

**Chapter X**

**CONSIDERATION OF THE PROVISIONS OF CHAPTER VI OF THE CHARTER**

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## INTRODUCTORY NOTE

The present chapter contains material selected on the criterion of the occurrence of discussion in the Security Council regarding Articles 33 to 38 of Chapter VI of the Charter. Thus, chapter X does not cover all the activities of the Council in the pacific settlement of disputes, since the debates preceding the major decisions of the Council in this field have dealt almost exclusively with the actual issues before the Council and the relative merits of measures proposed without discussion of their relation to the provisions of the Charter.

As in the previous volumes of the Repertoire, listing of the decisions of the Council in the pacific settlement of disputes is set out under the appropriate subheadings in the analytical table of measures adopted by the Council contained in chapter VIII, part I, of the present Supplement.

The case histories on each question in this chapter are narrow in focus and thus must be examined in the context of the respective proceedings presented in chapter VIII, part II, of the present Supplement.

### CHAPTER VI OF THE CHARTER: PACIFIC SETTLEMENT OF DISPUTES

#### *“Article 33*

“1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of **international** peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

“2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

#### *“Article 34*

“The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

#### *“Article 35*

“1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article

34, to the attention of the Security Council or of the General Assembly.

“2. A State which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

“3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles I 1 and 12.

#### *“Article 36*

“1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

“2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

“3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general **rule** be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

#### *“Article 37*

“1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

“2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

#### *“Article 38*

“Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.”

## Part I

## CONSIDERATION OF THE PROVISIONS OF ARTICLE 33 OF THE CHARTER

## NOTE

The full range of the actions taken by the Council in connection with the provisions of Article 33, during the period under review, is reflected in the various decisions of the Council entered under "Measures for settlement" and "Provisions bearing on specific issues relating to the settlement" in the analytical table of measures of chapter VIII of the present *Supplement*. Those actions and measures, to the extent that they indicate recourse to the Article by the Council itself, as well as the discharge by the parties of their own obligation under that Article, underline the significance of Article 33 in the pacific settlement of disputes.

During the period under review, there was one instance in which the communication submitting a dispute to the Council contained no references to prior efforts at peaceful settlement. However, immediately before that submission, there was a communication setting forth the considerations of the Government concerned with regard to the process of negotiations which was being promoted by the Contadora Group of States.<sup>1</sup>

In another instance, a communication submitted a situation with respect to which the Council was requested to convene immediately and to "take appropriate and urgent action to stop the repeated threat of use of force, as well as the imminent resort to armed attack...".<sup>2</sup> The opening statement during the initial phase of the Council's consideration of the situation that was submitted by that communication explicitly explained that the request for the meeting of the Council underscored the belief that all disputes between States should be settled by the peaceful means which had been envisaged in Chapter VI of the Charter—namely negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other means of their own choice—and not by resort to the threat or use of force. It was further stressed that the situation called for immediate action by the Security Council under Articles 33 and 34 of the Charter.<sup>3</sup>

A third communication submitting a dispute to the Council contained references to the effect that the dispute, which threatened international peace and security, had been the subject of the Judgment of the International Court of Justice of 27 June 1986.<sup>4</sup> Finally, during the period under review, a fourth communication was submitted to the Council, explicitly under Article 94 of the Charter, pertaining to non-compliance with the Judgment of the International Court of Justice dated 27 June 1986 concerning military and paramilitary activities in and against Nicaragua.<sup>5</sup>

<sup>1</sup>See, respectively, the letters dated 5 and 6 December 1985 from Nicaragua (S/17674 and S/17671, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*).

<sup>2</sup>See the letter dated 12 April 1986 from Malta (S/17982, *OR*, 41st yr., *Suppl. for April-June 1986*).

<sup>3</sup>For the text of the relevant statement, see S/PV.2672: Malta.

<sup>4</sup>See the letter dated 22 July 1986 from Nicaragua (S/18230, *OR*, 41st yr., *Suppl. for July-Sept. 1986*). For the Judgment of the International Court of Justice, see letter dated 11 July 1986 from Nicaragua (S/18221, annex, *ibid.*).

<sup>5</sup>See the letter dated 17 October 1986 from Nicaragua (S/18415, *OR*, 41st yr., *Suppl. for Oct.-Dec. 1986*).

Several other communications that reached the Council with regard to disputes and situations that either were to be examined by the Council for the first time or whose consideration was to be resumed, also contained references to various earlier efforts to settle the conflicts peacefully: such communications were received in connection with the complaints by Chad;<sup>6</sup> in connection with the situation in Cyprus;<sup>7</sup> in connection with the complaint by Angola against South Africa;<sup>8</sup> in connection with the situation between Iran and Iraq;<sup>9</sup> in connection with the situation in Namibia;<sup>10</sup> in connection with the question concerning the situation in the region of the Falkland Islands (Islas Malvinas);<sup>11</sup> in connection with the complaints by

<sup>6</sup>See the letters dated 25 and 28 January 1985 from Chad; and the letter dated 28 January 1985 from the Libyan Arab Jamahiriya (S/16906, S/16911 and S/16912, respectively, *OR*, 40th yr., *Suppl. for Jan.-March 1985*); letter dated 2 January 1987 from the Libyan Arab Jamahiriya and letter dated 19 February 1987 from Chad, respectively (S/18554 and S/18712, *OR*, 42nd yr., *Suppl. for Jan.-March 1987*).

<sup>7</sup>See the letter dated 3 May 1985 from Cyprus (S/17150, *OR*, 40th yr., *Suppl. for April-June 1985*); letter dated 17 May 1985 from Turkey (S/17198, *ibid.*); letters dated 17 and 21 January 1986, respectively, from Cyprus and the Union of Soviet Socialist Republics (S/17743 and S/17752 and Corr.1, *OR*, 41st yr., *Suppl. for Jan.-March 1986*); letter dated 22 June 1988 from Cyprus (S/19953, *OR*, 43rd yr., *Suppl. for April-June 1988*); report of the Secretary-General dated 30 November 1988 (S/20310 and Add.1, *ibid.*, *Suppl. for Oct.-Nov. 1988*); and statement by the President of the Council (S/20330, *Resolutions and Decisions of the Security Council*, 43rd yr., 1988).

<sup>8</sup>See the letter dated 20 November 1985 from Angola (S/17645, annex, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*).

<sup>9</sup>See the letters dated 25 February 1986 from the Islamic Republic of Iran (S/17864, *OR*, 41st yr., *Suppl. for Jan.-March 1986*); letter dated 5 March 1986 from Iraq (S/17897, *ibid.*); letter dated 28 July 1986 from Iraq (S/18243, *ibid.*, *Suppl. for July-Sept. 1986*); letter dated 24 August 1986 from Iraq (*ibid.*); letters dated 17 and 20 July and 7 August 1988 from the Islamic Republic of Iran (S/20020, S/20041 and S/20094, *OR* 43rd yr., *Suppl. for July-Sept. 1988*); letters dated 18 July and 2 August 1988 from Iraq (S/20023 and S/20082, *ibid.*); letter dated 10 August 1988 from Greece (on behalf of the European Community) (S/20107, *ibid.*); letter dated 24 August 1988 from Paraguay (S/20148, *ibid.*); letter dated 25 August 1988 from the USSR (S/20153, *ibid.*); and letter dated 17 October 1988 from the five permanent members of the Security Council (S/20224, *ibid.*, *Suppl. for Oct.-Dec. 1988*).

<sup>10</sup>See the reports of the Secretary-General of 6 September 1985 (S/17442, *OR*, 40th yr., *Suppl. for July-Sept. 1985*) and of 31 March 1987 (S/18767, *OR*, 42nd yr., *Suppl. for Jan.-March 1987*); letter dated 12 June 1986 from the Secretary-General to the Minister for Foreign Affairs of South Africa (S/18150, *OR*, 41st yr., *Suppl. for April-June 1986*); letter dated 24 June 1986 from the Philippines (S/18179, *ibid.*); letter dated 23 July 1986 from India (S/18235, *ibid.*, *Suppl. for July-Sept. 1986*); letter dated 28 July 1986 from South Africa (S/18241, *ibid.*); and letter dated 5 June 1987 from the President of the United Nations Council for Namibia (S/18901, *OR*, 42nd yr., *Suppl. for April-June 1987*).

<sup>11</sup>See the letter dated 12 February 1988 from Argentina (S/19500, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*); letter dated 25 February 1988 from the United Kingdom of Great Britain and Northern Ireland (S/19541, *ibid.*); letter dated 29 February 1988 from Colombia (S/19559, *ibid.*); letters dated 2 and 4 March 1988 from Argentina (S/19564 and S/19579, *ibid.*); and letter dated 16 March 1988 from Zimbabwe (S/19649, *ibid.*).

Nicaragua;<sup>12</sup> in connection with the situation in the Middle East including the occupied Arab territories;<sup>13</sup> and in connection with the situation relating to Afghanistan.”

References to prior efforts at peaceful settlement were made during opening statements in the initial phase of the Council's consideration of the letter dated 28 January 1985 from the representative of Chad,<sup>15</sup> the letter dated 6 May 1985 from the representative of Nicaragua/ the situation in Namibia,” the Middle East problem including the Palestinian question,\* the letter dated 6 December 1985 from the representative of Nicaragua,<sup>19</sup> the letter dated 22 July 1986 from the representative of Nicaragua,<sup>20</sup> the letter dated 17 October 1986 from the representative of Nicaragua,<sup>21</sup> the letter dated 13 November 1986 from the representative of Chad,<sup>22</sup> the situation in Cyprus,<sup>23</sup> the situation between Iran and Iraq,<sup>24</sup> the letter dated 11 March 1988 from the representative of Argentina regarding the question concerning the situation in the region of the Falkland Islands (Islas Malvinas),<sup>25</sup> the letter dated 17 March 1988 from

<sup>12</sup>See the letters dated 15 June and 5 December 1985 from Nicaragua (S/17277, *OR*, 40th yr., *Suppl. for April-June 1985* and S/17674, *ibid.*, *Suppl. for Oct.-Dec. 1985*); letters both dated 21 March 1988 from Nicaragua (S/19660 and S/19666, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*); and letter dated 21 March 1988 from the member countries of the Contadora Group and the Support Group (S/19663, *ibid.*).

<sup>13</sup>See the letter dated 5 April 1988 from Mongolia (S/19742, *OR*, 43rd yr., *Suppl. for April-June 1988*); letter dated 5 April 1988 from the Nordic States (Denmark, Finland, Iceland, Norway and Sweden) (S/19754, *ibid.*); letter dated 13 April 1988 from the Acting Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (S/19769, *ibid.*); and letter dated 14 April 1988 from Japan (S/19779, *ibid.*).

<sup>14</sup>See the letters dated 15 and 30 November 1988 from Afghanistan (S/20270 and S/20305, *OR*, 43rd yr., *Suppl. for Oct.-Dec. 1988*); and letters dated 22 November and 31 December 1988 from Greece (on behalf of the European Community) (S/20286 and S/20365, *ibid.*).

<sup>15</sup>S/PV.2567: Chad and Libyan Arab Jamahiriya.

<sup>16</sup>S/PV.2577: Nicaragua; S/PV.2578: Peru, United States and Mexico.

<sup>17</sup>S/PV.2583: India, Peru, United Republic of Tanzania, Egypt, South Africa, Nigeria and South-West Africa People's Organization (SWAPO); S/PV.2624: India, Mauritius, South Africa; S/PV.2755: Madagascar, Mr. Gurirab (SWAPO). See also further report of the Secretary-General dated 27 October 1987 (S/19234, *OR*, 42nd yr., *Suppl. for Oct.-Dec. 1987*).

<sup>18</sup>S/PV.2618: India, United States (President), PLO and Egypt.

<sup>19</sup>S/PV.2633: Nicaragua, United States; S/PV.2634: India, Peru and Mexico.

<sup>20</sup>S/PV.2700: Nicaragua, El Salvador; S/PV.2701: United States, India and Democratic Yemen.

<sup>21</sup>S/PV.2715: Nicaragua; S/PV.2716: United States, India, Peru, Iraq, Mexico and Argentina.

<sup>22</sup>S/PV.2721: Chad, Congo, Zaire, France, United States and Libyan Arab Jamahiriya.

<sup>23</sup>See the statement by the President of the Council on behalf of its members (S/PV.2607). See also S/17486, *OR*, 40th yr., *Suppl. for July-Sept. 1985*.

<sup>24</sup>S/PV.2663: Mr. Chedli Klibli (Secretary-General of the League of Arab States), Iraq and Yemen; S/PV.2664: Jordan, Saudi Arabia, Kuwait, Tunisia and Oman; S/PV.2709: the Secretary-General of the United Nations; Mr. Chedli Klibli (Secretary-General of the League of Arab States), Iraq and Egypt; S/PV.2710: Senegal, Zambia and Oman. See also report of the Secretary-General (S/18480, *OR*, 41st yr., *Suppl. for Oct.-Dec. 1986*); and presidential statement (S/PV.2730).

<sup>25</sup>S/PV.2800: Argentina, United Kingdom, Colombia, Uruguay, Brazil and Mexico.

the representative of Nicaragua<sup>26</sup> and the situation relating to Afghanistan.<sup>27</sup>

In exercise of its responsibility to bring about the peaceful settlement of a dispute or situation, the Council may adopt decisions which refer, explicitly or implicitly, to Article 33. The one case history entered in this part of the present chapter covers proceedings in the Council that have some bearing on such exercise by the Council to bring about pacific settlement of a dispute or situation.

During the period under review, none of the resolutions or decisions adopted by the Council contained explicit references to Article 33, but a number of them contained provisions emphasizing to the parties the urgency of finding a peaceful settlement to their conflict,<sup>28</sup> calling upon the parties to resume the dialogue they had been holding with a view to reaching accords favourable for normalizing their relations and regional détente,<sup>29</sup> or to submit immediately all aspects of their conflict to mediation or to any other means of peaceful settlement of disputes,<sup>30</sup> stressing to the parties concerned the urgent need to reach a just, durable and peaceful settlement of their conflict,<sup>31</sup> or expressing concern that certain practices by a party to a situation had adverse consequences for the search for a peaceful resolution.<sup>32</sup> In connection with the situation in the Middle East, the Council called upon the parties on a number of occasions to implement immediately resolution 338 (1973), in which the Council had decided that, concurrently with the ceasefire, negotiations should start under appropriate auspices aimed at establishing a just and durable peace.<sup>33</sup>

On one occasion, in connection with the situation in Cyprus, the Council heard an oral report from the Secretary-General following which the Council called upon all the parties to make a special effort in cooperation with the Secretary-General to reach an early agreement? On a number of occasions, also in connection with the situation in Cyprus, the Council requested the Secretary-General to continue his mission of good offices.<sup>35</sup> Ultimately, the Council supported the effort that had been launched on 24 August 1988 by the Secretary-General in the context of the mission of good offices in Cyprus, welcomed the readiness

<sup>26</sup>S/PV.2802: Nicaragua, Honduras, United States, Brazil, Argentina, Costa Rica and Peru.

<sup>27</sup>See the letters dated 14 and 22 April from the Secretary-General to the President of the Security Council and the letter dated 25 April 1988 from the President of the Security Council to the Secretary-General, respectively (S/19834, S/19835 and S/19836, *OR*, 43rd yr., *Suppl. for April-June 1988*).

<sup>28</sup>Presidential statement issued on 5 March 1985 in connection with the situation between Iran and Iraq (S/17004).

<sup>29</sup>Resolution 562 (1985), in connection with the letter dated 6 May 1985 from the representative of Nicaragua.

<sup>30</sup>Resolutions 582 (1986), 588 (1986), 598 (1987) and presidential statement (S/18538) read out at the 2730th mtg., held on 22 December 1986, in connection with the situation between Iran and Iraq.

<sup>31</sup>Resolution 605 (1987), in connection with the situation in the occupied Arab territories.

<sup>32</sup>Resolutions 560 (1985), 610 (1988) and 615 (1988), in connection with the question of South Africa.

<sup>33</sup>Resolutions 563 (1985), 576 (1985), 584 (1986), 590 (1986), 596 (1987), 603 (1987), 613 (1988) and 624 (1988).

<sup>34</sup>See presidential statement (S/17483) read out at the 2607th mtg., on 20 September 1985.

<sup>35</sup>Resolutions 565 (1985), 578 (1985), 585 (1986), 593 (1986), 597 (1987), 604 (1987), 614 (1988) and 625 (1988).

of the two parties to seek a negotiated settlement of all aspects of the Cyprus problem by 1 June 1989 and called upon all the parties for full cooperation with the Secretary-General in ensuring the success of the process then under way.<sup>36</sup>

In connection with the situation relating to Afghanistan, the Secretary-General, by a letter dated 14 April 1988 addressed to the President of the Security Council,<sup>37</sup> informed the members of the Council that the Governments of Afghanistan and Pakistan had concluded, on the same date, a set of agreements which together constituted a settlement bringing to a successful conclusion several years of difficult negotiations. The Secretary-General further stated that, while the Union of Soviet Socialist Republics and the United States of America had been designated as guarantors to the effect of which they had made a formal declaration, all the instruments constituting the settlement of the situation relating to Afghanistan would enter into force on 15 May 1988.

On the occasion of the tenth anniversary of the adoption of resolution 435 (1978), containing the plan for the independence of Namibia through free and fair elections under the supervision and control of the United Nations, the Security Council noted developments in efforts by a number of parties to find a peaceful solution to the conflict in south-western Africa that were reflected in the joint **statement**<sup>38</sup> of 8 August 1988 by the Governments of Angola, Cuba, South Africa and the United States. The Council urged the parties to display the necessary political will to translate the commitments they had made into reality in order to bring about a peaceful settlement of the Namibian question and peace and stability in the region.<sup>39</sup>

There were implicit references to Article 33 contained in a number of draft resolutions that were considered by the Council but were either not put to the vote or voted upon and not adopted:

(a) During the Council's consideration of the complaint by Angola against South Africa at the 2614th meeting, on 4 October 1985, the representative of South Africa submitted a draft **resolution**<sup>40</sup> by which the Council would have requested the various factions within Angola to settle their differences through a process of peaceful negotiation and in a spirit of national reconciliation. The draft resolution was not put to the vote;

(6) When the Council resumed its consideration of the situation in the Middle East at the 2641st meeting, on 13 January 1986, the representative of Jordan submitted and subsequently revised a draft **resolution**<sup>41</sup> by which the Council, *inter alia*, would have demanded that Israel desist

from its practices and measures against the civilian population in southern Lebanon, which were impeding the restoration of normal conditions in the area and threatening the reconciliation efforts towards restoring peace and security in the whole country. The revised draft resolution was voted upon and not adopted owing to the negative vote of a permanent member of the Council;<sup>42</sup>

(c) During the Council's consideration of the letter dated 12 April 1986 from the representative of Malta regarding the ". . . threat of use of force, as well as the imminent resort to armed attack in the central Mediterranean", at the 2763rd meeting, on 14 April 1986, the representative of Malta submitted a draft **resolution**.<sup>43</sup> Under operative paragraph 4 of the draft resolution, the Council would have entrusted the Secretary-General to take immediate appropriate action with the parties concerned to ensure that only the peaceful means which had been envisaged by the Charter of the United Nations were utilized to reconcile any differences between them. The draft resolution was not put to a vote;

(d) At the 2674th to 2680th, 2682nd and 2683rd meetings, between 15 and 24 April 1986, the Council considered the letters, each respectively dated 15 April 1986, from the representatives of the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and Oman, regarding the attack on Tripoli and Benghazi by the United States forces.<sup>44</sup> In the course of those considerations, at the 2680th meeting, on 18 April 1986, a draft **resolution**,<sup>45</sup> subsequently revised, was submitted by the representatives of the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates. Under operative paragraph 4 of the revised draft resolution, the Council would have called upon all parties to refrain **from** resorting to force, to exercise restraint in the critical situation and to resolve the differences by peaceful means in keeping with the Charter. The revised draft resolution was voted upon and not adopted owing to the negative vote of a permanent member of the Council;<sup>46</sup>

(e) In the course of the Council's consideration of the situation in southern Africa at the 2685th meeting, on 23 May 1986, the representatives of the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates submitted a **draft resolution**,<sup>47</sup> subsequently revised, by which the Council would have imposed, under Chapter VII of the Charter of the United Nations, selective economic and other sanctions, bearing in mind, *inter alia*, that South Africa had ignored numerous calls by the international community to effect peaceful change in South Africa. The draft resolution, as orally revised, was voted upon and not adopted owing to the negative vote of a permanent member of the Council;<sup>48</sup>

(f) During the Council's consideration of the letter dated 22 July 1986 from the representative of Nicaragua

<sup>36</sup>Presidential statement (S/20330) read out at the 2833rd mtg., held on 15 December 1988.

<sup>37</sup>S/19834, OR, 43rd yr., Suppl. for April-June 1988. See also letters dated 22 and 25 April 1988 exchanged, respectively, between the Secretary-General and the President of the Security Council (S/19835 and S/19836, *ibid.*); and resolution 622 (1988) of 31 October 1988.

<sup>38</sup>S/20109, annex OR, 43rd yr., Suppl. for July-Sept. 1988.

<sup>39</sup>Presidential statement (S/20208) read out at the 2827th mtg., held on 29 September 1988.

<sup>40</sup>S/17522, OR, 40th yr., Suppl. for Oct.-Dec. 1985. For the procedural requirements which must be met in order for such proposals or draft resolutions to be put to a vote, see chapter I, under rule 38 of the provisional rules of procedure of the Security Council.

<sup>41</sup>S/17730/Rev.2, OR, 41st yr., Suppl. for Jan.-March 1986.

<sup>42</sup>For the vote, see S/PV.2642.

<sup>43</sup>S/17984, OR, 41st yr., Suppl. for April-June 1986.

@See also letter dated 14 April 1986 from the representative of the United States (S/17990, *ibid.*).

<sup>45</sup>S/18016/Rev.1, *ibid.*

<sup>46</sup>For the vote on the revised draft resolution (9 votes in favour to 5 against, with 1 abstention), see S/PV.2682.

<sup>47</sup>S/18087/Rev.1, OR, 41st yr., Suppl. for April-June 1986 (see, in particular, thirteenth preambular paragraph).

<sup>48</sup>For the vote on the revised resolution (12 votes in favour to 2 against, with 1 abstention), see S/PV.2686.

regarding the dispute between the United States of America and Nicaragua, which had been the subject of the Judgment of the International Court of Justice of 27 June 1986,<sup>49</sup> a five-Power draft resolution<sup>50</sup> was submitted at the 2703rd meeting, on 31 July 1986. Under the draft resolution, the Council would have expressed awareness that, according to the Charter of the United Nations, the International Court of Justice was the principal judicial organ of the United Nations and that each Member undertook to comply with the decision of the Court in any case to which it was a party; recalled all the relevant principles of the Charter, particularly the obligation of States to settle their disputes exclusively by peaceful means; reaffirmed the role of the International Court of Justice as the principal judicial organ of the United Nations and a means for the peaceful resolution of disputes in the interest of international peace and security; and made an urgent and solemn call for full compliance with the Judgment of the International Court of Justice of 27 June 1986 in the case of *Military and Paramilitary Activities in and against Nicaragua*. The draft resolution was voted upon and not adopted owing to a negative vote by a permanent member of the Council;<sup>51</sup>

(g) In connection with the letter dated 17 October 1986 from the representative of Nicaragua regarding a request for a meeting of the Security Council, in accordance with the provisions of Article 94 of the Charter, to consider the non-compliance with the Judgment of the International Court of Justice dated 27 June 1986 concerning military and paramilitary activities in and against Nicaragua, a five-Power draft resolution<sup>52</sup> was submitted to the Council at its 2718th meeting, on 28 October 1986. Under the preambular part of the draft resolution, the Council would have expressed awareness that, under the Charter of the United Nations, the International Court of Justice was the principal judicial organ of the United Nations and that each Member undertook to comply with the decision of the Court in any case to which it was a party; and considered that Article 36, paragraph 6, of the Statute of the Court provided that "in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court". Under operative paragraph 1 of the draft resolution, the Council would have urgently called for full and immediate compliance with the Judgment of the International Court of Justice of 27 June 1986 in the case of *Military and Paramilitary Activities in and against Nicaragua* in conformity with the relevant provisions of the Charter of the United Nations. The draft resolution was voted upon and not adopted owing to the negative vote of a permanent member of the Council;<sup>53</sup>

(h) When the Council resumed its consideration of the situation in the occupied Arab territories, in connection with the report of the Secretary-General dated 21 January 1988<sup>54</sup> in accordance with resolution 605 (1987), the representatives of Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia submitted a draft resolution<sup>55</sup> at the 2790th meeting on 1 February 1988. Under operative paragraphs 7 and 8 of the draft resolution, the Council would have affirmed the urgent need to achieve, under the auspices of the United Nations, a comprehensive, just and lasting settlement of the Arab/Israeli conflict; and requested the Secretary-General to continue his endeavours to promote such a settlement. The draft resolution was voted upon and not adopted owing to the negative vote of a permanent member of the Council.<sup>56</sup>

There were a few occasions whereby Article 33 was explicitly referred to during the deliberations of the Council. In one instance, in the course of the Council's deliberations in connection with the letter dated 6 May 1985 from the representative of Nicaragua, Chapter VI of the Charter was invoked with sufficiently clear indication that the reference was to Article 33. It was emphasized that, in the search for genuine solutions to problems, the constant norm in Member States ought to be scrupulous respect for the principles of law and the practice of diplomatic negotiation. Further, economic coercion was incompatible with the objectives of the process initiated by Contadora and that, despite the aggressive designs still standing in the way of the Contadora peacemaking efforts in Central America, all States were called upon once again to respond effectively to the diplomatic action that they had undertaken and the countries concerned were invited to resume the dialogue that had been interrupted.<sup>57</sup>

Article 33 was further invoked to emphasize, on the one hand, the obligations of the parties under the Charter provision to seek a peaceful solution. On the other hand, the Charter provision was invoked also to emphasize the duty of the Council to urge the parties to abide by the Charter and by the procedures for a peaceful settlement as set out by the Council itself under Article 36 of the Charter.<sup>58</sup> In connection with the letter dated 12 April 1986 from the representative of Malta, Chapter VI of the Charter was invoked to underline that the request for a meeting of the Council had been made with the conviction that all disputes between States should be settled by the peaceful means of the Charter, namely, negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. In the same context, it was emphasized that "the grave and dangerous situation" which had arisen in the central Mediterranean called for immediate action by the Security Council under Articles 33 and 34 of the Charter.<sup>59</sup>

<sup>49</sup>Letter dated 11 July 1986 from Nicaragua transmitting the text of the Judgment of the International Court of Justice dated 27 June 1986 in the case *Military and Paramilitary Activities in and against Nicaragua* (S/18221, OR, 41st yr., Suppl. for July-Sept. 1986); for the letter dated 22 July 1986 from Nicaragua, see S/18230, ibid.

<sup>50</sup>S/18250 (draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates), ibid.

<sup>51</sup>For the vote on the draft resolution (11 votes in favour to 1 against, with 3 abstentions), see S/PV.2704.

<sup>52</sup>S/18428 (draft resolution submitted by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates), OR, 41st yr., Suppl. for Oct.-Dec. 1986.

<sup>53</sup>For the vote on the draft resolution (11 votes in favour to 1 against, with 3 abstentions), see S/PV.2718.

<sup>54</sup>S/19443, OR, 43rd yr., Suppl. for Jan.-March 1988.

<sup>55</sup>S/19466, ibid.

<sup>56</sup>For the vote on the draft resolution (14 votes in favour to 1 against, with no abstentions), see S/PV.2790.

<sup>57</sup>For the text of the relevant statement, see S/PV.2578: Mexico, pp. 41 and 42.

<sup>58</sup>For the texts of the relevant statements, see S/PV.2665: Morocco, pp. 12 and 13; and S/PV.2713: Morocco, pp. 21-23.

<sup>59</sup>For the texts of the relevant statement, see S/PV.2672: Malta, pp. 3 and 4.

During the Council's deliberations in connection with the letters each respectively dated 15 April 1986 from the representatives of the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and Oman, concerning the attack on Benghazi and Tripoli by United States forces, Article 33 was invoked to demonstrate and **signify** that the action had been taken at a time when the Security Council was discussing the possibility of preventing the use of force and resolving the problem through **peaceful** settlement in accordance with the provisions of Articles 33 and 34 of the Charter. Moreover, Article 33 was also invoked to underline that resort to the use of force had taken place without exhausting the provisions, arrangements and guidelines for the peaceful settlement of disputes set forth in Article 33 as well as in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States.<sup>60</sup> It was further emphasized that the world faced a bleak future if use of force should be substituted for settlement of international disputes by peaceful negotiation. Without insisting upon any specific provision, the Council should seek guidance and objectivity in the provisions of Articles 33, 34, 35 and 36 of the Charter, which, together with the **above-**mentioned General Assembly Declaration and the Assembly resolution on measures against **terrorism**,<sup>61</sup> provided sufficient legal **framework** and principles for dealing with inter-State disputes. It was **further** emphasized that the mediation and conciliation offices of the Secretary-General, to which immediate resort could be made, were also **available**.<sup>62</sup>

In the course of the Council's deliberations regarding the letter dated 27 June 1986 **from** the representative of Nicaragua concerning the situation in Central America, Article 33 was invoked twice to underscore two aspects of the significance of the Charter provision. The first referred to the settlement of disputes by resort to regional agencies or arrangements, since they better understood the circumstances and causes of a given conflict. In that context, it was stressed that the Contadora Group as a regional group of Central America had shouldered a special responsibility and that, by communicating with the parties including the United States and in cooperation with the Support Group, it had succeeded in formulating the Panama message of 7 June 1986, which reiterated ten principles and nine forms of action that must be realized if peace, democracy and security were to be secured in Central America. The second aspect of the significance of Article 33 was that it also called for the settlement of disputes by peaceful means and set forth the means and machinery to that end in such a way that unilateral action outside the **framework** of those means and **machinery**—most importantly, the Security Council—constituted a breach of the Charter?

During the Council's consideration of the letter dated 22 July 1986 **from** the representative of Nicaragua, **concerning** the dispute between the United States of America and Nicaragua, which had been the subject of the Judgment of

the International Court of Justice of 27 June 1986,<sup>64</sup> Article 33, paragraph 1, of the Charter was quoted in its entirety as the primary principle for the pacific settlement of **dis-**putes contained in Chapter VI of the Charter. It was then emphasized that, based on that principle and on the relevant articles of the Statute of the International Court of Justice, Nicaragua had submitted to the Court its complaint against the United States of America for the violation of the relevant rules of international law. It was further stated that the International Court of Justice, which was the organ with the mandate to settle the disputes that had been submitted to it according to the rules of law, had acted upon the complaint, following which the role of the Security Council should be to work towards gaining the acceptance of the Court's judgment by the party concerned in order to spare the Central American region any further escalation of tension and to ensure the establishment of conditions of peace and stability in that **region**.<sup>65</sup>

The Council's deliberation in connection with the letter dated 17 October 1986 **from** the representative of Nicaragua, regarding the non-compliance with the Judgment of the International Court of Justice dated 27 June 1986, was characterized as one involving the following four fundamental principles of overriding importance: (a) The Court's decision clearly stated that customary international law, including the provisions of the Charter of the United Nations, prohibited intervention in the affairs of other States; (b) the second principle related to the right of all States to decide freely their own political, economic and social systems, including their international relations, free from outside interference, subversion, coercion or threats; (c) in accordance with the Charter, the International Court of Justice was the principal judicial organ of the United Nations and under Article 94, each Member had undertaken to comply with the Court's decision in any case to which it was a party; and (d) the obligation of the parties to any dispute, the continuation of which was likely to endanger the maintenance of **international** peace and security was to seek a solution by peaceful means. Paragraphs 290 and 291 of the Court's judgment<sup>66</sup> emphasized that the fourth principle was enshrined in Article 33 of the Charter, which indicated a number of peaceful means which were available to the parties. The Court's decision, it was stressed, also referred to the need to cooperate with the Contadora efforts in seeking a definitive and lasting peace in Central America, in accordance with the principle of customary international law that prescribed the peaceful settlement of international **disputes**.<sup>67</sup>

There have been other instances of what might be considered implicit references to Article 33 in the proceedings of the Council. Article 33 was implicitly touched upon during the Council's deliberations in connection with the letter dated 28 January 1985 from the representative of Chad,<sup>68</sup> the situation in the Middle

<sup>64</sup>For the text of the Judgment of the International Court of Justice dated 27 June 1986 in the case *Military and Paramilitary Activities in and against Nicaragua (Nicaragua vs. United States of America)*, set S/18221, annex, *OR, 41st yr., Suppl. for July-Sept. 1986*.

<sup>65</sup>For the text of the relevant statement, see S/PV.2701: Democratic Yemen, pp. 24-26.

<sup>66</sup>See note 64 above.

<sup>67</sup>For the text of the relevant statement, see WV.27 16: Iraq, pp. 26-28.

<sup>68</sup>For the text of the relevant statement, see S/PV.2567: Libyan Arab Jamahiriya, p. 26.

<sup>60</sup>General Assembly resolution 2625 (XXV), annex.

<sup>61</sup>General Assembly resolution 40/61 of 9 December 1985.

<sup>62</sup>For the texts of the relevant statements, see S/PV.2678: Czechoslovakia, pp. 12-14; and S/PV.2680: Ghana, pp. 33-38.

<sup>63</sup>For the text of the relevant statement, see S/PV.2697: United Arab Emirates, p. 37.

East,<sup>69</sup> the letter dated 6 May 1985 from the representative of Nicaragua,<sup>70</sup> the situation in Cyprus,<sup>71</sup> the complaint by Angola against South Africa,<sup>72</sup> the question of South Africa,<sup>73</sup> the situation in the occupied Arab territories,<sup>74</sup> the situation in southern Africa,<sup>75</sup> the situation between Iran and Iraq,<sup>76</sup> the letters dated 25 March 1986 from the representatives of Malta and the USSR, respectively and letter dated 26 March 1986 from the representative of Iraq,<sup>77</sup> the letter dated 27 June 1986 from the representative of Nicaragua,<sup>78</sup> the letter dated 13 November 1986 from the representative of Chad,<sup>79</sup> the letter dated 11 March 1988 from the representative of Argentina regarding the question concerning the situation in the region of the Falk-

land Islands (Islas Malvinas)<sup>80</sup> and the letter dated 17 March 1988 from the representative of Nicaragua!

## CASE I

*The situation between Iran and Iraq*

(In connection with three draft resolutions each drawn up during consultations among the members of the Council, voted upon and adopted, respectively, on 24 February and 8 October 1986 and 20 July 1987)

The Council resumed its deliberations in connection with the situation between Iran and Iraq at the request of the Committee of Seven of the Council of the League of Arab States<sup>82</sup> to consider the "disturbing developments" regarding the conflict between the two parties and to take practical measures to put an end to the war and to solve the conflict by peaceful means, in accordance with the Charter of the United Nations and international law. During the discussions, the members of the Council and other participants were unanimous in their expression of concern at the escalation of the conflict and in emphasizing the need for both parties to cooperate with the Secretary-General in his efforts to end the war and to resolve the problems by peaceful means through a process of comprehensive negotiations in accordance with the Charter. Several speakers welcomed the readiness on the part of Iraq to settle the conflict through negotiated means in conformity with the Council decisions and the principles of the Charter. On the other hand, it was asserted that the other party, the Islamic Republic of Iran, was primarily responsible for the continuation of the conflict by rejecting all the mediating efforts of the international community and that the Council must urge the Islamic Republic of Iran to abide by the procedures for a peaceful settlement in accordance with the obligations it had entered under the Charter, including Articles 33 and 36.<sup>83</sup>

At the 2666th meeting, on 24 February 1986, a draft resolution which had been prepared in the course of prior consultations among the members of the Council was voted upon and adopted unanimously as resolution 582 (1986).<sup>84</sup> The resolution reads, in part, as follows:

*The Security Council,*

Recalling the provisions of the Charter and in particular the obligation of all Member States to settle their international disputes by

<sup>69</sup>For the texts of the relevant statements, see S/PV.2568: Lebanon, pp. 7 and 8; Israel, p. 32; S/PV.2570: India, p. 27; United Kingdom, p. 41; Denmark, p. 43; United States, pp. 49 and 50; S/PV.2573: Senegal, p. 38; S/PV.2575: United Kingdom, pp. 13-19; S/PV.2605: Mr. Maksoud (Arab League), p. 11; Denmark, pp. 84 and 85; S/PV.2646: Ghana, p. 27; USSR, p. 17; S/PV.2647: India, pp. 34-36; Sudan, p. 52; S/PV.2650: Australia, p. 31; S/PV.2699: United Kingdom, p. 8; S/PV.2777: Israel, p. 6; S/PV.2785: Jordan, p. 21; Federal Republic of Germany, pp. 22-30; SIPV.2787: Kuwait, p. 31; Algeria, p. 36; Argentina, p. 48; China, p. 52; Israel, p. 71; Sudan, p. 81; Malaysia, p. 86; S/PV.2790: Indonesia, p. 12; India, p. 17; United States, p. 41; S/PV.2804: Algeria, p. 12; Jordan, p. 47; Senegal, p. 48; Zambia, p. 56; India, p. 67; United States, p. 91; Israel, pp. 64 and 65; S/PV.2806: Mr. Ansae (Organization of the Islamic Conference), p. 18; China, p. 37; USSR, p. 43; France, p. 8; Italy, p. 53; and United States, p. 56.

<sup>70</sup>For the texts of the relevant statements, see S/PV.2577: Nicaragua, pp. 27-36; S/PV.2578: United States, p. 32; Mexico, pp. 37-41; China, p. 44; Australia, p. 63; and Algeria, p. 86.

<sup>71</sup>Throughout the period under review the need for a negotiated settlement was stressed and the Secretary-General was requested to continue his mission of good offices in connection with the adoption of resolutions 565 (1985), 578 (1985), 585 (1986), 593 (1986), 597 (1987), 604 (1987), 614 (1988) and 625 (1988). On two occasions, the President of the Council made statements on behalf of the members of the Council noting the Secretary-General's assessment that a settlement in accordance with the principles of the Charter was in sight and welcoming the readiness of the parties to seek a negotiated settlement; see, respectively S/PV.2607 (20 September 1985) and S/PV.2833 (15 December 1988).

<sup>72</sup>For the texts of the relevant statements, see S/PV.2596: Australia, p. 47; S/PV.2597: South Africa, pp. 22 and 23; France, pp. 7 and 8; and S/PV.2612: South Africa, p. 13.

<sup>73</sup>For the texts of relevant statements, see S/PV.2600: United Kingdom, pp. 12 and 13; S/PV.2796: France, p. 7; and S/PV.2797: United Kingdom, p. 6.

<sup>74</sup>For the texts of the relevant statements, see S/PV.2646: Ghana, p. 27; S/PV.2647: India, p. 36; Sudan, p. 52; S/PV.2649: Afghanistan, p. 12; Yugoslavia, p. 14; S/PV.2804: Algeria, pp. 11 and 12; Saudi Arabia, p. 28; Jordan, p. 47; Zambia, pp. 56 and 57; Israel, p. 63; India, p. 67; S/PV.2805: Nepal, pp. 26 and 27; Tunisia, pp. 48-50; S/PV.2806: Italy, p. 53; Federal Republic of Germany, p. 41; United States, p. 56; and Bangladesh, pp. 34 and 35.

<sup>75</sup>For the texts of relevant statements, see S/PV.2652: South Africa, pp. 49-51; S/PV.2657: Australia, p. 19; S/PV.2662: United States, pp. 38-40; S/PV.2684: Zambia, pp. 17 and 18; South Africa, pp. 23-25; and S/PV.2686: United Kingdom; and France, p. 7.

<sup>76</sup>For the texts of the relevant statements, see S/PV.2666: United Arab Emirates, p. 12; Thailand, pp. 16-19; United Kingdom, pp. 19 and 20; and China, pp. 29-30.

<sup>77</sup>For the texts of the relevant statements, see S/PV.2669: Kuwait, p. 12; and S/PV.2670: China, p. 26.

<sup>78</sup>For the texts of the relevant statements, see S/PV.2696: China, p. 12; El Salvador, p. 21; Czechoslovakia, p. 51; Nicaragua, p. 72; and S/PV.2697: Madagascar, p. 18; and France, p. 26.

<sup>79</sup>For the text of the relevant statements, see S/PV.2721: Libyan Arab Jamahiriya, pp. 28-36; USSR, p. 41; Chad, p. 8; Congo, pp. 11-13; and Zaire, p. 18.

<sup>80</sup>For the texts of the relevant statements, see S/PV.2800: Argentina, pp. 7-11; United Kingdom, pp. 18-20; Colombia, pp. 21 and 22; and S/PV.2801: Zambia, pp. 13-17; Senegal, pp. 17 and 18; China, p. 21; Yugoslavia, pp. 46-47; and Argentina, p. 52.

<sup>81</sup>For the texts of the relevant statements, see S/PV.2802: Nicaragua, pp. 12-14; and S/PV.2803: Zimbabwe, pp. 6-13.

<sup>82</sup>Letter dated 12 February 1986 from the representative of Iraq (S/17821, OR, 41st yr., Suppl. for Jan-March 1986).

<sup>83</sup>For the texts of the relevant statements, see S/PV.2663: Mr. Chedli-Klibli (Secretary-General of the League of Arab States), pp. 7-17; Iraq, pp. 18-21 and 36; Yemen, pp. 38-42; S/PV.2664: Jordan, pp. 7-14; Saudi Arabia, pp. 20-23; Kuwait, pp. 26-31; Tunisia, pp. 35-38; Oman, p. 43; S/PV.2665: Morocco, pp. 11-13; Bahrain, pp. 16-22; Egypt, pp. 26-28; Mr. Terzi (PLU), pp. 33-36; S/PV.2666: United Arab Emirates, pp. 10-12; Thailand, pp. 16-18; United Kingdom, pp. 20-22; USSR, pp. 23-26; United States, pp. 27 and 28; China, pp. 28 and 29; Australia, p. 32; Madagascar, pp. 35-37; and France, p. 38.

<sup>84</sup>For the vote on the draft resolution (S/17859), see S/PV.2666, pp. 39-40.

peaceful means in such a manner that international peace and security and justice are not endangered,

*Taking* note of the efforts of mediation pursued by the Secretary-General,

...

1. Deplores the initial acts which gave rise to the conflict between the Islamic Republic of Iran **and** Iraq and deplores the continuation of the conflict;

..

5. *Calls upon* both parties to submit immediately all aspects of the conflict to mediation or to any other means of peaceful settlement of disputes;

6. *Requests the* Secretary-General to continue his ongoing efforts, to assist the parties to give effect to this resolution and to keep the Council informed;

..

By a letter<sup>85</sup> dated 25 February 1986, the representative of the Islamic Republic of Iran transmitted to the Secretary-General his Government's response to the adoption of resolution 582 (1986). It was asserted that the Security Council had finally come to realize the fact that in order to tackle the whole matter of the war, in accordance with the provisions of the Charter, the Council should consider the initial aggression by Iraq; but that the absence of a clear-cut position on the part of the Council showed that it did not yet possess the necessary political will for such a measure. **Further**, despite the imbalances, resolution 582 (1986) was a positive step towards the condemnation of Iraq as the aggressor and a just conclusion to the war. While it referred to the need for peaceful settlement of disputes, the resolution nevertheless failed to mention Iraq's violation of the principle by resorting to aggression against the Islamic Republic of Iran and that omission was a discrepancy which constituted the major defect of the resolution.

The Council resumed its deliberations at the request of seven Member States<sup>86</sup> claiming that there was an imminent threat of military attack by the Islamic Republic of Iran against Iraq, which confirmed the determination of the Government of the Islamic Republic to continue the war despite resolution 582 (1986), by which the Council had called for the termination of the conflict and its settlement by peaceful means in accordance with the provisions of the Charter. They thus requested the Council to consider the grave situation and to adopt measures to ensure the implementation of resolution 582 (1986). During the Council's deliberations, it was repeatedly stressed that the escalation in attacks on commercial vessels from third countries and the declared intention of the Islamic Republic of Iran to launch another major offensive to bring the conflict to a military conclusion, despite the provisions of paragraph 5 of resolution 582 (1986) calling on both parties to submit all aspects of the conflict to mediation, had given renewed urgency to the situation. Emphasizing that the continuing war between Iran and Iraq was becoming a serious threat to international peace and security, the Security Council was called upon to discharge its responsibility under the Charter and to ensure the implementation of the provisions of Article 2, paragraph 3, and those contained in Chapter VI, particularly Articles 33, 36 and 37, which not only de-

manded that States resolve their disputes by peaceful means, but also provided various means for the peaceful settlement of disputes.\*7

At the 2713th meeting, on 8 October 1986, a draft resolution, which had been prepared in prior consultations among the members of the Council was voted upon and adopted unanimously as resolution 588 (1986).<sup>88</sup> The fifth, sixth and seventh preambular paragraphs and paragraphs 1 and 2 of the resolution read as follows:

#### *The Security Council,*

*Recalling* the provisions of the Charter of the United Nations and in particular the obligation of all Member States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

*Recalling further* that, under the Charter, Member States have conferred **on** the Security Council primary responsibility for the maintenance of international peace and security and to this end have agreed to accept the role of the Security Council in the settlement of disputes,

Commending the efforts of the Secretary-General in the search for a peaceful settlement of the conflict,

1. *Calls upon* the Islamic Republic of Iran and Iraq to implement fully and without delay resolution 582 (1986) adopted unanimously on 24 February 1986;

2. *Requests* the Secretary-General to intensify his efforts with the parties to give effect to the above-mentioned resolution and to report to the Council no later than 30 November 1986;

...

At the 2730th meeting, on 22 December 1986, the Council considered the report of the Secretary-General<sup>89</sup> and, at the same meeting, the President made a statement<sup>90</sup> on behalf of the members of the Council reiterating their call for the implementation of resolutions 582 (1986) and 588 (1986) and for the resolution of the prolonged conflict by peaceful means. The members of the Council emphasized once again the obligation of Member States to settle their disputes by peaceful means and, in that context, to cooperate with the Security Council. They further urged the Secretary-General to continue with his efforts and called upon the parties to cooperate with him.

At the 2750th meeting,<sup>91</sup> on 20 July 1987, the Council had before it a draft resolution that had been prepared in the course of prior consultations among its members. Speaking before and after the vote, the members of the Council noted that the draft text was based on resolution 582 (1986); that, as a culmination of intensive consultations among the five permanent members at the initiative

<sup>87</sup>For the texts of the relevant statements, see S/PV.2709: the Secretary-General of the United Nations, pp. 7 and 8; Mr. Chedli Klibli (Secretary-General of the League of Arab States), pp. 11 and 12; Iraq, pp. 17-23; Egypt, pp. 27-29; S/PV.2710: Senegal, pp. 7-12; Zambia, p. 14; Oman, pp. 21-26; PLO, pp. 31 and 32; Argentina, p. 36; Jordan, pp. 41-43; S/PV.2711: Saudi Arabia, pp. 8-12; Kuwait, pp. 17-22; German Democratic Republic, pp. 25 and 26; Cuba, pp. 28 and 29; Mexico, p. 33; S/PV.2712: USSR, pp. 12-13; Australia, pp. 16 and 17; China, p. 18; Tunisia, pp. 33-36; S/PV.2713: Venezuela, pp. 6 and 7; Yemen, pp. 13-17; Morocco, pp. 20-23; Uruguay, pp. 32 and 33; France, pp. 38 **and** 39; United Kingdom, pp. 42 and 43; and United States, pp. 44-46.

<sup>88</sup>For the vote on the draft resolution (S/18383), see S/PV.2713, p. 47.

<sup>89</sup>S/18480, OR, 41st yr., Suppl. for Oct.-Dec. 1986.

<sup>90</sup>S/18538, OR, 41st yr., Resolutions and Decisions of the Security Council, 1986; see also S/PV.2730.

<sup>91</sup>Seven members of the Council, including four permanent members, were represented at the level of Foreign Minister and one member at the level of Vice Minister for Foreign Affairs.

<sup>85</sup>S/17864, annex, OR, 41st yr., Suppl. for Jan.-March 1986.

<sup>86</sup>Letter dated 30 September 1986 from the representatives of Iraq, Jordan, Kuwait, Morocco, Saudi Arabia, Tunisia and Yemen (S/18372, OR, 41st yr., Suppl. for Oct.-Dec. 1986).

of the Secretary-General, it expressly fell under the terms of Chapter VII of the Charter calling for mandatory action in a balanced and even-handed manner; and that it was aimed at strengthening the roles of the Council and the Secretary-General by providing an unprecedented framework for mediation and a peaceful settlement of the conflict through negotiation in accordance with the principles of the Charter and international law.<sup>92</sup>

At the same meeting, the **draft** resolution was voted upon and unanimously adopted as resolution 598 (1987).<sup>93</sup> The eighth and tenth preambular paragraphs and paragraphs 1 and 4 of the resolution read as follows:

*The Security Council,*

Recalling the provisions of the Charter of the United Nations, and in particular the obligation of all Member States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

*Acting under Articles 39 and 40 of the Charter,*

1. **Demands** that, as a **first** step towards a negotiated settlement, the Islamic Republic of Iran and Iraq observe an immediate ceasefire, discontinue all military actions on land, at sea and in the air, and withdraw all forces to the internationally recognized boundaries without delay;

4. **Calls upon** Iran and Iraq to cooperate with the Secretary-General in implementing this resolution and in mediation efforts to achieve a comprehensive, just and honourable settlement, acceptable to both sides, of all outstanding issues in accordance with the principles contained in the Charter of the United Nations;

At the 2779th meeting, on 24 December 1987, the President made a **statement**,<sup>94</sup> on behalf of the members of the Council, noting the assessment of the Secretary-General

<sup>92</sup>For the texts of the relevant statements, see S/PV.2750: China, pp. 7-9; United Arab Emirates, p. 12; United Kingdom, pp. 15-17; United States, pp. 19-23; Federal Republic of Germany, pp. 28-29; Italy, pp. 3 1-34; Ghana, pp. 40 and 41; Argentina, p. 47; Congo, pp. 51 and 52; Venezuela, p. 57; the President (France), pp. 60 and 61; the Secretary-General, pp. 62-64; and USSR, pp. 67-76.

<sup>93</sup>For the vote on the draft resolution (S/18983), see S/PV.2750, pp. 61 and 62.

<sup>94</sup>S/19382, OR, 42nd yr., *Resolutions and Decisions of the Security Council*, 1987; see also S/PV.2779.

concerning the implementation of resolution 598 (1987) and expressing their grave concern over the slow pace and lack of real progress.

At the 2823rd meeting, on 8 August 1988, the Secretary-General **stated**<sup>95</sup> that, as a result of the intensive diplomatic activity in exercise of the mandate he had been given by the Council, he had been assured by the Islamic Republic of Iran and Iraq that they would observe a ceasefire in the context of the full implementation of resolution 598 (1987) starting at 0300 (GMT) on 20 August 1988 and that the two parties had also agreed to the deployment of United Nations observers as of the time and date of the ceasefire.

At the same meeting, the President of the Council made a statement,<sup>96</sup> on behalf of the members of the Council, endorsing the announcement that the ceasefire demanded by resolution 598 (1987) was scheduled to come into effect on 20 August 1988 and that direct talks under the Secretary-General's auspices between the two parties were scheduled to begin on 25 August 1988; and also **reaffirming** the Council's full support for the continuing efforts of the Secretary-General towards the implementation of 598 (1987) as an integral whole.

On 28 September 1988 the Foreign Ministers of the five permanent members of the Security Council held a meeting with the Secretary-General, following which they issued a joint statement.<sup>97</sup> The Ministers declared that they placed particular emphasis on efforts to resolve regional conflicts in accordance with the principles of the Charter and noted with satisfaction the improvement in international relations at the global level and the general trend towards dialogue and the peaceful settlement of disputes. They further welcomed the ceasefire and the start of direct talks between the Islamic Republic of Iran and Iraq under the auspices of the Secretary-General in order to secure full implementation of Security Council resolution 598 (1987).

<sup>95</sup>S/20095, OR, 43rd yr., *Resolutions and Decisions of the Security Council*, 1988; see also S/PV.2823.

<sup>96</sup>S/20096, *ibid.*

<sup>97</sup>S/20224, annex (letter dated 11 October 1988 from the representatives of the five permanent members of the Council: China, France, USSR, United Kingdom of Great Britain and Northern Ireland and United States of America), OR, 43rd yr., *Suppl. for Oct.-Dec. 1988*.

## Part II

### CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER

#### NOTE

During the period under review there were three instances of explicit references to Article 34 in the proposals and the debates of the Security Council.

Resolutions adopted by the Council in connection with five agenda items and one **draft** resolution which was not adopted implicitly invoked the provisions of Article 34.<sup>98</sup>

<sup>98</sup>There were several incidental implicit references to Article 34 which are not reflected in this chapter.

The five case histories included in this part relate to the function of investigation by the Council as envisaged in Article 34. First, in connection with the situation between Iran and Iraq, the Council encouraged the Secretary-General to carry out promptly investigations in response to allegations concerning the possible use of chemical and bacteriological or toxic weapons. Secondly, in connection with the situation in the Middle East, the Council expressed appreciation to the Secretary-General for his immediate dispatch of a mission to carry out an examination of the measures enabling the United Nations Interim Force

in Lebanon (UNIFIL) to carry out its mandate under resolution 425 (1978). Thirdly, in connection with the complaint by Angola against South Africa, the Council decided to appoint and send immediately to Angola a commission of investigation to evaluate the damage resulting from the invasion by South African forces and requested the Commission to report urgently on its evaluation of the damage from South African aggression, including the latest bombings. Fourthly, in connection with the letter dated 17 June 1985 from Botswana, the Council requested the Secretary-General to send a mission to visit Botswana to assess the damage caused by South Africa's aggression and expressed appreciation to the Secretary-General for having arranged to send a mission to Botswana and endorsed the report of the mission. And **fifthly**, in connection with the complaint by Lesotho against South Africa, the Council requested the Secretary-General to establish an appropriate presence composed of one or two civilians in Maseru, and to keep him informed of developments affecting the territorial integrity of Lesotho.

In connection with the United Nations for a better world and the responsibility of the Security Council in maintaining international peace and security, the representative of Thailand stated that one of the steps the Council could take to enhance its ability to maintain international peace and security was provided in Article 34, which authorized the Security Council to investigate any dispute or any situation which could lead to international friction or give rise to a dispute.<sup>99</sup> The representative of India, in connection with the same item, stated that India placed considerable emphasis on the Council's role in preventive diplomacy and that measures such as informal attempts on a regular basis to control crisis situations and the dispatch of fact-finding missions and private meetings with parties concerned were worth considering? The representative of the United States of America maintained, in connection with the same item, that the Security Council required greater and more systematic involvement at early stages of developing conflicts, wider capacities for fact-finding, observation and good offices to make Security Council work for peaceful solutions as effective as possible.\*\*

In connection with the complaint by Lesotho against South Africa, the representative of Senegal, speaking on behalf of the Organization of African Unity (OAU), called for a mission of enquiry to be sent to Lesotho to assess the damage resulting from the act of aggression and to evaluate the cost in human casualties.<sup>102</sup> In connection with the same item, the representative of Peru stated that in its discharge of political responsibilities the Council needed to investigate the origin of weapons that made it possible for South Africa to continue its internal and external aggression.<sup>103</sup>

In connection with the letter<sup>104</sup> dated 12 April 1986 from Malta regarding the threat of use of force, as well as the imminent resort to armed attack in the central Mediterranean, the representative of Malta called for immediate action by the Security Council under Articles 33 and 34 of the Charter of the United Nations.<sup>105</sup> However, the draft resolution,<sup>106</sup> which

was not put to the vote, did not contain provisions which might be considered as falling under Article 34.

In connection with the letters<sup>107</sup> each dated 15 April 1986, respectively, from representatives of the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and Oman, the representative of Australia pointed out that the Security Council had wide powers under Chapter VI of the Charter, particularly Articles 33, paragraph 2, Article 34 and Article 36, paragraph 1, to assume its responsibilities and avoid further tensions in the central Mediterranean.<sup>108</sup>

On a number of occasions in 1985, the Secretary-General dispatched inspection teams to investigate allegations by one or both parties regarding military "attacks" on civilian populations. All investigation missions were followed by reports<sup>109</sup> by the Secretary-General transmitted to the Council and, in some cases, the President on behalf of the members of the Security Council issued statements<sup>110</sup> urging both parties to exercise restraint and continue to honour their undertaking of June 1984 not to attack civilian targets. In February 1985, in connection with the situation between Iran and Iraq, the Secretary-General dispatched inspection teams to investigate allegations by one or both parties regarding the situation of prisoners of war. All investigations were followed by reports of the Secretary-General transmitted to the Council, and in some cases the President, on behalf of the members of the Security Council, issued statements urging both parties to abide by the Geneva Convention with regard to the treatment of prisoners of war.<sup>111</sup> In April 1985, the Secretary-General was requested by the President of the Security Council to examine the feasibility of establishing arrangements to conduct a prompt investigation of any further allegations of the use of chemical weapons.<sup>112</sup> However, in spite of allegations made by the Islamic Republic of Iran and subsequently rejected by Iraq, a new investigation at that stage was not considered to be warranted.<sup>113</sup> In February 1986, while reiterating its allegations of Iraq's use of chemical weapons, the Government of the Islamic Republic of Iran requested the dispatch of an investigation mission to the area.<sup>114</sup> While members expressed their support for the Secretary-General's approach, they urged that he dispatch an investigation mission at the earliest opportunity. Immediately upon the adoption by the Council of resolution 582 (1986), the Secretary-General gave instructions for the missions to assemble in Vienna and to proceed without further delay to the Islamic Republic of Iran. The specialists submitted a joint report to the Secretary-General on 7 March 1986. On 12 March, the Secretary-General submitted his report<sup>115</sup>

<sup>107</sup>S/17991, S/17992, S/17993 and S/17994, *ibid.*

<sup>108</sup>S/PV.2676, p. 21.

<sup>109</sup>S/17689, S/16920, *OR 40th yr., Suppl. for Jan.-March 1985.*

<sup>110</sup>Presidential statement dated 5 March 1985 (S/17004, *ibid.*).

<sup>111</sup>S/16962, *ibid.*

<sup>112</sup>For the first time, the Islamic Republic of Iran, in a letter dated 3 November 1983 to the Secretary-General (S/16128), alleged that chemical weapons were being used by Iraq. The Secretary-General, in light of the spirit of humanitarian concern, requested four eminent specialists to undertake a fact-finding visit to the Islamic Republic of Iran between 13 March and 19 March 1984. The Secretary-General, in a note, transmitted the report of the specialists (S/16433).

<sup>113</sup>S/17911, *OR, 41st yr., Supplement for Jan.-March J 1986.*

<sup>114</sup>S/17822, S/17829, S/17833, S/17835, S/17836 and S/17843, *ibid.*

<sup>115</sup>S/17911 and Add. 1, *ibid.*

<sup>99</sup>S/PV.2608, p. 41.

<sup>100</sup>*Ibid.*, p. 67.

<sup>101</sup>*Ibid.*, p. 117.

<sup>102</sup>S/PV.2639, p. 4.

<sup>103</sup>*Ibid.*, p. 27.

<sup>104</sup>S/17982, *OR, 41st yr., Suppl. for April-June 1986.*

<sup>105</sup>S/PV.2672, p. 4.

<sup>106</sup>S/17984, *OR, 41st yr., Suppl. for April-June J 1986.*

to the Security Council. By a note dated 8 May 1987,<sup>116</sup> the Secretary-General transmitted the report of another mission dispatched under his authority to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq. The President, on behalf of the members of the Security Council, issued a **statement**<sup>117</sup> expressing dismay at the repeated use of chemical weapons against Iranian forces by Iraqi forces, in open violation of the Geneva Protocol of 1925. On 25 April 1988, the Secretary-General **further** submitted to the Council another **report**<sup>118</sup> of the mission dispatched under his authority to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq. On 9 May 1988, the Security Council considered the report and unanimously adopted resolution 612 (1988)<sup>119</sup> (see case 1) by which it condemned vigorously the continued use of chemical weapons in the conflict between Iran and Iraq as contrary to the obligations under the Geneva Protocol.

During the Council's deliberations in connection with the situation in the Middle East, a draft resolution submitted by Lebanon would have implicitly invoked the provisions of Article 34. Under the draft **resolution**,<sup>120</sup> the Council would have requested the Secretary-General to establish a fact-finding mission and to report to the Council on the Israeli practices and measures in southern Lebanon, the **western** Bekaa and the Rashaya district. At the 2573rd meeting, held on 12 March 1985, the draft resolution was voted upon and not adopted, owing to the negative vote of a permanent member of the Council.<sup>121</sup>

In connection with the situation in southern Africa, the representative of the Libyan Arab Jamahiriya recalled the report of the Commission of Investigation established by Security Council resolution 571 (1985) which contained an assessment of the material and human damages caused by South African forces against **Angola**.<sup>122</sup> In connection with the same item, the representative of Australia also recalled his delegation's participation in the Security Council's Commission of Inquiry into Angola, which had given them first-hand experience of South Africa's actions towards its neighbours.<sup>123</sup>

In connection with the complaint of Angola against South Africa, the representative of South Africa asked why the Council could not decide to send a fact-finding mission to Angola to establish the facts for **itself**.<sup>124</sup> The representative of the United States, in connection with the same item, referred to South Africa's proposal and stated that it would perhaps have been worthwhile to consider dispatching a fact-finding commission to investigate thoroughly the **Angolan** charge.<sup>125</sup>

During the Council's consideration of the letter dated 9 December 1986 **from** Nicaragua,<sup>126</sup> the representative of

Nicaragua stated that he had suggested to the **Secretary-General** that even though the Government of Honduras had rejected the Nicaraguan proposal that a United Nations fact-finding committee be sent to the border area between Honduras and Nicaragua, perhaps a commission could be sent to the bombed areas to **corroborate** the facts presented by Nicaragua.<sup>127</sup> On the other hand, the representative of Honduras stated that at the time his country was unable to accept the on-site presence of a United Nations **commission**.<sup>128</sup>

In connection with the situation in the occupied Arab territories, several delegations proposed that the Security Council send a fact-finding mission to investigate the situation in the occupied Arab **territories**.<sup>129</sup> In one instance, in connection with the same agenda item, in resolution 605 (1987), paragraph 6, the Council requested the **Secretary-General** to examine the situation then prevailing in the occupied Arab territories by all means available to him and to report to the Council within a specified period, including recommendations on ways and means for ensuring the safety and protection of the civilians under **occupation**.<sup>130</sup>

In connection with the letters both dated 10 February 1988 **from** the observer of the Republic of **Korea**<sup>131</sup> and **from** the representative of **Japan**,<sup>132</sup> concerning the blowing up of a Korean Air liner over the Andaman Sea off the coast of Burma, on 29 November 1987, a number of the participants in the Council's discussion stated that an opportunity given to the International Civil Aviation Organization (ICAO) or another independent organization to establish the exact **cause** of the incident would serve the Security Council **better**.<sup>133</sup>

During the Council's consideration of the letter dated 17 March 1988 from Nicaragua, the representative of Nicaragua stated that his Government had formally requested the Secretary-General and the Organization of American States (OAS) to send as speedily as possible a mixed technical mission to investigate the border incidents that had occurred in the Bocay sector on Nicaraguan **territory**.<sup>134</sup> However, the representative of Honduras stated that his Government did not consider that the establishment of such a commission was **necessary**.<sup>135</sup> The representative of Brazil maintained that his Government would take a **favourable** view of the request to send a verification mission to the area of **conflict**.<sup>136</sup>

During the Council's consideration of the **letter**<sup>137</sup> dated 5 July 1988 **from** the representative of the Islamic Republic of Iran, a number of delegations stated that they were open to any proposals for investigation and also noted the

<sup>116</sup>S/18852 and Corr. 1, OR, 42nd yr., Suppl. for April-June 1987.

<sup>117</sup>S/18863, *ibid.*

<sup>118</sup>S/19823 and Corr. 1, OR, 43rd yr., Suppl. for April-June 1988.

<sup>119</sup>For the vote on the draft resolution (S/19869), see S/PV.2812, 120S/17000.

<sup>121</sup>For the vote on the draft resolution, see SJPV.2573, p. 83. For the detailed procedural history, see chap. VIII, part II, sect. 2, of the present *Supplement*.

<sup>122</sup>S/PV.2657, p. 17.

<sup>123</sup>S/PV.2657, p. 21.

<sup>124</sup>S/PV.2691, p. 26.

<sup>125</sup>See S/PV.2693, United States, p. 48. For the detailed procedural history with regard to draft resolution S/18163, see chap. VIII, part II, sect. 2, of the present *Supplement*; see also chap. I, under rule 38.

<sup>126</sup>S/18513, OR, 41st yr., Suppl. for Oct.-Dec. 1986.

<sup>127</sup>S/PV.2728, pp. 31-32.

<sup>128</sup>*Ibid.*, p. 32.

<sup>129</sup>S/PV.2774, pp. 12, 68; SIPV.2775, pp. 27, 53 and 71.

<sup>130</sup>The Secretary-General dispatched a mission in order to examine on the spot the situation in the occupied territories and to explore ways and means that he could consider recommending to the Security Council to ensure the safety and protection of the Palestinian population of the territories and submitted a report (S/19443) dated 21 January 1988. See also chap. V of the present *Supplement*.

<sup>131</sup>S/19488, OR, 43rd yr., Suppl. for Jan.-March 1988.

<sup>132</sup>S/19489, *ibid.*

<sup>133</sup>S/PV.2791: Federal Republic of Germany, p. 63; S/PV.2792: France, p. 11; United Kingdom, p. 13; Bahrain, pp. 40-46; Zambia, pp. 53 and 54.

<sup>134</sup>S/PV.2802: Nicaragua, p. 11.

<sup>135</sup>*Ibid.*, p. 18.

<sup>136</sup>*Ibid.*, p. 31.

<sup>137</sup>S/19991, OR, 43rd yr., Suppl. for July-Sept. 1988.

process of investigation that was already under way by ICAO.<sup>138</sup>

Security Council resolution 6 16 (1988), adopted in connection with the letter dated 5 July 1988 from the representative of the Islamic Republic of Iran, constituted an instance whereby the Security Council welcomed the decision of the International Civil Aviation Organization, in response to the request of the Islamic Republic, "to institute an immediate fact-finding investigation to determine all relevant facts and technical aspects of the chain of events relating to the flight and destruction of the aircraft" and further welcomed the announcements by the United States of America and by the Islamic Republic of Iran of the decisions to cooperate with the ICAO investigation.<sup>139</sup>

#### CASE 2

##### *The situation between Iran and Iraq*

(In connection with draft resolutions prepared in the course of the Council's consultations and adopted, respectively, on 20 July 1987, 9 May and 26 August 1988)

At its 2750th meeting, on 20 July 1987, a draft resolution that had been prepared in the course of consultations among the members of the Council was voted upon and adopted unanimously as resolution 598 (1 987).<sup>140</sup>

Paragraphs 2, 6 and 8 of the resolution read as follows:

*The Security Council,*

2. **Requests** the Secretary-General to dispatch a team of United Nations observers to verify, confirm and supervise the ceasefire and withdrawal and further requests the Secretary-General to make the necessary arrangements in consultation with the parties and to submit a report thereon to the Security Council;

6. **Requests** the Secretary-General to explore, in consultation with Iran and Iraq, the question of entrusting an impartial body with inquiring into responsibility for the conflict and to report to the Council as soon as possible;

8. **Further requests** the Secretary-General to examine, in consultation with Iran and Iraq and with other States of the region, measures to enhance the security and stability of the region;

At its 28 12th meeting, on 9 May 1988, the Council considered the report<sup>141</sup> of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq and adopted resolution 6 12 (1988). The resolution read in part as follows:

*The Security Council,*

Having considered the report of 25 April 1988 of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

3. **Expects** both sides to refrain from the future use of chemical weapons in accordance with their obligations under the Geneva Protocol;

4. **Calls** upon all States to continue to apply or to establish strict control of the export to the parties to the conflict of chemical products serving for the production of chemical weapons;

...

At the 2825th meeting, on 26 August 1988, a draft resolution submitted by the Federal Republic of Germany, Italy, Japan and the United Kingdom of Great Britain and Northern Ireland was voted upon and adopted unanimously as resolution 620 (1 988).<sup>142</sup>

The resolution reads in part as follows:

*The Security Council,*

Recalling its resolution 6 12 (1988) of 9 May 1988,

Having considered the reports of 20 and 25 July and of 2 and 19 August 1988<sup>143</sup> of the missions dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq,

Deeply dismayed by the missions' conclusions that there had been continued use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq and that such use against Iranians has become more intense and frequent,

...

1. **Condemns resolutely** the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq, in violation of obligations under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and in defiance of its resolution 6 12 (1988);

2. **Encourages** the Secretary-General to carry out promptly investigations in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxic weapons that may constitute a violation of the 1925 Geneva Protocol or other relevant rules of customary international law, in order to ascertain the facts of the matter, and to report the results;

3. **Calls upon** all States to continue to apply, to establish or to strengthen strict control of the export of chemical products serving for the production of chemical weapons, in particular to parties to a conflict, when it is established or when there is substantial reason to believe that they have used chemical weapons in violation of international obligations;

4. **Decides** to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures in accordance with the Charter of the United Nations, should there be any future use of chemical weapons in violation of international law, wherever and by whomever committed.

#### CASE 3

##### *The situation in the Middle East*

(In connection with a statement made on 5 September 1986 by the President of the Council on behalf of its members)

At its 2705th meeting, on 5 September 1986, the Council heard a statement made by the Secretary-General in which he informed the members that, as a result of a series of serious incidents in the area of deployment in southern Lebanon of UNIFIL, he had decided to send to the region a mission of inquiry to consider, together with the Government of Lebanon, measures to be taken to ensure that the Force was able to carry out effectively, in the required secured conditions, the mandate entrusted to it by the Security Council in its resolution 425 (1978).

<sup>138</sup>See S/PV.28 19.

<sup>139</sup>See paragraph 3 of resolution 616 (1988), OR, 43rd yr., *Resolutions and Decisions of the Security Council, 1988*.

<sup>140</sup>For the vote on the draft resolution (S/18983), see S/PV.2750, p. 61. For the detailed procedural history, see chap. VIII, part II, sect. 3, of the present *Supplement*.

<sup>141</sup>S/19823, OR, 43rd yr., *Supplement for April, May and June 1988*.

<sup>142</sup>For the vote on the draft resolution (S/20 15 1), see S/PV.2825.

<sup>143</sup>S/20060 and Add. I, S/20063 and Add. 1 and S/20134, OR, 41st yr., *Suppl. for July-Sept. 1986*.

Following the Secretary-General's statement, the President made a statement on behalf of the members of the Council (S/18320). The statement reads in part as follows:

The members of the Security Council express their appreciation to the Secretary-General for his immediate dispatch of a mission led by the Under-Secretary-General which is to carry out, in consultation with the Lebanese Government, an in depth examination of the measures to be taken to enable the Force to carry out its mandate, as laid down in Council resolution 425 (1978), effectively in the necessary conditions of security.

The Secretary-General submitted a special report<sup>144</sup> dated 18 September 1986 on the United Nations Interim Force in Lebanon in which he described the conditions under which UNIFIL was operating and the security measures already taken and set out his observations on the future of the Force.

#### CASE 4

##### *Complaint by Angola against South Africa*

(In connection with a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, voted upon and adopted on 20 September 1985)

During the Council's consideration of the complaint by Angola against South Africa, the representative of Angola stated that the South African forces had launched an attack on Angola on 17 September 1985. At the 2607th meeting, on 20 September 1985, the Security Council unanimously adopted, as orally revised, a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, as resolution 571 (1985).<sup>145</sup>

Paragraph 7 of the resolution reads as follows:

##### *The Security Council,*

...

7. Decides to appoint and send immediately to Angola a commission of investigation, comprising three members of the Security Council, in order to evaluate the damage resulting from the invasion by South African forces and to report to the Council not later than 15 November 1985;

At its 2617th meeting, on 7 October 1985, the Security Council unanimously adopted resolution 574 (1985).<sup>146</sup> The resolution reads in part as follows:

##### *The Security Council,*

7. Requests the Security Council Commission of Investigation established in pursuance of resolution 571 (1985), consisting of Australia, Egypt and Peru, to report urgently on its evaluation of the damage resulting from South African aggression, including the latest bombings;

In a note<sup>147</sup> dated 15 November 1985, the President of the Council stated that the Chairman of the Security Council Commission of Investigation established under resolution 571 (1985) had informed him that the Commission was still in the process of finalizing its report and that it had requested an extension of the date of submission of its

report until 22 November 1985. The President further stated that, after informal consultations on the matter, it had been found that no member of the Council had any objection to the request.

At its 2631st meeting, on 6 December 1985, the Security Council considered the report<sup>148</sup> of the Commission of Investigation. At the same meeting, a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago was voted upon and unanimously adopted as resolution 577 (1985).<sup>149</sup> The resolution reads in part as follows:

##### *The Security Council,*

...

7. Demands that South Africa pay full and adequate compensation to the People's Republic of Angola for the damage to life and property resulting from the acts of aggression;

8. Requests Member States and international organizations urgently to extend material and other forms of assistance to the People's Republic of Angola in order to facilitate the immediate reconstruction of its economic infrastructure;

9. Requests the Secretary-General to monitor developments in this situation and report to the Security Council as necessary, but no later than 30 June 1986, on the implementation of the present resolution and, in particular, of paragraphs 7 and 8 thereof;

#### CASE 5

##### *Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council*

(In connection with a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, voted upon and adopted on 21 June 1985)

During the Council's consideration of the serious situation arising as a result of South Africa's military attack on the capital of Botswana, Gaborone, at the 2599th meeting, on 21 June 1985, a six-Power draft resolution was adopted unanimously as resolution 568 (1985).<sup>150</sup> The resolution reads in part as follows:

##### *The Security Council,*

..

8. Requests the Secretary-General to send a mission to visit Botswana for the purpose of:

(a) Assessing the damage caused by South Africa's unprovoked and premeditated acts of aggression;

(b) Proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees;

(c) Determining the consequent level of assistance required by Botswana and to report thereon to the Security Council;

9. Requests all States and relevant agencies and organizations of the United Nations system urgently to extend all necessary assistance to Botswana;

10. Requests the Secretary-General to monitor developments related to this question and to report to the Security Council as the situation demands;

<sup>144</sup>S/18348, *ibid.*

<sup>145</sup>For the vote on the draft resolution (S/17481), see S/PV.2607, pp. 52-55. For the detailed procedural history, see chap. VIII, part II, sect. 8, of the present *Supplement*.

<sup>146</sup>For the vote on the draft resolution (S/17531), see S/PV.2617, p. 49. For detailed procedural history, see chap. VIII, part II, sect. 8, of the present *Supplement*.

<sup>147</sup>S/17635, OR, 40th yr., *Suppl. for Oct.-Dec. 1985*.

<sup>148</sup>S/17648, *ibid.*

<sup>149</sup>For the vote on the draft resolution (S/17667) see WV.2631, pp. 31-32. For detailed procedural history, see chap. VIII, part II, sect. 8, of the present *Supplement*.

<sup>150</sup>For the vote on the draft resolution (S/17291), see S/PV.2599.

The Security Council considered the Secretary-General's **report**<sup>151</sup> at its 2609th meeting, on 30 September 1985, held in response to a request contained in a letter dated 26 September 1985 from the representative of Botswana. At the same meeting, a **draft** resolution submitted by Botswana, Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago was voted upon and adopted as resolution 572 (1985).<sup>152</sup> The resolution **reads** in part as follows:

*The Security Council,*

...

2. **Expresses its appreciation** to the Secretary-General for having arranged to send a mission to Botswana to assess the damage caused by South Africa's unprovoked and premeditated acts of aggression and for proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African **refugees** as well as for **determining** the level of assistance required by Botswana to cope with the situation resulting from the attack;

3. **Endorses** the report of the mission to Botswana under resolution 568 (1985);

4. **Demands** that South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from its act of aggression;

5. Requests Member States, international organizations and financial institutions to assist Botswana in the fields identified in **the report of the mission to Botswana**;

6. Requests the Secretary-General to give the matter of assistance to Botswana his continued attention and to keep the Security Council informed;

<sup>151</sup>S/1 7453, OR 40th yr., Suppl. for July-Sept. 1985.

<sup>152</sup>For the vote on the draft resolution (S/17503), see S/PV.2609.

CASE 6

*Complaint by Lesotho against South Africa*

(In connection with a **draft** resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago, voted upon and adopted on 30 December 1985)

During the consideration of the complaint by Lesotho against South Africa, which had suffered armed aggression by South Africa on 19 December 1985, a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago was voted upon and unanimously adopted as resolution 580 (1985).<sup>153</sup> Paragraphs 9 and 10 of the resolution read as follows:

*The Security Council,*

...

9. **Requests** the Secretary-General to establish, in consultation with the Government of Lesotho, an appropriate presence comprising one or two civilians in Maseru, for the purpose of keeping him informed of any development affecting the territorial integrity of Lesotho;

10. **Further requests** the Secretary-General, through appropriate means, to monitor the implementation of the present resolution and the prevailing situation and to report to the Security Council as the situation demands;

<sup>153</sup>For the vote on the draft resolution (S/17701), see S/PV.2639.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER

NOTE

During the period under review, 39 questions involving the maintenance of international peace and security were brought to the attention of the Security Council. In one case, a request for a meeting was submitted by a non-member State. In all other cases, the requests under Article 35 were submitted by Members of the United Nations. The relevant data regarding the submission of these questions are summarized in the tabulation.

Article 35, paragraph 2, was explicitly invoked in one communication from a non-member State;<sup>154</sup> one letter of submission explicitly invoked Article 94 of the Charter.<sup>155</sup> During the debates in the Security Council, Article 35 was explicitly cited four times in the course of the deliberations of the Council.<sup>156</sup>

<sup>154</sup>See the letter dated 10 February 1988 from the Republic of Korea (S/19488, OR, 43rd yr., Suppl. for Jan.-March 1988).

<sup>155</sup>See the letter dated 17 October 1986 from Nicaragua, requesting an emergency meeting of the Security Council to consider the non-compliance with the judgment of the International Court of Justice (S/18415, OR, 41st yr., Suppl. for Oct.-Dec. 1986).

<sup>156</sup>S/PV.2617: Angola, p. 55; S/PV.2636: Madagascar, p. 6; S/PV.2677: Madagascar, p. 16; S/PV.2680: Ghana, p. 38.

The Council continued to consider, at the request of the parties or other Members of the United Nations, questions that had been included in its agenda prior to the period under review: the **situation** in the Middle East, the situation between Iran and Iraq, the question of South Africa, the situation in Namibia, the situation in Cyprus, complaint by Angola against South Africa, complaint by Lesotho against South Africa, **the** situation in the occupied Arab territories, the situation concerning Western Sahara, letter dated 20 February 1961 from the representative of Liberia addressed to the President of the Security Council, and the Middle East problem including the Palestinian question.

SUBMISSIONS BY MEMBERS OF THE UNITED NATIONS

Members of the United Nations generally submitted questions to the Security Council by means of communications to the President of the Council. In two instances, communications were addressed to the **Secretary-General**.<sup>157</sup> During the period under review, Article 35 was not

<sup>157</sup>See the letter dated 17 December 1988 from Angola and the letter dated 17 December 1988 from Cuba (S/20336 and S/20337, OR, 43rd yr., Suppl. for Oct.-Dec. 1988).

explicitly cited by Member States as the basis of such submissions.

One question was submitted as a dispute.<sup>158</sup> In 22 instances questions were described as **situations**.<sup>159</sup> In 12 cases the letter of submission contained terms similar to those of Article 39.<sup>160</sup>

In connection with the situation between Iran and Iraq, the Council was requested to discuss the report of the mission dispatched by the Secretary-General to inquire into the situation of prisoners of war in the Islamic Republic of Iran and the Republic of Iraq; to discuss the grave situation arising from the Iranian aggression and to take serious practical and speedy measures to put an end to the war and to solve the conflict by peaceful means; and to adopt measures to ensure the implementation of Security Council resolution 582 (1986), concerning the **further** acute escalation of the conflict.

With regard to the situation in the Middle East, the Council was requested to consider the situation of UNIFIL, in the light of the Secretary-General's report; the situation in and around the refugee camps in Beirut; the continuing acts of aggression and practices of the Israeli occupying forces in southern Lebanon, the Western Bekaa and the Rashaya district; the continued escalation of violence involving the civilian population in and around Beirut, affecting the safety and security of the Palestinians in the refugee camps; the aggression against Lebanon, which had assumed the proportions of an invasion of the southern part of the country; and the aggression against Lebanese territory by Israeli naval, air and land forces on 9 December 1988.

In connection with the question of South Africa, the Council was requested to consider the serious situation in South **Africa** resulting from the murder of **defenceless** African demonstrators; the concern at the continuance and worsening of the human suffering which the apartheid system caused in South Africa; the serious situation on the occasion of the commemoration of the tenth anniversary of the Soweto massacres; the question of the death sentences passed by the regime of South Africa, as well as the decision of the Pretoria Supreme Court to reject the appeal; and the question of the death sentence passed by the regime in the light of the intention of South African authorities to implement that decision.

In connection with communications from Chad, the Council was requested to resume consideration of the complaint against the Libyan Arab Jamahiriya made by the Government of Chad on 2 August 1983; to consider the serious situation prevailing in the country; and to consider the serious situation prevailing in the northern part of Chad occupied by the Libyan Arab Jamahiriya.

In connection with the **communications**<sup>161</sup> from Nicaragua, the Council was requested to convene for the purpose

of considering the extremely serious situation which the Central American region was facing at that time; to consider an extremely serious situation created by the escalation of acts of aggression, the repeated threats and new acts of provocation directed against Nicaragua by the United States Government; to convene an emergency meeting, in accordance with the provisions of Article 94 of the Charter, to consider the non-compliance with the judgment of the International Court of Justice; to convene a meeting urgently and immediately, in order to consider the serious situation created by the escalation of threats and aggression against Nicaragua and by the decision by the United States Government to send American troops to Honduran territory; and for the purpose of considering the serious incidents occurring in the Central American region which endangered international peace and security.

In connection with the situation in Namibia, the Council was requested to consider further, following the decision of the Extraordinary Ministerial Meeting of the Coordinating Bureau of Non-Aligned Countries to call for an urgent meeting of the Security Council, the question of Namibia and to give effect to its own resolutions in that regard, in particular resolution 435 (1978).

In connection with the complaint by Angola against South Africa, the Council was requested to deal with the situation, in view of the threat to regional and international peace and security represented by the continuous acts of aggression and violence perpetuated by the armed forces of South Africa, resulting in violation of the **territorial** integrity and national sovereignty of Angola; to deal with the situation, in view of the armed invasion perpetrated against Angola and the threat it posed to regional and international peace and security; to deal with the situation, in view of the acts of aggression and threats to regional and **international** peace and security by the armed forces of South Africa, resulting in the violation of the territorial integrity and national sovereignty of Angola; and to convene urgently for the purpose of considering the renewed acts of aggression by South Africa against Angola.

In connection with the letter dated 17 June 1985 from Botswana, the Council was requested to consider the situation that had arisen as a result of South Africa's military attack on the capital of the country, Gaborone.

In connection with the situation in the occupied Arab territories, the Council was requested to consider Israeli practices against the civilian population; to consider the serious threat to international peace and security resulting from Israeli acts of profanation committed against the sanctuary of **Haran** al-Quds (Jerusalem); to consider the situation in the Israeli-occupied Palestinian and other Arab territories, including Jerusalem; to consider and adopt the report of the Secretary-General pursuant to Security Council resolution 605 (1987); to consider the situation resulting from Israel's aggression and take steps as were required by the situation; and to condemn the deliberate act of aggression in the strongest terms, to require fair and **full** compensation for all the damage and to take measures to prevent such acts from recurring.

In connection with the Middle East problem including the Palestinian question, the Council was requested, on behalf of the Movement of Non-Aligned Countries and following the decision of the Conference of Foreign Ministers, to convene urgently.

<sup>158</sup>See tabulation, section A.

<sup>159</sup>*Ibid.*, section B.

<sup>160</sup>*Ibid.*, section C.

<sup>161</sup>Letter dated 6 May 1985 (S/17156, *OR*, 40th yr., *Suppl. for April-June 1985*); letter & ted 6 December 1985 (S/17671, *OR*, 40th yr., *Suppl. for Oct.-Dec. 1985*); letter dated 27 June 1986 (S/18178, *OR*, 41st yr., *Suppl. for April-June 1986*); letter & ted 22 July 1986 (S/18230, *OR*, 41st yr., *Suppl. for July-Sept. 1986*); letter dated 17 October 1986 (S/18414, *OR*, 41st yr., *Suppl. for Oct.-Dec. 1986*); letter & ted 9 December 1986 (S/18513, *ibid.*); letter dated 17 March 1988 (S/19638, *OR*, 43rd yr., *Suppl. for Jan.-March 1988*).

In connection with the letter dated 16 December 1985 from the United States, the Council was requested to consider the important matter of hostage-taking, in view of the serious situation created by those acts.

In connection with the complaint by Lesotho against South Africa, the Council was requested to deal with the grave situation created by an unprovoked armed aggression against Lesotho by South Africa.

In connection with the situation in southern Africa, the Council was requested to convene an urgent meeting to consider the situation and South Africa's aggression against Botswana, Zambia and Zimbabwe.

In connection with the letters dated, respectively, 25 and 26 March 1986 from Malta, the USSR and Iraq, as well as with the letter dated 12 April 1986 from Malta, the Council was requested to convene an urgent meeting to discuss the grave situation which had arisen in the central Mediterranean and to consider what action could be taken to reduce tension and restore peace and stability in the region; to consider the question of the United States aggression against the Libyan Arab Jamahiriya; and to consider and take action to stop repeated threats of use of force, as well as imminent resort to armed attacks in the central Mediterranean.

In connection with the letter dated 4 February 1986 from the Syrian Arab Republic, the Council was requested to consider the Israeli act of air piracy carried out against a private Libyan civilian aircraft flying in international airspace and carrying an official Syrian delegation.

In connection with the letters each respectively dated 15 April 1986 from the Libyan Arab Jamahiriya, Burkina Faso, the Syrian Arab Republic and Oman, the Council was called upon to consider and adopt urgent and effective measures with regard to the attack on Tripoli and Benghazi by United States forces.

By the letter dated 10 February 1988 from Japan, the Security Council was also to consider the destruction on November 1987 of the Korean Airlines passenger aircraft, flight 858, which claimed 115 victims.

In connection with the letter dated 11 March 1988 from Argentina, the Council was requested to consider the situation created in the South Atlantic by the United Kingdom Government's decision to conduct military manoeuvres in the region of the Falkland Islands (Islas Malvinas).

In connection with the letter dated 19 April 1988 from Tunisia, the Council was requested to consider the situation created by the Israeli attack on the territorial integrity and sovereignty of Tunisia; and invited to condemn Israeli terrorism and to take appropriate steps to avert and prevent the repetition of such acts. Further, the attention of the Council was drawn to the nature of those deplorable acts, which portended other attacks unless the Council took serious measures to counter such acts.

In connection with the letter dated 5 July 1988 from the Islamic Republic of Iran, the Council was asked to consider the massacre of 290 innocent civilian passengers of Iran Air flight 655 by the naval forces of the United States.

By identical letters each, respectively, dated 17 December 1988 from Angola and from Cuba, the Secretary-General was informed of the intention to sign an agreement between the two countries and was requested to take necessary steps to recommend to the Council that a United

Nations observer group be set up in order to carry out the verification of the agreement.<sup>162</sup>

#### SUBMISSIONS BY STATES NOT MEMBERS OF THE UNITED NATIONS

During the period under review, the observer for the Republic of Korea to the United Nations requested that an urgent meeting of the Security Council be called, in accordance with Article 35, paragraph 2, of the Charter, to consider a serious situation arising from the explosion of Korean Air flight 858.<sup>163</sup>

#### SUBMISSIONS BY THE GENERAL ASSEMBLY OR ITS SUBSIDIARY ORGANS<sup>164</sup>

In connection with the question of South Africa, the Council was requested to conclude its consideration of the recommendations of its Committee established by resolution 42 1 (1977), with a view to blocking the existing loopholes in the arms embargo so as to render it more effective, and prohibiting, in particular, all forms of cooperation and collaboration with the racist regime of South Africa in the nuclear field. On another occasion, the Council was requested to consider immediate action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa, with a call upon Governments which were opposed to the application of such sanctions to cease their opposition.<sup>165</sup>

In connection with the situation in the Middle East, the General Assembly requested the Council to consider the situation in the occupied Palestinian territory, taking into account the recommendations contained in the report of the Secretary-General. Finally, the Council was requested by the General Assembly to consider measures needed to convene the International Peace Conference on the Middle East, including the establishment of a preparatory committee for that purpose.<sup>166</sup>

#### SUBMISSION BY A SUBSIDIARY ORGAN OF THE SECURITY COUNCIL

On one occasion, the Chairman of the Security Council Committee established by resolution 42 1 (1977) transmitted to the Council the text of a draft resolution recommended by the Committee.<sup>167</sup>

#### PROCEDURAL CONSEQUENCES OF SUBMISSIONS UNDER ARTICLE 35

Communications submitting questions for consideration by the Council were dealt with in accordance with rules 6 and 9 of the provisional rules of procedure; material relating to the application of these rules is contained in chapter

<sup>162</sup>See the letters both dated 17 December 1988 from Angola and Cuba (S/20336 and S/20337, OR, 43rd yr., Suppl. for Oct.-Dec. 1988).

<sup>163</sup>See the letter dated 10 February 1988 from the Republic of Korea (S/19488, OR, 43rd yr., Suppl. for Jan.-March 1988). See also section E of the tabulation, below.

<sup>164</sup>For recommendations made by the General Assembly in the form of resolutions, see chap. VI, part I, of the present Supplement.

<sup>165</sup>See tabulation, entry 36.

<sup>166</sup>See tabulation, entry 37.

<sup>167</sup>Draft resolution S/18474, adopted at the 2723rd meeting, held on 28 November 1986, by consensus as resolution 591 (1986).

II, parts II and III, of the present *Supplement*. In a few cases the Council did not take up the questions or communications for a **discussion**.<sup>168</sup>

On one occasion, in connection with the letters both dated 10 February 1988, respectively, from the observer for the Republic of Korea and from the representative of Japan, one delegation stated that his Government did not consider it useful to include in the agenda of the Security

Council the question submitted to it, and that they wanted their position to be reflected in the records of the Security Council.<sup>169</sup> In other cases, the Council did not consider whether or not to accept the designation of any of the new questions submitted for its consideration for the first time. Nor was any question raised as to the appropriate designation for a question included in the agenda at an earlier date.

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<sup>168</sup>For the submissions from Member States, see section B of the tabulation.

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<sup>169</sup>For the text of the relevant statement, S/PV.2791: USSR. For more details, see chap. II, part III, case 1, of the present *Supplement*.

**TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1985-1988**

**Section A. Questions submitted by Members as disputes**

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
1. Letter dated 22 July 1986 (S/18230)	Nicaragua	United States		Requesting the convening of a meeting of the Security Council on 29 July 1986, for the purpose of considering the dispute between the United States and Nicaragua, which was the subject of the judgment of the International Court of Justice	2700th-2704th meetings, 29-31 July 1988

**Section B. Questions submitted by Members as situations**

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
2. Letter dated 28 January 1985 (S/16911)	Chad	Libyan Arab Jamahiriya		Requesting that the Security Council convene as a matter of urgency in order to consider the serious situation prevailing in the country	2567th meeting, 30 January 1985
Letter dated 25 January 1985 (S/16906)	Chad	Libyan Arab Jamahiriya		Informing of the illegal occupation by the Libyan Arab Jamahiriya of Chadian territory which constitutes an act of aggression and a constant threat to peace and security in the subregion; and requesting the convening of the Security Council to resume consideration of the complaint against the Libyan Arab Jamahiriya made by the Government of Chad on 2 August 1983 (S/15902)	
3. The situation between Iran and Iraq					
(a) Letter dated 24 February 1985 (S/16980)		Iraq		Requesting that a meeting of the Security Council be convened during the first week of March 1985 to discuss the report of the mission dispatched by the Secretary-General (S/16962) to inquire into the situation of prisoners of war in the Islamic Republic of Iran and Iraq	2569th meeting, 4 March 1985

(b) Letter dated 12 February 1986 (S/17821)	Iraq	Iran, Saudi Arabia, Jordan, Kuwait, Morocco, Tunisia, Yemen, League of Arab States	Transmitting a letter from the States members of the Committee of Seven of the Council of the League of Arab States, requesting an urgent meeting of the Security Council to discuss the grave situation arising from the Iranian aggression and to take serious practical and speedy measures to put an end to the war and to solve the conflict by peaceful means	2663rd-2666th meetings, 1986
(c) Letter dated 30 September 1986 (S/18372)	Iraq, Jordan, Kuwait, Morocco, Saudi Arabia, Tunisia, Yemen	Islamic Republic of Iran	Requesting that an urgent meeting of the Security Council be convened to consider the grave situation between Iran and Iraq and to adopt measures to ensure the implementation of Security Council resolution 582 (1986)	2709th-2713th meetings, 3, 6-8 October 1986
(d) Letter dated 7 March 1988 (S/19589)	USSR	Islamic Republic of Iran, Iraq	Requesting an urgent meeting of the Security Council in connection with the further acute escalation of the conflict between Iran and Iraq	
4. The situation in the Middle East				
(a) Letter dated 4 September 1986 (S/18318)	France	Lebanon	Requesting an urgent meeting of the Security Council to consider the situation of UNIFIL	2705th meeting, 5 September 1986
(b) Special report of the Secretary-General on UNIFIL (S/18348) Letter dated 18 September 1986 (S/18353)	France	Lebanon	Requesting an urgent meeting of the Security Council to consider the situation of UNIFIL in the light of the Secretary-General's report	2706th-2708th meetings, 19, 22, 23 September 1986
(c) Letter dated 3 April 1987 (S/18781)	Egypt, Iraq	Lebanon (Beirut)	Requesting an immediate meeting of the Security Council to consider the situation in and around the refugee camps in Beirut	No meeting
5. The question of South Africa				
(a) Letter dated 28 February 1985 (S/16991)	Egypt	South Africa	Requesting, as Chairman of the Group of African States, the convening of an urgent meeting of the Security Council to consider the serious situation in South Africa resulting from the murder of defenceless African demonstrators	2571st, 2577th meetings, 8, 12 March 1985
(b) Letter dated 24 July 1985 (S/17351)	France	South Africa	Requesting that the Security Council be convened immediately to consider the continuance and worsening of the human suffering caused by the apartheid system in South Africa	2600th-2602nd meetings, 25, 26 July 1985
Letter dated 25 July 1985 (S/17356)	Mali	South Africa	Requesting, as Chairman of the Group of African States, that an urgent meeting of the Security Council be convened to consider the situation in South Africa	

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
(c) Letter dated 10 June 1986 (S/18146)	Zaire, on behalf of African States of the United Nations	South Africa		Requesting that the Security Council convene as a matter of urgency to consider the serious situation in South Africa on the occasion of the commemoration of the tenth anniversary of the Soweto massacres	2690th meeting, 13 June 1986
(d) Letter dated 24 November 1986 (S/18474)	Chairman of Security Council Committee established under resolution 421 (1977)			Transmitting the text of a draft resolution recommended by the Committee for the implementation of the arms embargo on South Africa	2723rd meeting, 28 November 1986
(e) Letter dated 10 February 1987 (S/18688)	Egypt			Requesting, on behalf of African States, that an urgent meeting of the Security Council be convened to consider the situation in South Africa	2732nd-2738th meetings, 17-20 February 1986
(f) Letter dated 2 March 1988 (S/19567)	Sierra Leone			Requesting, as Chairman of the Group of African States, an urgent meeting of the Security Council to consider the question of South Africa, on Thursday, 3 March 1988	
Letter dated 2 March 1988 (S/19568)	Zambia			Requesting that an urgent meeting of the Security Council be convened to consider the item entitled "The question of South Africa"	
(g) Letter dated 15 March 1988 (S/19624)	Zambia	South Africa		Requesting that an urgent meeting of the Security Council be convened to consider the item entitled "The question of South Africa", regarding the question of the death sentences passed by the regime of South Africa	2799th meeting, 16 March 1988
(h) Letter dated 16 June 1988 (S/19939)	Zambia	South Africa		Requesting that an urgent meeting of the Security Council be convened under the item entitled "The question of South Africa", to consider the question of the death sentences passed by the regime of South Africa, as well as the decision of the Pretoria Supreme Court to reject the appeal	2817th meeting, 17 June 1988
(i) Letter dated 23 November 1988 (S/20289)	Zambia			Requesting that the Security Council convene urgently under the item entitled "The question of South Africa" to consider the question of the death sentences passed by the regime in the light of the intention of the South African authorities to implement it	2830th meeting, 23 November 1988

6. Letter dated 6 May 1985 (S/17156)	Nicaragua		Requesting an urgent meeting of the Security Council to consider the extremely serious situation which the Central American region is facing	2577th-2580th meetings, 8-10 May 1985
7. The situation in Namibia (a) Letter dated 23 May 1985 (S/17213)	India		On behalf of the Movement of Non-Aligned Countries, requested that the Security Council convene to consider further the situation in Namibia following the decision of the Extraordinary Ministerial Meeting of the Coordinating Bureau of Non-Aligned Countries on the question of Namibia, held at New Delhi from 19 to 21 April 1985, which called for an urgent meeting of the Security Council to resume consideration of the question of Namibia and to give effect to its own resolutions in that regard, in particular resolution 435 (1978)	2583rd-2590th, 2592nd, 2593rd-2595th meetings, 10-19 June 1985
Letter dated 23 May 1985 (S/17222)	Mozambique			
Further report of the Secretary-General concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978)				
(b) Letter dated 11 November 1985 (S/17618)	India	Namibia	Requesting, pursuant to a decision of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries (S/17610), an urgent meeting of the Security Council to resume its consideration of the situation in Namibia	2624th-2626th, 2628th, 2629th meetings, 13-15 November 1985
Letter dated 11 November 1985 (S/17619)	Mauritius	Namibia	Requesting, as Chairman of the Group of African States, an urgent meeting of the Security Council on the question of Namibia	
(c) Letter dated 25 March 1987 (S/18765)	Gabon	Namibia	Requesting, on behalf of the Group of African States, that an urgent meeting of the Security Council be convened to consider the situation in Namibia	2740th-2747th meetings, 6-9 April 1987
Letter dated 31 March 1987 (S/18769)	Zimbabwe	Namibia	Requesting, on behalf of the Group of African States, that an urgent meeting of the Security Council be convened to consider the question of Namibia	
(d) Letter dated 23 October 1987 (S/19230)	Madagascar	Namibia	Requesting, on behalf of the Group of African States, that an urgent meeting of the Security Council be convened to consider the situation in Namibia	2755th-2759th meetings, 28-30 October 1987
Letter dated 27 October 1987 (S/19235)	Zimbabwe	Namibia	Requesting the convening of an urgent meeting of the Security Council to consider the question of Namibia	
(e) Letter dated 27 September 1988 (S/20203)	Zambia		Requesting that the Security Council be convened to consider the situation in Namibia	2827th meeting, 29 September 1988

Question	Submitted by	States involved	Articles invoked as basis for submission	Action requested of the Security Council	Meetings
8. Complaint by Angola against South Africa	Angola	South Africa	Requesting urgently the convening of a meeting of the Council, in view of the threat to regional and international peace and security represented by the continuous acts of aggression and violence perpetrated by the racist armed forces of South Africa, resulting in violation of the territorial integrity and national sovereignty of Angola	2596th, 2597th meetings, 20 June 1985	
(a) Letter dated 13 June 1985 (S/17267)	Angola	South Africa	Requesting urgently, in view of the armed invasion perpetrated by the armed forces of South Africa against Angola and the threat it poses to regional and international peace and security, that a meeting of the Security Council be convened	2606th, 2607th meetings, 20 September 1985	
(b) Letter dated 19 September 1985 (S/17474)	Angola	South Africa	Requesting urgently, pursuant to the acts of aggression and threats to regional and international peace and security by the armed forces of South Africa, resulting in the violation of the territorial integrity and national sovereignty of Angola, that a meeting of the Security Council be convened	2612th, 2614th, 2616th, 2617th meetings, 3, 4, 7 October 1985	
(c) Letter dated 1 October 1985 (S/17510)	Angola	South Africa	Requesting that a meeting of the Security Council be convened in connection with the South African aggression against Angola, especially in the light of the recent and continuing acts of terrorism and violation of the sovereignty and territorial integrity of Angola by the South African regime	2691st-2693rd meetings, 16-18 June 1986	
(d) Letter dated 12 June 1986 (S/18148)	Angola	South Africa	Pursuant to paragraph 7 of resolution 602 (1987), requesting that the Council meet urgently to consider the report of the Secretary-General (S/19359)		
(e) Letter dated 22 December 1987 (S/19377)	Congo, Ghana, Zambia				
Report of the Secretary-General in pursuance of Security Council resolution 602 (1987) (S/19359)	Botswana	South Africa	Requesting an urgent meeting of the Security Council for the purpose of considering the situation arising as a result of South Africa's military attack on the capital of the country, Gaborone, on 14 June 1985	2598th, 2599th meetings, 21 June 1985	
9. Letter dated 17 June 1985 (S/17279)	Botswana	South Africa			

10. The situation in the occupied Arab territories					
(a) Letter dated 11 September 1985 (S/17456)	Qatar	Israel	Requesting, as Chairman of the Group of Arab States, an immediate meeting of the Security Council to consider Israeli practices against the civilian population in the Palestinian occupied territories	2604th, 2605th meetings, 12, 13 September 1985	
(b) Letter dated 16 January 1986 (S/17740)	Morocco	Israel	Drawing attention, as Chairman of the Organization of the Islamic Conference, to the serious threat to international peace and security resulting from Israeli acts of profanation committed recently against the sanctuary of Haran al-Quds (Jerusalem) and requesting the convening of an urgent meeting of the Security Council to consider the situation	2643rd-2650th meetings, 21-30 January 1986	
Letter dated 16 January 1986 (S/17741)	United Arab Emirates	Israel	Calling attention, as Chairman of the Group of Arab States, to the grave situation created in al-Quds by Israeli actions violating the sanctity of the Haram al-Sharif		
(c) Letter dated 4 December 1986 (S/18501)	Zimbabwe	Israel	Requesting, as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries, an immediate meeting of the Security Council to consider the situation in the Israeli-occupied Palestinian and other Arab territories, including Jerusalem	2724th-2727th meetings, 5, 8 December 1986	
(d) Letter dated 11 December 1987 (S/19333)	Democratic Yemen		Requesting, as Chairman of the Group of Arab States, an immediate meeting of the Security Council to address the situation in the occupied Palestinian and other Arab territories	2770th, 2772nd-2777th meetings, 11-22 December 1987	
(e) Letter dated 4 January 1988 (S/19402)	Jordan		Requesting, as Chairman of the Group of Arab States, an immediate meeting of the Security Council to address the situation in the occupied Palestinian and other Arab territories	2780th meeting, 5 January 1988	
(f) Letter dated 29 March 1988 (S/19700)	Tunisia		Requesting, as Chairman of the Group of Arab States, an urgent meeting of the Security Council to discuss the situation in the occupied Arab territories	2904th-2806th meetings, 30 March, 14, 15 April 1988	
11. Letter dated 26 September 1985 (S/17497)	Botswana		Requesting that a meeting of the Security Council be convened to consider and adopt the report of the Secretary-General pursuant to the Security Council resolution 568 (1985) (S/17453)	2609th meeting, 30 September 1985	

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
12. The Middle East problem including the Palestinian Question  Letter dated 30 September 1985 (S/17507)	India			Requesting, on behalf of the Movement of Non-Aligned Countries and following the decision of the Conference of Foreign Ministers, an urgent convening of the Security Council	26 18th-2622nd meetings, 9-11 October 1985
13. Letter dated 6 December 1985 (S/17671)	Nicaragua	United States		Requesting the convening of an urgent meeting of the Security Council to consider an extremely serious situation created by the escalation of acts of aggression, the repeated threats and the new acts of provocation directed against Nicaragua by the United States Government	2633rd, 2634th, 2636th meetings, 10-12 December 1985
14. Letter dated 16 December 1985 (S/17685)	United States			Requesting, in view of the serious situation created by acts of hostage-taking and abduction, a meeting to consider that important matter	2637th meeting, 18 December 1985
15. Complaint by Lesotho against South Africa (a) Letter dated 23 December 1985 (S/17692)	Lesotho	South Africa		Requesting that a meeting of the Security Council be convened, preferably on the morning of 30 December 1985, to deal with the grave situation created by an unprovoked armed aggression against Lesotho by South Africa	2638th, 2639th meetings, 30 December 1985
16. The situation in southern Africa Letter dated 29 January 1986 (S/17770)	Sudan			Requesting, on behalf of African States at the United Nations, that an urgent meeting of the Security Council be convened to consider the situation in southern Africa	2652nd, 2654th, 2656th, 2662nd meetings, 5-13 February 1986
17. Letter dated 25 March 1986 (S/17940)	Malta			Requesting an urgent meeting of the Security Council to discuss the grave situation which has arisen in the central Mediterranean and to consider what action could be taken to reduce tension and restore peace and stability in the region	2668th-2671st meetings, 26-31 March 1986
	USSR			Requesting that an urgent meeting of the Security Council be convened to consider the situation in the southern Mediterranean	

	Letter dated 26 March 1986 (S/17946)	Iraq	United States Libyan Arab Jamahiriya		Requesting, as Chairman of the Group of Arab States, the convening of an urgent meeting of the Security Council to consider the question of the United States aggression against the Libyan Arab Jamahiriya	
18.	Letter dated 17 October 1986 (S/18414)	Nicaragua		94	Requesting an emergency meeting of the Security Council, in accordance with the provisions of Article 94 of the Charter, to consider the non-compliance with the judgment of the International Court of Justice	27 15th-27 18th meetings, 2 1, 22, 27, 38 October 1986
19.	Letter dated 13 November 1986 (S/18456)	Chad	Libyan Arab Jamahiriya		Requesting an urgent meeting of the Security Council to consider the serious situation prevailing in the northern part of Chad occupied by the Libyan Arab Jamahiriya	272 1st meeting, 18 November 1986
20.	Letter dated 11 March 1988	Argentina	United Kingdom		Requesting a meeting of the Security Council to consider the situation created in the South Atlantic by the United Kingdom Government's decision to conduct military manoeuvres in the Malvinas Islands from 7 to 31 March 1988	2800th, 2801st meeting, 17 March 1988
21.	Letter dated 17 March 1988 (S/19638)	Nicaragua	United States, Honduras		Requesting that a meeting of the Security Council be convened urgently and immediately, in order to consider the serious situation created by the escalation of threats and aggression against Nicaragua and by the decision by the United States Government to send American troops to Honduras territory	2802nd, 2803rd meetings, 18-22 March 1988
22.	Letter dated 19 April 1988 (S/19798)	Tunisia			Requesting an urgent meeting of the Security Council to consider the situation created by the Israeli attack on the territorial integrity and sovereignty of Tunisia; inviting the Security Council to condemn Israeli terrorism and to take appropriate steps to avert and prevent the repetition of such acts; drawing the attention of the Security Council to the nature of these deplorable acts, which portend other attacks unless the Security Council takes serious measures to counter Israeli terrorism	2807th-2810th meetings, 2 1-25 April 1988
23.	Letter dated 17 December 1988 (S/20336) Letter dated 17 December 1988 (S/20337)	Angola Cuba			Informing the Secretary-General of the intention to sign an agreement between the two countries and requesting him to take the necessary steps to recommend to the Security Council that a United Nations military observer group be set up in order to carry out the verification of the agreement	2834th meeting, 20 December 1988

**Section C. Questions submitted by Members as threats to the peace, breaches of the peace or acts of aggression**

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
24. The situation in the Middle East (see also entry 4 above)					
(a) Letter dated 25 February 1985 (S/16983)	Lebanon	Israel		Requesting an urgent meeting of the Security Council to consider the continuing acts of aggression and abusive practices of the Israeli occupying forces in southern Lebanon, the Western Bekaa and the Rashaya district	2568th, 2570th, 2572nd, 2573rd meetings, 28 February, 7, 11, 12 March 1985
(b) Letter dated 30 May 1985 (S/17228)	Egypt	Lebanon		Requesting an urgent meeting of the Security Council on the continued escalation of violence involving the civilian population in and around Beirut, affecting the safety and security of the Palestinians in the refugee camps	2582nd meeting, 31 May 1985
(c) Letter dated 6 January 1986 (S/17717)	Lebanon	Israel		Requesting an urgent meeting of the Security Council to consider the continuing acts of aggression and abusive practices of the Israeli occupying forces in southern Lebanon	2640th-2642nd meetings, 13-17 January 1986
(d) Letter dated 7 January 1988 (S/19415)	Lebanon	Israel		Requesting an urgent meeting of the Security Council to consider the continuing acts of aggression and abusive practices of the Israeli occupying forces in Lebanon	2782nd-2784th meetings, 15-18 January 1988
(e) Letter dated 5 May 1988 (S/19861)	Lebanon	Israel		Requesting that the Security Council convene urgently to consider the Israeli aggression against Lebanon, which has assumed the proportions of an invasion of the southern part of the country	2811th, 2813th, 2814th meetings, 6, 9, 10 May 1988
(f) Letter dated 9 December 1988 (S/20318)	Lebanon	Israel		Requesting the convening of an urgent meeting of the Security Council to consider the aggression against Lebanese territory by Israeli naval, air and land forces on 9 December 1988	2832nd meeting, 14 December 1988
25. Complaint by Angola against South Africa (see also entry 8 above)					
(a) Letter dated 19 November 1987 (S/19278)	Angola	South Africa		Requesting an urgent meeting of the Security Council in connection with the South African aggression against Angola	2763rd-2767th meetings
Letter dated 20 November 1987 (S/19286)	Zimbabwe	South Africa		Requesting an urgent meeting of the Security Council for the purpose of considering the renewed acts of aggression by South Africa against Angola	

26. The situation in the occupied Arab territories (see also entry 10 above)					
(a) Letter dated 16 January 1986 (S/17740)	Morocco	Israel	Drawing attention, as Chairman of the Organization of the Islamic Conference, to the serious threat to international peace and security resulting from Israeli acts of profanation committed recently against the sanctuary of Haran al-Quds (Jerusalem) and requesting the convening of an urgent meeting of the Security Council to consider the situation	2643rd-2650th meetings, 21-30 January 1986	
27. Letter dated 1 October 1985 (S/17509)	Tunisia	Israel	Requesting an immediate meeting of the Security Council to consider the situation resulting from Israel's aggression and take steps as required by the situation to condemn the deliberate act of aggression in the strongest terms, to require fair and full compensation for all the damage and to take measures to prevent such acts from recurring	2610th, 2611th, 2613th, 2615th meetings, 2-4 October 1985	
28. The situation in southern Africa Letter dated 21 May 1986 (S/18072)	Senegal	South Africa, Botswana, Zambia, Zimbabwe	Requesting, on instructions from the President and current Chairman of the Organization of African Unity, the convening of an urgent meeting of the Security Council to consider South Africa's aggression against Botswana, Zambia and Zimbabwe	2684th-2686th meetings, 22, 23 May 1986	
29. Letter dated 4 February 1986 (S/17787)	Syrian Arab Republic	Israel, Libyan Arab Jamahiriya	Requesting the Security Council to summon an immediate meeting to consider the Israeli act of air piracy carried out this morning against a private Libyan civilian aircraft flying in international airspace and carrying an official Syrian delegation	2651st, 2653rd, 2655th meetings, 4-6 February 1986	
30. Letter dated 12 April 1986 (S/17982)	Malta		Requesting an immediate convening of the Security Council to consider and take action to stop repeated threats of use of force, as well as imminent resort to armed attack in the central Mediterranean	2672nd, 2673rd meetings, 12 April 1986	
31. Letter dated 15 April 1986 (S/17991)	Libyan Arab Jamahiriya	United States	Requesting the immediate convening of the Security Council to consider and adopt urgent and effective measures against the armed aggression staged by the United States against the Libyan Arab Jamahiriya	2674th-2680th, 2682nd, 2683rd meetings, 15-18, 21, 24 April 1986	

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
Letter dated 15 April 1986 (S/17992)	Burkina Faso			Requesting, following the attack by the United States forces on Tripoli and Benghazi, that the Security Council be convened immediately to consider and take appropriate and urgent measures with regard to the situation	
Letter dated 15 April 1986 (S/17993)	Syrian Arab Republic			Requesting an immediate meeting of the Security Council to consider and take appropriate and urgent actions with regard to new United States aggression against the Libyan Arab Jamahiriya	
Letter dated 15 April 1986 (S/17994)	Oman			With reference to the urgent requests submitted by the Libyan Arab Jamahiriya and the Syrian Arab Republic for the convening of an immediate meeting of the Security Council to consider the question of United States aggression against the Libyan Arab Jamahiriya, requesting, as Chairman of the Group of Arab States, the convening of an immediate meeting of the Security Council to consider the question	
32. Letter dated 27 June 1986 (S/18187)	Nicaragua	United States		Requesting an emergency meeting of the Security Council to consider the escalation of the United States Government's policy of aggression against Nicaragua, which threatens international peace and security	2694th-2698th meetings, 1-3 July 1986
33. Letter dated 9 December 1986 (S/18513)	Nicaragua			Requesting that an urgent meeting of the Security Council be convened immediately to consider the serious incidents occurring in the Central American region which endanger international peace and security	2728th meeting, 10 December 1986
34. Letter dated 5 July 1988 (S/19981)	Islamic Republic of Iran	United States		Requesting an urgent meeting of the Security Council to consider the massacre of the 290 innocent civilian passengers of Iran Air flight 655 by the naval forces of the United States	2818th-2821st meetings, 14-20 July 1988
Letter dated 10 February 1988 (S/19489)	Japan			Requesting that an urgent meeting of the Security Council be convened to consider the destruction on 29 November 1987 of the Korean Airlines passenger aircraft, flight 858, which claimed 115 victims	

**\*\* Section D. Questions submitted by States not Members as disputes****Section E. Questions submitted by States not Members as threats to the peace, breaches of the peace or acts of aggression**

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Meetings</i>
35. Letter dated 10 February 1988 (S/19488)	Republic of Korea (observer)		35(2)	Requesting that an urgent meeting of the Security Council be called to consider the serious situation arising from the destruction by an explosion of a commercial passenger airline of the Republic of Korea	2791st, 2792nd meetings, 16, 17 February 1988

**Section F. Questions submitted by the General Assembly or its subsidiary organs**

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Reference</i>
36. The question of South Africa (see also entry 5 above)					
(a) Resolution 41/55 B, 3 December 1986	General Assembly	South Africa		Requesting the Security Council to conclude expeditiously its consideration of the recommendations of its Committee established by resolution 421(1977) concerning the question of South Africa (S/14179), with a view to blocking the existing loopholes in the arms embargo so as to render it more effective and prohibiting, in particular, all forms of cooperation and collaboration with South Africa in the nuclear field	Note by the Secretary-General (S/18665) drawing attention to paragraph 9 of General Assembly resolution 41/55 B
(b) Resolution 43/50 C, 5 December 1988	General Assembly	South Africa	Chapter VII	Urgently requesting the Security Council to consider immediate action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa and calling upon those Governments which are opposed to the application of comprehensive and mandatory sanctions to reassess their policies and cease their opposition to the application of such sanctions by the Security Council	Note by the Secretary-General (S/20483) drawing attention to paragraphs 4 and 5 of General Assembly resolution 43/50 C

<i>Question</i>	<i>Submitted by</i>	<i>States involved</i>	<i>Articles invoked as basis for submission</i>	<i>Action requested of the Security Council</i>	<i>Reference</i>
37. The situation in the Middle East (see also entries 4 and 24 <b>above</b> )					
(a) Resolution 43/57 I, 6 December 1988	General Assembly			Urging the Security Council to <b>consider</b> the current situation in the <b>occupied</b> Palestinian territory, <b>taking into</b> account the recommendations contained in the report of the Secretary-General (S/19443)	Note by the Secretary-General (S/20436) drawing attention to paragraph 3 of General Assembly resolution 43/57 I
(b) Resolution 43/58 A, 6 December 1988	General Assembly	Israel		Urging the Security Council to consider the current situation in the Palestinian territory occupied by Israel since 1967, <b>taking into</b> account the recommendations contained in the reports of the Secretary-General (S/19443 and A/43/806), and with a view to securing international protection for the <b>defenceless</b> Palestinian people until the withdrawal of Israel, the occupying Power, from the occupied Palestinian territory	Note by the Secretary-General (S/20437) drawing attention to paragraphs 12 and 13 of General Assembly resolution 43/58 A
(c) Resolution 43/176, 15 December 1988	General Assembly			Requesting the Security Council to consider measures needed to convene the International Peace Conference on the Middle East, including the establishment of a preparatory committee, and to consider guarantees for security measures <b>agreed</b> upon by the Conference for all States in the region	Note by the Secretary-General (S/20490) drawing attention to paragraph 5 of General Assembly resolution 43/176

**\*\*Section G. Questions submitted by the Secretary-General**

## Part IV

## CONSIDERATION OF THE PROVISIONS OF ARTICLES 36-38 AND OF CHAPTER VI IN GENERAL

## NOTE

This part deals with any discussion in the Security Council regarding the Council's responsibility for the settlement of a particular dispute or situation in the light of the provisions of Chapter VI of the Charter.<sup>170</sup> It also covers instances in which Articles 36, 37 and 38 or Chapter VI were invoked or where proceedings of the Council had a bearing on the interpretation of those provisions.

During the period under review, there was no substantive evidence of the constitutional discussion relating to the interpretation of the provisions of Chapter VI of the Charter. For the most part, debates preceding the Council's decisions in this field continued to deal mainly with the actual issues before the Council and the relative merits of the proposed measures without discussion of their relations to the provisions of the Charter. The provisions of Articles 36, 37 and 38 were not explicitly invoked in the texts of any decisions of the Security Council during this period. However, there were both explicit and implicit references to these provisions in the discussions in the Council and in the communications submitted to it.<sup>171</sup> For the most part, when Articles 36, 37 and 38 and Chapter VI as a whole were cited it was, as in preceding periods, to recall or affirm the principles embodied therein.

A number of the Council's decisions implicitly invoked the principles or called for steps and measures using language similar to that of the provisions of Chapter VI.<sup>172</sup> In one instance, in connection with the complaint by Lesotho against South Africa, the Council in resolution 580 (1985) called upon the South African Government to resort to peaceful means in resolving international problems in accordance with the Charter.<sup>173</sup>

In the instances indicated below, the discussion in the Council might be viewed as having touched upon the interpretation of the provisions of Chapter VI.

<sup>170</sup>For general criteria for entries in this part, see *Repertoire of the Practice of the Security Council, 1946-1951*, pp. 296 and 4 10.

<sup>171</sup>For explicit references to Article 36, in connection with the situation between Iran and Iraq, see S/PV.2665: Morocco; and S/PV.2663: Secretary-General of the Arab League; in connection with the letter dated 6 December 1985 from the representative of Nicaragua, see S/PV.2636: Madagascar; in connection with the letter dated 15 April 1986 from the representative of the Libyan Arab Jamahiriya, see S/PV.2676: Austria; S/PV.2679: Venezuela; S/PV.2680: Ghana; S/PV.2682: Venezuela; in connection with the letter dated 17 October 1986 from the representative of Nicaragua, see S/PV.27 15: Nicaragua. For explicit references to Article 37, in connection with the situation between Iran and Iraq, see S/PV.2663: Secretary-General of the Arab League; for explicit references to Article 38, in connection with the letter dated 6 December 1985 from the representative of Nicaragua, see S/PV.2636: Madagascar.

<sup>172</sup>See relevant parts of chap. VIII, part I, of the present Supplement: Analytical table of measures adopted by the Security Council.

<sup>173</sup>Resolution 580 (1985), *Resolutions and Decisions of the Security Council, 40th year, 1985*.

During the Council's consideration of the letters from Nicaragua<sup>174</sup> concerning the situation in the Central American region, nearly all the participants expressed their support for the use of diplomatic means, negotiations and peaceful settlement through the efforts of the Contadora Group. On one of those occasions, in connection with the letter dated 17 October 1986 from the representative of Nicaragua, the provisions of Chapter VI were invoked, both explicitly and implicitly, wherein a number of the participants in the Council's discussion stated that the Nicaraguan complaint to the International Court of Justice was in accordance with Chapter VI and Article 33 of the Charter of the United Nations.<sup>175</sup>

In the course of the Council's deliberations in connection with the situation in the occupied Arab territories, several speakers expressed support for peaceful negotiations and called for the convening of a peace conference on the Middle East with the participation of all parties concerned, in order to achieve a lasting and just peace in the region.<sup>176</sup>

On two occasions, during the Council's deliberations regarding the problems of the central Mediterranean region, the representative of Malta called upon the parties to settle their differences in accordance with the provisions of Chapter VI in order to achieve a just and lasting solution.<sup>177</sup>

With reference to the letter dated 11 March 1988 from Argentina, Panama called upon the Security Council to act without delay in keeping with the principles envisaged in Chapter VI of the Charter.<sup>178</sup>

In connection with the situation between Iran and Iraq, while several participants in the deliberations of the Council called upon the parties to abide by the Charter and by the procedures for peaceful settlement, there was also a call by one participant upon the Security Council to implement the provisions of Chapter VI concerning the peaceful settlement of disputes.<sup>179</sup>

<sup>174</sup>See letters dated 6 May 1985 (S/17 156, OR, 40th yr., Suppl. for April-June 1985); 6 December 1985 (S/1767 1, OR, 40th yr., Suppl. for Oct.-Dec. 1985); 27 June 1986 (S/18187, OR, 41st yr., Suppl. for April-June 1986); 17 October 1986 (S/18415, OR, 41st yr., Suppl. for Oct.-Dec. 1986); 9 December 1986 (S/18513, OR, 41st yr., Suppl. for Oct.-Dec. 1986); and 17 March 1988 (S/19638, OR, 43rd yr., Suppl. for Jan.-March 1988). See also: chap. VIII, part II, sects. 6, 15, 26, 27, 28, 30 and 34, of the present Supplement.

<sup>175</sup>For the texts of the relevant statements, see WV.27 16: Nicaragua, India, Peru, Iraq (explicit), Mexico, Yugoslavia, Argentina; S/PV.2717: Venezuela, Bulgaria, Ghana; S/PV.2718: Spain, Congo, Guatemala, Democratic Yemen (explicit), and Islamic Republic of Iran.

<sup>176</sup>S/PV.2770: PLO, Mr. Sarré, Chairman, Committee on the Exercise of Inalienable Rights of the Palestinian People; S/PV.2777: Japan, Israel; S/PV.2786: Morocco, Egypt, Nepal; S/PV.2787: USSR, Yugoslavia, Argentina, China, Zambia, Malaysia, Kuwait; S/PV.2789: Zimbabwe.

<sup>177</sup>S/PV.2668 and 2672: Malta.

<sup>178</sup>S/PV.2801: Panama.

<sup>179</sup>S/PV.2663: Iraq; S/PV.2665: Morocco; S/PV.2709: Iraq, Mr. Klibi (Secretary-General of the Arab League), Egypt; S/PV.2710: Senegal, Zambia, Oman; S/PV.2711: Saudi Arabia, Bangladesh, Kuwait, Mexico; WV.27 12: Australia, Madagascar; S/PV.2713: Venezuela, Morocco, Peru and the President (United Arab Emirates).

With reference to the letter dated 19 April 1988 from Tunisia, concerning its complaint against Israel, a number of participants in the Council's discussion advocated dialogue and negotiations between the parties, and settlement of disputes by peaceful means.<sup>180</sup>

In connection with the question of South Africa, the representative of the United Kingdom recalled the statement by the President of the Security Council and reiterated his country's preference for a peaceful and just settlement of the question of South Africa.<sup>181</sup>

In connection with the Council's discussion on the agenda item entitled "United Nations for better world and the responsibility of the Security Council in maintaining international peace and security", nearly all the participants expressed their support to the Charter provisions for the peaceful settlement of disputes.<sup>182</sup>

The principles enunciated in Article 36 and its reference to the role of the International Court of Justice were a subject of deliberation in the Security Council in connection with a draft resolution that was voted upon and not adopted, owing to a negative vote of a permanent member of the Council.<sup>183</sup>

In connection with the situation in Cyprus, where the Council was called upon to ensure the implementation of the earlier decisions on peaceful settlement, language similar to that of Article 36 was employed.<sup>184</sup>

The terms pertinent to the principles of Article 36 were used in the text of the letter from Cuba, which stated that the tripartite agreement between Cuba, Angola and South Africa contained elements for the achievement of peace in the region.<sup>185</sup>

<sup>180</sup>S/PV.2807: France, Senegal; S/PV.2808: USSR, Japan, Argentina, Italy; S/PV.2809: Federal Republic of Germany, Mozambique, Laos; WV.28 10: Sudan.

<sup>181</sup>S/PV.2690: United Kingdom, and S/18157, OR, 41st yr., Supplement for April-June 1986.

<sup>182</sup>S/PV.2608: Ukraine, Thailand, Madagascar, India and Denmark.

<sup>183</sup>For the text of the draft resolution, see S/18250, OR, 41st yr., Suppl. July-Sept. 1966. For the vote on the draft resolution, see S/PV.2704. For the texts of relevant statements, see S/PV.2700: Nicaragua, El Salvador; WV.2701: Democratic Yemen; S/PV.2702: Cuba, Viet Nam, Lao People's Democratic Republic, USSR; S/PV.2703: Libyan Arab Jamahiriya, United Republic of Tanzania, Ukrainian SSR, Zimbabwe; S/PV.2704: Congo, Honduras, Madagascar, Venezuela, United Kingdom and United States. See also the letters respectively dated 11 and 18 July 1986 from Nicaragua and United States (S/18221 and S/18227, *ibid.*).

<sup>184</sup>See chap. VIII of the present Supplement, under the same heading, for more details and references.

<sup>185</sup>Letter dated 22 December 1988 from Cuba (S/20345, OR, 43rd yr., Suppl. for Oct.-Dec. 1988). See also note 155 above.

The obligations of Member States under the Charter, including Articles 33 and 36 on the peaceful settlement of disputes, were explicitly mentioned in connection with the situation between Iran and Iraq. The Security Council was also called upon by a group of States to implement urgently the provisions of the Charter, in particular Articles 36 and 37 of Chapter VI and Chapter VII.<sup>186</sup>

In other instances where Article 36 was explicitly cited, the Council was called upon to discharge its responsibilities by recommending appropriate procedures and methods for the peaceful settlement of a conflict, in accordance with the provisions of that Article of the Charter.<sup>187</sup>

In cases dealing with continuing disputes which might be deemed to fall under the provisions of Article 37, the Council was asked to take appropriate actions or to recommend the appropriate terms of settlement. In that context, Article 37 of the Charter was explicitly invoked in connection with the situation between Iran and Iraq.<sup>188</sup>

Resolutions adopted by the Security Council during the period under review, as well as draft resolutions that were considered by the Council but not put to a vote or were voted upon and not adopted, contained provisions that might be interpreted as falling within the framework of measures of pacific settlement. In this respect, special attention should be drawn to part I of the present chapter since the material contained in it deals with the interpretation and application of the basic instruments of peaceful settlement of disputes as stipulated under Article 33 of the Charter. Furthermore, the appropriate headings in the analytical table of measures adopted by the Security Council contained in part I of chapter VIII of the present Supplement, as well as the materials in the other parts of chapter X, should be consulted as a guide to the relevant decisions of the Council. For the discussions bearing on procedural aspects relevant to the pacific settlement of disputes under chapter VI of the Charter as a whole and Article 36, the relevant parts of chapters VIII and X of the present Supplement should be consulted. Reference should also be made to various parts of chapter XI for situations submitted to the Council as threats to the peace, breaches of the peace or acts of aggression.

<sup>186</sup>See note 171 above.

<sup>187</sup>*Ibid.*

<sup>188</sup>*Ibid.*