

Department of Political and Security Council Affairs

**Repertoire**  
**of the**  
**Practice**  
**of the**  
**Security Council**

**Supplement 1966-1968**



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**NOTE**

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## CONTENTS

	<i>Page</i>
<b>General introduction</b> . . . . .	xi
<b>Editorial note</b> . . . . .	xiii

### Chapter I. Provisional rules of procedure of the Security Council

<b>INTRODUCTORY NOTE</b> . . . . .	3
<b>PART I. MEETINGS (RULES 1-5)</b>	
Note . . . . .	3
**1. Consideration of the adoption or amendment of rules 1-5 . . . . .	3
2. Special cases concerning the application of rules 1-5 . . . . .	3
<b>PART II. REPRESENTATION AND CREDENTIALS (RULES 13-17)</b>	
Note . . . . .	8
**1. Consideration of the adoption or amendment of rules 13-17 . . . . .	8
2. Special cases concerning the application of rules 13-17 . . . . .	8
<b>PART III. PRESIDENCY (RULES 18-20)</b>	
Note . . . . .	10
**1. Consideration of the adoption or amendment of rules 18-20 . . . . .	10
2. Special cases concerning the application of rules 18-20 . . . . .	10
<b>PART IV. SECRETARIAT (RULES 21-26)</b>	
Note . . . . .	14
**1. Consideration of the adoption or amendment of rules 21-26 . . . . .	15
2. Special cases concerning the application of rules 21-26 . . . . .	15
<b>PART V. CONDUCT OF BUSINESS (RULES 27-36)</b>	
Note . . . . .	18
**1. Consideration of the adoption or amendment of rules 27-36 . . . . .	19
2. Special cases concerning the application of rules 27-36 . . . . .	19
<b>**PART VI. VOTING (RULE 40)</b> . . . . .	25
<b>**PART VII. LANGUAGES (RULES 41-47)</b> . . . . .	25
<b>**PART VIII. PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)</b> . . . . .	25
<b>**PART IX. APPENDIX TO PROVISIONAL RULES OF PROCEDURE</b> . . . . .	25

### Chapter II. Agenda

<b>INTRODUCTORY NOTE</b> . . . . .	29
<b>**PART I. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 6-12</b> . . . . .	29
<b>PART II. THE PROVISIONAL AGENDA</b>	
Note . . . . .	29
A. Rule 6: Circulation of communications by the Secretary-General . . . . .	30
**B. Rule 7: Preparation of the provisional agenda . . . . .	32
**C. Rule 8: Communication of the provisional agenda . . . . .	32

**CONTENTS (continued)**

	<i>Page</i>
<b>PART III. ADOPTION OF THE AGENDA (RULE 9)</b>	
Note . . . . .	33
A. Procedure of voting on adoption of the agenda . . . . .	33
**1. Votes taken concerning individual items on the provisional agenda . . . . .	33
**2. Votes taken on proposals to determine or change the order of items . . . . .	33
3. Votes taken on the adoption of the agenda as a whole . . . . .	33
B. Consideration of:	
1. Requirements for the inclusion of an item in the agenda . . . . .	34
**2. Effect of the inclusion of an item in the agenda . . . . .	35
C. Other discussion on the adoption of the agenda . . . . .	35
1. Order of discussion of items on the agenda . . . . .	35
2. Scope of items and subitems on the agenda, in relation to the scope of discussion . . . . .	35
3. Phrasing of items on the agenda . . . . .	36
4. Postponement of consideration of items . . . . .	37
**5. Precedence of the decision on adoption of the agenda . . . . .	38
<b>PART IV. THE AGENDA: MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED (RULES 10 AND 11)</b>	
Note . . . . .	38
A. Rule 10 . . . . .	39
B. Rule 11 . . . . .	40
1. Retention and deletion of items from the Secretary-General's Summary Statements on matters of which the Security Council is seized . . . . .	40
**2. Proceedings of the Security Council regarding the retention and deletion of items from the agenda . . . . .	54
<b>Chapter III. Participation in the proceedings of the Security Council</b>	
<b>INTRODUCTORY NOTE . . . . .</b>	<b>57</b>
<b>PART I. BASIS OF INVITATIONS TO PARTICIPATE</b>	
Note . . . . .	57
**A. In the case of persons invited in an individual capacity . . . . .	58
**B. In the case of representatives of United Nations organs or subsidiary organs . . . . .	58
C. In the case of Members of the United Nations . . . . .	58
1. Invitation when the Member brought to the attention of the Security Council . . . . .	58
(a) A matter in accordance with Article 35, paragraph 1, of the Charter . . . . .	58
** (b) A matter not being either a dispute or a situation . . . . .	60
2. Invitations when the interests of a Member were considered specially affected . . . . .	60
(a) To participate without vote in the discussion . . . . .	60
** (b) To submit written statements . . . . .	62
**3. Invitations denied . . . . .	62
D. In the case of non-member States and other invitations	
**1. Invitations expressly under Article 32 . . . . .	62
2. Invitations expressly under rule 39 of the provisional rules of procedure . . . . .	62
**3. Invitations not expressly under Article 32 or rule 39 . . . . .	63
4. Invitations denied . . . . .	63
<b>**PART II. CONSIDERATION OF THE TERMS AND PROVISIONS OF ARTICLE 32 OF THE CHARTER . . . . .</b>	<b>64</b>



CONTENTS (continued)

*Page*

**PART III. PROCEDURES RELATING TO PARTICIPATION OF INVITED REPRESENTATIVES**

Note . . . . . 65

**\*\*A. The stage at which invited States are heard . . . . . 65**

**\*\*B. The duration of participation . . . . . 65**

**C. Limitations of a procedural nature . . . . . 65**

**\*\*1. Concerning the order in which invited representatives are called upon to speak . . . . . 65**

    2. Concerning the raising of points of order by invited representatives . . . . . 65

**\*\*3. Concerning the submission of proposals or draft resolutions by invited representatives . . . . . 65**

**D. Limitations on matters to be discussed by invited representatives . . . . . 65**

**\*\*1. Adoption of the agenda . . . . . 65**

**\*\*2. Extension of invitations . . . . . 65**

**\*\*3. Postponement of consideration of a question . . . . . 65**

    4. Other matters . . . . . 65

**\*\*E. Effect of the extension of invitations. . . . . 65**

**Chapter IV. Voting**

**INTRODUCTORY NOTE . . . . . 69**

**PART I. PROCEDURAL AND NON-PROCEDURAL MATTERS**

**A. Cases in which the vote indicated the procedural character of the matter**

    1. Inclusion of items in the agenda . . . . . 69

**\*\* 2. Order of items on the agenda. . . . . 69**

**\*\* 3. Deferment of consideration of items on the agenda . . . . . 69**

**\*\* 4. Removal of an item from the list of matters of which the Security Council is seized . . . . . 69**

**\*\* 5. Rulings of the President of the Security Council . . . . . 69**

**\*\* 6. Suspension of a meeting . . . . . 69**

    7. Adjournment of a meeting . . . . . 70

**\*\* 8. Invitation to participate in the proceedings . . . . . 70**

**\*\* 9. Contact of business . . . . . 70**

**\*\*10. Convocation of an emergency special session of the General Assembly . . . . . 70**

**B. Cases in which the vote indicated the non-procedural character of the matter . . . . . 70**

    1. In connexion with matters considered by the Security Council under its responsibility for the maintenance of international peace and security . . . . . 70

**\*\*2. In connexion with other matters considered by the Security Council . . . . . 70**

**\*\* (a) In connexion with admission of new Members to the United Nations . . . . . 70**

**\*\* (b) In connexion with appointment of the Secretary-General . . . . . 70**

**\*\*PART II. PROCEEDINGS OF THE SECURITY COUNCIL REGARDING VOTING UPON THE QUESTION WHETHER THE MATTER WAS PROCEDURAL WITHIN THE MEANING OF ARTICLE 27, PARAGRAPH 2, OF THE CHARTER . . . . . 70**

**\*\*A. Proceedings on occasions when the Security Council voted on "the preliminary question" . . . . . 70**

**\*\*B. Consideration of procedures involved in voting on "the preliminary question" . . . . . 70**

**\*\*1. Consideration of the order in which the matter itself, and the question whether the matter is procedural, should be voted upon . . . . . 70**

**\*\*2. Consideration whether the decision that the matter is procedural is itself a procedural decision . . . . . 70**

**\*\*3. Consideration of the use of rule 30 of the provisional rules of procedure of the Security Council in determining whether a matter is procedural . . . . . 70**

CONTENTS (continued)

	<i>Page</i>
<b>PART III. ABSTENTION AND ABSENCE IN RELATION TO ARTICLE 27, PARAGRAPH 3 OF THE CHARTER . . . . .</b>	70
<b>**A. Obligatory abstention . . . . .</b>	70
**1. Cases in which members have abstained in accordance with the proviso of Article 27, paragraph 3. . . . .	70
**2. Consideration of abstention in accordance with the proviso of Article 27, paragraph 3 . . . . .	70
<b>B. Voluntary abstention in relation to Article 27, paragraph 3 . . . . .</b>	70
1. Certain cases in which permanent members have abstained otherwise than in accordance with the proviso of Article 27, paragraph 3 . . . . .	70
<b>Chapter V. Subsidiary organs established by or in pursuance of Security Council resolutions</b>	
<b>INTRODUCTORY NOTE . . . . .</b>	75
<b>PART I. OCCASIONS ON WHICH SUBSIDIARY ORGANS OF THE SECURITY COUNCIL HAVE BEEN ESTABLISHED OR PROPOSED</b>	
<b>Note . . . . .</b>	75
<b>A. Involving, to facilitate their work, meetings at places away from the seat of the Organization . . . . .</b>	76
1. Subsidiary organs established . . . . .	76
2. Subsidiary organs proposed but not established . . . . .	77
<b>B. Not involving, to facilitate their work, meetings at places away from the seat of the Organization . . . . .</b>	78
1. Subsidiary organs established . . . . .	78
**2. Subsidiary organs proposed but not established . . . . .	78
<b>**PART II. CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS . . . . .</b>	78
<b>Chapter VI. Relations with other United Nations organs</b>	
<b>INTRODUCTORY NOTE . . . . .</b>	81
<b>PART I. RELATIONS WITH THE GENERAL ASSEMBLY</b>	
<b>Note . . . . .</b>	81
<b>A. Practices and proceedings in relation to Article 12 of the Charter . . . . .</b>	81
<b>**B. Practices and proceedings in relation to the convocation of a special session of the General Assembly . . . . .</b>	82
<b>C. Practices and proceedings in relation to Articles of the Charter involving recommendations by the Security Council to the General Assembly . . . . .</b>	82
1. Appointment of the Secretary-General. . . . .	82
**2. Conditions of accession to the Statute of the International Court of Justice . . . . .	83
**3. Conditions under which a non-member State, party to the Statute, may participate in electing Members of the International Court of Justice . . . . .	83
<b>D. Practices and proceedings in relation to the election of Members of the International Court of Justice . . . . .</b>	83
<b>E. Relations with subsidiary organs established by the General Assembly . . . . .</b>	85
<b>F. Recommendations made by the General Assembly to the Security Council in the form of resolutions . . . . .</b>	85
<b>G. Reports of the Security Council to the General Assembly . . . . .</b>	86
<b>**PART II. RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL . . . . .</b>	87
<b>PART III. RELATIONS WITH THE TRUSTEESHIP COUNCIL . . . . .</b>	87
<b>**A. Procedure under Article 83, paragraph 3, in application of Articles 87 and 88 of the Charter with regard to strategic areas under trusteeship. . . . .</b>	87
<b>B. Transmission to the Security Council by the Trusteeship Council of questionnaires and reports . . . . .</b>	87

CONTENTS (continued)

	Page
<b>**PART IV. RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE . . . . .</b>	87
<b>**PART V. RELATIONS WITH THE MILITARY STAFF COMMITTEE. . . . .</b>	87
<b>Chapter VII. Practices relative to recommendations to the General Assembly regarding the admission of new Members</b>	
INTRODUCTORY NOTE . . . . .	91
<b>PART I. TABLE OF APPLICATIONS, 1966-1968, AND OF ACTIONS TAKEN THERE- ON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY</b>	
Note . . . . .	91
A. Applications recommended by the Security Council . . . . .	91
B. Applications which failed to obtain a recommendation . . . . .	91
C. Discussion of the question in the Council from 1966-1968 . . . . .	91
D. Applications pending on 1 January 1966 . . . . .	91
E. Applications submitted between 1 January 1966 and 31 December 1968. . . . .	92
F. Votes in the Security Council (1966-1968) on draft resolutions and amend- ments concerning applications for admission to membership in the United Nations . . . . .	92
G. Votes in the General Assembly (1966-1968) on draft resolutions concern- ing Security Council recommendations for admission to membership in the United Nations . . . . .	93
<b>**PART II. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 58, 59 AND 60 OF THE PROVISIONAL RULES OF PROCEDURE . . . . .</b>	93
<b>PART III. PRESENTATION OF APPLICATIONS</b>	
Note . . . . .	93
<b>PART IV. REFERENCE OF APPLICATIONS TO THE COMMITTEE ON THE ADMISSION OF NEW MEMBERS</b>	
Note . . . . .	93
<b>PART V. PROCEDURES IN THE CONSIDERATION OF APPLICATIONS WITHIN THE SECURITY COUNCIL</b>	
Note . . . . .	94
A. Discussion of applications	
1. Order of the discussion of applications . . . . .	94
**2. Documentation submitted to the Security Council . . . . .	94
**B. Voting on applications . . . . .	94
<b>**PART VI. THE ROLE OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL . . . . .</b>	94
<b>Chapter VIII. Consideration of questions under the Council's responsibility for the maintenance of international peace and security</b>	
INTRODUCTORY NOTE . . . . .	97
<b>PART I. ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL</b>	
Note . . . . .	97
<b>PART II</b>	
Situation in Viet-Nam . . . . .	104
Complaint by the Government of Cyprus . . . . .	105
Situation in Southern Rhodesia . . . . .	113
The Palestine question . . . . .	124
Complaint by the United Kingdom . . . . .	130
Complaint by the Democratic Republic of the Congo . . . . .	131
Situation in the Middle East (I) . . . . .	134

CONTENTS (*continued*)

	<i>Page</i>
Situation in the Middle East (II) . . . . .	146
The question of South West Africa . . . . .	164
Complaint by the United States (Pueblo incident) . . . . .	168
Complaint by Haiti . . . . .	169
Question of safeguards to non-nuclear-weapon States parties to the Non-Proliferation Treaty . . . . .	170
Situation in Czechoslovakia . . . . .	171
<b>Chapter IX. Decisions in the exercise of other functions and powers</b>	
NOTE . . . . .	177
<b>Chapter X. Consideration of the provisions of Chapter VI of the Charter</b>	
INTRODUCTORY NOTE . . . . .	181
PART I. CONSIDERATION OF THE PROVISIONS OF ARTICLE 33 OF THE CHARTER	
Note . . . . .	182
PART II. CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER	
Note . . . . .	185
PART III. APPLICATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER	
Note . . . . .	187
Tabulation of questions submitted to the Security Council (1966-1968). . . . .	188
PART IV. CONSIDERATION OF THE PROVISIONS OF ARTICLES 36-38 AND OF CHAPTER VI IN GENERAL	
Note . . . . .	194
<b>Chapter XI. Consideration of the provisions of Chapter VII of the Charter</b>	
INTRODUCTORY NOTE . . . . .	199
PART I. CONSIDERATION OF THE PROVISIONS OF ARTICLES 39 AND 40 OF THE CHARTER	
Note . . . . .	200
PART II. CONSIDERATION OF THE PROVISIONS OF ARTICLE 41 OF THE CHARTER	
Note . . . . .	205
PART III. CONSIDERATION OF THE PROVISIONS OF ARTICLES 42-47 OF THE CHARTER	
Note . . . . .	210
PART IV. CONSIDERATION OF THE PROVISIONS OF ARTICLES 48-51 OF THE CHARTER	
Note . . . . .	217
PART V. CONSIDERATION OF THE PROVISIONS OF CHAPTER VII IN GENERAL	
Note . . . . .	218
<b>Chapter XII. Consideration of the provisions of other Articles of the Charter</b>	
INTRODUCTORY NOTE . . . . .	227
PART I. CONSIDERATION OF THE PROVISIONS OF ARTICLE 1, PARAGRAPH 2, OF THE CHARTER	
Note . . . . .	227

**CONTENTS (continued)**

	<i>Page</i>
<b>PART II. CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 OF THE CHARTER</b>	
A. Article 2, paragraph 4, of the Charter	
Note . . . . .	227
B. Article 2, paragraph 6, of the Charter	
Note . . . . .	237
**C. Article 2, paragraph 7, of the Charter . . . . .	238
<b>PART III. CONSIDERATION OF THE PROVISIONS OF ARTICLE 24 OF THE CHARTER</b>	
Note . . . . .	238
<b>PART IV. CONSIDERATION OF THE PROVISIONS OF ARTICLE 25 OF THE CHARTER</b>	
Note . . . . .	238
<b>PART V. CONSIDERATION OF THE PROVISIONS OF CHAPTER VIII OF THE CHARTER</b>	
Note . . . . .	239
<b>**PART VI. CONSIDERATION OF THE PROVISIONS OF CHAPTER XII OF THE CHARTER</b>	242
<b>**PART VII. CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER</b>	242
<b>**PART VIII. CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER</b>	242

**Indexes**

Index by Articles of the Charter and rules of procedure . . . . .	245
Subject index . . . . .	246

## GENERAL INTRODUCTION

The present volume constitutes the fifth supplement to the *Repertoire of the Practice of the Security Council, 1946-1951*, which was issued in 1954. It covers the proceedings of the Security Council from the 1271st meeting on 1 February 1966 to the 1462nd meeting on 31 December 1968. Further supplements covering the proceedings of later meetings will be issued at suitable intervals.

In order to make it easier to trace the Security Council's practice in respect of any given topic over the entire period covered by the six volumes, the headings under which the practices and procedures of the Security Council were presented in the original volume have been generally maintained unchanged in this supplement. New headings have been inserted where required. Topics which the Council has not discussed anew during this time are identified by double asterisks.

The methods employed and the principles observed in the preparation of this supplement have been the same as for the original volume of the *Repertoire*. They are explained in the General Introduction to that volume. The *Repertoire* is an expository work, which presents the results of an empirical survey of the procedures of the Council in a way calculated to make reference easy, and constitutes essentially a guide to the proceedings of the Council.

As was observed in the original volume, the *Repertoire*

is not intended as a substitute for the records of the Security Council, which constitute the only comprehensive and authoritative account of its deliberations. The categories employed to arrange the material are not intended to suggest the existence of procedures or practices which have not been clearly or demonstrably established by the Council itself. The Security Council is at all times, within the framework of the Charter, "master of its own procedure". The object of the *Repertoire* will have been achieved if the reader, by using the descriptive titles of the headings under which the material is presented, is enabled to find relevant proceedings in order to draw conclusions for himself concerning the practice of the Council.

Details of the decisions of the Council have been included where appropriate in the accounts of its proceedings which make up this volume. The term "decision" has again been used to mean not only those "decisions" to which specific reference is made in the text of Articles of the Charter, but all significant steps decided upon by the Council, whether by vote or otherwise, in the course of consideration of a question.

The reader should refer for full explanations of the organization and presentation of material to the explanatory matter in the original volume. An effort has been made to avoid unnecessary repetition of such explanations in this *Supplement*.

## EDITORIAL NOTE

1. References to the records of the meetings of the Security Council are given in the following form:

1273rd meeting, para. 27; for Official Records;  
1388th meeting (PV), pp. 17-20; for provisional  
verbatim records.

2. Documents of the Security Council are identified by the serial number in the S/series. Where the mimeographed document has been printed in the supplements to the Official Records, an additional reference is given accordingly.

*Example:*

S/8886, *OR, 23rd yr., Suppl. for Oct.-Dec. 1968*,  
pp. 112-113.

For documents printed only in the Official Records of meetings, reference is given to the meeting and page.

*Example:*

S/8603, 1428th meeting (PV), pp. 23-25.

Where reference is given only to the number of S/series, this indicates that the text is available as a mimeographed document only.

3. References to resolutions of the Security Council, published in yearly volumes of *Resolutions and Decisions of the Security Council*, follow the system adopted in 1964 and applied in the 1964-1965 *Supplement*. They are identified by number, followed by the year of adoption in parentheses.

*Example:*

Resolution 249 (1968).

4. References to the Official Records of the General Assembly and their supplements are given in the following form:

*GAOR, 23rd sess., plen. m., 1752nd meeting, para. 3;*  
*GAOR, 23rd sess., Suppl. No. 9 (A/7209/Rev.1), p. 5.*

For resolutions of the General Assembly:  
Resolution 2393 (XXIII).

5. References from one chapter of the *Repertoire* to other chapters are in the following form:

See chapter XI, Case 3.

References to other cases in the same chapter are in the following form:

See Case 5.

6. In citing statements in case histories, it has been considered necessary at certain points to distinguish between statements made by representatives on the Council and statements by representatives or other persons invited to participate. In such instances, an asterisk has been inserted to distinguish the latter.

7. The original volume of the *Repertoire* should be cited as *Repertoire of the Practice of the Security Council, 1946-1951*. The present volume should be cited as *Repertoire of the Practice of the Security Council, Supplement 1966-1968*.

8. The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country or territory or of its authorities, or concerning the delimitation of its frontiers.

9. Appended here below is a list of short and official titles for agenda items considered by the Security Council throughout the period 1966-1968. The short titles were formulated exclusively for the *Repertoire* in order to clarify for the reader the contents of the item under consideration. Hence they have no official standing.

<i>Short title</i>	<i>Official title</i>
Situation in Viet-Nam	Letter dated 25 January 1966 from the Permanent Representative of the United States of America addressed to the President of the Security Council (S/8360)
Complaint by the Government of Cyprus	Letter dated 26 December 1963 from the Permanent Representative of Cyprus to the United Nations addressed to the President of the Security Council (S/5488) Report of the Secretary-General (S/7191) Report of the Secretary-General (S/7350) Report by the Secretary-General (S/7611 and Corr.1 and Add.1) Report of the Secretary-General (S/7969) Letter dated 24 November 1967 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/8262) Report by the Secretary-General on the United Nations Operation in Cyprus (S/8286) Report by the Secretary-General on the United Nations Operation in Cyprus (S/8446) Report by the Secretary-General on the United Nations Operation in Cyprus (S/8622 and Corr.1)

<i>Short title</i>	<i>Official title</i>
Complaint by the Government of Cyprus ( <i>continued</i> )	Report by the Secretary-General on the United Nations Operation in Cyprus (S/8914)
Situation in Southern Rhodesia	Question concerning the situation in Southern Rhodesia: Letters dated 2 and 30 August 1963 addressed to the President of the Security Council on behalf of the representatives of thirty-two Member States (S/5382 and S/5409)
	Letter dated 7 April 1966 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/7235)
	Letter dated 10 May 1966 addressed to the President of the Security Council from the representatives of Algeria, Burundi, Cameroon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia (S/7285 and Add.1 and 2)
	Letter dated 5 December 1966 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/7610)
	Letter dated 12 March 1968 addressed to the President of the Security Council by the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia (S/8454)
Admission of new Members	Communications dated 4 June 1966 from the Prime Minister of Guyana addressed to the Secretary-General (S/7341, S/7349)
	(a) Letter dated 30 September 1966 from the President of Botswana to the Secretary-General (S/7518)
	(b) Telegram dated 7 October 1966 from the Prime Minister of Lesotho to the Secretary-General (S/7534)
	Letter dated 30 November 1966 from the Prime Minister of Barbados addressed to the Secretary-General (S/7607)
	Letter dated 30 November 1967 from the People's Republic of Southern Yemen addressed to the Secretary-General (S/8284)
	Letter dated 12 March 1968 from the Prime Minister of Mauritius addressed to the Secretary-General (S/8466)
	Letter dated 6 September 1968 from the Prime Minister of Swaziland addressed to the Secretary-General (S/8808)
	Letter dated 25 October 1968 from the President of the Republic of Equatorial Guinea addressed to the Secretary-General (S/8883)
The Palestine question	(a) Letter dated 21 July 1966 from the Permanent Representative of Syria to the United Nations addressed to the President of the Security Council (S/7419)
	(b) Letter dated 22 July 1966 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council (S/7423)
	Letter dated 12 October 1966 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council (S/7540)
	Letter dated 15 November 1966 from the Permanent Representative of Jordan to the United Nations addressed to the President of the Security Council (S/7587)
Complaint by the United Kingdom	Letter dated 2 August 1966 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/7442)



<b>Complaint by the Democratic Republic of the Congo</b>	Letter dated 21 September 1966 from the Acting Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council (S/7503)
	Letter dated 6 July 1967 from the Permanent Representative of the Democratic Republic of the Congo addressed to the President of the Security Council (S/8036)
	Letter dated 3 November 1967 from the Permanent Representative of the Democratic Republic of the Congo addressed to the President of the Security Council (S/8218)
<b>Election of Members of the International Court of Justice</b>	Election of five Members of the International Court of Justice (S/7466, S/7490/Rev.1 and Add.1-7, S/7491 and Corr.1 and Add.1)
<b>Situation in the Middle East (I)</b>	Letter dated 23 May 1967 from the Permanent Representatives of Canada and Denmark addressed to the President of the Security Council (S/7902)
	Complaint of the representative of the United Arab Republic in a letter to the President of the Security Council dated 27 May 1967 entitled "Israeli aggressive policy, its repeated aggression threatening peace and security in the Middle East and endangering international peace and security" (S/7907)
	Letter dated 29 May 1967 from the Permanent Representative of the United Kingdom addressed to the President of the Security Council (S/7910)
	Letter dated 9 June 1967 from the Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council concerning an item entitled "Cessation of military action by Israel and withdrawal of the Israeli forces from those parts of the territory of the United Arab Republic, Jordan and Syria which they have seized as the result of an aggression" (S/7967)
	Letter dated 8 July 1967 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8043)
<b>Situation in the Middle East (II)</b>	Letter dated 8 July 1967 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8044)
	(a) Letter dated 24 October 1967 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8207)
	(b) Letter dated 24 October 1967 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8208)
	Letter dated 7 November 1967 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8226)
	(a) Letter dated 21 March 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8484)
	(b) Letter dated 21 March 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8486)
	(a) Letter dated 29 March 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8516)
	(b) Letter dated 29 March 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8517)
	Letter dated 25 April 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8560)
	Report of the Secretary-General under General Assembly Resolution 2254 (ES-V) relating to Jerusalem (S/8146)
	(a) Letter dated 5 June 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8616)
	(b) Letter dated 5 June 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8617)
	(c) Letter dated 5 August 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8721)

- Situation in the Middle East (II)  
(continued)
- (d) Letter dated 5 August 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8724)
- Letter dated 2 September 1968 from the Acting Permanent Representative of Israel to the President of the Security Council (S/8794)
- Letter dated 8 September 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8805)
- Letter dated 8 September 1968 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8806)
- Letter dated 17 September 1968 addressed to the President of the Security Council by the Representatives of Pakistan and Senegal (S/8819)
- (a) Letter dated 1 November 1968 from the Permanent Representative of the United Arab Republic to the United Nations addressed to the President of the Security Council (S/8878)
- (b) Letter dated 1 November 1968 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council (S/8879)
- Letter dated 29 December 1968 from the Permanent Representative of Lebanon addressed to the President of the Security Council (S/8945)
- Letter dated 29 December 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8946)
- The question of South West Africa
- Letter dated 24 January 1968 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Burundi, Cambodia, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Kenya, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia (S/8355 and Add.1 and 2)
- Letter dated 23 January 1968 addressed to the President of the Security Council by the President of the United Nations Council for South West Africa (S/8353)
- Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia (S/8397)
- Letter dated 12 February 1968 addressed to the President of the Security Council by the representatives of Afghanistan, Algeria, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Republic of Tanzania, Upper Volta and Yemen (S/8398 and Add.1/Rev.1 and Add.2)
- Complaint by the United States  
(Pueblo incident)
- Letter dated 31 January 1966 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council (S/7105)
- Complaint by Haiti
- Letter dated 21 May 1968 from the Permanent Representative *Ad Interim* of Haiti addressed to the President of the Security Council (S/8593)
- Question of safeguards to non-nuclear-weapon States parties to the Non-Proliferation Treaty
- Letter dated 12 June 1968 from the Permanent Representatives of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the Security Council (S/8630)
- Situation in Czechoslovakia
- Letter dated 21 August 1968 from the representatives of Canada, Denmark, France, Paraguay, the United Kingdom and the United States addressed to the President of the Security Council (S/8758)

**Chapter I**

**PROVISIONAL RULES OF PROCEDURE OF THE SECURITY COUNCIL**

## CONTENTS

	<i>Page</i>
<b>INTRODUCTORY NOTE</b> . . . . .	3
<b>PART I. MEETINGS (RULES 1-5)</b>	
<b>Note</b> . . . . .	3
<b>**1. Consideration of the adoption or amendment of rules 1-5</b> . . . . .	3
<b>2. Special cases concerning the application of rules 1-5</b> . . . . .	3
<b>PART II. REPRESENTATION AND CREDENTIALS (RULES 13-17)</b>	
<b>Note</b> . . . . .	8
<b>**1. Consideration of the adoption or amendment of rules 13-17</b> . . . . .	8
<b>2. Special cases concerning the application of rules 13-17</b> . . . . .	8
<b>PART III. PRESIDENCY (RULES 18-20)</b>	
<b>Note</b> . . . . .	10
<b>**1. Consideration of the adoption or amendment of rules 18-20</b> . . . . .	10
<b>2. Special cases concerning the application of rules 18-20</b> . . . . .	10
<b>PART IV. SECRETARIAT (RULES 21-26)</b>	
<b>Note</b> . . . . .	14
<b>**1. Consideration of the adoption or amendment of rules 21-26</b> . . . . .	15
<b>2. Special cases concerning the application of rules 21-26</b> . . . . .	15
<b>PART V. CONDUCT OF BUSINESS (RULES 27-36)</b>	
<b>Note</b> . . . . .	18
<b>**1. Consideration of the adoption or amendment of rules 27-36</b> . . . . .	19
<b>2. Special cases concerning the application of rules 27-36</b> . . . . .	19
<b>**PART VI. VOTING (RULE 40)</b> . . . . .	25
<b>**PART VII. LANGUAGES (RULES 41-47)</b> . . . . .	25
<b>**PART VIII. PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)</b> . . . . .	25
<b>**PART IX. APPENDIX TO PROVISIONAL RULES OF PROCEDURE</b> . . . . .	25

## INTRODUCTORY NOTE

This chapter of the *Supplement* contains material pertaining to the practice of the Security Council in relation to all the provisional rules of procedure with the exception of those rules which are dealt with in other chapters as follows: chapter II: Agenda (rules 6-12); chapter III: Participation in the proceedings of the Council (rules 37-39); chapter VII: Admission of new Members (rules 58-60); chapter VI: Relations with other organs (rule 61). Material relating to the application of Article 27 (rule 40) is presented in chapter IV.

The major headings under which the material is entered in this chapter follow the classification previously adopted for the *Repertoire*. The arrangement of each part is based

on the successive chapters of the provisional rules of procedure of the Security Council.

During the period under review, the Council has not considered the adoption or amendment of rules of procedure. Consequently, the case histories entered in respect of each rule are confined entirely to those proceedings of the Council in which a question has arisen regarding the application of the rule, especially where discussion has taken place regarding a temporary variation from the usual practice. As was noted in the previous volumes, the case histories in this chapter do not constitute cumulative evidence of the practice of the Council, but are indicative of special problems which have arisen in the proceedings of the Council under its provisional rules.

### Part I

#### MEETINGS (RULES 1-5)

##### NOTE

The entries in this part constitute special instances related to the convening of Council meetings. They are concerned with interpretation of rules 1-5, which reflect the provisions of Article 28 of the Charter.

During the period under review, discussions have on a number of occasions dealt with the question of the powers and duties of the President to call a meeting under rules 1 and 2, on the one hand, and the practice of the President's consulting Council members, on the other, for the purpose of determining the timing for a proposed meeting.

In one instance, a query was addressed to the President concerning a delay in the convening of a meeting which had been requested by a Council member to consider a question said to be urgent (Case 1).

In another instance, the President, in response to observations by Council members, stressed his discretionary powers in setting the timing for the holding of meetings.

In the third instance, views were expressed on the desirability of adherence by the President to the practice of holding consultations among members of the Council prior to the holding of a meeting (Case 3).

Finally, the President, in response to a query, gave an explanation of the convening of a meeting beyond the time for which it had been originally scheduled (Case 4).

No periodic meetings, as provided in rule 4, have been held during the period under review; neither has a meeting been held outside of the United Nations Headquarters (rule 5).

##### \*\*1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 1-5

##### 2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 1-5

##### Rules 1 and 2

##### CASE 1

By letter <sup>1-2</sup> dated 7 April 1966 addressed to the President of the Council, the representative of the United Kingdom requested an emergency meeting of the Council to consider the situation in Southern Rhodesia in connexion with the arrival of an oil tanker at Beira, a port in Mozambique, and of the approach of a second tanker to that port, both believed to be carrying oil destined for Southern Rhodesia.

By letter <sup>3</sup> of the same date addressed to the President of the Council, the Secretary-General transmitted a message from eight members of the Council (Argentina, China, Japan, the Netherlands, New Zealand, the United Kingdom, the United States and Uruguay) in which it was stated that the majority of the Council members had expressed their agreement to the President earlier that day for the convening of the Council that same day, and that they were prepared to meet in the evening and made themselves available for that purpose. The Secretary-General further stated that the representatives of France and Jordan had informed him individually that they also agreed to a meeting being convened that day.

<sup>1-2</sup> The representative of the United Kingdom read out the text of this letter (S/7235) at the 1276th meeting on 9 April 1966. See 1276th meeting, para. 10.

<sup>3</sup> S/7237, *OR*, 21st yr., *Suppl. for April-June 1966*, p. 29.

By another letter <sup>4</sup> dated 8 April 1966, the representative of the United Kingdom, after referring to his letter of 7 April, stated that the request for the Council meeting was made pursuant to rule 2 of the provisional rules of procedure of the Security Council. He noted that he was aware of the practice that had grown up in recent years whereby the President would seek the views of other Council members on the timing of a request for a Council meeting, adding that such practice would in normal circumstances operate for the convenience of Council members. Nevertheless, he observed,<sup>5</sup>

"it remains the prerogative of the President to call a meeting of the Council without such consultation, should circumstances so require. . . . The terms of rule 2 of the provisional rules of procedure impose upon the President a duty to call a meeting of the Council at the request of any member of the Council, the more particularly if the situation which the Council is called upon to consider is one of great urgency. There is ample precedent in the practice of the Council to this effect. There is certainly no precedent for the refusal of the President to call an urgent meeting in the face of a request to which a majority of Council members have agreed."

After quoting that part of Article 28 of the Charter which provides that "the Security Council shall be so organized as to be able to function continuously", he stated:

"A grave and most serious precedent for the proper functioning of the Security Council in emergency situations is created if the President of the Council fails to fulfil the duties imposed upon him by the provisional rules of procedure with respect to the convening of a meeting of the Council."

The representative of the United Kingdom then expressed his dissatisfaction at the failure to convene a Council meeting on 7 April when it was formally and urgently requested by his Government, and regretted that no "formal explanation" had been given for "the refusal to accede to a request fully justified by the provisional rules of procedure". Under the circumstances, he observed, a meeting of the Council must be convened without a further delay.

The President of the Council (Mali), in a letter <sup>6</sup> dated 8 April 1966 addressed to the Secretary-General, transmitted the text of a telephone conversation that he had had with the Under-Secretary for Special Political Affairs on the evening of 7 April 1966, which read as follows:

"The President of the Security Council has noted, with some surprise, the message dated 7 April 1966 [S/7237] transmitted to him by the Secretary-General on behalf of certain members of the Council.

"Such procedure is without precedent in the history of the Security Council. It has always been the prerogative of the President to call a meeting of the Security Council at the request of a member and, after consultations with all the members, to set a date and time convenient to them all.

"The President of the Security Council has, therefore, followed the customary procedure by engaging in consultations with the members of the Security Council.

At the present time, these consultations are still going on. Consequently, the President of the Security Council is not yet in a position to announce the date and time of the meeting of the Security Council.

"He hopes to conclude these consultations on Friday, 8 April 1966, and thereby be able to announce a time and date for the Security Council meeting."

In a subsequent letter <sup>7</sup> dated the same date addressed to the Secretary-General, the President announced that after consultations with all members of the Council, he was in a position to convene a meeting on the morning of 9 April 1966. The President convened the meeting accordingly.

During the first two meetings on this question, some representatives expressed their views on the manner in which the meeting had been convened. At the 1276th meeting on 9 April 1966, the representative of Uganda, disagreeing with the representative of the United Kingdom on the interpretation of Article 28 of the Charter and rule 2 of the provisional rules of procedure, stated:

"I think that Article 28 has been misinterpreted. The word 'continuously' there, which I presume is the operative word, does not really mean 'continuously' in the usual sense. The Security Council does not sit or function without stop: it does stop from time to time, until it is called upon to reconvene by the President.

"As regards rule 2 of the provisional rules of procedure, there it is laid down that the President shall call a meeting of the Security Council when it is requested. It is obvious here that the President has absolute discretion as regards the timing of the meeting. The President has a responsibility not only to the majority of members of the Security Council; he has to consult with them. That is, in fact, precisely what the President was doing . . ."

He added that, since the question of Southern Rhodesia was a matter of extreme importance to the African States, African representatives had to consult their Governments, and the President, in his discretion, was very wise in making such consultations possible, and in not calling a meeting before that day.

The representative of the USSR, after noting that the President had acted in full conformity with the rules of procedure, stated:

"It is well known that in accordance with rule 2 of the provisional rules of procedure, the President shall call a meeting of the Security Council at the request of any member of the Security Council. Following firmly established practice, the President usually consults all members of the Council about the time of the meeting and takes a decision on that question, with due regard for all the circumstances and without any undue delay."

He observed that in the course of the consultations on the convening of the meeting held by the President, delegations' views on the exact date and time of the meeting differed, noting that many years of experience of the work of the United Nations showed that such differences of opinion arose almost every time the Council was to be convened. He added:

"The President naturally had to weigh all the circumstances, since it was obvious that differing views had

<sup>4</sup> S/7238, *ibid.*, pp. 30 and 31.

<sup>5</sup> *Ibid.*, p. 30.

<sup>6</sup> S/7240, *ibid.*, p. 31.

<sup>7</sup> S/7241, *ibid.*, p. 32.

## CASE 2

been expressed on this question . . . not on the question of convening a meeting as such, because no one objected to a meeting of the Council being convened, but on the question of the day and exact hour for beginning the Council's work. In the final analysis . . . the President, after listening to and consulting with all, has the right to determine the day and hour when a meeting of the Council is to be convened at his own discretion and on his own responsibility, of course within a reasonable period.

"That has been the practice in the past and that is the practice which we followed in this case. Obviously, we must follow the same practice in the future."

At the 1277th meeting, held on the same day, the representative of New Zealand, disagreeing with the representative of Uganda and the USSR, noted:

"In the view of my delegation, rules 1 and 2 of the provisional rules of procedure, and underlying them, Article 28 of the Charter, are fundamental. On the one hand, in rule 1, the President is empowered to convene the Council at any time he deems necessary. Under rule 2, the President is obliged to call a meeting at the request of any Council member. This obligation is mandatory, not permissive. The one element of discretion given to the President is the precise timing. Here, courtesy has led to the practice of the President consulting Council members to ascertain their convenience, especially in the case of requests to which urgency is not attached. But it cannot be held that the consent of all members, or necessarily a majority, is required in such a process of consultation, although, of course, we may hope that the convenience of members may be accommodated so far as is consistent with the obligations of the Council under the Charter.

" . . . it is established in the procedure and in practice that a request from any member of the Council for an urgent meeting must be acted upon promptly. We regard this as being of the utmost importance in the preservation of international peace and security . . ."

He noted that in the present instance, in spite of the request for an urgent meeting of the Council, for which almost all members consulted had been willing to meet at the time requested, the meeting was fixed at a much later date on which, moreover, most Council members had not been consulted. He added:

"If this Precedent were to be followed it could not fail to impair most seriously the ability of the Council to fulfil its task under the Charter and to function as the organ of the United Nations charged with primary responsibility for the preservation of international peace and security."

The representative of Argentina expressed reservation about the procedure followed in the convening of the meeting and stated that logic and experience of the Council showed that a period of twenty-four hours was sufficient for consultation, the receipt of instruction and the determination of at least a preliminary position in the debate. But a delay for more than twenty-four hours, he pointed out, caused some concern which was likely to create doubt about the procedures followed in convening a meeting that had been requested with extreme urgency.<sup>8</sup>

<sup>8</sup> Subsequently, the question of the convening of this meeting was made the subject of an exchange of communications between the representative of the United States and the President of the

Towards the conclusion of the 1304th meeting, held on 13 October 1966, in connexion with the complaint

Security Council. The representative of the United States, in a letter dated 21 April 1966 addressed to the President of the Security Council, expressed the view of his Government that rule 2 of the provisional rules of procedure was mandatory and did not give the President the choice of convening or not convening the Council when a member so requested. A number of instances were cited in support of this viewpoint. The letter stated:

"1. The Security Council is given primary responsibility for the maintenance of international peace and security, according to Article 24 of the United Nations Charter, 'in order to ensure prompt and effective action'. It is required by Article 28 to be 'so organized as to be able to function continuously'. These two Articles established the responsibility of the Council to be available for emergency action to maintain peace and security. The provisional rules of procedure of the Security Council are designed and must be interpreted so as to ensure that the Council can fulfil the responsibilities these Articles place upon it.

"2. The dominant paragraph of the provisional rules of procedure of the Security Council accordingly is rule 2, which states that 'The President shall call a meeting of the Security Council at the request of any member of the Security Council'. The rule is mandatory and does not give the President the choice of convening or not convening the Council when a member so requests.

" . . .  
"Even if a majority of Council members are opposed to a meeting, the meeting must be held. Those members opposed to the meeting may express their views on the agenda when the meeting is convened, may seek to adjourn the meeting, or to defeat proposals submitted to it, but the President is bound to convene the Council on a request under rule 2, unless that request is not pressed.

"3. Subject to rule 2, the President is given, under rule 1, the authority and responsibility to set the time of a meeting. In so doing, the President acts not as a representative of his country but as a servant of the Council, and he does not exercise an arbitrary or unfettered discretion. His decision must be related to the requirements of Articles 24 and 28 of the Charter and of rule 2 of the provisional rules of procedure, and to the urgency of the request and situation. A request for an urgent meeting must be respected and decided upon on an urgent basis, and the timing established responsive to the urgency of the situation."

The letter pointed out that the President of the Council had customarily consulted, and was expected to consult, members of the Council on their views as to the timing of a meeting; in circumstances of emergency, he might also convene the Council without consultation if such consultation would result in inadvisable delay. It added:

"In either case it is his responsibility to set the time of the meeting in keeping with the urgency of the request and of the factual situation. The President's obligation to act promptly on urgent requests is, of course, further underlined if on consultation he finds that a majority favour an immediate convening of the Council.

"Although the President may receive views on scheduling a meeting from non-members of the Council whose interests are 'specially affected', notably parties to a dispute before the Council, the views of the members must be guiding, as they are on all procedural questions in the Council."

In referring to the circumstances in which the President had been requested to convene the Council meeting on 7 April, the letter observed that the delay in convening the requested meeting did not meet the criteria for convening a Council meeting "under conditions of urgency", and could not be accepted as precedent for the future. The United States representative, the letter concluded, would have stated those views in the Council, but had refrained from doing so "in the interests of more rapid attention to the business at hand", while expressing the wish that those views be referred to the appropriate office of the Secretariat for inclusion in the *Repertoire*.

by the Democratic Republic of the Congo, the President (United Kingdom) made a statement that it would be for the Council members to decide when to resume consideration of the question in the light of the various factors that had to be taken into account with regard to its timing. From preliminary consultations he had undertaken, he understood that most members would be prepared to meet late that afternoon. He added that there were still a large number of representatives to be heard on that question, that a morning and an afternoon meeting had been called for the next day to deal, respectively, with a complaint by Israel,<sup>9</sup> and with admission of new members, and that the Foreign Minister of the Congo had expressed the hope that the Council could

conclude its consideration of the Congolese complaint in the course of the week.

Discussions followed in which the representatives of Nigeria, the United States, Uganda, the USSR, Jordan, Bulgaria, New Zealand, Mali and France expressed their views relating to the proper timing for the next meeting and the order of priority of matters to be given at the scheduled meetings.

The President, after hearing the views of those representatives, observed that he had called the two meetings for the next day in exercise of his authority as Council President. He further stated:

"I did so after consultation with my colleagues. I think it is an important principle that when a meeting of the Council is called on a matter said to be urgent, the meeting should be convened without delay except when there is a special or overriding reason to the contrary.

"This is an important principle to which I have had occasion to refer in the past. It was for that reason that, after consultation, I called a meeting of the Council to deal with the complaint of Israel tomorrow morning. Having taken that decision after consultation, and after consideration of all factors in the matter, I feel that it must stand."

The President also explained the reason for the timing of the meeting on the admission of new Members and after noting that that meeting should not last long, announced that the consideration of the complaint by the Democratic Republic of the Congo should be resumed thereafter. He concluded:

"Since this is a matter which I think lies within my discretion, I will so direct and I would hope that members would understand that the decision I take is one which is taken in my best judgement after hearing the views expressed and having consulted with members previously on the two meetings fixed for tomorrow."

At the 1305th meeting, convened the following day to consider the complaint by Israel, some representatives expressed their views on the propriety of interrupting the consideration of the complaint by the Democratic Republic of the Congo, and on the question of the agenda<sup>10</sup> for that meeting.

The representative of the USSR, after observing that his delegation was among those who had stressed the need for an uninterrupted consideration of the complaint by the Democratic Republic of the Congo, stated that a study of the facts and documents relating to Israel's complaint against Syria, did not convince his delegation that it was an urgent and pressing problem which had to take precedence over the consideration of the Congolese question.

Furthermore, the representative of Israel had informed him that Israel, for its part, had no intention of asking for a meeting of the Security Council. He added:

"It was therefore all the more strange that the President took the unilateral decision to convene the Security Council immediately, despite the fact that the

The President of the Security Council (Mali), in his reply dated 29 April 1966, drew attention to the consultations that had been held prior to the convening of the Council meeting, which he considered to be in accordance with the Council practice and the authority of the Council President to set the timing of a meeting. He observed:

"The President of the Security Council considers that he acted entirely in accordance with the provisional rules of procedure of the Security Council and particularly with rule 2, which states that 'The President shall call a meeting of the Security Council at the request of any member of the Security Council'. Consequently, there was no infringement of the rules of procedure — nor could there be any — with respect to the request of the Deputy Permanent Representative of the United Kingdom."

He then noted that he had not convened the Security Council for 5 p.m. as stated in the letter of the United States representative. If he had done so, he stated, all fifteen members of the Council, rather than eight, would have been present at that time. He added:

"It is customary for the President to hold consultations with all the members of the Security Council in order to call the meeting of the Council at the earliest convenient time. Those important consultations were therefore held in accordance with the established practice.

"You will be aware of the fact that, while some members of the Security Council were prepared for an immediate meeting, others were not. Proof of that — to cite only one instance — will be found in the statement of the Nigerian representative during the discussions in the Council on 9 April 1966 [1277th meeting].

"The President was pleased to note in paragraph 4 of the statement of views contained in your letter the remark that 'The President customarily has consulted and is expected to consult members of the Council on their views as to the timing of a meeting. . .', and the further statement that. . . 'In either case it is his responsibility to set the time of the meeting in keeping with the urgency of the request and of the factual situation.'

"As soon as he received the request of the Deputy Permanent Representative of the United Kingdom for a meeting of the Council, the President, exercising the prerogatives which you yourself, in the paragraph referred to above, recognize that he possesses, held immediate consultations with a view to fixing an appropriate time for the Council meeting.

"Consequently, the President cannot think that the procedure followed at the latest meeting of the Security Council can be regarded as setting a precedent."

The President then requested the Secretariat, in addition to circulating the letter as a Council document, to have it included in the *Repertoire*.

For texts of the two communications, see, respectively, S/7261 and S/7272, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 46-49 and 62-63.

For texts of relevant statements, see:

1276th meeting; Uganda, paras. 40 and 41; USSR, paras. 82-84; 1277th meeting; Argentina, paras. 37-39; New Zealand, paras. 6-10.

<sup>9</sup> S/7540, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 28 and 29.

<sup>10</sup> For discussions relating to the agenda of the meeting, see Chapter II, Case 9.



members of the Council were divided and that it was not clear which was the majority view.

"We consider it necessary again to draw the attention of the President and members of the Security Council to this circumstance. We believe that such precedents can hardly strengthen the authority of the Council or of its President. We hope that in deciding such questions in the future greater heed will be paid to the wishes of the Council's members and the consideration advanced by them."

The representative of Uruguay referred to rules 1 and 2, and to other rules relating to the agenda of the Council, in support of the convening of the Council by the President and of the wording of the provisional agenda for that meeting. After quoting rule 1, which in his view "gives the President . . . discretionary powers", and rule 2, which he considered to be "categorical, not optional or discretionary", as well as rules 7, 8 and 9, the representative of Uruguay stated:

"In short, if we make an elementary legal interpretation of these provisions, we shall come to the conclusion that the President has acted in accordance with the powers vested in him."

The representative of Uganda, after noting that he believed the majority of Council members agreed to continuing the debate on the complaint by the Democratic Republic of the Congo, stated:

"I am aware of the fact that the provisional rules of procedure give you absolute discretion when it comes to convening meetings of the Security Council. Rules 1 and 2 . . . are definitely in your favour. But I think there is a slightly fuzzy area here on which I myself would ask for your clarification and ruling, and this concerns the question of whether, when there is already an issue before the Council, the President has the power to superimpose another item on the agenda. Does the President have the power to decide which item should take priority over another item? In other words, does the President have the power, without consulting the members of the Security Council and gaining their support, to stop one meeting and go on with another meeting?"

The representative of Mali expressed regret that consideration of another question at that meeting would mean interruption of the consideration of the complaint by the Democratic Republic of the Congo, which could have been resumed without difficulty had the appeal of the African States been heeded. He added, however, that they had

"the utmost respect for any decision by the President, who has discretionary powers to convene the Council after consultations, taking into account the need to expedite our work, and the importance of the problem before us."

The President reaffirmed in substance the views he had expressed at the 1304th meeting and noted that the decision to convene the current meeting to consider the complaint by Israel had not been challenged.

There being no objection to the adoption of the agenda, the Council proceeded to consider the complaint by Israel.<sup>11</sup>

<sup>11</sup> For texts of relevant statements, see: 1304th meeting: President (United Kingdom), paras. 124-125, 128-130, 135, 151-154; Bulgaria, para. 142; France, paras. 148-

## CASE 3

Before the adoption of the agenda at the 1341st meeting, held on 24 May 1967, in connexion with the situation in the Middle East (I), the President (China) stated that he regretted that circumstances did not permit him to have fuller consultations with Council members personally and individually as he would have liked to do. He continued:

"In view of the urgency of the request for a meeting and in accordance with the precedents of the Council, I felt that I had no alternative in the circumstances but to call a meeting this morning. I hope that my colleagues will not consider my action in any other light than as indicating my desire to serve the Council to the best of my ability."

Some members questioned the urgency with which the Council had been convened. In explaining their views, three of those members also touched on the question of procedure by which the President had convened the meeting.

The representative of India observed that what was involved in calling a meeting was not merely the convenience of Council members but also the consideration to be given to the political aspects of a problem brought to the attention of the Council. Prior informal consultations, "which invariably precede the decision to hold any meeting of the Council", he added, would clarify those aspects. He continued:

"It is for the latter reason that that practice [of prior consultations] has grown to be a time-honoured one in this Council. Naturally, we are unhappy that there has been an attempt to ignore that practice and bypass it. Let me say . . . that, had we been consulted, our advice would have been against the holding of this meeting of the Council this morning."

The representative of Ethiopia noted that while he would not oppose the consideration of the problem before the Council if the members so desired, he shared the regret expressed by the representative of India that the traditional consultations with Council members "that are usually held in important matters having to do with the convening of the Council" had not taken place. He concluded that the tradition of prior consultation was not a mere formality, but an "exercise aimed at seeking the co-ordination and harmonization so essential to such work in the Council."

The representative of Nigeria stated that he found himself in the same position, in regard to the meeting, as the representative of Ethiopia.

Following the statement by the representative of Nigeria, the Council adopted the agenda and proceeded to consider the situation in the Middle East (I).<sup>12</sup>

## CASE 4

At the 1353rd meeting on 9 June 1967, in connexion with the situation in the Middle East (I), the represen-

150; Jordan, para. 141; Mali, paras. 145-156; New Zealand, paras. 143 and 144; Nigeria, para. 126; Uganda, paras. 132-134; USSR, paras. 138-140; United States, para. 131; 1305th meeting: President, paras. 121-125; Mali, para. 71; Uganda, paras. 65 and 66; USSR, paras. 2-8; Uruguay, para. 39-46.

<sup>12</sup> For texts of relevant statements, see: 1341st meeting (PV): President (China), pp. 2, 36; Ethiopia, pp. 31 and 32; India, p. 26; Nigeria, p. 32.

tative of the USSR inquired about the reasons for a delay in the convening of that meeting.

The President (Denmark) stated in reply:

"I would say that first I had consultations on one particular matter on which I also consulted the representative of the Soviet Union. I was later asked by one of the members of the Council whether he could have a little delay, because he wanted to talk with the head of his Government.

"I have on earlier occasions, in accordance with the courtesy that I thought I owed to the members of the Council, granted such delays to other members, including the representative of the Union of Soviet Socialist Republics, and I have done so without informing any member of the reason why I had granted the delays."

Upon further inquiry, the President informed the Council that the request for the delay had been asked by the representative of the United States. The Council then heard brief statements by the representatives of the

USSR and the United States, after which it proceeded with its business.<sup>13</sup>

<sup>13</sup> For texts of the statements, see:

1353rd meeting (PV): President (Denmark), pp. 7, 8-10; USSR, pp. 7, 8-10, 11; United States, p. 11. At several subsequent meetings in connexion with this question, the President (Denmark) provided an explanation on the timing of the meeting. Thus at the 1354th meeting on 10 June 1967, he informed the Council that at two o'clock in the morning of that day the representative of Syria had requested him to convene an urgent meeting in view of the deteriorating situation in the Middle East. He had convened the meeting in the light of the understanding among Council members at the time of adjournment the night before that they would hold themselves available for an urgent meeting at any time. At the 1356th meeting held on the same day, the President in explaining the time of the meeting also referred to a prior understanding among members that they would be available for an urgent meeting in case of an emergency situation. At the 1358th meeting on 13 June 1967, the President announced that the Council meeting which had been scheduled for the day before had been postponed after consultations with Council members, and that the current meeting, held at the request of the representative of the USSR, was convened at the time requested after consultations with Council members. For texts of relevant statements, see 1354th meeting (PV), p. 3; 1356th meeting (PV), pp. 6-10; 1358th meeting (PV), pp. 3-5.

## Part II

### REPRESENTATION AND CREDENTIALS (RULES 13-17)

#### NOTE

Since 1948, the reports of the Secretary-General on the credentials of the representatives of members of the Security Council have been circulated to the delegations of all Council members, and, in the absence of a request that they be considered by the Council, have been considered approved without objection.

During the period under review, the question was raised in one instance whether under rule 15 the approval by the Security Council of the reports of the Secretary-General meant an explicit approval or a tacit one. Discussions on the question led to a request by the Council to the Secretary-General for information on the Council's recent practice on credentials. A report thereon was subsequently submitted by the Secretary-General (Case 5).

In another instance, the Council, having heard allegations of an illegal occupancy of the seat of a Council member and replies made thereto, proceeded with its conduct of business without taking a decision on the question (Case 6).

#### \*\*1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 13-17

#### 2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 13-17

##### Rule 13

##### CASE 5

At the 1341st meeting on 24 May 1967, in connexion with the situation in the Middle East (I), the representative of the USSR stated that his delegation deemed it

necessary to confirm the position of principle of the USSR with respect to "the illegal nature of a procedure by which the Chiang Kai-shek people occupy the seat of China in the United Nations, including the Security Council, a seat which . . . rightfully belongs only to the People's Republic of China".

Also the representative of Bulgaria noted that his delegation considered illegal "the occupation of the seat of the People's Republic of China in the United Nations, and the Security Council in particular, by the Chiang Kai-shek clique and its representatives".

The President (China), in his reply to the statement of the representative of the USSR, stated that "there could be no question as to the right of the Republic of China, as a Member State in good standing, to send representatives to the competent organs of the United Nations . . . and in this case, under specific provisions of the Charter".

The representatives of other Council members, including India, France, the United States and Denmark, also expressed their views on this question. The representative of India stated that his delegation continued to support "the right of the People's Republic of China to be represented in the United Nations". The representative of France recalled that in the opinion of his Government, "only the Central People's Government of the People's Republic of China is competent to represent that country". The representative of the United States noted that his Government continued to hold that "the Republic of China, a founding member of the United Nations named in the Charter", was properly represented in the Council by its present representative, and noted that the latter had "represented his country in the Security Council . . . since 1962, when his credentials were formally presented to the

Council and were not challenged". The representative of Denmark noted that in his Government's view, "only the representatives of the People's Republic of China are entitled to occupy the seat of China" in the United Nations.

The Council proceeded with its meeting without, however, taking a decision on the question of representation.<sup>14</sup>

## Rule 15

### CASE 6

Before the adoption of the agenda of the 1387th meeting, held on 25 January 1968 in connexion with the question of South West Africa, the representative of Algeria, speaking on a point of order, raised the question whether the approval by the Security Council of the Secretary-General's reports on the credentials of Council members under rule 15 meant a tacit approval, or whether such reports needed the explicit approval of the Council.

The President (Pakistan) stated in reply that the reports on the credentials of representatives of member States were circulated by the Secretary-General as member States took their seats in the Council. He noted that it had not been the practice for some time to take up the question of credentials in the Council. He added, however, that he would give the floor to any Council member who wished to make an observation on the question of credentials.

The representative of Algeria then observed that while the practice with regard to the reports of the Secretary-General had been that of tacit approval, the Council should give an explicit approval of such reports in the presence of an observation or objection. He expressed the view that rule 15 must be read in the context of the whole of chapter III of the provisional rules of procedure. After quoting rule 17, he stated:

"Thus [under rule 17], if any delegation raises objections with regard to the credentials of one or several representatives in the Security Council, it goes without saying that the Security Council must take a decision on the matter."

The representatives of the USSR and France, expressing their views on the matter, supported the interpretation given by the representative of Algeria.

Following a further exchange of views between the President and the representative of Algeria on the clarification needed with regard to the interpretation of the rules relating to credentials, the President announced that he would request the Secretary-General on behalf of the Council to provide it with some information on the recent practice of the Council in regard to the credentials of all members of the Council.

In pursuance of this request of the Council, the Secretary-General submitted a report<sup>15</sup> on 26 January 1968, the pertinent parts of which were as follows:

...

"2. After the adoption on 9 April 1946 of rules 13 to 17 of the provisional rules of procedure of the Security Council, and up to 1948, the Security Council followed the practice of including in the provisional agenda the report submitted by the Secretary-General in accordance with rule 15 regarding his examination of the credentials of representatives on the Council, and, after the adoption of the agenda, of approving the credentials, if there had been no objection. Since 1948, the reports of the Secretary-General on credentials have not appeared on the provisional agenda of the Security Council. As the Council is aware, in accordance with rule 7 of the rules of procedure, the provisional agenda for meetings is drawn up by the Secretary-General and approved by the President of the Council. Since 1948, the reports of the Secretary-General have been circulated to all delegations on the Council and, in the absence of any request that they be considered by the Council, have been considered approved without objection.

"3. In practice, the credentials under rule 13 have been submitted, and reported on by the Secretary-General, only at times when changes in the representation of members of the Council have been made, and of course when at the beginning of each year the representatives of the newly elected non-permanent members of the Security Council are designated. This practice has continued up to the present and there have been very few instances where questions have been raised concerning the credentials of members of the Security Council.

"4. On several occasions, starting in January 1950, questions have been raised in the Council in connexion with the representation of China, but these have generally not made specific reference to reports on credentials and would appear instead to have concerned the question of the proper authority to submit such credentials.

"5. The clearest case involving the credentials of a member of the Security Council was in connexion with the representation of Iraq at the 827th and 834th meetings of the Council on 15 and 18 July 1958. In that instance, the President interpreted rule 17 as indicating that the representative of Iraq, who had been occupying the seat of Iraq, should continue to sit in that seat with the same rights as other representatives, until the Council arrived at another conclusion. Following the submission of a further report on the credentials of the representative of Iraq by the Secretary-General on 6 August 1958 [S/4080] and the receipt of a letter from the previous representative dated 5 August 1958 [S/4081], a new representative of Iraq was seated at the 838th meeting of the Council on 7 August 1958."

The Secretary-General, recalling the statement of the President at the 1387th meeting that his report should include the status of the credentials of all members of the Security Council, listed the reports he had submitted to the Council with regard to the credentials of all fifteen of its members. He then concluded his report as follows:

"8. Noting that there was no objection at the 1387th meeting of the Council on 25 January 1968 to the Secretary-General's reports on the credentials of the new members of the Council whose term of office commenced at the beginning of this year, it would

<sup>14</sup> For texts of relevant statements, see:

1341st meeting (PV): President (China), pp. 7-10; Bulgaria, p. 16; Denmark, p. 36; France, p. 27; India, pp. 22-25; USSR, p. 6; United States, pp. 28-30.

<sup>15</sup> S/8365, O.R., 23rd yr., Suppl. for Jan.-March 1968, pp. 143-145.

appear, in accordance with the established practice, that they were approved in the usual manner.”

At the 1390th meeting on 16 February 1968, when the Council resumed discussion of the question of South West Africa, the representative of Algeria inquired, before the adoption of the agenda, as to when the Council would consider the report of the Secretary-General. The President stated in reply that while members of the Council had the right to request consideration of any question, including any report which the Security Council had requested from the Secretary-General, the Council, in view of the importance of the question then before it,

should at that meeting consider only the question on the provisional agenda.<sup>16</sup>

The Council then adopted its agenda<sup>17</sup> and proceeded with the consideration of the question of South West Africa, without pronouncing itself on the report of the Secretary-General on the question of credentials.

<sup>16</sup> For texts of relevant statements, see:

1387th meeting (PV): President (Pakistan), pp. 7-21; Algeria, pp. 6, 7-10, 11, 16, 17-20; France, p. 21; USSR, pp. 17-20;

1390th meeting (PV): President (Paraguay), p. 6, 7 (corr. 1); Algeria, p. 6.

<sup>17</sup> 1390th meeting (PV): p. 7.

### Part III

#### PRESIDENCY (RULES 18-20)

##### NOTE

Part III of this chapter is confined to proceedings of the Council directly related to the office of the President.

During the period under review, there has been no instance of special application or interpretation of rule 18, which deals with the monthly rotation of the presidency of the Council in the English alphabetical order of the names of its members.

Instances covered in this part of the chapter are mainly concerned with rule 19, including those in which the President had held consultations with Council members in between Council meetings with a view to reaching an agreement on measures to be adopted by the Council<sup>17a</sup> (Cases 7, 9, 10, 13, 14, 15, 16, 17 and 18), those in which the President expressed the consensus of the members in the course of a meeting (Cases 11 and 12), and one instance, in which the President suggested a procedure by which the Council, after hearing the initial statements by the parties, would immediately adjourn to allow for informal consultations on the proper course of action to be taken by the Council (Case 8).

There was one instance in which the President, acting under rule 20, invited the representative of a Council member next in alphabetical order to preside over a meeting which dealt with a question considered by the President to warrant the application of the rule (Case 19).

Material relevant to the exercise by the President of his functions in connexion with the agenda is dealt with in chapter II. The exercise of presidential functions in the conduct of a meeting is reflected in the material included in part V of this chapter.

There was one occasion during the period under review, on which the President informed Council members of

<sup>17a</sup> During the period under review, the Security Council has had frequent resort to informal consultations as a procedure for facilitating the reaching of its decisions. Informal agreements resulting from such consultations have generally been presented to the Council by the President in the form of a statement of consensus or a draft resolution, which the Council, at its formal meeting, would then approve without further debate. See, further, cases referred to above.

a consensus through the circulation of a document containing a statement which reflected that consensus.<sup>18</sup> In another instance,<sup>18a</sup> the President in a letter circulated to Council members reported on the results of informal consultations he had conducted with members in pursuance of a Council decision; subsequently, objections were expressed by some Council members to this procedure, as well as to the substance of the letter<sup>18b</sup>.

##### \*\*1. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 18-20

##### 2. SPECIAL CASES CONCERNING THE APPLICATION OF RULES 18-20

<sup>18</sup> On 8 December 1967, in connexion with the situation in the Middle East (II), the President (Nigeria) circulated a document in which he transmitted the views of Council members on the report of the Secretary-General of 31 October 1967 relating to the observation of the cease-fire in the Suez Canal sector. He noted that after consultations with Council members, there was no objection to the transmittal of the following statement as reflecting the view of Council members:

“As regards document S/8053/Add.3, brought to the attention of the Security Council, the members, recalling the consensus reached at the 1366th meeting on 9 July 1967, recognize the necessity of the enlargement by the Secretary-General of the number of observers in the Suez Canal zone and the provision of additional technical material and means of transportation.” For report of the Secretary-General, see S/8053/Add.3 and 4, *OR*, 22nd yr., *Suppl. for Oct.-Dec.*, 1967, pp. 76-79. For text of the relevant statement by the President, see S/8289, *ibid.*, pp. 316-317.

<sup>18a</sup> In connexion with the situation in Viet-Nam.

<sup>18b</sup> For texts of the letter from the President and subsequent communications relating thereto, see: letter dated 26 February 1966 from the President of the Security Council to the Secretary-General, S/7168, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, pp. 178-180; letter dated 28 February 1966 from the representative of France to the President of the Security Council, S/7173, *ibid.*, p. 184; letter dated 3 March 1966 from the representative of Bulgaria to the President of the Security Council, S/7174, *ibid.*, pp. 184-185; letter dated 1 March 1966 from the representative of the USSR to the President of the Security Council, S/7175, *ibid.*, pp. 186-187; and letter dated 2 March 1966 from the representative of Mali to the President of the Security Council, S/7162/Rev.1, *ibid.*, pp. 187-188.

## a. Rule 19

## CASE 7

At the 1299th meeting on 15 August 1966, in connexion with the complaint by the United Kingdom, the President announced that there were no more speakers at that stage of the debate and that the Council would adjourn till the following day to enable Council members to hold further consultations.<sup>19</sup>

At the 1300th meeting, held the next day, the President stated:

"Members will recall that the Council was adjourned yesterday for the express purpose of giving an opportunity to members to consult informally on the question before the Council. I am now glad to report to you the results of this consultation and I shall read to you an agreed statement which has the support of all the parties concerned."

He then read out the following statement.<sup>20</sup>

"The President, having noted that the debate which took place has its origin in a complaint presented by the representative of the United Kingdom (S/7742) and that the elements on which the complaint is founded are contested by the United Arab Republic and Yemen and that the statements made by the members of the Council have not been able to produce at this stage a constructive solution, believes that he is authorized to ask the parties concerned each on his part to contribute in lessening the tension and to invite the Secretary-General to continue his good offices in an endeavour to settle the outstanding question in agreement with the parties concerned."

## CASE 8

At the 1347th meeting on 5 June 1967, in connexion with the situation in the Middle East (I), the President (Denmark), after referring to the communications he had received that day from the representatives of Israel and the United Arab Republic, informed the Council that the two representatives had asked to make statements. He then suggested that the best course to follow under the circumstances

"... would be for the Council to hear the two parties and then to have a short recess for urgent consultations among the members as to the course of action to be taken by the Council in this emergency situation."

The Council accepted the President's suggestion, and following statements by the representatives of Israel and the United Arab Republic, adjourned its meeting.

When the meeting was resumed in the evening, the President drew attention to supplementary information submitted by the Secretary-General relating to the developments in the Middle East, following which he stated:

"I do wish to apologize to members of the Council for having kept them waiting most of the day. I had hoped indeed that the recess would be considerably shorter. However, consultations are still going on... and will continue tomorrow morning."

He then announced that it was the wish of members to adjourn the meeting till the next morning, and asked

<sup>19</sup> 1299th meeting, para. 9.

<sup>20</sup> For text of the relevant statement, see 1300th meeting, para. 2.

them "to hold themselves available for consultations about an hour before the scheduled time of the meeting tomorrow morning."

The Council was accordingly adjourned.<sup>21</sup>

## CASE 9

At the 1348th meeting on 6 June 1967, in connexion with the situation in the Middle East (I), the President (Denmark) informed the Council that since it had last met in the morning of 5 June, members had been continuously engaged in consultations. Those consultations, he noted, had resulted in a unanimous agreement on a draft resolution which the President then presented to the Council "in his capacity as President of the Council". Under the draft resolution,<sup>22</sup> the Security Council would call upon the Governments concerned to take forthwith all measures for an immediate cease-fire and for a cessation of all military activities in the area concerned, and request the Secretary-General to keep the Council promptly and currently informed on the situation.

Following the President's suggestion,<sup>23</sup> the Council proceeded to vote on the draft resolution without debate, and adopted it unanimously.<sup>24</sup>

## CASE 10

At the 1352nd meeting on 9 June 1967, in connexion with the situation in the Middle East (I), the President (Denmark) announced, after the Council had heard the report of the Secretary-General on the hostilities in the Middle East and statements by the representatives of Syria and Israel, that he had consulted all Council members and discerned an agreement that

"before we proceed with our business, we ought, in the present situation, to adopt urgently a resolution demanding that hostilities cease forthwith."

Accordingly, in his capacity as President of the Council, he presented a draft resolution<sup>25</sup> by which the Council would, *inter alia*, demand hostilities to cease forthwith, and request the Secretary-General to make immediate contacts with the Governments of Israel and Syria to arrange for an immediate compliance with previous Council resolutions calling for a cessation of hostilities.<sup>26</sup>

The Council adopted the draft resolution unanimously.<sup>27</sup>

## CASE 11

At the 1353rd meeting on 9 June 1967, in connexion with the situation in the Middle East (I), the representative of France suggested, following a statement by the Secretary-General on ways and means to facilitate the collection of information in the areas where hostilities had occurred, that a motion might be made by the Presi-

<sup>21</sup> For text of the relevant statement, see 1347th meeting (PV), pp. 16, 20, 31.

<sup>22</sup> Text same as resolution 233 (1967) of 6 June 1967.

<sup>23</sup> For text of the relevant statement, see 1348th meeting (PV), pp. 3-5.

<sup>24</sup> *Ibid.*, p. 6.

<sup>25</sup> Text same as resolution 235 (1967) of 9 June 1967.

<sup>26</sup> For text of the relevant statement, see 1352nd meeting (PV), pp. 21-22.

<sup>27</sup> *Ibid.*, p. 22.

dent himself, which would reiterate the substance of the suggestion made by the Secretary-General.<sup>28</sup>

The representative of the USSR had earlier in the meeting also expressed support for the efforts of the Secretary-General asking Israel to restore normal conditions for the work of the United Nations Observers. Furthermore, he formally moved that the Council adopt a suggestion made by the representative of Israel\* that the Secretary-General immediately give instructions to the Chief of Staff of the United Nations Military Observers to visit the regions referred to by the representative of Syria and report to the Security Council without delay.

The President (Denmark), in response to the suggestion made by the representative of France, asked the Council whether on the basis of the statement of the Secretary-General and the motion made by the representative of the USSR, a formula along the following lines could be acceptable to the Council:

"... that we request the parties concerned to extend all possible co-operation to the United Nations observers in the discharge of their responsibilities; that we request the Government of Israel to restore the use of the Government House in Jerusalem to General Odd Bull and to re-establish freedom of movement for United Nations observers in the area: and that we then decide to adjourn and to decide the time and date of the next meeting after consultations with members as soon as, and without any delay, I have the information required from the Secretary-General, it being understood of course that the members of the Council will hold themselves available for any urgent meeting at any time should we be faced with an emergency situation again."

After the representative of the USSR suggested that the latter part of the President's formula should be made more specific by indicating that the Council should meet again in any case not later than the next morning, and after the representative of Israel confirmed that his Government would give every opportunity to the United Nations to facilitate investigations, the President summed up the consensus of the Council members as follows:<sup>29</sup>

"In these circumstances it appears that we all agree that we should request the parties concerned to extend all possible co-operation to United Nations Observers in the discharge of their responsibilities, that we should request the Government of Israel to restore the use of Government House to General Odd Bull, and should ask the parties to re-establish freedom of movement. I believe we are also agreed that the time and date of the next meeting will be decided after consultation with members and as soon as I have the information from the Secretary-General."

#### CASE 12

Towards the conclusion of the 1366th meeting, held on 9 July in connexion with the situation in the Middle East (I), the President (Ethiopia), having announced

that there were no more speakers for that meeting, submitted what he considered to be a consensus of the Council members on the matter at hand.

He pointed out that, in the light of resolutions 233 through 236, the need for a scrupulous observance by all parties of the provisions of those resolutions, the statements of the Secretary-General as well as the suggestions made to the parties concerned by the President, he would be reflecting the view of the Council,

"that the Secretary-General should proceed, as he has suggested in his statements before the Council on 8 and 9 July 1967,<sup>30</sup> to request the Chief of Staff of UNTSO, General Odd Bull, to work out with the Governments of the United Arab Republic and Israel, as speedily as possible, the necessary arrangements to station United Nations Military Observers in the Suez Canal sector under the Chief of Staff of UNTSO." As there was no objection, the President declared the consensus adopted by the Council.<sup>31</sup>

The President then made a brief statement on the consensus just reached in which, among other things, he assured the Secretary-General of the Council's full support in his efforts to carry out the task entrusted to him, and appealed to the parties concerned "to give to the Secretary-General their full support and whole-hearted co-operation both in ensuring full compliance with the Council's decisions and extending, wherever necessary, such facilities as the Secretary-General or his personnel may require in the performance of their peace-keeping duties in the area".<sup>32</sup>

#### CASE 13

At the opening of the 1371st meeting, held on 25 October 1967, to continue consideration of the situation in the Middle East (II), the President (Japan) announced:

"The Security Council will now continue the discussion of the item on the agenda. I apologize for having delayed members for so long but, as a result of consultations which were held this morning and this afternoon, after the adjournment of our last meeting, I am happy to be able to announce that agreement has been reached on the text of a draft resolution."

He then read out the text of the draft resolution<sup>33</sup> by which the Council would condemn the violation of the cease-fire in the Middle East, regret the casualties and the loss of property resulting from the violations; reaffirm the necessity of strict observance of the Council cease-fire resolutions; and demand of the Member States concerned that they immediately cease all prohibited military activities in the area, and co-operate fully and promptly with the United Nations Truce Supervision Organization.

In the absence of objection to giving priority to the draft resolution, the Council proceeded to vote on it, and adopted it unanimously.<sup>34</sup>

<sup>28</sup> See part IV, Cases 27 and 28.

<sup>29</sup> 1366th meeting (PV), p. 71.

<sup>30</sup> For text of the relevant statement, see 1366th meeting (PV), pp. 71-72.

<sup>31</sup> Text same as resolution 240 (1967).

<sup>32</sup> For text of the relevant statement, see: 1371st meeting (PV): President, pp. 2-6.

<sup>28</sup> On the statement of the Secretary-General, see Case 20 below.

<sup>29</sup> For texts of the relevant statements, see: 1353rd meeting (PV): President (Denmark), pp. 102-105, 106, 107; Bulgaria, p. 106; France, pp. 98-101; USSR, pp. 91, 102, 103-105; United Kingdom, p. 101.

## CASE 14

At the 1383rd meeting on 24 November 1967, in connexion with complaint by the Government of Cyprus, the Security Council adjourned for consultations after it had heard statements by the parties concerned and some members of the Council listed as speakers for that meeting. When the Council resumed its meeting in the afternoon of the same day, the President announced that as a result of those consultations, he had been authorized to make the following statements on behalf of the Security Council.<sup>35</sup>

"The Council has now acquainted itself with the position of the parties directly concerned. It is gravely concerned in view of the tense and dangerous situation with regard to Cyprus. The Council notes with satisfaction the efforts undertaken by the Secretary-General to help maintain peace in the region and calls upon all the parties concerned to show the utmost moderation and restraint and to refrain from any act which might aggravate the situation in Cyprus and constitute a threat to the peace. The Security Council further requests all concerned urgently to assist and cooperate in keeping the peace and arriving at a permanent settlement in accordance with the resolution of the Security Council of 4 March 1964."

In the absence of any objection, the President declared the statement adopted.<sup>36</sup>

## CASE 15

At the 1412th meeting on 4 April 1968, in connexion with the situation in the Middle East (II), the President (USSR), having announced that there were no more speakers on the question, informed the Council that as a result of consultations that had taken place, he had to make a statement on the views of the Council members, which read as follows:<sup>37</sup>

"Having heard the statements of the parties in regard to the renewal of the hostilities, the members of the Security Council are deeply concerned at the deteriorating situation in the area. They, therefore, consider that the Council should remain seized of the situation and keep it under close review."

The Council was then adjourned.<sup>38</sup>

## CASE 16

At the outset of the 1420th meeting held on 2 May 1968, in connexion with the situation in the Middle East (II), the President (United Kingdom) informed the Council that prolonged consultations had taken place among members on the question before the Council. He then stated:

"I now wish, after full consultation with all members of the Council, to read to the Council a draft resolution which has been the subject of our consultation through the latter part of the day."

<sup>35</sup> For text of the relevant statement, see 1383rd meeting (PV), p. 71.

<sup>36</sup> *Ibid.*

<sup>37</sup> For text of the relevant statement, see 1412th meeting (PV), p. 66.

<sup>38</sup> *Ibid.*

Under the draft resolution,<sup>39</sup> the Security Council would deplore the holding by Israel of a military parade in Jerusalem on 2 May 1968 in disregard of the Council's unanimous decision of 27 April 1968.

After reading the text of the draft resolution, the President asked the Council to vote on it, which the Council then adopted unanimously.<sup>40</sup>

## CASE 17

Following a suspension of the 1448th meeting, held on 8 September 1968, in connexion with the situation in the Middle East (II), the President (Canada) announced that during the suspension of the meeting, he had conducted consultations with all members of the Council, as a result of which he had been authorized to make the following declaration:

"The Security Council, having met urgently to consider the item on its agenda contained in document S/1448/Rev.1, having heard the reports of General Odd Bull presented by the Secretary-General, and having heard the statements of the representatives of Israel and of the United Arab Republic, deeply regrets the loss of life, and requires the parties strictly to observe the cease-fire called for by the Security Council's resolutions."

The President then observed that unless any member of the Council wished to speak, he would consider that the declaration would be taken "as the declaration of the President, to be communicated to General Bull and the parties", and that the next meeting on the item would be arranged following consultations with members of the Council.<sup>41</sup>

The meeting was thereupon adjourned.

## CASE 18

At the 1452nd meeting on 18 September 1968, in connexion with the situation in the Middle East (II), the President (Canada) informed the Council that since it last met on 11 September 1968, he had conducted consultations with all members of the Council on a daily basis with a view to reaching an agreement on further steps to deal with the situation at hand.

He continued:

"These consultations have obviously not moved as quickly as the members of the Council might have wished. Nevertheless, patience does seem to have its reward, and I am now in a position to present to the Council a draft resolution which reflects the agreement obtainable on this subject at this time among the greatest possible number of members of the Council..."

He then stated that on the basis of the informal understanding reached among Council members, he would read out the draft resolution<sup>42</sup> and ask the Council to vote on it. Under the draft resolution, the Council would (a) insist that the cease-fire ordered in previous Council resolutions be rigorously respected; (b) reaffirm resolu-

<sup>39</sup> Text same as resolution 251 (1968) of 2 May 1968.

<sup>40</sup> For text of the relevant statement, see 1420th meeting (PV), pp. 2-5.

<sup>41</sup> For text of the relevant statement, see 1448th meeting (PV), p. 46.

<sup>42</sup> Text same as resolution 258 (1968) of 18 September 1968.



tion 242 (1967) of 22 November 1967 and urge all parties to "extend their fullest co-operation to the Special Representative of the Secretary-General in the speedy fulfilment of the mandate entrusted to him under that resolution".<sup>43</sup>

The Council proceeded to vote on the draft resolution and adopted it by fourteen votes to none, with one abstention.<sup>44</sup>

### b. Rule 20

#### CASE 19

Following the adoption of the agenda at the 1428th meeting, held on 29 May 1968, in connexion with the situation in Southern Rhodesia, the President (United Kingdom) announced that he had considered the possible application of rule 20 to the case in hand. After quoting the rule, he stated:

<sup>43</sup> For text of the relevant statement, see 1452nd meeting (PV), pp. 6-10.

<sup>44</sup> *Ibid.*, pp. 7-10.

"The Council will note that this provision places the matter entirely within the discretion of the President. After fully considering the exceptional circumstances of this case, I have come to the conclusion that I should act within the discretion which the rule provides, and accordingly I report my decision to the Council not to preside over the Council while the present discussion of the question of Southern Rhodesia is undertaken."

He then invited the representative of the United States to preside over the meeting.

The representative of the United States, speaking then as President, confirmed the view that under rule 20, the President had in his sole discretion the question of when to apply that rule by yielding his place as President. He noted that at the conclusion of the question before the Council, the chair and the responsibility which he temporarily assumed, would revert to the representative of the United Kingdom as the President of the Council for the current month.<sup>45</sup>

<sup>45</sup> For texts of relevant statements, see: 1428th meeting (PV): President (United Kingdom), pp. 2-5; United States (speaking as President under rule 20), p. 6.

## Part IV

### SECRETARIAT (RULES 21-26)

#### NOTE

This part relates to rules 21-26 of the provisional rules of procedure, which delineate the specific functions and powers of the Secretary-General, under Article 98 of the Charter, in connexion with the meetings of the Security Council.

Material for proceedings under rule 22 is divided into two categories: (i) the first category contains proceedings relating to the activities of the Secretary-General which appear to fall under Article 98 of the Charter in so far as it provides that the Secretary-General "shall perform such other functions as are entrusted to him" by the Security Council (Cases 24, 25 and 26); (ii) in the second category are included proceedings by virtue of their possible relation to Article 99 (Cases 27, 28 and 29).

During the period under review, the Secretary-General has been requested to (i) continue his good offices towards the settlement of outstanding questions in agreement with the parties concerned;<sup>46</sup> (ii) to make immediate contacts with the Governments concerned to arrange for immediate compliance with previous Security Council resolutions;<sup>47</sup> (iii) to designate a Special Representative to an area of conflict to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles set out

<sup>46</sup> Decision of 16 August 1966, in connexion with the complaint by the United Kingdom, 1300th meeting, para. 2.

<sup>47</sup> In connexion with the Palestine question, resolution 235 (1967) of 9 June 1967, para. 3.

in a resolution;<sup>48</sup> (iv) to report on the results of the good offices which he had proposed to the parties concerned and of which they had been invited to avail themselves;<sup>49</sup> and (v) to dispatch a special representative to certain occupied territories and report on the implementation of a previous Council resolution relating to those territories.<sup>50</sup> In a number of instances, the Secretary-General has also been requested to follow the implementation of resolutions or to keep certain questions under review, reporting on their developments to the Council as he deemed appropriate.<sup>51</sup> The Secretary-General has, further-

<sup>48</sup> In connexion with the situation in the Middle East, resolution 242 (1967), of 22 November 1967, para. 3.

<sup>49</sup> In connexion with the complaint by the Government of Cyprus, resolution 244 (1967) of 22 December 1967, para. 3.

<sup>50</sup> In connexion with the situation in the Middle East, resolution 259 (1968) of 27 September 1968, para. 1.

<sup>51</sup> In connexion with the question of Southern Rhodesia, resolution 232 (1966) of 16 December 1966, para. 9; resolution 253 (1968), para. 19; in connexion with the Palestine question, resolution 228 (1966) of 25 November 1966, para. 4; in connexion with the situation in the Middle East (I), resolution 233 (1967) of 6 June 1967, para. 2; resolution 234 (1967) of 7 June 1967, para. 2; resolution 236 (1967) of 11 June 1967, para. 2; resolution 237 (1967) of 14 June 1967, para. 3; in connexion with the situation in the Middle East (II), resolution 248 (1968) of 24 March 1968, para. 5; resolution 250 (1968) of 27 April 1968, para. 2; resolution 252 (1968) of 21 May 1968, para. 4; in connexion with the question concerning the Democratic Republic of the Congo, resolution 226 (1966) of 14 October 1966, para. 3; resolution 239 (1967) of 10 July 1967, para. 5; resolution 241 (1967) of 15 November 1967, para. 6; in connexion with the question of South West Africa, resolution 245 (1968) of 25 January 1968, para. 4; resolution 246 (1968) of 14 March 1968, para. 6.



more, been requested by resolutions or during meetings of the Security Council, to submit reports on developments relating to the maintenance of international peace and security. In response to such requests, the Secretary-General has on a number of occasions submitted oral reports to the Council.<sup>62</sup>

Rule 23 has not been invoked during the period under review; neither has there been a case of special application or interpretation of rule 24.

**\*\*1. CONSIDERATION OF THE ADOPTION  
OR AMENDMENT OF RULES 21-26**

**2. SPECIAL CASES CONCERNING THE APPLICATION  
OF RULES 21-26**

**a. Rule 21**

**CASE 20**

At the 1449th meeting, on 10 September 1968, in connexion with the situation in the Middle East (II), the Secretary-General made a statement in response to a question raised by a Council member with regard to the use of the expression "Israel Defence Forces", in a report submitted by the United Nations Truce Supervision Organization (UNTSO). He stated:<sup>63</sup>

"The expression 'Israel Defence Forces'—or its abbreviated form 'IDF'—has been used by UNTSO simply because this is the official title of the Israel armed forces. The practice has been followed by UNTSO for many years. There is no intention whatsoever, in using this expression, to describe or intimate the nature or purpose of the Israel armed forces."

**CASE 21**

At the 1353rd meeting on 9 June 1967, in connexion with the situation in the Middle East (I), the Secretary-General stated that he had no confirmed information on developments with regard to which a Council member had requested some information.

Following a further query from the Council member concerned whether he might already have reports from his representatives, the Secretary-General stated:

"As I have just reported to the Council, I have no further confirmed information from the area. We have, as the Council members are fully aware, only one source of information; that is, General Odd Bull, Chief of Staff of UNTSO. Of course, he has been

<sup>62</sup> For texts of such reports, see, in connexion with the Palestine question:

1308th meeting, para. 110; 1309th meeting (PV), pp. 3-5; 1312th meeting, paras. 71 and 72; 1320th meeting, paras. 5-14; 1325th meeting (PV), pp. 7-12, 86-89; 1325th meeting, para. 28; 1326th meeting, para. 3;

in connexion with the situation in the Middle East (I): 1349th meeting (PV), pp. 11-15; 1350th meeting (PV), pp. 36-37; 1351st meeting (PV), pp. 6, 7-10, 18-20; 1352nd meeting (PV), pp. 7-12, 88-90, 117; 1355th meeting (PV), pp. 3-5, 31, 92; 1357th meeting (PV), pp. 3-5, 8-10, 111;

in connexion with the situation in the Middle East (II): 1419th meeting (PV), p. 11; 1448th meeting (PV), pp. 6-15, 16, 17-20;

in connexion with the complaint by the Government of Cyprus: 1459th meeting (PV), p. 42.

<sup>63</sup> For text of the relevant statements, see 1449th meeting (PV), pp. 2-5.

reporting to me regularly but some pieces of information are confirmed and some pieces of information are not confirmed. So, for the purpose of imparting correct information to the Council I have to use my own judgement whether a particular piece of information is confirmed or unconfirmed. As soon as confirmed information is available, I will make it a point to submit it to the Council as soon as possible."

He then informed the Council that General Odd Bull had found it difficult to establish direct contact with the military observers in the area because of the unsettled situation there.

At a later stage of the meeting, the Secretary-General was asked whether, in the light of the reports heard by the Council, he could submit more information without delay—in for instance, a half-hour time. The Secretary-General, in addition to explaining the difficult circumstances in which the Chief of Staff of UNTSO and his observers had to carry out their tasks, made an appeal to the parties concerned to facilitate the accomplishment of the observers' tasks, so that the Secretary-General could promptly report to the Council. He stated:

"First of all, as I indicated earlier in my short intervention, I received a report from General Odd Bull, Chief of Staff of UNTSO, that he had lost contact with his Observers in several areas because of the unsettled conditions there.

"Secondly, in order to facilitate the collection of information, the essential condition is that the parties concerned must give all possible co-operation to the Observers. So far, to my knowledge, the necessary co-operation has not been forthcoming. Therefore, I would request the parties primarily concerned to render all possible co-operation and assistance to the United Nations Observers in the discharge of their responsibilities.

"Thirdly, I should like to report to the Council that since General Odd Bull and his staff have had to leave Government House, they have no wireless communication facilities for the purpose of contacting the Observers. They have had to use mostly commercial services, commercial communications, which of course are very defective for the purpose of prompt reporting. Therefore, I should like to take this opportunity of appealing to the Government of Israel, through its representative, to restore the use of the Government House to General Odd Bull so that he will be in a position to reach the Observers promptly for the purpose of reporting officially to me in order that I may be in a position to report accurately to the members of the Council.

"Fourthly, one very essential element for the performance of their functions by the Observers is to get freedom of movement. I think this is a must if the Security Council is to expect prompt and effective and accurate reporting from the United Nations Observers on the spot. Therefore, I should also like to take this opportunity of requesting the parties primarily concerned to render all possible assistance to the United Nations Observers to achieve complete freedom of movement for them.

"If those conditions are obtained, I am sure we will get the required information as soon as possible. But I do not think it is practical to expect an accurate report

in the course of thirty minutes; that is physically impossible. I have no idea how long it will take. But if those conditions are met, I am sure the reporting will be prompt. I can assure the members of the Council that as soon as I receive the necessary report which is relevant to the matter under discussion, I shall see to it that the Council members get that report as promptly as possible."

Subsequently, in response to another query with regard to a time limit within which he could provide the Council with further information, the Secretary-General stated in substance that if the conditions he had stated earlier, were met, he would be able to supply it within the time-limit set by the Council.

At the next meeting of the Council, on 10 June 1967, the Secretary-General made statements to the Council reporting on the latest developments, as received by him from the Chief of Staff of the UNTSO.<sup>54</sup>

#### CASE 22

At the 1361st meeting on 14 June 1967, in connexion with the situation in the Middle East (I), following statements made by the representatives of Saudi Arabia\* and the USSR in regard to the conduct of a United Nations official, the Secretary-General made a statement that the official concerned was an outstanding and objective civil servant and that he could not accept any imputations in this connexion of disloyalty to the Organization or infringement of the tenets of an international civil servant.<sup>55</sup>

#### CASE 23

In the course of the 1454th meeting on 27 September 1968, in connexion with the situation in the Middle East (II), the Security Council adopted a draft resolution,<sup>56</sup> the first paragraph of which read as follows:

"Requests the Secretary-General urgently to dispatch a Special Representative to the Arab territories under military occupation by Israel following the hostilities of 5 June 1967, and to report on the implementation of resolution 237 (1967);"

The Secretary-General, following the adoption of the resolution, stated that, as he had indicated in an earlier report, he had been ready for some time to designate a Special Representative to undertake a second humanitarian mission to the Middle East. He added:<sup>57</sup>

"The Representative can be on his way with minimum delay once there is assurance that he will have the access and co-operation indispensable to the fulfilment of his mission."

<sup>54</sup> For texts of relevant statements, see: 1353rd meeting (PV): Secretary-General, pp. 63-65, 87-90, 107-109; Bulgaria, p. 106; USSR, pp. 62, 63-65, 83-85; 1354th meeting (PV): Secretary-General, pp. 3-7, 51-55, 63-65, 66.

<sup>55</sup> For texts of relevant statements, see: 1361st meeting (PV): Secretary-General, pp. 26-27; Saudi Arabia, pp. 16-22; USSR, pp. 23-26.

<sup>56</sup> S/8825/Rev.2; text same as resolution 259 (1968).

<sup>57</sup> For text of the relevant statement, see 1454th meeting (PV), p. 106.

#### b. (i) Rule 22

##### CASE 24

At the 1275th meeting on 16 March 1966, in connexion with the complaint by the Government of Cyprus, the Secretary-General made a statement following the adoption by the Security Council of a draft resolution<sup>58</sup> extending the stationing of UNFICYP in Cyprus, in which he expressed disappointment that the Council, in extending the stationing of the Force, had "ignored the financial situation affecting it".

He stated in this connexion:<sup>59</sup>

"The Council, I am sure, will readily understand this expression of disappointment when I point out that it is one thing to vote to extend the Force and quite another thing to have to maintain and support that Force in the field from day to day and to meet the obligations it incurs, which is the continuing responsibility of the Secretary-General.

"Thus I feel that I have no choice but to repeat what I said in . . . my report to the Council, namely that I must put on notice the Governments providing contingents to the Force that unless unforeseen financial support is forthcoming I will not be in a position to honour fully previously made commitments for reimbursement of the extra costs that have been, and are likely to be, incurred."

##### CASE 25

At the 1280th meeting on 18 May 1966, in connexion with the situation in Southern Rhodesia, the representative of Nigeria drew the attention of the Council to a news report in which reference had been made to a communication from Southern Rhodesia addressed to the Secretary-General and to the attitude of the Secretary-General towards that communication. Upon the suggestion of the representative of Nigeria, the President called upon the Secretary-General to make a statement thereon.

The Secretary-General noted that he had made available to the Council copies of telegrams from Salisbury received from Mr. Lardner, who called himself Minister of Justice, in which the latter had requested an invitation to participate in the Council debate on the situation in Southern Rhodesia, under Article 32 of the Charter. After quoting Article 32,<sup>60</sup> the Secretary-General observed that since the status of Southern Rhodesia was that of a Non-Self-Governing Territory under resolution 1747 (VI) of the General Assembly, Article 32 did not apply. He continued:

"In the circumstances, it is for the Council to decide what consideration, if any, it wishes to give to these telegrams. It is for that reason that I made available to the members of the Council copies of the telegrams I received from Salisbury.

"I need hardly recall to the Council that in several resolutions on the subject the Council has labelled the régime in Southern Rhodesia as illegal. For this reason, and in line with the policy of the Secretariat not to

<sup>58</sup> Resolution 220 (1966) of 16 March 1966.

<sup>59</sup> For text of the relevant statement, see 1275th meeting, paras. 39-41.

<sup>60</sup> See further chapter III, Case 4.

enter into correspondence with illegal régimes, I decided not to reply to the various telegrams from Salisbury."

The President thereupon stated that unless any representative wished to speak on the subject, he would consider the statement of the Secretary-General as having settled the matter.<sup>61</sup>

The Council then proceeded with the conduct of its business.

#### CASE 26

At the 1347th meeting on 5 June 1967, in connexion with the situation in the Middle East, the Secretary-General reported to the Council on the outbreak of hostilities and subsequent developments in the Middle East.

After informing the Council that the United Nations premises in Palestine (Government House) had been occupied by Jordanian forces, and that the UNTSO Chief of Staff had protested against this occupation, he read out an urgent appeal he had addressed to the King of Jordan, the relevant part of which read as follows:<sup>62</sup>

"I have just been advised at 0900 hours local time that all communications with Government House have ended because of its occupation by Jordanian troops. This is a breach of extreme seriousness. I appeal to Your Majesty with utmost urgency to order the immediate removal of Jordanian troops from the grounds and buildings of the Government House compound in Jerusalem. As Your Majesty knows, this compound has been respected by both parties to the Hashemite Kingdom of Jordan-Israel Mixed Armistice Commission as the Headquarters of the United Nations Truce Supervision Organization and therefore under the exclusive United Nations occupation and control."

#### b. (ii) Rule 22

#### CASE 27

At the 1365th meeting on 8 July 1967, in connexion with the situation in the Middle East (I), the Secretary-General reported to the Council that since no United Nations military observers were stationed in the Suez area, he was in no position to provide the Council with verified information regarding reports on a new outbreak of hostilities in the area that day.

The Secretary-General then observed that unlike the Council resolutions on the cease-fire between Israel and Syria,<sup>63</sup> resolutions 233 (1967) and 234 (1967) on the general cease-fire, which, he added, were applicable to the cease-fire between Israel and the United Arab Republic, contained no provision for any assistance with regard to the implementation of the cease-fire.

Realizing, the Secretary-General continued, that he could not discharge his reporting responsibility under those two resolutions without any means of obtaining reliable information, and that the implementation of a cease-fire without observation or policing assistance was inevitably vulnerable, he had taken an initiative on 4 July 1967 "towards a possible alleviation of this situation".

He then stated:<sup>64</sup>

"On that date I undertook two exploratory talks. In an afternoon meeting with Dr. Mahmoud Fawzi, Deputy Prime Minister of the United Arab Republic, I inquired of him what the reaction of his Government would likely be to a suggestion from me that United Nations Military Observers might be stationed in the sector of the Suez Canal where there is now confrontation between the armed forces of the United Arab Republic and those of Israel. Such Observers, of course, would have to be stationed on both sides, as has been done in the sector where the forces of Israel and Syria are in confrontation. This, I explained, would be especially necessary if the Secretary-General is to be enabled to fulfil his reporting responsibilities under the Security Council resolutions of 6 and 7 June 1967. Dr. Fawzi advised me that he would bring this idea to the attention of his Government and obtain their reaction to it. Immediately following the meeting with Dr. Fawzi, I had a similar discussion with Foreign Minister Abba Eban of Israel and advanced the same suggestion to him. The Foreign Minister also assured me that he would seek his Government's reaction to this idea.

"As of now, I have had no word about the reaction of either Government to this suggestion, which I consider to be constructive and helpful in the light of the prevailing circumstances and in the reporting context of the relevant Security Council resolutions.

"If it should be agreed that United Nations Observers should proceed to Sinai and the Suez sector, this could be quickly done, according to information from the Chief of Staff, General Bull, within his present Observer strength, but it would be necessary to increase the number of Observers available to him at a very early date thereafter."

#### CASE 28

At the 1366th meeting on 9 July 1967, in connexion with the situation in the Middle East (I), the Secretary-General informed the Council that since his statement at the previous Council meeting<sup>65</sup> he had consulted the UNTSO Chief of Staff on the number of additional observers needed for the Suez sector, and on what could be done pending their arrival.

After referring to the number of additional observers needed and their logistical support, the Secretary-General stated:<sup>66</sup>

"United Nations Observers have been serving in the Near East since 1948, when there were well over 700 as

<sup>61</sup> For texts of relevant statements, see: 1280th meeting: President (Netherlands), paras. 4, 9; Secretary-General, paras. 6-8; Nigeria, para. 3.

<sup>62</sup> For text of the relevant statement, see 1347th meeting (PV), pp. 6-15.

<sup>63</sup> The two Council resolutions relating to the cease-fire between Israel and Syria contained provisions relating to assistance by the Secretary-General in the implementation of the resolutions. See resolutions 235 (1967) of 9 June 1967, para. 3, and 236 (1967) of 12 June 1967, para. 5.

<sup>64</sup> For the text of the relevant statement, see 1365th meeting (PV), pp. 36-37.

<sup>65</sup> See case 27.

<sup>66</sup> For text of the relevant statement, see 1366th meeting (PV), p. 38.

against the 133 now serving in the area. Wherever United Nations Military Observers have been employed, it has been established practice to have the approval of the Governments directly concerned—in the present case the Governments of Israel and the United Arab Republic—regarding the countries from which Military Observers for the particular operation may be drawn. That practice still continues.”

#### CASE 29

At the 1386th meeting on 22 December 1967, in connexion with the complaint by the Government of Cyprus, the Secretary-General made a statement commenting on the provision of a resolution, adopted at that meeting, which invited the parties concerned “promptly to avail themselves of the good offices proffered by the Secretary-General” and requested the Secretary-General “to report on the results to the Council as appropriate”.<sup>67</sup>

After assuring the parties that he was immediately available to them and would do all within his power to

<sup>67</sup> Resolution 244 (1967) of 22 December 1967, para. 3.

help them find a way to resolve their differences, the Secretary-General expressed the hope that they would respond to the invitation of the Security Council without delay. He continued:<sup>68</sup>

“Bearing in mind the sharply divergent views of some of the parties in regard to the issues that may be raised during their forthcoming discussions with me or my representatives, I would have welcomed clear guidance by the Council on the basic points which have been the subject of much negotiation with the parties during the drafting of the resolution. The weight of the Council’s views would have been invaluable to me in the exercise of my good offices and in its absence I deem it my duty to forewarn the Council of the difficulties that lie ahead. The members of the Council will understand, therefore, why I regard it as necessary now to reiterate in the strongest possible terms the call which I made to the parties concerned in my report to the Council of 8 December 1967, document S/8286, namely, to display the statesmanship and good will which is essential to resolve this complex and long-standing question.”

<sup>68</sup> For text of the relevant statement, see 1386th meeting (PV), pp. 18-21.

### Part V

#### CONDUCT OF BUSINESS (RULES 27-36)

##### NOTE

Part V sets out the cases bearing on rules 27 to 36. Cases relating to rules 37 to 39 are contained in chapter III, “Participation in the proceedings of the Security Council”. Chapter V, which deals with the subsidiary organs of the Council, should be consulted in connexion with rule 28.<sup>69</sup> During the period under review, there were no special instances of the application of rules 29, 31, 34, 35 and 36.

As in the previous volumes of the *Repertoire*, the cases assembled in this part are indicative of the special problems which have arisen in the application of the rules on the conduct of business, rather than the routine practice of the Security Council. They relate to such matters as the following points:

##### 1. Rule 27

The order of intervention in the debate (Cases 30-33).

##### 2. Rule 30

The extent to which the President would rule on a point of order (Cases 34 and 35). There have been a number of instances during the period under review in which representatives, having requested to be recognized on a point of order, made statements on matters on which no

ruling was required. Such instances were not included in the study.<sup>70</sup>

##### 3. Rule 32<sup>71</sup>

Request for separation of vote (Case 36).

##### 4. Rule 33

On suspension and adjournment of meetings (Cases 37-43).<sup>72</sup>

<sup>70</sup> For discussion, on a point of order, relating to participation of a non-Council member in debates on procedure, see chapter III, Case 3.

<sup>71</sup> There was one instance during the period under review, in which the President (Denmark), after quoting rule 32, enquired of the representative of a Council member whether he would insist on a vote first on a draft resolution submitted by his delegation prior to the one on which the Council was then asked to vote. After ascertaining that the representative concerned would not insist, the President suggested that the Council vote on the draft resolution before it, and the Council proceeded accordingly.

For text of relevant statements, see, in connexion with the situation in the Middle East (I):

1360th meeting (PV): President (Denmark), pp. 81 and 83; United States, pp. 81-83.

<sup>72</sup> Rule 33 has at times also been invoked as a basis for motions to suspend or adjourn a meeting, without, however, further discussion on the scope of the rule or the nature of the motions. See, for example:

1354th meeting (PV): statement by the representative of India, pp. 43-45; motion for a brief adjournment by the representative of France, p. 66;

1356th meeting (PV): motion for suspension by the representative of India, p. 47;

1357th meeting (PV): motion for suspension by the represen-

<sup>69</sup> Attention is drawn in this connexion to resolution 253 (1968) of 29 May 1968, dealing with the situation in Southern Rhodesia, by which the Security Council established a committee explicitly under rule 28 to report on the implementation of that resolution. For terms of reference of the committee, see chapter V, Case 4.

**\*\*1. CONSIDERATION OF THE ADOPTION  
OR AMENDMENT OF RULES 27-36**

**2. SPECIAL CASES CONCERNING THE APPLICATION  
OF RULES 27-36**

**a. Rule 27**

**CASE 30**

At the 1316th meeting on 3 November 1966, in connexion with the Palestine question, the President (United States) requested members of the Council who wished to speak on the matter at hand to register their names with the Secretary of the Council, in order that the Council would have one list kept by the Secretary and open to all, "so that everyone knows the order in which speakers are inscribed" on the list.

He added:

"This does not militate against members asking for the floor at the meeting itself; of course when they do ask for the floor the Chair will recognize any member of the Council. But without making this more than a request I would hope that members of the Council and others, when they desire to speak, would indicate their desire to the Secretary, so that we may have only one list."

The President then announced that if there was no objection to the procedure suggested, the Council could then proceed accordingly. No objection was raised against the procedure.<sup>78</sup>

**CASE 31**

At the 1355th meeting on 10 June 1967, in connexion with the situation in the Middle East (I), the representative of Bulgaria, on a point of order, requested the President of the Council to ask the representative of Israel whether Israel troops were on Syrian territory at that time.

The President (Denmark) replied that he was sure the representative of Israel had heard the question, and that if the representative of Israel wished to speak thereon, the President could call upon him to do so. The President could not, however, demand any explanation from any representative unless the Council had so authorized him.

The representative of Mali, also on a point of order, asked the President to explain what principles or rules could prevent him from asking the representative of Israel the sort of question raised by the representative of Bulgaria.

tative of the United Kingdom, and statement by the President, pp. 107-110;

1358th meeting (PV): motion for adjournment by the representative of the United Kingdom, p. 171;

1366th meeting (PV): motion for adjournment by the representative of Mali, p. 37;

1367th meeting (PV): motion for suspension by the representative of Nigeria, p. 36;

1379th meeting (PV): motion for adjournment by Canada, p. 24;

1380th meeting (PV): motion for adjournment by Bulgaria, p. 2;

1381st meeting (PV): motion for adjournment by Bulgaria, pp. 33-35.

<sup>78</sup> For text of the statement, see:

1316th meeting (PV): President (United States), pp. 2-20.

The President observed that in order to put questions or ask explanations of a representative, even if it might expedite the functions of the Council, he had to be authorized by some rule to take part in the discussion as President, and he had been reminded before that he could not take part in discussions.

The representative of Mali then noted that, in his view, what was requested by the representative of Bulgaria was that the President transmit his request to the representative of Israel for a clarification; it was therefore not a matter of "putting questions" to the representative of Israel.

The President thereupon reminded the Council that it had not taken any decision as to putting any questions to the representative of Israel. He cited rule 27 as the only rule by which he could call upon representatives on the Council to make a statement, adding:

"If I were not to employ that rule, which is the only rule in our rules of procedure, to my knowledge, under which I can give the floor to the representatives in this Council, then I would ask under what rule I should put a concrete question asked by a representative on which there has not been a decision of the Council."

After the representative of Mali raised a point of order citing two instances in which the President had asked the Secretary-General to reply to questions asked by members of the Council, the President stated:

"According to rule 27 of the rules of procedure, 'The President shall call upon representatives in the order in which they signify their desire to speak'. Twice questions have been put to the Secretary-General, who is not a representative, but the Secretary-General. In both cases technical questions were asked of the Secretary-General. The questions were put by the representatives of France and the Soviet Union, and I asked the Secretary-General to submit the information and later to reply to the questions. However, if it is a question of representatives, I must abide by rule 27 as long as the Council has not decided that a question shall be submitted to a representative, and in this case the Council has not so decided."

The representative of the United Kingdom, after expressing support for the views of the President, stated that, since the representative of Bulgaria wished to press his point, he would be prepared, having the right to speak next, to waive his right in favour of the representative of Israel to answer the question asked during the debate.

To this suggestion, the President replied:

"It will not be possible for me to call next on the representative of Israel simply because the representative of the United Kingdom yields his place to him on the list of speakers, since several other speakers are inscribed on my list between the representative of the United Kingdom and the representative of Israel, who is the last speaker on my list."

The President also noted, this time in reply to a point of order raised by the representative of the USSR, that, in order to act impartially, he had to base himself on the rules of procedure and rule 27, in particular. He added, however, that he would call on the representative of Israel to reply to the question asked by the representative of Bulgaria if the Council so wished. Thereafter the President suggested that the Council should proceed with its discussion on the question before it, and called on the

representative of the United Kingdom to make his statement.<sup>74</sup>

#### CASE 32

Following the opening of the 1373rd meeting, held on 9 November 1967 in connexion with the situation in the Middle East (II), the representative of the United States, on a point of order, inquired about the order of speakers for that meeting.

In reply, the President (Mali) read out the list of speakers, which included the United Arab Republic as the first speaker, to be followed by some Council members and then by Israel.

The representative of the United States thereupon expressed the following view:

"Under the established practice of the Council, the members of the Council speak first. But it is a well established tradition of the Council that the Council has agreed to hear the parties first. There is no practice and no equity in allowing one party at interest in the first instance to speak and to deny the privilege to another party at interest to be heard before the members of the Security Council are heard."

After citing two past instances in which the Security Council had been confronted with a similar procedural question,<sup>75</sup> the representative of the United States moved that "the parties to the dispute who have asked to speak . . . be invited to speak prior to the members of the Council".

The representative of the USSR, speaking against the United States motion, argued that since the item under consideration was not a new one on the Council's agenda, the reference to precedents made by the representative of the United States was groundless and could not be applied to the present case. The Security Council should therefore apply rule 27 as the appropriate rule of procedure.

The representative of India observed that when his delegation was consulted by the President, he agreed to yield his place to the representative of Israel as a matter of courtesy. He had only one reservation to make, namely, that the representative of Israel should not make any reference to a three-Power draft resolution,<sup>76</sup> of which his delegation was a co-sponsor, before the formal introduction of that draft.

Whereupon the representative of the USSR observed that under the rules of procedure and in accordance with established practice, representatives of non-Council members could not participate in discussions on procedure.

The representative of the United States, noting that the representative of the USSR had misconceived the rules of procedure, pointed out that the term "representatives" in rule 27, as well as "representative" in rules 30,

31 and 32 referred to representatives of Council members. Different terms were used to refer to non-Council members, such as, for instance, those provided in rules 37 and 38. The distinction had been invariably maintained in the practice of the Council and he therefore put his motion.

The representative of Nigeria stated that while the order of speakers had in practice been governed by rule 27, it was also the case that

"whenever there has been any subject of controversy—when one person who had alleged something against another has spoken—customarily the person against whom any allegation is made has been given the opportunity to speak."

He also pointed out that there had been a rule in the Council whereby any speaker wishing to speak before his turn in the order of the list of speakers, would seek the consent of the other speakers concerned. He suggested that this practice should be followed in the present case and that the Council should be suspended for that purpose.

With the approval of the Council, the President thereupon suspended the meeting.

When the meeting was resumed, the President reported that no agreement among the parties could be reached and that the Council should, consequently, decide on the United States motion that the United Arab Republic and Israel should be invited to speak before members of the Council.

After a brief discussion aimed at clarifying the motion, the Council voted upon the United States motion, which was not adopted, there being 8 votes in favour, none against, with 7 abstentions.<sup>77</sup>

#### CASE 33

At the 1443rd meeting on 22 August 1968, in connexion with the situation in Czechoslovakia, the representative of Bulgaria who was on the list of speakers for that meeting, inquired whether he could make his statement the next day instead of at that meeting.

The President (Brazil) replied that he could not commit the Council to the request of the representative of Bulgaria, since it was for the Council to decide whether to meet again the next day, or whether to proceed at that meeting to vote on a draft resolution<sup>78</sup> then before it.

An exchange of views ensued on whether to vote on the draft resolution at that meeting, in which the representatives of the USSR, the United States, Bulgaria, United Kingdom, Hungary, Canada, Poland, as well as the President took part. In the course of their exchange, the representative of Canada formally moved that the Council vote on the draft resolution at that meeting.

The representative of Bulgaria, having renewed his request to speak before a vote was taken on the draft resolution and having subsequently been called upon

<sup>74</sup> For text of relevant statements, see:

1355th meeting (PV): President (Denmark), pp. 12, 13-15, 16-17, 18-20, 22, 23-25, 26; Bulgaria, pp. 12, 18-20; Mali, pp. 13-15, 16, 21; USSR, pp. 23-25; United Kingdom, p. 22.

<sup>75</sup> In connexion, respectively, with action of the OAS relating to the Dominican Republic at the 893rd meeting (see *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, p. 79, Case 12), and with the Palestine question at the 330th meeting (see *Repertoire of the Practice of the Security Council, 1946-1951*, p. 133, Case 95).

<sup>76</sup> S/8227, 1373rd meeting (PV), p. 68.

<sup>77</sup> 1373rd meeting (PV), p. 41. For texts of relevant statements, see:

1373rd meeting (PV): President (Mali), pp. 6-10, 26-30, 37-40; India, pp. 12-15; Nigeria, pp. 17-25; USSR, pp. 11, 16, 31-35; United States, pp. 6-10, 16, 36, 41.

<sup>78</sup> S/8761, 1442nd meeting (PV), p. 17.

to address the Council, proceeded to make his statement at that meeting.<sup>79</sup>

### b. Rule 30

#### CASE 34

At the 1421st meeting on 3 May 1968, in connexion with the situation in the Middle East (II), the President (United Kingdom) announced to the Council that unless he heard any objection, he would invite Mr. Rouhi El-Khatib to address the Council under rule 39 of the provisional rules of procedure.<sup>80</sup>

The representative of Algeria, speaking on a point of order, raised the question whether M. Rouhi El-Khatib was invited under rule 39<sup>80a</sup> as the elected Mayor of Jerusalem, which, in his view, was in accordance with that rule.

The President, in response, gave his interpretation of rule 39, and the representative of Algeria, in turn, reaffirmed his view that under rule 39, Mr. Rouhi El-Khatib could be invited to speak as the elected Mayor of Jerusalem.

The President thereupon observed that, since the representative of Algeria had raised a point of order, the President was "required under the rules, when a point of order is raised, to give a ruling". His ruling was that he proposed to call Mr. Rouhi El-Khatib to speak to the Council under rule 39 and that, unless that ruling was challenged, he would invite him accordingly.

After another brief comment by the representative of Algeria and a statement by the representative of the USSR on a point of order, the President stated:

"Two points of order have been raised in this Council: first of all, by the representative of Algeria, and now by the representative of the Soviet Union. Therefore, I am doubly required to give a ruling. I shall read the rule again and I shall state my ruling, and I shall proceed accordingly unless a challenge is made."

The representative of Algeria thereafter restated his views, followed by other Council members, who spoke on the scope of rule 39, and by the President, who in essence restated his ruling.

As his ruling was not challenged, the President did not put it to the vote.<sup>81</sup>

#### CASE 35

At the 1439th meeting on 15 August 1968, in connexion with the situation in the Middle East (II), the representative of the USSR was given the floor on a point of

<sup>79</sup> For texts of relevant statements, see:

1443rd meeting (PV): President (Brazil), pp. 28-30, 32-35, 36, 43, 52, 57-60, 62, 66, 67, 71, 72, 76, 126, 127, 128; Bulgaria, pp. 28-30, 52, 73-75, 77, 126; Canada, pp. 62, 76; Hungary, p. 56; Poland, p. 66; USSR, pp. 31, 36, 43-45, 57-61, 63-65, 66, 71, 72, 76, 126, 127; United Kingdom, pp. 56, 68-70; United States, pp. 37, 43, 53-55, 77, 126, 127.

<sup>80</sup> For procedural discussions on participation, see chapter III, Case 3.

<sup>80a</sup> For discussion on participation, see chapter III, Case 3.

<sup>81</sup> For texts of relevant statements, see:

1421st meeting (PV): President, pp. 2-5, 6, 11-12, 16, 17-20, 23-25; Algeria, pp. 6, 7-10, 11, 16, 21; Canada, p. 22; Hungary, pp. 13-15, 22; Pakistan, p. 12; USSR, p. 11.

order while the representative of Israel was speaking in exercise of his right of reply. The representative of the USSR asked the President to call on the representative of Israel to "keep to the subject under discussion" and not to "refer to acts and activities of members of the Council".

The President (Brazil) in reply appealed to the representative of Israel "to confine his remarks, to the extent possible, to the point under consideration, without prejudice, of course, to his right of reply".

Three times thereafter, the representative of the USSR raised a point of order by which he asked the President to call the representative of Israel to order. On the third occasion, the representative of the USSR addressing himself to the President stated:

"The Israeli representative has disregarded your request and your ruling, Mr. President. I should like to ask you to advise and explain to the representative of Israel that he should not refer to matters other than the aggressive acts committed by Israel and should not make slanderous remarks to the Soviet Union."

The President thereupon replied:

"Regarding the new point of order raised by the representative of the Soviet Union, I wish once more to ask for the full co-operation and understanding of all members and all representatives here. As I made clear before, the President does not wish either to curtail discussion or to permit unduly extended remarks on items or subjects not under consideration. I find it difficult to state a ruling on that. I would prefer to know that I could count on the co-operation of all members and representatives so that a certain understanding might be reached here on the remarks. So I appeal again to the representative of Israel to confine his remarks to the item under consideration so that we can proceed with our business."

He then asked the representative of Israel to proceed with his statement.<sup>82</sup>

### c. Rule 32

#### CASE 36

At the 1317th meeting on 3 November 1966, in connexion with the Palestine question, the representative of Mali requested a separate vote on an operative paragraph of a draft resolution<sup>83</sup> sponsored by Argentina, Japan, Netherlands, New Zealand, Nigeria and Uganda. At the 1319th meeting of 4 November 1966, the representatives of Bulgaria and the USSR supported the request for a separate vote on the paragraph in question.

At the same meeting, the representative of Uganda announced that the sponsors of the six-Power draft resolution could not accede to the request for a separate vote, whereupon the President declared that, objection having been made to a separate vote by the sponsors,

"... in accordance with rule 32 of the provisional rules of procedure of the Council we will now proceed to the vote on the joint draft resolution as a whole."

<sup>82</sup> For texts of relevant statements, see:

1439th meeting (PV): President (Brazil), pp. 23-25, 26, 27; Israel, pp. 23-25, 26, 27; USSR, pp. 23-25, 26, 27.

<sup>83</sup> S/7575/Rev.1, *OR*, 21st yr., *Suppl. for Oct.-Nov. 1966*, p. 69.

The Council then proceeded to vote on the six-Power draft resolution.<sup>84</sup>

#### d. Rule 33

##### CASE 37

At the 1277th meeting on 9 April 1966, in connexion with the situation in Southern Rhodesia, the representative of Argentina proposed a brief suspension of the meeting to enable members of the Council to consult one another on the future course of its discussion.

The representative of the USSR stated that he would have no objection to the proposed suspension of the meeting, although he would ask the President before suspending the meeting not to object to his making a very brief statement in reply to an earlier statement made by the representative of Greece which referred to what the representative of the USSR had said.

After the statement by the representative of the USSR, the President (Mali) suspended the meeting.<sup>85</sup>

##### CASE 38

At the 1340th meeting on 16 December 1966, in connexion with the situation in Southern Rhodesia, the representative of Uganda, speaking on a point of order while the Council was in the midst of a vote on a number of amendments, moved that the Council be suspended for ten minutes.

The representative of the United Kingdom stated that it had been the practice of the Council that once started, voting would continue without interruption, and he expressed the hope in this connexion that the Council would "be able to follow the standard practice."

Following a statement by the representative of Nigeria drawing attention to the last sentence of rule 33, which provided that any motion for the suspension or simple adjournment of a Council meeting should be decided without debate, the President (Uruguay) stated:

"There is, in fact, one rule which conflicts with rule 33, namely rule 40 which states:

'Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice.'

"Consequently, since we were in the middle of voting, we should abide by the provisions of rule 40."

He added:

"There is no text which deals expressly with this point. If there is no formal objection, we shall proceed with the voting."

In reply, the representative of Uganda stated:

"Mr. President, you have inquired whether or not there is any objection to proceeding with the vote. But when I made a motion for the suspension of the meeting,

I did not intend it to be an 'objection'. All I am asking is that there should be a suspension of the meeting for a very short while, perhaps 5 or 10 minutes, in accordance with rule 33, in particular the last sentence of that rule. . . . Rule 40, which you quoted, is far from relevant to the issue that we are considering here. If there is any provision under rule 40 that is not included here, I think, Mr. President, it would be useful if you would quote it to us."

The representative of the United Kingdom, on a point of order, stated that since it was clearly the wish of the representative of Uganda that the Council should have a short suspension, and without prejudice to the normal practice of the Council, he withdrew his objection to the suspension.

The President then declared that in the light of the statement of the representative of the United Kingdom, he saw no objection to a brief suspension of the meeting, and suspended it accordingly.<sup>86</sup>

##### CASE 39

At the 1342nd meeting on 24 May 1967, in connexion with the situation in the Middle East (I), the representative of the United States moved for a brief suspension of the meeting to enable his delegation to have an immediate consultation with some Council members.

The motion for suspension of the meeting followed a statement by the President (China) drawing the attention of the Council to a suggestion made earlier by the representative of Canada that immediately after the conclusion of the meeting, Council members should consult one another, with a view to attaining a unanimity on the text of a draft resolution relating to the matter under consideration.

There being no objection to the motion for suspension, the Council suspended its meeting for a brief period of time.

When the meeting was resumed, the representative of the United States referred to the suggestion made before the suspension of the meeting, that the Council should adjourn at that point for prompt and informal consultations among members until the next meeting, which would be announced after appropriate consultations. He expressed the hope that the procedure proposed would be acceptable to the Council members.

A number of representatives expressed views on the consultations proposed before the President declared the meeting adjourned until further notice.<sup>87</sup>

#### Rule 33

##### CASE 40

At the 1349th meeting on 7 June 1967, in connexion with the situation in the Middle East (I), the represen-

<sup>84</sup> For texts of relevant statements, see: 1317th meeting (PV): Mali, p. 7; 1319th meeting (PV): President (United States), p. 51; Bulgaria, pp. 23-25; Uganda, pp. 47-50; USSR, p. 46.

<sup>85</sup> For texts of relevant statements, see: 1277th meeting: President (Mali), paras. 140, 143; Argentina, para. 138; USSR, para. 139.

<sup>86</sup> For texts of relevant statements, see: 1340th meeting: President (Uruguay), paras. 104, 105 and 109; Nigeria, para. 103; Uganda, paras. 99 and 106; United Kingdom, paras. 101 and 108.

<sup>87</sup> For texts of relevant statements, see: 1342nd meeting (PV): President (China), pp. 51, 52-55, 56, 61; Bulgaria, p. 56; Canada, pp. 13-15, 61; Ethiopia, pp. 58-60; India, p. 51; Mali, p. 51; Nigeria, pp. 56-60; USSR, pp. 51, 57; United States, pp. 52-55, 56, 61.



tative of Brazil moved "a recess" of twenty minutes to acquaint Council members with the text of a draft resolution<sup>88</sup> then before the Council.

The President (Denmark), interpreting the motion as coming under rule 33, paragraph 3, announced that before putting it to the vote, he would call on the representative of the United States who had asked to speak.

The representative of the United States noted that, while having no objection to the proposed adjournment, he wished to speak briefly on the question before the Council—following which he made a statement relating to the position of the United States on the question.

After the statement by the United States representative, the President gave the floor to the representative of France, who supported the suspension moved by the representative of Brazil.

The representative of the USSR, speaking next, noted that while he fully understood the argument put forward by the representative of Brazil, he failed to understand why, in spite of the fact that the President had invoked rule 33, a debate had been opened on the motion for adjournment.

After quoting the last sentence of rule 33, which provided that any motion for the suspension or for the simple adjournment of the meeting should be decided without debate, he supported the motion.

The President, explaining the procedure that had been followed, stated:

"After the intervention of the representative of Brazil, I asked whether he was making his motion under rule 33, paragraph 3, to adjourn the meeting to a certain day or hour. I call . . . attention . . . to the final part of rule 33 of the rules of procedure, which reads as follows:

'Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate.'

"That means suspension or simple adjournment as referred to in rule 33, paragraphs 1 and 2. If a motion is made under either of those two paragraphs, there can be no debate. However, since the motion was made under rule 33, paragraph 3, the President has to put the question under debate."

The President then asked whether there was any objection to adjourning for fifteen minutes. There being no objection, he adjourned the Council accordingly.<sup>89</sup>

#### CASE 41

At the 1350th meeting on 7 June 1967, in connexion with the situation in the Middle East (I), the Council had before it two draft resolutions, submitted, respectively, by the USSR and Canada.

After the USSR draft resolution<sup>90</sup> was adopted, the representative of the USSR suggested that the text

of the Canadian draft resolution<sup>91</sup> be distributed to Council members for study, and that in the meantime, other representatives wishing to speak on the question being considered, should be allowed to do so.

The representative of Bulgaria suggested in that connexion that it might be advisable to adjourn the meeting in order to study the Canadian draft resolution and to hear reports on the situation at hand, and in order to allow the President to decide when the Council should be reconvened.

Later in the meeting, the representative of Canada introduced the Canadian draft resolution, the text of which had in the meantime been distributed to members. He noted in his statement that he understood the suggestion of the representative of Bulgaria to mean a suspension of the meeting so that the text of the draft resolution could be discussed. He therefore moved for suspension under rule 33, paragraph 1, for ten or fifteen minutes, to allow members to hold the necessary consultation.

The representative of Bulgaria thereupon observed that the representative of Canada had misunderstood his proposal, which was one for the adjournment of the meeting. He added that he had proposed adjournment so that the Council members could get additional information after a certain passage of time on the implementation of the Council cease-fire resolution and, at the same time, would have enough time to consider the text of the Canadian draft resolution.

An exchange of views then followed between the President (Denmark), the representative of Canada and the representative of Bulgaria.

The President observed at the outset that he did not consider the suggestion made by the representative of Bulgaria in the early part of the meeting to be a formal motion for adjournment. The representative of Canada, he added, had made a formal motion for suspension, and the representative of Bulgaria asked if the representative of Canada would agree to an adjournment until later that day. He said he would consequently address the question to the representative of Canada.

The representative of Canada, thereupon, replied:

"As you correctly say, Mr. President, the rules of procedure give priority to a motion for suspension of the meeting. If it is more convenient to my colleague from Bulgaria to have an adjournment for half an hour instead of fifteen minutes, that would be agreeable to me. I do not believe a suspension is made *sine die*, or simply to later in the evening; it is usually for a specific time, and I believe it would be within the rules to adjourn for a specific time, say half an hour."

Following this statement, the President declared that if there was no objection, he would adjourn the meeting for half an hour.

The representative of Bulgaria then noted that his delegation was against an adjournment for only half an hour. What his delegation wanted was to adjourn the meeting, and to reconvene again at such time as the President felt that he could submit something for consideration by the Council. He explained in this connexion why his delegation considered a longer adjournment necessary, in the light of what the Council had decided.

<sup>88</sup> S/7940, 1349th meeting (PV), p. 6 and adopted without change as resolution 234 (1967).

<sup>89</sup> For texts of relevant statements, see: 1349th meeting (PV): President (Denmark), pp. 16, 18-20, 21-25; Brazil, p. 16; France, pp. 18-20; USSR, pp. 21-25; United States, pp. 16, 17, 18-20.

<sup>90</sup> S/7940, adopted without change as resolution 234 (1967).

<sup>91</sup> S/7941, 1350th meeting (PV), p. 6.

Whereupon the President declared:

"A motion has been made to adjourn the meeting for half an hour. That would be a motion under rule 33, paragraph 3. If I understood him correctly, the representative of Canada agreed to change his motion from a motion to suspend the meeting to a motion for adjournment."

After a clarification on the part of the representative of Canada that he did not agree to change his motion for suspension to one for adjournment, the President stated:

"In that case, then, there is a motion to suspend the meeting, under rule 33, paragraph 1, for fifteen minutes. I have to put this motion to a vote without debate."

The motion was not, however, immediately put to the vote, as the representative of Canada, in response to an appeal by the representative of Ethiopia, subsequently moved for adjournment of the meeting until the Council "was ready to meet" to adopt the Canadian draft resolution.

In putting the Canadian motion to the vote, the President specified that the representative of Canada had "now moved to adjourn the meeting under rule 33, paragraph 2", until the Council could vote on the Canadian draft resolution.

The Council then voted for adjournment.<sup>92</sup>

#### CASE 42

In the course of the 1442nd meeting on 22 August 1968, in connexion with the situation in Czechoslovakia, the President (Brazil) informed the Council that in consultations he had had with Council members on the timing of the next meeting of the Council, the majority was in favour of holding it at 4 o'clock that afternoon, while two or three members wished that it be held around six o'clock. He therefore suggested that a compromise solution might be found by holding the meeting at about 5 o'clock or 5.30.

Discussions ensued on the question whether before adjourning, the Council should set the time for its next meeting, or whether to leave it to the consultations that were to be held in the meantime. The representative of Algeria inquired in this connexion if there were speakers listed for the meeting that had been suggested for 4 o'clock. After being informed by the President that there were none, he expressed the view that while quite willing to agree to a Council meeting at that time if there were speakers to address it, his delegation suggested that in the present case, members should immediately proceed to consultations, and hold a Council meeting when such was considered necessary.

The representative of the United States observed that due to the circumstances in which the situation in Czechoslovakia had developed, and to the great importance of the matter to the world, consultations could be held between then and 5 o'clock that afternoon, until which time the Council would stand adjourned.

In view of the statement of the representative of the United States, the representative of Algeria specified that his suggestion was not for an adjournment *sine die*. The suggestion, he added, was rather meant to enable delegations to communicate with their Governments and to enable certain delegations to continue the consultations they had begun that morning, as well as making it possible for Council members to attend any meeting which might be called when necessary.

After further statements by the representatives of Canada and Hungary on the question of setting the time for the next meeting, the representative of the United Kingdom moved for an adjournment of the meeting until 5 o'clock, on the understanding that if consultations among Council members would make it desirable, the Council could then postpone its meeting.

The President thereupon announced that according to rule 33 of the provisional rules of procedure, any motion for the suspension or simple adjournment of a meeting should be decided without debate.

After a further statement by the representative of the United Kingdom clarifying his motion, and a statement by the representative of the USSR, who spoke on a point of order, the President stated:

"A formal proposal was . . . made to the effect that we adjourn until 5 p.m. this afternoon. According to rule 33, when a motion is made for the suspension or temporary adjournment of a meeting, it shall be decided upon without further debate. Therefore, according to the rules of procedure, which exert a certain pressure on the President, I propose that we come to a decision."

The Council accordingly proceeded to a vote on the motion which it adopted<sup>93</sup> by 10 votes in favour, none against, and five abstentions.<sup>94</sup>

#### CASE 43

At the 1448th meeting on 8 September 1968, in connexion with the situation in the Middle East (II), the representative of the United States moved for an adjournment of the meeting under rule 33.

The President (Canada), after observing that a motion for suspension had to be decided without debate, asked the representative of the United States whether he objected, before the President put his motion to the Council, to hearing the representative of Israel, who had asked to exercise his right of reply.

The representative of the United States noted in reply that while the Council might benefit from the views to be expressed by the representative of Israel, continuing a discussion of the matter at hand without further reports on the development of the question would serve no purpose.

The President then observed that since there was no objection to the motion at hand, he would accordingly suspend the meeting for consultation. He added that the motion of the United States had been made under rule 33, and that it should therefore be decided without debate.

<sup>92</sup> 1442nd meeting (PV), p. 62.

<sup>93</sup> For texts of relevant statements, see: 1350th meeting (PV): President (Denmark), pp. 38, 41, 42, 43, 44-45; Bulgaria, pp. 26-27, 41-42; Canada, pp. 37-38, 41-42; Ethiopia, pp. 42-43.

<sup>94</sup> For texts of relevant statements, see: 1442nd meeting (PV): President (Brazil), pp. 48-50, 51, 52, 57 and 62; Algeria, pp. 51, 52, 53-55 and 57; Canada, p. 56; Hungary, p. 56; USSR, pp. 58-60 and 61; United States, p. 52.

At that point, the representative of the USSR asked to be recognized on a point of order.

The President, after ascertaining that the point to be raised by the representative of the USSR was not related to the motion, stated:

"Since I have not recognized the representative of Israel on a point which does not concern the motion, I am afraid that I cannot make an exception until we have reached a decision on the point of order under rule 33. I have before me a motion to suspend the meeting. This, of course, does not exclude the possibility of continuing the discussion after the suspension

for whatever purposes the Council may decide, but I must ask the Council to decide on the motion without debate, as required under rule 33. Is there any objection to the motion to suspend the meeting?"

Following a request by the representative of the USSR to raise a point of order, which was not granted, the President declared the meeting suspended.<sup>95</sup>

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<sup>95</sup> For texts of relevant statements, see: 1448th meeting (PV): President (Canada), pp. 37, 38-40, 41-45; USSR, pp. 38-40; United States, p. 37.

## Part VI

### \*\*VOTING (RULE 40)

## Part VII

### \*\*LANGUAGES (RULES 41-47)

## Part VIII

### \*\*PUBLICITY OF MEETINGS, RECORDS (RULES 48-57)

## Part IX

### \*\*APPENDIX TO PROVISIONAL RULES OF PROCEDURE

**Chapter II**

**AGENDA**

## CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE . . . . .	29
<b>**PART I. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 6-12 . . . . .</b>	<b>29</b>
<b>PART II. THE PROVISIONAL AGENDA . . . . .</b>	<b>29</b>
Note . . . . .	29
A. Rule 6: Circulation of communications by the Secretary-General . . . . .	30
<b>**B. Rule 7: Preparation of the provisional agenda . . . . .</b>	<b>32</b>
<b>**C. Rule 8: Communication of the provisional agenda . . . . .</b>	<b>32</b>
<b>PART III. ADOPTION OF THE AGENDA (RULE 9) . . . . .</b>	<b>33</b>
Note . . . . .	33
A. Procedure of voting on adoption of the agenda . . . . .	33
<b>**1. Votes taken concerning individual items on the provisional agenda . . . . .</b>	<b>33</b>
<b>**2. Votes taken on proposals to determine or change the order of items. . . . .</b>	<b>33</b>
3. Votes taken on the adoption of the agenda as a whole . . . . .	33
B. Consideration of:	
1. Requirements for the inclusion of an item in the agenda . . . . .	34
<b>**2. Effect of the inclusion of an item in the agenda . . . . .</b>	<b>35</b>
C. Other discussion on the adoption of the agenda . . . . .	35
1. Order of discussion of items on the agenda . . . . .	35
2. Scope of items and subitems on the agenda, in relation to the scope [of discussion . . . . .	35
3. Phrasing of items on the agenda . . . . .	36
4. Postponement of consideration of items . . . . .	37
<b>**5. Precedence of the decision of adoption of the agenda . . . . .</b>	<b>38</b>
<b>PART IV. THE AGENDA: MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED (RULES 10 AND 11). . . . .</b>	<b>38</b>
Note . . . . .	38
A. Rule 10 . . . . .	39
B. Rule 11 . . . . .	40
1. Retention and deletion of items from the Secretary-General's Summary Statements on matters of which the Security Council is seized . . . . .	40
<b>**2. Proceedings of the Security Council regarding the retention and deletion of items from the agenda. . . . .</b>	<b>54</b>

## INTRODUCTORY NOTE

The present chapter relates to material concerning rules 6 to 11, inclusive, of the provisional rules of procedure of the Security Council.

As in the previous volumes of the *Repertoire*, the material in the present chapter is presented directly under the rule of procedure to which it relates. The chapter is divided into four parts: part I, Consideration of the adoption or amendment of rules 6-12; part II, The provisional agenda; part III, Adoption of the agenda (rule 9); and part IV, The agenda: Matters of which the Security Council is seized (rules 10 and 11).

Part II provides information concerning the circulation of documents by the Secretary-General (rule 6); no material was found for treatment under the sub-headings "Rule 7: Preparation of the provisional agenda" and "Rule 8: Communication of the provisional agenda".

Part III contains material on the procedure and practice of the Security Council in connexion with the adoption of the agenda. Section A includes under sub-heading 3,

three instances and one related case history concerning votes taken by the Council in adopting the agenda. One case history has been entered under section B concerning discussion in the Council of the requirements for the inclusion of an item in the agenda. No case history has been included under the sub-heading "Effects of the inclusion of an item in the agenda". Section C deals with other questions which have been discussed in connexion with the adoption of the agenda, such as the order of discussion of items, the scope of items in relation to the scope of the discussion, the phrasing of agenda items and the postponement of consideration of items.

Part IV relates to the list of matters of which the Security Council is seized. One entry is presented under section A. The tabulation in section B (rule 11) brings up to date the tabulation in the previous volumes of the *Repertoire* and includes items which have appeared in the Secretary-General's Summary Statements on matters of which the Security Council is seized during the period 1966 to 1968.

### Part I

#### \*\*CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 6-12

### Part II

#### THE PROVISIONAL AGENDA

##### NOTE

The proceedings dealt with in this part concern the question of circulation of communications by the Secretary-General.

Under the provisions of rule 6, the Secretary-General is obliged to bring to the attention of members of the Security Council all communications from States, organs of the United Nations, or the Secretary-General, concerning any matter for the consideration of the Security Council. During the period under review, there were three instances in which the question of circulation of communications arose. In the first instance, the manner of presentation of reports of a subsidiary organ to the Security Council was the subject of discussion; in the other two cases, the subject of the exchange of views centred on the question as to how the Secretary-General was to handle communications originating from a political entity the nature of which—i.e., whether it constitutes a

State or not—was a subject of controversy among Member States.<sup>1</sup>

In the S/series are also circulated communications from regional arrangements or agencies, which are received pursuant to Article 54 of the Charter.

<sup>1</sup> Certain communications from the same source have been circulated by the Secretary-General at the written request of a member of the Security Council; the letter requesting the circulation of such communications has been issued as an official document of the Council (S/document), the communication in question being enclosed in an annex to the letter. See, e.g., letter dated 10 March 1966 from the representative of Bulgaria requesting the Secretary-General that an application for membership in the United Nations from the German Democratic Republic together with a declaration and a memorandum in respect thereof be circulated as an official document, of the General Assembly and of the Security Council (S/7192, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, pp. 233-240); also *note verbale* from the Permanent Mission of Bulgaria to the Secretary-General (S/7508, *OR*, 21st yr., *Suppl. for July-Sept. 1966*, pp. 139-143).

## A. RULE 6: CIRCULATION OF COMMUNICATIONS BY THE SECRETARY-GENERAL

### CASE 1

At the 1307th meeting on 14 October 1966, in connexion with the Palestine question, the President, speaking as the representative of the United Kingdom, stated that there was a dispute about the facts of the current situation between Israel and Syria. Therefore an investigation by the United Nations Truce Supervision Organization would be welcomed so that impartial evidence would be presented to the Security Council. He expressed the hope that the Secretary-General could arrange for a report to be made available quickly on the incidents which were the subject of the complaint before the Council.

At the 1308th meeting on 17 October 1966, the representative of the Netherlands stated that when he was President of the Security Council, he had an opportunity to acquaint himself with the practice of making available reports of the Chief of Staff of the United Nations Truce Supervision Organization in Palestine. In view of certain complications in the past, it had become a standing and well founded practice to make the reports of the UNTSO available to the Security Council only at its express wish or at the request of the President acting on behalf of the Council. The President, in his capacity as the representative of the United Kingdom, had expressed at the previous meeting a desire for such a report, and many representatives including the representative of Syria had expressed the same wish. In case this should not yet be sufficient from the formal point of view, the representative suggested that the President, on behalf of the Council, expressed the wish to receive from the Secretary-General a report from his representative on the spot, in order that the Council might have such a report available at the shortest possible time.

Subsequently, at the same meeting, the President (United Kingdom), requested, on behalf of the Security Council, the Secretary-General to provide the Council with a report on the events being discussed by it.

The Secretary-General replied that he had just received the report on the Chief of Staff of the UNTSO which would be submitted to the Security Council the next day.<sup>1a</sup>

### CASE 2

In a *note verbale*<sup>2</sup> dated 15 March 1967 addressed to the Secretary-General, the Permanent Mission of the USSR stated that the United Nations Secretariat continued to take a different attitude to the issuance as official United Nations documents of notes and statements of, on the one hand, the Government of the German Democratic Republic and, on the other, the Government of the Federal Republic of Germany. While the Secretariat circulated various documents of the Federal Republic of Germany without the slightest difficulty, it ignored statements of the German Democratic Republic addressed

to the United Nations. When a communication was received from the latter, the Secretariat, without any grounds, refused to issue the document until a request for its issuance was received from a Member State. This had been the Secretariat's conduct, for example, with regard to the statement received from the Government of the German Democratic Republic<sup>3</sup> on the implementation of Security Council resolution 232 (1966) of 16 December 1966 concerning the situation in Southern Rhodesia. Furthermore, the Secretariat had not included in the report (S/7781) on measures taken by States in pursuance of Security Council resolution 232 (1966), the above-mentioned statement on Southern Rhodesia by the Government of the German Democratic Republic despite the fact that the statement had been brought to the knowledge of all members of the Security Council on the instructions of the President of the Council. However, the report did include the statement by the Government of the Federal Republic of Germany. What was more, in the addendum to the report presenting data on the trade of individual countries with Southern Rhodesia in 1965 and 1966 (S/7781/Add.1), the Secretariat again had taken a discriminatory and groundless position vis-à-vis the German Democratic Republic as manifested in the gross distortion of its official name.<sup>4</sup> The Secretariat had arbitrarily ignored the existence of the statement by the Government of the German Democratic Republic on a matter connected with the fight against the racist régime in Southern Rhodesia and had hastened to include in the aforesaid report, the letter from the Federal Republic of Germany, which, as everyone knows, was co-operating with the colonists and racists in Africa. Clearly, the Secretariat had not been guided in that case by the purport of the decisions adopted by the Security Council and the General Assembly, or by the interests of the affair, or by the principles of impartiality and equity. It was unnecessary to prove that this practice of the Secretariat was devoid of any legal foundation, groundless as far as the terms of the United Nations Charter were concerned, narrowly pro-Western and unobjective. In drawing attention to these important matters, the Permanent Mission of the USSR to the United Nations trusted that the Secretary-General would take steps to do away with this abnormal practice regarding the official issuance in the United Nations of documents emanating from the German Democratic Republic.

By *note verbale*<sup>5</sup> dated 2 May 1967, the Secretary-General informed the representative of the USSR that in interpreting resolution 232 (1966), both with respect to the information he was to collect and to include in his report on the implementation of the resolution, he had had full regard to operative paragraph 8 of that resolution, in which the Security Council "calls upon States Members of the United Nations or of the specialized agencies to report to the Secretary-General the measures each has taken in accordance with the provisions of paragraph 2 of the present resolution". In accordance

<sup>1a</sup> For texts of relevant statements, see: 1307th meeting: Syria, para 65; United Kingdom (President), para. 55;

1308th meeting: Argentina, para. 24; Japan, para. 36; Netherlands, para. 55; President (United Kingdom), para. 109; Secretary-General, para. 110; Uruguay, para. 100.

<sup>2</sup> S/7822, O R, 22nd yr., Suppl. for Jan.-March 1967, pp. 233-234.

<sup>3</sup> The statement was enclosed with a letter dated 27 February 1967 from the representative of Bulgaria to the Secretary-General (S/7794, *ibid.*, pp. 201-203), who requested that the letter and the statement be circulated as documents of the Security Council and the General Assembly.

<sup>4</sup> In the addendum (tables I, V, VII; *ibid.*, pp. 130, 134, 138), the term "Eastern Germany" was used.

<sup>5</sup> S/7891, O R, 22nd yr., Suppl. for April-June 1967, pp. 103-104.

with the Council's instructions, the information circulated by the Secretary-General and included in his report (S/7781 and Add.1 and 2)<sup>6</sup> was therefore from those States from which the Council had required such information. Nevertheless, it should be noted that, in addition, at the request of the representative of Bulgaria, the Secretary-General had circulated "a statement of the Government of the German Democratic Republic on the implementation of resolution 232 (1966) adopted by the Security Council on 16 December 1966, concerning the situation in Southern Rhodesia" (S/7794). The Secretary-General drew attention to this statement in an addendum to his report issued on 9 March 1967 (S/7781/Add.2), containing information received after the issue of his original report. So far as the general question of the circulation of communications was concerned, the policy of the Secretariat in this regard had been explained on numerous occasions in the past. The Secretary-General believed that it was beyond his competence, in the absence of explicit directives from the deliberative organ concerned, to determine the highly political and controversial question whether or not certain areas, the status of which was in dispute among Members of the United Nations, were States within the meaning of the "all States" or "States not Members of the United Nations", formulae which on occasion appeared in United Nations resolutions. The Permanent Representative of the USSR to the United Nations would recall, in this respect, the statement made by the Secretary-General at the 1258th plenary meeting of the General Assembly on 18 November 1963, where he had said, *inter alia*:

"In conclusion, I must therefore state that if the 'any State' formula were to be adopted, I would be able to implement it only if the General Assembly provided me with the complete list of the States coming within that formula, other than those which are Members of the United Nations or the specialized agencies, or parties to the Statute of the International Court of Justice."<sup>7</sup>

While these remarks had been made within the context of an agenda item on the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations, they had been intended to define the general rules applicable in other cases such as the present. As the Secretary-General believed, it was outside his competence to interpret formulae of the nature referred to above, he had no alternative but to continue the existing practice until the Security Council or the General Assembly direct to the contrary.

By *note verbale*<sup>8</sup> dated 16 May 1967, the Permanent Mission of the USSR informed the Secretary-General that it again deemed it necessary to stress that the USSR strongly opposed any attempts, including attempts made in the United Nations, to discriminate against the German Democratic Republic, a sovereign, independent State. In this connexion, the Permanent Mission of the USSR to the United Nations again drew the attention of the Secretary-General to the inadmissibility of continuing, in the United Nations Secretariat, the discriminatory approach to the issuance as official United Nations documents of the statements and notes emanating from

the Government of the German Democratic Republic. It was unnecessary to prove that this practice of the United Nations Secretariat was devoid of any legal foundation, groundless as far as the terms of the United Nations Charter were concerned. As for the references in the Secretary-General's *note verbale* to the alleged necessity of special decisions of the Security Council or the General Assembly for the issuance as official United Nations documents of the statements and notes emanating from the German Democratic Republic, it should be noted that the United Nations Secretariat adopted this discriminatory approach towards the German Democratic Republic without any decisions of United Nations organs on the matter, that is to say, arbitrarily, solely because of an illegal practice established in the Secretariat in the past. The Secretariat, following this practice even at the present time, took on this question, a one-sided position which coincided with the positions of the Western Powers. The Mission of the USSR reiterated the trust that the Secretary-General would take steps to do away with this abnormal practice.

### CASE 3

At the 1445th meeting on 24 August 1968, in connexion with the situation in Czechoslovakia, the President (Brazil) stated that he wished to acquaint the members of the Security Council with the contents of an official note from the Permanent Mission of the USSR to the United Nations, addressed to him.

In the note,<sup>9</sup> the USSR Mission, referring to the letter of the United Nations Secretariat of 23 August 1968 forwarding the text of the telegram from the Minister for Foreign Affairs of the German Democratic Republic of the same day, which contained his communication to the President of the Security Council, drew attention to the fact that this communication had not been so far distributed as an official document of the Council. It was expected that the telegram would be distributed without delay as such a document.

The President observed that the procedure adopted by him followed some of the precedents adopted in the past, since he had failed to receive any guidance from the rules of procedure which did not contain any provision in this regard.

The representative of the USSR read the text of the telegram<sup>10</sup> and stated that in conformity with the usual practice, a communication of a Minister for Foreign Affairs of a State, whether that State was or was not a Member of the United Nations, must be published as an official document of the Security Council, since it had a direct bearing on the matter before the Council. The telegram was sent to the Missions of the members of the Council with a covering note<sup>11</sup> which was not signed. Attached to it was a photostatic copy of the telegram of the Foreign Minister of the German Democratic

<sup>9</sup> 1445th meeting (PV), pp. 2-5.

<sup>10</sup> For the consideration of this communication, see, in this *Supplement*, chapter III, Cases 1 and 5.

<sup>11</sup> Its text read: "Please find attached a photograph of a cablegram dated 23 August 1968 addressed to the President of the Security Council. In accordance with the instructions given by the President of the Security Council, copies of this cablegram are being sent to all members of the Security Council for their information. 23 August 1968" 1445th meeting (PV), p. 11.

<sup>6</sup> OR, 22nd yr., *Suppl. for Jan.-March 1967*, pp. 74-178.

<sup>7</sup> GAOR, 18th Session Plen., 1258th meeting, para. 101.

<sup>8</sup> S/7893, OR, 23rd yr., *Suppl. for April-June 1967*, pp. 98-99.



Republic. The question arose why this telegram was not circulated as an official document of the Security Council.

The President noted that the copies of the telegram had been distributed according to his instructions. He was, however, ready to comply with any course acceptable to members of the Council.

The representative of Hungary noted that the President had distributed the telegram as an unofficial document, taking into consideration its late arrival. But in a regular way of distributing documents, nothing prevented him from distributing it later as an official document. It would be interesting to know what were the precedents concerning a document on an issue before the Council not being distributed as its document because it had come from a State not a Member of the United Nations.

The representative of the United Kingdom observed that the objection to the document was clear, since it was not a communication from a State as it purported to be. Therefore, the action of the President was correct.

The representative of the United States expressed the view that there was no ambiguity about the situation under the Charter and rule 6 of the rules of procedure. Both Article 32 and rule 6 were applicable only to States, and the régime in the USSR zone in Germany was neither a State nor entitled in any way to speak for the German people.

The representative of the USSR, quoting the text of rule 6, noted that the telegram from the Minister for Foreign Affairs of the German Democratic Republic had not yet been brought to the attention of the members of the Council. It was therefore necessary to correct such a situation.

The representative of Canada said that the so-called Government of the so-called German Democratic Republic had no right to represent any part of the German people. It would be therefore quite inappropriate to circulate the communication in question as an official document of the Security Council.

The President stated that since the point of precedents was raised, he would like to recall that on 9 June 1967, a cable was sent from the same source as the communication in question to the President of the Security Council on the subject of the Middle East question, asking that it be distributed to the members of the Security Council. It had been circulated as a third-person note, exactly as the President had done yesterday, at the directive of the President of the Council on 14 June 1967. The Council had not in that case modified or revoked that President's decision; and the decision had stood. On the other hand, one of the elements which guided the President in his

decision of yesterday, was the contents of document S/7891<sup>12</sup> referring to a *note verbale* dated 2 May 1967 from the Secretary-General to the permanent representative of the USSR regarding the implementation of Security Council resolution 232 (1966) of 16 December 1966 on the situation in Southern Rhodesia. After having read the *note verbale*, the President said that on the question of the distribution of the telegram in question, he did not insist on the practice that was followed, and was willing to take any course of action which might be approved by the Security Council.

The representative of Hungary contended that the Secretariat had supplied the President with only one case in which a document of a non-Member State had not been distributed. That was in June 1967, and the document again had come from the German Democratic Republic. Indirectly this meant that all the documents of other non-Member States, when there had been some issue on which they had felt it necessary to communicate with the Security Council, had been distributed as its official documents. This was, therefore, a discrimination against the German Democratic Republic. Moreover, there was another difference between this case and the case which took place in June 1967. During the current debate, reference to the German Democratic Republic was made on a number of occasions, and to a certain extent it was a party to the issue. Therefore, the 1967 statement had been of a different nature from the statement distributed the day before. The two points should be taken into consideration by the President concerning the distribution as an official document of the telegram he received.<sup>13</sup>

The representative of the USSR proposed that the representative of the German Democratic Republic be invited to participate in the discussion. After the rejection of the proposal, the Security Council proceeded with the consideration of the item on its agenda.<sup>14</sup>

#### **\*\*B. RULE 7: PREPARATION OF THE PROVISIONAL AGENDA**

#### **\*\*C. RULE 8. COMMUNICATION OF THE PROVISIONAL AGENDA**

<sup>12</sup> See, in this chapter, Case 1<sup>a</sup> above.

<sup>13</sup> For texts of relevant statements, see: 1445th meeting (PV): President (Brazil), pp. 2, 3-5, 11, 72-81; Canada, p. 36; Hungary, pp. 12, 81, 87; USSR, pp. 6-10, 11, 33-35; United Kingdom, p. 16; United States, p. 17.

<sup>14</sup> *Ibid.*, p. 92, see also in chapter III, Case 1.

## Part III

## ADOPTION OF THE AGENDA (RULE 9)

## NOTE

Under rule 9, the first item on the provisional agenda for each meeting of the Security Council is the adoption of the agenda. Unless an objection has been raised, the Council usually adopts the provisional agenda without vote,<sup>16</sup> either with or without amendments.<sup>16</sup>

As in previous volumes of the *Repertoire*, part III is devoted to the proceedings of the Council on those occasions when objection has been raised to the adoption of the agenda or other discussion on the adoption of the agenda has taken place.

Section A deals with the procedure of the Council in voting on the adoption of the agenda.

Section B deals with one instance when objection had been raised to the adoption of the agenda on grounds related to the substance of the item on the provisional agenda; the case history is related to procedural aspects of the discussion at the stage of the adoption of the agenda.

Under Section C are treated other questions of procedure relating to the adoption of the agenda, such as the order of discussion of items on the agenda (Case 1), the scope of items and sub-items on the agenda in relation to the scope of discussion (Cases 2 and 3), the phrasing of items on the agenda (Cases 4, 5 and 6) and the postponement of consideration of items (Case 7).

During the period under review, participation in the discussion of the adoption of the agenda has been limited to Council members.<sup>17</sup>

#### A. PROCEDURE OF VOTING ON ADOPTION OF THE AGENDA

##### \*\*1. Votes taken concerning individual items on the provisional agenda

##### \*\*2. Votes taken on proposals to determine or change the order of items

<sup>16</sup> On two instances, the Council proceeded to adjourn the meeting without the discussion on the adoption of the provisional agenda having been completed: at its 1271st and 1272nd meetings on 1 February 1966, when the provisional agenda included the letter dated 31 January 1966 from the Permanent Representative of the United States, concerning the situation in Viet-Nam. At its 1429th meeting on 5 June 1968, when the provisional agenda related to the situation in the Middle East (II), after expressions of tribute had been made by the Council members to a statesman on whose life an attempt had been made that morning, the Council decided to suspend its work as a mark of sympathy.

<sup>16</sup> For an instance of adoption of the agenda, as amended, see Case 10.

<sup>17</sup> On one occasion however, after the provisional agenda had been adopted, without objection, the representative of Jordan, not a member of the Council, who had been invited to participate in the discussion, raised objections to the phrasing of the adopted agenda, drawing the Council's attention to the fact that the usual title "Question of Palestine" did not appear on the provisional agenda. For statements by the representatives of Jordan, USSR, Bulgaria and Mali, see 1345th meeting (PV), pp. 42, 56 and 1346th meeting, pp. 23, 76.

#### 3. Votes taken on the adoption of the agenda as a whole

During the period under review, after objections had been raised on the adoption of the agenda as a whole, the Security Council voted upon and adopted the agenda in the following instances:

1273rd meeting, 2 February 1966.<sup>18</sup>

1388th meeting, 26 January 1968.<sup>19</sup>

1441st meeting, 21 August 1968.<sup>20</sup>

#### CASE 4

At the 1441st meeting on 21 August 1968, in connexion with the situation in Czechoslovakia, the representative of the United States requested, in the light of the USSR objections (see in this chapter, case 3) to the adoption of the agenda, that the question of the adoption of the agenda be put to a formal vote.

After the conclusion of the discussion on the adoption of the agenda, the President (Brazil) stated that since objections had been raised to the adoption of the agenda, he intended to ask the Council to vote on the adoption of the agenda.

The representative of the USSR observed that he had stated that there were no grounds for discussion of the matter in the Security Council, but he did not insist on a vote being taken.

The President pointed out that when objections were raised to the adoption of the agenda, the normal way for the Security Council to proceed would be to put the agenda to the vote. Since the objections had not been withdrawn, it was his intention to proceed to the vote.

The representative of the USSR agreed on this existing practice, and remarked that when a member of the Council who had raised objections, did not insist on a vote, a vote became unnecessary. The one who objected explained his position in his statement and this was sufficient.

The representative of the United States reiterated that the Council should express its views by taking a vote on the adoption of the agenda.

The President stated that he was confronted with objections to the adoption of the agenda and to a vote on its adoption and with a formal motion to the effect that the Security Council proceeded to the vote. Under such circumstances, the normal procedure was to take a vote on the adoption of the agenda.

The representative of the USSR said that he had no objection to the vote, but did not insist on the vote being taken. The President stated that since there were no

<sup>18</sup> 1273rd meeting, para. 27, in connexion with the situation in Viet-Nam.

<sup>19</sup> 1388th meeting (PV), pp. 17-20, in connexion with the complaint of the United States (Pueblo incident).

<sup>20</sup> 1441st meeting (PV), pp. 58-60, in connexion with the situation in Czechoslovakia.

objections to the vote on the adoption of the agenda, the Council would proceed to the vote.<sup>20a</sup>

**Decision:** the agenda was adopted.<sup>20b</sup>

## B. CONSIDERATION OF:

### 1. Requirements for the inclusion of an item in the agenda

#### CASE 5

At the 1441st meeting on 21 August 1968, the Security Council included in its provisional agenda the following item:

"2. Letter dated 21 August 1968 from the representatives of Canada, Denmark, France, Paraguay, the United Kingdom and the United States addressed to the President of the Security Council (S/8758)."

The President (Brazil), after the meeting was called to order, recognized the representative of the USSR on a point of order, who read a letter of the USSR delegation addressed to the President of the Security Council. With reference to the request contained in document (S/8758) that a meeting of the Security Council be convened to consider the question of the current situation in the Czechoslovak Socialist Republic, it was stated in the letter that the USSR resolutely opposed the consideration of that question by the Security Council. The events in Czechoslovakia were a matter of concern for the Czechoslovak State and the States of the socialist community, linked among themselves by appropriate mutual obligations.

The representative of the United States declared that there was not the slightest doubt that the request of the six Member States that the serious situation in Czechoslovakia be inscribed on the agenda of the Security Council, was proper and should be promptly effected if the Council was to live up to the responsibilities given to it by the Charter.

The representative of the USSR, speaking on the point of order, said that the USSR delegation had opposed not only the inclusion of the item proposed by the six Member States in the agenda of the Council, but even the convening of the Council, since the problem was outside its purview.

The representative of the United States stated that the Security Council had a responsibility to condemn the violation of the Charter and to call upon the USSR and its allies to withdraw its forces immediately from Czechoslovakia, and requested that the question of the adoption of the agenda be put to the formal vote.

The representative of Canada contended that all Member States of the United Nations, and particularly members of the Security Council who were charged under Article 24 with the primary responsibility for the maintenance of international peace and security, must uphold

certain principles which were the foundation of the Charter. One of these principles was the sovereign equality of all Member States. Another was that 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. The representative further quoted the first operative paragraph<sup>21</sup> of General Assembly resolution 2131 (XX), "Declaration on the inadmissibility of intervention in the domestic affairs of States for the protection of their independence and sovereignty", and stated that the consideration of the matter before the Council should be pursued as a matter of urgency.

The representative of the United Kingdom pointed out that the armed invasion of Czechoslovakia carried out by the USSR and other States, stood condemned by the Charter, by the Government of Czechoslovakia and by the text of the Warsaw Treaty; in its article 1, the parties undertook to refrain in their international relations, from the threat or use of force, and to settle their international disputes by peaceful means. For these reasons, the matter should be inscribed on the agenda of the Security Council.

The representatives of Denmark and Paraguay supported the proposal concerning the adoption of the agenda.

The representative of the USSR stated that the armed forces of the Socialist States had entered the territory of Czechoslovakia as a result of a request of its Government. Moreover, the USSR Government had in its possession irrefutable data concerning ties between the internal reaction in Czechoslovakia and those outside who were interested in pulling Czechoslovakia out of the Socialist Community of States. The decision of the Socialist States to give assistance to the Czechoslovak people was therefore fully in accordance with the right of peoples to individual and collective self-defence, the right provided for in Article 51 of the Charter of the United Nations. The measures taken by the Socialist States were in full conformity with the Charter and with the treaties of alliance concluded among those States. The events which took place in Czechoslovakia were a matter for the Czechoslovak people and the States of the Socialist Community alone. Neither the Czechoslovak Government nor the Government of any other Socialist State had appealed to the Security Council; none of them asked for a meeting of the Security Council, not only because they regarded it unnecessary in the current circumstances but also because they considered the matter as being outside the competence of the Council.<sup>22</sup>

**Decision:** The agenda was adopted<sup>23</sup> by 13 votes in favour, 2 against.

<sup>20a</sup> For texts of relevant statements, see: 1441st meeting (PV): President (Brazil), pp. 53-55, 56, 57, 58, 60; USSR, pp. 56, 57; United States, pp. 56, 57.

<sup>20b</sup> 1441st meeting (PV), pp. 58-60. Similar objections to the adoption of the agenda were raised by the representative of the USSR at the 1444th meeting on 23 August 1968. However, the agenda was adopted without a vote being taken.

For texts of relevant statements, see: 1441st meeting (PV), pp. 11, 12, 13-16; United States, pp. 12, 16.

<sup>21</sup> This paragraph provides: "No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are condemned."

<sup>22</sup> For texts of relevant statements, see: 1441st meeting (PV): President (Brazil), pp. 2-11; Canada, pp. 23, 26; Denmark, p. 31; Paraguay, pp. 53, 55; USSR, pp. 16, 32, 41, 48-50, 52; United Kingdom, pp. 26-28; United States, p. 11.

<sup>23</sup> *Ibid.*, pp. 58-60.

**\*\*2. Effect of the inclusion of an item  
in the agenda**

**C. OTHER DISCUSSION ON THE ADOPTION  
OF THE AGENDA**

**1. Order of discussion of items on the agenda**

**CASE 6**

At the 1288th meeting on 25 July 1966, item 2 of the provisional agenda (S/Agenda/1288/Rev.1) read as follows:

**"2. The Palestine question:**

- (a) Letter dated 21 July 1966 from the Permanent Representative of Syria to the United Nations addressed to the President of the Security Council (S/7419);
- (b) Letter dated 22 July 1966 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council (S/7423)."

Before the adoption of the agenda, the representative of Jordan objected to the inscription of the "complaint" by Israel. Originally, Syria had requested a Council meeting, and a date had been set for the consideration of the matter. A provisional agenda had been drawn up (S/Agenda/1288) which referred solely to the Syrian complaint. Israel had subsequently submitted what were intended to be counter charges, which should not be placed on an equal level with the Syrian case, since they were designed to divert the attention of the Council from the real issue.

The representatives of the USSR and Bulgaria supported these objections. The latter suggested that item 2(a) should be discussed first and separately while he had no objections to the Council subsequently discussing item 2(b).

The representative of the United Kingdom observed that according to the Council's practice, communications from both sides in disputes which were submitted to the Council should appear on the same agenda, and be dealt with simultaneously. He, therefore, proposed the adoption of the provisional agenda as it stood.

The representative of Jordan denying the existence of an established practice in this respect, mentioned other instances when the Council had examined first item (a) and later item (b). He referred to such precedents in the Council's practice.<sup>24</sup>

The President (Nigeria) recognized that past practice of the Council was not conclusive. However, since the reservations made to the adoption of the agenda had not involved formal proposals for amending it, the Council might agree that the provisional agenda be adopted as drafted, and that the question be later discussed as to how to proceed on the consideration of both items. He stated that he did not agree with the idea of giving equal footing to the two requests. In point of fact, request (a) stood before request (b), so that the two requests were not on an equal footing. He could not make a ruling for the Council, but he suggested that when its members discussed the programme of their work, they might then

deal with that problem.<sup>25</sup> The agenda was adopted, upon that understanding, and since there were no objections, without a vote.<sup>26</sup>

**2. Scope of items and sub-items on the agenda  
in relation to the scope of discussion**

**CASE 7**

At the 1343rd meeting on 29 May 1967, in connexion with the situation in the Middle East (I), before the adoption of the agenda, the President (China) drew the Council's attention to the fact that in addition to item 2 of the provisional agenda on which discussion had been adjourned at the previous meeting, items 3 and 4 had been added to the provisional agenda of the current meeting. Since there were no objections, he declared the agenda as adopted.<sup>27</sup> Subsequently, the President stated that normally items were discussed in the order in which they were listed in the agenda. Since items 2, 3 and 4 appeared to be more or less interrelated, he inquired from the Council members how they wished to proceed with the discussion.

The representative of the United States suggested that all the items be considered together, since they were related to the same subject.<sup>28</sup>

The President then announced that there being no objections, the Council would proceed in that manner.<sup>29</sup>

**CASE 8**

At the 1460th meeting on 29 December 1968, the provisional agenda read as follows:

**"The Situation in the Middle East:**

"Letter dated 29 December 1968 from the Permanent Representative of Lebanon addressed to the President of the Security Council (S/8945)

"Letter dated 29 December 1968 from the Acting Permanent Representative of Israel addressed to the President of the Security Council (S/8946)"

After the adoption of the agenda,<sup>30</sup> the representative of the USSR observed that due to the urgent nature of the request for convening the Council, he had not wished to initiate a procedural discussion, and had reluctantly accepted the adoption of the agenda. However, he reserved his right to return to this matter later,<sup>31</sup> since the second sub-item on the provisional agenda did not have a direct relationship to the situation in the Middle East, inasmuch as the events to which it was related had taken place in Athens.

<sup>24</sup> For texts of relevant statements, see:

1288th meeting: President (Nigeria), paras. 41-43, 45; Bulgaria, paras. 24, 25; Jordan, paras. 8-14, 31-34; USSR, paras. 15-18, 35-39; United Kingdom, paras. 26-30.

<sup>25</sup> 1288th meeting, para. 45.

<sup>26</sup> 1343rd meeting, para. 2.

<sup>27</sup> For texts of relevant statements, see:

1343rd meeting: President (China), paras. 7, 8; United States, para. 9.

<sup>28</sup> 1343rd meeting: para. 10.

<sup>29</sup> 1460th meeting (PV): p. 2.

<sup>30</sup> For the later statements of the USSR, see 1462nd meeting, p. 76.

<sup>24</sup> *Repertoire Supplement 1956-1958*, chapter II, part III, p. 36.

The representative of Canada requested to be assured that in adopting the agenda, the Council members had done so without prejudice to the positions that they, or the parties concerned, might take on the substance of the matter.

The President (Ethiopia) stated that it was his understanding that Council members, in their statements, might refer to any part of the agenda as it stood.<sup>32</sup>

### 3. Phrasing of items on the agenda

#### CASE 9

At the 1305th meeting on 14 October 1966, in connexion with the Palestine question, the provisional agenda included the following item:

#### "2. The Palestine question:

*Letter dated 12 October 1966 from the Permanent Representatives of Israel to the United Nations, addressed to the President of the Security Council (S/7540)."*

During the discussion on the adoption of the agenda, the representative of Jordan stated that there was need for an amendment in the provisional agenda. It was a well established practice in the Security Council to present items for discussion on the agenda without prejudging the issues. The text of the letter of Israel should be examined carefully before being accepted as the basis for the Council's agenda. He took exception to the reference to it in the provisional agenda, since it referred to acts of aggression, threats and open incitement to war, which were all findings and conclusions. These were nothing but allegations, and the agenda to be adopted by the Council should reflect reality and any complaints made in an impartial manner. The representative then formally moved that item 2 of the provisional agenda should read as follows: "The Palestine question: Allegations contained in the letter dated 12 October 1966 . . .", leaving the remainder of the text as it was.

The representative of New Zealand observed that the phrasing of the provisional agenda followed the traditionally neutral wording, with no statement of the substance of the matter whatsoever.

The representative of Jordan noted that the letter of Israel was unusual in that it did not embody references to facts or events, but contained rather two charges, a condemnation and acts of aggression which were not proved or defined. The Council could not refer to a letter of such kind unless it referred to it as a charge or charges. On the other hand, the provisional agenda continued to be under the jurisdiction of its President until the Council took action. He could, therefore, proceed to make the necessary changes in order to make it more acceptable to the Council members.

The President (United Kingdom) stated that the provisional agenda had been drawn up in accordance with the usual custom and in the usual manner, and that he would therefore seek the decision of the Council on whether it should be adopted. He inquired of the repre-

sentative of Jordan whether he wished the matter to be put to a vote.

The representative of the United States observed that at this stage, the Security Council, which possessed no authority to censor a communication from any Member, passed no judgement about the merits of the letter.

The representative of Uruguay pointed out that the use of a legal term in a document by one of the parties in no way committed the Council as a whole or any of its members.

The representative of Nigeria maintained that having regard to all the precedents, and to the fact that using the word "letter" in the provisional agenda did not commit the Council to its contents, but merely submitted its text for consideration, appealed to the representative of Jordan not to press to a vote the issue of the wording which he had raised.

In the view of the representative of Bulgaria, the Council was duty bound to take account of the objections raised to the phrasing of the agenda item, which could rather start with the words "Complaint contained in the letter dated 12 October 1966 . . .". The Council would be then dealing with a complaint and not with a letter containing language objectionable to certain Council members.

The representative of Uganda expressed the view that it was an established fact that whatever was asserted by a complainant, was and should be taken as nothing more than allegations until the complainant had proved his case. In the previous complaints before the Council, the wording had always been the same as this: "Letter dated . . . from . . .". There was no need therefore for an alteration in this particular case.

The representative of Jordan agreed with the amendment suggested by the representative of Bulgaria. However, if the text of the agenda item approved by the President did not, in his view, prejudice, prejudice or affect the substance of the question, he would not insist on having the matter put to a vote. It should, in any case, be borne in mind that adopting the agenda was not an automatic formula, and the Council had to be very careful about the terms, phraseology and meaning of the agenda item.

The representative of the Netherlands stated that the wording of the agenda chosen by the Secretariat and supported by the President, was in conformity with the constant practice of the Council. In "Summary statement by the Secretary-General on matters of which the Security Council is seized" were listed about seventy-three items and in thirty-two cases the agenda was worded: "Letter dated . . . from the representative of . . .". It appeared that this had been the practice adopted since 1954, because earlier wordings had given rise to difficulty. The representative then moved that the Security Council should adopt the agenda as it stood.

The President reiterated his view that the provisional agenda had been formulated in accordance with standard practice, and stressed that there was no question whatsoever, by accepting the usual wording of the agenda, of accepting any allegation or any complaint put forward in the substance of the communications addressed to the Council, and which would be the subject of the Council's discussion. There was no implication, therefore, that in accepting the agenda, the representative of Jordan,

<sup>32</sup> For texts of relevant statements, see: 1460th meeting (PV): President (Ethiopia), pp. 2, 6; Canada, p. 6; USSR, pp. 2-5.

or any other Council member, accepted the contents of the letter of the representative of Israel.

In view of the clarification made by the President, the representative of Jordan considered that there was no need to vote on the motion for the adoption of the agenda which had been submitted by the representative of the Netherlands.<sup>32a</sup>

The agenda was adopted without a vote.<sup>33</sup>

#### CASE 10

At the 1448th meeting on 8 September 1968, the provisional agenda read as follows:

"The Situation in the Middle East:

"Letter dated 2 September 1968 from the Acting Permanent Representative of Israel addressed to the President of the Security Council (S/8794)

"Letter dated 8 September 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8805)

"Letter dated 8 September 1968 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8806)."

Before the adoption of the agenda, the representative of Algeria remarked, on a point of order, that the Council was meeting to consider the situation arising from the events of 8 September in the Suez Canal area, pursuant to the request of the representative of the United Arab Republic.

The President (Canada) stated, in reply, that in formulating the agenda, he had followed the precedent of keeping the item under the general heading "Situation in the Middle East", and had added the letter from the representative of the United Arab Republic as an item under that heading.

The representative of the USSR supported the view of the representative of Algeria that the Council was meeting to consider a new question.

The President replied that in formulating the agenda he had followed the provisions of rule 10 and past practice of the Security Council. He noted that if the representative of the USSR would like to make a formal motion regarding the order of the listing of the items on the agenda, the President could consult the Council thereon.

After the representative of the USSR reaffirmed his view that the Council had met that day to consider a new question, the President stated that he had taken note of the remark of the representative of the USSR and, in the absence of further remarks, declared the agenda adopted.<sup>34</sup>

#### 4. Postponement of consideration of items

##### CASE 11

At the end of the 1304th meeting on 13 October 1966, at which the Council dealt with the complaint of the Democratic Republic of the Congo, a discussion took place concerning the future work of the Council. The President (United Kingdom) stated that after some preliminary consultations, two meetings had been scheduled for the next day: one in the morning, to consider a complaint by Israel, and the other, in the afternoon, to deal with the admission of New Members. He therefore proposed that the discussion concerning the Congo should be continued either on that same afternoon or the next day, after concluding the consideration of the admission of New Members. Objections to this suggestion were raised by the representatives of Nigeria, Uganda, the USSR, Jordan, Bulgaria and Mali, who expressed the view that the discussion on the Congolese question should be resumed with the minimum possible delay. That same afternoon, the meeting could not be held since there were consultations under way. Therefore, the Council should resume the consideration of the Congolese question in the morning of the next day. The President further pointed out that while the Council should not turn its attention to other questions until it had completed consideration of the matter before it, it could, being master of its own procedure, make any changes on its scheduled meetings that might be required by emerging circumstances. It was, however, recognized that a decision on the matter fell under the President's prerogatives. The representatives of the United States, New Zealand and France supported the proposal of the President.

The President further observed that the meeting on the Palestine question had been scheduled for the next day, after consultation with the Council members, due to the fact that an urgent request for such a meeting had been made. He had convoked that meeting in exercise of his authority as President of the Council, and such a decision having been taken, it should stand. Since the debate on admission of New Members, in the afternoon meeting of the next day, was not likely to take any length of time, he would decide that after that meeting the Council should proceed with the discussion on the Congolese item, which was therefore being postponed until then.<sup>35</sup>

At the 1305th meeting on 14 October 1966, the Council had before it as its provisional agenda a complaint by Israel.<sup>36</sup> During the discussion, the representative of the USSR reiterated his earlier objections to the interruption of the discussion of the Congolese question, which he considered to be an acute problem affecting many African countries while, after studying the relevant facts and documents, he had failed to see the alleged urgency of Israel's complaint which would have it take precedence over the consideration of the complaint of the Democratic Republic of the Congo. It was, therefore, all the more

<sup>32a</sup> For texts of relevant statements, see:

1305th meeting: President (United Kingdom), paras. 26, 119; Bulgaria, para. 64; Jordan, paras. 10-15, 79-80, 127; Netherlands, paras. 90-92; New Zealand, para. 21; Nigeria, paras. 57-58; Uganda, paras. 69-70; United States, paras. 36-38; Uruguay, para. 50.

<sup>33</sup> 1305th meeting: para. 131.

<sup>34</sup> For texts of relevant statements, see:

1448th meeting (PV): President (Canada), pp. 2-5; Algeria, p. 2; USSR., pp. 3-5.

<sup>35</sup> For texts of relevant statements, see:

1304th meeting: President (United Kingdom), paras. 124, 129, 130, 135, 151-154; Bulgaria, para. 142; France, paras. 149, 150; Jordan, para. 141; Mali, para. 145; New Zealand, paras. 143, 144; Nigeria, paras. 126, 127; Uganda, paras. 132-134; USSR, paras. 136-140; United States, para. 131.

<sup>36</sup> S/7540, OR, 21st yr., Suppl. for Oct.-Dec. 1966, pp. 28-29.

strange that the President had taken the unilateral decision to convene the Council immediately on that complaint despite the fact that the members of the Council were divided on the subject, and that it was not clear which was the majority view.

The representative of New Zealand observed that there were many examples in the practice of the Council of the precedent that, because of a similar urgency, matters had been dealt with in parallel fashion. That precedent was being applied in the question before the Council, and the President was fully authorized to propose it in accordance with the provisional rules of procedure of the Council.

The representative of the United States noting that the Security Council, by virtue of its responsibility under the Charter, had often before it simultaneously many problems of urgency, emphasized that the President's authority had not been challenged, and that he had, as other Council's Presidents, accommodated himself to the exigencies of the situation.

In supporting also the position of the President, the representative of Uruguay held that in respect of the powers of the President, the Council had to abide by the provisions of rules 1, 2, 7, 8 and 9 of the provisional rules of procedure of the Security Council. The President, in his view, had acted in accordance with the powers vested in him, as well as following the precedents which had been previously mentioned. It was clear that he had exercised his authority in conformity with the Charter.

The representative of Nigeria agreed that in regard to the sequence of items on the agenda, final responsibility rested with the President of the Council.

The representative of Bulgaria clarified that being aware of the responsibilities and authority of the President of the Council, he had only appealed to him, at the previous meeting, to reconsider his decision on the future meetings of the Council.

The representative of Uganda, while admitting that the provisional rules of procedure of the Council gave the President absolute discretion as regards the convening of Council meetings, wondered whether, when there was

already an issue before the Council, the President had the power to superimpose another item on the agenda, deciding which item should take priority without consulting the Council's members and gaining their support.

The representative of the Netherlands observed that there had been many cases when the Council was debating a particular item and decided to debate another question that came up urgently, interrupting the debate on the former item. There was no implication at all in such a procedure that the interrupted debate had less urgency or was of less importance. He subsequently moved that the Council should adopt the agenda as it stood.

The President recalled that he had previously stated that, as a matter of principle, he considered that when a meeting of the Council was requested on a question which was said to be urgent, then such a meeting should be convened without delay, except when there was a special or overriding reason to the contrary. For that reason, having consulted all the Council members, he had previously decided that there would be a morning meeting on that date to consider the complaint by Israel, and that, as arranged, the afternoon meeting should deal with the admission of new Members. In taking such a decision, the President had acted in accordance with his right and duty under the provisional rules of procedure of the Council. He had also provided that, after the question of admission of new Members, the Council would resume its discussion of the Congo item. After a statement by the representative of the Netherlands, that he would not insist on the agenda being voted upon, the President declared the agenda adopted without a vote.<sup>37-39</sup>

#### \*\*5. Precedence of the decision of adoption of the agenda

<sup>37-39</sup> For texts of relevant statements, see:

1305th meeting: President (United Kingdom), paras. 120-126; Bulgaria, paras. 59-62; Netherlands, paras. 87-89; New Zealand, paras. 18-19; Nigeria, para. 55; Uganda, paras. 65-67; Uruguay, paras. 40-47; USSR, paras. 2-8; United States, paras. 32-33, 35.

### Part IV

## THE AGENDA: MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED (RULES 10 AND 11)

### NOTE

Rule 10 of the provisional rules of procedure was designed to enable the Security Council to continue, at its next meeting, the consideration of an item of unfinished business without subjecting that item to renewed debate in connexion with the adoption of the agenda. In practice, however, the provisional agenda has not contained all items of unfinished business. The case history inserted in section A (Case 10) is related to an instance when a member of the Council queried the President for his failure to include a letter on the provisional agenda.

In the volume of the *Repertoire* covering the period 1946-1951, it was noted that items on the agenda of the

Council have remained on the Secretary-General's Summary Statement of matters of which the Security Council is seized when the tenor of the Council's discussion has revealed a continuing concern with the matter.<sup>40</sup>

<sup>40</sup> The following resolutions contained provisions according to which the Security Council decided to maintain the item on the agenda or to remain seized of the matter: resolutions 232 (1966) of 16 December 1966, oper. para. 13; and 253 (1968) of 29 May 1968, oper. para. 23, adopted in connexion with the situation in Southern Rhodesia; resolution 244 (1967) of 22 December 1967, oper. para. 6, adopted in connexion with the complaint by Cyprus; and resolutions 245 (1968) of 25 January 1968, oper. para. 5; and 246 (1968) of 14 March 1968, oper. para. 7, adopted in connexion with the question of South West Africa.



During the period under review, additional evidence supporting such retention has been provided when the President of the Council has announced, upon conclusion of the debate, that the Council remained seized of a question.<sup>41</sup>

The tabulation appearing in section B.1 brings up to date those appearing in previous volumes of the *Repertoire*.

#### A. RULE 10

##### CASE 12

At the 1365th meeting on 8 July 1967, in connexion with the situation in the Middle East (I), the revised provisional agenda included the following items:

- "2. Letter dated 23 May 1967 from the Permanent Representatives of Canada and Denmark addressed to the President of the Security Council (S/7902)
- "3. Complaint of the representative of the United Arab Republic in a letter to the President of the Security Council dated 27 May 1967 entitled: 'Israeli aggressive policy, its repeated aggression threatening peace and security in the Middle East and endangering international peace and security' (S/7907)
- "4. Letter dated 29 May 1967 from the Permanent Representative of the United Kingdom addressed to the President of the Security Council (S/7910)
- "5. Letter dated 9 June 1967 from the Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council concerning an item entitled: 'Cessation of military action by Israel and withdrawal of the Israeli forces from those parts of the territory of the United Arab Republic, Jordan and Syria which they have seized as the result of an aggression' (S/7967)".

At the beginning of the meeting, the President (Ethiopia) explained that the meeting had been called as a result of consultations with Council members, after he had received communications from the representatives of the United Arab Republic (S/8043) and of Israel (S/8044) requesting an urgent meeting of the Security Council.

The representative of the USSR raised objections to the adoption of the agenda on the grounds that the meeting had been convened as a direct consequence of the appeal from the representative of the United Arab Republic that the Council examine the violation by Israeli forces of the cease-fire order. The representative of the USSR enquired, therefore, what the reason was that the provisional agenda made no reference to that appeal which was the substance of the matter concerning which the Council meeting had been convened. The agenda should, in his view, consist of only one item: the letter dated 8 July 1967 from the Permanent Representative of the United Arab Republic, document S/8043.

The President stated that he had approved the provisional agenda in accordance with rule 7 of the Council's rules of procedure, including in it the items that were before the Council, out of which arose the two communications, one from the United Arab Republic and the other from Israel, which had led to the convening of the meeting. In his initial statement, the President had informed the Council members that those two communications were before the Council in just the same way as the other items, and were inseparably related to the provisional agenda of the current meeting. However, the matter of approving the agenda was up to the Council.

The representative of the USSR observed that the situation to which the agenda was related, had a very long history, and the Council had devoted many meetings to it. There was no need to include in the agenda a long enumeration of items. The agenda should rather be drafted having regard to the aforementioned appeal of the United Arab Republic, which had been the reason for convening urgently the meeting.

The President stated that the discussion of the two communications he had mentioned, dated 8 July 1967, within the context of the items included in the revised provisional agenda, of which the Council had not as yet disposed, would be the best way of dealing with the matter. The Council members could, of course, decide whether to change, add or subtract from the enumeration of items proposed in the agenda.

The representative of the United States, in approving the President's action in preparing the provisional agenda, drew the Council's attention to the fact that in connexion with the same Middle East situation, several emergency meetings had been convened with an agenda prepared in an identical form to that of the provisional agenda before the current meeting.

The President clarified that the two communications dated 8 July 1967, received from the Governments of the United Arab Republic and of Israel, were obviously before the Council, and had been distributed to its members as documents S/8043 and S/8044, respectively.

The representative of Bulgaria remarked that in none of the various communications which appeared in the revised provisional agenda, was there any question of violation of the cease-fire, especially of the specific violation to which the appeal by the United Arab Republic made reference. Also the letter sent by the representative of Israel on the same date referred to a violation of the cease-fire.

The representative of Denmark, referring to rule 10, agreed with the President's procedural action. He further referred to a letter dated 10 June 1967 from the Perma-

<sup>41</sup> For the statements of the President, see:

1383rd meeting (PV), p. 71, in connexion with the complaint by Cyprus;

1412th meeting (PV), p. 66, in connexion with the situation in the Middle East (II);

1445th meeting (PV), p. 123, in connexion with the situation in Czechoslovakia. Subsequently, by letter (S/8785, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, p. 152) dated 27 August 1968, addressed to the President of the Security Council, the Acting Permanent Representative of Czechoslovakia requested the President that in view of the agreement which had been reached in the USSR-Czechoslovak talks held in Moscow from 23 to 26 August 1968, the Czechoslovak item submitted by letter (S/8758), dated 21 August 1968 from the representatives of Canada, Denmark, France, Paraguay, the United Kingdom and the United States, be withdrawn from the Council's agenda. He also drew the attention of the President of the Council to the fact that Czechoslovakia had not requested the inclusion of that item in the agenda of the Council. No action was taken by the Council on this request.



nent Representative of the USSR requesting the Council to consider a violation of its decisions calling for the cessation of military activities. Such a letter had not been included in the agenda while the Council discussed the matter, without objection, under an agenda identical to the one before the current meeting.

The representative of the USSR stated that the provisional agenda as drafted, contained only the last group of items covered by the second paragraph of rule 7, that is, "matters which the Security Council has previously decided to defer". However, in accordance with its provision that "items which have been brought to the attention of the representatives on the Security Council", the letter (S/8043) must be included in the agenda. He recalled further that in the instance that had just been mentioned, there was no particular necessity to have the letter in question included in the agenda. That could not be understood as constituting a precedent.

The representative of India, although of the view that procedure, at times, might affect substance, said that because of the need of dealing urgently with the alleged grave violations of the cease-fire, the Council could decide to change the provisional agenda by adding the documents S/8043 and S/8044 in reference.

The President stated that, there being no objection to the motion of the representative of India, both letters contained in documents S/8043 and S/8044 would be inscribed on the agenda.<sup>42</sup>

The agenda, as amended, was adopted, without a vote.<sup>43</sup>

<sup>42</sup> 1365th meeting (PV): President (Ethiopia), pp. 2-6, 7-11, 16, 17, 22, 32; Bulgaria, pp. 22-27; Denmark, pp. 27-30; India, p. 32; USSR, pp. 6, 11-15, 21, 22, 31, 32; United States, pp. 17-21.

<sup>43</sup> 1365th meeting (PV), p. 32.

## B. RULE 11

### 1. Retention and deletion of items from the Secretary-General's Summary Statements on matters of which the Security Council is seized

This tabulation, which supplements those appearing in the *Repertoire, 1946-1951*, the *Supplement, 1952-1955*, pp. 33-40, the *Supplement, 1956-1958*, pp. 38-45, the *Supplement, 1959-1963*, pp. 49-61, and the *Supplement, 1964-1965*, pp. 29-41, covers matters appearing in the Secretary-General's Summary Statements during the period 1966-1968. The items included are (1) those of which the Security Council was seized at the close of the period covered by the earlier tabulations, and (2) items of which the Council has been seized since that time. Items are listed in the order in which they have appeared in the Summary Statement. Items to the end of 1963 are numbered to conform with the numberings in the earlier tabulation. The titles used are those occurring in the Summary Statement except for some abridgements.

Item	First inclusion in the agenda	First entry in Summary Statement	Last action of the Council as of 31 December 1968	Final entry in Summary Statement as of 31 December 1968
1. The Iranian question	3rd meeting, 28 January 1946	S/45, 23 April 1946	Adopted Netherlands proposal to adjourn discussion and resume it at the request of any member 43rd meeting, 22 May 1946 <sup>a</sup>	
3. Statute and Rules of Procedure of Military Staff Committee	1st meeting, 17 January 1946	S/45, 23 April 1946	Referred report of Military Staff Committee to Committee of Experts 23rd meeting, 16 February 1946	
4. Special Agreements under Article 43 of the Charter	1st meeting, 17 January 1946	S/45, 23 April 1946	Discussed report of Military Staff Committee 157th meeting, 15 July 1947	
5. Rules of procedure of the Security Council	1st meeting, 17 January 1946	S/45, 23 April 1946	Amended rules 468th meeting, 28 February 1950	
14. The general regulation and reduction of armaments	88th meeting, 31 December 1946	S/238, <sup>b</sup> 3 January 1947	Dissolved Commission for Conventional Armaments in accordance with recommendation in General Assembly resolution 502 (VI) 571st meeting, 30 January 1952	

<sup>a</sup> See *Repertoire of the Practice of the Security Council, 1946-1951*, Case 56, pp. 92-93.

<sup>b</sup> Combined in S/279 of 14 February 1947 in accordance with the Security Council's decision to deal with the two items together.

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1968</i>	<i>Final entry in Summary Statement as of 31 December 1968</i>
Information on armed forces of United Nations (General Assembly resolutions 41 (1) and 42 (1))	89th meeting, 7 January 1947	S/246, <sup>b</sup> 10 January 1947		
19. Appointment of a Governor of the Free Territory of Trieste	143rd meeting, 20 June 1947	S/382, 20 June 1947	Postponed discussion of the item 647th meeting, 14 December 1953	
20. The Egyptian question	159th meeting, 17 July 1947	S/425, 18 July 1947	Rejected Chinese draft resolution 201st meeting, 10 September 1947 <sup>c</sup>	
21. The Indonesian question (II)	171st meeting, 31 July 1947	S/461, 1 August 1947	Failed to adopt Canadian draft resolution and rejected Ukrainian SSR draft resolution 456th meeting, 13 December 1949 <sup>d</sup>	
22. Voting procedure in the Security Council	197th meeting, 27 August 1947	S/533, 29 August 1947	Presidential statement concerning outcome of meetings of five permanent members in accordance with General Assembly resolution of 14 April 1949, 195th plenary session 452nd meeting, 18 October 1949	
24. Procedure in application of Articles 87 and 88 of the Charter with regard to the Pacific Islands under strategic Trusteeship of the United States	220th meeting, 15 November 1947	S/603, 15 November 1947	Adopted resolution concerning procedure to be employed in application of Articles 87 and 88 of the Charter to strategic areas under Trusteeship 415th meeting, 7 March 1949	
25. Applications for membership, <sup>e</sup> Republic of Korea	409th meeting, 15 February 1949	S/1244, 7 February 1949	Not recommended 423rd meeting, 8 April 1949	See items 62, 77 and 85 below
Letter of 11 February 1949 from the representative of the USSR concerning application by the Democratic People's Republic of Korea	409th meeting, 15 February 1949	S/1257, 14 February 1949	Rejected USSR proposal to refer application to Committee on Admission of New Members 410th meeting, 16 February 1949	
26. The Palestine question	222nd meeting, 9 December 1947	S/623, 12 December 1947	Failed to adopt United Kingdom-United States draft resolution (S/6113) 1182nd meeting, 21 December 1964	
27. The India-Pakistan question <sup>f</sup>	226th meeting, 6 January 1948	S/641, 9 January 1948	Adopted joint draft resolution (S/6876) 1251st meeting, 5 November 1965	

<sup>b</sup> See *Repertoire of the Practice of the Security Council, 1946-1951*, Case 59, pp. 95-96.

<sup>c</sup> See *Repertoire of the Practice of the Security Council, 1946-1951*, Case 61, p. 97.

<sup>d</sup> Listed under this heading are only those applications which failed to obtain recommendations as others were admitted by the

Council's later actions as of 31 December 1963.

<sup>f</sup> The India-Pakistan question: This item was entitled the Kashmir question in S/641. This was changed to the Kashmir and Jammu question in S/653 of 17 January 1948. The present title, India-Pakistan question, first appears in S/675, of 13 February 1948.

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1968</i>	<i>Final entry in Summary Statement as of 31 December 1968</i>
28. The Czechoslovak question	268th meeting, 17 March 1948	S/700, 22 March 1948	Discussed Argentine draft resolution (S/782) 305th meeting, 26 May 1948	
30. Question of the Free Territory of Trieste	344th meeting, 4 August 1948	S/959, 10 August 1948	Rejected draft resolutions submitted by Yugoslavia and by the Ukrainian SSR 354th meeting, 19 August 1948	
31. The Hyderabad question	357th meeting, 16 September 1948	S/1010, 22 September 1948	Heard statements by the representatives of India and Pakistan 425th and 426th meetings, 19 and 24 May 1949 <sup>e</sup>	
33. Identic Notifications dated 29 September 1948	362nd meeting, 5 October 1948	S/1029, 9 October 1948	Rejected joint draft resolution (S/1048) 372nd meeting, 25 October 1948	
38. International Control of Atomic Energy <sup>a</sup>	444th meeting, 15 September 1949	S/1394, <sup>f</sup> 21 September 1949	Adopted Canadian draft resolution as amended, and rejected USSR draft resolution (S/1391/Rev.1) 447th meeting, 16 September 1949	
43. Complaint of armed invasion of Taiwan (Formosa)	492nd meeting, 29 August 1950	S/1774, 7 September 1950	Rejected draft resolutions (S/1757 and S/1921) 530th meeting, 30 November 1950	
44. Complaint of bombing by air forces of the territory of China	493rd meeting, 31 August 1950	S/1774, 7 September 1950	Failed to adopt United States draft resolution (S/1752) and rejected USSR draft resolution (S/1745/Rev.1) 501st meeting, 12 September 1950	
48. Complaint of failure by the Iranian Government to comply with provisional measures indicated by the International Court of Justice in the Anglo-Iranian Oil Company case	559th meeting, 1 October 1951	S/2364, 2 October 1951	Adopted French motion to adjourn the debate until the International Court had ruled on its own competence 565th meeting, 19 October 1951	
50. New applications for membership. Viet-Nam (S/2466)	594th meeting, 2 September 1952	S/2770, 8 September 1952	Not recommended 603rd meeting, 19 September 1952	
Democratic Republic of Viet-Nam (S/2466)	594th meeting, 2 September 1952	S/2770, 8 September 1952	Not recommended 603rd meeting, 19 September 1952	
51. Question of appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons	577th meeting, 18 June 1952	S/2679, 23 June 1952	Rejected USSR draft resolution 583rd meeting, 26 June 1952	

<sup>e</sup> See *Repertoire of the Practice of the Security Council, 1946-1951*, Case 60, pp. 96-97.

<sup>a</sup> The agenda item at the 444th through 447th meetings of the Security Council was entitled "Letter dated 29 July 1949 from the Chairman of the Atomic Energy Commission addressed to the

President of the Security Council (S/1377)".

<sup>f</sup> An earlier summary statement, S/1388 of 12 September 1949, referred under the same heading to a Canadian draft resolution (S/1386) circulated in anticipation of the discussion of the question at a forthcoming meeting.

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1968</i>	<i>Final entry in Summary Statement as of 31 December 1968</i>
52. Question of request for investigation of alleged bacterial warfare	581st meeting, 23 June 1952	S/2687, 1 July 1952	Rejected USSR draft resolution 585th meeting, 1 July 1952 Failed to adopt United States draft resolution 587th meeting, 3 July 1952 Failed to adopt United States draft resolution 590th meeting, 9 July 1952	
56. Letter dated 29 May 1954 from the acting Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council (S/3220)	672nd meeting, 3 June 1954	S/3224, 8 June 1954	Failed to adopt Thailand draft resolution (S/3229) 674th meeting, 18 June 1954	
57. Cablegram dated 19 June 1954 from the Minister of External Relations of Guatemala addressed to the President of the Security Council (S/3232)	675th meeting, 20 June 1954	S/3257, 29 June 1954	Failed to adopt Brazilian-Colombian draft resolution (S/3236/Rev.1)  Adopted French draft resolution (S/3237) 675th meeting, 20 June 1954 <sup>1</sup>	
59. Letter dated 8 September 1954 from the representative of the United States addressed to the President of the Security Council	679th meeting, 10 September 1954	S/3289, 13 September 1954	Adjourned to meet again upon request of any delegation 680th meeting, 10 September 1954	
61. Letter dated 28 January 1955 from the representative of New Zealand addressed to the President of the Security Council concerning the question of hostilities in the area of certain islands off the coast of the mainland of China	689th meeting, 31 January 1955	S/3359, 7 February 1955	Postponed consideration of matters contained in the letter from the representative of New Zealand 691st meeting, 14 February 1955  Rejected USSR motion to consider the next item on the agenda 691st meeting, 14 February 1955	
Letter dated 30 January 1955 from the representative of the USSR addressed to the President of the Security Council concerning the question of acts of aggression by the United States against the People's Republic of China in the area of Taiwan and other islands of China				
62. Applications for membership <sup>*</sup>	703rd meeting, 13 December 1955	S/3515, 15 December 1955	Not recommended 704th meeting, 13 December 1955	See items 77 and 85 below

<sup>1</sup> At the 676th meeting on 25 June 1954, the Council failed to adopt the agenda. For case history, see the *Supplement, 1952-1955*, Cases 22 and 23, pp. 33, 40.

<sup>\*</sup> Under this agenda heading, the applications remaining on the list are only those which failed to obtain recommendation.

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1968</i>	<i>Final entry in Summary Statement as of 31 December 1968</i>
Reconsideration. Republic of Korea, Viet-Nam				
68. Letter dated 23 September 1956 from the representatives of France and the United Kingdom addressed to the President of the Security Council (S/3654)	734th meeting, 26 September 1956	S/3661, 1 October 1956	After adopting the first part of the joint draft resolution (S/3671), the Council rejected the second part as amended by Iran 743rd meeting, 13 October 1956	
69. Letter dated 24 September 1956 from the representative of Egypt addressed to the President of the Security Council (S/3656)	734th meeting, 26 September 1956	S/3661, 1 October 1956	Rejected a motion to discuss this item simultaneously with the preceding one submitted by France and the United Kingdom 734th meeting, 26 September 1956	
70. Letter dated 27 October 1956 from the representatives of France, the United Kingdom and the United States addressed to the President of the Security Council (S/3690)	746th meeting, 28 October 1956	S/3738, 6 November 1956	Adopted United States draft resolution (S/3733) to call an emergency special session of the General Assembly 754th meeting, 4 November 1956	
71. Letter dated 25 October 1956 from the representative of France addressed to the Secretary-General (S/3689 and Corr.1)	747th meeting, 29 October 1956	S/3738, 6 November 1956	Adjourned its discussion to a further date 747th meeting, 29 October 1956	
72. Letter dated 30 October 1956 from the representative of Egypt addressed to the President of the Security Council (S/3712)	750th meeting, 30 October 1956	S/3738, 6 November 1956	Adopted Yugoslav draft resolution (S/3719) 751st meeting, 31 October 1956	
77 Admission of new Members Republic of Korea	789th meeting, 9 September 1957	S/3888, 17 September 1957	Not recommended 790th meeting, 9 September 1957	See item 85 below
Viet-Nam	789th meeting, 9 September 1957	S/3888, 17 September 1957	Not recommended 790th meeting, 9 September 1957	See item 85 below
78. The Tunisian question (I): Letter dated 13 February 1958 from the Permanent Representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect of an act of aggression committed against it by France on 8 February 1958 at Sakiet-Sidi-Youssef"	811th meeting, 18 February 1958	S/3967, 26 February 1958	Adjourned the meeting under rule 33 811th meeting, 18 February 1958	

Item	First inclusion in the agenda	First entry in Summary Statement	Last action of the Council as of 31 December 1968	Final entry in Summary Statement as of 31 December 1968
Letter dated 14 February 1958 from the permanent representative of France to the President of the Security Council concerning: "Situation resulting from the aid furnished by Tunisia to rebels enabling them to conduct operations from Tunisian territory directed against the integrity of French territory and the safety of the persons and property of French nationals"				
79. Letter dated 20 February 1958 from the representative of the Sudan addressed to the Secretary-General	812th meeting, 21 February 1958	S/3967, 26 February 1958	Decided that the next meeting, if necessary, would be called after consultation among members and the parties concerned 812th meeting, 21 February 1958	
80. Complaint of the representative of the USSR	813th meeting, 21 April 1958	S/3996, 28 April 1958	Failed to adopt United States draft resolution (S/3995), as amended by Sweden, and rejected USSR draft resolution (S/3997) 817th meeting, 2 May 1958	
82. The Tunisian question (II):	819th meeting, 2 June 1958	S/4021, 9 June 1958	Statements made by the representatives of France and Tunisia concerning the agreement reached by their Governments 826th meeting, 18 June 1958	
Letter dated 29 May from the representative of Tunisia to the President of the Security Council concerning: "Complaint by Tunisia in respect of acts of armed aggression committed against it since May 1958 by the French military forces stationed in its territory and in Algeria"				
Letter dated 29 May from the representative of France to the President of the Security Council concerning:				
(a) "The complaint brought by France against Tunisia on 14 February 1958 (document S/3954)"				
(b) "The situation arising out of the disruption by Tunisia, of the <i>modus vivendi</i> which had been established since February 1958 with regard to the				

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1968</i>	<i>Final entry in Summary Statement as of 31 December 1968</i>
stationing of French troops at certain points in Tunisian Territory"				
85. Admission of new Members Republic of Korea	842nd meeting, 9 December 1958	S/4135, 16 December 1958	Not recommended 843rd meeting, 9 December 1958	
Viet-Nam	842nd meeting, 9 December 1958	S/4135, 16 December 1958	Not recommended 843rd meeting, 9 December 1958	
86. Report by the Secretary-General on the letter received from the Minister for Foreign Affairs of the Royal Government of Laos, transmitted by a note from the Permanent Mission of Laos to the United Nations, 4 September 1959 (S/4212, S/4213, S/4214)	847th meeting 7 September 1959	S/4220, 21 September 1959	Adopted joint draft resolution (S/4214) 848th meeting, 7 September 1959	
89. Letter dated 25 March 1960 from the representatives of Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, United Arab Republic and Yemen addressed to the President of the Security Council (S/4279 and Add.1)	851st meeting, 30 March 1960	S/4301, 4 April 1960	Adopted Ecuadorian draft resolution (S/4299) 856th meeting, 1 April 1960	
90. Cable dated 18 May 1960 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/4314, S/4315)	857th meeting, 23 May 1960	S/4329, 31 May 1960	Rejected USSR draft resolution (S/4321) 860th meeting, 26 May 1960	
91. Letter dated 23 May 1960 from the representatives of Argentina, Ceylon, Ecuador and Tunisia addressed to the President of the Security Council (S/4323)	861st meeting, 26 May 1960	S/4329, 31 May 1960	Adopted revised four-Power draft resolution (S/4323/Rev.2) 863rd meeting, 27 May 1960	
96. Letter dated 13 July 1960 from the Secretary-General address-	873rd meeting, 13/14 July 1960	S/4391, 18 July 1960	Adopted resolution (S/5002) 982nd meeting, 24 November 1961	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1968</i>	<i>Final entry in Summary Statement as of 31 December 1968</i>
ed to the President of the Security Council (S/4381)				
97. Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4378)	874th meeting, 18 July 1960	S/4408, 25 July 1960	Adopted joint draft resolution (S/4392) 876th meeting, 19 July 1960	
105. Letter dated 31 December 1960 from the Minister for External Relations of Cuba to the President of the Security Council (S/4605)	921st meeting, 4 January 1961	S/4617, 13 January 1961	President stated that the sponsors of the Chile-Ecuador joint draft resolution did not wish to press for a vote 923rd meeting, 5 January 1961	
106. Letter dated 20 February 1961 from the representative of Liberia addressed to the President of the Security Council (S/4738)	944th meeting, 10 March 1961	S/4765, 14 March 1961	Failed to adopt joint draft resolution (S/4769) 946th meeting, 15 March 1961	
Letter dated 26 May 1961 addressed to the President of the Security Council by the representatives of Afghanistan, Burma, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Nigeria, Pakistan, Philippines, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, United Arab Republic, Upper Volta, Yemen and Yugoslavia		S/4837, 12 June 1961	Adopted joint draft resolution (S/4835) as amended 956th meeting, 9 June 1961	
107. Complaint by the Government of Kuwait in respect of the situation arising from the threat by Iraq to the territorial independence of Kuwait, which is likely to endanger the maintenance of international peace and security (S/4845, S/4844)	957th meeting, 2 July 1961	S/4858, 10 July 1961	Failed to adopt United Kingdom draft resolution (S/4855) 960th meeting, 7 July 1961	
108. Complaint by the Government of the Republic of Iraq in	957th meeting, 2 July 1961	S/4858, 10 July 1961	Failed to adopt United Arab Republic draft resolution (S/4856)	



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respect of the situation arising out of the armed threat by the United Kingdom to the independence and security of Iraq, which is likely to endanger the maintenance of international peace and security (S/4847)			960th meeting, 7 July 1961	
109. Telegram dated 20 July 1961 addressed to the President of the Security Council by the Secretary of State for Foreign Affairs of the Republic of Tunisia (S/4861). Letter dated 20 July 1961 from the Permanent Representative of Tunisia addressed to the President of the Security Council (S/4862)	961st meeting, 21 July 1961	S/4867, 24 July 1961	Rejected two joint draft resolutions (S/4903, S/4904) and Turkish draft resolution (S/4905) 966th meeting, 29 July 1961	
112. Letter dated 21 November 1961 from the Permanent Representative of Cuba addressed to the President of the Security Council (S/4992)	980th meeting, 22 November 1961	S/5008, 30 November 1961	Decided to retain the item on the agenda 983rd meeting, 28 November 1961	
114. Letter dated 18 December 1961 from the Permanent Representative of Portugal to the President of the Security Council (S/5030)	987th meeting, 18 December 1961	S/5042, 28 December 1961	Rejected joint draft resolution (S/5032) and failed to adopt joint draft resolution (S/5033) 988th meeting, 18 December 1961	
117. Letter dated 22 October 1962 from the Permanent Representative of the United States of America addressed to the President of the Security Council (S/5181); letter dated 22 October 1962 from the Permanent Representative of Cuba addressed to the President of the Security Council (S/5183); letter dated 23 October 1962 from the Deputy Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/5186)	1022nd meeting, 23 October 1962	S/5201, 31 October 1962	Adjournment of meeting pending outcome of Secretary-General's appeal 1025th meeting, 25 October 1962	
119. Letter dated 10 April 1963 from the <i>Chargé d'affaires</i> a.i. of the Permanent Mission of Senegal addressed to the President of the Security Council (S/5279 and Corr.1)	1027th meeting, 17 April 1963	S/5291, 22 April 1963	Adopted joint draft resolution (S/5292) 1033rd meeting, 24 April 1963	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1968</i>	<i>Final entry in Summary Statement as of 31 December 1968</i>
121. Telegram dated 5 May 1963 from the Minister for Foreign Affairs of the Republic of Haiti addressed to the President of the Security Council (S/5302)	1035th meeting, 8 May 1963	S/5313, 13 May 1963	Postponed indefinitely 1036th meeting, 9 May 1963	
122. Reports by the Secretary-General to the Security Council concerning developments relating to Yemen (S/5298, S/5321, S/5323, S/5325)	1037th meeting, 10 June 1963	S/5334, 17 June 1963	Adopted joint draft resolution (S/5330) 1039th meeting, 11 June 1963	
123. Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta (S/5347)	1040th meeting, 22 July 1963	S/5377, 30 July 1963	Adopted joint draft resolution (S/6953/Rev.1) 1268th meeting, 23 November 1965	
124. Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta (S/5348)	1040th meeting, 22 July 1963	S/5377, 30 July 1963	Adopted joint draft resolution (S/5769) 1135th meeting, 18 June 1964	
125. Letter dated 2 August 1963 from the representatives of Ghana, Guinea, Morocco and the United Arab Republic, addressed	1064th meeting, 9 September 1963	S/5429, 16 September 1963	Adopted draft resolution submitted by the President (S/8601) 1428th meeting, 29 May 1968	

Item	First inclusion in the agenda	First entry in Summary Statement	Last action of the Council as of 31 December 1968	Final entry in Summary Statement as of 31 December 1968
to the President of the Security Council (S/5382); and letter dated 30 August from the <i>Chargé d'affaires</i> of the Permanent Mission of the Congo (Brazzaville) addressed to the President of the Security Council on behalf of the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda and Upper Volta (S/5409)				
128. Letter dated 26 December 1963 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/5488)	1085th meeting, 27 December 1963	S/5500, 31 December 1963	Adopted draft resolution submitted by the President (resolution 261 (1968)) 1459th meeting, 10 December 1968	
129. Letter dated 10 January 1964 from the Permanent Representative of Panama addressed to the President of the Security Council	1086th meeting, 10 January 1964	S/5513, 13 January 1964	Adopted the Brazilian proposal that the President be authorized to address an appeal to the Governments of the United States and of Panama 1086th meeting, 10 January 1964	
130. Letter dated 1 April 1964 from the Deputy Permanent Representative of Yemen, <i>Chargé d'affaires</i> a.i., addressed to the President of the Security Council	1106th meeting, 2 April 1964	S/5645, 6 April 1964	Adopted joint draft resolution (S/5649) 1111th meeting, 9 April 1964	
131. Complaint concerning acts of aggression against the territory and civilian population of Cambodia	1118th meeting, 19 May 1964	S/5716, 25 May 1964	Adopted joint draft resolution (S/5735) 1126th meeting, 4 June 1964	
132. Letter dated 4 August 1964 from the Permanent Representative of the United States addressed to the President of the Security Council	1140th meeting, 5 August 1964	S/5891, 13 August 1964	Adopted the proposal of France that President hold consultations with members of the Council in order to reach a general understanding 1141st meeting, 7 August 1964	
133. Letter dated 3 September 1964 from the	1144th meeting, 9 September 1964	S/5967, 14 September 1964	Failed to adopt Norwegian draft resolution (S/5973)	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1968</i>	<i>Final entry in Summary Statement as of 31 December 1968</i>
Permanent Representative of Malaysia addressed to the President of the Security Council			1152nd meeting, 17 September 1964	
134. Letter dated 5 September 1964 from the Permanent Representative of Greece addressed to the President of the Security Council, and letter dated 8 September 1964 from the Permanent Representative of Greece addressed to the President of the Security Council	1146th meeting, 11 September 1964	S/5967, 14 September 1964	Decided that the time of the next meeting would be determined after consultations between the President and members of the Council 1147th meeting, 11 September 1964	
135. Letter dated 6 September 1964 from the Permanent Representative of Turkey addressed to the President of the Security Council	1146th meeting, 11 September 1964	S/5967, 14 September 1964	Decided that the time of the next meeting would be determined after consultations between the President and members of the Council 1147th meeting, 11 September 1964	
137. Letter dated 1 December 1964, addressed to the President of the Security Council, from the representatives of Afghanistan, Algeria, Burundi, Cambodia, Central African Republic, Congo (Brazzaville), Dahomey, Ethiopia, Ghana, Guinea, Indonesia, Kenya, Malawi, Mali, Mauritania, Somalia, Sudan, Tanzania, Uganda, United Arab Republic, Yugoslavia and Zambia (S/6076 and Add.1-5)  Letter dated 9 December 1964 from the Permanent Representative of the Democratic Republic of the Congo addressed to the President of the Security Council (S/6096)	1170th meeting, 9 December 1964	S/6107, 14 December 1964	Adopted joint draft resolution as amended (S/6129) 1189th meeting, 30 December 1964	
139. Letter dated 1 May 1965 from the Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council	1196th meeting, 3 May 1965	S/6342, 10 May 1965	Adopted joint draft resolution (S/6355) 1208th meeting, 14 May 1965  Adopted French draft resolution (S/6376) 1217th meeting, 22 May 1965	
141. Letter dated 31 January 1966 from the Permanent Representative of the United	1271st meeting, 1 February 1966	S/7117, 7 February 1966	Adjourned the meeting 1273rd meeting, 2 February 1966	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1968</i>	<i>Final entry in Summary Statement as of 31 December 1968</i>
States of America addressed to the President of the Security Council				
142. Admission of new Members Guyana	1287th meeting, 21 June 1966	S/7380, 27 June 1966	Recommended 1278th meeting, 21 June 1966	S/7380, 27 June 1966
143. Letter dated 2 August 1966 from the Deputy Permanent Representative of the United Kingdom addressed to the President of the Security Council (S/7442)	1296th meeting, 4 August 1966	S/7452, 8 August 1966	Adjourned the meeting 1300th meeting, 16 August 1966	
144. Letter dated 21 September 1966 from the Acting Permanent Representative of the Democratic Republic of the Congo addressed to the President of the Security Council	1302nd meeting, 3 October 1966	S/7523, 4 October 1966	Adopted joint draft resolution (S/7539) 1306th meeting, 14 October 1966	
145. Admission of new Members Botswana, Lesotho	1306th meeting, 14 October 1966	S/7564, 24 October 1966	Recommended 1306th meeting, 14 October 1966	S/7564, 24 October 1966
	1306th meeting, 14 October 1966	S/7564, 24 October 1966	Recommended 1306th meeting, 14 October 1966	S/7564, 24 October 1966
146. Election of Members of the International Court of Justice	1315th meeting, 2 November 1966	S/7577, 7 November 1966	Recommended five candidates to fill vacancies 1315th and 1318th meetings, 2 and 3 November 1966	S/7577, 7 November 1966
147. Admission of new Members Barbados	1330th meeting, 7 December 1966		Recommended 1330th meeting, 7 December 1966	
148. Letter dated 23 May 1967 from the Permanent Representatives of Canada and Denmark addressed to the President of the Security Council (S/7902) (The Middle East situation)	1341st meeting, 24 May 1967	S/7913, 29 May 1967	Adopted draft resolution submitted by President (resolution 262 (1968)) 1462nd meeting, 31 December 1968	
149. Letter dated 6 July 1967 from the Permanent Representative of the Democratic Republic of the Congo addressed to the President of the Security Council (S/8036)	1363rd meeting, 6 July 1967	S/8048, 10 July 1967	Adopted joint draft resolution (S/8050) 1367th meeting, 10 July 1967	S/8066, 17 July 1967
150. Complaints by the Democratic Republic of the Congo:	1372nd meeting, 8 November 1967	S/8242, 14 November 1967	Adopted draft resolution submitted by President (resolution 241 (1967)) 1378th meeting, 15 November 1967	

Letter dated 3 November 1967 from the Permanent Representative of the Democratic Republic of the Congo addressed to

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1968</i>	<i>Final entry in Summary Statement as of 31 December 1968</i>
the President of the Security Council (S/8218)				
151. Admission of new Members Southern Yemen	1384th meeting, 12 December 1967	S/8301, 18 December 1967	Recommended 1384th meeting, 12 December 1967	S/8301, 18 December 1967
152. The question of South West Africa	1387th meeting, 25 January 1968	S/8367, 30 January 1968	Adopted draft resolution submitted by the Council (resolution 246 (1968)) 1397th meeting, 14 March 1968	
Letter dated 24 January 1968 addressed to the President of the Security Council by the Representatives of Afghanistan, Algeria, Burundi, Cambodia, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia (S/8355)				
Letter dated 23 January 1968 addressed to the President of the Security Council by the President of the United Nations Council for South West Africa (S/8353)				
153. Letter dated 25 January 1968 from the Permanent Representative of the United States of America addressed to the President of the Security Council (S/8360)	1388th meeting, 26 January 1968	S/8367, 30 January 1968	Adjourned the meeting 1389th meeting, 27 January 1968	
154. Admission of new Members Mauritius	1414th meeting, 18 April 1968	S/8555, 23 April 1968	Recommended 1414th meeting, 18 April 1968	S/8555, 23 April 1968
55. Letter dated 21 May 1968 from the Permanent Representative <i>Ad Interim</i> of Haiti addressed to the Presi-	1427th meeting, 27 May 1968	S/8612, 3 June 1968	Adjourned the meeting 1427th meeting, 27 May 1968	

<i>Item</i>	<i>First inclusion in the agenda</i>	<i>First entry in Summary Statement</i>	<i>Last action of the Council as of 31 December 1968</i>	<i>Final entry in Summary Statement as of 31 December 1968</i>
dent of the Security Council (S/8593)				
156. Letter dated 12 June 1968 from the Permanent Representatives of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the Security Council (S/8630)	1430th meeting, 17 June 1968	S/8652, 25 June 1968	Adopted 3-Power draft resolution (S/8631) 1433rd meeting, 19 June 1968	
157. Letter dated 21 August 1968 from the representatives of Canada, Denmark, France, Paraguay, the United Kingdom and the United States of America addressed to the President of the Security Council (S/8758)	1441st meeting, 21 August 1968	S/8778, 26 August 1968	Adjourned the meeting 1445th meeting, 24 August 1968	
158. Admission of new Members: Swaziland	1450th meeting, 11 September 1968	S/8815, 16 September 1968	Recommended 1450th meeting, 11 September 1968	S/8815, 16 September 1968
Equatorial Guinea	1458th meeting, 6 November 1968	S/8896, 11 November 1968	Recommended 1458th meeting, 6 November 1968	S/8896, 11 November 1968

**\*\*2. Proceedings of the Security Council regarding the retention and deletion of items from the agenda**

**Chapter III**

**PARTICIPATION IN THE PROCEEDINGS OF THE SECURITY COUNCIL**



## CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE . . . . .	57
<b>PART I. BASIS OF INVITATIONS TO PARTICIPATE . . . . .</b>	<b>57</b>
Note . . . . .	57
**A. In the case of persons invited in an individual capacity . . . . .	58
**B. In the case of representatives of United Nations organs or subsidiary organs . . . . .	58
C. In the case of Members of the United Nations . . . . .	58
1. Invitation when the Member brought to the attention of the Security Council . . . . .	58
(a) A matter in accordance with Article 35, paragraph 1, of the Charter . . . . .	58
** (b) A matter not being either a dispute or a situation. . . . .	60
2. Invitations when the interests of a Member were considered specially affected . . . . .	60
(a) To participate without vote in the discussion . . . . .	60
** (b) To submit written statements . . . . .	62
**3. Invitations denied . . . . .	62
D. In the case of non-member States and other invitations. . . . .	62
**1. Invitations expressly under Article 32. . . . .	62
2. Invitations expressly under rule 39 of the provisional rules of procedure. . . . .	62
**3. Invitations not expressly under Article 32 or rule 39 . . . . .	63
4. Invitations denied . . . . .	63
<b>**PART II. CONSIDERATION OF THE TERMS AND PROVISIONS OF ARTICLE 32 OF THE CHARTER . . . . .</b>	<b>64</b>
<b>PART III. PROCEDURES RELATING TO PARTICIPATION OF INVITED REPRESENTATIVES . . . . .</b>	<b>65</b>
Note . . . . .	65
**A. The stage at which invited States are heard . . . . .	65
**B. The duration of participation . . . . .	65
C. Limitations of a procedural nature . . . . .	65
**1. Concerning the order in which invited representatives are called upon to speak . . . . .	65
2. Concerning the raising of points of order by invited representatives. . . . .	65
**3. Concerning the submission of proposals or draft resolutions by invited representatives. . . . .	65
D. Limitations on matters to be discussed by invited representatives . . . . .	65
**1. Adoption of the agenda . . . . .	65
**2. Extension of invitations . . . . .	65
**3. Postponement of consideration of a question . . . . .	65
4. Other matters . . . . .	65
**E. Effect of the extension of invitations . . . . .	65

## INTRODUCTORY NOTE

As indicated previously in the *Repertoire*, Articles 31 and 32 of the Charter and rules 37 and 39 of the provisional rules of procedure provide for invitations to non-members of the Security Council in the following circumstances: (1) where a Member of the United Nations brings a dispute or a situation to the attention of the Security Council in accordance with Article 35, paragraph 1 (rule 37); (2) where a Member of the United Nations or a State which is not a Member of the United Nations is a party to a dispute (Article 32); (3) where the interests of a Member of the United Nations are specially affected (Article 31 and rule 37); and (4) where members of the Secretariat or other persons are invited to supply information or give other assistance (rule 39). Of these four categories, only category (2) involves an obligation of the Council. In extending invitations, the Council, as earlier, has made no distinction between a complaint involving a dispute within the meaning of Article 32, or a situation, or a matter not of such nature.

The classification of material relevant to participation in the proceedings of the Security Council is designed to facilitate the presentation of the varieties of practice to which the Council has had recourse, adhering where possible to a classification based on Articles 31 and 32

of the Charter and rules 37 and 39 of the provisional rules of procedure. The reasons why the material cannot be satisfactorily arranged within a classification derived from the texts of these Articles and rules of procedure, have been set forth in the *Repertoire*, 1946-1951.

The relevant material is assembled under parts I and III of the present chapter. While there has been an instance in which Article 32 has been invoked in justification of a request for an invitation to a certain political entity whose international status was a subject of controversy, there has been no discussion of the terms and provisions of that Article during the period under review. Consequently there are no entries in part II.

Part I includes a summary account of the proceedings of the Council in the consideration of those proposals to extend an invitation to participate in the discussion where objections or other questions were raised with special emphasis on consideration of the basis on which the invitation might be deemed to rest. Included also in this part is a tabulation of invitations extended by the Council.

Part III presents a summary account of procedures relating to the participation of invited representatives after the Council had decided to extend invitations.

### Part I

#### BASIS OF INVITATIONS TO PARTICIPATE

##### NOTE

Part I includes all instances in which proposals to extend invitations to participate in the discussion have been put forward in the Security Council. The types and varieties of practice to which the Council has had recourse in connexion with the extension of invitations are dealt with in two sections: section C: Invitations to Members of the United Nations;<sup>1</sup> section D: Invitations to non-member States and other invitations. Presented in case histories are those instances in which special problems arose regarding a request for an invitation to participate in the proceedings of the Council. In each case history, the general features of the proceedings together with the decision of the Council and the main positions taken in the course of the debate are outlined.

In all instances in which Member States submitting matters to the Council in accordance with Article 35, paragraph 1, have asked to participate in the deliberations of the Council, the invitations have been extended as a matter of course and without discussion. This has been true also of invitations under Article 31 to Members of

the United Nations to participate in the discussion of a question when their interests were considered by the Council to be specially affected.

Of the ninety-four instances in which routine invitations have been extended, six have been recorded in tabular form in section C.1 (a), whereas the other eighty-eight appear in section C.2 (a). As indicated in the previous volume, the tabulation is chronologically arranged to provide information on the following points: (1) agenda item; (2) State invited; (3) request for invitation; and (4) decision of the Council. One case history<sup>2</sup> following the tabulation presents the proceedings in which the question of the applicability of Article 31 and rule 37 of the provisional rules of procedure was raised in connexion with a request for an invitation from a political entity whose status as a State was in dispute.

In section D are reported proceedings involving the extension of an invitation to non-member States of the United Nations as well as other invitations. In one<sup>3</sup> of the two case histories concerning the application of

<sup>1</sup> See tabulations C.1 (a), C.2 (a).

<sup>2</sup> Case 1.

<sup>3</sup> Case 2.

rule 39, the Council in extending the invitation made specific reference to earlier precedents; in the other,<sup>4</sup> discussion arose over the designation under which an applicant would be invited. In one instance in which an invitation was denied,<sup>5</sup> the Council took no cognizance of a communication from a régime it had previously declared illegal, while in the second,<sup>6</sup> it rejected after

extensive discussion a request from an entity whose international status was in dispute.

**\*\*A. IN THE CASE OF PERSONS INVITED  
IN AN INDIVIDUAL CAPACITY**

**\*\*B. IN THE CASE OF REPRESENTATIVES OF UNITED  
NATIONS ORGANS OR SUBSIDIARY ORGANS**

<sup>4</sup> Case 3.

<sup>5</sup> Case 4.

<sup>6</sup> Case 5.

**C. IN THE CASE OF MEMBERS OF THE UNITED NATIONS**

**1. Invitation when the Member brought to the attention of the Security Council**

**(a) A MATTER IN ACCORDANCE WITH ARTICLE 35, PARAGRAPH 1, OF THE CHARTER**

<i>Question<sup>a</sup></i>	<i>State invited</i>	<i>Request for invitation</i>	<i>Decision of the Council: Invitations extended and renewed<sup>b</sup></i>			
1. Complaint by the Government of Cyprus	Cyprus	S/5488, <i>O R</i> , 18th yr., <i>Suppl. for Oct.-Dec. 1963</i> , pp. 112-114	1274th meeting (1275th meeting)			
		S/7203				
		S/7359	1286th meeting			
		S/7636	1338th meeting			
		S/7999	1362nd meeting			
		S/8263	1383rd meeting			
		S/8305	1385th meeting (1386th meeting)			
2. The Palestine Question	Syria	S/7419, <i>O R</i> , 20th yr., <i>Suppl. for July-Sept. 1966</i> , pp. 38-39	1288th meeting (1289th-1295th meetings)			
		S/7422				
	Israel	S/7423, <i>O R</i> , 20th yr., <i>Suppl. for July-Sept. 1966</i> , pp. 39-40	1288th meeting (1289th-1295th meetings)			
		S/7540, <i>O R</i> , 20th yr., <i>Suppl. for Oct.-Dec. 1966</i> , pp. 28-29	1305th meeting (1307th-1310th, 1312th-1314th, 1316th, 1317th, 1319th meetings)			
	3. Complaint by the Democratic Republic of the Congo	Democratic Republic of the Congo	S/7503, <i>O R</i> , 21st yr., <i>Suppl. for July-Sept. 1966</i> , pp. 132-133	1302nd meeting (1303rd, 1304th, 1306th meetings)		
			S/8036, <i>O R</i> , 22nd yr., <i>Suppl. for July-Sept. 1967</i> , p. 63	1363rd meeting (1364th, 1367th meetings)		
			S/8218, <i>O R</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , pp. 201-203	1372nd meeting (1374th, 1376th, 1378th meetings)		
			4. Situation in the Middle East (I)	United Arab Republic	S/7907, <i>O R</i> , 22nd yr., <i>Suppl. for Apr.-June 1967</i> , pp. 124-125	1343rd meeting (1344th-1361st, 1365th, 1366th meetings)
					S/8043, <i>O R</i> , 22nd yr., <i>Suppl. for July-Sept. 1967</i> , pp. 69-70	1365th meeting (1366th meeting)
					S/8044, <i>O R</i> , 22nd yr., <i>Suppl. for July-Sept. 1967</i> , pp. 70-71	1365th meeting (1366th meeting)
(II)	United Arab Republic	S/8207, <i>O R</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , pp. 191-192	1369th meeting (1370th, 1371st meetings)			
		S/8208, <i>O R</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , pp. 192-193	1369th meeting (1370th, 1371st meetings)			
	United Arab Republic	S/8209				
		S/8226, <i>O R</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , p. 208	1373rd meeting (1375th, 1377th, 1379th-1382nd meetings)			

Question <sup>a</sup>	State invited	Request for invitation	Decision of the Council: Invitations extended and renewed <sup>b</sup>
	Jordan	S/8484, O.R., 23rd yr., Suppl. for Jan.-March. 1968, pp. 278-279	1401st meeting (1402nd-1407th meetings)
	Israel	S/8486, O.R., 23rd yr., Suppl. for Jan.-March 1968, pp. 280-281	1401st meeting (1402nd-1407th meetings)
	Jordan	S/8516, O.R., 23rd yr., Suppl. for Jan.-March 1968, p. 307	1409th meeting (1410th-1412th meetings)
	Israel	S/8517, O.R., 23rd yr., Suppl. for Jan.-March 1968, p. 307	1409th meeting (1410th-1412th meetings)
	Jordan	S/8560, O.R., 23rd yr., Suppl. for Apr.-June 1968, pp. 139-140	1416th meeting (1417th-1426th meetings)
	Jordan	S/8616, O.R., 23rd yr., Suppl. for Apr.-June 1968, pp. 186-187	1434th meeting (1435th-1440th meetings)
	Israel	S/8617, O.R., 23rd yr., Suppl. for Apr.-June 1968, p. 187	1434th meeting (1435th-1440th meetings)
	Jordan	S/8721, O.R., 23rd yr., Suppl. for July-Sept. 1968, p. 113	1434th meeting (1435th-1440th meetings)
	Israel	S/8724, O.R., 23rd yr., Suppl. for July-Sept. 1968, pp. 115-116	1434th meeting (1435th-1440th meetings)
	Israel	S/8794, O.R., 23rd yr., Suppl. for July-Sept. 1968, p. 236	1446th meeting (1447th-1449th, 1451st, 1452nd meetings)
	Israel	S/8797	
	Israel	S/8805, O.R., 23rd yr., Suppl. for July-Sept. 1968, pp. 240-241	1448th meeting (1449th, 1451st, 1452nd meetings)
	United Arab Republic	S/8806, O.R., 23rd yr., Suppl. for July-Sept. 1968, pp. 241-242	1448th meeting (1449th, 1451st, 1452nd meetings)
	United Arab Republic	S/8878, O.R., 23rd yr., Suppl. for Oct.-Dec. 1968, p. 104	1456th meeting (1457th meeting)
	Israel	S/8879, O.R., 23rd yr., Suppl. for Oct.-Dec. 1968, pp. 104-105	1456th meeting (1457th meeting)
	Lebanon	S/8945, O.R., 23rd yr., Suppl. for Oct.-Dec. 1968, p. 180	1460th meeting (1461st, 1462nd meetings)
	Israel	S/8946, O.R., 23rd yr., Suppl. for Oct.-Dec. 1968, p. 180	1460th meeting (1461st, 1462nd meetings)
5. The Question of South West Africa	Nigeria	S/8355 O.R., 23rd yr., Suppl. for Jan.-March. 1968, pp. 71-72	1387th meeting
		S/8356	
	Chile	S/8397, O.R., 23rd yr., Suppl. for Jan.-March 1968, pp. 177-178	1391st meeting (1392nd-1397th meetings)
		S/8403	
	Guyana	S/8397	1391st meeting (1392nd-1397th meetings)
	Indonesia	S/8407	1391st meeting (1392nd-1397th meetings)
	Nigeria	S/8413	1391st meeting (1392nd-1397th meetings)
	Turkey	S/8402	1391st meeting (1392nd-1397th meetings)
	United Arab Republic	S/8415	1391st meeting (1392nd-1397th meetings)
	Yugoslavia	S/8408	1391st meeting (1392nd-1397th meetings)
	Zambia	S/8418	1391st meeting (1392nd-1397th meetings)
	Colombia	S/8422	1392nd meeting (1394th-1397th meetings)
6. Complaint by Haiti	Haiti	S/8593, O.R., 23rd yr., Suppl. for Apr.-June 1968, pp. 168-169	1427th meeting

<sup>a</sup> Questions entered in this tabulation are arranged under agenda items. The items appearing herein are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a subitem under the general heading at subsequent meetings does not reappear as a new agenda item, but has been grouped under the item which first appeared. Questions in respect of which invitations were

extended to other Members because their interests were considered to be specially affected are indicated by an asterisk and the invitations are listed separately in a tabulation entitled "Invitations when the interests of a Member were considered specially affected" as explained in the introductory note (see C.2 below).

<sup>b</sup> The meetings at which the invitations were renewed are indicated by parentheses.

**\*\**(b)* A MATTER NOT BEING EITHER A DISPUTE OR A SITUATION**

**2. Invitations when the interests of a Member were considered specially affected**

**(a) TO PARTICIPATE WITHOUT VOTE IN THE DISCUSSIONS**

<i>Question <sup>a</sup></i>	<i>State invited</i>	<i>Request for invitation</i>	<i>Decision of the Council: Invitations extended and renewed <sup>b</sup></i>
1. Complaint by the Government of Cyprus	Turkey	S/7202	1274th meeting (1275th meeting)
	Greece	S/7200	1274th meeting (1275th meeting)
	Turkey	S/7357	1286th meeting
	Greece	S/7355	1286th meeting
	Turkey	S/7634	1338th meeting
	Greece	S/7633	1338th meeting
	Turkey	S/7998	1362nd meeting
	Greece	S/7995	1362nd meeting
	Greece	S/8264	1383rd meeting
	Turkey	S/8265	1383rd meeting
	Greece	S/8298	1385th meeting (1386th meeting)
	Turkey	S/8299	1385th meeting (1386th meeting)
	Greece	S/8472	1398th meeting
	Turkey	S/8467	1398th meeting
	Turkey	S/8640	1432nd meeting
	Greece	S/8641	1432nd meeting
Turkey	S/8922	1459th meeting	
Greece	S/8925	1459th meeting	
2. Situation in Southern Rhodesia	Sierra Leone	S/7239	1276th meeting (1277th meeting)
	Algeria	S/7242	1276th meeting (1277th meeting)
	Kenya	S/7245	1277th meeting
	Greece	S/7246	1277th meeting
	India	S/7292	1278th meeting (1279th-1285th meetings)
	Pakistan	S/7295	1278th meeting (1279th-1285th meetings)
	Senegal	S/7297	1278th meeting (1279th-1285th meetings)
	Zambia	S/7613	1331st meeting (1332nd-1333rd, 1335th-1340th meetings)
	Senegal	S/7615	1331st meeting (1332nd-1333rd, 1335th-1340th meetings)
	Algeria	S/7623	1331st meeting (1332nd-1333rd, 1335th-1340th meetings)
	Pakistan	S/7624	1331st meeting (1332nd-1333rd, 1335th-1340th meetings)
	India	S/7625	1331st meeting (1332nd-1333rd, 1335th-1340th meetings)
	Jamaica	S/8465	1339th meeting (1400th, 1413th, 1415th, 1428th meetings)
Zambia	S/8469	1339th meeting (1400th, 1413th, 1415th, 1428th meetings)	
3. The Palestine Question	Iraq	S/7427	1288th meeting (1289th-1295th meetings)
	Syria	S/7547	1305th meeting (1307th-1310th, 1312th-1314th, 1316th, 1317th, 1319th meetings)
	United Arab Republic	S/7549	1305th meeting (1307th-1310th, 1312th-1314th, 1316th, 1317th, 1319th meetings)
	Saudi Arabia	S/7554	1308th meeting (1313th, 1314th meetings)
	Israel	S/7590	1320th meeting (1321st-1328th meetings)
4. Complaint by the United Kingdom	United Arab Republic	S/7447	1296th meeting (1297th-1300th meetings)
	Yemen	S/7449	1296th meeting (1297th-1300th meetings)
5. Complaint by the Democratic Republic of the Congo	Portugal	S/7512	1302nd meeting (1303rd-1304th, 1306th meetings)
	Tanzania	S/7517	1302nd meeting (1303rd-1304th, 1306th meetings)
	Burundi	S/7521	1302nd meeting (1303rd-1304th, 1306th meetings)
	Central African Republic	S/7519	1302nd meeting (1303rd-1304th, 1306th meetings)
	Congo (Brazzaville)	S/7520	1302nd meeting (1303rd-1304th, 1306th meetings)

Question <sup>a</sup>	State invited	Request for invitation	Decision of the Council: Invitations extended and renewed <sup>b</sup>
	Portugal	S/8221	1372nd meeting (1374th, 1376th, 1378th meetings)
	Burundi	S/8228	1372nd meeting (1374th, 1376th, 1378th meetings)
	Zambia	S/8231	1372nd meeting (1374th, 1376th, 1378th meetings)
	Algeria	S/8233	1372nd meeting (1374th, 1376th, 1378th meetings)
<b>6. Situation in the Middle East (I)</b>	Israel	S/7903	1341st meeting (1342nd-1361st, 1365th, 1366th meetings)
	United Arab Republic	S/7904	1341st meeting (1342nd meeting)
	Syria	S/7908	1343rd meeting (1344th-1361st, 1365th, 1366th meetings)
	Jordan	S/7912 S/7909	1343rd meeting (1344th-1361st, 1365th, 1366th meetings)
	Lebanon	S/7911	1344th meeting (1345th-1361st, 1365th, 1366th meetings)
	Iraq	S/7914	1345th meeting (1346th-1361st, 1365th, 1366th meetings)
	Morocco	S/7915	1345th meeting (1346th-1361st, 1365th, 1366th meetings)
	Saudi Arabia	S/7920	1346th meeting (1347th-1361st, 1365th, 1366th meetings)
	Kuwait	S/7921	1346th meeting (1347th-1361st, 1365th, 1366th meetings)
	Tunisia	S/7928	1348th meeting (1349th-1361st, 1365th, 1366th meetings)
	Libya	S/7934	1348th meeting (1349th-1361st, 1365th, 1366th meetings)
	Pakistan	S/7984	1360th meeting (1361st, 1365th, 1366th meetings)
<b>(II)</b>	Algeria	S/8045	1366th meeting
	Israel	S/8209	1369th meeting (1370th, 1371st meetings)
	Jordan	S/8210	1369th meeting (1370th, 1371st meetings)
	Syria	S/8211	1369th meeting (1370th, 1371st meetings)
	Jordan	S/8214 S/8234	1369th meeting (1370th, 1371st meetings)
	Syria	S/8237	1373rd meeting (1375th, 1377th, 1379th-1382nd meetings)
	Israel	S/8232	1375th meeting (1377th, 1379th-1382nd meetings)
	United Arab Republic	S/8487 S/8488	1373rd meeting (1375th, 1377th, 1379th-1382nd meetings)
	Iraq	S/8489	1401st meeting (1402nd-1407th meetings)
	Morocco	S/8490	1401st meeting (1402nd-1407th meetings)
	Syria	S/8491	1402nd meeting (1403rd-1407th meetings)
	Saudi Arabia	S/8499	1406th meeting
	Israel	S/8518	1409th meeting (1410th-1412th meetings)
	Syria	S/8522	1409th meeting (1410th-1412th meetings)
	United Arab Republic	S/8526	1410th meeting (1411th-1412th meetings)
	Iraq	S/8527	1411th meeting (1412th meeting)
	Saudi Arabia	S/8530	1411th meeting (1412th meeting)
	Israel	S/8562	1412th meeting
	Jordan	S/8570	1416th meeting (1417th-1426th meetings)
	Israel	S/8725	1419th meeting (1420th-1426th meetings)
	United Arab Republic	S/8726	1434th meeting (1435th-1440th meetings)
	Iraq	S/8727	1434th meeting (1435th-1440th meetings)
	Syria	S/8730	1434th meeting (1435th-1440th meetings)
	Saudi Arabia	S/8733	1436th meeting (1437th-1440th meetings)
	Israel	S/8797	1446th meeting (1447th meeting)
	United Arab Republic	S/8799	1446th meeting (1447th meeting)
	Jordan	S/8822	1453rd meeting (1454th meeting)

Question <sup>a</sup>	State invited	Request for invitation	Decision of the Council: invitations extended and renewed <sup>b</sup>
	Israel	S/8823	1453rd meeting (1454th meeting)
	United Arab Republic	S/8826	1453rd meeting (1454th meeting)
	Syria	S/8829	1454th meeting
	Israel	S/8880	1456th meeting (1457th meeting)
	Saudi Arabia	S/8882	1456th meeting (1457th meeting)
	Israel	S/8947	1460th meeting (1461st, 1462nd meetings)
	Lebanon		1460th meeting
	Saudi Arabia		1460th meeting
7. Situation in Czechoslovakia	Czechoslovakia	S/8760	1441st meeting (1442nd-1445th meetings)
	Czechoslovakia	S/8768	1444th meeting (1445th meeting)
	Bulgaria	S/8762	1442nd meeting (1443rd-1445th meetings)
	Poland	S/8766	1443rd meeting (1444th-1445th meetings)
	Yugoslavia	S/8771	1444th meeting (1445th meeting)

<sup>a</sup> Questions entered in this tabulation are arranged under agenda items. The items appearing herein are listed chronologically according to the sequence of the first meeting held on each item. Any reconsideration of an item or discussion of a subitem under the general heading at subsequent meetings does

not reappear as a new agenda item, but has been grouped under the item which first appeared.

<sup>b</sup> The meetings at which invitations are renewed are indicated by parentheses.

### CASE 1

At the 1445th meeting on 24 August 1968, in connexion with the situation in Czechoslovakia, the representative of Canada noted that while it had been alleged that the application of the German Democratic Republic for an invitation to participate in the Council's proceedings should be considered in terms of Article 31 of the Charter and rule 37 of the provisional rules of procedure, those texts clearly referred "to a Member of the United Nations not a member of the Security Council". In the case of "the applicant" however, his delegation knew of no such State existing, although an administration within the Soviet occupied zone of Germany may have claimed to be such.<sup>7</sup>

A USSR proposal to invite the German Democratic Republic to participate in the debate was put to the vote and rejected. There were 2 votes in favour, 9 against and 4 abstentions.<sup>8</sup>

#### \*\**(b)* TO SUBMIT WRITTEN STATEMENTS

#### \*\*3. Invitations denied

#### D. IN THE CASE OF NON-MEMBER STATES AND OTHER INVITATIONS

#### \*\*1. Invitations expressly under Article 32

#### 2. Invitations expressly under rule 39 of the provisional rules of procedure

### CASE 2

At the 1385th meeting on 20 December 1967, in connexion with the complaint by the Government of Cyprus, the President (Nigeria) drew attention to a communication<sup>9</sup> from the representative of Turkey requesting that

<sup>7</sup> For the text of relevant statements, see: 1445th meeting (PV), pp. 36-37. See also case 5 for further discussion of this question.

<sup>8</sup> 1445th meeting (PV), p. 92.

<sup>9</sup> S/8293, 1385th meeting (PV), p. 6.

Mr. Osman Örek be given an opportunity to be heard. Recalling that on two previous occasions when Turkey had made a similar request, the Council decided to grant a hearing to the person concerned under rule 39 of the provisional rules of procedure, he explained that as a result of consultations with members of the Council, it was his understanding that in view of past precedents, the Council was agreeable to hear Mr. Örek on the same basis as before, that is, under rule 39 of the provisional rules of procedure.<sup>10</sup>

The Council decided without objection to invite Mr. Örek to participate in its discussion in accordance with rule 39 of the provisional rules of procedure.<sup>11</sup>

### CASE 3

At the 1420th meeting on 2 May 1968, in connexion with the situation in the Middle East, the representative of Jordan observed that in the forthcoming discussion of the situation in Jerusalem, the Council should have the benefit of information from a competent source. In this regard, he requested that, in accordance with rule 39 of the provisional rules of procedure, an invitation be issued to Mr. Rouhi El-Khatib, elected mayor of Jerusalem. He then recalled that he had previously submitted a letter<sup>12</sup> to that effect.

At the 1421st meeting on 3 May 1968, the President (United Kingdom) stated that he had found from his consultations with all the members of the Council that there was agreement that Mr. El-Khatib should be heard in accordance with rule 39 of the provisional rules of procedure, and if there were no objections, he proposed to invite that gentleman to the Council table.

Speaking on a point of order, the representative of Algeria noted that the representative of Jordan had requested that Mr. El-Khatib, "the elected Mayor of Jerusalem", should be invited to make a statement before the Council, while the President had indicated that there

<sup>10</sup> For the text of relevant statements, see: 1385th meeting (PV): President (Nigeria), pp. 6-11.

<sup>11</sup> 1385th meeting (PV), p. 11.

<sup>12</sup> S/8570, 1420th meeting (PV), p. 7.

were no objections to inviting "Mr. Rouhi El-Khatib under rule 39 of the provisional rules of procedure of the Security Council". If rule 39 were to be applied without any reservation however, "it will be clearly understood by the Council that Mr. Rouhi El-Khatib is being invited in his capacity as the elected Mayor of Jerusalem". That was in accordance with rule 39 which provided for the invitation of persons whom the Council considered "competent".

The President, after stating that he did not think it "necessary or desirable" for the Council to pronounce on that question, observed that the agreement which he secured after consultations with all members of the Council was that Mr. El-Khatib be invited in accordance with rule 39 "that is to say as a person whom the Council considers competent for that purpose, to supply it with information and to give other assistance in examining matters within its competence". That rule he felt was clear, since it referred to inviting members of the Secretariat and other persons.

After the representative of Algeria had reiterated the argument that Mr. El-Khatib's competence was based on the fact that he was the elected Mayor of Jerusalem, the President ruled that in accordance with the consultation which he had undertaken under rule 39, he proposed to "call on Mr. Rouhi El-Khatib" to appear before the Council unless his ruling was challenged.

The representative of the USSR maintained that during the consultations with his delegation, the question was raised whether Mr. El-Khatib would be invited in his capacity as Mayor of Jerusalem, since that was the post he held. When his delegation agreed to that invitation it was on the understanding that Mr. El-Khatib would appear before the Council in his capacity as Mayor of Jerusalem, "the more so since the pertinent General Assembly resolutions provide . . . that there shall be no change in the status of Jerusalem". Consequently, whether the President stated this explicitly or not, as his delegation understood it, he would speak to the Council in his official capacity.

After further discussion, the President stated that as he understood it, all members had agreed to the proposal that the Council should invite Mr. Rouhi El-Khatib to address it that day. At the same time, he was of the view that it was neither necessary nor desirable for the Council to attempt to reach conclusions on matters of substance or matters of representation. "We know very well why the proposal was put to us that Mr. Rouhi El-Khatib should appear before us. We were of one mind in agreeing that we should hear him. We know very well the competence that he brings; otherwise, it would not have been the universal opinion that we should welcome him and hear what he had to say." In this connexion, he felt that it was in the best interests of all concerned that the Council proceed without further delay "to invite Mr. Rouhi El-Khatib to sit with us and to speak to us".<sup>13</sup>

At the invitation of the President, Mr. Rouhi El-Khatib took a place at the Council table.<sup>14</sup>

<sup>13</sup> For the text of relevant statements, see: 1420th meeting (PV): President (United Kingdom), p. 7; Jordan,\* pp. 6-7;

1421st meeting: President (United Kingdom), pp. 2-5, 6-10, 11, 16, 20, 23-25; Algeria, pp. 6, 7-10, 16-20, 21; Hungary, pp. 16, 22; Pakistan, p. 12; USSR, p. 11.

<sup>14</sup> 1421st meeting, p. 26.

### \*\*3. Invitations not expressly under Article 32 or rule 39

#### 4. Invitations denied

##### CASE 4

At the 1280th meeting on 18 May 1966, in connexion with the situation in Southern Rhodesia, in response to a query by the representative of Nigeria concerning a communication addressed to the Secretary-General from a source in Southern Rhodesia, the President (Netherlands) stated that it was his understanding that there had been some communications from "the side of the Smith régime". Since those communications were addressed to the Secretary-General, he intended to call on him to make a statement on the matter.

The Secretary-General stated that on the previous day, he had made available to the members of the Council copies of telegrams from Salisbury<sup>15</sup> which he had received from a Mr. Lardner Burke "who calls himself 'Minister of Justice'", who had invoked Article 32 of the Charter and had requested an invitation to participate in the Security Council debate concerning Southern Rhodesia. After recalling the provisions of Article 32 of the Charter, the Secretary-General said:

" . . . the legal status of Southern Rhodesia is that of a Non-Self-Governing Territory under resolution 1747 of the sixteenth session of the General Assembly, and Article 32 of the Charter does not apply. In the circumstances, it is for the Council to decide what consideration if any, it wishes to give to these telegrams. It is for that reason that I made available to the members of the Council copies of the telegrams I received from Salisbury on this subject.

"I need hardly recall to the Council that in several resolutions on the subject the Council has labelled the régime in Southern Rhodesia as illegal. For this reason, and in line with the policy of the Secretariat, not to enter into correspondence with illegal régimes, I decided not to reply to the various telegrams from Salisbury." After the Secretary-General had spoken, the President declared:

"Members of the Council have heard the statement of the Secretary-General. Unless any representative wishes to speak on the subject, I think that the statement of the Secretary-General both covers and settles it. I believe that we can now continue our debate on the item on the agenda."<sup>16</sup>

##### CASE 5

At the 1445th meeting on 24 August, in connexion with the situation in Czechoslovakia, the President (Brazil) drew attention to "an official note"<sup>17</sup> from the representative of the USSR concerning the circulation as an official Security Council document of a telegram from the German Democratic Republic in which the latter requested an invitation to participate in the proceedings

<sup>15</sup> 1280th meeting, para. 6.

<sup>16</sup> For the text of relevant statements, see: 1280th meeting: President (Netherlands), paras. 4, 9; Nigeria, para. 3; Secretary-General, paras. 6-8.

<sup>17</sup> 1445th meeting (PV), p. 2.



of the Security Council.<sup>18</sup> Speaking in connexion with this request, the representative of the USSR maintained that since the German Democratic Republic was "mentioned by those who presented this matter to the Council" it was more than logical to hear that representative and to authorize him to take part in the debate.

The representative of France reiterating his Government's position on this matter observed that France did not recognize the authorities of East Germany, nor their right to speak on behalf of the German people in international affairs. Their representative, therefore, could not be allowed to participate in the debate of the Council.

The representative of Hungary noted that as far as the definition of statehood was concerned, there were certain criteria such as territory, population and government, *de facto* or *de jure* in the territory. These criteria had all been met by the German Democratic Republic, and whether a certain State recognized it or not was another matter.

The representative of the United Kingdom asserted that his Government did not recognize that there existed a State or a Government other than that of the Federal Republic of Germany entitled to speak on behalf of the German people in international affairs. Consequently, "to hear the person who asked to be heard would add nothing new to our proceedings" serving only to delay and confuse those proceedings "which indeed doubtless is the object of the application".

The representative of the United States was of the view that while "it is true that the régime established by the Soviet Union in the zone of Germany which it has occupied since the close of the Second World War is an accomplice in the crime now before the Council", no useful purpose could be served by the hearing of that régime, since its representative would be "nothing more than a proxy for the Government of the Soviet Union which is already adequately and permanently represented on this Council". With regard to the Charter provision relevant to the situation, there could be no ambiguity, since both Article 32 and rule 6 were applicable only to States, whereas the régime of the Soviet zone of East Germany was neither a State nor entitled in any way to speak for the German people.

The representative of Denmark maintained that only the Federal Republic of Germany was entitled to speak on behalf of the German people in international affairs. His delegation was, moreover, satisfied that the hearing of the person who applied to be heard would serve no useful purpose. Consequently, it would oppose the request for a hearing.

<sup>18</sup> For the discussion on the question of circulating this telegram, see chapter II, Case 2.

The representative of the USSR, after reading out the text of Article 32, asserted that the Charter in that Article afforded full justification for the Government of the German Democratic Republic to send a delegation to the Security Council to set forth the views of the Government which had been accused by certain members.<sup>19</sup> Noting that the arguments put forward for preventing the representative of the German Democratic Republic from participation were groundless, he maintained that the fact that one State did not recognize another State in no way constituted an obligation for the United Nations or the Security Council. In any event, there were precedents in which invitations to take part in the work of the Council were sent not only to non-member States, but even to countries which were not formally or officially States. In view of these considerations and in accordance with the Charter and rules of procedure, he proposed that the German Democratic Republic be invited to take part in the work of the Council on the question under consideration.

The representative of Bulgaria questioned the tactic by which certain States accused the German Democratic Republic of participation in the attack against Czechoslovakia, while at the same time objected to its appearance before the Council in order to reply to those accusations. As regards the argument of recognition, a fact that certain States did not recognize the German Democratic Republic had nothing to do with whether or not the representatives of that State should be invited to participate in the Council's discussion. Moreover, there had even been cases in which some persons had been invited to participate in the Council's debates without having the status of representatives of States. Such a precedent occurred, for instance, during consideration of the Cyprus question, when a representative of the Turkish Cypriot community was invited to participate in the debate to clarify matters for the Council. In the light of those circumstances, if the Security Council was to have a full grasp of the situation, the German Democratic Republic must be invited to participate.<sup>20</sup>

The USSR proposal to invite the German Democratic Republic to participate in the debate was put to the vote and rejected. There were 2 votes in favour, 9 against and 4 abstentions.<sup>21</sup>

<sup>19</sup> In a subsequent statement, the representative of the USSR stated that he had mentioned Article 32 when he wanted to mention Article 31 which provided for the invitation to Members of the United Nations who were not members of the Security Council, but whose interests were considered specially affected by the latter (1445th meeting (PV), pp. 41-42).

<sup>20</sup> For the text of relevant statements, see: 1445th meeting: Bulgaria, pp. 42-46; Denmark, p. 18; France, p. 12; Hungary, p. 12; USSR, pp. 26-38, 91-92; United Kingdom, pp. 13-16; United States, pp. 16-17.

<sup>21</sup> 1445th meeting (PV), p. 92.

## Part II

### \*\*CONSIDERATION OF THE TERMS AND PROVISIONS OF ARTICLE 32 OF THE CHARTER

## Part III

PROCEDURES RELATING TO PARTICIPATION  
OF INVITED REPRESENTATIVES

## NOTE

Part III is concerned with procedure relating to the participation of invited representatives after an invitation has been extended. It includes material on participation by Members and non-members of the United Nations.

No question concerning either the stage at which invited States might be heard (section A), or the duration of participation of invited representatives (section B) arose during the period under review. The practice has been maintained, however, according to which the President, when consideration of a question has extended over several meetings, has renewed the invitation at each consecutive meeting immediately after the adoption of the agenda.<sup>22</sup>

Section C deals with limitations of a procedural nature affecting invited representatives throughout the process of participation in the proceedings of the Security Council. During the period under review, there was one instance<sup>23</sup> illustrative of the limitations concerning the raising of points of order by invited representatives. A refusal by the President to permit an invited representative to speak on a point of order was accompanied by an explanation of the provisions of the rules of procedure governing this question.

Section D is concerned with those limitations connected with aspects of the business of the Council in which it has been deemed inappropriate that invited representatives should participate. Under the subheading "Other matters", one case<sup>24</sup> is included in which the President, after explaining the rule governing the participation of invited representatives, stated that as far as he was concerned, such representatives might be permitted to make passing comments on procedural matters, but they should refrain from lengthy discussions of procedural decisions of the Council.

**\*\*A. STAGE AT WHICH INVITED STATES ARE HEARD****\*\*B. THE DURATION OF PARTICIPATION****C. LIMITATIONS OF A PROCEDURAL NATURE****\*\*1. Concerning the order in which invited representatives are called upon to speak****2. Concerning the raising of points of order by invited representatives**

## CASE 6

At the 1295th meeting on 3 August 1966, in connexion with the Palestine question, the President (Uganda) interrupting a statement by the representative of Israel, explained that although the representative of Syria had

<sup>22</sup> In this connexion, see tabulation above, part I, C.1 (a), footnote c, and part I, C.2 (a), footnote b.

<sup>23</sup> Case 6.

<sup>24</sup> Case 7.

indicated his wish to raise a point of order, the rules of procedure did not permit a non-member to raise points of order. The President stated that the representative of Israel could continue his statement.<sup>25</sup>

**\*\*3. Concerning the submission of proposals or draft resolutions by invited representatives****D. LIMITATIONS ON MATTERS TO BE DISCUSSED BY INVITED REPRESENTATIVES****\*\*1. Adoption of the agenda****\*\*2. Extension of invitations****\*\*3. Postponement of consideration of a question****4. Other matters**

## CASE 7

At the 1292nd meeting on 29 July 1966, in connexion with the Palestine question, the representative of Jordan speaking on a point of order, objected to the statement that was being made by the representative of Israel. In his view, the representative of Israel had no right whatsoever to discuss the decision of the Council how the Council should proceed, or what it should do about the procedural aspects of its business. "What the Council decided was the Council's business, and . . . none of the parties is entitled to discuss procedural questions here, particularly when a decision has been taken by the Council."

The President (Nigeria) stated that it was the rule of the Council that members who were invited merely to participate without vote, would not participate in the discussion on procedure. He, however, had not thought that if such a member in passing merely made a comment upon the decision of procedure, he should be prevented from doing so. At the same time, he expressed the hope that the members who were invited to participate without vote, would, in return for that courtesy, "not go into very lengthy discussions of their own views of what the Council may have decided on the issue of procedure". In this connexion, he added, the representative of Israel should refrain in his further comments from passing judgement upon the decision of the Council on its own procedure.<sup>26</sup>

**\*\*E. EFFECT OF THE EXTENSION OF INVITATIONS**

<sup>25</sup> For the text of relevant statement, see: 1295th meeting: President (Uganda), para. 133.

<sup>26</sup> For the text of relevant statements, see: 1292nd meeting: President (Nigeria), para. 107; Jordan, para. 106.

**Chapter IV**

**VOTING**

## CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE . . . . .	69
<b>PART I. PROCEDURAL AND NON-PROCEDURAL MATTERS . . . . .</b>	<b>69</b>
<b>A. Cases in which the vote indicated the procedural character of the matter . . . . .</b>	<b>69</b>
1. Inclusion of items in the agenda . . . . .	69
**2. Order of items on the agenda . . . . .	69
**3. Deferment of consideration of items on the agenda . . . . .	69
**4. Removal of an item from the list of matters of which the Security Council is seized . . . . .	69
**5. Rulings of the President of the Security Council . . . . .	69
**6. Suspension of a meeting . . . . .	69
7. Adjournment of a meeting . . . . .	70
**8. Invitation to participate in the proceedings . . . . .	70
**9. Conduct of business . . . . .	70
**10. Convocation of an emergency special session of the General Assembly . . . . .	70
<b>B. Cases in which the vote indicated the non-procedural character of the matter . . . . .</b>	<b>70</b>
1. In connexion with matters considered by the Security Council under its responsibility for the maintenance of international peace and security . . . . .	70
**2. In connexion with other matters considered by the Security Council . . . . .	70
** <i>(a)</i> In connexion with admission of new Members to the United Nations . . . . .	70
** <i>(b)</i> In connexion with appointment of the Secretary-General . . . . .	70
<b>**PART II. PROCEEDINGS OF THE SECURITY COUNCIL REGARDING VOTING UPON THE QUESTION WHETHER THE MATTER WAS PROCEDURAL WITHIN THE MEANING OF ARTICLE 27, PARAGRAPH 2, OF THE CHARTER . . . . .</b>	<b>70</b>
**A. Proceedings on occasions when the Security Council voted on "the preliminary question" . . . . .	70
**B. Consideration of procedures involved in voting on "the preliminary question" . . . . .	70
**1. Consideration of the order in which the matter itself, and the question whether the matter is procedural, should be voted upon . . . . .	70
**2. Consideration whether the decision that the matter is procedural is itself a procedural decision . . . . .	70
**3. Consideration of the use of rule 30 of the provisional rules of procedure of the Security Council in determining whether a matter is procedural . . . . .	70
<b>PART III. ABSTENTION AND ABSENCE IN RELATION TO ARTICLE 27, PARAGRAPH 3 OF THE CHARTER . . . . .</b>	<b>70</b>
**A. Obligatory abstention . . . . .	70
**1. Cases in which members have abstained in accordance with the proviso of Article 27, paragraph 3. . . . .	70
**2. Consideration of abstention in accordance with the proviso of Article 27, paragraph 3 . . . . .	70
<b>B. Voluntary abstention in relation to Article 27, paragraph 3. . . . .</b>	<b>70</b>
1. Certain cases in which permanent members have abstained otherwise than in accordance with the proviso of Article 27, paragraph 3. . . . .	70

## INTRODUCTORY NOTE

This chapter contains material from the *Official Records* relating to the practice of the Council under Article 27 of the Charter. The arrangement of the material in this chapter follows the pattern of the corresponding chapter in the earlier volumes of the *Repertoire*.

Part I deals with evidence relating to the distinction between procedural and non-procedural matters. No material requiring treatment in part II relating to the practice of the Council in voting upon the question whether a matter is procedural within the meaning of Article 27, paragraph 2, has been found for the period under review. Part III is concerned with the abstention or absence of a Council member in relation to the requirements of Article 27, paragraph 3.

Material relating to voting in connexion with the election of Judges under Article 10 of the Statute of the International Court of Justice is included in chapter VI, part I, section D, whereas material concerning the voting procedure employed by the Council in connexion with application for admission to membership in the United Nations may be found in chapter VII, parts I and V.

As noted in preceding volumes of the *Repertoire*, most of the occasions on which the Council has voted, afford no indication of the attitude of the Council regarding the procedural or non-procedural character of the matter voted upon. Where a decision has been arrived at by a unanimous vote, or with all permanent members voting in favour of the proposal, no indication of the view of the Council as to the procedural or non-procedural nature

of the matter can be obtained from the vote. Nor can any indication be obtained from proceedings in which a proposal, having been put to the vote, has failed to obtain nine votes in its favour.

Part I, section A, comprises those instances (Cases 1-4) wherein the adoption of a proposal, obtained through nine or more votes, with one or more permanent members casting a negative vote, indicated the procedural character of the decision. Cases in this section have been grouped under headings derived from the subject matter dealt with in the decisions; the headings do not constitute general propositions as to the procedural character of future proposals which might be deemed to fall under them.

Part I, section B, includes only two instances where the rejection of a proposal, having obtained nine or more votes with one or more permanent members casting a negative vote, indicated the non-procedural character of the decision. During the period under review, there has been no discussion in the Security Council of the procedural or non-procedural character of the decisions to be taken. The entries (Cases 5 and 6) in this section are therefore restricted to a reference whereby the draft resolution or proposal and the vote thereon may be identified in the record of decisions in other parts of this Supplement.

Part III, section B, lists those occasions (Cases 7-13) on which permanent members have abstained voluntarily considering that no affirmative decision could have been taken had they voted against the proposal.

### Part I

#### PROCEDURAL AND NON-PROCEDURAL MATTERS

##### A. CASES IN WHICH THE VOTE INDICATED THE PROCEDURAL CHARACTER OF THE MATTER

###### 1. Inclusion of items in the agenda

On three occasions, items have been included in the agenda by a vote of the Council, notwithstanding the negative vote of a permanent member.

###### CASE 1

At the 1273rd meeting on 2 February 1966—Situation in Viet-Nam.<sup>1</sup>

###### CASE 2

At the 1388th meeting on 26 January 1968—Complaint by the United States (Pueblo incident).<sup>2</sup>

<sup>1</sup> 1273rd meeting, para. 27.

<sup>2</sup> 1388th meeting (PV), pp. 19-20.

###### CASE 3

At the 1441st meeting on 21 August 1968—Situation in Czechoslovakia.<sup>3</sup>

###### \*\*2. Order of items on the agenda

###### \*\*3. Deferment of consideration of items on the agenda

###### \*\*4. Removal of an item from the list of matters of which the Security Council is seized

###### \*\*5. Rulings of the President of the Security Council

###### \*\*6. Suspension of a meeting

<sup>3</sup> 1441st meeting (PV), pp. 58-60. For procedural discussion concerning inclusion of the item in the agenda, see chapter II, pp. 15-16.

### 7. Adjournment of a meeting

On the following occasion, a proposal that the Security Council should adjourn under rule 33, paragraph 2, was adopted by a vote of the Council, notwithstanding the negative vote of a permanent member.

#### CASE 4

At the 1358th meeting on 13 June 1967—Situation in the Middle East.<sup>4</sup>

**\*\*8. Invitation to participate in the proceedings**

**\*\*9. Conduct of business**

**\*\*10. Convocation of an emergency special session of the General Assembly**

#### B. CASES IN WHICH THE VOTE INDICATED THE NON-PROCEDURAL CHARACTER OF THE MATTER

**1. In connexion with matters considered by the Security Council under its responsibility for the maintenance of international peace and security**

<sup>4</sup> 1358th meeting (PV), p. 172.

#### CASE 5

Decision of 4 November 1966 (1519th meeting): Rejection of draft resolution submitted by Argentina, Japan, Netherlands, New Zealand, Nigeria and Uganda in connexion with the Palestine Question.<sup>5</sup>

#### CASE 6

Decision of 22 August (1443rd meeting): Rejection of draft resolution submitted by Brazil, Canada, Denmark, France, Paraguay, Senegal, the United Kingdom and the United States in connexion with Situation in Czechoslovakia.<sup>6</sup>

**\*\*2. In connexion with other matters considered by the Security Council**

**\*\* (a) IN CONNEXION WITH ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS**

**\*\* (b) IN CONNEXION WITH APPOINTMENT OF THE SECRETARY-GENERAL**

<sup>5</sup> S/7575/Rev.1, *OR, 21st yr., Suppl. for Oct.-Dec. 1966*, p. 69; 1319th meeting, p. 51. For vote on the draft resolution see chapter VIII, part II, p. 128.

<sup>6</sup> S/8761, 1442nd meeting (PV), p. 17; 1443rd meeting (PV), pp. 163-165. For vote on the draft resolution, see chapter VIII, part II, p. 172.

### **\*\*Part II**

#### **PROCEEDINGS OF THE SECURITY COUNCIL REGARDING VOTING UPON THE QUESTION WHETHER THE MATTER WAS PROCEDURAL WITHIN THE MEANING OF ARTICLE 27, PARAGRAPH 2, OF THE CHARTER**

**\*\*A. PROCEEDINGS ON OCCASIONS WHEN THE SECURITY COUNCIL VOTED ON "THE PRELIMINARY QUESTION"**

**\*\*B. CONSIDERATION OF PROCEDURES INVOLVED IN VOTING ON "THE PRELIMINARY QUESTION"**

**\*\*1. Consideration of the order in which the matter itself, and the question whether the matter is procedural, should be voted upon**

**\*\*2. Consideration whether the decision that the matter is procedural is itself a procedural decision**

**\*\*3. Consideration of the use of rule 30 of the provisional rules of procedure of the Security Council in determining whether a matter is procedural**

### **Part III**

#### **ABSTENTION AND ABSENCE IN RELATION TO ARTICLE 27, PARAGRAPH 3, OF THE CHARTER**

**\*\*A. OBLIGATORY ABSTENTION**

**\*\*1. Cases in which members have abstained in accordance with the proviso of Article 27, paragraph 3**

**\*\*2. Consideration of abstention in accordance with the proviso of Article 27, paragraph 3**

**B. VOLUNTARY ABSTENTION IN RELATION TO ARTICLE 27, PARAGRAPH 3**

**1. Certain cases in which permanent members have abstained otherwise than in accordance with the proviso of Article 27, paragraph 3**

## SITUATION IN SOUTHERN RHODESIA

## CASE 7

Decision of 9 April 1966 (1277th meeting): Draft resolution submitted by the United Kingdom.<sup>7</sup>

## CASE 8

Decisions of 16 December 1966 (1340th meeting):

- (i) First Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution.<sup>8</sup>
- (ii) Second Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution.<sup>9</sup>
- (iii) Fourth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution.<sup>10</sup>
- (iv) Fifth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution (vote on new operative paragraph 6).<sup>11</sup>
- (v) Fifth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution (vote on operative paragraph 7).<sup>12</sup>
- (vi) Fifth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution (vote on operative paragraph 8).<sup>13</sup>
- (vii) Sixth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution (vote on operative paragraph 1).<sup>14</sup>
- (viii) Sixth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution (vote on operative paragraph 2).<sup>15</sup>

<sup>7</sup> 1277th meeting, para. 179. For vote on the draft resolution, see chapter VIII, part II, p. 114.

<sup>8</sup> 1340th meeting (PV), pp. 56-60. For vote on the first Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution, see chapter VIII, part II, p. 119.

<sup>9</sup> 1340th meeting (PV), pp. 57-60. For vote on the second Mali-Nigeria-Uganda amendment to the draft resolution, see chapter VIII, part II, p. 119.

<sup>10</sup> 1340th meeting (PV), p. 62. For vote on the fourth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution, see chapter VIII, part II, p. 119.

<sup>11</sup> 1340th meeting (PV), pp. 63-66. For vote on new operative paragraph 6 in the fifth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution, see chapter VIII, part II, p. 119.

<sup>12</sup> 1340th meeting (PV), p. 66. For vote on operative paragraph 7 in the fifth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution, see chapter VIII, part II, p. 119.

<sup>13</sup> 1340th meeting (PV), p. 67. For vote on operative paragraph 8 in the fifth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution, see chapter VIII, part II, p. 119.

<sup>14</sup> 1340th meeting (PV), pp. 67-68. For vote on operative paragraph 1 in the sixth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution, see chapter VIII, part II, p. 119.

<sup>15</sup> 1340th meeting (PV), p. 68. For vote on operative paragraph 2 in the sixth Mali-Nigeria-Uganda amendment to the United Kingdom draft resolution, see chapter VIII, part II, p. 119.

- (ix) The United Kingdom draft resolution as amended.<sup>16</sup>

## CASE 9

Decision of 29 May 1968 (1428th meeting): Draft resolution submitted by the President of the Council (vote on operative paragraph 15).<sup>17</sup>

## COMPLAINT BY THE DEMOCRATIC REPUBLIC OF THE CONGO

## CASE 10

Decision of 14 October 1966 (1306th meeting): Draft resolution submitted by Jordan, Mali, Nigeria and Uganda.<sup>18</sup>

## SITUATION IN THE MIDDLE EAST

## CASE 11

Decision of 21 May 1968 (1426th meeting): Draft resolution submitted by Pakistan and Senegal as amended.<sup>19</sup>

## CASE 12

Decision of 27 September 1968 (1454th meeting): Draft resolution submitted by Pakistan and Senegal as amended.<sup>20</sup>

## QUESTION OF SAFEGUARDS TO NON-NUCLEAR-WEAPON STATES PARTIES TO THE NON-PROLIFERATION TREATY

## CASE 13

Decision of 19 June 1968 (1433rd meeting): Draft resolution submitted by the USSR, the United Kingdom and the United States.<sup>21</sup>

<sup>16</sup> 1340th meeting (PV), pp. 76-80. For vote on the draft resolution, see chapter VIII, part II, p. 119.

<sup>17</sup> 1428th meeting (PV), pp. 26-27. For vote on the draft resolution, see chapter VIII, part II, p. 122.

<sup>18</sup> 1306th meeting, para. 255. For vote on the draft resolution, see chapter VIII, part II, p. 132.

<sup>19</sup> 1426th meeting (PV), pp. 26-27. For vote on the draft resolution, see chapter VIII, part II, p. 157.

<sup>20</sup> 1454th meeting (PV), pp. 103-105. For vote on the draft resolution, see chapter VIII, part II, p. 162.

<sup>21</sup> 1433rd meeting (PV), p. 46. For vote on the draft resolution, see chapter VIII, part II, p. 171.

**Chapter V**

**SUBSIDIARY ORGANS ESTABLISHED BY OR IN PURSUANCE OF SECURITY  
COUNCIL RESOLUTIONS**



## CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE . . . . .	75
PART I. OCCASIONS ON WHICH SUBSIDIARY ORGANS OF THE SECURITY COUNCIL HAVE BEEN ESTABLISHED OR PROPOSED . . . . .	75
Note . . . . .	75
A. Involving, to facilitate their work, meetings at places away from the seat of the Organization . . . . .	76
1. Subsidiary organs established. . . . .	76
2. Subsidiary organs proposed but not established . . . . .	77
B. Not involving, to facilitate their work, meetings at places away from the seat of the Organization . . . . .	78
1. Subsidiary organs established. . . . .	78
**2. Subsidiary organs proposed but not established . . . . .	78
**PART II. CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS. . . . .	78

## INTRODUCTORY NOTE

The material included in this chapter covers procedures of the Security Council in establishing, or authorizing the establishment of, subsidiary organs deemed necessary for the performance of its functions related to the maintenance of international peace and security.

Part I, "Occasions on which subsidiary organs of the Security Council have been established or proposed", includes one case history in which the Council authorized the Secretary-General to set up a subsidiary organ (Case 1), and another in which the Council itself, acting under rule 28 of the provisional rules of procedure of the Security Council, established the subsidiary organ (Case 4).

Part I also includes two instances (Cases 2 and 3) concerning formal proposals to establish subsidiary organs which were submitted and discussed, but were not put to the vote.

With respect to the case in which a subsidiary organ has been set up by the Secretary-General pursuant to

a Security Council resolution, no implication is intended whether this body does or does not come within Article 29.

Part II of this chapter contains no entries, as there were no instances, during the period under review, of consideration by the Council of procedures in relation to subsidiary organs.

### ARTICLE 29 OF THE CHARTER

"The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions."

### RULE 28 OF THE PROVISIONAL RULES OF PROCEDURE

"The Security Council may appoint a commission or committee or a rapporteur for a specified question."

## Part I

### OCCASIONS ON WHICH SUBSIDIARY ORGANS OF THE SECURITY COUNCIL HAVE BEEN ESTABLISHED OR PROPOSED

#### NOTE

During the period under review, the Security Council: (i) requested the Secretary-General to designate a Special Representative to proceed to the Middle East to maintain contacts with the States which had been engaged in military activities, in order to promote peaceful settlement;<sup>1</sup> and (ii) established a Committee to survey the implementation of the Council resolutions in connexion with the situation in Southern Rhodesia.<sup>2</sup> The latter subsidiary body did not involve meetings at places away from the seat of the Organization during the period under review.

The Council also requested<sup>3</sup> the Secretary-General to dispatch a Special Representative to the Arab territories under military occupation by Israel, as a result of the hostilities of June 1967; and to report on the implementation of the Council resolution 237 (1967) concerning humanitarian problems. However, following consultations with the parties concerned, the Secretary-General reported to the Council that in view of the fact that one of the parties accepted the mission conditionally, he was not able to give effect to the Security Council decision.<sup>4</sup>

Of the subsidiary organs established in connexion with the Security Council's discharge of responsibilities for the maintenance of international peace and security, the United Nations Representative for India and Pakistan and the United Nations Truce Supervision Organization (UNTSO)<sup>5</sup> continued in existence during the period under

<sup>5</sup> At the 1366th meeting of the Council, on 9 July 1967, the President (Ethiopia) read a consensus of the Council members under which the Secretary-General was to negotiate with the Governments of the United Arab Republic and Israel for the stationing of United Nations military observers in the Suez Canal sector under the Chief of Staff of UNTSO (*OR*, 22nd yr., *Resolutions and Decisions of the Security Council*, 1967, pp. 6-7). The Secretary-General reported on 11 July 1967 (S/8053, *OR*, 22nd yr., *Suppl. for July-Sept. 1967*, pp. 77-78) that both Member States had accepted the proposal to station United Nations military observers in the Suez Canal zone. He also reported that he was recruiting twenty-five additional military observers which, he estimated, would be required. He later reported, on the basis of revised estimates, that the observation in that area would have to be covered by forty-six temporary observers and four regular UNTSO observers (S/8053/Add.1 of 10 August 1967). At the 1371st meeting on 25 October 1967, the Secretary-General stated that it had been increasingly apparent that the number of observers needed to be enlarged to ninety, and that other related measures should be adopted. Details were later submitted in his report to the Council dated 31 October 1967 (S/8053/Add.3, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 76-79). On 8 December 1967, the President of the Council (Nigeria) circulated a statement reflecting the views of the Council members recognizing the necessity of the enlargement by the Secretary-General of the number of observers and means of transportation.

<sup>1</sup> Case 1.

<sup>2</sup> Case 4.

<sup>3</sup> Resolution 259 (1968).

<sup>4</sup> S/8851, *OR*, 23rd yr., *Suppl. for Oct.-Dec. 1968*, pp. 74-77.

review, while the mandate of the United Nations Force in Cyprus (UNFICYP) has been extended several times throughout the period.<sup>6</sup>

With regard to the mediation function in Cyprus, as provided for in paragraph 7 of Security Council resolution 186 (1964) of 4 March 1964, the Secretary-General reported to the Council<sup>7</sup> on 10 March 1966, that, after the resignation of Mr. Galo Plaza as United Nations Mediator in Cyprus, his efforts towards achieving a resumption of the mediation activities had been unavailing owing primarily to the widely differing and firmly held views on the matter of the three Governments most directly concerned.<sup>8</sup> In subsequent reports,<sup>9</sup> the Secretary-General informed the Council that the situation regarding a resumption of the mediation function, remained unchanged.

Of the Standing Committees of the Security Council, neither the Committee of Experts nor the Committee on Admission of New Members has been employed during the period under review.<sup>10</sup>

<sup>6</sup> The mandate of the Force was extended by the following resolutions of the Security Council: at its 1275th meeting on 16 March 1966 (for a period of three months ending 26 June 1966, resolution 220 (1966)); at its 1286th meeting on 16 June 1966 (for a period of six months ending 26 December 1966, resolution 222 (1966)); at its 1338th meeting on 15 December 1966 (for a further period of six months ending 26 June 1967, resolution 231 (1966)); at its 1362nd meeting on 19 June 1967 (for a further period of six months ending 26 December 1967, resolution 238 (1967)); at its 1386th meeting on 22 December 1967 (for a period of three months ending on 26 March 1968, resolution 244 (1967)); at its 1398th meeting on 18 March 1968 (for a further period of three months ending 26 June 1968, resolution 247 (1968)); at its 1432nd meeting on 18 June 1968 (for a further period ending 15 December 1968, resolution 254 (1968)); and at its 1459th meeting on 10 December 1968 (for a further period ending 15 June 1969, resolution 261 (1968)).

For statement of the Secretary-General regarding the acute financial situation affecting the United Nations Operation in Cyprus, see Chapter I, part IV, p. 16. For texts of relevant statements, see: 1275th meeting: Greece, para. 125, Japan, para. 66; Netherlands, para. 75; New Zealand, para. 72; Turkey, para. 120; USSR, para. 36; United Kingdom, paras. 45-49; United States, para. 81.

<sup>7</sup> S/7191, *OR*, 21st yr., *Suppl. for Jan.-Mar. 1966*, p. 229.

<sup>8</sup> See also *Repertoire of the Practice of the Security Council, Supplement 1964-1965*, chapter V, Case 2, pp. 71-72.

<sup>9</sup> S/7350 and Add. 1, *OR*, 21st yr., *Suppl. for April-June 1966*, p. 154; S/7611, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, p. 111; S/7969, *OR*, 22nd yr., *Suppl. for April-June 1967*, p. 183; S/8286, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, p. 266; S/8446, *OR*, 23rd yr., *Suppl. for Jan.-Mar. 1968*, p. 217; S/8622, *OR*, 23rd yr., *Suppl. for April-June 1968*, p. 189; S/8914, *OR*, 23rd yr., *Suppl. for Oct.-Dec. 1968*, p. 136.

<sup>10</sup> In his letter to the President of the Security Council dated 13 December 1967 (S/8296), the permanent representative of the United States made reference to the problem of the "micro-States", raised by the Secretary-General in his Introduction of the annual report to the XXII session of the General Assembly (A/6701/Add.1), and proposed that the members of the Council should be consulted as to the possibility of reconvening the Committee on Admission of New Members with the purpose of considering such a problem. Subsequently, at the 1414th meeting of the Council on 18 April 1968, the representative of the United States recalled that the aforementioned proposal was still outstanding, and expressed the hope that the Council would, at an early date, reconvene the Committee to consider the implications with regard to membership of the so-called "micro-States". For communications addressed by the President of the Security Council to the permanent representative of the United States, regarding consultations with members of the Council on this proposal, see S/8316, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, p. 333; S/8376, *OR*, 23rd yr., *Suppl. for Jan.-Mar. 1968*, p. 156; S/8437, *ibid.*, p. 208; S/8520.

## A. INVOLVING, TO FACILITATE THEIR WORK, MEETINGS AT PLACES AWAY FROM THE SEAT OF THE ORGANIZATION

### 1. Subsidiary organs established

#### CASE 1

#### *Special Representative in the Middle East*

#### *Establishment and terms of reference*

At the 1379th meeting on 16 November 1967, in connexion with the situation in the Middle East (II), the representative of the United Kingdom introduced a draft resolution<sup>11</sup> under which the Security Council would, *inter alia*, request the Secretary-General "to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution".

In submitting the proposed text to the Council, the representative of the United Kingdom stated<sup>12</sup> that he considered "that the United Nations Special Representative should be free to decide himself the exact means and methods by which he pursues his endeavours in contact with the States concerned both to promote agreement and to assist efforts to achieve a peaceful and accepted and final settlement".

At the 1382nd meeting on 22 November 1967, the United Kingdom draft resolution was adopted unanimously<sup>13</sup> by the Council.

#### *Composition*

The Secretary-General reported, on 23 November 1967, to the Council<sup>14</sup> that he had designated Ambassador Gunnar Jarring, of Sweden, as his Special Representative in the Middle East. He also reported that he had, on the same date, addressed identical notes to the Governments of Israel, Jordan, Lebanon, Syria and the United Arab Republic informing them of his designation of Ambassador Jarring, and expressing the hope that each of the Governments concerned would extend to him its full co-operation, and afford him all facilities necessary for the effective discharge of his important mission.<sup>15</sup>

Subsequently, at the 1440th meeting on 16 August 1968, after the Council had unanimously adopted resolution 256 (1968) condemning a further violation of the cease-fire

<sup>11</sup> S/8247, same text as resolution 242 (1967).

<sup>12</sup> 1379th meeting (PV), p. 11.

<sup>13</sup> 1382nd meeting (PV), p. 36.

<sup>14</sup> S/8259, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 244-245.

<sup>15</sup> In a report to the Security Council on 22 December 1967 (S/8309, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, p. 326), the Secretary-General stated that after consultations at the United Nations Headquarters with representatives of the States concerned, and with the concurrence of the Government of Cyprus, Ambassador Jarring had established his headquarters at Nicosia, and had visited the Governments of the States concerned to fulfil his mandate. Subsequent reports on the activities of the Special Representative in the Middle East were submitted to the Council by the Secretary-General on 17 January 1968 (S/8309/Add.1, *OR*, 23rd yr., *Suppl. for Jan.-Mar. 1968*, pp. 20-21); on 29 March 1968 (S/8309/Add.2, *OR*, 23rd yr., *Suppl. for Jan.-Mar. 1968*, pp. 21-22); on 29 July 1968 (S/8309/Add.3, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, pp. 27-28); and on 3 December 1968 (S/8309/Add.4, *OR*, 23rd yr., *Suppl. for Oct.-Dec. 1968*, pp. 31-33).

in the Middle East, the President (Brazil) took note<sup>16</sup> of the widespread support expressed during the discussion for the efforts of the Special Representative and requested the Secretary-General, with the consent of the Council, to convey that expression of support to Ambassador Gunnar Jarring.

At the 1452nd meeting on 18 September 1968, the Council adopted<sup>17</sup> resolution 258 (1968) reaffirming its resolution 242 (1967) which, among others, requested the Secretary-General to designate a Special Representative to proceed to the Middle East, and urged all the parties to extend to him their fullest co-operation in the speedy fulfilment of his mandate.

## 2. Subsidiary organs proposed but not established

### CASE 2

At the 1298th meeting on 10 August 1966, in connexion with the complaint by the United Kingdom concerning an alleged attack by aircraft on the territory of the Federation of South Arabia, the representative of New Zealand submitted a draft resolution<sup>18</sup> under which the Security Council would decide "to request the Secretary-General to arrange for an immediate investigation, to be carried out by experienced United Nations personnel, in order to establish the facts relating to the incident referred to in the letter dated 2 August 1966 from the deputy permanent representative of the United Kingdom to the United Nations (S/7442), and to report to the Security Council as soon as possible".<sup>19</sup>

In the course of the discussion, it was suggested that the Secretary-General be requested to use his good offices to assist the parties in bringing about peaceful conditions in the area.<sup>20</sup>

At the 1300th meeting on 16 August 1966, the President (Uganda) reported that, as a result of consultation among Council members, a consensus<sup>21</sup> had been agreed to, the text of which he read before the Council. It included an invitation to the Secretary-General "to continue his good offices in an endeavour to settle the outstanding question in agreement with the parties concerned".

At the same meeting, the representative of New Zealand stated<sup>22</sup> that he waived his right to call for a vote on his draft resolutions, and agreed to the consensus read by the President of the Council.

### CASE 3

At the 1443rd meeting on 22/23 August 1968, in connexion with the Situation in Czechoslovakia, the representative of Canada submitted a draft resolution,<sup>23</sup> jointly sponsored with Brazil, Denmark, France, Paraguay, Senegal, the United Kingdom and the United States, under which the Security Council would request

the Secretary-General of the United Nations "to appoint and despatch immediately to Prague a Special Representative who shall seek the release and ensure the personal safety of the Czechoslovak leaders under detention and who shall report back urgently". The joint draft resolution was the subject of discussion at the 1443rd, 1444th and 1445th meetings, on 23 and 24 August 1968.

The representative of the USSR raised objections on the grounds that it was an attempt at direct intervention in the affairs of Czechoslovakia, and the common cause of the countries of the socialist community.<sup>24</sup>

The representative of Canada explained that in the light of the armed invasion of Czechoslovakia by the Soviet Union and some of its Warsaw Pact Allies, the proposal before the Council was essentially a humanitarian one, and represented the minimum which the Council could do in the prevailing circumstances.<sup>25</sup>

The representative of France stated that there was a deep concern in international opinion shared by the Governments at the announcement of the arrest, by foreign military forces, of several leaders of Czechoslovakia. The draft resolution of which he was a co-sponsor, involved a measure whose essentially humanitarian aspect did not need to be emphasized, and was justified by a situation to which the Council could not remain indifferent.<sup>26</sup>

In the view of the representative of Denmark, it was absolutely essential, at that stage, for the Council to act with a sense of urgency and efficiency, in support of the elementary rights and interests of the true representatives of the people of Czechoslovakia.<sup>27</sup>

The representative of Ethiopia maintained that for the Secretary-General's efforts to be at all effective and successful, the mission called for in the draft resolution would require the widest possible, if not the unanimous support of the members of the Council.<sup>28</sup>

The representative of the United States considered that the adoption of the draft resolution would be the best way in which the Council, in exercise of its responsibilities, could ensure the security and welfare of the detained leaders of the Czechoslovak Government.<sup>29</sup>

The representative of the United Kingdom reiterated his appeal to the representative of the USSR to give an assurance that the acknowledged leaders of Czechoslovakia were free and safe. The purpose of the draft resolution before the Council was to get an answer to those questions. Should he respond to that appeal, he would not only be serving the best interests of the people of Czechoslovakia, and of his own Government, but also the best interests of the United Nations.<sup>30</sup>

The representative of Pakistan observed that the draft resolution had originated in the humanitarian concern of the eight Powers that had sponsored it. Some comments could be made regarding the need to revise the text of that proposal. However, in view of reports that Czecho-

<sup>16</sup> 1440th meeting (PV), p. 7.

<sup>17</sup> 1452nd meeting (PV), pp. 7-10.

<sup>18</sup> S/7456, 1298th meeting, para. 103.

<sup>19</sup> For discussion relating to article 33, see chapter X, Case 1.

<sup>20</sup> 1298th meeting: Japan, para. 88.

<sup>21</sup> 1300th meeting, para. 2; *OR, 21st yr., Resolutions and Decisions of the Security Council, 1966*, p. 12.

<sup>22</sup> 1300th meeting, para. 10.

<sup>23</sup> S/8767, 1443rd meeting (PV), p. 168.

<sup>24</sup> 1443rd meeting (PV), p. 176; 1444th meeting (PV), pp. 7-10, 11.

<sup>25</sup> 1444th meeting (PV), p. 21.

<sup>26</sup> 1444th meeting (PV), pp. 23-25.

<sup>27</sup> 1444th meeting (PV), p. 27.

<sup>28</sup> *Ibid.*, p. 31.

<sup>29</sup> *Ibid.*, p. 36.

<sup>30</sup> *Ibid.*, pp. 51, 53.

slovak leaders were participating in the negotiations in Moscow, it was not necessary to do so at the time.<sup>31</sup>

The 1445th meeting was adjourned without a vote being taken on the eight-Power draft resolution, and no further meetings were held on the item.<sup>32</sup>

**B. NOT INVOLVING, TO FACILITATE THEIR WORK, MEETINGS AT PLACES AWAY FROM THE SEAT OF THE ORGANIZATION**

**1. Subsidiary organs established**

**CASE 4**

*Committee established in pursuance of resolution 253 (1968) of 29 May 1968*

*Establishment and terms of reference*

At the 1428th meeting on 29 May 1968, in connexion with the situation in Southern Rhodesia, the President (United States) drew the attention of the Security Council to a joint draft resolution<sup>33</sup> the text of which, he stated, had been arrived at in extensive consultations among the Council members.

At the same meeting, the Council adopted<sup>34</sup> unanimously the joint draft resolution which included the following paragraph:

"20. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a committee of the Security Council to undertake the following tasks and to report to it with its observations:

"(a) To examine such reports on the implementation of the present resolution as are submitted by the Secretary-General;

<sup>31</sup> 1445th meeting (PV), p. 116.

<sup>32</sup> 1445th meeting: President (Brazil), pp. 122-123.

<sup>33</sup> S/8601, same text as Security Council resolution 253 (1968).

<sup>34</sup> 1428th meeting (PV), p. 27.

"(b) To seek from any States Members of the United Nations or of the specialized agencies such further information regarding the trade of that State (including information regarding the commodities and products exempted from the prohibition contained in operative paragraph 3 (d) above) or regarding any activities by any nationals of that State or in its territories that may constitute an evasion of the measures decided upon in this resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council."<sup>35</sup>

After the adoption of the resolution, the President stated<sup>36</sup> that, after consultations with members of the Council, he would undertake further consultations on the establishment of the committee promptly. There being no objection, it was so decided.

*Composition*

On 31 July 1968, the President of the Council (Algeria) announced<sup>37</sup> that, after extensive consultations, it had been agreed that the Committee of the Security Council established in pursuance of resolution 253 (1968) of 29 May 1968, would be composed of the following members: Algeria, France, India, Paraguay, USSR, United Kingdom and United States.<sup>38</sup> It had also been decided that the representative of India should be the chairman of the Committee for three months up to 31 December 1968.<sup>39</sup>

**\*\*2. Subsidiary organs proposed but not established**

<sup>35</sup> The resolution referred to in sub-paragraphs (a) and (b), was resolution 253 (1968) of 29 May 1968.

<sup>36</sup> 1428th meeting (PV), p. 76.

<sup>37</sup> S/8697, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, pp. 71-72.

<sup>38</sup> The Committee submitted, on 30 December 1968, its first report to the President of the Security Council (S/8954, *OR*, 24th yr., *Suppl. for Oct.-Dec. 1968*, pp. 181-295).

<sup>39</sup> On 27 January 1969 (S/8697/Add. 1), the President of the Council (Colombia) announced that following consultations, it had been agreed that, in view of the expiry of India's term of office in the Council, Pakistan should replace India as a member of the Committee.

**Part II**

**\*\*CONSIDERATION OF PROCEDURES RELATIVE TO SUBSIDIARY ORGANS**

**Chapter VI**

**RELATIONS WITH OTHER UNITED NATIONS ORGANS**

## CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE . . . . .	81
<b>PART I. RELATIONS WITH THE GENERAL ASSEMBLY . . . . .</b>	<b>81</b>
Note . . . . .	81
A. Practices and proceedings in relation to Article 12 of the Charter . . . . .	81
<b>**B. Practices and proceedings in relation to the convocation of a special session of the General Assembly . . . . .</b>	<b>82</b>
C. Practices and proceedings in relation to Articles of the Charter involving recommendations by the Security Council to the General Assembly. . . . .	82
1. Appointment of the Secretary-General . . . . .	82
<b>**2. Conditions of accession to the Statute of the International Court of Justice. . . . .</b>	<b>83</b>
<b>**3. Conditions under which a non-member State, party to the Statute, may participate in electing Members of the International Court of Justice . . . . .</b>	<b>83</b>
D. Practices and proceedings in relation to the election of Members of the International Court of Justice . . . . .	83
E. Relations with subsidiary organs established by the General Assembly. . . . .	85
F. Recommendations made by the General Assembly to the Security Council in the form of resolutions . . . . .	85
G. Reports of the Security Council to the General Assembly . . . . .	86
<b>**PART II. RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL . . . . .</b>	<b>87</b>
<b>PART III. RELATIONS WITH THE TRUSTEESHIP COUNCIL . . . . .</b>	<b>87</b>
<b>**A. Procedure under Article 83, paragraph 3, in application of Articles 87 and 88 of the Charter with regard to strategic areas under trusteeship . . . . .</b>	<b>87</b>
B. Transmission to the Security Council by the Trusteeship Council of questionnaires and reports . . . . .	87
<b>**PART IV. RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE . . . . .</b>	<b>87</b>
<b>**PART V. RELATIONS WITH THE MILITARY STAFF COMMITTEE . . . . .</b>	<b>87</b>

## INTRODUCTORY NOTE

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

This chapter contains material concerning the relations of the Security Council with the General Assembly (part I), and also brings up to date the account given in the previous volumes of the *Repertoire* of the trans-

mission by the Trusteeship Council to the Security Council of questionnaires and reports (part III). No material has been found for the period under review which would require treatment under parts II, IV and V, relating respectively to relations with the Economic and Social Council, the International Court of Justice and the Military Staff Committee. The functions of the Secretariat in relation to the Security Council, to the extent that they are governed by the provisional rules of procedure of the Council, are covered in chapter I, part IV. Proceedings regarding the appointment of the Secretary-General under Article 97 are treated in part I of this chapter.

### Part I

#### RELATIONS WITH THE GENERAL ASSEMBLY

##### NOTE

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

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

The first category, treated in section A, includes practices and proceedings in relation to Article 12, paragraph 1, limiting the authority of the General Assembly in respect of any dispute or situation while the Council is exercising the functions assigned to it by the Charter. No material for inclusion in this section was found for the period covered by this *Supplement*. The section, therefore, contains only a note concerning notifications by the Secretary-General to the General Assembly under Article 12, paragraph 2, of the Charter.

In the second category of instances, treated in section C, in which the responsibilities of the Security Council and of the General Assembly are mutual, and in which the decision must be taken by the Security Council before the General Assembly, two cases concerning the appointment of the Secretary-General have been entered.<sup>1</sup> There was no material for the period under review bearing on conditions of accession to the Statute of the International Court of Justice.

The third category, dealing with cases where the final decision depends upon action to be taken by both the organs concurrently, such as the election of Members of the International Court of Justice, is treated in section D.<sup>2</sup> Section E includes one case history giving account of the relations of the Security Council with subsidiary organs established by the General Assembly.<sup>3</sup> The heading of section F, which contains a tabulation of recommendations to the Security Council adopted by the General Assembly in the form of resolutions, has been modified, as well as the note to the section to reflect a new trend in the practice of the relationship between the two organs. Section G contains references to the annual and special reports of the Security Council to the General Assembly.

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

###### *“Article 12 of the Charter*

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

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

<sup>1</sup> Case 3.

<sup>2</sup> Case 4.

<sup>1</sup> Cases 1 and 2.



session, immediately the Security Council ceases to deal with such matters.”

[*Note:* During the period under review, there was no discussion in the Security Council on the question of the respective competence of the Security Council and the General Assembly to deal with a matter relating to the maintenance of international peace and security, which the Security Council had considered and then referred to the General Assembly.

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

The notification issued before each regular session of the General Assembly contains the same agenda items as those in the current Summary Statement, except that certain items in the Statement which are not considered as “matters relative to the maintenance of international peace and security” for the purpose of Article 12, paragraph 2, are excluded from the notification, e.g., rules of procedure of the Council, applications for membership, and the application of Articles 87 and 88 with regard to strategic areas. In addition, the notification issued before each regular session, contains a list of any items with which the Council has ceased to deal since the previous session of the General Assembly.<sup>4</sup>

Matters being dealt with by the Security Council have been listed in the notification, since 1951, in two categories: (1) matters which are being dealt with by the Council and which have been discussed during the period since the last notification, and (2) matters of which the Council remains seized, but which have not been discussed since the last notification.

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

#### **\*\*B. PRACTICES AND PROCEEDINGS IN RELATION TO THE CONVOCAION OF A SPECIAL SESSION OF THE GENERAL ASSEMBLY**

[*Note:* No special session of the General Assembly was convened at the call of the Security Council during the period under review. Nor did the Security Council call an emergency special session of the General Assembly.<sup>5</sup>]

<sup>4</sup> No items were removed from the list of matters of which the Council was seized during the period under review. See the Secretary-General's notifications issued before the twenty-first, twenty-second and twenty-third sessions of the General Assembly (A/6423, 20 September 1966; A/6819, 18 September 1967, and A/7241, 24 September 1968).

<sup>5</sup> One emergency special session of the General Assembly has been convened during the period under review at the request of a Member State. See letter dated 13 June 1967 from the Minister of Foreign Affairs of the USSR (*GAOR, 5th emerg. Spec. Sess., ann., a.i. 5, doc. A/6717, p. 2*) and also letter dated 15 June 1967 from the representative of the United States (*S/7987, OR, 22nd yr., Suppl. for April-June 1967, pp. 256-257*).

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

#### **1. Appointment of the Secretary-General**

##### *“Article 97 of the Charter*

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

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

##### **CASE 1**

At the 1301st meeting held in private on 29 September 1966, the Security Council considered the question of the appointment of the Secretary-General U Thant, whose term of office was to expire on 3 November 1966, until the end of the twenty-first session of the General Assembly and adopted the following consensus:<sup>6</sup>

“After consultations among the members of the Security Council, there is a consensus that the members of the Council welcome the statement of the Secretary-General on 19 September 1966 that he is ready to consider serving until the end of the present twenty-first session of the General Assembly and that, taking into account the great positive rôle played by the Secretary-General U Thant in the activities of the United Nations, the members of the Security Council further express their confidence in him, and consider that if U Thant should express willingness to serve another term as the Secretary-General, it would fully meet the desires of the members of this Council.”

At the 1311th meeting on 28 October 1966, held in private, the Security Council adopted the resolution<sup>7</sup> confirming the consensus reached at its 1301st meeting and recommending to the General Assembly to extend the appointment of U Thant as Secretary-General of the United Nations until the end of the twenty-first regular session of the General Assembly. On the same day, the President (United Kingdom) transmitted this recommendation to the President of the General Assembly.<sup>8</sup>

##### **CASE 2**

At the 1329th meeting, held in private on 2 December 1966, the Security Council considered the question of a

<sup>6</sup> 1301st meeting (PV), p. 1.

<sup>7</sup> Resolution 227 (1966).

<sup>8</sup> A/6490.

recommendation for the appointment of the Secretary-General of the United Nations. At the same meeting, the President (Uruguay) made the following statement on behalf of the Council:<sup>9</sup>

"The Security Council, recalling its consensus of 29 September 1966 concerning the great positive rôle played by the Secretary-General, U Thant, in the activities of the United Nations, has further examined the question of the appointment of the Secretary-General and, in particular, the situation created by the impending expiration of the present term of Secretary-General U Thant at the end of the twenty-first regular session of the General Assembly.

"After taking all considerations into account, the members of the Council have agreed that the higher interests of the Organization would be best served if U Thant continues in the post of Secretary-General.

"They are aware of the Secretary-General's intention not to offer himself for a second term and his desire to leave the Council unfettered in its recommendation. They have weighed the Secretary-General's wish that they examine the possibility of another nominee. Whatever their views may be on the observations he made with his announced expression of intention, they fully respect his position and his action in bringing basic issues confronting the Organization and disturbing developments in many parts of the world to their notice, as he has done in his statement of 1 September 1966,<sup>10</sup> to which they accord their closest attention.

"The members of the Security Council would like to ask him to recognize with them that the Organization should continue to be served by a Secretary-General who has the demonstrated capacity to evoke the cooperation and confidence of all Members. The wide support for the present Secretary-General among all the Members of the United Nations is an important factor which should be preserved in order to help the Organization continue to face its problems constructively and play its rôle in maintaining peace and security.

"The Security Council therefore, conscious of his proven qualities and his high sense of duty, has unanimously decided to appeal to U Thant's dedication to the Organization and to ask him to continue to serve for another full term as Secretary-General of the United Nations. The Security Council hopes that the Secretary-General will accept its appeal, and thereupon it would be the intention of the Security Council to make the appropriate recommendation to the General Assembly."

At the same meeting, the Council took note of the following statement by the Secretary-General:<sup>11</sup>

"The Secretary-General is grateful to the Security Council for the serious consideration it has given to the question of the appointment of the Secretary-General. He is also deeply appreciative of the sympathetic understanding it has shown of the reasons which impelled him to announce his intention not to offer himself for a second term.

"The Secretary-General takes note of the observations made by the Security Council and recognizes the validity of the reasons it has advanced in requesting him to continue to serve the Organization for another full term. He notes with particular appreciation that, for its part, the Security Council respects his position and his action in bringing to the notice of the Organization basic issues confronting it, and disturbing developments in many parts of the world. He hopes that the close attention being given to these issues and developments will serve to strengthen the Organization by the co-operative effort of the entire membership, and promote the cause of world peace and progress. It is in this hope that the Secretary-General accedes to the appeal addressed to him by the Security Council."

At the same meeting, the Security Council unanimously decided to recommend to the General Assembly that U Thant be appointed as Secretary-General of the United Nations for another term of office.<sup>12</sup>

On the same day, the President (Uruguay) transmitted this recommendation to the President of the General Assembly.<sup>13</sup>

**\*\*2. Conditions of accession to the Statute of the International Court of Justice**

**\*\*3. Conditions under which a non-member State, party to the Statute, may participate in electing Members of the International Court of Justice**

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

**"STATUTE OF THE INTERNATIONAL COURT OF JUSTICE**

**"Article 4**

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

**"Article 8**

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

**"Article 10**

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

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

"3. In the event of more than one national of the same state obtaining an absolute majority of the votes

<sup>9</sup> OR, 21st yr., *Resolutions and Decisions of the Security Council*, 1966, pp. 17-18.

<sup>10</sup> S/7481 OR, 21st yr., *Suppl. for July-Sept. 1966*, p. 109.

<sup>11</sup> OR, 21st yr., *Resolutions and Decisions of the Security Council*, 1966, p. 18.

<sup>12</sup> Resolution 229 (1966).

<sup>13</sup> GAOR, 21st Sess., *ann.*, a.i. 18, doc. A/6540.

both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected."

"Article 11

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

"Article 12

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

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

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

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

"Article 14

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

"PROVISIONAL RULES OF PROCEDURE

"Rule 61. Relations with other United Nations Organs

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

CASE 3

At the 1315th meeting on 2 November 1966, the Security Council proceeded to the election of five Members of the International Court of Justice to fill the seats which were to become vacant on 5 February 1967.<sup>14</sup> Prior to the balloting, the President (United States),

referring to the memorandum<sup>15</sup> submitted by the Secretary-General, stated that, in accordance with Article 10, paragraph 1, of the Statute of the Court, the candidate who obtained an absolute majority of votes both in the General Assembly and in the Security Council, would be considered elected as a Member of the Court. He further reminded that the required majority in the Security Council was eight votes. However, should there be more than five candidates obtaining the required majority, a new vote on all candidates would be taken according to the procedure which had been followed in the past.

A vote was then taken by secret ballot, and four candidates received the required majority. The President stated that in view of this fact the Council had to proceed to a ballot for the fifth seat. At the twentieth ballot, the fifth candidate received the required majority. The President thereupon stated that he would transmit the results of the election to the President of the General Assembly, and asked the Council to remain in suspended session until the President of the General Assembly had informed the Council of the results of the final voting in the Assembly.

Subsequently, the President announced that he had received a communication from the President of the General Assembly to the effect that the General Assembly had decided to suspend the 1456th plenary meeting, which was held for the purpose of electing five Members of the International Court of Justice.<sup>16</sup> He then suggested<sup>17</sup> that the Council suspend its meeting by agreement and without establishing any precedent, and reconvene upon receipt of further word from the General Assembly.

After a brief discussion as to whether the Council should suspend or adjourn the meeting, the President<sup>18</sup> adjourned the meeting.

At the 1318th meeting on 8 November 1966, the President<sup>19</sup> announced that he had been notified by the President of the General Assembly that five candidates had been elected by the General Assembly at the 1456th plenary meeting to fill the vacancies. Four of the five candidates who received a majority of votes in the Assembly also obtained an absolute majority in the Council and were therefore declared elected. The President stated further that under rule 61 of the provisional rules of procedure, the Security Council had to hold a further voting to fill the fifth vacancy. After the election of a fifth candidate on the third ballot, the President announced that he would communicate the result to the President of the General Assembly<sup>20</sup> who had advised<sup>21</sup> him that the same candidate had obtained an absolute majority of the votes at the 1457th plenary meeting of the General Assembly.

The President then stated<sup>22</sup> that the work of the Council was completed and since all five candidates had received the required majority of votes in the Security Council and the General Assembly, it was obvious that

<sup>15</sup> S/7466. Also circulated as document A/6366, see *GAOR 21st Sess., ann., a.i. 17, doc. A/6366*.

<sup>16</sup> 1315th meeting, para. 71.

<sup>17</sup> 1315th meeting, paras. 72, 74-76, 81.

<sup>18</sup> 1315th meeting, para. 99.

<sup>19</sup> 1318th meeting, para. 1.

<sup>20</sup> 1318th meeting, paras. 1-2.

<sup>21</sup> 1318th meeting, para. 7.

<sup>22</sup> 1318th meeting, para. 8.

<sup>14</sup> 1315th meeting, para. 1.

the President of the General Assembly would announce that they had been elected.

#### E. RELATIONS WITH SUBSIDIARY ORGANS ESTABLISHED BY THE GENERAL ASSEMBLY

[Note: The case history included herein gives an account of the relation between a subsidiary organ established by the General Assembly and the Security Council.]

##### CASE 4

By resolution 2248 (S-V)<sup>23</sup> of 19 May 1967, the General Assembly established the United Nations Council for South West Africa, which in discharge of its function would be responsible to the General Assembly, while the Security Council was requested to take all appropriate measures to enable it to discharge the functions and responsibilities entrusted to it by the General Assembly. In a letter<sup>24</sup> dated 23 January 1968 to the President of the Security Council, the President of the United Nations Council for South West Africa requested that the attention of the members of the Security Council be drawn to the illegal trial of South West Africans being carried out in South Africa and to the continuing defiance by the Government of South Africa of General Assembly resolution 2324 (XXII). He further expressed the hope that the Security Council would take effective measures to ensure that the South African Government would discontinue forthwith this illegal trial and release and repatriate the South West Africans concerned. By letter dated 25 January 1968, he transmitted a memorandum<sup>25</sup> from the Council for South West Africa on the said trial for the information of the members of the Security Council, in which the belief was expressed that the Security Council should be seized immediately of the grave situation. Subsequently, at the request<sup>26</sup> of the representatives of fifty-three Member States dated 24 January 1968, the question of South West Africa was included in the agenda of the Security Council. The letter of the President of the United Nations Council for South West Africa was also included in the agenda. The Council considered it at its 1387th meeting on 25 January 1968. In its decision<sup>27</sup> of 25 January 1968, the Security Council took into consideration the letter of 23 January 1968 from the President of the United Nations Council for South West Africa.

<sup>23</sup> GAOR, 5th Spec. Sess., Suppl. No. 1 (A/6657), pp. 1-2.

<sup>24</sup> S/8353, OR, 23rd yr., Suppl. for Jan.-March 1968, p. 58.

<sup>25</sup> S/8353/Add.1, OR, 23rd yr., Suppl. for Jan. March 1968, pp. 59-67.

<sup>26</sup> S/8355 and Add.1 and 2, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 71-72.

<sup>27</sup> Resolution 245 (1968) of 25 January 1968, 4th preamb. para. (see S/INF/23 of 6 March 1969, p. 3).

On 10 February 1968, the President of the United Nations Council for South West Africa addressed another letter<sup>28</sup> to the President of the Security Council expressing the profound shock and indignation of the Council at the news that sentences had been passed on thirty-three of the thirty-four South West Africans being illegally tried at Pretoria, in contravention of General Assembly resolution 2324 (XXII) and Security Council resolution 245 (1968). It was further stated in the letter that in the view of the United Nations Council for South West Africa, the Security Council, as the highest authority of the United Nations, should consider taking appropriate action. Subsequently, by letter dated 12 February 1968, the members of the Council, acting on behalf of their Governments, requested<sup>29</sup> that an urgent meeting of the Security Council be convened in connexion with the situation in South West Africa. The convening of the Security Council was also requested by the representatives of the forty-seven Member States in a letter<sup>30</sup> dated 12 February 1968 addressed to the President of the Security Council. The Council considered the question at its 1390th-1397th meetings, held between 16 February and 14 March 1968, and adopted a resolution<sup>31</sup> on 14 March 1968 in which, *inter alia*, it took into account the memorandum of the United Nations Council for South West Africa of 25 January 1968 on the illegal detention and trial of the South West Africans concerned, as well as the letter of 10 February 1968 from the President of the United Nations Council for South West Africa.<sup>32</sup>

#### F. RECOMMENDATIONS MADE BY THE GENERAL ASSEMBLY TO THE SECURITY COUNCIL IN THE FORM OF RESOLUTIONS

[Note: During the period under review, the General Assembly made a number of recommendations to the Security Council regarding items which were already on the agenda of the Council. Consequently, a more appropriate heading has been established for the last column of the tabulation below.]

<sup>28</sup> S/8394, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 175-176.

<sup>29</sup> The request was subsequently circulated as document S/8397, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 177-178.

<sup>30</sup> S/8398 and Add.1/Rev.1 and Add.2, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 178-179.

<sup>31</sup> Resolution 246 (1968) of 14 March 1968, preamb. para. 6. (see S/INF/23 of 6 March 1969, pp. 5-6).

<sup>32</sup> In a subsequent communication dated 1 April 1968, the President of the United Nations Council for South West Africa informed the President of the Security Council that the Council had decided to proceed to South West Africa on 5 April, and that he was conveying this information to the Security Council pursuant to the relevant paragraphs of resolutions 2248 (S-V) and 2325 (XXII) of the General Assembly (see S/8524, OR, 23rd yr., Suppl. for April-June 1968, pp. 109-110).

## TABULATION OF RECOMMENDATIONS

Entry No.	General Assembly resolutions	Subject of recommendations	Action by the Security Council
1. ....	2151 (XXI) 17 November 1966	Situation in Southern Rhodesia	Took up for consideration at the 1331st meeting at the request of the United Kingdom dated 5 December 1966 (S/7610) <sup>a</sup>
2. ....	2184 (XXI) 12 December 1966	Situation in territories in Africa under Portuguese administration	None
3. ....	2202 (XXI) 16 December 1966	The policies of <i>apartheid</i> of the Government of the Republic of South Africa	None
4. ....	2262 (XXII) 3 November 1967	Situation in Southern Rhodesia	Took up for consideration at the 1399th meeting at the request of 36 Member States dated 12 March 1968 (S/8454) <sup>a</sup>
5. ....	2270 (XXII) 17 November 1967	Situation in territories in Africa under Portuguese administration	None
6. ....	2307 (XXII) 13 December 1967	The policies of <i>apartheid</i> of the Government of the Republic of South Africa	None
7. ....	2324 (XXII) 16 December 1967	Situation in South West Africa (detention and trial of the South West Africans)	Took up for consideration at the 1387th meeting at the request of 53 Member States dated 24 and 25 January 1968 (S/8355) <sup>a</sup>
8. ....	2325 (XXII) 16 December 1967	The question of South West Africa	None
9. ....	2383 (XXIII) 7 November 1968	Situation in Southern Rhodesia	None
10. ....	2395 (XXIII) 29 November 1968	Situation in territories in Africa under Portuguese administration	None
11. ....	2396 (XXIII) 2 December 1968	The policies of <i>apartheid</i> of the Government of the Republic of South Africa	None
12. ....	2403 (XXIII) 16 December 1968	Situation in Namibia	Took up for consideration at the 1464th meeting at the request of 45 Member States dated 14 March 1969 (S/9090 and Add. 1 and 2) <sup>a</sup>
13. ....	2479 (XXIII) 21 December 1968	The working languages of the Security Council	Included in the agenda at the 1463rd meeting on 24 January 1969 at the request of the USSR dated 16 January 1969 (S/8967) and at the request of Spain dated 16 January 1969 (S/8968) <sup>a</sup>

<sup>a</sup> No inference is intended that the action of the Security Council in this instance has been taken in response to the recommendation of the General Assembly.

#### G. REPORTS OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

##### "Article 24, paragraph 3 of the Charter

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

[Note: In accordance with Article 24, paragraph 3, the Security Council has continued, during the period under review, to submit annual reports to the General Assembly.]<sup>33</sup>

<sup>33</sup> Annual reports were approved by the Security Council at the following meetings held in private: 21st report, 1334th meeting, 13 December 1966; 22nd report, 1368th meeting, 27 September 1967; and 23rd report, 1455th meeting, 30 September 1968.

It further transmitted to the General Assembly its recommendations concerning several applications for membership,<sup>34</sup> pursuant to paragraph 2 of rule 60 of its provisional rules of procedure. During the period covered by this *Supplement*, no special report was submitted to the General Assembly concerning the question of admission of a new Member, in accordance with paragraph 3 of rule 60 of the provisional rules of procedure.]

<sup>34</sup> Guyana (A/6353, 21 June 1966); Botswana (A/6469, 14 October 1966); Lesotho (A/6470, 14 October 1966); Barbados (A/6559, 7 December 1966); Southern Yemen (A/6976, 12 December 1967); Mauritius (A/7083, 19 April 1968); Swaziland (A/7231, 11 September 1968); and Equatorial Guinea (A/7310, 6 November 1968). For consideration of the aforementioned applications by the Security Council, see chapter VII, pp. 91, 92 and 94.

## Part II

**\*\*RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL**

## Part III

**RELATIONS WITH THE TRUSTEESHIP COUNCIL****\*\*A. PROCEDURE UNDER ARTICLE 83, PARAGRAPH 3, IN APPLICATION OF ARTICLES 87 AND 88 OF THE CHARTER WITH REGARD TO STRATEGIC AREAS UNDER TRUSTEESHIP****B. TRANSMISSION TO THE SECURITY COUNCIL BY THE TRUSTEESHIP COUNCIL OF QUESTIONNAIRES AND REPORTS**

During the period under review, no questionnaires have been transmitted to the Security Council by the Trusteeship Council. The report of the latter body on the exercise of its functions in respect of the strategic areas under trusteeship, have, therefore, continued to be based on the revised questionnaire transmitted to the Security Council on 24 July 1953.<sup>35</sup>

<sup>35</sup> The revised questionnaire was further amended at the 1166th meeting of the Trusteeship Council on 7 July 1961. The document was circulated as T/1010/Rev.1.

Between 1 January 1966 and 31 December 1968, the Secretary-General transmitted to the Security Council the following reports of the Trusteeship Council on the Trust Territory of the Pacific Islands, which has continued to be the only Territory designated as a strategic area:

Eighteenth report adopted during the thirty-third session of the Trusteeship Council, 26 July 1966.<sup>36</sup>

Nineteenth report adopted during the thirty-fourth session of the Trusteeship Council, 29 June 1967.<sup>37</sup>

Twentieth report adopted during the thirty-fifth session of the Trusteeship Council, 18 June 1968.<sup>38</sup>

<sup>36</sup> S/7425, *OR*, 21st yr., *Special Supplement No. 1*, pp. 1-63.

<sup>37</sup> S/8020, *OR*, 22nd yr., *Special Supplement No. 1*, pp. 1-71.

<sup>38</sup> S/8713, *OR*, 23rd yr., *Special Supplement No. 1*, pp. 1-72.

## Part IV

**\*\*RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE**

## Part V

**\*\*RELATIONS WITH THE MILITARY STAFF COMMITTEE**

**Chapter VII**

**PRACTICES RELATIVE TO RECOMMENDATIONS TO THE GENERAL ASSEMBLY  
REGARDING THE ADMISSION OF NEW MEMBERS**

## CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE . . . . .	91
<b>PART I. TABLE OF APPLICATIONS, 1966-1968, AND OF ACTIONS TAKEN THEREON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY . . . . .</b>	<b>91</b>
Note . . . . .	91
A. Applications recommended by the Security Council . . . . .	91
B. Applications which failed to obtain a recommendation . . . . .	91
C. Discussion of the question in the Council from 1966-1968 . . . . .	91
D. Applications pending on 1 January 1966 . . . . .	91
E. Applications submitted between 1 January 1966 and 31 December 1968 . . . . .	92
F. Votes in the Security Council (1966-1968) on draft resolutions and amendments concerning applications for admission to membership in the United Nations. . . . .	92
G. Votes in the General Assembly (1966-1968) on draft resolutions concerning Security Council recommendations for admission to membership in the United Nations . . . . .	93
<b>**PART II. CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 58, 59 AND 60 OF THE PROVISIONAL RULES OF PROCEDURE . . . . .</b>	<b>93</b>
<b>PART III. PRESENTATION OF APPLICATIONS</b>	
Note . . . . .	93
<b>PART IV. REFERENCE OF APPLICATIONS TO THE COMMITTEE ON THE ADMISSION OF NEW MEMBERS</b>	
Note . . . . .	93
<b>PART V. PROCEDURES IN THE CONSIDERATION OF APPLICATIONS WITHIN THE SECURITY COUNCIL</b>	
Note . . . . .	94
A. Discussion of applications . . . . .	94
1. Order of the discussion of applications . . . . .	94
**2. Documentation submitted to the Security Council. . . . .	94
**B. Voting on applications . . . . .	94
<b>**PART VI. THE RÔLE OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL . . . . .</b>	<b>94</b>



## INTRODUCTORY NOTE

The material covered in this chapter is dealt with on lines similar to those followed in the previous supplements to the *Repertoire*. Part I sets forth in tabular form the applications considered and the decisions taken by the Council during the period under review. The only case history appearing in part V of this chapter concerns procedures employed by the Council in the consideration of applications.

The proceedings of the Council in respect of admission of new Members during the period under review have not involved any constitutional or procedural questions. Consequently, no case histories have been entered under a number of headings in this chapter.

### Part I

## TABLE OF APPLICATIONS, 1966-1968, AND OF ACTIONS TAKEN THEREON BY THE SECURITY COUNCIL AND THE GENERAL ASSEMBLY

### NOTE

The following table is a continuation of the one in the previous volumes of the *Repertoire*, which should be consulted for an explanation of its organization. The modifications in the table introduced in the earlier *Supplements* have been maintained.

#### A. APPLICATIONS RECOMMENDED BY THE SECURITY COUNCIL

In the period 1 January 1966-31 December 1968, the Security Council recommended the following States for admission to membership in the United Nations:

- (i) At the 1287th meeting on 21 June 1966, Guyana was unanimously recommended.
- (ii) At the 1306th meeting on 14 October 1966, Botswana was unanimously recommended.
- (iii) At the 1306th meeting on 14 October 1966, Lesotho was unanimously recommended.
- (iv) At the 1330th meeting on 7 December 1966, Barbados was unanimously recommended.
- (v) At the 1384th meeting on 12 December 1967, Southern Yemen was unanimously recommended.
- (vi) At the 1414th meeting on 18 April 1968, Mauritius was unanimously recommended.
- (vii) At the 1450th meeting on 11 September 1968, Swaziland was unanimously recommended.

(viii) At the 1458th meeting on 6 November 1968, Equatorial Guinea was unanimously recommended.

#### B. APPLICATIONS WHICH FAILED TO OBTAIN A RECOMMENDATION

During the period under review, no application to membership in the United Nations considered by the Council failed to obtain its recommendation.

#### C. DISCUSSION OF THE QUESTION IN THE COUNCIL FROM 1961-1968

[As in the *Supplement 1956-1958*, in the *Supplement 1959-1963*, and in the *Supplement 1964-1965*, the system of grouping the discussion under "debates", used for the sake of convenience in the earlier volumes, is not followed in the present chapter as it is unsuited to the nature of the proceedings of the Council during the period under review.]

The Council held a total of seven meetings<sup>1</sup> on questions of admission during this period of three years. In all cases, the discussion involved applications of newly independent States.

<sup>1</sup> 1287th (21 June 1966), 1306th (14 October 1966), 1330th (7 December 1966), 1384th (12 December 1967), 1414th (18 April 1968), 1450th (11 September 1968) and 1458th (6 November 1968).

#### D. APPLICATIONS PENDING ON 1 JANUARY 1966

Applicant	Date of application	Document
Republic of Korea ...	19 January 1949	OR, <i>Suppl. Feb. 1949, 4th yr.</i> , p. 5 (S/1238)
Democratic People's Republic of Korea ..	9 February 1949	OR, <i>12, 4th yr.</i> , p. 18 (S/1247)
Viet-Nam .....	17 December 1951	OR, <i>7th yr., Suppl. for Jan.-Mar. 1952</i> , p. 1 (S/2446)
Democratic Republic of Viet-Nam .....	(i) 22 November 1948 <sup>a</sup>	OR, <i>7th yr., Suppl. for July-Sept. 1952</i> , pp. 57-58 (S/2780)
	(ii) 29 December 1951	OR, <i>7th yr., Suppl. for Jan.-Mar. 1952</i> , pp. 3-4 (S/2466)

<sup>a</sup> Circulated on 17 September 1952 as S/2780 (see *Repertoire of the Practice of the Security Council, Supplement, 1952-1955*, p. 91, Case 1).

**E. APPLICATIONS SUBMITTED BETWEEN 1 JANUARY 1966  
AND 31 DECEMBER 1968<sup>a</sup>**

<i>Applicant</i>	<i>Date of application</i>	<i>Document<sup>b</sup></i>
<b>(XIX) in 1966</b>		
Guyana .....	4 June 1966	<i>OR, 21st yr., Suppl. for April-June 1966, p. 153 (S/7341 and S/7349)</i>
Botswana .....	30 September 1966	<i>OR, 21st yr., Suppl. for July-Sept. 1966, p. 149 (S/7518)</i>
Lesotho .....	7 October 1966	<i>OR, 21st yr., Suppl. for Oct.-Dec. 1966, pp. 20-21 (S/7534)</i>
Barbados .....	30 November 1966	<i>OR, 21st yr., Suppl. for Oct.-Dec. 1966, pp. 108-109 (S/7607)</i>
<b>(XX) in 1967</b>		
Southern Yemen ...	30 November 1967	<i>OR, 22nd yr., Suppl. for Oct.-Dec. 1967, p. 265 (S/8284)</i>
<b>(XXI) in 1968</b>		
Mauritius .....	12 March 1968	<i>OR, 23rd yr., Suppl. for Jan.-Mar. 1968, p. 267 (S/8466)</i>
Swaziland .....	6 September 1968	<i>OR, 23rd yr., Suppl. for July-Sept. 1968, p. 242 (S/8808)</i>
Equatorial Guinea ..	25 October 1968	<i>OR, 23rd yr., Suppl. for Oct.-Dec. 1968, p. 109 (S/8883)</i>

<sup>a</sup> The material set forth in this table is a continuation, for the period covered by this *Supplement*, of the historical data included in part III of earlier volumes concerning presentation of applications.

<sup>b</sup> Includes the formal declaration in each case.

**F. VOTES IN THE SECURITY COUNCIL (1966-1968) ON DRAFT RESOLUTIONS AND AMENDMENTS  
CONCERNING APPLICATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS**

<i>Draft resolution</i>	<i>Subject of vote</i>	<i>Vote</i>	<i>Meeting and date</i>	<i>Result of vote<sup>a</sup></i>
<i>Guyana, Argentina, New Zealand, Nigeria, Uganda, United Kingdom and Uruguay d.r. (S/7361) recommending admission .....</i>	Same	Unanimous	1287th, 21.6.66	Adopted
<i>Botswana, Jordan, New Zealand, Nigeria, Uganda and United Kingdom d.r. (S/7541) recommending admission .....</i>	Same	Unanimous	1306th, 14.10.66	Adopted
<i>Lesotho, Jordan, New Zealand, Nigeria, Uganda and United Kingdom d.r. (S/7542) recommending admission .....</i>	Same	Unanimous	1306th, 14.10.66	Adopted
<i>Barbados, Argentina, New Zealand, Nigeria, Uganda, United Kingdom and Uruguay d.r. (S/7609) recommending admission .....</i>	Same	Unanimous	1330th, 7.12.66	Adopted
<i>Southern Yemen, Ethiopia, India, Japan, Mali, Nigeria and United Kingdom d.r. (S/8292) recommending admission .....</i>	Same	Unanimous	1384th, 12.12.67	Adopted
<i>Mauritius, Canada, Ethiopia, India, Pakistan, Senegal and the United Kingdom, d.r. (S/8547/Rev.1) recommending admission .....</i>	Same	Unanimous	1414th, 18.4.68	Adopted
<i>Swaziland, Algeria, Canada, Ethiopia, India, Pakistan, Senegal and the United Kingdom d.r. (S/8810) recommending admission .....</i>	Same	Unanimous	1450th, 11.9.68	Adopted
<i>Equatorial Guinea, Algeria, Brazil, Ethiopia, India, Pakistan, Paraguay and Senegal d.r. (S/8888) recommending admission .....</i>	Same	Unanimous	1458th, 6.11.68	Adopted

## G. VOTES IN THE GENERAL ASSEMBLY (1966-1968) ON DRAFT RESOLUTIONS CONCERNING SECURITY COUNCIL RECOMMENDATIONS FOR ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

<i>Applications and General Assembly resolutions</i>	<i>Plenary meeting and date</i>	<i>Vote</i>	<i>Result of proceedings</i>
<b>1966</b>			
Guyana <sup>a</sup> .....	1409th plen.mtg., 20.9	Acclamation	Admitted
Botswana <sup>b</sup> .....	1444th plen.mtg., 17.10	Acclamation	Admitted
Lesotho <sup>c</sup> .....	1444th plen.mtg., 17.10	Acclamation	Admitted
Barbados <sup>d</sup> .....	1487th plen.mtg., 9.12	Acclamation	Admitted
<b>1967</b>			
Southern Yemen <sup>e</sup> .....	1630th plen.mtg., 14.12	Acclamation	Admitted
<b>1968</b>			
Mauritius <sup>f</sup> .....	1643rd plen.mtg., 24.4	Acclamation	Admitted
Swaziland <sup>g</sup> .....	1674th plen.mtg., 24.9	Acclamation	Admitted
Equatorial Guinea <sup>h</sup> .....	1714th plen.mtg., 12.11	Acclamation	Admitted

<sup>a</sup> Resolution 2133 (XXI).<sup>b</sup> Resolution 2136 (XXI).<sup>c</sup> Resolution 2137 (XXI).<sup>d</sup> Resolution 2175 (XXI).<sup>e</sup> Resolution 2310 (XXII).<sup>f</sup> Resolution 2371 (XXII).<sup>g</sup> Resolution 2376 (XXIII).<sup>h</sup> Resolution 2384 (XXIII).

## Part II

## \*\*CONSIDERATION OF THE ADOPTION OR AMENDMENT OF RULES 58, 59 AND 60 OF THE PROVISIONAL RULES OF PROCEDURE

## Part III

## PRESENTATION OF APPLICATIONS

## NOTE

The material concerning the presentation of applications is substantially the same, for the period under review, as the list of applications submitted between 1 January 1966 and 31 December 1968 which appears in part I, section E, of the Table of Applications. Therefore, to avoid duplication, the historical data relating to the presentation of applications which appeared in part III of the original volume and the first two supplements of the *Repertoire* may be found here in section E of the above Table.

## Part IV

## REFERENCE OF APPLICATIONS TO THE COMMITTEE ON THE ADMISSION OF NEW MEMBERS

## NOTE

During the period covered by this volume, the Security Council did not refer any application to its Committee on the Admission of New Members; nor was any proposal to refer applications to the Committee made during this period. However, on one occasion an implicit reference was made to rule 59 of the provisional rules of procedure, and the suggestion was made that the Council's Committee on the Admission of New Members be convened to consider the problem of "micro-States"<sup>2</sup>

## Part V

PROCEDURES IN THE CONSIDERATION OF APPLICATIONS WITHIN  
THE SECURITY COUNCIL

## NOTE

During the period under review, the Council voted upon applications in the chronological order of their submission. Votes on applications were taken separately in the order in which the applications appeared on the agenda. In one instance<sup>3</sup> applications were discussed simultaneously. In all cases, submission of a draft resolution preceded the vote on the pending application.

There was no procedural discussion in connexion with the Council's consideration of draft resolutions concerning applications for membership in the United Nations during the period covered by this *Supplement*.

## A. DISCUSSION OF APPLICATIONS

## 1. Order of the discussion of applications

## CASE 1

At the 1306th meeting on 14 October 1966, the Council adopted an agenda which included the following:

*"Admission of new Members to the United Nations*

*"(a) Letter dated 30 September 1966 from the President of Botswana to the Secretary-General (S/7518);*

*"(b) Telegram dated 7 October 1966 from the Prime Minister of Lesotho to the Secretary-General (S/7534)."*

<sup>3</sup> Case 1.

The President (United Kingdom) drew the Council's attention to the two draft resolutions which had been presented. The first (S/7541), jointly sponsored by Jordan, New Zealand, Nigeria, Uganda and the United Kingdom, related to the application for membership submitted by Botswana; the second (S/7542), jointly sponsored by the same five delegations, related to the application of Lesotho.

The President suggested that the Council follow the course adopted on earlier occasions and proceed with the discussions in which members would be free to refer in their statements, if they so wished, to both the pending applications, on the understanding that the two draft resolutions would, as a matter of course, be put to the vote separately.

No objection to this procedure having been expressed, the Council proceeded accordingly to consider the two applications and to vote on them separately in the order in which they appeared in the agenda.<sup>4</sup>

**\*\*2. Documentation submitted to the Security Council****\*\*B. VOTING ON APPLICATIONS**

<sup>4</sup> 1306th meeting: President (United Kingdom), paras. 1-2, 90-93.

## Part VI

**\*\*THE ROLE OF THE GENERAL ASSEMBLY AND THE SECURITY COUNCIL**

**Chapter VIII**

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

## CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE . . . . .	97
<b>PART I. ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL</b>	
Note . . . . .	97
<b>PART II</b>	
Situation in Viet-Nam . . . . .	104
Complaint by the Government of Cyprus . . . . .	105
Situation in Southern Rhodesia . . . . .	113
The Palestine question . . . . .	124
Complaint by the United Kingdom . . . . .	130
Complaint by the Democratic Republic of the Congo . . . . .	131
Situation in the Middle East (I) . . . . .	134
Situation in the Middle East (II) . . . . .	146
The question of South West Africa . . . . .	164
Complaint by the United States (Pueblo incident). . . . .	168
Complaint by Haiti . . . . .	169
Question of safeguards to non-nuclear-weapon States parties to the Non-Proliferation Treaty . . . . .	170
Situation in Czechoslovakia . . . . .	171

## INTRODUCTORY NOTE

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

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

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

The questions are dealt with in the chronological order of their inclusion in the agenda of the Council<sup>1</sup> and with regard to the Palestine question,<sup>2</sup> the situation in Southern Rhodesia,<sup>3</sup> the complaint by the Government of Cyprus,<sup>4</sup> which were included in the Council's agenda before the period under review, in the order of resumption of their

<sup>1</sup> For a tabulation of the data on submission, see chapter X, part III. As indicated in the editorial note, the questions included in the agenda of the Council during the years 1966 and 1968 appear under conventional short titles.

<sup>2</sup> *Repertoire of the Practice of the Security Council, 1946-1951*, pp. 325-344; *ibid.*, *Supplement 1952-1955*, pp. 110-118; *ibid.*, *Supplement 1956-1958*, pp. 93-105; *ibid.*, *Supplement 1959-1963*, pp. 150-154; *ibid.*, *Supplement 1964-1965*, pp. 139, 140.

<sup>3</sup> *Ibid.*, *Supplement 1959-1963*, pp. 217-219; *ibid.*, *Supplement 1964-1965*, pp. 143-149.

<sup>4</sup> *Ibid.*, *Supplement 1959-1963*, pp. 219, 220; *ibid.*, *Supplement 1964-1965*, pp. 108-127.

consideration by the Council. With certain exceptions, a summary of the case presented to the Council is given at the outset of each question, together with a summary of the contentions made in rebuttal.

The framework of the material for each question is provided by the succession of affirmative and negative decisions within the purview of this chapter.<sup>5</sup> Decisions related to the subject matter of chapters I-VI of the *Repertoire* are, as a rule, omitted as not relevant to the purpose of this chapter or of the ancillary chapters X-XII. The decisions are entered in uniform manner. Affirmative decisions are entered under a heading indicative of the content of the decision, and negative decisions are entered under a heading indicative solely of the origin of the proposal or draft resolution. Affirmative decisions have been reproduced in full as constitutive of the practice of the Council, while negative decisions are indicated in summarized form. Where the negative decision relates to a draft resolution in connexion with which discussion has taken place concerning the application of the Charter, the text of the relevant parts of the draft resolution will in most instances be found in chapters X-XII.

As in the previous volumes of the *Repertoire*, an analytical table of measures adopted by the Council arranged broadly by type of measure has been included as part I of chapter VIII. This table should be regarded as of the nature of an index to chapter VIII; and no constitutional significance should be attached to the headings adopted in the compilation of this table or to the inclusion of particular measures under the individual headings. A new main heading has been added at the end of the table while the number of subheadings has been considerably expanded to include types of measures not previously adopted by the Council. In certain instances, subheadings have been modified with a view to broadening their scope so as to include thereunder measures which, although varying slightly in their formulation, are substantially similar.

<sup>5</sup> In a number of cases, this sequence of affirmative and negative decisions has not occurred during the period under review due to decisions having been made by consensus obtained through informal consultations. See also chapter I, Cases 7, 11, 12, 14, 15, 17; and footnote 18 in chapter I.

### Part I

#### ANALYTICAL TABLE OF MEASURES ADOPTED BY THE SECURITY COUNCIL

##### NOTE

As in the previous volumes of the *Repertoire*, the entries

in this tabulation are restricted to a reference to the question, the date of the decision and the serial number of the decision.

- \*\*I. Preliminary measures for the elucidation of fact**
- II. Determination of the nature of the question**
- A. Determination of the existence of a dispute or situation the continuance of which is likely to endanger the maintenance of international peace and security.**
- B. Determination of the existence of a threat to the peace, breach of the peace, or act of aggression.**  
 Situation in Southern Rhodesia:  
 Decision of 9 April 1966 (resolution 221 (1966)), para. 1.  
 Decision of 16 December 1966 (resolution 232 (1966)), preamble and para. 1.  
 Decision of 29 May 1968 (resolution 253 (1968)), preamble.
- C. Finding of an action as a planned military attack.**  
 (i) The Palestine question:  
 Decision of 25 November 1966 (resolution 228 (1966)), preamble.  
 (ii) Situation in the Middle East (I):  
 Decision of 24 March 1968 (resolution 248 (1968)), preamble.  
 Decision of 16 August 1968 (resolution 256 (1968)), preamble.  
 Decision of 31 December 1968 (resolution 262 (1968)), preamble.
- D. Finding that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States.**  
 Question of safeguards to non-nuclear-weapon States parties to the Non-Proliferation Treaty.  
 Decision of 19 June 1968 (resolution 255 (1968)), preamble.
- E. Determination that premeditated and repeated military attacks endangered the maintenance of the peace.**  
 Situation in the Middle East (II):  
 Decision of 16 August 1968 (resolution 256 (1968)), para. 3.  
 Decision of 31 December 1968 (resolution 262 (1968)), para. 2.
- III. Injunctions to Governments and authorities involved in hostilities**
- A. Call for adherence to armistice agreement.**  
 The Palestine question:  
 Decision of 25 November 1966 (resolution 228 (1966)), preamble.
- B. Call for cessation of hostilities.**  
 Situation in the Middle East (I):  
 Decision of 6 June 1967 (resolution 233 (1967)), para. 1.  
 Decision of 7 June 1967 (resolution 234 (1967)), para. 1.  
 Decision of 9 June 1967 (resolution 235 (1967)), preamble and para. 2.  
 Situation in the Middle East (II):  
 Decision of 25 October 1967 (resolution 240 (1967)), para. 4 (first part).  
 Decision of 24 March 1968 (resolution 248 (1968)), preamble.  
 Decision: President's statement of 8 September 1968.  
 Decision of 18 September 1968 (resolution 258 (1968)), para. 1.
- C. Call to refrain from actions in contravention of resolutions and decisions of the Security Council.**  
 Situation in the Middle East (II):  
 Decision of 24 March 1968 (resolution 248 (1968)), para. 4.
- D. Precautionary action.**  
 Situation in the Middle East (II):  
 Decision of 27 April 1968 (resolution 250 (1968)), preamble and para. 1.
- IV. Measures in connexion with injunctions to be taken by the Governments and authorities directly involved in hostilities**
- A. Withdrawal of fighting personnel.**  
 Situation in the Middle East (I):  
 Decision of 11 June 1967 (resolution 236 (1967)), para. 4.
- B. Co-operation of the parties to prevent recurrence of incidents or to lessen tension.**  
 (i) Complaint by the United Kingdom:  
 Decision: President's statement of 16 August 1966.  
 (ii) The Palestine question:  
 Decision of 25 November 1966 (resolution 228 (1966)), preamble.
- C. Call for ensuring the safety, welfare and security of inhabitants of areas under military occupation and facilitating the return of those who fled occupied areas.**  
 Situation in the Middle East (I):  
 Decision of 14 June 1967 (resolution 237 (1967)), para. 1.
- D. Respect for humanitarian principles governing treatment of prisoners of war and protection of civilian persons in times of war in accordance with the Geneva Convention of 1949.**  
 Situation in the Middle East (I):  
 Decision of 14 June 1967 (resolution 237 (1967)), preamble and para. 2.  
 Situation in the Middle East (II):  
 Decision of 24 March 1968 (resolution 248 (1968)), preamble and para. 4.  
 Decision of 27 September 1968 (resolution 259 (1968)), preamble.
- E. Call for restraint by the parties.**  
 Complaint by the Government of Cyprus:  
 Decision of 16 March 1966 (resolution 220 (1966)), para. 2 (first part).  
 Decision of 16 June 1966 (resolution 222 (1966)), para. 2 (first part).  
 Decision of 15 December 1966 (resolution 231 (1966)), para. 2 (first part).  
 Decision of 19 June 1967 (resolution 238 (1967)), para. 2 (first part).  
 Decision: President's statement of 24 November 1967.  
 Decision of 22 December 1967 (resolution 244 (1967)), para. 4.  
 Decision of 18 March 1968 (resolution 247 (1968)), para. 2 (first part).  
 Decision of 18 June 1968 (resolution 254 (1968)), para. 2 (first part).  
 Decision of 10 December 1968 (resolution 261 (1968)), para. 2 (first part).
- F. Rescission of measures designed to change the status of a territory.**  
 Situation in the Middle East (II):  
 Decision of 21 May 1968 (resolution 252 (1968)), para. 3.
- V. Measures in connexion with injunctions to be taken by other Governments and authorities**
- A. Withholding of assistance including supply of arms which would enable a Government or régime to continue repressive actions in a Non-Self-Governing Territory.**



- Situation in Southern Rhodesia:  
Decision of 9 April 1966 (resolution 221 (1966)), preamble, paras. 2, 3, 4.
3. Prevention of import and export of certain commodities and rendering of shipping and other transport facilities.  
Situation in Southern Rhodesia:  
Decision of 16 December 1966 (resolution 232 (1966)), para. 2 (a), (b), (c), (f).  
Decision of 29 May 1968 (resolution 253 (1968)), para. 3 (a), (b), (c), (d), (e).
- C. Compliance with decisions of the Council in accordance with Articles 25 and 49 of the Charter.  
Situation in Southern Rhodesia:  
Decision of 16 December 1966 (resolution 232 (1966)), paras. 3 and 6.  
Decision of 29 May 1968 (resolution 253 (1968)), para. 11.
- D. Non-interference in the domestic affairs of other States.  
Complaint by the Democratic Republic of the Congo:  
Decision of 14 October 1966 (resolution 226 (1966)), para. 2.
- E. Measures under Article 41.  
Situation in Southern Rhodesia:  
Decision of 16 December 1966 (resolution 232 (1966)), paras. 2 (a), (b), (c), (d), (e), (f), 5, 7 and 8.  
Decision of 29 May 1968 (resolution 253 (1968)), paras. 3 (a), (b), (c), (d), (e), 4, 5 (a) and (b), 6, 7, 8, 9 and 10.
- F. Prevention of the use of territory as a base for interfering in the domestic affairs of other States.  
Complaint by the Democratic Republic of the Congo:  
Decision of 10 July 1967 (resolution 239 (1967)), para. 3.  
Decision of 15 November 1967 (resolution 241 (1967)), para. 4.
- G. Withholding of commercial, industrial or public and private funds for investment purposes and supply of other economic or financial resources to a territory.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), para. 4.
- H. Measures under Chapter VII in general.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), paras. 2, 13, 15 and 16.
- VI. Measures for settlement
- A. Call for compliance with purposes and principles of the Charter.  
Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), preamble, para. 1 (ii) second part, para. 2 (c).
- B. Calling for measures to prevent the violations of human rights and fundamental freedoms.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), preamble.
- C. Calling for measures to promote the granting of independence to colonial countries and peoples.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), preamble and para. 2 (second part).
- D. Procedures of pacific settlement noted, advised or recommended.
- Good offices, mediation and conciliation.  
Complaint by the Government of Cyprus:  
Decision of 22 December 1967 (resolution 244 (1967)), para. 3.
- E. Provisions bearing on issues of substance including terms of settlement.
1. Enunciation or affirmation of principles governing settlement.
    - (a) Inadmissibility of the acquisition of territory by war.  
Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), preamble.  
Decision of 21 May 1968 (resolution 252 (1968)), preamble.
    - (b) Obligation of Member States to act in accordance with Article 2 of the Charter.  
Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), preamble.
    - (c) Withdrawal of armed forces.  
Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), para. 1 (i).
    - (d) Assuring free uninterrupted international civil air traffic.  
Situation in the Middle East (II):  
Decision of 31 December 1968 (resolution 262 (1968)), preamble.
    - (e) Termination of claims or states of belligerency.  
Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), para. 1 (ii) (first part).
    - (f) Acknowledgement of the right of a State to live in peace within secure and recognized boundaries.  
Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), preamble and para. 1 (ii) (third part).
    - (g) Guaranteeing freedom of navigation through international waterways.  
Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), para. 2 (a).
    - (h) Guaranteeing the territorial integrity or inviolability and political independence of States.  
Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), para. 2 (c) (first part).
  2. Release of political prisoners:  
Question of South West Africa:  
Decision of 25 January 1968 (resolution 245 (1968)), para. 2 (second part).  
Decision of 14 March 1968 (resolution 246 (1968)), preamble and para. 2.
  3. Calling upon administering authority of a Non-Self-Governing Territory to ensure that settlement reflects the views of the people.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), para. 17.
  4. Declaring the invalidity of legislative and administrative measures and actions changing the legal status of a territory.  
Situation in the Middle East (II):

- Decision of 21 May 1968 (resolution 252 (1968)), para. 2.
5. Call for settlement of refugee problems.  
Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), para. 2 (b).
6. Establishment of demilitarized zone.  
Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), para. 2 (c) (second part).
7. Prevention of use of territory as a base for interfering in the domestic affairs of other States.  
Complaint by the Democratic Republic of the Congo:  
Decision of 14 October 1966 (resolution 226 (1966)), para. 1.
8. Discontinuance of illegal trial.  
Question of South West Africa:  
Decision of 25 January 1968 (resolution 245 (1968)), preamble and para. 2 (first part).
9. Request that appropriate reparation be made.  
Situation in the Middle East (II):  
Decision of 31 December 1968 (resolution 262 (1968)), para. 4.
- F. Affirmation of the right of self-determination of the people of a former mandated Territory.  
Question of South West Africa:  
Decision of 14 March 1968 (resolution 246 (1968)), preamble.
- G. Expression of concern over development or aggravation of a situation.
- (i) Complaint by the Democratic Republic of the Congo:  
Decision of 14 October 1966 (resolution 226 (1966)), preamble.  
Decision of 15 November 1967 (resolution 241 (1967)), preamble.
- (ii) Complaint by the Government of Cyprus:  
Decision: President's statement of 24 November 1967.
- (iii) Situation in the Middle East (II):  
Decision of 16 August 1968 (resolution 256 (1968)), preamble.  
Decision of 18 September 1968 (resolution 258 (1968)), preamble.  
Decision of 31 December 1968 (resolution 262 (1968)), preamble.
- H. Deprecation of actions incompatible with the purposes and principles of the Charter.
- (i) The Palestine question:  
Decision of 25 November 1966 (resolution 228 (1966)), para. 2.
- (ii) Situation in the Middle East (II):  
Decision of 24 March 1968 (resolution 248 (1968)), para. 2.  
Decision of 16 August 1968 (resolution 256 (1968)), para. 4 (first part).  
Decision of 31 December 1968 (resolution 262 (1968)), para. 1 (first part).
- I. Deprecation of events affecting a situation.
- (i) Situation in the Democratic Republic of the Congo:  
Decision of 14 October 1966 (resolution 226 (1966)), preamble.
- (ii) The Palestine question:  
Decision of 25 November 1966 (resolution 228 (1966)), para. 1.
- (iii) Situation in the Middle East (I):  
Decision of 6 June 1967 (resolution 233 (1967)), preamble.  
Decision of 7 June 1967 (resolution 234 (1967)), preamble.
- Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), preamble.  
Decision: President's statement of 4 April 1968 (first part).
- (iv) Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), para. 12 (second part).
- J. Reaffirmation of the rights of peoples to freedom and independence and recognition of the legitimacy of struggles to secure their right.  
Situation in Southern Rhodesia:  
Decision of 16 December 1966 (resolution 232 (1966)), para. 4.  
Decision of 29 May 1968 (resolution 253 (1968)), preamble.
- K. Condemnation of measures of political repression.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), para. 1.
- L. Urging assistance to peoples in their struggle to achieve freedom and independence.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), para. 13.
- M. Affirmation of obligations under the Charter.  
Situation in the Middle East (II):  
Decision of 18 September 1968 (resolution 258 (1968)), preamble.
- VII. Measures to promote the implementation of resolutions and decisions of the Security Council
- A. Establishment or employment of subsidiary organs
1. For observation or supervision in connexion with the ending of hostilities.  
Situation in the Middle East (I):  
Decision: President's statement of 9 July 1967 (second part).
2. For examination of reports on the implementation of Council resolutions and for seeking information on possible violations thereof.
- (a) From the Secretary-General:  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), para. 20 (a).
- (b) From Member States and specialized agencies:  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), para. 20 (b).
- B. Call upon the parties to co-operate fully with subsidiary organs.
- (i) Situation in the Middle East (I):  
Decision: President's statement of 9 June 1967.  
Decision of 11 June 1967 (resolution 236 (1967)) para. 5.
- Situation in the Middle East (II):  
Decision of 25 October 1967 (resolution 240 (1967)), para. 4 (second part).

- Decision of 18 September 1968 (resolution 258 (1968)), para. 2 (second part).  
Decision of 27 September 1968 (resolution 259 (1968)), para. 2.
- (ii) Complaint by the Government of Cyprus:  
Decision: President's statement of 24 November 1967.
- (iii) Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), para. 21.
- C. Determination of duration of stationing of United Nations Force and the mode of its financing.  
Duration of stationing of the Force.  
Complaint by the Government of Cyprus:  
Decision of 16 March 1966 (resolution 220 (1966)), para. 3.  
Decision of 16 June 1966 (resolution 222 (1966)), para. 3.  
Decision of 15 December 1966 (resolution 231 (1966)), para. 3.  
Decision of 19 June 1967 (resolution 238 (1967)), para. 3.  
Decision of 22 December 1967 (resolution 244 (1967)), para. 2.  
Decision of 18 March 1968 (resolution 247 (1968)), para. 3.  
Decision of 18 June 1968 (resolution 254 (1968)), para. 3.  
Decision of 10 December 1968 (resolution 261 (1968)), para. 3.
- D. Call for prevention of use of territory as a base for interfering in the domestic affairs of other States.  
Complaint by the Democratic Republic of the Congo:  
Decision of 14 October 1966 (resolution 226 (1966)), para. 1.  
Decision of 10 July 1967 (resolution 239 (1967)), para. 3.  
Decision of 15 November 1967 (resolution 241 (1967)), para. 4.
- E. Authorizations to the Secretary-General.
- To use his good offices for settlement of outstanding issues.  
Complaint by the United Kingdom:  
Decision: President's statement of 16 August 1966.
  - To follow implementation of resolutions and decisions of the Security Council.  
Complaint by the Democratic Republic of the Congo:  
Decision of 14 October 1966 (resolution 226 (1966)), para. 3.  
Decision of 10 July 1967 (resolution 239 (1967)), para. 5.  
Decision of 15 November 1967 (resolution 241 (1967)), para. 6 (second part).
  - To exert efforts to ensure implementation.  
Situation in the Middle East (I):  
Decision of 9 June 1967 (resolution 235 (1967)), para. 3.
  - To designate a Special Representative to promote agreement between the parties.  
Situation in the Middle East (II):  
Decision of 22 November 1967 (resolution 242 (1967)), para. 3.
  - To strengthen a subsidiary body.  
Situation in the Middle East (II):  
Decision: President's statement of 8 December 1967.
- F. Taking note of reports of the Secretary-General.
- Complaint by the Government of Cyprus:  
Decision of 22 December 1967 (resolution 244 (1967)), preamble, noting the report.
  - The Palestine question:  
Decision of 25 November 1966 (resolution 228 (1966)), preamble.
  - Situation in the Middle East (I):  
Decision of 6 June 1967 (resolution 233 (1967)), preamble.  
Decision of 11 June 1967 (resolution 236 (1967)), preamble.  
Situation in the Middle East (II):  
Decision of 25 October 1967 (resolution 240 (1967)), preamble.  
Decision of 2 May 1968 (resolution 251 (1968)), preamble.  
Decision: President's statement of 8 September 1968.  
Decision of 27 September 1968 (resolution 259 (1968)), preamble.  
Decision of 31 December 1968 (resolution 262 (1968)), preamble.
- G. Expression of concern over breakdown or violation of cease-fire.  
Situation in the Middle East (II):  
Decision of 25 October 1967 (resolution 240 (1967)), preamble.  
Decision of 24 March 1968 (resolution 248 (1968)), para. 3 (first part).  
Decision of 16 August 1968 (resolution 256 (1968)), preamble.
- H. Appreciation of Secretary-General's efforts in implementing resolutions.  
Complaint by the Government of Cyprus:  
Decision: President's statement of 24 November 1967.
- I. Request to Member States to co-operate in the implementation of resolutions and decisions of the Security Council.  
The question of South West Africa:  
Decision of 14 March 1968 (resolution 246 (1968)), preamble and para. 3.
- J. Condemnation of violations of cease-fire.  
Situation in the Middle East (I):  
Decision of 11 June 1967 (resolution 236 (1967)), para. 1.  
Situation in the Middle East (II):  
Decision of 25 October 1967 (resolution 240 (1967)), para. 1.  
Decision of 24 March 1968 (resolution 248 (1968)), preamble and para. 2.
- K. Deprecation of refusal or failure to implement resolutions and decisions of the Security Council.
- Complaint by the Democratic Republic of the Congo:  
Decision of 15 November 1967 (resolution 241 (1967)), preamble and paras. 1 and 2.  
Decision of 10 July 1967 (resolution 239 (1967)), para. 2.
  - The question of South West Africa:  
Decision of 14 March 1968 (resolution 246 (1968)), para. 1.
  - Situation in the Middle East (II):  
Decision of 2 May 1968 (resolution 251 (1968)).
- L. Deprecation of refusal or failure to implement the resolutions of the General Assembly.  
The question of South West Africa:

Decision of 25 January 1968 (resolution 245 (1968)), preamble and para. 1.

**M. Measures to obtain compliance.**

**1. Reaffirmation of previous decisions.**

**(a) Of the Security Council:**

- (i) Complaint by the Government of Cyprus:
    - Decision of 16 March 1966 (resolution 220 (1966)), para. 1.
    - Decision of 16 June 1966 (resolution 222 (1966)), para. 1.
    - Decision of 15 December 1966 (resolution 231 (1966)), para. 1.
    - Decision of 19 June 1967 (resolution 238 (1967)), para. 1.
    - Decision of 22 December 1967 (resolution 244 (1967)), para. 1.
    - Decision of 18 March 1968 (resolution 247 (1968)), para. 1.
    - Decision of 18 June 1968 (resolution 254 (1968)), para. 1.
    - Decision of 10 December 1968 (resolution 261 (1968)), para. 1.
  - (ii) Complaint by the Democratic Republic of the Congo:
    - Decision of 14 October 1966 (resolution 226 (1966)), preamble.
    - Decision of 10 July 1967 (resolution 239 (1967)), para. 1.
    - Decision of 15 November 1967 (resolution 241 (1967)), preamble.
  - (iii) The Palestine question:
    - Decision of 25 November 1966 (resolution 228 (1966)), preamble.
  - (iv) Situation in Southern Rhodesia:
    - Decision of 16 December 1966 (resolution 232 (1966)), preamble.
    - Decision of 29 May 1968 (resolution 253 (1968)), preamble.
  - (v) Situation in the Middle East (I):
    - Decision of 9 June 1967 (resolution 235 (1967)), preamble, para. 1.
    - Decision of 11 June 1967 (resolution 236 (1967)), para. 3.
    - Decision: President's statement of 9 July 1967.
  - Situation in the Middle East (II):
    - Decision of 25 October 1967 (resolution 240 (1967)), para. 3.
    - Decision of 24 March 1968 (resolution 248 (1968)), preamble.
    - Decision of 2 May 1968 (resolution 251 (1968)), preamble.
    - Decision of 16 August 1968 (resolution 256 (1968)), preamble and para. 1.
    - Decision of 18 September 1968 (resolution 258 (1968)), preamble and para. 2 (first part).
    - Decision of 27 September 1968 (resolution 259 (1968)), preamble.
  - (vi) The question of South West Africa:
    - Decision of 14 March 1968 (resolution 246 (1968)), preamble.
- (b) Of the General Assembly:**
- (i) Complaint by the Democratic Republic of the Congo:
    - Decision of 14 October 1966 (resolution 226 (1966)), preamble.

**(ii) Situation in Southern Rhodesia:**

Decision of 16 December 1966 (resolution 232 (1966)), para. 4 (first part).  
Decision of 29 May 1968 (resolution 253 (1968)), preamble.

**(iii) The question of South West Africa:**

Decision of 25 January 1968 (resolution 245 (1968)), preamble.  
Decision of 14 March 1968 (resolution 246 (1968)), preamble.

**(iv) Situation in the Middle East (II):**

Decision of 21 May 1968 (resolution 252 (1968)), preamble.

- 2. Request for compliance with previous resolution. Situation in the Middle East (I):
  - Decision: President's statement of 9 July 1967.
- 3. Expression of concern over threat posed by foreign interference to the independence and territorial integrity of a State.
  - Complaint by the Democratic Republic of the Congo:
    - Decision of 10 July 1967 (resolution 239 (1967)), preamble.
    - Decision of 15 November 1967 (resolution 241 (1967)), preamble.
- 4. Declaration of intention of consideration of further measures under the Charter.
  - (i) The question of South West Africa:
    - Decision of 14 March 1968 (resolution 246 (1968)), para. 5.
  - (ii) The situation in the Middle East (II):
    - Decision of 24 March 1968 (resolution 247 (1968)), para. 3 (third part).
- 5. Warning against failure to comply with Council's decision. Situation in the Middle East (II):
  - Decision of 16 August 1968 (resolution 256 (1968)), para. 4 (second part).
  - Decision of 31 December 1968 (resolution 262 (1968)), para. 3.
- 6. Expression of concern of non-implementation of specific measures.
  - (a) Requested by the Security Council:
    - (i) Situation in Southern Rhodesia:
      - Decision of 9 April 1966 (resolution 221 (1966)), preamble.
      - Decision of 29 May 1968 (resolution 253 (1968)), preamble.
    - (ii) Situation in the Middle East (I):
      - Decision of 7 June 1967 (resolution 234 (1967)), preamble.
    - Situation in the Middle East (II):
      - Decision of 27 September 1968 (resolution 259 (1968)), preamble.
    - (iii) The question of South West Africa:
      - Decision of 14 March 1968 (resolution 246 (1968)), preamble.
  - (b) Recommended by the General Assembly. The question of South West Africa:
    - Decision of 25 January 1968 (resolution 245 (1968)), preamble.
- 7. Request to Member States to co-operate with the Secretary-General. Situation in the Middle East (II):

- Decision of 27 September 1968 (resolution 259 (1968)), para. 3.
8. Request to member States or to all States to exert influence to induce compliance.  
The question of South West Africa:  
Decision of 25 January 1968 (resolution 245 (1968)), para. 3.  
Decision of 14 March 1968 (resolution 246 (1968)), para. 4.
9. Request to the Secretary-General to exert efforts toward implementation of previous resolutions.  
Situation in the Middle East (I):  
Decision of 9 June 1967 (resolution 235 (1967)), para. 3.
10. Expression of concern over the failure of specific measures.  
Situation in Southern Rhodesia:  
Decision of 16 December 1966 (resolution 232 (1966)), preamble.  
Decision of 29 May 1968 (resolution 253 (1968)), preamble.
11. Deploring of non-compliance with obligations under Article 25.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), para. 12 (first part).
12. Censuring of defiance of resolutions of the Security Council.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), para. 12 (second part).
13. Invoking of Article 41 of the Charter.  
Situation in Southern Rhodesia:  
Decision of 16 December 1966 (resolution 232 (1966)), preamble.
14. Invoking of Article 2.  
Situation in Southern Rhodesia:  
Decision of 16 December 1966 (resolution 232 (1966)), para. 7.  
Decision of 29 May 1968 (resolution 253 (1968)), para. 14.
15. Invoking of Chapter VII.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), preamble.
16. Notice of possible further measures under the Charter.  
The Palestine question:  
Decision of 25 November 1966 (resolution 228 (1966)), para. 3.
- N. Authorization to the Secretary-General.  
To dispatch a representative.  
Situation in the Middle East (II):  
Decision of 27 September 1968 (resolution 259 (1968)), para. 1 (first part).
- O. Call for measures by administering authority to end rebellion in a Non-Self-Governing Territory.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), para. 2 (first part).
- P. Call for co-operation with subsidiary organs.  
Situation in Southern Rhodesia:  
Decision of 29 May 1968 (resolution 253 (1968)), paras. 21 and 22.
- Q. Call for efforts to achieve objectives of the Security Council.  
Complaint by the Government of Cyprus:  
Decision of 16 March 1966 (resolution 220 (1966)), para. 2 (second part).  
Decision of 16 June 1966 (resolution 222 (1966)), para. 2 (second part).  
Decision of 15 December 1966 (resolution 231 (1966)), para. 2 (second part).  
Decision of 19 June 1967 (resolution 238 (1967)), para. 2 (second part).  
Decision of 22 December 1967 (resolution 244 (1967)), para. 5.  
Decision of 18 March 1968 (resolution 247 (1968)), para. 2 (second part).  
Decision of 18 June 1968 (resolution 245 (1968)), para. 2 (second part).  
Decision of 10 December 1968 (resolution 261 (1968)), para. 2 (second part).
- R. Call for cessation of assistance to mercenaries or other armed personnel.  
Complaint by the Democratic Republic of the Congo:  
Decision of 15 November 1967 (resolution 241 (1967)), para. 3.
- S. Deprecation of loss of life and damage to property.  
Situation in the Middle East (II):  
Decision of 25 October 1967 (resolution 240 (1967)), para. 2.  
Decision of 24 March 1968 (resolution 248 (1968)), para. 1.  
Decision of 16 August 1968 (resolution 256 (1968)), para. 2.  
Decision: President's statement of 8 September 1968.
- T. Deprecation of failure to comply with General Assembly resolution.  
Situation in the Middle East (II):  
Decision of 21 May 1968 (resolution 252 (1968)), preamble and para. 1.
- U. Request to Member States to co-operate in the implementation of resolutions and decisions of the Security Council.  
Complaint by the Democratic Republic of the Congo:  
Decision of 15 November 1967 (resolution 241 (1967)), para. 5.
- V. Affirmation of special United Nations responsibilities towards the people of a former mandated Territory.  
Question of South West Africa:  
Decision of 25 January 1968 (resolution 245 (1968)), preamble.  
Decision of 14 March 1968 (resolution 246 (1968)), preamble.
- W. Deprecation of actions in defiance of the authority of the United Nations.  
The question of South West Africa:  
Decision of 14 March 1968 (resolution 246 (1968)), para. 1.
- VIII. Measures to ensure further consideration and to ascertain compliance
- A. Request for information on implementation of resolutions or developments in a situation.
1. From Members of the United Nations.  
Situation in Southern Rhodesia:  
Decision of 16 December 1966 (resolution 232 (1966)), para. 8.

- Decision of 29 May 1968 (resolution 253 (1968)), para. 18.
2. From members of specialized agencies.
- Situation in Southern Rhodesia:
- Decision of 16 December 1966 (resolution 232 (1966)), para. 8.
- Decision of 29 May 1968 (resolution 253 (1968)), para. 18.
3. From the Secretary-General.
- (i) The Palestine question:
- Decision of 25 November 1966 (resolution 228 (1966)), para. 4.
- (ii) Situation in Southern Rhodesia:
- Decision of 16 December 1966 (resolution 232 (1966)), para. 9.
- Decision of 29 May 1968 (resolution 253 (1968)), para. 19.
- (iii) Situation in the Middle East (I):
- Decision of 6 June 1967 (resolution 233 (1967)), para. 2.
- Decision of 7 June 1967 (resolution 234 (1967)), para. 2.
- Decision of 9 June 1967 (resolution 235 (1967)), para. 3 (second part).
- Decision of 14 June 1967 (resolution 237 (1967)), para. 3.
- Situation in the Middle East (II):
- Decision of 22 November 1967 (resolution 242 (1967)), para. 4.
- Decision of 24 March 1968 (resolution 248 (1968)), para. 5.
- Decision of 27 April 1968 (resolution 250 (1968)), para. 2.
- Decision of 21 May 1968 (resolution 252 (1968)), para. 4.
- Decision of 27 September 1968 (resolution 259 (1968)), para. 1 (second part).
- (iv) The question of South West Africa:
- Decision of 25 January 1968 (resolution 245 (1968)), para. 4.
- Decision of 14 March 1968 (resolution 246 (1968)), para. 6.
- Decision of 15 November 1967 (resolution 241 (1967)), para. 6 (first part).
- (iii) Complaint by the Government of Cyprus:
- Decision of 22 December 1967 (resolution 244 (1967)), para. 6.
- (iv) The question of South West Africa:
- Decision of 25 January 1968 (resolution 245 (1968)), para. 5.
- Decision of 14 March 1968 (resolution 246 (1968)), para. 7.
- C. Statement by the President that the Council would remain seized of the question.
- (i) Situation in the Middle East (II):
- Decision: President's statement of 4 April 1968, (second part).
- (ii) Situation in Czechoslovakia:
- Decision: President's statement of 24 August 1968.
- D. Adjournment of meeting for consultation among members.
- (i) Situation in Viet-Nam:
- Decision of 2 February 1966.
- (ii) Complaint by the United States (The Pueblo incident):
- Decision of 27 January 1968.
- (iii) Complaint by Haiti:
- Decision of 27 May 1968.
- (iv) Situation in Czechoslovakia:
- Decision of 24 August 1968.
- IX. Measures to safeguard against aggression**
- A. Recognition of responsibility of Security Council and its nuclear-weapon-State permanent members in case of nuclear aggression or threat of such aggression against a non-nuclear-weapon State.
- Question of safeguards to non-nuclear-weapon States parties to the Non-Proliferation Treaty.
- Decision of 19 June 1968 (resolution 255 (1968)), para. 1.
- B. Expression of support for intention to provide assistance to victims of nuclear aggression or objects of threat of such aggression.
- Question of safeguards to non-nuclear-weapon States parties to the Non-Proliferation Treaty.
- Decision of 19 June 1968 (resolution 255 (1968)), preamble and para. 2.
- C. Reaffirmation of the right of individual and collective self-defence recognized under Article 51 of the Charter.
- Question of safeguards to non-nuclear-weapon States parties to the Non-Proliferation Treaty.
- Decision of 19 June 1968 (resolution 255 (1968)), para. 3.
- B. Provision by express decision to consider the matter further
- (i) Situation in Southern Rhodesia:
- Decision of 16 December 1966 (resolution 232 (1966)), para. 10.
- Decision of 29 May 1968 (resolution 253 (1968)), para. 23.
- (ii) Complaint by the Democratic Republic of the Congo:
- Decision of 10 July 1967 (resolution 239 (1967)), para. 4.

## Part II

### SITUATION IN VIET-NAM

#### INITIAL PROCEEDINGS

By letter <sup>6</sup> dated 31 January 1966 addressed to the President of the Security Council, the representative of the United States requested that an urgent meeting of

the Security Council be called promptly to consider the situation in Viet-Nam. It was further stated in the letter that the United States Government had sought a peaceful settlement of this conflict on the basis of unconditional negotiations and the Geneva Agreements of 1954 but had no affirmative response from the Government of North Viet-Nam which set forth a number of preconditions unacceptable to the United States. It, therefore, concluded that it should now bring this problem with

<sup>6</sup> S/7105, O.R., 21st yr., Suppl. for Jan.-March., 1966, pp. 105-107.

all its implications for peace formally before the Security Council. Moreover, the United States Government was firmly convinced that in the light of the Council's obligations under the Charter to maintain international peace and security and the failure so far of all efforts outside the United Nations to restore peace, the Council should address itself urgently to the situation and exert its endeavours to finding a prompt solution.

On the same date, a draft resolution<sup>7</sup> was submitted by the representative of the United States according to which the Security Council would: (1) call for immediate discussions without preconditions among the appropriate interested Governments to arrange a conference looking towards the application of the Geneva Agreements of 1954 and 1962 and the establishment of a durable peace in South-East Asia; (2) recommended that the first order of business of such a conference be arrangements for a cessation of hostilities under effective supervision; (3) offer to assist in achieving the purposes of this resolution by all appropriate means, including the provision of arbitrators or mediators; (4) call upon all concerned to co-operate fully in the implementation of this resolution; (5) request the Secretary-General to assist as appropriate in the implementation of this resolution.

At the 1273rd meeting, the Security Council decided by 9 votes to 2, with 4 abstentions, to include the question in its agenda.<sup>8</sup>

**Decision of 2 February 1966 (1273rd meeting):**

#### *Adjournment*

After adoption of the agenda at the 1273rd meeting on 2 February 1966, the President (Japan) said that before proceeding to the consideration of the question included in the agenda, he would like to suggest to the Council that members hold informal and private consultations with a view to determining the most effective and appropriate way of conducting the debate in the future and that, for this purpose, the meeting should be adjourned until the exact date and time could be arranged for the next meeting.<sup>9</sup> There being no objections, it was so decided.

The question remained on the list of matters of which the Security Council is seized.<sup>10</sup>

#### **COMPLAINT BY THE GOVERNMENT OF CYPRUS**

**Decision of 16 March 1966 (1275th meeting):**

- (i) *Reaffirming its previous resolutions, as well as the consensus of 11 August 1964;*
- (ii) *Urging the parties concerned to act with the utmost restraint and to make determined efforts with a view to achieving the objectives of the Security Council;*

(iii) *Extending once more the stationing of the United Nations Force in Cyprus established under the Security Council resolution of 4 March 1964 for a period of three months ending 26 June 1966*

On 10 March 1966, the Secretary-General submitted to the Security Council his report<sup>11</sup> on the United Nations Operation in Cyprus, covering developments from 9 December 1965 to 10 March 1966. The Secretary-General recommended to the Council that despite the reservations which he had to make as a result of the financial situation of UNFICYP, the Force in Cyprus should be extended for a period of six months after 26 March 1966. He informed the Council that his efforts, subsequent to the resignation of Mr. Galo Plaza from the position of United Nations Mediator in Cyprus, towards achieving a resumption of the mediation function had, thus far been unavailing due primarily to the widely differing and firmly held views in the matter of the three Governments most directly concerned. In this connexion, he referred to his note of 4 March 1967<sup>12</sup> by which he had informed the Council that he had broadened the scope of activity of this Special Representative in Cyprus, without prejudice to the mediation function as envisaged in resolution 186 (1964), authorizing him to employ his good offices and make such approaches to the parties in or outside Cyprus as might seem to be productive, in the sense of achieving, in the first instance, discussions at any level of problems and issues of either a purely local or broader nature.

At the 1274th meeting on 15 March 1966, the Security Council adopted,<sup>13</sup> without objection, the provisional agenda and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.<sup>14</sup> The Council considered the question at the 1274th and 1275th meetings held on 15 March and 16 March 1966.

At the 1274th meeting, a joint draft resolution was submitted by the representatives of Argentina, Japan, Mali, Netherlands, New Zealand, Nigeria, Uganda and Uruguay.<sup>15</sup>

At the 1275th meeting on 16 March 1966, the representative of the USSR said that his Government had no objection to the stationing of the United Nations Force in Cyprus on condition that its extension was made in accordance with the provisions of the Security Council resolution 186 (1964), namely, that UNFICYP would retain its present functions and would continue to be financed on a voluntary basis.<sup>16</sup>

At the same meeting, the joint draft resolution was unanimously adopted.<sup>17</sup> It read as follows:<sup>18</sup>

*"The Security Council,*

*"Noting from the report of the Secretary-General of 10 March 1966 that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,*

<sup>7</sup> S/7106, *OR*, 21st yr., *Suppl. for Jan.-March, 1966*, p. 107.

<sup>8</sup> 1273rd meeting, para. 27.

<sup>9</sup> 1273rd meeting, para. 28.

<sup>10</sup> For retention of the item, see the Secretary-General's summary statement on matters of which the Security Council is seized chapter II, p. 51, No. 141. Subsequently, by letter dated 26 February 1966 (S/7168), the President (Japan) transmitted to the Secretary-General the text of a letter of the same date addressed by him to the members of the Security Council, in which he reported on the informal and private consultations with a number of members of the Council.

<sup>11</sup> S/7191, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, pp. 204-233.

<sup>12</sup> S/7180, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, p. 191.

<sup>13</sup> 1274th meeting, preceding para. 28.

<sup>14</sup> 1274th meeting, para. 29.

<sup>15</sup> S/7205, the same text as resolution 220 (1966); 1274th meeting, para. 30.

<sup>16</sup> 1275th meeting, para. 36.

<sup>17</sup> 1275th meeting, para. 37.

<sup>18</sup> Resolution 220 (1966).

"Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 26 March 1966,

"Noting that the basic problem, according to the Secretary-General's report, remains unsolved,

"1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965 and the consensus expressed by the President at the 1143rd meeting on 11 August 1964;

"2. *Urges* the parties concerned to act with the utmost restraint and to make determined efforts with a view to achieving the objectives of the Security Council;

"3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a period of three months ending 26 June 1966, in the firm hope that by the end of this period substantial progress towards a solution will have been achieved."

**Decision** of 16 June 1966 (1286th meeting):

- (i) *Reaffirming its previous resolutions, as well as the consensus of 11 August 1964;*
- (ii) *Urging the parties concerned to act with the utmost restraint and to make determined efforts with a view to achieving the objectives of the Security Council;*
- (iii) *Extending the stationing in Cyprus of the United Nations Peace-keeping Force for a period of six months ending 26 December 1966*

On 10 June 1966, the Secretary-General submitted to the Security Council his report<sup>19</sup> on the United Nations Operation in Cyprus, covering developments from 11 March to 10 June 1966. The Secretary-General informed the Council that the situation regarding the resumption of the mediation function had remained unchanged; he recommended the continuance of UNFICYP for a further period of six months ending 26 December 1966 and subsequently informed the Council, on 16 June 1966, that all the parties concerned also wished this extension.<sup>20</sup>

The Security Council considered the report of the Secretary-General at its 1286th meeting on 16 June 1966, at which meeting the provisional agenda was adopted without objection<sup>21</sup> and the representatives of Cyprus, Greece and Turkey were invited to participate in the Council's discussion.<sup>22</sup>

At the same meeting the representative of the Netherlands submitted a draft resolution jointly sponsored with Argentina, Japan, Jordan, Mali, New Zealand, Nigeria and Uganda.<sup>23</sup>

Subsequently, the draft resolution was adopted unanimously.<sup>24</sup> It read as follows:<sup>25</sup>

"*The Security Council,*

"*Noting* from the report of the Secretary-General of 10 June 1966 that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,

"*Noting* that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 26 June 1966,

"1. *Reaffirms* its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, and 220 (1966) of 16 March 1966, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964;

"2. *Urges* the parties concerned to act with the utmost restraint and to make determined efforts with a view to achieving the objectives of the Security Council;

"3. *Extends* the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a period of six months ending 26 December 1966, in the firm hope that by the end of this period substantial progress towards a solution will have been achieved so as to render possible a withdrawal or substantial reduction of the Force."

After the vote, the representative of the USSR stated that he had voted in favour of the eight-Power draft resolution adopted by the Council with the understanding that the present functions of UNFICYP and the voluntary basis of financing it would be maintained.<sup>26</sup>

**Decision** of 15 December 1966 (1338th meeting):

- (i) *Reaffirming its previous resolutions, as well as the consensus of 11 August 1964;*
- (ii) *Urging the parties concerned to act with utmost restraint and to continue co-operative efforts to achieve the objectives of the Security Council;*
- (iii) *Extending once more the stationing in Cyprus of the United Nations Peace-keeping Force for a further period of six months ending 26 June 1967*

On 8 December 1966, the Secretary-General submitted to the Security Council his report<sup>27</sup> on the United Nations operation in Cyprus, covering developments from 11 June to 5 December 1966. The Secretary-General recommended to the Council that the mandate of UNFICYP be extended for a period of six months ending 26 June 1967. He also informed the Council that the situation regarding the mediation function had remained unchanged since his last report.

<sup>19</sup> S/7350, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 154-197.

<sup>20</sup> S/7350/Add.1, *ibid.*, p. 198.

<sup>21</sup> 1286th meeting, preceding para. 6.

<sup>22</sup> 1286th meeting, para. 6.

<sup>23</sup> S/7358, same text as resolution 220 (1966); 1286th meeting, para. 10.

<sup>24</sup> 1286th meeting, para. 17.

<sup>25</sup> Resolution 222 (1966).

<sup>26</sup> 1286th meeting, para. 93.

<sup>27</sup> S/7611 and Add. 1, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 110-157.



At the 1338th meeting on 15 December 1966, the Security Council adopted without objection the provisional agenda<sup>28</sup> and invited the representatives of Cyprus, Greece and Turkey to participate in the Council's discussion.<sup>29</sup>

At the same meeting, the representative of Argentina submitted a draft resolution jointly sponsored with the representatives of Jordan, Japan, Mali, Nigeria, Uganda and Uruguay.<sup>30</sup>

The representative of the USSR stated that his Government had no objection to the extension of the presence of the United Nations Force in Cyprus for a further period of six months, provided that the present functions of UNFICYP were retained and their financing was continued on a voluntary basis.<sup>31</sup>

Subsequently, the seven-Power draft resolution was adopted unanimously.<sup>32</sup> It read as follows:<sup>33</sup>

*"The Security Council,*

*"Noting from the report of the Secretary-General of 8 December 1966 that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,*

*"Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 26 December 1966,*

*"1. Reaffirms its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March and 222 (1966) of 16 June 1966, and the consensus expressed by the President at the 1143rd meeting, on 11 August 1964;*

*"2. Urges the parties concerned to act with the utmost restraint and to continue determined co-operative efforts to achieve the objectives of the Security Council;*

*"3. Extends once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period of six months ending 26 June 1967, in the expectation that by then sufficient progress towards a solution will make possible a withdrawal or substantial reduction of the Force."*

**Decision** of 19 June 1967 (1362nd meeting):

- (i) *Reaffirming its previous resolutions, as well as the consensus of 11 August 1964;*
- (ii) *Urging the parties concerned to act with the utmost restraint and to continue determined co-operative efforts to achieve the objectives of the Security Council;*
- (iii) *Extending once more the stationing in Cyprus of the United Nations Peace-keeping Force for a*

*further period of six months ending 26 December 1967*

On 13 June 1967, the Secretary-General submitted to the Security Council his report<sup>34</sup> on the United Nations Operation in Cyprus, covering developments from 6 December 1966 to 12 June 1967. In his report, the Secretary-General stated that the situation in the island during the period under review had differed little, if at all, from that of previous reporting periods; basic issues which were at the root of the Cyprus problem continued to be unresolved; the situation regarding a resumption of the mediation efforts remained unchanged; and there was general agreement that if it were not for the interposition of the Force as a buffer in areas of direct confrontation, the renewal of armed strife would appear to be inevitable. He reiterated an observation which he had set forth in an earlier report<sup>35</sup> that it was necessary to balance against the undoubted need for the continued presence of the Force in Cyprus the danger that excessive confidence in the indefinite continuation of that presence may be a factor in reducing the sense of urgency of the contending parties about seeking solutions for the underlying differences which had originally caused violence to erupt in the island in 1963 and 1964. The Secretary-General trusted that all interested parties would bear in mind that the Force could not remain in Cyprus indefinitely; for the time being, however, he recommended to the Security Council, with the agreement of the parties concerned, the extension of the mandate of the UNFICYP for a further period of six months up to 26 December 1967.<sup>36</sup>

At the 1362nd meeting on 13 June 1967, the Security Council adopted, without objection, the provisional agenda<sup>37</sup> and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion of the item.<sup>38</sup>

At the same meeting, the representative of Argentina submitted a draft resolution, jointly sponsored with the representatives of Brazil, Ethiopia, India, Japan, Mali and Nigeria,<sup>39</sup> which, he noted, fundamentally reproduced resolution 231 (1966) of 15 December 1966.

Subsequently, the representative of the USSR stated that it was the Security Council, exclusively, in accordance with the Charter of the United Nations, that had been vested with authority to adopt decisions on questions connected with the use of armed forces on behalf of the United Nations. If the Security Council was unable to adopt the decision it ought to under the Charter, there was nothing to preclude the General Assembly, at its regular sessions or at special or emergency session, in those cases which did not brook of postponement, to convene in accordance with the rules of procedure, and consider questions related to the maintenance of international peace and security, and, within the limits of its competence under the Charter of the United Nations, to make recommendations to the States concerned or to the Security Council. The representative of the USSR stressed further that the Soviet Union did not recognize

<sup>28</sup> 1338th meeting (PV), p. 7-10.

<sup>29</sup> 1338th meeting (PV), p. 7-10.

<sup>30</sup> S/7635, same text as resolution 231 (1966).

<sup>31</sup> 1338th meeting (PV), p. 16.

<sup>32</sup> 1338th meeting (PV), p. 17.

<sup>33</sup> Resolution 231 (1966).

<sup>34</sup> S/7969, O.R., 22nd yr., Suppl. for April-June 1967, pp. 183-241.

<sup>35</sup> S/7001, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 438-486.

<sup>36</sup> S/7969, O.R., 22nd yr., Suppl. for April-June 1967, pp. 239-241.

<sup>37</sup> 1362nd meeting (PV), p. 2.

<sup>38</sup> 1362nd meeting (PV), p. 2.

<sup>39</sup> S/7996, same text as resolution 238 (1967).

any decisions that violated the spirit and meaning of the United Nations Charter, especially connected with such a responsible sphere of the United Nations activities as utilization of United Nations armed forces. Regarding the seven-Power draft resolution before the Council, he stated that his Government would not object to the extension of the stationing of United Nations forces in Cyprus for a further period of six months on the understanding that this was made in accordance with the provisions of resolution 186 (1964), namely, that the present functions of UNFICYP were to be retained and they would continue to be financed on a voluntary basis.<sup>40</sup>

At the same meeting, the seven-Power draft resolution was adopted unanimously.<sup>41</sup> It read as follows:<sup>42</sup>

*"The Security Council,*

*"Noting from the report of the Secretary-General of 13 June 1967 that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,*

*"Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 26 June 1967,*

*"1. Reaffirms its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964;*

*"2. Urges the parties concerned to act with the utmost restraint and to continue determined co-operatives of the Security Council;*

*"3. Extends once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period of six months ending 26 December 1967, in the expectation that by then sufficient progress towards a solution will make possible a withdrawal or substantial reduction of the Force."*

**Decision** of 24 November 1967 (1383rd meeting):

*Statement by the President expressing the consensus of the Council that: the parties concerned be called upon to show the utmost moderation and restraint and refrain from any act which might aggravate the situation in Cyprus and constitute a threat to peace; the parties concerned further be requested to assist and co-operate in keeping the peace and arriving at a permanent settlement in accordance with Security Council resolution 186 of 4 March 1964*

By letter<sup>43</sup> dated 24 November 1967, the representative of Cyprus requested the President of the Security Council to convene an immediate emergency meeting of the Security Council as a matter of the utmost urgency, in view of the clear threat of the imminent invasion of the territory of the Republic of Cyprus by Turkish forces.

The question was considered by the Security Council at its 1383rd meeting on 24 November 1967, at which the Council adopted<sup>44</sup> the agenda and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.<sup>45</sup>

At the same meeting, the representative of Cyprus\* stated that his country was under imminent threat of attack and invasion by the navy, military forces and air force of Turkey. He held that the cause of the threatening attitude of Turkey with regard to the invasion of Cyprus was not the events which had occurred in a Turkish Cypriot village; rather, Turkey insisted on having the partition of Cyprus by the use of force. Having referred to the obligations ensuing from Article 2, paragraph 4, of the United Nations Charter, the representative of Cyprus appealed to the Security Council to protect the territorial integrity, the sovereignty and political independence of Cyprus from the threat of invasion by Turkey.<sup>46</sup>

The representative of Turkey\* stated that the sovereignty and territorial integrity of Cyprus were in danger because the Greek and Greek Cypriot attack on the two Turkish Cypriot villages, a detailed account of the preparation and the initiation of which had been provided in the Secretary-General's report to the Council,<sup>47</sup> was the initiation of the process which would have ultimately put an end to the independence of Cyprus by completing its union with Greece. In the view of the Turkish Government, the only element which threatened the peace on the island, endangered the security of life of the Turkish community, and posed the most direct impediment to the effective functioning of UNFICYP in Cyprus was the presence of the illegal Greek Army of occupation which had been brought to the island with the collusion of the Greek Cypriot Administration: hence, the most important question before the Council was the removal of the element of ever-present threat posed by the illegal presence of the Greek forces in Cyprus. With respect to the immediate action which the Council might feel disposed to take concerning the situation under consideration, the Turkish Government believed that the following three points should be considered: (a) the condemnation of the inhuman crimes perpetrated against the Turkish community; (b) the payment of compensation to the inhabitants of the two villages; and (c) the provision of effective guarantees for the security of the two Turkish villages.<sup>48</sup>

The representative of Greece\* referred to the "provocative acts" of the Turkish Government which had preceded the incidents before the Council and stated that at the present moment, preparations seemed to have been completed in Turkey for the launching of an attack, armed forces and military air forces having been massed along the coast facing Cyprus, as well as along the frontier between Turkey and Greece. The Council was confronted by a threat of the use of force, which was about to be put into effect, and therefore the immediate task of the

<sup>40</sup> 1362nd meeting (PV), pp. 12-15.

<sup>41</sup> 1362nd meeting (PV), p. 21.

<sup>42</sup> Resolution 238 (1967).

<sup>43</sup> S/8262, OR, 22nd yr., Suppl. for Oct.-Dec. 1967, p. 248.

<sup>44</sup> 1383rd meeting (PV), p. 2-5.

<sup>45</sup> 1383rd meeting (PV), p. 2-5.

<sup>46</sup> 1383rd meeting (PV), pp. 6-11.

<sup>47</sup> S/8248, OR, 22nd yr., Suppl. for Oct.-Dec. 1967, pp. 215-236.

<sup>48</sup> 1383rd meeting (PV), pp. 12-20.

Security Council was to prevent the use of force and to put an end to threat of its use.<sup>49</sup>

Subsequently, at the suggestion of the President of the Security Council, the meeting was recessed to allow members of the Council to consult with one another regarding what should be done about the problem before them.<sup>50</sup>

At the resumed 1383rd meeting held on the same day, the President read out the following statement as representing the consensus of the views of the members of the Council:<sup>51</sup>

"The Council has now acquainted itself with the position of the parties directly concerned. It is gravely concerned in view of the tense and dangerous situation with regard to Cyprus. The Council notes with satisfaction the efforts undertaken by the Secretary-General to help maintain peace in the region and calls upon all the parties concerned to show the utmost moderation and restraint and to refrain from any act which might aggravate the situation in Cyprus and constitute a threat to the peace. The Security Council further requests all concerned urgently to assist and co-operate in keeping the peace and arriving at a permanent settlement in accordance with Security Council resolution 186 (1964) of 4 March 1964."<sup>52</sup>

**Decision** of 22 December 1967 (1386th meeting):

- (i) *Reaffirming its previous resolutions, as well as expressions of consensus;*
- (ii) *Extending the stationing of the United Nations Peace-keeping Force in Cyprus for a period of three months ending 26 March 1968;*
- (iii) *Inviting the parties promptly to avail themselves of the good offices offered by the Secretary-General;*
- (iv) *Calling upon all the parties concerned to continue to show the utmost moderation and restraint and refrain from any act which might aggravate the situation;*
- (v) *Urging the parties concerned to undertake a new determined effort to achieve the objectives of the Security Council with a view to keeping the peace and arriving at a permanent settlement*

On 8 December 1967, the Secretary-General submitted to the Security Council his report<sup>53</sup> on the United Nations Operation in Cyprus, covering developments from 13 June to 8 December 1967, which the Council considered at its 1385th and 1386th meetings, held on 20 and 22 December 1967. In his report, the Secretary-General noted that towards the end of the period under review, the situation in Cyprus had undergone a serious deterioration due to the incidents of 15/16 November 1967 at Agios Theodoros and Kophinou. He drew attention to the continuing precariousness of the situation and recommended to the Security Council that the mandate of UNFICYP be extended for another period, whether of six or of three months, as one obvious step for the maintenance of peace in Cyprus. Having informed the Council that the situation regarding a resumption of the mediation

function had remained unchanged since his last report, the Secretary-General emphasized that his good offices continued to be available to the parties concerned and to the Security Council.

At the 1385th meeting on 20 September 1967, the Security Council adopted, without objection, the provisional agenda<sup>54</sup> and invited the representatives of Cyprus, Greece and Turkey to participate in the discussion.<sup>55</sup>

At the same meeting, the President drew the attention of the Council to the communication<sup>56</sup> dated 12 December 1967 from the representative of Turkey in which it was requested that Mr. Osman Örek be given an opportunity to address the Council as the representative of the Turkish community in Cyprus.<sup>57</sup> The Security Council decided,<sup>58</sup> in view of the past precedents<sup>59</sup> and on the same basis as before, to give a hearing to Mr. Örek, under rule 39 of the provisional rules of procedure of the Security Council.<sup>60</sup>

Subsequently, the representative of Cyprus\* stated that it would serve the cause of peace if there were a complete withdrawal of Greek and Turkish troops from Cyprus accompanied by a guarantee against external attack. He was prepared to discuss, within the framework of the United Nations, any constructive proposal aimed at reducing tensions and removing the causes of friction which, in turn, would pave the way to a peaceful solution. However, the Cypriot Government would not consent to any new bilateral effort between Greece and Turkey with regard to the Cyprus problem which was not a dispute between Greece and Turkey but a problem that concerned the people of Cyprus.<sup>61</sup>

The representative of Turkey\* held that the mandate of the UNFICYP, as spelled out in Security Council resolution 186 (1964) of 4 March 1964, had given it more authority than it had chosen to exercise. Such implementation of the mandate of the Peace-keeping Force had stemmed from a strict interpretation of the concept of sovereignty; however, if a Government invited a peace-keeping force, it thereby voluntarily and inevitably limited its sovereignty to the extent that it could no longer act in such a way as to make it impossible for that force to keep the peace. The representative of Turkey submitted the following as the minimum functions which the UNFICYP had to be called upon to perform, either through a clarification of its existing mandate or under new and broader functions which might be assigned to it, through agreement between the parties, with a clear call from the Security Council: the UNFICYP (1) should be instructed and allowed formally to observe and report to the Secretary-General and thereby to the Council any influx of arms into or from the island; (2) should be in a position to inform the Council instantly of any troop concentrations; (3) should be called upon to observe and supervise the disarming of all forces on the island

<sup>49</sup> 1385th meeting (PV), p. 6.

<sup>50</sup> 1385th meeting (PV), p. 6.

<sup>51</sup> S/8293, OR, 22nd yr., Suppl. for Oct.-Dec. 1967, p. 318.

<sup>52</sup> 1385th meeting (PV), p. 6.

<sup>53</sup> 1385th meeting (PV), p. 11.

<sup>54</sup> See, *Repertoire of the Practice of the Security Council, Supplement 1964-1965*, under Chapter VIII, pp. 111 and 125. See also: *Ibid.*, under chapter III, Case 6.

<sup>55</sup> See chapter III, Case 2, of this *Supplement*.

<sup>56</sup> 1385th meeting (PV), pp. 16, 17, 21, 22.

<sup>49</sup> 1383rd meeting (PV), pp. 26-30.

<sup>50</sup> 1383rd meeting (PV), pp. 66-70.

<sup>51</sup> 1383rd meeting (PV), p. 71.

<sup>52</sup> Decision of 24 November 1967, OR, 22nd yr., *Resolutions and Decisions of the Security Council*, 1967, p. 11.

<sup>53</sup> S/8286, OR, 22nd yr., Suppl. for Oct.-Dec. 1967, pp. 266-315.

illegally constituted after December 1963, and should take into custody the arms so abandoned; (4) should have complete and unhindered freedom of access to all parts of the island; (5) should ensure the safety and freedom of all citizens on all roads. Further, it was to be understood that neither before nor after the measures of disarmament was the UNFICYP intended to supplant the authority of either the Greek-Cypriot Government or the Turkish community in areas under their respective control.<sup>62</sup>

The representative of Greece\* stated that the threat of invasion of Cyprus by Turkey still existed and that the Secretary-General's report contained three certain important elements which would make it possible to take positive steps in the right direction, namely (i) the speedy withdrawal of foreign troops and all armed forces other than United Nations forces, (ii) positive demilitarization of Cyprus under United Nations supervision and the preparation of practical arrangements to safeguard the security of the Cypriot population, and (iii) prompt and urgent action with a view to seeking a lasting solution to the problem of Cyprus.<sup>63</sup>

At the 1386th meeting of the Security Council, on 23 December 1967, the President (Nigeria) read out the text of a draft resolution which had been agreed upon by the members of the Council in the course of consultations.<sup>64</sup>

Subsequently, the representative of France stated that he would have no objection to a short extension of the mandate of the UNFICYP within the framework of the resolution 186 (1964) of 4 March 1964. However, he drew the attention of the three Governments concerned to the need to make every effort, during the short extension of the Force's mandate, to achieve a concerted and lasting resolution of the Cyprus question.<sup>65</sup>

The representative of the USSR "stressed" that a decision to send the United Nations armed forces into any particular country had to be taken only as a most extreme measure, only after careful weighing of all the circumstances, and bearing in mind that the use of foreign troops—including even United Nations troops—to settle conflicts, and even the very presence of those forces on foreign soil, might lead to interference in the domestic affairs of States, to international implications, and to an aggravation of tension. The prerequisite for the application of such an extreme measure as the use of United Nations armed forces had to be, in all circumstances, the scrupulous observance of all the provisions of the United Nations Charter concerning the question of the use of force for the maintenance or restoration of international peace. The USSR Government would oppose the transformation of UNFICYP into a kind of police force which would be using arms against the one or the other of the two communities in Cyprus because that would be a flouting of the Charter, an interference in internal affairs of Cyprus, and would lead to adverse consequences for the United Nations. Although, in his view, any further stationing of United Nations troops on Cyprus was not justified, he would not prevent the extension of UNFICYP on the island for an additional

three-month period, provided that the extension was in keeping with the desires of the Governments concerned, and provided also that the extension was carried out in accordance with the provisions of resolution 186 (1964), namely, with the maintenance of the present functions of the UNFICYP and the optional method of financing the troops.<sup>66</sup>

At the same meeting, the draft resolution was voted upon and adopted unanimously.<sup>67</sup> It read as follows:<sup>68</sup>

*"The Security Council,*

*"Noting the appeals addressed by the Secretary-General to the Governments of Greece, Turkey and Cyprus on 22 November, 24 November and 3 December and the report of the Secretary-General of 8 December 1967;*

*"Noting the replies of the three Governments concerned to the appeal of the Secretary-General of 3 December in which the Secretary-General proffered his good offices, and their replies to his previous appeals;*

*"Noting from the said report of the Secretary-General that circumstances continue to require the presence of the United Nations Peace-keeping Force in Cyprus for a further period;*

*"Noting that the Government of Cyprus has agreed that it is necessary to continue the Force beyond 26 December 1967;*

*"1. Reaffirms its resolution 186 (1964) of 4 March 1964 and its subsequent resolutions as well as its expressions of consensus on this question;*

*"2. Extends the stationing in Cyprus of the United Nations Peace-keeping Force established under the Council's resolution 186 (1964), for a period of three months ending on 26 March 1968;*

*"3. Invites the parties promptly to avail themselves of the good offices proffered by the Secretary-General and requests the Secretary-General to report on the results to the Council as appropriate;*

*"4. Calls upon all the parties concerned to continue to show the utmost moderation and restraint and refrain from any act which might aggravate the situation;*

*"5. Urges the parties concerned to undertake a new determined effort to achieve the objectives of the Security Council with a view, as requested in the Council's consensus of 24 November 1967, to keeping the peace and arriving at a permanent settlement in accordance with Security Council resolution 186 (1964) of 4 March 1964;*

*"6. Decides to remain seized of this question and to reconvene for its further consideration as soon as circumstances and developments so require."*

**Decision of 18 March 1968 (1398th meeting):**

- (i) *Reaffirming its previous resolutions, as well as the consensus of 11 August 1964 and 24 November 1967;*
- (ii) *Urging the parties concerned to act with the utmost restraint and to continue determined co-operative efforts to achieve the objectives of the Security Council;*

<sup>62</sup> 1385th meeting (PV), pp. 27-32.

<sup>63</sup> 1385th meeting (PV), pp. 33-36.

<sup>64</sup> 1386th meeting (PV), pp. 2-5.

<sup>65</sup> 1386th meeting (PV), pp. 7-10.

<sup>66</sup> 1386th meeting (PV), pp. 15-17.

<sup>67</sup> 1386th meeting (PV), p. 18-20.

<sup>68</sup> Resolution 244 (1967).

(iii) *Extending once more the stationing in Cyprus of the United Nations Peace-keeping Force, for a further period of three months ending 26 June 1968*

On 9 March 1968, the Secretary-General submitted to the Security Council his report<sup>69</sup> on the United Nations Operation in Cyprus, covering the developments from 9 December 1967 to 8 March 1968. The Secretary-General recommended to the Council the extension of the stationing of the United Nations Force in Cyprus for another period of three months, noting that the Governments concerned had given their agreement to a further extension.

The Security Council considered the report of the Secretary-General at its 1398th meeting, held on 18 March 1968, when the provisional agenda was adopted without objection,<sup>70</sup> and the representatives of Cyprus, Greece and Turkey were invited to participate in the discussion.<sup>71</sup>

Subsequently, the President (Senegal) announced that consultations among members of the Security Council had resulted in agreement on the text of a draft resolution.<sup>72</sup>

At the same meeting, the representative of the USSR stated that he would not oppose the extension of the mandate of UNFICYP for a further three-month period, since this was in keeping with the desire of the Government of Cyprus and the other parties concerned and on condition that the extension would be carried out in accordance with the provisions of resolution 186 (1964), that is, retaining the present mandate of the United Nations Force in Cyprus and under the existing system of financing it on a voluntary basis.<sup>73</sup>

At the same meeting, the President put to the vote the above-mentioned draft resolution and stated that if there was no objection, he would consider that the draft resolution had been unanimously adopted. There being no objection, the draft resolution was adopted unanimously.<sup>74</sup> It read as follows:<sup>75</sup>

*"The Security Council,*

*"Noting from the report of the Secretary-General of 9 March 1968 (S/8446) that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island;*

*"Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 26 March 1968;*

*"Noting, from the observations in the report, the new conditions prevailing in the island,*

*"1. Reaffirms its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December*

1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 24 November 1967;

*"2. Urges the parties concerned to act with the utmost restraint and to continue determined co-operative efforts to achieve the objectives of the Security Council by availing themselves in a constructive manner of the present auspicious climate and opportunities;*

*"3. Extends once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period of three months ending 26 June 1968, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force."*

**Decision of 18 June 1968 (1432nd meeting):**

(i) *Reaffirming its previous resolutions, as well as the consensus of 11 August 1964 and 24 November 1967;*

(ii) *Urging the parties concerned to act with the utmost restraint and to continue determined co-operative efforts to achieve the objectives of the Security Council;*

(iii) *Extending once more the stationing in Cyprus of the United Nations Peace-keeping Force for a further period ending 15 December 1968*

On 11 June 1968, the Secretary-General submitted to the Security Council his report<sup>76</sup> covering the developments from 8 March to 7 June 1968. Having noted that despite the relaxation of tension and improved relations between the two communities, the situation remained unstable in the island, he recommended that the Council extend the stationing of the UNFICYP for a further period of six months until 26 December 1968.

The Security Council considered the report of the Secretary-General at its 1432nd meeting on 18 June 1968, at which meeting the provisional agenda was adopted without objection<sup>77</sup> and the representatives of Cyprus, Greece and Turkey were invited to participate in the discussion.<sup>78</sup>

At the same meeting, the President (United States) stated that pursuant to consultations which had been held among the members of the Council, and in accordance with the requests of several of those members, a draft resolution had been prepared.<sup>79</sup>

The representative of the USSR, stated that he would not hinder an extension of the presence of those forces for an additional period of six months in view of the fact that this was in accordance with the wishes of the Government of Cyprus and of the interested parties, and on condition that the extension should be made in accordance with the provisions of resolution 186 (1964), that is, with the strict preservation of the present functions of the United Nations Force in Cyprus and of the present system of financing it through voluntary contributions.<sup>80</sup>

Subsequently, the President stated that if there was no objection, he would consider that the draft resolution

<sup>69</sup> S/8446, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, pp. 217-254.

<sup>70</sup> 1398th meeting (PV), p. 2.

<sup>71</sup> 1398th meeting (PV), p. 2.

<sup>72</sup> 1398th meeting (PV), pp. 3-5.

<sup>73</sup> 1398th meeting (PV), p. 36.

<sup>74</sup> 1398th meeting (PV), pp. 38-40.

<sup>75</sup> Resolution 247 (1968).

<sup>76</sup> S/8622, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 189-212.

<sup>77</sup> 1432nd meeting (PV), pp. 2-5.

<sup>78</sup> 1432nd meeting (PV), pp. 2-5.

<sup>79</sup> S/8639 adopted without change as resolution 254 (1968).

<sup>80</sup> 1432nd meeting (PV), p. 31.

before the Council had been adopted unanimously. There being no objection, the draft resolution was unanimously adopted.<sup>81</sup> It read as follows:<sup>82</sup>

*"The Security Council,*

*"Noting from the report of the Secretary-General of 11 June 1968 (S/8622) that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,*

*"Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island, it is necessary to continue the Force beyond 26 June 1968,*

*"Noting, from the observations in the report, the encouraging recent developments in the island,*

*"1. Reaffirms its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966), of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, and 247 (1968) of 18 March 1968, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 24 November 1967;*

*"2. Urges the parties concerned to act with the utmost restraint and to continue determined co-operative efforts to achieve the objectives of the Security Council by availing themselves in a constructive manner of the present auspicious climate and opportunities;*

*"3. Extends once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 December 1968, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force."*

**Decision** of 10 December 1968 (1459th meeting):

- (i) *Reaffirming its previous resolutions, as well as consensus of 11 August 1964 and 24 November 1967;*
- (ii) *Urging the parties concerned to act with the utmost restraint and to continue determined co-operative efforts to achieve the objectives of the Security Council;*
- (iii) *Extending once more the stationing in Cyprus of the United Nations Peace-keeping Force for a further period ending 15 June 1969*

On 4 December 1968, the Secretary-General submitted to the Security Council his report<sup>83</sup> covering the developments from 8 June to 2 December 1968. Noting that the improved conditions on the island had made it possible to reduce the strength of the Force by about 25 per cent, but that the promising efforts of the parties in Cyprus to reach a peaceful settlement of their differences might be jeopardized by the uncertainties that might arise if the United Nations presence in Cyprus were to be withdrawn

or radically changed at this stage, the Secretary-General recommended that the Council extend the stationing of UNFICYP for a further period of six months until 15 June 1969.

The Security Council considered the report of the Secretary-General at its 1459th meeting on 10 December 1968, at which meeting the provisional agenda was adopted without objection and the representatives of Cyprus, Greece and Turkey were invited to participate in the discussions.<sup>84</sup>

At the same meeting, the President (Ethiopia) stated that pursuant to consultations which had been held among the members of the Council, and in accordance with the request of some of those members, a draft resolution had been prepared.<sup>85</sup>

The representative of the USSR stated that he would not impede the extending of the period for the stationing of United Nations troops in Cyprus by six months, taking into account the fact that this would accord with the desire of the Government of Cyprus and other interested parties, and on the understanding that the extension would take place in accordance with the provisions of resolution 186 (1964), that is, maintaining the present functions of the United Nations troops in Cyprus and the existing method of their financing on a voluntary basis.<sup>86</sup>

Subsequently, the President put to the vote the draft resolution before the Council and it was adopted unanimously.<sup>87</sup> The text read as follows:<sup>88</sup>

*"The Security Council,*

*"Noting from the report of the Secretary-General of 4 December 1968 (S/8914) that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island,*

*"Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to continue the Force beyond 15 December 1968,*

*"Noting, from the observations in the report, the encouraging recent developments in the island,*

*"1. Reaffirms its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, and 247 (1968) of 18 March and 254 (1968) of 18 June 1968, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 24 November 1967;*

*"2. Urges the parties concerned to act with the utmost restraint and to continue determined co-operative efforts to achieve the objectives of the Security Council by availing themselves in a constructive manner of the present auspicious climate and opportunities;*

<sup>84</sup> 1459th meeting (PV), pp. 2-5.

<sup>85</sup> 1459th meeting (PV), p. 6.

<sup>86</sup> 1459th meeting (PV), p. 26.

<sup>87</sup> 1459th meeting (PV), p. 26.

<sup>88</sup> Resolution 261 (1968).

<sup>81</sup> 1432nd meeting (PV), p. 32.

<sup>82</sup> Resolution 254 (1968).

<sup>83</sup> S/8914, *OR*, 23rd yr., *Suppl. for Oct.-Dec. 1968*, pp. 136-157.

"3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 June 1969, in the expectation that by then sufficient progress towards a final solution will make possible a withdrawal or substantial reduction of the Force."

#### SITUATION IN SOUTHERN RHODESIA

**Decision** of 9 April 1966 (1277th meeting):

- (i) *Determining that the resulting situation in Southern Rhodesia constituted a threat to the peace;*
- (ii) *Calling upon the Portuguese Government not to permit oil to be pumped through the pipeline from Beira to Southern Rhodesia;*
- (iii) *Calling upon the Portuguese Government not to receive at Beira oil destined for Southern Rhodesia;*
- (iv) *Calling upon all States to ensure the diversion of any of their vessels reasonably believed to be carrying oil destined for Southern Rhodesia which may be en route for Beira;*
- (v) *Calling upon the Government of the United Kingdom to prevent, by the use of force if necessary, the arrival at Beira of vessels reasonably believed to be carrying oil destined for Southern Rhodesia, and empowering the United Kingdom to arrest and detain the tanker known as the "Joanna V" upon her departure from Beira in the event her oil cargo is discharged there*

By letter <sup>89</sup> dated 7 April 1966, the representative of the United Kingdom requested the convening that afternoon of an emergency meeting of the Security Council to consider the situation in Southern Rhodesia, in connexion with the arrival at Beira of an oil tanker destined for Southern Rhodesia and the approach to the same port of a second tanker, also believed destined for Southern Rhodesia. The letter expressed the concern of the United Kingdom Government that this might result in substantial supplies of oil reaching Southern Rhodesia, in contravention of the oil embargo it had imposed in conformity with Security Council resolution 217 (1966) of 20 November 1966. The letter also stated that during the meeting, the United Kingdom would make proposals to meet the situation.

In a second letter <sup>90</sup> dated 8 April 1966, the representative of the United Kingdom, having drawn the attention of the President of the Council to rule 2 and Article 28 of the Charter, expressed dissatisfaction that the Council had not been convened the day before, in spite of the formal and urgent request he had made in his letter of 7 April. He also regretted that no relevant formal explanation had been given by the President and, in the circumstances, insisted that the meeting of the Council be convened without further delay.

At the 1276th meeting on 9 April 1966, the Council adopted the agenda and considered the question at the 1276th and 1277th meetings, both held on 9 April 1966. The representatives of Algeria and Sierra Leone,<sup>91</sup>

Kenya <sup>92</sup> and Greece <sup>93</sup> were invited to take part in the discussion.

At the same meeting, the representative of the United Kingdom referred to a procedural question concerning the urgency of the request for the convening of the meeting, and objected to the fact that such a request for an emergency meeting of the Council had not been accepted. <sup>94</sup> He then drew the attention of the Council to a draft resolution <sup>95</sup> which his delegation had submitted and stated that what he was doing was not to raise a new subject, but to report a serious challenge to the authority of the United Nations, on which both the Security Council and the General Assembly had pronounced themselves within recent months. His delegation was seeking the authority of the Council to respond to that challenge with vigorous and immediate action. The United Kingdom Government, pursuant to Council resolution 217 (1965), had taken action with regard to the oil embargo against Southern Rhodesia. But as the Council was meeting, an oil tanker, the *Joanna V*, with a full cargo of oil, was in the port of Beira, while another tanker, the *Manuela*, also with a full cargo of oil, had been close to Beira and could put in at that port very soon. Other tankers might follow, and would surely do so, unless the Council acted now. If the oil carried by such ships were pumped through the pipeline to the refinery at Umtali, which had been closed since December 1965, the normal system of supply of petroleum products to Southern Rhodesia would resume. Moreover, if the oil from these and other tankers reached Rhodesia, the oil embargo effected by the Council would be severely prejudiced, the illegal régime in Salisbury encouraged, and the United Nations purposes most seriously frustrated. His delegation therefore came to the Council to seek its help and authority to prevent this from happening. If the Council failed to take the required action, it would be helping the illegal régime and reduce the authority of the United Nations, which no Council member wished to do.<sup>96</sup>

At the same meeting, the representative of Uganda introduced the following amendment,<sup>97</sup> submitted jointly with Mali and Nigeria, to the revised United Kingdom draft resolution: (1) after the first preambular paragraph, insert the following paragraphs: "*Noting* that economic measures have failed to produce the desired political results; *Deeply concerned* at the reports that oil had been reaching Southern Rhodesia;" (2) in operative paragraph 1, delete the words "the resulting situation" and insert "the situation prevailing in Southern Rhodesia," and after the word "peace" add "and security"; (3) after operative paragraph 3, insert the following paragraph: "*Calls upon* the Government of South Africa to take all measures necessary to prevent the supply of oil to Southern Rhodesia;" (4) Delete operative paragraph 5, and replace it by the following paragraph: "*Calls upon* the Government of the United Kingdom to prevent by all means including the use of force, the transportation

<sup>92</sup> 1277th meeting, para. 1.

<sup>93</sup> 1277th meeting, para. 127.

<sup>94</sup> For the procedural discussion, see chapter I, Case 1.

<sup>95</sup> S/7236/Rev.1. For the consideration of the provisions of article 39, see chapter XI, Case 1; for the consideration of the applicability of article 42, see chapter XI, Case 7.

<sup>96</sup> 1276th meeting, paras. 13, 14, 19 and 20.

<sup>97</sup> S/7243, OR, 21st yr., Suppl. for April-June 1966, pp. 32-33.

<sup>89</sup> S/7235, 1276th meeting, para. 10.

<sup>90</sup> S/7238, OR, 21st yr., Suppl. for April-June 1966, pp. 30-31.

<sup>91</sup> 1276th meeting, para. 8.



into Southern Rhodesia of oil or other merchandise and empowers the United Kingdom to take measures necessary for the immediate implementation of this resolution;" and (5) add the following two paragraphs at the end of the draft resolution: "*Calls upon* all States to apply measures for the complete interruption of economic relations and of communications with the settler minority régime and any other means in conformity with Articles 41 and 42 of the Charter," and "*Calls upon* the United Kingdom Government to employ measures including the use of force to bring down the settler minority régime in Southern Rhodesia and to implement forthwith resolution 1514 (XV) of the General Assembly".

In submitting the amendments which, he observed, had been produced in close collaboration with African Members of the United Nations, the representative of Uganda stated that the sponsors had no intention of going against the United Kingdom draft resolution, as the amendments were designed to strengthen the hand of the United Kingdom in dealing with the situation in Southern Rhodesia.

At the 1277th meeting on 9 April 1966, the representative of the United Kingdom stated that as the amendments proposed contained important proposals, he could not comment on them without consultation with his Government. That did not mean that the proposals could not be considered at some other time. He believed, however, that the Council should at that stage adopt a practical action which carried the support of all members, namely, to stop the ships. The Council could subsequently pursue the important matters envisaged in the amendments.<sup>98</sup>

At the same meeting, the Council voted upon the draft resolution and the amendments before it. The first three amendments were not adopted,<sup>99</sup> the vote being 7 in favour, none against, with 8 abstentions. The last two amendments were also not adopted,<sup>100</sup> the vote being 6 in favour, none against, with 9 abstentions. The revised draft resolution was adopted<sup>101</sup> by 10 votes in favour, none against, with 5 abstentions.<sup>102</sup> It read as follows:<sup>103</sup>

*"The Security Council,*

*"Recalling* its resolutions 216 (1965) of 12 November 1965 and 217 (1965) of 20 November 1965 and in particular its call to all States to do their utmost to break off economic relations with Southern Rhodesia, including an embargo on oil and petroleum products,

*"Gravely concerned* at reports that substantial supplies of oil may reach Southern Rhodesia as the result of an oil tanker having arrived at Beira and the approach of a further tanker which may lead to the resumption of pumping through the Companhia do Pipeline Moçambique Rodésias pipeline with the acquiescence of the Portuguese authorities,

<sup>98</sup> 1277th meeting, paras. 149-153.

<sup>99</sup> 1277th meeting, paras. 174-176.

<sup>100</sup> 1277th meeting, paras. 177-178.

<sup>101</sup> 1277th meeting, para. 179.

<sup>102</sup> Subsequently, in communications addressed to the Secretary-General, Portugal and South Africa expressed their reservations concerning the validity of the resolution. See, respectively, S/7271, *O.R.*, 21st yr., *Suppl. for April-June 1966*, pp. 59-62, and S/7392, *ibid.*, *Suppl. for July-Sept. 1966*, pp. 16-17. For reply of the Secretary-General to the communication from Portugal, see S/7373, *ibid.*, *Suppl. for April-June 1966*, pp. 208-209.

<sup>103</sup> Resolution 221 (1966).

*"Considering* that such supplies will afford great assistance and encouragement to the illegal régime in Southern Rhodesia, thereby enabling it to remain longer in being,

*"1. Determines* that the resulting situation constitutes a threat to the peace;

*"2. Calls upon* the Portuguese Government not to permit oil to be pumped through the pipeline from Beira to Southern Rhodesia;

*"3. Calls upon* the Portuguese Government not to receive at Beira oil destined for Southern Rhodesia;

*"4. Calls upon* all States to ensure the diversion of any of their vessels reasonably believed to be carrying oil destined for Southern Rhodesia which may be en route for Beira;

*"5. Calls upon* the Government of the United Kingdom of Great Britain and Northern Ireland to prevent, by the use of force if necessary, the arrival at Beira of vessels reasonably believed to be carrying oil destined for Southern Rhodesia, and empowers the United Kingdom to arrest and detain the tanker known as the *Joanna V* upon her departure from Beira in the event her oil cargo is discharged there."

**Decision** of 23 May 1966 (1285th meeting):

*Rejection of the joint draft resolution submitted by Mali, Nigeria and Uganda*

By letter<sup>104</sup> dated 10 May 1966, the representatives of Algeria, Burundi, Cameroon, Chad, Congo (Brazzaville), Dahomey, Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia requested that the Council be convened immediately to examine the situation in Southern Rhodesia. In the letter, it was further stated that the racist régime in Southern Rhodesia was still holding out, and that the measures adopted by the Council had proved ineffective in bringing it down. As a result of the violation of the embargo on oil and petroleum products, the Council had decided to authorize the use of force to ensure the observance of the embargo, thus making use of the provisions found only in Chapter VII of the Charter to ensure observance of its oil embargo against Southern Rhodesia. However, that use of force covered only one relatively minor sector, while substantial quantities of oil and petroleum products were entering Rhodesia through other sectors, in violation of the embargo, and preparations were said to be in progress for a permanent supply system through those sectors. Furthermore, it was regrettable that no effort had been made by the administering Power to open negotiations with the leaders of the African political parties with a view to establishing in Southern Rhodesia a Government consistent with the aspirations of the people of Zimbabwe. Any arrangements arrived at between the United Kingdom and the Salisbury racist régime, during any negotiations envisaged by the parties, which excluded the genuine representatives of the Zimbabwe people and which failed to guarantee the rights of the majority, would only aggravate an already explosive

<sup>104</sup> S/7285 and Add.1 and 2, *O.R.*, 21st yr., *Suppl. for April-June 1966*, pp. 80-81.



situation and would thus lead to a racial conflict that would envelop all southern Africa. The situation thus constituted a threat to international peace and security and the Security Council should examine, under Chapter VII of the Charter, the necessary measures to establish majority rule in Southern Rhodesia in accordance with the Declaration<sup>106</sup> set forth in General Assembly resolution 1514 (XV) of 14 December 1960.

On 11 May 1966, Mali, Nigeria and Uganda submitted a joint draft resolution<sup>106</sup> whereby the Council would (1) determine that the situation in Southern Rhodesia continued to constitute a threat to international peace and security;<sup>107</sup> (2) call upon all States to apply measures with a view to the complete severance of economic relations and communications with Southern Rhodesia in accordance with Article 41 of the Charter;<sup>108</sup> (3) invite the Portuguese and South African Governments, in particular, to take forthwith the necessary measures under Article 41 of the Charter to sever economic relations and communications with Southern Rhodesia; (4) call upon all States, and particularly the Portuguese and South African Governments, to take all necessary measures to prevent the supply of oil and petroleum products to Southern Rhodesia; (5) call upon the United Kingdom to take the measures provided for in Chapter VII of the Charter in order, by the use of air, sea or land forces,<sup>109</sup> to prevent any supplies, including oil and petroleum products, from reaching Southern Rhodesia; (6) reaffirm the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration contained in General Assembly resolution 1514 (XV), and recognize the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations; (7) call upon the United Kingdom to hold consultations with the leaders of African political parties with a view to the establishment of a régime consistent with the aspirations of the people of Zimbabwe; (8) draw the attention of the United Kingdom Government to the harmful consequences which the present negotiations might entail for the establishment of a régime based on universal suffrage; and (9) call upon the United Kingdom Government to take all necessary measures, including the use of force, to abolish the racist minority régime in Southern Rhodesia and to ensure the immediate application of General Assembly resolution 1514 (XV).

At the 1278th meeting on 17 May 1966, the Council included the item in its agenda,<sup>110</sup> and considered the question at the 1278th to 1285th meetings, held between 17 and 23 May 1966. The representatives of Algeria, India, Pakistan, Senegal, Sierra Leone and Zambia were invited to take part in the discussion.<sup>111</sup>

<sup>106</sup> Declaration on the Granting of Independence to Colonial Countries and Peoples.

<sup>106</sup> S/7285/Add.1, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 82-83.

<sup>107</sup> For the consideration of the provisions of Article 39, see chapter XI, Case 2.

<sup>108</sup> For the consideration of the applicability of Article 41, see chapter XI, Case 4.

<sup>109</sup> For the consideration of the applicability of Article 42, see chapter XI, Case 8.

<sup>110</sup> 1278th meeting, preceding para. 3.

<sup>111</sup> 1278th meeting, para. 4.

At the same meeting, the representative of Zambia\* stated that the rebellion in Southern Rhodesia continued to threaten the peace and security of Zambia, Africa and the world. In asking the convening of the meeting, his Government was convinced that the Council would take a firm hand, and call for concrete and effective measures to quell the rebellion in Southern Rhodesia at the earliest date. Since Zambia was the only democratic African State having a common border with the colony of Southern Rhodesia and since the necessary trade measures which had to be taken had created great hardships in the economic life of Zambia, the rebellion was of foremost concern to the Zambian nation, which was not prepared to tolerate indefinitely the racist minority régime in Southern Rhodesia. The United Kingdom Government had created a climate suitable for the birth of the illegal racist régime, and, after its establishment, had undertaken the dubious policy of "economic sanctions" known from the start to be futile and ineffective as a weapon against a racist minority colonialist régime. The United Kingdom Government should stop shirking its responsibility and duty in Southern Rhodesia and should take immediate measures, as it had done in other colonies, by using force to quell the rebellion in Southern Rhodesia. In calling for the use of military action, Zambia was not motivated by a desire to destroy lives in Southern Rhodesia. It was rather guided by a genuine desire to avoid a more dangerous situation which would lead to a greater loss of human life. Immediately after the liquidation of the rebels, the United Kingdom Government should suspend the 1961 constitution, release all political leaders who had been detained, and call a constitutional conference in which representatives of all political parties should take part, with a view to making a new constitutional arrangement on the basis of universal adult franchise and fixing the earliest possible date for independence. In the joint draft resolution before the Council the United Kingdom was called upon to use force, as was necessary, to quell the rebellion in Southern Rhodesia, and all States were called upon to sever all economic relations with the rebel minority régime. In connexion with the use of force by the United Kingdom, the Government of Zambia was prepared, should it be necessary, to accommodate the British military presence which would have as its objective the liquidation of the racist minority régime.<sup>112</sup>

At the 1280th meeting on 18 May 1966, the Secretary-General in a statement made in reply to a question by the representative of Nigeria, reported that he had received a request from Salisbury to allow a member of the illegal régime in Southern Rhodesia to participate in the debate of the Council under Article 32 of the Charter. He observed that since the Security Council had labelled the régime in Southern Rhodesia as illegal, and since it had been the policy of the Secretariat not to enter into correspondence with illegal régimes, he did not reply to the various telegrams he had received from Salisbury.<sup>113</sup>

At the 1280th meeting on 18 May 1966, the representative of the United Kingdom stated that in pursuance of the Council's November 1965 resolution, his Government had prohibited all exports to Southern Rhodesia,

<sup>112</sup> 1278th meeting, paras. 8, 10, 17, 21, 22, 24.

<sup>113</sup> 1280th meeting, paras. 3-8. Also see chapter III, Case 4.

including capital and arms, denied Commonwealth preferences to that Territory and banned all imports from it. While acknowledging the Council's response to its appeal, his Government felt that no one should underrate the efforts it had pursued. His Government had constantly maintained that Southern Rhodesia had been its responsibility. To achieve the purposes it had publicly declared, it had taken the lead, faced the costs and undertaken the action against Southern Rhodesia. The United Kingdom understood the eagerness of those who advocated the use of force, but it had set itself to achieve its declared purpose if possible without bloodshed. As to the informal talks in London, the representative of the United Kingdom stated that they were designed merely to see whether a basis for negotiations existed, without commitment on either side. His Government had declared that it would not accept a settlement which condoned an illegal act and which failed to fulfil the principles it had laid down, including the safeguarding of British responsibilities for African interests. The various decisions which his Government had taken—which included comprehensive economic sanctions and the policy of keeping the door open to a return to constitutional rule—were deliberately planned to achieve the objectives it had set itself from the start. To have taken the extreme step of resorting to the use of force, as had been urged during the Council discussion, would have entailed grave dangers. If it should prove impossible to achieve a just settlement through the talks being pursued, then a new situation would arise, and the matter should be further considered.<sup>114</sup>

At the 1281st meeting on 18 May 1966, the representative of the United States noted that the proper procedure for the Council to follow at that stage of its discussion was to remain seized of the question of Southern Rhodesia and then to follow closely the progress of the talks then going on in London and to determine whether or not they showed the proper solution of the Rhodesia question. He added that the Council obviously had the right to expect the United Kingdom to keep it adequately informed, so that, being seized of the matter, it could determine in the light of the circumstances what further appropriate steps might be required to achieve the goal which all Council members supported.<sup>115</sup>

At the 1282nd meeting on 19 May 1966, the representative of Japan held that since Southern Rhodesia had been under British administration, the primary responsibility lay with Britain. It was evident that the United Kingdom Government intended to carry out that responsibility. It was therefore difficult to see how any decision the Council might adopt could be fully implemented without the complete endorsement of the United Kingdom. The Council should call upon all, and especially the immediate neighbouring States, to carry out its resolution 217 (1965) with increasing vigour and faithfulness.<sup>116</sup>

At the 1284th meeting on 20 May 1966, the President, speaking as the representative of the Netherlands, expressed the view that both the adoption and the rejection of the draft resolution before the Council would have harmful effects. The question arose, therefore,

whether the better course of wisdom would not be for the Council to postpone further consideration of the issue and action upon the draft resolution to a time when there would be more clarity about the possibility of a peaceful settlement. In the meantime, the Council would continue to follow the situation closely.<sup>117</sup>

At the 1285th meeting on 23 May 1966, the representative of Nigeria stated that nothing that had been stated during the discussion had made the African delegations feel that they were wrong in considering that the measures taken so far against Southern Rhodesia were inadequate. They felt therefore that the Security Council should take a stand, and demonstrate that the only way to make sanctions effective was to make them mandatory. For that reason, the African delegations, having given careful consideration to the suggestions that had been made, had come to the conclusion that the Council should proceed to vote on the draft resolution.<sup>118</sup>

At the same meeting, the Council voted upon the joint draft resolution which was not adopted.<sup>119</sup> The vote was 6 in favour, 1 against and 8 abstentions.

**Decision** of 16 December 1966 (1340th meeting):

- (i) *Determining that the present situation in Southern Rhodesia constitutes a threat to international peace and security;*
- (ii) *Deciding that all States Members of the United Nations shall prevent:*
  - (a) *The import into their territories of certain commodities originating in Southern Rhodesia;*
  - (b) *Any promotion of the export of these commodities from Southern Rhodesia;*
  - (c) *Shipment in vessels or aircraft of their registration of any of these commodities from Southern Rhodesia;*
  - (d) *Any promotion of the sale or shipment to Southern Rhodesia of arms, military equipment and materials for the manufacture of arms in Southern Rhodesia;*
  - (e) *Any promotion of supply to Southern Rhodesia of all other aircraft and motor vehicles; the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia; and any promotion of the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia;*
  - (f) *Participation in the supply of oil or oil products to Southern Rhodesia;*

*notwithstanding any contracts entered into or licences granted before the date of the present resolution;*

- (iii) *Reminding Member States that the failure to implement the present resolution shall constitute a violation of Article 25 of the United Nations Charter;*

...

- (v) *Calling upon all States not to render financial or other economic aid to the illegal racist régime in Southern Rhodesia;*

...

- (vii) *Urging, having regard to the principles stated in Article 2 of the United Nations Charter, States*

<sup>114</sup> 1280th meeting, paras. 21-22, 30-31, 43, 57, 58 and 61.

<sup>116</sup> 1281st meeting, para. 25.

<sup>118</sup> 1282nd meeting, paras. 58-59.

<sup>117</sup> 1284th meeting, paras. 78-79.

<sup>118</sup> 1285th meeting, paras. 7-8.

<sup>119</sup> 1285th meeting, para. 33.

not Members of the United Nations to act in accordance with the provisions of the second paragraph of the present resolutions;

- (viii) Calling upon States Members of the United Nations or members of the specialized agencies to report to the Secretary-General the measures each has taken in accordance with the provisions of the second paragraph of the present resolution;
- (ix) Requesting the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted not later than 1 March 1967;

...

By letter <sup>120</sup> dated 5 December 1966, the representative of the United Kingdom requested the President of the Security Council to convene an early meeting of the Council at which the United Kingdom Government would propose certain additional measures to be taken against the illegal régime in Southern Rhodesia. The letter recalled a statement by the representative of the United Kingdom before the Council in May that if a just settlement was not achieved through the talks which were then pursued by his Government, a new situation would arise.<sup>121</sup> It added that since the rebellion in Southern Rhodesia had not been brought to an end, and following consultations with other Commonwealth Governments, the United Kingdom had requested the convening of the meeting.

By letter <sup>122</sup> dated 7 December 1966, the Deputy Secretary-General of the Organization of African Unity transmitted to the Secretary-General, for the information of the Security Council, the text of the resolution on Southern Rhodesia adopted by the Assembly of Heads of State and Government at its session held at Addis Ababa from 5 to 9 November 1966.<sup>123</sup>

At the 1331st meeting on 8 December 1966, the Security Council adopted <sup>124</sup> its agenda and considered the question at the 1331st to 1333rd and 1335th to 1340th meetings held between 8 and 16 December 1966. The representatives of Algeria, India, Pakistan, Senegal and Zambia were invited to take part in the discussion.<sup>125</sup>

At the 1331st meeting, the representative of the United Kingdom introduced a draft resolution <sup>126</sup> under which, after reaffirming its previous resolution on the question and invoking Articles 39 <sup>127</sup> and 41 <sup>128</sup> of the Charter, the Security Council would, in part, (a) decide that all States Members of the United Nations shall prevent:

(i) the import into their territories of asbestos, iron ore,

chrome, pig-iron, sugar, tobacco, copper, meat and other products originating in Southern Rhodesia; (ii) any promotion of the export of those commodities from Southern Rhodesia and any dealings in their territories in any of these commodities, including in particular any transfer of funds for that purpose to Southern Rhodesia; (iii) shipment in vessels or aircraft of their registration of any of those commodities from Southern Rhodesia; (iv) any promotion of the sale or shipment to Southern Rhodesia of arms, military aircraft and equipment for the manufacture of arms in Southern Rhodesia; (b) call upon all States Members of the United Nations to carry out this decision of the Security Council in accordance with Article 25 <sup>129</sup> of the United Nations Charter; (c) urge, having regard to the principles stated in Article 2 of the Charter, States not Members of the United Nations to act in accordance with the provisions of paragraph 1 above; and (d) call upon States Members of the United Nations or of the specialized agencies to report to the Secretary-General the measures taken by each in accordance with the provisions of paragraph 1 above.

In introducing the draft resolution, the representative of the United Kingdom reviewed the aims which his Government had set itself and the actions it had taken since the illegal declaration of independence on 11 November 1965, and asserted that it had sought to bring the rebellion to an end by peaceful means. He then asked the Council to place upon all Member States the obligation to carry out with the same intensity the measures which had been taken by the United Kingdom since the illegal declaration of independence. The United Kingdom representative subsequently explained the two main issues which were explored in the informal talks with the illegal régime: the way in which the rebel régime could be replaced by a broad-based and legal representative government with whom an independent constitution could be agreed; and the constitutional provisions needed to give effect to the six principles which should be the basis of the future independent constitution of Southern Rhodesia. However, the recalcitrant attitude of the rebel régime diminished any hope of its willingness to end the rebellion on just and equitable terms. A final and decisive round of informal talks had taken place in the previous week on a British warship, *H.M.S. Tiger*, off Gibraltar. A working document had been jointly prepared by the British Prime Minister, Mr. Wilson, and Mr. Smith, containing proposals for an immediate political advancement for the Rhodesian Africans, including guarantees of unimpeded progress towards majority rule and a broadly representative legal government which, however, had been rejected by the Smith régime, and that fact had created a new situation. The dangers to peace and stability in the whole region of central and southern Africa thus became acute. The Council could not permit the situation to deteriorate further, and should invoke certain measures under Articles 39 and 41 of the Charter. The United Kingdom draft resolution proposed that the Council should take decisions pursuant to those Articles, which would then become binding upon Member States by virtue of Article 25. As to the use of force, the United Kingdom had held that it was easy to start to use force, but often very difficult to see just where it would lead or how it would be possible to control or stop it. The

<sup>120</sup> S/7610, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, p. 109.

<sup>121</sup> See para. 15 above.

<sup>122</sup> S/7614, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 159-160.

<sup>123</sup> The Organization of African Unity resolution, in part, condemned the current talks between the United Kingdom Government and the illegal régime in Southern Rhodesia as a conspiracy aimed at recognizing its independence; demanded the United Kingdom to bring about the downfall of that régime by any means, including the use of force; and called for mandatory and comprehensive sanctions under Chapter VII of the Charter.

<sup>124</sup> 1331st meeting (PV), pp. 2-5.

<sup>125</sup> 1331st meeting (PV), pp. 2-5.

<sup>126</sup> S/7621, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 169-170.

<sup>127</sup> For the consideration of the provisions of Article 39, see chapter XI, Case 3.

<sup>128</sup> For the consideration of the provisions of Article 41, see chapter XI, Case 5.

<sup>129</sup> For the consideration of the provisions of Article 25, see chapter XII, Case 9.

economic measures proposed in the United Kingdom draft resolution were more certain of success and far more susceptible of proper control.<sup>130</sup>

At the 1332nd meeting on 9 December 1966, the representative of Zambia\* stated that the solution of the question of Southern Rhodesia had been purposefully delayed by the United Kingdom Government. The British policy of economic sanctions had failed and the talks between the United Kingdom and the rebels, in addition to being illegal, were not in the interests of the majority in Southern Rhodesia and were designed as delaying tactics to circumvent the issue. The United Kingdom draft resolution proposed yet another ineffective formula: the so-called mandatory selective sanctions. It sought to tackle only half of the problem, as it was directed mainly at the export industries of Southern Rhodesia and at the imports of arms and ammunition and did not include oil, which was the vital element in the whole issue of sanctions. Zambia would support the draft resolution only if it included complete embargo on oil coming from all sources, including South Africa, Mozambique and overseas sources, and a mandatory prohibition on all imports and exports. The United Kingdom, moreover, must bring to a halt all financial operations with or for the Smith régime and close its banks in Southern Rhodesia.<sup>131</sup>

At the same meeting, the representative of Argentina observed that the time had passed for appeals to those who had failed to abide by the Council resolution 217 (1965) and that the Council should go beyond that stage and call for binding measures on all Members, in accordance with their obligations under the Charter. In the view of his delegation, the situation in Southern Rhodesia had become a threat to peace.<sup>132</sup>

At the 1333rd meeting on 12 December 1966, the representative of Senegal said that his delegation had no faith in the effectiveness of the measures proposed in the United Kingdom draft resolution, for the reasons that their selective character weakened and invalidated them, and their mandatory character was an illusion.<sup>133</sup>

At the 1335th meeting on 13 December 1966, the representative of Uganda introduced amendments<sup>134</sup> to the United Kingdom draft resolution, which had been jointly submitted by Mali, Nigeria and Uganda. As subsequently revised<sup>135</sup> the amendments read as follows:

"(1) After the first preambular paragraph, insert the following:

*Deeply concerned* that the Council's efforts so far and the measures taken by the administering Power have failed to bring the rebellion in Southern Rhodesia to an end,

"(2) Before operative paragraph 1, insert the following two paragraphs and renumber paragraph 1 as paragraph 3:

<sup>130</sup> 1331st meeting, paras. 4-5, 16-17, 23-27.

<sup>131</sup> 1332nd meeting, paras. 4-7, 42.

<sup>132</sup> 1332nd meeting, paras. 52 and 53.

<sup>133</sup> 1333rd meeting, paras. 33 and 38.

<sup>134</sup> S/7630 and Corr. 1, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 178-179.

<sup>135</sup> S/7630/Rev. 1, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 180-181. 1338th meeting (PV), pp. 62-66.

1. *Determines* that the present situation in Southern Rhodesia constitutes a threat to international peace and security;

2. *Deploras*:

(a) The refusal of the United Kingdom to use every means including force to bring about the downfall of the Ian Smith régime in Southern Rhodesia;

(b) The action of States, notably Portugal and South Africa, which have been rendering support to the rebel régime in contravention of Security Council resolution 217 of 20 November 1965;

"(3) Amend sub-paragraph (a) of former operative paragraph 1 as follows:

In the third line, insert between 'leather' and 'originating' the following: 'coal and all manufactured goods'.

"(4) After sub-paragraph (d) of former operative paragraph 1, insert the following sub-paragraph:

(e) Participation in their territories or territories under their administration or in land or air transport facilities or by their nationals or vessels of their registration in the supply of oil or oil products to Southern Rhodesia.

"(5) After former operative paragraph 1 (now paragraph 3), insert the following five paragraphs:

4. *Calls upon* the United Kingdom to withdraw all offers previously made to the illegal régime and to make a categorical declaration that it will only grant independence to Southern Rhodesia under majority rule;

5. *Invites* the Government of the United Kingdom to prevent by all means the transport to Southern Rhodesia of oil or oil products;

6. *Reminds* Member States that the failure or refusal by any of them to implement the present resolution shall constitute a violation of Article 25 of the United Nations Charter;

7. *Reaffirms* the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960; and recognizes the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations;

8. *Calls upon* all States not to render financial or other economic aid to the illegal racist régime in Southern Rhodesia;.

"(6) After former operative paragraph 4 (now paragraph 11), insert the following two paragraphs:

12. *Requests* the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted not later than 1 March 1967;

13. *Decides* to keep this item on its agenda for further action as appropriate in the light of developments."

In introducing the amendments, the representative of Uganda stated that they constituted the minimum proposals to improve on the United Kingdom draft resolution. Some of the amendments would enlarge the list of items contained in the United Kingdom draft resolution so as to include, in addition to oil and oil products,

which were vital to the success of the sanctions, coal and manufactured goods originating in Southern Rhodesia. The other amendments constituted exhortations and requests to the United Kingdom as the administering Power to declare positively that there would be no "talks about talks" with the rebel régime, that there would be no further offers of independence, and that whatever promises had been made to it, had now been withdrawn. He also stated that the only effective measure to be taken by the Security Council in dealing with the question under the circumstances was a total banning of oil regardless of origin and whether or not it would involve a confrontation with South Africa. As a Member of the United Nations, South Africa had to abide by the Charter, and the sanctions imposed by the Security Council being mandatory, South Africa, under Article 25 of the Charter, had to obey the rules. The call upon all States not to render any sort of financial or economic aid to the illegal racist régime was directed particularly to banks operating a lucrative trade in Southern Rhodesia, as it was felt that the co-operation of all financial interests from all parts of the world was essential for the success of the sanctions.<sup>136</sup>

At the 1339th meeting on 16 December 1966, the representative of the United Kingdom introduced the following addition<sup>137</sup> to the United Kingdom draft resolution:

"1. (e) Any activities by their nationals or in their territories which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles and of equipment and materials for the manufacture, assembly or maintenance of aircraft and motor vehicles in Southern Rhodesia: the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia: and any activities by their nationals or in their territories which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia."

At the 1340th meeting on 16 December 1966, after the representative of the United Kingdom stated that useful consultations among Council members had shown that many of the three-Power amendments were acceptable, the Council proceeded to vote<sup>138</sup> on the revised draft resolution and the revised amendments before it.

The first amendment, to replace the second preambular paragraph in the United Kingdom draft resolution, was adopted by 14 votes to none, with 1 abstention.

The amendment to insert a new operative paragraph 1 was adopted by 14 votes to none, with 1 abstention.

The amendment to insert a new sub-paragraph 2 (a) received 6 votes in favour, none against and 9 abstentions, and was not adopted having failed to obtain the necessary majority.

The amendment to insert a new sub-paragraph 2 (b) received 7 votes in favour, none against and 8 abstentions, and was not adopted, having failed to obtain the necessary majority.

The third amendment, to include "coal and all manufactured goods" in former paragraph 1, received 8 votes

in favour, none against and 7 abstentions, and was not adopted, having failed to obtain the necessary majority.

The fourth amendment, to include a new sub-paragraph (f) relating to oil and oil products, was adopted by 14 votes to 2, with 1 abstention.

The amendment to include a new operative paragraph 4, received 7 votes in favour, none against with 8 abstentions, and was not adopted, having failed to obtain the necessary majority.

The amendment to include a new paragraph 5 received 7 votes in favour, none against and 8 abstentions, and was not adopted, having failed to obtain the necessary majority.

The amendment to include a new paragraph 6 was adopted by 14 votes in favour to none against, with 1 abstention.

The amendment to include a new paragraph 7 was adopted by 12 votes to none, with 3 abstentions.

The amendment to include a new paragraph 8 was adopted by 14 votes to none with 1 abstention.

The amendment to include a new operative paragraph 12 was adopted by 14 votes to none, with 1 abstention.

The amendment to include a new operative paragraph 13 was adopted by 14 votes to none, with 1 abstention.

The United Kingdom draft resolution, as amended, was adopted by 11 votes to none, with 4 abstentions.

The resolution<sup>139</sup> read as follows:

"*The Security Council,*

"*Reaffirming* its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965 and 221 (1966) of 9 April 1966, and in particular its appeal to all States to do their utmost to break off economic relations with Southern Rhodesia,

"*Deeply concerned* that the Council's efforts so far and the measures taken by the administering Power have failed to bring the rebellion in Southern Rhodesia to an end,

"*Reaffirming* that to the extent not superseded in the present resolution, the measures provided for in resolution 217 (1965) of 20 November 1965, as well as those initiated by Member States in implementation of that resolution, shall continue in effect,

"*Acting* in accordance with Articles 39 and 41 of the United Nations Charter,

"1. *Determines* that the present situation in Southern Rhodesia constitutes a threat to international peace and security;

"2. *Decides* that all States Members of the United Nations shall prevent:

"(a) The import into their territories of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia and exported therefrom after the date of the present resolution;

"(b) Any activities by their nationals or in their territories which promote or are calculated to promote the export of these commodities from Southern Rhodesia and any dealings by their nationals or in their territories in any of these

<sup>136</sup> 1335th meeting, paras. 3, 8, 10, 15, 19 and 20.

<sup>137</sup> S/7621/Rev.1, 1339th meeting (PV), pp. 3-20.

<sup>138</sup> 1340th meeting (PV), pp. 56-80.

<sup>139</sup> Resolution 232 (1966).

commodities originating in Southern Rhodesia and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

- “(c) Shipment in vessels or aircraft of their registration of any of these commodities originating in Southern Rhodesia and exported therefrom after the date of the present resolution;
- “(d) Any activities by their nationals or in their territories which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia;
- “(e) Any activities by their nationals or in their territories which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles and equipment and materials for the manufacture, assembly, or maintenance of aircraft and motor vehicles in Southern Rhodesia; the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia; and any activities by their nationals or in their territories which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia;
- “(f) Participation in their territories or territories under their administration or in land or air transport facilities or by their nationals or vessels of their registration in the supply of oil or oil products to Southern Rhodesia;

“notwithstanding any contracts entered into or licences granted before the date of the present resolution;

“3. *Reminds* Member States that the failure or refusal by any of them to implement the present resolution shall constitute a violation of Article 25 of the United Nations Charter;

“4. *Reaffirms* the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960 and recognizes the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations;

“5. *Calls upon* all States not to render financial or other economic aid to the illegal racist régime in Southern Rhodesia;

“6. *Calls upon* all States Members of the United Nations to carry out this decision of the Security Council in accordance with Article 25 of the United Nations Charter;

“7. *Urges*, having regard to the principles stated in Article 2, of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of paragraph 2 of the present resolution;

“8. *Calls upon* States Members of the United Nations or members of the specialized agencies to report to the

Secretary-General the measures each has taken in accordance with the provisions of paragraph 2 of the present resolution;

“9. *Requests* the Secretary-General to report to the Council on the progress of the implementation of the present resolution, the first report to be submitted not later than 1 March 1967;

“10. *Decides* to keep this item on its agenda for further action as appropriate in the light of developments.”

**Decision of 29 May 1968 (1428th meeting):**

...

*Acting under Chapter VII of the United Nations Charter;*

...

(ix) *Requesting all States Members of the United Nations or of the specialized agencies to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Article;*

...

(xi) *Calling upon all States Members of the United Nations to carry out these decisions of the Security Council in accordance with Article 25 of the United Nations Charter and reminding them that failure or refusal by any one of them to do so would constitute a violation of that Article;*

(xii) *Deploing the attitude of States that have not complied with their obligations under Article 25 of the Charter, and censuring in particular those States which have persisted in trading with the illegal régime in defiance of the resolutions of the Security Council, and which have given active assistance to the régime;*

...

(xiv) *Urging, having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of the present resolution;*

...

(xvi) *Calling upon all States Members of the United Nations, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the present resolution;*

(xvii) *Considering that the United Kingdom as the administering Power should ensure that no settlement is reached without taking into account the views of the people of Southern Rhodesia, and in particular the political parties favouring majority rule, and that it is acceptable to the people of Southern Rhodesia as a whole;*

(xviii) *Calling upon all States Members of the United Nations or of the specialized agencies to report to the Secretary-General by 1 August 1968 on measures taken to implement the present resolution;*

(xix) *Requesting the Secretary-General to report to the Security Council on the progress of the implementation of this resolution, the first report to be made not later than 1 September 1968;*

(xx) *Deciding to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a committee of the Security Council to undertake the following tasks and to report to it with its observations:*

(a) *To examine such reports on the implementation of the present resolution as are submitted by the Secretary-General;*

(b) To seek from any State Member of the United Nations or of the specialized agencies such further information regarding the trade of that State (including information regarding the commodities and products exempted from the prohibition contained in operative paragraph 3 (d) above) or regarding any activities by any nationals of that State or in its territories that may constitute an evasion of the measures decided upon in this resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council;

(xxi) Requesting the United Kingdom, as the administering Power, to give maximum assistance to the committee, and to provide the committee with any information which it may receive in order that the measures envisaged in this resolution and resolution 232 (1966) may be rendered fully effective;

(xxii) Calling upon all States Members of the United Nations, or of the specialized agencies, as well as the specialized agencies themselves, to supply such further information as may be sought by the Committee in pursuance of this resolution;

(xxiii) Deciding to maintain this item on its agenda for further action as appropriate in the light of developments

By letter<sup>140</sup> dated 12 March 1968, the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia requested an urgent meeting of the Security Council to examine the situation in Southern Rhodesia (Zimbabwe). The letter stated that it was by then obvious that the selective mandatory sanctions of resolution 232 (1966) of 16 December 1966 had failed, as had been demonstrated by "the recent tragic assassination of political prisoners by the racist régime in Rhodesia". It added that more such assassinations were also planned and expected. No effort had been made in the meantime by the administering Power to enter into negotiations with leaders of the African political parties with a view to establishing a Government meeting the legitimate aspirations of the people of Zimbabwe. Having regard to those facts and the recent deterioration of the situation, the representatives of African Member States believed that it was incumbent upon the Council to examine the continuing grave situation which still constituted a threat to international peace and security, and to envisage the necessary measures and action under Chapter VII of the Charter with a view to enabling the people of Southern Rhodesia (Zimbabwe) to exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV).

At the 1399th meeting on 19 March 1968, the Council decided<sup>141</sup> to include the question in its agenda. It was considered at the 1399th, 1400th, 1408th, 1413th, 1415th and 1428th meetings held between 19 March and 29 May 1968. The representatives of Jamaica and Zambia were invited to take part in the discussion.<sup>142</sup>

At the 1399th meeting, the representative of Algeria noted that although many countries had demonstrated their determination to implement the sanctions called for by the Security Council, some non-African neighbours of Rhodesia continued to have fruitful relations with that Territory. That situation was one of the direct consequences of the so-called policy of economic boycott, which in fact was fragmentary and allowed those countries not only to increase greatly their commercial relations but also to undertake clandestine trade. One of the essential conditions for a successful policy of sanctions was the economic isolation of Southern Rhodesia from its immediate neighbours, a policy which the United Kingdom would be capable of carrying out and which the Security Council would not hesitate to follow. The United Kingdom had, however, shown a certain diffidence in a policy that might imply a confrontation with the colonialist minority. This attitude explained why the United Kingdom brought the Southern Rhodesian question to the Security Council in 1965 and asked for the application of selective sanctions, an act that had already offered the United Kingdom a chance of watering down its own responsibilities. The United Kingdom attitude consisted thereafter in a calculated delay in the search for a solution likely to enable the people of Zimbabwe freely to choose its own destiny, in accordance with the principle of self-determination. The United Kingdom had, in effect, given assurances to the Salisbury régime which was actually strengthening its position. The constantly provocative attitude of Ian Smith was based only on the conviction, shared by all, that in no circumstances would force be used for the re-establishment of law. However, the sole problem confronting the Council was to know whether or not the United Kingdom, with international support for its legally recognized responsibility, would refuse much longer to consider the elimination of the minority racist régime of Salisbury, regardless of the means to be applied. The Security Council must enjoin the United Kingdom and the community of nations to treat those responsible for the Salisbury murders as international criminals. Some means to establish the effectiveness of total sanctions should be considered. A last and serious warning must be addressed to South Africa and to Portugal. All Member States must be asked to implement all the measures provided for in Article 41 of the Charter. Finally, the international community should consider all necessary measures for the defence of Zambia, in order to prevent an attack on it by the illegal régime on the pretext that it was serving as a sanctuary for the Rhodesian movement.<sup>143</sup>

At the same meeting, the representative of the United Kingdom stated that he could not accept the assertion that by adopting selective sanctions, the United Kingdom had sought to minimize its responsibilities. Neither had the United Kingdom sought to delay the search for a solution, nor given assurances to the illegal régime in Southern Rhodesia. His Government shared the view that all the people of Southern Rhodesia had the right to be consulted and to participate in the government of their country and that the illegal régime in Southern Rhodesia should be brought to an end. The first and overriding duty of the Security Council was to make clear in unmistakable and unanimous terms its condemna-

<sup>140</sup> S/8454, O.R., 23rd yr., Suppl. for Jan.-Mar. 1968, pp. 258-259.

<sup>141</sup> 1399th meeting (PV), pp. 2-5.

<sup>142</sup> 1399th meeting (PV), pp. 2-5.

<sup>143</sup> 1399th meeting (PV), pp. 8-11, 15, 17, 18-20.



tion of the recent illegal executions in Southern Rhodesia, and to demand that no more illegal hangings be carried out. The Council should then proceed to consider the entire question of what further action could be taken to restore the situation in Rhodesia, to end the rebellion and to prepare for the advance to free, democratic government. The Council should not run away from its responsibility by resorting to sweeping declarations and demands that could not be met. There were effective measures still to be taken. The Council had a duty not to decide that one of the weapons of international enforcement—the sanctions—had proved useless, and to embark on a detailed and thorough consultation on effective and practicable measures which could still be feasible. The Council needed to convince everyone, including particularly the illegal régime in Southern Rhodesia, that there would be no escape from the situation created by their illegal actions except by a return to the road of legality, democratic advance and free government which had been abandoned on 11 November 1965.<sup>144</sup>

In the course of the discussion, several statements were made<sup>145</sup> with regard to the censure of the Governments of Portugal and South Africa, and the assistance to the national liberation movement of the Zimbabwe people, enabling it to exercise its right to self-determination. A draft resolution<sup>146</sup> including, in part, provisions concerning those measures was introduced<sup>147</sup> at the 1413th meeting on 18 April 1968 by the representative of Ethiopia. It was jointly sponsored by Algeria, India, Pakistan and Senegal, and under its operative paragraphs, the Council, acting under Chapter VII of the Charter, would, in part, (a) call upon the Government of the United Kingdom to take immediately all requisite measures to stop the political executions in Southern Rhodesia; (b) call upon all States to sever all economic and other relations with Southern Rhodesia;<sup>148</sup> (c) censure the Governments of Portugal and South Africa for their assistance to the illegal régime in Southern Rhodesia; (d) decide to take effective action against these Governments should they persist in defying the decisions of the Security Council; (e) urge the United Kingdom as the administering Power to take urgently all necessary measures, including the use of force,<sup>149</sup> to bring an end to the rebellion in Southern Rhodesia, and enable the people to exercise their right to self-determination; and (f) call upon all Member States and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for in the resolution.

<sup>144</sup> 1399th meeting (PV), pp. 23-26, 28-32.

<sup>145</sup> For texts of relevant statements, see:

1399th meeting (PV): Ethiopia, pp. 34-48;  
1400th meeting (PV): Canada, pp. 13-16; Denmark, pp. 28-31;  
India, pp. 3-13; Jamaica\*, pp. 22-28; United States, pp. 31-36;  
USSR, pp. 36-52;

1408th meeting (PV): Brazil, pp. 32-35; China, pp. 41-43;  
Hungary, pp. 2-10; Pakistan, pp. 36-41; Senegal, pp. 46-51;  
Zambia\*, pp. 11-31; see also *annex*, pp. 1-2;

1428th meeting: USSR, pp. 11-25.

<sup>146</sup> S/8545 and Corr.1, *O.R.*, 23rd yr., *Suppl. for April-June 1968*, pp. 120-121.

<sup>147</sup> 1413th meeting (PV): pp. 11-15.

<sup>148</sup> For the consideration of the applicability of Article 41, see chapter XI, Case 6.

<sup>149</sup> For the consideration of the applicability of Article 42, see chapter XI, Case 10.

At the 1415th meeting on 23 April 1968, the representative of the United Kingdom introduced a draft resolution<sup>150</sup> which, he stated, was the result of joint consultations among Council members, and was designed to give effect to comprehensive mandatory economic sanctions. Its main purpose was to impose a total ban on imports from, and exports to, Southern Rhodesia. The draft resolution, he noted, represented the widest area on which agreement could be reached.

At the 1428th meeting on 29 May 1968, the Council had before it a draft resolution<sup>151</sup> the text of which, as stated by the President (United States),<sup>152</sup> had been arrived at in extensive consultations.

At the same meeting, the representative of the USSR submitted an amendment<sup>153</sup> to the text of operative paragraph 15 of that draft resolution, according to which Member States of the United Nations and of the specialized agencies would be requested to extend assistance to Zambia with a view to helping her meet possible economic losses in carrying out the decisions of the Security Council under the proposed draft resolution. Under the USSR amendment, such material losses should be compensated only by those States which, having failed to take the necessary measures against the illegal racist régime in Southern Rhodesia, and, in particular, the measures provided for in relevant Security Council and General Assembly resolutions, bore the political responsibility for the continued existence of that illegal régime.

The Council proceeded then to vote upon the draft resolution and the USSR amendment before it. The USSR amendment was not adopted.<sup>154</sup> There were seven votes in favour, none against and eight abstentions.

A separate vote was then taken<sup>155</sup> on operative paragraph 15 of the draft resolution, which was adopted by thirteen votes in favour, none against, and two abstentions.

The draft resolution, as a whole, was subsequently adopted unanimously.<sup>156</sup> It read as follows:<sup>157</sup>

*"The Security Council,*

*"Recalling and reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, and 232 (1966) of 16 December 1966,*

*"Taking note of resolution 2262 (XXII) adopted by the General Assembly on 3 November 1967,*

*"Noting with great concern that the measures taken so far have failed to bring the rebellion in Southern Rhodesia to an end,*

*"Reaffirming that, to the extent not superseded in this resolution, the measures provided for in resolutions 217 (1965) of 20 November 1965, and 232 (1966) of 16 December 1966, as well as those initiated by*

<sup>150</sup> S/8554, *O.R.*, 23rd yr., *Suppl. for April-June 1968*, pp. 133-136.

<sup>151</sup> S/8601, same text as resolution 253 (1968).

<sup>152</sup> The President of the Council during May (United Kingdom) had invoked, at the beginning of the meeting, rule 20 of the provisional rules of procedure of the Security Council, and invited the representative of the United States, next in the alphabetical order, to replace him in the presidential chair at that meeting. See chapter I, part III, Case 19.

<sup>153</sup> S/8603, 1428th meeting (PV), pp. 23-25.

<sup>154</sup> 1428th meeting (PV), p. 26.

<sup>155</sup> 1428th meeting (PV), pp. 26, 27.

<sup>156</sup> 1428th meeting (PV), p. 27.

<sup>157</sup> Resolution 253 (1968).



Member States in implementation of those resolutions, shall continue in effect,

"Gravely concerned that the measures taken by the Security Council have not been complied with by all States and that some States, contrary to resolution 232 (1966) of the Security Council and to their obligations under Article 25 of the Charter of the United Nations, have failed to prevent trade with the illegal régime in Southern Rhodesia,

"Condemning the recent inhuman executions carried out by the illegal régime in Southern Rhodesia which have flagrantly affronted the conscience of mankind and have been universally condemned,

"Affirming the primary responsibility of the Government of the United Kingdom to enable the people of Southern Rhodesia to achieve self-determination and independence, and in particular their responsibility for dealing with the prevailing situation,

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

"Reaffirming its determination that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

"Acting under Chapter VII of the United Nations Charter,

"1. Condemns all measures of political repression, including arrests, detentions, trials and executions which violate fundamental freedoms and rights of the people of Southern Rhodesia, and calls upon the Government of the United Kingdom to take all possible measures to put an end to such actions;

"2. Calls upon the United Kingdom as the administering Power in the discharge of its responsibility to take urgently all effective measures to bring to an end the rebellion in Southern Rhodesia, and enable the people to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV);

"3. Decides that, in furtherance of the objective of ending the rebellion, all States Members of the United Nations shall prevent:

"(a) The import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products are for consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored);

"(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export of any commodities or products from Southern Rhodesia; and any dealings by their nationals or in their territories in any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

"(c) The shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution;

"(d) The sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories, but not including supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material and, in special humanitarian circumstances, food-stuffs) to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

"(e) The shipment in vessels or aircraft of their registration, or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which are consigned to any person or body in Southern Rhodesia, or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia;

"4. Decides that all States Members of the United Nations shall not make available to the illegal régime in Southern Rhodesia or to any commercial, industrial or public utility undertaking, including tourist enterprises, in Southern Rhodesia any funds for investment or any other financial or economic resources and shall prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia except payments exclusively for pensions or for strictly medical, humanitarian or educational purposes or for the provision of news material and in special humanitarian circumstances, food-stuffs;

"5. Decides that all States Members of the United Nations shall:

"(a) Prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a Southern Rhodesia passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal régime in Southern Rhodesia; and

"(b) Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have reason to believe to have furthered or encouraged, or to be likely to further or encourage, the unlawful actions of the illegal régime in Southern Rhodesia or any activities which are calculated to evade any measure decided upon in this resolution or resolution 232 (1966) of 16 December 1966;

"6. Decides that all States Members of the United Nations shall prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with

any airline company constituted or aircraft registered in Southern Rhodesia;

"7. *Decides* that all States Members of the United Nations shall give effect to the decisions set out in operative paragraphs 3, 4, 5 and 6 of this resolution notwithstanding any contract entered into or licence granted before the date of this resolution;

"8. *Calls upon* all States Members of the United Nations or of the specialized agencies to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encouraging emigration to Southern Rhodesia, with a view to stopping such emigration;

"9. *Requests* all States Members of the United Nations or of the specialized agencies to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Article;

"10. *Emphasizes* the need for the withdrawal of all consular and trade representation in Southern Rhodesia, in addition to the provisions of operative paragraph 6 of resolution 217 (1965);

"11. *Calls upon* all States Members of the United Nations to carry out these decisions of the Security Council in accordance with Article 25 of the United Nations Charter and reminds them that failure or refusal by any one of them to do so would constitute a violation of that Article;

"12. *Deplores* the attitude of States that have not complied with their obligations under Article 25 of the Charter, and censures in particular those States which have persisted in trading with the illegal régime in defiance of the resolutions of the Security Council, and which have given active assistance to the régime;

"13. *Urges* all States Members of the United Nations to render moral and material assistance to the people of Southern Rhodesia in their struggle to achieve their freedom and independence;

"14. *Urges*, having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of the present resolution;

"15. *Requests* States Members of the United Nations, the United Nations Organization, the specialized agencies, and other international organizations in the United Nations system to extend assistance to Zambia as a matter of priority with a view to helping her solve such economic problems as she may be confronted with arising from the carrying out of these decisions of the Security Council;

"16. *Calls upon* all States Members of the United Nations, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the present resolution;

"17. *Considers* that the United Kingdom as the administering Power should ensure that no settlement is reached without taking into account the views of the people of Southern Rhodesia, and in particular the political parties favouring majority rule, and that it is acceptable to the people of Southern Rhodesia as a whole;

"18. *Calls upon* all States Members of the United Nations or of the specialized agencies to report to the Secretary-General by 1 August 1968 on measures taken to implement the present resolution;

"19. *Requests* the Secretary-General to report to the Security Council on the progress of the implementation of this resolution, the first report to be made not later than 1 September 1968;

"20. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a committee of the Security Council to undertake the following tasks and to report to it with its observations:

"(a) To examine such reports on the implementation of the present resolutions as are submitted by the Secretary-General;

"(b) To seek from any States Members of the United Nations or of the specialized agencies such further information regarding the trade of that State (including information regarding the commodities and products exempted from the prohibition contained in operative paragraph 3 (d) above) or regarding any activities by any nationals of that State or in its territories that may constitute an evasion of the measures decided upon in this resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council;

"21. *Requests* the United Kingdom, as the administering Power, to give maximum assistance to the committee, and to provide the committee with any information which it may receive in order that the measures envisaged in this resolution and resolution 232 (1966) may be rendered fully effective;

"22. *Calls upon* all States Members of the United Nations, or of the specialized agencies, as well as the specialized agencies themselves, to supply such further information as may be sought by the Committee in pursuance of this resolution;

"23. *Decides* to maintain this item on its agenda for further action as appropriate in the light of developments."

#### THE PALESTINE QUESTION

**Decision of 3 August 1966 (1295th meeting):**

*Rejection of the joint draft resolution submitted by Jordan and Mali*

By letter<sup>158</sup> dated 21 July 1966, the permanent representative of Syria requested the President of the Security Council that an urgent meeting of the Council be convened to consider "the grave situation arising from the act of aggression committed by Israel against Syrian territory on the afternoon of 14 July 1966", which seriously threatened peace and security in the area and which was the subject of his letter,<sup>159</sup> of 18 July 1966.

<sup>158</sup> S/7419, OR, 21st yr., Suppl. for July-Sept. 1966, pp. 38-39.

<sup>159</sup> S/7412, *ibid.*, pp. 30-32. In the letter the representative of Syria stated that at 1710 hours local time, a number of Israel jet fighters and bombers had violated the Syrian airspace, shelled seven Syrian areas situated on the site of the Jordan River development scheme, hit mechanical and engineering equipment, destroyed bulldozers with napalm bombs, wounded nine civilians and killed one. It was stated further in the letter that Syria could not be held responsible for the activities of the Palestinian Arab organization El Fatah and El Essefa striving to liberate their conquered and

By letter <sup>160</sup> dated 22 July 1966, addressed to the President of the Security Council, the permanent representative of Israel requested that an urgent meeting of the Security Council be convened to consider the following complaints of Israel against Syria:

- "1. Repeated acts of aggression committed by Syrian armed forces and by armed saboteur groups operating from Syrian territory against citizens and territory of Israel, in violation of the Israel-Syrian General Armistice Agreement.
- "2. Declarations by official spokesmen of the Syrian Government against the people, territorial integrity and political independence of Israel and openly inciting to war against Israel, in violation of the United Nations Charter and the Israel-Syrian General Armistice Agreement."

At the 1288th meeting on 25 July 1966, the Security Council had before it a provisional agenda <sup>161</sup> which, under the general heading "The Palestine question", listed as sub-items (a) and (b) the letters submitted by Syria and Israel respectively.

Following a brief procedural discussion, the agenda was adopted.<sup>162</sup> It was also decided <sup>163</sup> that the Secretary-General be requested to obtain two reports for the Council from the Chief of Staff of the United Nations Truce Supervision Organization covering the two complaints on the agenda. The Security Council considered the question at its 1288th to 1295th meetings, held between 25 July to 3 August 1966. The representatives of Syria, Israel and Iraq were invited <sup>164</sup> to take part in the discussion.

At the 1288th meeting on 25 July 1966, the representative of Syria\* stated that the situation on the demarcation line between Israel and the neighbouring Arab States had deteriorated as a result of a series of attacks perpetrated by the regular Israel forces against Israel's neighbours. These acts culminated in an aerial attack on Syria which took place on 14 July 1966. It was needless to prove that this aggression was premeditated because that same place had been attacked several times before by Israeli regular forces. The question of Israel's attack on Syria could not be described as a simple matter of a localized frontier incident. The behaviour of Israel had threatened more than once to engulf the whole Middle East area; it was for the Council to consider this grave situation and to prevent the alarming dimensions that the situation would certainly assume if it were to remain unchecked.<sup>165</sup>

The representative of Israel\* referred to his letter to the President of the Security Council dated 14 July 1966 <sup>166</sup>

and stated that the recent incidents and Israel's reaction to them could not be regarded in isolation from their background. For a long time, the Israel border area had been kept in a state of tension and turmoil by gun-fire directed at civilian activities from Syrian military positions, and by the penetration into Israel of squads of saboteurs and terrorists under cover of darkness. In the past few months, there had been ten cases of sabotage raids and laying of land mines; there had been ninety-three instances of the Syrian armed forces opening fire on Israel farmers working their fields with tractors and agricultural implements, on Israel fishing-boats on Lake Tiberias, and on vehicles passing along the roads. In addition, there had been a number of cases of crops and plantations being deliberately set aflame. In this course of constant harassment, Israel had suffered sixteen casualties and extensive damage to property, equipment and installations. From whichever neighbouring country the saboteur groups had actually crossed into Israel, all the information indicated that Syria was the source, the training ground, the principal supplier and the main political patron of the El-Fatah organization. The action on 14 July was taken reluctantly, after Israel had become convinced that all its efforts through United Nations and diplomatic channels had failed to deter Syrian aggression. The action itself was as brief and as limited as possible and the Israel Government had immediately assumed full responsibility for it. There would be no incidents in the border area if there was an unconditional and effective cease-fire and a complete halt to armed raiding into Israel territory.<sup>167</sup>

At the 1290th meeting on 28 July 1966, the Council had before it two reports <sup>168</sup> of the Secretary-General relating to sub-items (a) complaint by Syria, and (b) complaint by Israel, of the agenda.

At the 1291st meeting on 29 July 1966, the representatives of the United States, the United Kingdom and France maintained that reliance on the United Nations machinery had been called for and that it was for the two parties to use it properly. They should be encouraged to co-operate to the fullest extent with the efforts of the Chief of Staff of the United Nations Truce Supervision Organization in Palestine to secure the stabilization of the unconditional cease-fire in the area and to secure agreement concerning the problems of cultivation in the demilitarized zone. Furthermore, the plenary meetings of the Mixed Armistice Commission should be resumed, since only in the Commission the parties must try to engage in a direct exchange of views.<sup>169</sup>

At the 1292nd meeting, 29 July 1966, the representative of Jordan introduced <sup>170</sup> a draft resolution <sup>171</sup> jointly

occupied territory. Unless proven that an infiltration or an act of sabotage, according to the terminology of the Israel representative, emanated from Syria, no blame could logically be attached to Syria. For the consideration of the provisions of Article 2 (4), see in Chapter XII, Case I.

<sup>160</sup> S/7423, *OR*, 21st yr., *Suppl. for July-Sept.*, 1966, pp. 39-40.

<sup>161</sup> S/Agenda/1288/Rev.1.

<sup>162</sup> 1288th meeting, para. 45. For discussion on the adoption of the agenda, see chapter II, Case 4.

<sup>163</sup> 1288th meeting, para. 58.

<sup>164</sup> 1288th meeting, paras. 46-47.

<sup>165</sup> 1288th meeting, paras. 84, 86, 94, 116, 119.

<sup>166</sup> S/7411, *OR*, 21st yr., *Suppl. for July-Sept.* 1966, pp. 28-30. In the letter, the representative of Israel referred to four incidents along the Israel-Syrian border which had taken place on 13 and 14 July 1966, and a number of previous incidents carried out

from Syria. After the incidents of the last two days, planes of the Israel Air Force had been ordered to take strictly limited action regarded as appropriate in the circumstances. They had carried out a brief attack to the south-east of Almajor on Syrian tractors and mechanical equipment, a type of target which had been under constant Syrian attack in the same Israel area. The planes had carried out their mission and returned safely to their base. This action had been meant to impress upon the Syrian authorities the gravity with which the Israel Government viewed continual Syrian violence against the Israel population.

<sup>167</sup> 1288th meeting, paras. 129, 134, 137, 138, 167.

<sup>168</sup> S/7432 and Add.1, *OR*, 21st yr., *Suppl. for July-Sept.* 1966, pp. 46-48; S/7433, *ibid.*, pp. 48-53.

<sup>169</sup> 1291st meeting, paras. 13, 29, 39, 40.

<sup>170</sup> 1292nd meeting, para. 32.

<sup>171</sup> S/7437, *OR*, 21st yr., *Suppl. for July-Sept.* 1966, pp. 59-60.

sponsored with Mali and stated that it would be noted that the sponsors had been careful not to depart from the Council's usual practice in similar cases of aggression. They had deliberately used basically the texts of previous Security Council resolutions dealing with Israel acts of aggression. According to the draft resolution, the Security Council would recall its resolutions 111 (1956) of 19 January 1956 and 171 (1962) of 9 April 1962, and in particular the provisions in these two resolutions relevant to the maintenance of the armistice and the settlement of the disputes through the intermediary of the Mixed Armistice Commission (fourth preambular paragraph); (1) condemn Israel's wanton attack of 14 July 1966 as a flagrant violation of the cease-fire provisions of Security Council resolution 54 (1948) of 15 July 1948, of the terms of the General Armistice Agreement between Israel and Syria and of Israel's obligations under the Charter of the United Nations; (2) deplore the losses, human and otherwise, caused by the Israel air attack for which Israel must assume full responsibility; (3) reaffirm resolutions 111 (1956) and 171 (1962) and deplore the resumption by Israel of aggressive acts unequivocally condemned by these resolutions; (4) remind Israel that the Security Council had already condemned military action in breach of the General Armistice Agreement, and had called upon Israel to take effective measures to prevent such action; (5) reiterate its call on Israel to comply with its obligations under the Charter, in default of which the Council would have to consider what further measures should be invoked; and would (6) call upon the Governments of Israel and Syria to co-operate with the Chief of Staff in carrying out his responsibilities under the General Armistice Agreement and the pertinent resolutions of the Security Council, and urge that all steps necessary for reactivating the Mixed Armistice Commission and for making full use of the mixed armistice machinery be promptly taken.<sup>172</sup>

At the same meeting, the representatives of New Zealand and Argentina maintained that any resolution adopted should be aimed at ensuring that both Israel and Syria made every effort to abide by the terms of the Armistice Agreement and at the fullest use of those United Nations bodies which were at their disposal.<sup>173</sup>

At the 1293rd meeting on 1 August 1966, the representative of the Netherlands stated that the attention of the Security Council should be directed primarily to bringing about in the region an atmosphere which was most likely to induce both parties to adhere to the Armistice Agreement. No useful purpose would be served by a pronouncement that would be contested and could most likely aggravate tensions. In view of this, the joint draft resolution before the Council did not correspond to the prerequisite for the solution of the current discord. It might be true that its wording conformed essentially to the text of previous resolutions adopted by the Council. Those resolutions had been adopted, however, as a consequence of the situation existing at the time of their adoption, and any attempt to make the interpretation of circumstances conform to the wording of a resolution, as seemed to be the case with the draft before the Council, should be regretted. Full use should be made of the Israel-Syrian Armistice Com-

mission by the two parties, and their Governments should be told in unequivocal terms that they were expected to lend complete co-operation to the efforts of the Chief of Staff of the UNTSO to settle local problems and to refrain from any further action which might endanger the force in the area.<sup>174</sup>

At the 1295th meeting on 3 August 1966, the representative of Argentina stated that the following ideas which had been mentioned in one form or another by all the members of the Council should be carefully considered by the parties to the dispute: the Council's concern over the incidents and loss of life which had helped to aggravate the tensions in the area; the wish of the other Members of the United Nations that acts of aggression should be avoided, that the parties should refrain from acts of provocation, and that the terms of the General Armistice Agreement should be respected; the general consensus that armed retaliation, which was an act of aggression, could not be accepted as the right of any State; the measures provided for in operative paragraph 6 of the draft resolution; the Council's support of the efforts being made by the Chief of Staff of the UNTSO.<sup>175</sup>

The representative of Japan observed that he failed to discover in the draft resolution sufficient evidence of constructive and positive elements that would help the parties concerned to get at the root of their differences and would achieve a lasting solution of this long debated problem.<sup>176</sup>

At the 1295th meeting on 3 August 1966, the Jordan-Mali draft resolution was voted upon and not adopted,<sup>177</sup> the result of the vote being 6 votes in favour, none against, with 9 abstentions.

**Decision of 4 November 1966 (1319th meeting):**

*Rejection of the six-Power draft resolution*

By letter<sup>178</sup> dated 12 October 1966, addressed to the President of the Security Council, the permanent representative of Israel requested that an urgent meeting of the Council be convened to consider "acts of aggression committed by armed groups operating from Syrian territory against the citizens and territory of Israel" and "threats by Syria against the territorial integrity and political independence of Israel and open Syrian incitement to war against Israel".

In a letter<sup>179</sup> dated 13 October 1966, to the President of the Security Council, the permanent representative of Syria stated that the Israel letter contained a number of false allegations against Syria, which were groundless and without foundation. The first incident of 7/8 October at the Romema quarter in the Israel sector of Jerusalem took place more than 100 miles away from the nearest point of the Syrian demarcation line. The responsibility of the Syrian Government was therefore refuted. It was stated further in the letter that the Damascus radio did not only broadcast news of events taking place inside the occupied territory of Palestine, but it also broadcasted all information concerning the struggle of all subjugated

<sup>172</sup> 1292nd meeting, para. 32.

<sup>173</sup> 1292nd meeting, para. 88, 99.

<sup>174</sup> 1293rd meeting, paras. 14-16, 18, 19.

<sup>175</sup> 1295th meeting, paras. 17-23.

<sup>176</sup> 1295th meeting, para. 29.

<sup>177</sup> 1295th meeting, para. 76.

<sup>178</sup> S/7540, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 28, 29.

<sup>179</sup> S/7544, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 31, 32. For the consideration of the provisions of Article 2 (4), see in chapter XII, Case 2.

people for their liberty and independence, wherever they might be. The Syrian Government rejected categorically that Syria was the source of the two organizations "El-Fatah" and "El-Assefa". The Government of Syria further denied as completely unfounded Israel's attempt to attribute to Syria the responsibility for the incident of 8/9 October, as well as all similar incidents. It was apparent that Israel was using these so-called raids as a pretext to embark upon fresh acts of aggression against Syria. Israel alone would be held responsible for any expansion of the conflict and for jeopardizing the peace in the Middle East.

At the 1305th meeting on 14 October 1966, the provisional agenda<sup>180</sup> listed under the general heading "The Palestine question":

"Letter dated 12 October 1966 from the Permanent Representative of Israel addressed to the President of the Security Council (S/7540)."

After a procedural discussion, the agenda was adopted<sup>181</sup> and the Security Council considered the question at its 1305th and 1307th to 1310th, 1312th to 1317th and 1319th meetings held between 14 October and 4 November 1966. The representatives of Israel, Syria, the United Arab Republic and Saudi Arabia were invited<sup>182</sup> to take part in the discussions.

At the 1307th meeting on 14 October 1966, the representative of Israel\* contended that in the recent incident on 7 October, in the Romema quarter in Jerusalem, demolition charges had exploded underneath two buildings causing damage and injuring four civilians. Twenty-four hours later, a jeep carrying border police rushing to the scene of the explosion in the village of Shaar Hag Golan had been blown up by a mine killing four members of the police patrol and wounding two others. The tracks of three men wearing rubber-soled shoes had led towards Syrian territory. Other incidents had been perpetrated in the northern part of the country near the Syrian frontier. On some occasions, the raiders had struck in the Dead Sea area near Arad and Sodom. They had come through Jordanian territory. But their point of origin and their centre of training and indoctrination had been Syria. Since January 1965, there had been sixty-one incidents which formed a single, organized system of violence. Syria was committed, by its membership in the United Nations, to respect the political independence and territorial integrity of Israel, to abstain from the threat or use of force against it and to seek a settlement of all disputes concerning Israel by peaceful means, including solemn condemnation of the hostile acts, the illicit infiltrations and the incitement of war practised and supported by the Syrian Government. The border must be respected as a barrier against any arbitrary crossing whether of troops or of people calling themselves a popular army. The representative suggested that both parties reaffirm their intention to abstain from the use or threat of force against each other's political independence and territorial integrity.<sup>183</sup>

The representative of Syria\* stated that his Government had repeatedly rejected the Israel accusation that

the activities of the El-Assefa organization had been planned, organized, equipped or directed by Syria. There were more than one and a quarter million Arab refugees living across all the demarcation lines between the Arab States and Israel whose rights to their homeland had been reaffirmed time and time again in the United Nations resolutions. How could Syria be held responsible for their behaviour towards their homeland? What the Council had been witnessing was but a link in a long, well-known chain of aggressive Israel actions, coupled with continuous hostile designs. The United Nations records proved that Israel alone had always been the cause of the great crisis that had upset the whole area. For Syria's part, it was determined not to upset the peace, but was equally determined to stop the aggressor.<sup>184</sup>

At the 1309th meeting on 20 October 1966, the representative of Israel\* stated that in the three days since the Council had last met, there had been further attacks and threats against Israel, and a new Syrian Government formed that week had openly pledged to carry on a people's war against Israel. The two incidents dealt with in the Secretary-General's report<sup>185</sup> of 17 October 1966 were links in a sequence of such sabotage attacks since 1965. They were part of a single pattern and originated from Syria. Syria was the only Government which extolled these acts. Not only that, radio Damascus was the only media which carried El-Fatah communiqués relating to their guerrilla activities regularly. The representative stated further that the armistice machinery had functioned normally with full Israel co-operation. The difficulty of holding plenary meetings of the Commission was mainly caused by Syrian attempts to place on the agenda questions over which the Commission had no competence. He further pointed out that armistice machinery was designed to operate within the context of a certain inter-State relationship established between the two signatory countries by the General Armistice Agreement of 1949, which created a very specific set of mutual obligations between the two Member States. Should one repudiate these obligations and be unwilling to respect them, the armistice machinery could not be expected to remedy that situation. It was implied in the Secretary-General's report that the two incidents of hit-and-run guerilla war type before the Council, could not fall within the competence of this armistice machinery. The crux of the problem was a question of governmental attitude and policy. Did the Syrian Government accept its responsibility, under the Armistice Agreement, to prevent any illegal act?<sup>186</sup>

The representative of Syria\* maintained that on the question of co-operation with the Mixed Armistice Commission, the position of his Government had always been one of full co-operation with United Nations machinery and more specifically, with the Mixed Armistice Commission. On the other hand, the Security Council had on previous occasions reminded Israel authorities to co-operate with the Mixed Armistice Commission. Therefore, it was Israel which should be reminded of its obligations towards the General Armistice Agreement. The representative reiterated that the United Nations Truce Supervision Organization and the Mixed

<sup>180</sup> S/Agenda/1305. For discussion on the adoption of the agenda see chapter II, Case 7.

<sup>181</sup> 1305th meeting, para. 131.

<sup>182</sup> 1305th meeting, paras. 134-135.

<sup>183</sup> 1307th meeting, paras. 19, 20, 22, 31, 37, 38, 42, 45, 51, 52.

<sup>184</sup> 1307th meeting, paras. 66-68, 84.

<sup>185</sup> S/7553, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 40-44.

<sup>186</sup> 1309th meeting, paras. 120, 123, 130, 132-133, 136, 144-146.

Armistice Commission were the proper machinery to investigate these incidents.<sup>187</sup>

At the 1310th meeting on 28 October 1966, the representative of the United States introduced<sup>188</sup> a draft resolution,<sup>189</sup> submitted jointly with the United Kingdom, under which the Council would: (1) deplore the incidents which had been subject of the debate; (2) remind the Government of Syria to fulfil its obligations by taking all measures to prevent the use of its territory as a base of operation for acts constituting a violation of the General Armistice Agreement; (3) call upon the two parties for strict adherence to Article III, paragraph 3, of the Syrian-Israel General Armistice Agreement providing that no warlike act should be conducted from the territory of one of the parties against other parties; (4) call upon the Governments of Syria and Israel to co-operate fully with the United Nations machinery, including the Israel-Syria Mixed Armistice Commission, for the effective implementation of the General Armistice Agreement in order to prevent incidents and to facilitate the work of United Nations Truce Supervision Organization personnel in their tasks of observation and investigation on both sides of the Armistice Demarcation line; (5) express the intention to consider further as soon as possible in the interest of the promotion of lasting peace in the Middle East what steps could be taken on the broader question of the Arab-Israel relations; and would (6) request the Secretary-General to follow the implementation of this resolution and to take such measures as might be necessary to ensure that the Mixed Armistice Commission and the United Nations Truce Supervision Organization in Palestine could effectively fulfil the functions assigned to them.

At the 1316th meeting on 3 November 1966, the representative of Uganda introduced<sup>190</sup> a draft resolution,<sup>191</sup> submitted jointly with Argentina, Japan, Netherlands, New Zealand and Nigeria, according to which the Security Council would: (1) deplore the incidents which had been the subject of the debate; (2) invite the Government of Syria to strengthen its measures for preventing incidents that constituted a violation of the General Armistice Agreement; (3) invite the Government of Israel to co-operate fully with the Israel-Syria Mixed Armistice Commission; (4) call upon the Governments of Syria and Israel to facilitate the work of the personnel of the United Nations Truce Supervision Organization in Palestine on both sides of the armistice demarcation line; (5) urge the Governments of Syria and Israel to refrain from any action that might increase the tension in the area; and would (6) request the Secretary-General to report to the Security Council as appropriate.

At the 1319th meeting on 4 November 1966, the six-Power draft resolution was voted upon and failed of adoption,<sup>192</sup> the result of the vote being 10 votes in favour, 4 against, with 1 abstention, one of the negative votes being that of a permanent member.

After the vote, the President, speaking as the representative of the United States, stated that the United States

and the United Kingdom would not press for a vote on their draft resolution.<sup>193</sup>

**Decision** of 25 November 1966 (1328th meeting):

- (i) *Censuring Israel for the large-scale military action in violation of the United Nations Charter and of the General Armistice Agreement between Israel and Jordan;*
- (ii) *Emphasizing to Israel that actions of military reprisal could not be tolerated and if they were repeated, the Council would have to consider more effective steps as envisaged in the Charter*

By letter<sup>194</sup> dated 15 November 1966 to the President of the Security Council, the representative of Jordan requested, pursuant to his letter<sup>195</sup> of 14 November 1966, an urgent meeting of the Council to consider the act of aggression committed by the Israel armed forces against the citizens and territory of Jordan on 13 November 1966.

At the 1320th meeting on 16 November 1966, the provisional agenda under the general heading "The Palestine question" listed:

"Letter dated 15 November 1966 from the Permanent Representative of Jordan to the United Nations addressed to the President of the Security Council (S/7587)."

The agenda was adopted<sup>196</sup> and the Security Council considered the question at its 1320th to 1328th meetings between 16 and 28 November 1966. The representative of Israel was invited to take part in the discussion.<sup>197</sup>

At the 1320th meeting on 16 November 1966, the Secretary-General presented to the Security-Council the information on the matter before it based on some early reports received from the United Nations Military Observers. He stated that the investigations were continuing and that the Chief of Staff of the United Nations Truce Supervision Organization in Palestine would transmit his report to the parties and to the Secretary-General as soon as investigations were completed.<sup>198</sup>

At the same meeting, the representative of Jordan stated that at approximately 6 a.m. on 13 November 1966, Israel armed forces crossed the demarcation line in brigade strength, supported by a squadron of jets, heavy artillery, tanks and army personnel carriers. They started shelling the police post of Rujm el Madfa'a, which resulted in demolishing the police post and wounding members of the police force. The invading forces after penetrating into Jordan, split into two columns consisting of tanks and army personnel carriers. The first column proceeded in the direction of As-Samu and the second

<sup>187</sup> 1309th meeting, paras. 165, 167.

<sup>188</sup> 1310th meeting, para. 62.

<sup>189</sup> S/7568, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 58-59.

<sup>190</sup> 1316th meeting, para. 24.

<sup>191</sup> S/7575/Rev.1, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, p. 69.

<sup>192</sup> 1319th meeting, para. 55.

<sup>193</sup> 1319th meeting, para. 56.

<sup>194</sup> S/7587, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, p. 78.

<sup>195</sup> S/7586, *ibid.*, pp. 76-77. In the letter, the representative drew attention of the Council to a grave situation resulting from an act of aggression committed by Israel armed forces on 13 November 1966, which crossed the armistice demarcation line, their objective having been to destroy Arab villages and hamlets south of Hebron. The matter was, at the request of the Government of Jordan, before the Mixed Armistice Commission and the Government was reserving its right to call for an urgent meeting of the Security Council to consider further action. For the consideration of the provisions of Article 2 (4), see in chapter XII, Case 3.

<sup>196</sup> 1320th meeting, preceding para. 2.

<sup>197</sup> 1320th meeting, para. 2.

<sup>198</sup> 1320th meeting, paras. 5-14. For the report of the Secretary-General, see: S/7593 and Add.1, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 88-94.



column moved in a north-east direction towards Kherbit el Markaz. These locations were over six kilometres inside Jordan. As soon as the first column reached As-Samu, they started shelling, dynamiting, destroying the villages and killing Jordanian farmers. The Mirage jets subjected the villages of As-Samu, Rafaat and the police post of Rujm el Madfa'a to bombardment from the air. The village of Tawawani was also the target of heavy shelling by Israel artillery. As a result of the air bombardment and shelling by heavy artillery, the losses in life and property were very heavy, including a number of civilians and soldiers either being wounded or killed and a great number of houses and buildings demolished, thus rendering more than 1,000 farmers homeless. This had been a well-planned, deliberate and clearly admitted act of aggression. This attack on Jordan was a manifestation of complete defiance of the Security Council's authority, and called for the Council's consideration, in addition to condemnation of Israel, of further measures under the Charter to maintain and restore peace. Chapter VII of the Charter was the only answer in this specific case.<sup>199</sup>

The representative of Israel\* said that his delegation wished to focus the attention of the Council on the complicated security problem with which Israel was confronted by the policies and actions of hostile neighbours. No constructive purpose could be served in disapproving a specific action without regard to the difficulties that prompted it. Recently organized terrorism and sabotage across the Jordan border became bolder and more frequent, involving certain villages on the Jordan side of the border which served as bases of operation and staging posts for terrorist and saboteur groups. The local inhabitants had harboured and assisted the saboteurs without any serious interference from the Jordanian security authorities. On 13 November, an army vehicle on a regular patrol was blown up by a mine, killing three of its occupants and wounding the other six. That incident took place in the border sector adjacent to the southern Hebron Hills and it was evident that the perpetrators had come from and returned to the same villages. The Israel Government had reason to believe that that incident was the first in a fresh series of attacks planned to take place in the locality. For this reason, it decided to carry out a local action directed at the villages involved, in the hope that it might serve as a warning and deterrent to their inhabitants. This defensive action was carried out by a relatively small and mobile task force which was under strict instructions to take every measure for the avoidance of casualties. This situation was forced upon Israel by the neighbouring States. It had been suggested that Israel should confine itself to the United Nations machinery on the spot, when it was attacked. However the United Nations observers were not in a position to intercept intruders, and that machinery had never been intended to cope with hit-and-run guerilla raids. What the Government sought above all from the Council was a firm reaffirmation of those Charter principles and those Armistice provisions upon which peace in the Middle East region so vitally depended.<sup>200</sup>

At the 1322nd meeting on 17 November 1966, the representative of Argentina stated that the time had come for

the Security Council to adopt recommendations or measures to avert a recurrence of incidents with a view to preventing the worsening of the situation in the Middle East, with special emphasis on the need to supply the United Nations machinery operating in the area with necessary means to perform their task more effectively.<sup>201</sup>

The representative of Japan observed that the action of Israel could not by any means possibly be condoned. Even if a terrorist incident preceded it, the Government of Israel should have resorted to peaceful means.<sup>202</sup>

The representative of New Zealand contended that the Council's concern was to prevent the recurrence of incidents which might threaten the peace in the Middle East. It was no apology for Israel's retaliatory action to state once against the view that incidents which had occurred in the Israel territory must inevitably be a source of strain and tension in relations between Israel and those of its neighbours from which the infiltrators had come. Although the position of the majority of members of the Council on this aspect of the question had been made quite clear, the Council had not to this date, in any formal sense, been prepared to take this obvious fact into account in its decisions. It was not to condone this Israel action to express the view that the Council would not have dealt seriously with the immediate causes of the current violent situation as long as it did not address itself effectively to this problem.<sup>203</sup>

At the 1323rd meeting on 17 November 1966, the representative of the Netherlands stated that if strengthening of the United Nations Truce Supervision Organization along certain sections of the border could contribute to the prevention of military actions as well as other acts of violence, the Council should seriously consider such a possibility. At any rate, the Council must find a way of stopping the continuation and the escalation of violence in the Middle East.<sup>204</sup>

The representative of Israel\* contended that the time had come for the Council to deal with the situation as a whole and the Council should insist, among other things, on a halt to threats and incitement and a halt to terrorist raids across the border, and not merely focus its attention on a reaction to these raids. Above all, the Council must insist on the strict fulfilment by all the Governments concerned of the obligations under the Armistice Agreements.<sup>205</sup>

The representative of Jordan stated that what the Council was expected to decide was whether or not there was any link between this act of aggression which was before it and any other act committed by the Government of Jordan. So far not a single statement had been heard in the Council implicating the Government of Jordan in the commission of any act which could be linked with the crime committed by Israel. Therefore, there was but one single issue before the Council: a crime committed deliberately, intentionally, without any provocation of any kind on the part of the Government of Jordan.<sup>206</sup>

At the 1324th meeting on 21 November 1966, the representative of Jordan stated that any resolution similar to

<sup>201</sup> 1322nd meeting, para. 8.

<sup>202</sup> 1322nd meeting, para. 13.

<sup>203</sup> 1322nd meeting, para. 21.

<sup>204</sup> 1323rd meeting, paras. 13, 14.

<sup>205</sup> 1323rd meeting, paras. 39, 40.

<sup>206</sup> 1323rd meeting, para. 59.

<sup>199</sup> 1320th meeting, paras. 11, 22-28, 34-37.

<sup>200</sup> 1320th meeting, paras. 49, 59, 60, 62-67, 73.

those adopted in the past would not ease the explosive situation in the area. In the view of the Government of Jordan, the Council, in order to prevent any further aggression in the future, should condemn Israel for the wanton attack of 13 November 1966; it should express its grave concern at the failure of Israel to comply with its obligations; it should decide that Israel action was a flagrant violation of the Charter of the United Nations and of the General Armistice Agreement between Jordan and Israel; it should further decide that this armed attack constituted aggression under the provisions of Article 39 of the Charter and it should call upon Members of the United Nations to adopt the necessary measures for applying economic sanctions against Israel.<sup>207</sup>

At the 1327th meeting on 24 November 1966, the representative of Nigeria submitted<sup>208</sup> a draft resolution,<sup>209</sup> sponsored jointly by Mali.

At the 1328th meeting on 25 November 1966, the joint draft resolution was adopted<sup>210</sup> by 14 votes in favour, to none against, with 1 abstention, as resolution 228 (1966).

The resolution read:

*"The Security Council,*

*"Having heard the statements of the representatives of Jordan and Israel concerning the grave Israel military action which took place in the southern Hebron area on 13 November 1966,*

*"Having noted the information provided by the Secretary-General concerning this military action in his statement of 16 November and also in his report of 18 November 1966,*

*"Observing that this incident constituted a large-scale and carefully planned military action on the territory of Jordan by the armed forces of Israel,*

*"Reaffirming the previous resolutions of the Security Council condemning past incidents of reprisal in breach of the General Armistice Agreement between Israel and Jordan and of the United Nations Charter,*

*"Recalling the repeated resolutions of the Security Council asking for the cessation of violent incidents across the demarcation line, and not overlooking past incidents of this nature,*

*"Reaffirming the necessity for strict adherence to the General Armistice Agreement,*

*"1. Deplores the loss of life and heavy damage to property resulting from the action of the Government of Israel on 13 November 1966;*

*"2. Censures Israel for this large-scale military action in violation of the United Nations Charter and of the General Armistice Agreement between Israel and Jordan;*

*"3. Emphasizes to Israel that actions of military reprisal cannot be tolerated and that, if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts;*

*"4. Requests the Secretary-General to keep the situation under review and to report to the Security Council as appropriate."*

<sup>207</sup> 1324th meeting, paras. 17, 31.

<sup>208</sup> 1327th meeting, para. 39.

<sup>209</sup> S/7598; same text as resolution 228 (1966).

<sup>210</sup> 1328th meeting, para. 35.

## COMPLAINT BY THE UNITED KINGDOM

### INITIAL PROCEEDINGS

By letter<sup>211</sup> dated 2 August 1966, the deputy representative of the United Kingdom requested the President of the Security Council to convene an immediate meeting of the Security Council to consider the situation arising from an "unprovoked and indefensible attack" on 30 July 1966 on the town of Nugub in the Amirat of Baihan in the Federation of South Arabia, for whose protection and for the conduct of whose external affairs the United Kingdom was responsible. It was further stated in the letter that according to the evidence, the aircraft responsible for the attack were those of the United Arab Republic operating from an airfield in Yemen.

At the 1296th meeting on 4 August 1966, the Council included<sup>212</sup> the question in its agenda. The representatives of the United Arab Republic and Yemen were invited to participate in the discussion.<sup>213</sup> The Council considered the question at its 1296th to 1300th meetings.

**Decision** of 16 August 1966 (1300th meeting):

Statement by the President expressing the consensus of the Council that:

- (i) *the parties concerned each on its part be asked to contribute in lessening the tension;*
- (ii) *the Secretary-General be invited to continue his good offices in an endeavour to settle the outstanding question in agreement with the parties concerned*

At the 1296th meeting, the representative of the United Kingdom stated that the air attack on the town of Nugub was deliberate and not the first against the territory of the Federation of South Arabia. The United Kingdom Government was determined to carry out its declared policy of bringing South Arabia to independence not later than 1968, but in order that this task might be satisfactorily accomplished, it was necessary that the area should enjoy peace and security. Attacks originating from Yemeni territory could only make achievement of United Kingdom aims, and those of the United Nations, more difficult. The Council should deplore the attack on the town of Nugub and call upon the United Arab Republic and Yemeni authorities to ensure that further attacks of this nature did not occur. He suggested that some form of United Nations observation might assist the maintenance of peace and security and this possibility might be explored through the good offices of the Secretary-General.<sup>214</sup>

At the same meeting, the representative of the United Arab Republic denied that planes belonging to the United Arab Republic Air Force had undertaken any kind of operations in Beihan. Neither had there been any planes of the Arab-Yemeni Joint Command airborne on 30 July 1966. He further maintained that the only aircraft flying the skies of Aden and the Aden Protectorates were British. The allegations against the United Arab Republic were attempts to cover up the British oppression of the peoples of Aden and the Aden Protectorates. Mindful of its obligations under the Charter and of the

<sup>211</sup> S/7442, O.R., 21st yr., Suppl. for July-September 1966, p. 64.

<sup>212</sup> 1296th meeting preceding para. 1.

<sup>213</sup> 1296th meeting, para. 1.

<sup>214</sup> 1296th meeting, paras. 5, 15-16, 23-26, 28-29.



principles of self-determination and freedom, the United Arab Republic was helping the peoples of Aden and the Aden Protectorates in their struggle against colonialism.<sup>215</sup>

At the 1297th meeting of the Council, the representative of Yemen similarly denied the United Kingdom's allegations. He stated furthermore that there were innumerable British incursions against his country, and particularly British violations of the Yemen Arab Republic's air space which occurred almost daily. The Yemen Arab Republic was mostly interested in peace, stability and progress and wished to have no part in any disturbance in the area.<sup>216</sup>

At the 1298th meeting of the Council, the representative of New Zealand submitted a draft resolution<sup>217</sup> in which the Security Council would request the Secretary-General to arrange for an immediate investigation, to be carried out by experienced United Nations personnel, in order to establish the facts relating to the incident referred to in the letter dated 2 August 1966 from the deputy representative of the United Kingdom and to report to the Security Council as soon as possible.

At the 1300th meeting of the Council, the President (Uganda) read an agreed statement which had the support of all the parties concerned: "The President, having noted that the debate which took place has its origin in a complaint presented by the representative of the United Kingdom (S/7742) and that the elements on which the complaint is founded are contested by the United Arab Republic and Yemen and that the statements made by the Members of the Council have not been able to produce at this stage a constructive solution, believes that he is authorized to ask parties concerned each on its part to contribute in lessening the tension and to invite the Secretary-General to continue his good offices in an endeavour to settle the outstanding question in agreement with the parties concerned."<sup>218</sup>

At the same meeting, the representative of New Zealand stated that he acquiesced in the consensus statement by the President and waived his right to call for a vote on his draft resolution.<sup>219</sup>

## COMPLAINT BY THE DEMOCRATIC REPUBLIC OF THE CONGO

### INITIAL PROCEEDINGS

By letter<sup>220</sup> dated 21 September 1966, the acting permanent representative of the Democratic Republic of the Congo requested the President of the Security Council to convene an early meeting of the Security Council to consider "the provocations of Portugal". It was further stated in the letter that Portugal was using its African Territories as a base of operations for mercenaries who were recruited in Europe and who were in the hire of the opposition headed by Mr. Tshombé. Their mission

was to overthrow the legitimate authorities in the Congo. The situation constituted a serious threat to world peace, because the Democratic Republic of the Congo would consider itself to be at war with Portugal as soon as there was an attack by the mercenaries on it. The Council should call upon Portugal to end "what might rightly be called aggression" against the Democratic Republic of the Congo.

At the 1302nd meeting on 30 September 1966, the Council included<sup>221</sup> the item in its agenda and invited<sup>222</sup> the representatives of the Democratic Republic of the Congo, Portugal, Burundi, Central African Republic and Tanzania to participate in the discussion. At a later stage,<sup>223</sup> the representative of the Congo (Brazzaville) was also invited to participate. The question was considered at the 1302nd to the 1306th meetings held between 30 September and 14 October 1966.

**Decision of 14 October 1966 (1306th meeting):**

*Urging the Government of Portugal, in view of its own statement, not to allow foreign mercenaries to use Angola as a base of operation for interfering in the domestic affairs of the Democratic Republic of the Congo*

At the 1302nd meeting, the representative of the Democratic Republic of the Congo\* stated that the former Prime Minister of the Congo, Mr. Tshombé, was organizing a new assault against his country with assistance from foreign mercenaries. A base was needed for these mercenaries and it was ready at hand in Angola which had a long common frontier with the Congo and in particular with the province of Katanga. The evidence of Portugal's complicity in Mr. Tshombé's attempt at subversion was, in his view, irrefutable. Referring to assistance given by the Congo to Angolan patriots, he maintained that his Government was only complying with the resolution of the United Nations,<sup>224</sup> which appealed to all States to render to the people of the Territories under Portuguese administration the moral and material support for the restoration of their rights.<sup>225</sup>

At the same meeting, the representative of Portugal\* denied the presence in Angola of any mercenaries, camps or war material meant to disturb the peace in the Democratic Republic of the Congo.<sup>226</sup> Subsequently, at the 1303rd meeting, the representative of Portugal asserted that it was the Congolese Government which had provided a base for raids on Angola and disputed that any resort to violence could be based on United Nations resolutions. He went on to say that the representative of the Congo had admitted that his Government was assisting anti-Portuguese elements and had not denied that one of the forms of that assistance was the providing of bases in the Congo for violent activities against Portugal. The Security Council should take due note of the existence of such bases in the Congo and call upon the Congo to put an end to them. Maintaining further that the allegations of the Democratic Republic of the Congo were devoid of all foundation, he suggested that the Congolese charges should be enquired into by an impartial fact-finding body of experts or a committee of three members of the Council

<sup>215</sup> 1296th meeting, paras. 40, 43, 45, 46.

<sup>216</sup> 1297th meeting, paras. 4, 12, 23.

<sup>217</sup> S/7456, 1298th meeting, para. 103.

<sup>218</sup> For retention of the item on the Secretary-General's summary statement on matters of which the Security Council is seized, see chapter II, p. 52, item No. 143.

<sup>219</sup> 1299th meeting, para. 10. For discussion on the proposal for investigation, see chapter X, Cases 1 and 4.

<sup>220</sup> S/7503, *OR*, 21st yr., *Suppl. for July-Sept. 1966*, pp. 132, 133.

<sup>221</sup> 1302nd meeting, preceding para. 5.

<sup>222</sup> 1302nd meeting, paras. 6-8.

<sup>223</sup> 1302nd meeting, para. 69.

<sup>224</sup> Resolution 2107 (XX).

<sup>225</sup> 1302nd meeting, paras. 17, 20-26.

<sup>226</sup> 1302nd meeting, para. 53.

together with one representative of each of the two parties concerned, if the Democratic Republic of the Congo reciprocated Portugal's good will by first permitting an investigation of the anti-Portuguese bases existing in its territory.<sup>227</sup>

At the 1304th meeting, the representative of Mali introduced a draft resolution jointly submitted with Jordan, Nigeria and Uganda.<sup>228</sup>

At the 1306th meeting on 14 October 1966, at the request of the representatives of France, the United Kingdom and the United States, the first operative paragraph of the draft resolution was put to a separate vote and adopted by 11 votes to none, with 4 abstentions.<sup>229</sup>

At the same meeting, the joint draft resolution was adopted <sup>230</sup> unanimously.

The resolution <sup>231</sup> read:

*"The Security Council,*

*"Having heard the statements of the representative of the Democratic Republic of the Congo and of the representative of Portugal,*

*"Taking note of the statement of the representative of the Democratic Republic of the Congo that Angola under Portuguese domination is used as a base of operation for foreign mercenaries for interfering in the domestic affairs of the Democratic Republic of the Congo,*

*"Taking note further of the statement of the representative of Portugal that there are no mercenaries in Angola nor camps nor war material meant to disturb the peace in the Democratic Republic of the Congo,*

*"Deeply concerned over developments in the area,*

*"Recalling the pertinent resolutions of the Security Council and the General Assembly,*

*"1. Urges the Government of Portugal, in view of its own statement, not to allow foreign mercenaries to use Angola as a base of operation for interfering in the domestic affairs of the Democratic Republic of the Congo;*

*"2. Calls upon all States to refrain or desist from intervening in the domestic affairs of the Democratic Republic of the Congo;*

*"3. Requests the Secretary-General to follow closely the implementation of the present resolution."*

**Decision** of 10 July 1967 (1367th meeting):

*Condemning 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 States Members of the United Nations, and calling upon Governments to ensure that their territory and other territories under their control, as well as their nationals, are not used for the planning of subversion, and the recruitment, training and transit of mercenaries designed to overthrow the Government of the Democratic Republic of the Congo*

By letter <sup>232</sup> dated 6 July 1967 addressed to the President of the Security Council, the representative of the Demo-

cratic Republic of the Congo requested the convening of an emergency meeting of the Council to consider "the question of aggression committed against the Democratic Republic of the Congo on 5 July 1967".

At the 1363rd meeting on 6 July 1967, the Council included <sup>233</sup> the item in its agenda and invited <sup>234</sup> the representative of the Democratic Republic of the Congo to participate in the discussion. The Council considered the question at its 1363rd, 1364th and 1367th meetings, held between 7 and 10 July 1967.

At the 1363rd meeting on 6 July 1967, the representative of the Democratic Republic of the Congo recalled that in October 1966, the Security Council was apprised of the dangers and threats to the Congo arising out of the activities of mercenaries. He further stated that the invasion by foreign paratroopers of the town of Kisangani on 5 July 1967 was not an isolated event but an element of a carefully nurtured plan and he asked that the Security Council invite all Member States to take measures to see to it that all activities of international conspiracy on their territory or on territories under their jurisdiction be ceased and that the recruitment of mercenaries be forbidden in conformity with obligations under the Charter. Those obligations had been further expressed in various relevant resolutions of the General Assembly, especially the resolution inviting Governments to abstain from interference in any way in the domestic affairs of sovereign States, which, in his view, also comprised the obligation to prevent there being on the territory of those States any activities running counter to the sovereignty of Member States of the Organization. The members of the Council should thus remind all States of their fundamental obligations, especially under the Charter, and invite them to take concrete measures which would put an end to the recruitment and training of mercenaries who intend to infringe upon the sovereignty of sovereign States in general, and that of the Democratic Republic of the Congo in particular.<sup>235</sup>

At the 1367th meeting of the Council on 10 July 1967, the representative of Nigeria introduced a draft resolution jointly submitted with Ethiopia, India and Mali.<sup>236</sup>

At the same meeting, the joint draft resolution was adopted <sup>237</sup> unanimously.

The resolution <sup>238</sup> read:

*"The Security Council,*

*"Having taken cognizance of the message of the Congolese Government contained in document S/8031,*

*"Having discussed the serious developments in the Democratic Republic of the Congo,*

*"Concerned by the threat posed by foreign interference to the independence and territorial integrity of the Democratic Republic of the Congo,*

*"1. Reaffirms in particular paragraph 2 of Security Council resolution 226 (1966) of 14 October 1966;*

*"2. Condemns any State which persists in permitting or tolerating the recruitment of mercenaries, and the*

<sup>227</sup> 1303rd meeting paras. 15-16, 37, 39; 1304th meeting, para. 84

<sup>228</sup> S/7539, OR, 21st yr., Suppl. for Oct.-Dec. 1966.

<sup>229</sup> 1306th meeting, para. 254.

<sup>230</sup> 1306th meeting, para. 255.

<sup>231</sup> Resolution 226 (1966).

<sup>232</sup> S/8036, OR, 22nd yr., Suppl. for July-Sept. 1967, p. 63.

<sup>233</sup> 1363rd meeting (PV), p. 6.

<sup>234</sup> 1363rd meeting (PV), p. 6.

<sup>235</sup> 1363rd meeting (PV), pp. 7-11, 17-20.

<sup>236</sup> S/8050, 1367th meeting, pp. 47-50.

<sup>237</sup> 1367th meeting, p. 66.

<sup>238</sup> Resolution 239 (1967), 1367th meeting, p. 66.

provision of facilities to them, with the objective of overthrowing the Governments of States Members of the United Nations;

"3. *Calls upon* Governments to ensure that their territory and other territories under their control, as well as their nationals, are not used for the planning of subversion, and the recruitment, training and transit of mercenaries designed to overthrow the Government of the Democratic Republic of the Congo;

"4. *Decides* that the Security Council shall remain seized of the question;

"5. *Requests* the Secretary-General to follow closely the implementation of the present resolution."

**Decision** of 15 November 1967 (1378th meeting):

*Condemning the failure of Portugal, in violation of Security Council resolutions, to prevent the mercenaries from using the Territory of Angola under its administration as a base of operations for armed attacks against the Democratic Republic of the Congo and calling upon Portugal to put an end immediately to the provision to the mercenaries of any assistance whatsoever*

By letter <sup>239</sup> dated 3 November 1967, addressed to the President of the Security Council, the representative of the Democratic Republic of the Congo transmitted a letter from the Minister for Foreign Affairs and External Trade of the Democratic Republic of the Congo requesting to convene the Security Council and communicate the information, contained in his letter, to the Council so that it could take the necessary measures "to stop the aggression and ensure the safety of persons and property, both foreign and Congolese, in the threatened area". It was further stated in the letter that an armed band of mercenaries had on 1 November 1967 invaded the territory of the Democratic Republic of the Congo. A number of messages requesting armed intervention on behalf of the mercenaries from the rebels in the Congo who occupied Bakavu which were intercepted on their way to Angola constituted proof of Portugal's collusion with the mercenaries for the purpose of overthrowing the established order in the Congo contrary to the obligations imposed by the Charter and in violation of the resolutions adopted by the Security Council in the matter of interference in the domestic affairs of the Congo by foreign mercenaries.

At the 1372nd meeting of the Council on 8 November 1967, the question was included in the agenda.<sup>240</sup> The representatives of the Democratic Republic of the Congo, Portugal, Burundi, Zambia and Algeria were invited to participate in the discussion.<sup>241</sup> The Council considered the question at its 1372nd, 1374th, 1376th and 1378th meetings.

At the 1372nd meeting of the Council, the representative of the Democratic Republic of the Congo\* stated that Portugal continued to represent a threat to the territorial integrity of his country through the aggression of the mercenaries stationed in the camps in Angola and crossing the Congolese borders from Angola. He asked for condemnation by the Council of the attitude of Portugal and for reaffirmation of the Council's previous decisions. Furthermore, he asked to condemn the very principle

of the recruitment of mercenaries, calling on the Member States to take measures to prevent the recruitment of mercenaries on their soil.<sup>242</sup>

The representative of Portugal\* denied that there had been any interference by Portugal in the internal affairs of the Congo. He maintained that the Republic of the Congo had neither been invaded nor threatened nor attacked by Portuguese or other foreign forces which might have been stationed in Angola, and that there were neither any bases in Angola at the service of mercenaries nor any crossing of the frontier posts by armed or unarmed groups in the direction of the Congo. At the same time, however, the Government of the Congo had been promoting armed aggression against Angola by providing bases and all sorts of other material aid to groups and individuals who carried out armed raids against Angola. In conclusion he reiterated his proposal for investigation of the Congolese charges.<sup>243</sup>

At the 1378th meeting of the Council on 13 November 1967, the President (Mali) informed the Council that following informal consultations, a consensus had been reached on the text of a draft resolution, although one member of the Council reserved the right to comment on one particular paragraph. The President read the text of the draft and stated that since there were no objections, he considered that the Council had adopted the draft resolution.<sup>244</sup>

The resolution <sup>245</sup> read:

*"The Security Council,*

*"Concerned* by the serious situation created in the Democratic Republic of the Congo following the armed attacks committed against that country by foreign forces of mercenaries,

*"Concerned* that Portugal allowed those mercenaries to use the territory of Angola under its administration as a base for their armed attacks against the Democratic Republic of the Congo,

*"Taking into consideration* the support and assistance that those mercenaries have continued to receive from some foreign sources with regard to recruitment and training, as well as transport and supply of arms,

*"Concerned* at the threat which the organization of such forces poses to the territorial integrity and independence of States,

*"Reaffirming* resolutions 226 of 14 October 1966 and 239 of 10 July 1967,

*"1. Condemns* any act of interference in the internal affairs of the Democratic Republic of the Congo;

*"2. Condemns,* in particular, the failure of Portugal, in violation of the above-mentioned Security Council resolutions, to prevent the mercenaries from using the territory of Angola under its administration as a base of operations for armed attacks against the Democratic Republic of the Congo;

*"3. Calls upon* Portugal to put an end immediately, in conformity with the above-mentioned resolutions of the Security Council, to the provision to the mercenaries of any assistance whatsoever;

<sup>242</sup> 1372nd meeting (PV), pp. 11-31.

<sup>243</sup> 1372nd meeting (PV), pp. 32-42. For the Portuguese proposal, see 1303rd meeting, paras. 37, 39, and 1304th meeting, para. 87.

<sup>244</sup> 1378th meeting (PV), pp. 2-5.

<sup>245</sup> Resolution 241 (1967).

<sup>239</sup> S/8218, O.R., 22nd yr., Suppl. for Oct.-Dec. 1967, p. 201.

<sup>240</sup> 1372nd meeting (PV), pp. 6-10, 11.

<sup>241</sup> 1372nd meeting (PV), pp. 11-31.

"4. *Calls upon* all countries receiving mercenaries who have participated in the armed attacks against the Democratic Republic of the Congo to take appropriate measures to prevent them from renewing their activities against any State;

"5. *Calls upon* all Member States to co-operate with the Security Council in the implementation of this resolution;

"6. *Decides* that the Security Council should remain seized of the question and requests the Secretary-General to follow the implementation of the present resolution."

## SITUATION IN THE MIDDLE EAST (I)

### INITIAL PROCEEDINGS

By letter <sup>246</sup> dated 23 May 1967, the representatives of Canada and Denmark requested that an urgent meeting of the Security Council be convened to consider "the extremely grave situation in the Middle East which is threatening international peace and security". Referring to the warning of the Secretary-General in his report to the Security Council of 19 May 1967,<sup>247</sup> that the current situation in the Near East "is more disturbing, indeed . . . more menacing, than at any time since the fall of 1956", the representatives concluded that the time had come for the Security Council to discharge its primary responsibility for the maintenance of international peace and security.

At the 1341st meeting of the Security Council on 24 May 1967, the Security Council had before it a provisional agenda which contained the following item:

<sup>246</sup> S/7902, O.R., 22nd yr., *Suppl. for Apr.-June 1967*, pp. 118-119.

<sup>247</sup> S/7896, O.R., 22nd yr., *ibid.*, pp. 109-113. In this report, the Secretary-General stated that in his considered opinion, the prevailing state of affairs in the Near East as regards relations between the Arab States and Israel, and among the Arab States themselves, was extremely menacing. There had been a steady deterioration along the line between Israel and Syria. El Fatah activities consisting of terrorism were a major factor, since they provoked strong reactions in Israel by the Government and population alike. Bellicose official and non-official utterances reported by the press and radio were more or less routine on both sides of the lines in the Near East. There had been further persistent reports about troop movements on the Israel side of the Syrian border. The Israel Government, however, very recently had assured the Secretary-General that no military action would be initiated by its armed forces unless such action was first taken by the other side. The decision of the Government of the United Arab Republic to terminate its consent for the continued presence of the United Nations Emergency Force on United Arab Republic controlled territory in Gaza and its decision to move its troops up to the line had eliminated the buffer function which the Force has been performing. The operation of the Force was based entirely on its acceptance by the governing authority on the territory on which it operated, and that was not in any sense related to Chapter VII of the Charter. Neither the United Nations Emergency Force nor any other United Nations peace-keeping operation thus far undertaken would have been permitted to enter the territory if there had been any suggestion that it had the right to remain there against the will of the governing authority. Since the announcement of the decision of the Government of the United Arab Republic with regard to the Force, tension in the area had mounted, troop movements on both sides had been observed, and the confrontation along the line between the armed forces of the two countries quickly began to reappear. Unless there was very great restraint on both sides of the line, a series of local clashes across the line, that could easily escalate into heavy conflict, could be envisaged.

"Letter dated 23 May 1967 from the Permanent Representatives of Canada and Denmark addressed to the President of the Security Council (S/7902)."

Following a procedural discussion on the convening of the meeting, the agenda was adopted.<sup>248</sup>

The question was considered by the Security Council at its 1341st and 1342nd meetings on 24 July 1967; at its 1343rd to 1361st meetings between 29 May to 14 June 1967 and at its 1365th and 1366th meetings on 8 and 9 July 1967.

The following representatives were invited to take part in the discussion during the period ending with the 1366th meeting, the invitations being renewed at each of the subsequent meetings: at the 1341st meeting, the representatives of Israel and the United Arab Republic; at the 1343rd meeting, the representatives of Jordan and Syria; at the 1344th meeting, the representative of Lebanon; at the 1345th meeting, the representatives of Iraq and Morocco; at the 1346th meeting, the representatives of Kuwait and Saudi Arabia; at the 1348th meeting, the representatives of Tunisia and Libya; at the 1360th meeting, the representative of Pakistan; and at the 1366th meeting, the representative of Algeria.<sup>249</sup>

**Decision of 24 May 1967 (1342nd meeting): *Statement by the President: Adjournment of the meeting***

At the 1341st meeting, the representative of Denmark stated that since the beginning of the withdrawal of the UNEF, the situation along the borders between Israel and the United Arab Republic had been constantly deteriorating at an alarming speed. There had been a military build-up along the borders of Israel and the United Arab Republic and the stage had been set for a military clash. Only two days ago, the President of the United Arab Republic declared that Israel ships and other ships carrying cargoes to Israel would be barred from the Straits of Tiran, whereas the Israel Government had also stressed that it would consider such a move as an attack. It would have been preferable to defer any action by the Council until it had received the Secretary-General's report on his current efforts to bring about an easing of the tension. However, the Secretary-General's mission alone could not relieve the Council of any of its primary responsibilities. For those reasons, the Government of Denmark had considered it necessary, together with the Government of Canada, to ask for an urgent meeting of the Security Council. Their only concern had been the preservation of peace in that area.<sup>250</sup>

At the 1342nd meeting on 24 May 1967, the representative of the United States said that the Security Council should call upon all States to avoid any action which might exacerbate the tense situation which had prevailed when the Secretary-General had departed on his mission. The obligation of the parties was to ensure that there was

<sup>248</sup> 1341st meeting (PV), p. 36. See in chapter I, Case 3.

<sup>249</sup> 1341st meeting (PV), p. 36;  
1343rd meeting (PV), pp. 2-6;  
1344th meeting (S/PV), pp. 3-5;  
1345th meeting (S/PV), p. 2;  
1346th meeting (PV), pp. 3-5;  
1348th meeting (PV), pp. 2-5;  
1360th meeting (PV), p. 17;  
1366th meeting (PV), pp. 3-5.

<sup>250</sup> 1341st meeting (PV), pp. 37-42.

no interference with existing international rights long enjoyed and exercised in the area by many nations.<sup>251</sup>

The representative of Japan expressed the view that the confrontations existing in the area must not be permitted to escalate into armed conflict. The utmost restraint was essential not only with regard to land borders and air space, but also with regard to the waterways.<sup>252</sup>

At the same meeting, the representative of Canada introduced a draft resolution<sup>253</sup> jointly submitted with Denmark, under which the Council would: (1) express full support for the efforts of the Secretary-General to pacify the situation; (2) request all Member States to refrain from any steps which might worsen the situation; and (3) invite the Secretary-General to report to the Council upon his return to enable the Council to continue its consideration of the matter.

The representative of France observed that for the time being, the Council must limit itself to addressing an appeal to the parties to refrain from any initiatives which might threaten peace. If the appeal was heeded, and taking into account the position of the Powers which bore the main responsibility for peace in the world, the Council would then be able to consider the means by which it could contribute to the peaceful solution of the dispute.<sup>254</sup>

The representative of the United Kingdom maintained that the Security Council would have to deal with the following questions: how could tensions be relieved and immediate dangers of conflict be removed; how could the rights of free passage through the Strait of Tiran be guaranteed and assured; how could effective United Nations measures and machinery to keep the peace and prevent conflict in the area best be worked out for the future; and what new measures and additional action could be taken to prevent such dangers to the peace from recurring in future years.<sup>255</sup>

The representative of the United Arab Republic expressed the view that the draft resolution which had been introduced by the representatives of Canada and Denmark was an attempt to sabotage the mission of the Secretary-General.<sup>256</sup>

The representative of Israel\* stated that massive troop concentrations had been built up in the Sinai peninsula, along the southern borders of Israel wherefrom the United Nations Emergency Force had been peremptorily evicted. All these steps were part of an over-all plan, the design of which was unfolding. It was approaching in the threats of President Nasser to interfere with shipping in the Straits of Tiran at the entrance of Aqaba. Before the Secretary-General had an opportunity to meet the President, it had been reported from Cairo that it had been decided to initiate operational measures to interfere with the freedom of navigation in the international waterway, the Straits of Tiran. The action of Egypt constituted a challenge of utmost gravity not only to Israel but also to the whole international community.<sup>257</sup>

The United States representative requested a short recess of the meeting for immediate consultations between himself and certain other members of the Council.<sup>258</sup>

After the suspension of the meeting, the representative of the United States stated that it was his understanding that the President (China) had suggested that the best procedure might be to adjourn the meeting for prompt, informal consultations among the members and that the members would be asked to hold themselves available to the Council, in view of the seriousness of the situation for an early further meeting the time of which would be announced after appropriate consultations.<sup>259</sup>

Subsequent to a brief discussion, the representative of Canada proposed that the Council should adopt the suggestion of the President.<sup>260</sup>

The President proposed that the meeting be adjourned until further notice.<sup>261</sup>

By letter<sup>262</sup> dated 27 May 1967, the permanent representative of the United Arab Republic requested that the following item be included in the Council's agenda of which the Security Council was presently seized:

"Israel aggressive policy, its repeated aggression threatening peace and security in the Middle East and endangering international peace and security."

In the letter, he cited a few instances of continued Israel aggressive policy. He requested the Council that necessary steps be taken to consider the above item urgently because it had indicated "the dangerous situation which has been brought about by Israel's continued violation of the United Nations Charter and the General Armistice Agreements, thus threatening international peace and security".

By letter<sup>263</sup> dated 29 May 1967, the permanent representative of the United Kingdom requested that the Secretary-General's report<sup>264</sup> of 26 May 1967 be included in the Council's provisional agenda.

<sup>258</sup> 1342nd meeting (PV), pp. 52-55.

<sup>259</sup> 1342nd meeting (PV), p. 56.

<sup>260</sup> 1342nd meeting (PV), p. 61.

<sup>261</sup> 1342nd meeting (PV), p. 61.

<sup>262</sup> S/7907, *OR*, 22nd yr., *Suppl. for April-June 1967*, pp. 124-125.

<sup>263</sup> S/7910, *Ibid.*, p. 125.

<sup>264</sup> S/7906, *Ibid.*, pp. 120-124. In the report, the Secretary-General stated that the decision of the United Arab Republic to restrict shipping in the Strait of Tiran had created a new situation. Free passage through the Strait was one of the questions which the Government of Israel considered most vital to its interests. The position of the Government of the United Arab Republic was that that Strait was territorial waters in which it had the right to control shipping. The Government of Israel contested this position and asserted the right of innocent passage through the Strait. It had further declared that Israel would regard the closing of the Strait of Tiran to Israel flagships and any restriction on cargoes of ships of other flags proceeding to Israel as a *casus belli*. The important immediate fact was that, in view of the conflicting stands taken by the United Arab Republic and Israel, the situation in the Strait of Tiran represented a very serious potential threat to peace. A clash between the United Arab Republic and Israel over this issue, in the present circumstances, would inevitably set off a general conflict in the Near East. Other problems, however, such as sabotage, terrorist activities and rights of cultivation in disputed areas in the demilitarized zone between Israel and Syria, would, unless controlled, almost surely lead to further serious fighting. In the view of the Secretary-General, a peaceful outcome of the current crisis would depend upon a breathing spell which would allow tension to subside from its present explosive level. He therefore urged all the parties concerned to exercise special restraint to forgo belligerence and to avoid all other actions

<sup>251</sup> 1342nd meeting (PV), pp. 6-10.

<sup>252</sup> 1342nd meeting (PV), p. 12.

<sup>253</sup> 1342nd meeting (PV), pp. 12-15.

<sup>254</sup> S/7905, *OR*, 22nd yr., *Suppl. for April-June, 1967*, p. 119.

<sup>255</sup> 1342nd meeting (PV), p. 21.

<sup>256</sup> 1342nd meeting (PV), pp. 37-40.

<sup>257</sup> 1342nd meeting (PV), pp. 41-42.

At the 1343rd meeting on 29 May 1967, the Security Council decided<sup>265</sup> to adopt the following agenda:

"Letter dated 23 May 1967 from the Permanent Representatives of Canada and Denmark addressed to the President of the Security Council (S/7902);

"Complaint of the Representative of the United Arab Republic in a letter to the President of the Security Council dated 27 May 1967 entitled 'Israeli aggressive policy, its repeated aggression threatening peace and security in the Middle East and endangering international peace and security' (S/7907); and

"Letter dated 29 May 1967 from the Permanent Representative of the United Kingdom addressed to the President of the Security Council (S/7910)."

**Decision** of 6 June 1967 (1348th meeting):

(i) *Calling upon the Governments concerned to take forthwith all measures for an immediate cease-fire and for cessation of all military activities in the area;*

(ii) *Requesting the Secretary-General to keep the Council currently informed on the situation*

At the 1343rd meeting on 29 May 1967, the representative of the United States referred to the appeal of the Secretary-General to the parties concerned contained in his report of 26 May 1966 and stated that the Security Council must find means to liquidate the conflict between the United Arab Republic and Israel as a military one and to defuse the most sensitive area, the Gulf of Aqaba. Therefore, the Council as an interim measure and without extended debate should endorse the Secretary-General's appeal. With respect to the Aqaba area, forgoing belligerence must mean forgoing any blockade of the Gulf of Aqaba during the breathing spell requested by the Secretary-General, and permitting free and innocent passage of all nations and flags through the Strait of Tiran to continue. Furthermore, the Council must address itself in longer-range terms to the three points of tension identified in the Secretary-General's report: the Gulf of Aqaba situation, the confrontation in the Gaza area and on the Syrian-Israel frontier, and the problem of terrorism. Effective steps must also be taken to reaffirm the General Armistice Agreements and to revitalize the Armistice machinery. Quiet diplomacy by the Secretary-General and the Members, the good offices of Member States, the employment of intermediaries, and all the devices provided for in Article 33 of the Charter should further be used.<sup>66</sup>

The representative of the United Arab Republic\* stated that on 7 April 1967, a considerable number of Israel jet fighters crossed the Armistice Demarcation Line and penetrated deeply into Syrian territory, as far as the Damascus area, in order to provoke Syria into a full-scale war. On 13 May 1967, the Government of the United Arab Republic had received accurate information that Israel had been concentrating huge armed forces on the Syrian border and had every reason to believe that on 17 May, the Israel authorities had seriously contemplated an attack against Syria. In the discharge of its responsi-

lities and in fulfilment of its sovereign rights, the Government had decided, in co-operation with its Arab allies, to defend the Arab nation by all measures. Since the presence of the United Nations Emergency Force would have conflicted with that decision and also for the sake of the safety of the Force, the Government, in the exercise of its sovereign rights, had requested the Secretary-General to withdraw the United Nations Emergency Force. Thus, it had peacefully restored the situation back to what it was before the 1956 aggression against the United Arab Republic. With regard to the Gulf of Aqaba, the representative stated that it had been under continued and uninterrupted Arab domination and sovereignty for over one thousand years. Israel's presence on the Gulf lacked legitimate foundation, as its occupation took place two weeks after the signing of the General Armistice Agreement between Egypt and Israel in violation of various provisions of the Agreement and decisions of the Security Council. In view of those violations, Israel's possession of the coastal strip did not entitle it to any legal claim to sovereignty. Neither the Armistice Agreement nor the presence of UNEF had changed the legal status of the Gulf of Aqaba and consequently they could not affect the United Arab Republic's rights over its territorial waters. The policy to preclude enemy vessels from ingress into and egress from the Gulf had been scrupulously maintained since 1950. There was also established a legal precedent that no innocent passage could be attributed to combatant parties. The Security Council, in considering this problem, should take into account the fact that the unilateral denunciation by Israel of the Egyptian-Israel General Armistice Agreement was legally invalid and consequently its violation of that Agreement was responsible for the deterioration of the situation in the Middle East, threatening peace and security. Accordingly, the Council should call upon Israel to abide by its obligations under the Agreement and instruct the Chief of Staff of the United Nations Truce Supervision Organization to reinstate the headquarters of the Egyptian-Israeli Mixed Armistice Commission in El Auja within two weeks. The Secretary-General should be requested to report to the Security Council within fifteen days.<sup>267</sup>

The representative of Argentina pointed out that the main objective of the Security Council should be to avoid a belligerent confrontation by endeavouring to prevent aggression and avoid a breach of the peace or to prevent a threat from becoming action. It must seek a settlement of the question by peaceful means in accordance with international law.<sup>68</sup>

The representative of Brazil pointed out that if anything could be done by the Council, it was to initiate or support all efforts, without taking sides in the confrontation, to prevent further aggravation of the crisis.<sup>269</sup>

The representative of the United Kingdom observed that the Security Council would not fail to concentrate first and foremost on the vital need for a solution of the problem of the Gulf of Aqaba.<sup>270</sup>

The representative of Israel\* stated that the unfounded charge of alleged Israel troop concentration was the keystone of the Egyptian case for moving its forces against

which could increase tension, to allow the Council to deal with the underlying causes of the crisis and to seek solutions (paras. 10, 12-14).

<sup>265</sup> 1343rd meetings (PV), p. 2.

<sup>266</sup> 1343rd meeting (PV), pp. 8-16, 18-20.

<sup>267</sup> 1343rd meeting (PV), pp. 23-25, 27, 40, 42, 46-47.

<sup>268</sup> 1343rd meeting (PV), pp. 48-50.

<sup>269</sup> 1343rd meeting (PV), p. 56.

<sup>270</sup> 1343rd meeting (PV), p. 58.



Israel. On 15 May, his Government had assured the Secretary-General that Israel had not concentrated any troops anywhere and harboured no aggressive designs against any of its Arab neighbours and had requested the Secretary-General to convey these assurances to the Arab Governments concerned. The Secretary-General had acted without delay on that request and added that the facts conveyed to him by Israel had been confirmed by independent inquiries through his representatives in that area. On 16 May, President Nasser had moved against UNEF and deployed heavy Egyptian forces right along the Israel border. In the light of these sudden and threatening moves, the Israel Government was compelled to take limited precautionary measures. While the Secretary-General was en route to Cairo, President Nasser had proclaimed the blockade of the international waterway of the Strait of Tiran and the Gulf of Aqaba. The position of the Government of Israel remained that every interference with the freedom of navigation in these waters was an offensive action and an act of aggression against Israel, the infringement of the sovereign rights of all nations to the unimpeded use of the international waterway and a gross violation of international law. The eviction of UNEF from its position at the entrance to the Strait at Sharm el Sheikh was not only an act of defiance of the United Nations and a violation of Egypt's pledged word, but was the signal for the revival of belligerence after ten years of tranquillity in the Gulf of Aqaba. The proclaimed policy of belligerence pursued by the Government of the United Arab Republic was the crux of the matter. This was the underlying case for the present and other crisis situation in the Middle East. The two central violations of the Egyptian-Israeli Armistice Agreement were the denial of free passage in the Suez Canal and in Aqaba. The Israel Government believed that five immediate steps should be taken in the present crisis: all inflammatory statements and threats against the territorial integrity and political independence of any State should cease; the Charter obligation of non-belligerence must be strictly complied with; the armed forces should be withdrawn from their positions as of the beginning of the month; all forms of armed incursions, acts of sabotage and terrorism should cease and the Governments concerned should take all steps to prevent their territory from being used for these hostile acts; and there should be no interference with any shipping in the Strait of Tiran and the Gulf of Aqaba. If those steps were taken promptly, the present dangerous tensions would subside.<sup>271</sup>

The representative of Ethiopia maintained that the Council should concentrate its attention on the report and recommendations of the Secretary-General. The first objective at this step should be the avoidance of a conflict and of any steps which could lead to confrontation. With this urgent objective in view and by way of endorsing the efforts of the Secretary-General as outlined in his report, the representative was ready to join in an effort to work out an urgent appeal to all the parties concerned to exercise restraint and to refrain from taking any action which could give rise to confrontation and conflict. The avoidance of all such action would allow the Security Council to proceed with its urgent mission of the preservation of peace in the region.<sup>272</sup>

The representative of India expressed the view that no State or a group of States should attempt to challenge by force the sovereignty of the United Arab Republic over the Strait of Tiran. A *modus vivendi* was desirable, but any arrangement that was worked out must be within the framework of the sovereignty of the United Arab Republic.<sup>273</sup>

At the 1344th meeting on 30 May 1967, the representative of Lebanon\* stated that although the Security Council had the primary responsibility for preventing war and maintaining international peace and security, Member States, under Article 51 of the Charter, had the inherent right of individual and collective self-defence. The Council had the duty to prevent aggression before it took place and thus preserve the peace.<sup>274</sup>

The representative of Denmark observed that the discussion seemed to indicate a broad agreement in principle that the Council, in response to the Secretary-General's call for a breathing spell, ought to launch an appeal to the parties for restraint, which should be made. However, only if it were adopted with the greatest possible majority, and preferably unanimously, would it appear as a true expression of the collective will of the United Nations.<sup>275</sup>

The representative of the United States asserted the legal position of his Government which had consistently been and remained that since there was an Armistice Agreement endorsed by the United Nations which was its principal author, neither side had the right to exercise belligerent rights.<sup>276</sup>

At the 1345th meeting on 31 May 1967, the representative of Iraq\* maintained that the Security Council should consider the real issues which underlied the crisis and without the solution of which there could be no peace in the area. The issues were related to the people of Palestine and to the necessity to reactivate the machinery which the Council had itself established to keep peace in the area.<sup>277</sup>

The representative of the United States submitted<sup>278</sup> a draft resolution<sup>279</sup> whereby the Security Council, noting that the Secretary-General in his report had expressed the view that "a peaceful outcome to the present crisis would depend upon a breathing spell which would allow tension to subside from its present explosive level", and that he therefore had urged "all the parties concerned to exercise special restraint to forgo belligerence and to avoid all other actions which would increase tension, to allow the Council to deal with the underlying causes of the present crisis and to seek solutions" (fourth preambular paragraph), would: (1) call upon all the parties concerned as the first step to comply with the Secretary-General's appeal; (2) encourage the immediate pursuit of international diplomacy in the interest of pacifying the situation and seeking reasonable, peaceful and just solutions; (3) decide to keep the issue under urgent and

<sup>273</sup> 1343rd meeting (PV), p. 86.

<sup>274</sup> 1344th meeting (PV), p. 17.

<sup>275</sup> 1344th meeting (PV), p. 17.

<sup>276</sup> 1344th meeting (PV), p. 58.

<sup>277</sup> 1345th meeting (PV), p. 16.

<sup>278</sup> 1345th meeting (PV), p. 21.

<sup>279</sup> S/7916, *ibid.*, p. 22. See 1346th meeting (PV), p. 6; the statement of the President (Denmark) concerning the revised text of the draft resolution S/7916/Rev.1.

<sup>271</sup> 1343rd meeting (PV), pp. 66-67, 68, 71-72.

<sup>272</sup> 1343rd meeting (PV), p. 81.

continuous review so that the Council might determine what further steps it might take in the exercise of its responsibilities for the maintenance of international peace and security. The representative of the United States stated that this interim draft resolution took into account the fact that the Council had two types of responsibilities. In addition to its responsibility to avert an imminent clash, it had also the responsibility conferred by Chapter VI of the Charter and described in the Secretary-General's words:<sup>280</sup> "... to seek, and eventually to find reasonable, peaceful and just solutions."<sup>281</sup>

At the same meeting, the representative of the United Arab Republic\* submitted,<sup>282</sup> under rule 38 of the provisional rules of procedure of the Security Council, a draft resolution<sup>283</sup> in accordance with which the Council would: (1) decide that the Egyptian-Israel General Armistice Agreement was still valid and reiterate that the United Nations machinery emanating therefrom should be fully operative; (2) call upon the Israel Government to respect and abide by its obligations and responsibilities as stipulated in the Egyptian-Israel General Armistice Agreement and to act accordingly; (3) instruct the Chief of Staff of the UNTSO to proceed promptly and reinstitute within two weeks the headquarters of the Egyptian-Israel Mixed Armistice Commission at El Auja, wherefrom it had discharged its duties prior to the Israel unilateral action forcing its expulsion from that zone; (4) decide to bolster additional measures necessary for the full implementation of this resolution in the case of non-compliance by the Israel Government with the terms of this resolution; (5) request the Secretary-General to contact the parties to the Egyptian-Israel General Armistice Agreement for the immediate implementation of this decision and to report to the Security Council within fifteen days for its approval with regard to additional measures; (6) decide to reconvene to discuss the report of the Secretary-General immediately upon its submission.

At the same meeting, the representative of India said that his delegation would at the appropriate time ask for the vote on the draft resolution submitted by the United Arab Republic under rule 28 of the provisional rules of procedure of the Security Council.<sup>284</sup>

At the 1346th meeting on 3 June 1967, the representative of France maintained that the most urgent task of the Security Council was to agree on the terms of an appeal to the parties to abstain during the breathing spell from supporting their claims by a resort to force of whatever nature. This appeal would not be a matter of approving or disapproving the respective positions of the parties as stated in the Council, but only of searching for means which could lead to procedures of peaceful settlement, in other words, which could lead to negotiations.<sup>285</sup>

At the 1347th meeting on 5 June 1967, the President (Denmark) drew the attention of the members of the

Security Council to a letter<sup>286</sup> dated 5 June 1967 from the permanent representative of the United Arab Republic. He stated further that at 0310 that morning, the permanent representative of Israel informed him officially that he had just received reports that Egyptian land and air forces had moved against Israel and Israel forces were engaged in repelling the Egyptian forces. The representative read further to him a communiqué from the Israel defence forces according to which since the early hours of that morning, fierce fighting had broken out between Egyptian air and armoured forces which had moved against Israel and its forces, which had gone into action to contain them. At 0330 that morning, the representative of the United Arab Republic informed him that Israel had committed a premeditated aggression by launching attacks against the Gaza Strip, Sinai, airports in Cairo, in the Suez Canal area and several other airports. The Government of the United Arab Republic, in repelling this aggression, had decided to defend itself by all means, in accordance with Article 51 of the Charter. The President pointed out also that the information which he had received from the Secretary-General confirmed that exchanges of fire and air activity had been going on in the area since the early hours of the morning. In view of this, in the exercise of his responsibilities as the President of the Security Council, he had felt it to be his duty to convene the Council for an urgent meeting.<sup>287</sup>

The Secretary-General presented to the Council all information that he had received from the United Nations sources in the Middle East on the outbreak of hostilities.<sup>288</sup>

After the suspension of the meeting, the President drew the attention of the Council to the supplementary information<sup>289</sup> submitted by the Secretary-General, and requested the members of the Council to hold themselves available for consultations before the scheduled time of the meeting the next day.

At the 1348th meeting on 6 June 1967, the President stated that since the previous meeting of the Council, its members had been continuously engaged in urgent consultations as to the course of action to be taken by the Council in this emergency situation. This consultation had resulted in unanimous agreement on a draft resolution which the President presented to the Council.<sup>290</sup>

**Decision:** *The draft resolution was adopted<sup>291</sup> unanimously as resolution 233 (1967)*

*It read:*

*"The Security Council,*

*"Noting the oral report of the Secretary-General in this situation,*

*"Having heard the statements made in the Council,*

*"Concerned at the outbreak of fighting and with the menacing situation in the Near East,*

<sup>280</sup> S/7906, 22nd yr., para. 14; report of the Secretary-General on the situation in the Middle East dated 26 May 1967, *OR*, 22nd yr., *Suppl. for Apr.-June 1967*, pp. 120-124.

<sup>281</sup> 1345th meeting (PV), p. 26.

<sup>282</sup> 1345th meeting (PV), p. 51.

<sup>283</sup> S/7919, 1345th meeting (PV), pp. 51-52.

<sup>284</sup> 1345th meeting (PV), p. 66.

<sup>285</sup> 1346th meeting (PV), p. 92.

<sup>286</sup> S/7926, *OR*, 22nd yr., *Suppl. for Apr.-June 1967*, p. 130.

<sup>287</sup> 1347th meeting (PV), pp. 3-5.

<sup>288</sup> *Ibid.*, pp. 6-15. For the statement of the Secretary-General, see chapter I, Case 26.

<sup>289</sup> S/7930. Supplementary information received by the Secretary-General on the situation in the Middle East. *OR*, 22nd yr., *Suppl. for Apr.-June 1967*, pp. 132-134.

<sup>290</sup> 1348th meeting (PV), pp. 3-5.

<sup>291</sup> 1348th meeting (PV), p. 6.



"1. *Calls upon* the Governments concerned to take forthwith as a first step all measures for an immediate cease-fire and for a cessation of all military activities in the area;

"2. *Requests* the Secretary-General to keep the Council promptly and currently informed on the situation."

**Decision** of 7 June 1967 (1350th meeting):

(i) *Demanding the Governments concerned to cease fire and discontinue all military activities at 2000 hours GMT on 7 June 1967;*

(ii) *Requesting the Secretary-General to keep the Council currently informed on the situation*

By letter <sup>292</sup> dated 7 June 1967, the permanent representative of the USSR requested that a meeting of the Security Council be immediately convened in order "to hear the reports of the parties concerned on their implementation of the Security Council resolution calling for the immediate cessation of military activities".

At the 1349th meeting of the Security Council on 7 June 1967, the Council resumed its discussion of three items inscribed on the agenda.<sup>293</sup>

The agenda was adopted.<sup>294</sup>

At the 1349th meeting of the Security Council on 7 June 1967, the representative of the USSR drew the attention of the Council to the fact that the continuation of military activities by Israel who had not paid any attention to resolution 233 of 6 June 1967, might create an even more menacing situation in the area, and submitted <sup>295</sup> a draft resolution.<sup>296</sup>

The Secretary-General stated that he had received a cable from the Foreign Minister of Jordan conveying the acceptance by his Government of the cease-fire resolution <sup>297</sup> and informed the Security Council on the development of the situation in the Middle East according to a report of the Chief of Staff of the UNTSO, whom he had instructed to continue his functions and to make his good offices available to the parties whenever there was an opportunity to do so.<sup>298</sup>

At the 1350th meeting of the Security Council on 7 June 1967, the representative of Canada suggested that after voting on the USSR draft resolution, the Council should take up a draft resolution <sup>299</sup> submitted by him, according to which the President of the Council, with the assistance of the Secretary-General, would be requested to take the necessary measures to bring about full compliance with resolutions S/7935 of 6 June 1967 and S/7940 of 7 June 1967.

At the same meeting, the USSR draft resolution was adopted <sup>300</sup> unanimously as resolution 234 (1967). The resolution read:

"*The Security Council,*

"*Noting* that, in spite of its appeal to the Governments concerned to take forthwith as a first step all measures for an immediate cease-fire and for a cessation of all military activities in the Near East [*resolution 233 (1967)*], military activities in the area are continuing,

"*Concerned* that the continuation of military activities may create an even more menacing situation in the area,

"1. *Demands* that the Governments concerned should as a first step cease fire and discontinue all military activities at 2000 hours GMT on 7 June 1967;

"2. *Requests* the Secretary-General to keep the Council promptly and currently informed on the situation."

The President stated that the representative of Canada had proposed to adjourn the meeting until such time as the Council could vote on the Canadian draft resolution in order to adopt it by unanimity.<sup>301</sup>

The proposal to adjourn the meeting was adopted <sup>302</sup> unanimously.

**Decision** of 9 June 1967 (1352nd meeting):

(i) *Confirming its previous resolutions about immediate ceasefire and cessation of military action;*

(ii) *Demanding that hostilities should cease forthwith;*

(iii) *Requesting the Secretary-General to contact the Governments of Israel and Syria to arrange immediate compliance with the above-mentioned resolutions*

By letter <sup>303</sup> dated 8 June 1967 addressed to the President of the Security Council, the Permanent representative of the United States requested that in view of the fact that fighting still continued in the Middle East despite the two Security Council resolutions calling for a cease-fire and despite the indications of the acceptance of the cease-fire by Jordan and Israel, an urgent meeting of the Security Council be convened "to consider the present grave situation".

By letter <sup>304</sup> dated 8 June 1967, the permanent representative of the USSR requested, in view of the continuation of Israel's military activities and despite the two cease-fire resolutions by the Security Council, that an urgent meeting of the Security Council be convened to consider "the question of condemning Israel's aggressive acts, the immediate cessation by the aggressor of military activities against the Arab States and the effective withdrawal of Israel troops to the Israel side of the Armistice Line".

At the 1351st meeting of the Security Council on 8 June 1967, the agenda was adopted.<sup>305</sup>

At the same meeting, the Secretary-General read to the Council a message from the Foreign Minister of Kuwait and the information received from the Chief of Staff of UNTSO.<sup>306</sup>

<sup>292</sup> S/7938, *O.R.*, 22nd yr., *Suppl. for April-June 1967*, pp. 162-163.

<sup>293</sup> The agenda comprised the same three communications which were included in the agenda at its 1343rd meeting on 29 May 1967.

<sup>294</sup> 1349th meeting (PV), pp. 2-5.

<sup>295</sup> 1349th meeting (PV), p. 6.

<sup>296</sup> S/7940, *Ibid.*, p. 7-10. The same text as resolution 234 (1967); see below.

<sup>297</sup> Resolution 233 (1967) of 6 June 1967.

<sup>298</sup> 1349th meeting (PV), pp. 11-15.

<sup>299</sup> S/7941, *O.R.*, 22nd yr., 1350th meeting (PV), p. 6.

<sup>300</sup> 1350th meeting (PV), pp. 6-10.

<sup>301</sup> 1350th meeting (PV), pp. 44, 45. See also in chapter I, Case 41.

<sup>302</sup> 1350th meeting (PV), pp. 44-45.

<sup>303</sup> S/7950, *O.R.*, 22nd yr., *Suppl. for April-June 1967*, p. 168.

<sup>304</sup> S/7954, *ibid.*, p. 172.

<sup>305</sup> 1351st meeting (PV), pp. 2-5. The agenda read as that adopted at the 1343rd meeting.

<sup>306</sup> 1351st meeting (PV), p. 6.

The representative of the United States submitted a draft resolution<sup>307</sup> which, in its third revised form,<sup>308</sup> provided for the Security Council: (1) to insist on the continued scrupulous implementation by all the parties concerned of the Council's repeated demands for a cease-fire and cessation of all military activity as a first urgent step toward the establishment of a stable peace in the Middle East; (2) to request the Secretary-General to continue to report to the Council on compliance with the cease-fire; (3) to call for discussions promptly among the parties concerned, using such third party or United Nations assistance as they might wish, looking towards the establishment of viable arrangements encompassing the withdrawal and disengagement of armed personnel, the renunciation of force regardless of its nature, the maintenance of vital international rights and the establishment of a stable and durable peace in the Middle East; and (4) to request also the Secretary-General to provide such assistance as might be required in facilitating the discussions called for in paragraph 3.

The Secretary-General informed the Security Council that he had received a communication from the Permanent Mission of the United Arab Republic to the United Nations according to which its Government had decided to accept the cease-fire call as contained in the resolution of the Council on 6 and 7 June 1969 on the condition that the other party ceased fire.<sup>309</sup>

The representative of the USSR submitted<sup>310</sup> a draft resolution according to the revised form<sup>311</sup> of which the Security Council would: (1) vigorously condemn Israel's aggressive activities and its violations of Security Council resolutions 233 of 6 June 1967 and 234 of 7 June 1967 of the United Nations Charter and of United Nations principles; and (2) demand that Israel should immediately halt its military activities against neighbouring Arab States and should remove all its troops from the territory of those States and withdraw them behind the armistice lines and respect the status of the demilitarized zones, as prescribed in the General Armistice Agreements.

The representative of Bulgaria pointed out that the Security Council must insist that the Government of Israel immediately order the withdrawal of the troops that had invaded the United Arab Republic, Jordan and Syria, and that this be the imperative condition for the re-establishment of calm in the Middle East.<sup>312</sup>

At the 1352nd meeting on 9 June 1967, the President (Denmark) informed the Council that he had received a cable from the Minister for Foreign Affairs of Syria according to which the Government of Syria had decided to accept the two appeals in the resolution of the Security Council for a cease-fire provided that the other party agreed upon the cease-fire. The President stated further that he had received a communication from the permanent representative of Israel according to which heavy Syrian artillery fire continued to be directed against Israeli villages. He stated also that he had received a request from

the representative of Syria for an urgent meeting of the Security Council.<sup>313</sup> The Secretary-General read to the Council a message from the Chairman of the Israel-Syrian Mixed Armistice Commission and submitted to the Council further information concerning the situation on the Syrian-Israeli border.<sup>314</sup>

The representative of Syria\* stated that one hour later following the decision of the Syrian Government to accept the cease-fire, the Israel military forces had unleashed vast air and land operations which were proceeding with an increasing intensity, leaving no doubt that the aim was the total invasion of Syria. This invasion of Syria, premeditated and well prepared, was a violation of the cease-fire and also of the Charter of the United Nations.<sup>315</sup>

The representative of Israel\* stated that at the same time that Syria had acknowledged its acceptance of the cease-fire, it opened an attack of unusual vehemence against Israel villages and had increased its military action against Israel.<sup>316</sup>

The President stated that he had consulted all members of the Council and it was his understanding that there was agreement that before the Security Council would proceed with its business, it ought to adopt urgently, a resolution demanding that hostility cease forthwith. Therefore, in his capacity as President of the Council, he presented a draft resolution.<sup>317</sup>

The draft resolution was adopted<sup>318</sup> unanimously as resolution 235 (1967). The resolution read:

*"The Security Council,*

*"Recalling its resolutions 235 (1967) of 6 June and 234 (1967) of 7 June 1967,*

*"Noting that the Governments of Israel and Syria have announced their mutual acceptance of the Council's demand for a cease-fire,*

*"Noting the statements made by the representatives of Syria and Israel,*

*"1. Confirms its previous resolutions about immediate cease-fire and cessation of military action;*

*"2. Demands that hostilities should cease forthwith;*

*"3. Requests the Secretary-General to make immediate contacts with the Governments of Israel and Syria to arrange immediate compliance with the above-mentioned resolutions, and to report to the Security Council not later than two hours from now."*

At the 1353rd meeting on 9 June 1967, the Secretary-General informed the Security Council of his communications to the Foreign Ministers of Israel and Syria and of communications from the Permanent Mission of Syria and the Foreign Minister of Syria and from the permanent representative of Syria concerning the situation on the Syrian-Israel border.<sup>319</sup>

The representative of the United States observed that what would solve the problem before the Security Council

<sup>307</sup> S/7952, 1351st meeting (PV), pp. 11-12.

<sup>308</sup> S/7952/Rev.3, OR, 22nd yr., Suppl. for Apr.-June 1967, p. 171; S/7952/Rev.1 and S/7952/Rev.2, *ibid.*, pp. 169-171.

<sup>309</sup> 1351st meeting (PV), pp. 18-20.

<sup>310</sup> 1351st meeting (PV), p. 26.

<sup>311</sup> S/7951/Rev.1, OR, 22nd yr., Suppl. for Apr.-June 1967, p. 169.

<sup>312</sup> 1351st meeting (PV), p. 52.

<sup>313</sup> 1352nd meeting (PV), p. 6.

<sup>314</sup> 1352nd meeting (PV), pp. 7-12.

<sup>315</sup> 1352nd meeting (PV), pp. 13-16.

<sup>316</sup> 1352nd meeting (PV), p. 17.

<sup>317</sup> S/7960, 1352nd meeting (PV), p. 22. See also in chapter I, Case 10.

<sup>318</sup> 1352nd meeting (PV), p. 22.

<sup>319</sup> 1353rd meeting (PV), pp. 12-15.

was, first, ascertainment of the facts; and, second, action by United Nations machinery to make sure that the cease-fire was properly implemented. Those were two ways in which the Security Council must proceed.<sup>320</sup>

The representative of the USSR requested the President to ask the Secretary-General to take effective measures so as to utilize the machinery which was in existence and to pay due attention to the information from that machinery and to report to the Security Council without delay.<sup>321</sup>

The President (Denmark) stated that it appeared that all members of the Council agreed that the Council should request the parties concerned to extend all possible co-operation to the United Nations Observers in the discharge of their responsibilities, that it should request the Government of Israel to restore the use of Government House in Jerusalem to the Chief of Staff of the UNTSO and should ask the parties to re-establish freedom of movement. The President added that the next meeting would take place on 10 June 1967 in the morning.<sup>322</sup>

**Decision** of 11 June 1967 (1357th meeting):

- (i) *Condemning any and all violations of the cease-fire;*
- (ii) *Requesting the Secretary-General to continue his investigations;*
- (iii) *Affirming that its demand for a cease-fire and discontinuance of all military activities included a prohibition of any forward military movements subsequent to the cease-fire;*
- (iv) *Calling for the prompt return to the cease-fire position of any troops;*
- (v) *Calling for full co-operation with the Chief of Staff of UNTSO and the observers in implementing the cease-fire*

By letter<sup>323</sup> dated 9 June 1967 addressed to the President of the Security Council, the permanent representative of the USSR requested that an item entitled "Cessation of military action by Israel and withdrawal of the Israeli forces from those parts of the territory of the United Arab Republic, Jordan and Syria which they have seized as the result of an aggression" be included in the Council's agenda.

At the 1354th meeting on 10 June 1967, the President (Denmark) pointed out that a new item had been included in the provisional agenda in response to the request from the representative of the USSR circulated in document S/7967. The agenda was adopted.<sup>324</sup> It read:

"Letter dated 23 May 1967 from the representatives of Canada and Denmark addressed to the President of the Security Council (S/7902)

"Complaint by the representative of the United Arab Republic in a letter to the President of the Security Council dated 27 May 1967 entitled:

"Israeli aggressive policy, its repeated aggression threatening peace and security in the Middle East and endangering international peace and security' (S/7907)

"Letter dated 29 May 1967 from the permanent representative of the United Kingdom addressed to the President of the Security Council (S/7910)

"Letter dated 9 June 1967 from the permanent representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council concerning an item entitled:

"'Cessation of military action by Israel and withdrawal of the Israeli forces from those parts of the territory of the United Arab Republic, Jordan and Syria which they have seized as the result of an aggression.'"

The Security Council decided<sup>325</sup> to consider the four items simultaneously.

The President stated that this emergency meeting had been convened at the urgent request of the Assistant Secretary-General for Political Affairs of Syria who had informed him that the situation in the area had seriously deteriorated and that the Israel forces had occupied Kuneitra and had been heading towards Damascus.<sup>326</sup>

The Secretary-General submitted to the Council reports from the Chairman of the Israel-Syrian Mixed Armistice Commission.<sup>327</sup>

The representative of Syria\* stated that Israel had moved its forces and occupied Kuneitra, about thirty-five miles from Damascus, and a battle was taking place between the Syrian and Israel forces. The representative of Israel was deliberately attempting to mislead the Council by his assertion that Israel was abiding by the cease-fire. The attacking Israel forces should be withdrawn behind the Armistice Lines and sanctions should be applied by the Council.<sup>328</sup>

The representative of the USSR stated that the information presented by the Secretary-General, though fragmentary, had indicated clearly that the Israel air force had bombed Damascus, and that Israel forces were continuing their advance on Syrian territory. That was sufficient evidence of the flouting by Israel of the decision of the Security Council. Therefore it was necessary to take urgent and decisive measures to halt the aggressor.<sup>329</sup>

The representative of Israel\* stated that despite two acceptances of the cease-fire resolutions, Syria had not ceased shelling Israel villages along the Israel-Syrian frontier. There was no foundation whatsoever for the allegation that Israel was planning to take Damascus. Its only activity was directed against the artillery emplacements which were attacking Israel villages.<sup>330</sup>

At the 1355th meeting on 10 June 1967 the Secretary-General read a message from the Chairman of the Israel-Syrian Mixed Armistice Commission.<sup>331</sup>

The representative of Israel\* stated that Israel troops were only engaged in silencing gun emplacements in Syria and they were doing so purely in the exercise of the right of self-defence.<sup>332</sup>

<sup>325</sup> 1354th meeting (PV), p. 3.

<sup>326</sup> 1354th meeting (PV), p. 3.

<sup>327</sup> 1354th meeting (PV), pp. 3-7; for subsequent statements by the Secretary-General, see: *ibid.*, pp. 51-55, 63-65; 66.

<sup>328</sup> 1354th meeting (PV), pp. 11-15.

<sup>329</sup> 1354th meeting (PV), pp. 16-21.

<sup>330</sup> 1354th meeting (PV), pp. 21-22.

<sup>331</sup> 1355th meeting (PV), pp. 3-5; see also p. 31.

<sup>332</sup> 1355th meeting (PV), pp. 7-11.

<sup>320</sup> 1353rd meeting (PV), p. 48.

<sup>321</sup> 1353rd meeting (PV), pp. 83-85. For the reply of the Secretary-General, *ibid.*, pp. 87-90, see in chapter I, Case 21.

<sup>322</sup> 1353rd meeting, p. 107. See also in chapter I, Case 11.

<sup>323</sup> S/7967, *OR*, 22nd yr., *Suppl. for Apr.-June 1967*, p. 181.

<sup>324</sup> 1354th meeting (PV), p. 2.

The representative of Syria\* observed that it had been established beyond any doubt that a large invading army, with tanks, armour and air force, was invading Syria. Therefore, it was the imperative duty of the Council to see to it that the hostilities cease and that the invaders withdraw.<sup>333</sup>

The Secretary-General informed the Security Council that he had received a message from the Chief of Staff of the UNTSO that he had notified the Chairman of the Israel-Syrian Mixed Armistice Commission that Israel was prepared to co-operate on a cease-fire together with no further troop movement provided that Syria would accept the same and provided further that United Nations Military Observers would be deployed on each side of the lines at the same time that the cease-fire was fixed. The Chief of Staff proposed a cease-fire to be effective 1630 hours GMT on 10 June.<sup>334</sup>

At the 1356th meeting on 10 June 1967, the President read a letter<sup>335</sup> dated 10 June 1967 from the representative of the USSR requesting that in view of the continuation of Israel's military activities despite the adoption by the Security Council of the resolutions on a cease-fire, a meeting of the Council be urgently convened to consider the question of the flagrant violation by Israel of the decisions of the Council on the cessation of military activities. The President stated that he had decided, in response to this letter, to convene the meeting on short notice. He also said that a joint draft resolution had been submitted by Argentina, Brazil, and Ethiopia.<sup>336</sup>

The representative of the USSR stated that soon after the Security Council had adjourned its last meeting, Damascus had been subjected to a new attack by the Israel air force. There still had been fighting in the region of Kuneitra, fifty-five kilometres from the capital of Syria. The Security Council had no right to postpone the condemnation of Israel for its flagrant violations of the decisions of the Security Council.<sup>337</sup>

The Secretary-General read the messages from the Chief of Staff of the UNTSO concerning the situation in the area.<sup>338</sup>

The representative of the United States submitted a draft resolution<sup>339</sup> whereby the Security Council would: (1) request the Secretary-General to order a full investigation of all reports of violations of the cease-fire; (2) demand that all parties scrupulously respect its cease-fire appeals contained in resolutions 233, 234 and 235; and (3) call upon the Governments concerned to issue categorical instructions to all military forces to cease all firing and military activities as required by those resolutions.

By letter<sup>340</sup> dated 11 June 1967 addressed to the President of the Security Council, the permanent representa-

tive of Syria requested that an urgent meeting of the Security Council be convened in order to discuss the grave situation resulting from Israel's further penetration into Syrian territory and to take the necessary action with a view to putting an end to it.

At the 1357th meeting on 11 June 1967, the President (Denmark) stated that the meeting had been convened in response to the request of the representative of Syria.<sup>341</sup>

The Secretary-General read to the Council messages received from the Chief of Staff of the UNTSO.<sup>342</sup>

The representative of Syria\* stated that a column of Israel armoured cars and tanks, in violation of the three previous Security Council resolutions calling for the cease-fire, had advanced from Rafid, which was also occupied after the cease-fire, to the south and east. The Council's action should aim at stopping this invasion from proceeding any further; furthermore, violations of the cease-fire should be condemned by the Council and the violator should be ordered to withdraw to the points from which his conquest had started.<sup>343</sup>

The representative of Israel\* stated that with respect to the military movements in the Rafid area, there had been a movement of some military vehicles, but that movement took place within the truce lines. There was no advance beyond the truce lines established by the cease-fire on 10 June at 1630 hours GMT. Furthermore, there was no firing and no fighting whatsoever anywhere along the front line, and the cease-fire was being scrupulously observed.<sup>344</sup>

After suspension of the meeting, the President stated that on the basis of consultations, he was submitting a draft resolution which was adopted<sup>345</sup> unanimously as resolution 236 (1967).

The resolution read:

*"The Security Council,*

*"Taking note of the oral reports of the Secretary-General on the situation between Israel and Syria made at the 1354th, 1355th, 1356th and 1357th meetings and the supplemental information supplied in document S/7930 and Add.1-3,*

*"1. Condemns any and all violations of the cease-fire;*

*"2. Requests the Secretary-General to continue his investigations and to report to the Council as soon as possible;*

*"3. Affirms that its demand for a cease-fire and discontinuance of all military activities includes a prohibition of any forward military movements subsequent to the cease-fire;*

*"4. Calls for the prompt return to the cease-fire positions of any troops which may have moved forward subsequent to 1630 hours GMT on 10 June 1967;*

*"5. Calls for full co-operation with the Chief of Staff of United Nations Truce Supervision Organization and the observers in implementing the cease-fire, including freedom of movement and adequate communications facilities."*

<sup>333</sup> 1355th meeting (PV), p. 37.

<sup>334</sup> 1355th meeting (PV), pp. 92-93; for subsequent statements by the Secretary-General, see 1356th meeting, pp. 46-47, 52-56, 106, 107.

<sup>335</sup> S/7970, 1356th meeting (PV), pp. 6-10.

<sup>336</sup> S/7968, OR, 22nd yr., Suppl. for Apr.-June 1967, p. 182; subsequently revised as S/7968/Rev.1, S/7968/Rev.2, *Ibid.*, pp. 182, 183 and S/7968/Rev.3; same text as resolution 237 (1967).

<sup>337</sup> 1356th meeting (PV), pp. 6-10, 16.

<sup>338</sup> 1356th meeting (PV), p. 17, 21.

<sup>339</sup> 1356th meeting (PV), p. 46.

<sup>340</sup> S/7973, OR, 22nd yr., Suppl. for Apr.-June 1967, pp. 243-244.

<sup>341</sup> 1357th meeting (PV), pp. 3-5.

<sup>342</sup> 1357th meeting (PV), pp. 3-6.

<sup>343</sup> 1357th meeting (PV), pp. 11, 16.

<sup>344</sup> 1357th meeting (PV), pp. 17, 97.

<sup>345</sup> 1357th meeting (PV), p. 111.

**Decision of 14 June 1967 (1360th meeting):**

*Rejection of the USSR draft resolution*

By letter <sup>346</sup> dated 13 June 1967 addressed to the President of the Security Council, the permanent representative of the USSR requested that a meeting of the Security Council be convened for urgent consideration of the item "Cessation of military action by Israel and withdrawal of Israel forces from those parts of the territory of the United Arab Republic, Jordan and Syria which have been seized as the result of an aggression".

At the 1358th meeting of the Security Council on 13 June 1967 following the adoption of the agenda,<sup>347</sup> the President (Denmark) stated that he had convened the meeting at the request of the representative of the USSR. He further drew the attention of the Council to a revised draft resolution <sup>348</sup> which had been presented by the USSR Government for consideration at that meeting.<sup>349</sup>

The representative of the USSR stated that the decisions of the Security Council on the cessation of hostilities were only a first step, the minimum which was possible to attain under current circumstances. All the decisions taken so far by the Security Council had been only initial measures which could be accepted in order to protect the victims of Israel aggression on a short-term basis. In the present situation, the Council could no longer merely repeat or confirm earlier resolutions which were totally inadequate. The Council must take the most effective and appropriate measures against Israel and insist on an unconditional withdrawal of armed Israel forces from the occupied territories of the Arab States. In view of the changes that had taken place in the situation in the Near East, he was submitting for the consideration by the Council a revised text of his draft resolution <sup>350</sup> according to which the Security Council would: (1) rigorously condemn Israel's aggressive activities and its violations of Security Council resolutions 233 (1967) of 6 June 1967 and 234 (1967) of 7 June 1967, of the United Nations Charter and of United Nations principles; (2), demand that Israel should immediately halt its military activities against neighbouring Arab States and should remove all its troops from their territory and withdraw them behind the armistice lines and respect the status of the demilitarized zone, as prescribed in the General Armistice Agreements.<sup>351</sup>

The representative of the United States, commenting on the USSR draft resolution, stated that it did not encompass a genuine approach to the solution of hostilities, but was rather a step backward towards another war. What the Near East needed most were new steps towards real peace, not just a cease-fire, a fragile armistice or withdrawal. The aim of a real peace was well conceived in the United States draft resolution <sup>352</sup> the objective of which was to encourage a decision by the warring parties to live together in peace and ensure international assistance to this end.

The representative of Israel\* stated that until all Governments concerned had relinquished belligerence and abided by the resolutions of the Security Council, Israel could not regard the cease-fire as being fully in effect.<sup>353</sup>

The representative of the United Arab Republic,\* referring to operative paragraph 2 of the United States draft resolution (S/7952), stated that that provision tended to legalize the Israel aggression by the Council.<sup>354</sup>

At the 1360th meeting on 14 June 1967, the President (Denmark) pointed out <sup>355</sup> that the Security Council had before it the following draft resolutions: draft resolution <sup>356</sup> (S/7941) submitted by Canada; draft resolution <sup>357</sup> (S/7951/Rev. 2) submitted by the USSR; draft resolution <sup>358</sup> (S/7952/Rev.2) submitted by the United States; draft resolution <sup>359</sup> (S/7968/Rev.1) submitted by Argentina, Brazil and Ethiopia; and draft resolution <sup>360</sup> (S/7971) submitted by the United States.

The representative of Pakistan\* contended that the following measures should be taken by the Council: a condemnation of the aggression committed by Israel; a demand under Article 39 of the Charter for the immediate withdrawal of the armed forces of Israel to the demarcation lines laid down in the Armistice Agreements; after the completion of withdrawals, active participation by the Security Council in the exploration of ways and means by which the substantive resolutions of the General Assembly and of the Security Council on the Palestine problem could be implemented.<sup>361</sup>

The representative of Argentina expressed the view that any arrangement arrived at under the threat or the use of force, in violation of the principles of the Charter would be invalid; therefore, the Council must endeavour to establish conditions under which there would be no negotiation under the threat of pressure or coercion. However, these conditions could not be arrived at unless troops, on the one hand, were withdrawn and, on the other hand, if assurances of free transit through international maritime waterways were allowed. That meant, that the feeling of belligerence must be set aside and both parties should be enabled to express freely their will in the course of negotiations.<sup>362</sup>

The representative of Mali submitted an amendment to the draft resolution submitted by Argentina, Brazil and Ethiopia <sup>363</sup> (S/7968) to add to its operative part the following third paragraph: "3. Requests the Secretary-General to follow the effective implementation of the present resolution and to report to the Security Council thereon."<sup>364</sup>

At the same meeting, the representative of Canada suggested to the President that the joint draft resolution

<sup>353</sup> 1358th meeting (PV), pp. 109-111.

<sup>354</sup> *Ibid.*, pp. 162-165.

<sup>355</sup> 1360th meeting, para. 2.

<sup>356</sup> See footnote 299 above.

<sup>357</sup> See footnote 311 above.

<sup>358</sup> See footnote 307, 308 above.

<sup>359</sup> See footnote 336 above.

<sup>360</sup> See footnote 339 above.

<sup>361</sup> 1360th meeting (PV), pp. 28-30.

<sup>362</sup> 1360th meeting (PV), p. 32.

<sup>363</sup> See footnote 336 above.

<sup>364</sup> 1360th meeting (PV), p. 72.

<sup>346</sup> S/7979, *OR*, 22nd yr., *Suppl. for Apr.-June 1967*, p. 248.

<sup>347</sup> 1358th meeting (PV), p. 2. The agenda read as that adopted at the 1354th meeting on 10 June 1967.

<sup>348</sup> S/7951/Rev.1, *OR*, 22nd yr., *Suppl. for Apr.-June 1967*, p. 161.

<sup>349</sup> 1358th meeting (PV), pp. 3-5.

<sup>350</sup> S/7951/Rev.1; see foot-note 107 above.

<sup>351</sup> 1358th meeting (PV), pp. 16, 21-25.

<sup>352</sup> S/7952, see footnote 307 above.

submitted by Canada and Denmark (S/7905) dated 24 May 1967 be withdrawn. The draft resolution submitted by Canada (S/7941) dated 4 June 1967 would be maintained for the consideration of the Council.<sup>365</sup>

The President stated that in addition to the draft resolutions he had mentioned previously, two more draft resolutions were before the Council: a draft resolution (S/7905) submitted by Canada and Denmark, which as indicated by the representative of Canada should be withdrawn. The second draft resolution had been submitted by the United States in document (S/7916/Rev.1). The President stated further that the representative of Canada would not object to the Council's voting on the draft resolution (S/7951/Rev.2) submitted by the USSR.<sup>366</sup>

The representative of the United States said that he would not press to the vote draft resolutions (S/7916/Rev.1) and (S/7971). Concerning draft resolution (S/7952/Rev.2), its third revision had been submitted; however, the United States delegation would not ask for a vote at this meeting.<sup>367</sup>

The President stated that the Security Council would proceed to vote on the draft resolution (S/7951/Rev.2) submitted by the USSR. It was the wish of the representative of Nigeria that a separate vote be taken on each of the operative paragraphs of the draft resolution.

At the 1360th meeting on 14 June 1967, the first operative paragraph of the USSR draft resolution was not adopted, the result of the vote being 4 votes in favour, none against, and 11 abstentions; the second operative paragraph was not adopted, the result of the vote being 6 votes in favour, none against, and 9 abstentions.<sup>368</sup>

The President stated that the representative of the USSR did not insist on the vote on the draft resolution as a whole. Therefore the draft resolution submitted by the USSR had not been adopted.<sup>369</sup>

**Decision of 14 June 1967 (1361st meeting):**

- (i) *Calling upon the Government of Israel to ensure the safety, welfare and security of inhabitants of the areas where military operations took place;*
- (ii) *Recommending to the Governments concerned the respect for the humanitarian principles governing the treatment of the prisoners of war*

At the 1361st meeting on 14 June 1967, the representative of Argentina introduced<sup>370</sup> a draft resolution (S/7968/Rev.2) sponsored jointly with Brazil and Ethiopia, and stated that the sponsors accepted the amendment proposed by Mali reading: "3. *Requests the Secretary-General to follow the implementation of this resolution and to report to the Council thereon.*"<sup>371</sup>

The representative of Mali pointed out that his amendment included the word "effective" before the word "implementation".<sup>372</sup>

The President (Denmark) stated that the Security Council would proceed to the vote on the three-Power

draft resolution, as amended by the representative of Mali (S/7968/Rev.3).<sup>373</sup>

The three-Power draft resolution was adopted unanimously<sup>374</sup> as resolution 237 (1967). The resolution read:

*"The Security Council,*

*"Considering the urgent need to spare the civil populations and the prisoners of war in the area of conflict in the Middle East additional sufferings,*

*"Considering that essential and inalienable human rights should be respected even during the vicissitudes of war,*

*"Considering that all the obligations of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 should be complied with by the parties involved in the conflict,*

*"1. Calls upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities;*

*"2. Recommends to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Convention of 12 August 1949;*

*"3. Requests the Secretary-General to follow the effective implementation of this resolution and to report to the Security Council."*

The President stated<sup>375</sup> that the following draft resolutions were pending before the Council: draft resolution (S/7941) submitted by Canada; draft resolutions (S/7916/Rev.1, S/7952/Rev.3 and S/7971) submitted by the United States; and the draft resolution<sup>376</sup> (S/7919) submitted by the United Arab Republic.<sup>377</sup>

**Decision of 9 July 1967 (1366th meeting): *Statement by the President:***

*Requesting that the Secretary-General should order the Chief of Staff of the United Nations Truce Supervision Organization in Palestine to work out with the Governments of the United Arab Republic and Israel the necessary arrangements to station United Nations military observers in the Suez Canal sector under the Chief of Staff of UNTSO*

By letter<sup>378</sup> dated 8 July 1967, the permanent representative of the United Arab Republic informed the Council that at 1015 on the morning of 8 July, Israel armed forces had violated the cease-fire by launching an attack, including heavy shelling by artillery, against Port Fouad on the east bank of the Suez Canal. Israel had furthermore carried out aerial raids against various control stations in the Suez Canal area and destroyed them. At the same time, the Israel Air Force had indiscriminately bombed the east bank causing several human casualties and property damage. This latest violation of the cease-fire by Israel was one of a premeditated series

<sup>365</sup> 1360th meeting (PV), p. 78.

<sup>366</sup> 1360th meeting (PV), p. 81.

<sup>367</sup> 1360th meeting (PV), pp. 81-82.

<sup>368</sup> 1360th meeting (PV), pp. 84-85, 87.

<sup>369</sup> 1360th meeting (PV), p. 87.

<sup>370</sup> 1361st meeting (PV), pp. 3, 6.

<sup>371</sup> 1361st meeting (PV), p. 6.

<sup>372</sup> 1361st meeting (PV), p. 6.

<sup>373</sup> 1361st meeting (PV), p. 42.

<sup>374</sup> 1361st meeting (PV), p. 42.

<sup>375</sup> 1361st meeting (PV), pp. 66, 67.

<sup>376</sup> See foot-note 282.

<sup>377</sup> No action was taken by the Security Council on these draft resolutions.

<sup>378</sup> S/8043, OR, 22nd yr., Suppl. for July-Sept. 1967, pp. 69-70.

of violations carried out since the Security Council adopted its resolutions 233 (1967), 234 (1967), 235 (1967) and 236 (1967) on the cease-fire. The Security Council must act urgently in order to avoid any further deterioration of a situation which was already endangering not only the peace and security in the Middle East but also international peace and security in the whole world. In view of this situation, he requested that an emergency meeting of the Council be convened as soon as possible.

By letter <sup>379</sup> dated 8 July 1967, the permanent representative of Israel stated that the armed forces of the United Arab Republic had committed a further very serious breach of the cease-fire. At 0925 hours on 8 July, the United Arab forces opened fire on Israel troops stationed in the area of Ras El'Ish, some fifteen kilometres south of Port Said. Fire was returned, and its exchange continued until 1130 hours. At 1130 hours, the United Arab forces directed fire on Israel troops at El Kantara. Following that, its armoured column moved southward and opened fire on Israel troops on the east bank of the Canal. In order to repel these continuing attacks, a limited number of Israel planes had taken action against those gun positions from where the fire had been directed against the Israel troops. Since then, Egyptian fire continued intermittently in the areas of Ras El'Ish and El Kantara. These aggressive actions proved beyond doubt that it remained the policy of the Government of the United Arab Republic to maintain a continued state of belligerence against Israel. In the light of this situation, the representative requested that an urgent meeting of the Security Council be convened "to discuss the Israel complaint of serious violations by the United Arab Republic of the cease-fire".

At the 1365th meeting on 8 July 1967, the provisional agenda contained four items which were included in the agenda at the 1354th meeting on 10 June 1967.<sup>380</sup>

The President (Ethiopia) stated that the letters from the representative of the United Arab Republic and from the representative of Israel were distributed in documents S/8043 and S/8044.<sup>381</sup>

Following a discussion on the adoption of the agenda,<sup>382</sup> the two letters were included in the agenda.

The Secretary-General stated that he was in no position to provide the Security Council with verified information regarding reports on a new outbreak of hostilities in the Suez area, since no United Nations military observers were stationed there.<sup>383</sup>

The representative of the United Arab Republic\* stated that the Security Council could not and should not condone Israel violations of its decisions and was duty bound to call upon its authorities to refrain from those unlawful acts. The Security Council should not adjourn before coming to a conclusive decision dealing once and for all with the repeated violations by Israel of the various resolutions of the Security Council on the

cease-fire, and in particular Security Council resolution 236.<sup>384</sup>

The representative of Israel\* stated that the latest action by the United Arab Republic and the incidents which preceded it gave Israel reason to believe that the United Arab Republic had not changed its policy of belligerency and was still carrying it out by initiating armed action despite its acceptance of the cease-fire. The Israel Government was anxious to see the cease-fire faithfully maintained and strictly observed. It hoped that the United Arab Republic had similar intentions.<sup>385</sup>

At the 1366th meeting of the Security Council on 9 July 1967, the representative of the USSR maintained that the Security Council must call upon Israel immediately and fully to carry out its decisions and refrain from any military operations. Under Article 25 of the Charter, Israel must strictly fulfil the decision of the Security Council with regard to the cease-fire. Accordingly, should Israel further ignore the decisions and requests of the Security Council, it would be essential to apply sanctions under Chapter VII of the Charter against Israel as an aggressor.<sup>386</sup>

The representative of the United Kingdom stated that the first action of the Council when the conflict started was to call for and establish a cease-fire. It must see that that cease-fire was observed. It must condemn any and every breach of it. The Secretary-General should be authorized to send observers to Sinai and to the Canal area to expedite the implementation of the cease-fire arrangements, and to send his Special Representative to the area to make progress in dealing with all aspects of the situation, including disengagement and withdrawal.<sup>387</sup>

The representative of the United States said that it would be most useful to the Council and to the implementation of the cease-fire if the United Nations observers could be sent to the area to report to the Secretary-General and, through him, to the Security Council on the implementation of the cease fire and compliance therewith by the parties. The presence of such observers would also have a calming effect on the situation in the area and would make further incidents of the sort being considered by the Council less likely. However, scrupulous observance of the cease-fire by all the States concerned was necessary for the solution of all the complex problems facing the Middle East.<sup>388</sup>

The representative of India observed that the Secretary-General should be requested to take steps to strengthen the United Nations machinery in the area, with a view to arresting deterioration of the situation, securing the withdrawal of Israel forces, and ensuring strict observance of the General Armistice Agreements by all the parties concerned. The Secretary-General should also designate a special representative to go to the area for those purposes and to help bring about reduction in tensions and restoration of peaceful conditions, and to report to the Security Council. The discussions in the Council and in the emergency special session of the General Assembly had shown that the overwhelming majority of Member

<sup>379</sup> S/8044, *O.R.*, 22nd yr., *Suppl. for July-Sept. 1967*, pp. 70-71.

<sup>380</sup> See foot-note 324 above.

<sup>381</sup> 1365th meeting (PV), pp. 2-5.

<sup>382</sup> For the discussion and the decision on the agenda, see in chapter II, Case 10.

<sup>383</sup> 1365th meeting (PV), pp. 36-37. For the statement of the Secretary-General, see in chapter I, Case 27.

<sup>384</sup> 1365th meeting (PV), pp. 51-55.

<sup>385</sup> *Ibid.*, pp. 51-55.

<sup>386</sup> 1366th meeting (PV), p. 17.

<sup>387</sup> 1366th meeting (PV), pp. 21, 23-25.

<sup>388</sup> 1366th meeting (PV), pp. 27, 31.



States agreed that no dispute should be settled by the use of force and that the Member States had an obligation to respect the territorial integrity and political independence of other States. It was on the basis of these two principles that the Security Council should proceed to give urgent consideration to the problems before it and seek solutions within the framework of the sovereignty of the States concerned.<sup>389</sup>

The Secretary-General stated that he had been informed by the Chief of Staff that for the Suez sector, his estimated need would be for an additional twenty-five observers.<sup>390</sup>

At the same meeting, the President (Ethiopia) read the following statement<sup>391</sup> which he considered to be a consensus of the views of the members of the Council:

"Recalling Security Council resolutions 233, 234, 235 and 236, and emphasizing the need for all parties to observe scrupulously the provisions of these resolutions, having heard the statements made by the Secretary-General and the suggestions he had addressed to the parties concerned, I believe that I am reflecting the view of the Council that the Secretary-General should proceed, as he has suggested in his statements before the Council on 8 and 9 July 1967, to request the Chief of Staff of UNTSO, General Odd Bull, to work out with the Governments of the United Arab Republic and Israel, as speedily as possible, the necessary arrangements to station United Nations military observers in the Suez Canal sector under the Chief of Staff of UNTSO."

The President stated further that since there were no objections, the consensus was accepted by the Council. In conclusion, the President appealed to the parties concerned to give to the Secretary-General their full support and wholehearted co-operation both in ensuring compliance with the Council's decisions and by extending, wherever necessary, such facilities as the Secretary-General or his personnel might require in the performance of their peace-keeping duties in the area.<sup>392</sup>

#### SITUATION IN THE MIDDLE EAST (II)

**Decision** of 25 October 1967 (1371st meeting):

- (i) *Condemning the violation of the cease-fire;*
- (ii) *Demanding that Member States concerned cease immediately all prohibited military activities in the area and co-operate fully with the United Nations Truce Supervision Organization*

By letter<sup>393</sup> dated 24 October 1967 addressed to the President of the Security Council, the representative of the United Arab Republic complained that an Israeli force had earlier that day started, in violation of the cease-fire, a concentrated shelling of the city of Suez which resulted in extensive loss of human life and severe damage to the city and its inhabited areas, which were almost demolished. It was significant that that operation took place immediately after Israel's Cabinet held its

extraordinary meeting and that the targets chosen in the operation were civilian and industrial installations. As a result, the petroleum refineries in Suez, the Nasr plants for fertilizer and installations in the Suez harbour, and several other industrial complexes were completely or severely damaged. This "pre-planned aggression" by the Israeli Government and armed forces went far beyond a mere violation of the cease-fire resolution of the Security Council. It could not be justified as a retaliatory measure against the United Arab Republic for its sinking of the Israeli destroyer Eilat in the United Arab Republic's territorial waters, since the operation was directed not against military targets but against civilian industrial installations. In view of these developments, an urgent meeting of the Council was requested to consider the situation resulting from Israel's act of aggression with a view to taking prompt action against it in accordance with the relevant Articles of the United Nations Charter.

By letter<sup>394</sup> dated 24 October 1967 addressed to the President of the Security Council, the representative of Israel drew the attention of the Council to the fact that earlier that day, the armed forces of the United Arab Republic opened fire from the west bank of the Suez Canal against Israeli forces on the East Bank, north of Port Tawfiq. The fire was returned, and the United Nations observers were informed of the Egyptian action. One Israeli soldier was slightly wounded. Because the United Arab Republic's artillery was located in the vicinity of civilian installations of Port Ibrahim and Suez, some oil refineries were believed to have been hit. A proposal by United Nations observers for cease-fire to take effect at 1730 hours was agreed to by both parties and since that time, the area had remained quiet. The letter then recalled that the Council had earlier been informed<sup>395</sup> of United Arab Republic's violations of the cease-fire culminating in the sinking of the Israeli destroyer Eilat. An urgent meeting of the Council was requested to deal with the United Arab Republic's acts of aggression and violation of the cease-fire resolutions.

At the 1369th meeting on 24 October 1967, the two letters were included in the agenda under the heading "The situation in the Middle East".

Following the adoption of the agenda, the Council invited the representatives of the United Arab Republic, Israel, Jordan and Syria to participate without vote in the discussion of the item which was considered at the 1369th to 1371st meetings, held between 24 and 25 October 1967.<sup>396</sup>

At the 1369th meeting on 24 October 1967, the representative of the United Arab Republic\* stated that the act of war committed by Israel against the civilian and industrial complexes in the United Arab Republic and confirmed by the report of the Chief of Staff of UNTSO was the most violent since its act of aggression on 5 June. Israel's policy seemed bent on the total destruction of civilian and industrial activities of the United Arab Republic. Moreover, its violation of the cease-fire had been marked by a dangerous escalation against these

<sup>389</sup> 1366th meeting (PV), pp. 67-70.

<sup>390</sup> 1366th meeting (PV), pp. 38-40. For the statement of the Secretary-General, see in chapter I, Case 28.

<sup>391</sup> 1366th meeting (PV), p. 71. See also in chapter I, Case 12.

<sup>392</sup> 1366th meeting (PV), pp. 71-72.

<sup>393</sup> S/8207, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 191, 192.

<sup>394</sup> S/8208, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 192, 193.

<sup>395</sup> S/8145, *OR*, 22nd yr., *Suppl. for July-Sept. 1967*, pp. 229, 232; S/8169, *ibid.*, pp. 311-313; S/8173, *ibid.*, pp. 314-316; S/8188, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 171, 172; S/8203, *ibid.*, p. 188; S/8204, *ibid.*, pp. 188, 189.

<sup>396</sup> 1369th meeting (PV), pp. 6-10.



targets. The attack was unprovoked and premeditated and followed immediately the violation of the territorial waters of the United Arab Republic by the Israeli destroyer Eilat on 21 October, and its attempt to carry out aggression against the city of Port Said. The destroyer which, on 12 July, had sunk two United Arab Republic boats in the territorial waters off Port Said was subsequently sunk in self-defence. The fact that the destroyer was located in the territorial waters of the United Arab Republic had been confirmed by the Israeli side and so reported<sup>397</sup> by the Chief of Staff of UNTSO. Noting that the advance of the destroyer was prohibited under the cease-fire resolutions of the Security Council, he recalled that on the previous day, the Israeli Foreign Minister had publicly refused to resort to the United Nations machinery or to employ the Security Council in the examination of the acts which led to its sinking. Thus, by any standard of objectivity, the Council could not but condemn Israel's policy and compel its leaders to account for their disregard for the authority of the United Nations. In this connexion, the Council was called upon to discharge its responsibilities under Chapter VII of the Charter and employ enforcement measures against Israel<sup>398</sup>

The representative of Israel\* stated that the use of missiles by the United Arab Republic's naval forces in attacking and sinking the Israeli destroyer Eilat was not only "the gravest extension of the Egyptian maritime lawlessness and belligerency on the high seas" but also a deliberate act of military escalation. The resulting casualties were nineteen killed, twenty-eight missing and ninety-one wounded. The clearly premeditated character of that act of aggression was most noticeable in a Government decree whereby the civilian population of the Suez area was evacuated and a general atmosphere of tension deliberately created in the area. Despite the version of the incident given to the Council that evening by the representative of the United Arab Republic, the attack on the Israeli destroyer was not an isolated act but part of a policy designed to undermine the cease-fire. In so doing, the United Arab Republic was reverting to the old technique which it practised under the armistice régime, namely, the right of war for itself and for Israel the obligations of peace. But reciprocity was the essence of the cease-fire; and the attack on the Eilat had placed that obligation in jeopardy.<sup>399</sup>

At the same meeting, the representative of the USSR submitted a draft resolution<sup>400</sup> under which the Security Council would, *inter alia*, condemn Israel for its act of aggression in the area of the city of Suez; demand that Israel compensate the United Arab Republic for the damage caused by that act, and call upon Israel to observe the resolution of the Security Council concerning the cease-fire and the cessation of military activities.<sup>401</sup>

At the same meeting, the representative of the United States submitted a draft resolution<sup>402</sup> whereby the Security Council would, *inter alia*, condemn all violations

of the cease-fire, insist that all Member States concerned scrupulously respect the cease-fire resolution of the Security Council, and call upon the Governments concerned to issue categorical instructions to all military forces to refrain from all firing as required by those resolutions. After expressing his delegation's concern over the fact that the cease-fire decision of the Council had been violated, he recalled that the Council had clearly recognized that if there were to be any progress toward peace in the Middle East, the first step must be a complete cessation of acts of violence between the parties. In this connexion, his delegation was ready to join with the Council in insisting upon that basic point, and to cooperate in any necessary step to strengthen the United Nations machinery in the area so that it might be fully equal to the task of supervising the cease-fire resolution of the Council.<sup>403</sup>

The representative of India, drawing attention to the conflicting accounts of the naval incident leading to the sinking of the Eilat, and to the fact that the report<sup>404</sup> of the Secretary-General provided no conclusive information on that aspect of the matter, suggested that there was a need for further investigation to determine whether or not the destroyer was actually in the territorial waters of the United Arab Republic or on the high seas at the time of the sinking. Determination of that fact was of great importance in the context of Security Council resolution 236 (1967) of 12 June 1967, which specifically prohibited any forward military movements subsequent to the cease-fire. His delegation was of the view that an investigation of the incident with all the circumstances attending it should be ordered by the Secretary-General to enable the Council to come to a conclusion. At the same time, the Council should take further action to resolve the situation in the Middle East. In this connexion, he suggested that the Council should reinforce its call for a cease-fire and immediately order the withdrawal of all armed forces to the positions they occupied before the outbreak of hostilities.<sup>405</sup>

The representative of Ethiopia felt that the Council should ask the Secretary-General to instruct the Chief United Nations Observer, General Bull, to present a full report on all recent incidents in the area, with particular reference to the naval incident of 21 October and the incident of 24 October.<sup>406</sup>

At the 1370th meeting on 25 October 1967, the representative of Nigeria, noting that the two draft resolutions before the Council did not have the support of the generality of the membership and therefore would not have the effect that they should, proposed to the sponsors of those drafts that the Council defer further consideration on them. At the same time, he appealed to the permanent members of the Council to allow the non-permanent members to consult among themselves with a view to providing a compromise draft resolution aimed at bringing immediate relief to the Middle East. To this end, he proposed a short suspension of the proceedings to permit the suggested consultation.<sup>407</sup>

<sup>397</sup> S/7930/Add.43, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 64-65.

<sup>398</sup> 1369th meeting (PV), pp. 11-17.

<sup>399</sup> 1369th meeting (PV), pp. 17-22.

<sup>400</sup> 1369th meeting (PV), p. 41.

<sup>401</sup> 1369th meeting (PV), pp. 31-41.

<sup>402</sup> 1369th meeting (PV), pp. 49-50.

<sup>403</sup> 1369th meeting (PV), pp. 47-50.

<sup>404</sup> S/7930/Add.43, *OR*, 23rd yr., *Suppl. for Oct.-Dec. 1967*, pp. 64-66.

<sup>405</sup> 1369th meeting (PV), pp. 52-55.

<sup>406</sup> 1369th meeting (PV), pp. 73-77.

<sup>407</sup> 1370th meeting (PV), pp. 7-11.

The proposal was adopted without objection.<sup>408</sup>

At the 1371st meeting on 25 October 1967, the President (Japan) stated that as a result of consultations, agreement had been reached on the text of a draft resolution.<sup>409</sup> After it was read out by the President, the draft resolution was put to the vote and adopted<sup>410</sup> unanimously. It read as follows<sup>411</sup>

*"The Security Council,*

*"Gravely concerned over recent military activities in the Middle East carried out in spite of the Security Council resolutions ordering a cease-fire,*

*"Having heard and considered the statements made by the parties concerned,*

*"Taking into consideration the information on the said activities provided by the Secretary-General in documents S/7930/Add.43, Add.44, Add.45, Add.46, Add.47, Add.48 and Add.49,*

*"1. Condemns the violations of the cease-fire;*

*"2. Regrets the casualties and loss of property resulting from the violations;*

*"3. Reaffirms the necessity of the strict observance of the cease-fire resolutions;*

*"4. Demands of the Member States concerned to cease immediately all prohibited military activities in the area, and to co-operate fully and promptly with the United Nations Truce Supervision Organization."*

**Decision** of 22 November 1967 (1382nd meeting):

*Requesting the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contact with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement; and requesting further that the Secretary-General report on the progress of the efforts of the Special Representative as soon as possible*

By letter<sup>412</sup> dated 7 November 1967, addressed to the President of the Security Council, the representative of the United Arab Republic requested an urgent meeting of the Council to consider the dangerous situation resulting from the persistence of Israel's refusal to withdraw its armed forces from all the territories which it occupied as a result of its aggression of 5 June 1967.

At the 1373rd meeting on 9 November 1967, the Council included<sup>413</sup> the letter in its agenda and invited<sup>414</sup> the representatives of the United Arab Republic, Israel and Jordan to participate in the discussion of the item, and at its 1375th meeting, an invitation<sup>415</sup> was extended to the representative of Syria. The Council considered the question at the 1373rd, 1375th, 1377th and 1379th to 1382nd meetings, held between 9 and 22 November 1967.

At the 1373rd meeting on 9 November 1967, following a procedural discussion on the order in which two of the invited representatives would be called upon to speak,<sup>416</sup> the President (Mali) informed the Council of a joint

draft resolution<sup>417</sup> submitted by the representatives of India, Jordan and Nigeria under which the Security Council would, *inter alia*, affirm that a just and lasting peace in the Middle East must be observed within the framework of the Charter and of the principles: (a) that occupation or acquisition of territory by military conquest was inadmissible under the Charter and consequently that Israel's armed force should withdraw from all the territories occupied as a result of the recent conflict; (b) that every State had the right to live in peace and complete security free from threats or acts of war and consequently all States should terminate the state or claim of belligerency and settle their disputes by peaceful means; (c) that every State had the right to be secure within its borders and it was obligatory on all Member States of the area to respect the sovereignty, territorial integrity and political independence of one another; (d) that there should be a just settlement of the question of Palestinian refugees, and (e) that there should be guaranteed freedom of navigation in accordance with international law through international waterways in the area. The draft resolution further requested the Secretary-General to dispatch a special representative to the area who would contact the States concerned in order to co-ordinate efforts to achieve the purposes of the resolution and to submit a report to the Council within thirty days.

The President also drew the attention of the Council to a draft resolution<sup>418</sup> submitted by the representative of the United States whereby the Security Council would, *inter alia*, affirm that a just and lasting peace in the area required the withdrawal of armed forces from occupied territories, termination of claims or states of belligerency mutual recognition and respect for the right of every State in the area to sovereign existence, territorial integrity, political independence, secure and recognized boundaries, and freedom from the threat or use of force, and would further affirm the necessity for: (a) guaranteeing freedom of navigation through international waterways in the area and the territorial inviolability and political independence of every State in the area through measures including the establishment of demilitarized zones; (b) achieving a just settlement of the refugee problem, and a termination of the arms race in the area. It would also request the Secretary-General to designate a special representative to proceed to the Middle East to establish and maintain contacts with the States concerned with a view to assisting them in the working out of a solution in accordance with the purposes of the said resolution and report to the Security Council on the progress of those efforts as soon as possible.

The representative of the United Arab Republic\* stated that the continued occupation of Arab territory posed a serious threat to the United Nations and the Charter, as well as a danger to peace and security in the area. From the moment the Israeli aggression took place on 5 June, it was the duty of the Council to condemn the aggressor, order Israel to withdraw forthwith its forces to the position they held on 4 June, and to determine Israel's responsibility for the damages and losses it inflicted upon the Arab countries and peoples. Due to the Council's failure to take a positive stand on the sub

<sup>408</sup> *Ibid.*, p. 12.

<sup>409</sup> 1371st meeting (PV), p. 2.

<sup>410</sup> 1371st meeting (PV), p. 6.

<sup>411</sup> Resolution 240 (1967).

<sup>412</sup> S/8226, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, p. 208.

<sup>413</sup> 1373rd meeting (PV), pp. 2-5.

<sup>414</sup> 1373rd meeting (PV), pp. 2-5.

<sup>415</sup> 1375th meeting (PV), pp. 2-5.

<sup>416</sup> 1373rd meeting (PV), p. 41.

<sup>417</sup> S/8227, 1373rd meeting (PV), p. 41.

<sup>418</sup> S/8229, 1373rd meeting (PV), p. 41.

stance of the question, the General Assembly was convened in an emergency special session. That session revealed a unanimous sense of commitment on the part of Member States to the principle that military occupation of any part of the territory of one State by another was totally inadmissible. Unfortunately, the General Assembly failed to translate into a resolution its commitment to that principle. This failure was the second setback for the international organization and for the values for which it stood, and an encouragement to Israel to launch further aggression. The Security Council had the duty fully to apply the Charter, to eliminate the aggression against the Arab territories and to initiate a course that would bring about normality in the area. The Council should thus condemn Israel's aggression and in the event Israel refused to withdraw its forces promptly to positions held on 4 June, the Council must apply enforcement measures.<sup>419</sup>

At the same meeting, the representative of India stated that the three-Power draft resolution of which he was a co-sponsor had used as "the basic document of reference" the Latin American draft resolution which had been submitted to the Fifth Emergency Special Session of the General Assembly. At the same time, the three-Power draft was the more comprehensive in that it called for the termination not only of the state of belligerency but also of any claim of belligerency; and on the question of territorial inviolability and political independence, it clearly stated that "every State had the right to be secure within its borders". As far as the question of the refugees was concerned, the provision of the three-Power draft resolution covering that issue comprehended only the Palestinian refugees and not those who had acquired that status as a result of the 1967 conflict. In his view, as soon as Israel withdrew from all the newly occupied territories, the problem of the "so-called new refugees" would cease to exist. In so far as the establishment of demilitarized zones is concerned, the three-Power draft resolution which reaffirmed the right of every State to live in peace and complete security, free from threats or acts of war, would cover the establishment of such zones if, in the light of the Special Representative's report, they were found to be necessary and if the States concerned concurred. Although both drafts had provided for freedom of navigation, he noted that since during the informal consultations, questions had been raised regarding the phrase "in accordance with international law" used in the three-Power draft, the co-sponsors would be prepared to examine any arguments that might be advanced in the Council in respect of that phrase. With regard to the provision requesting the Secretary-General to submit a report within thirty days, if was not the co-sponsor's contention that the work of the Special Representative of the Secretary-General would be concluded in that period. They felt, however, that in view of the urgency of the situation, the Council should receive a report in the very near future. At the same time, other suggestions in that regard would be considered by the co-sponsors. In conclusion, the representative stated that by providing for the adoption of all peaceful means to settle the dispute, the three-Power draft resolution

sought to initiate the process of peaceful settlement<sup>420</sup> of the problem.<sup>421</sup>

The representative of Nigeria observed that the draft resolution which his delegation together with India and Mali had co-sponsored was designed to reach a decision under Chapter VI and not under Chapter VII of the Charter. It might be that at some time in the future, the Security Council would conclude that the situation in the Middle East required action under Chapter VII. It was the hope of his delegation, that that stage would not be reached, and that a decision under Chapter VI as the co-sponsors of the draft resolution were recommending would be complied with generally by both parties. Noting that the joint draft resolution did not provide for unconditional and immediate withdrawal of Israeli forces, or for immediate bilateral talks between the Arabs and Israelis, he explained that its co-sponsors did not believe that such provisions would either be practical at that stage, or would contribute to a lasting peace in the Middle East. Despite the fact that the joint draft resolution did not accord with the position of either party in the controversy, the co-sponsors felt it was the most balanced draft and recommended it on that basis to the Council for its careful consideration.<sup>422</sup>

At the same meeting, the representative of the United States explained that the objective of his draft resolution was to open a new path to a just and lasting peace in the Middle East, in which every State in the area could live in security, justice, honour and dignity. The terms of the draft resolution reflected the conviction that a desirable and reliable peace in the area must entail certain fundamental principles which were set forth by President Johnson in his address of 19 June 1967 and accepted by the principal parties on both sides as the framework for a just and lasting peace. How these objectives were to be achieved in practice, and what the modalities, methods and steps might be, could be worked out only in the consultations which the parties and the Special Representative would undertake. In effect, his draft resolution was an effort to set in motion diplomatic procedures within the framework of the Charter and to establish guidelines and objectives for a peace-making effort through the machinery of the United Nations, in a language which took into account and in no way prejudiced the positions or vital interests of the States concerned.<sup>423</sup>

At the 1375th meeting on 13 November 1967, the President drew the attention of the Council to a draft resolution<sup>424</sup> submitted by the representative of the USSR, under which the Security Council would, *inter alia*, authorize the Secretary-General to increase the number of observers in the Suez Canal sector to ninety and to take the measures proposed in his report<sup>425</sup> of 31 October 1967 concerning the provision of additional technical facilities and means of transportation for the United Nations observer group.

<sup>420</sup> For discussion of this question, see chapter X, Case 2.

<sup>421</sup> 1373rd meeting (PV), pp. 66-75.

<sup>422</sup> 1373rd meeting (PV), pp. 76-91.

<sup>423</sup> 1373rd meeting (PV), pp. 126-131.

<sup>424</sup> S/8236, 1375th meeting (PV), pp. 2-5.

<sup>425</sup> S/8053/Add.3, O.R., 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 76-79.

<sup>419</sup> 1373rd meeting (PV), pp. 48-63.

At the same meeting, the representative of Israel\* said that Israel would not return to the "shattered armistice régime", or to any other system of relations other than a permanent and contractually binding peace. He felt that the essential issue to be negotiated was the establishment of permanent boundaries, and hoped that the Council would not take any action that would prejudice Israel's position in that "inevitable negotiation". For that reason, he was concerned about the three-Power draft resolution which had been initiated and formulated without consultation with Israel. Its suggestion that Israel should move from the cease-fire line without a peace treaty defining permanent and secure frontiers was unacceptable. Moreover, the statement on maritime freedom in the text was entirely compatible with the United Arab Republic's doctrine of exclusion of Israel's shipping from the Suez Canal and with the definition of the Gulf of Aqaba as an Arab waterway. Had this not been the case, the text would have suggested freedom for the shipping of all States including Israel, in the Suez Canal and in the Gulf of Aqaba. In view of the role of the navigation problem in the wars of 1956 and 1957, that obscurity was perilous to peace. Israel could therefore not support or co-operate with that proposal or any diplomatic processes based upon it.<sup>426</sup>

At the 1377th meeting on 15 November 1967, the representative of the United States, replying to comments on his draft resolution, observed that the language of operative paragraph 1 had been carefully balanced in what it required of the respective parties, namely, that Israel must withdraw and that the Arab States must renounce the state of belligerency and that the States on both sides must terminate the present state of war and mutually recognize each other's rights as defined in Article 2 of the Charter. As regards operative paragraph 2, he maintained that the provisions relating to freedom of navigation for all nations through international waterways in the area, and to the refugee problem were of the first order of importance and could not be left out of a peace settlement. But the key provision of his draft resolution was the appointment of a special representative. His role would be to foster on both sides the frame of mind essential to peace-keeping which could face and overcome the undeniable difficulties in defining mutually accepted terms.<sup>427</sup>

At the 1379th meeting on 16 November 1967, the representative of the United Kingdom submitted a draft resolution<sup>428</sup> which he asserted had taken into account the basic interests of both sides and reflected efforts and proposals put forward by other members of the Council. Noting that under the third operative paragraph, the Council would request the Secretary-General to designate a special representative to proceed to the Middle East, he pointed out that that special representative should be free to decide for himself "the exact means and methods by which he pursued his endeavours in contact with the States concerned to promote agreement and to assist efforts to achieve a peaceful and accepted and final settlement".<sup>429</sup>

At the 1380th meeting on 17 November 1967, at the request<sup>430</sup> of the representative of Bulgaria, the Council adjourned<sup>431</sup> its meeting until 20 November in order to allow members to study the draft resolution of the United Kingdom.

At the 1381st meeting on 20 November 1967, the representative of the USSR introduced a draft resolution<sup>432</sup> under which the Security Council would, *inter alia*, urge that the parties to the conflict should immediately withdraw their forces to positions they held before 5 June 1967, and, in keeping with the principle of inadmissibility of seizing territory by means of war, that all States Members of the United Nations in the area should immediately recognize that each had a right to exist as independent national States and to live in peace and security. Further, that in dealing directly with the parties concerned and making use of the presence of the United Nations, the Council should seek a solution based on the principle: (a) that the threat or use of force in relations between States was incompatible with the Charter of the United Nations; (b) that every State must respect the political independence and territorial integrity of all other States in the area; (c) that there must be a just settlement of the question of the Palestine refugees; and (d) that there must be innocent passage through international waterways in the area in accordance with international agreements. Finally, that all States in the area should put an end to belligerency, take measures to limit the useless and destructive arms race, and discharge the obligations assumed by them under the Charter of the United Nations and international agreements.

At the same meeting at the request<sup>433</sup> of the representative of Bulgaria, the Council adjourned<sup>434</sup> the discussion until 22 November 1967 in order to permit further consultation with a view to reaching a final decision.

At the 1382nd meeting on 22 November 1967, the representative of India observed that in the light of the fact that if adopted the United Kingdom draft resolution would commit the Council to the application of the principle of total withdrawal of Israeli forces from all territories occupied since 5 June 1967, the co-sponsors of the three-Power draft resolution would not press for a vote on that draft resolution at that stage.<sup>435</sup>

The representative of the United States expressed his willingness to give primacy to the United Kingdom draft resolution and stated that if it were adopted, he would not press his draft resolution to the vote.<sup>436</sup>

At the same meeting, after the President had stated that it was his understanding that the representative of the USSR would not press for a vote on his draft resolution (S/8236) at that stage,<sup>437</sup> the United Kingdom

<sup>426</sup> 1375th meeting (PV), pp. 6-36.

<sup>427</sup> 1377th meeting (PV), pp. 6-45.

<sup>428</sup> 1379th meeting (PV), pp. 8-10, subsequently circulated as document S/8249.

<sup>429</sup> 1379th meeting (PV), pp. 2-12.

<sup>430</sup> 1380th meeting (PV), p. 2.

<sup>431</sup> 1380th meeting (PV), p. 3.

<sup>432</sup> 1381st meeting (PV), pp. 11, 12, subsequently circulated as document S/8233.

<sup>433</sup> 1381st meeting (PV), pp. 33-35.

<sup>434</sup> 1381st meeting (PV), p. 36.

<sup>435</sup> 1382nd meeting (PV), pp. 28-30.

<sup>436</sup> 1382nd meeting (PV), p. 32.

<sup>437</sup> 1382nd meeting (PV), pp. 33-35.

draft resolution was put to the vote and was adopted <sup>438</sup> unanimously. It read as follows:<sup>439</sup>

*"The Security Council,*

*"Expressing its continuing concern with the grave situation in the Middle East,*

*"Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,*

*"Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,*

*"1. Affirms that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:*

*"(i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;*

*"(ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;*

*"2. Affirms further the necessity*

*"(a) For guaranteeing freedom of navigation through international waterways in the area;*

*"(b) For achieving a just settlement of the refugee problem;*

*"(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;*

*"3. Requests the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;*

*"4. Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible."*

**Decision** of 24 March 1968 (1407th meeting):

(i) *Condemning the military action launched by Israel in violation of the Charter and the cease-fire resolutions;*

(ii) *Deploring all violent incidents in violation of the cease-fire and declaring that military reprisals and other grave violations of the cease-fire cannot be tolerated and the Security Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts;*

(iii) *Calling upon Israel to desist from acts and activities in contravention of resolution 237 (1967)*

By letter <sup>440</sup> dated 21 March 1968 addressed to the President of the Security Council, the representative of Jordan requested an urgent meeting to consider "a most serious situation" resulting from a mass attack by Israeli armed forces against the east bank of the Jordan River. It was further recalled that in a letter <sup>441</sup> of 19 March, the Council had been informed that such an attack was contemplated by the Israeli authorities.

By letter <sup>442</sup> dated 21 March 1968 addressed to the President of the Security Council, the representative of Israel stated that the Government of Israel had on that day taken "localized and limited preventive measures against the training centres and staging bases of the raiders situated on the east bank of the Jordan River". Recalling that in his letter <sup>443</sup> of 18 March 1968, he had warned of the grave situation created by the continuous armed attacks and raids carried out from Jordanian territory in violation of the cease-fire, he requested an urgent meeting of the Council to deal with the continuous acts of aggression and violation of the cease-fire by Jordan.

At the 1401st meeting on 21 March 1968 following the inclusion <sup>444</sup> of the two letters on the agenda, the Council invited <sup>445</sup> the representatives of Jordan, Israel, the United Arab Republic, Iraq and Morocco to participate without vote in the discussion of the question. Invitations were also extended to the representative of Syria <sup>446</sup> at the 1402nd meeting and to the representative of Saudi Arabia <sup>447</sup> at the 1406th meeting. The Council considered the question at its 1401st to 1407th meetings held between 21 and 24 March 1968.

At the 1401st meeting on 24 March 1968, the representative of Jordan\* stated that Israel not only defied United Nations authority but also deliberately engaged in acts in the occupied territory which were intended to undermine the mission of the Special Representative of the Secretary-General. On several occasions, the Council and other appropriate organs had been informed of these developments, particularly when it became apparent that the Israelis were planning a mass attack on the east bank of Jordan. This information had been made available to the members in official documents of the Security Council. Despite all this, Israel had carried out its premeditated plan that morning and had renewed attacks against innocent refugees and other citizens of Jordan. That action, he felt, was intended to terrorize, intimidate and expel the inhabitants of the area. This was clear, for example, from the complete destruction of the Arab quarters called the Magharba quarter and the displacement of over 200 families upon a few hours notice in order allegedly to modernize or improve parts of Arab/Old Jerusalem. In addition, Arab lands outside the city of Jerusalem were being expropriated and new plans were under way to uproot Arab inhabitants and wipe out the Arab national consciousness. In requesting

<sup>440</sup> S/8484, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, pp. 278-279.

<sup>441</sup> S/8478, *ibid.*, pp. 274-275.

<sup>442</sup> S/8486, *ibid.*, pp. 280-281.

<sup>443</sup> S/8470, *ibid.*, pp. 267-269 and S/8475, *ibid.*, pp. 272-273.

<sup>444</sup> 1401st meeting (PV), pp. 2-5.

<sup>445</sup> 1401st meeting (PV), pp. 2-6.

<sup>446</sup> 1402nd meeting (PV), p. 2.

<sup>447</sup> 1406th meeting (PV), p. 27.

<sup>438</sup> 1382nd meeting (PV), p. 36.

<sup>439</sup> Resolution 242 (1967).

an urgent meeting of the Council, his Government was thus seeking an adequate and effective remedy to such practices. If Israel's actions were not condemned and checked in accordance with Chapter VII of the Charter, then the whole concept of law and equity established in the Charter would be jeopardized and the efforts of the international community to build a lasting and just peace would not succeed. In this connexion, he recalled that in its resolution 228 of 25 November 1966, the Council emphasized to Israel that if actions of military reprisals were repeated, the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts. In other words, the Council at that time had expressly warned Israel that if more such acts were committed, then the sanctions provided in Chapter VII would be applied. Israel's continued acts of aggression and defiance of the Council's decision should now be met with an effective Security Council response reflected in sanctions. Failure to take such actions would simply render the situation more explosive and pose a more dangerous threat to world peace.<sup>448</sup>

At the same meeting, the representative of Israel\* drew attention to Jordan's violation of the cease-fire with the open admission of the Jordanian Government, particularly during March 1968. In response to these violations, the Government of Israel, on the morning of 21 March 1968, had instructed its defence force to act against terrorist camps near the border. That operation was to have been limited in scope and duration and upon its execution, the Israeli forces were to return to their bases on the same day. The representative then assured the Council that Israel had respected, and would continue to respect, the cease-fire agreement which obliged all parties not only to abstain from military activities by regular armies but also to prevent any acts of aggression and terrorism on the part of any faction within the territory of those States which have agreed to the cease-fire. If, however, Jordan violated its obligation, the Government of Israel would fulfil its duty to defend the security and well-being of its citizens. The Council, however, should call upon the Government of Jordan to abandon its policy of war and put an end to its policy of aggression against Israel.<sup>449</sup>

At the 1403rd meeting on 21 March 1968, the representative of the United Kingdom maintained that the first demand of the Council must be for an end to violence. He added that his Government had issued a call for an immediate return to the cease-fire line of June and for restraint and strict observance of the cease-fire from all sides. This, however, was not enough; a return to the cease-fire line of June must lead to a return to the resolution of November. It was thus the duty of the Council to make it clear that those who broke the United Nations cease-fire forfeited international sympathy and support. While his delegation deplored the acts of violence which preceded the Israeli attack, it agreed with those members who had condemned "the wrong practice of retaliation".<sup>450</sup>

The representative of Canada, after associating his delegation with those who affirmed that the Council could not condone acts of violence but must insist on scrupulous observance of the cease-fire and the cessation of all military activities as required by several Security Council resolutions, appealed both to Israel and Jordan to facilitate the assignment by the Secretary-General of the United Nations observers to supervise the cease-fire. Such a need, he felt, was clearly demonstrated in the report<sup>451</sup> of the Secretary-General. Moreover, by helping to establish conditions of calm, United Nations supervision would assist the efforts of the Special Representative of the Secretary-General to achieve agreement on the application of Security Council resolution 242 of 1967 and hence remove the circumstances which had led to the latest outbreak of violence. Recalling that the aim of the aforementioned resolution was to bring about peace in the area, he felt that the Council had the right to request that every effort be made by the Governments concerned to co-operate with the peace mission authorized in that decision. In this connexion, he suggested that in addition to other measures, members of the Council could consider the possibility of using that opportunity first to reconfirm the Council resolution of 22 November.<sup>452</sup>

At the 1407th meeting on 24 March 1968, the President explained that the delay in calling the meeting to order was due to the negotiations among the members which had resulted in a text that would be read out shortly. After noting that the preamble took note of the contents of the letters of both the permanent representative of Jordan and the permanent representative of Israel, he asked the Secretariat to read out the text of the draft resolution.<sup>453</sup>

At the same meeting, the draft resolution was put to the vote and was adopted unanimously.<sup>454</sup> The resolution read as follows:<sup>455</sup>

*"The Security Council,*

*"Having heard the statements of the representatives of Jordan and Israel,*

*"Having noted the contents of the letters of the Permanent Representatives of Jordan and Israel in documents S/8470, S/8473, S/8478, S/8483, S/8484 and S/8486,*

*"Having noted further the supplementary information provided by the Chief of Staff of UNTSO as contained in documents S/7930/Add.64 and Add.65,*

*"Recalling resolution 236 (1967) by which the Security Council condemned any and all violations of the cease-fire,*

*"Observing that the military action by the armed forces of Israel on the territory of Jordan was of a large-scale and carefully planned nature,*

*"Considering that all violent incidents and other violations of the cease-fire should be prevented and not overlooking past incidents of this nature,*

*"Recalling further resolution 237 (1967) which called upon the Government of Israel to ensure the safety,*

<sup>448</sup> 1401st meeting (PV), pp. 6-20.

<sup>449</sup> 1401st meeting (PV), pp. 21-36.

<sup>450</sup> 1403rd meeting (PV), p. 3. For the consideration of the provisions of Article 2 (4), see chapter XII, Case 4.

<sup>451</sup> S/7930/Add.64, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, pp. 18-19.

<sup>452</sup> 1403rd meeting (PV), pp. 13-16.

<sup>453</sup> 1407th meeting (PV), p. 6.

<sup>454</sup> 1407th meeting (PV), p. 6.

<sup>455</sup> Resolution 248 (1968).

welfare and security of the inhabitants of the areas where military operations have taken place,

"1. *Deplores* the loss of life and heavy damage to property;

"2. *Condemns* the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions;

"3. *Deplores* all violent incidents in violation of the cease-fire and declares that such actions of military reprisal and other grave violations of the cease-fire cannot be tolerated and the the Security Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts;

"4. *Calls upon* Israel to desist from acts or activities in contravention of resolution 237 (1967);

"5. *Requests* the Secretary-General to keep the situation under review and to report to the Security Council as appropriate."

**Decision of 4 April 1968 (1412th meeting):**

*Statement by the President expressing the concern of the members of the Council at the deteriorating situation in the area; and noting that the situation should be kept under close review by the Council*

By letter <sup>456</sup> dated 29 March 1968, the representative of Jordan informed the Council that Israel had resumed its "aggression" against the east bank of Jordan in complete defiance of the resolution adopted unanimously by the Security Council on 24 March 1968 [248 (1968)], in which the Council had warned against grave violation of the cease-fire, and had pledged to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts. An urgent meeting of the Council was thereby requested "to consider a most serious situation resulting from this act of aggression".

By letter <sup>457</sup> dated 29 March 1968 requesting an urgent meeting of the Council, the representative of Israel referred to previous letters <sup>458</sup> of the same date concerning renewed Jordanian acts of aggression and violations of the cease-fire.

At the 1409th meeting on 30 March 1968, the Council decided <sup>459</sup> without vote to include the letters in its agenda and invited <sup>460</sup> the representatives of Jordan and Israel to participate in the discussion of the question. Invitations <sup>461</sup> were also extended to the representative of Syria at the 1410th meeting, to the representatives of the United Arab Republic and Iraq at the 1411th meeting and to the representative of Saudi Arabia at the 1412th meeting. The Council considered the question at the 1409th to 1412th meetings, held between 30 March and 4 April 1968.

At the 1409th meeting on 30 March 1968, the representative of Jordan\* stated that on the previous day, Israeli forces opened fire without provocation and shelled Jordanian positions on the northern part of the east

bank of Jordan. The Israeli air force then went into action and indiscriminately bombarded Jordanian frontier villages inhabited by civilians. Later, the Israelis extended their aerial bombardment to Jordanian positions far beyond the cease-fire area, including some of the most productive agricultural areas in Jordan, and destroying the crops and irrigation facilities. Noting that the Israelis attempted to "justify their aggression" on the grounds that so-called terrorists received support from Jordan, the representative denied that his Government had any connexion with the incidents alleged to have taken place in the Israeli-occupied Arab territories. In any event, the Jordanian Government could not be responsible for the safety and security of Israeli forces which were occupying Jordanian territory. The answer to the resistance of the Palestinian people now under Israel's occupation should be an understanding of their legitimate rights and withdrawal from their territories. The Council should therefore ponder this latter question and consider more effective measures to bring about the immediate and complete withdrawal of all Israeli forces from territories forcibly occupied. Any further delay would lead to more deterioration of an already explosive situation and would undoubtedly result in intensification of the resistance movement. Drawing attention to statements by Israeli officials rejecting the Council's decision, as well as a threat that very morning by the Israeli Minister of Tourism, that the next time "the attack would be wider in scope", the representative asserted that it seemed clear that if no immediate action were taken by the Council, Israel intended to continue its wilful violation of the Security Council resolutions. In this connexion, he hoped that the invocation of Chapter VII of the Charter would not be further delayed, since it had been demonstrated that delay would neither serve the cause of peace, nor ensure stability in the area. As an essential first step to this request, he felt that the Council should call for "an immediate halt to any shipment of arms to Israel . . .". <sup>462</sup>

At the same meeting, the representative of Israel\* recalled that following the adoption of the resolution of 24 March, he had drawn the attention of the Council to the position of Jordan that "it will persist in warfare, that it will take no action to prevent violations of the cease-fire by raids, terror and sabotage, that it does not intend to do anything to prevent the situation from deteriorating even further". He recalled further that no sooner was the resolution adopted than the representative of Jordan announced that the Council had in effect rejected all Israeli claims and allegations concerning so-called individual incidents of terrorism. Furthermore, the day after the Council's decision, the Foreign Minister of Jordan declared, ". . . the condemnation resolution is directed against Israel. The paragraph on cease-fire violations does not concern Jordan". Jordan's "aggression" thus continued. In this connexion, the representative cited a series of incidents between 22 and 29 March which appeared to have been well prepared, militarily and politically by Jordan. These developments were not surprising in the view of Jordan's proclamation that it was still at war with Israel, and that "it does not intend to terminate the acts of aggression, the raids, terror and sabotage against Israel". Jordan however should realise

<sup>456</sup> S/8516, *O.R.*, 23rd yr., *Suppl. for Jan.-March 1968*, p. 307.

<sup>457</sup> S/8517, *ibid.*, p. 307.

<sup>458</sup> S/8510, *ibid.*, pp. 303, 304; S/8511, *ibid.*, p. 304.

<sup>459</sup> 1409th meeting (PV), pp. 2-5.

<sup>460</sup> 1409th meeting (PV), pp. 2-5.

<sup>461</sup> 1410th meeting (PV), p. 6; 1411th meeting (PV), pp. 2-5, 1412th meeting (PV), pp. 37-40.

<sup>462</sup> 1409th meeting (PV), pp. 6-17.



that if it continued to wage and encourage aggression, the Government of Israel, like any other government, would not remain passive; nor would it forgo its right to self-defence. "If Israel is not to take military security measures Jordan must cease its warfare . . .". With regard to the argument advanced by the Arab States that despite their obligations under the cease-fire, they remained free to aid and abet armed attacks against Israel through terrorism and sabotage, the representative asserted that such activities constituted a continuation of warlike action and were the responsibility of the Governments concerned. Noting that the last time Israel appealed to the Council it had failed to raise its voice strongly and unequivocally in favour of ending the war by whatever means it was conducted, the representative expressed the hope that it would not "fail again" and that it would realize that in the outcome of the debate, the forces of war would either see further encouragement, as they did after the 24 March resolution, or find in it a clear warning not to persist in their acts of aggression in violation of the cease-fire.<sup>463</sup>

The representative of the United States noted that in evaluating the statements previously made by the parties concerned, the Council as well as the Secretary-General and his Representative were handicapped by the absence of impartial international observers in the area. Citing the report<sup>464</sup> of the Secretary-General of 30 March 1968 to this effect, he suggested that it was high time for the Council to heed the Secretary-General's advice to consider the stationing of United Nations observers in the Israel-Jordan cease-fire sector as soon as possible. The absence of such observers, he felt, created a serious deficiency in the cease-fire machinery, but it was within the Council's power to remedy that deficiency.<sup>465</sup>

The representative of the USSR noted that neither the demand of the Security Council for strict compliance with the cease-fire, nor the Council's condemnation of Israel's acts of aggression committed the previous week against Jordan, nor the strict warning issued to Israel at that time that the Council would be forced to consider further and more effective steps envisaged in the Charter to ensure against repetition of such acts, have had the desired effect.<sup>466</sup>

In exercise of his right of reply, the representative of Jordan,\* noting that the representative of Israel had referred to his statement that the war was not over, observed that the cease-fire was not a final settlement. With regard to the question of stationing observers in the Israel-Jordan sector, he recalled that Israel had expelled the United Nations machinery from the west bank just as it had expelled 450,000 Jordanian citizens. It was thus not in the interest of the Security Council to look for new machinery with a new status and a new mandate, but to insist that the same machinery be stationed in the same area to work for the aim of implementing the only existing United Nations mandate, that is the Armistice Agreement. He recalled that the Secretary-General had said that that machinery was still valid, and that no one had a veto concerning the revocation of

the Armistice Agreement. Consequently, it was still binding on both Israel and Jordan. The representative also drew attention to the fact that in his report, the Secretary-General did not advocate the stationing of United Nations observers in the area but simply stated that "... the presence of United Nations observers in the area can be helpful", thereby leaving the door open for the revival and reactivation of the armistice machinery.<sup>467</sup>

At the 1410th meeting on 1 April 1968, the representative of Israel\* informed the Council that acts of aggression against Israel were continuing. Citing a series of incidents which had occurred on that day and the day before, he remarked that Israel had been subjected to war for twenty years; that far from being terminated by action of the Arab Governments, that war was continuing by raids and sabotage, the method most readily available to the Arab States following their defeat "in June of the previous year". In this connexion, he appealed to the Council to view the situation in all its gravity and take a clear stand on the dangers of continued Jordanian warfare by raid, terror and murder and thus advance Israel and the Arab States towards peace.<sup>468</sup>

The representative of France, recalling the recent decision of the Council concerning violations of the cease-fire resolutions, maintained that the Council could not permit its authority to be flouted or its decisions ignored. It must demand respect for them and, in particular, respect for resolutions 242 (1967) and 248 (1968). In seeking to ensure that its decisions are implemented, however, the Council must be fully and accurately informed. But whereas the presence of United Nations observers, as suggested by the Secretary-General, might be helpful, this need not be understood to mean the taking of action "which in any way might appear to be condoning conquest or military occupation, which is something we do not recognize, or as fixing the positions at which the adversaries found themselves at the time of the cease-fire". Bearing this in mind, a mobile unit under the command of the Chief of Staff of UNTSO could be established which would be capable of intervening anywhere it might be necessary in the Israel-Jordan sector in order to expose and prevent military concentrations, and in order to stay military actions as soon as they break out.<sup>469</sup>

At the 1412th meeting on 4 April 1968, the representative of Jordan\* reminded the Council that in its resolution 237 (1967), it called upon Israel to, *inter alia*, ensure the safety, welfare and security of the inhabitants who remained in the occupied territories, and had also requested the Secretary-General to ensure the implementation of the said resolution. Drawing attention to the inability of the Secretary-General to submit to the Council a helpful report on Israeli violation of that resolution "because the Israelis would not permit the Secretary-General to have observers so as to be on the spot and able to report on all acts of destruction and oppression", he suggested that the establishment of a United Nations presence in these territories would be the first step in

<sup>463</sup> 1409th meeting (PV), pp. 17-30.

<sup>464</sup> S/7930/Add.66, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, pp. 19-20.

<sup>465</sup> 1409th meeting (PV), pp. 31-37.

<sup>466</sup> 1409th meeting (PV), pp. 37-41.

<sup>467</sup> 1409th meeting (PV), pp. 63-68.

<sup>468</sup> 1410th meeting (PV), pp. 7-20.

<sup>469</sup> 1410th meeting (PV), pp. 38-42.



stopping Israeli crimes and reporting to the Council thereon.<sup>470</sup>

The representative of Israel\* informed the Council that even while the Council proceeded with its deliberations, Arab aggression against Israel continued, and warlike pronouncements were being made daily in the Arab capitals. He reiterated that Israel's policy was to abide fully by its obligations under the cease-fire on the basis of reciprocity.<sup>471</sup>

At the same meeting, the President (USSR) advised the Council that as a result of the consultation which had taken place on the item, he wished to make the following statement:<sup>472</sup>

"Having heard the statements of the parties in regard to the renewal of the hostilities, the members of the Security Council are deeply concerned at the deteriorating situation in the area. They, therefore, consider that the Council should remain seized of the situation and keep it under close review."

**Decision** of 27 April 1968 (1417th meeting):

- (i) *Calling upon Israel to refrain from holding the military parade in Jerusalem which was contemplated for 2 May 1968; and*
- (ii) *Requesting the Secretary-General to report to the Security Council on the implementation of that resolution*

**Decision** of 2 May 1968 (1420th meeting):

*Deploring the holding by Israel of the military parade in Jerusalem on 2 May 1968 in disregard of the Council's decision of 22 April 1968*

**Decision** of 21 May 1968 (1426th meeting):

- (i) *Deploring the failure of Israel to comply with General Assembly resolutions 2253 (ES-V) and 2254 (ES-V);*
- (ii) *Considering that all legislative and administrative measures and actions taken by Israel to alter the status of Jerusalem were invalid;*
- (iii) *Calling upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tended to change the status of Jerusalem*

By letter<sup>473</sup> dated 25 April 1968 addressed to the President of the Security Council, the representative of Jordan\* stated that since the adoption of General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) concerning the status of Jerusalem, Israel had continued to implement its plans for the annexation and the illegal expropriation of Arab lands in Jerusalem. Instead of heeding the Security Council and the General Assembly directives, the Israeli authorities had persisted in carrying out projects calculated to bring about drastic changes in the national and historical character of the holy city. Culminating these illegal actions, Israel was planning a military parade to be held in Jerusalem on 2 May 1968. The nature of the contemplated parade and the heavy equipment to be used would be a breach of the General Armistice Agreement, a violation of Security Council and General Assembly resolutions and a serious provoca-

tion which would add to further deterioration of an already explosive situation. An urgent meeting of the Security Council was therefore requested to consider these developments and the status of Jerusalem and to take effective measures to remedy the situation.

At the 1416th meeting on 27 April 1968, following the adoption of the agenda, the Council decided to invite<sup>474</sup> the representatives of Jordan and Israel to participate in the discussion, and considered the question at its 1416th to 1426th meetings, held between 22 April and 21 May 1968.

At the 1416th meeting on 27 April 1968, the President (USSR) drew attention to a note<sup>475</sup> by the Secretary-General informing the Members of the Council of a communication he had addressed to the Government of Israel expressing his concern about plans to hold a military parade on 2 May to mark Israel's independence day, much of which "will be on the east side of the Armistice Demarcation Line and a part of which is known as the Old City of Jerusalem".

At the same meeting, the representative of Jordan\* stated that his Government had requested an urgent meeting of the Council to forestall the situation fraught with danger which might have repercussions far beyond the immediate area. He noted that in view of the unprecedented scale of the preparations by Israel, his Government had reason to believe that the contemplated parade reflected yet another aspect of Israel's plans to annex Jerusalem in defiance of General Assembly resolutions 2253 (ES-V) of 4 July 1967 and 2254 (ES-V) of 14 July 1967, which had considered the measures taken by Israel to change the status of that city as invalid and which had called upon Israel to rescind such measures and to desist from any further action of that nature. Moreover, as indicated by the personal representative of the Secretary-General, Israel was taking every step to place under its sovereignty those parts of the city which it did not control before June 1967, and that the process of integration was irreversible and non-negotiable. It was thus clear that Israeli authorities were busy consolidating their gains by all means available to them including drastic measures to stop the free flow of information between the Arab inhabitants and forcing them to rely solely on the Israeli media of information. After describing a series of measures employed by Israel to break the will of the Arab inhabitants and destroy their institutions, he noted that in order to limit the Arab population in Jerusalem to a minimum, the Israeli authorities had refused to comply with Security Council resolution 237 (1967), which called upon Israel to facilitate the return of the inhabitants who had fled the area. Moreover, it had even been reported in the Israeli press that the Israeli Minister of Justice planned legislation to grant Israeli citizenship to the Arabs in Israel. As a consequence, those who refused Israeli citizenship would find themselves foreigners in their own homes and would be expelled and their property would be confiscated as the property of absentees. Despite these and other attempts, Israel had no valid claim to Jerusalem. As regards some of the religious shrines claimed by Israel, the representative drew the attention of the Council to the report<sup>476</sup>

<sup>470</sup> 1412th meeting (PV), pp. 6-15.

<sup>471</sup> 1412th meeting (PV), p. 22.

<sup>472</sup> 1412th meeting (PV), p. 66.

<sup>473</sup> S/8560, O.R., 23rd yr., Suppl. for April-June 1968, pp. 139-140.

<sup>474</sup> 1416th meeting (PV), p. 2.

<sup>475</sup> S/8561, O.R., 23rd yr., Suppl. for April-June 1968, pp. 140-141.

<sup>476</sup> S/8427/Add.1, O.R., 23rd yr., Suppl. for Jan.-March 1968, pp. 195-198.

of the Commission of Jurists appointed by Britain with the approval of the League of Nations, which had denied the validity of those claims. The recent Israeli moves in Jerusalem were not, in fact, simply administrative measures, but outright aggression, and the contemplated parade was simply a new act of provocation aimed at the complete annexation of Jerusalem. Moreover, the parade constituted a breach of the Armistice Agreement and a violation of Security Council resolution 162 (1961) of 11 April 1961, which endorsed the decision of the Mixed Armistice Commission of 20 March 1961 condemning such Israeli acts and calling upon Israel to refrain in the future from bringing into Jerusalem any equipment in excess of that specified under the terms of the Armistice Agreement. Noting that the Israeli parade came at a time when genuine efforts were being made to implement Security Council resolutions and to bring peace to the area, he urged the Council to adopt measures to have those resolutions implemented and that failure to take adequate steps would reflect on the effectiveness of the Council.<sup>477</sup>

At the same meeting, the representative of Israel\* denied that its independence day parade would aggravate the situation in the area and queried whether the real cause of aggravation was not a continuation of the war against Israel by the Arab States and their refusal to make peace with Israel as well as the official declaration that Israel must be destroyed. Noting that Jordan had based its arguments on the Armistice Agreement, he maintained that that agreement was a provisional agreement valid as "a transition to permanent peace", that it was judged by the Council to be incompatible with belligerent rights and that the Government of Jordan had flouted it for nineteen years by invoking the rights of war and repudiating the Agreement's central provisions, particularly articles 1, 3, 8 and 12. Moreover, the 1949 Armistice Agreement which would have been succeeded in 1950 by a peace treaty, had been, by 1967, "a formula for belligerency and a cover for armed attacks and incursions, and an alibi for the refusal to make peace". In any event, it was destroyed by Jordan in June 1967 when that Government opened its military onslaught against Israel. "The Armistice is no more because the Arabs have destroyed it. The relations between Israel and the Arab States are now founded upon and regulated by the cease-fire—a cease-fire established by the Security Council and consecrated in a series of Security Council resolutions". Under this cease-fire, Israel defence forces were free to move within the areas where they were stationed and to act and to parade as they saw fit. Military movements within the cease-fire area were unrestricted and would not violate the General Assembly resolutions of 4 and 14 July 1967, which, in any event, were not aimed at prohibiting a military parade in the city of Jerusalem or paralyzing construction in that city. With regard to Jordan's allegations concerning housing development in Jerusalem, most of the land involved in the reconstruction programme was not Arab but Jewish land or public domain.<sup>478</sup>

At the 1417th meeting on 27 April 1968, the representative of Pakistan introduced a draft resolution,<sup>479</sup> jointly sponsored with India and Senegal, under which the Council would call upon Israel to refrain from holding the military parade planned for 2 May 1968, and would request the Secretary-General to report to the Security Council on its implementation.

At the request of the representative of the United States, the meeting was suspended for 30 minutes for the holding of consultations.<sup>480</sup>

At the resumed 1417th meeting on 27 April 1968, the President stated that as a result of the consultations, certain changes had been introduced in the draft resolution submitted by the three Powers.<sup>481</sup>

At the same meeting, the draft resolution, as modified, was put to the vote and adopted<sup>482</sup> unanimously. It read as follows:<sup>483</sup>

*"The Security Council,*

*"Having heard the statements of the representatives of Jordan and Israel,*

*"Having considered the Secretary-General's note (S/8561), particularly his note to the Permanent Representative of Israel to the United Nations,*

*"Considering that the holding of a military parade in Jerusalem will aggravate tensions in the area and will have an adverse effect on a peaceful settlement of the problems in the area,*

*"1. Calls upon Israel to refrain from holding the military parade in Jerusalem which is contemplated for 2 May 1968;*

*"2. Requests the Secretary-General to report to the Security Council on the implementation of this resolution."*

At the 1418th meeting on 1 May 1968, the representative of Algeria, noting that the Council was about to consider the entire question of Jerusalem as requested by the representative of Jordan, recalled that paragraph 3 of General Assembly resolution 2254 (ES-V) of 14 July 1967 had requested the Secretary-General to report to the Council and to the General Assembly. He noted further that pursuant to that resolution, the Secretary-General's report had appeared in document S/8146 on 12 September 1967. In this connexion, he suggested that that report be included in the provisional agenda.<sup>484</sup>

The proposal by the representative of Algeria was adopted<sup>485</sup> without objection and the agenda was amended to read:

*"Letter dated 25 April 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8560);*

*Report of the Secretary-General under General Assembly resolution 2254 (ES-V) relating to Jerusalem (S/8146)."*

At the same meeting, the representative of Jordan\* informed the Council that there was irrefutable evidence

<sup>477</sup> 1416th meeting (PV), pp. 2-31.

<sup>478</sup> 1416th meeting (PV), pp. 32-50.

<sup>479</sup> 1417th meeting (PV), p. 33.

<sup>480</sup> 1417th meeting (PV), pp. 77-80.

<sup>481</sup> 1417th meeting (PV), p. 86.

<sup>482</sup> 1417th meeting (PV), pp. 86, 87.

<sup>483</sup> Resolution 250 (1968).

<sup>484</sup> 1418th meeting (PV), p. 11.

<sup>485</sup> 1418th meeting (PV), pp. 12-15.

that Israel was intent on going ahead with its military display in Jerusalem in defiance of the Council's decision of 27 April. Its rejection of that decision was not only evidenced by the fact that it had already held a full dress rehearsal of the planned parade but was also confirmed in a letter sent to the Secretary-General by the Foreign Minister of Israel. His Government hoped that the Council would take the adequate steps to remedy the new situation created as a result of Israel's disregard of the Council's decision.<sup>486</sup>

At the same meeting, the representative of Israel\* read out the text of a letter<sup>487</sup> dated 30 April 1968 addressed to the Secretary-General, in which his Government expressed its confidence that the "ceremony of 2 May need not and would not have the adverse effects which have been predicted in some quarters". He was of the view that the Council should attach greater significance to its own and the General Assembly resolutions on the vital question of peace and security in the Middle East which Jordan and the other Arab States had refused to implement.<sup>488</sup>

At the 1419th meeting on 2 May 1968, the Secretary-General reported that "the parade in Jerusalem which was the subject of Security Council resolution 250 (1968) of 27 April has been held today as scheduled", and that a further report on the details of that action would be presented to the Council that afternoon.<sup>489</sup>

At the 1420th meeting on 2 May 1968, the President stated that after full consultation with the members of the Council, he was able to present to the Council the text of a draft resolution.<sup>490</sup>

At the same meeting, the draft resolution was voted upon and adopted<sup>491</sup> unanimously. It read as follows:<sup>492</sup>

*"The Security Council,*

*"Noting the Secretary-General's reports of 26 April (S/8561) and 2 May 1968 (S/8567),*

*"Recalling resolution 250 (1968) of 27 April 1968,*

*"Deeply deplores the holding by Israel of the military parade in Jerusalem on 2 May 1968 in disregard of the unanimous decision adopted by the Council on 27 April 1968".*

At the 1421st meeting on 3 May 1968, the President (United States) drew attention to a letter<sup>493</sup> dated 2 May 1968 from the representative of Jordan requesting that under rule 39 of the provisional rules of procedure, Mr. Rouhi El-Khatib, mayor of Jerusalem, be invited to make a statement before the Council. After a procedural discussion on the capacity in which he was to be invited, the Council decided<sup>494</sup> without vote, to invite Mr. Rouhi El-Khatib to make a statement.

The representative of Israel,\* citing the report<sup>495</sup> of the Secretary-General on the situation in Jerusalem

shortly after the cease-fire, rejected the charges made by Mr. El Khatib that his Government had practised a policy of terror and destruction against the Arab population in Jerusalem. That report, he stated, showed that life was functioning normally and that "the Arab personnel of the old city was absorbed in the equivalent departments in Israeli municipality". After denying charges of expropriation of Arab properties in order to develop the Jewish quarter, the representative described the plans for urban development in the area and stressed his Government's aim to live at peace with its Arab neighbours.<sup>496</sup>

At the same meeting, the representative of Jordan\* maintained that the Council was meeting "to determine rights" and that the central issue was whether Israel could acquire territory by force. He reminded the Council that in its resolution of 22 November, it had emphasized the inadmissibility of acquisition of territory by war.<sup>497</sup>

At the 1425th meeting on 20 May 1968, the President called attention to a draft resolution<sup>498</sup> jointly submitted by Pakistan and Senegal.<sup>499</sup>

The representative of Pakistan observed that the draft resolution which he had co-sponsored was intended as an interim measure which sought to do no more than reaffirm the General Assembly resolutions on Jerusalem. Because of its limited scope, it had not called for the withdrawal of the Israeli forces and other personnel from that city but simply sought to preclude any measures or action which constituted an attempt to change the status of that city. At a time when the Council still had reason to hope that its efforts toward a political settlement of the problem might succeed, it was imperative that the Council prevent any action or occurrence which would further complicate that conflict and render its resolution more difficult.<sup>500</sup>

At the 1426th meeting on 21 May 1968, the President drew attention to a revised text<sup>501</sup> of the draft resolution previously submitted by Pakistan and Senegal.<sup>502</sup>

At the same meeting, the revised draft resolution was put to the vote and adopted<sup>503</sup> by 13 votes in favour, none against with 2 abstentions. It read as follows:<sup>504</sup>

*"The Security Council,*

*"Recalling General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967,*

*"Having considered the letter of the Permanent Representative of Jordan on the situation in Jerusalem (S/8560) and the report of the Secretary-General (S/8146),*

*"Having heard the statements made before the Council,*

*"Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures and actions in contravention of those resolutions,*

<sup>486</sup> 1418th meeting (PV), pp. 22-25.

<sup>487</sup> S/8565, 1418th meeting, pp. 31-35.

<sup>488</sup> 1418th meeting (PV), pp. 27-36.

<sup>489</sup> 1419th meeting (PV), p. 11.

<sup>490</sup> 1420th meeting (PV), p. 2.

<sup>491</sup> 1420th meeting (PV), pp. 3-5.

<sup>492</sup> Resolution 251 (1968).

<sup>493</sup> S/8570, *OR*, 23rd yr., *Suppl. for April-June 1968*, p. 147.

<sup>494</sup> 1421st meeting (PV), p. 26. For discussion of this question in terms of rule 39, see chapter III, Case 3.

<sup>495</sup> S/8146, *OR*, 22nd yr., *Suppl. for July-Sept. 1967*, pp. 232-286.

<sup>496</sup> 1421st meeting (PV), pp. 62-83.

<sup>497</sup> 1421st meeting (PV), pp. 86-87.

<sup>498</sup> S/8590, 1425th meeting (PV), pp. 2-5.

<sup>499</sup> 1425th meeting (PV), pp. 2-5.

<sup>500</sup> 1425th meeting (PV), pp. 6-15.

<sup>501</sup> S/8590/Rev.2, 1426th meeting (PV), p. 2.

<sup>502</sup> 1426th meeting (PV), p. 2.

<sup>503</sup> 1426th meeting (PV), p. 27.

<sup>504</sup> Resolution 252 (1968).

"*Bearing in mind* the need to work for a just and lasting peace,

"*Reaffirming* that acquisition of territory by military conquest is inadmissible,

"1. *Deplores* the failure of Israel to comply with the General Assembly resolutions mentioned above;

"2. *Considers* that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status;

"3. *Urgently calls upon* Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem;

"4. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution."

**Decision of 16 August 1968 (1440th meeting):**

*Condemning the further military attacks launched by Israel in flagrant violation of the Charter, and warning that if such attacks were to be repeated, the Council would duly take account of the failure to comply with the present resolution*

By letter <sup>505</sup> dated 5 June 1968 addressed to the President of the Security Council, the representative of Jordan recalled his letter <sup>506</sup> of 4 June, in which he had charged that Israeli forces had bombed certain areas in Jordan, causing heavy casualties. He was therefore requesting an urgent meeting of the Council to consider the grave situation resulting from that Israeli aggression.

By letter <sup>507</sup> dated 5 June 1968, the representative of Israel, referring to his letter <sup>508</sup> of 4 June, requested an urgent meeting of the Security Council to consider the grave and continued violation of the cease-fire by Jordan, which had initiated the shelling of Israeli villages and the armed infiltration, and terrorist acts from Jordanian territory with the connivance and encouragement of the Jordanian Government and armed forces.

By letter <sup>509</sup> dated 5 August 1968 addressed to the President of the Security Council, the representative of Jordan, referring to his letters of 4 and 5 June, repeated his request for an urgent meeting of the Secretary Council to consider the grave situation resulting from the continued acts of aggression by Israel against Jordan.

By letter <sup>510</sup> dated 5 August 1968 addressed to the President of the Security Council, the representative of Israel requested an urgent meeting of the Council to resume consideration "of the Israeli complaint submitted in my letter of 5 June (S/8617), namely, the grave and continued violation of the cease-fire by Jordan".

At the 1434th meeting on 5 August 1968, the President (Brazil) stated that the meeting had been convened on the urgent requests of Jordan and Israel (S/8721, S/8724) and that the provisional agenda also listed two previous requests (S/8616, S/8617) placed on the provisional agenda

of the 1429th meeting on 5 June, but which was not adopted in view of the Council's decision to adjourn its meeting as a tribute to the late Senator Robert Kennedy.<sup>511</sup>

At the same meeting, the Council included <sup>512</sup> the complaints in its agenda and considered the question at its 1434th to 1440th meetings, held between 5 and 16 August 1968.

At the 1434th meeting, the representatives of Jordan, Israel, the United Arab Republic and Iraq were invited <sup>513</sup> to participate in the discussion of the question. Invitations were also extended <sup>514</sup> to the representatives of Syria and Saudi Arabia at the 1436th meeting.

At the 1434th meeting on 5 August 1968, the representative of Jordan\* stated that as a result of new premeditated attacks by Israeli forces against unarmed civilian population in Jordan, the Council was again confronted with a situation fraught with danger. He noted that like the attack of 4 June against civilian centres in the city of Irbid and its surrounding villages, the attack of the previous day was directed against civilians in the city of Salt and its neighbouring area. It was clear that the Israeli aggression was pre-planned at the highest level and was aimed at destroying the agriculture in the east bank of Jordan and at terrorizing and expelling the inhabitants of that area. The fact that the attack was made against successful projects in irrigation and farming in Jordan proved beyond doubt that Israel's aim was to destroy civilian life in the area which was among the most productive in Jordan and on which that country depended for its agricultural needs. In view of the fact that the recent Israeli act of aggression was not an isolated military operation and in view of the Council's repeated warnings to Israel against actions of military reprisals, he expected further and more effective measures as envisaged in Chapter VII of the Charter.<sup>515</sup>

The representative of Israel\* stated that his delegation had repeatedly requested effective action by the Council to stop Jordan's violation of the cease-fire. The cease-fire could not be a screen for Arab aggression and Israel must defend itself against attack. Despite the Security Council resolution of 24 March 1968 which deplored all violent incidents in violation of the cease-fire, Jordan promptly interpreted it as being non-applicable to Arab acts of hostility against Israel and on 4 April when the Security Council expressed its concern at the deteriorating situation, Jordan again ignored that decision. Since then, military attacks and armed incursions from Jordanian territory had continued unabated. In fact, Jordan had become the principal base for continued Arab aggression against Israel. On the morning of 4 June, a large-scale assault was renewed from Jordanian territory resulting in extensive damage to the village and to the central part of Beit-Shean, as well as civilian casualties. In view of the persistence and intensification of the Jordan artillery barrage, it became necessary for Israeli aircraft to take action of self-defence and silence the sources of the fire. Because the Jordanian Government had used inhabited

<sup>505</sup> S/8616, *OR*, 23rd yr., *Suppl. for April-June 1968*, p. 186.

<sup>506</sup> S/8613, *ibid.*, p. 184.

<sup>507</sup> S/8617, *ibid.*, p. 187.

<sup>508</sup> S/8614, *ibid.*, pp. 184-185; S/8615, *ibid.*, pp. 185-186.

<sup>509</sup> S/8721, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, p. 113.

<sup>510</sup> S/8724, *ibid.*, pp. 115-116.

<sup>511</sup> 1434th meeting (PV), p. 11.

<sup>512</sup> 1434th meeting (PV), p. 11.

<sup>513</sup> 1434th meeting (PV), pp. 11-12.

<sup>514</sup> 1436th meeting (PV), pp. 2, 48-50.

<sup>515</sup> 1434th meeting (PV), pp. 12-25.

centres as locations for their artillery positions, it was inevitable that civilian casualties would result. He appealed to the Security Council "to consider the situation in the Middle East as it is" and to raise its voice against the acts of aggression which were continuing against Israel. The Council should thus impress upon Jordan the necessity to abide by its cease-fire obligations and to terminate acts of aggression from its territory against Israel.<sup>516</sup>

At the 1440th meeting on 16 August 1968, the President stated that as a result of consultations, a draft resolution had emerged which, as he understood it, reflected the views of the members of the Security Council on the course to be adopted by the Council on the item under consideration. Thereupon, the text of the draft resolution was read out to the Council.<sup>517</sup>

At the same meeting, the draft resolution was put to the vote and adopted<sup>518</sup> unanimously. It read as follows:<sup>519</sup>

*"The Security Council,*

*"Having heard the statements of the representatives of Jordan and Israel,*

*"Having noted the contents of the letters of the representatives of Jordan and Israel in documents S/8616, S/8617, S/8721 and S/8724,*

*"Recalling its previous resolution 248 (1968) condemning the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions and deploring all violent incidents in violation of the cease-fire,*

*"Considering that all violations of the cease-fire should be prevented,*

*"Observing that both massive air attacks by Israel on Jordanian territory were of a large scale and carefully planned nature in violation of resolution 248 (1968),*

*"Gravely concerned about the deteriorating situation resulting therefrom,*

*"1. Reaffirms its resolution 248 (1968), which, *inter alia*, declares that grave violations of the cease-fire cannot be tolerated and that the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts;*

*"2. Deplores the loss of life and heavy damage to property;*

*"3. Considers that premeditated and repeated military attacks endanger the maintenance of the peace;*

*"4. Condemns the further military attacks launched by Israel in flagrant violation of the United Nations Charter and resolution 248 (1968) and warns that if such attacks were to be repeated the Council would duly take account of the failure to comply with the present resolution."*

**Decision of 5 September 1968 (1447th meeting):**

*Adjournment*

By letter<sup>520</sup> dated 2 September 1968, addressed to the President of the Security Council, the representative of

Israel requested an urgent meeting of the Council to consider the military attack by the United Arab Republic against Israeli forces on 26 August in violation of the cease-fire. The seriousness of the attack was aggravated by the negative reply of the United Arab Republic to representations made by Israel to the Chief of Staff of UNTSO to return a kidnapped soldier, to take effective steps against those responsible for the attack and to give assurance that it would not be repeated.

At the 1446th meeting on 4 September 1968, the Council decided<sup>521</sup> without vote, to include the item in its agenda and considered the question at its 1446th and 1447th meetings on 4 and 5 September 1968. Following the adoption of the agenda, the Council invited<sup>522</sup> the representatives of Israel and the United Arab Republic to participate without vote in the discussion.

At the 1446th meeting on 4 September 1968, the representative of Israel\* stated that on 26 August, an Egyptian military force of approximately thirty men had crossed the Suez Canal, dug itself in on the east bank, planted mines on the patrol track and ambushed the Israeli patrol along the Canal. An enquiry which was carried out the following morning by United Nations military observers could not be extended to the west side of the Canal because of Egyptian objections. The facts, however, were quite clear. In violation of the cease-fire established by the Security Council, in breach of the arrangements prohibiting military actions in the area, well-planned military attack was perpetrated against Israel by Egyptian forces from the west bank. Israel would therefore expect the Council to arrest any further deterioration of the situation, condemn the military attack and impress upon Egypt the need to abide by its obligations and prevent the recurrence of such attacks and further ensure the return of the captive soldier.<sup>523</sup>

The representative of the United Arab Republic\* considered the Israeli allegation to be groundless. He stated that since the news concerning the alleged incident had reached his Government, an enquiry was ordered. Findings of that enquiry which were transmitted to the Chief of Staff of UNTSO disclosed that no United Arab Republic forces had taken part in any action in territories east of the Suez Canal. His Government had assured him of continued observance of the cease-fire in conformity with Security Council resolutions. As regards the missing soldier, his Government had no knowledge of the matter. Noting that Israel's claims and allegations of the involvement of the United Arab Republic armed forces in the incident had not been substantiated by observers in the area, he drew attention to the fact that the report of the Chief of Staff of UNTSO<sup>524</sup> of 29 August 1968 lent no credence to the Israeli fabrication.<sup>525</sup>

At the 1447th meeting on 5 September 1968, the President (Canada) proposed an adjournment of the meeting in order to give the members of the Council a further opportunity to undertake consultations with one another

<sup>516</sup> 1434th meeting (PV), pp. 27-42.

<sup>517</sup> 1440th meeting (PV), pp. 2-5.

<sup>518</sup> 1440th meeting (PV), pp. 2-5.

<sup>519</sup> Resolution 256 (1968).

<sup>520</sup> S/8794. O.R., 23rd yr., Suppl. for July-Sept. 1968, p. 236.

<sup>521</sup> 1446th meeting (PV), p. 6.

<sup>522</sup> 1446th meeting (PV), pp. 7-10.

<sup>523</sup> 1446th meeting (PV), pp. 11-16.

<sup>524</sup> S/7930/Add.74, O.R., 23rd yr., Suppl. for July-Sept. 1968, pp. 3-6.

<sup>525</sup> 1446th meeting (PV), pp. 17-26.

on what should be done with regard to the matter on the agenda.<sup>526</sup>

The Council decided without objection to adjourn the meeting.<sup>527</sup>

**Decision of 8 September 1968 (1448th meeting):**

*Statement by the President.*

**Decision of 18 September 1968 (1448th meeting):**

- (i) *Insisting that the cease-fire ordered by the Security Council in its resolutions be rigorously respected;*
- (ii) *Reaffirming its resolution 242 (1967) and urging all parties to extend their fullest co-operation to the Special Representative of the Secretary-General in the speedy fulfilment of the mandate entrusted to him under that resolution*

By letter<sup>528</sup> dated 8 September 1968 addressed to the President of the Security Council, the representative of Israel charged that a flagrant and unprovoked violation of the cease-fire had occurred that day by the armed forces of the United Arab Republic in the Suez Canal sector. Despite appeals by the military observer for a cease-fire to which Israel had agreed and with which it had complied, the Egyptian attack continued, resulting in Israeli casualties, the wounding of a United Nations Military Observer, and damage to two observer's posts. The letter thereupon requested an immediate resumption of the meeting of the Council adjourned on 5 September.

By letter<sup>529</sup> dated 8 September 1968 addressed to the President of the Security Council, the representative of the United Arab Republic complained that Israel had committed another premeditated act of aggression by opening fire that day against the cities of Port Tawfiq, Suez, Ismailia and Kantara. In view of the gravity of the situation, an urgent meeting of the Security Council was requested.

At the 1448th meeting on 8 September 1968, following a procedural<sup>530</sup> discussion as to whether the Council was meeting to consider a new item at the request of the United Arab Republic or a resumption of the Israeli complaint of 2 September, the Council adopted<sup>531</sup> without objection its agenda which included the letters of Israel of 2 and 8 September 1968 and the letter of the United Arab Republic of 8 September 1968.

Following the adoption of the agenda, the Council invited<sup>532</sup> the representatives of Israel and the United Arab Republic to participate in the discussion and considered the question at the 1448th, 1449th, 1451st and 1452nd meetings, held between 8 and 18 September 1968.

At the 1448th meeting, the Secretary-General stated that during the course of the afternoon, the Chief of Staff of UNTSO had informed him by three brief cable messages of a heavy and prolonged exchange of fire along the Suez Canal during the day of 8 September. He immediately asked General Bull to expedite, to the extent possible, the transmission of his report on the latest breach of the Security Council cease-fire demand. In

view of the fact that no messages about further firing had been received from him, he thought it safe to conclude that the cease-fire arranged by the United Nations observers had been holding since it became effective at 1630 hours GMT on 8 September. The Secretary-General then read out the text of a report<sup>533</sup> he had just then received from the Chief of Staff of UNTSO, which gave details of the exchange of fire and accounts of damage to UNTSO installations as well as the wounding of a United Nations Military Observer. A full report on the extent of the damage would be submitted at a later stage.<sup>534</sup>

Following the statement of the Secretary-General, the representative of the USSR<sup>535</sup> requested clarification of the report which had just been read. The Secretary-General explained that he was not in a position to elaborate on that report or to clarify any aspect of it. For the moment, he was prepared simply to "submit the report as it is".<sup>536</sup>

The representative of Israel\* stated that the Egyptian attacks in violation of the cease-fire had assumed in the course of the day such dimensions that an immediate meeting of the Security Council became essential. The report of the Secretary-General emphasized the gravity of those developments and the responsibility of the United Arab Republic for initiating fire repeatedly throughout the afternoon. After giving an account of developments throughout the day and the losses suffered by Israel, he recalled his statement of 4 September in which he had expressed his Government's concern that the Egyptian attack of 26 August might be a prelude to a renewed campaign of violence along the cease-fire line. Developments throughout the day had strengthened that concern and the repeated planting of anti-vehicle mines in the same area a short distance from Egyptian army positions left no doubt about the origin and well-planned nature of those operations. It was thus obvious that the United Arab Republic was trying to undermine the cease-fire and create a situation of gross danger to the area. Whatever Egypt's motives for such a policy, the Council should act immediately and effectively to stop Egyptian acts of aggression and help maintain the cease-fire.<sup>537</sup>

The representative of the United Arab Republic\* stated that in his statement of 4 September, he had observed that despite its membership in the United Nations and verbal acceptance of the Charter, "Israel had reserved for itself the right to take the law into its own hands" and that in this regard, Israel seldom resorted to the Council, preferring to rely on naked force to achieve its ends. This had been borne out by the latest events, for although the Council was still discussing Israel allegations, Israel had on that day opened fire in the areas of Port Tawfiq and Suez, using artillery and tank fire, and continued to escalate the fire by extending it to the cities of Ismailia and Kantara. Moreover, according to the report of the Secretary-General, there was reason to believe that missiles were used by Israel. The armed force of the United Arab Republic was obliged to

<sup>526</sup> 1447th meeting (PV), p. 47.

<sup>527</sup> 1447th meeting (PV), p. 47.

<sup>528</sup> S/8805, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, pp. 240-241.

<sup>529</sup> S/8806, *ibid.*, pp. 241-242.

<sup>530</sup> 1448th meeting (PV), pp. 2, 3; For discussion of this question, see chapter II, Case 8.

<sup>531</sup> 1448th meeting (PV), pp. 4-5.

<sup>532</sup> 1448th meeting (PV), p. 6.

<sup>533</sup> Subsequently circulated as document S/7930/Add.78, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, pp. 9-11.

<sup>534</sup> 1448th meeting (PV), Secretary-General, pp. 6-15.

<sup>535</sup> 1448th meeting (PV), pp. 16, 17-20.

<sup>536</sup> 1448th meeting (PV), pp. 16, 17-20.

<sup>537</sup> 1448th meeting (PV), pp. 21-22.

return the fire in self-defence. The attack caused heavy loss of civilian life as well as wide damage and destruction to buildings and public installations in both cities.<sup>538</sup>

At the resumed 1448th meeting on 8 September 1968, the President (Canada) stated that after extensive consultations, he had been authorized to make the following declaration:

"The Security Council, having not urgently to consider the item on its agenda contained in document S/1448/Rev.1, having heard the reports of General Odd Bull presented by the Secretary-General, and having heard the statements of the representatives of Israel and of the United Arab Republic, deeply regrets the loss of life, and requires the parties strictly to observe the cease-fire called for by the Security Council's resolutions."

At the 1449th meeting on 10 September 1968, the President drew the attention of the Council to the "supplemental information"<sup>539</sup> dated 9 September from the Chief of Staff of UNTSO.

At the 1451st meeting on 11 September 1968, the President drew attention to a report<sup>540</sup> from the Chief of Staff of UNTSO regarding the latest incidents in the Suez Canal sector.

At the same meeting, the President drew attention to a supplementary report<sup>541</sup> from the Chief of Staff of UNTSO dated 11 September which would be circulated during the course of the meeting.<sup>542</sup>

At the 1452nd meeting on 18 September 1968, the President drew attention to further supplementary reports<sup>543</sup> submitted by the Chief of Staff of UNTSO. The President stated further that the Secretary-General had provided him with three sets of photographs taken by United Nations military observers in the Suez Canal area relating to the enquiry into the mining incident of 10 September described in document S/7930/Add.81, and to the damage suffered by United Nations installations reported in document S/7930/Add.83, paras. 3 and 4. The photographs would be passed along the table during the meeting.<sup>544</sup>

The President subsequently stated that as a result of consultations which he had held with members of the Council since the previous meeting, he was then in a position to present to the Council the draft resolution which reflected the agreement obtained at that time.<sup>545</sup>

At the same meeting, after the President had read out the text of the draft resolution, it was voted upon and adopted<sup>546</sup> by 14 votes in favour, none against, with 1 abstention. It read as follows:<sup>547</sup>

"The Security Council,

"Recalling the declaration of the President of the Security Council of 9 September 1968, as made at the 1448th meeting of the Council,

"Gravely concerned about the deteriorating situation in the Middle East,

"Convinced that all Members of the United Nations should co-operate towards a peaceful settlement in the Middle East,

"1. Insists that the cease-fire ordered by the Security Council in its resolutions must be rigorously respected;

"2. Reaffirms its resolution 242 (1967) of 22 November 1967, and urges all the parties to extend their fullest co-operation to the Special Representative of the Secretary-General in the speedy fulfilment of the mandate entrusted to him under that resolution."

Decision of 27 September 1968 (1454th meeting):

(i) Requesting the Secretary-General urgently to dispatch a special representative to the Arab territories under military occupation by Israel and to report on the full implementation of resolution 237 (1967);

(ii) Requesting the Government of Israel to receive the Special Representative of the Secretary-General, to co-operate with him and to facilitate his work

By letter<sup>548</sup> dated 17 September 1968 addressed to the President of the Security Council, the representatives of Pakistan and Senegal requested an urgent meeting of the Council to consider the report<sup>549</sup> of the Secretary-General dated 31 July 1968, in connexion with resolution 237 of 15 June 1967.

At the 1453rd meeting on 20 September 1968, following the adoption<sup>550</sup> of its agenda, the Council invited<sup>551</sup> the representatives of Jordan, Israel and the United Arab Republic to participate in the discussion. An invitation<sup>552</sup> was also extended to the representative of Syria at the 1454th meeting. The Council considered the report at its 1453rd and 1454th meetings held on 20 and 27 September 1968.

At the 1453rd meeting on 20 September 1968, the President (Canada) drew the attention of the Council to a draft resolution<sup>553</sup> submitted the previous day by the representatives of Pakistan and Senegal.

At the same meeting, the representative of Senegal, after submitting a correction<sup>554</sup> to the English text of the draft resolution, recalled that in its resolution 237 (1967) of 4 June 1967, the Security Council had called upon the Governments concerned to scrupulously respect the humanitarian principles governing the treatment of prisoners of war and the protection of civilian personnel in time of war. He recalled further that in his report<sup>555</sup> of 31 July 1968, the Secretary-General had complained that the humanitarian considerations involving the well-being of a great many people could neither

<sup>538</sup> 1448th meeting (PV), pp. 27-31.

<sup>539</sup> S/7930/Add.79, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, p. 12.

<sup>540</sup> S/7930/Add.80, *ibid.*, p. 13.

<sup>541</sup> S/7930/Add.81, *ibid.*, pp. 13, 14.

<sup>542</sup> 1451st meeting (PV), p. 38.

<sup>543</sup> S/7930/Add.83 to 87, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, pp. 15-17.

<sup>544</sup> 1452nd meeting (PV), pp. 2-5.

<sup>545</sup> 1452nd meeting (PV), p. 6.

<sup>546</sup> 1452nd meeting (PV), pp. 7-10.

<sup>547</sup> Resolution 258 (1968).

<sup>548</sup> S/8819, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, p. 251.

<sup>549</sup> S/8699, *ibid.*, pp. 73-95.

<sup>550</sup> 1453rd meeting (PV), p. 2.

<sup>551</sup> 1453rd meeting (PV), p. 2.

<sup>552</sup> 1454th meeting (PV), pp. 2-5.

<sup>553</sup> S/8825, 1453rd meeting (PV), pp. 3-5.

<sup>554</sup> In the corrected text, the words "calls upon" in operative paragraph 2 were to be changed to the word "requests".

<sup>555</sup> S/8699, *OR*, 23rd yr., *Suppl. for July-Sept.*, pp. 73-95.



be given sufficient priority, nor be regarded as having sufficient urgency to override obstacles such as those which had been encountered thus far. By introducing into the question elements that were entirely outside the humanitarian procedures which the Secretary-General wished to follow, the Government of Israel had impeded the implementation of resolution 237 (1967). His delegation deplored that fact but hoped that in accordance with that resolution, the Government of Israel would co-operate fully with the representative that the Secretary-General would send to the occupied areas.<sup>566</sup>

The representative of Pakistan maintained that although Israel had raised certain issues entirely irrelevant to resolution 237 (1967), "no amount of juggling with the term 'Governments concerned' will make resolution 237 (1967) applicable to any territories other than those under the military occupation of Israel". Pursuant to the provisions of that resolution, therefore, it was the clear duty of the Council to ensure that pending final settlement of the political issues, the people who had been left under Israel military occupation would not be denied their fundamental rights.<sup>567</sup>

The representative of Israel\* maintained that the initiators and sponsors of the complaint and those who supported them should recognize that far from contributing to the promotion of understanding, it would heighten tension. Noting that the complaint had arisen in connexion with a proposal made by the Secretary-General, the previous February, to Israel and to the Arab Governments to dispatch a representative on a fact-finding mission within the context of resolution 237 (1967), he explained that Israel had already conveyed to the Secretary-General its willingness to co-operate with such a representative and that willingness in this regard remained unaltered. On the other hand, the mission was delayed because the Arab Governments had imposed the restriction that it should confine itself entirely to the Israeli-held territory and should ignore the plight of the Jewish communities in Arab countries, which were suffering as a result of the conflict. The real humanitarian problem in the Middle East, however, was the people of Jewish faith who had been subjected to discrimination, opposition, inhuman treatment in Egypt, Syria and Iraq.<sup>568</sup>

At the 1454th meeting on 27 September 1968, the President drew the attention of the Council to a revised version of the draft resolution<sup>569</sup> submitted by Pakistan and Senegal.<sup>560</sup>

At the same meeting, the revised draft resolution was put to the vote and adopted by 12 votes to none with 3 abstentions.<sup>561</sup> It reads as follows:<sup>562</sup>

*"The Security Council,*

*"Concerned with the safety, welfare and security of the inhabitants of the Arab territories under military occupation by Israel following the hostilities of 5 June 1967,*

*"Recalling its resolution 237 (1967) of 14 June 1967,*  
*"Noting the report by the Secretary-General, contained in document S/8699, and appreciating his efforts in this connexion,*

*"Deploping the delay in the implementation of resolution 237 (1967) because of the conditions still being set by Israel for receiving a Special Representative of the Secretary-General,*

*"1. Requests the Secretary-General urgently to dispatch a Special Representative to the Arab territories under military occupation by Israel following the hostilities of 5 June 1967, and to report on the implementation of resolution 237 (1967);*

*"2. Requests the Government of Israel to receive the Special Representative of the Secretary-General, to co-operate with him and to facilitate his work;*

*"3. Recommends that the Secretary-General be afforded all co-operation in his efforts to bring about the implementation of the present resolution and resolution 237 (1967)."*

**Decision of 4 November 1968 (1457th meeting):**

*Adjournment*

By letter<sup>563</sup> dated 1 November 1968 addressed to the President of the Security Council, the representative of the United Arab Republic complained that on the previous night, Israeli aircraft violated United Arab Republic air space and infiltrated deep into Mag Hamadi area, bombing civilian targets and killing one civilian and wounding two others. An urgent meeting of the Council was thus requested to consider the situation resulting from that flagrant act of aggression committed by Israel and by the Israeli armed forces and admitted by the Israeli Government.

By letter<sup>564</sup> dated 1 November 1968, addressed to the President of the Security Council, the representative of Israel requested an urgent meeting of the Council to consider recent Egyptian acts of aggression and provocation previously reported<sup>565</sup> to the Council and recorded in the report<sup>566</sup> of the Chief of Staff of UNTSO.

At the 1456th meeting on 1 November 1968, following the adoption<sup>567</sup> of the agenda, the Council invited<sup>568</sup> the representatives of the United Arab Republic, Israel and Saudi Arabia to participate in the discussion of the question. The Council considered the question at its 1456th and 1457th meetings, held between 1 and 4 November 1968.

At the 1456th meeting on 1 November 1968, the representative of the United Arab Republic\* stated that his Government had requested an urgent meeting of the Council because an already grave situation in the Middle East had been further aggravated by a new act of aggression by the Israeli armed forces against the territory of the United Arab Republic. That development had been rendered more ominous by its premeditated nature and by

<sup>566</sup> 1453rd meeting (PV), pp. 6-12.

<sup>567</sup> 1453rd meeting (PV), pp. 13-15.

<sup>568</sup> 1453rd meeting (PV), pp. 41-48, 49-50, 51, 52-57.

<sup>569</sup> S/8825/Rev.2, 1454th meeting (PV), pp. 2-5.

<sup>570</sup> 1454th meeting (PV), pp. 2-5.

<sup>561</sup> 1454th meeting (PV), pp. 103-105.

<sup>562</sup> Resolution 259 (1968).

<sup>563</sup> S/8878, OR, 23rd yr., Suppl. for Oct.-Dec. 1968, p. 104.

<sup>564</sup> S/8879, *ibid.*, pp. 104, 105.

<sup>565</sup> S/8868, OR, 23rd yr., Suppl. for Oct.-Dec. 1968, pp. 94, 95; S/8869, *ibid.*, pp. 95-96, S/8875, *ibid.*, pp. 100-101, S/8877, *ibid.*, pp. 101-104.

<sup>566</sup> S/7930/Add.95, 97, OR, 23rd yr., Suppl. for Oct.-Dec. 1968, pp. 4-12; 15-18.

<sup>567</sup> 1456th meeting (PV), p. 6.

<sup>568</sup> 1456th meeting (PV), pp. 6, 7, 42.



Israel's open admission of responsibility for its action. Moreover, the fact that the attack was made on installations constituting part of the economic infrastructure of the United Arab Republic indicated that its perpetrators intended to strike a blow at the economy of the United Arab Republic by attempting to paralyse some of its constituent elements. It was ironic that while engaging in these aggressive actions against Arab States, Israel was conducting a propaganda campaign about its peaceful intentions and constructive approach towards a solution of the problem in the Middle East. But its refusal to declare its acceptance of and its readiness to implement the resolution of 22 November 1967 was a disservice to the cause of peace in the area. It was high time for the Council to enforce the measures envisaged in its previous resolutions and apply the sanctions provided for in Chapter VII of the Charter.<sup>569</sup>

The representative of Israel\* maintained that peace in the Middle East had been long delayed because of the refusal of the Arab States to conclude a permanent peaceful settlement and, more especially, because of their pursuit of the Khartoum decision of "no peace, no negotiations, no recognition of Israel". Despite declarations by Egypt of its acceptance of the November resolution, it had not only refused to make peace with Israel but had also continued its warfare against Israel. After describing a number of assaults by the armed forces of the United Arab Republic which he said were conducted in pursuit of the policy of "preventive military operations", the representative considered those activities the more sinister in view of the efforts of Ambassador Jarring to achieve a just and lasting peace. After prolonged and patient restraint, however, Israel was left with no alternative but to act in self-defence, in order to impress upon the United Arab Republic the necessity to respect the cease-fire. Thus, in blowing up a power station and two projects on the Nile between Aswan and Cairo, it sought to avoid populated areas and to persuade Egypt that it could not ignore its cease-fire obligations with impunity, and that the maintenance of the cease-fire agreement was a common interest of both the United Arab Republic and Israel.<sup>570</sup>

The representative of the United Kingdom suggested that in view of the fact that discussions by certain foreign ministers were in progress, the Council adjourn its meeting and resume its discussion whenever it was decided that "the best time had come".<sup>571</sup>

The President, noting that a strong preference existed for the fixing of a definite date for the next meeting, suggested that the next meeting be held at 1100 a.m. on the following Thursday, with the understanding that the President would remain in contact with the members with a view to reconsideration of the time should circumstances in the meantime so warrant.<sup>572</sup>

The President's proposal was adopted without objection.<sup>573</sup>

**Decision** of 31 December 1968 (1462nd meeting):

- (i) *Condemning Israel for its premeditated military action in violation of its obligations under the Charter and the cease-fire resolutions;*
- (ii) *Considering that such premeditated acts of violence endanger the maintenance of the peace and that Lebanon was entitled to appropriate redress for the destruction it suffered;*
- (iii) *Issuing a solemn warning to Israel that if such acts were to be repeated, the Council would have to consider further steps to give effect to its decision*

By letter<sup>574</sup> dated 29 December 1968 addressed to the President of the Security Council, the representative of Lebanon stated that a "flagrant act of aggression had been committed by the Israeli Air Force against Lebanon" on the previous day. In view of the gravity of the situation endangering the peace and security of Lebanon, an urgent meeting of the Council was requested.

By letter<sup>575</sup> dated 29 December 1968 addressed to the President of the Security Council, the representative of Israel requested an urgent meeting of the Council to consider the constant violation by Lebanon of the United Nations Charter and the cease-fire resolution of the Council in assisting and abetting acts of warfare by irregular forces and organizations operating from Lebanon against Israeli territory, citizens and property, and in particular against Israeli civil aviation.

At the 1460th meeting on 29 December 1968, following the adoption<sup>576</sup> of the agenda, the representatives of Lebanon and Israel were invited<sup>577</sup> to participate in the discussion. At the 1461st meeting, the representative of Saudi Arabia was likewise invited to participate.<sup>578</sup> The Council considered the question at its 1460th to 1462nd meetings held between 29 and 31 December 1968.

At the 1460th meeting on 29 December 1968, the President (Ethiopia) drew the attention of the members to information<sup>579</sup> he had received from the Acting Chief of Staff of UNTSO relating to the question before the Council.

At the same meeting, the representative of Lebanon\* stated that at 0930 p.m. on Saturday, 28 December 1968, units of the Israeli airforce, using explosives, incendiary bombs and rockets, staged a surprise attack against the International Airport at Beirut, completely destroying thirteen airplanes which constituted the main portion of Lebanon's civilian aircraft fleet. In addition, hangars, repair shops and fuel depots were also hit and destroyed, and the buildings of the air terminal were extensively damaged. Preliminary estimates of the losses indicated that it would considerably exceed \$50 million. Not only had Israeli authorities admitted responsibility for the attack but their officials and press welcomed the safe return of the "aggressive units, applauding and hailing their shameful exploit". In view of such flagrant violations of the principles and objectives of the Charter, his delegation was appealing to the Council to go beyond its usual condemnation of Israel for its acts of aggression

<sup>569</sup> 1456th meeting (PV), pp. 6-12.

<sup>570</sup> 1456th meeting (PV), pp. 13-26.

<sup>571</sup> 1457th meeting (PV), p. 87.

<sup>572</sup> 1457th meeting (PV), pp. 88-92.

<sup>573</sup> 1457th meeting (PV), p. 92.

<sup>574</sup> S/8945, O.R., 23rd yr., Suppl. for Oct.-Dec. 1968, p. 180.

<sup>575</sup> S/8946, *ibid.*, p. 180.

<sup>576</sup> 1460th meeting (PV), p. 2.

<sup>577</sup> 1460th meeting (PV), p. 6.

<sup>578</sup> 1461st meeting (PV), p. 72.

<sup>579</sup> S/7930/Add.107-108, O.R., 23rd yr., Suppl. for Oct.-Dec. 1968, pp. 29-31.

against Arab countries, and take effective measures under Chapter VII of the Charter. At a later stage, his Government, after having fully assessed the damage sustained, intended to request the Council to take the necessary measures against Israel for full and adequate compensation.<sup>580</sup>

At the same meeting, the representative of Israel\* stated that on 26 December 1968, an Israeli civil airliner, en route to New York on a regular scheduled commercial flight, was attacked with bombs and machine guns in the Athens international airport, by assailants from Beirut. They opened fire indiscriminately with sub-machine guns against the passengers and crew, killing one passenger and seriously wounding a stewardess. The assailants, identifying themselves as Arab commandos, admitted that they had been trained and equipped by a terrorist organization operating out of Beirut, with the full knowledge of the Lebanese Government. Lebanon, however, had undertaken specific obligations towards Israel under the Security Council cease-fire resolution. And any attack against an Israeli civil aircraft, whatever it might be, was as much a violation of the cease-fire as any attacks on Israeli territory "and entitles the Israeli Government to exercise its right of self-defence". Two attacks on Israeli civil aircraft occurring within six months of each other by the same terrorist group demonstrated that their objective was to disrupt Israeli civil aviation without regard for the loss of life, the identity of the victims or for the disruption of international civil aviation in general. On 28 December, an Israeli commando unit landed at Beirut airport and struck at a number of aircraft belonging to Arab airlines parked in the airport. There was no loss of life, and strict precautions were taken as far as possible to avoid damage to non-Arab aircraft. The action was directed solely against the bases from which the terrorists had departed on the previous occasion, and was designed to uphold Israel's basic right to free navigation in the international skies. His delegation hoped that in view of the gravity of the challenge posed to the Council, it would finally exert its authority and clearly indicate that it can no longer tolerate the continuation of active belligerency and warfare against Israel through the instrumentality of irregular forces and organizations and that it would hold the Arab Governments, including the Government of Lebanon, firmly to their duties under the Charter and under the cease-fire.<sup>581</sup>

At the 1461st meeting on 30 December 1968, the representative of Lebanon\* asserted that his Government could not be held responsible for acts of Palestinian refugees which were committed outside its territory and without its knowledge. At the same time, if Israel felt that Lebanon was responsible, it should have immediately filed a complaint against Lebanon in the Council. As regards Israel's case against Lebanon, his Government could not even be charged with having the intention of committing an act because there was no such intention.<sup>582</sup>

The President (Ethiopia) stated that encouraging progress was being made in the extensive consultations that had been taking place among the members of the Council, and it might be possible to agree on a text of a

draft resolution that afternoon. In order to further the progress, he proposed that the Council adjourn its meeting until 3 p.m. that afternoon.<sup>583</sup>

The Council decided<sup>584</sup> without objection to adjourn the meeting.

At the 1462nd meeting on 31 December 1968, the President stated that after extensive consultation during recent days, the members of the Council had been able to reach agreement on the text of a draft resolution which appeared to command unanimous support.<sup>585</sup>

At the same meeting, the draft resolution was put to the vote and was adopted<sup>586</sup> unanimously. It read as follows:<sup>587</sup>

*"The Security Council,*

*"Having considered the agenda contained in document S/Agenda/1462,*

*"Having noted the contents of the letter of the Permanent Representative of Lebanon (S/8945),*

*"Having noted the supplementary information provided by the Chief of Staff of the United Nations Truce Supervision Organization contained in documents S/7930/Add. 107 and 108;*

*"Having heard the statements of the representative of Lebanon and of the representative of Israel concerning the grave attack committed against the civil International Airport of Beirut,*

*"Observing that the military action by the armed forces of Israel against the civil International Airport of Beirut was premeditated and of a large scale and carefully planned nature,*

*"Gravely concerned about the deteriorating situation resulting from this violation of the Security Council resolutions,*

*"Deeply concerned about the need to assure free uninterrupted international civil air traffic,*

*"1. Condemns Israel for its premeditated military action in violation of its obligations under the Charter and the cease-fire resolutions;*

*"2. Considers that such premeditated acts of violence endanger the maintenance of the peace;*

*"3. Issues a solemn warning to Israel that if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions;*

*"4. Considers that Lebanon is entitled to appropriate redress for the destruction it suffered, responsibility for which has been acknowledged by Israel."*

## THE QUESTION OF SOUTH WEST AFRICA

### INITIAL PROCEEDINGS

By letter<sup>588</sup> dated 24 January 1968 to the President of the Security Council, the representatives of Afghanistan, Algeria, Burundi, Cambodia, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic

<sup>580</sup> 1460th meeting (PV), pp. 6-12.

<sup>581</sup> 1460th meeting (PV), pp. 12-15, 16-27.

<sup>582</sup> 1461st meeting (PV), pp. 10, 11-16.

<sup>583</sup> 1461st meeting (PV), p. 98.

<sup>584</sup> 1461st meeting (PV), p. 98.

<sup>585</sup> 1462nd meeting (PV), pp. 2-5.

<sup>586</sup> 1462nd meeting (PV), p. 7.

<sup>587</sup> Resolution 262 (1968).

<sup>588</sup> S/8355.

Republic of), Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia referred to resolutions 2145 (XXI), 2324 (XXII) and 2325 (XXII) of the General Assembly, and requested an urgent meeting of the Security Council to consider the question of South West Africa. This question, it was stated, had assumed "a most serious and urgent dimension" following the decision of the Government of South West Africa to resume the "illegal" trial at Pretoria of thirty-five South West Africans in violation of their rights and of the international status of the Territory of South West Africa, and in persistent defiance of General Assembly resolutions on the question. It was noted particularly that the General Assembly, in its resolution 2324 (XXII), had condemned the illegal arrest, deportation and trial at Pretoria of the aforementioned South West Africans, and had called upon the Government of South Africa to discontinue forthwith their illegal trial and to release and repatriate them. The Member States, submitting the letter, urged the Security Council to take immediately effective and appropriate measures to ensure that the Government of South Africa complied with the General Assembly resolutions, and discontinued forthwith the illegal trial and released and repatriated the thirty-five South West Africans concerned. The representatives of Ceylon, Cyprus, Japan and Tunisia subsequently associated themselves with this request.<sup>589</sup>

At the 1387th meeting on 25 January 1968, before the adoption of the agenda, the President stated in reply to a point of order raised by the representative of Algeria on the question of credentials, that he would ask the Secretary-General to provide the Council with information on recent practice of the Council in regard to the credentials of all Council members.<sup>590</sup> The Council then proceeded to include the question in the agenda.<sup>591</sup> The question was considered at the 1387th meeting and at the 1390th to 1397th meetings, held from 25 January to 14 March 1968. The representative of Nigeria<sup>592</sup> and, subsequently, those of Chile, Colombia, Guyana, Indonesia, Nigeria, Turkey, United Arab Republic, Yugoslavia and Zambia were invited to participate in the discussion.<sup>593</sup>

At the 1387th meeting, the representative of Algeria stated that in calling for an urgent meeting of the Security Council on the question of South West Africa, the delegations of Africa and Asia showed their concern for the activities carried out by the South African authorities on a Territory over which they no longer had the power of legal administration. After recalling that the General Assembly had decided to assume direct responsibility for South West Africa, and had established the United

Nations Council for South West Africa, he observed that South Africa had refused to recognize, on the one hand, the abrogation of the mandate which it had earlier held, and, on the other hand, the authority of the United Nations Council for South West Africa. This was only a new version of the "contempt" that the South African authorities had always shown towards the United Nations. Their illegal arrest of thirty-five nationals of South West Africa violated the decision of the General Assembly. In point of fact, the inhabitants of South West Africa no longer came under the law or the authority of South Africa. The capital punishment with which those prisoners were threatened was meant to be the final test of the weakness of the United Nations. The lives of those thirty-five persons were in danger and they had to be protected because they constituted a trust that must be exercised by the United Nations. The Security Council should therefore take the necessary measures to secure their immediate release and allow them to return to their homes. Practical and concrete measures must also be devised to permit the United Nations fully and constantly to carry out its duties in the long run, and to lead South West Africa to total independence. The Security Council should reaffirm its authority and meet resolutely the deliberate challenge by the South African authorities.<sup>594</sup>

Decision of 25 January 1968 (1378th meeting):

- (i) *Condemning the refusal of the Government of South Africa to comply with the provisions of General Assembly resolution 2324 (XXII);*
- (ii) *Calling upon the Government of South Africa to discontinue forthwith the illegal trial at Pretoria of thirty-five South West Africans, and to release and repatriate the defendants concerned;*
- (iii) *Inviting all States to exert their influence in order to induce the Government of South Africa to comply with the provisions of the resolution*

At the 1387th meeting, the President (Pakistan) stated that as a result of the informal consultations on the course to be followed by the Council in connexion with the question of South West Africa before it, a general agreement had been reached on the text of a draft resolution which he read out to the Council.<sup>595</sup>

At the same meeting, the Council adopted<sup>596</sup> unanimously the draft resolution as read by the President of the Council.

The resolution<sup>597</sup> read:

*"The Security Council,*

*"Taking note of General Assembly resolution 2145 (XXI) of 27 October 1966, by which it terminated South Africa's Mandate over South West Africa and decided, inter alia, that South Africa has no right to administer the Territory and that henceforth South West Africa comes under the direct responsibility of the United Nations,*

*"Taking note further of General Assembly resolution 2324 (XXII) of 16 December 1967, in which the Assembly condemned the illegal arrest, deportation and trial at Pretoria of thirty-seven South West Africans, as a flagrant violation by the Government of South*

<sup>589</sup> S/8355, Add.1 and Add.2, OR, 23rd yr., Suppl. for Jan.-Mar. 1968, pp. 71-72.

<sup>590</sup> For discussion of the question of credentials, see chapter I, part II, Case 6.

<sup>591</sup> 1387th meeting (PV), p. 22.

<sup>592</sup> 1387th meeting (PV), p. 22.

<sup>593</sup> 1391st meeting (PV), pp. 3-5, 1392nd meeting (PV), pp. 3-5.

<sup>594</sup> 1387th meeting (PV), pp. 31-36.

<sup>595</sup> 1387th meeting (PV), pp. 111-115.

<sup>596</sup> 1387th meeting (PV), pp. 112-115.

<sup>597</sup> Resolution 245 (1968).

Africa of their rights, of the international status of the Territory and of General Assembly resolution 2145 (XXI),

"*Gravely concerned* that the Government of South Africa has ignored world public opinion so overwhelmingly expressed in General Assembly resolution 2324 (XXII) by refusing to discontinue this illegal trial and to release and repatriate the South West Africans concerned,

"*Taking into consideration* the letter of 23 January 1968 from the President of the United Nations Council for South West Africa (S/8353),

"*Noting with great concern* that the trial is being held under arbitrary laws whose application has been illegally extended to the Territory of South West Africa in defiance of General Assembly resolutions,

"*Mindful* of the grave consequences of the continued illegal application of these arbitrary laws by the Government of South Africa to the Territory of South West Africa,

"*Conscious* of the special responsibilities of the United Nations towards the people and the Territory of South West Africa,

"1. *Condemns* the refusal of the Government of South Africa to comply with the provisions of General Assembly resolution 2324 (XXII);

"2. *Calls upon* the Government of South Africa to discontinue forthwith this illegal trial and to release and repatriate the South West Africans concerned;

"3. *Invites* all States to exert their influence in order to induce the Government of South Africa to comply with the provisions of the present resolution;

"4. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to report thereon to the Security Council at the earliest possible date;

"5. *Decides* to remain actively seized of the matter."

**Decision** of 14 March 1968 (1397th meeting):

- (i) *Censuring the Government of South Africa for its flagrant defiance of Security Council resolution 245 (1968) as well as of the authority of the United Nations of which South Africa is a Member;*
- (ii) *Demanding that the Government of South Africa forthwith release and repatriate the South West Africans concerned;*
- (iii) *Calling upon Members of the United Nations to co-operate with the Security Council, in pursuance of their obligations under the Charter, in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;*
- (iv) *Urging Member States who are in a position to contribute to the implementation of the present resolution to assist the Security Council in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;*
- (v) *Deciding that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon effective steps or measures in conformity with the relevant provisions of the Charter of the United Nations*

By letter <sup>598</sup> dated 12 February 1968 addressed to the President of the Security Council, the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia, members of the United Nations Council for South West Africa, referred to Security Council resolution 245 (1968) and requested an urgent meeting of the Security Council to consider the situation resulting from the continuation of the illegal trial of thirty-four South West Africans, and the sentences on thirty-three of them in defiance of General Assembly resolution 2324 (XXII) and Security Council resolution 245 (1968).

By letter <sup>599</sup> dated 12 February 1968, the representatives of Afghanistan, Algeria, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Iraq, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Sudan, Syria, Tanzania, Thailand, Togo, Tunisia, Uganda, Upper Volta and Yemen supported the request to convene an urgent meeting of the Security Council made by the representatives of the eleven members of the United Nations Council for South West Africa. The representatives of Congo (Brazzaville), Jamaica, Madagascar, Singapore and Somalia subsequently associated themselves with this request.<sup>600</sup>

At the 1391st meeting on 16 February 1968, the Security Council included both letters in its agenda,<sup>601</sup> and considered the question at the 1391st to 1397th meetings, held from 16 February to 14 March 1968. The representatives of Chile, Colombia, Guyana, Indonesia, Nigeria, Turkey, United Arab Republic, Yugoslavia and Zambia were invited to participate in the discussion.<sup>602</sup> At the 1391st meeting, the representative of Pakistan stated that the Security Council had a clear duty to condemn the Government of South Africa for its defiance of the resolution 245 (1968). South Africa should be called upon to revoke immediately the sentences it had passed on the South West Africans concerned, and to release and repatriate them without delay. Members requesting the meetings as well as other members who supported their request and Member States in general hoped that the Security Council would take early and effective action to deal with the situation created by the defiance by South Africa of the Council resolution, and that all Member States, under the obligation they have assumed in accordance with the Charter to respect and give effect to the decisions of the Council, and in particular those Members which maintained relations with South Africa, would use all their influence to make South Africa comply with the obligations of its United Nations membership. The Security Council should further emphasize that continued refusal by South Africa to implement the resolution of the Security Council would oblige the latter to take more drastic steps envisaged in the Charter in order to secure compliance. To this end, the Secretary-General should

<sup>598</sup> S/8397, O.R., 23rd yr., Suppl. for Jan.-Mar. 1968, pp. 177, 178.

<sup>599</sup> S/8398.

<sup>600</sup> S/8398 and Add.1/Rev.1 and Add.2, O.R., 23rd yr., Suppl. for Jan.-Mar. 1968, pp. 178, 179.

<sup>601</sup> 1391st meeting (PV), p. 2.

<sup>602</sup> 1391st meeting (PV), pp. 3-5; 1392nd meeting (PV), pp. 3-5.

be requested to follow closely the implementation of any action the Council may take, and to report by a specified early date. The Council should remain actively seized of the matter. It was the view of the Government of Pakistan that the Government of South Africa would not see reason except by the adoption by the Council of enforcement measures envisaged in Chapter VII of the Charter.<sup>603</sup>

The representative of Senegal held that the sentence passed on the thirty-three South West African nationals by the Supreme Court of Pretoria amply proved that the South African authorities did not intend to honour their obligations under the Charter. This illegal sentence had quite rightly aroused the indignation of the international community. The Security Council, in the face of South African defiance, should act speedily and effectively. It should appeal to South Africa to set free the political prisoners. But it must go further and demand from the Government of South Africa that it heed United Nations decisions. If such demands were ignored, the Security Council should resort to enforcement measures under Chapter VII of the Charter. The great Powers, which have special responsibilities under the Charter, must co-operate in ensuring that the Council's decisions were respected. South Africa would then understand that Member States were prepared to act in unison to enable the United Nations to administer South West Africa effectively and to assist the people of that Territory to accede to independence.<sup>604</sup>

The representative of Ethiopia observed that it was obvious that in refusing to abide by Security Council resolution 245 (1968), the Government of South Africa had in fact refused to carry out a specific decision of the Security Council. Thus any action which the Council would contemplate should be based on the recognition of the fact that what was involved were the provisions of Article 25 of the Charter. The Council should therefore consider the possibility of invoking more effective action on the basis of Article 25 to ascertain that South Africa carried out the provisions of Security Council resolution 245 (1968).<sup>605</sup>

In the view of the representative of Algeria, an alternative open for the Council's future action was the adoption of provisional measures under Article 40 of the United Nations Charter. The Security Council should eventually make full use of the enforcement possibilities enshrined in the Charter. In this connexion, special attention should be paid to measures which, in the first stage, could support preventive action while contributing to the creation of conditions indispensable for long-term action. And as to the latter, it would be necessary to be mindful of the provisions of Article 5 of the Charter, whose long-term effects would enable the Organization to pave the way towards a solution by which direct responsibilities over the Territory of South West Africa would be assumed by the United Nations.<sup>606</sup>

At the 1394th meeting on 29 February 1968, the President (Paraguay) informed the Security Council that a draft resolution<sup>607</sup> had been submitted by the delega-

tions of Algeria, Brazil, Ethiopia, India, Pakistan, Paraguay and Senegal. Under the seven-Power draft resolution, the Security Council would, *inter alia*, censure the Government of South Africa for its defiance of the Security Council resolution 245 (1968) and of the authority of the United Nations; demand that the Government of South Africa forthwith release and repatriate the South West Africans concerned; call upon Member States to co-operate with the Security Council, in fulfilment of their obligations under the Charter, to ensure compliance by the Government of South Africa with the present resolution; and decide that in the event of failure on the part of South Africa to comply with the present resolution, which "will be in violation of Article 25 of the Charter", it would meet immediately to decide on the application of effective measures as envisaged in the Charter.

The representative of the United Kingdom, after referring to the joint draft resolution and to previous discussions on the desirability of consultations, moved that the Council adjourn to allow for further consultations among members.<sup>608</sup>

In the absence of objection to the motion, the President adjourned the meeting<sup>609</sup> with an appeal that the proposed informal consultations be undertaken with urgency.

When the Council met again at the 1395th meeting on 4 March 1968, the representative of Pakistan introduced the seven-Power draft resolution, and commented on its provisions, including that which envisaged more effective measures to be taken by the Council in case of failure by the Government of South Africa to implement the provisions of that joint resolution which, under the draft resolution, was a violation of Article 25 of the Charter. He noted in this connexion that it was obviously for the Security Council itself to decide what particular course of action to take under the Charter. The sponsors of the draft, however, were convinced that, in that event, the Council should not exclude from its consideration the application of appropriate measures under Chapter VII and other Articles of the Charter which were relevant to situations in which a Member State had persistently violated the principles of the Charter. The draft resolution was nevertheless couched in terms which its sponsors believed would not necessarily bind any member of the Security Council in advance to action under Chapter VII of the Charter.<sup>610</sup>

At the 1397th meeting on 14 March 1968, the President (Senegal) stated that, after many consultations with Council members, he was in a position to put before it a text of a draft resolution<sup>611</sup> on which he believed there could be a unanimous vote.<sup>612</sup>

At the same meeting, the draft resolution was adopted unanimously.<sup>613</sup> The resolution<sup>614</sup> read:

*"The Security Council,*

*"Recalling its resolution 245 (1968) of 25 January 1968, by which it unanimously condemned the refusal*

<sup>603</sup> 1391st meeting (PV), pp. 21-22.

<sup>604</sup> 1391st meeting (PV), pp. 23-27.

<sup>605</sup> 1392nd meeting (PV), pp. 23-26.

<sup>606</sup> 1392nd meeting (PV), pp. 31-37.

<sup>607</sup> S/8429, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, pp. 198 and 199.

<sup>608</sup> 1394th meeting (PV), p. 6.

<sup>609</sup> *Ibid.*, p. 7.

<sup>610</sup> 1395th meeting (PV), pp. 13 and 18-20.

<sup>611</sup> S/8429, see footnote 607 above.

<sup>612</sup> 1397th meeting (PV), p. 6.

<sup>613</sup> 1397th meeting (PV), p. 11.

<sup>614</sup> Resolution 246 (1968).

of the Government of South Africa to comply with the provisions of General Assembly resolution 2324 (XXII) of 16 December 1967 and further called upon the Government of South Africa to discontinue forthwith the illegal trial and to release and repatriate the South West Africans concerned,

"*Taking into account* General Assembly resolution 2145 (XXI) of 27 October 1966 by which the General Assembly of the United Nations terminated the Mandate of South Africa over South West Africa and assumed direct responsibility for the Territory until its independence,

"*Reaffirming* the inalienable right of the people and Territory of South West Africa to freedom and independence in accordance with the Charter of the United Nations and with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,

"*Mindful* that Member States shall fulfil all their obligations as set forth in the Charter,

"*Distressed* by the fact that the Government of South Africa has failed to comply with Security Council resolution 245 (1968),

"*Taking into account* the memorandum of the United Nations Council for South West Africa of 25 January 1968 on the illegal detention and trial of the South West Africans concerned and the letter of 10 February 1968 from the President of the United Nations Council for South West Africa,

"*Reaffirming* that the continued detention and trial and subsequent sentencing of the South West Africans constitute an illegal act and a flagrant violation of the rights of the South West Africans concerned, the Universal Declaration of Human Rights and the international status of the Territory now under direct United Nations responsibility,

"*Cognizant* of its special responsibility towards the people and the Territory of South West Africa,

"1. *Censures* the Government of South Africa for its flagrant defiance of Security Council resolution 245 (1968) as well as of the authority of the United Nations of which South Africa is a Member;

"2. *Demands* that the Government of South Africa forthwith release and repatriate the South West Africans concerned;

"3. *Calls upon* States Members of the United Nations to co-operate with the Security Council, in pursuance of their obligations under the Charter, in order to obtain compliance by the Government of South Africa with provisions of the present resolution;

"4. *Urges* Member States who are in a position to contribute to the implementation of the present resolution to assist the Security Council in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

"5. *Decides* that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon effective steps or measures in conformity with the relevant provisions of the Charter of the United Nations;

"6. *Requests* the Secretary-General to follow closely the implementation of the present resolution and to

report thereon to the Security Council not later than 31 March 1968;

"7. *Decides* to remain actively seized of the matter."

## COMPLAINT BY THE UNITED STATES

(*Pueblo incident*)

### INITIAL PROCEEDINGS

By letter <sup>615</sup> dated 25 January 1968 addressed to the President of the Security Council, the representative of the United States requested that a Council meeting be urgently convened to consider "the grave threat to peace which has been brought about by a series of increasingly dangerous and aggressive military actions by North Korean authorities in violation of the Armistice Agreement, of international law and of the Charter of the United Nations". In the letter, it was further stated that, on 23 January, North Korea had "wilfully committed an act of wanton lawlessness" against a naval vessel of the United States. The *USS Pueblo*, while operating in international waters, had been illegally seized by armed North Korean vessels, and the ship and crew were still under forcible detention by North Korean authorities. This North Korean action against a United States naval vessel on the high seas, and the series of North Korean armed raids across the demilitarized zone into the Republic of Korea had created a grave and dangerous situation which required the urgent consideration of the Security Council.

At the 1388th meeting on 26 January 1968, the Council decided, after objections had been made, to include the question in its agenda.<sup>616</sup> The question was considered by the Council at its 1388th and 1389th meetings, held on 26 and 27 January 1968, respectively.

**Decision** of 27 January 1968 (1389th meeting):

#### *Adjournment*

At the 1388th meeting on 26 January 1968, the representative of the United States stated that a virtually unarmed vessel of the United States, sailing on the high seas, had been seized on 23 January 1968 by armed North Korean patrol boats, and her crew forcibly detained. Such a "warlike action" carried an obvious danger to peace. Besides, a party of armed raiders infiltrated from North Korea had been intercepted when they invaded the South Korean capital city of Seoul with the admitted assignment of assassinating the President of the Republic of Korea. That event climaxed a campaign by the North Korean authorities, over the past eighteen months, of steadily growing infiltration, sabotage and terrorism in flagrant violation of the Korean Armistice Agreement of 1953. Both lines of action, which stemmed from North Korea, were aimed against peace and security in Korea, violating the United Nations Charter and international law. These grave developments were brought to the attention of the Security Council in the hope that the Council, which had the primary responsibility for the maintenance of international peace and security, would act promptly to remove the danger they constituted to international peace and security.

<sup>615</sup> S/8360, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, p. 140.

<sup>616</sup> 1388th meeting (PV), pp. 16-20.

This danger would be removed if action was taken forthwith to secure the release of the *USS Pueblo* and its eighty-three man crew, to bring to an end the pattern of armed transgressions by North Korea against the Republic of Korea and to restore to full vigour and effectiveness the Korean Armistice Agreement.<sup>617</sup>

The representative of the USSR maintained that the charges levelled by the United States against the Democratic People's Republic of Korea were unfounded and that the aggressor in Korea was not the Democratic People's Republic but, rather, those who invaded the soil of the Korean people. The current aggravation of tension in Korea was a result of the aggressive acts undertaken by the United States and South Korean armed forces, on land and on the sea, against the Democratic People's Republic of Korea, the main source of tension in Korea being the continuing presence on the territory of South Korea of United States armed forces. It was well known that on the Demarcation Line in Korea, on the 38th parallel, there were systematic incidents and troubles. After citing a number of violations by the United States and South Korean armed forces of the Armistice Agreement from its conclusion in July 1953 to September 1967, the USSR representative stressed that it was necessary to withdraw all United States and other foreign forces from the territory of South Korea and to give the Korean people, at long last, the right to settle its own affairs by itself. Turning to the United States version of the events linked to the detention of the *USS Pueblo*, he remarked that the representative of the United States did not mention the statement of the captain of the vessel when it was detained by a North Korean ship. The captain left no doubt about the intrusion of the *Pueblo* into the territorial waters of the Democratic People's Republic of Korea, or about the hostile aims with which that vessel penetrated the territorial waters of the Republic in violation of its territorial integrity and sovereignty, and that it was engaged in espionage activities. It was obvious that the detention of a foreign military vessel in the territorial waters of any State came within the internal jurisdiction of that State. Consequently, it was not for the Security Council to consider such matters.<sup>618</sup>

At the 1389th meeting on 27 January 1968, the representative of Ethiopia stated that the Council was at a great disadvantage for not having verified information on what actually happened, and suggested that it should initiate an investigation of the incident involved. To enable the Council to obtain first-hand submissions from all sides, he further suggested that an invitation be extended to North Korea, as a party to the dispute, to take its full part in the carrying out of the investigation and to appear and present its case before the Council while this item was being discussed.<sup>619</sup>

The representative of Canada suggested that in order to bring the influence of diplomacy to bear in the grave situation considered by the Council, it would be advisable to undertake urgent consultations among the members of the Security Council before its next meeting.<sup>620</sup>

After further deliberation, the President (Pakistan) referred to the suggestion of the representative of Canada and stated that since there were no objections, he would adjourn the meeting until 29 January, in the afternoon, in order to permit consultations among the Council members.<sup>621</sup>

The question remained on the list of matters of which the Security Council is seized.<sup>622</sup>

## COMPLAINT BY HAITI

### INITIAL PROCEEDINGS

By letter <sup>623</sup> dated 21 May 1968, the representative *ad interim* of Haiti requested the President of the Security Council to convene the Council, as soon as possible, to consider a situation created by an "armed aggression" against Haiti which threatened international peace and security, and that appropriate measures be taken in accordance with Article 39 of the Charter of the United Nations. In the letter, reference was made to an earlier letter <sup>624</sup> dated 20 May 1968 addressed to the Secretary-General, in which the latter had been requested, in pursuance of Articles 99 and 39 of the Charter of the United Nations, to draw the Security Council's attention to this situation which threatened not only Haiti's internal security but also international peace and security.

At the 1427th meeting on 27 May 1968, the Council, after including <sup>625</sup> the item on its agenda, invited <sup>626</sup> the representative of Haiti to participate in the discussion. The question was considered by the Council at that meeting.

**Decision of 27 May 1968 (1427th meeting):**

#### *Adjournment*

At the 1427th meeting, the representative of Haiti stated that over the years a series of repeated acts of aggression had been committed against his country, and that they had been carried out from outside creating a situation which might lead to international friction in the sense of Articles 34 and 35 of the Charter. These acts of aggression had reached their climax on 20 May and had been directed against the territorial integrity and political independence of Haiti, in violation of Article 2, paragraph 4, of the Charter. He maintained that this invasion of Haiti had been planned by exiles residing in the United States, and executed by American pilots living in the Bahamas. Furthermore, the invasion could not have been carried out without the tolerance of certain United Nations Members. Those acts of "international brigandage", coupled with the serious political crisis prevailing in the Caribbean area, constituted a threat to the peace of the hemisphere and the world. The Government of Haiti consequently requested the immediate cessation of activities infringing upon Haiti's territorial integrity and national sovereignty; the punishment of

<sup>621</sup> 1389th meeting (PV), p. 57.

<sup>622</sup> For retention of the item on the Secretary-General's summary statement on matters of which the Security Council is seized, see chapter II, p. 53, No. 153.

<sup>623</sup> S/8593, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 168-169.

<sup>624</sup> S/8592, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 167-168.

<sup>625</sup> 1427th meeting (PV), p. 2.

<sup>626</sup> 1427th meeting (PV), p. 2.

<sup>617</sup> 1388th meeting (PV): United States, pp. 23-41.

<sup>618</sup> 1388th meeting (PV): USSR, pp. 42-66.

<sup>619</sup> 1389th meeting, para. 22.

<sup>620</sup> 1388th meeting (PV), p. 12; 1389th meeting (PV), pp. 23-25.



those who, contrary to international agreements and the Charters of the Organization of American States and the United Nations, used the territories of certain countries, principally the United States and some islands of the Caribbean, for their criminal actions; the necessary measures by the Council to prevent repetition of acts infringing upon the fundamental rights of the Republic of Haiti, its Government and its people, and impeding the development and progress of Haiti in the community of nations; and that the guilty parties be compelled to pay the Government of Haiti and its people equitable reparations for the loss of life and destruction of property.<sup>627</sup>

The representative of the United States stated that his Government was always ready to investigate all information indicating activities on its soil allegedly directed against the Government of Haiti and which might involve a violation of United States law. It had taken action in every case to punish any violation found. However, his Government could only proceed on the basis of established facts. Haiti's Government had been immediately requested to supply the maximum information available concerning the events of 20 May, but that request had remained unanswered. From information received and from statements made by the Government of Haiti, it was the United States Government's understanding that the situation was fully under control. In the circumstances, the most appropriate course would be for Haiti to pursue the matter with any Government it deemed necessary. The United States remained prepared to co-operate, as in the past, with the Government of Haiti in such an effort, and to take whatever action may be appropriate in the light of the facts that might be ascertained.<sup>628</sup>

The President (United Kingdom) drew the Council's attention to two communications received through the Secretary-General from the permanent representatives of Jamaica<sup>629</sup> and the Dominican Republic,<sup>630</sup> respectively. The letter of the representative of Jamaica stated that his country was not associated in any respect with aircraft that attacked the Republic of Haiti, while the letter from the representative of the Dominican Republic stated that his Government maintained a position of complete neutrality and non-intervention in the matter. The President, in his capacity as representative of the United Kingdom, also made a statement to the effect that after careful investigations, the Governor of the Bahamas had reported that there was no positive evidence of any flights to Haiti from the islands' territories such as had been alleged.<sup>631</sup>

At the end of the 1427th meeting, the President (United Kingdom) adjourned the meeting after stating that he would, after consultation with members of the Council, announce the time of the next meeting on the question in due course.<sup>632</sup>

The question remained on the list of matters of which the Security Council is seized.<sup>633</sup>

#### QUESTION OF SAFEGUARDS TO NON-NUCLEAR-WEAPON STATES PARTIES TO THE NON-PROLIFERATION TREATY

##### INITIAL PROCEEDINGS

By letter<sup>634</sup> dated 12 June 1968 addressed to the President of the Security Council, the representatives of the USSR, the United Kingdom and the United States requested an early meeting of the Council to consider a draft resolution jointly submitted by them in response "to the desire of many Members that appropriate measures be taken to safeguard their security in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons". In the letter, reference was also made to General Assembly resolution 2373 (XXII), adopted on the same date, commending the Treaty on the Non-Proliferation of Nuclear Weapons and expressing the hope for the widest possible adherence to the Treaty by both nuclear-weapon and non-nuclear-weapon States.

At the 1430th meeting on 17 June 1968, the Council included the item in its agenda,<sup>635</sup> and considered it at the 1430th, 1431st and 1433rd meetings, held between 17 and 19 June 1968.

**Decision of 19 June 1968 (1433rd meeting):**

- (i) Recognizing *that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon States permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;*
- (ii) Welcoming *the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;*
- (iii) Reaffirming *in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.*

At the 1430th meeting on 17 June 1968, the representatives of the USSR,<sup>636</sup> the United Kingdom,<sup>637</sup> and the United States<sup>638</sup> made statements in the course of which they referred to a draft resolution<sup>639</sup> jointly submitted on the question, and made identical declarations to the

<sup>627</sup> 1427th meeting (PV), pp. 2-31.

<sup>628</sup> 1427th meeting (PV), p. 32.

<sup>629</sup> 1427th meeting (PV), p. 36.

<sup>630</sup> 1427th meeting (PV), pp. 36-37.

<sup>631</sup> 1427th meeting (PV), pp. 37-38.

<sup>632</sup> 1427th meeting (PV), p. 38.

<sup>633</sup> For retention of the item on the Secretary-General's summary statement on matters of which the Security Council is seized, see chapter II, p. 53, No. 155.

<sup>634</sup> S/8630, *O.R.*, 23rd yr., *Suppl. for April-June 1968*, pp. 216-218.

<sup>635</sup> 1430th meeting (PV), p. 6.

<sup>636</sup> 1430th meeting (PV), pp. 11-15.

<sup>637</sup> 1430th meeting (PV), pp. 17-20.

<sup>638</sup> 1430th meeting (PV), pp. 22-25.

<sup>639</sup> S/8631, same text as resolution 255 (1968).



effect that they, as permanent members of the Security Council, affirm their intention that in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear weapon State, party to the Non-Proliferation Treaty, they would seek immediate action through the Council to provide assistance, in accordance with the United Nations Charter, to such a State. The declarations also included a reaffirmation of the inherent right, recognized in Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurred against a Member of the United Nations, until the Security Council had taken measures necessary to maintain international peace and security.

At the end of the discussion,<sup>640</sup> at the 1433rd meeting, the three-Power draft resolution was adopted by 10 votes to none with 5 abstentions.<sup>641</sup>

The resolution<sup>642</sup> read as follows:

*"The Security Council,*

*"Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,*

*"Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safeguard their security,*

*"Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,*

*"1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;*

*"2. Welcomes the intention expressed by certain States that they will provide or support immediate assistance in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;*

*"3. Reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council, has taken measures necessary to maintain international peace and security."*

<sup>640</sup> For the consideration of the provisions of Chapter VII in general, see chapter XI, Case 12; for the discussion of the provisions of Article 51, see *ibid.*, Case 11.

<sup>641</sup> 1433rd meeting (PV), p. 46.

<sup>642</sup> Resolution 255 (1968).

The question remained on the list of matters of which the Security Council is seized.<sup>643</sup>

## SITUATION IN CZECHOSLOVAKIA

### INITIAL PROCEEDINGS

By letter<sup>644</sup> dated 21 August 1968, the permanent representatives of Canada, Denmark, France, Paraguay, the United Kingdom and the United States requested the President of the Security Council to convene an urgent meeting of the Council to consider "the present serious situation in the Czechoslovak Socialist Republic".

At the 1441st meeting on 21 August 1968, before the adoption of the agenda, the representative of the USSR, speaking on a point of order, read the text of a letter<sup>645</sup> which he had addressed to the President of the Security Council opposing the consideration of the question by the Security Council.<sup>646</sup>

At the same meeting, the Council decided by 13 votes in favour and 2 against to include the question in its agenda.<sup>647</sup>

At the same meeting, the representative of Czechoslovakia was invited to take part in the discussion.<sup>648</sup> At subsequent meetings, the Council also invited the representatives of Bulgaria,<sup>649</sup> Poland<sup>650</sup> and Yugoslavia<sup>651</sup> to participate in the debate. At the 1445th meeting, a proposal by the representative of the USSR that the representative of the German Democratic Republic be invited to participate in the debate was put to the vote and rejected.<sup>652</sup>

**Decision of 22 August 1968 (1443rd meeting):**

*Rejection of the draft resolution submitted by Brazil, Canada, Denmark, France, Paraguay, Senegal, the United Kingdom and the United States*

At the 1441st meeting, the representative of Czechoslovakia\* quoted several messages from the Minister of Foreign Affairs of Czechoslovakia containing statements by various Czechoslovak Government and Communist Party organs, to the effect that on 20 August, troops of the USSR, Poland, Hungary, Bulgaria and the German Democratic Republic had crossed the borders of Czechoslovakia in contravention not only of principles of relations among socialist States and the Warsaw Treaty but also of the fundamental norms of international law. Accordingly, his Government had protested to the five aforementioned Governments and requested, among other things, that the armies of those Warsaw Treaty

<sup>643</sup> For retention of the item on the Secretary-General's summary statement on matters of which the Security Council is seized, see chapter II, p. 54, No. 156.

<sup>644</sup> S/8758, OR, 23rd yr., Suppl. for July-Sept. 1968, p. 136.

<sup>645</sup> S/8759, OR, 23rd yr., Suppl. for July-Sept. 1968, p. 136.

<sup>646</sup> For the discussion on the inclusion of the item on the agenda, see chapter II, Cases 2a, 3.

<sup>647</sup> 1441st meeting (PV), pp. 58-60. For the question of circulation of communication in connexion with this question, see chapter II, Case 2.

<sup>648</sup> 1441st meeting (PV), p. 66.

<sup>649</sup> 1442nd meeting (PV), pp. 48-50.

<sup>650</sup> 1443rd meeting (PV), pp. 2-5.

<sup>651</sup> 1444th meeting (PV), pp. 18-20.

<sup>652</sup> 1445th meeting (PV), p. 92. For discussion of the question of invitation, see chapter III, Case 5.

countries be withdrawn from the territory of Czechoslovakia, and that the members of the Government who were detained be set free.<sup>653</sup>

The representative of the United States noted that the statements of the representative of Czechoslovakia had demonstrated the need for the Security Council to take appropriate action to restore peace and to redress the violations of the United Nations Charter which had occurred. He also stated that the Council, which, under the Charter, was the body primarily responsible for the maintenance of international peace and security, should take immediate action in the interests of world peace, and call upon the USSR and its Warsaw Pact allies to remove their troops from Czechoslovak soil and to cease interfering in that country in a manner contrary to the principles of international law relating to sovereignty and self-determination of States.<sup>654</sup>

The representative of the USSR contended that the question of Czechoslovakia was an internal affair of that country and "the common cause and affair of its partners in the socialist community under the Warsaw Treaty". He further held that there was a dangerous conspiracy of the forces of internal and external reaction to restore the order in that country which had been brought down by the socialist revolution. In view of this direct threat, a group of members of the Central Committee of the Czechoslovak Communist Party, of the Government and of the National Assembly, had addressed an appeal to allied States, members of the Warsaw Treaty, for immediate assistance through armed force. After reading the text of the appeal, the representative of the USSR maintained that the decision of the Czechoslovak side and the actions of the Warsaw Pact nations were in full conformity with the right of States to individual and collective self-defence provided for in treaties of alliance concluded between the socialist countries, and also with the provisions of the United Nations Charter. He further noted that the Soviet Government had officially stated that Soviet troops would immediately be withdrawn from Czechoslovakia as soon as the existing threat to the achievements of socialism in that country, and to the security of the countries of the Socialist community, would be "dispelled", and as soon as the legitimate authorities would decide that the further presence of those armed forces in Czechoslovakia was not required. He asserted that those military measures were not directed against any State or against the independence and sovereignty of Czechoslovakia, or any other country. They served only the cause of peace and were directed towards the strengthening of peace. Therefore, in accordance with Article 2, paragraph 7, the Security Council should not interfere in the internal affairs of Czechoslovakia. Moreover, the representatives of Czechoslovakia had not appealed to the Council for such intervention.<sup>655</sup>

The representative of the United States disputed the contention of the USSR representative that the invasion of Czechoslovakia was an internal matter for Czechoslovakia, since there had not been any request or permission from the Government of Czechoslovakia for such interference. He added that the Soviet representative had not been able to document the fact that there was

any such request. The statement which he had read before the Council was from a nameless group, and he had not been able to disclose the signers of that statement who were certainly not the members of the Czechoslovak Government.<sup>656</sup>

At the 1442nd meeting on 22 August 1968, the representative of Denmark introduced a draft resolution<sup>657</sup> which was jointly sponsored by Brazil, Canada, France, Paraguay, the United Kingdom and the United States. Senegal was later added<sup>658</sup> to the list of co-sponsors of the draft resolution according to which the Security Council would: (1) affirm that the sovereignty, political independence and territorial integrity of the Czechoslovak Socialist Republic must be fully respected; (2) condemn the armed intervention of the USSR and other members of the Warsaw Pact in the internal affairs of Czechoslovakia, and call upon them to take no action of violence or reprisal that could result in further suffering or loss of life, forthwith to withdraw their forces, and to cease all other forms of intervention in Czechoslovakia's internal affairs; (3) call upon Member States of the United Nations to exercise their diplomatic influence upon the USSR and the other countries concerned with a view to bringing about prompt implementation of this resolution; and (4) request the Secretary-General to transmit this resolution to the countries concerned, to keep the situation under constant review, and to report to the Council on compliance with this resolution.

At the 1443rd meeting on 22/23 August 1968, the eight-Power draft resolution was voted upon and failed of adoption. The vote was 10 in favour, 2 against and 3 abstentions (one of the negative votes being that of a permanent member of the Council).<sup>659</sup>

At the same meeting, the representative of Canada submitted a draft resolution<sup>660</sup> which was jointly sponsored with Brazil, Denmark, France, Paraguay, Senegal, United Kingdom and the United States. Under the terms of the draft resolution, the Security Council would request the Secretary-General of the United Nations to appoint and despatch immediately to Prague a Special Representative who would seek the release and ensure the personal safety of the Czechoslovak leaders under detention and who would report back to the Council urgently.

At the 1444th meeting on 23 August 1968, the representative of the USSR objected to the draft resolution on the ground that it was a direct intervention in the internal affairs of a Member State of the United Nations.<sup>661</sup>

The joint draft resolution was further discussed but was not put to the vote.<sup>662</sup>

At the 1445th meeting on 24 August 1968, the representative of Czechoslovakia stated that "the act of use of force" by the Governments whose armed units had occupied his country could not be justified on any

<sup>653</sup> 1441st meeting (PV), pp. 66-67.

<sup>654</sup> 1441st meeting (PV), pp. 77-87.

<sup>655</sup> 1441st meeting (PV), pp. 101-135.

<sup>656</sup> 1441st meeting (PV), p. 136.

<sup>657</sup> S/8761, 1442nd meeting (PV), p. 17.

<sup>658</sup> S/8761/Add.1, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, p. XIV.

<sup>659</sup> 1443rd meeting (PV), pp. 163-165.

<sup>660</sup> S/8767, 1443rd meeting (PV), p. 168.

<sup>661</sup> 1444th meeting (PV), pp. 7-10.

<sup>662</sup> For discussion of the proposal, see chapter V, Case 3.

grounds. No request had been made by the Czechoslovak Government for the military occupation; neither could it be justified on the grounds of concern for Czechoslovak security or alleged danger of counter-revolution. He added that too much harm had been done already and it was an urgent responsibility to prevent further harm being done. He expressed the hope that the current negotiations undertaken by the Czechoslovak President and his delegation in Moscow might contribute to that end. In the meantime, notwithstanding the non-fulfilment by the five socialist countries concerned of their obligations towards Czechoslovakia, his country continued to abide by the principles, aims and objectives of its socialist foreign policy, including co-operation with socialist countries, peaceful coexistence, and support for the progressive efforts of people throughout the world against colonialism, imperialism and any aggression. That policy gave Czechoslovakia every right to oppose "such disrespect for international obligations where we ourselves are involved". On the basis of these principles, the Czechoslovak Government had demanded that the foreign troops leave its territory without delay and that its sovereignty be fully restored. It was the view of his Government that the functions of its constitutional and political organs must be fully respected and that all acts of occupation organs were illegal. The position he had set forth, he

added, could constitute a basis for a future solution. The reaching of that solution, his Government was fully aware, lay squarely with the Governments of the five socialist countries concerned, in negotiation with the constitutional authorities of Czechoslovakia. However, the Council, having discussed the problem, could contribute to its solution by creating the favourable atmosphere for reaching it and for creating a basis for a solution such as he had outlined.

At the conclusion of the 1445th meeting on 24 August 1968, the President (Brazil) after saying that a substantial number of delegations had indicated their desire that the Council should reconvene urgently to resume the consideration of the item, of which the Council remained seized, stated<sup>663</sup> that, unless otherwise decided after informal consultations, the Council would meet on 26 August 1968. There being no objection, the meeting was adjourned.

The question remained on the list of matters of which the Security Council is seized.<sup>664</sup>

<sup>663</sup> 1445th meeting (PV), p. 123.

<sup>664</sup> S/8933, 16 December 1968, item 78. For a subsequent request by the Acting Permanent Representative of Czechoslovakia that the item be withdrawn from the Council's agenda, see chapter II, foot-note 41.



**Chapter IX**

**DECISIONS IN THE EXERCISE OF OTHER FUNCTIONS AND POWERS**

## NOTE

Decisions of the Security Council relative to recommendations to the General Assembly regarding the admission of new Members have been dealt with in chapter VII, and the decisions on questions considered under the Council's responsibility for the maintenance of international peace and security in chapter VIII. During the period under review, no decision has been taken by the Council in the exercise of other functions and powers under the Charter.<sup>1</sup>

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<sup>1</sup> With the exception of decisions concerning the relations of the Security Council with other organs of the United Nations, arising from Articles 12, 93 (2) and 97 of the Charter. For these decisions, see chapter VI.

**Chapter X**

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

## CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE . . . . .	181
PART I. CONSIDERATION OF THE PROVISIONS OF ARTICLE 33 OF THE CHARTER	
Note . . . . .	182
PART II. CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER	
Note . . . . .	185
PART III. APPLICATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER	
Note . . . . .	187
Tabulation of questions submitted to the Security Council (1966-1968). . . . .	188
PART IV. CONSIDERATION OF THE PROVISIONS OF ARTICLES 36-38 AND OF CHAPTER VI IN GENERAL	
Note . . . . .	194



## INTRODUCTORY NOTE

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

The material in this chapter constitutes only part of the material relevant to the examination of the operation of the Council under Chapter VI of the Charter, since the procedures of the Council reviewed in chapters I-VI, in so far as they relate to the consideration of disputes and situations, should be regarded as integral to the application of Chapter VI of the Charter. Chapter X is limited to presenting the instances of deliberate consideration by the Council of the relation of its proceedings or of measures proposed to the text of Chapter VI.

The case histories on each question require to be examined within the context of the chain of proceedings on the question presented in chapter VIII.

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

#### "Article 33

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

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

#### "Article 34

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

#### "Article 35

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

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

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

#### "Article 36

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

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

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

#### "Article 37

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

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

#### "Article 38

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

<sup>1</sup> Chapter VIII, pp. 97-104.

## Part I

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

## NOTE

During the period under review, communications submitting disputes or situations to the Security Council and statements made thereon during the initial stage of debates continued, on occasion, to refer to prior effort at pacific settlement.<sup>1a</sup>

The significance of Article 33 in the pacific settlement of disputes and situations, apart from the obligations it lays down on Member States to have recourse, in the first instance, to the various means of pacific settlement set out in paragraph 1 of that Article or to any other means of their own choice, consists in the possibility of recourse to that Article by the Council itself by calling upon the parties to utilize any of those means of pacific settlement.

The three case histories entered in this part of chapter X, reflect proceedings in the Council deemed to have some bearing on the discharge of the Council of its responsibility in bringing about pacific settlement of a dispute or situation. Inasmuch as these entries only constitute part of the material illustrative of the working of the Council in pacific settlement, entries in other parts of this chapter, as well as the various decisions of the Security Council entered under "Measures for settlement" in the analytical table of measures of chapter VIII should be consulted.

Resolutions and decisions adopted by the Security Council during the period under review contained no explicit reference to Article 33 of the Charter. Nor did they contain provisions recommending to the parties concerned to enter into direct negotiations<sup>2</sup> or to resort to any of the means of pacific settlement contained in paragraph 1 of that Article. The Council has in one instance, however, recommended that the parties concerned avail themselves of the offer of good offices which the Secretary-General had proffered, to help them reconcile their differences (Case 3). In a similar vein, the Council, without, however, addressing itself to the parties concerned, invited the Secretary-General to continue the good offices he had tendered earlier in an attempt to settle outstanding questions in agreement with the parties concerned (Case 1). In another instance, the Council, in a framework set by views of Council members that it should act within the provisions of Chapter VI and,

in particular, those of Article 33, requested the Secretary-General to designate a Special Representative to proceed to an area of conflict, establishing and maintaining contact with the parties concerned "in order to promote agreement and assist efforts towards peaceful and accepted settlement" (Case 2).

While not cited in any of the Council resolutions and decisions during the period under review, Article 33 has been often invoked during Council debates in the context of efforts at pacific settlement. The express reference to the Article as providing the desired framework for a Council resolution is dealt with in Case 3. In other instances, the Article was invoked in support of various viewpoints considered by Council members concerned as coming under the scope of that Article. These included the views that Member States should endeavour to settle their differences by peaceful means;<sup>3</sup> that a situation has not reached the scope envisaged for the application of that Article;<sup>4</sup> that the main responsibility for peaceful settlement rested with the parties directly concerned.<sup>5</sup>

CASE 1.<sup>6</sup> COMPLAINT BY THE UNITED KINGDOM: In connexion with the consensus reached on 16 August 1966.

[Note: A suggestion was made in the course of the debate that the Security Council should request the Secretary-General to resume his good offices with a view to helping the parties reach an agreed settlement of outstanding issues. After consultations, the President read out a statement of consensus which included that suggestion.]

At the 1297th meeting on 8 August 1966, the representative of New Zealand proposed that, in the light of the charges made by the United Kingdom of an air attack on the town of Nuqub in the Federation of South Arabia and the denials of those charges, the Security Council should have the matter investigated on the spot.<sup>7</sup> He also proposed that, in the meantime, the Council might consider giving the Secretary-General "a rather wider mandate by requesting him to resume his efforts to use his good offices to settle issues which remain outstanding in this area of the Yemen-South Arabian border." He added that such efforts would clearly require the agreement and co-operation of the parties concerned.

At the 1298th meeting, the representative of New Zealand submitted a draft resolution<sup>8</sup> by which the Council would request the Secretary-General to arrange for an investigation to establish the facts relating to the incidents, and to report to the Security Council as soon as possible.

<sup>1a</sup> See, for example, letter dated 31 January from the United States, in connexion with the situation in Viet-Nam, S/7105, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, pp. 105-107; and statement by the United States representative in connexion therewith, 1271st meeting, paras. 14-18.

<sup>2</sup> In one instance, the Council had before it a draft resolution by which the Council would, among other things, call for immediate discussions without preconditions among the appropriate interested Governments, with a view to reaching a specified objective towards peaceful settlement of the question under consideration. No decision, however, was taken on the proposal. For text of the proposal, see draft resolution submitted by the United States in connexion with the situation in Viet-Nam, S/7106, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, p. 107.

<sup>3</sup> In connexion with the situation in the Middle East: 1343rd meeting (PV): United States, pp. 17 and 18-20.

<sup>4</sup> In connexion with the complaint by Haiti: 1427th meeting (PV): Haiti, p. 6.

<sup>5</sup> In connexion with the situation in the Middle East: 1440th meeting (PV): Canada, pp. 28-30.

<sup>6</sup> For texts of relevant statements, see: 1297th meeting: New Zealand, paras. 37 and 38; 1300th meeting: President (Uganda), para. 2.

<sup>7</sup> See further this chapter, Case 4.

<sup>8</sup> S/7456, 1298th meeting, para. 103.

After hearing other representatives who spoke on the merits of the United Kingdom charges as well as the draft resolution, the Council adjourned<sup>9</sup> its meeting in order to allow members to hold informal consultations to arrive at an agreed formula on the question before the Council.

At the 1299th meeting on 15 August 1966, the Council met briefly to hear a statement by one representative, following which it adjourned again for further consultations.

At the 1300th meeting on 16 August, the President (Uganda) declared at the opening of the meeting that, as a result of those consultations, a consensus had been reached which had the support of all the parties. The consensus read as follows:

"The President, having noted that the debate which took place has its origin in a complaint presented by the representative of the United Kingdom (S/7742) and that the elements on which the complaint is founded are contested by the United Arab Republic and Yemen and that the statements made by the members of the Council have not been able to produce at this stage a constructive solution, believes that he is authorized to ask the parties concerned each on his part to contribute in lessening the tension and to invite the Secretary-General to continue his good offices in an endeavour to settle the outstanding question in agreement with the parties concerned."

CASE 2.<sup>10</sup> THE SITUATION IN THE MIDDLE EAST (II): In connexion with draft resolutions S/8227, not voted upon; S/8229, not voted upon; S/8236, not voted upon; and S/8247, voted upon and adopted on 22 November 1967.

[Note: During the debate on the various draft resolutions, views were expressed that the measures envisaged in them were to be taken within the framework of Chapter VI of the Charter, in particular, the provisions of Article 33.]

In the course of the consideration of the situation in the Middle East in November 1967, India, Mali and Nigeria submitted a joint draft resolution<sup>11</sup> by which the Security Council would, among other things, affirm that a just and lasting peace in the Middle East should be achieved "within the framework" of the Charter, and more particularly, within the framework of certain principles which were to guide efforts in the settlement of the Middle East situation. It would also have the Security Council request the Secretary-General to send a Special Representative to the Middle East to help the parties concerned to agree on the proper mode of settlement.

At the 1373rd meeting on 9 November 1967, the representative of India, in introducing the draft resolution, observed that it was designed to initiate the process of

peaceful settlement of the Middle East crisis. The mission of the Secretary-General and his contacts with the parties might open up various possibilities for such settlement. He noted later at the 1375th meeting on 13 November 1967 that the draft resolution would not ask the Council to suggest or recommend any particular mode of peaceful settlement, but would rather, in accordance with Article 33 of the Charter, "leave it to the parties concerned to agree on the particular means they will employ in seeking solutions to their disputes".

The Security Council had also before it a draft resolution submitted by the United States.<sup>12</sup> Under the provisions of the United States draft resolution, the Security Council would, *inter alia*, also affirm certain Charter principles within the framework of which solution of the Middle East situation should be sought. It would also request the Secretary-General to designate a Special Representative to proceed to the Middle East "to establish and maintain contacts with the States concerned with a view to assisting them in the working out of solutions", in accordance with the purpose of the draft resolution.

In introducing the draft resolution at the 1377th meeting on 15 November 1967, the representative of the United States noted that in discussing its views with other Council members, the United States had been guided by certain axioms of negotiations, "which stemmed in part from the unanimous view that the Security Council should act under Chapter VI of the Charter". Among them, he mentioned the principle that "only the parties themselves, through mutual accommodation, compromise and peaceful means of their own choice can make and impose peace". It was stated in this connexion that the key provision of the United States draft was the designation of the representative of the Secretary-General and the rôle to be assigned to him.

In the course of the discussions of the two draft resolutions, a number of other representatives, including Argentina, Canada, Nigeria and the United Kingdom, also expressed the view that the Security Council should act within the framework of Chapter VI of the Charter, and, in particular, in the light of the provisions of Article 33.

At the 1379th meeting on 16 November 1967, the representative of the United Kingdom submitted a draft resolution<sup>13</sup> by which the Security Council would, *inter alia*, affirm that the fulfilment of the United Nations Charter principles required the establishment of a just and lasting peace in the Middle East. The establishment of such peace, under this draft resolution, would include the application of the principles of (i) withdrawal of Israel armed forces from territories occupied in the recent Middle East conflict; and (ii) termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live free from threats or acts of force. Under the United Kingdom draft resolution, the Security Council would also request the Secretary-General

"to designate a Special Representative to proceed to the Middle East to establish and maintain contacts

<sup>9</sup> 1298th meeting, para. 127.

<sup>10</sup> For texts of relevant statements, see: 1373rd meeting (PV): Argentina, p. 161; India, pp. 73-75; Nigeria, p. 82; 1375th meeting (PV): India, p. 68; 1377th meeting (PV): Canada, pp. 46-47; United States, pp. 33-35;

1379th meeting (PV): United Kingdom, pp. 7 and 11;

1381st meeting: USSR, p. 13;

1382nd meeting (PV): India, pp. 23 and 26.

<sup>11</sup> S/8227, 1373rd meeting (PV), pp. 68-70.

<sup>12</sup> S/8229, OR, 22nd yr., Suppl. for Oct.-Dec. 1967, p. 208.

<sup>13</sup> S/8247, text same as resolution 242 (1967) of 22 November 1967.

with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement”

in accordance with the provisions and principles set out in that resolution.

In introducing the draft resolution, the representative of the United Kingdom observed that while the two draft resolutions already before the Council had their merits, there was a serious danger, in the light of the position of the parties, that neither of them would have the general support of the Council. The United Kingdom draft resolution, he pointed out, reflected a sincere attempt to meet the claim of both sides and to discharge the responsibility of the Council. He stated, in regard to the provision of the draft resolution on the appointment of the Special Representative of the Secretary-General, that in the view of his delegation,

“the Special Representative should be free to decide for himself the exact means and methods by which he pursues his endeavours in contact with the States concerned both to promote agreement and to assist efforts to achieve a peaceful and accepted and final settlement.”

When the Council resumed its debate at the 1381st meeting on 20 November 1967, the representative of the USSR submitted a draft resolution,<sup>14</sup> by which the Council would, *inter alia*, declare that peace and the final solution of the problems of the Middle East could be achieved within the framework of the Charter, and urge the parties concerned to immediately withdraw their forces to their positions held before 5 June 1967, and all Member States in the area to recognize the right of each to exist as a national State and to live in peace and security. Under the draft resolution, the Security Council would also continue its considerations of the situation with a view to reaching a just solution on the basis of certain principles, and call upon all States in the area to put an end to the state of belligerency.

In introducing the draft resolution, the representative of the USSR observed, among other things, that it contained all the key elements of political settlement on the need of which the views of the overwhelming majority of Member States converged.

At the 1382nd meeting on 22 November 1967, the representative of India announced that the co-sponsors of the three-Power draft resolution would not press their draft to the vote at the stage of the Council debate.<sup>15</sup>

At the same meeting, the representative of the United States announced that if the United Kingdom draft resolution was adopted, his delegation would not press on its draft resolution being voted upon.<sup>16</sup> The President of the Council also announced that the USSR would not insist that its draft resolution be put to the vote at that time.<sup>17</sup>

The Council then proceeded to vote on the United Kingdom draft resolution, which it adopted unanimously.<sup>18</sup>

<sup>14</sup> S/8253 (PV), 1381st meeting, pp. 11 and 12.

<sup>15</sup> 1382nd meeting (PV), pp. 29-30.

<sup>16</sup> *Ibid.*, p. 32.

<sup>17</sup> *Ibid.*, pp. 33-35.

<sup>18</sup> *Ibid.*, p. 36. Text same as resolution 242 (1967) of 22 November 1967.

CASE 3.<sup>19</sup> COMPLAINT BY THE GOVERNMENT OF CYPRUS:  
In connexion with a draft resolution submitted by the President as a result of informal consultations, voted upon and adopted on 22 December 1967.

[*Note:* In the course of the discussion, the suggestion was made that the Security Council should, in addition to extending the period for the stationing of UNFICYP in Cyprus, endorse the offer of good offices of the Secretary-General and call upon the parties to avail themselves of the offer.]

In his report<sup>20</sup> of 8 December 1967 to the Security Council, the Secretary-General, having reviewed recent developments in Cyprus, observed that while the mediation effort required by the Security Council in its original resolution 186 (1964) of 4 March 1964 had been inoperative for some time because of the impasse with which the Council had been well acquainted,<sup>21</sup> neither the parties nor the Council could allow the situation to deteriorate into grave danger. He therefore urged all concerned to make use of the opportunity emerging from the recent crisis and to display the statesmanship and goodwill essential to resolve the Cyprus question. He then assured the Council that his “good offices continue to be available to the parties and to the Security Council to this end”.<sup>22</sup>

At the 1385th meeting on 20 December 1967, when the Council considered the report of the Secretary-General, the representative of the United Kingdom stated that it would be inadequate for the Council to merely extend the stationing of UNFICYP, without taking further steps in the direction of a permanent settlement of the Cyprus problem. He observed in this connexion that there was a wide agreement among the Council members on the twin purposes to be achieved, namely, the renewal of the force to a certain period and acceptance of the offer of the good offices of the Secretary-General to help the parties find a solution.

At the 1386th meeting on 22 December 1967, the President (Nigeria) informed the Council that, as a result of intensive consultations in which members of the Council had engaged, an agreement had been reached on the text of a draft resolution on the question under consideration.

By this draft resolution,<sup>23</sup> the Council would, *inter alia*, extend the stationing of UNFICYP in Cyprus to a certain period of time. It also contained a paragraph which read as follows:

“The Security Council,

“ . . .

“3. *Invites* the parties promptly to avail themselves of the good offices proffered by the Secretary-General and requests the Secretary-General to report on the results to the Council as appropriate.”

<sup>19</sup> For texts of relevant statements, see: 1385th meeting (PV): United Kingdom, pp. 77-80; 1386th meeting (PV): President (Nigeria), p. 2; Secretary-General, p. 21.

<sup>20</sup> S/8286, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 266-315.

<sup>21</sup> For procedural history and constitutional discussion leading to the adoption of this resolution, see *Repertoire of the Practice of the Security Council, Supplement 1964-1966*, chapter VIII, pp. 108-112, and chapter X, Case 8.

<sup>22</sup> S/8286, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, para. 157.

<sup>23</sup> Text same as resolution 244 (1967) of 22 December 1967.

At the same meeting, the Council voted upon the draft resolution and adopted it unanimously.<sup>34</sup>

In his statement following the adoption of the resolution, the Secretary-General assured the parties that he would be immediately available to them to help them

find the way to resolve their differences. He then noted that, in the light of the divergence of views of some of the parties, he would have welcomed a clear guidance by the Council on the basic points which had been the subject of much negotiation with the parties during the drafting of the resolution. In the absence of such guidance, he added, he deemed it his duty to forewarn the Council of the difficulties that lay ahead.

<sup>34</sup> 1386th meeting (PV), pp. 18-20.

## Part II

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

#### NOTE

During the period under review, Article 34 has not been referred to in resolutions or decisions of the Security Council.<sup>25</sup> Neither has any discussion taken place as to the juridical significance of a proposal under consideration in the context of the meaning of Article 34.

The one case history entered in this part (Case 4) relates only in minor degree to the functions of investigation by the Security Council as envisaged in Article 34, as the investigation proposed by the member concerned was to be conducted with a view to providing the Security Council with a basis on which to pronounce itself on the charges made before it, rather than for the purpose of determining whether the continuance of a particular dispute or situation was in fact likely to endanger the maintenance of international peace and security. The material gathered for this case history, however, reflects the proceedings of the Council in which views were expressed as to the appropriate way for the Council to deal with a situation in which conflicting statements had been made with regard to an alleged fact.

On a number of occasions during the period under review, suggestions have been made that the Security Council conduct investigations to verify charges made during debates<sup>26</sup> or to ascertain facts in order to keep itself informed,<sup>27-28</sup> although in none of these instances did the Council decide to conduct a formal investigation or a fact-finding mission.

<sup>25</sup> In the one instance in which a Security Council resolution requested the Secretary-General to continue an "investigation", the task of the investigation envisaged was one connected with the gathering of information for the Council relating to the observance by the parties concerned of the Security Council ceasefire resolutions. See resolution 236 (1967) of 11 June 1967, para. 2.

<sup>26</sup> In connexion with the situation in the Middle East: statements by the representatives of the United States and the United Kingdom in relation to alleged involvement of United States and United Kingdom aircraft in the conflict in the Middle East.

For texts of relevant statements, see:

1348th meeting (PV): United States, p. 11;

1350th meeting (PV): United Kingdom, pp. 28-30.

<sup>27-28</sup> In connexion with the situation in the Middle East: statements by the representatives of Israel and Syria expressing readiness on the part of their Governments to facilitate any investigation to be carried out by the United Nations; and, subsequently, statement by the representative of India that, in view of the conflicting statements on whether the destroyer *Elath* was sunk in international waters, an investigation should be conducted to ascertain the facts.

For texts of relevant statements, see:

1353rd meeting (PV): Israel, p. 82; Syria, *ibid.*;

1369th meeting (PV): India, p. 52.

Also, in connexion with the complaint by the United States

In statements during debates, Article 34 has been invoked in one instance, along with Article 38, in support of the view that the Security Council was competent to consider questions, even if no complaints thereon had been lodged. In another instance, it was cited, with Article 35, to describe a situation brought to the attention of the Council as one "which may lead to international friction".<sup>29</sup> No discussion, however, ensued in either case on the bearing of the Article on the question under consideration.

CASE 4.<sup>30</sup> COMPLAINT BY THE UNITED KINGDOM (YEMEN QUESTION): In connexion with a draft resolution submitted by New Zealand (S/7456), considered but not voted upon.

[*Note:* In the course of the consideration of the question, the suggestion was made that, in the light of the charges heard during the debate and denials thereof, the Council should have those charges investigated through fact-finding. A draft resolution was submitted to that effect and views were expressed on the scope of the proposed investigations. As consultations among members had resulted in a consensus, the sponsor of the draft resolution announced that his delegation would waive its right to have the draft resolution voted upon, and would acquiesce in the consensus statement.]

At the 1296th meeting on 4 August 1966, in connexion with the complaint by the United Kingdom, the representative of the United Kingdom charged that on the morning of 30 July 1967, two fighter aircraft, believed to be MIG's operated by UAR forces in Yemen and coming from the direction of Yemen, attacked the town of Nuqub, in the Amirate of Beihan, Federation of South Arabia, wounding three children and damaging some buildings.

(Pueblo incident), statement by the representative of Ethiopia that, since the Council had no verified facts before it in regard to the incident under consideration, it should take some agreed action to initiate an immediate investigation of that incident.

For text of the relevant statement, see 1389th meeting (PV), pp. 8-10.

<sup>29</sup> In connexion with the complaint by Haiti:

1427th meeting (PV): Haiti, pp. 3-5.

<sup>30</sup> For texts of relevant statements, see:

1296th meeting: UAR,\* paras. 35, 36 and 43; United Kingdom, paras. 5-8 and 15;

1297th meeting: Argentina, para. 65; Jordan, paras. 51-54; Netherlands, paras. 84, 85 and 87; New Zealand, paras. 34 and 37; USSR, para. 108; United Kingdom, para. 89; United States paras. 79 and 80; Yemen,\* paras. 4 and 5;

1300th meeting: President (Uganda), para. 2; New Zealand, para. 10.

At the same meeting, the representative of the United Arab Republic \* denied the charges, observing that planes of the United Arab Republic had not undertaken any operations in Beihan and that none of the aircraft under the Arab-Yemeni command was airborne on the date on which the alleged attack took place.

At the 1297th meeting on 8 August, the representative of Yemen \* also denied the charges made by the United Kingdom and raised the question, in turn, whether the United Kingdom effort to bring the matter before the Council was not motivated by a planned new act of aggression against the Yemen Arab Republic.

At the same meeting, the representative of New Zealand suggested that in the light of the denials of the charges made by the United Kingdom, the obvious step for the Council to take would be to arrange for an impartial investigation of the incident to be carried out. He added:

"Let us ask the Secretary-General to set in hand an immediate investigation by the United Nations team. A week has gone by since the attack is said to have taken place. Further delay might be avoided by asking the Secretary-General to arrange for a member or members of one of the existing military observation missions or peace-keeping forces—someone whose impartiality and experience of this kind of investigation are accepted beyond question—to fly to the area immediately and look into the facts relating to the incident which gave rise to the British complaint. . . ."

Provided with a report of such investigation, he added, the Council could then resume its debate on the question on a firmer ground.

The representative of Jordan, opposing the New Zealand proposal, stated:

"We have just heard a suggestion by the representative of New Zealand that an investigation team be sent to the scene. We said at the very outset that even the inscription of the item on the agenda should not be allowed unless the Council is satisfied that there is sufficient *prima facie* evidence to justify the inscription. . . ."

He noted that after having heard what was alleged to be evidence, he was even more convinced that the item should not have been inscribed in the agenda. He added:

"It is even more important at this stage to consider the dangerous precedent the Council would be establishing if it accepted the idea of sending an investigation team to the area. If, on the face of it, the charge has not been corroborated by evidence admissible under the circumstances, how can we take action—even preliminary action—on such a charge? If it is debatable whether an item of this kind should even have been inscribed on the agenda, it is all the more debatable whether an investigation team should be sent to the area on the basis of the kind of evidence that has been presented."

A number of representatives at this and the 1298th meetings, including the representative of the United Kingdom, supported the investigation proposed by New Zealand. At the 1297th meeting, the representative of Argentina noted in this connexion:

"An investigation by United Nations observers of the incident reported by the United Kingdom seems to us an adequate measure to dispel doubt and even if the conclusions reached were not concrete and did not elucidate all the facts of the case, it would serve

mainly to emphasize United Nations concern over the region, and that in itself would certainly be a moderating and pacifying factor."

At the same meeting, the representative of the United States, noting that he could not see what objection could be raised to the New Zealand proposal, stated:

"It proposes to do what it is sensible to do where a complaint has been made, supported by evidence, denied by others; and it remits to fact-finding, not to prejudgement, the details and indeed the fact of whether and to what extent and from what sources this incident occurred. . . ."

The representative of the Netherlands stated that his delegation would find it difficult to express any opinion on the alleged raid on Nuqub before a complete and impartial report of the facts had been obtained. He therefore supported the investigation proposed by the representative of New Zealand, adding:

"This . . . proposal, if accepted by the Council, would make available to the members the specific information which they now lack. A decision by the Council along these lines would be in keeping with the ideas which many members hold with respect to methods and machinery to be used in the peaceful settlement of disputes and ensuring the observance of international obligations. . . ."

His delegation believed that, in order to avoid any misunderstanding, the proposed investigation mission should have a "strictly auxiliary and subsidiary function", its task being that of establishing facts.

The representative of the Soviet Union opposed the New Zealand proposal and observed that, in the light of the facts, it was obvious that

"there can be no question of any investigation of any reports, or of dispatching any missions to investigate the groundless British complaint. There is nothing for the Council to investigate, nothing for it to discuss, for the United Kingdom complaint is without foundation, nothing but a fabrication."

At the 1298th meeting on 10 August 1966, the representative of New Zealand submitted a draft resolution<sup>31</sup> by which the Security Council

"Decides to request the Secretary-General to arrange for an immediate investigation, to be carried out by experienced United Nations personnel, in order to establish the facts relating to the incident referred to in the letter dated 2 August 1966 from the Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations [S/7442], and to report to the Security Council as soon as possible."

In introducing his draft resolution, the representative of New Zealand stated that the investigation his delegation envisaged was a strictly limited operation:

"It is not a proposal for a border observation team or a frontier force, or any such operation. Two or three experienced investigators, presumably from one of the existing observation missions, would fly to the area immediately they were authorized to do so by the Council. Their role would be fact-finding. Within a matter of days they would report to the Council. . . ."

<sup>31</sup> S/7456, 1298th meeting, para. 103.

In a comment on the view that more time was needed to allow an investigation to be carried out on a basis which would take fuller account of the feelings of Council members, the representative of New Zealand noted that such view confused the very limited task of investigation or fact-finding with that of conciliation, which was more complex. He stated:

"Clearly, a conciliation commission cannot function effectively, if at all, unless it is set up with consent of all the States concerned. The same is also true of other actions ranging from peace-observation missions to peace-keeping forces. But fact-finding is quite another matter. In the present case, the State that has brought a complaint to the Council is willing to have its allegations and the evidence it has produced tested by an investigation by impartial observers."

At the suggestion of the representative of Nigeria, the Council decided<sup>32</sup> to adjourn the meeting to allow

<sup>32</sup> 1298th meeting, para. 127.

members sufficient time for consultations with a view to reaching an agreed formula on the question before the Council.

At the 1299th meeting on 15 August 1966, the Council having met briefly to hear a statement by one representative, decided to adjourn again to enable members to hold further consultations. When it met at the 1300th meeting on 16 August, the President announced that, as a result of the consultations, a consensus had been reached which, in essence, requested the parties concerned to contribute to the lessening of tension in the area and requested the Secretary-General to continue his good offices with a view to settling outstanding questions between the parties.<sup>33</sup>

At the same meeting, the representative of New Zealand announced that he would "waive his right to call for a vote" on his proposal and acquiesce in the consensus statement.

<sup>33</sup> See chapter VIII, pp. 130, 131. See also this chapter, Case 1.

### PART III

#### APPLICATION OF THE PROVISIONS OF ARTICLE 35 OF THE CHARTER

##### NOTE

During the period under review, eleven questions relating to the maintenance of international peace and security were brought to the attention of the Security Council, all by Members of the United Nations. The relevant data regarding the submission of these questions are summarized in the appended tabulation.

The Security Council has continued to consider, at the request of the parties or other Members of the United Nations, questions that had previously been included in the agenda: complaint by the Government of Cyprus, the situation in Southern Rhodesia and the Palestine question.

##### SUBMISSION BY MEMBERS OF THE UNITED NATIONS

Members of the United Nations have submitted questions generally by means of a communication addressed to the President of the Security Council; in all instances covered during the period under review, communications were addressed to the President of the Security Council, although in none of them was Article 35 cited as a basis of submission.<sup>34</sup> Four questions submitted to the Security Council by Member States during the period under review were designated by the submitting States as a situation.<sup>35</sup> Seven questions were designated as threats to the peace, breaches of the peace or acts of aggression.<sup>36-39</sup>

<sup>34</sup> Neither was any other Article invoked as a basis of submission, although in one instance, Articles 39 and 99 were cited to characterize the situation at hand as an armed aggression. See Tabulation, section C, entry 11. See, further, chapter VIII, pp. 168, 169.

<sup>35</sup> Tabulation, section B, entries 1-4.

<sup>36-39</sup> Tabulation, section C, entries 5-11.

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

During the period under review, there was no instance of a question being submitted by a non-member of the United Nations.

##### PROCEDURAL CONSEQUENCES OF SUBMISSION UNDER ARTICLE 35

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

During the period under review, there was one instance in which a draft resolution was enclosed in a letter of submission.<sup>40</sup>

The Council has not, in respect of any new question submitted for its consideration during the period under review, considered whether or not to accept the designation of a question in the initial communication. Nor was any question raised as to the appropriate designation for a question included in the agenda at an earlier period.<sup>41</sup>

<sup>40</sup> In connexion with the situation in Southern Rhodesia, letter dated 10 May 1966 from thirty-two Member States. S/7285/Add.1, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 82-83.

<sup>41</sup> In one instance, in connexion with the situation in the Middle East, a non-Council member raised objections to the phrasing of the agenda adopted at a meeting, calling attention to an earlier phrasing used by the Council, although the Council did not rule on the objections. See, further, chapter II, note 17.

Tabulation of questions submitted to the Security Council (1966-1968)

\*\*SECTION A. QUESTIONS SUBMITTED BY MEMBERS AS DISPUTES

SECTION B. QUESTIONS SUBMITTED BY MEMBERS AS SITUATIONS

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
1. Situation in Viet-Nam (letter of 31 January 1966)	United States		None	A situation in regard to which all prior efforts outside the United Nations to restore peace had failed, and to which the Council should, in the light of its obligations under the Charter to maintain international peace and security, "address itself urgently".	"... to consider the situation in Vietnam", and to "exert its most vigorous endeavours and its ... prestige to finding a prompt solution to it."	S/7105, <i>OR</i> , 21st yr., <i>Suppl. for Jan.-March 1966</i> , pp. 105-107
2. Situation in Southern Rhodesia, <sup>a</sup> (i) letter of 7 April 1966	United Kingdom		None	"... the arrival in Beira of an oil tanker which may result in substantial supplies of oil reaching Southern Rhodesia", in contravention of an oil embargo imposed by the United Kingdom "in conformity with the decision of the Security Council in its resolution 217 (1965)". The approach of a second tanker to Beira "makes the situation of extreme urgency."	To convene an emergency meeting to consider the situation.	S/7235. Text incorporated in the record of 1276th meeting, para. 10
((ii) letter of 5 December 1966)	United Kingdom		None	Situation resulting from the fact that "the rebellion in Southern Rhodesia has not been brought to an end".	[The United Kingdom proposed] "certain additional measure to be taken against the illegal régime in Rhodesia."	S/7610, <i>OR</i> , 21st yr., <i>Suppl. for Oct.-Dec. 1966</i> , p. 109
3. Complaint by the United Kingdom (letter of 2 August 1966)	United Kingdom		None	"... two aircraft believed to have been MIG's appeared over Nuqub... in the Federation of South Arabia from the direction of the Yemen... [and] carried out two low-level strafing attacks on the town."	To consider "the situation arising from this unprovoked and indefensible attack..."	S/7442, <i>OR</i> , 21st yr., <i>Suppl. for July-Sept. 1966</i> , p. 64

<sup>a</sup> For submission of the question of Southern Rhodesia as a threat to international peace, see tabulation entry 7.



Tabulation of questions submitted to the Security Council (1966-1968) (continued)

SECTION B. QUESTIONS SUBMITTED BY MEMBERS AS SITUATIONS (continued)

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
4. Situation in Czechoslovakia (letter of 21 August 1968)	Canada, Denmark, France, Paraguay, United Kingdom and United States		None	"... the present serious situation in the Czechoslovak Socialist Republic."	"... to consider this important matter."	S/8758, OR, 23rd yr. Suppl. for July-Sept. 1968, p. 136

SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACHES OF THE PEACE OR ACTS OF AGGRESSION

5. Situation in Southern Rhodesia <sup>b</sup> (i) letter of 10 May 1966	Thirty-two Member States		None	A new situation which "constitutes a threat to international peace and security..."	"... should examine, under Chapter VII of the Charter, the necessary measures to establish majority rule in Southern Rhodesia in accordance with the Declaration set forth in General Assembly resolution 1514 (XV)."	S/7285, OR, 21st yr., Suppl. for April-June 1966, pp. 80-81
(ii) letter of 12 March 1968	Thirth-six Member States		None	"... continuing grave situation [in Southern Rhodesia (Zimbabwe)] which still constitutes a threat to international peace and security."	"... to envisage the necessary measures and action under Chapter VII of the United Nations Charter with a view to enabling the people of Southern Rhodesia (Zimbabwe) to exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV)."	S/8454, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 258-259
6. The Palestine question (i) letter of 21 July 1966 (Complaint by Syria)	Syria	Israel	None	"... act of aggression committed by Israel against Syrian Territory on the afternoon of 14 July 1966."	To consider the act, which "seriously threatens peace and security in the area".	S/7419, OR, 21st yr., Suppl. for July-Sept. 1966, pp. 38-39

<sup>b</sup> For submission of the question as a situation, see tabulation section B, entry 2.

**Tabulation of questions submitted to the Security Council (1966-1968) (continued)**

**SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACHES OF THE PEACE OR ACTS OF AGGRESSION (continued)**

<i>Questions</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter of submission</i>	<i>Description of question in letter of submission</i>	<i>Action required of the Security Council</i>	<i>Reference</i>
((ii) letter of 22 July 1966 (Complaint by Israel))	Israel	Syria	None	"Repeated acts of aggression committed by Syrian armed forces" and "declarations by official spokesmen of the Syrian Government containing threats against the people, territorial integrity and political independence of Israel."	"... to consider the ... complaints of Israel against Syria."	S/7423, OR, 21st yr., <i>Suppl. for July-Sept. 1966</i> , pp. 39-40
((iii) letter of 12 October 1966 (Complaint by Israel))	Israel	Syria	None	"Acts of aggression committed by armed groups operating from Syrian territory against the citizens and territory of Israel [and] ... threats by Syria against the territorial integrity and political independence of Israel, and open Syrian incitement to war against Israel ..."	"... an urgent meeting ... on the ... complaints by Israel against Syria."	S/7540, OR, 21st yr., <i>Suppl. for Oct.-Dec. 1966</i> , pp. 28, 29
((iv) letter of 15 November 1966 (Complaint by Jordan))	Jordan	Israel	None	"... the act of aggression committed by the Israel armed forces against the citizens and territory of Jordan on 13 November 1966."	"... to consider the act of aggression committed by the Israel armed forces ..."	S/7587, OR, 21st yr., <i>Suppl. for Oct.-Dec. 1966</i> , p. 78
7. Complaint by the Government of the Democratic Republic of the Congo ((i) letter of 21 September 1966)	Democratic Republic of the Congo	Portugal	None	The use by Portugal of African Territories "as a base of operations for mercenaries recruited in European countries" whose mission was "to shed Congolese blood in order to overthrow the legitimate and lawful authorities of the Congo." The situation "constitutes a serious threat to world peace ..."	"... to call upon Portugal to end what may rightly be called aggression" against the Democratic Republic of the Congo.	S/7503, OR, 21st yr., <i>Suppl. for July-Sept. 1966</i> , pp. 132-133

Tabulation of questions submitted to the Security Council (1966-1968) (continued)

SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACHES OF THE PEACE OR ACTS OF AGGRESSION (continued)

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
((ii) letter of 6 July 1967)	Democratic Republic of the Congo	Portugal	None	"... aggression committed against the Democratic Republic of the Congo on 5 July 1967."	"... to convene an emergency meeting . . . to consider the question."	S/8036, OR, 22nd yr., Suppl. for July-Sept. 1967, p. 63
((iii) letter of 3 November 1967)	Democratic Republic of the Congo	Portugal	None	"An armed band of mercenaries [who] invaded the territory of the Democratic Republic of the Congo at Kisenge" and who were now approaching Kolwezi, "probably with the intention of seizing the Kolwezi plain which could subsequently serve as a base."	To "take the necessary measures to stop the aggression and to ensure the safety of persons and property, both foreign and Congolese, in the threatened area."	S/8218, OR, 22nd yr., Suppl. for Oct.-Dec. 1967, pp. 201-203
8. Situation in the Middle East (I) ((i) letter of 23 May 1967)	Canada and Denmark		None	"... extremely grave situation in the Middle East which is threatening international peace and security."	"... to discharge its responsibilities" for the maintenance of international peace and security.	S/7902, OR, 22nd yr., Suppl. for April-June 1967, pp. 118-119
((ii) letter of 27 May 1967 (Complaint by the UAR)	United Arab Republic	Israel	None	"... Israel aggressive policy, its repeated aggression threatening peace and security in the Middle East and endangering international peace and security."	To consider the situation urgently.	S/7907, OR, 22nd yr., Suppl. for April-June 1967, pp. 124-125
((iii) letter of 9 June 1967)	USSR		None	"Cessation of military action by Israel and withdrawal of the Israeli forces from those parts of the territory of the United Arab Republic, Jordan and Syria which they have seized as the result of an aggression."	Requesting the President to "take immediate steps to have the Security Council place this item on its agenda."	S/7967, OR, 22nd yr., Suppl. for April-June, 1967, p. 181

Tabulation of questions submitted to the Security Council (1966-1968) (continued)

SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACHES OF THE PEACE OR ACTS OF AGGRESSION (continued)

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
9. Situation in the Middle East (II) <sup>c</sup> (i) letter of 24 October 1967 (Complaint by UAR))	United Arab Republic	Israel	None	"... a new and premeditated flagrant aggression" in which the Israel forces "started concentrated shelling" at the city of Suez area, in "serious and grave violation of the cease-fire order."	"... to consider the grave situation resulting from the Israel acts of aggression" with a view to "taking prompt action against Israel in accordance with the relevant articles of the United Nations Charter."	S/8207, <i>OR</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , pp. 191-192
(ii) letter of 24 October 1967 (Complaint by Israel))	Israel	United Arab Republic	None	"... a new act of aggression perpetrated by the armed forces of the United Arab Republic today."	"... to deal with the open aggression and the violations of the cease-fire resolutions by the United Arab Republic."	S/8208, <i>OR</i> , 22nd yr., <i>Suppl. for Oct.-Dec. 1967</i> , pp. 192-193

<sup>c</sup> During the period under review the following were considered as further sub-items under the heading: "Situation in the Middle East II": Letter dated 7 November 1967 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8226, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, p. 208); Letter dated 21 March 1968 from the Permanent Representative of Jordan, addressed to the President of the Security Council (S/8484, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, pp. 278, 279); Letter dated 21 March 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8486, *ibid.*, pp. 280, 281); Letter dated 29 March 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8516, *ibid.*, p. 307); Letter dated 29 March 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8517, *ibid.*, p. 307); Letter dated 25 April 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8560, *ibid.*, pp. 139, 140); Letter dated 5 June 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/9616, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 186, 187); Letter dated 5 June 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8617, *ibid.*, p. 187); Letter dated 5 August 1968 from the Permanent Representative of Jordan addressed to the President of the Security Council (S/8721, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, p. 113); Letter dated 5 August 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8724, *ibid.*, pp. 115, 116); Letter dated 2 September 1968 from the Acting Permanent Representative of Israel addressed to the President of the Security Council (*ibid.*, p. 236); Letter dated 8 September 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8805, *ibid.*, pp. 240, 241); Letter dated 8 September 1968 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8806, *ibid.*, pp. 241, 242); Letter dated 17 September 1968 addressed to the President of the Security Council by the representatives of Pakistan and Senegal (S/8819, *ibid.*, p. 251); Letter dated 1 November 1968 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8878, *OR*, 23rd yr., *Suppl. for Oct.-Dec. 1968*, p. 104); Letter dated 1 November 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8879, *ibid.*, pp. 104, 105); Letter dated 29 December 1968 from the Permanent Representative of Lebanon addressed to the President of the Security Council (S/8945, *ibid.*, p. 180); Letter dated 29 December 1968 from the Permanent Representative of Israel addressed to the President of the Security Council (S/8946, *ibid.*, p. 180).

Tabulation of questions submitted to the Security Council (1966-1968) (continued)

SECTION C. QUESTIONS SUBMITTED BY MEMBERS AS THREATS TO THE PEACE, BREACHES  
OF THE PEACE OR ACTS OF AGGRESSION (continued)

<i>Questions</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter of submission</i>	<i>Description of question in letter of submission</i>	<i>Action required of the Security Council</i>	<i>Reference</i>
10. Complaint by the United States (Pueblo incident) (letter of 25 January 1968)	United States	North Korea	None	"North Korean action against a United States naval vessel [USS Pueblo] on the high seas, and the serious North Korean armed raids across the demilitarized zone into the Republic of Korea" which had created a "situation of ... gravity and danger".	"... to consider the grave threat to peace..."	S/8360, <i>OR</i> , 23rd yr., <i>Suppl. for Jan.-March 1968</i> , p. 140
11. Complaint by Haiti (letter of 21 May 1968)	Haiti		39,99	"Armed aggression" against the Republic of Haiti.	To take "appropriate measures... in accordance with Article 39 of the Charter" to reduce the prevailing state of tension.	S/8593, <i>OR</i> , 23rd yr., <i>Suppl. for April-June 1968</i> , pp. 168-169

## Part IV

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

## NOTE

Part IV of this chapter is designed to deal with cases in which discussions have arisen regarding the responsibility of the Security Council to deal with particular disputes or situations under consideration in the light of the provisions of Chapter VI of the Charter.<sup>42</sup>

The period under review has been characterized, even more so than those covered in past *Supplements*, by the absence of constitutional discussions bearing on the relation of decisions taken by the Security Council to the provisions of Articles 36-38 of the Charter, and by the scant material likely to throw light on the real import of those Articles in the working of the Security Council.

Attention should, nevertheless, be drawn to the various resolutions and decisions of the Security Council during the period under review which, while not invoking any Article of Chapter VI of the Charter, contained recommendations of procedure as well as of substance aimed at facilitating pacific settlement of questions brought to the attention of the Council. The material assembled for the entry in this part, which relates to the complaint by the Government of Cyprus (Case 5), is illustrative of proceedings leading to the adoption of such resolutions and decisions of the Council. The Security Council in this instance, while mainly concerned with the maintenance of peace and security in an area following the outbreak of hostilities (extending the stationing of UNFICYP), also addressed itself to corollary measures of pacific settlement, to which it often referred in its subsequent decisions. Thus each of the resolutions adopted subsequent to resolution 220 (1966) of 16 March 1966, in connexion with this question, contained provisions requesting the parties concerned to act with the utmost restraint and to make determined efforts with a view to achieving the objective of the Security Council, as provided for in that resolution.<sup>43</sup>

A number of other decisions adopted during the period under review also related, in varying degrees, to the responsibility of the Council in the field of pacific settlement. As a guide to such decisions, reference should be made to entries under "Measures for settlement" in the Analytical table of measures of chapter VIII of this *Supplement*.

By reason of the unity of the provisions of Chapter VI of the Charter, reference should also be made to material gathered in other parts of this chapter of the *Supplement*.  
CASE 5.<sup>44</sup> COMPLAINT BY THE GOVERNMENT OF CYPRUS: In connexion with the eight-Power draft resolution

<sup>42</sup> For general criteria for entries under this part, see *Repertoire of the Practice of the Security Council 1946-1951*, pp. 296 and 410.

<sup>43</sup> See resolutions 222 (1966) of 16 June 1966, para. 2; 231 (1966) of 15 December 1966, para. 2; 238 (1967) of 19 June 1967, para. 2; 244 (1967) of 22 December 1967, paras. 4 and 5; 247 (1968) of 18 March 1968, para. 2; and 254 (1968) of 18 June 1968, para. 2. For proceedings and resolutions (242 (1967) and 259 (1968)), similarly concerned with the process of peaceful settlement, see part I, Case 2, of this chapter, Case 1 of chapter V, and chapter VIII, pp. 105-113.

<sup>44</sup> For texts of relevant statements, see: 1274th meeting: Nigeria, paras. 36-38; 1275th meeting: Argen-

(S/7025), voted upon and adopted on 15 March 1966.

[*Note:* The view was expressed during the debate that one purpose of the draft resolution was to place at the disposal of the Secretary-General the opportunity to continue his task for the peaceful solution of the Cyprus problem.]

In a note to the Security Council dated 4 March 1966,<sup>45</sup> the Secretary-General informed the Council that on 2 March 1966, after having informed the parties concerned, he had broadened the responsibilities of his Special Representative in Cyprus, Mr. Bernades of Brazil, as to enable him to use his good offices and make such approaches to the parties concerned as he considered likely to produce a solution of local as well as broader problems. The Secretary-General noted that the instructions given to his Special Representative were without prejudice to the mediation function envisaged in Security Council resolution 186 (1964) of 4 May 1964.

In his report of 10 March 1966<sup>46</sup> on the situation in Cyprus, the Secretary-General, in addition to reporting on UNFICYP, noted that the parties concerned had welcomed the broadened mandate of his Special Representative and had assured him of their co-operation to facilitate his tasks. At the same time, he pointed out that the existence among the leaders of the two communities of a genuine desire to peace that would bring them to mutual accommodations of viewpoint and position essential to pacific settlement, remained to be demonstrated.

At the 1274th meeting on 15 March 1966, during the consideration of the report of the Secretary-General, Argentina, Japan, Mali, the Netherlands, New Zealand, Nigeria, Uganda and Uruguay submitted a draft resolution,<sup>47</sup> of which operative paragraphs 2 and 3 read as follows:

"The Security Council,

" . . .

"2. Urges the parties concerned to act with the utmost restraint and to make determined efforts with a view to achieving the objectives of the Security Council;<sup>48</sup>

tina, paras. 59, 60; Cyprus, para. 98; Japan, paras. 61, 62; Netherlands, para. 74; New Zealand, paras. 70, 71; United Kingdom, paras. 45, 50, 51; United States, para. 80; Uruguay, paras. 89, 90.

<sup>45</sup> S/7180, *O.R.*, 21st yr., *Suppl. for Jan.-March 1966*, pp. 191, 192.

<sup>46</sup> S/7191, *ibid.*, pp. 204-233. For relevant parts of the report, see paras. 138, 143 and 148.

<sup>47</sup> S/7205, adopted without change as resolution 220 (1966).

<sup>48</sup> The objectives of the Security Council, including pacific settlement through the good offices of the Secretary-General and a Mediator had been set out in resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August and 219 (1965) of 17 December 1965, as well as a consensus expressed by the President at the 1143rd meeting on 11 August 1964. For treatment of the complaint by the Government of Cyprus in previous supplement, see *Repertoire of the Practice of the Security Council, Supplement 1964-1965*, chapter VIII, pp. 108-127; and chapter X, Case 8.

"3. *Extends* once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a period of three months ending 26 June 1966, in the firm hope that by the end of this period substantial progress towards a solution will have been achieved."

The representative of Nigeria in presenting the eight-Power draft resolution stated, among other things, that the draft, which was the result of consultations that had taken place for the past few days, was based on the report of the Secretary-General and was intended to fulfil two principal objectives: to place at the disposal of the Secretary-General the opportunity to carry on the work towards the solution of the Cyprus problem, and to avoid saying anything that could do damage to the cause of the solution of the Cyprus question.

At the 1275th meeting on 16 March 1966, a number of representatives who spoke following the adoption of the draft resolution, expressed support for the broadened responsibilities of the representative of the Secretary-General, and expressed the view that the resolution, in addition to extending the stationing of the UNFICYP, addressed itself to the parties concerned to do their utmost towards the peaceful settlement of the question.

The representative of the United Kingdom stated in this connexion that

"what we have done today, is directed not only to keeping the peace, but to the peaceful settlement of the basic dispute. We welcome every step taken in that direction, and specially we recently welcomed the message which the Secretary-General sent on 2 March to his Special Representative . . . The fact that the Governments of Cyprus, Greece and Turkey promptly assured the Secretary-General that they will co-operate with the Special Representative is a clear indication of the wide confidence felt in him and an encouraging augury for his extended responsibility and purpose."

He also stated that he fully supported the views of the Secretary-General on the essential requirements for peaceful settlement, adding:

"The key to a settlement lies, of course, with the parties and the international community can only help. But we owe it to all concerned, including all who have laboured on behalf of the United Nations . . . to persevere in our effort both to keep the peace and, by so doing, to facilitate and accelerate a settlement . . ."

The representative of Japan, after welcoming the broadened responsibility of the Special Representative of the Secretary-General, and endorsing the Secretary-General's view about the need for a genuine will towards reconciliation of views and position among the parties concerned, stated:

"I should like also to stress our view that the international community has every right to expect all parties concerned to co-operate faithfully and diligently to bring about a prompt and peaceful solution of the Cyprus question."

The representative of the United States stated:

"In the interval since we last met to consider the question of Cyprus, my Government has been increasingly concerned that we not lose sight of the United Nations' eventual goal in Cyprus, and that there should be significant movement towards a peaceful settlement and an agreed solution. My Government was therefore pleased to learn that the Secretary-General has recently given an enlarged mandate to his . . . Special Representative in Cyprus to employ his good offices and to make such approaches as may be productive in solving problems of either a local or broader nature. The United States regards this step as having a great potential for the restoration of peace and order."

The representatives of Argentina, Cyprus, the Netherlands and New Zealand generally shared the view that the decision taken by the Council was also designed to promote peaceful settlement of the question of Cyprus.

**Chapter XI**

**CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER**



## CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE . . . . .	199
PART I. CONSIDERATION OF THE PROVISIONS OF ARTICLES 39 AND 40 OF THE CHARTER	
Note . . . . .	200
PART II. CONSIDERATION OF THE PROVISIONS OF ARTICLE 41 OF THE CHARTER	
Note . . . . .	205
PART III. CONSIDERATION OF THE PROVISIONS OF ARTICLES 42-47 OF THE CHARTER	
Note . . . . .	210
PART IV. CONSIDERATION OF THE PROVISIONS OF ARTICLES 48-51 OF THE CHARTER	
Note . . . . .	217
PART V. CONSIDERATION OF THE PROVISIONS OF CHAPTER VII IN GENERAL	
Note . . . . .	218

## INTRODUCTORY NOTE

In the previous volumes of the *Repertoire*, in chapter XI were presented instances in which proposals placed before the Security Council had evoked discussion regarding the application of Chapter VII of the Charter. The present *Supplement*, however, deals with the decisions of the Council which either constitute explicit applications of the provisions of Chapter VII or might be considered as instances of implicit applications thereof.

### CHAPTER VII OF THE CHARTER: ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

#### "Article 39

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

#### "Article 40

"In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures."

#### "Article 41

"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."

#### "Article 42

"Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations."

#### "Article 43

"1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

"2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

"3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes."

#### "Article 44

"When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces."

#### "Article 45

"In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee."

#### "Article 46

"Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee."

#### "Article 47

"1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of inter-

national peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

"2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

"3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

"4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees."

#### "Article 48

"1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

"2. Such decisions shall be carried out by the Members of the United Nations directly and through

their action in the appropriate international agencies of which they are members."

#### "Article 49

"The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council."

#### "Article 50

"If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems."

#### "Article 51

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

### Part I

## CONSIDERATION OF THE PROVISIONS OF ARTICLES 39 AND 40 OF THE CHARTER

#### NOTE

During the period under review, the Security Council has taken one decision<sup>1</sup> implicitly and two decisions<sup>2</sup> explicitly under Article 39. In one instance, a draft resolution containing an implicit reference to Article 39 was not adopted.<sup>3</sup>

Article 39 was explicitly invoked in a letter<sup>4</sup> informing the Secretary-General of a situation the consideration of which by the Security Council was requested in a subsequent letter.<sup>5, 6</sup>

<sup>1</sup> Resolution 221 (1966) of 9 April 1966; see Case 1.

<sup>2</sup> Resolution 232 (1966) of 16 December 1966, see Case 3; and resolution 253 (1968) of 29 May 1968; the adoption of the latter was not preceded by a constitutional discussion bearing on Article 39.

<sup>3</sup> Case 2.

<sup>4</sup> S/8592, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 167-168.

<sup>5</sup> S/8593, *ibid.*, pp. 168-169, in connexion with the complaint by Haiti. See also chapter X, part III, section C, No. 11, p. 193.

<sup>6</sup> S/7285 and Add.1 and 2, *OR*, 21st yr., *Suppl. for April-June 1966*, p. 81; S/8454, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*,

During the period under review, there was no decision of the Security Council which could be considered as falling implicitly or explicitly under Article 40 of the

pp. 258-259, in connexion with the situation in Southern Rhodesia; S/7419, *OR*, 21st yr., *Suppl. for July-Sept. 1966*, pp. 38-39; S/7423, *ibid.*, pp. 39-40; S/7540, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 28-29, in connexion with the Palestine question; S/7902, *OR*, 22nd yr., *Suppl. for April-June 1967*, pp. 118-119; S/7907, *ibid.*, pp. 124-125; S/8403, *OR*, 22nd yr., *Suppl. for July-Sept. 1967*, p. 69; S/8044, *ibid.*, pp. 70-71, in connexion with the situation in the Middle East (I); S/8207, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 202-203; S/8208, *ibid.*, pp. 192-193; S/8484, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, pp. 278-279; S/8616, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 167-168; S/8721, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, p. 113; S/8806, *ibid.*, pp. 241-242; S/8516, *ibid.*, p. 307; S/8517, *ibid.*, p. 307; S/8878, *OR*, 23rd yr., *Suppl. for Oct.-Dec. 1968*, p. 104; S/8879, *ibid.*, pp. 104-105, in connexion with the situation in the Middle East (II); S/7503, *OR*, 21st yr., *Suppl. for July-Sept. 1966*, pp. 132-133; S/8036, *OR*, 22nd yr., *Suppl. for July-Sept. 1967*, p. 63; S/8218, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, in connexion with the situation in the Democratic Republic of the Congo; S/8360, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, p. 140, in connexion with the complaint by the United States (Pueblo incident).

Charter. A few incidental references<sup>7</sup> to that Article were made in the discussions in the Security Council.

CASE I.<sup>8</sup> SITUATION IN SOUTHERN RHODESIA: In connexion with the draft resolution submitted by the United Kingdom and amendments thereto submitted by Mali, Nigeria and Uganda; amendments not adopted on 9 April 1966; the draft resolution adopted on the same day.

[*Note:* It was maintained that the arrival at Beira of an oil tanker, and the approach of another one did not constitute in itself a threat to peace; those were only symptoms of the main problem—the situation in Southern Rhodesia—which constituted such a threat. The Security Council should therefore decide upon measures according to Chapter VII of the Charter which were wider than those provided for in the draft resolution. On the other hand, it was contended that the Southern Rhodesia crisis was an internal problem of the United Kingdom and consequently lying within its sole responsibility. The international problem was the lack of co-operation of some States with the United Kingdom which, however, was not of such a nature that the provisions of Chapter VII could be invoked.]

At the 1276th meeting on 9 April 1966, the representative of the United Kingdom introduced a draft resolution<sup>9</sup> in which, in its revised form,<sup>10</sup> it was provided:

*"The Security Council,*

*"Recalling its resolutions 216 (1965) of 12 November 1965 and 217 (1965) of 20 November 1965 and in particular its call to all States to do their utmost to break off economic relations with Southern Rhodesia, including an embargo on oil and petroleum products,*

*"Gravely concerned at reports that substantial supplies of oil may reach Southern Rhodesia as the result of an oil tanker having arrived at Beira and the approach of a further tanker which may lead to the resumption of pumping through the Companhia do Pipeline Moçambique Rodésias pipeline with the acquiescence of the Portuguese authorities,*

*"...*

*"1. Determines that the resulting situation constitutes a threat to the peace;*

*"..."*

At the same meeting, the representative of Uganda introduced<sup>11</sup> amendments submitted jointly with Mali and Nigeria,<sup>12</sup> to the United Kingdom draft resolution, which read:

*"...*

*"2. In operative paragraph 1 replace the words "the resulting situation" by the words "the situation prevailing in Southern Rhodesia" and after the word "peace" add the words "and security",*

*"..."*

In the course of the discussion, the representative of Jordan maintained that the Security Council should invoke Chapter VII of the Charter. To do so, it would have, under Article 39, to determine whether or not there was a breach of the peace within the meaning of the Charter, which was a question of fact. The new development offered ample proof that there was a dangerous deteriorating situation in Southern Rhodesia which threatened peace and called for more effective action. The United Kingdom draft resolution after mentioning an oil tanker that had arrived at Beira and the approach of another tanker, stated in its operative paragraph that the resulting situation constituted a threat to the peace. In so doing, the United Kingdom had brought the situation within the scope of Chapter VII, but again the United Kingdom had not gone far enough. The threat to peace did not result from an oil tanker having arrived at Beira or from the approach of another tanker. These were but some of the manifestations of the main problem, which in itself constituted a threat to peace. If there was an agreement on this distinction, the Security Council must adopt wider measures, as provided for in the Charter.

The representative of France contended that the text of the United Kingdom draft resolution was based on the fact that the machinery for economic sanctions designed to bring about the downfall of the Rhodesian administration would be endangered by the arrival at Beira of one or more oil tankers of undetermined nationality. This fact should lead the Security Council to declare that the situation thus created constituted a threat to international peace. As a logical sequence, the Council, once this threat was established, would, according to Chapter VII of the Charter, have to adopt various measures which Governments, some of them designated by name, would be requested to apply, while at the same time, a partial blockade would be put into effect by the United Kingdom. As far as France was concerned, the Territory of Southern Rhodesia was currently the responsibility of the United Kingdom Government alone. It was this consideration which determined the French attitude towards the measures that should be adopted for the settlement of the Southern Rhodesia crisis and which established the limits of the United Nations intervention in this matter. Since this crisis was an internal affair of the United Kingdom, it was incumbent upon its Government to take all the action appropriate to the circumstances. Whenever that Government took such action, principally in economic matters, France, like some other countries, had put into effect the corresponding decisions. It was this method of combining essentially United Kingdom action with adequate support on the part of other countries which seemed the only reasonable one. However, the United Kingdom was obviously not satisfied with the co-operation of some States. The problem was an international one; but it would be artificial, and therefore without foundation to invoke in this connexion the provisions of Chapter VII. Thus, at the present time, the only genuinely international problem did not constitute a threat to peace, while the Southern Rhodesian question that was its deep and underlying

<sup>7</sup> 1320th meeting, para. 93, in connexion with the Palestine question;

1343rd meeting (PV), pp. 33-35, in connexion with the situation in the Middle East (I);

1402nd meeting (PV), pp. 3-5;

1407th meeting (PV), p. 51;

1440th meeting (PV), p. 62, in connexion with the situation in the Middle East (II);

1392nd meeting (PV), pp. 31-32, in connexion with the question of South West Africa.

<sup>8</sup> For texts of relevant statements, see:

1277th meeting: France, paras. 90-94; Jordan, paras. 82-85.

<sup>9</sup> 1276th meeting, para. 12.

<sup>10</sup> S/7236/Rev.1; same text as resolution 221 (1966).

<sup>11</sup> 1276th meeting, paras. 44, 49-56.

<sup>12</sup> S/7243, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 32, 33.

cause was an internal United Kingdom problem, and in consequence, the responsibility of its Government alone.

At the 1277th meeting on 9 April 1966, the three-Power amendment was not adopted,<sup>13</sup> the result of the vote being 7 in favour, none against, with 8 abstentions. The draft resolution submitted by the United Kingdom was adopted<sup>14</sup> by 10 votes in favour, none against, with 5 abstentions, as resolution 221 (1966).

CASE 2.<sup>15</sup> SITUATION IN SOUTHERN RHODESIA: In connexion with the draft resolution submitted by Mali, Nigeria and Uganda: voted upon and not adopted on 23 May 1966.

[*Note:* In connexion with the provision in operative paragraph 1 of the draft resolution according to which the Security Council would determine that "the situation in Southern Rhodesia continues to constitute a threat to international peace and security", it was maintained that the Council in its previous resolution 217 (1965) of 20 November 1965 and 221 (1966) of 9 April 1966, had not stated explicitly that the situation in Southern Rhodesia constituted a threat to international peace and security. For this reason, operative paragraph 1 of the draft resolution before the Council, implying that such a determination had already been made by the Council, did not correspond to the facts. It was also pointed out that in the current situation, it was more appropriate for the Council not to decide upon compulsory measures but to make recommendations.]

At the 1279th meeting on 17 May 1966, the representative of Nigeria introduced<sup>16</sup> a draft resolution<sup>17</sup> jointly sponsored with Mali and Uganda, in which it was provided:

*"The Security Council,*

*"Recalling its resolutions 216 (1965) and 217 (1965) of 12 and 20 November 1965, respectively, and 221 (1966) of 9 April 1966, and in particular its call to all States to do their utmost to break off all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products,*

*"Noting with concern that this call has not been heeded by all States and that economic measures have failed to bring down the racist régime of Salisbury,*

*"Pointing out that the grave threat to international peace and security inherent in the situation in Southern Rhodesia has already induced it to authorize the use of force by its resolution 221 (1966) of 9 April 1966, in the exercise of the powers which Chapter VII of the United Nations Charter alone confers upon it,*

*"...*

*"1. Determines that the situation in Southern Rhodesia continues to constitute a threat to international peace and security;*

<sup>13</sup> 1277th meeting, paras. 174-178.

<sup>14</sup> *Ibid.*, para. 179.

<sup>15</sup> For texts of relevant statements, see:

1278th meeting: Senegal, para. 45; Zambia, para. 12;

1279th meeting: Algeria, para. 22; Nigeria, para. 53; Sierra Leone, paras. 79, 83, 84;

1280th meeting: USSR, para. 101; 1281st meeting: Uruguay, paras. 29-31;

1285th meeting: Argentina, paras. 17, 18; Uruguay, para. 24.

<sup>16</sup> 1279th meeting, para. 42.

<sup>17</sup> S/7285/Add.1, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 82, 83.

*"...".*

In the course of the discussion, at the 1281st meeting on 18 May 1966, the representative of Uruguay stated that in resolution 217 (1965) of 20 November 1965, the Security Council had declared that "... the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia is extremely grave... and that its continuance in time constitutes a threat to international peace and security". This wording did not bestow on the provisions contained in that resolution the same mandatory character as implicit in decisions taken under Chapter VII of the Charter. Further, the Security Council, in operative paragraph 1 of resolution 221 (1966) of 9 April 1966, stated that in the very specific and limited case under consideration, "the resulting situation constitutes a threat to the peace". A declaration of the Council to the effect that a situation was a threat to international peace and security placed the matter within the purview of Chapter VII of the Charter and enabled the Council to apply coercive measures. However, the Security Council had not yet stated explicitly that the general situation in Southern Rhodesia constituted a threat to international peace and security, although it took two steps in that direction. This implied that Members as well as non-members of the United Nations had not been under any binding obligation to carry out the Council's decisions.

At the 1285th meeting on 23 May 1966, the representative of Argentina expressed the view that the situation in Southern Rhodesia constituted a threat to international peace and security. Once such a determination had been made, the Council had two possibilities open to it in accordance with Article 39: either to make recommendations or to adopt binding measures. At this moment, it seemed to be appropriate to choose an appeal rather than to decide upon compulsory measures whose consequences, if they did not accomplish what was decided, would undoubtedly be more and more intolerable.

At the same meeting, the representative of Uruguay reiterated that the Security Council had not determined that the general situation in Southern Rhodesia constituted a threat to international peace; for this reason, operative paragraph 1 of the three-Power draft resolution, stating that "the situation in Southern Rhodesia continues to constitute a threat to international peace and security", with the implication that the Council had already previously made such a determination, did not correspond to the real situation.

At the same meeting, the three-Power draft resolution was not adopted,<sup>18</sup> the result of the vote being 6 in favour, 1 against, with 8 abstentions.

CASE 3.<sup>19</sup> SITUATION IN SOUTHERN RHODESIA: In connexion with the United Kingdom draft resolution and the amendments by Mali, Nigeria and Uganda thereto: the draft resolution, as amended, voted upon and adopted on 16 December 1966.

<sup>18</sup> 1285th meeting, para. 33.

<sup>19</sup> For texts of relevant statements, see:

1331st meeting, United Kingdom, paras. 21, 24;

1332nd meeting: Argentina, paras. 53-55; 1333rd meeting:

Japan, para. 47; United States, paras. 17, 19-21;

1335th meeting: Pakistan, para. 79; 1337th meeting: Netherlands, paras. 82-85; 1340th meeting: Jordan, para. 3; Uruguay, paras. 32, 33.

[*Note:* In the course of the discussion it was maintained that since the Security Council had already determined in a previous resolution that the continuance in time of the situation in Southern Rhodesia constituted a threat to the maintenance of international peace and security, it was for the Council to reaffirm this determination. On the other hand, it was contended that such a determination must contain an explicit finding according to the terms of Article 39 and not only an implicit statement referring to that previous resolution and to Article 39. It was further maintained that although the responsibility concerning the rebellion in Southern Rhodesia as a domestic matter rested with the administering Power of that Non-Self-Governing Territory, the consideration of its request for the action of the Council under Chapter VII of the Charter was within the competence of the Council.]

At the 1331st meeting of the Security Council on 8 December 1966, the representative of the United Kingdom introduced <sup>20</sup> a draft resolution <sup>21</sup> in which it was provided:

*"The Security Council,*

*"Reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965 and 221 (1966) of 9 April 1966, and in particular, its appeal to all States to do their utmost in order to break off economic relations with Southern Rhodesia,*

*"Deeply concerned that this call has not brought the rebellion in Southern Rhodesia to an end,*

*"...*

*"Acting in accordance with Articles 39 and 41 of the United Nations Charter, [preamble, para. 4]*

*"..."*

In introducing the draft resolution, the representative of the United Kingdom stated that in its resolution 217 (1965) of 20 November 1965, the Security Council had determined that the "continuance in time" of the situation resulting from the unilateral proclamation of independence by the illegal authorities in Southern Rhodesia had constituted a threat to international peace and security. That situation had continued for more than a year, and it was against that background that the United Kingdom Government came before the Council with a request that it reinforce, with a resolution under Chapter VII of the Charter the measures of economic pressure which hitherto had been applied on a voluntary basis by Members of the United Nations. The illegal declaration had led to the most far-reaching consequences. The dangers to peace and stability in the whole region of central and southern Africa were acute. A small group of men there had provoked a most critical situation with great and growing danger of interracial strife and bloodshed throughout Southern Africa. The Security Council could not permit the situation to deteriorate further. The combination of circumstances flowing from the initial action of the Smith régime affected not only the stability of Rhodesia's immediate neighbours but also the maintenance of international peace and security. The situation thus created was such that the Council should invoke certain measures under Articles 39 and 41.

At the 1332nd meeting on 9 December 1966, the representative of Argentina maintained that the situation in

Southern Rhodesia had become a threat to the peace in the sense of Article 1 (1) and Article 39 of the Charter. There were two reasons why a threat to the peace in the sense of the Charter existed in this case. The first was that the continued existence of the grave situation resulting from the unilateral declaration of independence had already been described as a threat to international peace and security in resolution 217 (1965). That situation continued and perhaps was becoming even more serious. The second reason was that, regardless of the passage of time, the factual circumstances in themselves showed that there was at any moment a latent state of a breach of the peace. It was thus difficult to understand why the United Kingdom draft resolution did not specifically mention that the situation was a threat to the peace. Furthermore it was not sufficient to state this by implication through a mentioning of resolution 217 (1965) and Article 39. When action in the context of Chapter VII of the Charter was involved, the Security Council's primary obligation under Article 39 was to determine "the existence of any threat to the peace, breach of the peace or act of aggression" and then to decide on whatever measures it considered appropriate. To refrain from specifically determining the existence of a threat to the peace and merely to decide what measures should be taken would be comparable to rendering a judgement which stated the penalty and not the crime.

At the 1333rd meeting on 12 December 1966, the representative of the United States contended that the question might be raised whether the situation in Southern Rhodesia constituted a threat to the peace, which was the condition under which sanctions could be imposed under Chapter VII of the Charter. The answer laid in the fact that there were unique elements in that situation. The Council had already found particularly in resolution 217 (1965) that the continuance in time of such a situation was likely to lead to a threat to the peace. The situation was not only continuing but it was obviously growing more acute. The Council had before it an effort by a small minority to suppress the political rights of a majority and to extend into a Non-Self-Governing Territory practices of racial discrimination. The sovereign authority of the Territory came to the United Nations and requested it to take measures which would permit the restoration of the full rights of the people of Southern Rhodesia under the United Nations Charter. This was not a static but a deteriorating situation in which the danger to the peace was obviously growing and to which the Council must properly address itself.

The representative of Japan observed that it was the primary obligation of the Council, under Article 39, to determine "the existence of a threat to the peace, breach of the peace, or act of aggression", and then to decide on whatever measures were appropriate. Since the United Kingdom draft resolution invoked Article 25 <sup>22</sup> of the Charter, the Security Council should define in explicit terms that its action was taken under Chapter VII in order to ensure the effective implementation of the resolution.

At the 1335th meeting on 13 December 1966, the representative of Uganda introduced <sup>23</sup> amendments,<sup>24</sup> sub-

<sup>20</sup> 1331st meeting, para. 25.

<sup>21</sup> S/7621.

<sup>22</sup> See in this *Supplement*, chapter VIII, p. 117.

<sup>23</sup> 1335th meeting, para. 3.

<sup>24</sup> S/7630, *O.R.*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 178, 179.

mitted jointly with Mali and Nigeria, to the United Kingdom draft resolution. In amendment No. 2, it was proposed to insert before the operative paragraph of the draft resolution two operative paragraphs, of which the first new paragraph read:

"1. *Determines* that the continuance of the illegal racist régime in Southern Rhodesia constitutes a threat to international peace and security;"

At the same meeting, the representative of Pakistan expressed the view that since the situation in Southern Rhodesia after the adoption of the Council's resolution 217 (1965) continued for a much longer time than originally anticipated, it was beyond dispute that the Council regarded it as a threat to international peace and security. The other fact was that resolution 221 (1966) of 9 April 1966 had authorized the use of force which, however limited, could not be applied except in exercise of the powers conferred upon the Security Council by Chapter VII of the Charter. It was thus established that the legal prerequisites of action under Chapter VII had already been fulfilled. However, a fresh declaration to this effect as proposed in the three-Power amendment would be both necessary and appropriate.

At the 1337th meeting on 14 December 1966, the representative of the Netherlands stated that the United Kingdom characterized the action of the régime in Southern Rhodesia as a rebellion and therefore a domestic matter of the United Kingdom; at the same time, however, it had brought the subject before the Council under Chapter VII. These two aspects were not incompatible, but it was necessary to realize what the basis was of the competence of the Council to deal with the matter. Clear warning that a decision under Chapter VII could be contemplated was given in operative paragraph 1 of Security Council resolution 217 (1965). It was clear from this resolution that it was not Southern Rhodesia which was threatening international peace and security because if the Council had taken that view, it would have implied recognition of that Non-Self-Governing Territory as a subject of international law. When the resolution spoke of a threat to the peace, it referred to the situation in Southern Rhodesia. This idea had also been at the basis of resolution 221 (1966) of 9 April 1966. In the United Kingdom draft resolution, however, the fact that the situation in Southern Rhodesia threatened international peace and security was not clearly spelled out. Despite this, the Government of the Netherlands was prepared to support that draft resolution, taking into consideration that the United Kingdom as the country responsible for the Territory had requested selective mandatory sanctions under Chapter VII.

At the 1338th meeting on 15 December 1966, the representative of Uganda introduced<sup>25</sup> a revised text<sup>26</sup> of the amendments submitted by Mali, Nigeria and Uganda, according to which before operative paragraph 1 of the

<sup>25</sup> 1338th meeting, para. 149.

<sup>26</sup> S/7630/Rev.1, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 180, 181.

United Kingdom draft resolution would be inserted two new operative paragraphs, the first of which read:

"*Determines* that the present situation in Southern Rhodesia constitutes a threat to international peace and security;"

At the 1339th meeting on 16 December 1966 the representative of the United Kingdom submitted<sup>27</sup> a revised text of his draft resolution.<sup>28</sup>

At the 1340th meeting on the same day, the representative of Jordan stated that in any resolution to be adopted by the Security Council, it should be determined that a situation existed which threatened peace within the meaning of Article 39. The United Kingdom draft resolution omitted the specific mention of this question of fact, and it was not enough to bring out this point by implication, that is, by mere reference to resolution 217 (1965) and Article 39. Determination that the situation threatened international peace and security should precede the adoption of any suitable measure under Chapter VII. The Council must, as a first step, declare unequivocally that there was a situation in fact posing a threat to international peace and security and that situation existed. The formula presented in the three-Power draft amendment would remedy the situation.

The representative of Uruguay agreed with the representative of Argentina that the mere reference to Article 39 in the United Kingdom draft resolution was not sufficient. When it was intended to take action under Chapter VII, the provisions of Article 39, which sanctioned intervention by international bodies and justified whatever measures they might adopt, must be explicitly defined. Consequently, the relevant paragraph of that draft resolution should explicitly use the words "the existence of any threat to the peace, breach of the peace or act of aggression". The nature of these events had removed the situation in Rhodesia from the United Kingdom domestic jurisdiction and had made it a matter of international concern.

At the same meeting, the representative of the United Kingdom accepted<sup>29</sup> that part of the amendment submitted by Mali, Nigeria and Uganda, to insert in his revised draft resolution a new operative paragraph 1, by which the Council would determine that "the present situation in Southern Rhodesia constituted a threat to international peace and security".

At the same meeting, this amendment was adopted<sup>30</sup> by 14 votes in favour, none against, with one abstention. The revised United Kingdom draft resolution, as amended, was adopted<sup>31</sup> by 11 votes in favour, none against, with 4 abstentions.

<sup>27</sup> 1339th meeting, para. 2.

<sup>28</sup> S/7621/Rev.1, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 169, 170.

<sup>29</sup> 1340th meeting, para. 59.

<sup>30</sup> *Ibid.*, para. 85.

<sup>31</sup> *Ibid.*, para. 110.

## Part II

## CONSIDERATION OF THE PROVISIONS OF ARTICLE 41 OF THE CHARTER

## NOTE

During the period under review the Security Council, acting explicitly under Chapter VII, adopted two draft resolutions<sup>32</sup> providing for the application of economic sanctions under Article 41. A draft resolution<sup>33</sup> in which Article 41 was explicitly invoked, was not adopted. A draft resolution<sup>34</sup> which has a bearing on Article 41 was adopted by the Security Council, without, however, any constitutional discussion relating to the provisions of the Article. The constitutional issues which arose in connexion with the resolutions dealt with below were concerned with the question of the type, scope and modalities of the economic sanctions to be applied by the Security Council under Article 41.

CASE 4.<sup>35</sup> SITUATION IN SOUTHERN RHODESIA: In connexion with the draft resolution submitted by Mali, Nigeria and Uganda: voted upon and not adopted on 23 May 1966.

[*Note:* In connexion with the above three-Power draft resolution, it was maintained, on the one hand, that the Security Council should adopt mandatory sanctions under Article 41. It was contended, on the other hand, that the Security Council should for the time being take no action so as not to endanger the informal talks being held in London. It was further maintained it was for the members of the Security Council to enter into consultations to arrive at an agreed formula due to the importance of the matter.]

At the 1278th meeting on 17 May 1966, the representative of Pakistan stated that it was a matter of regret that decisive enforcement measures had not been taken by the Security Council and instead, a decision had been made to impose permissive sanctions on the rebel minority régime. The obligation of Member States to comply with the decisions of the Council, even when they were not adopted under Chapter VII, however could not be denied. The expectation of the administering Power had not been fulfilled, permissive sanctions had failed, and it was necessary for the Council to adopt mandatory sanctions provided for under Chapter VII in Articles 41 and 42.

At the 1279th meeting on 17 May 1966, the representative of Nigeria introduced<sup>36</sup> a draft resolution<sup>37</sup>

<sup>32</sup> Cases 5, 6.

<sup>33</sup> Case 4.

<sup>34</sup> Resolution 221 (1966) of 9 April 1966; for the text, see in chapter VIII, p. 114. For the consideration in connexion with this resolution of the provisions of Article 39 and Article 42, see in this chapter, Cases 1 and 7.

<sup>35</sup> For texts of relevant statements, see:

1278th meeting: Pakistan, paras. 81, 89, 91;

1279th meeting: Nigeria, paras. 52, 53; Sierra Leone, para. 90;

1280th meeting: USSR, para. 105; United Kingdom, paras. 43-46, 61;

1281st meeting: Uruguay, paras. 31-33;

1285th meeting: Uruguay, paras. 27, 28.

<sup>36</sup> 1279th meeting, para. 42.

<sup>37</sup> S/7285/Add.1, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 82, 83.

sponsored jointly with Mali and Uganda, in which it was provided:

*"The Security Council,*

*"Recalling its resolution 216 (1965) and 217 (1965) of 12 and 20 November 1965, respectively, and 221 (1966) of 9 April 1966, and in particular its call to all States to do their utmost to break off all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products,*

*"Noting with concern that this call has not been heeded by all States and that economic measures have failed to bring down the racist régime of Salisbury,*

*"...*

*"Gravely concerned by the reports that substantial supplies of oil are reaching Southern Rhodesia and that arrangements are being made to devise a permanent system of oil supply to that territory, [preamble, para. 3]*

*"Noting with regret that the administering Power has made no effort to open negotiations with the leaders of African political parties with a view to establishing in Southern Rhodesia a Government consistent with the aspirations of the people of Zimbabwe, [preamble, para. 4]*

*"Disturbed at the grave consequences which negotiations between the United Kingdom of Great Britain and Northern Ireland and the racist régime of Salisbury, without the participation of the genuine representatives of the people of Zimbabwe, might entail for the rights of that people to freedom and independence, [preamble, para. 5]*

*"1. Determines that the situation in Southern Rhodesia continues to constitute a threat to international peace and security;*

*"2. Calls upon all States to apply measures with a view to the complete severance of economic relations and communications with Southern Rhodesia in accordance with Article 41 of the United Nations Charter;*

*"3. Invites the Portuguese and South African Governments, in particular, to take forthwith the necessary measures under Article 41 of the Charter to sever economic relations and communications with Southern Rhodesia;*

*"4. Calls upon all States, and particularly the Portuguese and South African Governments, to take all necessary measures to prevent the supply of oil and petroleum products to Southern Rhodesia;*

*"..."*

In introducing the three-Power draft resolution, the representative of Nigeria said that its sponsors called upon all States to apply measures with a view to the complete severance of economic relations with Southern Rhodesia in accordance with Article 41. This Article had been intended to be applied in certain circumstances. The situation in Southern Rhodesia provided a set of



circumstances for which the application of Article 41 was suitable.

In the course of the discussion at the same meeting, the representative of Sierra Leone observed that the Southern Rhodesian problem had reached the stage where the only course of action open to the Security Council was a resort to such actions as might be necessary under Articles 41 and 42 of Chapter VII.

At the 1280th meeting on 18 May 1966, the representative of the United Kingdom referring to the informal talks in London, the purpose of which was to find out whether it was possible to arrive at a basis for negotiations with Salisbury, stated that if it was not possible to achieve a just settlement that would protect the rights of all the people of Rhodesia, then a new situation would arise and it would be necessary to consider the problem again. Further action at this time by the United Nations, however, would only be likely to prejudice the achievement of such a settlement.

The representative of the USSR stated that the Security Council should adopt the most effective measures against the racist régime in Southern Rhodesia up to the application of sanctions under Chapter VII in complete accordance with the principles and provisions of the Charter.

At the 1281st meeting on 18 May 1966, the representative of Uruguay contended that the time had come for the Security Council to consider the adoption of certain mandatory measures of a general nature under Chapter VII. Among them, the Security Council should consider the following: first, to call on all States not to recognize the illegal régime in Southern Rhodesia or to maintain relations, diplomatic or otherwise, with it; secondly, to urge all States to take appropriate action to prevent the supply of oil and petroleum products to Southern Rhodesia; and, thirdly, to call upon all States to take the necessary steps for the severance of economic relations with Southern Rhodesia excepting, for humanitarian reasons, the supply of food-stuffs, clothing, and medicine. These measures were mandatory and, under Article 25, all States Members of the United Nations must put them into effect. Failure to do so would lead the Security Council to consider in the future what action should be taken.

At the 1285th meeting on 23 May 1966, the representative of Uruguay stated that the adoption of the three-Power draft resolution, which contemplated preemptory measures, would be tantamount to an international agreement imposing obligations not only on the States members of the Security Council but also on all Members of the United Nations by virtue of the commitment they had assumed on signing the Charter. As with any international agreement containing specific and detailed obligations, this would require careful consideration and adjustment. There would thus be a need for consultations among the members of the Council so as to find a formula it could approve. However, so far the Council had been unable to make use of such a procedure to the extent necessary.

At the same meeting, the three-Power draft resolution was not adopted,<sup>39</sup> the result of the vote being 6 in favour, 1 against and 8 abstentions.

<sup>39</sup> 1285th meeting, para. 33.

CASE 5.<sup>39</sup> SITUATION IN SOUTHERN RHODESIA: In connexion with the draft resolution submitted by the United Kingdom and amendments thereto submitted jointly by Mali, Nigeria and Uganda, voted upon and adopted, as amended, on 16 December 1966.

[*Note:* During the discussion, it was maintained that since the Security Council had determined that the situation in Southern Rhodesia constituted a threat to international peace and security within the meaning of Article 39, it had to apply under Article 41 comprehensive rather than selective sanctions against it, mandatory for all Member States according to Article 25 of the Charter and for all non-member States on the basis of Article 2(6).]

At the 1331st meeting on 8 December 1966, the representative of the United Kingdom stated that the aim of his Government was to bring the rebellion by the illegal régime in Rhodesia to an end, which objective was to be achieved by peaceful means. The United Kingdom Government would ask the Security Council to impose on all States to carry out, with the same intensity, the measures it had itself taken since the illegal declaration of independence on 11 November 1965, which affected not only the stability and progress of its immediate neighbours but also the maintenance of international peace and security. The situation thus created was such that the Council should decide upon certain measures under Articles 39 and 41 of the Charter. The United Kingdom draft resolution provided for selective mandatory sanctions pursuant to those Articles on the export of those commodities which were of critical importance to Rhodesia's foreign trade or the import of arms and military supplies. The decisions of the Council would become binding upon Member States by virtue of Article 25. If any State were to decide that it would not conform with the Council's decision, that would create a new situation which would no doubt be raised in due course. However, selective sanctions were proposed against Rhodesia only. The Security Council must proceed step by step in dealing with this situation which must not be allowed to develop into an economic or military confrontation that would have incalculable consequences for the whole of central and southern Africa, going far beyond the issues raised by the Rhodesian problem. The representative pointed out further that as to the question of how commodities for sanctions should be selected, the following criteria should apply: they should be those export commodities against which sanctions could be most effectively applied by the Member States and the sanctions proposed should be those which would cause the greatest economic damage to the illegal régime. With a view to the strong measure of support for the inclusion of oil in the mandatory sanctions, if an amendment in this sense were to be made in acceptable terms, the United Kingdom would not oppose it, on the basis of understanding of the importance of not allowing sanctions to escalate into economic confrontation with third States.

<sup>39</sup> For texts of relevant statements, see:

1331st meeting: United Kingdom, paras. 5, 22-27, 31-33, 38;  
1332nd meeting: Argentina, paras. 57, 59;  
1333rd meeting: Japan, paras. 44, 47, 49; Senegal, para. 38;  
United States, paras. 12, 13, 25;  
1335th meeting: Uganda, para. 17; Pakistan, para. 87;  
1336th meeting: India, paras. 10, 16;  
1337th meeting: Netherlands, para. 84;  
1340th meeting: Jordan, para. 10; Uruguay, paras. 34, 38.

At the same meeting, the representative of the United Kingdom introduced <sup>40</sup> a draft resolution <sup>41</sup> in which it was provided:

*"The Security Council,*

*"Reaffirming its resolutions numbers 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, and 221 (1966) of 9 April 1966, and in particular its appeal to all States to do their utmost in order to break off economic relations with Southern Rhodesia,*

*"Deeply concerned that this call has not brought the rebellion in Southern Rhodesia to an end,*

*"Reaffirming that to the extent not superseded in this resolution, the measures provided for in resolution 217 (1965) of 20 November 1965, as well as those initiated by Member States in implementation of that resolution, shall continue in effect,*

*"Acting in accordance with Articles 39 and 41 of the United Nations Charter,*

*"1. Decides that all States Members of the United Nations shall prevent:*

*"(a) The import into their territories of asbestos, iron ore, chrome, pig-iron, sugar, tobacco, copper, meat and meat products and hides, skins and leather originating in Southern Rhodesia and exported therefrom after the date of this resolution;*

*"(b) Any activities by their nationals or in their territories which promote or are calculated to promote the export of these commodities from Southern Rhodesia and any dealings by their nationals or in their territories in any of these commodities originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;*

*"(c) Shipment in vessels or aircraft of their registration of any of these commodities originating in Southern Rhodesia and exported therefrom after the date of this resolution;*

*"(d) Any activities by their nationals or in their territories which promote or are calculated to promote the sale or shipment to Southern Rhodesia of arms, ammunition of all types, military aircraft, military vehicles, and equipment and materials for the manufacture and maintenance of arms and ammunition in Southern Rhodesia,*

*notwithstanding any contracts entered into or licenses granted before the date of this resolution;*

*"...".*

At the 1332nd meeting on 9 December 1966, the representative of Argentina stated that his Government was, for the time being, in favour of those measures which were listed in Article 41, and did not include the use of force. Before resorting to this final step, the Security Council should try such measures as might achieve the purpose of maintaining international peace and security, avoiding armed confrontations the consequences of which would be quite unpredictable. Adoption of the measures

under Article 41 would be a sufficient remedy for the situation. However, the Government of Argentina would not concur in the approval of measures which had no chance of success. Its desire was, to use the wording of Article 1 (1) of the Charter, that these collective measures should be "effective". If, however, they were to be effective, they must be implemented by all States, whatever their economic interests or geographic position. The proposed measures were obligatory for all Member States under Article 25 and they were also binding on non-member States under Article 2(6). If they would be adopted, nobody could avoid implementing them.

At the 1333rd meeting on 12 December 1966, the representative of the United States noted that the Security Council was asked to impose, under Chapter VII of the Charter, mandatory sanctions against the Rhodesian régime. The sanctions, in the view of the United States Government, had one purpose only: to bring about a peaceful settlement of the Rhodesian problem. They were necessary in order to persuade the illegal régime that the international community would not tolerate the existence of a discriminatory system based on minority rule in defiance of the United Nations and its principles.

The representative of Japan observed that Security Council resolution 217 (1965) had determined that the continuance in time of the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia had constituted a threat to international peace and security. That situation continued for more than a year and it was such that the Council should call for binding measures under Article 41 of the Charter.

At the 1335th meeting on 13 December 1966, the representative of Uganda introduced <sup>42</sup> amendments <sup>43</sup> to the United Kingdom draft resolution submitted jointly with Mali and Nigeria. In the amendments, it was proposed to insert two new operative paragraphs and to renumber former operative paragraph 1 as operative paragraph 3. In addition, the following amendments were proposed:

*"3. Amend sub-paragraph (a) of former operative paragraph 1 as follows:*

*In the third line, insert between 'leather' and 'originating' the following: ', coal and all manufactured goods'.*

*"4. After sub-paragraph (d) of former operative paragraph 1, insert the following sub-paragraph:*

*'(e) participating in their territories or territories under their administration or in land or air transport facilities or by their nationals or vessels of their registration in the supply of oil or oil products to Southern Rhodesia.'*

*"5. After former operative paragraph 1 (now operative paragraph 3), insert the following five operative paragraphs:*

*"...".*

*"8. Calls upon all States not to render financial or other economic aid to the illegal racist régime in Southern Rhodesia.'*

*"...".*

<sup>40</sup> 1331st meeting, para. 25.

<sup>41</sup> S/7621.

<sup>42</sup> 1335th meeting, para. 3.

<sup>43</sup> S/7630, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 178-179.

At the 1336th meeting on 13 December 1966, the representative of India stated that mandatory sanctions of a general and comprehensive character should be applied under Chapter VII of the Charter and should cover both exports and imports, including the export of petroleum and petroleum products to Rhodesia under Article 41.

At the 1338th meeting on 15 December 1966, the representative of Uganda introduced <sup>44</sup> a revised text <sup>45</sup> of the amendments submitted by Mali, Nigeria and Uganda, in which the text of the amendments listed in the preceding paragraph remained unchanged.

At the 1339th meeting on 16 December 1966, the representative of the United Kingdom submitted <sup>46</sup> a revised text of the United Kingdom draft resolution <sup>47</sup> which incorporated a new operative sub-paragraph 1(e), which read:

"(e) any activities by their nationals or in their territories which promote or are calculated to promote the supply to Southern Rhodesia of all other aircraft and motor vehicles and of equipment and materials for the manufacture, assembly or maintenance of aircraft and motor vehicles in Southern Rhodesia; the shipment in vessels and aircraft of their registration of any such goods destined for Southern Rhodesia; and any activities by their nationals or in their territories which promote or are calculated to promote the manufacture or assembly of aircraft or motor vehicles in Southern Rhodesia;"

At the 1340th meeting on 16 December 1966, the representative of Uruguay maintained that the United Nations was competent to apply economic, financial and other sanctions against Southern Rhodesia. It must be borne in mind, however, that the sanctions provided for under Article 41 were not only binding upon all Member States as stated in Article 25 but were also obligatory for non-member States in accordance with Article 2(6) of the Charter.

At the same meeting, the third of the joint amendments submitted by Mali, Nigeria and Uganda, was not adopted,<sup>48</sup> the result of the vote being 8 votes in favour, none against, with 7 abstentions; the fourth amendment was adopted <sup>49</sup> by 14 votes in favour, none against, with 1 abstention; paragraph 8 in the fifth amendment was adopted <sup>50</sup> by 14 votes in favour, none against, with 1 abstention. The revised draft resolution submitted by the United Kingdom, as amended, was adopted <sup>51</sup> by 11 votes in favour, none against, with 4 abstentions, as resolution 232 (1966).

CASE 6.<sup>52</sup> SITUATION IN SOUTHERN RHODESIA: In connexion with the letter of submission dated 12 March 1968; with the draft resolution jointly submitted by

<sup>44</sup> 1338th meeting, para. 146.

<sup>45</sup> S/7630/Rev.1, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 180-181.

<sup>46</sup> 1339th meeting, para. 2.

<sup>47</sup> S/7621/Rev.1, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 169-170.

<sup>48</sup> 1340th meeting, para. 88.

<sup>49</sup> *Ibid.*, para. 89.

<sup>50</sup> *Ibid.*, para. 94.

<sup>51</sup> *Ibid.*, para. 110.

<sup>52</sup> For texts of relevant statements, see:

1399th meeting (PV): Algeria, pp. 16, 18-20; Ethiopia, pp. 41,

Algeria, Ethiopia, India, Pakistan, and Senegal; with the draft resolution submitted by the United Kingdom; and with the draft resolution submitted by the members of the Security Council: the latter voted upon and adopted on 29 May 1968; the two other draft resolutions not pressed to a vote.

[*Note:* In the course of the discussion, the question of the scope and the modalities of the application of economic sanctions under Article 41 arose. It was maintained that the selective sanctions against Southern Rhodesia previously adopted by the Security Council must extend to total and comprehensive sanctions resulting in Southern Rhodesia's complete economic isolation.]

By letter <sup>53</sup> dated 12 March 1968 addressed to the President of the Security Council, the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia stated that selective mandatory sanctions adopted by the Security Council in its resolution 232 (1966) of 16 December 1966, had failed. It was incumbent upon the Council to examine the continuing grave situation in Southern Rhodesia (Zimbabwe) which still constituted a threat to international peace and security and to envisage the necessary measures and action under Chapter VII of the Charter with a view to enabling the people of Southern Rhodesia (Zimbabwe) to exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV).

At the 1399th meeting on 19 March 1968, the representative of Algeria contended that it became necessary to reconsider the problem of sanctions as provided for in resolution 232 (1966). If economic sanctions were to be completely effective, it was necessary that the frontiers of Southern Rhodesia be completely sealed henceforth. Also South Africa and Portugal must be compelled to comply with the implementation of sanctions to be adopted. The sanctions must be total: all Members of the United Nations and its specialized agencies must break off all consular relations and not recognize in any way any travel documents issued by the Salisbury authorities; the same States must be asked to implement all the measures provided for in Article 41, including the interruption of rail, sea, air, postal, telegraphic, radio and other means of communications, including also information media such as the press, films and television programmes.

The representative of the United Kingdom stated that the Security Council had a duty to explore and to examine every effective and practicable method to supplement and sustain the measures already taken.

The representative of Ethiopia observed that the Security Council should address itself to an evaluation of the effects of the selective mandatory sanctions decided

42, 48; United Kingdom, p. 32; 1400th meeting (PV): Canada, p. 17; India, pp. 12-13; Jamaica, p. 26; USSR, p. 52;

1408th meeting (PV): Brazil, pp. 33-35; China, p. 43; Pakistan, pp. 38-40; Senegal (President), p. 51;

1428th meeting (PV): USSR, pp. 18-20.

<sup>53</sup> S/8454, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, pp. 258-259.

upon in its resolution of 16 December 1966 and, in the light of such an evaluation, to examining new and additional measures sufficiently adequate to remove the threat to international peace and security resulting from the situation in Southern Rhodesia. However, no sanctions, even if they were comprehensive, could be effective unless they were to include the Portuguese Territories and South Africa as well. Furthermore, sanctions without some means of following up their implementation could have no effect. Therefore the Council must decide on specific and appropriate measures which could enable it to follow up the implementation of its decisions.

At the 1400th meeting on 20 March 1968, the representative of India observed that the Security Council should impose comprehensive mandatory economic sanctions and should issue a warning that all Member States of the United Nations would be bound to comply with the sanctions imposed in terms of their obligations under Article 25 of the Charter.

The representative of Canada expressed the view that the Security Council must try harder to make the mandatory economic sanctions work. This was a matter involving the isolation of the Rhodesian régime. Particular attention should be given to the possibility of broadening the mandatory economic sanctions to a comprehensive and complete embargo on trade against Rhodesia.

The representative of Jamaica pointed out that an extension of the mandatory economic sanctions by the Security Council or an attempt to tighten the existing sanctions could founder on the policies of the Governments of Portugal and South Africa. If sanctions were to be effective, some action had to be taken concerning the policies of those two Governments.

At the 1408th meeting on 26 March 1968, the representative of Brazil stated that the Security Council should tighten the economic pressure on Southern Rhodesia. This could be done through a broadening of the trade embargo. In applying selective sanctions to Rhodesia, the Council had not even partially utilized the entire range of economic measures which it could take under the Charter; furthermore, economic sanctions were only one of the many kinds of sanctions, short of the use of force, available to the Council under Article 41.

The representative of Pakistan contended that the Security Council, acting under Chapter VII of the Charter, must decide upon comprehensive mandatory sanctions. Furthermore, it should also establish a procedure to close loop-holes and to ensure strict implementation of the resolution under its own continuing direction and control, in addition to the Secretary-General's administrative supervision of the implementation of the resolution.

The representative of China observed that there could be no effective economic sanctions without the co-operation of all Member States since unless they were prepared to fulfil their obligations under the Charter, the sanctions would not be effective. The representative agreed with the suggestion that sanctions authorized by the Council should be broadened into a total embargo against Rhodesia. However, such comprehensive mandatory economic sanctions would require full co-operation of all Member States.

The President, speaking as the representative of Senegal, stated that the Security Council was duty bound to

decide upon total and binding economic sanctions against Southern Rhodesia, taking the precaution of deciding upon effective measures of implementation and avoiding any commercial infiltration through South Africa and Mozambique.

At the 1413th meeting on 18 April 1968, the representative of Ethiopia introduced<sup>54</sup> a draft resolution<sup>55</sup> submitted jointly by Algeria, Ethiopia, India, Pakistan and Senegal, in which it was, *inter alia*, provided:

"The Security Council,

"...

"Acting under Chapter VII of the Charter of the United Nations, [preamble, para. 11]

"...

"2. Calls upon all States to sever immediately all economic and other relations with the illegal racist minority régime in Southern Rhodesia;

"..."

At the 1415th meeting on 23 April 1968, the representative of the United Kingdom submitted<sup>56</sup> a draft resolution<sup>57</sup> whereby:

"The Security Council,

"...

"Acting in accordance with Articles 39 and 41 of the United Nations Charter, [preamble, para. 6]

"1. Decides that States Members of the United Nations shall prevent:

"(a) The import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products are for consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored);

"(b) Any activities by their nationals or in their territories which promote or are calculated to promote the export of any commodities or products from Southern Rhodesia; and any dealings by their nationals or in their territories in any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

"(c) The shipment in vessels or aircraft of their registration or under charter to their nationals or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution;

"(d) The sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories

<sup>54</sup> 1413th meeting (PV), p. 11.

<sup>55</sup> S/8545, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 120, 121.

<sup>56</sup> 1415th meeting (PV), p. 6.

<sup>57</sup> S/8554, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 133-136.

but not including medical supplies, educational equipment, documents, books, periodicals, newspapers, cinematograph films containing only news or other informative or educational matter, television films containing only such matter, other material for cinematograph, television or radio purposes containing only such matter or, in special humanitarian circumstances, food-stuffs) to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia; and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

“(e) The shipment in vessels or aircraft of their registration or under charter to their nationals or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which are consigned to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia;

“2. *Decides* that States Members of the United Nations shall not make available to the illegal régime in Southern Rhodesia or to any commercial, industrial or public utility undertaking in Southern Rhodesia any funds for investment or any other financial or economic resources and shall prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia except payments exclusively for pensions or other humanitarian, educational or information purposes;

“3. *Decides* that States Members of the United Nations shall:

“(a) Prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal régime in Southern Rhodesia;

“(b) Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have reason to believe to have furthered or encouraged or to be likely to further or encourage the unlawful actions of the illegal régime in Southern Rhodesia or any activities which are calculated to

evade any measures decided upon in this resolution or in resolution 232 (1966) of 16 December 1966;

“4. *Decides* that States Members of the United Nations shall prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with any airline company constituted or aircraft registered in Southern Rhodesia;

“5. *Calls upon* States Members of the United Nations to take all practicable measures to discourage their nationals from emigrating to Southern Rhodesia;

“6. *Decides* that all States Members of the United Nations shall give effect to the decisions set out in operative paragraphs 1, 2, 3, 4 and 5 of this resolution notwithstanding any contract entered into or licence granted before the date of this resolution save that landlocked States of southern Africa shall be obliged to carry out those decisions only in so far as their position permits;

“...”

At the 1428th meeting on 29 May 1968, the President (United States) said<sup>58</sup> that a new draft resolution<sup>59</sup> which had been arrived at in extensive consultations, had been submitted and circulated.

The representative of the USSR observed that compared with the resolution of 16 December 1966, the economic sanctions and other boycott measures were broadened. However, even those measures were still not sufficiently comprehensive. The draft resolution furthermore did not provide for complete cessation of relations of all kinds with Southern Rhodesia at the State level and did not require the breaking off of postal, telegraphic, telephonic and other communications; its provision concerning the banning of immigration to Southern Rhodesia was not clearly formulated; and the draft resolution also provided for a number of unjustifiable exceptions in the matter of breaking off trade relations with that country.

At the same meeting, the President stated that the sponsors of draft resolutions S/8545 and S/8554 did not intend to press for a vote on their draft resolutions.<sup>60</sup>

The draft resolution S/8601 was adopted<sup>61</sup> unanimously.

<sup>58</sup> 1428th meeting (PV), p. 6.

<sup>59</sup> S/8601, same text as resolution 253 (1968); for the text of its relevant provisions in connexion with the consideration of Article 41 (eleventh preambular paragraph and operative paragraphs 2-10), see in chapter VIII, pp. 123, 124.

<sup>60</sup> 1428th meeting (PV), pp. 23-25.

<sup>61</sup> *Ibid.*, p. 27.

### Part III

## CONSIDERATION OF THE PROVISIONS OF ARTICLES 42-47 OF THE CHARTER

### NOTE

Three resolutions of the Security Council adopted during the period under review contained provisions concerning the use of force by an administering Power

of a Non-Self-Governing Territory; in one instance,<sup>62</sup> in specific circumstances when the situation resulting from them constituted, according to the determination of

<sup>62</sup> See Case 7.

the Council, a threat to the peace, and in two instances,<sup>63</sup> in connexion with the situation in that Territory which itself, according to the Council's determination, constituted a threat to international peace and security. In another instance,<sup>64</sup> a draft resolution calling upon the administering Power to use force under Chapter VII, in that Territory, was not adopted.

The principal issue dealt with in the course of the consideration of the draft resolutions before the Security Council centred on the constitutionality of the use of force under Article 42. Specifically, the questions of the scope of force to be used, the responsibility for its use and the circumstances in which the Security Council could call for its use were dealt with. During the discussions, references were made also to special agreements concerning the availability to the Security Council of armed forces, as provided for in Article 43.

No questions arose in the Security Council in connexion with the interpretation and application of Articles 44-47 of the Charter.

**CASE 7.<sup>65</sup> SITUATION IN SOUTHERN RHODESIA:** In connexion with the draft resolution submitted by the United Kingdom and with the amendments thereto, submitted by Mali, Nigeria and Uganda; the amendments not adopted on 9 April 1966; the United Kingdom draft resolution adopted on the same day.

[*Note:* It was maintained, on the one hand, that the adoption of a resolution authorizing the use of force by the United Kingdom against an oil tanker arriving at Beira would enable it to intervene in the Southern Rhodesian situation without the fear of illegality and that the draft resolution was acceptable because the authorization to use force was limited. It was contended, on the other hand, that since the scope of the draft resolution was limited, the use of force should be provided in accordance with Articles 41 and 42 in order to remove the illegal régime in Southern Rhodesia.]

At the 1276th meeting on 9 April 1966, the representative of the United Kingdom introduced<sup>66</sup> a draft resolution in which, in its revised form,<sup>67</sup> it was provided:

"The Security Council,

"*Recalling* its resolutions 216 (1965) of 12 November 1965 and 217 (1965) of 20 November 1965 and in particular its call to all States to do their utmost to break off economic relations with Southern Rhodesia, including an embargo on oil and petroleum products,

"*Gravely concerned* at reports that substantial supplies of oil may reach Southern Rhodesia as the result of an oil tanker having arrived at Beira and the approach of a further tanker which may lead to the resumption of pumping through the Companhia do Pipeline Moçambique Rhodésias pipeline with the acquiescence of the Portuguese authorities,

"...

"1. *Determines* that the resulting situation constitutes a threat to the peace;

"...

"5. *Calls upon* the Government of the United Kingdom of Great Britain and Northern Ireland to prevent, by the use of force if necessary, the arrival at Beira of vessels reasonably believed to be carrying oil destined for Southern Rhodesia, and empowers the United Kingdom to arrest and detain the tanker known as the *Joanna V* upon her departure from Beira in the event her oil cargo is discharged there."

In introducing the draft resolution, the representative of the United Kingdom stated that in the matter before the Council, the United Kingdom Government had been anxious that at all times, its actions should be lawful actions and that it should not risk acting in breach of the law of nations. One of the purposes of the action it was taking against the illegal régime in Southern Rhodesia was to assert the rule of law and principles of the Charter. By adopting the draft resolution, the Security Council would enable the United Kingdom to carry out without fear of illegality the responsibilities which in the Rhodesian situation belonged to it. Therefore the representative asked the Council to enable the United Kingdom Government to take within the law all steps, including the use of force as the situation might demand, to stop the arrival at Beira of ships taking oil to the rebel régime. This purpose was in accordance with the aims expressed in the Security Council resolution 217 (1965).

At the same meeting, the representative of Uganda introduced<sup>68</sup> amendments<sup>69</sup> submitted jointly with Mali and Nigeria, to the United Kingdom revised draft resolution which read:

"1. After the first preambular paragraph of the resolution submitted by the United Kingdom of Great Britain and Northern Ireland (S/7236/Rev.1) insert the following paragraphs:

'*Noting* that economic measures have failed to produce desired political results,

'*Deeply concerned* at the reports that oil has been reaching Rhodesia'.

"2. In operative paragraph 1 replace the words 'the resulting situation' by the words 'the situation prevailing in Southern Rhodesia' and after the word 'peace' add the words 'and security'.

"3. After paragraph 3 insert the following new paragraph:

'4. *Calls upon* the Government of South Africa to take all measures necessary to prevent the supply of oil to Southern Rhodesia'.

"4. Renumber the present paragraph 4 as paragraph 5.

"5. Replace the present paragraph 5 by the following text:

'6. *Calls upon* the Government of the United Kingdom to prevent by all means including the use of force, the transportation into Southern Rhodesia of oil or other merchandise and empowers the United Kingdom to take measures necessary for the immediate implementation of this provision'.

<sup>63</sup> See Cases 9 and 10.

<sup>64</sup> See Case 8.

<sup>65</sup> For texts of relevant statements, see:

1276th meeting: Uganda, paras. 46, 56; USSR, para. 127; United Kingdom, paras. 21, 26; 1277th meeting: Argentina, para. 46; Mali, para. 171; Nigeria, paras. 25, 33; Sierra Leone, para. 64; Uruguay, para. 120.

<sup>66</sup> 1276th meeting; para. 12.

<sup>67</sup> S/7236/Rev.1; same text as resolution 221 (1966).

<sup>68</sup> 1276th meeting, paras. 44, 49-56.

<sup>69</sup> S/7243, O.R., 21st yr., Suppl. for April-June 1966, pp. 32-33.

"6. Add the following two paragraphs at the end of the draft resolution:

'7. *Calls upon* all States to apply measures for the complete interruption of economic relations and of communications with the settler minority régime and any other means in conformity with Articles 41 and 42 of the United Nations Charter,

'8. *Calls upon* the Government of the United Kingdom to employ all measures including the use of armed force to bring down the settler minority régime in Rhodesia and to implement forthwith resolution 1514 (XV) of the General Assembly'."

The representative of Uganda, introducing the three-Power amendments to the United Kingdom draft resolution, said that since the United Kingdom had moved from the application of Chapter VI of the Charter to the application of Chapter VII, it should agree to the use of force to topple the minority régime in Southern Rhodesia. The proposed two new operative paragraphs to be added to the draft resolution were in complete conformity with Articles 41 and 42 of the Charter. Since the United Kingdom had agreed to invoke Chapter VII, it should not complain if what should be contained in the draft resolution was spelled into greater clarity.

At the 1277th meeting on 9 April 1966, the representative of Nigeria contended that it was clear from the three-Power amendments that their sponsors considered the scope of the United Kingdom draft resolution to be too limited and restricted and could not meet the dangerous situation in Southern Rhodesia. The United Kingdom was asking the Council to approve the use of force on the high seas. The sponsors of the amendments were asking the Council to extend this use of force to Rhodesia and to other fields so that the way might be cleared for the removal of the illegal government in Rhodesia.

The representative of Argentina declared that paragraph 5 of the United Kingdom draft resolution could be accepted solely because it defined and limited the authorization of the use of force. However, in principle, any resolution under the terms of Chapter VII and particularly of Article 42 should be approved only in extreme cases. Such provisions should be restrictive and applicable only to well defined and limited cases. Paragraph 6 proposed in the amendments would be acceptable if the reference to Article 42 were deleted.

The representative of Sierra Leone maintained that the draft resolution before the Security Council was inadequate and wondered what would be the value of isolating the incident of an oil tanker arriving at Beira, from the general context of the larger argument whether, at that stage, the Council should be called upon to impose mandatory sanctions under Articles 41 and 42. By coming to the Council, the United Kingdom Government should admit the validity of the contention that the problem of Rhodesia would never be solved without the use of force.

The President, speaking as the representative of Mali, observed that his Government would have preferred if the United Kingdom would have recourse to the use of force in order to ensure respect for the frontiers of Southern Rhodesia and for their closing with South Africa and Mozambique.

At the 1277th meeting on 9 April 1966, the three-Power amendments were not adopted,<sup>70</sup> having failed to obtain the affirmative votes of 9 members. The United Kingdom draft resolution was adopted<sup>71</sup> by 10 votes in favour, none against, with 5 abstentions as resolution 221 (1966).

CASE 8.<sup>72</sup> SITUATION IN SOUTHERN RHODESIA: In connexion with the draft resolution submitted by Mali, Nigeria and Uganda: voted upon and not adopted on 23 May 1966.

[*Note:* In the course of the discussion, it was contended, on the one hand, that since the economic sanctions against the illegal régime in Southern Rhodesia had failed, the Security Council must decide upon the use of force under Article 42 against it. It was maintained, on the other hand, that the use of force was the responsibility of the United Kingdom; that no State could be compelled to use force against its will and that agreements according to Article 43 of the Charter were not concluded; moreover, measures provided for in Article 42 could be applied by the Council only when the measures listed in Article 41 had proved to be inadequate.]

At the 1278th meeting on 17 May 1966, the representative of India observed that the United Kingdom should declare that the use of force to end the illegal minority régime in Southern Rhodesia was not ruled out and it should be made clear that further continuation of the rebellion would make the use of force imperative.

The representative of Pakistan said that the Security Council should decide to take appropriate measures, including the use of force, if necessary, as provided for under Articles 41 and 42, since permissive sanctions have failed. The Security Council had to follow its decision to authorize the United Kingdom Government to use force, if necessary, in the limited and specific case of the arrival of the vessels at Beira, and to decide upon the application of sanctions in order to quell the racist régime in Southern Rhodesia.

At the 1279th meeting on 17 May 1966, the representative of Nigeria introduced<sup>73</sup> a draft resolution<sup>74</sup> sponsored jointly with Mali and Uganda in which it was provided:

*"The Security Council,*

*"Recalling* its resolution[s] 216 (1965) and 217 (1965) of 12 and 20 November 1965, respectively, and 221 (1966), of 9 April 1966, and in particular its call to all States to do their utmost to break off all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products,

<sup>70</sup> 1277th meeting, paras. 172-178.

<sup>71</sup> *Ibid.*, para. 179.

<sup>72</sup> For texts of relevant statements, see:

1278th meeting: India, para. 64; Pakistan, paras. 81, 91; Zambia, paras. 21, 23;

1279th meeting: Nigeria, paras. 51, 58, 64, 65; Sierra Leone, paras. 85-90;

1281st meeting: Uruguay, paras. 34-36;

1283rd meeting: Argentina, para. 18;

1284th meeting: Bulgaria, para. 26; Netherlands, paras. 70-73;

1285th meeting: Argentina, paras. 16, 17; Uruguay, paras. 23, 27, 28.

<sup>73</sup> 1279th meeting, para. 42.

<sup>74</sup> S/7285/Add.1, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 82-83.



"Noting with concern that this call has not been heeded by all States and that economic measures have failed to bring down the racist régime of Salisbury,

"Pointing out that the grave threat to international peace and security inherent in the situation in Southern Rhodesia has already induced it to authorize the use of force, by its resolution 221 (1966) of 9 April 1966, in exercise of the powers which Chapter VII of the United Nations Charter alone confers upon it,

"Gravely concerned by the reports that substantial supplies of oil are reaching Southern Rhodesia and that arrangements are being made to devise a permanent system of oil supply to that territory,

"...

"1. *Determines* that the situation in Southern Rhodesia continues to constitute a threat to international peace and security;

"...

"4. *Calls upon* all States, and particularly the Portuguese and South African Governments, to take all necessary measures to prevent the supply of oil and petroleum products to Southern Rhodesia;

"5. *Calls upon* the United Kingdom to take the measures provided for in Chapter VII of the Charter, in order, by the use of air, sea or land forces, to prevent any supplies, including oil and petroleum products, from reaching Southern Rhodesia;

"...

"9. *Calls upon* the United Kingdom Government to take all necessary measures, including the use of force, to abolish the racist minority régime in Southern Rhodesia and to ensure the immediate application of General Assembly resolution 1514 (XV)."

In introducing the three-Power draft resolution, the representative of Nigeria pointed out that in operative paragraph 9 the three-Power draft resolution would call upon the Government of the United Kingdom to take all the necessary measures, including the use of force, to abolish the racist minority régime in Southern Rhodesia. However, in that paragraph, the amount of force to be applied was not dictated to the United Kingdom. It would suffice for the purpose of the draft resolution if it applied no more force than was necessary to remove that régime.

In the course of the discussion, at the same meeting, the representative of Sierra Leone, referring to resolution 221 (1966) of 9 April 1966, stated that the Security Council had passed this resolution after rejecting amendments which sought to extend the use of force under Articles 41 and 42 of the Charter. On that occasion, the Council had decided to use force, however limited, in support of mandatory sanctions under Chapter VII of the Charter. As if to reassure the doubters on that point, the resolution referred to the resulting situation as constituting a "threat to the peace", using the language of Article 39 of the Charter.

At the 1281st meeting on 18 May 1966, the representative of Uruguay, contended that in addition to the economic sanctions under Article 41, the Security Council could consider taking other mandatory measures including the use of armed force. In this context, it was necessary to differentiate between two situations which were juridically non-comparable. The first concerned the use of force in

Southern Rhodesia by the United Kingdom which would be incumbent upon it as an administering Power. In the second, a request might be addressed to a specific State, in this case the United Kingdom, to use its armed forces for purposes not directly connected with its status as an administering Power. However, such a course would allow a given State considerable latitude in the application of coercive measures; furthermore, any such request addressed by the Security Council to one or several States would not be binding on those States, since the agreements provided for in Article 43 and the following Articles of the Charter regarding the establishment of the United Nations forces were not signed and the United Nations did not automatically have at its disposal the armed units which would have been available under those agreements. Since all peaceful methods must be exhausted for a solution to international conflicts, the representative was opposed to the request to the United Kingdom for the use of force.

At the 1283rd meeting on 19 May 1966, the representative of Argentina declared that he could not support the reference to the use of force. While there were means of reaching a peaceful solution and of recommending measures which had not presupposed the use of force it would be premature to take that ultimate step. The representative, referring to his statement made at the 1277th meeting of the Council, reiterated that any resolution under Chapter VII and especially Article 42 must be adopted only in very extreme cases. He added that the use of force pursuant to the Charter was based upon the principle of the prior consent of the State or States using such force. The Security Council could not compel any State to use its armed forces if it did not wish to do so. Furthermore, the United Kingdom needed neither the authorization nor the endorsement of the Security Council to quell the Smith régime. It was the United Kingdom's problem, its dilemma and its chief responsibility.

At the 1284th meeting on 20 May 1966, the representative of Bulgaria said that an effective and immediate action was called for if the problem of Southern Rhodesia, which threatened peace and security in Africa and could have serious repercussions throughout the world, was to be solved. This meant that the necessary steps including the use of force must be taken to eliminate the racist régime there.

The representative of the Netherlands maintained that it was the Security Council's primary duty not to decide in favour of the use of armed force as long as there was a possibility that the problem could be solved by the application of economic measures or by peaceful negotiations. However, the United Kingdom was still the legal authority in Rhodesia and was therefore responsible for it. Thus, the decision when and to what extent force should be used must be made in the first place by the Government of the United Kingdom. Furthermore, the use of force as provided for in the draft resolution found insufficient basis in the Charter: Article 41 provided for enforcement measures not involving the use of armed force, while Article 42 provided for military action. Article 42 left no doubt that military force might be applied only in the event that the Council considered "that measures provided for in Article 41 would be inadequate or have proved to be inadequate". Operative paragraphs 5 and 9 of the draft resolution would consti-



tute an application of military force under Article 42, though there was no declaration in the draft resolution that the economic measures provided for in Article 41 "would be inadequate or have proved to be inadequate". Moreover it was right that there was no such provision in the draft resolution, for there was no sufficient factual basis for such a conclusion at this time. Therefore, the fundamental condition for the application of Article 42 was not fulfilled. It was not possible at one and the same time to call for economic measures in accordance with Article 41, as was done in operative paragraphs 2, 3 and 4 of the draft resolution, and to call for the use of force under Article 42, as was done in other paragraphs of the draft resolution.

At the 1285th meeting on 23 May 1966, the representative of Argentina expressed the view that with regard to the use of force by the United Kingdom, to which the draft resolution referred, no State could be compelled to use force, in accordance with Chapter VII, without its own consent, unless the agreements provided for in Article 43 had been signed.

The representative of Uruguay observed that the Security Council should find a formula which would allow it to take a further step towards the solution of this problem, a step of deciding upon obligatory sanctions which would not imply the use of force.

At the same meeting, the draft resolution submitted by Mali, Nigeria and Uganda was not adopted,<sup>76</sup> having failed to obtain the affirmative votes of nine members, the result of the vote being 6 in favour, 1 against, with 8 abstentions.

**CASE 9.<sup>76</sup> SITUATION IN SOUTHERN RHODESIA:** In connexion with the draft resolution submitted by the United Kingdom and the amendments thereto submitted jointly by Nigeria, Mali and Uganda, adopted, as amended, on 16 December 1966.

[*Note:* In the course of the discussion, it was maintained, on the one side, that since the Security Council had already determined that the situation in Southern Rhodesia constituted a threat to international peace and security, it should, in view of the current circumstances, apply sanctions under Article 42 against the illegal régime there. On the other side, it was contended that the Security Council could decide upon the use of force only with the consent of the State concerned or if that State had concluded a special agreement with the United Nations according to Article 43. In the present case, however, the decision whether to use force against the Southern Rhodesian régime was a matter within the competence of the administering Power.]

At the 1331st meeting on 8 December 1966, the representative of the United Kingdom introduced<sup>77</sup> a draft resolution.<sup>78</sup>

At the 1332nd meeting on 9 December 1966, the representative of Argentina maintained that in view of cir-

cumstances and since the situation fell into the category of a threat to the peace, the adoption of effective collective measures was justified. Among such measures provided for in the Charter, preference was to be given for the time being to those provided for in Article 41, which did not involve the use of armed force. Before resorting to this final step, it would be well to try such measures as might achieve the same purpose of maintaining international peace and security, avoiding armed confrontations, the consequences of which would be quite unpredictable at this time. Measures provided for in Article 42 should be applied only in very extreme cases. Further, the use of force under the Charter was based exclusively upon the consent of States. The Security Council could not constrain any country to use its armed forces against its will, unless it had indicated its consent by means of the agreements referred to in Article 43. On the other hand, while no one could constrain the United Kingdom to use force, the United Kingdom did not need the authorization of the Council to use force against the illegal régime in Southern Rhodesia, since the problem was confined to its own Territory.

At the 1333rd meeting on 12 December 1966, the representative of Senegal observed that if the Security Council were to consider the draft resolution submitted by the United Kingdom, the economic sanctions should be comprehensive applying to all commodities, including petroleum products. The Security Council should also decide from the outset that all States would be compelled to implement the resolution, if necessary, by force.

At the 1335th meeting on 13 December 1966, the representative of Uganda introduced<sup>79</sup> amendments,<sup>80</sup> jointly submitted with Mali and Nigeria, to the United Kingdom draft resolution. It was proposed to amend the draft resolution as follows:

"1. Replace the second preambular paragraph with the following paragraph:

'*Noting with deep regret that the administering Power has failed to take effective measures to bring down the illegal racist minority régime in Southern Rhodesia.*'

"2. Before operative paragraph 1, insert the following two operative paragraphs and renumber operative paragraph 1 as operative paragraph 3:

'1. . . .

'2. *Deplores*

'(a) the refusal of the United Kingdom to use every means including force to bring about the immediate downfall of the Ian Smith régime in Southern Rhodesia;'

". . .

"5. After former operative paragraph 1 (now operative paragraph 3), insert the following five operative paragraphs:

". . .

'5. *Invites* the Government of the United Kingdom to prevent by all means the transport to Southern Rhodesia of oil or oil products;'

". . .".

<sup>76</sup> 1285th meeting, para. 33.

<sup>77</sup> For texts of relevant statements, see:

1332nd meeting: Argentina, paras. 56, 57;

1333rd meeting: Senegal, para. 38;

1335th meeting: Mali, para. 67; Pakistan, paras. 81, 82, 90-92;

1336th meeting: India, para. 10;

1337th meeting: Netherlands, para. 89;

1339th meeting: China, paras. 38, 41.

<sup>77</sup> 1331st meeting, para. 25.

<sup>78</sup> S/7621, for its provisions see chapter VIII, p. 117.

<sup>79</sup> 1335th meeting, para. 3.

<sup>80</sup> S/7630, *OR, 21st yr., Suppl. for Oct.-Dec. 1966*, pp. 178, 179.

At the same meeting, the representative of Pakistan stated that it was a misconception of Article 42 that its application was based on a condition that economic measures should have proved to be inadequate if force was to be employed. There was no warrant in the Charter for such an assumption. The words "would be inadequate or have proved to be inadequate" in Article 42 could only mean that the proof of the inadequacy of economic measures was not a condition precedent to the taking of such action by air, sea or land forces as might be necessary to restore international peace and security. Thus there was no basis for the argument that action under Chapter VII meant either economic measures or military operations. To contend that the Charter precluded a combination of the two was incorrect. It could not be denied that, in certain situations, economic measures would not be effective unless they were reinforced by a police action. If the African members of the United Nations came to the firm conclusion that there was no alternative to the use of force to reinforce sanctions against Southern Rhodesia, as provided for in Article 42, the Security Council should not indicate in any manner that this point of view had been disregarded. No one relished the prospect of the use of force; but were there not greater dangers attendant on inadequate action taken under Chapter VII of the Charter?

At the 1336th meeting on 13 December 1966, the representative of India expressed the view that mandatory sanctions of a general and comprehensive character should be applied under Articles 41 and 42 of Chapter VII.

At the 1337th meeting on 14 December 1966, the representative of the Netherlands noted that in connexion with the question of the use of force in Southern Rhodesia, the United Kingdom, as the country bearing responsibility for Southern Rhodesia, was entitled to apply force and was also entitled to the ultimate judgement of whether and when that should be done. The United Nations in itself could not oblige the United Kingdom to use force there; neither was the United Kingdom in need of an authorization from the United Nations to do so if it wished.

At the 1338th meeting on 15 December 1966, the representative of Uganda introduced<sup>81</sup> a revised text of the three-Power amendments<sup>82</sup> which read:

"1. Replace the second preambular paragraph with the following paragraph:

'Deeply concerned that the Council's efforts so far and the measures taken by the administering Power have failed to bring the rebellion in Southern Rhodesia to an end,'

"..."

Amendments 2 and 5 remained unchanged.

At the 1339th meeting on 16 December 1966, the representative of the United Kingdom submitted<sup>83</sup> a revised text of the United Kingdom draft resolution.<sup>84</sup>

At the same meeting, the representative of China pointed out that the Security Council, in resolution 217

(1965) of 22 November 1965, had determined that the "continuance in time" of the situation resulting from the unilateral declaration of independence by the illegal authorities in Southern Rhodesia had constituted "a threat to international peace and security". Since that situation had continued for over a year, the delegations of the African States urged that the Security Council should authorize the use of enforcement action provided for in Article 42. However, the Security Council could not impose the use of force on any State against its will if that State had not expressed its consent in accordance with the provisions of Article 43 of the Charter. And the Council should not, in the present circumstances, make such a specific recommendation to the constitutional authority. The use of force, if it was necessary, must be left to the discretion of the administering Power.

At the 1340th meeting on 16 December 1966, the first three-Power amendment was adopted<sup>85</sup> by 14 votes to none, with 1 abstention; paragraph 2 (a) in the second amendment was not adopted,<sup>86</sup> the result of the vote being 7 votes in favour, none against, with 8 abstentions; new operative paragraph 5 in the fifth amendment was not adopted,<sup>87</sup> the result of the vote being 7 votes in favour, none against with 8 abstentions.

At the same meeting, the revised draft resolution submitted by the United Kingdom, as amended, was adopted<sup>88</sup> by 11 votes to none, with 4 abstentions, as resolution 232 (1966).

CASE 10.<sup>89</sup> SITUATION IN SOUTHERN RHODESIA: In connexion with the letter of submission dated 12 March 1968; and with the draft resolution jointly submitted by Algeria, Ethiopia, India and Pakistan: not pressed to a vote on 29 May 1968.

[Note: It was maintained that the primary responsibility for the situation in Southern Rhodesia rested with the administering Power, which had to apply force, if necessary, in order to end the illegal minority régime in its colony. It was contended, on the other side, that the application of comprehensive and peremptory economic sanctions must precede a decision on the use of force against that régime. Moreover, the use of force was dependent upon the consent of the State which would be responsible for its use.]

By letter<sup>90</sup> dated 12 March 1968 addressed to the President of the Security Council, the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia stated that

<sup>85</sup> 1340th meeting, para. 84.

<sup>86</sup> *Ibid.*, para. 86.

<sup>87</sup> *Ibid.*, para. 91.

<sup>88</sup> *Ibid.*, para. 110.

<sup>89</sup> For texts of relevant statements see:

1400th meeting (PV): Canada, pp. 16-17; India, p. 12; Jamaica, pp. 26-28;

1408th meeting (PV): China, pp. 42-43; Pakistan, pp. 38-40; Zambia, pp. 23-25, 27, 31;

1428th meeting (PV): USSR, p. 16.

<sup>90</sup> S/8454, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 258-259.

<sup>81</sup> 1338th meeting, para. 149.

<sup>82</sup> S/7630/Rev.1, OR, 21st yr., Suppl. for Oct.-Dec. 1966, pp. 180, 181.

<sup>83</sup> 1339th meeting, para. 2.

<sup>84</sup> S/7621/Rev.1, OR, 21st yr., Suppl. for Oct.-Dec. 1966, pp. 169, 170. See in chapter VIII, p. 119.

selective mandatory sanctions adopted by the Security Council in its resolution 232 (1966) of 16 December 1966, had failed. It was incumbent upon the Council to examine the continuing grave situation in Southern Rhodesia (Zimbabwe) which still constituted a threat to international peace and security and to envisage the necessary measures and action under Chapter VII of the Charter with a view to enabling the people of Southern Rhodesia (Zimbabwe) to exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV).

At the 1400th meeting on 20 March 1968, the representative of India noted that the Security Council should call upon the Government of the United Kingdom to adopt effective measures, not excluding the use of force, to fulfil its responsibilities.

The representative of Canada stated that it was one thing to advocate the use of force; it was another to determine effective means for applying it. A decision to use force must include a decision as to who would be charged with its employment. There seemed to be two possibilities: either the use of force by the United Nations in accordance with the Charter in exercise of the collective responsibility to remove threats to the peace or to deal with breaches of the peace or acts of aggression, or alternatively, the exercise of this responsibility by the United Kingdom alone taking action against a colony in rebellion. If the Security Council was to decide on the use of force by the United Nations in the exercise of its collective responsibilities, there must be an agreement among those members of the Council which would have to carry the main burden of implementing the decision that economic measures were inadequate and that the use of force was necessary. However, whatever views might be held on the use of force in the current situation, no basis for such an agreement existed. As for the use of force by the sovereign Power concerned, it was quite clear that the United Kingdom was not prepared to embark on this approach at this time; it had taken the firm position that it was not prepared to use force, except as a last resort for restoration of law and order.

The representative of Jamaica maintained that the Security Council could not continue to rule out the possibility and the likelihood of the use of force. The United Nations would most likely call upon a Government to employ military force only following consultations with that Government and having considered the implications of the application of force. However, since the sanctions so far imposed on Southern Rhodesia had failed, the only effective means of returning Rhodesia to the rule of law was by force.

At the 1408th meeting on 26 March 1968, the representative of Zambia expressed the view that the United Kingdom Government, which was the legal administering Power in Southern Rhodesia, was capable of settling the situation there if it were to use force. It was difficult to understand the logic that further economic sanctions could become effective unless they were backed by the use of force.

The representative of Pakistan maintained that the United Kingdom, as the administering Power, should no longer rule out resolute measures including, if necessary, the use of force in Southern Rhodesia.

The representative of China contended that since the unilateral declaration of independence of the Southern

Rhodesian régime was an act of rebellion against the constitutional authority, the Government of the United Kingdom had the legitimate right to suppress it with all the means at its disposal, including military action. That Government had not hesitated in April 1966 to ask for authorization to use force to prevent the shipment of oil to Southern Rhodesia via Beira. The legitimate use of force in the prevailing circumstances should not be precluded as a last resort when all possibilities of a peaceful settlement were exhausted. In the last analysis, the main burden of any enforcement action must necessarily fall on the Government of the United Kingdom, which must decide whether force could be effectively used.

At the 1413th meeting on 18 April 1968, the representative of Ethiopia introduced<sup>91</sup> a draft resolution<sup>92</sup> submitted jointly with Algeria, India, Pakistan, and Senegal, in which it was, *inter alia*, provided:

"The Security Council,

"*Recalling and reaffirming* its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, and 232 (1966) of 16 December 1966,

"*Reaffirming in particular* its resolution 232 (1966) in which it determined that the situation in Southern Rhodesia constitutes a threat to international peace and security,

"...

"*Gravely concerned* that the measures so far taken have failed to resolve the situation in Southern Rhodesia [preamble, para. 4]

"...

"*Emphasizing* the responsibility of the Government of the United Kingdom for the situation that prevails in Southern Rhodesia and the consequences that have flowed therefrom, [preamble, para. 8]

"...

"*Acting* under Chapter VII of the Charter of the United Nations, [preamble, para. 11]

"...

"7. *Urges* the United Kingdom as the administering Power to take urgently all necessary measures including the use of force to bring an end to the rebellion in Southern Rhodesia and enable the people to exercise their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

"...".

The representative of the USSR stated that the Government of the United Kingdom, as the administering Power, had been and remained obligated to take all necessary measures, including the use of force, to eliminate the illegal racist régime in Southern Rhodesia. The draft resolution before the Council confirmed the primary responsibility of the Government of the United Kingdom for the settlement of the situation in Southern Rhodesia.

At the same meeting, the President stated that the sponsors of the draft resolution S/8545 did not intend to press for a vote on it.<sup>93</sup>

<sup>91</sup> 1413th meeting (PV), p. 11.

<sup>92</sup> S/8545, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 120, 121.

<sup>93</sup> 1428th meeting (PV), pp. 23-25.

## Part IV

## CONSIDERATION OF THE PROVISIONS OF ARTICLES 48-51 OF THE CHARTER

## NOTE

Provisions of the following resolution adopted by the Security Council during the period under review might be considered as containing an implied reference to Article 49. In its resolution 246 (1968)<sup>94</sup> of 14 March 1968 adopted in connexion with the question of South West Africa, the Security Council called upon Members of the United Nations to co-operate with the Security Council, in pursuance of their obligations under the Charter, in order to obtain compliance by the Government of South Africa with the provisions of this resolution; and urged those Member States who were in a position to contribute to the implementation of this resolution to assist the Security Council in order to obtain compliance by that Government with the provisions of this resolution (operative paragraphs 3 and 4).

A draft resolution and an amendment submitted thereto contained a provision which might be deemed relevant to Article 50. In a draft resolution<sup>95</sup> submitted by the President (United Kingdom) at the 1428th meeting on 29 May 1968, in connexion with the situation in Southern Rhodesia, it was provided that the Security Council requested Member States of the United Nations, the United Nations, the specialized agencies and other international organizations in the United Nations system to extend assistance to Zambia as a matter of priority with a view to helping it to solve such special economic problems as it might be confronted with, arising from the carrying out of the decisions of the Security Council (operative paragraph 15). According to an amendment<sup>96</sup> submitted by the representative of the USSR to that operative paragraph, the Security Council would decide that the material losses that might be inflicted on Zambia in connexion with the implementation of this decision of the Security Council should be compensated by those States which, having failed to take the necessary measures to put an end to the illegal racist régime in Southern Rhodesia, and, in particular, the measures provided for in resolutions of the Security Council 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966 and 232 (1966) of 16 December 1966, and resolution of the General Assembly 2262 (XXII) of 3 November 1967, bore political responsibility for the continued existence of that régime in South Africa. At the 1428th meeting of the Security Council on 29 May 1968, the USSR amendment was rejected; operative paragraph 15 of the draft resolution, on a separate vote, was adopted.<sup>97</sup>

In a draft resolution submitted in connexion with the question of the safeguards to non-nuclear-weapon States parties to the Non-Proliferation Treaty, the question of the scope of an explicit reference to Article 51 arose.<sup>98</sup>

<sup>94</sup> See in chapter VIII, pp. 167, 168.

<sup>95</sup> See in chapter VIII, pp. 122-124.

<sup>96</sup> *Ibid.*, p. 122.

<sup>97</sup> *Ibid.*

<sup>98</sup> Case 11 below.

Explicit references to Article 51 were made in connexion with the situation in the Middle East (I);<sup>99</sup> the situation in the Middle East (II);<sup>100</sup> and the situation in Czechoslovakia.<sup>101</sup>

CASE 11.<sup>102</sup> QUESTION OF SAFEGUARDS TO NON-NUCLEAR-WEAPON STATES PARTIES TO THE NON-PROLIFERATION TREATY: In connexion with the draft resolution submitted jointly by the USSR, the United Kingdom and the United States: voted upon and adopted on 19 June 1968.<sup>103</sup>

[*Note:* In the course of the discussion, it was maintained, on the one hand, that the reaffirmation of Article 51 in the draft resolution and in the declarations of the three Governments was vital for the non-nuclear-weapon signatories of the Non-Proliferation Treaty, since it constituted a basis for their assumption that they could expect assistance from one or more of the three Governments until the Security Council decided upon measures for the maintenance of international peace and security. It was contended, on the other hand, that the right of individual or collective self-defence existed independently of the Charter and could not limit a State's option in order to obtain assistance to prevent or deter a nuclear attack. The qualitatively new situation which would be created by nuclear aggression or by its threat against a non-nuclear-weapon State, as envisaged in the declarations of the three Governments, had not been anticipated when the Charter had been drafted. Therefore Article 51 was inadequate to meet the perils of the nuclear age.]

In a letter<sup>104</sup> dated 12 June 1968, the representatives of the USSR, the United Kingdom and the United States requested the President of the Security Council to convene an early meeting of the Council to consider an attached draft resolution on measures to safeguard non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. In the draft resolution,<sup>105</sup> it was provided that the Security Council, *inter alia*, reaffirmed in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurred against a

<sup>99</sup> 1342nd meeting (PV): Israel, pp. 43-45;

1344th meeting (PV): Lebanon, p. 17;

1347th meeting (PV): Israel, pp. 17-21; United Arab Republic, pp. 26-30;

1348th meeting (PV): Israel, pp. 73-75, 76;

1349th meeting (PV): Israel, p. 76;

1350th meeting (PV): Bulgaria, p. 26;

1352nd meeting (PV): India, pp. 49-50;

1353rd meeting (PV): Syria, pp. 58-61;

1358th meeting (PV): Israel, p. 103.

<sup>100</sup> 1411th meeting (PV): United Arab Republic, p. 46.

<sup>101</sup> 1441st meeting (PV): USSR, p. 41.

<sup>102</sup> For texts of relevant statements, see:

1431st meeting (PV): Canada, p. 7; Paraguay, p. 12;

1433rd meeting (PV): China, p. 28; Pakistan, pp. 31, 32.

<sup>103</sup> For the consideration of Chapter VII of the Charter in general in connexion with this item, see below, Case 12.

<sup>104</sup> S/8630, *O.R.*, 23rd yr., *Suppl. for April-June 1968*, pp. 216-218. See below pp. 218, 219.

<sup>105</sup> *Ibid.*, S/8631.

Member of the United Nations, until the Security Council had taken measures necessary to maintain international peace and security.

At the 1430th meeting on 17 June 1968, the representatives of the USSR, the United Kingdom and the United States read, in the course of their statements, identical declarations of their Governments, in which it was said that these Governments reaffirmed the inherent right recognized under Article 51 of self-defence if an armed attack, including a nuclear attack, occurred against a Member State until the Council had taken measures necessary to maintain international peace and security.

At the 1431st meeting on 18 June 1968, the representative of Canada observed that the provision of the draft resolution reaffirming Article 51, taken in relation to its preceding provisions, represented an important assertion that a non-nuclear-weapon State, party to the Non-Proliferation Treaty, which was an object of nuclear threat or nuclear attack, might reasonably expect assistance from one or more of the nuclear-weapon States which had made declarations in support of the draft resolution, until such time as the Security Council had taken measures necessary to maintain international peace and security.

The representative of Pakistan stated that operative paragraph 3 of the draft resolution and the declarations of the three nuclear Powers reaffirmed the inherent right under Article 51 to individual and collective self-defence. This right, which was recognized by the Charter, existed independently of it and did not and could not limit a State's option in the matter of obtaining assistance to prevent or counter a nuclear attack. Operative paragraph 3 opened the possibility of the three nuclear Powers acting severally to deter or suppress a nuclear attack before the Security Council could act or when it was unable to act. At the same time, few of the non-nuclear-weapon States which were primarily affected and which were other than

those which were members of the North Atlantic Treaty Organization or Warsaw Pacts or even those States which were beneficiaries of firm unilateral guarantees outside the framework of the United Nations could entertain realistic expectations that the possibility would become an actuality. The element of deterrence to a would-be aggressor and the assurance of protection to its victim would both have been strengthened if it had been made clear in the declarations of the three nuclear Powers that they would respond to the request of any non-nuclear-weapon State so threatened, with effective assistance, regardless of whether that State had been aligned in a military alliance or non-aligned. Already certain States had received such guarantees. The unilateral nature of the guarantee did not detract from its credibility, in view of the present state of international relations. Furthermore, the provisions of Article 51 were no longer adequate to the requirements of the right of self-defence in an age of nuclear weapons. Such a right could hardly be restricted to the actual occurrence of a nuclear armed attack. There were very few non-nuclear-weapon States that would be able to survive a nuclear strike to exercise the right of self-defence. The three nuclear Powers in their declarations have stated that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State "would create a qualitatively new situation". Such a situation was not anticipated when the Charter had been drafted. Therefore Article 51 was inadequate to meet the perils of the age of nuclear weapons.

At the 1433rd meeting on 19 June 1966, the three Power draft resolution was adopted<sup>108</sup> by ten votes in favour, none against, with 5 abstentions as resolution 255 (1968).

<sup>108</sup> 1433rd meeting (PV), p. 46. For the text of the resolution, see in chapter VIII, p. 171.

## Part V

### CONSIDERATION OF THE PROVISIONS OF CHAPTER VII IN GENERAL

#### NOTE

In connexion with the consideration of the question of safeguards to non-nuclear-weapon States parties to the Non-Proliferation Treaty, the issue arose whether a draft resolution submitted by three permanent members of the Security Council which are nuclear-weapon States, constituted or not a modification of the collective security system established under the provisions of the Charter. Since the relevant statements made in the course of the consideration of this issue referred explicitly or implicitly to the powers of the Security Council as defined in Chapter VII of the Charter, the case history is included in part V of this chapter of the *Repertoire*.

Explicit references to Chapter VII of the Charter were made in connexion with the consideration of the following items<sup>107</sup> by the Security Council: the Palestine question;<sup>108</sup> the situation in the Middle East (I);<sup>109</sup> the situation in the

<sup>107</sup> With the exception of the items dealt with in this chapter of the *Repertoire*.

<sup>108</sup> 1323rd meeting: Jordan, para. 27;  
1324th meeting: Jordan, paras. 16, 18-20; Uruguay, paras. 41, 61;

1328th meeting: Jordan, paras. 43-45.

<sup>109</sup> 1345th meeting (PV): Iraq, p. 11; Jordan, pp. 27, 36;

1352nd meeting (PV): Israel, p. 72:75;

1366th meeting (PV): USSR, p. 17.

Middle East (II),<sup>110</sup> and the question of South West Africa.<sup>111</sup>

CASE 12.<sup>112</sup> QUESTION OF SAFEGUARDS TO NON-NUCLEAR-WEAPON STATES PARTIES TO THE NON-PROLIFERATION TREATY: In connexion with the draft resolution submitted jointly by the USSR, the United Kingdom and the United States: voted upon and adopted on 19 June 1968.

[*Note:* The discussion centred on the question whether the adoption of the draft resolution would or would not constitute a revision of the Charter. It was maintained, on the one hand, that the draft resolution did not amend the Articles of Chapter VII of the Charter nor any other Articles. It provided for the application of the Charter to the realm of nuclear weapons, creating a reasonable basis for an intervention by the Security Council in case of aggression or a threat of it by a nuclear-weapon State against a non-nuclear-weapon State, party to the Treaty on the Non-Proliferation of Nuclear Weapons in the framework of the Security Council. It was contended, on the other hand, that a new security machinery to be established by the adoption of the draft resolution implied an indirect revision of the Charter. The draft resolution requested the Security Council to endorse a security machinery of a discriminatory nature, since the benefit of protection against attack or threat by nuclear weapons would be limited to signatories of the Treaty on the Non-Proliferation of Nuclear Weapons only.]

In a letter<sup>113</sup> dated 12 June 1968, the representatives of the USSR, the United Kingdom and the United States informed the President of the Security Council that on the same day, the General Assembly had adopted resolution 2373 (XXII), in which it commended the Treaty on the Non-Proliferation of Nuclear-Weapons. They referred to the statements in the course of the debate during the resumed twenty-second session of the General Assembly to the effect that it was the intention of their Governments to sponsor a resolution in the Security

Council in response to the desire of many Members that appropriate measures be taken to safeguard their security in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons. Accordingly, they requested an early meeting of the Council to consider the attached draft resolution.<sup>114</sup>

At the 1430th meeting on 17 June 1968, the representatives of the USSR, the United Kingdom and the United States read, in the course of their statements, identical declarations of their Governments, the relevant parts of which were as follows: the three Governments noted the concern of certain of the signatories of the Non-Proliferation Treaty that appropriate measures should be undertaken to safeguard their security. Bearing these considerations in mind, the three Governments declared that aggression with nuclear weapons or its threat against a non-nuclear weapon State would create a qualitatively new situation in which the nuclear-weapon States, permanent members of the Security Council, would have to act immediately through the Council to take measures to counter such aggression or to remove its threat in accordance with the Charter which called for taking "... effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace". Therefore, any State which had committed aggression with nuclear weapons or threatened it must be advised that its action would be countered by measures provided for in the Charter to suppress aggression or remove its threat. The three Governments affirmed their intention to seek immediately the Council's action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the Treaty, which was a victim of an act of aggression or an object of its threat in which nuclear weapons were used. The votes of the three Governments on the draft resolution before the Security Council and their respective statements were based upon the fact that the draft resolution was supported by other permanent members of the Council which were nuclear-weapon States and were proposing to sign the Non-Proliferation Treaty and that they had made similar statements as to the way in which they intended to act in accordance with the Charter.

The representative of the USSR stated that its declaration would come into force at the same time as the Security Council resolution concerning security assurances to the non-nuclear countries entered into force.

At the same meeting, the representative of France said that it was not the intention of the French delegation that its abstention from voting in the Security Council should constitute an obstacle to the adoption of a draft resolution which in no way changed the provisions of Chapter VII of the Charter, as was clear from the contents of the draft, from the declared intentions of its sponsors and from the fact that there was no recourse to the procedure laid down in Article 108 for any amendment of the Charter. He observed further that the nations of the world would not receive the security guarantee which they were entitled to claim until the nuclear Powers agreed to take the path of nuclear disarmament and until they had achieved it.

<sup>110</sup> 1373rd meeting (PV): Nigeria, pp. 81-82;  
1401st meeting (PV): Jordan, pp. 13-16;  
1402nd meeting (PV): Iraq, p. 47; USSR, pp. 33-35;  
1403rd meeting (PV): United Arab Republic, p. 13;  
1404th meeting (PV): Jordan, pp. 6, 13-15; Syria, p. 26;  
1407th meeting (PV): Jordan, pp. 71, 77, 78; USSR, pp. 13-15;  
1409th meeting (PV): Jordan, pp. 12-17;  
1411th meeting (PV): United Arab Republic, p. 51;  
1417th meeting (PV): Jordan, p. 92;  
1418th meeting (PV): Jordan, p. 22;  
1434th meeting (PV): Jordan, pp. 23-25;  
1437th meeting (PV): Jordan, pp. 38-40;  
1439th meeting (PV): Ethiopia, p. 7;  
1440th meeting (PV): Jordan, p. 56;  
1456th meeting (PV): United Arab Republic, p. 12;  
1457th meeting (PV): Hungary, p. 27;  
1460th meeting (PV): Algeria, p. 56; Hungary, p. 51; Lebanon, p. 11; USSR, p. 41;  
1462nd meeting (PV): Algeria, p. 37; Hungary, p. 18; Lebanon, p. 81; USSR, p. 31.

<sup>111</sup> 1391st meeting (PV): Pakistan, p. 21; Senegal, p. 27;  
1392nd meeting (PV): Algeria, p. 37; India, p. 16;  
1395th meeting (PV): Pakistan, pp. 13-15, 18-20.

<sup>112</sup> For texts of relevant statements, see:  
1430th meeting (PV): France, p. 31; USSR, pp. 6-15; United Kingdom, pp. 16-20; United States (President), pp. 20-25;  
1431st meeting (PV): Canada, pp. 6-7; Denmark, pp. 8-11, 13; Hungary, pp. 19-21; Senegal, p. 23;  
1433rd meeting (PV): Algeria, pp. 3-10; Brazil, pp. 13-16; China, pp. 26-28; Ethiopia, pp. 18-23; India, pp. 41-43; Pakistan, pp. 31-36.

<sup>113</sup> S/8630, *O.R.*, 23rd yr., *Suppl. for April-June 1968*, pp. 216-218.

<sup>114</sup> Same text as resolution 255 (1968) of 19 June 1968; see in this *Supplement*, chapter VIII, p. 171.

At the 1431st meeting on 18 June 1968, the representative of Canada stated that while the draft resolution with the accompanying declarations made in the Council could not and did not alter the provisions of the Charter, they constituted unequivocal evidence of a common intent by the three major nuclear powers to act in common in the event of nuclear aggression or the threat thereof with a view to restoring peace.

The representative of Denmark saw the agreement between the three nuclear-power States as a token that they considered it in their vital and proper interest that no non-nuclear-weapon State would be subject to nuclear aggression or its threat. For this reason, that agreement must be considered as a reasonable basis committing the parties, a basis upon which the Security Council, should the occasion arise, might intervene.

The representative of Paraguay maintained that it was its legitimate right as a non-nuclear State to claim from the nuclear States special guarantees if a non-nuclear State were to be attacked or threatened with nuclear weapons. The nuclear States had offered such assurance in their declarations; and the Government of Paraguay considered that it was in its interest to accept them. It also considered that the adequate framework in which to set forth those assurances was the United Nations and, within the United Nations, the Security Council.

The representative of Hungary contended that the provisions of the draft resolution constituted an important step in applying the Charter to the realm of nuclear weapons that could not have been foreseen at the time of the drafting of the Charter. By adopting the draft resolution, the Security Council would contribute to the meaningful implementation of Charter provisions to maintain international peace and security. The draft resolution put a potential nuclear aggressor in a position where he must be advised that his action would be resisted effectively and immediately. Contemporary international law provided that international security emanated from the United Nations through the Security Council in the spirit and letter of the Charter. The resolution of the General Assembly on the Non-Proliferation Treaty and the resolution of the Security Council on security assurances constituted one entity. The identical declarations of three nuclear Powers set up a bridge between the Treaty and the resolution of the Security Council and thus provided for the widest possible adherence to the Treaty and led to strengthening of the collective security system under the Charter.

The representative of Senegal stated that his Government took note of the declaration of the three nuclear Powers sponsoring the draft resolution and understood that they would act immediately and in concert in the event of nuclear aggression or its threat to put an end by appropriate means to such an aggression or threat of aggression. The draft resolution and the declaration supporting it constituted together, in the view of the Government of Senegal, one entity, formally guaranteeing the protection of non-nuclear States by the nuclear-weapon States sponsoring the draft resolution.

At the 1433rd meeting on 19 June 1968, the representative of Algeria stated that to the extent that the co-sponsors had wanted the backing of the United Nations, it would have been desirable for them to refer to the relevant provisions of the Charter and not only to recall certain parts of them. The draft resolution and the three-

Power declaration requested the United Nations to endorse a new machinery of a discriminatory nature. While the text of the draft resolution provided for possible sanctions of a universal nature, the benefit of the nuclear protection was reserved only for the signatories of the Non-Proliferation Treaty. By the draft resolution, the United Nations was going to endorse the Treaty the nature of which was not in accordance with its principles, thereby assuming the responsibility of creating machinery that occasioned serious concern. This machinery consisted first of all in the fact that the draft resolution gave the Treaty the stature of a collective security covenant the signatories of which could only benefit from the security guarantees. It was unprecedented for the Security Council to act as guarantor for any covenant. Furthermore, responsibility for the safeguarding and maintenance of peace within the framework of the United Nations rested on the agreement of the permanent members. However, this machinery would henceforth require only the agreement of three of those members, thus calling into question a balance which had been worked out with difficulty at the time of the establishment of the Security Council. There could only be one of two choices. Either the sponsors of the draft resolution would in the case of a dispute be able to obtain the support of the other two permanent members, or if that proved to be impossible to achieve, the resolution would be tantamount to withdrawing from the Security Council its prerogatives in respect of the maintenance and safeguarding of nuclear peace. The adoption of such a machinery under the draft resolution in the last analysis implied an indirect revision of the Charter. If, on the other hand, it was assumed that all nuclear Powers were not those which under the Charter and in their capacity as permanent members had assumed special responsibility with regard to the maintenance of peace, then it would be necessary to proceed to amend the Charter. Either the United Nations would have to envisage two categories of peace maintenance or it would have to amend Article 23. Furthermore, the discriminatory nature of the draft resolution resulted from the fact that it established two categories of States, namely, the signatories that would benefit from apparent nuclear protection, and others who apparently were open to virtually authorized aggression. It seemed also that those States which would be in a position to engage in nuclear aggression, by virtue of the text of the draft resolution, would be exonerated from any possible punishment. More specifically it seemed that the draft resolution as a whole evaded the only question which specifically arose in the current situation: what use did the nuclear Powers intend to make of their arsenals of atomic weapons? China had proclaimed that it would not be the first to use nuclear weapons; the USSR was in favour of prohibition of those weapons; and France did not envisage their offensive use. From this flowed the following alternatives: either those assurances were superfluous, since the two nuclear Powers which were not parties to the Non-Proliferation Treaty had taken the just outlined positions or they were inadequate because the two other Powers apparently were not ready to enter into commitments similar to those assured by the three permanent members of the Council.

The representative of Brazil pointed out that the matter before the Security Council was related to the system of collective security established in the Charter which set up a universal security machinery which included,



without any exception, all Member States. However, the guarantees referred to in the three-Power draft resolution, unilaterally offered by only three of the five existing nuclear Powers, would be applied only to those Member States which became parties to the Non-Proliferation Treaty. Moreover, while the Charter established juridical obligations, the draft resolution and the unilateral declaration of the three great Powers were but statements of intention. The draft resolution therefore fell short of assuring the guarantees against all kinds of aggression contemplated in the Charter. It apparently referred to a new system of guarantees which had not been formulated in accordance with the same principles and criteria applied to the system of guarantees of the Charter. The delegation of Brazil had previously expressed its conviction that the draft non-proliferation treaty did not conform to the relevant principles of General Assembly resolution 2028 (XX)<sup>115</sup> and, more specifically, it had failed to establish an acceptable balance of obligations and responsibilities between nuclear and non-nuclear States, including the question of security guarantees to be given to the latter. The system currently proposed also failed to meet this objective.

The representative of Ethiopia maintained that the problem of security guarantees seemed to have encouraged the assumption that the Non-Proliferation Treaty would somehow establish new obligations and rights for Member States of the United Nations outside of the Charter. However, that was not the case: there was no question of establishment of a competing collective security system on the sole behalf of those States accepting the Non-Proliferation Treaty. Under the Charter, all Member States had accepted an obligation to help the victim of aggression in accordance with the determination and the decisions of the Security Council. Moreover, under the Charter, all the permanent members of the Council assumed a decisive vote in the Council's primary responsibility for the maintenance of international peace and security. As a confirmation of this responsibility, the Charter not only granted those Powers the status of permanent membership but also gave them the right and privilege whereby no decision by the Council would be taken without their concurrence. Thus at the time when the Charter had been drafted, it had already contained a mutual balance of rights and obligations as between the permanent members of the Security Council, on the one hand, and the other Member States on the other. The addition of atomic weapons to the war arsenals of States could not have changed, and could not change, this mutual balance of rights and obligations within the framework of the collective security system established by the Charter. The fact that aggression was committed by means of atomic weapons and that the use of atomic weapons against another State was threatened could not change the character of the obligations Member States of the United Nations had assumed under the Charter. All the permanent members of the Security Council, like all other Member States, were under the Charter obligation to come to the assistance of a victim of aggression. The representative pointed out further that neither in the declarations of the sponsors of the draft resolution nor in the draft resolution itself, was there any mention of General Assembly resolution 2153 (XXI), which called

upon all nuclear-weapon Powers "to refrain from the use, or the threat of use, of nuclear weapons against States which might conclude" non-proliferation treaties. That was an unjustified omission. Further it was also to be noted that operative paragraph 2 of the draft resolution only welcomed the expression of the "intention . . . by certain States that they will provide . . . assistance, in accordance with the Charter". It seemed that the use of the word "intention" in this context was somewhat ambiguous. However, with or without this resolution, the permanent members, like all other Member States of the United Nations, had by signing the Charter entered into the legally binding obligation to come to the assistance of a victim of aggression, in accordance with a decision of the Security Council. This was the clear position of the Charter.

The representative of China contended that it would seem that neither the draft resolution nor the declarations added anything new to what had already been provided for in the Charter, Article 1 of which called for " . . . effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression. . .". However, aggression was aggression, no matter what weapons were used. Even if in the present context, the Security Council was dealing with a specific type of aggression, aggression accompanied by the use of nuclear weapons, which as stated by the sponsors of the draft resolution in their declarations, would "create a qualitatively new situation". Yet the procedure of dealing with such a situation was no different from that already provided for in the Charter. From this point of view, it might have been doubted whether the draft resolution was necessary. The criterion of any system of security assurances must be the degree of its effectiveness and credibility. In the present world, it was not always easy to foresee the circumstances in which aggression with nuclear weapons would occur or the forms such aggression might take. The difficulty was compounded by the virtual impossibility of arriving at a consensus on what constitutes aggression, nuclear or otherwise. However, no system of security guarantees could be absolute. The system of security guarantees embodied in the draft resolution was no exception. If it fell short of perfection, at least it afforded the non-nuclear-weapon States more protection than they would otherwise have.

The representative of Pakistan maintained that the security assurances of the three nuclear Powers to the non-nuclear-weapon States related to aggression accompanied by the use of nuclear weapons or a threat of aggression in which nuclear weapons were used against a non-nuclear-weapon State party to the Non-Proliferation Treaty. It had been pointed out during the debate in the First Committee of the General Assembly that the draft resolution would have been a better instrument if instead of speaking of "aggression", which had so far neither been defined nor in practice determined, it had related itself to the use or threat of use of nuclear weapons. As the protection was offered essentially within the framework of the Charter, the possibility of the Security Council's being rendered unable by the use of the veto to take the necessary action made the protection uncertain. Operative paragraph 2 of the three-Power draft resolution made it clear that the identical declarations of the three nuclear Powers were only statements of intention. In the debate in the First Committee, several non-nuclear-

<sup>115</sup> Resolution is entitled "Non-proliferation of nuclear weapons".



weapon States had expressed their dissatisfaction over that fact and had called for a binding treaty guarantee to provide immediate assistance to any non-nuclear party that was a victim of nuclear attack or of a nuclear threat. Furthermore, it seemed only just and equitable that, if non-nuclear-weapon States would forswear the acquisition and production of nuclear weapons for their own defence, the nuclear Powers should in return renounce the use of such weapons against those States. Paragraph 1 of the draft resolution recognized that protection was available under the Charter to a non-nuclear-weapon State against nuclear aggression or its threat. A State's adherence to the non-proliferation treaty was not made a condition. However, in paragraph 2 of the draft resolution, the Council was required to welcome the intention expressed by certain States that they would provide or support immediate assistance in accordance with the Charter to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons that was a victim of an act or an object of a threat of aggression in which nuclear weapons were used. Read together, the two paragraphs gave rise to a certain ambiguity. As the draft resolution was formulated, only a few States could derive from it real assurance of security against the use or threat of use of nuclear weapons, apart from the non-nuclear-weapon States that were members of the NATO or Warsaw Pacts or those protected by the unilateral guarantees outside the framework of the United Nations. As formulated in the draft resolution, it was questionable whether the security assurances in the context of the current realities of international life and the policies of the nuclear Powers were likely to be universal in their practical operation, either as regards the source of the threat or as regards the victim. There was a wide diversity of security interests in the world and security assurances must not be limited as regards time. If on this account, the formula for security must be cast in general terms, there was no reason why it could not be indicated that the protection offered was universal, without preference or exclusion. Therefore it seemed that what the formula in the joint draft resolution on security assurances offered to non-nuclear-weapon States was not all that could now be devised to deter the use or threat of use of nuclear weapons.

The representative of India said that so long as nuclear weapons continued to remain in the armories of a few States, they had a definite obligation to assure the non-nuclear-weapon States that their security would not be endangered by the use or threat of use of such weapons, and also that such weapons would not be used as an instrument of pressure, intimidation or blackmail. It was in this context that the question of security assurances must be considered. Any steps that might be taken by the nuclear-weapon States in concert with non-nuclear-weapon States to increase the effectiveness of the role of the United Nations for the purpose of providing security must be welcomed. The obligations imposed by the Charter on Member States, and more particularly on the permanent members of the Security Council, to ensure peace in the world, made it necessary for them to discharge their responsibilities in strict conformity with the Charter. However, the assurance of security to non-nuclear-weapon States was an obligation on the nuclear-weapon States, and not something which they could or should offer in return for the signature by non-nuclear-weapon States of the Non-Proliferation Treaty. The

basis for any action by the Security Council for the maintenance of international peace and security was the Charter. Any linking of security assurances to the signature of the Non-Proliferation Treaty would be contrary to its provisions, because the Charter did not discriminate between those who might adhere to a particular treaty and those who might not do so. Referring to Article 24 of the Charter, the representative pointed out that, according to it, in discharging its duties, the Council would act in accordance with the Purposes and Principles of the United Nations. One of the cardinal principles was that of sovereign equality, of the equality of rights and benefits under the Charter for all Members of the United Nations. The second, and equally important, principle was that all Members shall fulfil in good faith the obligations assumed by them in accordance with the Charter. It would thus be clear that, while the permanent members of the Security Council had a special obligation and responsibility for the maintenance of international peace and security, they were precluded from adopting a discriminatory approach in situations involving the security of States, including that arising from the threat or the use of nuclear weapons against non-nuclear-weapon States. However, such a discriminatory approach was adopted in the three-Power draft resolution, particularly in preambular paragraph 2 and operative paragraph 2 thereof. The Security Council was being asked to take into consideration the concern of only certain of those States which had expressed a desire to subscribe to the Non-Proliferation Treaty. This concept was contrary to the Purposes and Principles of the Charter. When the Security Council was called upon to make a determination in accordance with Article 39 of the Charter, it did not first enquire as to whether a certain State had subscribed to a particular treaty or not. Its findings, recommendations and decisions were to be guided solely by the objective of maintaining or restoring international peace and security. The Charter provided clearly that the assistance of the Security Council should be available in equal measure to all States. Some nuclear-weapon States that were also permanent members of the Security Council intended, however, to provide or support immediate assistance by way of collective self-defence only to those non-nuclear-weapon States which were parties to a particular treaty. In their declarations, the three nuclear-weapon Powers themselves recalled the provision of the Charter which called for effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace. However, it was the responsibility of the nuclear-weapon States members of the Security Council to go to the assistance of any non-nuclear-weapon State that was threatened with or was the victim of nuclear attack, and not merely to those that might be signatories of the Non-Proliferation Treaty. This was their special responsibility by reason of their possessing nuclear weapons as well as of their being permanent members of the Security Council. It would be inappropriate, therefore, for the Security Council to welcome the partial assurances mentioned in operative paragraph 2. It was in the interest of the international community that non-nuclear-weapon States were encouraged to remain in that category. This could be done only by ensuring the security of all non-nuclear-weapon States in conformity with the Charter, regardless of whether or not they signed the Non-Proliferation Treaty.

It was therefore clear that the draft resolution contained in document S/8631 did not fully accord with the basic principles which should govern the problem of the security of non-nuclear-weapon States.

At the 1433rd meeting on 19 June 1966, the three-

Power draft resolution was adopted<sup>116</sup> by 10 votes in favour, none against with 5 abstentions, as resolution 255 (1968).

<sup>116</sup> 1433rd meeting (PV), p. 46. For the text of the resolution see in chapter VIII, p. 171.

**Chapter XII**

**CONSIDERATION OF THE PROVISIONS OF OTHER ARTICLES OF THE CHARTER**

## CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE . . . . .	227
PART I. CONSIDERATION OF THE PROVISIONS OF ARTICLE 1, PARAGRAPH 2, OF THE CHARTER	
Note . . . . .	227
PART II. CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 OF THE CHARTER	
A. Article 2, paragraph 4, of the Charter: Note . . . . .	227
B. Article 2, paragraph 6, of the Charter: Note . . . . .	237
**C. Article 2, paragraph 7, of the Charter . . . . .	238
PART III. CONSIDERATION OF THE PROVISIONS OF ARTICLE 24 OF THE CHARTER	
Note . . . . .	238
PART IV. CONSIDERATION OF THE PROVISIONS OF ARTICLE 25 OF THE CHARTER	
Note . . . . .	238
PART V. CONSIDERATION OF THE PROVISIONS OF CHAPTER VIII OF THE CHARTER	
Note . . . . .	239
**PART VI. CONSIDERATION OF THE PROVISIONS OF CHAPTER XII OF THE CHARTER .	242
**PART VII. CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER .	242
**PART VIII. CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER .	242

## INTRODUCTORY NOTE

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

### Part I

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

##### Article 1

"1. . . .

"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

In the proceedings of the Security Council during the period under review, there were no instances of constitutional discussion bearing on Article 1, paragraph 2, of the Charter. The principle of self-determination embodied in Article 1, paragraph 2, was however, implicitly invoked in Security Council resolutions 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968 regarding the situation in Southern Rhodesia. In both instances, the

<sup>1</sup> For observations on the methods adopted in compilation of this chapter, see *Repertoire of the Practice of the Security Council, 1946-1951*, introductory note to chapter VIII, part II; arrangement of chapter X-XII, p. 296.

Security Council referred <sup>2</sup> to General Assembly resolution 1514 (XV) of 14 December 1960 <sup>3</sup> and reaffirmed <sup>4</sup> earlier Council resolutions <sup>5</sup> on the situation in Southern Rhodesia containing, *inter alia*, explicit or implicit references to the above-cited General Assembly resolution.

<sup>2</sup> Resolution 232 (1966), operative paragraph 4; resolution 253 (1968), operative paragraph 2.

<sup>3</sup> The resolution was entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples".

<sup>4</sup> Resolution 232 (1966), preambular paragraph 1; resolution 253 (1968) preambular paragraph 1.

<sup>5</sup> Resolutions 217 (1965) and 221 (1966). [Resolution 253 (1968) referred also to resolution 232 (1966).]

### Part II

#### CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 OF THE CHARTER

##### A. Article 2, paragraph 4, of the Charter

"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, no resolutions were adopted by the Security Council in which Article 2, paragraph 4, was explicitly invoked. Principles derived from the provisions of Article 2, paragraph 4, and the obligations ensuing from those Charter principles engaged the attention of the Security Council. Of the six draft

resolutions <sup>6</sup> in which these principles were cited, three <sup>7</sup>

<sup>6</sup> S/8227, 1373rd meeting, pp. 68-70; S/8229, *OR*, 22nd yr., *Suppl. for Oct.-Dec. 1967*, pp. 208, 209; S/8247, adopted without change as resolution 242 (1967); S/8253, 1381st meeting (PV), pp. 11-12; S/8590/Rev.2, adopted without change as resolution 252 (1968); S/8761 and Add. 1, 1442nd meeting (PV), p. 17.

<sup>7</sup> S/8227, S/8229 and S/8253.

were not pressed to the vote; one <sup>8</sup> failed of adoption; and, two <sup>9</sup> were adopted by the Security Council. In two <sup>10</sup> of the six instances, there was an explicit reference to Article 2 of the Charter. In all instances except one which is treated below,<sup>11</sup> no constitutional issue was raised in the relevant Council debate that could be considered to have a bearing on the provisions of Article 2, paragraph 4. In five instances, reference was made to 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,<sup>12</sup> and the principle of respect for and acknowledgement of the sovereignty, territorial integrity or inviolability, and political independence of every State.<sup>13</sup> In three <sup>14</sup> of these five instances, as well as in another instance,<sup>15</sup> the principle of inadmissibility of the acquisition of territory through the use of force was affirmed. In one instance,<sup>16</sup> it was contended that in the light of the latter principle and emphasizing the validity of the concept of territorial integrity, armed forces of one State had to be withdrawn from the territories of other States occupied as a result of military conflict.<sup>17</sup> Objections were raised to the applicability of this principle to the area under consideration on the grounds that the said area had only had demarcation lines based on military conquests or considerations, and that there was a distinction between demarcation lines which meant the maintenance of reciprocal territorial claims, and boundaries which implied their mutual and final renunciation.<sup>18-24</sup> There was no constitutional discussion thereon.

Six case histories having a bearing on the obligations ensuing from the provisions of Article 2, paragraph 4, are dealt with in this section.

CASE 1.<sup>25</sup> THE PALESTINE QUESTION: In connexion with the joint draft resolution submitted by Jordan and co-

<sup>8</sup> S/8761 and Add.1.

<sup>9</sup> Resolutions 242 (1967) and 252 (1968).

<sup>10</sup> S/8229, preambular para. 5; resolution 242 (1967), preambular para. 2.

<sup>11</sup> Case 6.

<sup>12</sup> S/8227, oper. para. 1 (ii); S/8229, oper. para. 1; resolution 242 (1967), oper. para. 1 (ii); S/8253, oper. para. 3 (a); S/8761 and Add.1, preamb. para. 3.

<sup>13</sup> S/8227, oper. para. 1 (iii); S/8229, oper. paras. 1 and 2 (c); resolution 242 (1967), oper. paras. 1 (ii), 2 (c); S/8253, oper. paras. 2 (b) and 3 (b); S/8761 and Add. 1, preamb. para. 3 and oper. para. 1.

<sup>14</sup> S/8227, oper. para. 1 (i); resolution 242 (1967), preamb. para. 2; S/8253, oper. para. 2 (a).

<sup>15</sup> Resolution 252 (1968), preamb. para. 6.

<sup>16</sup> See 1373rd-1382nd meetings, in connexion with the situation in the Middle East (II).

<sup>17</sup> See S/8227, oper. para. 1 (i); S/8229, oper. para. 1; resolution 242 (1967), oper. para. 1 (i); S/8253, oper. para. 2 (a).

<sup>18-24</sup> 1375th meeting (PV): Israel,\* p. 28.

<sup>25</sup> For texts of relevant statements, see:

1288th meeting: Israel,\* paras. 129, 137; Syria,\* paras. 84-87, 89-90, 92, 98; USSR, paras. 198-200, 212;

1289th meeting: Iraq,\* paras. 4-5, 30; Jordan, paras. 33, 49, 58; 1291st meeting: France, paras. 35-41; United Kingdom, paras. 24-25, 27-29; United States, paras. 9-10, 13-14, 16;

1292nd meeting: Argentina, paras. 92, 94, 99; Bulgaria, paras. 21, 27-28, 30; Jordan, paras. 35, 39, 52; New Zealand, paras. 81-86;

1293rd meeting: China, paras. 63, 65; Netherlands, paras. 11, 19, 20; Nigeria, paras. 22-23; Uruguay, para. 47;

1294th meeting: Uganda, paras. 5, 10;

1295th meeting: Bulgaria, paras. 4, 11; Japan, para. 30; Jordan, para. 55; USSR, para. 68.

sponsored by Mali: voted upon and not adopted on 3 August 1966

[*Note:* During the discussion, it was maintained that reprisals or retaliatory measures of a military nature were contrary to the provisions of Article 2, paragraph 4, of the Charter, the Israel-Syrian General Armistice Agreement, and the resolutions of the Security Council condemning retaliatory measures which took the form of military action. Unilateral resort to military force, could not, whatever might have been the provocation, be accepted as a lawful form of international conduct and could not be considered as the legitimate exercise of the right of self-defence.]

At the 1288th meeting on 25 July 1966, the representative of Syria \* stated that the acts of aggression committed by Israel against the neighbouring Arab States, which had culminated in a "premeditated" aerial attack directed against Syria, threatened by their repercussions the peace of the Middle East.

In reply, the representative of Israel \* recalled his letter of 14 July 1966 <sup>26</sup> to the President of the Council in which he had referred to Syrian attacks directed against the civilian habitations and activities in the border area of Israel and their further intensification. It was stated in that letter that after the incident at Almazar, planes of the Israel Air Force had been ordered to take strictly limited action regarded as appropriate under the circumstances. The action had been taken reluctantly after Israel had become convinced that all its efforts through United Nations and diplomatic channels had failed to deter aggression by Syria.

At the same meeting, the representative of the USSR referred to the provision in the Charter that all Members of the Organization must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State. Further, he pointed out that the Security Council had on three occasions—in January 1956, in April 1962 and again in April 1964 <sup>27</sup>—categorically condemned so-called retaliatory measures which took the form of military action. He recalled that in its resolution 188 (1964) of 9 April 1964, the Security Council had condemned "reprisals as incompatible with the purposes and principles of the United Nations": the Council had to state once again that the practice of so-called retaliatory measures of a military nature, including the use of the Air Force and aerial bombing, was incompatible with the purposes and principles of the United Nations Charter.

At the 1289th meeting on 26 July 1966, the representative of Jordan stated that the Security Council was faced with a premeditated, deliberate and well-planned act of aggression. No Member of the United Nations could afford to condone retaliation; nor could the Security Council remain indifferent to acts of war by Israel.

At the same meeting, the representative of the United States stated that his Government considered it deplorable that the Government of Israel had chosen to react to the

<sup>26</sup> S/7411, *OR*, 21st yr., *Suppl. for July-Sept. 1966*, pp. 28-30. See also in chapter VIII, p. 125, footnote 166.

<sup>27</sup> See resolution III (1956), operative paragraphs 2 and 3; resolution 111 (1962), operative paragraphs 2 and 3; resolution 188 (1964), operative paragraph 1.

incidents in the manner that it had when reliance on the United Nations machinery had clearly been called for in the given instance. He appealed to both sides to deal with differences by peaceful means, to avoid resort to force, and to abide by their obligations under the Armistice Agreement and the Charter of the United Nations.

At the 1292nd meeting on 29 July 1966, the representative of Bulgaria stated that the doctrine of retaliation applied by the Government of Israel in its relations with its neighbours was contrary to the Charter which stipulated that Members of the United Nations "shall refrain in their international relations from the threat or use of force". That doctrine was also in contradiction with the provisions of the General Armistice Agreement between Syria and Israel. He noted also that in the case under consideration there was not even any justification for claiming to apply the theory of retaliation, for the acts of unknown origin and the air attack undertaken against the entire border region of a neighbouring country were not comparable.

The representative of Jordan introduced,<sup>28</sup> on behalf of the delegations of Mali and Jordan, a draft resolution whereby the Security Council would, *inter alia*: (1) note with concern that the Israel aggression took place north-west of Lake Tiberias, well within the territory of the Syrian Arab Republic, and that it took the grave form of an air attack where napalm bombs in particular were used; (2) condemn Israel's wanton attack of 14 July 1966, as a flagrant violation of the cease-fire provisions of Security Council resolution 54 (1948) of 15 July 1948, of the terms of the General Armistice Agreement between Israel and Syria, and of Israel's obligations under the Charter of the United Nations; (3) reaffirm resolutions 111 (1956) and 171 (1962), and deplore the resumption by Israel of aggressive acts unequivocally condemned by these resolutions; (4) remind Israel that the Security Council had already condemned military action in breach of the General Armistice Agreement, and had called upon Israel to take effective measures to prevent such action; (5) reiterate its call on Israel to comply with its obligations under the Charter in default of which the Council would have to consider what further measures should be invoked.

The representative of New Zealand noted, in relation to the aerial attack, the primacy of the injunction contained in the General Armistice Agreement, as in the resolutions of the Security Council, not to resort to military force. He noted further that under the Charter of the United Nations, all Member States were absolutely duty bound to refrain from the threat or use of force against the territorial integrity or political independence of any State. Neither the Charter, nor the terms of the Armistice Agreement, admitted of exceptions in favour of a people's war of liberation.

The representative of Argentina stated that armed retaliation should not become an accepted form of international conduct. He stressed the need for the parties involved to co-operate and make the fullest possible use of those United Nations bodies at their disposal.

At the 1293rd meeting on 1 August 1966, the representative of Uruguay expressed agreement with other members of the Council that the Mixed Armistice Commission

and other United Nations organs which were striving to help the peace in the Middle East, should be supported and strengthened. Further, he stated that if the air attack on Syria of 14 July was considered in isolation, it undoubtedly constituted an illegal aggressive act; if that attack was linked to acts of sabotage and further if both Syrian and Israel incidents were viewed against the general background of hostility which had prevailed in that region since 1947, the responsibility of both parties would be considered mitigated. It was obvious, however, that armed reprisals could not in any circumstances be recognized as a lawful instrument in international relations and that the illegal use of force constituted a violation of the positive international law created in San Francisco. Reprisals could be explained by the extenuating circumstances but they could not be justified, for there were international organs empowered to intervene in the case of acts such as those which provoked the reaction of 14 July.

The representative of China stated that whatever might have been the provocation, the use of military means in the circumstances as a means of retaliation had to be looked upon by the Council with serious concern. The unilateral exercise of force, even in the face of grave and persistent provocation, was inadmissible under the United Nations Charter.

At the 1294th meeting on 2 August 1966, the representative of Uganda noted that the Charter provided against the possibility of an aggrieved party's taking the law into his own hands except in self-defence. There were numerous resolutions and instances where this sort of action had been condemned by the Security Council. There could be no justification, moral or legal, for aerial bombings of a neighbouring territory in peace-time; all signatories to the United Nations Charter were under obligation to settle their international disputes by peaceful means. To resort to armed invasion without recourse to the Security Council was to violate Article 2 of the Charter and to go against the spirit and objectives of the Organization.

At the 1295th meeting on 3 August 1966, the representative of Bulgaria stated that the attack launched on 14 July 1966, on the orders of the Government of Israel, against the border area of Syria constituted an aggravated, organized and premeditated act of aggression. It called for condemnation by the Security Council. Otherwise, the attitude of the Council might be interpreted as an invitation to further acts of reprisal.

At the same meeting, the draft resolution submitted by Jordan and Mali was voted upon and was not adopted. The vote was 6 votes in favour, none against, with 9 abstentions.<sup>29</sup>

CASE 2.<sup>30</sup> THE PALESTINE QUESTION: In connexion with the joint draft resolution by the United Kingdom and the United States: not pressed to the vote on 4 Novem-

<sup>28</sup> 1295th meeting, para. 76.

<sup>29</sup> For texts of relevant statements, see:

1307th meeting: France, paras. 100-101; Israel,\* paras. 34, 37, 38, 51-53; New Zealand, para. 134; Syria,\* para. 66; United Kingdom, paras. 105-106.

1308th meeting: Israel,\* paras. 185, 192-195; Netherlands, paras. 48-53; Uruguay, paras. 84, 99, 103, 105;

1309th meeting: Uganda, para. 113;

1312th meeting: Japan, para. 17;

1317th meeting: Syria,\* para. 16;

1319th meeting: Bulgaria, para. 5; Syria,\* para. 101.

<sup>30</sup> S/7437, OR, 21st yr., Suppl. for July-Sept. 1966, pp. 59-60; 1292nd meeting: paragraphs 32-40.

ber 1966; and with the draft resolution jointly submitted by Argentina, Japan, Netherlands, New Zealand, Nigeria and Uganda: voted upon and failed of adoption on 4 November 1966

[*Note:* During the discussion, it was maintained that Syria was responsible for acts of violence perpetrated by armed groups allegedly operating from Syrian territory and that its refusal to prevent the use of its territory for the mounting of any activity the aim of which was violence against Israel was contrary to Syria's general obligations under the Charter, more specifically Article 2, paragraph 4, its specific commitments under the 1949 Armistice Agreement, and the provisions contained in the General Assembly resolution 2131 (XX) of 21 December 1965. It was argued in reply that Syria could not be held responsible for the behaviour of Arab refugees of Palestine and for the activities of Palestinian organizations with which the Government of Syria had no association and over which it had no authority.]

At the 1307th meeting on 14/15 October 1966, the representative of Israel,\* having referred to statements made by several members of the Security Council on an earlier occasion to the effect that Syria's claim that it did not regard itself as responsible for the activities of guerilla groups could not be sustained and that the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State was "absolute" and "unreserved", stated that this obligation applied to Syria in its relations to Israel.

The representative of Syria\* referred to his letter of 13 October 1966<sup>31</sup> to the President of the Security Council, and stated that the Syrian Government rejected the Israel contention that the activities of the El-Assefa organization had been planned, organized, equipped or directed by Syria or that Syria was the source of the El Fatah and El-Assefa organizations. Accordingly, the Syrian Government refuted Israel's attribution that Syria was responsible for the incident brought before the Council.

The representative of the United Kingdom, having noted that no Member State of the United Nations could abrogate its responsibility for actions originating in its territory, referred to a general principle that for a Government to be accessory to force and thus to be implicated in the use of force was totally unacceptable; therefore, it had to be the duty of any Government to prevent or oppose by all means at its disposal the use of its territory for the mounting of any activity the aim of which was violence.

At the 1308th meeting on 17 October 1966, the representative of the Netherlands stated that the Members of the United Nations had, in Article 2, paragraph 4, of the Charter, undertaken the obligation to refrain from the threat or use of force against the territorial integrity or political independence of other States. Even more relevant in the situation under consideration was Article III, paragraph 3, of the General Armistice Agreement<sup>32</sup> between Syria and Israel which provided that: "No warlike act or act of hostility shall be conducted from territory controlled by one of the Parties to this Agreement against the other Party or against civilians in

territory under control of that Party." He noted also that another general guideline could be found in General Assembly resolution 2131 (XX),<sup>33</sup> which, among other things, contained the provision that no State should organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State. Under the above-cited articles of the Charter and of the General Armistice Agreements, and the provisions of resolution 2131 (XX), Syria and Israel were both under the obligation to respect each other's territory, to abstain from the threat or use of force and from giving support to any terrorist activities.

Subsequently, at the 1310th meeting on 28 October 1966, the Security Council had before it a draft resolution submitted on 27 October 1966 by the United Kingdom and the United States,<sup>34</sup> under which the Security Council would, *inter alia*, remind the Government of Syria to fulfil its obligations by taking all measures to prevent the use of its territory as a base of operation for acts constituting a violation of the General Armistice Agreement, and call for strict adherence to Article III, paragraph 3, of the Syria-Israel General Armistice Agreement providing that no warlike act or act of hostility shall be conducted from the territory of one of the parties against other parties.

At the 1316th meeting on 3 November 1966, a draft resolution, jointly sponsored by Argentina, Japan, Netherlands, New Zealand, Nigeria and Uganda, was introduced by the representative of Uganda.<sup>35</sup> Under its terms, the Security Council would, among other things, invite the Government of Syria to strengthen its measures for preventing incidents that constituted a violation of the General Armistice Agreement.

At the 1319th meeting on 4 November 1966, the six-Power draft resolution was voted upon and failed of adoption. The result of the vote was 10 in favour, 4 against, with one abstention, one of the negative votes being that of a permanent member.<sup>36</sup> The sponsors of the two-Power draft resolution did not press it to the vote.<sup>37</sup> CASE 3.<sup>38</sup> THE PALESTINE QUESTION: In connexion with the letter dated 15 November 1966<sup>39</sup> from the repre-

<sup>31</sup> Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty; see operative paragraphs 1 and 2.

<sup>32</sup> S/7568, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 58-59; 1310th meeting: para. 5.

<sup>33</sup> S/7575/Rev.1, *OR*, 21st yr. *Suppl. for Oct.-Dec. 1966*, p. 69; 1316th meeting: para. 24.

<sup>34</sup> 1319th meeting: para. 55.

<sup>35</sup> *Ibid.*, para. 56.

<sup>36</sup> For texts of relevant statements, see:

1320th meeting: Israel,\* paras. 53, 64-65; Jordan, paras. 22-26, 28-29, 34; United Kingdom, paras. 79-80, 82; United States, paras. 89-91, 97; Secretary-General, paras. 6-12;

1321st meeting: France, paras. 3, 4; Jordan, para. 31; USSR, paras. 11-15, 19, 23;

1322nd meeting: Argentina, pp. 2-4; Japan, p. 4; New Zealand, p. 7;

1323rd meeting: China, paras. 15-18; Israel,\* para. 51; Jordan, para. 59; Netherlands, paras. 5-9;

1324th meeting: Israel,\* paras. 90-92; Jordan, paras. 30-31; Uruguay, paras. 65-80;

1325th meeting: Bulgaria, paras. 4-7;

1327th meeting: Nigeria, paras. 39, 42-44; Uganda, paras. 15-16;

1328th meeting: Bulgaria, para. 31; Netherlands, para. 17; New Zealand, paras. 7, 11; USSR, para. 22.

<sup>37</sup> S/7587, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, p. 78.

<sup>31</sup> S/7544, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 31-32.

<sup>32</sup> *OR*, 4th yr., *Special Supplement*, No. 2.



representative of Jordan and the oral report of the Secretary-General at the 1320th meeting; and with the joint draft resolution by Mali and Nigeria: voted upon and adopted on 25 November 1966

[Note: During the discussion, it was maintained that an act of retaliation, such as that launched by Israel against Jordan on 13 November 1966, constituted a unilateral exercise of force and as such could not be condoned by the Security Council; nor could it be justified by the incidents which had preceded it. It was emphasized further that the policy of retaliation and reprisal operations were in violation of the General Armistice Agreement and also contrary to both the provisions of the Charter and of the various Security Council resolutions pertaining thereto. On the other hand, it was contended that the fundamental cause of Arab-Israel tension lay in threats against the territorial integrity and political independence of Israel by the neighbouring States in standing violation of the United Nations Charter and of the Armistice Agreements of 1949: the Security Council, in its deliberations, had to consider the total situation within which acts of retaliation took place.]

At the 1320th meeting on 16 November 1966, the Secretary-General made an oral report to the Security Council regarding the incident of 13 November 1966—a raid by the armed forces of Israel into Jordan with the support of tanks, armoured vehicles, heavy weapons and aircraft—on the basis of information received from United Nations Military Observers.

At the same meeting, the representative of Jordan also informed the Security Council of the incident of 13 November which, in his view, constituted a deliberate act of aggression by Israel against Jordan.

The representative of Israel\* stated that contrary to the United Nations Charter and the Armistice Agreements, Arab Governments proclaimed that they did not accept the political independence or territorial integrity of the State of Israel and held that its statehood had to be eliminated by force of arms. The Government of Jordan had failed to fulfil its obligation to prevent any attack or incursion across the border from its territory into Israel: an Israel army vehicle on a regular patrol had been blown up by a mine in the border area adjacent to Jordan and it was evident that the perpetrators had come from and returned to certain villages on the Jordan side of the border. Furthermore, the Government of Israel had had reason to believe that this incident was the first in a "fresh series of attacks" planned to take place in the locality; it had decided to carry out a limited local action directed at the villages involved and intended to serve as a warning and a deterrent. This defensive action, carried out by a mobile task force, including tanks, had been undertaken most reluctantly, and only as a last resort, after a long period of forbearance.

The representative of the United Kingdom stated that there was no justification whatsoever for the calculated, admitted and wholly disproportionate act of military reprisal committed by Israel against Jordan on 13 November. Even if it could be demonstrated that Jordan had any direct responsibility for the mining incident and other incidents, the Israel attack could not be condoned, for it was a fully planned attack, mounted by infantry and armoured forces and supported by aircraft. The Israel

action constituted a flagrant violation of the Charter and of the Israel-Jordan Armistice Agreement.

The representative of the United States stated that the large-scale Israel military action, the nature and the consequences of which had far surpassed the cumulative total of the various acts of terrorism conducted against the frontiers of Israel, could not be justified, explained away or excused by the incidents which had preceded it and in which the Government of Jordan had not been implicated. The policy of retaliation was in violation of obligations undertaken by Israel in the General Armistice Agreements, and was also contrary to the requirements both of the Charter and of the Security Council that peaceful means be utilized to settle such problems.

At the 1321st meeting on 16 November 1966, the representative of France stated that all reprisal operations and so-called punitive actions were always out of proportion to the incidents which might have given rise to them and were to be condemned. He added that his delegation was not unaware of the fact that the Israel Government had been provoked into committing an action which constituted a violation of the Charter of the United Nations and of the General Armistice Agreement by incidents which, while not of comparable gravity, should not be underestimated.

The representative of the USSR stated that by making a direct military attack against Jordanian inhabited localities, Israel had flagrantly violated the Charter provision which prohibited States Members of the United Nations from using force against the territorial integrity and political independence of any State. Recalling Security Council resolutions 111 (1956) of 19 January 1956, 171 (1962) of 9 April 1962 and 188 (1964) of 9 April 1964, he maintained that Israel's new aggression against Jordan contravened not only that State's obligations under the Charter but also many resolutions of the Security Council, which had repeatedly pointed out in specific terms that the use of so-called military reprisals was completely incompatible with the purposes and principles of the United Nations Charter, with the provisions of contemporary international law, and with the elementary standards by which all States must be governed in conducting their foreign policy.

At the 1322nd meeting on 16 November 1966, the representative of Argentina stated that reprisals, especially armed reprisals, were acts in violation of the norms of international law and the United Nations Charter which allowed the use of force only in cases of legitimate self-defence or in fulfilment of collective measures called for by the United Nations. Armed reprisals taken by Israel were not only illegal but also unjustified and disproportionate to the reason which, according to Israel, had provoked it.

The representative of New Zealand maintained that it was not possible to condone a calculated act of retaliation, especially an act which was in its character both different from and disproportionate to even the lengthy series of terrorist acts which had preceded it.

At the 1324th meeting on 21 November 1966, the representative of Uruguay cited, *inter alia*, Article 2 of the Charter and stated that there was a clear difference between a mere act of reprisal and the exercise of the right of self-defence: the events of which Jordan com-

plained were unlawful acts of aggression falling within the familiar concept of reprisals, which were contrary to the obligations imposed by the Charter and repudiated by positive public international law.

At the same meeting, the representative of Nigeria introduced a draft resolution<sup>40</sup> on behalf of Mali and Nigeria which included the following provisions:

*"The Security Council,*

*"Having heard the statements of the representatives of Jordan and Israel concerning the grave Israel military action which took place in the southern Hebron area on 13 November 1966;*

*"Having noted the information provided by the Secretary-General concerning this military action in his statement of 16 November and also in his report of 18 November 1966;*

*"Observing that this incident constituted a large-scale and carefully planned military action on the territory of Jordan by the armed forces of Israel;*

*"Reaffirming the previous resolutions of the Security Council condemning past incidents of reprisal in breach of the General Armistice Agreement between Israel and Jordan and of the United Nations Charter;*

*"Recalling the repeated resolutions of the Security Council asking for the cessation of violent incidents across the demarcation line, and not overlooking past incidents of this nature;*

*"...*

*"2. Censures Israel for this large-scale military action in violation of the United Nations Charter and of the General Armistice Agreement between Israel and Jordan;*

*"3. Emphasizes to Israel that actions of military reprisal cannot be tolerated and that, if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts;*

*"..."*

At the same meeting, the draft resolution submitted by Mali and Nigeria was voted upon and adopted by 14 votes to none with 1 abstention.<sup>41</sup>

CASE 4.<sup>42</sup> SITUATION IN THE MIDDLE EAST (II): In connexion with the joint draft resolution submitted by India, Pakistan and Senegal, not introduced in the

<sup>40</sup> S/7598, adopted without change as resolution 228 (1966); 1327th meeting: para. 39.

<sup>41</sup> 1328th meeting: para. 35; resolution 228 (1966).

<sup>42</sup> For texts of the relevant statements, see:

1401st meeting (PV): Israel,\* pp. 23-25, 27, 32-35; Jordan,\* pp. 6, 13-16;

1402nd meeting (PV): Algeria, pp. 13-16; Ethiopia, pp. 52-53; France, pp. 22-25; Hungary, pp. 71-72; India, p. 36; Iraq,\* pp. 41, 46, 47; Morocco,\* p. 67; Pakistan, pp. 18-20, 21; USSR,\* pp. 26, 27, 33-35; United States, pp. 3-5;

1403rd meeting (PV): Brazil, p. 18; Canada, pp. 13-15; China, p. 26; Paraguay, p. 22; United Arab Republic,\* pp. 7, 12-13; United Kingdom, p. 3;

1404th meeting (PV): Jordan,\* pp. 7, 13-15; Israel,\* pp. 29-30; Syria,\* pp. 17, 26;

1405th meeting (PV): Iraq,\* pp. 27, 28-30, 31; Israel,\* pp. 48-50; Morocco,\* p. 57; 1406th meeting (PV): Israel,\* pp. 3-5, 7; Jordan,\* p. 22;

1407th meeting (PV): Algeria, p. 36; Brazil, p. 27; Canada, p. 27; Denmark, pp. 29-30; France, p. 46; Hungary, pp. 42, 43-45; Iraq,\* pp. 47-51; Israel,\* pp. 63-65, 67; Jordan,\* pp. 68-70, 71; Morocco,\* pp. 56, 57; President (Senegal), p. 6.

Security Council;<sup>43</sup> and with the draft resolution submitted by the President of the Security Council: voted upon and adopted on 24 March 1968

[*Note:* During the discussion, it was maintained that while they were not to be condoned, the so-called acts of terrorism were the consequence of military occupation and could not be equated with Israel's military action which was out of proportion with the events alleged to have preceded it. Furthermore, military reprisals were impermissible under the Charter, and also violated several Security Council resolutions.]

At the 1401st meeting on 21 March 1968, the representative of Jordan,\* having recalled that the Government of Jordan had informed the Security Council<sup>44</sup> of a mass armed attack being contemplated by Israel against the east bank of the Jordan, stated that the premeditated plan had been carried out on the morning of 21 March 1968. Recalling the provisions of Security Council resolution 228 (1966), in the third operative paragraph of which the Security Council had emphasized to Israel that actions of military reprisal could not be tolerated and that, if they were repeated, the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts, the representative of Jordan\* asked the Security Council to respond to the violation by Israel of the Charter and the above-cited Council resolution by applying sanctions under Chapter VII of the United Nations Charter.

The representative of Israel\* stated that he had informed<sup>45</sup> the Security Council of the hostile acts being perpetrated from Jordanian territory and directed against Israel, which had reached a climax within recent weeks and which had been openly acquiesced in and supported by the Jordanian authorities. The representative of Israel also quoted passages from a statement by the Prime Minister of Israel which asserted that Israel, having highly authoritative information that a new wave of terror was about to take place and aggravate the security situation, had acted in self-defence to avert the dangers, and that it would continue to abide by the cease-fire agreement; the Prime Minister demanded that Jordan should also respect the cease-fire agreement and noted that the cease-fire obliged not only the abstention from any military activities by regular armies, but also the prevention of any acts of aggression and terrorism on the part of any factor present within the territory of those States which had agreed to the cease-fire.

At the 1402nd meeting, held also on 21 March 1968, the representative of the United States observed that the rule which should guide the parties in all these situations was contained in Security Council resolution 56 (1948) of 19 August 1948, in which it had been declared that each party had the obligation to use all means at its disposal to prevent action violating the truce by individuals or groups who were subject to its authority or who were in territory under its control; further, no

<sup>43</sup> S/8498, OR, 23rd yr., Suppl. for Jan.-March 1968, p. 288. See 1407th meeting (PV): Pakistan, pp. 31, 32, 33-35.

<sup>44</sup> See S/8478, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 274-275.

<sup>45</sup> S/8470 and S/8475, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 267-269 and pp. 272-273 respectively.

party was permitted to violate the truce on the ground that it was undertaking reprisals or retaliation against the other party. These principles were applicable to the cease-fire resolutions of June 1967<sup>46</sup> which both Israel and Jordan had pledged to observe.

The representative of Pakistan maintained that the armed attack by Israel, involving use of helicopters, tanks and all kinds of weapons, was premeditated and constituted part of a series of well-planned actions by Israel against its Arab neighbours, in disregard of the Security Council resolutions calling upon Israel to cease and desist from all acts of aggression in the name of retaliatory action. Noting that the pretext for the Israel action had been to attack the so-called terrorist bases in Jordan he stated that the so-called terrorist activities among the population of the territories occupied by Israel subsequent to the hostilities of June 1967, were but a manifestation of an inevitable resistance movement. Since the Council had regarded the doctrine of the right of reprisals as intolerable, it must act immediately and, *inter alia*, call for immediate withdrawal of Israel forces from all occupied territories.

The representative of France stated that the fact that the Israel operation was pictured as a reprisal in no way diminished the responsibility of the Israel Government which had given the order for it. Noting that the idea of reprisals had been condemned by the United Nations and the Charter, he pointed out that his Government had repeatedly stressed that the so-called acts of terrorism were the inevitable consequence of military occupation and had repeatedly called for the evacuation of occupied territories. He stated further that it was not possible to speak of necessary measures for the security of the territory and population under the jurisdiction of Israel because jurisdiction established by occupation could not be recognized. The Security Council was duty-bound to adopt a radical condemnation of this military operation of the Israel forces and had to call for the withdrawal of those forces from the territories they occupied.

The representative of the USSR contended that the Israel action was not a fortuitous incident but a deliberate and premeditated act of military provocation which was vast in scale and part of the military aggressions by Israel. The persistence by Israel in occupying the Arab territories constituted in itself continued aggression against the Arab countries and a violation of the United Nations Charter and Security Council resolutions. Recent steps taken by Israel in occupied territories proved the aggressive policy of Israel, designed for open annexation of the territories of Arab States for the purpose of consolidating the results of aggression, which was in flagrant violation of the spirit and letter of the United Nations Charter. The representative of the USSR, noting that Israel was attempting to justify its aggression and its flagrant violation of the Security Council decisions by allegations that the attack on Jordan was a reprisal measure, recalled that the Security Council had on four occasions—in January 1956, in April 1962, in April 1964, and in November 1966—in the most categorical fashion condemned Israel for the carrying out of so-called reprisals of a military nature. The Security Council should therefore

condemn the new act of armed aggression on the part of Israel against Jordan in the most categorical fashion.

The representative of Hungary, noting that the Security Council was faced with an act of armed invasion by Israel against Jordan, held that Israel depicted the self-defence of the population of the occupied Arab territories as violence. However the Charter of the United Nations recognized the right of everyone to resist aggression. On the contrary, it was Israel which was acting in contravention of the Charter by invading and occupying Arab lands: the resistance of the Arab peoples against the invaders was lawful and in full conformity with the Charter. The representative of Israel, in his statement, had claimed the right to wage preventive wars which the Charter expressly forbade.

The representative of the United Arab Republic \* maintained that Israel had once again resorted to military action to subdue the legitimate discontent of the indigenous Arab population in the territories occupied by it as a result of the hostilities of June 1967. While Israel had invoked as a pretext for the unwarranted aggression on Jordan the so-called terrorist activities emanating from that country, it was the continued occupation by Israel of vast areas of territories belonging to Arab States which was the real cause of the present serious situation in the Middle East. Since Israel had perpetrated another gross violation of the cease-fire resolutions which could not be justified under the provisions of the Charter which clearly prohibited and condemned not only the actual use of force, but even the threat to use it, the Council was confronted with a premeditated act of large-scale military reprisal committed in defiance of the Charter and of previous Security Council decisions. He referred to the Security Council resolution 228 (1966) of November 1966 by which the Council had censured Israel for its action and had emphasized to Israel that if actions of military reprisal were repeated, the Security Council would have to consider further and more effective steps as envisaged in the Charter. Israel had repeated such an act and it was up to the Security Council to discharge its responsibilities and apply Chapter VII of the Charter in accordance with its previous decisions regarding the policy of military reprisals.

The representative of China expressed the view that no Government, even under extreme provocation, was justified in taking the law into its own hands. The mass attack launched by Israel in the name of retaliation called for censure by the Security Council. As Members of the United Nations, both Israel and Jordan had committed themselves to the principles of the Charter which called upon all Member States to settle their differences by peaceful means and to refrain from the threat or use of force against the territorial integrity and political independence of any State.

At the 1405th meeting on 22 March 1968, the representative of Iraq \* stated that Israel action of 21 March 1968 was not a spontaneous reaction to provocation but a carefully prepared military operation with specific and clear-cut objectives. Even if it were considered an act of reprisal, such acts of retaliation were not permissible under the Charter and under various resolutions adopted by the Security Council.

At the 1407th meeting on 24 March 1968, the President of the Security Council stated that negotiations among the members of the Security Council had resulted in a

<sup>46</sup> Resolutions 233 (1967) to 236 (1967).

draft resolution <sup>47</sup> the text of which read, *inter alia*, as follows:

"The Security Council,

"...

"Observing that the military action by the armed forces of Israel on the territory of Jordan was of a large-scale and carefully planned nature;

"...

"...

"...

"2. Condemns the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions;

"3. Deplores all violent incidents in violation of the cease-fire and declares that such actions of military reprisal and other grave violations of the cease-fire cannot be tolerated and that the Security Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts;

"..."

The draft resolution was put to the vote and adopted unanimously.<sup>48</sup>

CASE 5.<sup>49</sup> THE SITUATION IN THE MIDDLE EAST (II): In connexion with the letter dated 5 August 1968<sup>50</sup> from the representative of Jordan and the letter dated 5 August 1968<sup>51</sup> from the representative of Israel; and with a draft resolution based upon the consensus among the members of the Security Council: voted upon and adopted on 16 August 1968

[Note: In the course of the discussion, it was maintained that all violent incidents, including those of terrorism and sabotage, were to be deplored, but that the exercise of force in the nature of retaliation or military reprisal, no matter what the provocation, constituted a violation of the Charter and resolutions of the Security Council.]

At the 1434th meeting on 5 August 1968, the representative of Jordan,\* having recalled that the Security Council had many times emphasized to Israel that actions of military reprisal could not be tolerated and, if repeated, the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts, held that it was incumbent upon the Security Council to take more effective measures as envisaged in Chapter VII of the

Charter in response to continued acts of aggression by Israel.

The representative of Israel\* stated that warfare against Israel from Jordanian territory was being conducted by two methods: terror raids and armed attacks from military positions directed primarily against civilians and civilian localities. Jordan had thus become the principal base for continued Arab aggression against Israel, and for this reason, on 4 August 1968, Israeli aircraft had taken action against, and destroyed, the terror bases in Jordan from which these attacks against Israel emanated.

At the 1435th meeting on 6 August 1968, the representative of the United Arab Republic\* stated that a preplanned military attack undertaken by one country against another, whether under a cease-fire régime or otherwise, was a case of aggression to which the Security Council, under the provisions of the Charter, had to devote its attention. Recalling the provisions of resolution 248 (1968) of 24 March 1968 and noting that since that time Israel had twice resorted to its policy of retaliation and massive reprisals, the representative of the United Arab Republic held that the Security Council should consider adopting "further and more effective steps as envisaged in the Charter to ensure against repetition of such acts".

The representative of Pakistan held that to equate the small, sporadic and spontaneous acts of resistance of the people of territories occupied by Israel with the planned and large-scale military actions of the armed forces of Israel would be to ignore the disparity of magnitude and quality; furthermore, it would be conferring a right on the perpetrator of an aggression equal to that of the victim of that aggression, i.e., it would amount, in effect, to condoning the actions of military reprisal by Israel.

At the 1436th meeting on 7 August 1968, the representative of Iraq\* maintained that the Security Council had to determine once and for all that the activities of the so-called infiltrators could not be equated with those of the armed forces of Israel. Noting that the Council had condemned acts of military reprisal as flagrant violations of the United Nations Charter and the cease-fire resolutions, he stated that the crucial issue before the Council was whether military reprisals could be tolerated under any circumstances; whatever the alleged provocation, effective steps had to be taken to prevent the repetition of such acts.

The representative of Hungary held that the so-called terror raids and sabotage actions were direct consequences of occupation, that there could not be aggression on behalf of the indigenous population against the occupying country and that even resistance against occupation by Israel gave no right to that country to attack its neighbour.

The representative of Senegal interpreted the right of self-defence as meaning that the victim of aggression could, in order to defend and protect itself, respond, immediately and in the same location where the aggression occurred, to the attack of the aggressor with proportionate means in keeping with those that were used by the aggressor. The incidents of 4 June and 4 August 1968 could not be considered as the exercise of the right of self-defence because Jordan was not the aggressor and had not launched any attack against Israel.

At the 1437th meeting on 9 August 1968, the representative of China observed that the attack launched by

<sup>47</sup> Adopted without change as resolution 248 (1968). 1407th meeting (PV), pp. 6-10.

<sup>48</sup> 1407th meeting (PV), pp. 7-10.

<sup>49</sup> For texts of relevant statements, see:

1434th meeting (PV): Algeria, p. 57; Iraq,\* pp. 47, 52; Israel,\* pp. 28-30, 37, 42; Jordan,\* pp. 12, 22, 23-25; USSR, pp. 66, 71; United Kingdom, pp. 77-80; United States, p. 72;

1435th meeting (PV): France, pp. 13-15, 16; Pakistan, p. 36; UAR,\* pp. 7, 8-10, 12;

1436th meeting (PV): Hungary, p. 61; Iraq,\* pp. 52, 53-55, 56; Senegal, pp. 63-65, 66;

1437th meeting (PV): China, p. 8; India, pp. 13-15;

1439th meeting (PV): Ethiopia, p. 8;

1440th meeting (PV): President (Brazil), pp. 2-5;

<sup>50</sup> S/8721, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, p. 113; see also chapter VIII, p. 158.

<sup>51</sup> S/8724, *OR*, 23rd yr., *Suppl. for July-Sept. 1968*, pp. 115-116.

Israel on 4 August 1968 had assumed a magnitude uncalled for by the nature of the provocation. While acts of violence and terrorism could not in any way be justified, even under extreme provocation an exercise of force in the nature of retaliatory action must be regarded as contrary to the spirit of the Charter and had incurred the censure of the Security Council.

At the 1440th meeting of the Security Council on 16 August 1968, the President announced that, as a result of consultations, a draft resolution had emerged reflecting the views of the members of the Security Council on the course to be adopted by that organ on the item under consideration.

The draft resolution, *inter alia*, provided:<sup>53</sup>

"The Security Council,

"...

"Recalling its previous resolution 248 (1968) condemning the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions and deploring all violent incidents in violation of the cease-fire,

"...

"Observing that both massive air attacks by Israel on Jordanian territory were of a large-scale and carefully planned nature in violation of resolution 248 (1968),

"...

"1. Reaffirms its resolution 248 (1968) which, *inter alia*, declares that 'grave violations of the cease-fire cannot be tolerated and that the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts';

"...

"3. Considers that premeditated and repeated military attacks endanger the maintenance of the peace;

"4. Condemns the further military attacks launched by Israel in flagrant violation of the United Nations Charter and resolution 248 (1968) and warns that if such attacks were to be repeated the Council would duly take account of the failure to comply with the present resolution."

It was put to the vote and adopted unanimously.<sup>54</sup>

CASE 6.<sup>54</sup> THE SITUATION IN CZECHOSLOVAKIA: In connexion with the letter <sup>55</sup> dated 21 August 1968 from the representatives of Canada, Denmark, France, Paraguay, the United Kingdom and the United States

<sup>53</sup> Oral draft resolution, adopted without change as resolution 256 (1968).

<sup>54</sup> 1440th meeting (PV): p. 7.

<sup>55</sup> For the texts of relevant statements, see:

1441st meeting (PV): Canada, pp. 23, 24-25, 26, 88; Czechoslovakia,\* pp. 67, 68-70, 71, 72, 73-75, 76; Denmark, pp. 31, 92, 93-95; France, pp. 89-90, 91; Paraguay, p. 52; USSR, pp. 2, 3-5, 6-10, 16, 32, 36, 41, 42, 48-50, 101, 107, 112, 116, 117; United Kingdom, pp. 28, 29-30; United States, pp. 11, 22, 84, 87;

1442nd meeting (PV): Brazil, p. 31; Canada, p. 21; China, p. 11; Denmark, pp. 16-17; Ethiopia, p. 6; United States, p. 22;

1443rd meeting (PV): Algeria, p. 156; Czechoslovakia,\* pp. 6, 8-10; Poland, p. 27; Senegal, pp. 11, 12; USSR, pp. 98-100;

1444th meeting (PV): Yugoslavia,\* pp. 56, 57, 58-60, 61;

1445th meeting (PV): Czechoslovakia,\* pp. 96, 101, 107, 108-110; Pakistan, p. 112; President (Brazil), pp. 122, 123;

<sup>56</sup> S/8758, O.R., 23rd yr., Suppl. for July-Sept. 1968, p. 136.

addressed to the President of the Security Council; and with the joint draft resolution by Brazil, Canada, Denmark, France, Paraguay, Senegal, the United Kingdom and the United States: put to the vote and failed of adoption on 22/23 August 1968

[Note: In the course of the debate, it was maintained that the armed intervention against, and occupation of, Czechoslovakia, by the five members of the Warsaw Treaty, without the knowledge and against the will of the Government of that country, constituted an act of use of force in violation of, *inter alia*, Article 2(4) of the United Nations Charter, and could not be justified under the exercise of the right of collective and individual self-defence. It was argued, on the other hand, that in view of the threat created by foreign and domestic reaction to the socialist system in Czechoslovakia and the attendant threat to the collective security of all socialist countries, the Governments of the five socialist States had acted, in response to an appeal from the "lawful legitimate authorities" in Czechoslovakia, in accordance with the right of States to self-defence, individually and collectively, as provided for in the Warsaw Treaty and in the Charter of the United Nations according to which self-defence, separate and collective, could not be interpreted as interference; further, the measures taken by the socialist countries were not directed against the political independence or the territorial integrity of Czechoslovakia and therefore did not fall within the purview of the provisions of Article 2(4) of the Charter.]

At the 1441st meeting on 21 August 1968, the representative of the USSR quoted the text of his letter of the same date addressed to the President of the Security Council <sup>56</sup> in which he had conveyed the objections of his Government to the consideration of this question by the Security Council <sup>57</sup> and had stated that the military units of the socialist countries had entered the territory of Czechoslovakia pursuant to a request by the Government of that State, which had appealed to allied Governments for assistance, including assistance in the form of armed forces, in view of the threat created by foreign and domestic reaction to the socialist social order and the constitutional State system of Czechoslovakia. The Governments concerned had decided to meet the request for military assistance in conformity with mutual treaty obligations and with the relevant provisions of the United Nations Charter. The military units would be withdrawn from the territory of Czechoslovakia as soon as the threat to security was eliminated and the lawful authorities found that the presence of those units was no longer necessary: attempts to present the actions of the Soviet Union and other socialist countries in a different light could not alter their peaceful intentions or diminish the right of the socialist countries to individual and collective self-defence. The events in Czechoslovakia were a matter that concerned the Czechoslovak people and the States of the socialist community which were bound by mutual obligations, and the Soviet Government called upon all States to observe the principles of respect for sovereignty and independence and of the inadmissibility of direct or indirect aggression against other States and peoples.

<sup>56</sup> S/8759, O.R., 23rd yr., Suppl. for July-Sept. 1968, pp. 136-137.

<sup>57</sup> For treatment of the discussion relevant to the adoption of the agenda, see this Supplement, under chapter II, 3. See also chapter VIII, pp. 171, 172.

The representative of the United States held that the foreign armies had without warning invaded a Member State of the United Nations and that the Security Council had a responsibility to seize itself of this question, to condemn this gross violation of the Charter and to call on the Soviet Union and its allies for immediate withdrawal of their forces from Czechoslovakia.

The representative of Canada, having cited the provisions of Articles 2(1) and 2(4) of the United Nations Charter and General Assembly resolution 2131 (XX) containing a Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States for the Protection of Their Independence and Sovereignty, stated that the intervention by forces of the USSR and some of its allies in the affairs of Czechoslovakia was completely contradictory to the above-mentioned Charter principles. The Security Council had to make clear to the Soviet Union and certain of their allies that the situation could only be rectified if they desisted immediately from intervention by means of armed force and withdrew all their forces from Czechoslovakia.

The representative of the United Kingdom, having stated that the armed intervention of the Warsaw Pact forces in Czechoslovakia stood condemned by the United Nations Charter, maintained that the Security Council must call upon the USSR to withdraw the Warsaw Pact forces from Czechoslovakia and to respect the sovereignty of an independent Member nation of the United Nations.

The representative of Denmark observed that the invasion and occupation by foreign troops of a country, undertaken without the knowledge and without the consent of the lawful authorities of that country was clearly a matter which was international in character.

The representative of the USSR, having noted that the appeal of the Czechoslovak Socialist Republic to the socialist States had been motivated by the threat to the socialist system on the part of counter-revolutionary forces in alliance with external forces hostile to socialism, contended that the decision of the socialist countries to give assistance to Czechoslovakia was consonant with Article 51 of the United Nations Charter which allowed States to take collective and individual measures of self-defence.

After the adoption of the agenda, the representative of Czechoslovakia\* read several messages from the Minister of Foreign Affairs containing the texts of declarations by various constitutional authorities in Czechoslovakia which stated that, on 20 August 1968, the troops of the USSR, Poland, Hungary, Bulgaria and German Democratic Republic had crossed the state borders of Czechoslovakia without the knowledge or consent of the constitutional organs of the State and requested immediate withdrawal of the armed forces of the five States of the Warsaw Treaty and respect for the State sovereignty of Czechoslovakia.

The representative of Denmark, referring to the assertion that the USSR and its allies had intervened in Czechoslovakia at the request of that country, observed that the declarations contained in the statement of the representative of Czechoslovakia were to the contrary. He maintained that the armed intervention in Czechoslovakia was unjustified and violated the Charter of the United Nations, the principles for which the United

Nations stood, and, among other things, General Assembly resolution 2131 (XX).

The representative of the USSR quoted the text of an appeal to allied States from the "lawful legitimate authorities in Czechoslovakia—a group of members of the Central Committee, of the Government and the National Assembly—" for assistance as the basis for the actions of his Government and the Governments of the allied countries. Referring to the official statement of the Soviet Government that Soviet troops would be withdrawn from Czechoslovakia as soon as the existing threat to socialism in that country, and the threat to the security of the socialist countries were dispelled, he emphasized that the measures taken were not directed against any State, or against the independence and sovereignty of Czechoslovakia, or any other country and that they were in conformity with the right of States to individual and collective self-defence and the provisions of the United Nations Charter.

At the 1442nd meeting on 22 August 1968, the representative of China stated that the armed intervention in the internal and external affairs of Czechoslovakia constituted aggression and violated Article 2(4) of the United Nations Charter and General Assembly resolution 2131 (XX).

The representative of Denmark introduced, on behalf of the delegations of Brazil, Canada, Denmark, France, Paraguay, the United Kingdom and the United States, a draft resolution<sup>68</sup> under which:

*"The Security Council,*

*"...*

*"Gravely concerned that, as announced by the Presidium of the Central Committee of the Communist Party of Czechoslovakia, troops of the Soviet Union and other members of the Warsaw Pact have entered their country without the knowledge and against the wishes of the Czechoslovak Government,*

*"Considering that the action taken by the Government of the Union of Soviet Socialist Republics and other members of the Warsaw Pact in invading the Czechoslovak Socialist Republic is a violation of the United Nations Charter and, in particular, of the principle that 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,*

*"Gravely concerned also by risks of violence and reprisals as well as by threats to individual liberty and human rights which cannot fail to result from imposed military occupation,*

*"...*

*"1. Affirms that the sovereignty, political independence and territorial integrity of the Czechoslovak Socialist Republic must be fully respected;*

*"2. Condemns the armed intervention of the Union of Soviet Socialist Republics and other members of the Warsaw Pact in the internal affairs of the Czechoslovak Socialist Republic and calls upon them to take*

<sup>68</sup> S/8761 and Add.1, 1442nd meeting (PV), p. 17. The name of Senegal was added to the names of the sponsors of the draft resolution at the subsequent meeting of the Security Council. See 1443rd meeting (PV), p. 162.

no action of violence or reprisal that could result in further suffering or loss of life, forthwith to withdraw their forces, and to cease all other forms of intervention in Czechoslovakia's internal affairs;

"...".

The representative of the United States stated that the action undertaken by the USSR and four of its allies had to be condemned as a violation of the United Nations Charter, in particular the central principle that 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.

The representative of Brazil, referring to the obligations and commitments under the Warsaw Pact, observed that under Article 103 of the Charter of the United Nations, the obligations under the Charter prevailed, and one of those obligations was the respect for the freedom, territorial integrity and sovereignty of all States. The action taken by the Warsaw Pact Powers not only went beyond the Charter but clearly violated it.

At the 1443rd meeting on 22 August 1968, the representative of Czechoslovakia,\* having stated that the situation in Czechoslovakia had deteriorated as a result of the occupation by foreign armed forces, pointed out that the occupation of Czechoslovakia by the foreign armed forces was illegal and that complete and immediate termination of the occupation, the withdrawal of all occupation forces from the territory of the Czechoslovak Socialist Republic and the full restitution of the sovereignty and territorial integrity of Czechoslovakia were imperative.

The representative of the USSR held that the acts of the Soviet Union and of other socialist countries were in accord with the right of States to self-defence, individually and collectively as provided for in the Warsaw Pact. He maintained that the granting of assistance to Czechoslovakia by the socialist countries within the framework of separate and collective security could not juridically be considered interference in the domestic affairs. However, under none of the Charter articles could self-defence, separate and collective, be interpreted as an act of interference. The acts of the socialist countries were not directed against the political independence or the territorial integrity of Czechoslovakia and, therefore, did not fall within the purview of the prohibitions of Article 2 of the Charter setting forth the principles in accordance with which all Members of the Organization were to act.

The eight-Power draft resolution was voted upon and failed of adoption. There were 10 votes in favour,

2 against, and 3 abstentions, one negative vote being that of a permanent member.<sup>60</sup>

At the 1444th meeting on 23 August 1968, the representative of Yugoslavia\* communicated to the Security Council the text of a statement issued by his Government on 22 August 1968 concerning the situation in Czechoslovakia in which it was noted that the armed intervention by the USSR, Poland, German Democratic Republic, Hungary and Bulgaria, which had taken place without the invitation and against the will of the Government and other constitutional organs of Czechoslovakia, constituted a gross violation of the sovereignty and territorial integrity of an independent country, as well as a direct denial of generally recognized principles of international law and the Charter of the United Nations. Referring to the principle of non-intervention in the internal affairs of other States, the representative noted that similar or identical interpretation of the provisions of the Charter regarding the right to collective or so-called legitimate self-defence had in the past been used as a pretext for foreign interventions in the internal affairs of other countries and had given rise to justified protest. The doctrine being used to justify foreign intervention in Czechoslovakia was unacceptable. Yugoslavia opposed the intervention and occupation of the territory of Czechoslovakia, requested immediate withdrawal of all occupation troops and condemned the policy of use of force.

At the 1445th meeting on 24 August 1968, the representative of Czechoslovakia\* stated that the armed intervention in Czechoslovakia was an act of use of force that could not be justified: it had not taken place upon request or demand of the Government of Czechoslovakia nor of any other constitutional organs of that State, and to the knowledge of the Czechoslovak Government no such demand had ever been made by any constitutional political representatives of Czechoslovakia. The military occupation of Czechoslovakia could not be justified by the concern for the external security of Czechoslovakia or for the fulfilment of obligations arising from the joint defence of the countries of the Warsaw Treaty as there had not been a danger of military aggression from abroad at the time of the occupation. Furthermore, arguments about the alleged danger of counter-revolution were juridically not valid. The foreign troops, even if they came from friendly countries, should leave Czechoslovakia without delay and the sovereignty of that country should be fully restored and applied throughout its territory.

Subsequently, the President of the Security Council adjourned the meeting.

<sup>60</sup> 1443rd meeting (PV), pp. 163-165.

### B. Article 2, paragraph 6, of the Charter

"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

In the proceedings of the Security Council during the period under review, there were only incidental references to Article 2, paragraph 6, of the Charter.<sup>60</sup> On two occa-

<sup>60</sup> For relevant statements, see, in connexion with the situation in Viet-Nam:

1272nd meeting: Netherlands, paras. 64-65;

sions, the Security Council adopted resolutions in which

In connexion with the situation in Southern Rhodesia:  
1332nd meeting: Argentina, para. 59;  
1333rd meeting: Japan, para. 46; United States, para. 23;  
1337th meeting: Netherlands, para. 91;  
1340th meeting: Uruguay, para. 38.



reference was made to the provisions of Article 2, paragraph 6,<sup>61</sup> although no constitutional issue arose in the

relevant debates.

<sup>61</sup> See, in connexion with the situation in Southern Rhodesia,

resolution 232 (1966), operative paragraph 7, and resolution 253 (1968), preamb. para. 1, oper. para. 14.

### **\*\*C. Article 2, paragraph 7, of the Charter**

#### **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, Article 24 has not been the subject of a constitutional discussion in the Security Council. That Article has not been invoked in the submission of any questions affecting international peace and security which the Security Council considered, nor in the text of any resolutions adopted by the Council during that period.

On one occasion,<sup>62</sup> however, Article 24 has been invoked in a draft resolution submitted to, but not pressed for a vote in, the Security Council.

<sup>62</sup> In connexion with the situation in the Middle East (I), see the United Arab Republic draft resolution, preamble paragraph 1, S/7919, 1345th meeting, pp. 51-52; 1361st meeting, p. 67.

#### **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, two resolutions<sup>63</sup> were adopted by the Security Council in which Article 25 of the Charter was explicitly invoked. While references were made to the binding nature of the measures adopted by the Council under those resolutions, no constitutional

discussions concerning the provisions of Article 25 had occurred.

Of the draft resolutions submitted to the Security Council which were either not pressed to the vote or voted upon and not adopted, three<sup>64</sup> contained explicit

<sup>63</sup> See, in connexion with the situation in Southern Rhodesia, resolution 232 (1966), of 16 December 1966, oper. para. 6; and resolution 253 (1968) of 29 May 1968, preamb. para. 5 and oper. paras. 11, 12.

<sup>64</sup> See, in connexion with the situation in Southern Rhodesia, S/8545, OR, 23rd yr., Suppl. for April-June 1968, pp. 120-121, preamb. para. 6; S/8554, OR, 23rd yr., Suppl. for April-June 1968, pp. 133-136, oper. para. 7; in connexion with the question of South West Africa, S/8429, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 198-199, oper. para. 4.



references to Article 25; and, five,<sup>65</sup> including the three

mentioned above, contained paragraphs which might be deemed to have an implicit bearing on that Article.

<sup>65</sup> See, in connexion with the situation in Southern Rhodesia, S/7285/Add.1, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 82-83, preamb. para. 2; S/8545, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 120-121, preamb. paras. 1, 5, oper. paras. 3, 4, 5, 8; S/8554, *OR*, 23rd yr., *Suppl. for April-June 1968*, pp. 133-136, preamb. para. 1, oper. para. 6; in connexion with the Palestine question,

S/7437, *OR*, 21st yr., *Suppl. for July-Sept. 1966*, pp. 59-60, oper. paras. 1, 3, 5 [see Case 1 under Article 2 (4) in the present study], in connexion with the question of South West Africa, S/8429, *OR*, 23rd yr., *Suppl. for Jan.-March 1968*, pp. 198-199, preamb. paras. 4, 5, oper. paras. 1, 3.

## 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 or 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 Security Council has been drawn during the period from 1966 to 1968 to the following communications, which have been circulated by the Secretary-General to the represen-

tatives on the Council, but have not been included in the provisional agenda:

- A. *Communications from the Secretary-General of the Organization of African Unity*
  - (i) Dated 7 December 1966: transmitting the text of a resolution adopted by the Assembly of

Heads of State and Government, at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966, concerning Southern Rhodesia.<sup>66</sup>

- (ii) Dated 14 December 1966: transmitting the text of a resolution adopted by the Assembly of Heads of State and Government, at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966, concerning the policies of *apartheid* of the Government of the Republic of South Africa.<sup>67</sup>
- (iii) Dated 14 December 1966: transmitting the text of a resolution adopted by the Assembly of Heads of State and Government, at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966, concerning the Territories under Portuguese administration.<sup>68</sup>
- (iv) Dated 14 December 1966: transmitting the text of a resolution adopted by the Assembly of Heads of State and Government, at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966, concerning South West Africa.<sup>69</sup>

**B. Communications from the Secretary-General of the Organization of American States**

- (i) Dated 7 January 1966: transmitting the text of a cable from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation, on a statement to the local Press and foreign correspondents concerning misrepresentation of the *Ad Hoc* Committee's position on recent events in the Dominican Republic.<sup>70</sup>
- (ii) Dated 8 January 1966: transmitting the text of a cable from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation, concerning measures taken by the Provisional President to put an end to the tension and hostility between the two groups of military personnel, and a statement by the *Ad Hoc* Committee supporting these measures.<sup>71</sup>
- (iii) Dated 13 January 1966: transmitting the text of a cable of 12 January from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation, concerning the occupation by the Inter-American Force of the plant and studios of Radio-Televisión Santo Domingo.<sup>72</sup>
- (iv) Dated 18 January 1966: transmitting the text of a cable dated 15 January from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation on the situation in the Dominican Republic.<sup>73</sup>
- (v) Dated 25 January 1966: transmitting the text of a cable of 24 January from the *Ad Hoc*

Committee to the President of the Tenth Meeting of Consultation on the departure of Constitutionalist leaders from the Dominican Republic and on measures taken by the IAPF to protect the 27 de Febrero Camp.<sup>74</sup>

- (vi) Dated 9 February 1966: transmitting the text of a resolution adopted by the Council of the Organization of American States concerning the "First Solidarity Conference of the Peoples of Asia, Africa and Latin America".<sup>75</sup>
- (vii) Dated 15 February 1966: transmitting a copy of a cable of 14 February from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation, concerning the events which have disturbed the institutional processes of the Dominican Republic since 24 January, after the departure abroad of the principal military leaders of the Constitutionalist movement.<sup>76</sup>
- (viii) Dated 21 February 1966: transmitting a copy of a cable of 17 February from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation, on the events which have occurred in the Dominican Republic since its last report of 14 February (S/7148).<sup>77</sup>
- (ix) Dated 7 March 1966: transmitting copies in Spanish of the text of a report of the *Ad Hoc* Committee to the Tenth Meeting of Consultation, concerning the events which have occurred in the Dominican Republic since its last report of 17 February.<sup>78</sup>
- (x) Dated 18 March 1966: transmitting the text of a report dated 14 March of the *Ad Hoc* Committee of the Tenth Meeting of Consultation to the President of the Meeting, on the situation in the Dominican Republic since 3 March.<sup>79</sup>
- (xi) Dated 25 March 1966: transmitting the text of a report dated 23 March of the *Ad Hoc* Committee of the Tenth Meeting of Consultation to the President of the Meeting, on the situation in the Dominican Republic since 14 March.<sup>80</sup>
- (xii) Dated 13 April 1966: transmitting the text of a cable dated 12 April from the *Ad Hoc* Committee to the Chairman of the Tenth Meeting of Consultation, concerning the situation in the Dominican Republic since 23 March.<sup>81</sup>
- (xiii) Dated 13 May 1966: transmitting the text of a resolution adopted by the Tenth Meeting of Consultation concerning the attendance by outstanding persons from various countries of the hemisphere to witness and observe the

<sup>66</sup> S/7614, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, pp. 159-160.

<sup>67</sup> S/7637, *ibid.*, pp. 184-186.

<sup>68</sup> S/7638, *ibid.*, pp. 186-187.

<sup>69</sup> S/7639, *ibid.*, pp. 187-189.

<sup>70</sup> S/7073, *OR*, 21st yr., *Suppl. for Jan.-March 1966*, pp. 73-74.

<sup>71</sup> S/7074, *ibid.*, pp. 74-76.

<sup>72</sup> S/7084, *ibid.*, pp. 83-84.

<sup>73</sup> S/7089, *ibid.*, pp. 88-89.

<sup>74</sup> S/7100 and Corr. 1, *ibid.*, pp. 101-102.

<sup>75</sup> S/7133, *ibid.*, pp. 128-130.

<sup>76</sup> S/7148, *ibid.*, pp. 150-154.

<sup>77</sup> S/7163, *ibid.*, pp. 167-175.

<sup>78</sup> S/7206, *ibid.*, pp. 250-260.

<sup>79</sup> S/7217, *ibid.*, pp. 268-231.

<sup>80</sup> S/7227, *ibid.*, pp. 279-282.

<sup>81</sup> S/7254, *OR*, 21st yr., *Suppl. for April-June 1966*, pp. 38-41.

elections scheduled for 1 June in the Dominican Republic.<sup>82</sup>

- (xiv) Dated 27 May 1966: transmitting the text of a cable of 20 May concerning the situation in the Dominican Republic since the date of the last report on 12 April.<sup>83</sup>
- (xv) Dated 31 May 1966: transmitting the text of a cable of 26 May from the *Ad Hoc* Committee to the Chairman of the Tenth Meeting of Consultation on the situation in the Dominican Republic since the date of the last report on 20 May.<sup>84</sup>
- (xvi) Dated 1 June 1966: transmitting the text of a cable of 1 June from the *Ad Hoc Committee* to the Chairman of the Tenth Meeting of Consultation concerning the situation in the Dominican Republic since the date of the last report on 26 May.<sup>85</sup>
- (xvii) Dated 6 June 1966: transmitting the text of a cable dated 2 June from the Rapporteur of the Group of Observers of the Elections in the Dominican Republic to the Provisional President, concerning the conduct of the elections held on 1 June.<sup>86</sup>
- (xviii) Dated 6 June 1966: transmitting the text of a cable dated 2 June from the *Ad Hoc* Committee to the Chairman of the Tenth Meeting of Consultation concerning the general elections held on 1 June in the Dominican Republic.<sup>87</sup>
- (xix) Dated 24 June 1966: transmitting the text of a resolution adopted on that date by the Tenth Meeting of Consultation of Ministers of Foreign Affairs concerning the withdrawal of the Inter-American Peace Force from the Dominican Republic.<sup>88</sup>
- (xx) Dated 29 June 1966: transmitting the text of a cable of 28 June from the *Ad Hoc* Committee to the Chairman of the Tenth Meeting of Consultation announcing the first withdrawals of the Inter-American Peace Force from the Dominican Republic.<sup>89</sup>
- (xxi) Dated 12 August 1966: transmitting the text of a resolution adopted by the Council of the Organization of American States concerning the situation between Haiti and the Dominican Republic.<sup>90</sup>
- (xxii) Dated 20 September 1966: transmitting the text of the report from the *Ad Hoc* Committee to the President of the Tenth Meeting of Consultation concerning the withdrawal of the Inter-American Peace Force from the Dominican Republic, and the goals achieved by its mission.<sup>91</sup>
- (xxiii) Dated 29 November 1966: transmitting volume I of the report entitled "The First Afro-Asian-Latin American Peoples' Solidarity Conference and its Projections (Tricontinental Conference of Havana)", with its conclusions and annexes.<sup>92</sup>
- (xxiv) Dated 1 December 1966: transmitting the text of the resolution adopted by the Council of the Organization of American States on 28 November 1966 concerning the aforementioned report.<sup>93</sup>
- (xxv) Dated 8 December 1966: transmitting volume II of the aforementioned report.<sup>94</sup>
- (xxvi) Dated 5 June 1967: transmitting the text of a resolution adopted by the Council of the Organization of American States on 5 June 1967, concerning the Twelfth Meeting of Consultation of Ministers of Foreign Affairs to consider a Venezuelan complaint against Cuba.<sup>95</sup>
- (xxvii) Dated 19 June 1967: transmitting the text of the resolution adopted by the Twelfth Meeting of Consultation of Ministers of Foreign Affairs, on 19 June 1967, on the Venezuelan complaint against Cuba.<sup>96</sup>
- (xxviii) Dated 13 July 1967: transmitting the text of the resolution adopted at the Meeting of Consultation of Foreign Ministers, held on 10 July 1967, concerning the establishment of a Committee to prepare a report on events related to the Afro-Asian-Latin American Peoples' Solidarity Conference.<sup>97</sup>
- (xxix) Dated 26 September 1967: transmitting the Final Act and copies of the reports of Committees I and II of the Twelfth Meeting of Consultation of Ministers of Foreign Affairs, concerning a Venezuelan complaint against Cuba.<sup>98</sup>

**\*\*C. Communications from States parties to disputes or situations**

**D. Communications from other States concerning matters before regional organizations**

- (i) Dated 7 February 1966: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela, concerning the "First Solidarity Conference of the Peoples of Africa, Asia and Latin America", held in Havana on 3 January.<sup>99</sup>
- (ii) Dated 10 February 1966: Cuba, transmitting a letter from the Prime Minister of Cuba in

<sup>82</sup> S/7303, *ibid.*, p. 93.

<sup>83</sup> S/7324, *OR, 21st yr., Suppl. for April-June 1966*, pp. 111-115.

<sup>84</sup> S/7332, *ibid.*, pp. 124-125.

<sup>85</sup> S/7335, *ibid.*, pp. 128-129.

<sup>86</sup> S/7342, *ibid.*, pp. 145-148.

<sup>87</sup> S/7343, *ibid.*, pp. 148-149.

<sup>88</sup> S/7379, *ibid.*, pp. 217-218.

<sup>89</sup> S/7390, *ibid.*, pp. 238-239.

<sup>90</sup> S/7459, *OR, 21st yr., Suppl. for July-Sept. 1966*, pp. 82-83.

<sup>91</sup> S/7502, *ibid.*, pp. 130-132.

<sup>92</sup> S/7606, *OR, 21st yr., Suppl. for Oct.-Dec. 1966*, p. 106.

<sup>93</sup> S/7606, *ibid.*, pp. 106-108.

<sup>94</sup> S/7606/Add.1, *ibid.*, p. 108.

<sup>95</sup> S/7931, *OR, 22nd yr., Suppl. for April-June 1967*, pp. 157-158.

<sup>96</sup> S/8009, *ibid.*, pp. 289-290.

<sup>97</sup> S/8063, *OR, 22nd yr., Suppl. for July-Sept. 1967*, pp. 94-95.

<sup>98</sup> S/8170, ditto.

<sup>99</sup> S/7123, *OR, 21st yr., Suppl. for Jan.-March 1966*, pp. 119-120.

reply to the communication of 7 February (S/7123) from representatives of eighteen Latin American States.<sup>100</sup>

- (iii) Dated 11 February 1966: Mexico, transmitting statements made at the meeting of the Organization of American States in explanation of its abstention on the resolution of 2 February (S/7133).<sup>101</sup>
- (iv) Dated 19 February 1966: USSR, concerning the communication of 7 February (S/7123) from representatives of eighteen Latin American States.<sup>102</sup>
- (v) Dated 1 March 1966: Mongolia, concerning the communication of 7 February (S/7123) from representatives of eighteen Latin American States.<sup>103</sup>
- (vi) Dated 5 December 1966: Mexico, transmitting the text of the explanation of vote given by the representative of Mexico in the Council of the Organization of American States in con-

nexion with the resolution adopted by the Council on 28 November (S/7606).<sup>104</sup>

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 Security Council to the General Assembly.<sup>105</sup>

During the period under review, the question of the respective responsibilities of the Security Council and the regional agencies concerning matters before the Council was not the subject of constitutional discussion.<sup>106</sup>

<sup>104</sup> S/7620, *OR*, 21st yr., *Suppl. for Oct.-Dec. 1966*, p. 168.

<sup>105</sup> See report of the Security Council to the General Assembly, 1965-1966, *GAOR*, 21st Sess., *Suppl. No. 2*, pp. 98-99; report of the Security Council to the General Assembly, 1966-1967, *GAOR*, 22nd Sess., *Suppl. No. 2*, pp. 69-70, 92, 94-95, 98-99, 102, 107; report of the Security Council to the General Assembly, 1967-1968, *GAOR*, 23rd Sess., *Suppl. No. 2*, p. 117. On one occasion, reference was made in the report of the Security Council to the General Assembly, 1966-1967, to a communication dated 8 September 1966 from the representative of Saudi Arabia transmitting the text of a statement issued by another regional organization, the Arab League, concerning the inauguration of Parliament by Israeli authorities in Jerusalem, S/7487, *OR*, 21st yr., *Suppl. for July-Sept. 1966*, pp. 113-114; *GAOR*, 22nd Sess., *Suppl. No. 2*, p. 24.

<sup>106</sup> Incidental reference to this question was made at the 1427th meeting on 27 May 1968, in connexion with the complaint by Haiti, by the representative of Brazil; 1427th meeting (PV), p. 33.

<sup>100</sup> S/7134, *ibid.*, pp. 130-134.

<sup>101</sup> S/7142, *ibid.*, pp. 143-146.

<sup>102</sup> S/7152, *ibid.*, pp. 158-159.

<sup>103</sup> S/7178, *ibid.*, pp. 189-190.

#### Part VI

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

#### Part VII

### \*\*CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER

#### Part VIII

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