

Chapter X

CONSIDERATION OF THE PROVISIONS OF CHAPTER VI OF THE CHARTER

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INTRODUCTORY NOTE

As in the previous volumes of the *Repertoire*, the criterion for inclusion of material in the present chapter is the occurrence of discussion in the Security Council regarding Articles 33-38 of Chapter VI of the Charter. Thus, Chapter X does not cover all the activities of the Council in the pacific settlement of disputes, for the debates preceding the major decisions of the Council in this field have dealt almost exclusively with the actual issues before the Council and the relative merits of measures proposed without discussion of their relation to the provisions of the Charter. For the decisions of the Council in the pacific settlement of disputes, the reader should turn to the appropriate sub-headings of the analytical table of measures adopted by the Council.¹

The material in this chapter constitutes only part of the relevant material, since the procedures of the Council reviewed in chapters I-VI, in so far as they relate to the consideration of disputes and situations, are also integral to the application by the Council of Chapter VI of the Charter. Chapter X only presents the instances of deliberate consideration by the Council of the relation of its proceedings or of measures proposed to the text of Chapter VI.

The case histories on each question must be examined in the context of the respective proceedings presented in chapter VIII.

CHAPTER VI OF THE CHARTER: PACIFIC SETTLEMENT OF DISPUTES

"Article 33

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

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

"Article 34

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

¹Chapter VIII, part I.

"Article 35

"1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

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

"3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

"Article 36

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

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

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

"Article 37

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

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

"Article 38

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

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLE 33 OF THE CHARTER

NOTE

During the period under review, two communications requesting that the Council be convened to take up a situation contained references to prior efforts at pacific settlement.² Several other communications that reached the Council with regard to disputes and situations that either were to be examined by the Council for the first time or whose consideration was to be resumed also contained references to various earlier efforts to settle the conflicts peacefully: such communications were received in connection with the situation in Timor,³ the question submitted by Iceland,⁴ the communications from France and Somalia concerning the incident of 4 February 1976,⁵ the complaint by Greece against Turkey,⁶ the complaint by Chad⁷ and the situation between Iran and Iraq.⁸

References to prior efforts at peaceful settlement were made during opening statements in the initial phase of the Council's consideration of the situation concerning Western Sahara,⁹ the situation in Timor,¹⁰ the question submitted by Iceland,¹¹ the communications from France and Somalia concerning the incident of 4 February 1976,¹² the complaint by Greece against Turkey,¹³ the complaint by Chad,¹⁴ the letters dated 13 and 15 June 1979 from the representative of Morocco,¹⁵ the letter dated 25 November 1979 from the Secretary-General,¹⁶ the letter dated 22 December 1979 from the representative of the United States,¹⁷ the letter dated 1 September 1980 from the representative of Malta¹⁸ and the situation

between Iran and Iraq.¹⁹ Throughout the period under review, the Council heard opening statements regarding the ongoing efforts to maintain or resume the intercommunal talks or to seek new approaches to a settlement of the situation in Cyprus.²⁰

The significance of Article 33 in the pacific settlement of disputes and situations rests not only on the discharge by the parties of their obligation under that Article but also on the possibility of recourse to the Article by the Council itself.²¹

The four case histories entered in this part of chapter X cover proceedings in the Council that have some bearing on the exercise by the Council of its responsibility to bring about pacific settlement of a dispute or situation.

Two resolutions adopted by the Council in connection with the same agenda item contained explicit references to Article 33 (case 1). In three other cases the decisions of the Council contained clear implicit references to the Article and were preceded by extensive deliberations involving the constitutional significance and applicability of Article 33 with regard to the situations on the agenda (cases 2-4).

The resolutions and decisions adopted by the Council during the period under review contained several provisions calling upon parties to seek a peaceful settlement to their disputes²² and to resume negotiations to settle their differences.²³ In connection with the situation in the Middle East, the Council appeared to the parties on a number of occasions to implement the provisions regarding peaceful settlement in resolution 338 (1973).²⁴ In several instances, the Council urged the parties to act

² See the letter dated 17 February 1975 from the representative of Cyprus (S/11625, OR, 30th yr., Suppl. for Jan.-March 1975) requesting the President to convene an urgent meeting of the Council with regard to the situation in Cyprus. The letter charged that the procedure of the intercommunal talks had been wrecked by various alleged actions by the Turkish Cypriot side. See also the letter dated 1 September 1980 from the representative of Malta (S/14140, OR, 35th yr., Suppl. for July-Sept. 1980) referring to protracted negotiations with the Libyan Arab Jamahiriya about the delimitation of the continental shelf between the two countries.

³ See the letter dated 30 November 1975 from the representative of Portugal to the Secretary-General (S/11890, OR, 30th yr., Suppl. for Oct.-Dec. 1975).

⁴ See the note by the President of the Council containing the reply dated 15 December 1975 from the Government of the United Kingdom to the letter dated 11 December 1975 from the representative of Ireland (S/11914, OR, 30th yr., Suppl. for Oct.-Dec. 1975).

⁵ See the letters dated 13 and 18 February 1976 from the representative of Somalia regarding third-party mediation efforts (S/11979 and S/11987, OR, 31st yr., Suppl. for Jan.-March 1976).

⁶ See the letter dated 10 August 1976 from the representative of Greece pointing out various efforts at peaceful settlement, including an appeal to the International Court of Justice (S/12168, OR, 31st yr., Suppl. for July-Sept. 1976).

⁷ See the letter dated 6 February 1978 from the representative of Chad referring to an *Ad Hoc* Committee of OAU for the settlement of the Chad-Libyan frontier dispute (S/12554, OR, 33rd yr., Suppl. for Jan.-March 1978).

⁸ See the letter dated 22 September 1980 from the representative of Iraq with a reference to the Treaty of 1975 between Iran and Iraq (S/14191, OR, 35th yr., Suppl. for July-Sept. 1980).

⁹ 1849th mtg.: Spain, paras. 5-38.

¹⁰ 1864th mtg.: Portugal, paras. 7-64.

¹¹ 1866th mtg.: Iceland, paras. 10-22; and United Kingdom, paras. 23-36.

¹² 1889th mtg.: France, paras. 6-24; and Somalia, paras. 26-44.

¹³ 1949th mtg.: Greece, paras. 7-29; and 1950th mtg.: Turkey, paras. 5-26.

¹⁴ 2060th mtg.: Chad, paras. 8-39.

¹⁵ 2151st mtg.: Morocco, paras. 12-43.

¹⁶ 2172nd mtg.: Secretary-General, paras. 5-11, in connection with the detention of United States diplomatic personnel in Teheran.

¹⁷ 2175th mtg.: United States, paras. 6-25 on the same issue.

¹⁸ 2246th mtg.: Malta, paras. 10-42.

¹⁹ 2247th mtg.: Mexico, paras. 16-26; Norway, paras. 29-33; and Secretary-General, paras. 5-13.

²⁰ 1813th mtg.: Cyprus, paras. 11-55; 1830th mtg.: Secretary-General, paras. 10-12; 1863rd mtg.: Secretary-General, paras. 6 and 7; 1925th mtg.: Cyprus, paras. 11-42; 1979th mtg.: Secretary-General, paras. 13-15; 2012th mtg.: Secretary-General, paras. 7-10; 2026th mtg.: Cyprus, paras. 6-38; 2054th mtg.: Cyprus, paras. 26-56; 2081st mtg.: Cyprus, paras. 10-28; 2099th mtg.: Cyprus, paras. 4-20; 2107th mtg.: Cyprus, paras. 10-23; 2150th mtg.: Secretary-General, paras. 6-10; 2179th mtg.: Secretary-General, paras. 6 and 7; 2230th mtg.: Secretary-General, paras. 6-13; and 2257th mtg.: Secretary-General, paras. 7-10. In most of these cases other speakers, such as Greece, Turkey and the spokesman of the Turkish Cypriots, also referred to the manifold prior efforts at peaceful settlement.

²¹ In this connection, see also the various decisions of the Council entered under "Measures for settlement" and "Provisions bearing on specific issues relating to the settlement" in the analytical table of measures of Chapter VIII of the present Supplement.

²² This general call was issued in Council resolution 457 (1979), para. 2, in connection with the letter dated 25 November 1979 from the Secretary-General regarding the detention of United States diplomatic personnel in Iran, and in resolution 479 (1980), para. 1, in connection with the situation between Iran and Iraq; similar appeals were issued in the Presidential statements on behalf of the Council on 23 September and 5 November 1980 in connection with the same agenda item (OR, 35th yr., Resolutions and Decisions of the Security Council 1980, pp. 23 and 24).

²³ The call for the resumption of negotiations was issued by the Council in connection with the situation in Cyprus in resolutions 367 (1975), paras. 5, 7 and 8; 414 (1977), para. 5; 440 (1978), para. 3; 451 (1979), para. 2; 458 (1979), para. 2; 472 (1980), para. 2; and 482 (1980), para. 2. A similar appeal was issued in resolution 395 (1976), para. 3, in connection with the complaint by Greece against Turkey.

²⁴ For these provisions in connection with the extension of the United Nations Disengagement Observer Force (UNDOF) and the United Nations Emergency Force (UNEF II), see the Council's resolutions 368 (1975), operative para., (a), 369 (1975), operative para., (a), 390 (1976), operative para., (a), 396 (1976), para. 1 (a), 398 (1976), operative para., (a), 408 (1977), operative para., (a), 416 (1977), para. 1 (a), 420 (1977), operative para., (a), 429 (1978), operative para., (a), 441 (1978), operative para., (a), 449 (1979), operative para., (a), 456 (1979), operative para., (a), 470 (1980), operative para., (a), and 481 (1980), operative para., (a).

with restraint so as not to jeopardize the search for a peaceful solution.²⁵ In one case, the Council urged the two parties to reduce the tension in the area to facilitate the negotiating process.²⁶ In still another case, the Council urged the parties to accept mediation or conciliation or to resort to regional agencies or arrangements or other peaceful means to facilitate the fulfilment of their obligations under the Charter of the United Nations.²⁷ In one instance, the Council urged all parties to co-operate fully with the efforts of the United Nations to achieve a peaceful solution.²⁸ In a number of cases, the Council asked the Secretary-General to offer his good offices or to continue offering them to the parties concerned.²⁹ In connection with the situation concerning Western Sahara, the Council asked the Secretary-General to enter into immediate consultations with the parties concerned.³⁰ In several cases, the Council requested the Secretary-General to designate a special representative to pursue approaches to a peaceful settlement or to visit areas of conflict.³¹

A number of draft resolutions that were either not adopted or not voted upon by the Council also contained implicit references to Article 33. During the consideration of the situation in the Middle East, which the Council had resumed in response to letters dated 3 December 1975 from the representatives of Lebanon and Egypt,³² the representative of the United States proposed as an amendment to the draft resolution two additional paragraphs, under the second of which the Council would have called upon the parties to refrain from any action that might endanger negotiations aimed at achieving a just and lasting peace in the Middle East.³³ The amendment was put to the vote and was not adopted, having failed to obtain the affirmative vote of nine members; the draft resolution failed to be adopted owing to the negative vote of a permanent member.³⁴

²⁵ This appeal was issued in connection with the situation in Cyprus in resolutions 370 (1975), para. 3; 383 (1975), para. 3; 391 (1976), para. 3; 401 (1976), para. 3; 410 (1977), para. 3; and 422 (1977), para. 3; in connection with the situation concerning Western Sahara in resolutions 377 (1975), para. 2; and 379 (1975), para. 1; in connection with the complaint by Greece against Turkey in resolution 395 (1976), para. 1; and in connection with the letter dated 25 November 1979 from the Secretary-General in resolution 457 (1979), para. 3.

²⁶ See resolution 395 (1976), para. 2, in connection with the complaint by Greece against Turkey.

²⁷ See resolution 479 (1980), para. 2, in connection with the situation between Iran and Iraq.

²⁸ Resolution 384 (1975), para. 4, in connection with the situation in Timor.

²⁹ In connection with the situation in Cyprus, see resolutions 367 (1975), paras. 6 and 7; 370 (1975), para. 6; 383 (1975), para. 6; 391 (1976), para. 6; 401 (1976), para. 6; 410 (1977), para. 6; 422 (1977), para. 6; 430 (1978), para. 2; 443 (1978), para. 2; 451 (1979), para. 3; 458 (1979), para. 3; 472 (1980), para. 3; 482 (1980), para. 3; in connection with the letters dated 25 November 1979 from the Secretary-General and 22 December 1979 from the representative of the United States, see the Presidential statement of 9 November 1979 and the resolutions 457 (1979), para. 4 and 461 (1979), para. 4; and in connection with the situation between Iran and Iraq, see the Presidential statement of 23 September 1980 and resolution 479 (1980), para. 4.

³⁰ Resolutions 377 (1975), para. 1; 379 (1975), para. 2; and 380 (1975), para. 3.

³¹ In connection with the situation in Timor, see resolutions 384 (1975), para. 5; and 389 (1976), para. 3; in connection with the situation in Southern Rhodesia, see resolution 415 (1977), para. 2; and in connection with the situation in Namibia, see resolution 431 (1978), para. 1. For more detailed information regarding special representatives of the Secretary-General see chapter V in the present *Supplement*.

³² See letters from Lebanon (S/11892) and Egypt (S/11893), *OR*, 30th yr., *Suppl. for Oct.-Dec. 1975*, for the request for an urgent Council meeting to consider massive Israeli air attacks against refugee camps and villages in Lebanon.

³³ See 1862nd mtg.: United States, paras. 44-53 for the submission of the amendment and the text of the two paragraphs to be added to the draft resolution. For the text of the draft resolution see S/11898, *OR*, 30th yr., *Suppl. for Oct.-Dec. 1975*.

³⁴ See 1862nd mtg., paras. 115-118, for the votes regarding the amendment and the draft resolution unamended.

In the course of its consideration of the situation in the Comoros during February 1976, the Council had before it a draft resolution³⁵ sponsored by Benin, Guyana, the Libyan Arab Republic, Panama and the United Republic of Tanzania, providing, *inter alia*, that the Council request the Government of France to enter into immediate negotiations with the Government of the Comoros.

At the 1888th meeting, on 6 February 1976, the draft resolution was put to the vote and not adopted owing to the negative vote of a permanent member.³⁶

During the consideration of the situation in South-East Asia and its implications for international peace and security, the representative of China sponsored a draft resolution,³⁷ which provided in its paragraph 4 that the Council would urge Viet Nam and Democratic Kampuchea to enter into negotiations at an early date to settle their differences. The draft resolution was not put to the vote. In connection with the same item, Indonesia, Malaysia, the Philippines, Singapore and Thailand sponsored another draft resolution,³⁸ by paragraph 5 of which the Council would have called upon all the parties to the conflict to settle their disputes by peaceful means in accordance with the Charter of the United Nations, and by paragraph 6 of which it would have welcomed the offer of the good offices of the Secretary-General in the search for a peaceful solution. The draft was not adopted owing to the negative vote of a permanent member.³⁹

When the Council considered the question of the exercise by the Palestinian people of its inalienable rights in 1979 and 1980, the representative of Senegal, who also held the position of Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, introduced a draft resolution,⁴⁰ which, in its preambular part, had the Council reaffirm the urgent necessity of the establishment of a just and lasting peace through a comprehensive settlement based on full respect for the purposes and principles of the Charter. The draft that was submitted to the Council at its 2162nd meeting on 24 August 1979 was not put to the vote. The identical preambular paragraph was included in a draft resolution⁴¹ submitted by Tunisia, when the Council resumed consideration of the item at the 2219th and 2220th meetings, on 29 and 30 April 1980. The draft resolution was put to the vote at the 2220th meeting and failed to be adopted owing to the negative vote of a permanent member.⁴²

At the 2191st meeting, on 11 and 13 January 1980, when the Council resumed its consideration of the letter dated 22 December 1979 from the representative of the United States regarding the detention of its diplomatic personnel in Teheran, the United States submitted a draft resolution⁴³ under which, in its tenth preambular paragraph, the Council would have reiterated that once the hostages had been released, the Governments of Iran and the United States should take steps to resolve peacefully the remaining issues between them. The draft resolution

³⁵ S/11967, *OR*, 31st yr., *Suppl. for Jan.-March 1976*.

³⁶ For the vote see 1888th mtg., para. 247.

³⁷ S/13119, *OR*, 34th yr., *Suppl. for Jan.-March 1979*. The President called attention to the Chinese draft at the 2115th meeting, on 24 February 1979.

³⁸ S/13162, *OR*, 34th yr., *Suppl. for Jan.-March 1979*. The draft resolution was introduced by Thailand at the 2129th meeting, on 16 March 1979.

³⁹ For the vote (13 in favour, 2 against), see 2129th mtg., para. 72.

⁴⁰ For the full text, see S/13514, *OR*, 34th yr., *Suppl. for July-Sept. 1979*.

⁴¹ S/13911, *OR*, 35th yr., *Suppl. for April-June 1980*.

⁴² For the vote, see 2220th mtg., para. 151.

⁴³ S/13735, *OR*, 35th yr., *Suppl. for Jan.-March 1980*.

was put to the vote at the resumed 2191st meeting, on 13 January 1980, and was not adopted owing to the negative vote of a permanent member.⁴⁴

Following consideration at the 2246th meeting, on 4 September 1980, of the letter dated 1 September 1980 from the representative of Malta,⁴⁵ the Secretary-General, by a letter dated 17 October,⁴⁶ informed the President of the Council that, following consultations with the parties and with their agreement, a special representative was to be sent to the countries concerned to discuss the question at issue with the two Governments. In a letter dated 22 October,⁴⁷ the President informed the Secretary-General that the Council had considered his letter of 17 October in consultations and agreed with his proposal. In accordance with this agreement, arrived at through informal consultations, the Secretary-General dispatched his Special Representative, whose report on his mission to Malta and the Libyan Arab Jamahiriya was issued on 13 November 1980.⁴⁸

Other than in the debates presented under the following cases 1-4, there were only a few instances of explicit references to Article 33 in the proceedings of the Council: the Article was invoked during the consideration of the situation in Namibia,⁴⁹ the situation in Timor,⁵⁰ and the complaint by the Prime Minister of Mauritius, current Chairman of OAU, of the "act of aggression" by Israel against Uganda.⁵¹

There have also been what might be considered implicit references to Article 33 in various debates in the Council. Throughout the period under review the need for negotiations and the application of the Charter provisions for pacific settlement were emphasized in connection with the situation in Cyprus. With regard to the complaint by Chad⁵² and the telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea⁵³ a number of references to the provisions of Article 33 were made during the Council's proceedings. In the consideration of some other agenda items,⁵⁴ incidental references that might be seen as touching upon the Article were made in a few instances.

CASE 1.

Situation concerning Western Sahara

(In connection with a draft resolution (S/11858) prepared in the course of consultations and adopted by

⁴⁴For the vote, see 2191st mtg. and Add.1, para. 149.

⁴⁵S/14140, OR, 35th yr., Suppl. for July-Sept. 1980.

⁴⁶S/14228, *ibid.*, Suppl. for Oct.-Dec. 1980.

⁴⁷S/14229, *ibid.*

⁴⁸S/14256, *ibid.*

⁴⁹1824th mtg., paras. 103 and 104, in which the representative of France invoked the language of Article 33 and suggested the appointment of a contact committee to promote a peaceful solution in Namibia.

⁵⁰1864th mtg., para. 51: the representative of Portugal invoked Article 33 and asked why Indonesia did not resort to one of the peaceful measures provided for in the Article.

⁵¹1942nd mtg., para. 30: the representative of Panama stated that the International Court of Justice, while admitting that a State had the right to protect its nationals, limited that right to the exercise of diplomatic or international judicial action and to the means for the peaceful settlement of disputes laid down in Article 33.

⁵²See the opening statement by the representative of Chad at the 2060th mtg., paras. 7-39, on 17 February 1978, suggesting the establishment of a mediation committee and seeking the Council's assistance in settling the conflict through peaceful means.

⁵³See 2109th mtg.: Kuwait, para. 11, and Bangladesh, para. 50; 2110th mtg.: Malaysia, para. 38; 2111th mtg.: Yugoslavia, para. 125, and Indonesia, para. 70.

⁵⁴Consideration of the situation in the Middle East (1964th mtg.), the situation in the occupied Arab territories (1919th mtg.), the question submitted by Iceland (1866th mtg.), the letter dated 3 January 1980 from 52 Member States regarding Afghanistan (2185th mtg.) and the letter dated 1 September 1980 from the representative of Malta (2246th mtg.) gave rise to such incidental references to the Article.

consensus as resolution 377 (1975) and a draft resolution (S/11870) also prepared in the course of consultations and adopted by consensus as resolution 380 (1975))

During the Council's deliberations concerning Western Sahara, the meaning of the explicit reference to Article 33 of the Charter in resolutions 377 (1975) and 380 (1975) was discussed. Some representatives insisted that the letter and spirit of Article 33 required that the interested parties should try to settle their conflicting views about Western Sahara through negotiations as espoused in the Charter. Another representative held that the particular issue before the Council needed to be dealt with by the Council and that the interested parties had to carry out any decisions taken by the Council in fulfilling their obligations under the Charter provisions for the peaceful settlement of disputes. A third position was taken by another representative who demanded that the Council take forceful action to block, or put an end to, the aggressive action that threatened peace and security in the region; in doing so the Security Council would fulfil its obligation under Articles 33 and 34.⁵⁵

At its 1850th meeting, on 22 October 1975, the Council adopted by consensus resolution 377 (1975), which had been agreed upon in the course of informal consultations.⁵⁶ Paragraph 1 reads as follows:

The Security Council,

...

1. *Acting in accordance with Article 34 of the Charter of the United Nations and without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974 or to negotiations that the parties concerned and interested might undertake under Article 33 of the Charter, requests the Secretary-General to enter into immediate consultations with the parties concerned and interested and to report to the Security Council as soon as possible on the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the present situation concerning Western Sahara;*

At the 1854th meeting, on 6 November 1974, after informal consultations, the Council adopted by consensus resolution 380 (1975).⁵⁷ Paragraph 3 reads as follows:

The Security Council,

...

3. *Calls upon Morocco and all other parties concerned and interested, without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974 or any negotiations which the parties concerned and interested might undertake under Article 33 of the Charter of the United Nations, to co-operate fully with the Secretary-General in the fulfilment of the mandate entrusted to him in Security Council resolutions 377 (1975) and 379 (1975).*

Throughout the debate concerning Western Sahara, there were numerous references to Article 33, together with Article 34 and Chapter VI.⁵⁸

⁵⁵For relevant statements and explicit references to Article 33 see 1849th mtg.: Morocco, paras. 56 and 57; 1850th mtg.: Algeria, paras. 18 and 122; Morocco, para. 94; Spain, paras. 110 and 112; 1852nd mtg.: Mauritania, para. 101; and 1854th mtg.: Spain, para. 65.

⁵⁶Draft resolution S/11858 was adopted without change as resolution 377 (1975). For the President's declaration and the adoption of the resolution by consensus, see 1850th mtg., para. 19.

⁵⁷Draft resolution S/11870 was adopted without change as resolution 380 (1975). For the President's statement and the adoption of the resolution by consensus, see 1854th mtg., para. 6.

⁵⁸Implicit references to Article 33 and other related provisions occurred frequently throughout the deliberations at the 1849th, 1850th, 1852nd and 1854th mtgs.

CASE 2

Complaint by Greece against Turkey

(In connection with a four-Power draft resolution (S/12187) adopted by consensus as a resolution 395 (1976))

During the Council's deliberations about the Greek complaint that Turkey had repeatedly violated the sovereign rights of Greece on its continental shelf in the Aegean Sea, the majority of the representatives participating in the discussion held that it was up to the parties to seek a solution of their conflict through negotiations. A few expressed a slightly different viewpoint in that they emphasized the Council's primary responsibility for the maintenance of peace and security and for the pacific settlement of disputes; therefore, the Council should take an active role in the tense situation prevailing between the two parties, which had failed so far to resolve their differences, and actively promote the use of the instruments available under Article 33 and Chapter VI as a whole, including resort to the International Court of Justice. If, as the one party claimed, the situation constituted an acute threat to international peace and security, the Council could not remain passive.⁵⁹

The draft resolution that was submitted by the representatives of France, Italy, the United Kingdom and the United States was adopted by the Council at its 1953rd meeting, on 25 August 1976, by consensus as resolution 395 (1976).⁶⁰ Relevant provisions that have a bearing on the interpretation of Article 33 read as follows:

The Security Council,

Bearing in mind the principles of the Charter of the United Nations concerning the peaceful settlement of disputes, as well as the various provisions of Chapter VI of the Charter concerning procedures and methods for the peaceful settlement of disputes,

Noting the importance of the resumption and continuance of direct negotiations between Greece and Turkey to resolve their differences,

Conscious of the need for the parties to respect each other's international rights and obligations and to avoid any incident which might lead to the aggravation of the situation and which, consequently, might compromise their efforts towards a peaceful solution,

1. *Appeals* to the Governments of Greece and Turkey to exercise the utmost restraint in the present situation;
2. *Urges* the Governments of Greece and Turkey to do everything in their power to reduce the present tensions in the area so that the negotiating process may be facilitated;
3. *Calls upon* the Governments of Greece and Turkey to resume direct negotiations over their differences and appeals to them to do everything in their power to ensure that these negotiations will result in mutually acceptable solutions;

...⁶¹

⁵⁹For the relevant statements, including explicit and implicit references to Article 33, see 1949th mtg.: Greece, paras. 7-29; 1950th mtg.: Turkey, paras. 5-26, 40-44; and 1953rd mtg.: France, paras. 34-42; Italy, paras. 13-22; Pakistan, paras. 70-82; Panama, paras. 44-49; Romania, paras. 50-57; United Kingdom, paras. 3-12; and United States, paras. 23-32. There were incidental references to the procedure of peaceful settlement and the role of the Council throughout the debate during the three meetings.

⁶⁰For the detailed procedural history of this case see chapter VIII, part II of the present *Supplement*, under the same title.

⁶¹For the discussion of paragraph 4 of the resolution, see below under Article 36 in this chapter. See also the treatment of chapter VI of the Charter in the present chapter.

CASE 3

Letter dated 25 November 1979 from the Secretary-General and letter dated 22 December 1979 from the representative of the United States

(In connection with the statement of the President dated 27 November 1979 (S/13652); a draft resolution (S/13677) prepared in the course of consultations among members of the Council and adopted as resolution 457 (1979); a draft resolution (S/13711/Rev.1) sponsored by the United States, voted upon and adopted as resolution 461 (1979); and another draft resolution (S/13735) sponsored by the United States, voted upon at the 2191st meeting, on 13 January 1980, and not adopted, owing to the negative vote of a permanent member of the Council)

During the Council's deliberations on the prolonged detention of United States diplomatic personnel in Teheran, the capital of Iran, the Council members and other representatives were initially in agreement that the critical situation could be settled only through the use of the procedures for peaceful settlement as indicated in Chapter VI of the Charter, especially in Article 33. As the crisis deepened, without any indication that the Iranian Government was willing to terminate the detention of the United States diplomatic personnel, the representative of the United States, supported by various other participants in the Council's deliberations, began calling for stronger measures, including the application of sanctions under Chapter VII of the Charter,⁶² despite continuing efforts by the Secretary-General to make available his good offices and despite the appeal by the United States to the International Court of Justice. Ultimately, the Council was divided between those who adhered to the instruments of peaceful settlement of the conflict between Iran and the United States and those who saw no alternative to the imposition of mandatory sanctions against Iran.⁶³

At the 2172nd meeting, on 27 November 1979, the President, on behalf of the Council, made a statement⁶⁴ in which he read out the text of the letter dated 25 November 1979 from the Secretary-General and renewed an appeal issued by the Council on 9 November. The Secretary-General had asked that the Council be convened urgently to seek a peaceful solution to the problem, and the Council expressed determination not to relent in its urgent efforts to seek such a solution in conformity with the principles of justice and international law.

⁶²For the discussion of the measures under Chapter VII in connection with the detention of United States diplomatic personnel in Teheran, see chapter XI, in particular the consideration of the provisions of Article 41, in the present *Supplement*.

⁶³For relevant statements see 2172nd mtg.: President, para. 16; and Secretary-General, paras. 5-10; 2175th mtg.: Bangladesh, paras. 82 and 83; Bolivia, paras. 74 and 75; Gabon, para. 57; Nigeria, para. 107; Norway, para. 29; United States, paras. 23 and 24; Zaire, paras. 145 and 146; and Zambia, para. 96; 2176th mtg.: Canada, paras. 58 and 59; Italy, para. 91; Kuwait, paras. 6-8; Malawi, para. 86 (Article 33 explicit); and Yugoslavia, paras. 115 and 116; 2177th mtg.: Austria, para. 19; and Swaziland, para. 8; 2178th mtg.: Secretary-General, para. 17; 2182nd mtg.: France, para. 60; Federal Republic of Germany, para. 70; Norway, paras. 43 and 44; and United States, para. 20; 2183rd mtg.: Bolivia, paras. 36 and 39; Jamaica, para. 34; and Zambia, paras. 24 and 25; 2184th mtg.: Bangladesh, para. 15; Gabon, paras. 5 and 9; USSR, para. 35; and Zambia, para. 52; and 2191st mtg. and Add.: German Democratic Republic, paras. 75-81; USSR, paras. 46-55; and Zambia, paras. 116 and 117. All these statements contained references to the principle and procedures of peaceful settlement of disputes under the Charter, but with the single exception indicated, did not invoke Article 33 explicitly.

⁶⁴S/13652. For the text see 2172nd mtg., paras. 13-17. See also S/13646, *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979*.

At the 2178th meeting, on 4 December 1979, the Council unanimously adopted a draft resolution,⁶⁵ which had been prepared in the course of consultations among its members, as resolution 457 (1979). It reads, *inter alia*, as follows:

The Security Council,

...
Mindful of the obligation of States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

...
 2. *Further calls upon* the Governments of Iran and the United States of America to take steps to resolve peacefully the remaining issues between them to their mutual satisfaction in accordance with the purposes and principles of the United Nations;

...
 4. *Requests* the Secretary-General to lend his good offices for the immediate implementation of the present resolution and to take all appropriate measures to this end;

At the 2184th meeting, on 31 December 1979, the Council adopted a draft resolution, sponsored by the United States,⁶⁶ by 11 votes to none, with 4 abstentions, as resolution 461 (1979). It reads, *inter alia*, as follows:

The Security Council,

...
Mindful of the obligation of States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

...
 4. *Reiterates its request* to the Secretary-General to lend his good offices and to intensify his efforts with a view to assisting the Security Council in achieving the objectives called for in the present resolution, and in this connection takes note of his readiness to go personally to Iran:

5. *Requests* the Secretary-General to report to the Security Council on his good offices efforts before the Council meets again;

At the 2191st meeting, on 11 January 1980, the representative of the United States submitted a draft resolution,⁶⁷ which contained, *inter alia*, provisions referring to Article 33; they read as follows:

The Security Council,

...
Mindful of the obligation of States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered and, to that end, to respect the decision of the Security Council,

...
Reiterating that once the hostages have been safely released, the Governments of Iran and the United States of America should take steps to resolve peacefully the remaining issues between them to their mutual satisfaction in accordance with the purposes and principles of the United Nations,

At the 2191st meeting, which was resumed on 13 January 1980, the draft resolution, which provided for mandatory sanctions under Articles 39 and 41,⁶⁸ was put to the vote and received 10 votes to 2, with 2 abstentions; one member did not participate in the voting; the draft

was not adopted owing to the negative vote of a permanent member of the Council.⁶⁹

CASE 4

The situation between Iran and Iraq

(In connection with the statement of the President dated 23 September 1980 (S/14190); a draft resolution (S/14201) sponsored by Mexico and adopted unanimously as resolution 479 (1980); and the statement of the President dated 5 November 1980 (S/14244))

During the Council's deliberations regarding the war between Iran and Iraq, the members of the Council and one of the parties stated their strong belief that the military conflict between the two neighbours should be settled as quickly as possible through negotiations based on an immediate cease-fire and that all efforts at settlement should be pursued with the good offices of the Secretary-General encouraged and monitored by the Council in accordance with its mandate under the Charter. The other party considered the even-handed approach to the war as unjust and inadequate since peace in justice could be restored if the responsibility for the outbreak of the war were to be documented by the United Nations and if the aggressor were to be punished.⁷⁰

On 23 September 1980, following consultations that the Secretary-General had requested in view of the escalation of the conflict between Iran and Iraq, the President issued a statement⁷¹ on behalf of the members of the Council. It reads, *inter alia*, as follows:

...
 The members of the Council welcome and fully support the appeal of the Secretary-General, addressed to both parties on 22 September 1980, as well as the offer that he has made of his good offices to resolve the present conflict.

The members of the Council have asked me to appeal, on their behalf, to the Governments of Iran and Iraq, as a first step towards a solution of the conflict, to desist from all armed activity and all acts that may worsen the present dangerous situation and to settle their dispute by peaceful means.

At the 2248th meeting, on 28 September 1980, the Council unanimously adopted a draft resolution⁷² sponsored by Mexico, which had been prepared in the course of lengthy consultations, as resolution 479 (1980). It reads, *inter alia*, as follows:

The Security Council,

...
Mindful that all Member States have undertaken, under the Charter of the United Nations, the obligation to settle their international disputes by peaceful means and in such a manner that international peace and security and justice are not endangered,

...
 1. *Calls upon* Iran and Iraq to refrain immediately from any further use of force and to settle their dispute by peaceful means and in conformity with principles of justice and international law;

⁶⁹For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

⁷⁰For the relevant statements, see 2247th mtg.: Mexico, paras. 20-26; Norway, paras. 29-33; and Secretary-General, paras. 6-12; 2248th mtg.: Bangladesh, paras. 88-91; France, paras. 55-60; German Democratic Republic, paras. 104 and 105; Iraq, paras. 127 and 128; Japan, paras. 138-140; Philippines, paras. 113-117; USSR, paras. 78-80; and United States, paras. 32-45; 2250th mtg.: Cuba, paras. 56-58; 2151st mtg.: Iran, paras. 5-38; and United States, paras. 69-93; 2252nd mtg.: German Democratic Republic, paras. 64 and 65 (invoking Article 33 explicitly); and United States, paras. 31-36; 2253rd mtg.: Philippines, paras. 13-24; and United Kingdom, paras. 5-11; and 2254th mtg.: China, paras. 44-47; France, paras. 7-20; Jamaica, paras. 25-32; Portugal, paras. 77-82; USSR, paras. 89-94; and Tunisia, paras. 61-72.

⁷¹S/14190. For the full text, see *OR, 35th yr., Resolutions and Decisions of the Security Council, 1980*.

⁷²S/14201, adopted without change as resolution 479 (1980).

⁶⁵S/13677, adopted without change as resolution 457 (1979).

⁶⁶S/13711/Rev.1, adopted without change as resolution 461 (1979).

⁶⁷S/13735, *OR, 35th yr., Suppl. for Jan.-March 1980*.

⁶⁸For the analysis of the Council's activities with regard to Articles 39 and 41, see chapter XI of the present *Supplement*.

2. Urges them to accept any appropriate offer of mediation or conciliation or to resort to regional agencies or arrangements or other peaceful means of their own choice that would facilitate the fulfilment of their obligations under the Charter of the United Nations;

4. Supports the efforts of the Secretary-General and the offer of his good offices for the resolution of this situation;

On 5 November 1980, the President of the Council issued the following statement,⁷³ which reads, *inter alia*, as follows:

During recent days, members of the Security Council have continued intensive consultations about the situation between Iran and Iraq. Their aim continues to be to bring an early end to the hostilities and to bring

⁷³S/14244. For the full text, see *OR, 35th yr., Resolutions and Decisions of the Security Council, 1980*, pp. 23 and 24.

about a peaceful settlement of the dispute in accordance with the purposes and principles of the Charter of the United Nations.

Members of the Council are deeply concerned that hostilities continue, with resulting loss of life and material damage. They continue to urge that all concerned be guided by Member States' obligations under the Charter to settle their international disputes by peaceful means and in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.

The Secretary-General has participated fully in the Council's consultations. Members of the Council have reiterated their full support for the use of his good offices to bring about peaceful negotiations between Iran and Iraq with a view to arriving at a just solution to their differences.⁷⁴

⁷⁴For the detailed procedural history of this case, see chapter VIII, part II, under the same title.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER

NOTE

During the period under review, the Council invoked Article 34 explicitly in three resolutions adopted consecutively in connection with the same issue.⁷⁵ This case, as well as a few others, gave rise to some constitutional discussion regarding the interpretation and application of this Article.⁷⁶

The five case histories entered in this part relate in varying degrees to the functions of investigation by the Council as envisaged in Article 34; in two of these instances the stated purpose of the proposed investigation was to determine whether the particular situation was indeed likely to endanger the maintenance of international peace and security.⁷⁷ In a third instance, the Council agreed to dispatch a mission to assess the needs of a Member State in pursuing its development projects in the face of hostile acts committed by the illegal régime in Southern Rhodesia.⁷⁸ In a fourth instance, the Council established a commission to examine the situation in the occupied Arab territories.⁷⁹ In a fifth instance, the Council set up an *ad hoc* committee so that it could assist the Council in the implementation of a programme of assistance, which the committee proposed following a fact-finding mission to Zambia in order to establish the extent of damages incurred from Southern Rhodesian aggressive acts.⁸⁰

In connection with its consideration of the situation in Timor, the Council apparently invoked Article 34 in requesting the Secretary-General to send urgently a special representative⁸¹ to East Timor for the purpose of making an on-the-spot assessment of the existing situation and of establishing contact with all the parties in the

⁷⁵See case 5 below, in connection with the situation concerning Western Sahara.

⁷⁶Not all case histories involve constitutional discussion, of which there was little during the period under review. Case 9, for instance, did not contain any constitutional material.

⁷⁷See case 5 below, in connection with the situation concerning Western Sahara, and case 7 below, in connection with the complaint by Benin.

⁷⁸See case 6 below, in connection with the complaint by Botswana.

⁷⁹See case 8 below, in connection with the situation in the occupied Arab territories.

⁸⁰See case 9 below, in connection with the complaint by Zambia.

⁸¹For further details regarding the role of such special representatives, see chapter V in the present *Supplement*.

Territory and all States concerned in order to ensure the implementation of the Council's resolution.⁸² Several representatives emphasized the importance of the fact-finding mission, but pointed out that it had been requested merely to ensure the implementation of the Council's resolution.⁸³

On several occasions during the period under review, suggestions were made that the Council consider the dispatch of fact-finding missions for the purposes of inquiry and information-gathering in connection with issues that the Council had taken up or was asked to consider. Concerning an incident in February 1976 involving Somalia and France, the representative of Somalia supported a proposal to send a fact-finding mission to the area.⁸⁴ In a letter dated 14 April 1976,⁸⁵ the representative of Oman, as Chairman of the Arab Group for that month, requested the Secretary-General to send a personal representative or another suitable representative to Palestine to look into the question of secret land acquisitions by Israel in the occupied Arab territories and to report to the Secretary-General the facts and findings of this investigation. In a letter dated 6 July 1976,⁸⁶ the representative of the Ivory Coast transmitted to the President of the Council the text of a statement by the President of the Ivory Coast, in which the United Nations was called upon to dispatch a mission as soon as possible to verify the accuracy or inaccuracy of the accusations that had been made by Guinea against the Ivory Coast regarding "aggression by mercenaries" allegedly organized from within the borders of Senegal and the Ivory Coast. At the 1945th meeting, on 28 July 1976, during the consideration of the complaint by Zambia against South Africa, the representative of Liberia asked whether South Africa would accept and co-operate with a fact-finding mission of the Council and make available to that mission all relevant information regarding the Zambian charges; she requested a reply from South Africa so that

⁸²Resolution 384 (1975), paras. 4 and 5. The resolution was adopted at the 1869th meeting (para. 12) on 2 December 1975.

⁸³For the relevant statements, see 1864th mtg.: Mr. Horta, para. 134; 1869th mtg.: France, paras. 93 and 94; Italy, paras. 85-87; Japan, paras. 43-45; and United Republic of Tanzania, paras. 76-78.

⁸⁴See 1889th mtg.: Somalia, para. 95, in connection with the consideration of communications from France and Somalia concerning the incident of 4 February 1976.

⁸⁵S/12053, *OR, 31st yr., Suppl. for April-June 1976*.

⁸⁶S/12125, *ibid., Suppl. for July-Sept 1976*.

the suggestions could be taken into consideration in preparing a draft resolution.⁸⁷

At the 2151st meeting, on 20 June 1979, when the Council considered the letters dated 13 and 15 June 1979 from the representative of Morocco, the Moroccan representative indicated his Government's willingness to facilitate any investigation the Council might consider necessary to ascertain the veracity of the facts about the acts of aggression that he had reported in his letters.⁸⁸

During the Council's consideration of the letter dated 25 November 1979 from the Secretary-General with regard to the detention of United States diplomatic personnel in Teheran, there was what might be seen as a reference to the power of the Council under Article 34 in the suggestion by the representative of Egypt that the Council might send a good-will mission to Iran to examine the situation and to seek to obtain the release of the hostages.⁸⁹ In a report to the Council, on 6 January 1980, the Secretary-General noted that he had discussed with the Iranian authorities the establishment of an international inquiry committee that would investigate the allegations of human rights violations and other illegal acts by the previous régime in Iran.⁹⁰ The function of that commission would have had a remote relationship with the functions stated in Article 34.

During the period under review, the suggestion to send a fact-finding mission to Cyprus to investigate the bases of the communal conflict was renewed in a number of Council meetings without leading to a formal proposal for the Council's decision.⁹¹

Article 34 was explicitly invoked in connection with several issues presented in the cases below and once in connection with the letters dated 13 and 15 June 1979 from the representative of Morocco.⁹²

CASES

Situation concerning Western Sahara

(In connection with a draft resolution (S/11858) arrived at as a result of consultations and adopted by consensus on 22 October 1975 as resolution 377 (1975))

During the Council's consideration of the situation in the Western Sahara, one of the parties, supported by a large number of members of the Council and other representatives, proposed that in view of the great danger in the region the Council, which was legitimately concerned with the question in accordance with Article 34 of the Charter, should decide to dispatch a mission to establish in detail the prevailing situation and to advise

⁸⁷ See 1945th mtg., paras. 124-128, in connection with the complaint by Zambia against South Africa.

⁸⁸ 2151st mtg.: Morocco, para. 43. At the 2153rd meeting, on 22 June 1979, the representative of Madagascar suggested that the Council should envisage taking more forceful action than the steps under Articles 34 and 35 suggested by the representative of Morocco (2153rd mtg., para. 39). The Council took no action on the matter raised by Morocco.

⁸⁹ See 2176th mtg.: Egypt, para. 35. The possible connection with Article 34 is merely suggested.

⁹⁰ See S/13730, OR, 35th yr., Suppl. for Jan.-March 1980, for the report of the Secretary-General in pursuance of Council resolutions 457 (1979) and 461 (1979).

⁹¹ In connection with the situation in Cyprus, see 1813th mtg.: USSR, para. 204; 1814th mtg.: Cyprus, paras. 60-63; 1815th mtg.: Bulgaria, para. 135; 1817th mtg.: USSR, para. 150; and Cyprus, para. 192; 1818th mtg.: Cyprus, para. 84; 1926th mtg.: Cyprus, para. 219; 1979th mtg.: USSR, para. 219; and 2055th mtg.: Cyprus, paras. 160-162. For an explanation of why the Turkish Cypriots did not share the wish for such a mission of inquiry, see 1819th mtg.: Mr. Celik, paras. 125, 130 and 131.

⁹² 2153rd mtg.: Madagascar, para. 39. The representative invoked Articles 34 and 35 and suggested that the Council had obligations beyond the mandate of these two articles in the issue under consideration.

appropriate measures by the Council to maintain peace and security. Another party to the conflict argued however, citing Articles 34 and 35 of the Charter, that there was no justification for the Council's involvement as there was no new dispute or situation in Western Sahara.⁹³

At the 1850th meeting, on 22 October 1975, the President announced that as a result of most intensive consultations among the members of the Council agreement had been reached⁹⁴ on the text of a draft resolution.⁹⁵ At the same meeting, in the absence of objections, he declared the draft resolution adopted by consensus as resolution 377 (1975).⁹⁶ Its paragraph 1 reads as follows:

The Security Council,

1. Acting in accordance with Article 34 of the Charter of the United Nations and without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974 or to negotiations that the parties concerned and interested might undertake under Article 33 of the Charter, requests the Secretary-General to enter into immediate consultations with the parties concerned and interested and to report to the Security Council as soon as possible on the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the present situation concerning Western Sahara;

Under its resolutions 379 (1975) of 2 November 1975 and 380 (1975) of 6 November 1975, the Council reiterated that request and appealed to the parties to co-operate fully with the Secretary-General in his effort to fulfil the mandate of the Council.⁹⁷

CASE 6

Complaint by Botswana against the illegal régime in Southern Rhodesia

(In connection with a draft resolution (S/12276) submitted by Benin, India, the Libyan Arab Republic, Mauritius, Pakistan, Panama, Romania and Venezuela, voted upon and adopted as resolution 403 (1977))

During the Security Council's consideration of the complaint of the Government of Botswana that the illegal régime in Southern Rhodesia had repeatedly committed serious acts of aggression against Botswana and had gravely violated its territorial sovereignty, the representative of Botswana requested not only international assistance for his country but also expressed the wish that the Council dispatch as soon as possible a fact-finding mission to assess its needs in carrying out its development projects in the face of hostile and provocative acts committed by the Southern Rhodesian régime. When the Council took up the report of that mission, several members referred to the mission in terms of the function assigned to the Council under Article 34. However, no constitutional discussion arose about this situation.⁹⁸

At the 1985th meeting, on 14 January 1977, the representative of Mauritius, speaking on behalf of the eight sponsors (Benin, India, the Libyan Arab Republic, Mauritius, Pakistan, Panama, Romania and Venezuela),

⁹³ For the relevant statements, see 1849th mtg.: Morocco, paras. 42-45, 58-61; Mauritania, paras. 78-80; and Spain, paras. 89-91; 1850th mtg.: Algeria, paras. 17 and 18; and Spain, paras. 110-112. The representatives of Algeria, Guyana, Morocco and Spain invoked Article 34 explicitly.

⁹⁴ 1850th mtg., para. 3.

⁹⁵ S/11858, adopted without change as resolution 377 (1975).

⁹⁶ 1850th mtg., para. 19.

⁹⁷ Resolutions 379 (1975), para. 2, and 380 (1975), para. 3. For the detailed procedural history of this case see chapter VIII, part II, under the same title.

⁹⁸ For the relevant statements, see 1983rd mtg.: Botswana, para. 43; 1985th mtg.: Secretary-General, para. 206; 2006th mtg.: President (Benin), para. 5; Secretary-General, paras. 7-17, and Sierra Leone, para. 57; and 2008th mtg.: India, para. 35.

introduced the draft resolution.⁹⁹ At the same meeting, the President put the draft to the vote; it was adopted by 13 votes to none, with 2 abstentions, as resolution 403 (1977).¹⁰⁰ Its paragraph 6 reads as follows:

The Security Council,

6. *Accepts* the invitation of the Government of Botswana to dispatch a mission to assess the needs of Botswana in carrying out its development projects under the present circumstances and, accordingly, requests the Secretary-General, in collaboration with appropriate organizations of the United Nations system, to organize with immediate effect financial and other forms of assistance to Botswana and to report to the Security Council not later than 31 March 1977;

CASE 7

Complaint by Benin

(In connection with a draft resolution (S/12282) submitted by Benin, the Libyan Arab Republic and Mauritius, revised and adopted, as amended, by consensus as resolution 404 (1977))

When the Council considered the complaint by Benin that on 16 January 1977 imperialists and their mercenaries had attacked the airport and city of Cotonou, the representative of Benin requested that the Council investigate the events fully in order to establish the veracity of the charges brought against the anonymous aggressors and to accept that the events threatened the peace in that region of Africa. Members of the Council were more or less unanimous in their support for the suggested fact-finding mission which was based on the mandate spelled out in Article 34.¹⁰¹

At the 1986th meeting, on 7 February 1977, the representative of Mauritius introduced a draft resolution¹⁰² sponsored by Benin, the Libyan Arab Republic and Mauritius; the text was subsequently revised in that the second operative paragraph was somewhat reworded and a new fourth operative paragraph was inserted. At the end of the 1987th meeting, on 8 February 1977, the President announced that members of the Council were agreed that the draft resolution might be adopted by consensus and declared it adopted as resolution 404 (1977).¹⁰³ Its second to fourth paragraphs read as follows:

The Security Council,

2. *Decides* to send a Special Mission composed of three members of the Security Council to the People's Republic of Benin in order to investigate the events of 16 January 1977 in Cotonou and report not later than the end of February 1977;

3. *Decides* that the members of the Special Mission will be appointed after consultations between the President and the members of the Security Council;

4. *Requests* the Secretary-General to provide the Special Mission with the necessary assistance;

⁹⁹S/12276, adopted without change as resolution 403 (1977).

¹⁰⁰For the vote, see 1985th mtg., para. 202. For the detailed procedural history, see chapter VIII, part II, under the same title.

¹⁰¹For the relevant statements see 1986th mtg.: Algeria, para. 118; Benin, para. 40; Guinea, para. 106; Madagascar, para. 84; Mauritius, para. 47; and Rwanda, para. 56; 1987th mtg.: China, para. 55; France, para. 31; India, para. 60; Libyan Arab Republic, para. 21; Mali, para. 112; Pakistan, para. 51; Panama, para. 120; Romania, para. 40; Somalia, para. 97; Togo, para. 68; and USSR, para. 10. The discussion of the complaint by Benin did not give rise to any constitutional argument about Article 34.

¹⁰²S/12282, slightly revised and adopted as resolution 404 (1977).

¹⁰³For the reference to the revised draft resolution (S/12282/Rev.1), see 1987th mtg., para. 3; for its adoption, see *ibid.*, para. 123.

The Special Mission admitted its report,¹⁰⁴ which was considered during the 2000th-2005th meetings of the Council in April 1977.

CASE 8

Situation in the occupied Arab territories

(In connection with a draft resolution (S/13171) submitted by Bangladesh, Kuwait, Nigeria and Zambia, revised and adopted by vote as resolution 446 (1979), and a draft resolution (S/13827) prepared in the course of consultations and adopted unanimously as resolution 465 (1980))

During the Council's extended deliberations regarding the Arab territories occupied by Israel since 1967, it was proposed that the Council send a Mission composed of Council members to the area to investigate the conditions prevailing there in order to expose the practices of the occupation authorities and thereby to initiate some progress towards a peaceful settlement as envisaged in resolution 242 (1967). Several Council members recognized in principle the usefulness of such investigations as authorized in Article 34, but held that in the current phase of peace efforts in the Middle East such an engagement might serve merely to complicate matters.¹⁰⁵

At the 2128th meeting, on 16 March 1979, the representative of Kuwait introduced the draft resolution,¹⁰⁶ which was sponsored by Bangladesh, Kuwait, Nigeria and Zambia. The text was twice revised in that part of paragraph 8 was deleted and the number of Council members to form the fact-finding mission was reduced from five to three.¹⁰⁷ At the 2134th meeting, on 22 March 1979, the draft resolution as revised was put to the vote and adopted by 12 votes to none, with 3 abstentions, as resolution 446 (1979).¹⁰⁸ Its fourth to sixth paragraphs read as follows:

The Security Council,

4. *Establishes* a commission consisting of three members of the Security Council, to be appointed by the President of the Council, after consultation with the members of the Council, to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem;

5. *Requests* the Commission to submit its report to the Security Council by 1 July 1979;

6. *Requests* the Secretary-General to provide the Commission with the necessary facilities to enable it to carry out its mission;

¹⁰⁴S/12294 and Add.1, OR, 32nd yr., Special Supplement No. 3 (S/12294/Rev.1). For the complete procedural history of this case, see chapter VIII, part II, under the same title. See also chapter V for a case history of the Mission as a subsidiary organ of the Council.

¹⁰⁵For the relevant statements, see 2123rd mtg.: Jordan, para. 74; 2134th mtg.: Bangladesh, paras. 61 and 62; Bolivia, para. 122; Israel, paras. 170 and 171; Jordan, para. 152; Kuwait, paras. 20 and 25; United Kingdom, para. 56; and United States, para. 129; 2156th mtg.: Egypt, para. 161; Israel, paras. 64, 68-70, 72, 73, 104 and 105; Jordan, para. 120; Palestine Liberation Organization, paras. 184-187; and Portugal (Chairman), paras. 11-24; 2157th mtg.: France, paras. 40 and 41; and Kuwait, para. 22; 2159th mtg.: President (United Kingdom), paras. 46 and 48; and United States, para. 23; and 2202nd mtg.: Mexico, paras. 89-94.

¹⁰⁶S/13171, slightly modified and adopted as resolution 446 (1979). For the statement introducing the draft resolution, see 2128th meeting: Kuwait, paras. 24-33.

¹⁰⁷The first revision (S/13171/Rev.1) involved the deletion of part of paragraph 8. The second revision (S/13171/Rev.2) affected the number of Council members to form the mission and established the method of selecting its composition.

¹⁰⁸For the vote, see 2134th mtg., para. 113. For the detailed procedural history, see chapter VIII, part II, under the same title.

The Commission submitted a first report¹⁰⁹ on 12 July 1979 and, at the request of the Council, submitted a second report¹¹⁰ on 4 December 1979.

At the 2203rd meeting, on 1 March 1980, the President drew attention to the text of a draft resolution¹¹¹ that had been prepared in the course of consultations. The draft resolution was then put to the vote and adopted unanimously as resolution 465 (1980).¹¹² It reads, *inter alia*, as follows:

The Security Council,

1. *Commends* the work done by the Security Council Commission established under resolution 446 (1979) in preparing the report contained in document S/13679;

8. *Requests* the Commission to continue to examine the situation relating to settlements in the Arab territories occupied since 1967, including Jerusalem, to investigate the reported serious depletion of natural resources, particularly the water resources, with a view to ensuring the protection of those important natural resources of the territories under occupation, and to keep under close scrutiny the implementation of the present resolution;

9. *Requests* the Commission to report to the Security Council before 1 September 1980 and decides to convene at the earliest possible date thereafter in order to consider the report and the full implementation of the present resolution.

The Commission submitted its report¹¹³ on 25 November 1980.

CASE 9

Complaint by Zambia

(In connection with a draft resolution (S/13645) sponsored by Bangladesh, Gabon, Jamaica, Kuwait, Nigeria and Zambia and adopted by consensus as resolution 455 (1979))

When the Council considered the complaint by Zambia in November 1979 regarding renewed and intensified acts

¹⁰⁹S/13450 and Corr.1 and Add.1, *OR*, 34th yr., *Suppl. for July-Sept. 1979*.

¹¹⁰S/13679, *ibid.*, *Suppl. for Oct.-Dec. 1979*.

¹¹¹S/13827, adopted without change as resolution 465 (1980).

¹¹²For the President's statement and the vote, see 2203rd mtg., paras. 3-5 and 13. For the detailed procedural history, see chapter VIII, part II, under the same title.

¹¹³S/14268, *OR*, 35th yr., *Suppl. for Oct.-Dec. 1980*.

of aggression by the illegal régime in Southern Rhodesia against vital rail and road bridges throughout Zambia, the discussion was brief and focused on the steps to be taken for Zambia to be able to obtain compensation for the damages suffered and to continue its policy of implementing the sanctions that the Security Council had imposed against Southern Rhodesia. The *Ad Hoc* Committee set up by the Council under resolution 455 (1979) decided to pay a visit to Zambia and to inspect the various sites of the Southern Rhodesian aggression in order to carry out more effectively the task set out in the resolution.¹¹⁴

At the 2171st meeting, on 23 November 1979, the President drew attention to a draft resolution¹¹⁵ sponsored by Bangladesh, Gabon, Jamaica, Kuwait, Nigeria and Zambia.¹¹⁶ During the same meeting, the draft resolution was adopted by consensus as resolution 455 (1979).¹¹⁷ It reads, *inter alia*, as follows:

The Security Council,

1. *Strongly condemns* the illegal régime in the British colony of Southern Rhodesia for its continued, intensified and unprovoked acts of aggression against the Republic of Zambia, which constitute a flagrant violation of the sovereignty and territorial integrity of Zambia;

5. *Calls* for the payment of full and adequate compensation to the Republic of Zambia by the responsible authorities for the damage to life and property resulting from the acts of aggression;

6. *Further calls upon* all Member States and international organizations urgently to extend material and other forms of assistance to the Republic of Zambia in order to facilitate the immediate reconstruction of its economic infrastructure;

7. *Decides* to establish an *ad hoc* committee composed of four members of the Security Council, to be appointed by the President after consultation with members, in order to assist the Council in the implementation of the present resolution, in particular paragraphs 5 and 6 thereof, and report to the Council by 15 December 1979;

¹¹⁴For the relevant statements, see the deliberations at the 2171st mtg. on 23 November 1979, especially the opening statement by the representative of Zambia. For the decision of the *Ad Hoc* Committee to visit Zambia for the purposes of fact-finding and of meeting with officials of the Government, see the letter dated 6 December 1979 (S/13681, *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979*) from the Chairman of the *Ad Hoc* Committee transmitting an interim report of the Committee adopted on that date.

¹¹⁵S/13645, adopted without change as resolution 455 (1979).

¹¹⁶2171st mtg., para. 3.

¹¹⁷*Ibid.*, para. 94. For the detailed procedural history, see chapter VIII, part II, under the same title, and the case history in chapter V.

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER

NOTE

During the period under review, 37 questions involving the maintenance of international peace and security were brought to the attention of the Council. In three cases, requests were submitted by subsidiary organs of the General Assembly;¹¹⁸ and in two cases, the Secretary-General submitted items relating to peace and security.¹¹⁹ In all other cases, the requests under Article 35 were brought to the attention of the Council by Members of the United Nations. The relevant data

regarding the submission of these questions are summarized in the appended tabulation.¹²⁰

The Council has continued to consider, at the request of the parties or other Members of United Nations or, in one instance, a committee of the General Assembly, questions that previously had been included in the agenda: the situation in Cyprus; the situation in the Middle East; the situation in Southern Rhodesia; complaint by Zambia; and the situation in Namibia.

¹²⁰The tabulation was expanded to include sections A-G in line with the scheme utilized in the original *Repertoire 1946-1951*, but the heading of section F was reworded to include questions submitted by the General Assembly or its subsidiary organs.

¹¹⁸For details see the tabulation, section F.

¹¹⁹For details see the tabulation, section G.

SUBMISSION BY MEMBERS OF THE UNITED NATIONS

Members of the United Nations have generally submitted questions to the Council by means of a communication to the President of the Council.¹²¹ Article 35 was cited four times¹²² as the basis of submission.¹²³

No question was submitted by Members to the Council as a dispute. In 22 instances¹²⁴ questions were explicitly described as situations. In 26 cases¹²⁵ the letter of submission contained terms similar to those of Article 39. In several instances, the request for the Council to consider a question did not specify circumstances or give other details.¹²⁶ In one case, the Council was asked to hold consultations on the matter submitted for its consideration.¹²⁷ The Council was also asked to resume consideration of a question,¹²⁸ to remain seized of a matter,¹²⁹ to consider recent developments¹³⁰ and to examine reports of the Secretary-General.¹³¹ In three instances, the Council was requested to consider the defiance by Member States of resolutions of the Council.¹³²

With regard to the situation concerning Western Sahara, the Council was requested to convene to dissuade the Moroccan Government from carrying out the announced invasion of Western Sahara,¹³³ to consider the refusal of the Government of Morocco to halt the invasion¹³⁴ and to discuss the violation of the Western Saharan frontier.¹³⁵

In connection with the situation in the Middle East, Council meetings were requested to consider Israeli attacks on refugee camps and villages in Lebanon,¹³⁶ continuous acts of terror and violence perpetrated from Lebanese territory against Israel,¹³⁷ to discuss the escalation of Israeli attacks,¹³⁸ to help consolidate a *de facto* cease-fire¹³⁹ and to deliberate on persistent designs by Israel to alter the status of Jerusalem.¹⁴⁰

Regarding the situation in the Comoros, the African Group requested the Council to meet in order to consider the political situation of that country.¹⁴¹ In another case, an urgent meeting was requested in order to consider a serious incident on the frontier between the French Territory of the Afars and the Issas and the Somali Republic;¹⁴² and another meeting was requested on the

same item since the other party had not reciprocated the serious, meaningful efforts to settle the matter peacefully.¹⁴³

Meetings concerning the occupied Arab territories were requested to consider the practices of the Israeli occupation authorities with regard to settlement and colonization and the accelerating erosion of the status of Jerusalem,¹⁴⁴ to consider the expulsion of two mayors and a judge¹⁴⁵ and to consider assassination attempts and arbitrary detention.¹⁴⁶

Following killings and violence in Soweto and other areas of South Africa, two requests were submitted that the Council consider the repression of the African population by the *apartheid* régime.¹⁴⁷ In another case, one party requested a Council meeting for the consideration of repeated violations of its sovereign rights on its continental shelf by the other party.¹⁴⁸ Lesotho requested that the Council meet following the closure of the border by South Africa between the south-eastern part of Lesotho and "Transkei".¹⁴⁹ Tension between Botswana and the minority régime in Southern Rhodesia endangering the security of the former led Botswana to seek a meeting of the Council.¹⁵⁰ The Government of Guinea, committed to the struggle to eliminate all mercenary practices in Africa, joined in calling for a meeting of the Council to hear the complaint by Benin.¹⁵¹

Several times when the question of South Africa was on the agenda, the meetings had been requested so that the Council could deal with the repressive measures of the Pretoria authorities against the South African people,¹⁵² that it consider the establishment of a body to supervise the implementation of the mandatory arms embargo under resolution 418 (1977),¹⁵³ and in connection with the declared intent of the South African Government to execute Solomon Mahlangu.¹⁵⁴

Mozambique requested a Council meeting with regard to the increased tension between the Southern Rhodesian régime and Mozambique, further escalated by an attack by the minority régime.¹⁵⁵ In connection with the situation in Southern Rhodesia, Council meetings were requested to extend an invitation to the Secretary-General to appoint a representative to enter into discussions with the British Resident Commissioner and all the parties in Southern Rhodesia,¹⁵⁶ and to consider the Southern Rhodesia Constitution Order 1979, providing for the assumption of full legislative and executive authority over Southern Rhodesia by a British governor.¹⁵⁷

When the Council was seized with the detention of United States diplomatic personnel in Teheran, the Council was asked to meet to consider what might be done to secure the release of the detained diplomats;¹⁵⁸ it was also requested to convene in view of the "war psychosis" created by the United States and the American threat to the peace and security of Iran, the region and the world.¹⁵⁹ In another case, the Iranian Government

¹²¹In only four cases were communications sent to the Secretary-General. See tabulation, entries 2, 13 (ii), 33 (ii) and 37.

¹²²For these cases, see tabulation, entries 3 (i), 14 (together with Article 1), 20 (i) and 35.

¹²³In four instances, Charter Articles were cited in the letter of submission: see the tabulation, entry 2 invoking Articles 5, 6 and 41; item 8 (iii) invoking Article 33; item 10 citing Article 50; and item 39 in which Chapter VII was invoked.

¹²⁴See tabulation, entries 1 (ii); 4 (i), (iii), (viii) and (xi); 6; 7 (ii); 11; 12 (ii) and (v); 21 (v), (ix) and (x); 23 (ii) and (vi); 24; 27; 28 (ii); 30 (i)-(iii); and 34.

¹²⁵See tabulation, entries 4 (ii); (iv) and (ix); 5; 7 (i); 8 (ii); 9; 10; 14; 15 (i); 16 (i)-(iii); 20 (i) and (iii); 24; 25 (i) and (ii); 26 (i)-(iv); 29 (i) and (ii); 31; and 32.

¹²⁶See tabulation, entries 1 (i) and (iii); and 21 (i) and (viii). Mention should be made of the unusual request by Mexico for a meeting of the Council to seek measures under Articles 5, 6 and 41 against the Franco régime in Spain (entry 2).

¹²⁷See tabulation, entry 21 (vii).

¹²⁸See tabulation, entry 21 (iv).

¹²⁹See tabulation, entry 21 (x).

¹³⁰See tabulation, entries 23 (iii) and (iv).

¹³¹See tabulation, entry 4 (vi).

¹³²See tabulation, entries 12 (iv) and (vii); and 28 (i).

¹³³See tabulation, entry 3 (i).

¹³⁴See tabulation, entry 3 (ii).

¹³⁵See tabulation, entry 3 (iii).

¹³⁶See tabulation, entry 4 (i).

¹³⁷See tabulation, entry 4 (v).

¹³⁸See tabulation, entry 4 (vii).

¹³⁹See tabulation, entry 4 (ix).

¹⁴⁰See tabulation, entry 4 (xii).

¹⁴¹See tabulation, entry 7 (ii).

¹⁴²See tabulation, entry 8 (i).

¹⁴³See tabulation, entry 8 (iii).

¹⁴⁴See tabulation, entry 12 (iii).

¹⁴⁵See tabulation, entry 12 (vi).

¹⁴⁶See tabulation, entry 12 (viii).

¹⁴⁷See tabulation, entries 13 (i) and (ii).

¹⁴⁸See tabulation, entry 17.

¹⁴⁹See tabulation, entry 18.

¹⁵⁰See tabulation, entry 19.

¹⁵¹See tabulation, entry 20 (ii).

¹⁵²See tabulation, entry 21 (ii).

¹⁵³See tabulation, entry 21 (iii).

¹⁵⁴See tabulation, entry 21 (vi).

¹⁵⁵See tabulation, entry 22.

¹⁵⁶See tabulation, entry 23 (i).

¹⁵⁷See tabulation, entry 23 (v).

¹⁵⁸See tabulation, entry 33 (i).

¹⁵⁹See tabulation, entry 33 (ii).

welcomed the request by the Secretary-General for a Council meeting but asked to postpone the formal deliberations until after a major Islamic holiday.¹⁶⁰ Subsequently, the United States requested another meeting of the Council since the continued detention of the hostages jeopardized international order.¹⁶¹

A meeting of the Council was requested in view of an illegal action taken by the other party, which also constituted a threat to regional and international peace.¹⁶² When the war broke out between Iran and Iraq, two other Members requested that the Council meet urgently to consider the ongoing conflict.¹⁶³

SUBMISSION BY STATES NOT MEMBERS OF THE UNITED NATIONS

During the period under review, there was no request by a non-Member State for a meeting of the Security Council.

SUBMISSION BY THE GENERAL ASSEMBLY OR ITS SUBSIDIARY ORGANS

During the period under review, three committees of the General Assembly requested that the Council be convened to consider matters that both the Council and the subsidiary organs of the Assembly were dealing with. In one case, the Chairman of the Special Committee against *Apartheid* endorsed the recommendation of a United Nations Seminar on Nuclear Collaboration with South Africa that the Council should urgently consider the situation arising from the efforts of the *apartheid* régime to acquire nuclear weapon capability.¹⁶⁴ On another occasion, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples requested, in connection with the situation in Namibia, the Council to convene urgently to consider imposing comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter.¹⁶⁵

On three occasions, the Chairman of the Committee on the Exercise of the Inalienable Rights of the

Palestinian People submitted formal requests for the Council to be convened so that recommendations proposed by the Committee and endorsed by the General Assembly could be considered for adoption by the Council itself.¹⁶⁶

SUBMISSION BY THE SECRETARY-GENERAL

On three occasions during the period under review, the Secretary-General formally requested that the Council meet urgently to consider issues that posed a threat to international peace and security. In one case, following the detention of United States diplomatic personnel in Teheran, he asked that the Council be convened to consider this serious threat.¹⁶⁷ In connection with the situation between Iran and Iraq, the Secretary-General first requested that the Council meet in consultation,¹⁶⁸ and then asked for an urgent meeting of the Council¹⁶⁹ to discuss the escalating conflict between the two neighbouring countries.

PROCEDURAL CONSEQUENCES OF SUBMISSION UNDER ARTICLE 35

Communications submitting questions for consideration by the Council were dealt with in accordance with rules 6-9 of the provisional rules of procedure;¹⁷⁰ material relating to the application of these rules is contained in chapter II, parts II and III, of the present *Supplement*.

During the period under review, none of the letters of submission contained a draft resolution.

The Council did not consider whether or not to accept the designation of any of the new questions submitted for its consideration in the initial submission.¹⁷¹ Nor was any question raised as to the appropriate designation for a question included in the agenda at an earlier date.

¹⁶⁶ See tabulation, entries 38 (i)-(iii).

¹⁶⁷ See tabulation, entry 40.

¹⁶⁸ See tabulation, entry 41 (i).

¹⁶⁹ See tabulation, entry 41 (ii).

¹⁷⁰ In a number of cases the Council did not take up the questions or communications submitted for its consideration: for these instances see tabulation, entries 2; 14; 16 (ii); 27; 28 (ii); 31; and 38 (i).

¹⁷¹ In three cases, prior to the adoption of the agenda, statements were made reflecting opposition to the proposed agenda item on grounds of wording and substance. Despite these expressions of doubt or dissent, the Council proceeded to adopt the provisional agenda and to discuss the items. (See tabulation, entries 29, 30 and 34, together with the opening statements at the 2108th, 2114th and 2185th meetings of the Council.)

¹⁶⁰ See tabulation, entry 33 (iii).

¹⁶¹ See tabulation, entry 33 (iv).

¹⁶² See tabulation, entry 35.

¹⁶³ See tabulation, entry 36.

¹⁶⁴ See tabulation, entry 37.

¹⁶⁵ See tabulation, entry 39.

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980

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

Section B. Questions submitted by Members as situations

<i>Question</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
1. Situation in Cyprus					
(i) Letter dated 17 February 1975	Cyprus	Turkey		Requesting an urgent meeting on the question of Cyprus following violation by Turkey of General Assembly and Council resolutions	S/11625, <i>OR</i> , 30th yr., <i>Suppl. for Jan.-March 1975</i>
(ii) Letter dated 26 August 1977	Cyprus	Turkey		Reiterating an oral request of 24 August 1977 for an urgent meeting to consider the seriously deteriorating situation in the island as a result of violation by Turkey of Council and General Assembly resolutions and of attendant internal crimes against the people of Cyprus	S/12387, <i>ibid.</i> , 32nd yr., <i>Suppl. for July-Sept. 1977</i>
(iii) Letter dated 7 November 1978	Cyprus			Confirming an earlier oral request for an urgent meeting on the question of Cyprus	S/12918, <i>ibid.</i> , 33rd yr., <i>Suppl. for Oct.-Dec. 1978</i>
2. Letter dated 28 September 1975 from the representative of Mexico to the Secretary-General	Mexico	Spain	5, 6, 41	Requesting an urgent extraordinary meeting so that, in accordance with Articles 5 and 6 of the Charter, the Council might recommend to the General Assembly that the Spanish régime be suspended from the exercise of the rights and privileges of its membership. Also requesting, in accordance with Article 41, that the Council call upon the Members of the United Nations to interrupt completely their economic relations as well as their means of communication and to sever diplomatic relations with Spain	S/11831, <i>ibid.</i> , 30th yr., <i>Suppl. for July-Sept. 1975</i>
3. Situation concerning Western Sahara					
(i) Letter dated 18 October 1975	Spain	Morocco	35	Urging the convening of an emergency meeting so that appropriate decisions might be adopted and the Moroccan Government might be dissuaded from carrying out the announced invasion of Western Sahara	S/11851, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1975</i>
(ii) Letter dated 1 November 1975	Spain	Morocco		Requesting the holding of an extremely urgent meeting owing to the refusal of the Government of Morocco to halt the announced invasion	S/11864, <i>ibid.</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
(iii) Letter dated 6 November 1975	Spain	Morocco		Stating that it had become most urgently necessary that the Council meet in public session inasmuch as the frontier of the Western Sahara had now been violated	S/11867, <i>ibid.</i>
4. Situation in the Middle East					
(i) Letter dated 3 December 1975	Lebanon	Israel		Referring to Israel's attack on refugee camps and villages in various parts of Lebanon, and in view of the gravity of the situation, requesting an urgent meeting	S/11892, <i>ibid.</i>
(ii) Letter dated 3 December 1975 ^a	Egypt	Israel		Confirm the request for an urgent meeting to discuss the Israeli aggression	S/11893, <i>ibid.</i>
(iii) Letter dated 23 March 1977	Egypt			Confirm the request for a meeting to discuss the situation in the Middle East	S/12306, <i>ibid.</i> , 32nd yr., <i>Suppl. for Jan.-March 1977</i>
(iv) Letter dated 17 March 1978 ^a	Lebanon	Israel		Pursuant to a letter dated 15 March 1978 ["Israeli aggression against Lebanon"], requesting an urgent meeting	S/12606, <i>ibid.</i> , 33rd yr., <i>Suppl. for Jan.-March 1978</i>
(v) Letter dated 17 March 1978	Israel	Lebanon		Requesting the convening of a meeting to consider the continuous acts of terror and violence being perpetrated from Lebanese territory against Israel	S/12607, <i>ibid.</i>
(vi) Letter dated 25 April 1979	Lebanon			Requesting a meeting to examine the interim report of the Secretary-General of 19 April 1979 (S/13258) and the special report of the Secretary-General (S/13254) of the same date	S/13270, <i>ibid.</i> , 34th yr., <i>Suppl. for April-June 1979</i>
(vii) Letter dated 30 May 1979	Lebanon	Israel		Requesting an urgent meeting to discuss Israeli escalation of its attacks	S/13356, <i>ibid.</i>
(viii) Letter dated 24 August 1979	Lebanon	Israel		Referring to the deteriorating situation in southern Lebanon, which was endangering peace and security, and requesting an urgent meeting	S/13516, <i>ibid.</i> , <i>Suppl. for July-Sept. 1979</i>
(ix) Letter dated 28 August 1979	Lebanon	Israel		Requesting a meeting at the earliest possible date to help consolidate the <i>de facto</i> cease-fire (refers to S/13516)	S/13520, <i>ibid.</i>
(x) Letter dated 10 April 1980 ^a	Lebanon	Israel		Request a meeting to put an end to Israeli aggression and enable UNIFIL to acquire full control of the totality of its area of operation	S/13885, <i>ibid.</i> , 35th yr., <i>Suppl. for April-June 1980</i>

(xi)	Letter dated 28 May 1980	Pakistan	Israel		Request an immediate meeting to consider the situation arising from the latest decision by Israel to annex and declare the Holy City of Jerusalem as the capital of Israel	S/13966, <i>ibid.</i>
(xii)	Letter dated 1 August 1980	Pakistan	Israel		Referring to the persistent designs by Israel to alter the status of the Holy City of Jerusalem and, in view of the serious implications of that action, requesting an immediate meeting	S/14084, <i>ibid.</i> , <i>Suppl. for July-Sept. 1980</i>
5.	Situation in Timor Letter dated 7 December 1975 ^a	Portugal	Indonesia		Requesting an urgent meeting so that the military aggression by Indonesia might be terminated	S/11899, <i>ibid.</i> , <i>30th yr.</i> , <i>Suppl. for Oct.-Dec. 1975</i>
6.	Question submitted by Iceland Letter dated 12 December 1975	Iceland	United Kingdom		Referring to the British auxiliary vessels operating under instructions of British naval units that had repeatedly rammed an Icelandic Coastguard vessel and, in view of the gravity of the situation, requesting an urgent meeting	S/11907, <i>ibid.</i>
7.	Situation in the Comoros (i) Telegram dated 28 January 1976 ^a	Comoros	France		Referring to the French Government's decision to organize a referendum in Mayotte and, in view of that flagrant aggression, requesting the urgent convening of the Council	S/11953, <i>ibid.</i> , <i>31st yr.</i> , <i>Suppl. for Jan.-March 1976</i>
(ii)	Letter dated 3 February 1976	Guinea-Bissau	Comoros		Requesting, on behalf of the African group, a meeting to consider the request of the Government of the Comoros regarding the political situation of that country	S/11959, <i>ibid.</i>
8.	Communications from France and Somalia concerning the incident of 4 February 1976 (i) Letter dated 4 February 1976	France	Somalia		Requesting a meeting as a matter of urgency to consider a serious incident that had occurred on the frontier between the French Territory of Afars and the Issas and the Somali Republic	S/11961, <i>ibid.</i>
(ii)	Letter dated 5 February 1976 ^a	Somalia	France		Requesting a meeting for the purpose of considering an act of open and unprovoked aggression against Somalia by France	S/11969, <i>ibid.</i>
(iii)	Letter dated 18 February 1976	Somalia	France	33	Requesting an urgent meeting since no serious effort had been reciprocated by the other party during a reasonably long period of time	S/11987, <i>ibid.</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
9. Complaint by Kenya concerning aggression by South Africa against Angola Letter dated 10 March 1976 ^a	Kenya	South Africa Angola		Requesting, on behalf of the African Group, a meeting to consider the act of aggression committed by South Africa against Angola	S/12007, <i>ibid.</i>
10. Request by Mozambique under Article 50 of the Charter Telegram dated 10 March 1976 ^a	Mozambique	Southern Rhodesia	50	Requesting a meeting as a matter of urgency, stating that its decision to impose sanctions involved serious economic consequences for Mozambique and that, during the night of 23 to 24 February, the racist régime had launched an outright war of aggression against Mozambique	S/12009, <i>ibid.</i>
11. Request by the Libyan Arab Republic and Pakistan for consideration of the serious situation arising from recent developments in the occupied Arab territories Letter dated 19 March 1976	Libyan Arab Republic Pakistan	Israel		Requesting an urgent meeting to take measures that would halt the deterioration of the situation and put an end to Israeli defiance of its existing decisions on Jerusalem	S/12017, <i>ibid.</i>
12. Situation in the occupied Arab territories (i) Letter dated 3 May 1976	Egypt	Israel		Requesting an urgent meeting to consider Israel's persistence in its aggressive expansionist policy in the occupied territories, referring to changes in the demographic composition of the occupied territories and blatant outrages against the holy places and shrines	S/12066, <i>ibid.</i> , <i>Suppl. for April-June 1976</i>
(ii) Letter dated 20 October 1976	Egypt	Israel		Referring to continuing Israeli repressive measures against the inhabitants of these territories and requesting a meeting to discuss the dangerous situation	S/12218, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1976</i>

(iii)	Letter dated 23 February 1979	Jordan	Israel		Requesting a meeting in consequence of the Israeli occupation authorities practice of settlement and colonization of the occupied Arab territories and the accelerating erosion of the status of Jerusalem	S/13115, <i>ibid.</i> , 34th yr., <i>Suppl. for Jan.-March 1979</i>
(iv)	Letter dated 15 February 1980	Jordan	Israel		Requesting a meeting to deliberate on Israel's defiance of resolutions 446 (1979) and 452 (1979)	S/13801, <i>ibid.</i> , 35th yr., <i>Suppl. for Jan.-March 1980</i>
(v)	Letter dated 15 February 1980	Morocco	Israel		Requesting an urgent meeting to consider the grave situation created by the recent measures taken by Israel in the occupied Palestinian city of Hebron on the West Bank of the Jordan	S/13802, <i>ibid.</i>
(vi)	Letter dated 8 May 1980	Tunisia	Israel		Requesting an urgent meeting to consider the expulsion measure taken by Israel against the mayors of Al-Khalil and Halhul and the Islamic judge of Al-Khalil	S/13926, <i>ibid.</i> , <i>Suppl. for April-June 1980</i>
(vii)	Letter dated 16 May 1980	Jordan	Israel		Requesting a meeting of the Council to consider Israel's defiance of resolution 468 (1980) of 8 May 1980	S/13941, <i>ibid.</i>
(viii)	Letter dated 3 June 1980	Bahrain			Requesting, on behalf of the Group of Arab States, an immediate meeting to consider the assassination attempts on the elected mayors of Nablus, Ramallah and Al Birh and the arbitrary detention of a great number of Palestinian students in the occupied Palestinian territory	S/13977, <i>ibid.</i>
13.	Situation in South Africa					
(i)	Letter dated 18 June 1976	Benin Libyan Arab Republic United Republic of Tanzania			Requesting an emergency meeting to consider the measures of repression perpetrated by the <i>apartheid</i> régime in South Africa against the African people in Soweto and other areas in South Africa	S/12100, <i>ibid.</i> , 31st yr., <i>Suppl. for April-June 1976</i>
(ii)	Telegram dated 18 June 1976	Madagascar			Referring to the savage and criminal acts perpetrated by the white minority of South Africa and, in view of the merciless repression of the rebelling African population, urging the Council to convene	S/12101, <i>ibid.</i>
14.	Letter dated 4 July 1976 from the representative of the Sudan to the President of the Security Council ^a	Sudan	Libyan Arab Republic	35, 1	Referring to the act of armed banditry designed to effect the overthrow of the Government of the Sudan and evidence that the act was conceived, prepared and executed by the Government of the Libyan Arab Republic and, as the intervention was a threat to the security of the Sudan, requesting an urgent meeting	S/12122, <i>ibid.</i> , <i>Suppl. for July-Sept. 1976</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
15. Complaint by Mauritius, current chairman of OAU, of the "act of aggression" by Israel against Uganda					
(i) Letter dated 6 July 1976 ^a	Assistant Executive Secretary, OAU	Israel Uganda		Requesting, on behalf of the heads of State and Government of OAU, an immediate meeting to consider the wanton act of aggression	S/12126, <i>ibid.</i>
(ii) Letter dated 6 July 1976	Mauritania	Israel Uganda		Requesting a meeting to consider the contents of the telegram sent on 6 July 1976	S/12128, <i>ibid.</i>
16. Complaint by Zambia against South Africa					
(i) Letter dated 19 July 1976 ^a	Zambia	South Africa		Requesting an urgent meeting on the repeated acts of aggression against the Republic of Zambia	S/12147, <i>ibid.</i>
(ii) Letter dated 25 August 1978 ^a	Benin	Zambia South Africa		Requesting, on behalf of the Group of African States, an urgent meeting to consider the aggression by South Africa against Zambia	S/12823, <i>ibid.</i> , 33rd yr., <i>Suppl. for July-Sept. 1978</i>
(iii) Letter dated 8 April 1980 ^a	Zambia	South Africa		Referring to the intensified acts of aggression against Zambia by the racist régime of South Africa and requesting a meeting with a view to taking measures to compel the Pretoria régime to desist from committing aggression	S/13878, <i>ibid.</i> , 35th yr., <i>Suppl. for April-June 1980</i>
17. Complaint by Greece against Turkey Letter dated 10 August 1976	Greece	Turkey		Referring to the repeated flagrant violations by Turkey of the sovereign rights of Greece on its continental shelf in the Aegean, and asking for an urgent meeting	S/12167, <i>ibid.</i> , 31st yr., <i>Suppl. for July-Sept. 1976</i>
18. Complaint by Lesotho against South Africa Letter dated 16 December 1976	Lesotho	South Africa		Requesting a meeting following the closure of the border, by South Africa, between the south-eastern part of Lesotho and Transkei	S/12257, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1976</i>
19. Complaint by Botswana Letter dated 22 December 1976	Botswana			Requesting an urgent meeting as a result of the tension between Botswana and the illegal régime, endangering the security of Botswana	S/12262, <i>ibid.</i>

20. Commitment by Benin					
(i) Letter dated 26 January 1977 ^a	Benin	35	Requesting a meeting to discuss aggression by the imperialists and their mercenaries against Benin	S/12278, <i>ibid.</i> , 32nd yr., <i>Suppl. for Jan.-March 1977</i>	
(ii) Letter dated 4 February 1977	Guinea		The Government of Guinea, committed to the struggle to eliminate all necessary practices in Africa, calling for an immediate meeting	S/12281, <i>ibid.</i> , 32nd yr., <i>Suppl. for Jan.-March 1977</i>	
(iii) Letter dated 4 November 1977 ^a	Benin		Requesting a meeting to resume consideration of the question of the armed aggression against Benin	S/12437, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1977</i>	
21. Question of South Africa (see 37 below)					
(i) Letter dated 9 March 1977	Nigeria		In conformity with Assembly resolution 31/6 and Council resolution 392 (1976), requesting a meeting to consider the question of South Africa	S/12295, <i>ibid.</i> , <i>Suppl. for Jan.-March 1977</i>	
(ii) Letter dated 20 October 1977	Tunisia		Requesting a meeting in the light of the repressive measures the racist régime of Pretoria had taken against the South African people	S/12420, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1977</i>	
(iii) Letter dated 5 December 1977	United Republic of Cameroon		Requesting a meeting to consider the establishment of a body to supervise the implementation of Council resolution 418 (1977)	S/12470, <i>ibid.</i>	
(iv) Letter dated 25 January 1978	Gabon Mauritius Nigeria		Requesting the convening of the Council to resume consideration of the question of South Africa	S/12538, <i>ibid.</i> , 33rd yr., <i>Suppl. for Jan.-March 1978</i>	
(v) Letter dated 5 April 1979	Ivory Coast		Requesting an urgent meeting, on behalf of the African Group, to consider the situation created in South Africa by renewed outbreaks against the African nationalist freedom fighters and against the black population	S/13223, <i>ibid.</i> , 34th yr., <i>Suppl. for April-June 1979</i> , p. 14	
(vi) Letter dated 5 April 1979	Sri Lanka		Requesting, as Chairman of the Coordinating Bureau of Non-Aligned Countries, an urgent meeting in connection with the declared intent of the South African Government to execute Solomon Mahlangu	S/13224, <i>ibid.</i>	
(vii) Letter dated 14 September 1979	Liberia		Referring to the proclamation by the Pretoria régime of the so-called independence of yet another bantustan and requesting, on behalf of the African Group, consultations among members of the Council	S/13542, <i>ibid.</i> , <i>Suppl. for July-Sept. 1979</i>	
(viii) Letter dated 29 May 1980	Morocco		Requesting, on behalf of the African Group, a meeting to consider the question of South Africa	S/13969, <i>ibid.</i> , 35th yr., <i>Suppl. for April-June 1980</i>	

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

<i>Question</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
(ix) Letter dated 23 September 1980	Sierra Leone			Requesting, on behalf of the African Group, an urgent meeting to consider the situation in South Africa	S/14189, <i>ibid.</i> , <i>Suppl. for July-Sept. 1980</i>
(x) Letter dated 6 October 1980	Sierra Leone			Further to the letter from Sierra Leone on behalf of the African Group requesting a meeting to consider the situation in South Africa, and as Chairman of the Council of Ministers of OAU, confirming the wish of the African Group that the Council remain seized of the matter and that, after consultations, an appropriate date be suggested for its consideration	S/14212, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1980</i>
22. Complaint by Mozambique Letter dated 22 June 1977	Mozambique			Requesting a meeting with regard to the increased tension between Smith's régime and Mozambique, further escalated by a recent attack against Mozambique	S/12350 and Add.1, <i>ibid.</i> , <i>32nd yr.</i> , <i>Suppl. for April-June 1977</i>
23. Situation in Southern Rhodesia					
(i) Letter dated 23 September 1977	United Kingdom			Requesting a meeting to invite the Secretary-General to appoint a representative to enter into discussions with the British Commissioner and all the parties in Southern Rhodesia	S/12402, <i>ibid.</i> , <i>Suppl. for July-Sept. 1977</i>
(ii) Letter dated 1 March 1978	Upper Volta			Requesting a meeting to discuss the deterioration in the situation in Southern Rhodesia due to the cynical manoeuvring of the Ian Smith régime	S/12578, <i>ibid.</i> , <i>33rd yr.</i> , <i>Suppl. for Jan.-March 1978</i>
(iii) Letter dated 28 February 1979	Equatorial Guinea			On behalf of the African Group, requesting an urgent meeting to discuss recent developments in Southern Rhodesia	S/13121, <i>ibid.</i> , <i>34th yr.</i> , <i>Suppl. for Jan.-March 1979</i>
(iv) Letter dated 26 April 1979	Ivory Coast			On behalf of the African Group, requesting an urgent meeting to consider recent developments in Southern Rhodesia	S/13276, <i>ibid.</i> , <i>Suppl. for April-June 1979</i>
(v) Letter dated 18 December 1979	United Kingdom			Requesting the Council to consider the Southern Rhodesia Constitution Order 1979, providing for the assumption of full legislative and executive authority over Southern Rhodesia by a British governor	S/13698, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1979</i>

(vi) Letter dated 25 January 1980	Malawi	United Kingdom	On behalf of the African Group, requesting an urgent meeting to consider the situation in Southern Rhodesia arising from violations of the Lancaster House agreement on Southern Rhodesia by the United Kingdom	S/13764, <i>ibid.</i> , 35th yr., <i>Suppl. for Jan.-March 1980</i>
24. Complaint by Chad Letter dated 8 February 1978 ^a	Chad	Libyan Arab Jamahiriya	Requesting a meeting to consider the extremely serious situation prevailing in northern Chad as a result of Libyan aggression and of the Chad-Libyan frontier problem	S/12553, <i>ibid.</i> , 33rd yr., <i>Suppl. for Jan.-March 1978</i>
25. Complaint by Zambia (i) Letter dated 9 March 1978 ^a	Zambia		Requesting an urgent meeting to consider the latest premeditated and unprovoked act of . . . aggression against Zambia by forces of the rebel minority régime in Southern Rhodesia	S/12589, <i>ibid.</i>
(ii) Letter dated 22 November 1979 ^a	Zambia		Requesting an urgent meeting to consider the escalating acts of aggression against Zambia by the illegal régime in the British colony of Southern Rhodesia	S/13636, <i>ibid.</i> , 34th yr., <i>Suppl. for Oct.-Dec. 1979</i>
26. Complaint by Angola against South Africa (i) Letter dated 5 May 1978 ^a	Angola		Requesting an urgent meeting to deal with the recent aggression on the sovereignty and territorial integrity of Angola by the racist minority régime of Pretoria	S/12690, <i>ibid.</i> , 33rd yr., <i>Suppl. for April-June 1978</i>
(ii) Letter dated 16 March 1979 ^a	Angola		Requesting an urgent meeting in the light of the continuing acts of aggression and violations of the sovereignty and territorial integrity of Angola by the racist South African régime	S/13176, <i>ibid.</i> , 34th yr., <i>Suppl. for Jan.-March 1979</i>
(iii) Letter dated 31 October 1979 ^a	Angola		Requesting an urgent meeting in connection with the question of South African aggression against Angola	S/13595, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1979</i>
(iv) Letter dated 26 June 1980 ^a	Angola		Requesting an urgent meeting in connection with the question of South African aggression against Angola	S/14022, <i>ibid.</i> , 35th yr., <i>Suppl. for April-June 1980</i>
27. Letter dated 2 September 1978 from the representative of Venezuela	Venezuela	Nicaragua	Requesting an urgent meeting to consider the situation in Nicaragua, whose duration and gravity threaten the peace and security of the region	S/12833, <i>ibid.</i> , 33rd yr., <i>Suppl. for July-Sept. 1978</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

Question	Submitted by	Other parties	Articles invoked in letter	Request for action by Security Council	Reference
28. Situation in Namibia (see 39 below)					
(i) Letter dated 24 October 1978	Burundi	South Africa		On behalf of the African Group, requesting an urgent meeting to consider South Africa's defiance of resolution 435 (1978)	S/12906, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1978</i>
(ii) Letter dated 1 December 1978	Congo			On behalf of the African Group, requesting an urgent meeting to consider the situation in Namibia	S/12945, <i>ibid.</i>
29. Telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea					
(i) Telegram dated 3 January 1979	Democratic Kampuchea	Viet Nam		Requesting an urgent meeting to condemn the Vietnamese aggression	S/13003, <i>ibid.</i> , <i>34th yr., Suppl. for Jan.-March 1979</i>
(ii) Letter dated 14 and 17 February 1979*	Democratic Kampuchea	Viet Nam		Requesting an urgent meeting to consider once again and to condemn the Vietnamese aggression against and invasion of Democratic Kampuchea	S/13085 and S/13096, <i>ibid.</i>
30. Situation in South-East Asia and its implications for international peace and security					
(i) Letter dated 22 February 1979	Norway Portugal United Kingdom United States			Requesting an urgent meeting to consider the situation in South-East Asia	S/13111, <i>ibid.</i>
(ii) Letter dated 22 February 1979	Japan			Stating that, in the light of the current circumstances in Indo-China, a meeting should be called as soon as possible on the situation in Indo-China	S/13112, <i>ibid.</i>
(iii) Letter dated 23 February 1979	Australia Canada New Zealand			Referring to the situation in South-East Asia and its implications for international peace and security, which should be a matter for urgent consideration by the Council	S/13114, <i>ibid.</i>
31. Complaint by Uganda against the United Republic of Tanzania					
Letter dated 28 March 1979*	Uganda	United Republic of Tanzania		Requesting an urgent meeting in connection with the question of the aggression by the United Republic of Tanzania against Uganda	S/13204, <i>ibid.</i>

32.	Letters dated 13 and 15 June 1979 from the representative of Morocco ^a	Morocco	Algeria		Requesting a meeting to consider the acts of aggression committed by the Algerian Government against Morocco	S/13394 and S 13397, <i>ibid.</i> , <i>Suppl. for April-June 1979</i>
33.	Letter dated 25 November 1979 from the Secretary-General and letter dated 22 December 1979 from the representative of the United States (see 40 below)					
	(i) Letter dated 9 November 1979	United States	Iran		Requesting that the Council urgently consider what might be done to secure the release of the diplomatic personnel being held by a group of Iranians	S/13615, <i>ibid.</i> , <i>Suppl. for Oct.-Dec. 1979</i>
	(ii) Letter dated 13 November 1979	Iran	United States		Requesting a meeting in view of the fact that the United States had plunged the world into a war psychosis and of the fact that it deemed its own peace and security and those of the region and the world to be threatened	S/13626, <i>ibid.</i>
	(iii) Letter dated 27 November 1979	Iran			Welcoming the request of the Secretary-General for a meeting of the Council (S/13646), recalling the request by the Foreign Minister for a meeting in view of the threats to the peace and security of Iran and asking that formal deliberations of the Council be postponed on account of Islamic holidays	S/13650, <i>ibid.</i>
	(iv) Letter dated 22 December 1979	United States	Iran		Requesting that the Council meet at an early date to consider Iran's continued detention of the hostages, which jeopardized the international order vital to all nations	S/13705, <i>ibid.</i>
34.	Letter dated 3 January 1980 from 52 Member States regarding Afghanistan	52 Member States	Afghanistan		Requesting an urgent meeting to consider the situation in Afghanistan	S/13724 and Add.1 and 2, <i>ibid.</i> , 35th yr., <i>Suppl. for Jan.-March 1980</i>
35.	Letter dated 1 September 1980 from the representative of Malta	Malta	Libyan Arab Jamahiriya	35	Requesting an urgent meeting in view of an illegal action taken by the Libyan Government, which also constituted a threat to regional and international peace	S/14140, <i>ibid.</i> , <i>Suppl. for July-Sept. 1980</i>
36.	Situation between Iran and Iraq (see 41 below) Letter dated 26 September 1980	Mexico Norway	Iran Iraq		Requesting an urgent meeting to consider the ongoing conflict between Iran and Iraq	S/14198, <i>ibid.</i>

TABULATION OF QUESTIONS SUBMITTED TO THE SECURITY COUNCIL, 1975-1980 (continued)

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

****Section D. Questions submitted by States not Members as disputes**

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

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

<i>Question</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
37. Question of South Africa (see 21 above) Letter dated 7 March 1979	Chairman, Special Committee against Apartheid			On behalf of the Special Committee, endorsing the recommendation of the United Nations Seminar on Nuclear Collaboration with South Africa that the Council consider urgently the situation arising from the efforts of the apartheid régime to acquire nuclear-weapon capability	S/13157, <i>ibid.</i> , 34th yr., <i>Suppl. for Jan.-March 1979</i>
38. Question of the exercise by the Palestinian people of its inalienable rights	Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People			Referring to General Assembly resolution 33/28 A and expressing the conviction that the Council would wish to consider the recommendations of the Committee in accordance with the appeal of the Assembly	S/13164, <i>ibid.</i>
(i) Letter dated 13 March 1979					
(ii) Letter dated 27 June 1979	Idem			Referring to the reply dated 24 May 1979 from the President to his letter (S/13164) and conveying the Committee's conviction that the Council should resume consideration of the Committee's recommendations	S/13418, <i>ibid.</i> , <i>Suppl. for April-June 1979</i>
(iii) Letter dated 24 March 1980	Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People			Referring to General Assembly resolution 34/65 A and to developments in the occupied Arab territories and requesting that the Council convene urgently to consider the recommendations of the Committee	S/13855, <i>ibid.</i> , 35th yr., <i>Suppl. for Jan.-March 1980</i>

9. Situation in Namibia (see 28 above) Letter dated 28 August 1980	Chairman, Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Chapter VII	Submitting a consensus adopted by the Special Committee on 21 August 1980 recommending that the Council convene urgently to consider imposing comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter	S/14133 (for the text of the consensus, see <i>OR, G.A. 35th Session, Suppl. No. 23 (A/35/23/Rev.1)</i> , chap. VIII, para. 13)
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Section G. Questions submitted by the Secretary-General

<i>Question</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter</i>	<i>Request for action by Security Council</i>	<i>Reference</i>
40. Letter dated 25 November 1979 (see 33 above)	Secretary-General	Iran United States		Requesting an urgent meeting to consider the seizure of the United States Embassy at Teheran and detention of its diplomatic personnel, which posed a serious threat to international peace and security	S/13646. <i>OR, 34th yr., Suppl. for Oct.-Dec. 1979</i>
41. Situation between Iran and Iraq (see 36 above)					
(i) Letter dated 23 September 1980	Secretary-General	Iran Iraq		Stating that in view of the dangers that would inevitably arise from a further escalation of the conflict, it was urgently necessary for the members of the Council to meet in consultation	S/14196, <i>ibid., 35th yr., Suppl. for July-Sept. 1980</i>
(ii) Letter dated 25 September 1980	Secretary-General	Iran Iraq		Stating that the current situation was an undoubted threat to international peace and security and suggesting that the Council should consider the matter with the utmost urgency	S/14197, <i>ibid.</i>

*The letter of submission employs terms similar to those of Article 39 of the Charter.

Part IV

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

NOTE

Part IV deals with cases in which discussion has arisen regarding the responsibility of the Security Council for the settlement of the particular dispute or situation under consideration in the light of the provisions of Chapter VI of the Charter.¹⁷² It also includes those instances where Articles 36-38 or Chapter VI have been invoked or where the proceedings of the Council have a bearing on the interpretation of these provisions.

During the period under review, debates preceding decisions of the Council in this field dealt mostly with the actual issues before the Council and the relative merits of measures proposed without discussion regarding their relation to the provisions of the Charter. Evidence for the interpretation of the provisions of Articles 36-38 continued to be scant. Chapter VI was explicitly invoked in a resolution adopted by the Council and several decisions of the Council contained implicit references to Article 36. This Article, as well as Chapter VI as a whole, were explicitly referred to in Council debates and in related communications.¹⁷³

Resolution 395 (1976), concerning the complaint by Greece against Turkey,¹⁷⁴ contained in the preamble an explicit reference to Chapter VI invoking both the principles as well as the procedures and methods for the peaceful settlement of disputes, and, in the operative part, invited the Governments of Greece and Turkey to continue to take into account the contribution that appropriate judicial means, in particular the International Court of Justice, were qualified to make to the settlement of any remaining legal differences that they might identify in connection with their dispute.¹⁷⁵ The debate leading to the adoption of this resolution brought out the intimate link between the text of the Council's decision and the provisions of Chapter VI, especially Articles 33 and 36. However, the deliberations did not give rise to a constitutional discussion regarding the framework of Chapter VI of the Charter for the peaceful settlement of disputes and other forms of conflict.

During the consideration of the detention of United States diplomatic personnel in Teheran, Chapter VI and Article 36 were repeatedly invoked as the Council grappled with the problem of applying the procedures of peaceful settlement to this situation. The references to Chapter VI as a whole were made in connection with

recommendations by Member States to apply fully the provisions for peaceful settlement before considering mandatory sanctions under Chapter VII.¹⁷⁶ The Council further referred to judicial settlement in accordance with Article 36, especially its paragraph 3, when in resolution 461 (1979) it took into account the Order of the International Court of Justice of 15 December 1979 (S/13697) calling upon the Government of the Islamic Republic of Iran to ensure the immediate release, without any exception, of all persons of United States nationality who were being held as hostages in Iran and also calling upon the Government of the United States and the Government of the Islamic Republic of Iran to ensure that no action would be taken by them that would aggravate the tension between the two countries.¹⁷⁷

When the Council considered the request by the Libyan Arab Republic and Pakistan in March 1976 with regard to the serious situation that had arisen in the occupied Arab territories, the spokesman for the PLO repeatedly called for Council action under Article 36.¹⁷⁸ A draft resolution¹⁷⁹ submitted by Benin, Guyana, Pakistan and the United Republic of Tanzania provided for the Council to call upon Israel to refrain from all measures against the Arab inhabitants of the occupied territories and to ask Israel to respect the Holy Places, to desist from the expropriation of Arab property and to refrain from any steps to change the legal status of Jerusalem.¹⁸⁰ This draft, which was put to the vote and failed to be adopted owing to the negative vote of a permanent member,¹⁸¹ might be seen as a set of corollary measures for a peaceful settlement in accordance with Article 36 (1).¹⁸²

Article 36 and the referral of legal issues to the International Court of Justice were of significance in the Council's direct and indirect efforts to assist the Governments of Malta and the Libyan Arab Jamahiriya in settling their differences regarding the delimitation of the continental shelf area between the two countries. In a letter dated 1 September 1980¹⁸³ and in subsequent communications, the representative of Malta deplored the delay in submitting the whole question to the Court, as agreed in 1976, and sought the help of the Council and the Secretary-General in easing the tension and facilitating that step toward judicial settlement. The Libyan Government also reiterated its willingness to see the matter

¹⁷² For general criteria for entries in this part, see *Repertoire of the Practice of the Security Council, 1946-1951*, pp. 296 and 410.

¹⁷³ For explicit references to Article 36 of the Charter in connection with the Middle East problem including the Palestinian question, see 1870th mtg.: PLO, para. 188; and 1876th mtg.: Guinea, para. 113; in connection with the complaint by Kenya concerning aggression by South Africa against Angola, see 1906th mtg.: United Kingdom, para. 251; and, in connection with the question of the exercise by the Palestinian people of its inalienable rights, see 1935th mtg.: Laos, para. 77. For explicit references to Chapter VI of the Charter in connection with the complaint by Zambia against South Africa, see 1948th mtg.: United Kingdom, para. 144; in connection with the admission of new members (Socialist Republic of Viet Nam), see 1972nd mtg.: Mexico, para. 13; in connection with the situation in Cyprus, see 2081st mtg.: Cyprus, para. 21; in connection with the letter dated 3 January 1980 from 52 Member States regarding Afghanistan, see 2185th mtg.: Philippines, para. 54; and in connection with the question of South Africa, see 2231st mtg.: United States, para. 18.

¹⁷⁴ See case 2 above for the detailed description of the resolution and of its adoption.

¹⁷⁵ Resolution 395 (1976), fourth preambular paragraph and operative paragraph 4. For references to Article 36 during the Council's deliberations, see 1953rd mtg.: France, para. 40; Italy, para. 19; United Kingdom, para. 10; and United States, para. 31.

¹⁷⁶ For explicit references to Chapter VI see 2175th mtg.: Czechoslovakia, para. 115; 2183rd mtg.: Czechoslovakia, para. 13; Zambia, para. 24. Chapter VI was implicitly referred to throughout the proceedings of the Council. For specific references to Article 36 and judicial settlement through the International Court of Justice see 2175th mtg.: Nigeria, para. 108; United States, para. 23.

¹⁷⁷ Resolution 461 (1975), sixth preambular paragraph. The reference to that Order was reiterated in the United States-sponsored draft resolution (S/13735), which failed to be adopted owing to the negative vote of a permanent member. For the text of the Order, see S/13697 (mimeograph), and publication No. 447 of the International Court of Justice. The Judgment of the Court was circulated as a Council document as requested by the letter dated 9 June 1980 from the representative of the United States (S/13989). For the Judgment, see publication No. 451 of the Court. See chapter VIII, part II of the present Supplement for the detailed case history.

¹⁷⁸ 1893rd mtg., para. 69; and 1899th mtg., para. 124. For further references by the PLO to Article 36, see footnote 173 above.

¹⁷⁹ S/12022, OR, 31st yr., Suppl. for Jan.-March 1976.

¹⁸⁰ Paragraphs 2 and 3 of the draft resolution.

¹⁸¹ For the vote, see 1899th mtg., para. 106.

¹⁸² The explicit references to Article 36 by the spokesman of the PLO would add support to this interpretation.

¹⁸³ For the text of the letter, see S/14140, OR, 35th yr., Suppl. for July-Sept. 1980. For other relevant communications during the remainder of 1980, see S/14170, S/14181 and S/14217 detailing aspects of Libyan pressure.

submitted to the Court.¹⁸⁴ The issue was, however, not satisfactorily settled during the period under review, despite a meeting of the Council¹⁸⁵ and the dispatch, with Council approval, of a Special Representative to discuss the question with both Governments.¹⁸⁶ Throughout this period, the use of judicial procedures to obtain a peaceful resolution of the conflict between the two countries was clearly envisaged by the Council, the parties and the Secretary-General, as suggested under Article 36 of the Charter.

¹⁸⁴ See, in particular, the letter dated 16 September 1980 (S/14176, 35th yr., *Suppl. for July-Sept. 1980*).

¹⁸⁵ The Council considered the issue at its 2246th meeting, on 4 September 1980.

¹⁸⁶ For the exchange of letters between the Secretary-General and the President of the Council regarding the decision to dispatch a special representative, see S/14228 and S/14229, *OR, 35th yr., Suppl. for Oct.-Dec. 1980*; and for the report of the Secretary-General on the mission of the Special Representative to Malta and the Libyan Arab Jamahiriya, see S/14256, *OR, 35th yr., Suppl. for Oct.-Dec. 1980*.

It should be noted that during the period covered by the present *Supplement*, resolutions adopted by the Council and draft resolutions that were not adopted contained provisions that could be interpreted as corollary measures of pacific settlement.¹⁸⁷ As a guide to relevant decisions of the Council, the appropriate headings in the analytical table of measures of chapter VIII of the present *Supplement* should be consulted, as well as the materials in the other parts of chapter X. For discussions bearing on procedures of pacific settlement under Chapter VI of the Charter as a whole and Article 36, the relevant parts of chapters VIII and X of the present *Supplement* should be consulted, whereas reference should be made to various parts of chapter XI for situations submitted to the Council as threats to the peace, breaches of the peace or acts of aggression.

¹⁸⁷ Special reference should be made to part I of this chapter, where much of this material has already been dealt with, as it has a bearing on the interpretation and application of the basic instruments of peaceful settlement as contained in Article 33 of the Charter.