

Chapter XII

CONSIDERATION OF THE PROVISIONS OF OTHER ARTICLES OF THE CHARTER

CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE	333
PART I. CONSIDERATION OF THE PROVISIONS OF ARTICLE 1, PARAGRAPH 2, OF THE CHARTER	
Note	333
PART II. CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 OF THE CHARTER	
A. Article 2, paragraph 4	
Note	335
B. Article 2, paragraph 5	
Note	344
C. Article 2, paragraph 6	
Note	344
D. Article 2, paragraph 7	
Note	344
PART III. CONSIDERATION OF THE PROVISIONS OF ARTICLE 24 OF THE CHARTER	
Note	346
PART IV. CONSIDERATION OF THE PROVISIONS OF ARTICLE 25 OF THE CHARTER	
Note	347
PART V. CONSIDERATION OF THE PROVISIONS OF CHAPTER VIII OF THE CHARTER	
Note	348
**A. Communications from the Secretary-General of the Organization of African Unity	348
B. Communications from the Secretary-General of the Organization of American States	348
C. Communications from States parties to disputes or situations	348
D. Communications from other States concerning matters before regional organizations	349
**PART VI. CONSIDERATION OF THE PROVISIONS OF CHAPTER XII OF THE CHARTER	350
PART VII. CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER	
Note	350
**PART VIII. CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER	351

INTRODUCTORY NOTE

Chapter XII covers the consideration by the Security Council of Articles of the Charter not dealt with in the preceding chapters.¹

Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLE 1, PARAGRAPH 2, OF THE CHARTER

Article 1, paragraph 2

"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace."

NOTE

During the period under review, none of the resolutions adopted by the Council contained an explicit reference to Article 1, paragraph 2, of the Charter. However, the significance of the Charter provision regarding the right to self-determination of peoples was reflected in some of the decisions and deliberations of the Council. This principle of self-determination was implicitly invoked in resolution 530 (1983) of 19 May 1983 regarding the letter dated 5 May 1983 from the representative of Nicaragua; resolutions 532 (1983) of 31 May 1983 and 539 (1983) of 28 October 1983 regarding the situation in Namibia; resolutions 541 (1983) of 8 November 1983 and 550 (1984) of 11 May 1984 pertaining to the situation in Cyprus; resolutions 554 (1984) of 17 August 1984 and 556 (1984) of 23 October 1984 relating to the question of South Africa; and resolution 552 (1984) of 1 June 1984 in connection with the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

In two of these cases,² the texts contained references to General Assembly resolution 1514 (XV) of 14 December 1960, entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples". In two other cases,³ the text also contained references to the Universal Declaration of Human Rights.

The Council also considered a few draft resolutions invoking the principle of self-determination, which either failed to be adopted or were not voted upon: four draft resolutions were submitted in connection with the situation in Namibia;⁴ one regarding the situation in the Middle East;⁵ one in connection with the letter dated 19 March 1982 from the representative of Nicaragua;⁶ and another in connection with the letter dated 1 April 1982 from the representative of the United Kingdom.⁷

On one occasion, during deliberations on the situation in Cyprus, Council proceedings focused on the tension between basic Charter principles involving the norms of self-determination and of territorial

integrity. On the one hand, it was maintained that allegations about usurpation of the right of Turkish Cypriots by the Greek Cypriots and about the "Turkish Cypriots' right to self-determination" were attempts at creating the necessary atmosphere to justify a partitionist policy through secession. The well-established principle of self-determination could not be interpreted in such ways as to impair the territorial integrity of any State and must be exercised by a people as a whole, and not on the basis of factional, religious, communal or ethnic criteria; and that, in any case, the Turkish Cypriot community could not exercise such a right on a part of the territory of Cyprus, on which they had all along been a small minority.

On the other hand, it was argued that, in Cyprus, there was not just one nation but two peoples and that the 1960 Constitution, which had created a bicomunal Republic of Cyprus, had meant that the right of self-determination was exercised jointly by the two communities, which had thus been recognized as the co-founders of the Republic. The Turkish community of Cyprus was, therefore, not an ethnic minority but an organized political community whose right to self-determination was manifested by the proclamation of the Turkish Republic of Northern Cyprus.

It was further contended that in a country like Cyprus, where no nation had existed as such and where the State had come into being through the mutually agreed partnership of the two national communities irrespective of the population ratios, it was axiomatic that both national communities possessed the right to self-determination in order to prevent the exercise of such right by one community from resulting in the enslavement of the other; and that the proclamation of independence by the Turkish community was, therefore, not a secession but a phenomenon that must be understood as part of the very concept of the Cyprus entity whose sole purpose was to enable joining the Greek community on an equal footing in the bicomunal, bizonal and federal framework which should be the basis of the Republic of Cyprus.⁸ These constitutional arguments, however,

were not reflected in the draft resolutions that were submitted for the Council's consideration.

On another occasion, the Council engaged in what might be described as some constitutional discussion or at least as a consideration of the applicability or inapplicability of the Charter principle to a given specific situation. A case history belonging in this category is included below.

In a few cases, Article 1, paragraph 2, or Article 1 as a whole with reference to the principle of self-determination, was invoked without giving rise to a constitutional discussion.⁹

CASE 1

Letter dated 1 April 1982 from the representative of the United Kingdom and the question concerning the Falkland Islands (Islas Malvinas)

(In connection with a draft resolution sponsored by the United Kingdom, voted upon and adopted on 3 April 1982, and another draft resolution sponsored by Panama, not voted upon)

During the deliberations in the Council, a constitutional discussion arose over whether the Charter provision regarding the self-determination of peoples was applicable to the specific situation of the Falkland Islands (Islas Malvinas). One side maintained that the Falkland Islands (Islas Malvinas) was part of Argentine territory illegally occupied in 1833 through the use of force by the United Kingdom, which, also by an act of force, had displaced the Argentine population and authorities, thereby depriving Argentina of its sovereignty over the archipelago.

Since that time, Argentina had consistently called for the return of that part of its territory and the General Assembly had adopted a number of resolutions since 1965, including resolution 2065 (XX), by which it had noted the existence of a dispute between Argentina and the United Kingdom concerning sovereignty over the islands and had invited both parties to pursue negotiations towards a peaceful settlement of the problem and to bring an end to a colonial situation, bearing in mind the purposes of the Charter and of Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and also bearing in mind the interests of the population of the islands.

The Assembly, it was argued, had explicitly recognized that the principles applicable to the case of the Falkland Islands (Islas Malvinas) were those that enshrined and protected the right of States to territorial integrity, since the illegitimate act of force by the United Kingdom, which in any case could not have given rise to any right, had been followed by the expulsion of Argentine nationals and their replacement by a tiny number of citizens from the colonial Power, thereby rendering the principle of self-determination inapplicable.

It was further argued that the inapplicability of the principle of self-determination did not mean that the rights of the inhabitants were not respected and that while Argentina stood ready to guarantee all their individual rights it could not, however, allow those 1,800 persons, largely composed of British Government officials and employees of the Falkland Islands Company, to be used as something enshrined in international law as a "population".

It was also maintained that Argentina had always considered the self-determination of peoples to be a fundamental right of contemporary international law, while the United Kingdom, which was demanding its strict application in the Falkland Islands (Islas Malvinas), had, at many international forums, including the General Assembly at the time of the adoption of its resolution 1514 (XV) in 1960, held the view that self-determination was a political principle whose practical application was subordinate to other principles, especially to that of the maintenance of peace, and that although it carried considerable weight as a basic principle, self-determination could not be defined with sufficient accuracy in connection with specific circumstances to constitute a right and was not recognized as such either in the Charter or in customary international law.

The United Kingdom, it was argued, was therefore alluding to the principle merely to cloak its illegitimate presence in the islands with respectability, and the application of the right of self-determination to the case of the Falkland Islands (Islas Malvinas) was a travesty because it would have meant the self-determination of the colonizers, giving them an opportunity to legitimize their illegitimate settlement in a territory that did not belong to them. Self-determination was a guarantee and an instrument designed to protect the colonized peoples, to hasten the eradication of the colonial system and, therefore, could hardly be used to strengthen that very system and to give legitimacy to the presence of the occupying Power.

On the other side, it was argued that the Falkland Islands (Islas Malvinas), situated in the South Atlantic, had a population of about 18,000 people, mainly of British origin, most of whom had been born there to families that had lived there for generations, and without significant Argentine element in the population. The United Kingdom had exercised sovereignty over the islands since the early nineteenth century and had continued to do so while the Territory had been discussed by the General Assembly for several years as one of those Territories about which the United Kingdom was reporting to the United Nations under Article 73 (e) of the Charter. Whereas Argentina's claim to sovereignty over the islands was based on eighteenth and early nineteenth century history, the United Kingdom had sovereignty on the basis of eighteenth, nineteenth and twentieth century history, the nationality of the population, the freely chosen wishes of the people and on what those people had achieved in the Territory.

Contrary to the contention that the people of the Falkland Islands (Islas Malvinas) were not a population in international law, the vast majority of the islanders were born to families that had been settled there from four to six generations as an entirely separate people with a different language, culture and way of life from those of the people of Argentina and, thus, whether they were 1,800 or 18,000 or 18 million, they were still entitled to the protection of international law and to have their freely expressed wishes respected.

It was further maintained that neither Article 1, paragraph 2, of the Charter, nor the common Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which clearly stated that "all peoples have the right to self-determination", attempted to lay down exceptions. More-

over, Article 73 of the Charter, the declaration regarding Non-Self-Governing Territories, had recognized the principle that the interests of the inhabitants of Territories such as the Falkland Islands (Islas Malvinas) were "paramount"; hence, the attempt to change the way of life of the islanders, to bring in settlers, to buy up land, to impose the Spanish language and to change the curricula in the schools was not only contrary to the right of self-determination protected by the Charter, but smacked of colonialism by Argentina.

Although the United Kingdom had taken the position in the 1960s that self-determination was a principle and not a right, it had since ratified the two international covenants—on economic, social and cultural rights, and on civil and political rights—which were adopted in 1966 and both of which stated that: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."¹⁰

Furthermore, the United Kingdom had joined the consensus in 1970 when the General Assembly adopted the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, which also had stated: "By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference their political status. . . ."¹¹ The application of self-determination to the people of the Falkland Islands (Islas Malvinas) was, therefore, not a travesty; those people were small in number, but that in no way detracted from their rights under international law, under the Charter, and under Article 73 of the Charter; they

were a homogeneous community which had developed democratic institutions over a period of a century; sovereignty was in dispute but the people were not; and it was not a case of two communities sharing the same territory.¹²

At the 2346th meeting, on 2 April 1982, the representative of the United Kingdom introduced the draft resolution submitted by his delegation. At the 2350th meeting, on 3 April 1982, a revised draft was circulated, in which the words "Islas Malvinas" were inserted in parenthesis following the words "Falkland Islands" wherever they occurred. At the same meeting, this draft was voted upon and adopted by 10 votes to 1, with 4 abstentions, as resolution 502 (1982).¹³ The resolution reads, in part, as follows:

The Security Council,

Determining that there exists a breach of the peace in the region of the Falkland Islands (Islas Malvinas),

3. *Calls on the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to seek a diplomatic solution to their differences and to respect fully the purposes and principles of the Charter of the United Nations.*

At the same meeting, the representative of Panama introduced a draft resolution⁷ sponsored by his delegation. Under the draft, which was not put to the vote, the Council would have, *inter alia*, recalled General Assembly resolution 1514 (XV), containing the "Declaration on the Granting of Independence to Colonial Countries and Peoples"; called upon the United Kingdom to co-operate with Argentina in the decolonization of the Malvinas Islands, South Georgia and the South Sandwich Islands; and requested both Governments to carry out negotiations in order to put an end to the situation of tension, duly respecting Argentine sovereignty over those territories and the interests of their inhabitants.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 OF THE CHARTER

A. Article 2, paragraph 4

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations".

NOTE

During the period under review, two resolutions¹⁴ adopted by the Council contained explicit references to Article 2, paragraph 4, of the Charter; and one resolution¹⁵ explicitly invoked Article 2 as a whole with reference to the need for strict adherence to its provisions for the establishment of peace and security. Many other decisions and deliberations of the Council also reflected the significance of this provision of the Charter with its concomitant principles and obligations. Of the 32 other resolutions referring to Article 2, paragraph 4, 4¹⁶ used language taken from this Charter provision, and 28¹⁷ contained other implicit references to it. Seven statements of the President on behalf of the Council also referred to Article 2, paragraph 4: three¹⁸ invoked the language of the Charter, whereas the other four¹⁹ referred

implicitly to the Article. Twenty-one draft resolutions, which either failed to be adopted or were not put to the vote, also contained references to Article 2, paragraph 4; of these, 3²⁰ explicitly referred to Article 2, paragraph 4; 3²¹ employed the language of the Charter; 1²² referred to General Assembly resolution 3314 (XXIX) of 14 December 1974 and cited the definition of an act of aggression as contained therein; and the remaining 14 draft resolutions²³ contained other implicit references to the provisions of Article 2, paragraph 4.

In the instances indicated above,²⁴ the Council invoked the principle of the prohibition of the threat or use of force in international relations against the territorial integrity or political independence of any State. In a few cases,²⁵ the Council affirmed the principle of the inadmissibility of the acquisition of

territory by force and called for respect or support for the territorial integrity, sovereignty and political independence of States. In other paragraphs,²⁶ the Council expressed concern about, or censured, acts of aggression or occupation in violation of the territorial integrity, sovereignty and political independence of States and demanded cessation of hostilities, armed attacks or invasions, acts of violence and similar transgressions and the withdrawal of forces from the territories of others. In one instance, the Council explicitly affirmed the right of a State, under Article 51 of the Charter, to take all the measures necessary to defend and safeguard its sovereignty, territorial integrity and independence.²⁷ In another instance, the Council also affirmed the legitimacy of the struggle of oppressed people for the full exercise of their right to self-determination or for their free participation in the determination of their destiny.²⁸ Furthermore, the Council, on one occasion, commended the appeal that its deliberations should strengthen, *inter alia*, the obligation not to allow the territory of a State to be used for committing acts of aggression against other States.²⁹

While references of this kind to the provision of Article 2, paragraph 4, were frequent, the Council nevertheless engaged only occasionally in what might be described as some constitutional discussion or at least as clear espousal of the principles of the Charter.

On a number of occasions,³⁰ Article 2, paragraph 4, was explicitly invoked, but usually did not give rise to a constitutional discussion.

CASE 2

Situation in the Middle East

(In connection with the President's statement issued on 17 July 1981 and a draft resolution submitted by Ireland, Japan and Spain, voted upon and adopted on 21 July 1981)

At the outset of the Council's consideration of the complaint by Lebanon in 1981 relating to the deteriorating situation in southern Lebanon, the Secretary-General reported that there was renewed violence in the south of Lebanon involving shelling by Palestinian groups, various air strikes against Beirut and other targets by the Israel Defence Forces and the *de facto* forces, and that those outbursts of violence had caused extensive civilian casualties in Lebanon and Israel.³¹

Throughout the Council's deliberation of complaints by Lebanon during the period under review leading to the deployment of the Multinational Force³² in 1982 and the eventual evacuation³³ of the armed elements of the PLO from Lebanon in late 1983, and early 1984, most speakers invoked explicitly or implicitly the provisions of Article 2, paragraph 4, declared that the use of force against the territorial integrity or political independence of another State was inadmissible, and rejected the policy of pre-emptive strikes as the use of force that could not be justified as self-defence by any interpretation of Article 51 of the Charter, and which could result only in further cycles of violence.

On the one hand, the representative of Lebanon condemned the Israeli "pre-emptive" strikes against Lebanon and sought the Council's support for his Government in its aim to reactivate the Israel-Lebanon Mixed Armistice Commission, which had been set up in 1949. Meanwhile, he urged the Council to bring about the immediate cessation of hostilities to

prevent further deterioration and to enable the United Nations Interim Force in Lebanon (UNIFIL) to play to the fullest its role as a conflict control mechanism.

On the other hand, the representative of Israel contended that the PLO, whose control over a large part of Lebanon had assured it the freedom of operation for its acts of terror against Israel, perpetrated the outrages which had resulted in loss of life and considerable damage to property and that it also had plans to escalate these criminal designs. He stated that his Government had decided to exercise its inherent right to self-defence against the attackers, under Article 51 of the Charter, since the efforts in bringing the terrorist actions to the attention of the Security Council had been unheeded. He further stressed that as much as Israel deplored the harm to innocent Lebanese civilians, the real problem was how to put an end to international terrorism in general and, more specifically, how to end PLO terror against the land and people of Israel, and that the removal of all foreign armies and terrorists from Lebanese territory would constitute a first step towards that goal.³⁴

At the conclusion of the 2292nd meeting, on 17 July 1981, the President of the Council made the following statement:³⁵

The President of the Security Council and the members of the Council, after hearing the report of the Secretary-General, express their deep concern at the extent of the loss of life and the scale of the destruction caused by the deplorable events that have been taking place for several days in Lebanon.

They launch an urgent appeal for an immediate end to all armed attacks and for the greatest restraint so that peace and quiet may be established in Lebanon and a just and lasting peace in the Middle East as a whole.

When the Council resumed consideration of the issue at the 2293rd meeting, on 21 July 1981, the Secretary-General summarized developments of the situation since its last meeting on 17 July, in which he informed the Council members that he had instructed the Commander of UNIFIL and the Chief of Staff of UNTSO to exert every effort to achieve a cessation of hostilities but that, while those efforts were in progress, there had been a resumption of shelling and the exchange of fire.³⁶

At the same meeting, the representative of Spain introduced a draft resolution sponsored by Ireland, Japan and Spain, which was adopted unanimously without discussion as resolution 490 (1981).³⁷ It reads, in part, as follows:

The Security Council,

Reaffirming the urgent appeal made by the President and the members of the Security Council on 17 July 1981, . . .

1. *Calls* for an immediate cessation of all armed attacks;
2. *Reaffirms* its commitment to the sovereignty, territorial integrity and independence of Lebanon within its internationally recognized boundaries;

CASE 3

Situation in the occupied Arab territories

(In connection with a draft resolution prepared as a result of consultation among the members of the Council and adopted on 17 December 1981 and another draft resolution submitted by Jordan, voted upon and not adopted on 20 January 1982)

During the Council's consideration of the decision of the Government of Israel on 14 December 1981 to apply its laws, jurisdiction and administration to the

Golan Heights, a part of the territory of the Syrian Arab Republic occupied by Israel since June 1967, on the one hand, nearly all speakers invoked implicitly or explicitly Article 2, paragraph 4, deplored or condemned the decision as tantamount to annexation, contrary to international law and in violation of the purposes and principles of the Charter, particularly the principle of the inadmissibility of the acquisition of territory by force, and urged the Council to declare the decision null and void and to take the required measures to ensure that Israel rescinded forthwith its annexation of Syrian territory.

Moreover, the representative of the Syrian Arab Republic underscored that the Israeli decision was not only a flagrant violation of the Charter and the resolutions of the Council, in particular resolution 338 (1973), but also a violation of the Israeli-Syrian cease-fire, thus constituting an act of war against his country, and called upon the Council to impose mandatory sanctions under Chapter VII of the Charter to prevent the situation from worsening thereby further endangering the region and the peace and security of the world at large. He rejected the Israeli allegation of Syrian aggression and stated that Israel was established by force and that the 1967 war was also a premeditated aggression concocted by Israel against the independent Arab States of the Syrian Arab Republic, Jordan and Egypt.

On the other hand, the representative of Israel stated that, while the area of the Golan Heights was small, its strategic significance to the security of the people of Israel was out of all proportion to its size and that the Syrian Arab Republic, since 1948, had claimed that there was no international boundary between it and Israel and that only the ultimate settlement could establish permanent boundaries. He gave a detailed account of "19 years of Syrian harassment and aggression" in which Israeli towns and villages had been bombarded, and asserted Israel's vital interest in seeking protection against strikes from the Golan Heights. He further stated that one of the basic principles of the Charter was that States were prohibited in their international relations from the use and even threat of force. If a State violated that fundamental principle of the Charter, as the Syrian Arab Republic had done consistently since 1948 by alternating the use and threat of force against Israel, no rights could accrue to that State from such violations and, hence, there was no justification for that aggressor State to be allowed to perpetuate the state of war endlessly.

He maintained that, in view of the need to administer everyday activities on the Golan Heights occupied since 1967, his Government and the Knesset had decided to regularize the situation by applying Israeli law, jurisdiction and administration to the area. He further maintained that no responsible Government in Israel would return to the insecure pre-1967 armistice demarcation lines and appealed to the Syrian Arab Republic to negotiate directly with Israel on all the outstanding issues, including the question of the international boundary between them.³⁸

At the 2319th meeting, on 17 December 1981, the Council unanimously adopted a draft resolution that had been prepared as a result of consultations among the members, as resolution 497 (1981).³⁹ The resolution reads, in part, as follows:

The Security Council,

Reaffirming that the acquisition of territory by force is inadmissible, in accordance with the Charter of the United Nations, the principles of international law and relevant Security Council resolutions,

1. Decides that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan Heights is null and void and without international legal effect;

2. Demands that Israel, the occupying Power, should rescind forthwith its decision;

4. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution within two weeks and decides that, in the event of non-compliance by Israel, the Council would meet urgently, and not later than 5 January 1982, to consider taking appropriate measures in accordance with the Charter of the United Nations.

At its 2322nd meeting, on 6 January 1982, the Council resumed consideration of the issue and included in its agenda resolution 497 (1981) and the report of the Secretary-General,⁴⁰ submitted to it in pursuance of that resolution, by which he informed the Council about his contacts with the Government of Israel and the clearly negative response from Israel with regard to nullifying its measures on the Golan Heights.

During the Council's deliberation of the issue in the wake of Israel's refusal to rescind the application of its laws to the occupied Golan Heights as demanded by the Council in its resolution 497 (1981), it was argued, on the one hand, that the only avenue left for the Council to deter Israel was to invoke its powers under Articles 39 and 41 of the Charter since the ultimate end of the Israeli act of 14 December 1981 in the Golan Heights was within the meaning of an act of aggression as defined in articles 3 and 5 of the annex to General Assembly resolution 3314 (XXIX) of 14 December 1974, entitled "Definition of Aggression". It was further maintained that the policies of Israel contradicted the principles of the non-use of force and the non-acquisition of territory by force and that if the Council failed to impose sanctions, the Syrian Arab Republic would reserve its right under Article 51 to deal with the Israeli aggression.

On the other hand, the representative of Israel also invoked the Charter principles prohibiting the use of force and obligating Member States to settle their disputes by peaceful means and reiterated the charges regarding the acts of aggression perpetrated by the Syrian Arab Republic against the people of Israel. He held that the Syrian Arab Republic regarded the very existence of Israel as an ongoing act of aggression and that that hostility had led successive Syrian régimes since 1948 into repeated acts of armed aggression against his country. He characterized article 1 of the annex to General Assembly resolution 3314 (XXIX) as the "central provisions" of the Definition of Aggression, according to which, he charged, the Syrian Arab Republic was clearly incriminated and reiterated Israel's invitation to unconditional negotiations between the two States.⁴¹

At the 2329th meeting, on 20 January 1982, a revised draft resolution submitted by Jordan was put to the vote, received 9 votes, 1 against and 5 abstentions, and was not adopted owing to the negative vote of a permanent member of the Council.⁴² Under the revised draft text, the Council would have, *inter alia*, recalled General Assembly resolution 3314 (XXIX) of 14 December 1974, which defined an act of aggression as "the invasion or attack by the

armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof"; determined that Israeli measures in the occupied Syrian Golan Heights, culminating in Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration, constituted an act of aggression under the provisions of Article 39 of the Charter; and decided that all Member States should consider applying concrete and effective measures in order to nullify the Israeli annexation of the Syrian Golan Heights and to refrain from providing any assistance or aid to and co-operation with Israel, in all fields, in order to deter Israel in its policies and practices of annexation.

At the conclusion of the meeting, the representative of Jordan proposed further consideration of the issue by the Council and requested that the next meeting be convened after consultations among its members.⁴³

CASE 4

Complaint by Angola against South Africa

(In connection with a draft resolution sponsored by Mexico, the Niger, Panama, the Philippines, Tunisia and Uganda, revised, voted upon and not adopted on 31 August 1981; another draft resolution sponsored by Angola, Botswana, Guyana, Jordan, Malta, Mozambique, Nicaragua, Pakistan, Togo, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe, voted upon and adopted on 20 December 1983; and a third draft resolution sponsored by Angola, Egypt, India, Malta, Mozambique, Nicaragua, Nigeria, Pakistan, Peru, the United Republic of Tanzania, Upper Volta, Zambia and Zimbabwe, revised, voted upon and adopted on 6 January 1984)

During the Council's consideration of complaints by Angola, which had suffered acts of aggression and occupation of parts of its territory by South Africa, nearly all the speakers condemned or deplored the South African aggressive acts as violations of the principles of Article 2, paragraph 4, and related Charter provisions.

On the one hand, it was maintained that South Africa had sent its troops into the southern part of Angola, 100 to 115 miles deep, in a massive invasion fully equipped with tanks, armoured vehicles, helicopters, artillery units and anti-radar missiles, and that its forces had occupied a number of towns and totally or partially destroyed others while the provinces of Cunene, Huila and Mossamedes were being bombed from the air. It was also stressed that South Africa's primary objective was the elimination of the patriots of the South West Africa People's Organization (SWAPO) both within and outside Namibia; the consolidation of its illegal occupation of the Territory of Namibia, which it had utilized as a springboard for armed invasions of Angola; and the intimidation, political and economic destabilization of all the front-line States with the aim of inhibiting their solidarity with the liberation movements and with the refugees who were fleeing from the horrors of *apartheid* and occupation.

On the other hand, South Africa stated that a choice had to be made in southern Africa between peaceful co-existence and the escalation of conflict

and that, for its part, South Africa had repeatedly extended the hand of friendship to the neighbouring States, offered to work together for mutual economic benefit, to respect the "political differences" that existed between itself and those States, to enter into non-aggression treaties and to discuss differences so that problems could be peacefully resolved. South Africa, however, had been equally adamant that such co-operation could take place only if neighbouring States did not allow their territories to be used as sanctuaries from which to attack the civilian population of Namibia. South Africa further held that SWAPO had conducted premeditated attacks from across the border, that those attacks of aggression had recently been escalated to new levels of intensity, that the perpetrators of those crimes had invariably fled back to their sanctuaries in Angola, leaving South Africa no alternative but to defend the civilian population of Namibia and to pursue the attackers wherever they could be found. Thus, South Africa rejected the allegation of aggression against Angola since any action on the part of South African security forces was aimed solely at SWAPO and not at Angola and its people.⁴⁴

At the 2300th meeting, on 31 August 1981, the six-Power revised draft resolution was put to the vote, received 13 votes to 1, with 1 abstention, and was not adopted owing to the negative vote of a permanent member.⁴⁵ Under the revised draft resolution, the Council would have, *inter alia*, condemned South Africa for its armed invasion perpetrated against the people and the territory of Angola as well as for its utilization of the illegally occupied Territory of Namibia as a springboard for such invasions; declared that such armed invasion was a violation of the sovereignty and territorial integrity of Angola and constituted a danger to international peace and security; and demanded the immediate withdrawal of all South African troops from Angolan territory.⁴⁶

At the 2508th meeting, on 20 December 1983, the President drew attention to a draft resolution sponsored by Angola, Botswana, Guyana, Jordan, Malta, Mozambique, Nicaragua, Pakistan, Togo, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe. The draft was put to the vote at the same meeting and adopted by 14 votes to none, with 1 abstention, as resolution 545 (1983).⁴⁷ The resolution reads, in part, as follows:

The Security Council,

...
Deeply concerned at the continued occupation of parts of southern Angola by the South African military forces in flagrant violation of the principles and objectives of the Charter of the United Nations and of international law,
...

Bearing in mind that in accordance with Article 2, paragraph 4, of the Charter, all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

Conscious of the need to take effective measures to maintain international peace and security in view of the continued violation of the Charter by South Africa,

1. *Strongly condemns* South Africa's continued military occupation of the territory of southern Angola which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of Angola;

2. *Declares* that the continued illegal military occupation of the territory of Angola is a flagrant violation of the sovereignty, independence and territorial integrity of Angola and endangers international peace and security;

3. *Demands* that South Africa should unconditionally withdraw forthwith all its occupation forces from the territory of Angola and cease all violations against that State and henceforth scrupulously respect the sovereignty and territorial integrity of Angola;

4. *Considers*, moreover, that Angola is entitled to appropriate redress for any material damage it has suffered;

5. *Calls upon* all Member States to desist from any action which would undermine the independence, territorial integrity and sovereignty of Angola;

At the 2511th meeting, on 6 January 1984, the representative of Zimbabwe introduced a revised draft resolution sponsored by Angola, Egypt, India, Malta, Mozambique, Nicaragua, Pakistan, Peru, the United Republic of Tanzania, Upper Volta, Zambia and Zimbabwe. The revised draft was put to the vote at the same meeting and adopted by 13 votes to none, with 2 abstentions as resolution 546 (1984).⁴⁸ The resolution reads, in part, as follows:

The Security Council,

Gravely concerned at the renewed escalation of unprovoked bombing and persistent acts of aggression, including the continued military occupation, committed by the racist régime of South Africa in violation of the sovereignty, airspace and territorial integrity of Angola,

Indignant at the continued military occupation of parts of the territory of Angola by South Africa in contravention of the Charter of the United Nations and relevant Security Council resolutions,

1. *Strongly condemns* South Africa for its renewed, intensified, premeditated and unprovoked bombing, as well as the continuing occupation of parts of the territory of Angola, which constitute a flagrant violation of the sovereignty and territorial integrity of that country and endanger seriously international peace and security;

2. *Further strongly condemns* South Africa for its utilization of the international Territory of Namibia as a springboard for perpetrating the armed attacks as well as sustaining its occupation of parts of the territory of Angola;

3. *Demands* that South Africa should cease immediately all bombing and other acts of aggression and unconditionally withdraw forthwith all its military forces occupying Angolan territory as well as undertake scrupulously to respect the sovereignty, airspace, territorial integrity and independence of Angola;

4. *Calls upon* all States to implement fully the arms embargo imposed against South Africa in Security Council resolution 418 (1977);

5. *Reaffirms* the right of Angola, in accordance with the relevant provisions of the Charter of the United Nations and, in particular, Article 51 to take all the measures necessary to defend and safeguard its sovereignty, territorial integrity and independence;

6. *Renews* its request to Member States to extend all necessary assistance to Angola, in order that Angola may defend itself against the escalating military attacks by South Africa as well as the continuing occupation of parts of Angola by South Africa;

7. *Reaffirms further* that Angola is entitled to prompt and adequate compensation for the damage to life and property consequent upon these acts of aggression and the continuing occupation of parts of its territory by the South African military forces;

CASE 5

Complaint by Lesotho against South Africa

(In connection with a draft resolution prepared in the course of consultations and adopted unanimously on 15 December 1982; and another draft resolution also prepared in the course of consultations and adopted unanimously on 29 June 1983)

During the Council's deliberations regarding the complaint by Lesotho, whose capital city, Maseru, had been attacked by the South African Defence Force on 9 December 1982, the members were unanimous in condemning South Africa's aggressive acts against defenceless and vulnerable Lesotho as blatant violations of the principles of international law and of the Charter, particularly the principle of the non-use of force against the territorial integrity or the political independence of any State. The members further underlined that the *apartheid* policies of South Africa were the only source of conflict in the region; rejected South Africa's attempts to justify the attack on Maseru as a pre-emptive defensive measure; and reaffirmed Lesotho's right to receive and provide humanitarian support to South African refugees.⁴⁹

At the 2407th meeting, on 15 December 1982, the President drew attention to a draft resolution that had been prepared in the course of consultations among members of the Council. At the same meeting, the draft was put to the vote and unanimously adopted as resolution 527 (1982).⁵⁰ The resolution reads, in part, as follows:

The Security Council,

Bearing in mind that all Member States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Gravely concerned at the recent premeditated aggressive act by South Africa, in violation of the sovereignty, airspace and territorial integrity of the Kingdom of Lesotho, and its consequences for peace and security in southern Africa,

Gravely concerned that this wanton aggressive act by South Africa is aimed at weakening the humanitarian support given by Lesotho to South African refugees,

1. *Strongly condemns* the *apartheid* régime of South Africa for its premeditated aggressive act against the Kingdom of Lesotho which constitutes a flagrant violation of the sovereignty and territorial integrity of that country;

2. *Demands* the payment by South Africa of full and adequate compensation to the Kingdom of Lesotho for the damage to life and property resulting from this aggressive act;

3. *Reaffirms* the right of Lesotho to receive and give sanctuary to the victims of *apartheid* in accordance with its traditional practice, humanitarian principles and its international obligations;

6. *Declares* that there are peaceful means to resolve international problems and that, in accordance with the Charter of the United Nations, only these should be employed;

7. *Calls upon* South Africa to declare publicly that it will, in the future, comply with provisions of the Charter and that it will not commit aggressive acts against Lesotho either directly or through its proxies;

At the 2455th meeting, on 29 June 1983, when the Council resumed consideration of the item, it included in its agenda the report⁵¹ of the Secretary-General recommending assistance to Lesotho so as to ensure the welfare and security of refugees in such vital areas as food, health, education and work opportunities. At the same meeting, the Council voted on a draft resolution that had been prepared in the course of consultations among the members which was unanimously adopted as resolution 535 (1983).⁵² The resolution reads, in part, as follows:

The Security Council,

Having heard the statement of the Chargé d'affaires of the Permanent Mission of the Kingdom of Lesotho expressing the deep concern of his Government at the frequent aggressive acts by South Africa against the territorial integrity and independence of Lesotho,

Reaffirming its opposition to the system of *apartheid* and the right of all countries to receive refugees fleeing from *apartheid* oppression,

1. Commends the Government of Lesotho for its steadfast opposition to *apartheid* and its generosity to the South African refugees;

4. Requests Member States, international organizations and financial institutions to assist Lesotho in the fields identified in the report of the Mission to Lesotho;

CASE 6

Complaint by Iraq

(In connection with a draft resolution prepared in the course of consultations and adopted unanimously on 19 June 1981)

During the deliberations of the Council, Article 2, paragraph 4, and relevant provisions of the Definition of Aggression (General Assembly resolution 3314 (XXIX)) were frequently invoked to show that they were clearly violated by the attack carried out by the Israel Air Force against the Iraqi nuclear installations located in the vicinity of Baghdad. The representative of Israel maintained that Israel had acted in the exercise of its inherent right of self-defence as "understood in general international law" and as preserved in Article 51 of the Charter, in order to halt a threat of nuclear obliteration which had been developed against it by Iraq. The attempt by Israel to justify the destruction of the Iraqi nuclear reactor as an act of self-defence was rejected since, under the Charter, self-defence would be legitimate only against an armed attack and pending action by the Council to restore peace, and since the Charter did not provide for a right to "preventive attack" under which a State could act to eliminate a subjectively assessed possible future danger. Furthermore, it was stressed that Iraq had been a party to the Treaty on the Non-Proliferation of Nuclear Weapons,⁵³ under which it had implemented the system of inspection of the International Atomic Energy Agency (IAEA); that the Agency had testified that Iraq had complied with its safeguards régime; and that Israel, by its armed attack not only violated the fundamental principle of Article 2, paragraph 4, but had dangerously challenged the international system under the Treaty and the right of all States to develop nuclear energy for peaceful purposes and to further their scientific, technological and economic development.⁵⁴

At the 2288th meeting, on 19 June 1981, the President drew attention to a draft resolution that had been prepared in the course of consultations among members of the Council. At the same meeting, the draft was put to the vote and was unanimously adopted as resolution 487 (1981).⁵⁵ The resolution reads, in part, as follows:

The Security Council,

Deeply concerned about the danger to international peace and security created by the premeditated Israeli air attack on Iraqi nuclear installations on 7 June 1981, which could at any time explode the situation in the area, with grave consequences for the vital interests of all States,

Considering that, under the terms of Article 2, paragraph 4, of the Charter of the United Nations, "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations",

1. Strongly condemns the military attack by Israel in clear violation of the Charter of the United Nations and the norms of international conduct;

2. Calls upon Israel to refrain in the future from any such acts or threats thereof;

3. Further considers that the said attack constitutes a serious threat to the entire safeguards régime of the International Atomic Energy Agency, which is the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons;

4. Fully recognizes the inalienable sovereign right of Iraq and all other States, especially the developing countries, to establish programmes of technological and nuclear development to develop their economy and industry for peaceful purposes in accordance with their present and future needs and consistent with the internationally accepted objectives of preventing nuclear-weapons proliferation;

5. Calls upon Israel urgently to place its nuclear facilities under the safeguards of the International Atomic Energy Agency.

CASE 7

Complaint by Seychelles

(In connection with a draft resolution prepared in the course of consultations and adopted unanimously on 15 December 1981; and another draft resolution sponsored by Guyana, Jordan, Panama, Togo, Uganda and Zaire, voted upon and adopted unanimously on 28 May 1982)

During the discussions regarding the complaint by Seychelles, which had suffered armed attack by mercenaries, the speakers condemned all forms of mercenary activity as a direct violation of the principles of respect for the territorial integrity and political independence of States regardless of their size and geographical location. It was also underlined that international law prohibited any State from allowing its territory to be used for purposes that threaten the independence and sovereignty of other States; that it was the duty of all States to refrain from financing, encouraging or tolerating armed subversive activities aimed at destabilizing or overthrowing by violence the established Government of another State; and that the mercenary aggression against Seychelles had once again pointed up the urgent need for an international instrument prohibiting all acts pertaining to the recruitment, use, financing and training of mercenaries.⁵⁶

At the 2314th meeting, on 15 December 1981, a draft resolution that had been prepared in the course of consultations among members of the Council was put to the vote and adopted unanimously as resolution 496 (1981).⁵⁷ The resolution reads, in part, as follows:

The Security Council,

Bearing in mind that all Member States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

1. Affirms that the territorial integrity and political independence of the Republic of Seychelles must be respected;

2. Condemns the recent mercenary aggression against the Republic of Seychelles and the subsequent hijacking;

3. Decides to send a commission of inquiry composed of three members of the Security Council in order to investigate the origin,

background and financing of the mercenary aggression of 25 November 1981 against the Republic of Seychelles, as well as assess and evaluate economic damages, and to report to the Council with recommendations no later than 31 January 1982;

At its 2359th meeting, on 20 May 1982, the Council included the report of the Commission of Inquiry⁵⁸ in its agenda and resumed consideration of the issue. At the 2370th meeting, on 28 May 1982, the representative of Togo introduced a draft resolution sponsored by Guyana, Jordan, Panama, Togo, Uganda and Zaire. The draft was put to the vote at the same meeting and adopted unanimously as resolution 507 (1982).⁵⁹ The resolution reads, in part, as follows:

The Security Council,

Gravely concerned at the violation of the territorial integrity, independence and sovereignty of the Republic of Seychelles,

Deeply grieved at the loss of life and substantial damage to property caused by the mercenary invading force during its attack on the Republic of Seychelles on 25 November 1981,

Gravely concerned at the mercenary aggression against the Republic of Seychelles, prepared in and executed from South Africa,

Deeply concerned at the danger which mercenaries represent for all States, particularly the small and weak ones, and for the stability and independence of African States,

Concerned at the long-term effects of the mercenary aggression of 25 November 1981 on the economy of the Republic of Seychelles,

Reiterating resolution 496 (1981), in which it affirms that the territorial integrity and political independence of the Republic of Seychelles must be respected,

2. *Strongly condemns* the mercenary aggression against the Republic of Seychelles;

3. *Commends* the Republic of Seychelles for successfully repulsing the mercenary aggression and defending its territorial integrity and independence;

4. *Reaffirms* its resolution 239 (1967) by which, *inter alia*, it condemns any State which persists in permitting or tolerating the recruitment of mercenaries and the provision of facilities to them, with the objective of overthrowing the Governments of Member States;

5. *Condemns* all forms of external interference in the internal affairs of Member States, including the use of mercenaries to destabilize States and/or to violate the territorial integrity, sovereignty and independence of States;

6. *Further condemns* the illegal acts against the security and safety of civil aviation committed in the Republic of Seychelles on 25 November 1981;

CASE 8

Situation between Iran and Iraq

(In connection with a draft resolution prepared in the course of consultations and adopted unanimously on 12 July 1982; a statement of the President of the Council issued on 15 July 1982; another draft resolution also prepared in the course of consultations and adopted unanimously on 4 October 1982; a second statement of the President of the Council, issued on 21 February 1983; a third draft resolution, sponsored by Guyana, Togo and Zaire, voted upon and adopted on 31 October 1983; and another statement of the President of the Council, issued on 30 March 1984)

During the Council's deliberations on the evolving conflict between Iran and Iraq, members of the Council and other speakers expressed great concern about the prolongation of the armed hostilities

between the two countries despite numerous international initiatives and intensive efforts aimed at ending the fighting and the achievement of a settlement of the issues underlying the conflict on the basis of the principles of the Charter, in particular the principle of peaceful settlement of disputes and the prohibition of the use of force under Article 2, paragraph 4. Furthermore, it was emphasized that there was a real danger that the war might take a turn for the worse and, hence, the two parties to the conflict, especially the Islamic Republic of Iran, which, during the period under review had disassociated itself from any action taken by the Council, were strongly urged to support the efforts to facilitate a peaceful solution and to co-operate in good faith in the implementation of the Council resolutions on the question.⁶⁰

At the 2383rd meeting, on 12 July 1982, the President drew attention to a draft resolution that had been prepared in the course of consultations among Council members. At the same meeting, the draft was put to the vote and adopted unanimously as resolution 514 (1982).⁶¹ The resolution reads, in part, as follows:

The Security Council,

Recalling the provisions of Article 2 of the Charter of the United Nations, and that the establishment of peace and security in the region requires strict adherence to these provisions,

1. *Calls* for a cease-fire and an immediate end to all military operations;

2. *Calls further* for a withdrawal of forces to internationally recognized boundaries;

3. *Decides* to dispatch a team of United Nations observers to verify, confirm and supervise the cease-fire and withdrawal, and requests the Secretary-General to submit to the Security Council a report on the arrangements required for that purpose;

4. *Urges* that the mediation efforts be continued in a co-ordinated manner through the Secretary-General with a view to achieving a comprehensive, just and honourable settlement, acceptable to both sides, of all the outstanding issues, on the basis of the principles of the Charter of the United Nations, including respect for sovereignty, independence, territorial integrity and non-interference in the internal affairs of States;

On 15 July 1982, the Secretary-General submitted a report,⁶² in pursuance of paragraph 3 of resolution 514 (1982), in which he stated that he had considered it necessary, with the agreement of the parties concerned, to send a small team of senior United Nations military officers to ascertain the actual situation on the ground and assess the arrangements required for the implementation of the resolution. On the same day, the Council met in informal consultations, following which the President, on behalf of its members, issued a statement, which reads, in part, as follows:⁶³

The members of the Security Council expressed concern at the serious situation existing between Iran and Iraq and at the fact that resolution 514 (1982) had not yet been implemented. The Council remains actively seized of this question. The President will remain in contact with the two sides concerned, with a view to exploring all possible means of advancing the efforts to achieve an end to the fighting and to secure a settlement of the underlying issues.

At its 2399th meeting, on 4 October 1982, the Council included in its agenda a letter⁶⁴ from Iraq to the United Nations requesting an urgent meeting of the Council to consider the serious deterioration of the conflict between Iran and Iraq. At the same meeting, the President drew attention to a draft

resolution that had been prepared in the course of consultations among members of the Council. The draft was then put to the vote and adopted unanimously as resolution 522 (1982).⁶⁵ It reads, in part, as follows:

The Security Council.

Deplores the prolongation and the escalation of the conflict between the two countries, resulting in heavy losses of human lives and considerable material damage and endangering peace and security,

Reaffirms that the restoration of peace and security in the region requires all Member States strictly to comply with their obligations under the Charter of the United Nations,

1. *Urgently calls again* for an immediate cease-fire and an end to all military operations;
2. *Reaffirms* its call for a withdrawal of forces to internationally recognized boundaries;
3. *Welcomes* the fact that one of the parties has already expressed its readiness to co-operate in the implementation of resolution 514 (1982) and calls upon the other to do likewise;
4. *Affirms* the necessity of implementing without further delay its decision to dispatch United Nations observers to verify, confirm and supervise the cease-fire and withdrawal;

On 21 February 1983, following consultations of the Council, the President of the Council issued, on behalf of its members, a statement, which reads, in part, as follows:⁶⁶

The members of the Council 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 members of the Council urgently call once again for an immediate cease-fire and an end to all military operations as well as the withdrawal of forces up to internationally recognized boundaries with a view to seeking a peaceful settlement in accordance with the principles of the Charter.

On 20 June 1983, the Secretary-General submitted a report⁶⁷ annexing the report of a mission he had dispatched to inspect civilian areas in the Islamic Republic of Iran and Iraq that had been subject to military attack.

At the 2493rd meeting, on 31 October 1983, when the Council resumed consideration of the question, the President drew attention to a draft resolution that had been submitted by Guyana, Togo and Zaire. At the same meeting, the draft resolution was voted upon and adopted by 12 votes to none, with 3 abstentions, as resolution 540 (1983).⁶⁸ The resolution reads, in part, as follows:

The Security Council.

Recalling its relevant resolutions and statements which *inter alia*, call for a comprehensive cease-fire and an end to all military operations between the parties,

Affirming the desirability of an objective examination of the causes of the war,

1. *Requests* the Secretary-General to continue his mediation efforts with the parties concerned, with a view to achieving a comprehensive, just and honourable settlement acceptable to both sides;
2. *Condemns* all violations of international humanitarian law, in particular, the provisions of the Geneva Conventions of 1949 in

all their aspects, and calls for the immediate cessation of all military operations against civilian targets, including city and residential areas;

4. *Requests* the Secretary-General to consult with the parties concerning ways to sustain and verify the cessation of hostilities, including the possible dispatch of United Nations observers, and to submit a report to the Security Council on the results of these consultations;

At its 2524th meeting, on 30 March 1984, the Council included in its agenda the report⁶⁹ of the specialists appointed by the Secretary-General to investigate allegations by the Islamic Republic of Iran concerning the use of chemical weapons, and resumed consideration of the question. At the same meeting, the President of the Council issued, on behalf of its members, a statement,⁷⁰ which reads, in part, as follows:

The members of the Council:

—Strongly condemn the use of chemical weapons reported by the mission of specialists;

—reaffirm the need to abide strictly by the provisions of the Geneva Protocol of 1925 for the prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare;

—call on the States concerned scrupulously to adhere to the obligations flowing from their accession to the Geneva Protocol of 1925;

—recall relevant resolutions of the Security Council, renew urgently their calls for the strict observance of a cease-fire and for a peaceful solution of the conflict and call upon all Governments concerned to co-operate fully with the Council in its efforts to bring about conditions leading to a peaceful settlement of the conflict in conformity with the principles of justice and international law;

CASE 9

Letter dated 19 March 1982 from the representative of Nicaragua

(In connection with a draft resolution sponsored by Guyana and Panama, voted upon and not adopted on 2 April 1982)

During the Council's consideration of the situation of tension in Central America, a number of Charter principles were underlined by the speakers, with a special emphasis given to the principle of the prohibition of the threat or use of force under Article 2, paragraph 4, and the parallel principles of the peaceful settlement of disputes and non-interference in the internal affairs of States.

On the one hand, it was charged that Nicaragua was under the threat of an imminent military invasion by the United States even though that small Central American country could not represent a threat to the security of the United States. It was, therefore, suggested that the relaxation of tensions and the promotion of stability and development in Central America required that the United States should rule out any threat or use of force against Nicaragua and that a system of mutual non-aggression pacts should be established between Nicaragua and the United States on the one hand and between Nicaragua and its neighbours on the other. The Council was called upon to stress the obligation of States under the Charter principles to seek peaceful means of solving the problems of Central America and to repudiate any intervention in the region.

On the other hand, the President of the Council, speaking in her capacity as the representative of the United States, rejected the charges as baseless and reiterated the attachment of the United States to the Charter principles that govern the use and non-use of force without renouncing the right to defend itself or to assist others to defend themselves under circumstances consistent with the Charter. She further stressed that while the United States had no intention of invading Nicaragua or any other country, it was, on the contrary, Nicaragua that was an active party to a massive intervention in the affairs of its neighbours, especially in El Salvador; and that it was the Organization of American States (OAS) that was the appropriate and primary forum for the consideration of the problem.⁷¹

At the 2347th meeting, on 2 April 1982, the President of the Council drew attention to the draft resolution sponsored by Guyana and Panama. Following a suspension of the meeting for consultations, the draft resolution was voted upon; received 12 votes to 1, with 2 abstentions, and was not adopted due to the negative vote of a permanent member.⁷² Under the draft, the Council would, *inter alia*, have taken into account Article 2, paragraph 4, of the Charter and other relevant provisions concerning the pacific settlement of disputes; reminded all Member States of their obligations to respect the principles of the Charter, in particular those relating to non-use or threat of force and the territorial integrity and political independence of States; and appealed to all Member States to refrain from the direct, indirect, overt or covert use of force against any country of Central America and the Caribbean.

CASE 10

Situation in Grenada

(In connection with a draft resolution sponsored by Guyana, Nicaragua and Zimbabwe, revised, voted upon and not adopted on 28 October 1983)

During the Council's deliberation regarding the situation in Grenada, where a multinational force composed of contingents from the members of the Organization of Eastern Caribbean States (OECS) assisted, at their request, by Barbados, Jamaica and the United States, had disembarked following events in which the Prime Minister of that island State was overthrown and subsequently killed along with some cabinet ministers, a considerable constitutional discussion arose involving the principles of Article 2, paragraph 4, and the provisions of Chapter VIII of the Charter relating to regional arrangements.⁷³

On the one hand, it was argued that the events that had taken place in Grenada were the internal affairs of that State and provided no justification for the invasion of the island by forces involving United States troops, in clear violation of the sovereignty, territorial integrity and the political independence of a small and virtually defenceless island State. Specifically, it was charged that the attempts at justifying the invasion on whatever grounds were inadmissible pretexts advanced for the purpose of imposing political models in direct violation of the basic principles of the United Nations, in particular Article 2, paragraph 4, of the Charter. Furthermore, it was maintained that under the Charter the use of force and intervention was permissible only in two sets of circumstances: in response to a request from the

legitimate authorities of a country for assistance in individual or collective self-defence against armed external aggression, or upon a decision of the Council under Chapter VII of the Charter. No convention, regional or subregional instrument contradicted those principles to authorize intervention by another State in the internal affairs of the eastern Caribbean region. It was, moreover, emphasized that the prohibition of the use of force could not be subject to interpretation since that would allow the "marketing of subjective policies" as objective realities, thereby legitimizing the use of force and permitting intervention with the consequence being the reversal of the whole jurisprudence of the Charter. While the internal turmoil and the violent removal of the Prime Minister and some cabinet members of the Government of Grenada was declared unacceptable, it was nevertheless stressed that an external invasion could not bridge the resulting institutional gap and that aggression should not be allowed to serve as an instrument of policing the destiny of any State.

On the other hand, it was held that, following the violent events in Grenada in which Cuban-trained armed officers had seized power, the member Governments of OECS and their partners in the Caribbean Community (CARICOM) had met in urgent session and had considered that:

(a) There would be further loss of life and deterioration of public order as the military group attempted to secure its position;

(b) The imposition of a 96-hour shoot-on-sight curfew was intended to suppress further the population, which had demonstrated its hostility to the armed group;

(c) The extensive and disproportionate military build-up in Grenada in recent years, along with the presence of Cuban troops and the prospect of such military might falling into the hands of the current group, posed a serious threat to the security of OECS and other neighbouring countries;

(d) It was of the utmost urgency to take immediate steps to remove those threats.

It was thus maintained that the member Governments of OECS, acting under their Regional Defence Pact and at the request for help of the Governor-General of Grenada, the only link of legitimate authority with the "massacred Government", had sought assistance from countries within the region and subsequently from the United States, whose nationals on the island were endangered, to form a multinational task force for the purpose of undertaking the pre-emptive defensive strike required to remove the threat to peace and security in the sub-region and to restore a situation of normalcy in Grenada.

It was declared that the action taken by the task force was "perfectly legal", within the letter and the spirit of the Charter, and that the force would be withdrawn once OECS had ensured that an interim Government was established in Grenada to carry out the people's mandate for free elections.

Moreover, it was asserted that the Charter prohibition against the use of force was contextual and not absolute since there were provisions, also inscribed in the Charter, justifying the use of force against force in pursuit of other values such as freedom, democracy and peace; and that the Charter did not require peoples to submit supinely to terror, nor that their neighbours be indifferent to their terrorization.⁷⁴

At the 2487th meeting, on 25 October 1983, the representative of Guyana introduced a draft resolution sponsored by Guyana and Nicaragua. Under this draft, the Council would have borne in mind that, in accordance with Article 2, paragraph 4, of the Charter, all Member States were obliged to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State or to act in any other manner inconsistent with the principles of the Charter; deplored the armed intervention in Grenada;

and called for the immediate cessation of the intervention and the withdrawal of the foreign troops from that State.⁷⁵

At the 2491st meeting, on 27 October 1983, the President of the Council drew attention to the revised text of the draft resolution, also sponsored by Zimbabwe, which was put to the vote at the same meeting, received 11 votes to 1, with 3 abstentions, and was not adopted owing to the negative vote of a permanent member.⁷⁶

B. Article 2, paragraph 5

"All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action."

NOTE

During the period under review, no constitutional discussion arose in connection with Article 2, paragraph 5, of the Charter. None of the resolutions adopted by the Council contained provisions that might be described as implicit references to the principle in paragraph 5 of Article 2. The Council, however, considered three draft resolutions containing provisions that might be viewed as implicit references to the principle in that paragraph of Article 2, which either were not put to the vote or voted upon and not adopted, in connection with the Middle East problem, including the situation in the occupied Arab territories.⁷⁷ There were no explicit references to Article 2, paragraph 5, during any of the Council's debates.

C. Article 2, paragraph 6

"The Organization shall ensure that States which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security."

NOTE

During the period under review, the Council adopted four resolutions⁷⁸ that contained implicit references to the provisions of Article 2, paragraph 6. The Council also considered four draft resolutions⁷⁹ explicitly invoking Article 2, paragraph 6. Neither the resolutions adopted nor the draft resolutions considered, which either were not put to the vote or failed to be adopted, gave rise to a constitutional discussion in connection with that paragraph of Article 2. There were no explicit references to the Charter provisions of Article 2, paragraph 6, during the Council's deliberations.

D. Article 2, paragraph 7

"Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

NOTE

During the period under review, none of the resolutions adopted by the Council contained an explicit reference to Article 2, paragraph 7, of the Charter. However, the significance of the Charter provision regarding the principle of non-interference in domestic affairs was reflected in a few of the decisions and on several occasions in the proceedings of the Council. This Charter principle was implicitly invoked in two resolutions.⁸⁰ The Council also considered four draft resolutions⁸¹ containing implicit references to Article 2, paragraph 7, but were either not put to the vote or voted upon and not adopted. Under one of these draft resolutions,⁸² the Council

would have, *inter alia*, recalled General Assembly resolution 2131 (XX) of 21 December 1965 on the inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty.

On one occasion, during the Council's deliberations in connection with the letter dated 19 March 1982 from the representative of Nicaragua, the principle of non-interference in domestic affairs was frequently invoked, both explicitly and implicitly, and underlined as a basic norm with universal applicability to which there could be no exceptions, since any exception would mean opening the way to a

disintegration of the very foundations of international order.⁸³

On another occasion, when the Council considered the situation in Grenada, the principle of non-interference in internal matters of States was often referred to along with other basic provisions of the Charter, particularly the principle on the prohibition of the use of force,⁸⁴ stressing the need for strict adherence to them.⁸⁵ During these deliberations, two speakers referred to and quoted extensively from the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States adopted by the General Assembly in December 1981⁸⁶ elaborating, *inter alia*, the duty of a State to refrain from any form of intervention and interference directed at another State or group of States or any act of interference in the internal affairs of another State.⁸⁷

Article 2, paragraph 7, was clearly, though implicitly, referred to in a number of other instances during the Council's deliberations,⁸⁸ and in a few communications⁸⁹ from Member States addressed to the United Nations.

During the Council's deliberation on the question of South Africa, particularly its new constitution, under which the black African majority remained deprived of its fundamental rights, Article 2, paragraph 7, was invoked along with the Universal Declaration of Human Rights, giving rise to a considerable constitutional discussion that is included in the case history below.

CASE 11

Question of South Africa

(In connection with a draft resolution submitted by Burkina Faso, Egypt, India, Malta, Nicaragua, Pakistan, Peru and Zimbabwe, voted upon and adopted on 17 August 1984, and another draft resolution also submitted by the same Member States, voted upon and adopted on 23 October 1984)

During the Council's deliberations regarding the new South African constitution, providing for a parliament of three houses—one for the white, one for the "coloured" people and one for people of Asian origin—whereby the indigenous African majority would remain alienated and deprived of all fundamental rights, it was argued, on the one hand, that constitutional arrangement within the Republic of South Africa was a manifestly internal affair over which the Council or any other organ of the United Nations had no authority and that the Council's meeting to consider a matter of strictly domestic jurisdiction was irregular and convened in direct violation of the explicit provisions of the Charter.

The representative of South Africa further argued that, on the basis of experience with a population composed entirely of minorities, his Government sought sincerely to meet the challenges posed by diversity; that a substantial percentage of the black peoples had already opted for political independence as a result of which there were four "independent black States"; that the allegation that blacks had been omitted from the political process was a distortion; and that the new constitution was aimed at the inclusion, in a meaningful way, of the coloured and the Indian peoples in the overall pattern of multinational development and co-operative coexistence as well as the decision-making process.

He stated that the constitutional architecture had a horizontal and a vertical aspect that would provide for the political aspirations of all the peoples of South Africa while protecting the rights of all minorities; that this was a bold and imaginative bid for the realistic and fair ordering of a most complex society; and that his Government rejected the Council's claim to concern itself with the internal affairs of South Africa and the presumption to prescribe how South Africa should conduct its domestic affairs.

On the other hand, the members of the Council and the other speakers were unanimous in their condemnation of the racist *apartheid* policies of the South African Government as abhorrent and maintained that the United Nations was required, by virtue of its Charter, to ensure respect for human rights and fundamental freedoms without distinction as to race, religion, sex or language and that any attempt to implant *apartheid*, which clearly belonged to that category, could not become a question of internal jurisdiction, particularly since the South African jurisdiction not only excluded the black African majority but also denied them their fundamental right of citizenship in their own country through the so-called homelands policy.

It was also upheld that the new constitution was designed further to entrench and consolidate white minority rule in the country in total defiance of all the purposes and principles of the Charter and that the General Assembly had already declared the whites-only referendum on the constitution as null and void.⁹⁰ It was further maintained that the Charter principle through which Member States had pledged to promote and encourage human rights and fundamental freedoms for all without distinction was elaborated by the Universal Declaration of Human Rights; that by signing the Charter a Member State had necessarily agreed to allow its actions towards its own citizens to be examined for their conformity with universally accepted standards of human rights, particularly as laid down in articles 2 and 21, paragraph 3, of the Declaration; and that the fact that racial discrimination was enshrined in the Constitution of South Africa did not shield the matter from scrutiny by the United Nations, since the principle of non-interference in domestic affairs as provided in Article 2, paragraph 7, of the Charter could not be interpreted to render the Declaration a nullity. However, it was also stated that only the people of South Africa could determine their future and that it was not for outsiders to prescribe solutions nor to determine the validity or otherwise of a Member State's constitution or electoral processes.⁹¹

At the 2551st meeting, on 17 August 1984, the representative of India introduced the draft resolution sponsored by Burkina Faso, Egypt, India, Malta, Nicaragua, Pakistan, Peru and Zimbabwe. This draft was put to the vote at the same meeting and adopted by 13 votes to none, with 2 abstentions, as resolution 554 (1984).⁹² The resolution reads, in part, as follows:

The Security Council.

Recalling its resolution 473 (1980) and General Assembly resolution 38/11 of 15 November 1983, as well as other relevant United Nations resolutions calling upon the authorities in South Africa to abandon *apartheid*, end oppression and repression of the black majority and seek a peaceful, just and lasting solution in accordance with the principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Convinced that the so-called "new constitution" endorsed on 2 November 1983 by the exclusively white electorate in South Africa would continue the process of denationalization of the indigenous

African majority, depriving it of all fundamental rights, and further entrench *apartheid*, transforming South Africa into a country for "whites only".

1. Declares that the so-called "new constitution" is contrary to the principles of the Charter of the United Nations, that the results of the referendum of 2 November 1983 are of no validity whatsoever and that the enforcement of the "new constitution" will further aggravate the already explosive situation prevailing inside *apartheid* South Africa;

2. Strongly rejects and declares as null and void the so-called "new constitution" and the "elections" to be organized in the current month of August for the "coloured" people and people of Asian origin as well as all insidious manoeuvres by the racist minority régime of South Africa further to entrench white minority rule and *apartheid*;

4. Solemnly declares that only the total eradication of *apartheid* and the establishment of a non-racial democratic society based on majority rule, through the full and free exercise of universal adult suffrage by all the people in a united and unfragmented South Africa, can lead to a just and lasting solution of the explosive situation in South Africa;

At its 2560th meeting, on 23 October 1984, the Council resumed consideration of the item and the unrest emanating largely from demonstrations against elections under the new South African constitution. At the same meeting, the draft resolution

submitted by Burkina Faso, Egypt, India, Malta, Nicaragua, Pakistan, Peru and Zimbabwe was put to the vote and adopted by 14 votes to none, with 1 abstention, as resolution 556 (1984).⁹³ The resolution reads, in part, as follows:

The Security Council.

Recalling its resolution 554 (1984) and General Assembly resolutions 38/11 of 15 November 1983 and 39/2 of 28 September 1984, which declared the so-called "new constitution" contrary to the principles of the Charter of the United Nations,

Reaffirming the provisions of the Universal Declaration of Human Rights, particularly article 21, paragraphs 1 and 3, recognize, *inter alia*, the right of everyone to take part in the Government of his country, directly or through freely chosen representatives, and the will of the people as the basis of the authority of Government,

1. Reiterates its condemnation of the *apartheid* policy of the South African régime and South Africa's continued defiance of the resolutions of the United Nations and designs further to entrench *apartheid*, a system characterized as a crime against humanity;

4. Reaffirms that only the total eradication of *apartheid* and the establishment of a non-racial, democratic society based on majority rule, through the full and free exercise of adult suffrage by all the people in a united and unfragmented South Africa, can lead to a just, equitable and lasting solution of the situation in South Africa;

Part III

CONSIDERATION OF THE PROVISIONS OF ARTICLE 24 OF THE CHARTER

Article 24

"1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

"2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII and XII.

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

NOTE

During the period under review, the Council, in the course of its consideration of the situation between Iran and Iraq, adopted resolution 514 (1982), which invoked Article 24 explicitly.⁹⁴ Subsequent to the adoption of that resolution, the representative of the Islamic Republic of Iran transmitted the text⁹⁵ of the position of his Government with regard to Council action on the situation between Iran and Iraq, invoking explicitly paragraph 2 of Article 24 of the Charter and charging that resolution 514 (1982), like the previous Council resolution⁹⁶ on the same question failed to condemn Iraq for its armed aggression and for its disregard of Articles 33 and 37; that, on the contrary, these resolutions tacitly supported the Iraqi position; that such an attitude by the Council was in violation of Article 24; and that, consequently, the Islamic Republic of Iran disassociated itself from any action so far taken by the Council.

In connection with the situation in the occupied Arab territories, the Council adopted resolution 500 (1982) of 28 January 1982 which contained an implicit reference to Article 24 in its preambular part.⁹⁷ The consideration and adoption of this resolution did not give rise to any constitutional discussion.

When the Council considered the question of South Africa, in particular the new South African constitution, which provided for a parliament of three houses in which the black African majority remained excluded, Article 24 of the Charter was invoked, both explicitly and implicitly, and it was argued that the Council was not the appropriate forum for the discussion of the matter since, under the provisions of Article 24, the responsibility of the Council was to maintain international peace and security; that the severe threats to regional security that had existed in southern Africa were being effectively dealt with by a growing number of States in the region thereby opening an opportunity for

sustained progress towards peaceful change; that, under the circumstances, the issue was not appropriately within the purview of the Council; and that the goals set forth in the Charter could be attained only if the Organization acted within the framework provided by the Charter.⁹⁸

When the Council considered the letter dated 1 April 1982 from the representative of the United Kingdom, Article 24 was implicitly invoked in a statement⁹⁹ of the President on behalf of its Members. In connection with the same item, including the question concerning the Falkland Islands (Islas Malvinas), and subsequent to the adoption of Council resolution 502 (1982),¹⁰⁰ there was an instance that might be described as a constitutional discussion regarding Article 24. Charges and counter-charges involving interpretations of Article 24 were, however, more apparent in the communications from the parties to the conflict addressed to the United Nations than in the actual deliberations of the Council on the question.

On the one hand, the representative of Argentina charged that the increasing aggression against his country by the United Kingdom was "threatening to unleash an armed conflict of unknown dimensions" and that, through these actions, the United Kingdom was seeking to arrogate to itself powers which, under

Article 24, belonged to the Council for the discharge of its primary responsibility for the maintenance of international peace and security. It was further argued that the United Kingdom was thus declaring Council resolution 502 (1982) ineffective and invoking the right of self-defence to justify its act of aggression.

On the other hand, the representative of the United Kingdom maintained that, while Article 24 had conferred upon the Council the primary responsibility for the maintenance of international peace and security, that Article nevertheless had to be read together with Article 51, which provided that nothing in the Charter should impair the inherent right of self-defence,¹⁰¹ and that it was therefore a complete misreading of the Charter to assert that the United Kingdom was not entitled to exercise its right of self-defence by reason of the terms of Article 24 when Argentina persisted in its refusal to carry out the demands of resolution 502 (1982).¹⁰²

Other than those already mentioned, there were a number of explicit references to Article 24 during the course of Council deliberations, but no constitutional discussion ensued.¹⁰³ Article 24 was also explicitly invoked in two other communications from Member States addressed to the United Nations.¹⁰⁴

Part IV

CONSIDERATION OF THE PROVISIONS OF ARTICLE 25 OF THE CHARTER

Article 25

"The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

NOTE

During the period under review, the Council adopted one resolution¹⁰⁵ that explicitly invoked Article 25 of the Charter. Article 25 was also explicitly referred to in five draft resolutions, all of which were voted upon and not adopted.¹⁰⁶

A large number of resolutions¹⁰⁷ and five draft resolutions,¹⁰⁸ which either were not put to the vote or voted upon and not adopted, contained paragraphs that might be considered as implicit references to Article 25.

There were also explicit references to Article 25 and to its binding nature during the debates in the Council, usually in connection with decisions previously taken by the Council.¹⁰⁹ However, the Council did not engage in any constitutional discussion concerning Article 25 that amounted to more than upholding long-held views about its interpretation and application.

Article 25 was explicitly invoked in seven communications¹¹⁰ from Member States addressed to the United Nations.

Part V

CONSIDERATION OF THE PROVISIONS OF CHAPTER VIII OF THE CHARTER

Article 52

"1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

"2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific

settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

"3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Security Council.

"4. This Article in no way impairs the application of Articles 34 and 35."

Article 53

"1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy State, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a State.

"2. The term enemy State as used in paragraph 1 of this Article applies to any State which during the Second World War has been an enemy of any signatory of the present Charter."

Article 54

"The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security."

NOTE

In consequence of the obligations placed by the Charter upon Members of the United Nations and upon regional arrangements or agencies, the attention of the Council was drawn during the period from 1981 to 1984 to the following communications, which were circulated by the Secretary-General to the representatives on the Council, but were not included in the provisional agenda.

**A. COMMUNICATIONS FROM THE SECRETARY-GENERAL OF THE ORGANIZATION OF AFRICAN UNITY

B. COMMUNICATIONS FROM THE SECRETARY-GENERAL OF THE ORGANIZATION OF AMERICAN STATES

- (i) Dated 30 January 1981: transmitting the text of a resolution adopted on 29 January by the Permanent Council of OAS.¹¹¹
- (ii) Dated 5 February 1981: transmitting the text of a resolution adopted on 4 February by the Nineteenth Meeting of Consultation of Ministers of Foreign Affairs.¹¹²

C. COMMUNICATIONS FROM STATES PARTIES TO DISPUTES OR SITUATIONS

- (i) Dated 22 April 1981: Chad, charging that Egypt and Sudan were threatening Chad with armed invasion.¹¹³
- (ii) Dated 24 April 1981: Egypt, rejecting the charges by Chad; affirming respect for the OAU resolutions on Chad; and charging that the Libyan invasion of Chad threatened peace and security in Africa.¹¹⁴

- (iii) Dated 27 April 1981: Sudan, rejecting the Chadian allegation and expressing support to all African efforts to bring peace and national unity to Chad.¹¹⁵
- (iv) Dated 1 February 1981: Ecuador, complaining of Peruvian aggression which it had placed before OAS.¹¹⁶
- (v) Dated 5 February 1981: Ecuador, transmitting the text of the resolution adopted on 4 February by the Nineteenth Meeting of Consultation of Ministers of Foreign Affairs of OAS.¹¹⁷
- (vi) Dated 10 February 1981: Peru, transmitting together with the resolution of the Nineteenth Meeting of Consultation, the texts of the statements made at the Meeting by Argentina, Brazil, Chile and the United States, as countries guaranteeing the Peruvian Ecuadorian Protocol of Peace, Friendship and Frontiers signed at Rio de Janeiro on 29 January 1942, and of the explanation given by Peru on that occasion.¹¹⁸
- (vii) Dated 16 September 1981: Sudan, charging that Libyan armed forces in Chad had committed hostile acts against the Sudan and reserving the right to bring the matter before the Council.¹¹⁹
- (viii) Dated 21 September 1981: Chad, rejecting the Sudanese allegations, claiming that those allegations were aimed at covering up Sudanese destabilization operations against Chad and reserving the right to bring the matter before the Council.¹²⁰
- (ix) Dated 13 October 1981: Morocco, charging that, in disregard of the relevant resolutions of OAU and its Implementation Committee regarding Western Sahara, Moroccan troops in the locality of Guelta Zemmur had been attacked by armed bands that could have come only from neighbouring countries.¹²¹

- (x) Dated 16 October 1981: Mauritania, categorically denying the Moroccan accusations.¹²²
- (xi) Dated 7 June 1983: Belize, charging Guatemala with a violation of Belizean territory and sovereignty.¹²³
- (xii) Dated 10 June 1983: Guatemala, rejecting the protest by Belize; and stating that Guatemala did not and would not recognize the independence of Belize nor the existence of frontiers with that territory until a solution was found to the territorial dispute between Guatemala and United Kingdom.¹²⁴
- (xiii) Dated 8 December 1983: Argentina, transmitting the text of a resolution adopted by the thirteenth session of the General Assembly of OAS on 17 November.¹²⁵

D. COMMUNICATIONS FROM OTHER STATES CONCERNING MATTERS BEFORE REGIONAL ORGANIZATIONS

- (i) Dated 18 February 1981: Sierra Leone, transmitting the texts of the following documents relating to the situation in Chad: (a) the Lagos Accord on National Reconciliation in Chad dated 18 August 1979; (b) the resolution adopted by the Assembly of Heads of State and Government of OAU at its seventeenth ordinary session; and (c) the final communiqué, issued at Lomé on 4 January 1981, of the Bureau of the seventeenth summit conference of OAU and the OAU Standing Committee on Chad.¹²⁶
- (ii) Dated 20 February 1981: Chad, stating that the situation in Chad did not constitute a threat to international peace and security; objecting to the publication of the OAU documents on Chad; and opposing any consideration of the situation in Chad by the Council.¹²⁷
- (iii) Dated 23 February 1981: Argentina, Brazil, Chile and the United States, transmitting the text of the statement made at the Nineteenth Meeting of Consultation of Ministers of Foreign Affairs of OAS in connection with the settlement of the border dispute between Ecuador and Peru.¹²⁸
- (iv) Dated 14 September 1981: Kenya, transmitting the text of the decision adopted by the OAU Implementation Committee on Western Sahara of OAU at its first ordinary session.¹²⁹

In addition to circulating these communications to the representatives on the Council, it has been the practice to include summary accounts of some of them in the annual reports of the Council to the General Assembly.¹³⁰

During the period under review, the Council adopted two resolutions¹³¹ and issued one statement¹³² by the President on behalf of the Council, which contained implicit references to the provisions of Chapter VIII of the Charter. The Council also considered one draft resolution¹³³ that contained provisions that might be described as implicit references to Chapter VIII. Neither of these instances gave rise to a constitutional discussion that amounted to more than a reaffirmation of the

respective responsibilities of the Council and the regional agencies concerned.

On one occasion, during the Council's deliberations on the letter dated 19 March 1982 from the representative of Nicaragua, Chapter VIII in general and Article 52 in particular were frequently invoked by representatives holding divergent views on the competence and jurisdiction of the Council under the Charter of the United Nations *vis-à-vis* OAS.

On the one hand, it was held that Chapter VIII contained a set of provisions that sought not only to link regional systems to the United Nations global system but also to reserve for the former a leading role as the primary forum for maintaining international peace and security, with the only condition laid down in the Charter being that such regional arrangements or agencies and their activities should be consistent with the purposes and principles of the Charter.

It was maintained that while, from the standpoint of the Charter, Article 52 and Article 33 imposed on Member States that were also members of regional arrangements the duty to undertake all possible efforts to achieve pacific settlement of local disputes through those regional organizations before referring them to the Council; in the case of the inter-American system the "pre-emptive jurisdiction" of the regional agency was binding among all States members of OAS and that that implied no question of the final superior competence of the Council nor of the substantive rights of States but rather established a procedural order provided for and fostered by the Charter itself.

In addition to Chapter VIII of the Charter, other existing international instruments with respect to inter-American matters were invoked to buttress the viewpoint that OAS was not only the appropriate and primary forum for the consideration of the matter brought before the Council by Nicaragua but also that the regional organization was formally seized of it and that OAS had not completed the process of discharging its responsibilities and competence. It was further stressed that the jurisdiction of OAS over the question before the Council was compatible with the primacy of the Charter over any regional agreement because according to Article 103 of that Charter—the provisions of which were also included in the inter-American instruments—it was not the rights of States but only their obligations under the Charter that prevailed over those contracted by States in other international conventions, and because the provisions of article 137 of the charter of OAS¹³⁴ and article 10 of the Inter-American Treaty of Reciprocal Assistance¹³⁵ were inapplicable since they merely established criteria of interpretation and not a hierarchy of the importance of provisions.

On the other hand, it was maintained that Article 24 of the Charter of the United Nations, under which its Members conferred on the Council primary responsibility for the maintenance of international security, and Article 103, which provided that no obligations under any other international agreement prevailed over obligations under the Charter, implied more rather than less opportunity of recourse to the Council.

It was further argued that neither the provisions of Chapter VIII, particularly Article 52 (4), of the Charter of the United Nations nor the charter of OAS

invalidated the rights of States to have recourse to the Council when there were reasons justifying such action and that, in the event of a situation or a dispute likely to endanger peace, a State Member of the United Nations that was also a member of OAS had the sovereign right to choose between the options of recourse to the Council or recourse to the regional agency.

Moreover, it was stressed that the legal protections of the United Nations global system and the regional system of OAS were meant to complement rather than to replace or exclude each other and that the principle of free choice of means for the peaceful

settlement of disputes was also established by the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.¹³⁶ However, this constitutional discussion was not reflected in the draft resolution¹³⁷ submitted for the Council's consideration.

Other than those mentioned above, the provisions of Chapter VIII, mostly Article 52 thereof, were also explicitly invoked in many instances of the Council's deliberations.¹³⁸ and in a number of communications¹³⁹ from Member States addressed to the United Nations.

****Part VI**

****CONSIDERATION OF THE PROVISIONS OF CHAPTER XII OF THE CHARTER**

Part VII

CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER

Article 102

"1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

"2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations."

Article 103

"In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

NOTE

During the Council proceedings in connection with the situation in Grenada, there was an instance in which Article 102 was explicitly referred to by one representative, who stressed that the invocation of the treaty establishing the subregional Organization of Eastern Caribbean States (OECS) before a body of the United Nations was a "remarkable error" since that treaty was not registered with the Secretariat of the United Nations and, hence, not published in the Organization's *Treaty Series* in contravention of Article 102, paragraph 2, of the Charter.¹⁴⁰

On one occasion, during the Council's consideration of the complaint by Angola against South Africa, the President of the Council (Panama) explicitly referred to Article 103 in the context of the Council's responsibility for the maintenance of international peace and security in the face of the new escalation of South Africa's acts of aggression and the unacceptability of any justification for its non-compliance with resolution 475 (1980), previously adopted on the same question. He stated that the system of security conceived by the founders of the United Nations was affirmed in the acceptance and fulfilment by the Member States of the obligations enshrined in the Charter (Article 4, paragraph 1); in

the binding force of the resolutions of the Council (Article 25); and, as provided in Article 103, in the primacy of the Charter obligations over obligations contracted by Member States under any other international agreement.

He further emphasized that the concept of neutrality could not be upheld as far as the application of Council resolutions were concerned and that even States that were traditionally neutral, States that were not Members of the United Nations but were parties to the Statute of the International Court of Justice, and those States that had access to the Court although not parties to its Statute were subject to the obligations deriving from Articles 25 and 103 of the United Nations.¹⁴¹

On another occasion, in connection with the situation in Cyprus, Article 103 was explicitly invoked in the deliberations of the Council. The representative of Cyprus charged that the attempt by Turkey to justify, in a United Nations era, its invasion of Cyprus under the provisions of the Treaty of Guarantee was to be oblivious and disrespectful of the purposes and principles of the Charter, particularly Article 2 paragraph 4, which prohibited the use of force in international relations. He pointed out that article 4 of the Treaty of Guarantee called upon the Guarantor Powers to act jointly and,

in the event that such joint action proved not possible, gave each Guarantor Power the right to take action aimed solely at "re-establishing the state of affairs created by the Treaty". The Treaty article, he elaborated, neither referred to military action nor did it allow the use of force, since, had it done so, it would have rendered the Treaty contrary to the provisions of the Charter and thus null and void *ab initio* in accordance with Article 103.¹⁴²

The representative of Turkey rejected the charges and expressed the view that the Turkish intervention had taken place on the basis of the principle of legitimate individual defence and in accordance with the Treaty of Guarantee, which had recognized Turkey's right of individual action. He added that Turkey had consulted the United Kingdom for the purpose of reaching a decision on joint action, as required under article 4 of the Treaty of Guarantee, but had not considered it necessary to consult Greece since that country had been in the process of violating its international commitments.¹⁴³

On a third occasion, in connection with the Council's deliberation on the letter dated 19 March 1982 from Nicaragua, Article 103 was explicitly invoked in the context of Nicaragua's right to bring the question of the situation in Central America before the Security Council instead of the regional OAS in accordance with the provisions of Article 33 and Chapter VIII of the Charter.¹⁴⁴

On the one hand, it was argued that no regional organization, no pact or treaty could be deemed above, nor could any such instrument be invoked to the detriment of, the supreme authority that the Charter conferred on the Council for the maintenance of international peace and security and that, according to Article 103, no obligations under any arrangement prevailed over the obligations under the Charter. It was further maintained that Nicaragua's recourse to the Council was based on its right to do so under Articles 2, paragraph 4, 34, 35, 52, paragraph 4, and 103 of the Charter; and that this right was also recognized by article 137 of the Charter of OAS, which stated, "None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations", and by article 10 of the Inter-American Treaty of Reciprocal Assistance, which read, "None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the High Contracting Parties under the Charter of the United Nations".

It was also stated that the emergence of new nations and the universality of United Nations

membership had given rise to a multiplicity of various pacts resulting in a fusion of nations greater than at any time before 1945. The founding fathers, therefore, had anticipated the dangers as well as the advantages inherent in such fragmentation when they had inserted Article 103 under what they had called "miscellaneous provisions". Thus, although the Charter opened many doors, it could not, in the interest of consistency, prevent any party to a dispute from coming directly to the Council through the main door.¹⁴⁵

On the other hand, it was held that, from the standpoint of the Charter of the United Nations, Member States that were also members of regional arrangements had only the obligation to "make efforts" whereas in the inter-American system States parties had a "clear-cut and absolute" duty to resort to those regional mechanisms before turning to the Council or the General Assembly. It was further maintained that this juridical obligation of prior recourse to the regional inter-American system was clearly established in article 23 of the Charter of OAS, article 2 of the Inter-American Treaty of Reciprocal Assistance and article II of the Treaty of Pacific Settlement.

Moreover, it was argued, Article 103, which established the primacy of the Charter of the United Nations over any regional agreement, did not in any way refer to the rights of States but only to their obligations, and it was the obligations of States under the Charter that prevailed over those contracted by States in other international instruments. That could not have been otherwise since the *raison d'être* of any international agreement was the limitation of the rights and powers of its States parties and, hence, it would have been absurd to claim that the general rights of Members of the United Nations could not be limited by treaty. It was further argued that article 137 of the Charter of OAS and article 10 of the Inter-American Treaty of Reciprocal Assistance were not applicable since they merely established criteria of interpretation and not a hierarchy; and that, in any case, the pre-emptive priority of the regional system was purely procedural, not substantive, and the obligation which the American States assumed under their regional instruments was compatible with the final superior competence of the Council in the maintenance of international peace and security.¹⁴⁶

Other than those mentioned above, Article 103 of the Charter of the United Nations was also invoked explicitly in a letter dated 13 April 1983 from Nicaragua addressed to the President of the Council.¹⁴⁷

**Part VIII

**CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER

NOTES

¹ For observations on the methods adopted in compilation of the Chapter, see *Repertoire of the Practice of the Security Council, 1946-1951*, introductory note to chap. VIII, part II; and the arrangement of chaps. X-XII.

² Resolutions 532 (1983), second preambular para.; and 539 (1983), second preambular para. and para. 3.

³ Resolutions 554 (1984), first preambular para.; and 556 (1984), second preambular para. and, implicitly, para. 4.

⁴ S/14459, S/14460/Rev.1, S/14461, S/14462, *OR*, 36th yr., *Suppl. for April-June 1981*. The first of these draft resolutions was submitted by Mexico, Niger, Panama, Tunisia and Uganda, and the remaining three were submitted by Niger, Tunisia and Uganda and, at the 2277th meeting, failed to be adopted owing to the negative votes of three permanent members. The four drafts reaffirmed the inalienable right of the people of Namibia to self-determination in accordance with General Assembly resolution 1514 (XV) (seventh preambular paras.).

⁵ S/15317, *OR*, 37th yr., *Suppl. for July-Sept. 1982*. The draft resolution was sponsored by Egypt and France and introduced at the 2384th mtg. (para. 14) and was not put to the vote. The draft reaffirmed the legitimate national rights of the Palestinian people, including the right to self-determination with all its implications (sect. C, para. 1(b)).

⁶ S/14941, *OR*, 37th yr., *Suppl. for April-June 1982*. The draft was submitted by Guyana and Panama at the 2347th meeting and failed to be adopted owing to the negative vote of a permanent member. The draft recalled, *inter alia*, the right of peoples to self-determination and reminded Member States of their obligation to respect that principle of the Charter (fifth preambular para. and para. 1(b)).

⁷ S/14950, *OR*, 37th yr., *Suppl. for April-June 1982*. The draft was sponsored by Panama and introduced at the 2350th meeting and was not put to the vote. The draft described the situation between Argentina and the United Kingdom as one that had arisen from the existence of "a problem of a colonial nature" and recalled, *inter alia*, General Assembly resolution 1514 (XV) (third and fifth preambular paras.).

⁸ For the texts of relevant statements see 2497th mtg.: Cyprus; 2498th mtg.: Mr. Denktas; Turkey, Nicaragua and India; 2500th mtg.: Democratic Yemen, Egypt and Turkey; 2503rd mtg.: Cyprus and Mr. Atalay; and 2532nd mtg.: Turkey and India.

⁹ In connection with the situation in Namibia, 2263rd mtg.: Spain, para. 143; 2267th mtg.: Sierra Leone, para. 122; in connection with the situation in the Middle East, including the occupied Arab territories, 2293rd mtg.: United Kingdom, para. 48; 2322nd mtg.: Syrian Arab Republic, para. 173; 2334th mtg.: Senegal, para. 62; 2384th mtg.: Egypt, para. 36; Jordan, para. 61; 2385th mtg.: United Kingdom, para. 215; in connection with the letters dated 19 March 1982 and 22 March 1983 from the representative of Nicaragua, 2342nd mtg.: Ireland, paras. 24 and 25; 2421st mtg.: Netherlands, para. 99; in connection with the question of South Africa, 2550th mtg.: Sri Lanka; in connection with the situation in Grenada, 2489th mtg.: Syrian Arab Republic. In addition to those mentioned above, there were also other implicit references to the principle of self-determination, but they are often incidental and too numerous to be listed here.

¹⁰ General Assembly resolution 2200 A (XXI), annex.

¹¹ General Assembly resolution 2625 (XXV), annex.

¹² For the texts of relevant statements see 2345th mtg.: Argentina, paras. 29, 38-46, 60, 69 and 71; and United Kingdom, para. 7; 2350th mtg.: Argentina, paras. 5-27; Jordan, paras. 62-64; Peru, paras. 87-92; Panama, paras. 96-134; Paraguay, paras. 149-154; United Kingdom, paras. 173-176; Spain, paras. 203 and 204; Uganda, para. 213; USSR, paras. 228-230; and Poland, paras. 263-266. 2360th mtg.: Argentina, paras. 26, 33 and 64; United Kingdom, paras. 112-119; Brazil, paras. 180-192; Ecuador, paras. 195-200; and Australia, paras. 212-224; 2366th mtg.: Argentina, paras. 129-158; United Kingdom, paras. 182-185; and 2368th mtg.: Yugoslavia, paras. 24-32.

¹³ For the vote on the draft resolution (S/14947/Rev.1), see 2350th mtg., para. 255.

¹⁴ Resolutions 545 (1983), fifth preambular para.; and 487 (1981), ninth preambular para.

¹⁵ Resolution 514 (1982), third preambular para.

¹⁶ Resolutions 527 (1982), third preambular para.; 496 (1981), third preambular para.; 502 (1982), first preambular para.; and 552 (1984), fourth preambular para.

¹⁷ Resolutions 488 (1981), para. 1; 490 (1981), paras. 1 and 2; 497 (1981), second preambular para.; 498 (1981), paras. 1(a) and (b), 2 and 4; 508 (1982), fourth preambular para. and para. 1; 509 (1982), third preambular paras. and para. 1; 512 (1982), para. 1; 513 (1982), para. 1; 516 (1982), para. 1; 517 (1982), para. 2; 518 (1982), para. 1; 520 (1982), paras. 2 and 4; 536 (1983), fourth preambular para.; 538 (1983), fourth preambular para.; 542 (1983), third preambular para., paras. 2 and 3; 549 (1984), para. 2; 555

(1984), para. 2; 541 (1983), para. 6; 550 (1984), para. 4; 535 (1983), third preambular para.; 546 (1984), third, fourth and fifth preambular paras. and paras. 1, 3 and 5; 554 (1984), fourth and sixth preambular paras. and para. 5; 556 (1984), fourth and sixth preambular paras., and para. 5; 522 (1982), third preambular para., paras. 1 and 2; 540 (1983), second and fifth preambular paras. and para. 3; 507 (1982), second, fourth and seventh preambular paras., and para. 2; 530 (1983), third, fourth and sixth preambular paras.; and 505 (1982), fourth preambular para. and para. 4.

¹⁸ S/14944, issued on 1 April 1982, regarding the letter dated 1 April 1982 from the representative of the United Kingdom, *OR*, 37th yr., *Resolutions and Decisions of the Security Council, 1982*: S/15616, issued on 21 February 1983, regarding the situation between Iran and Iraq, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*; and S/16142, issued on 11 November 1983, regarding the situation in the Middle East, *ibid.*

¹⁹ S/14599, issued on 17 July 1981, regarding the situation in the Middle East, *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*; S/14995, issued on 22 April 1982, regarding the situation in the occupied Arab territories, *OR*, 37th yr., *Resolutions and Decisions of the Security Council, 1982*; S/15688, issued on 6 April 1983 regarding the letter dated 16 March 1983 from the representative of Chad, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*; and S/16454, issued on 30 March 1984, regarding the situation between Iran and Iraq, *OR*, 39th yr., *Resolutions and Decisions of the Security Council, 1984*.

²⁰ In connection with the letter dated 19 March 1982 from the representative of Nicaragua, draft resolution S/14941, third preambular para., *OR*, 37th yr., *Suppl. for April-June 1982*; in connection with the situation in Grenada, draft resolution S/16077/Rev.1, sixth preambular para., *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*; and in connection with the letter dated 18 March 1984 from the representative of the Sudan, draft resolution S/16455, second preambular para., *OR*, 39th yr., *Suppl. for Jan.-March 1984*.

²¹ In connection with the letter dated 1 April 1982 from the representative of the United Kingdom, draft resolution S/14950, para. 1, *OR*, 37th yr., *Suppl. for April-June 1982*; in connection with the situation in the Middle East, draft resolution S/15317, sixth preambular para., *ibid.*, *Suppl. for July-Sept. 1982*; and in connection with the letter dated 3 February 1984 from the representative of Nicaragua, draft resolution S/16463, fifth preambular para., *OR*, 39th yr., *Suppl. for April-June 1984*.

²² In connection with the situation in the Middle East, draft resolution S/14832/Rev.1, fifth preambular para., *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

²³ In connection with the situation in Namibia, draft resolutions S/14459, thirteenth preambular para. and paras. 1 (b)-(c) and 3, *OR*, 36th yr., *Suppl. for April-June 1981*, S/14460/Rev.1, para. 3, *ibid.*; and S/14462, para. 1, *ibid.*; in connection with the complaint by Angola against South Africa, draft resolution S/14664/Rev.2, second, third and eighth preambular paras., and paras. 1, 3, 4, 5 and 6, *ibid.*, *Suppl. for July-Sept. 1981*; in connection with the question concerning the Falkland Islands (Islas Malvinas), draft resolutions S/15106, fifth preambular para. and paras. 3 and 4, *ibid.*, 37th yr., *Suppl. for April-June 1982*, S/15112, fourth preambular para. and para. 2, *ibid.* and S/15156/Rev.1, para. 1, *ibid.*; in connection with the situation in the Middle East including the occupied Arab territories, draft resolutions S/15185, paras. 3 and 4, *ibid.*, S/15255, third preambular para. and paras. 1, 2 and 3, *ibid.*, S/15990, seventh and ninth preambular paras. and paras. 1 and 2, *ibid.*, 38th yr., *Suppl. for July-Sept. 1983*, S/16351/Rev.2, second preambular para. and para. 1, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984*, and S/16732, para. 1, *ibid.*, *Suppl. for July-Sept. 1984*; in connection with the letter dated 31 March 1983 from the representative of Chad, draft resolution S/15672, para. 1, *ibid.*, 38th yr., *Suppl. for Jan.-March 1983*; and in connection with the Korean airliner incident, draft resolution S/15966/Rev.1, fourth and fifth preambular paras., and para. 2, *ibid.*, *Suppl. for July-Sept. 1983*.

²⁴ For explicit references to Article 2, paragraph 4, and for those cases where the language of this Charter provision was used, see the references under notes 14, 15, 16, 20 and 21.

²⁵ See resolutions 488 (1981), para. 1; 497 (1981), second preambular para.; 498 (1981), paras. 1(a) and 2; 509 (1982), third

preambular para.; 520 (1982), para. 4; 536 (1983), fourth preambular para.; 538 (1983), fourth preambular para.; 542 (1983), para. 1; 549 (1984), para. 2; 555 (1984), para. 2; 541 (1983), para. 6; 550 (1984), para. 4; 546 (1984), para. 3; and 496 (1981), para. 1.

²⁶ Resolutions 490 (1981), para. 1; 498 (1981), paras. 1 (b) and 4; 503 (1982), fourth preambular para. and para. 1; 509 (1982), para. 1; 512 (1982), para. 1; 513 (1982), para. 1; 516 (1982), para. 1; 517 (1982), para. 2; 518 (1982), para. 1; 520 (1982), para. 2; 542 (1983), third preambular para. and para. 3; 527 (1982), fourth preambular para. and para. 1; 535 (1983), third preambular para.; 545 (1983), second preambular para. and paras. 1, 2, 3 and 5; 546 (1984), third, fourth and fifth preambular paras. and paras. 1 and 3; 554 (1984), fourth preambular para.; 514 (1982), paras. 1 and 2; 522 (1982), paras. 1 and 2; 540 (1983), second and fifth preambular paras. and para. 3; 487 (1981), paras. 1, 2 and 3; 496 (1981), para. 2; 507 (1982), second and fourth preambular paras. and paras. 1 and 2; 502 (1982), second preambular para. and paras. 1 and 2; 505 (1982), fourth preambular para. and para. 4; and 552 (1984), sixth preambular para. and paras. 4 and 5. Further, see draft resolutions S/14459 (see note 23), thirteenth preambular para. and paras. 1 (b)-(c) and 3; S/14462 (see note 23), para. 1; S/14664/Rev.2 (see note 23), second, third and eighth preambular paras. and paras. 1, 3, 4, 5 and 6; S/14950 (see note 21), fourth preambular para. and para. 1; S/15185 (see note 23), paras. 3 and 4; S/15255 (see note 23), third preambular para. and paras. 1, 2 and 3; S/15317 (see note 21), paras. 1 and 2; S/15990 (see note 23), seventh preambular para. and paras. 1 and 2; S/16077/Rev.1 (see note 20), paras. 1 and 4; S/16351/Rev.2 (see note 23), para. 1; S/16455 (see note 20), paras. 2, 3 and 4; and S/16463 (see note 21), paras. 1 and 4.

²⁷ Resolution 546 (1984), para. 5.

²⁸ Resolutions 554 (1984), sixth preambular para. and para. 5; and 556 (1984), seventh preambular para. and para. 5.

²⁹ Resolution 530 (1983), sixth preambular para.

³⁰ In connection with the situation in the Middle East, 2375th mtg.: Poland, para. 121; 2379th mtg.: United Kingdom, para. 54; 2384th mtg.: France, para. 22; Jordan, para. 61; 2556th mtg.: Zimbabwe; in connection with the situation in the occupied Arab territories, 2319th mtg.: Uganda, para. 21; 2328th mtg.: Poland, para. 35; Israel, para. 133; in connection with the situation in Cyprus, 2378th mtg.: Cyprus, para. 134; 2405th mtg.: Cyprus, paras. 16 and 156; 2454th mtg.: Cyprus; 2532nd mtg.: Cyprus; 2537th mtg.: Cyprus; 2547th mtg.: Cyprus; in connection with the complaint by Angola against South Africa, 2504th mtg.: Botswana; 2506th mtg.: United Republic of Tanzania; 2507th mtg.: Zambia; in connection with the letter dated 1 September 1981 from the representative of Malta, 2294th mtg.: Malta, para. 26; in connection with the complaint by Iraq, 2282nd mtg.: Uganda, para. 10; 2283rd mtg.: Sierra Leone, para. 145; 2288th mtg.: Israel, para. 78; in connection with the complaint by Seychelles, 2370th mtg.: United States of America, para. 29; in connection with the letters dated 5 May 1983 and 29 March 1984 from the representative of Nicaragua, 2433rd mtg.: Honduras; 2529th mtg.: United Kingdom; in connection with the letter dated 1 April 1982 from the representative of the United Kingdom, including the question concerning the Falkland Islands (Islas Malvinas), 2349th mtg.: Australia, para. 22; 2350th mtg.: Argentina, para. 25; United Kingdom, para. 171; Togo, para. 222; 2360th mtg.: United Kingdom, paras. 107 and 109; Australia, para. 220; 2363rd mtg.: France, para. 3; 2366th mtg.: Togo, para. 26; Italy, para. 79; in connection with the letter dated 19 February 1983 from the representative of the Libyan Arab Jamahiriya, 2416th mtg.: Nicaragua; 2417th mtg.: Poland; Czechoslovakia; Madagascar; in connection with the letters dated 16 March and 2 August 1983 from the representative of Chad, 2419th mtg.: Chad; Senegal; Sudan; 2463rd mtg.: Chad; Sudan; 2469th mtg.: United Kingdom; Guyana; in connection with the situation in Grenada, 2487th mtg.: Mexico; Nicaragua; Guyana; Cuba; 2489th mtg.: Lao People's Democratic Republic; 2491st mtg.: Zimbabwe; Ecuador; Benin; Sao Tome and Principe; Guinea-Bissau; and in connection with the letter dated 18 March 1984 from the representative of Sudan, 2521st mtg.: United Kingdom. The implicit references are too numerous to be listed here.

³¹ 2292nd mtg., paras. 14-19.

³² S/15408 and Add.1 and 2, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

³³ S/16194 (statement by the Secretary-General at Security Council consultations), *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*.

³⁴ For the texts of relevant statements, see 2292nd mtg.: Lebanon, paras. 23-35; Israel, paras. 40-63; Jordan, paras. 66-75; PLO, paras. 77-102; USSR, paras. 103-116; 2293rd mtg.: Tunisia, paras. 23-38; France, paras. 40-44; United Kingdom, paras. 46-54; Egypt, paras. 63-82; Syrian Arab Republic, paras. 143-166; Democratic Yemen, paras. 172-181; Yemen, paras. 184-196; 2374th mtg.: France, paras. 94-98; 2375th mtg.: Israel, paras. 36-39; Poland, paras. 121 and 122; 2379th mtg.: United Kingdom, paras. 54-56; Israel, para. 126; Syrian Arab Republic, paras. 178 and 179; 2384th mtg.: France, paras. 22-24; Egypt, paras. 35 and 36; and 2386th mtg.: Lebanon, para. 12. For an analysis of the concept of self-defence as developed by Egypt, see chap. XI, part III of the present *Supplement*.

³⁵ S/14599, *OR*, 36th yr., *Resolutions and Decisions of the Security Council, 1981*.

³⁶ 2293rd mtg., paras. 5-12.

³⁷ For the vote on the draft resolution (S/14604), see *ibid.*, para. 21.

³⁸ For the texts of relevant statements, see 2316th mtg.: Syrian Arab Republic, paras. 6-16; Israel, paras. 20-46; Kuwait, paras. 50-58; Egypt, paras. 62-72; United Kingdom, paras. 73-77; 2317th mtg.: Cuba, paras. 5-12; India, paras. 152-155; 2318th mtg.: Zaire, para. 20-44; Yugoslavia, paras. 47-55; Niger, paras. 56-63; Philippines, paras. 65-69; Mexico, paras. 70-84; Pakistan, paras. 86-94; 2319th mtg.: Indonesia, paras. 6-11; Uganda, paras. 20-27; Israel, paras. 37-40 and 51-53; and Syrian Arab Republic, paras. 42-49.

³⁹ For the vote on the draft resolution (S/14798), see 2319th mtg., para. 29.

⁴⁰ S/14821, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981*.

⁴¹ 2322nd mtg.: Syrian Arab Republic, paras. 32-70 and 173-182; Jordan, paras. 77-99; Israel, paras. 154-170; 2328th mtg.: Poland, paras. 27-42; Syrian Arab Republic, paras. 166-170 and 191-193; and Israel, paras. 173-178 and 187 and 188.

⁴² For the vote on the revised draft resolution, see 2329th mtg., para. 162; and for the text of the revised draft resolution, see S/14832/Rev.1, *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

⁴³ 2329th mtg., para. 223. For the Council's further consideration of the issue and its decision to convene an emergency special session of the General Assembly to examine the question, see chap. VI, case 1.

⁴⁴ For the texts of the relevant statements, see 2296th mtg.: Angola, paras. 7-25; United Kingdom, paras. 26-30; Spain, paras. 31-38; German Democratic Republic, paras. 40-56; Zimbabwe, paras. 58-63; Japan, paras. 86-91; USSR, paras. 64-81; Cuba, paras. 120-134; United States, paras. 144-148; and the President (Panama), paras. 158 and 159; 2297th mtg.: France, paras. 38-47; Libyan Arab Jamahiriya, paras. 58-65; Yugoslavia, paras. 68-77; 2298th mtg.: Federal Republic of Germany, paras. 5-10; South Africa, paras. 13-39; Kenya, paras. 49-58; 2504th mtg.: Botswana, paras. 31-37; 2505th mtg.: Brazil, paras. 11 and 12; 2506th mtg.: United Republic of Tanzania, paras. 41-50; and 2507th mtg.: Zambia, paras. 5-11.

⁴⁵ 2300th mtg., para. 45.

⁴⁶ S/14664/Rev.2, *OR*, 36th yr., *Suppl. for July-Sept. 1981*, p. 59.

⁴⁷ For the vote on the draft resolution (S/16226), see 2508th mtg. For the detailed procedural history of the case, see chap. VIII, part II, under the same title.

⁴⁸ For the vote on the revised draft resolution (S/16247/Rev.1), see 2511th mtg.

⁴⁹ For the texts of the relevant statements, see 2406th mtg.: Lesotho, paras. 15-37; 2407th mtg.: Libyan Arab Jamahiriya, paras. 7-17; Zaire, paras. 19-32; United Kingdom, paras. 50-68; France, paras. 72-80; Japan, paras. 99-107; Spain, paras. 165-169; 2408th mtg.: Guyana, paras. 7-16; United States, paras. 19-26; Yugoslavia, paras. 60-70; Sierra Leone, paras. 73-83; Swaziland, paras. 110-127; Egypt, paras. 130-135; and 2409th mtg.: Panama, paras. 77-84; Botswana, paras. 18-29; Grenada, paras. 77-84; Zimbabwe, paras. 88-91; Yemen, paras. 105-112; Mr. Makatini, paras. 167-205; and the President of the Council (Poland), paras. 207-216. See also S/15598 (a letter dated 8 February 1983 from South Africa to the Secretary-General), *OR*, 38th yr., *Suppl. for Jan.-March 1983*; and S/15658 (letter dated 28 March 1983 from Lesotho), *ibid.*

⁴⁰ For the vote on the draft resolution (S/15524), see 2407th mtg., para. 3. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.

⁴¹ S/15600, assistance to Lesotho: report of the Secretary-General transmitting the report of the Mission to Lesotho (11 to 16 January 1983), 9 February 1983.

⁴² For the vote on the draft resolution (S/15846), see 2455th mtg.

⁴³ General Assembly resolution 2373 (XXII) of 12 June 1968.

⁴⁴ For the texts of the relevant statements, see 2280th mtg.: Iraq, paras. 20-53; Israel, paras. 57-117; Tunisia, paras. 118-140; Algeria, paras. 145-175; Sudan, paras. 176-184; 2282nd mtg.: Uganda, paras. 7-38; France, paras. 41-59; Spain, paras. 75-86; 2283rd mtg.: Ireland, paras. 4-39; Sierra Leone, paras. 144-157; 2284th mtg.: Syrian Arab Republic, paras. 62-81; 2285th mtg.: Morocco, paras. 7-23; Bangladesh, paras. 110-130; 2287th mtg.: Sri Lanka, paras. 39-47; and 2288th mtg.: Israel, paras. 38-98; Mexico, paras. 105-132; Iraq, paras. 181-186 and 198-204.

⁴⁵ For the vote on the draft resolution (S/14556), see 2288th mtg., para. 151. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.

⁴⁶ For the texts of relevant statements, see 2314th mtg.: Seychelles, paras. 8-18; Japan, paras. 37-43; Niger, paras. 94 and 95; Ireland, paras. 98-101; Spain, paras. 104-106; Tunisia, paras. 110-117; and the President, in his capacity as the representative of Uganda, paras. 119-126; 2359th mtg.: Panama, paras. 11-39; Seychelles, paras. 46-52; France, paras. 55-64; Jordan, paras. 67-74; Argentina, paras. 150-162; and Czechoslovakia, paras. 210-215; 2365th mtg.: Poland, paras. 10-22; United Republic of Tanzania, paras. 27-40; Botswana, paras. 42-56; Yugoslavia, paras. 91-101; and Mozambique, paras. 190-206; 2370th mtg.: United States, paras. 28-36.

⁴⁷ For the vote on the draft resolution (S/14793), see 2314th mtg., para. 33. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.

⁴⁸ S/14905/Rev.1, *OR*, 37th yr., *Special Suppl. No. 2*.

⁴⁹ For the adoption of the draft resolution (S/15127), see 2370th mtg., para. 27.

⁵⁰ For the texts of relevant statements, see 2383rd mtg.: France, paras. 7-14; United States, paras. 17 and 18; United Kingdom, paras. 23-25; China, paras. 27-29; and Iraq, paras. 41-55; 2399th mtg.: Iraq, paras. 8-28; Morocco, paras. 32-46; and the Secretary-General, paras. 50-53; 2493rd mtg.: Pakistan; Netherlands; and USSR. For the position of the Islamic Republic of Iran with regard to Council action on the situation between Iran and Iraq, see S/15292, *OR*, 37th yr., *Suppl. for July-Sept. 1982*, p. 15; and S/15448, *ibid.*, *Suppl. for Oct.-Dec. 1982*, pp. 6 and 7.

⁵¹ For the vote on the draft resolution (S/15285), see 2383rd mtg., para. 19. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.

⁵² S/15293, *OR*, 37th yr., *Suppl. for July-Sept. 1982*.

⁵³ S/15296, *ibid.*, *Resolutions and Decisions of the Security Council, 1982*.

⁵⁴ S/15443, *ibid.*, *Suppl. for Oct.-Dec. 1982*.

⁵⁵ For the vote on the draft resolution (S/15446), see 2399th mtg., para. 48.

⁵⁶ S/15616, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*.

⁵⁷ S/15834, *ibid.*, *Suppl. for April-June 1983*.

⁵⁸ For the vote on the draft resolution (S/16092), see 2493rd mtg. See also chap. IV of the present Supplement.

⁵⁹ S/16433, *OR*, 39th yr., *Suppl. for Jan.-March 1984*.

⁶⁰ For the text of the statement, see S/16454, *OR*, 37th yr., *Resolutions and Decisions of the Security Council, 1984*.

⁶¹ For the texts of the relevant statements, see 2335th mtg.: Nicaragua, paras. 7-88; and the President of the Council speaking in her capacity as the representative of the United States, paras. 91-147; 2336th mtg.: Cuba, paras. 4-14; Honduras, paras. 17-21; and Argentina, paras. 44-49; 2337th mtg.: Cuba, paras. 7-34; Mexico, paras. 38-62; Guyana, paras. 65-80; and the President (United States), paras. 95-105; 2339th mtg.: Poland, paras. 71-82; and China, paras. 130-135; 2341st mtg.: Zambia, paras. 66-87; and El Salvador, paras. 90-104; 2347th mtg.: United States, paras. 5-48; and Nicaragua, paras. 97-112. For the discussion relating to Chapter VIII of the Charter (regional arrangements), see part V of the present chap.

⁶² For the vote on the draft resolution (S/14941), see 2347th mtg., para. 140. For the text of the draft resolution, see S/14941, *OR*, 37th yr., *Suppl. for April-June 1982*.

⁶³ For the discussion relating to Chapter VIII of the Charter (regional arrangements), see part V of the present chap.

⁶⁴ For the texts of the relevant statements, see 2487th mtg.: Mexico; Nicaragua; United States; Guyana; Grenada; Cuba; and USSR; 2489th mtg.: Dominica, Zaire, Viet Nam, Nigeria, Poland, Jamaica, China, Argentina, Algeria, Syrian Arab Republic, France, and Antigua and Barbuda; 2491st mtg.: Saint Lucia, Zimbabwe, Ecuador, United States, Benin, Peru, Barbados, Sao Tome and Principe, India, Yugoslavia, Guinea-Bissau, Trinidad and Tobago, Mr. Maksoud, Saint Vincent and the Grenadines, United Republic of Tanzania, Brazil and the Council's President (Jordan).

⁶⁵ S/16077 and S/16077/Rev.1, *OR*, 38th yr., *Suppl. for Oct.-Dec. 1983*.

⁶⁶ For the vote on the revised draft resolution (S/16077/Rev.1), see 2491st mtg. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.

⁶⁷ The first draft resolution (S/15317, para. D.2, *OR*, 37th yr., *Suppl. for July-Sept. 1982*) was submitted by Egypt and France at the 2384th meeting but was not put to the vote. The second draft resolution (S/15895, para. 7, *ibid.*, 38th yr., *Suppl. for July-Sept. 1983*) was introduced at the 2461st meeting by Jordan on behalf of 20 co-sponsoring States members of the League of Arab States and failed to be adopted owing to the negative vote of a permanent member. The third draft resolution (S/16351/Rev.2, para. 4, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984*) was submitted by France at the 2519th meeting and failed to be adopted owing to the negative vote of a permanent member.

⁶⁸ Resolution 507 (1982), paras. 7 and 8, in connection with the complaint by Seychelles; resolutions 541 (1983), paras. 7 and 8, and 550 (1984), paras. 3 and 4, in connection with the situation in Cyprus; and resolution 558 (1984), paras. 2 and 3, in connection with the question of South Africa.

⁶⁹ S/14459, para. 8, S/14460/Rev.1, para. 16, S/14461, para. 5, and S/14462, para. 14, *OR*, 36th yr., *Suppl. for April-June 1981*, in connection with the situation in Namibia. The draft resolutions were not adopted, owing to the negative votes of three permanent members.

⁷⁰ Resolutions 514 (1982), para. 4, in connection with the situation between Iran and Iraq; and 530 (1983), sixth preambular para. and para. 1, in connection with the letter dated 5 May 1983 from the representative of Nicaragua.

⁷¹ S/14941, fifth preambular para. and para. 1(a), in connection with the letter dated 19 March 1982 from the representative of Nicaragua, *OR*, 37th yr., *Suppl. for April-June 1982* (the draft resolution was not adopted owing to the negative vote of a permanent member); S/16463, third preambular para. and para. 3, in connection with the letter dated 29 March 1984 from the representative of Nicaragua, *ibid.*, 39th yr., *Suppl. for April-June 1984* (the draft resolution was not adopted owing to the negative vote of a permanent member); S/16077/Rev.1, third and fourth preambular paras., in connection with the situation in Grenada, *ibid.*, 38th yr., *Suppl. for Oct.-Dec. 1983* (the draft resolution was not adopted owing to a negative vote of a permanent member); and S/16455, para. 1, in connection with the letter dated 18 March 1984 from the representative of Sudan, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984* (the draft resolution was not put to the vote).

⁷² S/14941, fifth preambular para. (in connection with the letter dated 19 March 1982 from the representative of Nicaragua), *OR*, 37th yr., *Suppl. for April-June 1982*.

⁷³ For the texts of relevant statements, see 2341st mtg.: Spain, paras. 6-13 (explicit); United Kingdom, paras. 17-22; Jordan, paras. 23-32; Yugoslavia, paras. 36-49; Zambia, paras. 66-74; Benin, paras. 77-87; El Salvador, paras. 90-104 (explicit); see also S/14927 (letter dated 25 March 1982 from the representative of El Salvador), *OR*, 37th yr., *Suppl. for Jan.-March 1982*, in connection with this question. Most of the references were limited to a general restatement of this principle along with other basic norms of the Charter.

⁷⁴ For the Council's discussion regarding the principle of non-use of force, Article 2, paragraph 4, of the Charter in connection with the situation in Grenada, see case 10 above.

⁷⁵ 2489th mtg.: Zaire, Viet Nam, China, Argentina, (explicit); Syrian Arab Republic, France and Pakistan; 2491st mtg.: Ecuador, (explicit); United States, Guinea-Bissau and Brazil.

- ⁸⁶ General Assembly resolution 36/103, annex, part II.
- ⁸⁷ 2487th mtg.: Guyana; and 2491st mtg.: Guinea-Bissau.
- ⁸⁸ 2431st mtg.: Nicaragua; 2435th mtg.: El Salvador, Viet Nam; 2436th mtg.: Argentina, Uganda and Dominican Republic, in connection with the letter dated 5 May 1983 from the representative of Nicaragua; 2406th mtg.: Lesotho; and 2407th mtg.: Zaire, in connection with the complaint by Lesotho against South Africa; 2463rd mtg.: Chad; 2465th mtg.: Kenya; and 2467th mtg.: Zimbabwe and Netherlands, in connection with the letter dated 2 August 1983 from the representative of Chad; 2464th mtg.: Libyan Arab Jamahiriya; and 2468th mtg.: India, in connection with the letter dated 8 August 1983 from the representative of the Libyan Arab Jamahiriya.
- ⁸⁹ S/14727, *OR*, 36th yr., *Suppl. for Oct.-Dec. 1981* (letter from the representative of the Soviet Union to the Secretary-General); S/14736, *ibid.* (letter from Egypt to the Secretary-General); S/14927, *ibid.*, 37th yr., *Suppl. for Jan.-March 1982* (letter from the representative of El Salvador to the President of the Council); S/15461, *ibid.*, *Suppl. for Oct.-Dec. 1982* (letter from the representative of South Africa to the President of the Council); S/15897 and S/15898, *ibid.*, 38th yr., *Suppl. for July-Sept. 1983* (letters from the representative of Chad to the President of the Council); S/16054, *ibid.*, *Suppl. for Oct.-Dec. 1983* (letter from the representative of South Africa to the Secretary-General); and S/16271, *ibid.*, 39th yr., *Suppl. for Jan.-March 1984* (letter from the representative of South Africa to the Secretary-General).
- ⁹⁰ General Assembly resolution 39/2 of 28 September 1984.
- ⁹¹ For the texts of relevant statements, see 2548th mtg.: Algeria, India, Egypt, South Africa, Peru, Nepal (speaking in his capacity as Acting Chairman of the Special Committee against Apartheid), Thailand; 2551st mtg.: Netherlands, United States, United Kingdom; 2560th mtg.: Ethiopia, South Africa, Bishop Desmond Tutu and India.
- ⁹² For the vote on the draft resolution (S/16700), see 2551st mtg. For the detailed procedural history of this case, see chap. VIII, part II, under the same title.
- ⁹³ For the vote on the draft resolution (S/16791), see 2560th mtg.
- ⁹⁴ Resolution 514 (1982), fourth preambular para.
- ⁹⁵ S/15292, *OR*, 37th yr., *Suppl. for July-Sept. 1982*. See also S/15448 (note verbale dated 4 October 1982 from the representative of Iran to the Secretary-General, *ibid.*, *Suppl. for Oct.-Dec. 1982*).
- ⁹⁶ Resolution 479 (1980). This resolution also invoked Article 24 explicitly; see *Repertoire of the Practice of the Security Council, Supplement 1975-1980*, chap. XII, part III, case 15.
- ⁹⁷ Resolution 500 (1982), second preambular para.
- ⁹⁸ For the texts of relevant statements, see 2548th mtg.: South Africa; 2551st mtg.: Netherlands, France and United States (explicit).
- ⁹⁹ S/14944, *OR*, 37th yr., *Resolutions and Decisions of the Security Council, 1982* (also incorporated in the record of the 2345th mtg., para. 74).
- ¹⁰⁰ In resolution 502 (1982), the Council determined that there existed a breach of the peace in the region of the Falkland Islands (Islas Malvinas) and demanded an immediate cessation of hostilities and an immediate withdrawal of all Argentine forces from the islands.
- ¹⁰¹ For the Council's discussion in relation to the provisions of Article 51 of the Charter in connection with this question, see chap. XI, part III, of the present *Supplement*.
- ¹⁰² For relevant texts, see S/15026, *OR*, 37th yr., *Suppl. for April-June 1982* (letter from Argentina to the President of the Council) and S/15041, *ibid.* (letter from the United Kingdom to the President of the Council). See also 2360th mtg.: Argentina, United Kingdom; and 2368th mtg.: Argentina.
- ¹⁰³ In connection with the Middle East problem, including the situation in the occupied Arab territories, see 2324th mtg.: Libyan Arab Jamahiriya; 2328th mtg.: Poland; 2388th mtg.: Spain, Israel; 2390th mtg.: Jordan; 2391st mtg.: the President of the Council (Ireland); and 2519th mtg.: Netherlands; in connection with the complaint by Angola against South Africa, see 2504th mtg.: Angola; in connection with the situation in Namibia, see 2444th mtg.: Tunisia; in connection with the complaint by Lesotho against South Africa, see 2408th mtg.: Guyana; and in connection with the Korean airliner incident, see 2473rd mtg.: Ecuador. Implicit references to Article 24 are too numerous to be listed here.
- ¹⁰⁴ S/14936, *OR*, 37th yr., *Suppl. for Jan.-March 1982* (letter from Nicaragua to the President of the Council); and S/15461, *ibid.*, *Suppl. for Oct.-Dec. 1982* (letter from South Africa to the President of the Council).
- ¹⁰⁵ Resolution 521 (1982), para. 6, in connection with the situation in the Middle East.
- ¹⁰⁶ In connection with the situation in the occupied Arab territories, S/14832, revised as S/14832/Rev.1, para. 4, *OR*, 37th yr., *Suppl. for Jan.-March 1982*, voted upon and not adopted owing to the negative vote of a permanent member; and, in connection with the situation in Namibia, S/14459, fourteenth preambular para. and para. 6, *ibid.*, 36th yr., *Suppl. for April-June 1981*; S/14460, revised as S/14460/Rev.1, para. 16, *ibid.*; S/14461, para. 5, *ibid.*; and S/14462, para. 15, *ibid.* All four draft resolutions were voted upon at the 2277th mtg., paras. 24-26, on 30 April 1981, and not adopted owing to the negative votes of three permanent members.
- ¹⁰⁷ In connection with the situation in the Middle East, resolutions 485 (1981), para. (a); 488 (1981), paras. 1 and 2; 490 (1981), para. 3; 493 (1981), para. (a); 506 (1982), para. (a); 508 (1982), paras. 2 and 3; 509 (1982), para. 3; 516 (1982), para. 3; S/15342, para. 3, statement dated 3 August 1982 by the President on behalf of the Council (*OR*, 37th yr., *Resolutions and Decisions of the Security Council, 1982*); resolutions 517 (1982), paras. 7 and 8; 518 (1982), paras. 1 and 5; 520 (1982), para., 2, 3 and 6; 523 (1982), para. 4; 524 (1982), paras. (a) and (c); 531 (1983), para. (a); 536 (1986), para. 2; 538 (1983), para. 2; 542 (1983), para. 6; 543 (1983), paras. (a) and (c); 549 (1984), paras. 3 and 4; 551 (1984), para. (a); 555 (1984), para. 3; and 557 (1984), paras. (a) and (c); in connection with the situation in the occupied Arab territories, resolution 497 (1981), para. 4; in connection with the situation in Cyprus, resolutions 541 (1983), para. 3; and 550 (1984), paras. 1 and 5; in connection with the question of South Africa, resolution 558 (1984), para. 3; in connection with the situation in Namibia, resolutions 532 (1983), fourth preambular para. and paras. 2, 3 and 4; 539 (1983), sixth preambular para. and paras. 2 and 8; and in connection with the situation between Iran and Iraq, S/15296, para. 2, (*ibid.*) statement dated 15 July 1982 by the President on behalf of the Council; resolution 522 (1982), third preambular para., paras. 3 and 4; and S/15616, paras. 2 and 4, statement dated 21 February 1983 by the President on behalf of the Council (*OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*).
- ¹⁰⁸ In connection with the situation in the Middle East, draft resolutions S/15185, paras. 1 and 5, *OR*, 37th yr., *Suppl. for April-June 1982* (put to the vote at the 2377th mtg., para. 23, on 8 June 1982, and not adopted owing to the negative vote of a permanent member); S/15255, revised as S/15255/Rev.2, para. 9, *ibid.* (voted upon at the 2381st mtg., para. 12, on 26 June 1982, and not adopted owing to the negative vote of a permanent member); and S/15347, revised as S/15347/Rev.1, first preambular para. and paras. 1 and 2, *ibid.*, *Suppl. for July-Sept. 1982*, (voted upon at the 2391st mtg., para. 38, on 6 August 1982, and not adopted owing to the negative vote of a permanent member); in connection with the situation in the occupied Arab territories, draft resolution S/15895, paras. 8 and 10, *OR*, 38th yr., *Suppl. for July-Sept. 1983*, (voted upon at the 2461st mtg., on 2 August 1983, and not adopted owing to the negative vote of a permanent member); and in connection with the question concerning the Falkland Islands (Islas Malvinas), draft resolution S/15156, revised as S/15156/Rev.2, paras. 1 and 3, *OR*, 37th yr., *Suppl. for April-June 1982* (voted upon at the 2373rd mtg., para. 49, on 4 June 1982, and not adopted owing to the negative votes of two permanent members).
- ¹⁰⁹ In connection with the situation in the Middle East, 2388th mtg.: Spain, para. 100; 2391st mtg.: the President (Ireland), para. 96; 2392nd mtg.: France, para. 89; and 2396th mtg.: USSR, para. 48; in connection with the situation in the occupied Arab territories, 2324th mtg.: PLO, paras. 25 and 52; Libyan Arab Jamahiriya, para. 134; 2327th mtg.: Oman, para. 38; 2328th mtg.: Poland, para. 34; and 2401st mtg.: PLO, para. 111; in connection with the complaint by Angola against South Africa, 2300th mtg.: Panama, paras. 26 and 28; and 2504th mtg.: Angola; in connection with the letter dated 1 April 1982 from the United Kingdom, 2350th mtg.: United Kingdom, para. 286; and in connection with the question concerning Falkland Islands (Islas Malvinas), 2360th mtg.: Argentina, para. 43; and 2364th mtg.: Zaire, para. 56. Implicit references to Article 25 were too numerous to be listed here.

¹¹⁰ S/15093, *OR*, 37th yr., *Suppl. for April-June 1982* (letter from Jordan to the Secretary-General); S/15114, annex, *ibid.* (note verbale from Iraq to the Secretary-General transmitting a communiqué dated 19 May 1982 from the Organization of the Islamic Conference); S/15608, *OR*, 38th yr., *Suppl. for Jan.-March 1983* (note verbale from Iraq to the Secretary-General); S/15699, *ibid.*, *Suppl. for April-June 1983* (letter from Iraq to the Secretary-General); S/15826, *ibid.* (letter from Iraq to the Secretary-General); S/15983, *ibid.*, *Suppl. for July-Sept. 1983* (letter from Iraq to the Secretary-General); and S/15148, *OR*, 37th yr., *Suppl. for April-June 1982* (letter from the United Kingdom to the President of the Council).

¹¹¹ S/14352, *OR*, 36th yr., *Suppl. for Jan.-March 1981*.

¹¹² S/14362, *ibid.*

¹¹³ S/14455, *ibid.*, *Suppl. for April-June 1981*.

¹¹⁴ S/14465, *ibid.*

¹¹⁵ S/14466, *ibid.*

¹¹⁶ S/14353, *ibid.*, *Suppl. for Jan.-March 1981*.

¹¹⁷ S/14363, *ibid.*

¹¹⁸ S/14371, *ibid.*

¹¹⁹ S/14693, *ibid.*, *Suppl. for July-Sept. 1981*.

¹²⁰ S/14702, *ibid.*

¹²¹ S/14723, *ibid.*, *Suppl. for Oct.-Dec. 1981*.

¹²² S/14729, *ibid.*

¹²³ S/15818, *ibid.*, 38th yr., *Suppl. for April-June 1983*.

¹²⁴ S/15822, *ibid.*

¹²⁵ S/16210, *ibid.*, *Suppl. for Oct.-Dec. 1983*.

¹²⁶ S/14378, annexes, *ibid.*, 36th yr., *Suppl. for Jan.-March 1981*.

¹²⁷ S/14380, *ibid.*

¹²⁸ S/14384, annex, *ibid.*

¹²⁹ S/14692, annex, *ibid.*, *Suppl. for July-Sept. 1981*.

¹³⁰ See the reports of the Council to the General Assembly, 1980/81 (*GAOR*, 36th sess., *Suppl. No. 2*), pp. 44 and 50; 1981/82 (*GAOR*, 37th sess., *Suppl. No. 2*), p. 65 and 1983/84 (*GAOR*, 39th sess., *Suppl. No. 2*), p. 54.

¹³¹ Resolutions 504 (1982), as a whole, in connection with the letter dated 31 March 1982 from the President of Kenya enclosing the letter dated 18 March 1982 from the President of the Republic of Chad to the President of the Security Council; and 530 (1983), sixth and seventh preambular paras. and paras. 2-4, in connection with the letter dated 5 May 1983 from the representative of Nicaragua.

¹³² S/15688, a statement issued on 6 April 1983 by the President on behalf of the Council, *OR*, 38th yr., *Resolutions and Decisions of the Security Council, 1983*.

¹³³ Draft resolution S/16463, sixth preambular para. and para. 5 (voted upon at the 2529th mtg., on 4 April 1984, and not adopted owing to the negative vote of a permanent member of the Council), in connection with the letter dated 29 March 1984 from the representative of Nicaragua, *OR*, 39th yr., *Suppl. for April-June 1984*.

¹³⁴ United Nations, *Treaty Series*, vols. 119 and 721.

¹³⁵ *Ibid.*, vol. 21.

¹³⁶ General Assembly resolution 2625 (XXV), annex. For the texts of relevant statements, see 2335th mtg.: the President (United States), paras. 94 and 95; 2336th mtg.: Honduras, para.

17; 2337th mtg.: Cuba, para. 31; Mexico, paras. 59-62; 2339th mtg.: Togo, paras. 64-66; 2343rd mtg.: Chile, paras. 47-54; Madagascar, paras. 83-85; and 2347th mtg.: Costa Rica, paras. 70-78. See also S/14927 (a letter dated 25 March 1982 from the representative of El Salvador to the President of the Council), *OR*, 37th yr., *Suppl. for Jan.-March 1982*; and S/14936 (letter dated 30 March 1982 from the representative of Nicaragua to the President of the Council), *ibid.*

¹³⁷ Draft resolution S/14941 sponsored by Guyana and Panama was voted upon at the 2347th mtg., on 2 April 1982, and was not adopted owing to the negative vote of a permanent member of the Council. For the text of the draft resolution, see *OR*, 37th yr., *Suppl. for April-June 1982*.

¹³⁸ In connection with the letter dated 16 March 1983 from the representative of Chad, 2419th mtg.: Jordan; and 2428th mtg.: Guinea; in connection with the letter dated 22 March 1983 from the representative of Nicaragua, 2420th mtg.: Honduras; 2421st mtg.: Netherlands; 2422nd mtg.: Honduras and 2424th mtg.: Honduras, in connection with the letter dated 5 May 1983 from the representative of Nicaragua, 2435th mtg.: Costa Rica; in connection with the letter dated 2 August 1983 from the representative of Chad, 2469th mtg.: Guyana; in connection with the situation in Grenada, 2491st mtg.: President of the Council (Jordan); and in connection with the letter dated 18 March 1984 from the representative of Sudan, 2521st mtg.: Benin. Implicit references to the provision of Chapter VIII of the Charter, mainly in connection with the same agenda items as above, were too numerous to be listed here.

¹³⁹ S/15694 (letter dated 8 April 1983 from the representative of the United States), *OR*, 38th yr., *Suppl. for April-June 1983*; S/15700 and S/15701 (letters dated 11 and 12 April 1983 from the representative of Honduras), *ibid.*; S/15704 (letter dated 13 April 1983 from the representative of Nicaragua), *ibid.*; and S/16073 (letter dated 25 October 1983 from the representative of Saint Lucia), *ibid.*, *Suppl. for Oct.-Dec. 1983*.

¹⁴⁰ 2489th mtg.: Algeria.

¹⁴¹ 2300th mtg.: the President of the Council (Panama).

¹⁴² 2454th mtg.: Cyprus; and 2532nd mtg.: Cyprus.

¹⁴³ 2454th mtg.: Turkey; 2498th mtg.: Turkey; and 2532nd mtg.: Turkey.

¹⁴⁴ For the Council's discussion relating to the provisions of Chapter VIII of the Charter (regional arrangements) and for the nexus between those provisions and Article 103, in connection with the same agenda item, see part V above.

¹⁴⁵ 2337th mtg.: Cuba; and 2343rd mtg.: Mauritius. For pointed arguments involving interpretations of Article 103, see especially S/14936 (letter dated 30 March 1982 from the representative of Nicaragua), *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

¹⁴⁶ See 2347th mtg.: Costa Rica. For interesting arguments in favour of regional arrangements with possible interpretative implications for Article 103, see also 2335th mtg.: United States; 2336th mtg.: Honduras; 2339th mtg.: Togo; 2343rd mtg.: Chile; and S/14927 (letter dated 25 March 1982 from the representative of El Salvador to the President of the Security Council), *OR*, 37th yr., *Suppl. for Jan.-March 1982*.

¹⁴⁷ S/15704, *OR*, 38th yr., *Suppl. for April-June 1983*, in connection with the letter dated 22 March 1983 from the representative of Nicaragua.