Chapter VI

RELATIONS WITH OTHER UNITED NATIONS ORGANS

CONTENTS

INTRODUCTORY NOTE

The present chapter, as in previous volumes, deals with relations of the Security Council with all the other organs of the United Nations. Consequently, its scope is broader than that of chapter XI of the provisional rules of procedure of the Council (rule 61), which governs only certain procedures related to the election by the Council of members of the International Court of Justice.

This chapter contains material concerning the relations of the Council with the Genera1 Assembly (part I) and also brings up to date the account in the previous volumes of the Repertoire of the transmission by the Trusteeship Council to the Security Council of questionnaires and reports (part III).

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

Part I

RELATIONS WITH THE GENERAL ASSEMBLY

NOTE

In part I, concerning the relations of the Council with the Genera1 Assembly, the arrangement of the material remains the same as in the previous volume of the *Repertoire*.

Part I is mainly concerned with instances in which the responsibility of the Council and of the General Assembly is, under the provisions of the Charter or the Statute of the International Court of Justice, either exclusive or mutual, that is, where a final decision is or is not to be taken by one organ without a decision to be taken in the same matter by the other. The proceedings in these instances fall into three broad categories.

The first category includes practices and proceedings in relation to Article 12 of the Charter. Section A treats the provisions of Article 12, paragraph 1, limiting the authority of the General Assembly in respect of any dispute or situation while the Council is exercising the functions assigned to it by the Charter. The section contains a note concerning the provisions of Article 12, paragraph 1, and notifications by the Secretary-Genera1 to the Assembly under Article 12, paragraph 2. For the period covered by this *Supplement*, no material for inclusion was found concerning the practices and proceedings related to the convocation of a special session of the Assembly in conformity with Article 12, paragraph 1.

The second category comprises instances where the decision by the Council must be taken before that of the General Assembly, for example, appointment of the Secretary-General, and conditions of accession to the Statute of the International Court of Justice. One case concerning the appointment of the Secretary-General is treated in section D.[1] Also treated in section D is a case concerning the conditions of accession to the Statute of the International Court of Justice of a State non-member of the United Nations.[2]

The third category, dealing with cases where the final decision depends upon action to be taken by both organs concurrently, such as the election of members of the International Court of Justice, is treated in section E.[3]

Section F deals with relations between the Council and subsidiary organs of the Genera1 Assembly. There was no constitutional discussion bearing on these relations during the period under review. As in the previous *Supplement*, entries under this heading are presented in tables.

Section G contains a tabulation of recommendations to the Council adopted by the General Assembly in the form of resolutions.

Section H contains references to the annual and special reports of the Council to the General Assembly.

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

Article 12

"1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

"2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters."

NOTE

In a letter dated 9 November 1987 addressed to the Secretary-General,[4] the Permanent Representative of South Africa transmitted a press release, dated 7 November 1987,

[1] Case 1.
[2] Case 2.
[3] Cases 3-6.
[4] S/19259.

issued by the Minister for Foreign Affairs of South Africa in response to the adoption of resolution 42/14 by the General Assembly on 6 November 1987. While not explicitly invoking Article 12, paragraph 1, of the Charter, the Minister for Foreign Affairs rejected the Assembly resolution on the grounds, *inter alia*, that it conflicted directly with Security Council resolution 435 (1978).

Notifications to the General Assembly under Article 12, paragraph 2, by the Secretary-General, with the consent of the Council, of "matters relative to the maintenance of international peace and security which are being dealt with by the Security Council" and of matters with which the Council has ceased to deal have been drafted on the basis of the summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration, which is circulated each week by the Secretary-General in accordance with rule 11 of the provisional rules of procedure.

The notification issued before each regular session of the General Assembly contains the same agenda items as those in the current summary statement, except that certain items in the statement that are not considered "matters relative to the maintenance of international peace and security" for the purpose of Article 12, paragraph 2, are excluded from the notification, for example, rules of procedure of the Council, applications for membership and the application of Articles 87 and 88 with regard to strategic areas. In addition, the notification issued before each regular session contains a list of any items with which the Council has ceased to deal since the previous session of the General Assembly.[5]

Matters being dealt with by the Council have been listed in the notification, since 195 1, in two categories: *(a)* matters that are being dealt with by the Council and were discussed during the period since the last notification; and (b) matters of which the Council remains seized but which have not been discussed since the last notification.

Since 1947, the consent of the Council required by Article 12, paragraph 2, has been obtained through the circulation by the Secretary-General to the members of the Council of copies of the draft notifications.

B. PRACTICES AND PROCEEDINGS IN RELATION TO THE CONVOCATION OF A SPECIAL SESSION OF THE GENERAL ASSEMBLY

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

D. PRACTICES AND PROCEEDINGS IN RELATION TO ARTICLES OF THE CHARTER INVOLVING RECOMMENDATIONS BY THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

1. Appointment of the Secretary-General

Article 97 of the Charter

"The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization."

NOTE

In accordance with rule 48 of the provisional rules of procedure, the meetings of the Security Council to consider the question of a recommendation to the General Assembly regarding the appointment of the Secretary-General have been held in private and the Council has voted by secret ballot. A communique circulated at the end of each meeting, in accordance with rule 55, has indicated the stage reached in the consideration of the recommendation. During the period under review the Council considered and unanimously adopted a recommendation of this kind (case 1).

CASE 1

At its 27 14th meeting, held in private on 10 October 1986, the Security Council considered the question of the recommendation for the appointment of the Secretary-General of the United Nations. The Council unanimously adopted resolution 589 (1986), recommending to the General Assembly that Mr. Javier Perez de Cuéllar be appointed Secretary-General of the United Nations for a second term of office from 1 January 1987 to 3 1 December 199 1. By a letter dated IO October 1 986,[6] the President transmitted the recommendation to the President of the General Assembly.

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

"Article 93, paragraph 2, of the Charter

"A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council."

CASE 2

On 21 August 1987, the Acting President and Minister for External Affairs of the Republic of Nauru addressed a letter[7] to the Secretary-General informing him of the desire of the Republic of Nauru to become a party to the Statute of the International Court of Justice in accordance with Article 93, paragraph 2, of the Charter and stating that the Republic of Nauru waited to be informed of the conditions required to become a party to the Statute.

At its 2753rd meeting on 15 October 1987, the Council referred the matter to the Committee of Experts for study and report.

In its report,[8] the Committee of Experts advised the Council to send the following recommendation to the General Assembly:

The Security Council recommends that the General Assembly, in accordance with Article 93, paragraph 2, of the Charter, determine the conditions on which the Republic of Nauru may become a party to the Statute of the International Court of Justice, as follows:

[5] For retention or deletion of items from the Secretary-General's summary statement, see chap. II, part IV, sect. B.

[6] A/4 121696.

[7] *OR, 42nd yr., Suppl. for July-Sept. 1987,* S/19137.

[8] Ibid., *Suppl.* for *Oct.-Dec. 1987.*

"The Republic of Nauru will become a party to the Statute on the date of the &posit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of the Republic of Nauru and ratified as may be required by the constitutional law of the Republic of Nauru, containing:

"(a) Acceptance of the provisions of the Statute of the International Court of Justice;

"(*b*) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter;

"(c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time, after consultation with the Government of the Republic of Nauru."

The Committee attached certain observations to the recommendation:

. . . Under Article 93, paragraph 2, of the Charter the conditions on which a State which is not a Member of the United Nations may become a party to the Statute are to be determined in *each case* by the General Assembly upon the recommendation of the Security Council. Accordingly, the conditions recommended above as appropriate to the case of the Republic of Nauru are not intended to constitute a precedent to be followed either by the Security Council or by the General Assembly in any future case under Article 93, paragraph 2.

The report of the Committee was placed before the Security Council for consideration at its 2754th meeting, on 19 October 1987.[9]

Decision: The Council, without discussion, unanimously adopted the recommendation of the Committee of Experts as resolution 600 (1987).

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

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

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

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Article 4

"1. The members of the Court shall be elected by the Genera1 Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration . . ."

Article 8

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

Article 10

"1. Those candidates who obtain an absolute majority of votes in the Genera1 Assembly and in the Security Council shall be considered as elected.

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

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

Article 1 I

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

Article 12

"1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

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

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

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

Article 14

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

PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL

Rule 61

Relations with other United Nations organs

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

CASE 3

At its 2604th meeting, on 12 September 1985, the Security Council considered the date of elections to fill a vacancy that had occurred in the International Court of Justice as a result of the recent death of one of the members

[9] See S/PV.2754.

of the Court. The President reminded the members of the Council that, under Article 14 of the Statute of the Court, the Council was required to fix the date of the elections to fill any vacancy in the Court and he drew their attention to a draft resolution[10] on the matter. There being no objection, the President put the draft resolution to a vote. It was adopted unanimously as resolution 570 (1985),[11] by which the Council decided that elections to fill the vacancy on the Court would take place on 9 December 1985 at a meeting of the Council and at a meeting of the General Assembly at its fortieth session.

At its 2632nd meeting, on 9 December 1985, in accordance with the decision contained in resolution 570 (1985), the Council proceeded to the election of one member of the International Court of Justice to fill a seat that had become vacant.[12] After the first vote by secret ballot, one candidate had received the required majority, and the same candidate was elected by the General Assembly; accordingly, he was elected a member of the International Court of Justice for a term of office expiring on 5 February 1988.

CASE 4

At its 2739th meeting, on 27 March 1987, the Security Council considered the date of elections to fill a vacancy that had occurred in the International Court of Justice as a result of the recent death of one of the members of the Court. The President reminded the members of the Council that, under Article 14 of the Statute of the Court, the Council was required to fix the date of the elections to fill any vacancy in the Court and he drew their attention to a draft resolution[13] on the matter. There being no objection, the President put the draft resolution to a vote. It was adopted unanimously as resolution 595 (1987),[14] by which the Council decided that elections to fill the vacancy on the Court would take place on 14 September 1987 at a meeting of the Council and at a meeting of the General Assembly at its forty-first session.

At its 2752nd meeting, on 14 September 1987, in accordance with the decision contained in resolution 595 (1987), the Council proceeded to the election of one member of the International Court of Justice to fill a seat that had become vacant.[15] After the first vote by secret ballot, one candidate had received the required majority, and the same candidate was elected by the General Assembly; accordingly, he was elected a member of the International Court of Justice for a term of office expiring on 5 February 1991.

CASE5

At its 2760th meeting, on 11 November 1987, the Security Council proceeded to the election of five members of the International Court of Justice to fill the seats that were to become vacant on 5 February 1988.[16] Prior to the balloting, the President referred to the memorandum submitted by the Secretary-General[17] and reminded the members of the Council that, in accordance with Article 10, paragraph 1, of the Statute of the Court, those candidates who obtained an absolute majority of votes in both the General Assembly and the Council would be considered elected as a member of the Court. He further reminded the members of the Council that the required majority in the Council was eight votes. Should fewer than five candidates obtain an absolute majority of votes in the first ballot, the Council would proceed to a second ballot and balloting would continue in the same meeting until five candidates obtained the required majority of votes. However, should there be more than five candidates obtaining the required majority, a new vote on all candidates would be taken, as was consistent with the practice that had been followed in the past.

A vote was taken by secret ballot and five candidates received the required majority. The President of the Council communicated by a letter to the President of the General Assembly the names of the five candidates who had received the required majority in the Council. Thereafter, the President of the Council announced that the voting in the General Assembly had been inconclusive. After stating that the meeting of the Assembly had been suspended, the President of the Security Council, with the concurrence of the members, suspended the meeting of the Council.[18]

Upon resumption of the meeting, the President informed the Council that, as a result of the independent voting in the Security Council and in the General Assembly, four candidates, having received the required absolute majority of votes in both bodies, were elected members of the International Court of Justice for a term of office of nine years beginning on 6 February 1988.

The President of the Council then announced that, in accordance with the provisions of Article 11 of the Statute of the Court, it would be necessary to hold a second meeting to fill the fifth vacancy.

At its 276 1 st meeting, on the same date, the Council proceeded with the election of one candidate for the seat remaining vacant. After the first vote by secret ballot, one candidate had received the required majority.[19] The President of the Council notified the President of the General Assembly of the result of the vote in the Council. Thereafter, the President of the Council announced that as a result of the independent voting in the Security Council and in the General Assembly, a different candidate had obtained the required majority of votes in each body. Therefore, in accordance with the provisions of Article 1 I of the Statute of the Court, it was necessary to hold a third meeting to fill the remaining vacancy. Informing members of the Council that the meeting of the Assembly had been suspended, the President of the Council adjourned the meeting of the Council.

At its 2762nd meeting, also on 11 November 1987, the Council proceeded with the election of one candidate for the seat remaining vacant. After the first vote by secret ballot, one candidate had received the required majority.[20] The same candidate received the required majority in the ballot of the Assembly and accordingly was elected as a member of the International Court of Justice also for a term of office of nine years beginning on 6 February 1988.

[10] S/17457, adopted without change as resolution 570 (1985).
[11] See S/PV.2604.
[12] See S/PV.2632.
[13] S/1 8761, adopted without change as resolution 595 (1987).
[14] See S/PV.2739.
[15] See S/PV.2739.
[16] See S/PV.2760.
[17] *OR, 43rd yr., Suppl. for Oct.-Dec. 1997*, S/19155.
[18] See S/PV.2760.
[19] See SIPV.2761.
[20] See S/PV.2762.

CASE 6

In a note dated 20 December 1988,[21] the Secretary-General drew the attention of the Security Council to the fact that a vacancy had occurred in the International Court of Justice, as a result of the recent death of one of the members of the Court, which would have to be filled in accordance with Article 14 of the Statute of the Court.

F. RELATIONS WITH SUBSIDIARY ORGANS ESTABLISHED BY THE GENERAL ASSEMBLY

NOTE

The case history below (case 7) describes the relationship between a new subsidiary organ established by the General Assembly and the Security Council. During the period under review, no constitutional discussion took place bearing on the relations between organs established by the Assembly and the Council. The tables below give an account of communications from those organs, their participation in some of the discussions of the Council and resolutions adopted by the Council containing references to them.

CASE 7

By its resolution 41/35 F of 10 November 1986, the General Assembly established the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa. In the resolution the Assembly took note of the recommendation of the United Nations Seminar on Oil Embargo against South Africa that an intergovernmental mechanism should be established under the auspices of the United Nations to monitor compliance with Assembly resolutions concerning an oil embargo against South Africa,[22] and requested the Intergovernmental Group to submit to it at its forty-second session a report on the implementation of the resolution and, in particular, the monitoring of the supply and shipment of oil and petroleum products to South Africa.

By a letter dated 3 November 1987,[23] the Chairman submitted the report of the Intergovernmental Group to the Secretary-General and asked that it be issued as a document of the General Assembly and the Council. In its report, the Committee stated its belief that the international community should consider without delay the imposition of comprehensive mandatory sanctions against South Africa and that the Council was under a special obligation to impose a mandatory oil embargo against South Africa.[24] The Intergovernmental Group recommended that the General Assembly should request the Council to consider invoking Chapter VII of the Charter to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa.[25]

By a letter dated 27 October 1988,[26] the Chairman submitted the second report of the Intergovernmental Group to the Secretary-General and asked that it be issued as a document of the General Assembly and the Council. In its report, the Committee stated that the imposition of a mandatory oil embargo by the Council against South Africa was urgently needed to complement the arms embargo imposed by Council resolution 418 (1977) and that adoption of such a mandatory oil embargo was consistent with the declared policies of the members of the Council, including the permanent members.[27] The Intergovernmental Group recommended that the Assembly request the Council to consider invoking Chapter VII of the Charter to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa.[28]

During the period under review, the Intergovernmental Group made no request to participate in the discussions of the Council.

[21] *OR. 43rd yr., Suppl. for Oct.-Dec. 1988,* S/20340.
[22] A/41/404-S/18131, annex, para. 21.
[23] *OR, 42nd yr., Suppl. for Oct.-Dec. 1987,* S/19251.
[24] *GAOR, 41st sess., Suppl.* No. 45, para. 18.
[25] Ibid., para. 25.
[26] *OR. 43rd yr., Suppl. for Oct.-Dec. 1988, S/20249.*
[27] *GAOR, 42nd sess., Suppl. No.* 45, para. 47.
[28] Ibid., para. 55.

1. Communications from subsidiary organs established by the General Assembly

(a) COMMUNICATIONS FROM THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Document symbol	*Date*	*Subject*
S/17249	10 June 1985	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 16 May 1985 (A/AC.109/830) in which it reaffirmed that Security Council resolution 435 (1978) remained the only acceptable basis for a peaceful settlement of the Namibian question, reiterated the need to proceed to its immediate implementation without modification, qualification or precondition, and recommended that the Council resume forthwith its consideration of further measures to give effect to its resolutions on this question (para. 9); urged that the Council consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 15); called for scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa (para. 15); recommended that

Document symbol	Date	Subject
		the Council act decisively against any dilatory manoeuvres and fraudulent schemes of the illegal occupation regime (para. 2 1); and strongly recommended that the Council impose forthwith comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter (para. 2 1).
S/17385	6 August I985	Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 1 August 1985 (A/AC. 109/L. 1554), in which the Special Committee noted that the Council was currently seized of the reports on the strategic Trust Territory of the Pacific Islands and called attention to Article 83 of the Charter, under which the Council would, *inter alia*, avail itself of the assistance of the Trusteeship Council to perform the functions under the Trusteeship System relating to political, economic, social and educational matters in strategic areas (para. 17).
S/1 8262	6 August 1986	Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 4 August 1986 (A/AC. 109/L. 1591), in which the Special Committee noted that the Council was currently seized of the reports on the strategic Trust Territory of the Pacific Islands and called attention to Article 83 of the Charter, under which the Council would, *inter alia*, avail itself of the assistance of the Trusteeship Council to perform the functions under the Trusteeship System relating to political, economic, social and educational matters in strategic areas (para. 17).
S/18272	14 August 1986	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 11 August 1986 (A/AC. 109/880), in which it reaffirmed that Security Council resolution 435 (1978) remained the only acceptable basis for a peaceful settlement of the Namibian question, reiterated the need to proceed to its immediate implementation without modification, qualification or precondition and urged the Council to resume forthwith its consideration of further measures to give effect to its resolutions on this question (para. 11); urged that the Council consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 17); called for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa (para. 17); recommended that the Council act decisively against any dilatory manoeuvres and fraudulent schemes of the illegal occupation regime (para. 23); and strongly recommended that the Council impose forthwith comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter (para. 23).
S/18278	15 August 1986	Transmitting the text of a decision concerning military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the Special Committee on I I August 1986 (A/AC. 109/882), in which it urged that the Council consider, as a matter of urgency, the report of the Committee established under Security Council resolution 421 (1977) and adopt further measures to widen the scope of resolution 4 18 (1977) (para. 6), and called for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa and stated that it was particularly mindful in that regard of the series of resolutions adopted by the Council during 1985 in which it strongly condemned the acts of armed aggression committed by South Africa (para. 6).
S/19023	5 August 1987	Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 4 August 1987 (A/AC. 109/L. 1632). in which the Special Committee noted that the proposed programme budget for the biennium

Document symbol	Date	Subject
		1988-1989[29] on the financing of trusteeship activities of the United Nations stated that no formal proposal to terminate the agreement had been submitted to the Council in accordance with Article 83 of the Charter (para. 20); noted that, as indicated in the report of the Security Council to the General Assembly at its forty-first session,[30] communications and reports on the Trust Territory were among the matters brought to the attention of the Council but not discussed in the Council during the period covered by the report (para. 20); called attention to Article 83 of the Charter, under which the Council would, *inter alia*, avail itself of the assistance of the Trusteeship Council to perform the functions under the Trusteeship System relating to political, economic, social and educational matters in strategic areas (para. 21); and noted that the Trusteeship Council could submit to the Security Council recommendations concerning the approval of the terms of the trusteeship agreements and of their alteration or amendment in so far as it might be requested to do so by the Security Council (para. 21).
S/19052	18 August 1987	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 12 August 1987 (A/AC.109/926), in which it reaffirmed that Security Council resolutions 385 (1976) and 435 (1978) were the only internationally accepted basis for a peaceful settlement of the Namibian question and demanded their immediate implementation without precondition or modification (para. 10); noted with regret the continued failure of the Council to discharge effectively its responsibilities for the maintenance of peace and security in southern Africa, owing to the vetoes of two of its Western permanent members, and urged the Council to resume forthwith its consideration of further measures to give effect to Council resolutions on this question (para. 10); urged that the Council consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 17); called for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa (para. 17); recommended that the Council should act decisively against any dilatory manoeuvres and fraudulent schemes of the illegal occupation regime (para. 22); and strongly recommended that the Council impose forthwith comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter (para. 22).
S/19053	18 August 1987	Transmitting the text of a consensus concerning military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the Special Committee on 12 August 1987 (A/AC.109/928) in which it urged that the Security Council consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 6), and called for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa, and stated it was particularly mindful in that regard of the series of resolutions adopted by the Council during 1985 in which it strongly condemned the acts of armed aggression committed by South Africa (para. 6).
S/20110	11 August 1988	Transmitting the text of a consensus on the question of Namibia adopted by the Special Committee on 8 August 1988 (A/AC.109/967), in which it noted with regret the continued failure of the Security Council to discharge effectively its responsibilities for the maintenance of peace and security in southern Africa, owing to the vetoes of two of its Western permanent members, and urged the Council to resume

[29] Ibid., *Suppl. No. 6* (A/41/6), (sect. 3), sect. A, 1, para. 3.3.
[30] Ibid., *41st sess., Suppl. No. 2* (A/41/2).

Document symbol	Date	Subject
		forthwith its consideration of further measures to give effect to Council resolutions on this question (para. 10); urged that the Council consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and adopt further measures to widen the scope of resolution 418 (1977) (para. 19); called for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa (para. 19); recommended that the Council act decisively against any dilatory manoeuvres and fraudulent schemes of the illegal occupation regime (para. 25); and strongly recommended that the Council impose forthwith comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter (para. 25).
S/20118	12 August 1988	Transmitting the text of a decision concerning military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the Special Committee on 8 August 1988 (A/AC.109/969), in which it urged that the Security Council consider, as a matter of urgency, the report of the Committee established under its resolution 42 1 (1977) and adopt further measures to widen the scope of resolution 4 18 (1977) (para. 6); and called for the scrupulous observance of resolution 558 (1984) and stated that it was particularly mindful in that regard of the series of resolutions adopted by the Council and other bodies and organizations (para. 6).
S/20146	23 August 1988	Transmitting the text of the conclusions and recommendations concerning the Trust Territory of the Pacific Islands adopted by the Special Committee on 1 August 1988 (A/AC. 109/L. 1663), in which the Special Committee noted that under Article 83 of the Charter, the Council exercised all functions of the United Nations relating to strategic areas, including approval of the terms of the trusteeship agreements and of their alteration or amendment, and in this regard expressed confidence that special attention would be given by the Council to the full implementation of all provisions of the Trusteeship Agreement and the Charter (para. 20).

(6) COMMUNICATIONS FROM THE SPECIAL COMMITTEE AGAINST APARTHEID

Document symbol	Date	Subject
S/17142	3 May 1985	Transmitting the text of the Declaration adopted on 28 March 1985 by the Special Committee at its special session in commemoration of the twenty-fifth anniversary of the Sharpeville massacre, in which it noted that the "new constitution" introduced by South Africa had been rejected as null and void by the General Assembly and by the Security Council in its resolution 554 (1984) (para. 7); recalled that Council resolution 560 (1985) demanded the immediate and unconditional withdrawal of "high treason" charges against 16 opponents of apartheid, and called on the Council, should South Africa fail to comply, to consider further appropriate action, including adoption of comprehensive and mandatory sanctions under Chapter VII of the Charter (para. 12).
S/17197	I7 May 1985	Transmitting the text of the Declaration adopted by the International Conference on Women and Children under Apartheid on 9 May 1985, in which it noted that the "new constitution" introduced by South Africa had been rejected as null and void by the General Assembly and the Council (para. 9); called on the Council to consider further appropriate action against South Africa, including adoption of comprehensive and mandatory sanctions under Chapter VII of the Charter (para. 13); recalled that Council resolution 560 (1985) demanded the immediate and unconditional withdrawal of "high treason" charges against 16 opponents of apartheid (para. 14); and, denouncing South Africa's scheme to form in Namibia a "transitional government", stated that the implementation of such schemes constituted a flagrant violation of resolution 435 (1978) (para. 15).

Document symbol	*Date*	*Subject*
S/17224	29 May 1985	Transmitting the text of the Declaration adopted by the International Conference on Sports Boycott against South Africa, held from 16 to 18 May 1985.
S/17477	19 September 1985	Transmitting the text of the Declaration adopted by the International Seminar on Racist Ideologies, Attitudes and Organizations Hindering Efforts for the Elimination of Apartheid and Means to Combat Them, held from 9 to 11 September 1985, in which it expressed deep concern at the continued illegal occupation of Namibia by South Africa and the imposition of a puppet administration there in complete defiance of relevant United Nations resolutions on Namibia, in particular Council resolution 435 (1978) (para. 13); and expressed its conviction that comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter were one of the most effective and the only peaceful means for the eradication of apartheid (para. 15).
S/17511	2 October 1985	Transmitting the text of a summary report of the Media Workshop on Countering Apartheid Propaganda, held from 20 to 22 May 1985.
S/17562 and Add.1-4	14 October 1985	Submitting the annual report of the Special Committee in which, *inter alia*, it noted with satisfaction that the Security Council for the first time, in its resolutions 566 (1985) and 569 (1985), had urged Member States to impose specific economic sanctions against South Africa (para. 340), but considered that those resolutions represented a minimum programme of action (para. 343); suggested that the General Assembly and the Council urgently consider the situation in all its aspects in full recognition that the elimination of apartheid was indispensable not only for the freedom of the people of South Africa but also for the independence of Namibia, the security and development of the independent African States in the region and the maintenance of international peace and security (para. 353), considered it essential that the United Nations ensure comprehensive and mandatory sanctions without further delay (para. 355); attached particular importance to sanctions against the apartheid regime under Chapter VII of the Charter (para. 358); noted with satisfaction that Council members, in the presidential statement of 21 August 1985, had stated their belief that a just and lasting solution in South Africa must be based on the total eradication of the system of apartheid and the establishment of a free, united and democratic society, and called upon South Africa to set free immediately and unconditionally all political prisoners and detainees, first of all Nelson Mandela (para. 367); urged that the Council take urgent measures to strengthen the arms embargo, prohibit all cooperation with South Africa in the nuclear field and ensure the effective monitoring of such measures in accordance with the report of the Committee established under Council resolution 421 (1977) (para. 376); considered that an effective embargo on the supply of petroleum, petroleum products and other strategic supplies should be instituted without any further delay (para. 377); called upon Member States to exercise all their influence to persuade the major Western countries to facilitate the imposition of comprehensive and mandatory economic sanctions under Chapter VII of the Charter (para 383); and noted with great concern the stubborn refusal of major Western Powers to recognize the situation in South Africa and southern Africa as a threat to international peace and security and expressed the hope that they would be persuaded to facilitate action under Chapter VII of the Charter (para. 384), also submitted were the special report on implementation of the arms embargo against South Africa (S/17562/Add.1), the special report on recent developments concerning relations between Israel and South Africa (S/17562/Add.2), the special report on further action to intensify efforts to inform world public opinion and encourage wider public action in support of the just struggle of the oppressed people of South Africa (S/17562/Add.3) and the special report on concerted international action for the elimination of apartheid (S/17562/Add.4).

Document symbol	Date	Subject
S/17632	18 November 1985	Transmitting the text of the Declaration adopted by the International Conference of Maritime Trade Unions on the Implementation of the United Nations Oil Embargo against South Africa on 31 October 1985, in which it recalled that the Council, since its unanimous adoption of resolution 182 (1963), had affirmed the conviction that the situation in South Africa was seriously endangering international peace and security.
S/18121	2 June 1986	Transmitting the text of the Declaration adopted by the United Nations Seminar on Arms Embargo against South Africa, held from 28 to 30 May 1986, in which it stated that unwarranted acts of aggression by South Africa against Botswana, Zambia and Zimbabwe were further evidence that the situation in southern Africa had never before constituted such a grave threat to international peace and security; recognized that the adoption of Council resolution 418 (1977) represented a vital and important first step, but noted that even this limited arms embargo had not been implemented strictly; noted that Council resolution 558 (1984) prohibiting the import of arms, ammunition and military vehicles from South Africa did not cover military "*related material" as did resolution 4 18 (1977) and that it was non-mandatory; attached great importance to monitoring the arms embargo and expressed regret that the valuable role of the Committee established by Council resolution 42 1 (1977) appeared to have been seriously curtailed during the 1980s; stressed the importance of the mandatory arms embargo which, despite its shortcomings, had created serious shortages for South African military forces; urged the Council to give immediate attention to the major breach of the arms embargo resulting from the supply of arms to South Africa's surrogate forces involved in the destabilization of independent African States; recommended that the Council meet as a matter of utmost urgency to act upon the recommendations of the Committee established by resolution 42 1 (1977) (para. 1); recommended that the Council render mandatory the voluntary embargo on imports from South Africa of arms, ammunition and vehicles instituted by Council resolution 558 (1984) (para. 2); recommended that the Council determine that arms and related material of all types, including "dual purpose" equipment, comprise all military, nuclear and other strategic equipment (para. 3); recommended that the Committee established under Council resolution 42 1 (1977) draw up a comprehensive list of items which would automatically fall within the scope of the arms embargo (para. 4); recommended that the Council require all Member States to revoke or terminate all licences previously concluded with South Africa to manufacture arms and related material of all types (para. 7); recommended that the Council make mandatory that all States prohibit the transfer to South Africa or Namibia of all technology relating to the manufacture of arms and related material of all types (para. 8); recommended that the Council impose a mandatory ban on all forms of nuclear collaboration with South Africa (para. 9); and recommended that the Council impose a mandatory oil embargo against South Africa (para. 14).
S/18141	9 June 1986	Transmitting the text of the Declaration adopted by the Seminar on Oil Embargo against South Africa on 6 June 1986, in which it considered that comprehensive and mandatory sanctions under Chapter VII of the Charter were necessary in order to exert maximum international pressure on South Africa (para. 5 (b)); considered that a total oil embargo was the most important component of international action against South Africa (para. 5 (d)); and affirmed the urgent need for the Council to adopt a mandatory oil embargo under Chapter VII of the Charter and in accordance with relevant General Assembly resolutions, and recommended that Council members, in consultation with oil-producing and oil-shipping States, coordinate action in ensuring that effective action at the Council level would be taken as soon as possible (para. 14).
S/18185	30 June 1986	Transmitting the text of the Declaration adopted by the World Conference on Sanctions against Racist South Africa, held from 16 to 20 June 1986, in which it stated that the United

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		Nations had a direct responsibility to ensure the independence of Namibia through free elections and the exercise of the right of self-determination by its people in accordance with all relevant General Assembly and Council resolutions, in particular, Council resolution 435 (1978), and that the Organization had an inescapable responsibility to end South Africa's constant breaches of peace and acts of aggression in the region (para. 19); stated that comprehensive mandatory sanctions under Chapter VII of the Charter were the most effective means to deal with threats to the peace, breaches of peace and acts of aggression (para. 20); expressed regret that the Council had been unable to take the requisite mandatory action recommended by the International Conference on Sanctions against South Africa in 1981 owing to the negative votes of the United Kingdom of Great Britain and Northern Ireland and the United States of America (para. 22); stated that the Council had been unable, because of the opposition of certain Western permanent members, to institute any mandatory sanctions against South Africa except for the mandatory arms embargo of 1977 (para. 25); expressed deep concern and disappointment that the Council, during its meetings in November 1985 and May 1986, had failed to adopt mandatory selective economic and other sanctions against South Africa (para. 26); considered it imperative that the international community demand that South Africa proceed to implement forthwith the United Nations plan for the independence of Namibia without any conditions or delaying manoeuvres and that the Council decide immediately on effective sanctions under Chapter VII of the Charter (para. 37); urged the few Western Powers that continued to oppose sanctions against South Africa to reassess their positions and cooperate in, rather than hinder, international action (para. 48); urged the Council to consider without delay all appropriate action under the Charter and suggested, as a first step, that the Council determine that the policies and actions of South Africa had caused and constituted a grave threat to the maintenance of international peace and security and that action under Chapter VII of the Charter was imperative (para. 50); recommended that the mandatory arms embargo instituted by the Council in its resolution 418 (1977) be reinforced (para. 54); urged the Council to make mandatory its request to all States, in paragraph 2 of resolution 558 (1984), "to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa" and to extend the embargo to cover all components and related *matériel* originating from South Africa (para. 55); called for more effective monitoring of the arms embargo and in that connection urged action, without further delay, on the recommendations submitted in September 1980 by the Committee established by resolution 421 (1977) (para. 56); stated that it was imperative that the measures recommended in the Declaration of the International Seminar on Arms Embargo be taken to reinforce and strengthen the mandatory arms embargo imposed by Council resolution 418 (1977) (para. 57); called for the Council to extend the arms embargo to include the police sector (para. 58); affirmed the urgent need for the Council to adopt a mandatory oil embargo under Chapter VII of the Charter and recommended that Council members, in consultation with oil-producing and oil-shipping States, coordinate action in ensuring that effective action at the Council level would be taken as soon as possible (para. 66); recommended that the Council urgently consider a mandatory embargo on investments in and financial loans to South Africa (para. 69); urged the Council to consider other mandatory sanctions including a prohibition of the transfer of technology to South Africa, an end to all promotion of or support for trade with that State, and termination of air and shipping links (para. 71); and stressed the need for an immediate embargo on the import of uranium and other products from Namibia (para. 72).
S/18360 and Add.1	21 October 1986	Submitting the annual report of the Special Committee in which, *inter alia*, it noted that South Africa's acts of ag-

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		gression against Angola in October and December 1985 were condemned by the Security Council in its resolutions 574 (1985) and 577 (1985), but that when the Council considered South Africa's aggression against Angola in June 1986, it had failed to adopt a resolution, owing to the negative votes of the United Kingdom and the United States (para. 116); noted that when South Africa carried out simultaneous attacks against Botswana, Zambia and Zimbabwe on 19 May 1986, the Council had failed to adopt a resolution that would have imposed mandatory economic sanctions against South Africa owing to the negative votes of the United Kingdom and the United States (para. 118); recommended that the General Assembly urge the Council to consider without delay all appropriate action under the Charter and that the Assembly suggest, as a first step, that the Council determine that the policies and actions of South Africa had caused and constituted a grave threat to the maintenance of international peace and security in southern Africa and that comprehensive mandatory sanctions under Chapter VII of the Charter were imperative (para. 214 (*b*)); recommended that the Assembly urge the few Western Powers that continued to oppose sanctions against South Africa--especially the United States and the United Kingdom, which had prevented the imposition of comprehensive mandatory sanctions by the Council through the exercise of the veto--to reassess their positions and cooperate in, rather than hinder, international action (para. 2 14 (c)); recommended that the Assembly call upon the Council to require all Member States to revoke or terminate all licences with South Africa to manufacture arms and related *matériel* (para. 215 (c)); and recommended that the Assembly affirm the urgent need for the Council to adopt a mandatory oil embargo under Chapter VII of the Charter in accordance with relevant Assembly resolutions, and that the Assembly urge the Council, in consultation with oil-producing and oil-shipping States, to coordinate effective action as soon as possible (para. 2 16 (6)); also submitted was the special report on recent developments concerning relations between Israel and South Africa (S/18360/Add.1).
S/19217 and Add. 1	2 1 October I987	Submitting the annual report of the Special Committee in which, *inter alia*, it noted that the Security Council had agreed on a package of voluntary sanctions but that regrettably, two permanent members of the Council had again made it impossible for the Council to agree on the imposition of comprehensive and mandatory sanctions under Chapter VII of the Charter (para. 9); stated that of growing concern were the repeated violations of the mandatory arms embargo, the oil embargo and other international sanctions (para. 11); cited reports indicating infringements of Council resolution 418 (1977) on the mandatory arms embargo against South Africa (para. 55); considered it essential that the international community continue to press with steadfast determination for the imposition of enforceable sanctions under Chapter VII of the Charter and emphasized the urgency for imposing such sanctions (para. 148); and recommended that the General Assembly, *inter alia*, request the Council to adopt comprehensive and mandatory sanctions against South Africa. Also submitted was the special report on recent developments concerning relations between Israel and South Africa (S/19217/Add. 1).
S/19218	19 October 1987	Transmitting the Declaration adopted by the International Student Conference in Solidarity with the Struggle of the Students of Southern Africa, held from 31 July to 3 August 1987, in which it resolved to campaign for the immediate imposition of universal comprehensive and mandatory sanctions against South Africa (para. 5) and for the immediate implementation of Council resolution 435 (1978) concerning Namibia, including the imposition of universal comprehensive mandatory sanctions against South Africa and a ban on all trade with and investment in Namibia (para. 6).
S/ 19266	12 November I987	Transmitting the text of the Declaration adopted by the International Conference against Apartheid Sport on 7 November 1987.

Document symbol	*Date*	*Subject*
S/19676	23 March 1988	Transmitting the text of the appeal adopted by the Seminar on the Role of the Latin American and Caribbean Media in the International Campaign against Apartheid, held from 7 to 9 March 1988, in which it called for concerted international action, including the adoption of comprehensive mandatory sanctions, to bring about the eradication of apartheid.
S/20184	12 September 1988	Transmitting the text of the appeal adopted by the Symposium on Culture against Apartheid, held from 2 to 4 September 1988.
S/20188	14 September 1988	Transmitting a portion of the text of the Final Declaration adopted by the Conference of Foreign Ministers of the Non-Aligned Countries, held from 7 to 10 September 1988, in which it called for the convening in 1989 of a special session of the General Assembly devoted to apartheid and its destructive consequences in southern Africa (para. 101); and reiterated the call for the Security Council to impose comprehensive and mandatory sanctions against the apartheid regime under Chapter VII of the Charter and, to this end, endorsed the decision of the Organization of African Unity (OAU) to work towards the convening of the Council in Africa for the purpose of examining the totality of South Africa's policies and acts of State terrorism in the region (para. 102).
S/20215	4 October 1988	Transmitting the text of the resolution adopted by the 80th Inter-Parliamentary Conference, held from 19 to 24 September 1988, in which it endorsed the call by the Conference of Foreign Ministers of the Non-Aligned Countries for a special session of the General Assembly devoted to apartheid (para. 11); confirmed that the United Nations plan for granting independence to Namibia, as contained in Security Council resolutions 385 (1976) and 435 (1978), was the only internationally acceptable basis for a peaceful settlement of the Namibia problem, and demanded its prompt implementation without any preconditions and changes (para. 14); urgently called on the Council to discuss without delay the question of imposing comprehensive mandatory sanctions against South Africa (para. 18); and considered that Council resolution 621 (1988) constituted a consolidation of the process aiming at the full implementation of the OAU/United Nations peace plan for Western Sahara (para. 31).
S/20248	27 October 1988	Submitting the annual report of the Special Committee in which, *inter alia*, it stated that the imposition of sanctions against South Africa continued to be of crucial significance (para. 187) and recommended that the General Assembly request the Council to adopt comprehensive and mandatory sanctions against South Africa (para. 194 (*g*)).

(*c*) COMMUNICATIONS FROM THE UNITED NATIONS COUNCIL FOR NAMIBIA

Document symbol	*Date*	*Subject*
S/17243	6 June 1985	Transmitting the text of the communiqué adopted by the United Nations Council for Namibia on 4 June 1985 concerning South Africa's plan to install a puppet administration in Namibia, in which it recalled the statement issued on 3 May 1985 by the President of the Security Council, which condemned and rejected any unilateral action by South Africa leading towards an internal settlement outside Council resolution 435 (1978) as unacceptable and declared the establishment of the "interim government" in Namibia to be null and void (para. 3); condemned South Africa for its decision to press ahead with the installation of the "interim government" in defiance of universal condemnation and the position of the Security Council (para. 4); drew the particular attention of the Council, the General Assembly and the Secretary-General to the imminent installation of the "interim government", which, it stated, would further jeopardize the prospects for implementing Council resolution 435 (1978) (para. 5); and called upon the Council, in fulfilment of its responsibility to ensure the implementation of its own resolutions and of the direct responsibility of the United Nations over Namibia, to take appropriate measures

Document symbol	*Date*	*Subject*
		to pre-empt the installation of the "interim government" and to ensure the immediate and unconditional implementation of the United Nations plan for Namibian independence (para. 5).
S/17262	13 June 1985	Transmitting the final document adopted at the extraordinary plenary meetings of the United Nations Council for Namibia, held from 3 to 7 June 1985, in which it stated that it was submitting the Declaration and Programme of Action on Namibia for the serious and urgent consideration of the Security Council, the General Assembly and all Governments, organizations and peoples for appropriate action to secure the speedy liberation of Namibia from illegal occupation by South Africa (para. 6); declared that South Africa's illegal occupation of Namibia was a threat to international and regional peace and security (para. 9); strongly condemned the ruthless plunder of Namibia's natural resources by South African and other foreign economic interests in violation of, *inter alia*, Security Council and General Assembly resolutions (para. 19); considered that the continuing military collaboration with, and assistance to, South Africa by certain Western States and Israel constituted a breach of the arms embargo imposed by the Council in its resolution 418 (1977) (para. 20); called for the scrupulous observance by all States of resolution 558 (1984) enjoining them not to import armaments from South Africa (para. 20); drew particular attention to the strong condemnation and rejection of South Africa's unilateral action of installing an "interim government" in Namibia by, *inter alia*, the President of the Security Council on 3 May 1985 (para. 21); urged the Council to act decisively in fulfilment of the direct responsibility of the United Nations over Namibia and to take, without further delay, appropriate action to ensure the implementation of its resolution 435 (1978) without modification or preconditions (para. 22); recalled that both the Assembly and the Council had rejected linkage between the independence of Namibia and extraneous and irrelevant issues (para. 25); reiterated that special responsibility rested with the Council, which must act without further delay to secure the implementation of its own relevant resolutions, and considered that comprehensive mandatory sanctions under Chapter VII of the Charter were the most effective means of ensuring South Africa's compliance with the resolutions and decisions of the United Nations on Namibia (para. 33); urged the Council to exercise decisively its authority with a view to ensuring the implementation of its resolutions 385 (1976), 435 (1978) and 539 (1983) by taking strong action against South Africa's dilatory manoeuvres and fraudulent schemes (para. 35); resolved to promote the imposition of comprehensive mandatory sanctions against South Africa by the Security Council under Chapter VII of the Charter during its next session on the question of Namibia (para. 37); and called upon the Council to take all necessary measures in order to ensure the total cessation of all collaboration and contacts with racist South Africa in the nuclear fields (para. 45).
S/18234	28 July 1986	Transmitting the text of the final document adopted by the International Conference for the Immediate Independence of Namibia, held from 7 to 11 July 1986, in the Declaration of which it stated its conviction that South Africa's acts of aggression called for the adoption of measures against that regime under Chapter VII of the Charter (para. 12); stated its conviction that the United Nations plan for the independence of Namibia embodied in Security Council resolutions 385 (1976) and 435 (1978) constituted the only internationally accepted basis for a peaceful settlement of the Namibian question and called for its immediate implementation without precondition or modification (para. 13); recalled with satisfaction the universal and categorical rejection of South Africa's imposition on Namibia of an "interim government" by, *inter alia*, resolution 566 (1985) (para. 14); expressed its deep conviction that the Security Council should act in a decisive manner in the fulfilment of the direct responsibility of the United Nations with regard to Na-

Document symbol	Date	Subject
		mibia and take urgent measures in order to ensure that the United Nations plan was implemented without modification, precondition or delay, and noted in that connection that the Council had been prevented by vetoes exercised by one or more of the Western countries that are permanent members from taking effective measures against South Africa under Chapter VII of the Charter (para. 19); strongly supported the call made by the World Conference on Sanctions against Racist South Africa for the immediate imposition of comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter (para. 20); and, in the Programme of Action, requested the Council to solemnly reiterate that Walvis Bay and the offshore islands were an integral part of Namibia and should not be the subject of negotiations between South Africa and an independent Namibia (para. 8); strongly requested the Council to immediately adopt and impose comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter (para. 10); appealed to the United States and the United Kingdom, permanent members of the Council, which had thus far prevented it from acting effectively, to reconsider their position (para. 11); called upon the Council to adopt as a matter of utmost urgency the necessary measures in order to ensure strict compliance by all States with the arms embargo against South Africa (para. 13); requested the United Nations Council for Namibia to initiate a week-long programme of information dissemination to journalists which would include basic facts and legal arguments on, *inter alia*, the requirement for comprehensive mandatory sanctions to be imposed by the Security Council against South Africa in respect of its illegal administration of Namibia (para. 32 (c)); and, in its appeal for the immediate independence of Namibia, stated that the United Nations plan, as endorsed by Security Council resolution 435 (1978), provided a universally accepted basis for the peaceful resolution of the question of Namibia (para. 4); stated that the Security Council had rejected linkage and had declared that Namibia's independence could not be held hostage to the resolution of issues that were alien to the United Nations plan (para. 5); and stated the opinion that the only peaceful measure now available to the international community to bring about the immediate independence of Namibia on the basis of resolution 435 (1978) was the imposition of comprehensive economic sanctions against South Africa (para. 6).
S/ 18900	8 June 1987	Transmitting the text of the appeal issued by the United Nations Council for Namibia on the occasion of the twentieth anniversary of its establishment, on 19 May 1987, in which it stated that the Council had been prevented by some of its permanent members from taking effective measures to secure implementation of its own plan (para. 4); urged the United States to withdraw its support for South Africa's policy of linkage, which had been rejected by the Council as incompatible with its resolution 435 (1978) (para. 7); and urged the Council to impose comprehensive and mandatory sanctions (para. 8).
S/18901	8 June 1987	Transmitting the text of the Luanda Declaration and Programme of Action adopted by the United Nations Council for Namibia on 22 May 1987, in which it solemnly reaffirmed that Security Council resolutions 385 (1976) and 435 (1978) constituted the sole internationally accepted basis for a peaceful settlement of the Namibian problem (para. 23); firmly rejected the constant attempts made by South Africa and the United States to establish a "linkage" between the implementation of Security Council resolution 435 (1978) and extraneous issues, and declared that that attempt was a ploy intended, *inter alia*, to jeopardize the authority of the Council (para. 24); firmly condemned ail fraudulent constitutional and political manoeuvres by which South Africa was attempting to perpetuate its illegal occupation of Namibia in violation of resolutions 385 (1976), 435 (1978), 439 (1978), 539 (1983) and 566 (1985) (para. 25);

Document symbol	*Date*	*Subject*
		reaffirmed that the adoption of comprehensive and mandatory sanctions under Chapter VII of the Charter was the most effective, peaceful way of making South Africa comply with the resolutions and decisions of the United Nations on the question of Namibia (para. 43); expressed its deep concern at the fact that the Council continued to be prevented, owing to the negative votes of some of its Western members, particularly two permanent members, the United Kingdom and the United States, from reacting effectively in fulfilment of its responsibilities under the Charter (para. 45); declared that the independence of Namibia must be achieved in accordance with resolutions 385 (1976) and 435 (1978) with no conditions attached (para. 46); stressed the necessity of taking further action to expedite the implementation of resolutions 385 (1976) and 435 (1978) (para. 56); stated it would pursue and intensify its efforts to ensure that the question of Namibia and the goal of implementing resolutions 385 (1976) and 435 (1978) continued to be accorded top priority by the General Assembly (para. 58); stated it would continue its efforts with the Council to have it take the requisite strong measures towards the prompt and unconditional implementation of its resolutions 385 (1976) and 435 (1978), including the imposition of comprehensive and mandatory sanctions (para. 60); stated it would endeavour to commit the international community, *inter alia*, to prevent any recognition of any administration or entity created by South Africa in Namibia, in accordance with resolutions 385 (1976), 435 (1978), 439 (1978), 539 (1983) and 566 (1985), and to work for the speedy adoption by the Security Council of comprehensive and mandatory sanctions against South Africa (para. 62); called upon the international community as a whole to implement the resolutions of the General Assembly and the Security Council concerning the strengthening of the defensive capabilities of the front-lines States, whose security and sovereignty were threatened by South Africa (para. 75); demanded a halt to attempts to link Namibian independence to issues that were irrelevant and rejected by the entire international community, including the Security Council (para. 76); and requested all the committees and other organs of the General Assembly and Security Council, *inter alia*, to continue to invite the Council for Namibia to participate in their meetings whenever their discussions related to Namibia and to develop further their consultations with the Council for Namibia in connection with all decisions and recommendations that might affect the rights and interests of the Namibians (para. 84).
S/19187	8 October 1987	Transmitting the text of the final communiqué adopted by the United Nations Council for Namibia at its ministerial meeting on 2 October 1981, in which it stated that the Ministers reaffirmed that Security Council resolutions 385 (1976) and 435 (1978) constituted the only internationally accepted basis for the peaceful settlement of the Namibian question (para. 10); strongly deplored the fact that owing to the use of the veto by two of its permanent members, the Security Council had been prevented from imposing comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter (para. 13); stressed the responsibility of the Security Council concerning the implementation of its resolutions on Namibia in view of the threat to regional and international peace and security created by South Africa (para. 15); urgently requested the Council to set an early date for the commencement of the implementation of resolution 435 (1978), no later than 31 December 1987, and to commit itself to applying the relevant provisions of the Charter, including comprehensive and mandatory sanctions under Chapter VII, in the event that South Africa continued to defy the Council, and in that connection, urged the Council to undertake forthwith consultations for the composition and emplacement of the United Nations Transitional Assistance Group in Namibia (para. 16); requested the Secretary-General to undertake consultations with members of the Security Council, in particular its permanent members, with a

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		view to securing a firm commitment on the unconditional and speedy implementation of resolution 435 (1978) and to that end, urged the three Western permanent members of the Council to take into account their particular responsibility, as they themselves were the initiators of the United Nations plan for the independence of Namibia, to ensure its unimpeded implementation (para. 18); appealed to the United States to join the international consensus against the policy of "linkage", a policy that the Council had rejected as incompatible with its resolution 435 (1978) and condemned as an obstruction to the independence of Namibia (para. 19); and called upon the General Assembly, in the event the Security Council was unable to adopt concrete measures to compel South Africa to cooperate in the implementation of Security Council resolution 435 (1978) by 29 September 1988, to consider at its forty-third session necessary action in accordance with the Charter (para. 20).

(*d*) COMMUNICATIONS FROM THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

Document symbol	Date	Subject
S/16954	13 February 1985	Letter dated 12 February 1985 expressing utmost concern with regard to mounting tension in Palestinian refugee camps in southern Lebanon and the West Bank, and attaching utmost importance to the early convening of the proposed international peace conference on the Middle East.
S/17043	19 March 1985	Letter dated 19 March 1985 calling attention to the continuing danger to international peace and security posed by the policies of the Israeli Government towards the occupied territories, and reiterating the firm conviction that the early convening of the international peace conference on the Middle East is of critical importance.
S/17146	3 May 1985	Letter dated 2 May 1985 calling attention to the continuing pattern of repression by the Israeli authorities in the occupied territories, and stating that as long as the Palestinian people were prevented from exercising their rights to self-determination, national independence and sovereignty, and their territory remained illegally occupied, tension and violence would continue to prevail in the area, increasingly endangering international peace and security.
S/17219	24 May 1985	Letter dated 23 May 1985 conveying the profound concern of the Committee at the current tragic developments in and around Palestinian refugee camps in Beirut; asserting once again that the United Nations, and in particular the Security Council, had a clear responsibility to ensure the physical safety of the Palestinians and to bring about the exercise of their inalienable rights; and stating the conviction that positive action by the Council on the Committee's recommendations, and on the proposed international peace conference on the Middle East, would advance prospects for a just and lasting peace in the Middle East and avoid the recurrence of tragedies such as the one then unfolding.
S/17340	12 July 1985	Letter dated 12 July 1985 expressing concern over renewed acts of aggression against Palestinians by Israeli forces of occupation in the West Bank and over the proposed drafting of new laws that would affect Palestinian residents of the West Bank and Gaza; stating that such measures could not but aggravate tensions and amplify threats to peace and security in the region; and stating the conviction that positive action by the Security Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting peace in the region.
S/17346	18 July 1985	Letter dated 18 July 1985 reporting the decision of the Israeli authorities to close the Hospice Hospital in occupied East Jerusalem, which presented still further evidence of the way in which Israel was failing to abide by international agreements regarding the status of citizens under occupation.

Document symbol	*Date*	*Subject*
S/17375	1 August 1985	Letter dated 31 July 1985 citing reports that tanks had been delivered, which might affect the rights and lives of the Palestinian refugees living in Lebanon, thus amplifying tension in the area.
S/17392	12 August 1985	Letter dated 8 August 1985 conveying reports that the Israeli Cabinet had voted to reinstate policies of administrative detention without trial and deportation of persons considered security risks, and stating that such measures could only further exacerbate tensions and conflict in the area, thus posing a growing threat to international peace and security.
S/17455	11 September 1985	Letter dated 11 September 1985 conveying reports that the Israeli military authorities had engaged in a massive campaign of detention of Palestinians and that Arab youths had been shot by Israeli soldiers, and reiterating deep concern at those developments and at Israel's continuing denials of the inalienable rights of the Palestinian people, which could not but further exacerbate tensions in the area.
S/17630	13 November 1985	Letter dated 13 November 1985 conveying reports of actions taken as a result of the decision by the Israeli authorities to reinstate policies of administrative detention, deportation, increased censorship and other measures against Palestinians in the occupied territories.
S/17800	6 February 1986	Letter dated 5 February 1986 reporting that deportation orders against three Palestinians had been carried out, and recalling that the Council had reaffirmed on several occasions that the Geneva Convention of 1949 was applicable to the occupied territories and had called upon Israel scrupulously to observe the provisions of that Convention.
S/17935	24 March 1986	Letter dated 24 March 1986 expressing grave concern over Israel's refusal to grant travel permits to Palestinians living in the occupied territories to attend a United Nations-sponsored meeting.
S/18133	5 June 1986	Letter dated 5 June 1986 expressing grave concern at reports of renewed attacks against Palestinian refugee camps in Beirut; expressing particular distress that neither the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) nor the International Committee of the Red Cross had been permitted to enter the camps to evacuate the wounded and provide medical help; and reasserting that the United Nations, and in particular the Security Council, had a clear responsibility to ensure the physical safety of the Palestinians and to bring about the exercise of their inalienable rights.
S/18159	16 June 1986	Letter dated 13 June 1986 expressing grave concern at the persistence and intensification of attacks against Palestinian refugee camps in Beirut; reaffirming that the United Nations, and in particular the Security Council, had the responsibility to guarantee the physical safety of the Palestinian refugees; and stating that, in the absence of a just and lasting solution to the question of Palestine, violence would continue to intensify in the region, with disastrous consequences for international peace and security.
S/18452	10 November 1986	Letter dated 10 November 1986 expressing grave concern over the persistence and intensification of fighting in and around Palestinian refugee camps in Tyre, Beirut and Sidon; expressing utmost concern that UNRWA had been unable to deliver food or medicines to Rashadieh camp since the beginning of the fighting and that thousands of innocent women, children and old people were trapped in crossfire in the camp; affirming once again that the United Nations, and in particular the Security Council, had a clear responsibility to ensure the physical safety of the Palestinians in the refugee camps.
S/18525	16 December 1986	Letter dated 16 December 1986 drawing urgent attention to grave incidents that continued to occur in the occupied territories since the adoption by the Security Council of resolution 592 (1986); noting that, in its resolution 592 (1986), the Council called upon Israel to abide immediately and scrupulously by the Geneva Convention of 1949 and to release any person detained in violation of the Convention; and appealing to the Secretary-General to do all in his

Document symbol	Date	Subject
		power to ensure implementation of that resolution by the Israeli authorities.
S/18682	11 February 1987	Letter dated 11 February 1987 expressing grave concern at the persistence and intensification of attacks on Palestinian refugee camps in Beirut and Tyre; expressing utmost concern that UNRWA had been unable to deliver food or medicines to these camps; and stating that in the absence of a just and lasting solution to the question of Palestine, the violence would continue to intensify, with disastrous consequences not only for the region, but also for international peace and security.
S/18713	20 February 1987	Letter dated 20 February 1987 expressing utmost concern that UNRWA had once again been prevented from delivering food and medicines to Palestinians in refugee camps in Beirut and Tyre, and urgently appealing to the Secretary-General and all the parties concerned that everything possible should be done to enable UNRWA and other humanitarian organizations to provide emergency relief to those refugees.
S/18751	12 March 1987	Letter dated 12 March 1987 stating that the situation in the Palestinian refugee camps in Beirut and Tyre remained extremely grave and was bound to deteriorate further unless urgent measures were taken, and reiterating its pressing appeal to the Secretary-General and to all the parties concerned to do everything possible to enable UNRWA and other humanitarian organizations to provide emergency relief to the refugees.
S/18850	7 May 1987	Letter dated 7 May 1987 drawing urgent attention to air raids carried out by the Israeli air force against Palestinian refugee camps near Sidon, Lebanon, and stating that in the context of the intensification of measures taken by the Israeli authorities against the Palestinian people in the occupied territories and the general military escalation in south Lebanon, the situation being created in the area was a most explosive one.
S/18874	20 May 1987	Letter dated 20 May 1987 reiterating deep concern at measures taken by the Israeli authorities to quell demonstrations by Palestinians in the West Bank and Gaza; recalling that the Security Council had repeatedly affirmed, most recently in its resolution 592 (1986), that the Geneva Convention of 1949 was applicable to the occupied territories and had called upon Israel to abide immediately and scrupulously by that Convention; and stating the conviction that positive consideration and action by the Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting peace in the region.
S/18893	3 June 1987	Letter dated 3 June 1987 calling attention to reports that the Israeli authorities had launched a massive campaign of detention of Palestinians, and recalling that in its resolution 592 (1986), the Security Council had called upon Israel to abide immediately and scrupulously by the Geneva Convention of 1949 and to release any person detained in violation of that instrument.
S/19122	9 September 1987	Letter dated 9 September 1987 drawing urgent attention to air raids carried out by the Israeli air force against a Palestinian refugee camp near Sidon; stating that in the context of the intensification of measures taken by the Israeli authorities against the Palestinian people in the occupied territories and the general military escalation in south Lebanon, the situation being created in the area was a most explosive one; and stating the conviction that positive action by the Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting peace in the region.
S/19150	22 September 1987	Letter dated 22 September 1987 drawing attention to the steady deterioration of the human rights situation in the occupied territories, owing in particular to measures of administrative detention without charges or trial, and stating that it was vital for the international community to convene an international peace conference on the Middle East.
S/19203	13 October 1987	Letter dated 13 October 1987 drawing most urgent attention to an explosive situation developing in Gaza and extremely

Document symbol	*Date*	*Subject*
		serious incidents in the occupied West Bank, and appealing to the Secretary-General to promote the convening of an international peace conference on the Middle East.
S/19270	13 November 1987	Letter dated 13 November 1987 drawing most urgent attention to grave incidents that had caused the death and injury of several Palestinians in the occupied territories; bringing the policies and practices of Israel forcefully to the attention of the General Assembly and the Security Council, as they clearly had serious repercussions, *inter alia*, on peace and security in the region; and appealing to the Secretary-General to promote the convening of an international peace conference on the Middle East.
S/19337	14 December 1987	Letter dated 11 December 1987 drawing urgent attention to the very dangerous situation created in the West Bank and Gaza by renewed acts of violence by Israeli troops, and appealing to the Secretary-General to promote the convening of an international peace conference on the Middle East.
S/19394	30 December 1987	Letter dated 29 December 1987 drawing urgent attention to the continuing deterioration of the situation in the West Bank and Gaza, in particular the use of live ammunition and brutal force by the Israeli army against young defenceless Palestinians, and appealing to the Secretary-General to promote the convening of an international peace conference on the Middle East.
S/19405	5 January 1988	Letter dated 5 January 1988 drawing urgent attention to the aggravation of the situation caused by the killing of unarmed civilians and the deportation of Palestinian leaders from West Bank and Gaza; recalling that the Security Council in its resolution 605 (1987) had called once again upon Israel to abide immediately and scrupulously by the Geneva Convention of 1949 and to desist forthwith from policies and practices that violated that instrument; and appealing to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/19424	12 January 1988	Letter dated 12 January 1988 drawing urgent attention to the continuing deterioration of the situation in the occupied territories, in particular owing to the use of live ammunition against demonstrators, mass arrests, detentions and deportations; recalling that in its resolutions 605 (1987) and 607 (1988), the Council had requested Israel to abide by its obligations arising under the Geneva Convention of 1949; and appealing to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/19441	20 January 1988	Letter dated 20 January 1988 drawing urgent attention to the continuing deterioration of the situation in the occupied territories, in particular owing to the increasingly systematic use by Israel of collective punishment against Palestinians, and appealing to the Secretary-General to promote the convening of an international peace conference on the Middle East.
S/19490	10 February 1988	Letter dated 10 February 1988 expressing most serious concern at the increasing use of violence and acts of extreme intimidation by Israel against the entire Palestinian population in the occupied territories; expressing appreciation for the report submitted by the Secretary-General under Security Council resolution 605 (1987) and for the steps taken by the Secretary-General in pursuance of that resolution; and stating the conviction that positive action by the Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting settlement of the question of Palestine.
S/19562	1 March 1988	Letter dated 1 March 1988 drawing most urgent attention to the further aggravation of the situation in the occupied territories and to the intensification of repression by the Israeli armed forces against Palestinian protesters, and stating the conviction that positive action by the Security Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting settlement of the question of Palestine.

Document symbol	*Date*	*Subject*
S/19710	30 March 1988	Letter dated 30 March 1988 expressing most serious concern at the escalation of the campaign of repression and violence by Israel against the entire Palestinian population in the occupied territories and reiterating the view that positive action by the Security Council on the Committee's recommendations and on the proposed international peace conference on the Middle East would advance prospects for a just and lasting settlement of the question of Palestine.
S/19769	13 April 1988	Letter dated 13 April 1988 drawing most urgent attention to the intensification of repression by Israel against the Palestinian people in the occupied territories, and appealing to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/19881	13 May 1988	Letter dated 13 May 1988 expressing serious concern at the continued grave situation in the occupied territories, in particular the indiscriminate use of armed repression and mass arrests and various forms of collective punishment, and appealing to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/19926	3 June 1988	Letter dated 3 June 1988 drawing urgent attention to the conviction by an Israeli court of Israeli peace activists for meeting with members of the PLO in Romania in 1986; expressing serious concern at the continued Israeli policy of military repression in the occupied territories; and reiterating its appeal to the Secretary-General to intensify his efforts towards the convening of an international conference on the Middle East.
S/20052	22 July 1988	Letter dated 22 July 1988 expressing most serious concern at the continued grave situation in the occupied territories and the intensification of policies of repression by Israel, and reiterating the appeal to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/20086	4 August 1988	Letter dated 4 August 1988 expressing concern at the continued grave situation in the occupied territories, in particular the indiscriminate use of armed repression, mass arrests, various forms of collective punishment and deportations, which were taking place in defiance of Council resolutions 607 (1988) and 608 (1988), and reiterating the appeal to the Secretary-General to intensify his efforts towards the convening of an international peace conference on the Middle East.
S/20136	19 August 1988	Letter dated 19 August 1988 expressing most serious concern at the further intensification of severe measures of repression by the Israeli authorities in efforts to crush the Palestinian uprising in the occupied territories; expressing extreme concern that, despite international protests and in defiance of Council resolutions, Israel had intensified its policy of deportations; and appealing to the Secretary-General and all concerned to intensify efforts towards the convening of an international peace conference on the Middle East.
S/20210	29 September 1988	Letter dated 29 September 1988 expressing serious concern at the intensification of policies of repression by Israel against the Palestinian people and the rising death toll in the occupied territories, and appealing to the Secretary-General to intensify his efforts towards the urgent convening of an international peace conference on the Middle East.
S/20228	13 October 1988	Letter dated 13 October 1988 expressing profound concern at the intensification of policies of repression by Israel against the Palestinian people, in particular army raids on villages and refugee camps to prevent demonstrations, and stressing the imperative need for urgent action aimed at convening an international peace conference on the Middle East.
S/20315	8 December 1988	Letter dated 6 December 1988 drawing most urgent attention to the continued tragic situation in the occupied territories, in particular since the declaration of the establishment of the State of Palestine by the Palestine National Council on 15 November 1988, and appealing to all concerned to do everything in their power to build on the momentum that has been created thereby, in particular through the convening of an international peace conference on the Middle East.

(e) COMMUNICATIONS FROM THE INTERGOVERNMENTAL GROUP TO MONITOR THE SUPPLY AND SHIPPING OF OIL AND PETROLEUM PRODUCTS TO SOUTH AFRICA

Document symbol	*Date*	*Subject*
S/19251	5 November 1987	Transmitting the report of the Intergovernmental Group in which it stated its belief that the international community should consider without delay the imposition of comprehensive mandatory sanctions against South Africa and that the Security Council was under a special obligation to impose a mandatory oil embargo against South Africa (para. 18); and recommended that the General Assembly request the Council to consider invoking Chapter VII of the Charter to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa (para. 25).
S/20249	14 November 1987	Transmitting the report of the Intergovernmental Group in which it stated that the imposition of a mandatory oil embargo by the Council against South Africa was urgently needed to complement the arms embargo imposed by resolution 418 (1977) and was consistent with the declared policies of the members of the Council, including the permanent members (para. 47); and recommended that the General Assembly request the Council to consider invoking Chapter VII of the Charter to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa (para. 55).

2. Participation of representatives of subsidiary organs of the General Assembly

Participating organ	*Invitation extended by the Council*	*Agenda item*	*Participation: date and number of Council meetings*
Special Committee against Apartheid	2571st meeting	Question of South Africa	8 and 12 March 1985, 2571st and 2574th meetings
United Nations Council for Namibia	2583rd meeting	Situation in Namibia	10-14 and 17-19 June 1985, 2583rd-2590th and 2592nd-2595th meetings
Special Committee against Apartheid	2583rd meeting	Situation in Namibia	10-14 and 17-19 June 1985, 2583rd-2590th and 2592nd-2595th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2589th meeting	Situation in Namibia	13-14 and 17-19 June 1985, 2589th, 2590th and 2592nd-2595th meetings
Special Committee against Apartheid	2598th meeting	Letter dated 17 June 1985 from Botswana	21 June 1985, 2598th and 2599th meetings
Special Committee against Apartheid	2600th meeting	Question of South Africa	25 and 26 July 1985, 2600th and 2602nd meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2605th meeting	Situation in the occupied Arab territories	13 September 1985, 2605th meeting
Special Committee against Apartheid	2606th meeting	Complaint by Angola against South Africa	20 September 1985, 2606th and 2607th meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2619th meeting	Middle East problem including the Palestinian question	9-11 October 1985, 2619th-2622nd meetings
United Nations Council for Namibia	2624th meeting	Situation in Namibia	13-15 November 1985, 2624th-2626th, 2628th and 2629th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2624th meeting	Situation in Namibia	13-15 November 1985, 2624th-2626th, 2628th and 2629th meetings
Special Committee against Apartheid	2626th meeting	Situation in Namibia	14-15 November 1985, 2626th, 2628th and 2629th meetings

Participating organ	*Invitation extended by the Council*	*Agenda item*	*Participation: date and number of Council meetings*
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2644th meeting	Situation in the occupied Arab territories	21-30 January 1986, 2644th-2650th meetings
United Nations Council for Namibia	2652nd meeting	Situation in southern Africa	5-13 February 1986, 2652nd, 2654th and 2656th-2662nd meetings
Special Committee against Apartheid	2654th meeting	Situation in southern Africa	6-13 February 1986, 2654th and 2656th-2662nd meetings
Special Committee against Apartheid	2684th meeting	Situation in southern Africa	22-23 May 1986, 2684th-2686th meetings
Special Committee against Apartheid	2690th meeting	Question of South Africa	13 June 1986, 2690th meeting
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2724th meeting	Situation in the occupied Arab territories	5 and 8 December 1986, 2724th-2727th meetings
Special Committee against Apartheid	2732nd meeting	Question of South Africa	17-20 February 1987, 2732nd-2738th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2732nd meeting	Question of South Africa	17-20 February 1987, 2732nd-2738th meetings
United Nations Council for Namibia	2733rd meeting	Question of South Africa	18-20 February 1987, 2733rd-2738th meetings
United Nations Council for Namibia	2740th meeting	Situation in Namibia	6-9 April 1987, 2740th-2747th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2740th meeting	Situation in Namibia	6-9 April 1987, 2740th-2747th meetings
Special Committee against Apartheid	2742nd meeting	Situation in Namibia	7-9 April 1987, 2742nd-2747th meetings
United Nations Council for Namibia	2755th meeting	Situation in Namibia	28-30 October 1987, 2755th-2759th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2756th meeting	Situation in Namibia	29-30 October 1987, 2756th-2759th meetings
Special Committee against Apartheid	2757th meeting	Situation in Namibia	29-30 October 1987, 2757th-2759th meetings
Special Committee against Apartheid	2764th meeting	Complaint by Angola against South Africa	23-25 November 1987, 2764th-2767th meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2770th meeting	Situation in the occupied Arab territories	11-22 December 1987, 2770th and 2772nd-2777th meetings
Special Committee against Apartheid	2793rd meeting	Question of South Africa	3-8 March 1988, 2793rd-2797th meetings
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2794th meeting	Question of South Africa	4-8 March 1988, 2794th-2797th meetings
United Nations Council for Namibia	2795th meeting	Question of South Africa	7-8 March 1988, 2795th-2797th meetings

Participating organ	*Invitation extended by the* Council	*Agenda item*	*Participation: date and number of Council meetings*
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	2800th meeting	Letter &ted 11 March 1988 from the Permanent Representative of Argentina to the United Nations addressed to the President of the Security Council	17 March 1988, 2800th and 2801 st meetings
Committee on the Exercise of the Inalienable Rights of the Palestinian People	2805th meeting	Situation in the occupied Arab territories	14-15 April 1988, 2805th and 2806th meetings

3. Resol utions and statements adopted by the Security Council containing references to the General Assembly or subsidiary organs thereof

Resolution number/ document	*Date of adoption*	*Agenda item*	*Relevant paragraphs*
562 (1985)	IO May 1985	Letter dated 6 May 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council	"*Recalling also* General Assembly resolution 38/10, which reaffirms the inalienable right of all the peoples to decide on their own form of government and to choose their own economic, political and social system free from all foreign intervention, coercion, or limitation" (fourth preambular para.) "*Recalling also* General Assembly resolution 39/4, which encourages the efforts of the Contadora Group and appeals urgently to all interested States in and outside the region to cooperate fully with the Group through a frank and constructive dialogue, so as to achieve solutions to the differences between them" (fifth preambular para.) "*Recalling* General Assembly resolution 2625 (XXV), in the annex of which the Assembly proclaims the principle that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind," (sixth preambular para.)
564 (1985)	31 May 1985	The situation in the Middle East	"*Calls upon* all parties to take necessary measures to alleviate the suffering resulting from acts of violence, in particular by facilitating the work of United Nations agencies, especially the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and non-governmental organizations, including the International Committee of the Red Cross, in providing humanitarian assistance to all those affected and emphasizes the need to ensure the safety of all the personnel of these organizations" (para. 3)
566 (1985)	19 June 1985	The situation in Namibia	"*Having heard* the statement by the Acting President of the United Nations Council for Namibia"' (second preambular para.) "*Recalling* General Assembly resolutions 15 14 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966" (fifth preambular para.) "*Rejects once again* South Africa's insistence on linking the independence of Namibia to irrelevant and extraneous issues as incompatible with resolution 435 (1978), other decisions of the Security Council and the resolutions of the General Assembly on Namibia, including resolution 15 14 (XV)" (para. 7)
579 (1985)	18 December 1985	Letter &ted 16 December 1985 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council	"*Recalling also* resolution 40/61 of 9 December 1985 of the General Assembly (fourth preambular para.)

[a] S/PV.2583, paras. 3 l-66.

Resolution number/ document	*Date of adoption*	*Agenda item*	*Relevant paragraphs*
580 (1985)	30 December 1985	Complaint by Lesotho against South Africa	"*Calls upon* the South African Government to resort to peaceful means in resolving international problems in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations" (para. 6)
Statement by the President (S/17702)	30 December 1985	[Complaint by Lesotho against South Africa]	"They [members of the Council] affirm the statement by the President of the Security Council of 9 October 1985, Security Council resolution 579 (1985), and endorse the Secretary-General's statement of 27 December 1985, in which he noted General Assembly resolution 40/61 of 9 December 1985 and expressed the hope that it would be followed by determined efforts by all Governments and authorities concerned, in accordance with established principles of international law, in order that all acts, methods and practices of terrorism may be brought to an end." (fourth para.)
Statement by the President (S/17745)	17 January 1986	[The situation in the Middle East]	"On the occasion of the fortieth anniversary of the first meeting of the Security Council and the inauguration on 1 January 1986 of the International Year of Peace, the members of the Security Council wish to reaffirm their commitment to the Charter of the United Nations which conferred on the Council the primary responsibility for the maintenance of international peace and security." (first para.)
Statement by the President (S/18138)	6 June 1986	The situation in the Middle East	"The members of the Security Council appeal to all concerned to use their influence in bringing about the cessation of the fighting in order to enable the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as other humanitarian organizations to mount emergency operations for the benefit of the populations concerned, including the Palestinian refugees towards whom the international community has a particular responsibility." (second para.)
591 (1986)	28 November 1986	The question of South Africa	"*Strongly condemning* the racist regime of South Africa for further aggravating the situation and its massive repression against all opponents of apartheid, for the killing of peaceful demonstrators and political detainees, and for its defiance of General Assembly and Security Council resolutions, in particular Security Council resolution 417 (1977)" (eighth preambular para.)
Statement by the President (S/18492)	2 December 1986	The situation in the Middle East	"They [the members of the Council] urge all concerned to facilitate the efforts of various United Nations agencies, particularly the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as non-governmental organizations, to provide humanitarian assistance."
Statement by the President (S/18691)	13 February 1987	The situation in the Middle East	"They [members of the Council] also urgently appeal to all concerned to facilitate the efforts of various Governments and United Nations agencies, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as non-governmental organizations, to provide critically needed humanitarian assistance." (third para.)
Statement by the President (S/18756)	19 March 1987	The situation in the Middle East	"Alarmed by the suffering of the civilian population in the camps, they [members of the Council] therefore again urge all parties concerned urgently to facilitate the efforts of various United Nations agencies, particularly the United Nations Relief and Works Agency for Palestine Refugees in the Near East, as well as any other humanitarian assistance aimed at distributing food and medical supplies in the Palestinian refugee camps in Lebanon and, thus, at fulfilling a critically needed mission." (second para.)
601 (1987)	30 October 1987	The situation in Namibia	"*Having heard* the statement by the President of the United Nations Council for Namibia"[b] (second preambular para.)

[b] S/PV.2755, paras. 32-41.

Resolution number/ document	*Date of adoption*	*Agenda item*	*Relevant paragraphs*
			"*Recalling* General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966 as well as resolution S-14/1 of 20 September 1986" (fourth preambular para.)
620 (1988)	26 August 1988	The situation between Iran and Iraq	"*Bearing in mind* the current negotiations in the Conference on Disarmament on the complete and effective prohibition of the development, production and stockpiling of chemical weapons and on their destruction" (fifth preambular para.)
621 (1988)	20 September 1988	The situation concerning Western Sahara	"*Having heard* a report by the Secretary-General of the United Nations on his mission of good offices, pursued jointly with the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, in conformity with General Assembly resolution 40/50 of 2 December 1985, with a view to settling the question of Western Sahara" (first preambular para.)

G. RECOMMENDATIONS MADE BY THE GENERAL ASSEMBLY IN THE FORM OF RESOLUTIONS

NOTE

Section G contains a table showing recommendations to the Security Council adopted by the General Assembly in the form of resolutions. The initial handling of recommendations from the Assembly presents few, if any, procedural features peculiar to the material. In agreeing to consider Assembly recommendations, the Council has on occasion in the past formally decided to "accept" or "receive" a resolution,[31] but the omission of such formal acceptance on other occasions has not been a mark of refusal to consider. During the period under review, the Assembly for the most part made recommendations to the Council regarding items that were already on the agenda of the Council. Instances in which an Assembly resolution was explicitly referred to in a request for a meeting of the Council or in a Council resolution are indicated in the last column of the table below.

[31] See *Supplements* ST/PSCA/1 and Add.1-3.

General Assembly resolution	*Subject of recommendation*	*Recommendation*	*Reference in a request for a meeting or in a Security Council resolution*
40/6 1 November 1985	Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security	Requests the Council to take urgent and effective measures to ensure that Israel complies without further delay with the provisions of its resolution 487 (1981).	None
40/9 8 November 1985	Solemn appeal to States in conflict to cease armed action forthwith and to settle disputes between them through negotiations, and to States Members of the United Nations to undertake to solve situations of tension and conflict and existing disputes by political means and to refrain from the threat or use of force and from any intervention in the internal affairs of other States	Invites the Council to act promptly in cases of conflict and dispute in different regions of the world by recommending appropriate procedures or methods of adjustment, including designation of representatives of the United Nations.	None

General Assembly resolution	*Subject of recommendation*	*Recommendation*	*Reference in a request for a meeting or in a Security Council resolution*
40/10 11 November 1985	Programme of the International Year of Peace	Invites organs of the United Nations to commemorate the International Year of Peace in the most appropriate form, highlighting, *inter alia*, the role of the United Nations in the promotion and maintenance of international peace and security.	[Statement by the President of the Council of 17 January 1986 (S/17745) referred to the inauguration of the International Year of Peace but without specific reference to resolution 40/10][a]
40/20 21 November 1985	Cooperation between the United Nations and the Organization of African Unity	Calls upon the Council to continue to associate closely the Organization of African Unity with all its work concerning Africa.	None
40/56 2 December 1985	Twenty-fifth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Invites the Council to continue to give special attention to the situation in and around Namibia and to consider imposing mandatory sanctions against South Africa under Chapter VII of the Charter.	None
40/64 A, B and I 10 December 1985	Policies of apartheid of the Government of South Africa	Calls upon the Council urgently to take action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa and, in particular, to review the implementation of and to reenforce the mandatory arms embargo against South Africa adopted by its resolution 418 (1977), to strengthen the voluntary embargo on imports of arms from South Africa adopted by its resolution 558 (1984) by rendering it mandatory and extending it to cover the imports of related materials, to prohibit all cooperation with South Africa, particularly in the military and nuclear fields, by Governments, corporations, institutions and individuals, to impose a total ban on all forms of nuclear collaboration with South Africa; to impose an effective embargo on the supply of oil and oil products to South Africa and on all assistance to the oil industry in South Africa, to prohibit financial loans and credits to and investment in South Africa, and to ban all trade with South Africa; requests the Council, as a matter of urgency, to consider the serious situation in South Africa emanating from the imposition of the so-called "new constitution" and the state of emergency and to take all necessary measures, in accordance with Chapter VII of the Charter, to avert the further aggravation of tension and conflict in South Africa and in southern Africa; and urges the Council to consider without delay the adoption of effective mandatory sanctions against South Africa and to take steps for the strict implementation of the mandatory arms embargo instituted by its resolution 418 (1977) and of the arms embargo requested in its resolution 558 (1984) and to secure an end to military and nuclear cooperation with South Africa and the import of military equipment or supplies from South Africa.	None

[a] No inference is intended that the action of the Security Council in this instance was taken in response to the recommendations of the General Assembly.

General Assembly resolution	*Subject of recommendation*	*Recommendation*	*Reference in a request for a meeting or in a Security Council resolution*
40/89 B 12 December 1985	Implementation of the Declaration on the Denuclearization of Africa	Requests the Council to take enforcement measures to prevent any racist regime from acquiring arms or arms technology, and to conclude expeditiously its consideration of the recommendations of its Committee established by resolution 421 (1977) with a view to blocking the existing loopholes in the arms embargo.	None
40/93 12 December 1985	Israeli nuclear armament	Requests the Council to take urgent and effective measures to ensure that Israel complies with its resolution 487 (1981) and places all its nuclear facilities under International Atomic Energy Agency safeguards and to investigate Israel's nuclear activities and the collaboration of other States, parties and institutions in those activities.	None
40/96 D 12 December 1985	Question of Palestine	Requests the Secretary-General, in consultation with the Council, to continue his efforts with a view to convening an international peace conference on the Middle East.	None
40/97 A and B 13 December 1985	Question of Namibia	Urges the Council to act decisively in fulfilment of the direct responsibility of the United Nations over Namibia and to take, without further delay, appropriate action to ensure that the United Nations plan, as embodied in Council resolution 435 (1978), is not undermined or modified in any way and that it is fully respected and implemented; strongly urges the Council to act decisively against any dilatory manoeuvres and fraudulent schemes of South Africa aimed at frustrating the legitimate struggle of the Namibian people for self-determination and national liberation; calls upon the Council to declare categorically that Walvis Bay is an integral part of Namibia and should not be left for negotiation between an independent Namibia and South Africa; calls upon the Council to adopt the necessary measures to tighten the arms embargo imposed against South Africa under its resolution 418 (1977) and to ensure strict compliance with the embargo and to implement, as a matter of urgency, the recommendations contained in the report of its Committee established pursuant to resolution 421 (1977); strongly urges the Council to impose comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter; requests the Council to exercise its authority with regard to implementation of its resolutions 385 (1976), 435 (1978), 532 (1983), 539 (1983) and 566 (1985) so as to bring about the independence of Namibia without further delay, and to act decisively against any dilatory manoeuvres and fraudulent schemes of South Africa aimed at frustrating the legitimate struggle of the Namibian people for independence.	None
40/151 16 December 1985	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly	Calls upon the Council to initiate due procedures in conformity with the provisions of the resolution.	None
40/158 16 December 1985	Review of the implementation of the Declaration on the Strengthening of International Security	Emphasizes that the Council should consider holding periodic meetings in specific cases to consider and review outstanding problems and crises; and reiterates the need for the Council to ensure the effective implementation of its decisions in compliance with relevant provisions of the Charter.	None

General Assembly resolution	*Subject of recommendation*	*Recommendation*	*Reference in a request for a meeting or in a Security Council resolution*
40/161 D 16 December 1985	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	Requests the Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention of 1949 in the Palestinian and other occupied Arab territories, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories.	None
S-14/1 20 September 1986	Question of Namibia	Urges the Council to exercise its authority with regard to implementation of its resolutions 385 (1976), 435 (1978), 532 (1983), 539 (1983) and 566 (1985) and to act decisively against any dilatory manoeuvres and fraudulent schemes of South Africa in Namibia through the adoption of comprehensive mandatory sanctions under Chapter VII of the Charter; and calls upon the Council to convene urgently to take action for the immediate and unconditional implementation of the United Nations plan for the independence of Namibia endorsed by its resolution 435 (1978).	None
41/8 23 October 1986	Cooperation between the United Nations and the Organization of African Unity	Calls upon, *inter alia*, the Council to continue to associate closely the Organization of African Unity with all its work concerning Africa.	None
41/35 B, F and H 10 November 1986	Policies of apartheid of the Government of South Africa	Calls upon the Council urgently to take action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa and urges the Council to adopt measures to strengthen the mandatory arms embargo adopted by its resolution 418 (1977); to take action urgently to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa; to take steps for the strict implementation of the mandatory arms embargo instituted by its resolution 418 (1977) and of the arms embargo requested in its resolution 558 (1984); and to secure an end to military and nuclear cooperation with South Africa and the import of military equipment or supplies from South Africa.	None
41/38 20 November 1986	Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986	Requests the Council to remain seized of the matter.	None
41/39 A and B 20 November 1986	Question of Namibia	Urges the Council to act decisively in fulfilment of the direct responsibility of the United Nations over Namibia and to take, without further delay, appropriate action to ensure that the United Nations plan, as embodied in Council resolution 435 (1978), is not undermined or modified in any way and that it is fully respected and implemented; strongly urges the Council to act decisively against any dilatory manoeuvres and fraudulent schemes of South Africa aimed at frustrating the legitimate struggle of the Namibian people for self-determination and national liberation; calls upon the Council to declare categorically that Walvis Bay is an integral part of Namibia and should not be left for negotiation between an independent Namibia and South Africa; calls upon the Council to adopt the necessary measures to tighten the arms embargo imposed	None

General Assembly resolution	*Subject of recommendation*	*Recommendation*	*Reference in a request for a meeting or in a Security Council resolution*
		against South Africa under its resolution 418 (1977), to ensure strict compliance with the embargo by all States and to implement, as a matter of urgency, the recommendations contained in the report of its Committee established under resolution 421 (1977); strongly urges the Council to impose comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter; and requests the Council to meet urgently in order to exercise its authority with regard to Namibia and to undertake decisive action in fulfilment of the direct responsibility of the United Nations over Namibia, and to take, without further delay, appropriate steps to ensure that its resolutions 385 (1976) and 435 (1978) are implemented without preconditions.	
41/43 A and D 2 December 1986	Question of Palestine	Draws the attention of the Council to the fact that action on the recommendations of the Committee on the Inalienable Rights of the Palestinian People is still awaited; reaffirms its endorsement of the call for convening an international peace conference on the Middle East in conformity with Assembly resolution 38/58 C; endorses the call for setting up a preparatory committee, within the framework of the Council, to take the necessary action to convene the conference; and requests the Secretary-General, in consultation with the Council, to continue his efforts with a view to convening the conference.	None
41/55 B 3 December 1986	Implementation of the Declaration on the Denuclearization of Africa	Requests the Council to conclude expeditiously its consideration of the recommendations of its Committee established by resolution 421 (1977), with a view to blocking existing loopholes in the arms embargo against South Africa and prohibiting, in particular, all forms of cooperation and collaboration with South Africa in the nuclear field.	None
41/63 D 3 December 1986	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	Requests the Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention of 1949 in the Palestinian and other occupied Arab territories, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories.	None
41/90 4 December 1986	Review of the Implementation of the Declaration on the Strengthening of International Security	Stresses that there is an urgent need to enhance the effectiveness of the Council in discharging its principal role of maintaining international peace and security and to enhance the authority and enforcement capacity of the Council in accordance with the Charter; emphasizes that the Council should consider holding periodic meetings in specific cases to consider and review outstanding problems and crises; and reiterates the need for the Council to ensure the effective implementation of its decisions in compliance with the Charter.	None
41/91 4 December 1986	Need for result-oriented political dialogue to improve the international situation	Stresses the necessity for the members of the Council to take appropriate and effective measures in carrying out their primary responsibility for the maintenance of international peace and security in accordance with the Charter.	None

General Assembly resolution	*Subject of recommendation*	*Recommendation*	*Reference in a request for a meeting or in a Security Council resolution*
41/93 4 December 1986	Israeli nuclear armament	Requests the Council to take urgent and effective measures to ensure that Israel complies with its resolution 487 (1981) and places all its nuclear facilities under International Atomic Energy Agency safeguards, and reiterates its request to the Council to investigate Israel's nuclear activities and the collaboration of other States, parties and institutions in the nuclear field.	None
41/95 4 December 1986	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa	Requests the Council urgently to consider the imposition of comprehensive and mandatory sanctions under Chapter VII of the Charter against South Africa, in particular, the prohibition of all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa, the cessation of all collaboration in the nuclear field, the prohibition of all loans to, and all investments in, South Africa and the cessation of any trade with South Africa, and an embargo on the supply of petroleum, petroleum products and other strategic goods to South Africa.	None
41/162 A 4 December 1986	The situation in the Middle East	Reaffirms its call for the convening of an international peace conference on the Middle East and endorses the call for setting up a preparatory committee, within the framework of the Council, to take the necessary action to convene the conference.	None
42/9 28 October 1987	Cooperation between the United Nations and the Organization of African Unity	Calls upon the Council to continue to associate closely the Organization of African Unity with all its activities concerning Africa.	None
42/14 A and B 6 November 1987	Question of Namibia	Calls upon the Council to declare categorically that Walvis Bay is an integral part of Namibia and should not be left for negotiation between an independent Namibia and South Africa; urges the Council to act decisively in fulfilment of the direct responsibility of the United Nations over Namibia and to take, without further delay, appropriate action to ensure that the United Nations plan is not undermined or modified in any way and that it is fully respected and implemented; strongly urges the Council to act decisively against any dilatory manoeuvres and fraudulent schemes of South Africa aimed at frustrating the legitimate struggle of the Namibian people for self-determination and national liberation; calls upon the Council to adopt the necessary measures to tighten the arms embargo imposed against South Africa under its resolution 418 (1977) and to ensure strict compliance with the embargo by all States and to implement, as a matter of urgency, the recommendations contained in the report of its Committee established in pursuance of resolution 421 (1977); strongly urges the Council to impose comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter; stresses the responsibility of the Council concerning the implementation of its resolutions on the situation in Namibia, urgently requests the Council to set a date not later than 31 December 1987 for commencement of the implementation of its resolution 435 (1978) and to commit itself to applying the relevant provisions of the Charter, including comprehensive and mandatory sanctions under Chapter VII, in the event South Africa continues to defy the Council; urges the Council to	None

General Assembly resolution	*Subject of recommendation*	*Recommendation*	*Reference in a request for a meeting or in a Security Council resolution*
		undertake forthwith consultations for the composition and emplacement of the United Nations Transition Assistance Group in Namibia; requests the Secretary-General to undertake consultations with members of the Council with a view to securing a firm commitment on the unconditional and speedy implementation of Council resolution 435 (1978); and urges the three Western permanent members to take into account their particular responsibility to ensure its unimpeded implementation.	
42/22 18 November 1987	Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations	Declares that the fact-finding capacity of the Council should be enhanced on an ad hoc basis in accordance with the Charter and that the Assembly and Council should consider making use of the provisions of the Charter concerning the possibility of requesting the International Court of Justice to give an advisory opinion on any legal question.	None
42/23 C and F 20 November 1987	Policies of apartheid of the Government of South Africa	Decides that the imposition of comprehensive and mandatory sanctions by the Council under Chapter VII of the Charter would be the most appropriate, effective and peaceful means to bring apartheid to an end; urgently requests the Council to take immediate action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa; urges the Council to strengthen the mandatory arms embargo imposed by its resolutions 418 (1977) and 558 (1984), to take steps for their strict implementation and to secure an end to military and nuclear cooperation with South Africa and the import of military equipment or supplies from South Africa; and urges the Council to take action without further delay to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa as well as the supply of related equipment and technology.	None
42/28 30 November 1987	Establishment of a nuclear-weapon-free zone in the region of the Middle East	Invites all countries of the region, pending establishment of a nuclear-weapon-free zone in the Middle East, to deposit declarations in support of establishing such a zone with the Council.	None
42/39 A 30 November 1987	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly	Calls upon the Council to contribute to establishing and maintaining international peace and security with the least possible diversion of world human and economic resources to armament, and to take the necessary steps for the effective implementation of Article 26 of the Charter, and recommends that the Council consider the question of establishing, under Article 29 of the Charter, such subsidiary bodies as it deems necessary for the performance of its functions to facilitate a solution to disarmament issues.	None
42/44 30 November 1987	Israeli nuclear armament	Requests the Council to take urgent and effective measures to ensure that Israel complies with its resolution 487 (1981).	None
42/66 A 2 December 1987	Question of Palestine	Draws the attention of the Council to the fact that action on the recommendations of the Committee on the Inalienable Rights of the Palestinian People is still awaited; reaffirms its endorsement for convening an international peace conference on the Middle East; reiterates its endorsement of the call for setting up	None

General Assembly resolution	Subject of recommendation	Recommendation	Reference in a request for a meeting or in a Security Council resolution
		a preparatory committee, within the framework of the Council, to take the necessary action to convene the conference; and requests the Secretary-General, in consultation with the Council, to continue his efforts with a view to convening the conference.	
42/92 7 December 1987	Review of the implementation of the Declaration on the Strengthening of International Security	Stresses that there is an urgent need to enhance the effectiveness of the Council in discharging its principal role of maintaining international peace and security and to enhance the authority and enforcement capacity of the Council in accordance with the Charter; emphasizes that the Council should consider holding periodic meetings in specific cases to consider and review outstanding problems and crises; and reiterates the need for the Council to ensure the effective implementation of its decisions in compliance with relevant provisions of the Charter.	None
42/93 7 December 1987	Comprehensive system of international peace and security	Calls upon States and United Nations organs, within their mandate and in accordance with relevant provisions of the Charter, to utilize fully the existing means of peaceful settlement of international disputes and conflicts through negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, the use of good offices or other means of their own free choice.	None
42/160 D 8 December 1987	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	Requests the Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention of 1949 in the Palestinian and other occupied Arab territories, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories.	None
42/209 A and B 11 December 1987	The situation in the Middle East	Reaffirms its call for convening an international peace conference on the Middle East; endorses the call for setting up a preparatory committee, within the framework of the Council, to take the necessary action to convene the conference; and requests the Secretary-General, in consultation with the Council, to continue his efforts with a view to convening the conference.	None
43/12 25 October 1988	Cooperation between the United Nations and the Organization of African Unity	Calls upon the Council to continue to associate closely the Organization of African Unity with all its activities concerning Africa.	None
43/13 26 October 1988	Pretoria's racial "municipal elections"	Requests the Council, as a matter of urgency, to consider the serious implications of the so-called "municipal elections" and to take all necessary measures, in accordance with the Charter, to avert further aggravation of tension and conflict in South Africa and in southern Africa.	None
43/21 3 November 1988	The uprising (intifadah) of the Palestinian people	Urges the Council to consider the current situation in the occupied Palestinian territories, taking into account the recommendations contained in the report of the Secretary-General.	None
43/50 B, J and K 5 December 1988	Policies of apartheid of the Government of South Africa	Urges the Council to consider immediate steps to ensure the scrupulous and full implementation of the arms embargo imposed by its resolution 418 (1977) and its effective monitoring; decides that the imposition of comprehensive and mandatory sanctions by the Council under Chapter VII of the Charter would be the most appropriate, effective and peaceful means to	None

General Assembly resolution	*Subject of recommendation*	*Recommendation*	*Reference in a request for a meeting or in a Security Council resolution*
		bring apartheid to an end; urgently requests the Council to consider immediate action under Chapter VII of the Charter with a view to applying comprehensive and mandatory sanctions against South Africa; urges the Council to strengthen the mandatory arms embargo imposed by its resolutions 418 (1977) and 558 (1984) in order to bring to an end the continued violations of the arms embargo; urges the Council to take action without further delay to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa as well as related equipment, technology, financing and investment; and urges the Council to secure an end to military and nuclear cooperation with South Africa and the import of military equipment or supplies from South Africa.	
43/51 5 December 1988	Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field	Declares that any State party to a dispute or directly concerned with a situation, particularly if it intends to request a Council meeting, should approach the Council, directly or indirectly, at an early stage and, if appropriate, on a confidential basis; that the Council should consider holding from time to time meetings, including at a high level with the participation, in particular, of Ministers for Foreign Affairs, or consultations to review the international situation and search for effective ways of improving it; that the Council should consider making use of the various means at its disposal, including the appointment of the Secretary-General as rapporteur for a specified question; that when a particular dispute or situation is brought to the attention of the Council without a meeting being requested, the Council should consider holding consultations with a view to examining the facts of the dispute or situation and keeping it under review; that in such consultations, consideration should be given to employing such informal methods as the Council deems appropriate, including confidential contacts by its President; that in such consultations the Council should consider, *inter alia*, reminding the States concerned to respect their obligations under the Charter, making an appeal to the States concerned to refrain from any action which might give rise to a dispute or lead to the deterioration of the dispute or situation, or making an appeal to the States concerned to take action which might help to remove, or to prevent the continuation or deterioration of, the dispute or situation; that the Council should consider sending, at an early stage, fact-finding or good offices missions or establishing appropriate forms of a United Nations presence, encouraging and, where appropriate, endorsing efforts at the regional level by the States concerned or by regional arrangements or agencies to prevent or remove a dispute or situation in the region concerned or recommending to the States directly concerned appropriate procedures or methods of settlement of disputes or adjustment of situations, and such terms of settlement as it deems appropriate; and that the Council, if it is appropriate for promoting the prevention and removal of disputes or situations, should, at an early	None

General Assembly resolution	*Subject of recommendation*	*Recommendation*	*Reference in a request for a meeting or in a Security Council resolution*
		stage, consider making use of the provisions of the Charter concerning the possibility of requesting the International Court of Justice to give an advisory opinion on any legal question.	
43/54 A 6 December 1988	The situation in the Middle East	Reaffirms its call for convening an international peace conference on the Middle East and endorses the call for setting up a preparatory committee, within the framework of the Council, to take the necessary action to convene the conference.	None
43/57 I 6 December 1988	United Nations Relief and Works Agency for Palestine Refugees in the Near East	Urges the Council to consider the current situation in the occupied Palestinian territory, taking into account the recommendations contained in the report of the Secretary-General.	None
43/58 A 6 December 1988	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories	Requests the Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention of 1949 in the Palestinian and other occupied Arab territories, including Jerusalem, and to initiate measures to halt Israeli policies and practices in those territories; and urges the Council to consider the current situation in the Palestinian territory occupied by Israel since 1967 with a view to securing international protection for the defenceless Palestinian people until the withdrawal of Israel.	None
43/76 A 7 December 1988	Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly	Calls upon the Council to take the necessary steps for the effective implementation of Article 26 of the Charter with a view to enhancing the central role of the United Nations in facilitating solutions to the issues of arms limitation, primarily in the nuclear field, and disarmament, as well as the strengthening of international peace and security; and recommends that the Council consider the question of establishing, under Article 29 of the Charter, such subsidiary bodies as it deems necessary for the performance of its functions to facilitate a solution to disarmament issues.	None
43/80 7 December 1988	Israeli nuclear armament	Requests the Council to take urgent and effective measures to ensure that Israel complies with its resolution 487 (1981).	None
43/88 7 December 1988	Review of the implementation of the Declaration on the Strengthening of International Security	Stresses that there is a need further to enhance the effectiveness of the Council in discharging its principal role of maintaining international peace and security and to enhance the authority and enforcement capacity of the Council in accordance with the Charter, and reiterates the need for the Council to ensure the effective implementation of its decisions in compliance with the relevant provisions of the Charter.	None
43/92 8 December 1988	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa	Requests the Council urgently to consider the imposition of comprehensive and mandatory sanctions under Chapter VII of the Charter against South Africa, in particular the prohibition of all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa; the cessation of all collaboration with South Africa in the nuclear field; the prohibition of all loans to, and investments in, South Africa and the cessation of any trade with South Africa; and an embargo on the supply of petroleum, petroleum products and other strategic goods to South Africa.	None

General Assembly resolution	*Subject of recommendation*	*Recommendation*	*Reference in a request for a meeting or in a Security Council resolution*
43/175 A 15 December 1988	Question of Palestine	Draws the attention of the Council to the fact that action on the recommendations of the Committee on the Inalienable Rights of the Palestinian People is still awaited.	None
43/176 15 December 1988	Question of Palestine	Requests the Council to consider measures needed to convene an international peace conference on the Middle East, including establishment of a preparatory committee, and to consider guarantees for security measures agreed upon by the conference for all States in the region.	None

H. REPORTS OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

Article 15, paragraph 1, of the Charter

"The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security."

Article 24, paragraph 3, of the Charter

"The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration."

NOTE

In accordance with Article 24, paragraph 3, the Security Council continued during the period under review to submit annual reports to the General Assembly.[32] During the same period, no special reports were transmitted by the Council to the Assembly. During the period covered by this *Supplement*, no recommendations on applications for membership pursuant to paragraph 2 of rule 60 of the provisional rules of procedure or reports concerning the question of admission of a new Member in accordance with paragraph 3 of rule 60 of its provisional rules of procedure were transmitted by the Council to the Assembly.

On 29 January 1985, the President of the Council issued a note regarding the format of the annual report of the Council to the Assembly submitted in accordance with Article 24, paragraph 3, of the Charter.[33] The note stated that at its 2566th meeting, of that same date, the Council had agreed, in keeping with a December 1974 decision[34] to make its report shorter and more concise without changing its basic structure, to discontinue the practice of summarizing documents addressed to the President of the Council or to the Secretary-General and circulated as official documents of the Council and instead simply to indicate the subject matter of those documents which related to the procedure of the Council.

At the 2690th meeting, on 13 June 1986, before adjourning the meeting,[35] the President of the Council stated that as the Council approached the end of the period from 16 June 1985 to 15 June 1986 to be covered in the report of the Security Council submitted to the General Assembly in accordance with Article 24, paragraph 3, of the Charter, it had been agreed that he should place on record that, since 16 June 1985, the members of the Council had been engaged in consultations of the whole in connection with the issues raised in the annual reports of the Secretary-General on the work of the Organization presented to the thirty-seventh, thirty-eighth, thirty-ninth and fortieth sessions of

[32]Annual reports were approved by the Council at the following meetings held in private: 40th report, 2566th meeting, 29 January 1985; 41st report, 2627th meeting, 15 November 1985; 42nd report, 2720th meeting, 12 November 1986; 43rd report, 2668th meeting, 25 November 1987; and 44th report, 2829th meeting, 8 November 1988.

[33]S/16913, *Resolutions and Decisions of the Security Council*, 1985, part II, p. 27.

[34]S/11586, *OR, 29th yr., Suppl. for Oct.-Dec. 1974.*

[35]The agenda for the meeting was: "The question of South Africa".

the Assembly, during which members had explored possible ways and means of enhancing the effectiveness of the Council in accordance with the powers entrusted to it under the Charter. Those consultations were being pursued informally.

Similarly, at the 2749th meeting, on 12 June 1987, before adjourning the meeting,[36] the President of the Council stated that as the Council approached the end of the period from 16 June 1986 to 15 July 1987 to be covered in the report of the Security Council submitted to the General Assembly in accordance with Article 24, paragraph 3, of the Charter, it had been agreed that he should place on record that, since 16 June 1986, the members of the Council had been engaged in consultations of the whole in connection with the issues raised in the annual reports of the Secretary-General on the work of the Organization presented to the thirty-seventh, thirty-eighth, thirty-ninth and fortieth sessions of the Assembly, during which members had explored possible ways and means of enhancing the effectiveness of the Council in accordance with the powers entrusted to it under the Charter. Those consultations were being pursued informally.

[36] The agenda for the meeting was: "The situation in Cyprus".

**Part II

**RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL

Part III

RELATIONS WITH THE TRUSTEESHIP COUNCIL

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

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

During the period under review no questionnaires were transmitted to the Security Council by the Trusteeship Council. The report of the latter body on the exercise of its functions in respect of the strategic areas under trusteeship, therefore, continued to be based on the revised questionnaires transmitted to the Security Council on 24 July 1953, as further amended on 7 July 196 1 .[37]

Between 1 January 1985 and 3 1 December 1988, the Secretary-General transmitted to the Council the following reports of the Trusteeship Council on the Trust Territory of the Pacific Islands, which continued to be the only Territory designated a strategic area:

(a) Thirty-seventh report, covering the period from 19 July 1984 to 11 July 1985;[38]

(b) Thirty-eighth report, covering the period from 12 July 1985 to 30 June 1986;[39]

(c) Thirty-ninth report, covering the period from 1 July 1986 to 16 December 1 987;[40]

(d) Fortieth report, covering the period from 17 December 1987 to 19 July 1988.[41]

[37] T/1010/Rev.1.

[38] S/17334, *OR, 40th yr., Special Supplement No. 1.*
[39] S/18238, *OR, 41st yr., Special Supplement No. 1.*
[40] S/19596, *OR, 42nd yr., Special Supplement No. 1.*
[41] S/20168, *OR, 43rd yr., Special Supplement No. 1.*

Part IV

RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Article 94 of the Charter

"1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

"2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment."

Article 96 of the Charter

"1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

"2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the

General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities."

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

Article 35, paragraphs 1 and 2, of the Statute

"1. The Court shall be open to the States parties to the present Statute.

"2. The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court."

Article 41 of the Statute

"1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

"2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council."

CASE 8

On 9 April 1984, Nicaragua lodged a case with the International Court of Justice against the United States of America. The Court handed down a preliminary order on 10 May 1985.[42] No explicit request was made to the Security Council under Article 94, paragraph 2, seeking measures to give effect to the Preliminary Order. However, the preliminary order was referred to by a number of countries at the 2633rd, 2634th and 2636th meetings of the Council under the agenda item entitled, "Letter dated 6 December 1985 from the Charge d'affaires a.i. of the Permanent Mission of Nicaragua to the United Nations addressed to the President of the Security Council."[43] At the 2633rd meeting, on 10 December 1985, the representative of Nicaragua asserted that the act of supplying of SAM-7 missiles to Contra forces by the United States of America confirmed, *inter alia*, that Government's disdain for the 10 May decision of the International Court of Justice ordering the United States to cease its aggression against Nicaragua and explained the reasons for the United States' decision to reject the binding jurisdiction of the Court. At the same meeting, the representative of the United States remarked that of the 15 judges on the International Court of Justice, 10 of the countries to which those judges belonged rejected the compulsory authority of the Court.

The representative of the Union of Soviet Socialist Republics, speaking at the 2434th meeting of the Council, on 11 December 1985, under the same agenda item, referred to illegal acts being carried out by the United States against Nicaragua and observed in that context that the International Court of Justice had demanded the cessation of such actions. The representative of Viet Nam stated that escalating acts of aggression by the United States against Nicaragua showed contempt for the 10 May 1985 order of the Court. The representative of the Islamic Republic of Iran observed that the United States had refrained from accepting the jurisdiction of the International Court of Justice because it was not interested in resolving its differences with Nicaragua and because it knew that in peaceful negotiations its arguments would not sell in any market for any price.

Speaking at the 2636th meeting, on 12 December 1985, under the same agenda item, the representative of Zimbabwe voiced a warning to those whom an overabundance of power had made arrogant in the face of world opinion and the world's highest court and remarked that it was short-sighted for the beneficiaries of the current world order to be the ones so enthusiastic about assailing some of its most fundamental underpinnings, such as the World Court. Speaking in right of reply, the representative of the Islamic Republic of Iran repeated his earlier view as to why the United States had not recognized the jurisdiction of the International Court of Justice and asked whether, if the United States could convince the authorities of the Court, any one would think it would have stood idle and be beaten because of that.

No draft resolution was put forward under the agenda item.

CASE 9

By a special agreement of 16 September 1983, jointly notified by the Governments of Burkina Faso and Mali to the International Court of Justice on 20 October 1983, the parties agreed to submit to a Chamber of the Court a dispute concerning the delimitation of their common Frontier. By its order of 3 April 1985, the Court decided to accede to the request of the two Governments and formed a Chamber to deal with the case of the *Frontier Dispute (Burkina Faso/Mali)*.

Following incidents in the border region in late 1985, the Governments of Burkina Faso and Mali addressed parallel requests to the International Court of Justice, dated 30 December and 27 December 1985, respectively, for the indication of provisional measures. By a letter dated 10 January 1986 addressed to the Secretary-General,[44] the Registrar of the Court enclosed for transmittal to the Security Council, with reference to Article 41, paragraph 2, of the Statute of the Court, an official copy of an order indicating provisional measures made that same date at a public hearing by the Chamber of the Court.

CASE 10

On 27 June 1986, the International Court of Justice issued its judgment on the case brought by Nicaragua against the United States.[45] In the letter dated 27 June 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council,[46] no explicit request was made to the Security Council under Article 94, paragraph 2, seeking measures to give effect to the judgment of the International Court of Justice. However, at the 2694th, 2695th and 2696th meetings of the Council, on the agenda item, "Letter dated 27 June 1986

[42] S/16564 and *Case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. The United States of America), Request for the Indication of Provisional Measures.* ICJ publication No. 499.

[43] S/17671, *OR, 40th yr., Suppl. for Oct.-Dec. 1985.*

[44] S/17776, *OR, 41st yr., Suppl. for Jan.-March 1986.*

[45] *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. The United States of America), Merits, Judgment, I.C.J. Reports, 1986,* p. 14.

[46] S/18187, *OR, 41st yr., Suppl. for April-June 1986.*

from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council",[45] a number of speakers made reference to the judgment.

Addressing the 2694th meeting, on 1 July 1986, the Minister for Foreign Affairs of Nicaragua drew the Council's attention to two specific aspects of the judgment of the International Court of Justice: firstly, the Court's rejection of the justification of collective self-defence maintained by the United States in connection with military and paramilitary activities in and against Nicaragua and, secondly, the Court's finding that the United States, by acts cited in the judgment, had acted in breach of its obligation under customary international law not to intervene in the affairs of another State. The Minister declared that the highest world legal body had confirmed the illegality of the United States' interventionist policy.

Addressing the same meeting, the representative of the United States pointed out that the 27 June 1986 opinion of the International Court of Justice was long, and added that although Nicaragua had asked the Council to reach conclusions based on those opinions, no member of the Council could yet have analysed or considered for itself the detailed argument and counterargument released by the Court. The speaker asserted that his Government's own first reading had identified serious questions about certain conclusions of law stated by the Court. He stressed that the Court's conclusions were in that case uniquely dependent on the evidence and the facts and repeated that his Government did not believe that the Court was equipped to deal with complex facts and intelligence information that were not available to it. He cited instances where his Government believed there to be discrepancies between statements made by Nicaragua to the Court and that country's actual policies and acts.

Also at the 2694th meeting, the representative of Venezuela stated that the decision of the International Court of Justice established that the principle of non-intervention formed part of customary international law. For that and other reasons, the delegation of Venezuela thought it regrettable that the United States had decided to persevere in conduct that was undoubtedly contrary to international law and could only contribute to increased tension in the area.

Speaking in right of reply, at the same meeting, the Minister for Foreign Affairs of Nicaragua asserted that if the representative of the United States really believed in the truth of the wild accusations he put forward, he should have persuaded his Government to defend and prove its charges against Nicaragua in the International Court of Justice instead of creating the sad and pitiful spectacle of running away from the Court. He added that the members of the Court had decided unanimously that the Court was the proper forum for an in-depth examination and analysis of Nicaragua's complaint against the United States and of the United States Government's defence. He further stated that in what was the clearest and most categorical condemnation in the Court's history, it had found against the United States' systematic violation of the principles that it, as a Member of the United Nations and a permanent member of the Security Council, had committed itself to respect, promote and defend.

At the 2695th meeting, on 2 July 1986, under the same agenda item, the representative of the German Democratic Republic stated that the International Court of Justice had delivered a clear judgment. The Court had decided that the United States had acted against Nicaragua in breach of its obligations under customary international law in many and serious cases. He added that rejection of the judgment and decisions of the Court by no means changed the facts. The representative found it noteworthy that the Court clearly rejected the alleged assertion of need for a so-called collective self-defence.

Speaking at the same meeting, the representative of Viet Nam stated that the International Court of Justice, in its ruling, had condemned the aid given by the United States to the Nicaraguan Contras as running counter to international law.

At the same meeting, the representative of the Union of Soviet Socialist Republics underlined that after comprehensive and detailed consideration, the International Court of Justice had announced its decision, which stated directly that by training, arming, equipping and financing the Contra forces carrying out an armed struggle against Nicaragua, the United States was violating norms of international law. He added that as the Court had indicated, Washington's actions encouraged acts by counterrevolutionary forces that violated the norms of humanitarian law. He pointed out that the decision of the Court stressed that the United States must immediately halt all such acts. At the same meeting, the representative of Bulgaria made reference to the United States' rejection and defiance of the decision handed down by the International Court of Justice.

At the 2696th meeting, on 2 July 1986, the representative of Australia noted that the International Court of Justice had found that certain actions taken by the United States against Nicaragua had contravened international law. Australia remained committed to the observance of international law and to the role of the International Court of Justice in settling international disputes. The representative of Democratic Yemen pointed to the decision of the Court as the most recent evidence of the condemnation by the international community of the United States' policy of state terrorism towards Nicaragua.

The representative of Cuba, after citing the decision of the International Court of Justice, asserted that the illegality of the United States actions was now all the clearer. The following speaker, the representative of Ghana, declared that the authoritative and timely pronouncements of the International Court of Justice were full and adequate testimony to the misguided actions of the United States in violating principles of customary international law prohibiting the use of force and interference in the domestic affairs of other States and enjoining respect for the sovereign independence of Nicaragua. He remarked that although the Court might not have had all the facts in the case, it certainly was in possession of enough information to reach its conclusions. In any case, he wondered why the United States had not seriously considered cooperating with the Court by making all pieces of information available to it. It was only fitting that the Court had found the acts of kidnapping, maiming and killing of innocent individuals perpetrated by the so-called freedom-fighters to be violations of international humanitarian law.

The representative of Mongolia indicated that the decision of the International Court of Justice, which rightly accused the United States of pursuing a criminal policy against the Nicaraguan people, was another indication that the world community justly considered the United States'

actions a flagrant violation of the norms and principles of international law and the provisions of the Charter.

Speaking in right of reply at the same meeting, the representative of the United States asserted that his country had availed itself of its right not to appear before the Court because the Court had not had, and continued not to have, jurisdiction or competence to deal with the crisis in Central America. He characterized Nicaragua's recourse to the International Court of Justice as an abuse of the Court for cynical political ends.

Also speaking in right of reply, the representative of Nicaragua quoted various aspects of the judgment of the International Court of Justice, including its conclusion that it still remained to be proved that any aid to the insurgents in El Salvador was imputable to the authorities of Nicaragua and that the actions of Nicaragua in El Salvador were not legally tantamount to an armed attack by Nicaragua upon that country.

No draft resolution was put before the Council under the agenda item.

CASE 11

In a letter dated 22 July 1986[47] to the President of the Security Council, the Permanent Representative of Nicaragua requested the convening of a meeting of the Security Council "for the purpose of considering the dispute between the United States of America and Nicaragua, which was the subject of the Judgment of the International Court of Justice of 27 June 1986[48] and which threatens international peace and security".

At the 2700th meeting, on 29 July 1986, the President of Nicaragua declared that when the International Court of Justice handed down a ruling, it should be the responsibility of all States to support that decision. Not only were the decisions of the 16 judges of the Court legally binding upon the parties that appeared before them, they also constituted statements and interpretations of the law that had to be respected by all nations. Summarizing the judgment of 27 June 1986, the President underlined that on each aspect the Court's vote was virtually unanimous. After a thorough and painstaking analysis, the Court had rejected all of the arguments put forward by the United States to justify its policy of intervention and use of force against Nicaragua. In particular, the Court found the United States' argument that its actions against Nicaragua constituted collective self-defence to be groundless. The President pointed out that following the Court's judgment the situation in the Central American region had become further aggravated and more difficult. The future of the international legal order and all it represented were now in the Council's hands. The President stated that he was convinced that the Council would give its support so that the Court would not be undermined, so that the fragile structure of international law would not suffer a mortal blow but, on the contrary, be strengthened. Nicaragua was not asking that anyone be condemned, but only for a declaration of support for the International Court of Justice and for law in international relations.

The following speaker, the representative of El Salvador, stated that it was difficult if not impossible to establish limits in the apparently bilateral controversy being discussed in the Council and to separate it from the regional problem involving interrelated, often inflexible factors and forces. In that respect, he did not want to call into question the good faith of the International Court of Justice in considering the case of military and paramilitary activities in and against Nicaragua. However, he quoted a section from the Court's decision that indicated that the Court had determined that until the early months of 198 1 Nicaragua was in fact aiding the guerrilla movement in El Salvador.

At the 270Ist meeting, on 29 July, under the same agenda item, the representative of the United States asserted that Nicaragua had now obtained a ruling from the International Court of Justice that it was finding useful in its propaganda war against the United States, but the United States regretted that Nicaragua had sought to misuse the Court in that manner. The United States had said from the beginning this case was inappropriate for judicial resolution. The Court had been asked to address one small, carefully selected part of the crisis in Central America. To ask for the Court to solve that crisis did it a disservice, for the only way to solve the crisis was through negotiations involving all parties. The representative said that his Government believed that the Court had fundamentally misperceived the situation in Central America. It was simply wrong on many of its facts and its conception of relevant international law was seriously flawed in important respects. Noting that Nicaragua did not seem to have such reservations, he queried whether that meant that the Nicaraguan Government agreed with the Court that the democratic opposition in Nicaragua was an independent force not controlled by the United States. He asked what would now be the Sandinistas' excuse for not negotiating with their own people. He asked whether they would try to ignore that part of the Court's decision and accept only the portions of the Court's decision they liked. If so, this would reveal that their touted commitment to the implementation of the Court's ruling was nothing more than the most cynical and transparent effort to reap a propaganda coup.

The following speaker, the representative of India, quoted from the communique of the Coordinating Bureau of the Movement of the Non-Aligned Countries issued at Headquarters the previous day, 28 June 1986, concerning the situation in Central America in the light of the judgment of the International Court of Justice. The Movement recalled its earlier appeal to all States faithfully to respect the commitments made to the International Court of Justice, especially the acceptance of the Court's compulsory jurisdiction, and the requirement to fulfil its rulings and judgments as regarded the case of Nicaragua. The Bureau had made an urgent and strong appeal to the United States to comply, strictly and immediately, with the judgment of 27 June 1986.

At the same meeting, the representative of Democratic Yemen cited Chapter VI of the Charter concerning the pacific settlement of disputes, in particular Article 33, paragraph 1, and noted that based on that principle and on relevant articles of the Statute of the International Court of Justice, Nicaragua had submitted its complaint to the Court against the United States for its violation of the relevant rules of international law for its acts of aggression against Nicaragua. The speaker declared that it was well known that the United States had yet to respond positively to the rulings of the Court and rather had deliberately expanded

[47] S/18230, ibid., *Suppl. for July-Sept. 1986.*
[48] S/18221, ibid.

its intervention in the internal affairs of Nicaragua. Nicaragua's request for the Security Council to meet and the presence of the Nicaraguan President had conferred upon the Council the extremely important international duty of comprehensively examining ways and means to put an end to the persistent violation of international law by the United States in its actions against Nicaragua. The Council represented the aspirations of the international community to maintain international peace and security and to work towards gaining United States' acceptance of the relevant rulings of the International Court of Justice. Democratic Yemen appealed to the Council to support Nicaragua in its request to have the United States abide by the rulings of the Court.

The following speaker, the representative of Czechoslovakia, expressed his Government's full support for the convening of the Council on the matter before it because of the serious nature of the situation and in view of the distribution of official documents of the International Court of Justice. The voluminous documentation from the proceedings of the Court, as well as its judgment, gave evidence of the extensive diversionist activities of the United States against Nicaragua aimed at overthrowing that country's Government and changing its social system. The representative expressed his Government's conviction that the International Court of Justice would again consider the question of compensation to Nicaragua and settle it in Nicaragua's favour. The representative stressed that the Court had pointed out that an unqualified adherence to practices similar to those being pursued by the United States would result in damage to the fundamental principles of international law and thus in an absolute arbitrariness in international relations. Czechoslovakia feared that the events of 1986 year fully validated those concerns expressed by the Court. The Security Council faced an extremely difficult task, that of fulfilling its obligations, and the Council's attitude to the draft resolution concerning the judgment of the International Court would determine whether the Council would succeed in discharging that task.

The representative of the Syrian Arab Republic pointed out that the present complaint of Nicaragua was not limited to the United States and Nicaragua, to the region of Central America or to threats to peace and security in that region alone, but moreover related to threats to the international legal system and to the regime of international commitments and conventions. The speaker noted that the United States had rejected the decision of the International Court of Justice and even denied the Court any jurisdiction to consider the problems at issue. If the Council failed to put an end to such a policy of force and arrogance, all civilized, human values and international legal principles would become extinct. The delegation of the Syrian Arab Republic appealed to the Council to shoulder its responsibilities in those difficult times, as defending the international legal system was one of its most urgent tasks. He noted that although it was Nicaragua that was directly affected by the present case, in its complaint Nicaragua represented the aspirations of all States, in particular the small States. The Council's success in compelling the United States to abide by the decision of the International Court of Justice would be a success for the cause of defending the international legal system. Should the Council fail, it would be an ominous sign for the future.

Speaking in right of reply, the representative of Nicaragua charged that in the total absence of a legal, political or moral basis to support its policy of aggression against Nicaragua, the United States had attempted to divert the international community's attention and shirk its responsibilities by falsely accusing Nicaragua of crimes and inappropriate, illegal activities at the international level. She pointed out, however, that the same arguments made before the Council by the representative of the United States had been submitted to the International Court of Justice by his Government and the Court had issued a clear and categorical decision that brooked no doubt. Referring again to the main points of the decision, the representative commented that Nicaragua was sorry to see that it was the policy of the United States to avail itself selectively of international law by complying with it on some occasions and not on others. She stressed that even now the United States still had an opportunity to amend the situation and could still abide by the ruling of the Court by immediately ceasing all military and paramilitary activities in and against Nicaragua.

Continuing its consideration of the same agenda item, at its 2702nd meeting, on 30 July 1986 the Council was addressed by the representative of Cuba. He stated that in arriving at its decision, the International Court of Justice had followed a painstaking, serious and well-balanced study, but the United States had reacted with the utmost arrogance, in contravention of the traditional United States' position of supporting the Court in the settlement of disputes and in violation of the Convention that stipulates acceptance of the Court's compulsory jurisdiction. Such disdain for the Court's judgment demonstrated once again that the United States was the greatest violator of universally accepted norms of international law and of the principles of the Charter of the United Nations. The entire fabric of international law, so patiently woven over the course of so many years, could come unravelled owing to the obdurate, arrogant attitude of the United States. It was unacceptable for any country, however powerful, to apply international law at its convenience. The international community had to give profound thought to those facts, whose consequences could affect all for many years to come, and had to struggle to make reason and justice prevail in that case. It was his Government's wish that the Council ask the United States to accept the judgment of the Court and comply with it.

At the same meeting, the representative of Viet Nam stated that the judgment of the International Court of Justice was a sound one, not only because it was in favour of Nicaragua and condemned United States acts of aggression against that country, but also because it was impartial and reflected the thinking of people with common sense. It was deplorable, yet revealing, that the United States had objected to the Court's proceedings on the ground that the Court lacked jurisdiction to entertain the dispute and that the United States had reserved its right in respect of any decision by the Court regarding Nicaragua's claims. The speaker noted that under Article 36, paragraph 6, of its Statute, it was up to the Court to determine whether any dispute fell under its own jurisdiction and that its judgment on the matter as to the merits was final and binding on the parties under Articles 59 and 60 of the Statute. He added that the absence of the United States from the Court's proceedings was typical of a big nation's arrogance, while its

rejection of the judgment constituted a negative precedent in international relations and a serious challenge to world public opinion. The delegation of Viet Nam demanded that the United States abide by the judgment of 27 June 1986.

The representative of the Lao People's Democratic Republic stated that the 27 June 1986 judgment was of extremely important significance for the future of international peace and security. It was now up to the international community, and in particular the Security Council, to do everything in its power to put that judgment into effect. Referring to the United States' position concerning the jurisdiction of the Court in the case, the speaker asserted that the Court had been properly seized of the matter under Article 36, paragraph 2, of its Statute and article 24 of the Treaty of Friendship, Trade and Navigation signed between the two parties, The reasons provided by the Court, and which underlay its conduct throughout the proceedings, seemed plausible to the Lao delegation in view of the delicate problems posed by the preliminary exceptions connected with justiciability of the dispute. The Court had very brilliantly demonstrated that its competence, since it already had been validly established during the initial phases of the procedure, remained intact, unaffected by subsequent decisions taken by the United States. The Lao Government also believed that the question of determining the applicable law-onventional international law or general and customary international law—and its application to the case had been properly and judiciously settled by the Court. Given the accurate, incontrovertible evidence gathered by the Nicaraguan team ofjurists, it was hardly surprising that the Court had finally and quite correctly acceded to the just demands of Nicaragua. The Court had stressed the legal aspect of the case and had declared decisively that the United States had been, and still was, in violation of express Charter obligations and of duties incurred under treaties with respect to Nicaragua. The representative asserted that it was now incumbent upon the Council, pursuant to Article 94 of the Charter, to recommend or take measures to give effect to the judgment to the benefit of the winning party. He admitted that would not be easy, in view of the fact that the party awarded against or partially in default wielded the right of veto in the Council, but the Council had the duty of persuading that party to adopt a more conciliatory, more constructive and more reasonable attitude towards Nicaragua. The party awarded against could at least agree to desist forthwith and to renounce in future all of the reprehensible, hostile acts against Nicaragua listed in the judgment. That would appear to be consonant with the wish expressed by the Court itself, which had unanimously recalled to both parties their obligation to seek a solution to their disputes by peaceful means in accordance with international law.

The representative of the Union of Soviet Socialist Republics stated his delegation's belief that the request by Nicaragua to appear before the Council was completely warranted and timely. The representative declared that the judgment of the Court was a further corroboration of the fact that in the present world, disputes could not be settled and general security could not be achieved by means of a policy of pressure and military adventures. He took note of the communique issued by the Movement of Non-Aligned Countries on 28 July and regretted that the United States representative had rejected outright that very reasonable appeal.

Addressing the 2702nd meeting in right of reply, the representative of the United States noted that of the many countries that had criticized the United States for its alleged failure to accept the judgment of the International Court of Justice only one of them accepted the compulsory jurisdiction of the Court, and that country had carefully excluded from its acceptance any possibility of being brought before the Court on claims such as those now at issue,

Continuing consideration of the same agenda item at its 2703rd meeting, on 3 1 July 1986, the Council was addressed by the representative of Bulgaria, who said his Government fully supported Nicaragua's legitimate request for the convening of the Council in connection with the judgment of the International Court of Justice. He asserted that Article 94 of the Charter provided Nicaragua not only with political and legal grounds but also with procedural justification to have recourse to the Security Council. The judgment of the Court clearly showed that, when placed in juxtaposition with the tenets and norms of international law, the policy, plans and concrete actions of the United States with regard to Nicaragua constituted violations and breaches of obligations under customary international law.

At the same meeting, the representative of the Libyan Arab Jamahiriya stated that the United States' claim of collective self-defence had no legal or jurisdictional foundation and had been refuted by the highest legal authority in the world, which, in one of its most important judgments, had emphasized its absolute rejection of the American claim as a justification for United States military activities against Nicaragua. However, despite that and other aspects of the judgment, the United States persisted in acting as if it were the world's policeman, which explained why the United States had rejected the judgment of the Court as well as the Court's compulsory jurisdiction. The question of when the United States would heed Security Council and Genera1 Assembly resolutions or comply with the Court's judgment was now raised before the Council.

The representative of the United Republic of Tanzania expressed his delegation's full concurrence with the statement on this matter by the Coordinating Bureau of the Movement of Non-Aligned Countries. He declared that his delegation also agreed that the non-participation of the United States, as well as its rejection of the judgment, brought in an element of contempt for an organ of the United Nations entrusted with the preservation of justice in the world. There was a great danger that such a practice could become a habit, which would be detrimental to the purposes and principles of the Charter and could sound the death knell for customary international law, on which international relations depended. It was thus incumbent upon the Security Council to request the United States to desist from further attacks on Nicaragua and to stop the military and economic blockade of Nicaragua. The International Court of Justice had simplified the Security Council's task and it was now the duty of the Council to shoulder its responsibility by requesting the United States to uphold the basic and primary principles of the Charter in the interest of peace and security in the region. It would be fitting and desirable for the Council to endorse the judgment of the Court. The decision of the world legal body should not be treated with contempt, which would be tantamount to negating the objectives of the organs the Member States themselves had created under the Charter. The Court's de-

cision was based on empirical and irrefutable evidence, and the Tanzanian delegation hoped that reason would prevail on those who challenged the competence of the Court on such an important matter as the one then before the Council.

The following speaker, the representative of the Ukrainian Soviet Socialist Republic, declared that there could be no doubt about the validity of the judgment of the Court. His delegation wanted to emphasize that virtually all the decisions taken by the Court were adopted by an overwhelming majority of votes, and that those judges voting against certain decisions did not object in substance to the items under consideration. Now the United States was attempting to disregard the judgment of the Court and the world community again was being told that the Court did not have jurisdiction in the present case. However, the Court had convincingly demonstrated that it did indeed have jurisdiction in the matter. By participating in the proceedings in the earlier stages, when it was disputing the Court's jurisdiction, the United States was, in fact, recognizing the Court's right and jurisdiction in determining the admissibility of the matter before it. One could not, however, acknowledge the Court's jurisdiction solely to take a decision on the non-admissibility of a matter being brought before it and then refuse to recognize its jurisdiction in the matter itself. The Court quite rightly pointed out that the non-participation of a party in the proceedings at any stage of the case could not, in any circumstances, affect the validity of the Court's judgment. The representative stated that no matter what manoeuvres or loopholes were resorted to by the United States in its attempt to divert the Council's attention from consideration of the substance of the matter, namely, the Court's judgment, and to turn the discussion to the situation in Central America against the background of East-West confrontation, it could not refute the fact that United States policy with regard to Nicaragua was aggressive in nature. The Council must support the judgment of the International Court of Justice and call upon all States to comply with the Court's decisions.

The representative of Afghanistan declared that the convening of the Council was justified not only by the deterioration of the already tense situation in Central America, but also by the fact that the United States, by disregarding the judgment of the Court, was damaging the credibility of that international legal institution and jeopardizing the very survival of the norms and principles of international law. Following a thorough consideration of the arguments put forward and the legal aspects of the question, the International Court of Justice had handed down its judgment in clear and unambiguous terms. The speaker asserted that the clear judgment of the Court gave the Security Council every reason to condemn in the most forceful terms the acts of aggression committed by the United States against Nicaragua and to demand that an immediate end be put to all types of intervention and interference in the internal affairs of Nicaragua. His delegation hoped that the Council would demand appropriate compensation for the human and material losses inflicted upon Nicaragua. The Council had to see to it that the United States listened to reason and complied with the judgment of the Court.

The next speaker to address the Council was the representative of Zimbabwe, who stated that the distinguishing features of international law were the absence of an executive authority that could enforce the rule of law and the relative nascence of the corpus of law governing State conduct in the field. For that reason, the violation of international law on the part of a State was more dangerous and debilitating to the system than the flouting of domestic law by an individual. The international community was therefore fully justified in expressing serious alarm when any State chose to place itself above the law. The representative also noted that after the International Court of Justice had issued provisional measures on 10 May 1984, the United States had defiantly proceeded to carry out aggressive policies contrary to those measures. The representative asked whether international law counted for nothing. He found it amazing that a great Power and permanent member of the Council should choose, in the pursuit of some narrow short-term gain, to assail the legal underpinnings of an order that had assured that State's predominance in world affairs and of which that State was one of the primary beneficiaries. The Security Council was being asked to uphold the rule of law by endorsing and supporting the ruling of the International Court of Justice. The world community could not talk of peace and security in a world where the rule of law was not respected.

Speaking in right of reply, the representative of the Libyan Arab Jarnahiriya stated that the United States was in the defendant's dock vis-à-vis the international community and the highest legal authority in the world. His delegation had hoped that the representative of the United States would say that his country recognized international law and the judgment of the International Court of Justice and would respect Security Council resolutions, instead of trying to change the Council's orientation and to use cheap attacks before it. The time had come for the Council to pronounce its judgement and to tell the aggressor that it had committed aggression. He wondered what confidence small nations such as his could have in the United Nations, or in the International Court of Justice, after the demonstration of disrespect by the United States.

Continuing consideration of the agenda item at its 2704th meeting, on 3 1 July 1986, the Council heard the representative of the Congo state that Nicaragua had requested a Security Council meeting so that the Council might draw the logical conclusion from the judgment of the International Court of Justice. The speaker deemed it particularly regrettable that selectivity had tainted the basic principle of recognition of the Court's jurisdiction on the part of certain States. Expressing his country's pleasure that the Court had been seized of the matter and had passed judgement upon it, the representative declared that the opinion of the Congo was based on its choice in favour of the processes of peaceful settlement of differences among States as the means of preserving and promoting international peace and security. The judgment handed down by the Court, as well as the admissibility of the request introduced by Nicaragua, constituted recognition of a genuine legitimacy that it would be ill-advised to question. Indeed, any reservation or selectivity could not but severely damage the very structure of international law, which had vigour and credibility only to the extent that, as stipulated in Article 94 of the Charter, each Member of the United Nations undertook to comply with the decision of the Court in any case to which it was a party. In keeping with that principle, the Security Council was not passing judgement on the Court's judgment. The representative of the Congo

was certain that the Council would find in the communique issued by the Movement of Non-Aligned Countries, as well as in the judgment of the Court, elements that could serve to avoid the irreparable and ensure the overall conditions so necessary for the guarantee of the region's progress and its independence.

At the same meeting, the representative of Ghana said his delegation had no difficulty in applauding the eminent judges for their clear and unambiguous decision regarding fundamental principles of international law regulating the conduct of inter-state relations. However, behind all this, there was the crucial question of what the Security Council should do. Although Ghana had no specific proposals at that stage, it seemed to his delegation that the solemn duty of the Council was to urge the two parties to resume a serious political dialogue. The Council should urge all the parties to seize upon the opportunity to work together to find a fundamental solution to their differences, and the speaker noted that the International Court of Justice itself in its judgment had strongly urged a political dialogue as the only sensible means of solving the problem.

The representative of Honduras stated that Nicaragua was attempting to turn the highest judicial organ of the international community into a political forum and also wanted to transform the Council into a free propaganda apparatus serving its own nefarious interests. The representative of El Salvador repeated his country's rejection of the conclusions of the International Court of Justice on the ground that the case considered by the Court did not refer to Nicaragua's relations with the rest of the countries of Central America, nor to Nicaragua's interference in the internal affairs of El Salvador. As had been argued by some speakers, the conclusions of the Court had sprung solely from an incomplete analysis and review of the situation.

The representative of Madagascar stated that, in his view, the Council could only amplify the conclusions of the Court, firstly, by denouncing as contrary to the principles of international law, as well as to the goals of the Charter of the United Nations, any direct or indirect meddling or interference in Nicaragua's internal affairs and any resort to force in violation of its sovereignty and, secondly, by breathing new life into the efforts of the Contadora Group and the Support Group. In so doing, the Council would satisfy Nicaragua's legitimate request to make the United States comply with the decision of the International Court of Justice. The next speaker, the representative of China, expressed the hope that the United States would respect the ruling of the Court.

Speaking on behalf of the members of the Contadora and Support Groups, the representative of Venezuela pointed out that the principles of self-determination, non-intervention, respect for the sovereignty and territorial integrity of States, renunciation of the threat or use of force in relations among States and the peaceful settlement of all international disputes now, in accordance with the decision of the International Court of Justice, represented norms of customary international law. However, at the present time, the members of the Contadora and Support Groups found it more important to emphasize the appropriateness of dialogue between all the parties concerned and they therefore urged all the States involved to lend their support to the efforts being made within and outside the United Nations to lessen tensions and resolve the conflict. It was necessary for all States to share that interest in the real and effective application of the international legal order.

The President then announced his understanding that the Council was ready to proceed to the vote on the draft resolution submitted by Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates.[49] The relevant paragraphs of the draft resolution read as follows:

The Security Council,

. . .

Taking note of the Order of 10 May 1984 of the International Court of Justice on the provisional measures of protection, its Judgment of 26 November 1984 on the jurisdiction and admissibility of the demand of 9 April 1984 presented by Nicaragua and the final Judgment of the Court on "Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)" of 27 June 1986,

Aware that, according to the Charter of the United Nations, the International Court of Justice is the principal judicial organ of the United Nations and that each Member undertakes to comply with the decision of the Court in any case to which it is a party,

. . .

1. *Reaffirms* the role of the International Court of Justice as the principal judicial organ of the United Nations and a means for peaceful solution of disputes in the interest of international peace and security;

2. *Makes* an urgent *and* solemn cull 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 (Nicaragua v. United States of America)";

3. *Recalls* the obligation of all States to seek a solution to their disputes by peaceful means in accordance with international law;

4. *Calls upon* all States to refrain from carrying out, supporting or promoting political, economic or military actions of any kind against any State of the region that might impede the peace objectives of the Contadora Group;

5. *Requests* the Secretary-General to keep the Security Council informed of the implementation of the present resolution.

Speaking before the vote, the representative of the United Kingdom of Great Britain and Northern Ireland referred to the judgment of the International Court of Justice as the one potential new element in the Council's seemingly endless debates, but he added that it was depressing to find out that his was only the fourth country that accepted the compulsory jurisdiction of the Court. Noting that there was significant dissent within the Court as to some of its decisions in the matter, the speaker nonetheless wished to reaffirm his Government's support for the Court and for the rules of international law that it was the task of the Court to uphold. His delegation would have liked the draft resolution before the Council to have stressed that it would be right that all Members of the Organization should accept the compulsory jurisdiction of the International Court of Justice. The United Kingdom did not accept the formulation in the letter from Nicaragua that figured on the Council's agenda in that it laid primary stress not so much on the judgment of the Court as on the dispute between the United States and Nicaragua. In the view of his delegation, it was a misrepresentation of the problem to define it simply as a dispute between those two countries. The problem was political, and it was a political solution that had to be found. The failure of the debate and the draft resolution to address certain policies and acts by Nicaragua demonstrated a lack of balance. As the one permanent member of the Council that accepted the compulsory jurisdiction of

[49] *S/18250, OR, 41st yr., Suppl. for July-Sept. 1986.*

the International Court of Justice, the United Kingdom would have had no quarrel with a resolution taking note of the Court's judgment, and it had not been easy for the delegation to decide how to vote on the draft resolution before the Council. The Nicaraguan letter and the debate in the Council had raised two issues-one legal and one political-which for the United Kingdom tended to point to different conclusions as regards voting. That being so, and because the delegation could not countenance anything that suggested that the Central American problem was only a bilateral United States-Nicaraguan question, the United Kingdom would abstain.

The representative of Thailand stated that his delegation had no difficulty with the general principles contained in the Court's judgment. However, with regard to the specific issue as reflected in operative paragraph 2 of the draft resolution, which his delegation felt was not entirely devoid of political content, it regretted that it had no instructions, owing to the fact that, subsequent to the national elections held in Thailand recently, no government had yet been formed. His delegation would therefore be obliged to abstain.

The Council then proceeded to vote on the draft resolution, which received 11 votes to 1, with 3 abstentions. The draft resolution was not adopted, owing to the negative vote of a permanent member of the Council.

Speaking after the vote, the representative of France said his delegation would have liked to vote in favour of a draft resolution that had the unanimous support of the Council for the effort undertaken by the Contadora and Support groups. But the text on which the Council had just voted contained certain objectionable elements relating in particular to the judgment of the International Court of Justice with respect both to the role of the Court and to substance, elements that could not receive unanimous agreement. That was why his delegation had been led to abstain.

Speaking also after the vote, the representative of Denmark noted that his country was among those which accepted the compulsory jurisdiction of the International Court of Justice. His delegation had, accordingly, voted in favour of the draft resolution, even if it did have certain reservations of an essentially legal character as regarded operative paragraph 2. Indeed, to make an urgent call for full compliance with the judgment at that time might be said to be premature. It was the duty of the Council to deal with a political crisis in all its aspects.

The representative of the United States, addressing the Council after the vote, said that his Government had been compelled to vote against the draft resolution for the simple reason that it could not, and would not, contribute to the achievement of a peaceful and just settlement of the situation in Central America within the framework of international law and the Charter of the United Nations. That question, and not the decision of the Court, was the real issue before the Council. The draft resolution, presented in guise of support for the 27 June 1986 judgment, contained nothing to dispel Nicaragua's wholly disingenuous and self-serving characterization of the situation in Central America. It was absolutely clear from various statements by representatives of Nicaragua before the Council that Nicaragua was not interested in an endorsement of the role of international law and of the International Court of Justice for its own sake, but rather as something that the Nicaraguan Government could wave about as a vindication of Nicaragua's actions and positions in respect of the conflict in Central America. Council members had to be mindful not only of what the draft resolution said on its face, but also of how it would be exploited to the detriment of peace and security in the region. Any doubt in that regard had been dispelled by Nicaragua's institution of proceedings in the Court the previous week against both Honduras and Costa Rica. By that action, Nicaragua had once again made plain that its real goal was to remove yet another range of issues from the Contadora framework so that those issues could be determined in a manner favourable to Nicaragua, without imposing corresponding and reciprocal obligations on Nicaragua. There could be no doubt that Nicaragua had come to the Council with the same ends in mind. The Council could have considered a draft resolution that would have made a genuine contribution to a peaceful and just settlement in Central America, and that would have emphasized and called for the realization of all the interrelated objectives of the Contadora process. The actual draft resolution, by way of contrast, made no mention of Nicaragua's solemn undertakings, which it now chose to ignore, nor of Nicaragua's own responsibility for the situation in Central America. By focusing on the 27 June 1986 decision, the speaker continued, the draft resolution presented a false picture of the situation in Central America as if it were limited to differences between Nicaragua and the United States. He wondered whether there was anything in Nicaragua's past behaviour that allowed the belief that Nicaragua would not exploit such a draft resolution as a blanket endorsement of its military and domestic policies and of its refusal to negotiate seriously on the core issues fundamental to peace in Central America. The United States thought not, and had cast its vote accordingly.

Continuing, the representative of the United States said that in the view of his Government, the International Court of Justice had asserted jurisdiction and competence over Nicaragua's claims without any proper basis. Moreover, the Court had failed to give any meaningful significance to the multilateral treaty reservation or the very substantial evidence of Nicaraguan misbehaviour. Many of the principles asserted by the Court to constitute customary international law had no basis in authority or reason. For his delegation to have discussed in detail before the Council the factual and legal weaknesses of the Court's decision would only have obscured the real matter at issue before the Council and, for that reason, the United States had chosen to reserve such a discussion for another place and time. For the moment, his delegation would merely ask whether those members of the Council who had voted in favour of the draft resolution really believed it would have bolstered the Court as a judicial institution or would have contributed in any way to bringing peace and justice to Central America. The speaker expressed his conviction that the answer lay in the evident intentions of Nicaragua in seeking a resolution, not for purposes that members of the Council might applaud, but as a cover for continued actions and behaviour contrary to the principles enshrined in the Charter. The United States had voted against the draft resolution because it would have painted an inaccurate picture of the true situation in Central America, because it would not have contributed to a comprehensive and peaceful settlement of the problems in the region and because it would have done a disservice to international law and institutions it purported to uphold.

Also speaking after the vote at the 2704th meeting, the representative of Nicaragua asserted that her country had come to the Council to deal with a matter that concerned not only Nicaragua but also the entire international community, namely, the very survival of the international legal order and the law itself. There was not a shadow of doubt, she contended, that if the United States complied with the Court's judgment peace in Central America would be much closer. She expressed her satisfaction at the affirmative vote of almost all the members of the Council in what was undoubtedly a vote for peace and respect of international law. On the other hand, the United States veto signified a lack of respect for the international legal order and the norms of peaceful coexistence among States and, *inter alia,* was a vote against the International Court of Justice.

CASE 12

In a letter dated 17 October 1986 to the President of the Security Council,[50] the Permanent Representative of Nicaragua explicitly invoked the provisions of Article 94 of the Charter and requested an emergency meeting of the Security Council to consider the non-compliance with the judgment dated 27 June 1986 of the International Court of Justice concerning military and paramilitary activities in and against Nicaragua.[51]

Addressing the 27 15th meeting, on 2 1 October 1986, under the agenda item entitled, "Letter dated 17 October 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council",[50] the Minister for Foreign Affairs of Nicaragua declared that the failure of the United States to comply with the provisional measures of the International Court of Justice handed down on 10 May 1984 was public and notorious. He maintained that events from 27 June 1986 to the present demonstrated that the United States Government remained determined to continue its war of aggression against Nicaragua, as exemplified by United States involvement in the flight of a C-123 transport plane downed in Nicaragua on 5 October, statements made by the United States Under-Secretary of State and the President, and recent attacks by United States-supported terrorist mercenaries. The Foreign Minister asserted that a particular statement by the United States President showed contempt for the International Court of Justice's judgment, for it gave the green light to, promoted and encouraged the commission of terrorist acts against Nicaragua. The United States President had also signed into law 3100 million to support the Contras, which attacked the underpinnings of the United Nations and the international juridical order. In the almost four months that had passed since the International Court of Justice had issued its judgment of 27 June 1986, it had been clear that the United States had not abided by the judgment, but rather had continued to act in clear and open violation of the judgment, while alleging that the Court did not have jurisdiction in the case. He argued that the United States had freely and legally entered into the commitment to accept the Court's jurisdiction when it signed and ratified the Charter of the United Nations on 26 August 1946 and thus accepted, on the basis of Article 36, paragraph 2, of the Statute, the compulsory jurisdiction of the Court and the obligation to obey and comply with the decisions of the Court in any suit brought against it. Citing the provisions of Article 36, paragraph 6, of the Statute of the Court, the Foreign Minister asserted that the United States had no grounds whatsoever for failing to abide by the decision of the Court and that by so doing it was adding a new and grave violation to its countless violations of international law. Further, he called attention to the requirement established by Article 2, paragraph 3, of the Charter that all Members settle their international disputes by peaceful means and stressed that judicial settlement-recourse to the International Court of Justice-was one of the fundamental means of peaceful solution of disputes established in Chapter VI of the Charter. If the Security Council did not respond appropriately to such outlaw conduct by the United States, the Minister argued, the world community would see the failure of the means of peaceful settlement of disputes and the imposition of force as a valid element of international relations. That was why it was of the utmost importance for the Council, the United Nations and the entire international community to remind the United States of its obligation to abide by the Court's ruling by putting an end to its war of aggression against Nicaragua and setting in motion the negotiating process the Court itself had suggested in its decision.

Continuing, the Minister noted that in July, when Nicaragua last came before the Council owing to the escalation of United States aggression, it did not invoke Article 94 of the Charter in order to give the United States the benefit of the doubt with respect to the ruling of the Court and in order to keep open the last possibility that the United States would decide to comply with and do justice to its international obligations. However, today it was impossible to keep waiting for a change of heart, and it was on the basis of that reality that Nicaragua had come to ask the Council to urge upon the United States the inescapable necessity of fulfilling the judgment of 27 June 1986. Citing Article 94 of the Charter, the Minister underlined that there were no reasons or pretexts that would permit a State to avoid complying with a ruling of the International Court of Justice. The United States was therefore duty-bound to abide fully and immediately with the 27 June 1986 decision, even more so because that country was a permanent member of the Security Council. Expressly requesting the Council, in accordance with Article 94 of the Charter, to urge the United States to implement the judgment, the speaker declared that the future of the Organization would be seriously threatened if the United States were permitted to ignore its obligations under the Charter with impunity by violating the judgment and continuing its war of aggression against Nicaragua. He noted that Nicaragua was not requesting sanctions against the United States even though undoubtedly it had more than ample justification for so doing. It was simply asking that the Council remind the United States that in accordance with its obligations under the Charter it must immediately comply with the judgment of the International Court of Justice. Should the Council prove unable to do this, it would be tragic and would be explained only by the fact that there were inviolable Members in the United Nations, which would be a denial of the principle of the legal equality of States.

[50] S/18415, ibid., *Suppl. for Oct.-Dec. 1986.*

[51] *Military and Paramilitary Activities in and against Nicaragua,* op. cit.

At the 2716th meeting, on 22 October 1986, the representative of the United States stated that in contrast to previous Council meetings requested by Nicaragua, in the present instance Nicaragua had selected a new procedural vehicle for airing its complaint. However, the position of the United States Government concerning the absence of jurisdiction and competence on the part of the International Court of Justice to pass upon Nicaragua's allegations had long been a matter of public record. Declaring that acceptance of the jurisdiction of the Court was a matter of consent, the representative underlined that of the 14 other members of the Security Council, 11 did not accept the compulsory jurisdiction of the Court at all, and the remaining 3 had subjected their acceptance of the Court's jurisdiction to understandings and reservations. The United States did not accept the proposition that it had consented to the jurisdiction of the Court in the case brought by Nicaragua and, consequently, it did not believe that the current item brought by Nicaragua under Chapter XIV, Article 94, of the Charter had any merit. There was nothing in Chapter XIV, he asserted, that spoke to the question of jurisdiction and nothing anywhere in the Charter that could be said to create consent to jurisdiction where none existed. The representative maintained that to divert attention from its own reprehensible actions, Nicaragua had manipulated the International Court of Justice and other international forums.

The following speaker, the representative of India, commented that this was perhaps the first time that a Government had come to the Security Council under Article 94 of the Charter to seek compliance by a Member State with a judgment of the International Court of Justice. The representative quoted from the statement issued by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare in August/September 1986, in which those leaders urged the United States to comply with the relevant decisions of the International Court of Justice.

The representative of Peru referred to the central issue of whether or not States Members of the United Nations were protected by international law, whether the legal order was observed and respected and whether the international community did indeed rely on a collective system of guarantees that could ensure that Member States had the possibility of peaceful coexistence. Stating his belief that this fundamental global issue went beyond protagonists or partners and also beyond the framework of any bilateral dispute or given contentious issue, the speaker asserted that it raised for the United Nations, for the Council and for every Member State the question of whether the United Nations supported the international legal order, whether it protected the Charter and the system of guarantees laid down therein, or whether the international community had to admit that all were exposed to the law of the mighty. The representative warned that if inaction by the United Nations showed that those guarantees did not exist, Member States' status as independent sovereign States would be called into question and the capacity of the world Organization to fulfil the task for which it was established of consolidating peace and law was a fiction. What made the present conflict unique, he continued, was that it was a conflict in which the highest court of the world had already declared what was right and had pointed out the responsibilities in a decision that the Charter of the United Nations made it binding to respect. The present debate was of exceptional importance as concerned, *inter alia*, the legal order as a collective expression to regulate international relations. Besides its normative value for the present and the future, the decision of the International Court of Justice enabled the international community to have an objective judgement from the legal standpoint on a situation that was increasingly obscured by ideological struggle and criteria of a markedly military and political cast. Concluding, the speaker stated that Peru had discharged its duty as a member State of the international community in bringing to bear criteria and elements that allowed a judgement to be formed pursuant to the Council's responsibility in the implementation of the provisions of the Charter. Peru was convinced that for the benefit of all, large and small, the Council would find a way to reconcile the heterogeneity of its interests with the unanimous aspiration of humanity for an order founded on peace and law, and thus would arrive at the necessary agreements to preserve the international legal order.

The representative of Iraq underlined that among other important principles raised by the Council's present deliberations was the fact that, in accordance with the Charter, the International Court of Justice was the principal judicial organ of the United Nations and that, in accordance with Article 94, each Member had undertaken to comply with the Court's decision in any case to which it was as a party. Another important principle raised was the clear obligation of the parties to any dispute the continuation of which was likely to endanger the maintenance of international peace and security to seek a solution by peaceful means and, as the Court's decision emphasized, that principle was enshrined in Article 33 of the Charter. He maintained that the central points in the judgment of 27 June 1986 reaffirmed the importance for all Member States of the Court's role as the principal judicial organ of the United Nations and a means for the peaceful settlement of disputes in the interest of international peace and security. In its landmark decision, which went far beyond Nicaragua and Central America, the International Court of Justice had thrown the fundamental obligations of membership in the United Nations into sharp relief. The representative asked whether compliance with the Court's judgment and the settlement of the dispute through negotiations conducted in good faith was not the best way to enhance the credibility of the United Nations. He wondered whether it was too much to hope that in the years to come the international community would be able to look back to June 1986 as a turning point in international relations—away from interference in the affairs of others and in the direction of respect for the solemn obligations of States under customary international law and the Charter of the United Nations.

At the 2716th meeting, on 22 October 1986, the representative of Mexico declared that the events that had prompted the Council meeting gave cause for grave concern for three basic reasons, the first being their implications for the international legal order. The Council was dealing with the request of a Member State to secure the faithful and complete implementation of Article 94 of the Charter, which was the cornerstone of the international order established at San Francisco. In it, each Member State undertook to comply with decisions of the International Court of Justice in any case to which it was a party. At the same time, it was agreed that if any party to a case failed to perform the obligations incumbent upon it under a judg-

ment rendered by the Court, the other party might have recourse to the Security Council, which might, if it deemed necessary, make recommendations or decide upon measures to be taken to give effect to the judgment. Thus it could easily be seen that bypassing Article 94 was tantamount to denying the full administration of international justice, to the detriment of all. Hence the importance of the Council's granting of Nicaragua's request, not merely as the unilateral request of a State but also as an expression of the collective outcry of the rest of the Members of the Organization. The Security Council had the historic opportunity to demonstrate a willingness to ensure that it had carried out its responsibility effectively, achieved the aims for which it was established and overcome its virtual paralysis resulting from an abusive exercise of the right of veto. The verdict at issue was clear and could not be disregarded.

At the same meeting, the representative of Cuba stated that his country supported Nicaragua's request that the United States abide by Article 94 of the Charter, complying without delay or subterfuge with the decision handed down by the International Court of Justice on 27 June 1986. The peoples of America eagerly hoped that the Security Council would adopt measures to bring about compliance with the decision of the Court.

The representative of Argentina stressed that it was essential to accept the role of the International Court of Justice in promoting the application of principles such as non-interference in the internal affairs of other States, non-intervention, respect for the territorial integrity of States, the non-use of force or the threat of force, the peaceful settlement of disputes and respect for human rights and the fundamental freedoms of all. In the specific case under consideration, the Court had merely applied the principles embodied in the Charter, stated the representative, who added that his country felt that respect for international law in the conduct of relations between States was fundamental. Hence, his Government urged that the decision of the Court be implemented. Specifically, Argentina shared in every way the legal concepts set out by Venezuela on 3 1 July 1986 when it addressed the Council on behalf of the Contadora and Support Groups.

Speaking at the 2716th meeting in right of reply, the Minister for Foreign Affairs of Nicaragua asserted that the representative of the United States knew that Nicaragua had never alleged or insinuated that the jurisdiction of the International Court of Justice over the parties derived solely from the fact that both Nicaragua and the United States were Members of the United Nations. The representative of the United States knew that the Court had laid down that it had jurisdiction and that each of the parties had freely and in exercise of its sovereignty accepted the jurisdiction of the Court and that, under the Charter, if the Court's jurisdiction were challenged, it was the Court, and the Court alone, that was to decide. The Foreign Minister contended that, legally and morally, the United States Government did not have a leg to stand on in defending its rejection of the Court's judgment. Perhaps the United States felt that the Court was a kangaroo court but, if not, he wondered why the United States Government did not respect that judgment and put an end to its war of aggression against Nicaragua.

At the 27 17th meeting, on 27 October 1986, the representative of Venezuela noted with concern that despite the decision of the International Court of Justice of 27 June 1986 and repeated appeals addressed by the Contadora Group and the Support Group, recent developments showed that the idea still persisted that peace in Central America could be attained by means of war.

At the same meeting, the representative of the Union of Soviet Socialist Republics stated that his delegation believed Nicaragua's present appeal to the Council was well founded and very timely. He stressed that the decision of the International Court of Justice had been given a positive reception by the overwhelming majority of the States members of the international community and noted that the Heads of State and Government of 100 members of the Movement of Non-Aligned Countries meeting at Harare had called upon the United States to comply with the decision. The Soviet representative pointed out that when Nicaragua had called on the Council in July to confirm the Court's decision, the position adopted by the majority of the Council's members in support of the international legal order had been rejected by the United States delegation, which alone had voted against the draft resolution[52] submitted on the agenda item. He stressed his Government's belief that the decision of the International Court of Justice had to be implemented immediately and fully and that the Security Council had to state its authoritative opinion on the matter.

Also at the same meeting, the representative of Algeria pointed out that in its decision of 27 June 1986 the International Court of Justice had placed responsibility on the United States and in so doing required that there be full respect for the principles of the Charter of the United Nations in relations among States, regardless of differences in their systems and their disproportionate means. Another speaker, the representative of Bulgaria, declared that Nicaragua's request that the Council meet to consider the non-compliance with the Court's judgment was fully understandable, particularly in the context of the serious arguments cited by the Minister for Foreign Affairs of Nicaragua and new, irrefutable facts attesting to the escalation of tension in the region precisely because of the non-compliance with that judgment and the violation of fundamental principles of international law. The representative reminded the Council that the International Court of Justice had ruled that the United States must cease and desist immediately from all acts designed to strengthen military and paramilitary activities against Nicaragua. He maintained that it was a question not merely of putting the decision of the Court into effect, but of respect for and compliance with fundamental principles and elementary norms of international law on which the United Nations was based. The Court's judgment had not been respected, which, particularly in the context of other developments related to the area, prompted Bulgaria to share the deep concern of Nicaragua's Minister for Foreign Affairs and other delegations regarding the serious consequences of non-compliance with the decisions of the International Court of Justice.

The representative of Ghana noted that the request by Nicaragua that the Council enforce the judgment of the International Court of Justice was unprecedented, but was based on the juridical foundation enabled by Article 94, paragraph 2, of the Charter, and his delegation found the

[52] S/18250, *OR, 41st yr., Suppl. for July-Sept. 1986.*

request to be in order. His delegation also shared the view that such consideration by the Council should concentrate on the facts as they impinged upon international law. The representative of Ghana declared that the judgment by the Court was of an historic nature, not only because of its momentous elaboration of the fundamental tenets of customary international law upon which the whole corpus of inter-state relations rested, but also because it represented a veritable voice of reason and objectivity in a world that had become accustomed to the use of violence to secure unilateral settlement of disputes. The Court, he recalled, had painstakingly appraised the evidence available to it and taken meticulous care not to prejudice the interests of the absent party, the United States, as it was required to do under Article 53 of its Statute. Its judgment was therefore widely concurred in and respected. Of particular significance to Ghana was that inherent in the Court's decision was a clear statement of what constituted right and wrong in inter-state relations. The judgment upheld the principles of the Charter and charted the course that the Council should pursue in its attempt to ensure the maintenance of international peace and security. Lacking the facility of law enforcement agencies to compel respect for its prescriptions, international law relied fundamentally on the goodwill and high sense of responsibility of all States in the discharge of their duties as members of the community of nations. Citing Article 94 of the Charter, the speaker stressed that the decisions of the International Court of Justice represented authoritative declarations that bound the parties in dispute before it. In that context, his Government shared the considered reasoning found in Justice Ruda's separate opinion, which declared that States cannot, as the United States Government sought to do by its letter of 18 January 1985 to the Court, reserve the right to comply with or disregard the Court's decisions. Consequently, Ghana was unable to subscribe to the view that the Court's decision was inapposite by reason of the political nature of the facts before it and impliedly inconsequential in regulating the future conduct of the United States or any country in Central America, in particular with regard to Nicaragua. While there was no question that a State might within its competence terminate its adherence to the compulsory jurisdiction of the International Court of Justice, such action must comply with the time limits established by the Court's procedures and practice, which that State undertook to respect when it accepted the jurisdiction of the Court in the first place. It was therefore difficult for the delegation of Ghana to agree with any assertions that contradicted settled practice in that regard.

Continuing, the representative of Ghana declared that more far-reaching in its practical consequences for the integrity and viability of the Court was the point of view that a State party to a dispute before it could assume unilateral powers and pronounce upon the Court's competence to handle such a dispute. The speaker, citing Article 36, paragraph 6, of the Court's Statute, pointed out that the founders of the United Nations had left determination as to the competence of the Court with respect to its jurisdiction in no doubt. It was difficult to understand what could only be regarded as the ambivalence exhibited by one party to the dispute in its attitude to the Court. The determination of the Court in respect of the obligations of a Member State under international customary law, and in the present case the Treaty of Friendship and Cooperation between the United States and Nicaragua, were clear and unambiguous. It would be appropriate, therefore, for the Council to urge compliance with the International Court's judgment, for to do otherwise would be to cause the expectations of small States that protection existed under the Charter to be substantially revised. The speaker declared that Article 94, paragraph 2, of the Charter stipulated actions that the Council was entitled to take in the matter. The Council could either make recommendations or take measures to give effect to the judgment. The seriousness of the situation demanded that the Council not shirk its solemn responsibility for upholding the rule of law. Taking into account all the circumstances surrounding the consideration of the complaint, however, the delegation of Ghana hoped that members of the Council would agree that what the Council would like to see now was respect for the Court and its judgment in the present dispute. The speaker added that the Council, in its deliberations on the matter, might wish to note the collective view of the Heads of State or Government of the Movement of Non-Aligned Countries as reflected in their Declaration adopted in Harare.

Speaking in right of reply, the representative of the Union of Soviet Socialist Republics declared that the United States Government had nothing with which to counter the brilliant, juridical line of reasoning presented by the representative of Ghana.

Addressing the 27 18th meeting, on 28 October 1986, on the same agenda item, the representative of Spain stated that scrupulous respect for the Charter and the decisions of the International Court of Justice had become the cornerstones not merely of the present juridical system but of relations and coexistence between States. In the present case, both the integrity of international law and the ability of the United Nations to discharge its responsibility for the maintenance of international peace and security were at stake. In the view of the delegation of Spain, it was not the time to enter into legal disquisitions on the competence of the International Court of Justice to hear the case and thus draw hypothetical conclusions about binding jurisdiction. The Court itself had settled the matter rightly in the light of the arguments set forth in the Court's decision and bearing in mind that under Article 36, paragraph 6, of the Court's Statute, which was binding upon both parties involved in the dispute, it was for the Court to decide whether it had jurisdiction. The representative stated that the principles of the Charter and the norms of customary law invoked in the Court's judgment constituted full legal obligations for all States. Furthermore, according to the Statute, the judgment calling for respect for those principles bore the full force of *res judicata*. Compliance with it was a political imperative of the first order, since respect for the foundations of the current international legal order was at issue. It was of the greatest importance that the peace process initiated by Contadora should benefit from respect for international law and not be hampered by the introduction of doubts about a judgment that all had accepted and whose applicability all had proclaimed.

Speaking before the same meeting of the Council, the representative of the Congo noted that in July 1986 the Council had not been able to adopt a consensus resolution on the judgment of the Court. He expressed the hope that the Council would now be able to agree on elements that could easily win general agreement, if only to preserve the opportunities for peace in accordance with the rules and usages of international law and the full symbolic value of

the Charter of the United Nations and the Statute of the International Court of Justice in the world of today.

The following speaker, the representative of Honduras, declared that the request brought by Nicaragua pursuant to Article 94 of the Charter was closely linked to the grave situation unfortunately obtaining in Central America and accordingly any decision taken by the Council in response to Nicaragua's request would inevitably have an impact on that crisis. For that reason, the Foreign Ministry of Honduras had instructed his delegation to draw the attention of the members of the Council and of the international community to the fact that, by raising the matter for discussion, Nicaragua was simply using the present forum and the highest judicial organ with the United Nations system for its own political ends with a clear propagandist intent, to the detriment of the prestige and dignity of the International Court of Justice. The speaker drew a parallel between the present attempt by the Nicaraguan Government and the suits it had brought before the International Court of Justice against Honduras and Costa Rica when it alleged that both countries were involved in activities that in fact originated in and occurred within Nicaraguan territory and were carried out by Nicaraguans. His Government did not merely disagree with the use of the Court for propagandistic purposes by any particular country but in the specific case, it condemned that attitude because it represented a further stumbling block placed by Nicaragua in the way of the peace process in Central America. The speaker asserted that, in resorting to other bodies, Nicaragua was impeding the Contadora process and had damaged the prestige of the highest court in the world. It was the view of Honduras that, in one way or another, the Council should put an end to the attempts by Nicaragua to use the Council and the Court in order to project an image that did not reflect the facts experienced by its people.

The representative of the Syrian Arab Republic stated that the complaint by Nicaragua related to the obligation on the part of Member States to abide by the judgments of the highest international judicial authority, the International Court of Justice. He referred to the Declaration of the Eighth Conference of Heads of State or Government of the Movement of Non-Aligned Countries held in Harare relating to the decision of the International Court of Justice. He added that the text of Article 94 of the Charter stated clearly that it was possible to resort to the Security Council when a Member failed to abide by a judgment of the Court. The Council should therefore decide on what steps should be taken to ensure that the judgment was executed. His Government urged the members of the Council to assume their full responsibilities to defend international legality and to constrain the United States to comply with the judgment of 27 June 1986.

The representative of Democratic Yemen asserted that, rather than comply with the judgment of the International Court of Justice, the United States had increased its interference in the internal affairs of Nicaragua. He stressed that Nicaragua had submitted its complaint against the United States to the International Court of Justice in accordance with Chapter VI of the United Nations Charter and relevant provisions in the Statute of the Court. The negative United States position with regard to that judgment was contrary to the position of Central America and also obstructed the efforts of the Contadora Group. His Government called upon the Security Council to prevail upon the United States to accept the judgment so that a deterioration of the situation in Central America might be averted. The appeal to the United States to respect the decisions of the Court reflected the aspirations of the international community to preserve international peace and security and would facilitate efforts to establish peace and security in Central America.

The following speaker, the representative of the Islamic Republic of Iran, stressed that in the absence of a law enforcement agency for international law, the attitude of the permanent members of the Security Council towards the role of the Organization was of great significance, with respect for the judgments of the International Court of Justice in particular being of crucial importance. Regrettably, the United States was the best example of violators of international law as well as of the decisions of the Court. The basic question therefore was not the filing of a complaint against the United States in The Hague or in the Security Council, but whether, with that kind of attitude, there was really any future for international law or for the Organization. The decision the Council would be making was of very great importance to the whole Organization. The delegation of the Islamic Republic of Iran had been following the consultations and negotiations relating to the draft resolution[53] and knew, very sadly, how the victimized nations were pressured to make concessions simply because their adversary was an arrogant Power and a permanent member of the Council. The entire body of the United Nations was waiting to see how the Council would treat the International Court of Justice. The international community should condemn the illegal actions and irresponsible practices and policies of a permanent member of the Council towards its neighbour. The Council's decision would demonstrate whether its present members were going to destroy the United Nations or to revive, refresh and energize the Organization.

Thereafter, the President of the Council called attention to the draft resolution before the Council submitted by the delegations of the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates? The relevant paragraphs of the draft resolution read:

The Security Council,

. . .

Aware that, under the Charter of the United Nations, the International Court of Justice is the principal judicial organ of the United Nations and that each Member undertakes to comply with the decision of the Court in any case to which it is a party,

Considering that Article 36, paragraph 6, of the Statute of the Court provides 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",

Taking note of the judgment of the International Court of Justice of 27 June 1986 in the case of "Military and Paramilitary Activities *in* and against Nicaragua",

Having considered the events that have taken place in and against Nicaragua after the said judgment, in particular, the continued financing by the United States of military and other activities in and against Nicaragua,

. . .

1. *Urgently calls* 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;

[53] Ibid., *Suppl. for Oct.-Dec. 1986*, S/18428.

2. *Requests the* Secretary-General to keep the Council informed on the implementation of this resolution.

Speaking before the vote, the representative of Thailand declared that Article 94, paragraph 1, of the Charter contained a solemn undertaking by every State Member of the United Nations to comply with the decision of the International Court of Justice in any case to which it was a party. Noting the position of the United States on the competence and jurisdiction of the Court, the speaker stressed that it was a fact that in the determination of the Court, the United States was considered a party to the case in question. While Nicaragua had relied on Article 94, paragraph 2, of the Charter to request the Council to convene the present meeting, the Council, in so convening, had not ipso *facto* recognized that a party had indeed failed to perform the obligations incumbent upon it under the judgment at issue. Moreover, the Council was faced with a dilemma explicit in Article 94, paragraph 2, which was that the Council might make recommendations or decide upon measures under that provision only if it considered that a party had failed to perform its obligations under a judgment of the Court, a determination that was intrinsically legal in nature. That might be one of the reasons why the Article had not been invoked heretofore. In the speaker's view, the Council's initial concern should be to assist by practical means the process of achieving a peaceful settlement of the problem, bearing in mind its implications for the peace and security of all the countries in Central America. He asserted that the judgment of 27 June 1986 might constitute a central pillar, but it was not necessarily the only one needed to support possible action by the Council. There were certain legal principles, in particular the principle of non-intervention, which were generally recognized and were valid, with or without any elaboration by the Court. Indeed, the Court had recognized those principles as customary international law. At that stage, the delegation of Thailand believed it to be more constructive for the Council to attempt practical measures to assist the Contadora and the Support Groups. Therefore, without having to rely on Article 94, the Council could still play a useful role at that juncture. On the other hand, the representative cautioned, overreliance on Article 94 at that stage would prove counterproductive. To enhance its effectiveness in maintaining international peace and security, the Council should look for practical measures to bring about the desired results, especially in view of the fact that it had recently failed to adopt a draft resolution on a similar subject. Therefore, Thailand found that the draft resolution before the Council,[53] based as it was on Article 94, posed an unresolved dilemma for the Council, which, in the opinion of the Thai delegation, could have been asked to take more appropriate action in pursuit of a peaceful settlement. It was with regret, therefore, that Thailand would abstain on the draft resolution.

Speaking before the vote, the representative of the United States, announcing his intention to vote against the draft resolution, stated that the Council members had heard States that did not themselves accept the compulsory jurisdiction of the International Court of Justice denounce the United States for not accepting that which they themselves did not accept. He asserted that what was at stake was most emphatically not simply a legal question, despite Nicaragua's strenuous efforts to pretend otherwise. The international community could not sidestep the reality of the situation in Central America by hiding behind a decision of the International Court of Justice, much less a decision that the Court had neither the jurisdiction nor competence to render. It did not suffice to claim, as some had done, that the Court must have had jurisdiction because Article 36, paragraph 6, of its Statute says that the Court **may** decide disputes concerning that jurisdiction. He declared that no court, not even the International Court of Justice, had the legal power to assert jurisdiction where no basis existed for that jurisdiction. The language and negotiating history of the Charter of the United Nations and the International Court of Justice, as well as the consistent interpretation of those instruments by the Court, the Security Council and Member States, made abundantly clear that the Court's claim of jurisdiction and competence in the present **case was** without foundation in law or fact. Approval by the Council of a resolution that simply ignored those fatal defects in Nicaragua's position before the Council would not serve the cause of peace in Central America. The draft resolution before the Council sought to present, in the guise of support for the 27 June 1986 decision of the Court, a one-sided picture of the situation in Central America.

The representative of China stated his view that the judgment of the International Court of Justice should be respected by the countries concerned.

The Council then proceeded to vote on the draft resolution,[54] which received 11 votes to 1, with 3 abstentions, and was not adopted owing to the negative vote of a permanent member of the Security Council.

Addressing the Council after the vote, the representative of Denmark stated that his country remained convinced of the important role of the International Court of Justice in the peaceful settlement of disputes and of the necessity for Member States to accept the Court's verdicts. As one of the few countries to have accepted the compulsory jurisdiction of the Court with no understandings or reservations, it was the view of Denmark that it would be appropriate if more Member States did likewise. It was Denmark's firm belief in, and support for, the principles of international justice that the Court represented that had led it to vote in favour of the draft resolution.

Also speaking after the vote, the representative of the United Kingdom of Great Britain and Northern Ireland stated that compliance by the parties with the decisions of the International Court of Justice was a clear Charter obligation, but that it was nothing less than presumptuous for Nicaragua to call for selective application of the Charter in that case. That was not respect for the Charter, but taking advantage of it for narrow political ends. While his delegation did not challenge the draft resolution on legal grounds, it was unable to support a draft resolution that failed to take account of the wider political factors and failed to acknowledge that Nicaragua had largely brought its troubles upon itself. His delegation therefore had abstained.

Speaking next, the representative of France asserted that the draft resolution contained questionable references to the judgment of 27 June 1986, both on matters of substance and on the Court's role, and for that reason his delegation had been obliged to abstain.

Also speaking after the vote, the representative of Ghana expressed regret that the Council had been unable to act in

[54] Ibid.

favour of the judgment of the International Court of Justice and thereby underpin the Charter. Although the decision taken by the Council was legal, it was a paradigm of what could constitute regression unless the world community acted together and in good faith to contain the threat to international peace and security in Central America.

The representative of Nicaragua then stated that in the debate the United States had called into question the validity of the Court's judgment and the respect that was due to its findings. Nicaragua had the right and the duty to continue to use all the machinery of the United Nations for the peaceful settlement of disputes.

**Part V

**RELATIONS WITH THE MILITARY STAFF COMMITTEE