reaffirmation of the inalienable right of the peoples to self-determination and the necessity to put an end to military or repressive operations as soon as possible, so that peaceful methods of negotiation might begin. Therefore the French delegation would support draft resolution S/10838/Rev.1 as a whole, but it did not consider the situation as falling under the provisions of Chapter VII of the Charter and would not be able to support the draft resolution in document S/10839.⁷²⁴

At the same meeting the representative of the United Kingdom stated that in the view of his delegation it was for the administering Power in accordance with Chapter XI of the Charter and not the Security Council or the General Assembly to determine the modalities through which self-determination was to be brought about. Accordingly, he would vote in favour of the draft resolution in document S/10838/Rev.1 as orally revised. As for the draft resolution contained in document S/10839, it could only have led to the prolongation of deadlock and confrontation and therefore, his delegation was pleased that it was not being pressed to the vote.⁷²⁵

At the same meeting the representative of the United States requested that a separate vote be taken on operative paragraph 2 of draft resolution S/10838/Rev.1 in order to enable the United States to express its reservations regarding that paragraph.⁷²⁶

As the sponsors, under rule 32 of the provisional rules of procedure, objected to a separate vote on operative paragraph 2, the draft resolution as a whole was put to the vote and adopted unanimously.⁷²⁷ The resolution read as follows:

The Security Council,

Having examined the situation in Angola, Guinea (Bissau) and Cape Verde, and Mozambique,

Recalling its resolution 312 (1972) of 4 February 1972,

Also recalling General Assembly resolutions 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and 2918 (XXVII) of 14 November 1972, on the question of Territories under Portuguese administration,

⁷²³ *Ibid.*, paras. 40-46.

⁷²⁴ *Ibid.*, paras. 51-62.

⁷²⁵ *Ibid.*, paras. 65-72.

⁷²⁶ *Ibid.*, para. 76.

⁷²⁷ *Ibid.*, para. 83. Adopted as resolution 322 (1972).

Taking note of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Considering that the Organization of African Unity recognizes the liberation movements of Angola, Guinea (Bissau) and Cape Verde, and Mozambique as the legitimate representatives of the peoples of those Territories,

Having heard the statements of the representatives of Member States and of Mr. Marcelino dos Santos, Mr. Gil Fernandes and Mr. Manuel Jorge, who were invited under rule 39 of the provisional rules of procedure to participate in the consideration of the question,

Conscious of the urgent need to avert further human suffering and material losses by the peoples of Angola, Guinea (Bissau) and Cape Verde, and Mozambique and to achieve a negotiated solution to the armed confrontation that exists in those Territories,

1. *Reaffirms* the inalienable right of the peoples of Angola, Guinea (Bissau) and Cape Verde, and Mozambique to self-determination and independence, as recognized by the General Assembly in its resolution 1514 (XV), and the legitimacy of the struggle by those peoples to achieve that right;

2. *Calls upon* the Government of Portugal to cease forthwith its military operations and all acts of repression against the peoples of Angola, Guinea (Bissau) and Cape Verde, and Mozambique;

3. *Calls upon* the Government of Portugal, in accordance with the relevant provisions of the Charter of the United Nations and General Assembly resolution 1514 (XV), to enter into negotiations with the parties concerned, with a view to achieving a solution to the armed confrontation that exists in the Territories of Angola, Guinea (Bissau) and Cape Verde, and Mozambique and permitting the peoples of those Territories to exercise their right to self-determination and independence;

4. *Requests* the Secretary-General to follow developments in the situation and to report periodically to the Security Council;

5. *Decides* to remain actively seized of this matter.

COMPLAINT BY ZAMBIA

Decisions of 2 February 1973 (1691st meeting): resolution 326 (1973) and 327 (1973)

By letter⁷²⁸ dated 24 January 1973 addressed to the President of the Security Council, the representative of Zambia informed the Council that on 9 January 1973 the illegal régime of Southern Rhodesia closed the border between Southern Rhodesia and his country and imposed an economic blockade against it. Since that date the illegal régime also had committed numerous acts of subversion and sabotage against Zambia and deployed its troops, together with 4,000 from South Africa, along the border. Those troops had committed a series of violations against the sovereignty and territorial integrity of his country. In view of those acts of aggression, constituting a serious threat to international peace and security, he requested that a meeting of the Security Council should be convened as a matter of urgency.

In a letter⁷²⁹ dated 23 January 1973 addressed to the President of the Council, Guinea, Kenya and the Sudan associated themselves with Zambia's request for a meeting of the Council to examine the situation on the Zambian border, subsequently, Yugoslavia also associated itself with that request.⁷³⁰

⁷²⁸ S/10865, OR, 28th yr., Suppl. for Jan.-March 1973, p. 31.

⁷²⁹ S/10866, *Ibid.*

⁷³⁰ S/10869, *Ibid.*, p. 38.

In a letter⁷³¹ dated 26 January 1973 addressed to the President of the Council, the representative of South Africa transmitted a message from the South African Minister of Foreign Affairs drawing attention to a statement by his Prime Minister regarding the complaint by Zambia. The statement emphasized South Africa's non-interference in the domestic affairs of other countries and denied the charge that South African troops had been deployed along the border between Zambia and Southern Rhodesia.

In a letter⁷³² dated 29 January 1973 addressed to the Secretary-General the representative of Zambia transmitted a message from the President of Zambia stating that tension had continued to rise as more people were killed by land mines on Zambian soil by forces of the Smith régime and South Africa. The Zambian President urged the Council to put an end to the critical situation and to ensure the withdrawal of South African troops.

At the 1687th meeting on 29 January 1973 the Security Council adopted⁷³³ the agenda and considered the question at the 1687th to 1691st meetings between 29 January and 2 February 1973. At the 1687th meeting on 29 January the representatives of Zambia, Algeria, Chile, Egypt, Ghana, Morocco, Senegal, Somalia, United Republic of Tanzania and Zaire were invited, at their request to take part in the discussion without the right to vote.⁷³⁴ Subsequently, at the 1689th meeting on 31 January the representative of Cuba⁷³⁵ and at the 1690th meeting on 1 February the representatives of Cameroon and Guyana⁷³⁶ were also invited to participate.

At the 1687th meeting on 29 January 1973, the representative of Zambia* stated that the closure by the illegal régime in Southern Rhodesia of its border with Zambia on 9 January was an act of aggression aimed at inflicting serious damage to Zambia's economy in order to put pressure on Zambia not to support the liberation movement of the people of Zimbabwe. The current crisis had been exacerbated by the collusion of the Salisbury and Pretoria régimes. South African troops had moved into Southern Rhodesia in 1967 and had remained there as an occupation force. Both régimes had repeatedly carried out military incursions into Zambia. He described a series of nine incidents perpetrated in January 1973, that had involved border crossings, firing against villagers and the laying of mines inside Zambia, all of which had resulted in loss of life and serious injuries. Referring to the mandatory sanctions imposed by the Council against Southern Rhodesia he said that his Government had decided to establish permanent alternative routes for its trade and to abandon the southern route altogether. His delegation recommended that the Council should: (1) condemn Southern Rhodesia's acts of aggression against Zambia, including economic blockade and military threats; (2) condemn the Government of South Africa for the presence of its forces in Southern Rhodesia; (3) demand the immediate withdrawal of South African forces from Southern Rhodesia;

⁷³¹ S/10870, *Ibid.*, pp. 38-39.

⁷³² S/10877, OR, 28th yr., Suppl. for Jan.-March 1973, p. 41.

⁷³³ 1687th meeting, preceding para. 1.

⁷³⁴ *Ibid.*, paras. 1-3.

⁷³⁵ 1689th meeting, para. 3.

⁷³⁶ 1690th meeting, para. 7.

(4) deplore the failure of the British Government to end the rebellion in Southern Rhodesia; (5) call upon the British Government as the administering Power to convene immediately a constitutional conference representative of all the people of Zimbabwe to determine the political future of the colony; (6) call upon the British Government to take effective measures aimed at creating favourable conditions necessary for free expression and political activity by the people of Zimbabwe, including the immediate release of all political prisoners and detainees and restrictivees and the repeal of all racist and repressive discriminatory legislation; (7) call upon all Member States to implement the sanctions policy fully and request the Committee to complete its report for the purpose of tightening sanctions against Southern Rhodesia under the full force of Chapter VII of the Charter in view of the changed circumstances; (8) reaffirm the inalienable right of the people of Zimbabwe to self-determination and independence in conformity with General Assembly resolution 1514 (XV) and the United Nations Charter; (9) reaffirm the principle that there should be no independence before majority rule in Southern Rhodesia; (10) reaffirm the principle of non-recognition of the rebel régime by Member States; (11) in recognition of the serious threats to peace and security on the Zambian borders immediately request the Secretary-General to send a special representative to assess the political and military situation in the area; (12) in recognition of the urgent need of Zambia for economic assistance, request the Secretary-General immediately to dispatch a team of experts to assess the needs of Zambia in maintaining an alternative system of road, rail, air and sea communications for sustaining its economy in accordance with the relevant paragraphs of Security Council resolutions 253 (1968) and 277 (1970).⁷³⁷

The representative of Ghana*, speaking on behalf of the group of African States, noted that by erecting a border blockade against Zambia, the Smith régime had sought to frustrate Zambia's economic efforts. The blockade was a provocative act and the United Kingdom, as the administering Power had an obligation to ensure that it was rolled back. In the meantime, Zambia was entitled to international assistance under Articles 49 and 50 of the Charter. The United Kingdom Government had refused to comply with Article 73 of the United Nations Charter which enjoined colonial and administering Powers to transmit each year information on their Territories to the Secretary-General. Insofar as the United Kingdom found itself unable to take the necessary effective measures against the rebel régime in Southern Rhodesia, it should have given way to the United Nations and the international community to consider taking action under Articles 41 and 42 of the Charter. There was also abundant evidence that the sanctions imposed by the Security Council were being breached in many devious ways. The continued importation by the Government of the United States of chrome and nickel from Zimbabwe was in open contravention of the provisions of Security Council resolutions 253 (1968), 277 (1970), 288 (1970) and 314 (1972) contrary to the specific obligations assumed by the United States under Article 25 of the United Nations Charter. The international community should assist the process leading to the formation of

a Government based on majority rule in Zimbabwe. Only then the acts of aggression against Zambia would cease.⁷³⁸

At the same meeting the representative of the United Republic of Tanzania* suggested that in order to counter-balance the effect of the economic blockade against Zambia, the Council should examine the best ways of assisting Zambia, in particular, the possibility of establishing a special economic assistance fund. It should also ask the Government of the United Kingdom to compensate Zambia for the losses it was incurring because of that Government's failure to bring down the rebellion. Tanzania expected the Council to broaden its current mandatory sanctions against the Smith régime in conformity with the relevant provisions of the Charter, including those in Chapter VII.⁷³⁹

The representative of the United Kingdom stated that his Government deplored the closure by the Rhodesian régime of the border with Zambia and expressed the hope that the Council would not have any difficulty in urging all concerned to do all in their power to prevent further acts of violence across the border. He drew a distinction between extending the sanctions and making them more effective. The trouble with the sanctions was that they were not rigorously applied, not even by those States that professed to comply fully with them. The whole question had been sent to the Committee on sanctions for study and it was for that body to produce any necessary recommendation. The current situation was not conducive to a solution of the political problem of Southern Rhodesia, which was at a crucial point. If a peaceful political settlement could be reached for Southern Rhodesia all the other related problems would solve themselves. Therefore, the Council must make certain that nothing said or done by it hindered the chances of peaceful solution.⁷⁴⁰

The representative of Yugoslavia pointed out that the illegal régime in Southern Rhodesia had justified its aggression against Zambia on the grounds that the Zimbabwe freedom fighters were receiving assistance, though the legitimacy of their struggle had been recognized by the United Nations. The Council must condemn all acts of aggression by Southern Rhodesia, request the removal of any foreign military personnel sent to Salisbury to help the Smith régime and make the implementation of the sanctions more effective. Under Articles 49 and 50 of the Charter and Security Council resolutions 253 (1968) and 277 (1970) Zambia was entitled to economic assistance; therefore, it would be helpful for the Council to send a mission, or a team of experts or a representative of the Secretary-General to review Zambia's needs on the spot.⁷⁴¹

The representative of the USSR stated that the Salisbury régime had intensified its oppression of the Zimbabwe people and its acts of aggression against other independent African States, in spite of United Nations full support to their struggle for independence. That state of affairs threatened international peace and security and remained possible only because the régime had the support of Portugal and South Africa and their Western allies. The

⁷³⁸ 1697th meeting, paras. 51-78.

⁷³⁹ *Ibid.*, paras. 95-100.

⁷⁴⁰ *Ibid.*, paras. 112-125.

⁷⁴¹ *Ibid.*, paras. 138-146.

⁷³⁷ 1687th meeting, paras. 8-40.

Soviet Union demanded that an end be put to the illegal Smith régime in order to eliminate the threat to peace in Africa. To that end the Security Council should extend and strengthen the sanctions against Southern Rhodesia and decide to decree corresponding sanctions against Portugal and South Africa.⁷⁴²

At the 1688th meeting on 30 January the representative of Egypt, speaking on behalf of the Arab countries, stated that a transfer of power to the people of Zimbabwe on the basis of majority rule was the only solution of the situation in Southern Rhodesia. To achieve that goal the Council must assist the peoples of Rhodesia to liberate themselves and should take suitable measures under the Charter to preserve the rights of Zambia.⁷⁴³

At the same meeting the representatives of Chile*, Algeria*, China, Senegal*, Zaire*, Kenya and India expressed solidarity with Zambia in its struggle against the racist régime in Rhodesia. The representative of Chile* stated that the Council should condemn the actions of Rhodesia and South Africa and ponder the need to grant status to the people of Zimbabwe by creating for them a council similar to the United Nations Council for Namibia.⁷⁴⁴

The representative of China said that the Security Council must demand the withdrawal of South African troops from Rhodesia, further strengthen its sanctions and extend them to South Africa and Portugal and call for active support for Zambia and the people of Zimbabwe.⁷⁴⁵

The representative of Zaire* noted that the convention on Transit Trade of Landlocked states rested on the principle of equality of treatment for coastal and landlocked states and the Council should continue to discuss Zambia's complaint until a suitable solution has been found.⁷⁴⁶

The representative of Kenya stated that Kenya supported all the recommendations contained in the statement of the representative of Zambia and urged the Council to invoke Articles 49 and 50 of the Charter and to send a mission to ascertain the needs of Zambia.⁷⁴⁷

At the 1689th meeting on 31 January the representative of Austria stated that Zambia, as the result of severing its last economic ties with Southern Rhodesia, was faced with a grave situation. Therefore the request expressed by Zambia, based on Articles 49 and 50 of the Charter and on the provisions of Security Council resolutions 253 (1968) and 277 (1970) for economic assistance deserved serious consideration. The success of any further action depended on the continued co-operation of all parties concerned, in particular the strict compliance with the sanctions imposed by the Council, and careful examination was required to determine whether such action could contribute effectively to eliminating the threat to peace in the area.⁷⁴⁸

At the same meeting the representative of the United States noted that the border closing had forced Zambia to seek alternate routes for its goods and the resulting plight underscored the need to examine carefully ways in which Zambia might be assisted. His Government had long considered that the problem of Southern Rhodesia should be resolved by peaceful means, one of them being the imposition of sanctions which it felt should be maintained and tightened. His delegation was in favour of sending a team of United Nations experts to determine Zambia's needs or of asking the UNDP resident representative to undertake that task.⁷⁴⁹

At the 1690th meeting on 7 February the representative of the Sudan introduced two draft resolutions jointly sponsored by Guinea, Kenya, the Sudan and Yugoslavia.⁷⁵⁰ He noted that the first draft resolution (S/10875) contained proposals regarding the political aspects of the complaint by Zambia and the second draft resolution (S/10876) concerned economic assistance to Zambia.

At the 1691st meeting on 2 February 1973 the representative of the Sudan stated that as a result of consultation among the members of the Council, the sponsors of the two draft resolutions had decided to amend them in order to have the approval of all delegations.⁷⁵¹ In the first draft resolution (S/10875) the word "régimes" in paragraph 3 had been replaced by the word "régime" and the words "that of" had been inserted between "and" and "South Africa". That paragraph read as follows:

Calls upon the Government of the United Kingdom to take all effective measures to put an end to such actions by the illegal and racist régime of Southern Rhodesia and that of South Africa.

The original paragraph 7 which read "Deplores the failure of the United Kingdom Government to take effective measures to bring to an end the illegal régime in Southern Rhodesia" had been deleted and replaced by a new paragraph 4 reading "Regrets that the measures so far taken have failed to bring the rebellion in Southern Rhodesia (Zimbabwe) to an end." The remaining paragraphs had been renumbered.⁷⁵²

At the same meeting the President put to the vote the revised draft resolution (S/10875/Rev.1) which was adopted⁷⁵³ by 13 votes to none with 2 abstentions. The resolution⁷⁵⁴ read:

The Security Council,

Taking note of the letter dated 24 January 1973 from the Permanent Representative of Zambia to the United Nations (S/10865), and having heard the statement made by the Permanent Representative of Zambia concerning recent acts of provocation against Zambia by the illegal régime in Salisbury,

Gravely concerned at the situation created by the provocative and aggressive acts committed by the illegal régime in Southern Rhodesia against the security and economy of Zambia,

⁷⁴⁹ *Ibid.*, paras. 67-77.

⁷⁵⁰ 1690th meeting, paras. 40-49. S/10875. *OR*, 28th yr., *Suppl. for Jan.-March 1973*, pp. 40-41; S/10876, adopted with minor changes as resolution 327 (1973). India and Indonesia subsequently joined the four delegations in sponsoring the two draft resolutions.

⁷⁵¹ 1691st meeting, para. 16.

⁷⁵² *Ibid.*, paras. 17-18.

⁷⁵³ *Ibid.*, para. 20.

⁷⁵⁴ Resolution 326 (1973).

⁷⁴² 1687th meeting, paras. 148-170.

⁷⁴³ 1688th meeting, paras. 52-77.

⁷⁴⁴ *Ibid.*, para. 22.

⁷⁴⁵ *Ibid.*, para. 49.

⁷⁴⁶ *Ibid.*, paras. 113-116.

⁷⁴⁷ *Ibid.*, paras. 143-146.

⁷⁴⁸ 1689th meeting, paras. 52-66.

Reaffirming the inalienable right of the people of Southern Rhodesia (Zimbabwe) to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, and the legitimacy of their struggle to secure the enjoyment of such rights, as set forth in the Charter of the United Nations,

Recalling its resolution 232 (1966) of 16 December 1966, in which it determined that the situation in Southern Rhodesia constituted a threat to international peace and security,

Convinced that the recent provocative and aggressive acts perpetrated by the illegal régime against Zambia aggravate the situation,

Deeply concerned that measures approved by the Council have failed to terminate the illegal régime and convinced that sanctions cannot put an end to the illegal régime unless they are comprehensive, mandatory and effectively supervised and unless measures are taken against States which violate them,

Deeply disturbed by the continued illegal presence and by the intensified military intervention of South Africa in Southern Rhodesia, contrary to Security Council resolution 277 (1970) of 18 March 1970, and also by the deployment of South African armed forces on the border with Zambia, which seriously threatens the sovereignty and territorial integrity of Zambia and other neighbouring African States,

Deeply shocked and grieved at the loss of human life and damage to property caused by the aggressive acts of the illegal régime in Southern Rhodesia and its collaborators against Zambia,

Reaffirming the primary responsibility of the Government of the United Kingdom of Great Britain and Northern Ireland over its colony of Southern Rhodesia, in accordance with the relevant United Nations resolutions,

1. *Condemns* all the acts of provocation and harassment, including economic blockade, blackmail and military threats, against Zambia by the illegal régime in collusion with the racist régime of South Africa;

2. *Condemns* all measures of political repression that violate fundamental freedoms and rights of the people of Southern Rhodesia (Zimbabwe), in particular, the recent measures of collective punishment;

3. *Calls upon* the Government of the United Kingdom of Great Britain and Northern Ireland to take all effective measures to put an end to such actions by the illegal and racist régime of Southern Rhodesia and that of South Africa;

4. *Regrets* that measures so far taken have failed to bring the rebellion in Southern Rhodesia (Zimbabwe) to an end;

5. *Condemns* the continued presence of South African military and armed forces in Southern Rhodesia, contrary to Security Council resolution 277 (1970);

6. *Demands* the immediate and total withdrawal of South African military and armed forces from Southern Rhodesia and from the border of that Territory with Zambia;

7. *Calls upon* the Government of the United Kingdom, as the administering Power, to ensure the effective implementation of paragraph 6 of the present resolution;

8. *Requests* the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to expedite the preparation of its report undertaken under Security Council resolution 320 (1972) of 29 September 1972, taking into account the recent developments in Southern Rhodesia;

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

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

11. *Decides* to remain actively seized of the matter.

At the 1691st meeting on 2 February the representative of the Sudan informed further that in the second draft resolution the words "in paragraph 9 of resolution 326 (1973)" have been added.⁷⁵⁵ After that the revised draft resolution (S/10876/Rev.1) was put to the vote and adopted by 14 votes to none with 1 abstention.⁷⁵⁶ The resolution read:

The Security Council,

Having heard the statement of the Permanent Representative of Zambia to the United Nations,

Recalling its resolutions on the question of Southern Rhodesia, in particular resolution 232 (1966) of 16 December 1966, in which it determined that the situation in Southern Rhodesia constituted a threat to international peace and security,

Recalling further resolutions 253 (1968) of 29 May 1968 and 277 (1970) of 18 March 1970 imposing mandatory sanctions against Southern Rhodesia, particularly the respective provisions therein requesting the international community to extend assistance to Zambia in view of such special economic problems as it may be confronted with arising from the carrying out of the decisions of the Security Council,

Taking into account the decision of the Government of Zambia to sever immediately all remaining trade and communication links with Southern Rhodesia in compliance with the decisions of the Security Council and in strict observance of economic sanctions,

Recognizing that such a decision by the Government of Zambia will entail considerable special economic hardships,

1. *Commends* the Government of Zambia for its decision to sever all remaining economic and trade relations with Southern Rhodesia in compliance with the decisions of the Security Council;

2. *Takes cognizance* of the special economic hardships confronting Zambia as a result of its decision to carry out the decisions of the Security Council;

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

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

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

Following the voting, the President of the Council drew the Council's attention to the provisions of paragraph 9 of the resolution in document S/10875/Rev.1 and informed the Council that he intended to initiate consultations immediately with the aim of constituting the special mission and ensuring that the special mission was dispatched to Zambia.⁷⁵⁷

Decisions of 10 March 1973 (1694th meeting): resolutions 328 (1973) and 329 (1973)

On 5 March 1973 the Special Mission established in accordance with Security Council resolution 326 (1973) submitted its report⁷⁵⁸ to the Security Council. In its

⁷⁵⁵ 1691st meeting, para. 22.

⁷⁵⁶ *Ibid.*, para. 23. Adopted as resolution 327 (1973).

⁷⁵⁷ *Ibid.*, para. 89. In a note (S/10880) *OR*, 28th yr., *Suppl. for Jan.-March 1973*, p. 44, issued on 5 February 1973 the President of the Council reported that following consultations with the members of the Council agreement had been reached that the Special Mission to Zambia would be composed of the representatives of Austria, Indonesia, Peru and the Sudan.

⁷⁵⁸ S/10896/Rev.1, *OR*, 28th yr., *Special Supplement No. 2*.

assessment of the situation the Special Mission stated that from the consultations with cabinet members and experts in each of the countries it had visited, as well as from its own inspection visits in Zambia, it was clear that the state of tension in the area had been greatly increased following the aggressive acts committed against Zambia by the illegal régime of Southern Rhodesia. The effect of those actions had been felt in the political, military and economic sectors. The Zambian Government had maintained a policy of restraint towards its hostile neighbour and had no influence on the activities of liberation movements inside the Territories subjected to racism and minority rule. Therefore it could not be held responsible for developments occurring there. The Mission had been able to observe the military preparations confronting Zambia's frontier along the Zambezi River and considered that the deployment of South African forces near the Zambian border was an important factor in the continuation of the current tension. In the opinion of the Special Mission, the key to the solution of the problem lay in the application of majority rule in Southern Rhodesia, the strict implementation of sanctions against Southern Rhodesia, as well as implementation of relevant Council resolutions regarding the whole area. As to the needs of Zambia in maintaining alternative systems of communications the Mission reported that of 120,000 tons of monthly imports previously brought into Zambia through Southern Rhodesia, 105,000 tons could be transported by alternative routes through Zaire, Malawi and Tanzania and the remaining 15,000 tons by air. It noted that the overland routes could carry the increased tonnage, if facilities and manpower were provided. The cost of those requirements was estimated at \$124 million. The cost of air freight of 15,000 tons would be about \$6.5 million per month.

The Mission concluded that in the coming four to six months the economy of Zambia would be affected by shortages of imports, depletion of stocks and higher costs. Accordingly, only adequate and timely assistance would make it possible for Zambia to continue to develop its economy in a normal fashion.

At the 1692nd meeting on 8 March 1973 the Security Council adopted⁷⁵⁹ its agenda, which included the above report and considered the question at the 1692nd to 1694th meeting held between 8 and 10 March 1973. At the 1692nd meeting on 8 March the representatives of Algeria, Cuba, Egypt, Guyana, Senegal, United Republic of Tanzania, Zaire and Zambia, Chile, Ghana, Morocco and Cameroon⁷⁶⁰ and at the 1694th meeting on 10 March the representative of Spain⁷⁶¹ were invited to participate in the discussion.

At the 1692nd meeting on 8 March 1973 the representative of Indonesia in his capacity as Chairman of the Special Mission introduced the report and stressed that the Mission had ascertained that a considerable measure of tension existed in the area, the root-cause of which lay in the existence of colonialism, racism and illegal minority régimes in southern Africa. The provocative and aggressive acts and the continued military preparations by the illegal régime in Southern Rhodesia had only increased the tension

in the border area. A recurrence of those events could lead to a dangerous escalation and adversely affect Zambia's attitude of restraint. The Special Mission believed that the key to the solution of those problems lay in the implementation of mandatory sanctions against the illegal régime of Southern Rhodesia as well as other relevant resolutions of the Security Council with regard to the whole area and in the application of majority rule in the Territory of Southern Rhodesia. Considerable sums were required to meet the specific needs of Zambia to maintain alternative systems of road, rail and sea communications. The technical assistance would also be needed to assist Zambia in handling the major task of rerouting its imports and exports.⁷⁶²

At the same meeting the representative of Zambia* stated that since the visit of the Special Mission, additional incidents had occurred in the border area which again had resulted in civilian casualties. Enumerating the underlying causes of the tension in the area, he noted that the presence of South African military forces in Southern Rhodesia contributed to the escalation of tension. Therefore, pressure must be brought to bear on South Africa to remove those forces immediately. The rebellion of the illegal régime of Southern Rhodesia must be put to end and a representative constitutional conference convened by the United Kingdom. Zambia reaffirmed its decision not to use the southern route while the Smith régime remained in power. Zambia also appealed to the international community for assistance in carrying out its share of obligations to bring about the necessary political change in Southern Rhodesia and the elimination of tension throughout southern Africa.⁷⁶³

At the 1693rd meeting on 9 March 1973 the representative of the USSR stressed that the report of the Special Mission confirmed that the situation in southern Africa had further deteriorated. It also established that South Africa and Portugal were helping Southern Rhodesia in its aggressive acts against Zambia. A large part of the responsibility for the continued existence of the Salisbury régime, the report indicated, rested with the ruling circles of the United Kingdom.

The Council should put an end to the situation by taking measures under Article 41 to strengthen the sanctions and extend them to South Africa and Portugal, which were directly violating the Council's decisions. In that respect the USSR supported the proposal for the institution of boycott against companies violating the sanctions. The material liability for the consequences of the aggression against Zambia should be placed on those States and monopolies responsible for the coming to power of the racist régime which were continuing to maintain contact and carry on trade with it.⁷⁶⁴

At the same meeting the representative of Kenya introduced two draft resolutions⁷⁶⁵ jointly sponsored by Guinea, India, Kenya, the Sudan and Yugoslavia. He then explained that the first draft resolution (S/10898) dealt

⁷⁵⁹ 1692nd meeting, following para. 12.

⁷⁶⁰ *Ibid.*, paras. 13-14.

⁷⁶¹ 1694th meeting, para. 3.

⁷⁶² 1692nd meeting, paras. 19-29.

⁷⁶³ *Ibid.*, paras. 35-72.

⁷⁶⁴ 1693rd meeting, paras. 45-69.

⁷⁶⁵ S/10898 and S/10899, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, pp. 54-55.

with political and military aspects of the situation in southern Africa, focused on Zambia and with the continuing rebellion in Southern Rhodesia, the responsibility of the United Kingdom in that regard, the interference by South Africa in the affairs of Rhodesia and the right of the people of Zimbabwe to self-determination. The second draft resolution (S/10899) dealt with the question of assistance to Zambia and contained an appeal to the international community for special aid to Zambia through the United Nations and its specialized agencies.⁷⁶⁶

The representative of the United Kingdom stated that the closure of the border by the Rhodesian régime had been a blow to Zambia's economy and represented a heightening of tension. His Government had therefore welcomed the reversal of the Rhodesian régime's action as a measure leading towards a less tense situation. It did not regard the *status quo* in Southern Rhodesia as satisfactory; nor was it trying to protect the Smith régime. The Government of the United Kingdom desired to achieve a settlement acceptable to all the people of Rhodesia, but only the Rhodesians themselves could bring about a peaceful settlement.⁷⁶⁷

At the 1694th meeting on 10 March the representative of India emphasized that one of the principal objectives of the Council should be to ensure the withdrawal of South African troops from Southern Rhodesia. He recalled that the specific responsibilities of the United Kingdom to bring the rebellion in Southern Rhodesia to an end were set forth in the draft resolution dealing with the political and military aspects of the situation (S/10898). As to the economic problems facing Zambia they were directly related to the desire of the United Nations to impose effective sanctions on Southern Rhodesia.⁷⁶⁸

At the same meeting, as a result of informal consultations among the members of the Council, the representative of Kenya introduced two revised draft resolutions⁷⁶⁹ co-sponsored additionally by Indonesia, Panama and Peru.

The first draft resolution (S/10898/Rev.1) included the following amendments:

- (1) Paragraph 2 which had read "reaffirms that the situation in Southern Rhodesia constitutes a threat to international peace and security and that the state of tension has been heightened following the recent provocative and aggressive acts committed by the illegal régime of Southern Rhodesia against the Republic of Zambia" had been divided into a fourth preambular paragraph reading "Reaffirming that the situation in Southern Rhodesia constitutes a threat to international peace and security" and a new paragraph 2 reading "Affirms that the state of tension has been heightened following the recent provocative and aggressive acts committed by the illegal régime of Southern Rhodesia against the Republic of Zambia";
- (2) In paragraph 6 the phrase "taking into consideration the need to widen the scope of sanctions against the illegal régime and the desirability of the application of

Chapter VII of the United Nations Charter" had been replaced by the phrase "taking into account all proposals and suggestions for extending the scope and improving the effectiveness of sanctions against Southern Rhodesia (Zimbabwe)";

- (3) In paragraph 8 the words "as a whole" had been inserted following the words "people of Zimbabwe" and the final phrase reading "for subsequent endorsement by the people through free and universal adult suffrage" had been deleted.

The second draft resolution (S/10899/Rev.1) had been modified by the following changes in paragraph 5: the words "and the Economic and Social Council" had been deleted from the first line; the words "including the possible establishment of a special fund for Zambia" had been deleted from the fourth and fifth lines; and the words "for carrying out" had been replaced by the words "to enable it to carry out".⁷⁷⁰

The representative of Peru, commenting on the draft resolutions before the Council, said that his delegation believed that the Council should proceed to adopt measures designed to reach a political settlement and alleviate Zambia's economic plight. However, the first draft resolution (S/10898/Rev.1) barely hinted at such a solution. The Council's decision would therefore be somewhat interim in nature. He hoped that the Council would be given a further opportunity to discuss the problem when it had received the report of its Committee on sanctions.⁷⁷¹

The President then put to the vote the first revised draft resolution (S/10898/Rev.1) which was adopted⁷⁷² by 13 votes to none with 2 abstentions. The resolution⁷⁷³ read:

The Security Council,

Having considered with appreciation the report of the Security Council Special Mission established under resolution 326 (1973) of 2 February 1973 (S/10896 and Corr.1 and Add.1),

Having heard further the statement of the Permanent Representative of Zambia to the United Nations,

Recalling its resolutions 277 (1970) of 18 March 1970 and 326 (1973),

Reaffirming that the situation in Southern Rhodesia constitutes a threat to international peace and security,

Gravely concerned at the persistent refusal of the régime of South Africa to respond to the demands contained in resolutions 277 (1970) and 326 (1973) for the immediate withdrawal of its military and armed forces from Southern Rhodesia and convinced that this constitutes a serious challenge to the authority of the Security Council,

Bearing in mind that the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, has the primary responsibility for putting an end to the illegal racist minority régime and for transferring effective power to the people of Zimbabwe on the basis of the principle of majority rule,

Reaffirming the inalienable right of the people of Zimbabwe to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960 and the legitimacy of their struggle to secure the enjoyment of their right as set forth in the Charter of the United Nations,

1. *Endorses* the assessment and conclusions of the Special Mission established under resolution 326 (1973);

⁷⁶⁶ 1693rd meeting, paras. 72-93.

⁷⁶⁷ *Ibid.*, paras. 121-128.

⁷⁶⁸ 1694th meeting, paras. 12-21.

⁷⁶⁹ S/10898/Rev.1 and S/10899/Rev.1, adopted without change as resolutions 328 (1973) and 329 (1973).

⁷⁷⁰ 1694th meeting, paras. 22-27.

⁷⁷¹ *Ibid.*, paras. 72-74.

⁷⁷² *Ibid.*, para. 84.

⁷⁷³ Resolution 328 (1973).

2. *Affirms* that the state of tension has been heightened following the recent provocative and aggressive acts committed by the illegal régime in Southern Rhodesia against Zambia;

3. *Declares* that the only effective solution to this grave situation lies in the exercise by the people of Zimbabwe of their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

4. *Strongly condemns* the racist régime of South Africa for its persistent refusal to withdraw its military and armed forces from Southern Rhodesia;

5. *Reiterates* its demand for the immediate withdrawal of South African military and armed forces from Southern Rhodesia and from the border of that Territory with Zambia;

6. *Urges* the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to expedite the preparation of its report undertaken under Security Council resolution 320 (1972) of 29 September 1972, taking into account all proposals and suggestions for extending the scope and improving the effectiveness of sanctions against Southern Rhodesia (Zimbabwe);

7. *Requests* all Governments to take stringent measures to enforce and ensure full compliance by all individuals and organizations under their jurisdiction with the sanctions policy against Southern Rhodesia and calls upon all Governments to continue to treat the racist minority régime in Southern Rhodesia as wholly illegal;

8. *Urges* the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to convene as soon as possible a national constitutional conference where genuine representatives of the people of Zimbabwe as a whole would be able to work out a settlement relating to the future of the Territory;

9. *Calls upon* the Government of the United Kingdom to take all effective measures to bring about the conditions necessary to enable the people of Zimbabwe to exercise freely and fully their right to self-determination and independence including:

- (a) The unconditional release of all political prisoners, detainees and restrictees;
- (b) The repeal of all repressive and discriminatory legislation;
- (c) The removal of all restrictions on political activity and the establishment of full democratic freedom and equality of political rights;

10. *Decides* to meet again and consider further actions in the light of future developments.

The second revised draft resolution (S/10899/Rev.1) was adopted⁷⁷⁴ unanimously. The resolution⁷⁷⁵ read:

The Security Council,

Recalling its resolution 253 (1968) of 29 May 1968 requesting assistance to Zambia as a matter of priority,

Recalling further its resolution 277 (1970) of 18 March 1970, as well as resolutions 326 (1973) and 327 (1973) of 2 February 1973 by which it decided to dispatch a special mission to assess the situation in the area and the needs of Zambia,

Having considered the report of the Special Mission (S/10896 and Corr.1 and Add.1),

Having heard the statement of the Permanent Representative of Zambia,

Affirming that Zambia's action to divert its trade from the southern route reinforces Security Council decisions on sanctions against the illegal régime in Southern Rhodesia,

1. *Commends* the Government of Zambia for deciding to abandon the use of the southern route for its trade until the rebellion is quelled and majority rule is established in Southern Rhodesia;

2. *Takes note* of the urgent economic needs of Zambia as indicated in the report of the Special Mission and the annexes thereto;

3. *Appeals* to all States for immediate technical, financial and material assistance to Zambia in accordance with resolutions 253 (1968) and 277 (1970) and the recommendations of the Special Mission, so that Zambia can maintain its normal flow of traffic and enhance its capacity to implement fully the mandatory sanctions policy;

4. *Requests* the United Nations and the organizations and programmes concerned, in particular the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization and the United Nations Development Programme, as well as the specialized agencies, in particular the International Labour Organization, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the International Civil Aviation Organization, the Universal Postal Union, the International Telecommunication Union, the World Meteorological Organization and the Inter-Governmental Maritime Consultative Organization, to assist Zambia in the fields identified in the report of the Special Mission and the annexes thereto;

5. *Requests* the Secretary-General in collaboration with the appropriate organizations of the United Nations system, to organize with immediate effect all forms of financial, technical and material assistance to Zambia to enable it to carry out its policy of economic independence from the racist régime of Southern Rhodesia.

6. *Requests* the Economic and Social Council to consider periodically the question of economic assistance to Zambia as envisaged in the present resolution.

CONSIDERATION OF MEASURES FOR THE MAINTENANCE AND STRENGTHENING OF INTERNATIONAL PEACE AND SECURITY IN LATIN AMERICA IN CONFORMITY WITH THE PROVISIONS AND PRINCIPLES OF THE CHARTER

Decision of 21 March 1973 (1704th meeting)

Rejection of the eight-Power draft resolution

Decision of 21 March 1973 (1704th meeting): resolution 330 (1973)

By letter⁷⁷⁶ dated 9 January 1973 addressed to the President of the Security Council, the Minister of Foreign Affairs of Panama stated that his Government had decided, on the basis of Article 28, paragraph 3, of the Charter to propose that the Security Council should meet at Panama City from 15 to 21 March 1973 to consider an agenda that would have as its general theme the "consideration of measures for the strengthening of international peace and security and the promotion of international co-operation in Latin America, in accordance with the provisions and principles of the Charter and the resolutions related to the right to self-determination of peoples and strict respect for the sovereignty and independence of States."

At its 1686th meeting on 26 January 1973 the Security Council adopted resolution 325 (1973).⁷⁷⁷ Paragraph 1 of that resolution read as follows:

⁷⁷⁶ S/10858, OR, 28th yr., Suppl. for Jan.-March 1973, pp. 27-28.

⁷⁷⁷ For the proceedings leading to the adoption of this resolution and the discussions in connexion with the application of Article 28, paragraph 3, of the Charter and rule 5 of the *Provisional Rules of Procedure of the Security Council*, both dealing with meetings of the Security Council away from Headquarters, see chapter I of this *Supplement*.

⁷⁷⁴ 1694th meeting, para. 85.

⁷⁷⁵ Resolution 329 (1973).

Decides to hold meetings at Panama City beginning on Thursday, 15 March, and ending on Wednesday, 21 March 1973, and that the agenda shall be the "Consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter".

At the 1695th meeting on 15 March 1973, the Council adopted the agenda as drawn up in resolution 325 (1973) and considered it at the 1696th to 1704th meetings held in Panama City from 15 to 21 March 1973.

At the same meeting, the representatives of Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, Guyana, Haiti, Jamaica, Mauritania, Mexico, Uruguay, Venezuela and Zaire, were invited to participate in the discussion.⁷⁷⁸ At subsequent meetings, the Council likewise invited the representatives of Algeria and El Salvador,⁷⁷⁹ Honduras, Guatemala, Trinidad and Tobago, and Zambia,⁷⁸⁰ Canada and the Dominican Republic.⁷⁸¹ The Council also extended invitations, under rule 39 of the Provisional Rules of Procedure, to the Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL);⁷⁸² the Executive Secretary of the Organization of African Unity, the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁷⁸³ the Chairman of the Special Committee on *Apartheid*⁷⁸⁴ and the representative of the Arab League.⁷⁸⁵

At its 1695th meeting on 15 March 1973, the Security Council was addressed by the head of the Government of Panama and by the Secretary-General.

The head of the Government of Panama stated that Panama could not accept any form of neo-colonialism which was a disguised kind of colonialism by means of subjection of one country by another or by political, economic or cultural penetration. His country was very sensitive to all those conditions which had hindered its development. The Panamanian people had fought for their right to decide for themselves their own direction and conduct without foreign interference; to exploit and utilize their own natural resources, the wealth of their own seas and of their geographical position, and to choose freely their political system. It was an inalienable right of Panama to exploit its geographical position for the benefit of its own development. He urged the United Nations to take a more active stand in the solution of the problems besetting the Third World.⁷⁸⁶

The Secretary-General stated that regional co-operation had been fostered by the United Nations since the earliest days. Even in matters relating to the maintenance of international peace and security, regional action was not precluded. The Charter provided for regional arrangements

as long as they were consistent with its purposes and principles. The Organization of American States had rendered valuable assistance in the settlement of regional disputes by peaceful means. Under Article 54 of the Charter, the OAS kept the Security Council informed of the measures that it had undertaken. It was right that the Security Council should be made aware of the particular problems and potentialities of Latin America. The Security Council session in Panama should demonstrate to the peoples of Latin America the concern and involvement of the United Nations in the establishment of a peaceful and prosperous future for them.⁷⁸⁷

The representatives of Argentina*, Chile*, Colombia*, Cuba*, Ecuador*, Guyana*, Guinea, Jamaica*, Kenya, Mexico*, Panama, Peru, USSR, Uruguay*, Venezuela*, Yugoslavia and Zaire* speaking at the 1696th, 1697th, 1698th, 1699th, 1700th, 1701st and 1704th meetings stated that the new thrust for the maintenance and strengthening of international peace and security was based on certain principles: the opposition to imperialism, colonialism, neo-colonialism and racism and to the threat or use of force in international relations; respect for the territorial integrity of every State and the inadmissibility of acquisition of territories by force; strict observance of the principle of legal equality among States; compliance with the obligations emanating from the United Nations Charter; respect for and active support of the right of all States to carry out such collective and structural changes as they deemed necessary to their social and economic progress in accordance with the principle of ideological pluralism in international relations.

No measure of conformity to the principles of the Charter would guarantee effective peace and security in Latin America unless it was matched by a complementary effort to create conditions of economic security. The Council should acknowledge that economic, no less than military, aggression was a violation of the Charter, constituting not merely a threat to, but an assault upon the peace and security of the area.

The Latin American countries which were devoting themselves to the transformation of their socio-economic structure found in certain transnational firms one of their main obstacles, because in many cases those firms tended to apply coercive measures affecting international co-operation, to create virtual economic or financial blockades in international sources of credit and even to interfere in international trade itself.

The General Assembly had acknowledged, through its resolution 2880 (XXVI) and 2993 (XXVII),⁷⁸⁸ that it intended to implement the Declaration on the Strengthening of International Peace and Security, that "any measure or pressure directed against any State while exercising its sovereign right to freely dispose of its natural resources constitutes a violation of the principles of self-determination of peoples and non-intervention as set forth in the Charter, which, if pursued, could constitute a threat to international peace and security." Consequently, there was a need for effective dialogue between the developing countries and the dominant economic Powers so

⁷⁷⁸ 1696th meeting, paras. 2-3.

⁷⁷⁹ 1697th meeting, para. 2.

⁷⁸⁰ 1698th meeting, para. 2.

⁷⁸¹ 1699th meeting, para. 6.

⁷⁸² 1696th meeting, paras. 4-5.

⁷⁸³ 1699th meeting, para. 8.

⁷⁸⁴ *Ibid.*, para. 9.

⁷⁸⁵ 1700th meeting, para. 2.

⁷⁸⁶ 1695th meeting, paras. 5-22.

⁷⁸⁷ *Ibid.*, paras. 25-30.

⁷⁸⁸ General Assembly resolutions 2880 (XXVI), para. 9 and 2993 (XXVII), para. 4.

that economic relations might more closely reflect the declared objectives of the international strategy; and beyond relations between States, a determined effort to grapple with the many-sided problems arising from the economic power complexes for which the multinational corporations had been responsible. The Council should come to grips with the phenomenon of multinational corporations and devise mechanisms to ensure that their non-governmental character did not place them beyond the reach of the Council's authority.⁷⁸⁹

The representatives of China, Chile*, Ecuador*, Peru, Uruguay* and Yugoslavia had particularly emphasized that Latin American countries, in exercise of their sovereignty and marine jurisdiction over the 200 miles of sea adjacent to their coasts, had been confronting problems because of the predatory attitude of private enterprises encouraged by States that had followed a policy contrary to the principles of international co-operation and friendship, creating situations of conflict that could effect the peace and security of the continent. All coastal States had the right to dispose of their natural resources in their coastal seas, sea-bed and the subsoil therefore.⁷⁹⁰

At the 1699th and 1701st meetings, the representatives of Australia, Indonesia and the United States stated that the right of countries to dispose of their own natural resources was accompanied by the concomitant duty to provide prompt and adequate compensation in cases of nationalization in accordance with international law. They further stated that private investment could play a constructive role in the socio-economic development by providing the financial and technological means for the exploitation of natural resources.⁷⁹¹

At the 1701st meeting the representatives of France, the United Kingdom and the United States stated that economic questions could have important political implications, but they should not be brought before the Security Council. It was the role of the General Assembly or of the Economic and Social Council and not the responsibility of the Security Council to deal with such questions. Otherwise, the Security Council might be in danger of encroaching on the prerogatives of the General Assembly and other organs of the United Nations and of being absorbed in over-general discussions, finding itself incapable of carrying out the missions expressly entrusted to it under Article 24⁷⁹² of the Charter.⁷⁹³

At the 1696th meeting, the representative of Guyana* stated that one of the deficiencies of the United Nations organizational arrangements was that the Security Council

⁷⁸⁹ For the texts of relevant statements, see: 1696th meeting: Colombia*; Cuba*; Mexico*; Peru; 1697th meeting: Argentina*; Chile*; Ecuador*; Guyana*; 1698th meeting: Jamaica*; Venezuela*; 1699th meeting: China, Yugoslavia; 1700th meeting: Guinea; Kenya; USSR; 1701st meeting: Zaire*; 1704th meeting: Panama.

⁷⁹⁰ For texts of relevant statements, see: 1696th meeting: Peru; 1697th meeting: Chile*; Ecuador*; 1698th meeting: Uruguay*; 1699th meeting: China; Yugoslavia.

⁷⁹¹ For texts of relevant statements, see: 1699th meeting: Australia; Indonesia; 1701st meeting: United States;

⁷⁹² For application of the provisions of Article 24 of the Charter, see chapter XII of this *Supplement*.

⁷⁹³ For texts of relevant statements, see: 1701st meeting: France; United Kingdom; United States.

spent most of its time occupied with specific threats and actual breaches of world peace and security and little time was set aside for the essential tasks of review and appraisal of the prospects for a durable peace and for meaningful security in world-wide terms. That functional imbalance had produced serious practical difficulties for the discharge by the Council of its primary responsibility for maintaining international peace. It was the duty of the Council continuously to explore new ways of discharging its responsibilities and one of them was the elaboration and development of preventive diplomacy. But preventive diplomacy, like preventive medicine, should not await the manifestation of ill health. The investigative jurisdiction conferred upon the Council under Article 34⁷⁹⁴ was not restricted to specific disputes brought before it on the basis of adversary proceedings.⁷⁹⁵

At the 1700th meeting, the representative of Algeria* speaking on the primary responsibility conferred upon the Security Council by the Charter for maintaining international peace, stated that the permanent seats given to the great Powers in the Security Council was an institutional reflection of the importance and continuity of their responsibilities for maintaining world order and confirmed their role as guardians of international peace. The right of veto was therefore an undeniable privilege which compensated somehow for the particular burden vested in them. But the right to the veto could also serve to cover abuses and could supply yet another weapon to serve the will of domination. When thus used, the right to the veto was tainted with immorality.⁷⁹⁶ Therefore, it should be inadmissible for a great Power to exercise its right to the veto in a matter in which it was involved.⁷⁹⁷

At the 1696th, 1697th, 1699th and 1700th meetings, the representatives of Algeria*, Chile*, Guyana*, Peru, Trinidad and Tobago*, USSR and Yugoslavia, stated that another source of tension in Latin America was the policy of pressure, blockade and isolation brought to bear against Cuba which constituted a violation of the principles and purposes of the Charter.

The representative of Chile further stated that the coercive measures applied to Cuba by the system of regional security which existed within the framework of the Organization of American States were adopted in violation of Article 53 of the United Nations Charter which provided that "...no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council ..."⁷⁹⁸ The situation created by the adoption of such measures should be considered by the Council. It was not possible for any regional organization to interpret its organic provisions by breaching Article 103 of the United Nations Charter which guaranteed the prevalence of a legal system over the

⁷⁹⁴ For discussion relating to Article 34, see chapter X, part II.

⁷⁹⁵ 1696th meeting, paras. 40-45.

⁷⁹⁶ For application of the provisions of Article 27, para. 3, related to this question, see chapter III, part III.

⁷⁹⁷ 1700th meeting, paras. 82-86.

⁷⁹⁸ For the consideration of application of the provisions dealing with regional arrangements, see, chapter XII, part V and for the consideration of application of Article 103, see chapter XII, part VII.

commission of abuses such as those committed against Cuba.⁷⁹⁹

At the 1696th, 1697th, 1699th and 1701st meetings, the representatives of Argentina*, Guyana*, Indonesia, Jamaica*, Peru, Sudan, Trinidad and Tobago* and the USSR stated that the persistence of colonialism in Latin America or anywhere else in the world was inconsistent with the principles and purposes of the Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples and constituted a further, permanent threat to the maintenance of international peace and security.

Although the initial efforts of the United Nations towards decolonization were successful, no one familiar with the principles embodied in the Declaration on the Granting of Independence to Colonial Countries and Peoples in resolution 1514 (XV) could be satisfied with the developments of recent years. It should be noted that the implementation of the principles of that Declaration had not been accelerated, while there were still remnants of colonialism to be eradicated. In the light of that situation there was the need to call for a rekindling of the spirit of decolonization and for a reaffirmation and implementation of the principle of self-determination of peoples.⁸⁰⁰

The representative of the United Republic of Tanzania, speaking on behalf of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, stated that the Special Committee, as the United Nations organ charged with the task of seeking the most suitable means for the immediate and full implementation of General Assembly resolution 1514 (XV), had been requested by the General Assembly not only to formulate specific proposals for the elimination of the remaining manifestations of colonialism but also to make concrete suggestions which would assist the Security Council in considering appropriate steps under the Charter with regard to developments in colonial Territories everywhere. In conformity with that request, the Special Committee had in the past submitted a number of recommendations in that regard to the General Assembly and, through it, to the Security Council. The Security Council, whose responsibility was the maintenance of international peace and security, not only should adopt resolutions aimed at ending colonialism in all its forms and manifestations but should, above all, take steps to ensure their implementation and give maximum encouragement to those who do so.⁸⁰¹

At the 1696th, 1698th and 1699th meetings, the representatives of Guyana*, Jamaica*, Trinidad and Tobago*, stated that Belize, a member of the Commonwealth Caribbean States and an active participant in the Caribbean Free Trade Area, was being denied independence not through the unwillingness of the United Kingdom to

withdraw or through its own lack of enthusiasm for self-determination, but because of the threat it faces from a neighbouring country, Guatemala, which asserted a claim to all its territory. So the single lingering obstacle to the achievement of independence by Belize was the fear of its people for the security and territorial integrity of their country. The Security Council should take note of that fear and consider what steps could be taken to safeguard the right of Belize to self-determination.⁸⁰²

At the 1698th meeting, the representative of Guatemala*, speaking in exercise of his right of reply, stated that his country had waged a tenacious struggle to regain part of its territory, but that the development of Peten, the northern department of Guatemala, had been hindered by a wall in the form of a British colony that stood in the way of access to the sea. Peten and Belize were one geographically and indispensable to one another for the development of both. Conversations with the United Kingdom to find an equitable solution to the problem sometimes joined by colleagues in Belize, had been suspended for the time being because, at the end of 1971, in an effort to intimidate it, excessive numbers of British troops had been landed on the territory of Belize and were still there. He asserted that Guatemala's rights to the territory of Belize were inalienable and imprescriptible. It was possible that one day Guatemala would be forced to turn to the Security Council, but so far the problem had not been submitted to the Council.⁸⁰³

At the 1697th meeting, the representative of Argentina* recalling that General Assembly resolution 2065 (XX) recommended that negotiations should take place in order to find a peaceful solution to the dispute over sovereignty between his country and the United Kingdom regarding the Malvinas Islands, stated that since the adoption of that resolution, negotiations were periodically and regularly held between the two countries and jointly reports about them had been submitted to the General Assembly. In preparing to report to the twenty-seventh session, however, it was not possible for Argentina to agree on a common text, since the United Kingdom position would have distorted the essence of the meetings between the representatives of the two countries. If the United Kingdom was not prepared to continue the negotiations, Argentina would feel compelled to change its attitude and would feel free to act so as to seek the final eradication of that anachronistic colonial situation.⁸⁰⁴

At the 1698th meeting, the representative of the United Kingdom, in exercise of the right of reply, rejected the account given by the representative of Guatemala of developments concerning Belize. He agreed that the issue was not on the agenda of the Council, and his delegation did not wish it to be on the agenda. However, his Government had no doubt of its sovereignty in Belize. In a further statement made at the 1701st meeting, the representative of the United Kingdom said that although the questions of the Falkland Islands and of Belize had both been mentioned, he agreed with both the represen-

⁷⁹⁹ For the texts of relevant statements, see: 1696th meeting: Guyana*; Peru; 1697th meeting: Chile*; 1699th meeting: Trinidad and Tobago*; Yugoslavia; 1700th meeting: Algeria*; USSR.

⁸⁰⁰ For texts of relevant statements, see: 1696th meeting: Guyana*; Peru; 1697th meeting: Argentina*; 1698th meeting: Jamaica*; 1699th meeting: Indonesia; 1700th meeting: USSR, 1701st meeting: Sudan.

⁸⁰¹ 1699th meeting, paras. 127-136.

⁸⁰² For texts of relevant statements, see: 1696th meeting: Guyana*, 1698th meeting: Jamaica*, 1699th meeting: Trinidad and Tobago*.

⁸⁰³ 1698th meeting, paras. 105-110.

⁸⁰⁴ 1697th meeting, paras. 88-91.

tative of Argentina and the representative of Guatemala, that those questions could be best tackled on the basis of bilateral decisions. His country's policy had consistently been based on the interest of the inhabitants and the principle of self-determination.⁸⁰⁵

At the 1697th meeting, the Secretary-General of the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL) stated that consideration by the Council of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter should mean an effort to determine how the basic Principles and Purposes of the United Nations Charter could be fulfilled. He cited Article 1, paragraph 1, in which the United Nations had undertaken to maintain international peace and security; and Article 2, paragraph 4, under which Member States were to abstain from resorting to the threat or use of force.

As could be seen from its preamble, the Treaty for the Prohibition of Nuclear Weapons in Latin America, also known as the Treaty of Tlatelolco constituted a further contribution to the viability of those principles; to the ending of the arms race, and to general and complete disarmament under effective international control. That Treaty was the only valid example of a militarily denuclearized zone being established in an inhabited region of the planet.

After describing the provisions of the Treaty and the functions of OPANAL, he expressed the hope that the two Latin American States that had not yet signed the Treaty and the two signatory States that had not yet ratified it would soon be able to do so. Two of the four non-Latin American States with responsibilities for the Territories in the zone, the Netherlands and the United Kingdom, had signed and ratified Additional Protocol I of the Treaty, but the others had not. It would make a fundamental contribution to the peace and security of the region if the latter two States signed and ratified that Protocol. Two nuclear Powers, the United States and the United Kingdom, had signed and ratified Additional Protocol II, and China had taken an important step by committing itself to respect the denuclearization for warlike purposes of Latin America; but, the two other nuclear Powers had failed to sign that Protocol. It was to be hoped that the Security Council would join the General Assembly in requesting those States to sign that document.⁸⁰⁶

At the 1696th, 1698th, 1699th, 1700th and 1701st meetings, the representatives of Australia, China, Cuba*, Guyana*, Jamaica*, Kenya, Mexico*, Peru, USSR, United Kingdom, United States and Yugoslavia commended the Latin American countries for their contribution to the United Nations in the field of disarmament and in particular for their efforts to turn their area into a nuclear-free zone.

The representative of Jamaica*, Mexico*, Panama and Peru expressed the belief that the Security Council which, under the Charter, had the primary responsibility for the maintenance of international peace and security should urge States which could become Parties to the Treaty of

Tlatelolco, as well as those for whom the two additional Protocols were intended, to endeavour to take all the measures which depended on them so that the Treaty would rapidly be in force with the largest number of countries.

The representative of China stated that his country had supported the efforts made by the Latin American countries for the denuclearization of their area. On 14 November 1972, the Chinese Foreign Minister had declared that "... China will never use or threaten to use nuclear weapons against non-nuclear Latin American countries and the Latin American nuclear-weapon-free zone, nor will China test, manufacture, produce, stockpile, install or deploy nuclear weapons in these countries or in this zone, or send her means of transportation and delivery carrying nuclear weapons to traverse the territory, territorial sea and territorial air space of Latin American countries."

The representative of the USSR stated that his country had been urging the creation of nuclear-free zones in various parts of the world which should effectively and realistically limit the sphere and the possibility of disposing of nuclear weapons. The USSR sympathized with the noble idea of creating a nuclear-free zone in Latin America on the condition that it should be free from nuclear weapons and did not contain any written reservations or tacit loop-holes for the violation of its nuclear-free status. The USSR could not ignore the fact that a major nuclear Power was maintaining in Latin America the option of transporting nuclear weapons and also that it kept them at numerous military bases. Turning the territory of Latin American countries into a zone completely free from nuclear weapons would be an important factor in strengthening peace and security in Latin America and throughout the world. The USSR had already declared its readiness to undertake to respect the Treaty of Tlatelolco as soon as other nuclear Powers, also, would undertake similar obligations. Of course, there should also be prohibited the transit of nuclear weapons through the territory of States Parties to the zone and also the conduct of peaceful nuclear explosions contrary to the terms of the Treaty on the Non-Dissemination of Nuclear Weapons. Finally, an agreement on a nuclear-free zone should not be extended to the vast reaches of the open sea in the Atlantic and Pacific Oceans. His country would reserve the right to review its obligations concerning the observation of the status of nuclear-free zones if any State in regard to which the USSR might have undertaken an appropriate obligation should commit an act of aggression or become an accessory to aggression.

The representative of Cuba* said that although the initiative to establish in Latin America a nuclear-free zone was a laudable one, Cuba had refrained from subscribing to the Treaty because the noble aims of it would be a pure pipe dream until it covered also the denuclearization of the only nuclear Power in the hemisphere.

The representative of Guyana* stated that his Government had acknowledged the great achievement represented by the Treaty of Tlatelolco. It was an achievement worthy, in the main, of the approbation of the Security Council as a practical step at the regional level towards the maintenance of international peace and security, which should inspire the emulation of other regions of the world so that ultimately at the international level it would be possible to

⁸⁰⁵ 1698th meeting, para. 126; 1701st meeting, para. 107.

⁸⁰⁶ 1697th meeting, paras. 96-115.

move from the stage of non-proliferation to total prohibition of nuclear weapons. But Guyana was not a signatory because it was said to be excluded by article 25 of the Treaty from accepting its obligations because of a prior dispute between an extra-continental country and a Latin American State, which had existed before Guyana attained independence. That exclusionary doctrine was taken from article 8 of the Charter of the Organization of American States. As with article 8 of the OAS Charter, while Guyana was being excluded by that unwarranted deviation from the principle of universality, it was the régime of denuclearization which the Treaty sought to establish that really suffered, because so long as a single State in Latin America was unable to accept the obligations of the Treaty its operation would be impaired, and, beyond the Treaty and its objectives, those exclusionary arrangements damaged the fabric of Latin American co-operation.

The representatives of Jamaica* and Kenya* expressed the hope that all impediments and anomalies which were pointed out by the representative of Guyana would be removed so as to enable every independent country in the region to become a party to the Treaty of Tlatelolco.⁸⁰⁷

At the 1696th, 1697th, 1698th, 1699th, 1700th and 1701st meetings, the representatives of Algeria*, Argentina*, Austria, Canada*, China, Chile*, Colombia*, Costa Rica*, Cuba*, El Salvador*, Guinea, Guyana*, Honduras*, India, Indonesia, Jamaica*, Kenya, Mexico*, Peru, Sudan, Trinidad and Tobago*, USSR, Venezuela*, Yugoslavia and Zambia*, addressing themselves to the question of the Panama Canal and the Canal Zone, stated that the Treaty of 1903, signed almost within two weeks of Panamanian independence, could not be regarded by any modern standards as normal, particularly when the circumstances under which it was signed were considered. It was an instrument which one party, the United States, interpreted as allowing it to deny Panama effective exercise of sovereignty on its entire territory. That unequal Treaty had recently been recognized as such by the United States Government, which had accepted that a far-reaching revision of its relationship with Panama was overdue. It was also understood that the United States was prepared to give up the concept of perpetuity.

It was the geographical situation of Panama which made it possible to build a navigable canal through its Territory linking the two oceans by the shortest possible way. Its geographical position was precisely Panama's principal natural resource. Panama had the inalienable right to recover its sovereignty over that natural resource and to use it for the good of its people.

The Council should support the aspiration of the Government of Panama to restore the territorial integrity of its country. No nation could accept an unnatural situation in which its Territory was split into two parts separated by an occupying foreign Power. The Canal Zone, which geographically, politically, economically and socially belonged to Panama, was a part of its Territory. Its occupation by the United States constituted a violation of

the territorial integrity of Panama as well as a constant source of tension and consequently a threat to peace and security in Latin America. The situation in the Canal Zone was in complete violation of the United Nations Charter. Any solution of that question should be based on the respect for the law and the search for justice and should be adopted in accordance with the principles of the Charter and mainly the principle of territorial integrity and the principle of sovereign equality of States. It should also safeguard the principle of freedom of international navigation.

The representatives of Chile*, China, Colombia*, Cuba*, Guinea and Peru stated that the situation in the Canal Zone could not be defined otherwise than as a colonial enclave and a colonial domination.

The representatives of Cuba* and Peru stated that the solution to the problem of the Panama Canal should guarantee a true peaceful use of the water-way to the benefit of the international community, through a neutralization of the Canal.

The representatives of China, Cuba*, Guyana*, USSR and Yugoslavia stated that foreign military bases stationed in the Canal Zone and elsewhere in the hemisphere could be used and indeed had been used for intervention in the domestic affairs of Latin American countries. These military bases should be removed as a contribution to the strengthening and the maintenance of international peace and security in the area.

At the 1699th and 1701st meetings, the representatives of Australia, France and the United Kingdom expressed the view that although the Treaty of 1903 contained features that were anachronistic and overdue for change, which was recognized by the parties directly concerned, it was not for the Council to enter into details or to dictate the terms of an agreement which was already under negotiation between Panama and the United States.

At the 1701st meeting, the representative of the United States stated that all mankind had been well served by the Panama Canal since its completion. Although the 1903 Treaty was still governing the basic relationship between Panama and the United States concerning the Canal, that relationship was significantly revised in the Treaties of 1936 and 1955. On both occasions the United States relinquished important rights and provided important new benefits for Panama. In 1964, the United States, recognizing that a comprehensive modernization should be undertaken, began negotiations with Panama, with three essential objectives in view: (1) the Canal should be available to the world's commercial vessels on an equal basis at reasonable cost; (2) so that the Canal should serve world commerce efficiently, the United States should have the right to provide additional Canal capacity; and (3) the Canal should continue to be operated and defended by the United States for an extended but specified period of time. His delegation, no less than others that had spoken, supported Panama's just aspirations. The United States negotiators had already recognized that: (1) the 1903 Canal Treaty should be replaced by a new, modern treaty; (2) any new Canal Treaty should be of fixed duration, rejecting the concept of perpetuity; (3) Panama should have returned to it a substantial territory now part of the Canal Zone, with arrangements for use of other areas. Those other areas

⁸⁰⁷ For texts of relevant statements, see: 1696th meeting: Cuba*; Guyana*; Mexico*; 1698th meeting: Jamaica*; 1699th meeting: Australia; China; Yugoslavia; 1700th meeting: Kenya; USSR; 1701st meeting: United Kingdom; United States; 1704th meeting: Panama.

should be the minimum required for United States operations and defence of the Canal, and would be integrated into the legal, economic, social and cultural life of Panama, on a time-table to be agreed upon; (4) Panama should exercise its jurisdiction in the Canal area pursuant to a mutually agreed time-table; and (5) Panama should receive substantially increased annual payments for the use of its territory relating to the Canal. Consequently, those who were attacking the 1903 Treaty were attacking a phantom foe. It was on the verge of being changed for the third time in 1967 and it would be changed again as negotiations between the two countries continued in a spirit of friendship and co-operation.

At the 1702nd meeting, the President, speaking as representative of Panama in exercise of the right of reply, stated that the purposes of the United States in the bilateral negotiations could not satisfy Panama. There was no logic in the affirmation that in order for the Canal to serve world trade efficiently, the United States should have the right to increase its capability. That was not in accord with Panama's legitimate aspirations to regain complete jurisdiction over its territory and to exercise its sovereign rights over its natural resources. The aim of ensuring that the Canal would continue to be "operated and defended" by the United States for an "additional period of time" was a subtle way of expressing the concept of perpetuity in figures. What Panama was seeking was a change in structure, not a change in wording. What there had been were American proposals designed to disguise, in perpetuity, the colonialist enclave. The Panamanian proposals which intended to put an end to the situation, had never been accepted by the United States. Basically, the United States wished to maintain the *status quo*. The Security Council should play a vital role in the solution of the problem and should not accept a false bilateral negotiation as genuine. While Panama wanted the two countries to negotiate, the world should be alert and vigilant so that the negotiations would really be that, and not the imposition of the will of the stronger. The situation between Panama and the United States was potentially explosive and liable to endanger international peace.

At the 1704th meeting, the President, speaking as representative of Panama, further stated that the situation of political and administrative dependency on a foreign Power in which part of Panamanian territory found itself resulted from the concession granted by Panama to the United States for a building of a canal to carry ships across the isthmus linking the oceans, which was embodied in the "Convention of the Isthmic Canal between Panama and the United States", signed in Washington on 18 November 1903. That instrument was an assault on the physical unity of Panama and turned it into a transected country. Panama was deprived of its main ports at the exit of the Canal and had been unable to benefit from the many possibilities offered to it by its geographical position in the exploitation of international trade. The overwhelming powers unequally assumed by the United States on Panamanian soil had created a colonial type of situation that was a burden to Panama, damaged its integrity and constituted a physical and political mortgage that could no longer be extended. The United States arbitrarily controlled the international ports adjacent to the Canal and insisted on unjustified trade competition when it continued the operation of the Panama Railroad across the isthmus. Furthermore, the

United States had assumed undue control over Panamanian air space and over the allocation of radio frequencies, and, in that respect, had arbitrarily assumed frequencies for official and public services, whose granting was normally the right of the sovereign of the territory, since the radio frequency spectrum was a common natural resource shared by all nations of the world, whose simultaneous use was limited in each case.

He pointed out that constant friction resulted also from the discrimination, both visible and disguised, that occurred in the administration of the Canal, predominantly in the granting of employment, salaries, pensions and other essentials. United States officials were exercising in that zone on Panamanian soil the functions of Government and imposing laws and regulations decided upon by their legislature. Thus, foreign judges handed down judgements on Panamanian citizens and other nationals. Consequently, it was easy to understand the repudiation by Panama of such a situation and the will of the Panamanian people to struggle by all means until an end was put to it. Proof of the explosive situation were the bloody events of 9 January 1964 which led to a breaking off of diplomatic relations with the United States. On that occasion Panama had accused the United States of aggression in the United Nations Security Council⁸⁰⁸ and in the OAS Council. Later both countries signed before the OAS Council a joint declaration in which both Governments agreed to undertake negotiations to eliminate the causes of conflict between them. Among those causes of conflict he mentioned the perpetuity of the Canal concession, the unilateral interpretation by the United States of the existing contractual stipulations and their *de facto* imposition on Panama, the exercise of United States jurisdiction over the Canal Zone, which had turned that Zone into a colonialist enclave, the installation of military bases for purposes other than protecting the Canal and the insufficient and unjust benefits derived by Panama from the interoceanic waterway. The Government and people of Panama had complete confidence that the Security Council possessed sufficient authority to settle the question in accordance with the principles of international law and justice and pursuant to the terms of Chapter VI of the Charter on the peaceful settlement of disputes.⁸⁰⁹

At the 1701st meeting, the Secretary-General stated that one issue of special concern to the Latin American countries was the question of the Panama Canal, which had been mentioned by every speaker. That problem awaited a solution that could only be based on the respect for the law and the search for justice. A solution would have to take into account the basic principles of the Charter such as the principles of territorial integrity, sovereign equality, the obligation to settle all international disputes by peaceful means and the principle that had become an accepted common standard, namely, that any State was entitled to

⁸⁰⁸ See *Repertoire of the Practice of the Security Council, Supplement 1964-1965*, chapter VIII, part II, pp. 99-100.

⁸⁰⁹ For texts of relevant statements, see: 1696th meeting: Colombia*, Cuba*, Guyana*, Mexico*, Peru; 1697th meeting: Argentina*, Chile*, El Salvador*; 1698th meeting: Costa Rica*, Jamaica*, Uruguay*, Venezuela*; 1699th meeting: Australia; China; Indonesia; Trinidad and Tobago*; Yugoslavia; Zambia*; 1700th meeting: Algeria*; Austria; Canada*; Guinea*; Honduras*; Kenya; USSR; 1701st meeting: France; India; Sudan; United Kingdom; United States; 1702nd meeting: Panama; 1704th meeting: Panama.

put to full use and for its own account all its natural potentialities. He appealed strongly to Panama and the United States to seek a solution in a spirit of friendship and confidence and further urged the members of the Council to seek an agreement that would help the parties concerned in their efforts towards a solution that would take into account the national aspiration as well as the legitimate rights and interests of the community of nations that were at stake.⁸¹⁰

At the 1698th meeting on 16 March 1973, the President speaking as representative of Panama introduced⁸¹¹ a draft resolution,⁸¹² jointly with Peru under which the Council, *inter alia*, would: (1) Take note that the Governments of Panama and the United States, in the Joint Declaration signed before the OAS Council on 3 April 1964, agreed to reach a fair and just agreement; (2) Take note further of the disposition shown by both Governments to conclude the following agreements: (a) To abrogate the Isthmian Canal Convention of 1903 and its amendments; (b) To conclude an entirely new Treaty regarding the present Panama Canal; (c) To respect Panama's sovereignty in all its territory; (d) To ensure the reintegration of the territory known as the Canal Zone with Panama, putting an end to said Zone as an area under United States jurisdiction; (e) To give back to Panama the jurisdictional prerogatives assumed by the United States in the so-called Panama Canal Zone, on the dates subject to negotiations; (f) To lay the groundwork for the assumption by Panama of full responsibility for the operation of the Canal; (3) Call upon the parties to execute promptly a new treaty including the agreements mentioned above; (4) Urge the United States and Panama to resume negotiations; (5) Declare that the effective neutralization of the Panama Canal would foster international peace and security and the maintenance of the peaceful use of the Canal by the international community; (6) Decide to propose the inclusion of the question of the neutralization of inter-oceanic canals in the agenda of the next regular session of the General Assembly.

At the 1702nd meeting on 20 March 1973, the President, speaking as representative of Panama, introduced⁸¹³ a revised text of the two-Power draft resolution⁸¹⁴ and announced that it was jointly submitted by Guinea, Kenya, Panama, Peru, Sudan and Yugoslavia. Under the revised text of the draft resolution, the Security Council would: (1) *Take note* that the Governments of Panama and the United States, in the Joint Declaration signed before the Council of the Organization of American States, agreed to reach a just and fair agreement, with a view to the prompt elimination of the causes of conflict between them; (2) *Take note* also of the willingness shown by those Governments to establish in a formal instrument agreements on the abrogation of the 1903 convention on the Isthmian Canal and its amendments and to conclude a new, just and fair treaty concerning the present Panama Canal which would fulfil Panama's legitimate aspirations

and guarantee full respect for Panama's effective sovereignty over all of its territory; (3) Urge the Governments of the United States and Panama to continue negotiations in a high spirit of friendship, mutual respect and co-operation and to conclude without delay a new treaty aimed at the prompt elimination of the causes of conflict between them; and (4) Decide to keep the question under consideration.

At the 1704th meeting on 21 March 1973, the six-Power draft resolution was voted upon and failed of adoption,⁸¹⁵ the result of the vote being 13 in favour, 1 against, with 1 abstention, the negative vote being that of a permanent member.

Speaking in explanation of vote, the representative of the United States stated that although his delegation agreed with much in the draft resolution, it had voted against it because all the matters involved were in the process of bilateral negotiations. It was inappropriate for the Council to adopt a resolution dealing with matters of substance in a continuing negotiation. Moreover, the draft resolution was unbalanced and incomplete and therefore subject to serious misinterpretation. Finally, it dealt with the points of interest to Panama but ignored the legitimate interests of the United States.⁸¹⁶

At the 1700th meeting on 19 March 1973, the representative of Peru introduced⁸¹⁷ a draft resolution⁸¹⁸ jointly submitted by Panama, Peru and Yugoslavia which he said reflected the serious concern over the future of peace and security on the continent threatened by the persistence of coercive measures intended to break the sovereign will of States or to affect their decisions.

At the 1702nd meeting on 20 March 1973, the President (Panama) announced that the delegations of Guinea, Kenya, Panama, Peru, Sudan and Yugoslavia were co-sponsors of the draft resolutions.⁸¹⁹

At the 1704th meeting on 21 March 1973, the draft resolution was put to the vote and was adopted⁸²⁰ by 12 votes in favour, none against and 3 abstentions.

It read as follows:⁸²¹

The Security Council,

Recalling General Assembly resolutions 1803 (XVII) of 14 December 1962 and 3016 (XXVII) of 18 December 1972 concerning permanent sovereignty over natural resources,

Reaffirming General Assembly resolution 2625 (XXV) of 24 October 1970, which states that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

Further recalling General Assembly resolution 2993 (XXVII) of 15 December 1972 on implementation of the Declaration on the Strengthening of International Security, in particular paragraph 4 thereof,

⁸¹⁵ 1704th meeting, para. 66.

⁸¹⁶ *Ibid.*, paras. 68-80.

⁸¹⁷ 1700th meeting, paras. 202-205.

⁸¹⁸ S/10932/Rev.1.

⁸¹⁹ 1702nd meeting, para. 36. Once more revised as S/10932/Rev.2.

⁸²⁰ 1704th meeting, para. 124.

⁸²¹ Resolution 330 (1973).

⁸¹⁰ 1701st meeting, paras. 16-17.

⁸¹¹ 1698th meeting, para. 112.

⁸¹² S/10931. Incorporated into the official record of the 1698th meeting.

⁸¹³ 1702nd meeting, paras. 28-36.

⁸¹⁴ S/10931/Rev.1, *OR*, 28th yr., *Suppl. for Jan.-March 1973*, pp. 57-58.

Noting with deep concern the existence and use of coercive measures which affect the free exercise of permanent sovereignty over the natural resources of Latin American countries,

Recognizing that the use or encouragement of the use of coercive measures may create situations likely to endanger peace and security in Latin America,

1. Urges States to adopt appropriate measures to impede the activities of those enterprises which deliberately attempt to coerce Latin American countries;

2. Requests States, with a view to maintaining and strengthening peace and security in Latin America, to refrain from using or encouraging the use of any type of coercive measures against States of the region.

At the same meeting, the President (Panama) said that he wished to make a statement "with a view to summing up the main points of the discussions which the Security Council has held here."⁸²²

At the same meeting, the representative of Guinea, speaking on behalf of the members of the Council,⁸²³ said that as a result of consultations held among themselves they had agreed on a statement of consensus,⁸²⁴ which read as follows:

On 2 February 1973, the Security Council adopted resolution 325 (1973) in which it decided to hold meetings in Panama City from 15 to 21 March 1973 devoted to the consideration of measures for the maintenance and strengthening of international peace and security in Latin America in conformity with the provisions and principles of the Charter.

In accordance with that resolution, the Security Council held its 1695th to 1704th meetings in Panama City. During the course of these meetings, the members of the Security Council have listened with great interest to addresses by His Excellency General Omar Torrijos, Head of the Government of Panama, by representatives of Member States of the United Nations invited to participate in the Council's discussions pursuant to Article 31 of the Charter, and by several spokesmen for other United Nations bodies or inter-governmental organizations to whom invitations were extended in accordance with rule 39 of the provisional rules of procedure.

Before concluding their meetings in Panama City, the members of the Security Council wish to convey to His Excellency the President of the Republic of Panama and to the Head and other members of the Government of Panama their deep gratitude for the invitation issued to the Security Council and for the generous hospitality and unflinching courtesy and helpfulness extended to them at all times during their visit to Panama. They further wish to assure the Government and the people of Panama and in particular the authorities and population of Panama City, that the delegations of the members of the Council who came from New York and all those who accompanied them carry away with them an abiding memory of the warm welcome extended to them.

In addition, the members of the Security Council express to the Secretary-General of the United Nations their sincere appreciation for the outstanding contribution made by him and his staff to ensure a smooth and efficient functioning of the services required for the meetings of the Council.

COMPLAINT BY CUBA

By letter⁸²⁵ dated 13 September 1973, addressed to the President of the Council, the representative of Cuba

⁸²² 1704th meeting, para. 147. For the text of the President's statement see *ibid.*, paras. 147-164. For the application of the Provisional Rules of Procedure of the Security Council concerning the exercise of the Presidency of the Council, see in chapter I, part III.

⁸²³ *Ibid.*, paras 190-191.

⁸²⁴ OR, 28th yr., *Resolutions and Decisions of the Security Council 1973*, p. 4.

⁸²⁵ S/10995, OR, 28th yr., *Suppl. for July-Sept. 1973*, pp. 31-32.

requested an urgent meeting of the Security Council to consider the serious acts committed by the Armed Forces of Chile, which violated the obligations placed upon every Member State under Article 2, paragraphs 2 and 4 of the Charter. The situation created by these acts constituted a serious threat to international peace and security within the meaning of Articles 34, 35 and 39 of the Charter. In submitting this request, the representative of Cuba referred to his previous letter⁸²⁶ dated 12 September 1973, whereby he had transmitted a note from the Acting Foreign Minister of Cuba informing the President of the Council of what had occurred in Chile on 11 and 12 September.

At the 1741st meeting on 17 September 1973, the Council included the item in its agenda. Following the adoption of the agenda, the representatives of Cuba, Chile, Democratic Yemen,⁸²⁷ and at the 1742nd meeting thereof, Senegal, Madagascar⁸²⁸ and Algeria⁸²⁹ were invited, at their request, to participate in the discussion without the right to vote. The Council considered this item at its 1741st and 1742nd meetings on 17 and 18 September 1973.

At the 1741st meeting, the representative of Cuba*, referring to his two letters to the President of the Council, stated that on 11 September, during the military coup against the constitutional government of President Allende, several hundred members of the Chilean armed forces had surrounded the Cuban Embassy in Santiago and opened fire on it, wounding several members of the Embassy staff including the Ambassador. The siege, the armed attack against the Embassy and the attempted assassination of the Cuban Ambassador were gross violations of the Vienna Convention on Diplomatic Relations, specifically of its articles 22, 29, 30, 44 and 45 (a). He further charged that the Cuban merchant vessel *Playa Larga* had been attacked by Chilean aircraft and naval vessels while sailing in international waters off Chile. He also mentioned other incidents including the arbitrary arrest of two Cuban doctors participating in a programme organized by the World Health Organization and the Pan American Health Organization. He denounced these incidents and expressed his Government's concern over the fate of a number of Cuban citizens who were in Chile to fulfil bilateral agreements between the Governments of Chile and Cuba or to participate in activities planned by organizations within the United Nations system. In concluding his remarks he condemned the military regime that emerged from the coup of 11 September as a threat to all civilized peoples and attributed its rise to power to the interfering policies of North American imperialism, to the activities of powerful foreign monopolistic corporations, and to the involvement of the Chilean right.⁸³⁰

The representative of Chile* stated that the events about which Cuba had complained in its letter of 12 September had never threatened international peace and security. The first letter of 11 September had not invoked any Articles of the Charter defining matters that fell within the purview of the Council nor did it contain a request for a Council

⁸²⁶ S/10993, *ibid.*, pp. 30-31.

⁸²⁷ 1741st meeting. President's opening statement.

⁸²⁸ 1742nd meeting. President's opening statement.

⁸²⁹ *Ibid.* following the intervention by Australia.

⁸³⁰ 1741st meeting, Cuba, first intervention.

meeting. Only after the problems had been resolved, did the Cuban Government invoke the provisions of the Charter and ask the President of the Council to convene an urgent meeting. Referring to the *Playa Larga*, the representative of Chile said that the ship had disobeyed the repeated orders of the maritime authorities not to sail and had left without the pilot or the papers called for by Chilean navigation laws. In accordance with article 23 of the Vienna Convention of the High Seas, Chile had invoked the right of hot pursuit against a ship that had been in a Chilean port and subject to Chilean jurisdiction. The harassment of the ship had ended on 12 September, at midday, and the whole question fell within the domestic jurisdiction of Chile.

With regard to the charges concerning the incident at the Cuban Embassy, the Chilean representative stated that a military patrol had been sent to protect the Embassy from popular indignation about the systematic interference by Cuban diplomats in the domestic affairs of Chile. The military patrol had been received with offensive remarks against the Chilean army and the situation in Chile. Staff members of the Embassy had repeatedly fired at the soldiers who returned the fire in self-defence. As the first shots came from the Embassy, it was Cuba that had violated the Charter. On 12 September, late in the day, the Cuban Ambassador and his staff had, by agreement, left Chile; there was no ground for action by the Council.⁸³¹

The representative of the Soviet Union rejected the attempts to justify the attacks on the Embassy and on the ship as entirely unconvincing and compared these attacks to terrorist actions, which constituted inadmissible violations of international law as contained in the 1961 Vienna Convention on Diplomatic Relations. Cuba was acting in strict compliance with the United Nations Charter in calling upon the Council to consider the situation and to take appropriate action. He called for the condemnation of the hostile actions of the Chilean forces against the Embassy and its staff and urged the Council to adopt appropriate decisions of principle to prevent similar unlawful actions in international relations in the future.⁸³²

The representative of Panama condemned the attacks on the Cuban Embassy and on the ship as violations of the norms of international law, but as an advocate of the non-intervention in the internal affairs of other States refrained from commenting on developments in Chile.⁸³³

The representative of Democratic Yemen* recalled the warning which President Allende had issued in his address to the General Assembly in 1972, that the International Telephone and Telegraph Company attempted to bring about civil war in Chile. This warning had come true. As a result, the fate of 10,000 political refugees who had come to live in exile in Chile, was at stake, for the military junta was reported to consider their forcible deportation to their own countries. He concluded that the Council was duty-bound to intervene on their behalf and see to it that their human rights were upheld in accordance with international law and morality.⁸³⁴

At the 1742nd meeting on 18 September 1973, the representative of the United States declared that the United States regretted departures from constitutional processes wherever they occurred and opposed any violent action against diplomatic establishment and merchant shipping in international waters. His delegation agreed with several other Council members that the actions charged by Cuba had resulted from the violent internal upheavals within the territory of a Member State. Therefore, any redress would be more appropriately sought through bilateral channels. He also said that there were other ways, short of a Council meeting, to gain the attention of the international community, such as circulating letters. If other Member States sought to convene the Council on every occasion when injuries were inflicted or when diplomatic and overseas missions were damaged, the Council would be in almost continuous session. Exercising his right of reply, he rejected the accusations made by the representative of Cuba against the United States.⁸³⁵

The representative of India said that the events in Chile were essentially an internal matter and that there was no evidence of an immediate threat to international peace and security. In view of the nature of the complaint and the paucity of facts, his delegation suggested that the Council adjourn until it had had time to sift the facts and consider their legal implications.⁸³⁶

The representative of Guinea stated that the attack on the Cuban Embassy and on the ship, together with the arrest and detention of innocent persons, constituted grave violations of the principles of the Charter and of international law. She called upon the Council to condemn the military junta for these attacks and for acts of provocation likely to trouble international peace and security.⁸³⁷

The representative of Algeria* said that the facts on which the Cuban complaint was based were sufficiently clear and grave to impel the Council to take the necessary measures against the military authorities of Chile as a matter of urgency. Although his Government as a principle avoided any interference in the domestic affairs of other countries and denounced all acts of foreign interference, the dangerous situation behind the brutal activities of the new military regime should retain the attention of the Council. It would be a mistake to divorce the acts denounced by Cuba from the whole context of the situation in Chile or to assess them without taking full account of their inherent danger to peace and harmony in that part of the world.⁸³⁸

The President, speaking as the representative of Yugoslavia, stated that any Member State had the right to call for a meeting of the Council and that the facts presented by Cuba constituted a serious threat to international peace and security within the meaning of Articles 34, 35 and 39 of the Charter and fully warranted the meeting of the Council. The new authorities in Chile were attacking relations with other countries on political and ideological grounds and subjected large numbers of foreign nationals to arrest, terror and violence. The broader implication of the situ-

⁸³¹ 1741st meeting, intervention by Chile.

⁸³² *Ibid.*, intervention by the USSR.

⁸³³ *Ibid.*, intervention by Panama.

⁸³⁴ *Ibid.*, intervention by Democratic Yemen.

⁸³⁵ 1742nd meeting, intervention by the United States.

⁸³⁶ *Ibid.*, intervention by India.

⁸³⁷ *Ibid.*, intervention by Guinea.

⁸³⁸ *Ibid.*, intervention by Algeria.

ation was that the dispute had its roots predominantly in foreign interference against the Government of Chile during the past three years or more. It had been precisely in the larger context of peace and security in Latin America that the Council, meeting in Panama, had adopted resolution 330 (1973).⁸³⁹

The representative of Madagascar* said that the incidents about which Cuba complained represented very serious breaches of the standards of conduct imposed by international law. The Council should not merely confine itself to noting a situation that threatened international peace and security, for its duty was to prevent any development which might jeopardize peace and normal friendly relations between nations.⁸⁴⁰

A number of representatives stated that they followed the recent events in Chile with concern, but that they rigorously adhered to the principle of non-intervention in domestic affairs. They noted the contradictory statements by the representatives of Cuba and Chile and added that they could not pass judgement as long as the facts were not clearly established.⁸⁴¹

At the end of the 1742nd meeting, the President stated that it would be premature to fix a time for another meeting on the issue since he had no indication when members of the Council might wish to speak or present proposals on the item.⁸⁴²

COMPLAINT BY IRAQ

INITIAL PROCEEDINGS

By a letter⁸⁴³ dated 12 February 1974, the representative of Iraq requested the President of the Security Council to convene an urgent meeting of the Council to consider the "continuing acts of aggression launched by Iranian armed forces against the territorial integrity of Iraq."

At the 1762nd meeting on 15 February 1974, the Council included⁸⁴⁴ the question in its agenda. The representatives of Iran, Democratic Yemen,⁸⁴⁵ the Libyan Arab Republic and the United Arab Emirates⁸⁴⁶ were invited to participate in the discussion. The Council considered the question at its 1762nd to 1764th and 1770th meetings, held between 15 February and 28 May 1974.

Decision of 28 February 1974 (1764th meeting):

Statement by the President of the Council

During the discussion the representative of Iraq charged that Iran, on several occasions, had committed acts of

aggression against his country. After describing the attacks and violations of Iraqi territory that had taken place on the borders of the two countries on 10 and 24 December 1973 and on 4 and 10 February 1974 leaving a death toll of 44 known,⁸⁴⁷ he stated that Iran's aggressive policy towards his country stemmed from Iran's refusal to abide by its obligations under the mutually binding Iraqi-Iranian Boundary Treaty of 1937. Iran's violations of its treaty obligations had culminated in its declaration, made in April 1969, to the effect that it was unilaterally abrogating it. In that connexion, he recalled that in a letter dated 11 July 1969, his Government had given a detailed account to the Council of the Iranian illegal action and of the historical background of the Shat Al-Arab dispute.⁸⁴⁸ Moreover, his Government had drawn also the attention of the Secretary-General to the seriousness of the situation on the Iraqi-Iranian border and had expressed its readiness to accept a special mission of the Secretary-General to investigate that situation. It had also offered to submit the alleged Iranian complaints regarding the implementation of the 1937 Boundary Treaty to the International Court of Justice. Iran, in both cases had turned down Iraq's offer. The problem had proved itself to be insoluble so far, due to Iran's refusal to renounce its territorial claims against Iraq. The Security Council was duty-bound to expend its efforts to see that justice was done and peace and stability restored to the region. His Government wanted to preserve Iraqi-Iranian relations, on the basis of justice and respect for Iraqi sovereignty and would welcome direct negotiations in connexion with the Iraqi-Iranian border disputes, only after Iran had declared before the Council, its willingness to abide by the 1937 Boundary Treaty.⁸⁴⁹

The representative of Iran* denied Iraq's allegations of Iranian aggression and stated that on the contrary, it was his country who was the victim of Iraq's acts of aggression. In a letter addressed to the Embassy of Iraq in Teheran, and circulated as a Security Council document,⁸⁵⁰ the Government of Iran had described those acts of aggression and had drawn the attention of the Iraqi Government to the very dangerous consequences of such violations. He added that Iraq had also conducted mass deportations of Iranian nationals and made efforts to incite the people in Iran to revolt.

The representative of Iran then said that his country did not consider the 1937 Boundary Treaty to be valid and had repeatedly offered to enter immediately into negotiations with the Government of Iraq on the basis of the accepted principles of international law and justice and taking into account the interests of the two parties, with a view to the complete normalization of the situation. However, the delegation of Iraq had refused to have recourse to these normal means. After stating further that there did not exist any treaty delimiting the land frontier between Iran and Iraq, he stated that his Government would not be opposed if the Council sent a representative on a fact-finding mission

⁸³⁹ 1742rd meeting, intervention by President as representative of Yugoslavia.

⁸⁴⁰ *Ibid.*, intervention by Madagascar.

⁸⁴¹ 1741st meeting: Peru; 1742nd meeting: Indonesia, Australia, Kenya, Austria.

⁸⁴² 1742nd meeting, President's closing statement.

⁸⁴³ S/11216, *OR*, 29th yr., *Suppl. for Jan.-March 1974*, p. 96.

⁸⁴⁴ 1762nd meeting, President's opening statement.

⁸⁴⁵ *Ibid.*

⁸⁴⁶ 1763rd meeting, President's opening statement.

⁸⁴⁷ Those actions were described by Iraq in document S/11216, *OR*, 29th yr., *Suppl. for Jan.-March 1974*, p. 96.

⁸⁴⁸ S/9323, *OR*, 24th yr., *Suppl. for July-Sept. 1969*, pp. 108-123.

⁸⁴⁹ 1762nd and 1763rd meetings: several interventions by Iraq.

⁸⁵⁰ S/10627, *OR*, 27th yr., *Suppl. for April-June 1972*, pp. 41-42.

to the battlefield of 10 February 1974, who would then report back to the Council.⁸⁵¹

At the 1764th meeting, on 28 February 1974, the President (France) read out the following statement as representing the consensus of the views of the members of the Council,⁸⁵² which was adopted without any objection.⁸⁵³

1. Following the complaint presented on 12 February 1974 by the representative of Iraq, the Security Council met on 15 and 20 February. The President of the Security Council has had consultations with all the members of the Council and with the Permanent Representative of Iran. As a result, the President has found that there exists within the Council a consensus in the following terms.

2. The Security Council, having heard the statements of the representatives of Iraq and Iran regarding the events referred to in the complaint by Iraq, believes that it is important to deal with a situation which could endanger peace and stability in the region. It deplores all the loss of human life; it appeals to the parties to refrain from all military action and from any move which might aggravate the situation. The Council reaffirms the fundamental principles set out in the Charter regarding respect for the territorial sovereignty of States and the pacific settlement of disputes and the duty of all States to fulfil their obligations under international law, as well as the principles referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

3. From the information available to the Council, it appears that the cause of the events lies, *inter alia*, in the fact that the legal basis for the delimitation of the boundary between the parties is contested.

4. The Council had noted the recent exchange of ambassadors between the two States and hopes that this could constitute a channel through which problems affecting relations between the parties might be resolved.

5. As additional information is required, the Security Council requests the Secretary-General

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

to report within three months.

6. The above-mentioned consensus was reached by members of the Council with the exception of China, which dissociates itself from it; the Chinese delegation made the following statement:

"The Chinese delegation hopes that Iran and Iraq will arrive at a fair and reasonable settlement of their boundary dispute through negotiations in accordance with the five principles of peaceful co-existence. Therefore, the Chinese delegation does not favour United Nations involvement in any form in a boundary dispute. In view of this position, the Chinese delegation dissociates itself from the above consensus of the Security Council."⁸⁵⁴

At the same meeting, the representative of China said his Government as stated in paragraph 6 had dissociated from the consensus because it had always stood for the settlement of questions such as the one being considered by the Council through friendly consultations between the parties, without United Nations involvement.⁸⁵⁵

The representative of Peru stated that it was the understanding of his delegation that the mandate of the special representative to be appointed by the Secretary-General was wholly contained and defined exclusively in paragraph 5 of the consensus, that is, he was "to conduct

⁸⁵¹ 1762nd meeting, Iran, first intervention.

⁸⁵² 1764th meeting, President's statement of consensus.

⁸⁵³ *Ibid.*, following the President's statement.

⁸⁵⁴ *Resolutions and Decisions of the Security Council 1974*, p. 1.

⁸⁵⁵ 1764th meeting, intervention by China.

an investigation of the events that have given rise to the complaint by Iraq."⁸⁵⁶

Decision of 28 May (1770th meeting): resolution 348 (1974)

On 20 May 1974 the Secretary-General submitted to the Security Council his report⁸⁵⁷ on the implementation of the consensus adopted by the Security Council on 28 February 1974 regarding the complaint by Iraq concerning incidents on its frontier with Iran. In his report, the Secretary-General stated that his Special Representative, Ambassador Luis Weckmann-Muñoz, had informed him that the Governments of Iran and Iraq had agreed through the Special Representative, who was acting in the exercise of the Secretary-General's good offices,⁸⁵⁸ to the following points: (a) a strict observance of the 7 March 1974 ceasefire agreement; (b) prompt and simultaneous withdrawal of armed forces along the entire border; (c) the creation of a favourable atmosphere conducive to achieving the purpose stated in the following paragraph, by refraining totally from any hostile actions against each other; and (d) an early resumption, without any preconditions, at the appropriate level and place, of conversations with a view to a comprehensive settlement of all bilateral issues.

At the 1770th meeting on 28 May 1974, the Security Council resumed its consideration of the item⁸⁵⁹ and included in its agenda the report by the Secretary-General (S/11291).⁸⁶⁰ The Council invited the representative of Iran to participate in the discussion.⁸⁶¹

At the same meeting, the President (Kenya) after recapitulating briefly the previous action taken by the Council on the matter, stated that consultations held between the parties concerned and then among the members of the Council had resulted in agreement on the text of a draft resolution.⁸⁶²

The representative of the USSR stated that regarding paragraph 4 of the draft resolution, his delegation would have preferred it to indicate that in discharging his mandate from the Security Council, the Secretary-General would act in accordance with and with the approval of the Security Council, in matters concerning the nature and scope of assistance to the parties in the settlement of disputes. However, taking into account the explanations of the parties, and the consultations held among members of the Council, the USSR delegation would not insist on the inclusion in the draft resolution of a special provision on the understanding that if the parties should request assistance of the Secretary-General he would agree with the Security Council on the nature and extent of such assistance.⁸⁶³

⁸⁵⁶ *Ibid.*, intervention by Peru.

⁸⁵⁷ S/11291, *OR*, 29th yr., *Suppl. for April-June 1974*, pp. 125-129.

⁸⁵⁸ In connexion with the exercise of the good offices of the Secretary-General see in chapter I, part IV, Case 9.

⁸⁵⁹ 1770th meeting, President's opening statement.

⁸⁶⁰ *Ibid.*

⁸⁶¹ *Ibid.*

⁸⁶² *Ibid.*, The President (Kenya) referred to the draft resolution contained in document S/11299, adopted without change as resolution 348 (1974).

⁸⁶³ *Ibid.*, intervention by the USSR.

At the same meeting, the draft resolution was voted upon and adopted by 14 votes in favour, none against and no abstentions.⁸⁶⁴ One member (China) did not participate in the vote.⁸⁶⁵ The draft resolution read as follows:⁸⁶⁶

The Security Council,

Recalling its consensus adopted on 28 February 1974 (S/11229),

1. *Takes notes with appreciation* of the Secretary-General's report, which was circulated to the Security Council on 20 May 1974 (S/11291);

2. *Welcomes* the reported determination on the part of Iran and Iraq to de-escalate the prevailing situation and to improve their relations and, in particular, the fact that both countries have agreed through the Secretary-General's Special Representative, acting in the exercise of the Secretary-General's good offices, to the following points:

(a) A strict observance of the 7 March 1974 cease-fire agreement;

(b) Prompt and simultaneous withdrawal of concentrations of armed forces along the entire border, in accordance with an arrangement to be agreed upon between the appropriate authorities of the two countries;

(c) The creation of a favourable atmosphere conducive to achieving the purpose stated in the following subparagraph, by refraining totally from any hostile actions against each other;

(d) An early resumption, without any preconditions, at the appropriate level and place, of conversations with a view to a comprehensive settlement of all bilateral issues;

3. *Expresses the hope* that the parties will take as soon as possible the necessary steps to implement the agreement reached;

4. *Invites* the Secretary-General to lend whatever assistance may be requested by both countries in connexion with the said agreement.

After the vote, the representative of the United Kingdom stated that it was not appropriate to discuss the precise relationship between the Secretary-General and the Security Council on a resolution dealing with an agreement entered into bilaterally between the parties to a dispute, particularly when no amendment to that effect had been moved to paragraph 4 of the draft resolution. Nothing in that resolution, and nothing that had taken place in the Security Council that day had in anyway altered the relationship that existed between the Secretary-General and the Security Council.⁸⁶⁷

RELATIONSHIP BETWEEN THE UNITED NATIONS AND SOUTH AFRICA

INITIAL PROCEEDINGS

By a letter dated 9 October 1974⁸⁶⁸ addressed to the President of the Security Council, the representative of Tunisia, in his capacity as the Chairman of the African Group at the United Nations, requested a meeting of the Security Council to review the relationship between the United Nations and South Africa in conformity with General Assembly resolution 3207 (XXIX) adopted on

⁸⁶⁴ 1770th meeting, following the intervention by China.

⁸⁶⁵ For the applicability of article 27, paragraph 3, see in chapter IV, part III.

⁸⁶⁶ Resolution 348 (1974).

⁸⁶⁷ 1770th meeting, intervention by the United Kingdom.

⁸⁶⁸ S/11532, *OR, 29th year, Supplement for October-December 1974*, p. 25.

30 September 1974. Under that resolution the General Assembly had called on the Security Council to review the relationship between the United Nations and South Africa in the light of the constant violation by South Africa of the principles of the Charter of the United Nations and the Universal Declaration of Human Rights.

The Council held 11 meetings between 18 and 30 October 1974 to consider the item. In the course of the discussion, the President (United Republic of Cameroon), with the consent of the Council, and at their request, invited the representatives of Algeria, Bangladesh, Barbados, Congo, Cuba, Czechoslovakia, Dahomey, Egypt, the German Democratic Republic, Ghana, Guinea, Guyana, India, Kuwait, Liberia, Libyan Arab Republic, Madagascar, Mali, Mauritius, Morocco, Nigeria, Pakistan, Qatar, Romania, Saudi Arabia, Sierra Leone, Somalia, South Africa, the Syrian Arab Republic, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Upper Volta, Yugoslavia and Zaire to participate in the debate without the right to vote.

The Council also decided to extend invitations under rule 39 of its provisional rules of procedure to Mr. David Sibeko of the Pan Africanist Congress of Azania, Mr. Duma Nokwe, of the African National Congress, Noel Mukono of the Zimbabwe African National Union, T. George Silundika of the Zimbabwe African People's Union and Mr. Theo-Ben Gurirab of the South West Africa People's Organization.

At the 1796th meeting on 18 October 1974, following the adoption of the agenda⁸⁶⁹ the Council began its discussion of the question with statements by the representatives of Tunisia, Somalia and Sierra Leone.

The representative of Tunisia*, representing the African group, stated that the political and social system practised in South Africa was in total violation of, and in flagrant contradiction with, the principles and purposes of the Charter of the United Nations and the Universal Declaration of Human Rights. Furthermore, South Africa, in violation of Article 2 of the Charter, had continued illegally to occupy the Territory of Namibia, despite the fact that in 1966 the General Assembly had terminated its Mandate, and it had sent troops to Southern Rhodesia and maintained them there, defying both the administering Power and the United Nations. Moreover, in violation of Articles 5 and 25 of the Charter, it had refused to apply the Security Council decisions that imposed sanctions on Rhodesia under Chapter VII of the Charter and had continued to maintain political, economic, military and other relations with the minority régime in Rhodesia. The representative of Tunisia then said that in view of South Africa's attitude during the past twenty-nine years of its membership in the United Nations, his delegation would urge the Council to invoke Article 6 of the Charter and expel South Africa from the Organization.⁸⁷⁰

The representative of Somalia*, speaking as current Chairman of the Council of Ministers of the Organization of African Unity had also called for the invocation of Article 6 of the Charter. He stressed that in its consideration of the relationship between the United Nations and South Africa, the Council must also take into account its own conclusion

⁸⁶⁹ 1796th meeting, President's opening statement.

⁸⁷⁰ *Ibid.*, intervention by Tunisia.

that the situation in South Africa was a threat to regional peace and security which could well escalate into a threat to international peace and security. The Council could not turn away from the responsibility of considering whether South Africa should be expelled from the United Nations. Objective consideration of the facts would show that South Africa's continued presence as a Member State made a mockery of international law and morality.⁸⁷¹

The representative of Sierra Leone* taking note of the demands for the expulsion of South Africa from the United Nations stated that whatever decision was taken at the conclusion of the debate would have a direct relevance to the conditions of life and respect for the human dignity of millions of citizens in the southern part of Africa. The Council should carry out its onerous duties with sincerity and without flinching from whatever decision it believed would serve the principles of the Organization and serve to further respect for human dignity.⁸⁷²

The representative of Egypt* stated that South Africa's *apartheid* policy was not limited to South African territory but encompassed southern and northern Africa as well where acts of aggression and threats to international peace and security were repeatedly perpetuated by South Africa and its allies. The collaboration between South Africa and Israel in the military, political and economic spheres had also represented a serious threat to international peace and security. It was therefore vital for the United Nations to adopt certain measures against South Africa, including expulsion from the Organization and observance by Member States of a total boycott in its dealing with the South African régime.⁸⁷³

The representative of Nigeria*, asserting that South Africa's policies and actions had created a threat to international peace and security called for the exclusion of the South African régime from participation in the Organization under Articles 5 and 6 of the Charter of the United Nations. In discussing the argument that South Africa's expulsion from the Organization would violate the principle of universality, he stated that that principle could be upheld only in accordance with the principles of the Charter and not as a means to condone and defend gross violations of the Charter. Otherwise, Articles 5 and 6 would be rendered meaningless.⁸⁷⁴

The representative of Mauritius* stated that it was intolerable and destructive of the United Nations to allow a régime, which openly opposed the collective decisions of the Security Council and the General Assembly, to continue participation in their decision-making process. Also intolerable was that three permanent members—France, the United Kingdom and the United States—which maintained close military contact with the South African régime should be allowed to veto any constructive resolution to apply the provisions of the Charter, particularly Articles 5 and 6.⁸⁷⁵

The representative of Madagascar* stated that the fact was that once the South African Government had refused the good offices of the Organization, attacked the consti-

tutionality of its resolutions and decisions, rejected the recommendations under Chapters VI and XI of the Charter, and ignored the innumerable appeals for co-operation under Articles 1, 13, 55 and 56, the Organization itself became a party to the dispute, thus creating a situation for which no express provision was made in the Charter. The logical consequences of that situation were covered by Article 6, concerning expulsion and Articles 41 and 42, on sanctions and the use of force, two articles not mutually exclusive. In the case of South Africa, the pertinent Articles of Chapter VI had already been applied when the Organization set up good offices commissions, called for mediation and ordered inquiries conducted by a group of experts of the Council. Article 40 was invoked when the Council decided to institute an arms embargo. For 28 years the Organization had seen South Africa persistently infringe Charter principles, thus calling for the application to itself of Article 6. As for Article 27, it was necessary to clarify its scope with a view to applying its provisions in relation to Chapter VII of the Charter. Looked at in political terms, if one or more States had given diplomatic, political and military support to South Africa, and perhaps were prepared to go on doing so, it could be concluded that they too bore responsibility for the reprehensible actions of the South African régime. In that case they became a party to the dispute, and Article 27 of the Charter would be applicable to them.⁸⁷⁶

Also calling for the expulsion or suspension of South Africa from the United Nations were the representatives of Algeria*, Byelorussian SSR, China, Congo*, Cuba*, Dahomey*, the German Democratic Republic*, Ghana*, Guinea*, Guyana*, India*, Indonesia*, Iraq*, Kenya, Kuwait*, Libya*, Mali*, Mauritania, Morocco*, Pakistan*, Peru*, Qatar*, Syria*, Tanzania*, Uganda*, Upper Volta*, United Republic of Cameroon, Yugoslavia* and Zaire*.

The representative of the USSR, in supporting the demands for South Africa's expulsion from the Organization stated that the South African régime had been able to defy the United Nations owing to the support it enjoyed from certain western Powers, members of the North Atlantic Treaty Organization as well as from transnational monopolies belonging to them. He urged the permanent members of the Council not to put any obstacles in the move to exclude South Africa from the United Nations.⁸⁷⁷

The representatives of Bangladesh*, Czechoslovakia* and Liberia* called for more effective steps against South Africa in the face of its continued defiance of the United Nations and the representative of Austria while conceding that expulsion was one alternative, suggested that other possibilities ought to be explored as well.⁸⁷⁸

The representative of Barbados* proposed that the Security Council give the South African Government a final deadline by which it must report to the Council its complete withdrawal from Namibia. Consistent with Article 40 of the Charter, the Council might, before making recommendations or deciding upon measures provided for in Article 39, call upon South Africa to comply with

⁸⁷¹ 1796th meeting, intervention by Somalia.

⁸⁷² *Ibid.*, intervention by Sierra Leone.

⁸⁷³ 1797th meeting, intervention by Egypt.

⁸⁷⁴ *Ibid.*, intervention by Nigeria.

⁸⁷⁵ *Ibid.*, intervention by Mauritius.

⁸⁷⁶ 1801st meeting, intervention by Madagascar

⁸⁷⁷ 1806th meeting, intervention by the USSR.

⁸⁷⁸ For texts of relevant statements, see: 1808th meeting: Austria; 1798th meeting: Bangladesh; 1801st meeting: Czechoslovakia; 1803rd meeting: Liberia.

certain provisional measures with respect to withdrawal from Namibia, in order to prevent an aggravation of an already grave situation threatening international peace and security. It would be for the Council to decide upon the nature of the provisional measures. In any case, it would be clear that the Council would, by that act, have taken preventive action, within the meaning of Article 5 of the Charter, against South Africa.⁸⁷⁹

The representative of Saudi Arabia* proposed that the supporters of South Africa ought to persuade it to transfer authority over Namibia to the Trusteeship Council within a period of two years after which Namibia would become an independent State.⁸⁸⁰

The representative of Australia said that his delegation would support moves to expel South Africa from the Organization as his country had decided that moral considerations on the question had to be decisive. However, he stressed that the expulsion of South Africa, should it come about had to be treated as a special and exceptional action which must on no account be applied indiscriminately to countries that might happen to attract the opposition of a majority in the Assembly or in the Council in respect of particular acts alleged to be contrary to the Charter.⁸⁸¹

The representative of South Africa* stated that his Government's position in regard to Article 2, paragraph 7 of the Charter was well known. South Africa's participation in these proceedings, in so far as they related to the internal affairs of South Africa, should not be construed to mean that South Africa had changed its position in regard to that Article, ~~but~~ should be seen as flowing from willingness to discuss its differences with other countries genuinely interested in a constructive solution to them. He asserted that there was no valid reason for singling out South Africa's relations with the United Nations and that it was just a political move in pursuance of a vendetta being conducted by certain Member States. It had been said that South Africa had disregarded resolutions of United Nations organs; but those resolutions were based on inadequate, prejudiced and often grossly distorted information which was not objectively weighed to separate facts from ignorant or malicious misrepresentations. There had been demands in the Council for the expulsion of South Africa from the Organization and in other organs of the Organization attempts had been made to prevent South Africa from exercising its rights and privileges of membership, something not only manifestly illegal but which had set a dangerous precedent. Such course of action might benefit one or two countries remote from the region who had pursued political designs of their own but certainly not anyone in South Africa and least of all the people in whose name such an action was being urged.⁸⁸²

The representative of Costa Rica stated that although South Africa deserved some form of sanction because of its reluctance to act in accordance with the principles of the Charter, expulsion was much too grave an action to take in this instance, specially, since all other means provided in the Charter had not been exhausted. Thus his delegation could not support a call for South Africa's expulsion although it was prepared to support action for immediate suspension of South Africa from the United Nations for as long as it continued to practice *apartheid* and refused to abide by the decisions of the United Nations concerning Namibia.⁸⁸³

The representatives of France, the United States and the United Kingdom also opposed the expulsion of South Africa from the United Nations. While deploring the policy of *apartheid* practised by that country, they asserted that expulsion of a Member State would create a dangerous precedent and would also remove it from the pressures of international opinion.⁸⁸⁴

Decision of 30 October 1974 (1808th meeting):

Rejection of the draft resolution submitted by Iraq, Kenya, Mauritania and the United Republic of Cameroon

At the 1802nd meeting on 25 October the Council had before it a draft resolution⁸⁸⁵ submitted by Kenya, Mauritania and the United Republic of Cameroon and later co-sponsored by Iraq under which the Security Council would have recommended to the General Assembly the immediate expulsion of South Africa from the United Nations under Article 6 of the Charter in view of that country's refusal to abandon its policies of *apartheid*, its refusal to withdraw from the territory of Namibia and its military and other support of the illegal régime in southern Rhodesia in violation of the pertinent resolutions of the Security Council.

At the 1804th meeting the President drew attention to a draft resolution submitted under rule 38 by Saudi Arabia.⁸⁸⁶ Under the draft resolution, the Security Council would urge South Africa to transfer without undue delay its authority over Namibia to the Trusteeship Council; request the Secretary-General to appoint two co-administrators from neutral countries to administer Namibia together with South Africa during the period of transfer; and request the United Nations Commissioner for Namibia to assist by co-ordinating the transfer of power from South Africa to the Trusteeship Council.

At the 1808th meeting on 30 October 1974, the four-Power draft resolution was rejected by 10 votes in favour, 3 against with 2 abstentions.⁸⁸⁷

⁸⁸³ 1808th meeting, intervention by Costa Rica.

⁸⁸⁴ For texts of relevant statements, see 1808th meeting: France, United Kingdom, United States.

⁸⁸⁵ S/11543, OR, 29th year, Supplement for October-December 1974, pp. 34-35.

⁸⁸⁶ S/11547, OR, 29th year, Supplement for October-December 1974, p. 36.

⁸⁸⁷ 1808th meeting, following the intervention by Mauritania.

⁸⁷⁹ 1802nd meeting, intervention by Barbados.

⁸⁸⁰ 1797th meeting, intervention by Saudi Arabia.

⁸⁸¹ 1807th meeting, intervention by Australia.

⁸⁸² 1800th meeting, intervention by South Africa.