

Chapter XII

CONSIDERATION OF THE PROVISIONS OF OTHER ARTICLES OF THE CHARTER

CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE	209
PART I. CONSIDERATION OF THE PROVISIONS OF ARTICLE 1, PARAGRAPH 2, OF THE CHARTER	
Note	209
PART II. CONSIDERATION OF THE PROVISIONS OF ARTICLE 2 OF THE CHARTER	
A. Article 2, paragraph 4, of the Charter:	209
Note	
B. Article 2, paragraph 5, of the Charter:	
Note	224
C. Article 2, paragraph 6, of the Charter:	
Note	224
D. Article 2, paragraph 7, of the Charter:	
Note	224
PART III. CONSIDERATION OF THE PROVISIONS OF ARTICLE 24 OF THE CHARTER	
Note	226
PART IV. CONSIDERATION OF THE PROVISIONS OF ARTICLE 25 OF THE CHARTER	
Note	226
PART V. CONSIDERATION OF THE PROVISIONS OF CHAPTER VIII OF THE CHARTER	
Note	227
**PART VI. CONSIDERATION OF THE PROVISIONS OF CHAPTER XII OF THE CHARTER...	228
**PART VII. CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER...	228
**PART VIII. CONSIDERATION OF THE PROVISIONS OF CHAPTER XVII OF THE CHARTER..	228

INTRODUCTORY NOTE

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

Part I

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

Article 1

"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 264 (1969) of 20 March 1969; 269 (1969) of 12 August 1969; 276 (1970) of 30 January 1970; 283 (1970) of 29 July 1970; and 301 (1971) of 20 October 1971 regarding the situation in Namibia; resolutions 277 (1970) of 18 March 1970 and 288 (1970)

of 17 November 1970 regarding the situation in Southern Rhodesia; and 290 (1970) of 8 December 1970 regarding the Complaint by Guinea. In all these instances, the Security Council either directly referred² to General Assembly resolution 1514 (XV) of 14 December 1960³ or reaffirmed or recalled earlier Council resolutions⁴ containing, *inter alia*, explicit or implicit references to the above-cited General Assembly resolution.

² Resolution 264 (1969), preambular para. 4; resolution 276 (1970) preambular para. 1; resolution 283 (1970), preambular para. 1; resolution 301 (1971), preambular para. 1; resolution 290 (1970), preambular para. 7 and para. 7.

³ The resolution was entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples".

⁴ Resolution 269 (1969), preambular para. 1; resolution 284 (1970), preambular para. 2; resolution 277 (1970), preambular para. 1; resolution 288 (1970), preambular para. 2.

¹ 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 chapters X-XII, p. 296.

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 covered by this *Supplement*, none of the resolutions adopted by the Council contained an explicit reference to Article 2, paragraph 4 of the Charter. 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 twelve resolutions adopted by the Council in connexion with discussions in which those principles were cited, seven⁵ have used language

derived from Article 2, paragraph 4, while the other five⁶ have implicit references to it.

Eleven case histories that could be considered to have a bearing on the obligations emanating from the provisions of Article 2, paragraph 4, are dealt with in this section, although no constitutional issue was raised in the relevant debates.

It might be recalled that during the discussion of the situation in the India-Pakistan subcontinent two draft resolutions⁷ were submitted which contained explicit

⁵ Resolution⁴ 267 (1969), preambular para. 4; resolution 268 (1969), preambular para. 3; resolution 273 (1969), preambular para. 3; resolution 275 (1969), preambular para. 3; resolution 294 (1971), preambular para. 3; resolution 298 (1971), preambular para. 3, p. 6.

⁶ Resolution 265 (1969), para. 3; resolution 270 (1969), para. 1; resolution 279 (1970), para. 3; resolution 280 (1970), para. 2; resolution 285 (1970).

⁷ S/10423, preambular para. 6 and S/10446/Rev.1, preambular para. 8; *OR, 26th yr., Suppl. for Oct.-Dec. 1971*.

references to Article 2, paragraph 4. These two draft resolutions failed of adoption. A detailed account of the discussion in the Council of these two draft resolutions is contained in chapter VIII.

CASE 1.⁸ SITUATION IN THE MIDDLE EAST: In connexion with the draft resolution jointly submitted by Pakistan, Senegal and Zambia, voted upon and adopted on 1 April 1969.

[Note: During the discussion, it was maintained that the attack launched by Israel against Jordan on 26 March 1969, constituted a unilateral exercise of force and as such should be condemned by the Security Council. The attack could not be justified as retaliatory action or an act of self-defence. It was also maintained that the policy of retaliation and reprisal operations were 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 all violent incidents, including those of terrorism and sabotage could not be condoned and that the Security Council had to consider the total situation within which acts of retaliation took place.]

At the 1466th meeting on 27 March 1969, the representative of Jordan* stated that during the last three months Israel had not only continued but had intensified acts of aggression against his country, as reported⁹ by him in his communications to the Security Council. The incident under consideration constituted a clear-cut act of aggression. He added that the complaint by his country constituted also a challenge and a test to the Security Council since the Council, in its resolution 262 (1968) of 31 December 1968, had condemned Israel for its premeditated military action and had issued a warning that if such actions were to be repeated, the Council would have to consider further steps to give effect to its decisions.¹⁰ Unless adequate action under Chapter VII of the Charter was adopted more and more Israeli acts of lawlessness would follow.

The representative of Israel* stated that Arab Governments, including that of Jordan, were directly engaged in sponsoring, organizing and assisting terror warfare in violation of the cease-fire and also in violation of resolution 56 (1948) of 19 August 1948.¹¹ It could not be questioned or curtailed by labelling Israeli counteractions as reprisals, a concept which had no application to the present situation in the Middle East.

At the 1467th meeting on 27 March, the representative of the USSR stated that Israel had violated the cease-fire resolutions of the Security Council by launch-

ing premeditated and planned acts of aggression against Jordan. The Security Council should condemn Israel's acts of aggression against Jordan and demand of Israel that it unconditionally comply with the Council's cease-fire resolutions and that it stop its actions aimed at disrupting efforts for a peaceful political settlement of the Middle East problem.

The representative of the United States after deploring the air attack carried out by Israeli Air Force planes in the area south of Es Salt, stated that in the face of that event his Government wished to make clear once again its opposition to attacks of that nature and to urge Israel to avoid such indiscriminate actions and all other violations of the cease-fire. However, that attack was not an isolated incident and it should be seen in the total context of the continuing absence of peace in the Middle East.

The representative of Algeria stated that to counteract the aggression committed by Israel, called for decisions by the Security Council designed to put an end to the occupation of Arab territories.

The representative of Finland stated that the Council could not accept as valid the claim of Israel that it acted in self-defence or any other arguments to justify unilateral military action that constituted a breach of the cease-fire. Yet, neither that nor the many other incidents the Security Council had previously dealt with could be considered in isolation. The Council should reject the use of force whenever and in whatever shape it occurred.

The representative of the United Kingdom stated that his delegation condemned all acts of violence and breaches of the cease-fire by both sides.

The representative of France stated that the reasoning of Israel that those repeated air raids represented a new tactic of carrying out preventive attacks on dwelling places where there were thought to be *fedayeen*, could never justify such operations, and condemned all violations of the cease-fire no matter from which side they came.

The representative of Pakistan stated that, the disregard of the principle of inadmissibility of territorial conquest, the relegation to oblivion in the name of realism of frontiers changed and people subjugated by military occupation, the assumption that solemn international agreements could be considered to have lapsed because one party had unilaterally violated them, all these were the antithesis of the principles of the United Nations Charter. The least the Council could do was to condemn the Israeli attack as flagrant violation of the Charter and the cease-fire resolutions and to issue a warning to Israel that the repetition of such attacks would result in the adoption by the Council of the necessary measures under the Charter.

At the 1469th meeting on 28 March 1969, the representative of Spain stated that it was inadmissible that a Member State might decide on its own initiative, without previously complying with the obligations imposed upon it by the Charter, when to attack another Member which had not taken direct action against it. Therefore, the Security Council, should take appropriate decisions to try to prevent a State Member from continuing to violate the Council's resolutions and from committing aggression against neighbouring States.

The representative of Colombia stated that the bombing of the civilian population of Jordan by the

93 and p. 107, respectively. See, in chapter VIII, The situation in the India/Pakistan subcontinent.

⁸ For texts of relevant statements, see: 1466th meeting: Jordan,* paras. 30, 37-39, 40, 43, 45, 48, 49-51; Israel,* paras. 62-69, 85, 87-88, 95-96, 100. 1467th meeting: Nepal, paras. 45-46; USSR, paras. 6-7, 13, 18, 22, 30; United States, paras. 48-49, 54. 1468th meeting: Algeria, para. 9; Finland, paras. 18-20; France, para. 34; Pakistan, paras. 51-54; United Kingdom, paras. 24-25. 1469th meeting: Colombia, paras. 73, 75; Hungary, paras. 130-131, 133, 138; Spain, paras. 60, 67; Zambia, para. 123. 1470th meeting: China, paras. 49-51; Paraguay, paras. 36-37. 1472nd meeting: United Kingdom, paras. 49-53; United States, para. 44. 1473rd meeting: Colombia, paras. 71-73; Paraguay, paras. 11-12.

⁹ See the following communications: S/8911 and S/8916, *OR*, 23rd yr., *Suppl. for Oct.-Dec. 1968*, pp. 133-134 and 158 respectively; S/9039, S/9083 and S/9085, *OR*, 24th yr., *Suppl. for Jan.-March 1969*, pp. 97-100 and 124.

¹⁰ Resolution 262 (1968), paras. 1 and 3.

¹¹ Resolution 56 (1948). See also: *Repertoire of the Practice of the Security Council, 1946-1951*.

military forces of Israel constituted part of the policy of reprisals which contradicted the mandate of the Charter.

The representative of Hungary stated that Israel's occupation of large Arab territories could not be invoked to demand the submission of the inhabitants of those territories to Israeli rule. The attacks of Israeli armed forces against Jordan and other Arab countries violated even the law of war, not just the law of peace. Even in wartime, no belligerent was entitled to attack civilian targets. No reference to the security or to defence of Israel could justify such practices.

The representative of China stated that the Israeli contentions that the action was taken by Israel as an act of self-defence could not be accepted either. The right of self-defence was recognized by Article 51 of the Charter. However, the action undertaken by Israel was not so much self-defence as punitive action.

At the 1472nd meeting on 1 April 1969, the representative of Pakistan, on behalf of the delegations of Senegal, Zambia and Pakistan, introduced a draft resolution¹² the relevant paragraphs of which read as follows:

"The Security Council,

"Reaffirming resolution 236 (1967) calling for respect for the cease-fire and resolutions 248 (1968) and 256 (1968), condemning the air attacks by Israel on the Jordanian territory in flagrant violation of the United Nations Charter and the cease-fire resolutions,

"Observing that numerous premeditated violations of the cease-fire have occurred,

"Viewing with deep concern that the recent air attacks on Jordanian villages and other populated areas were of a pre-planned nature, in violation of resolutions 248 (1968) and 256 (1968),

"...

"1. ...

"2. Condemns the recent premeditated air attacks launched by Israel on Jordanian villages and populated areas in flagrant violation of the United Nations Charter and the cease-fire resolutions and warns once again that if such attacks were to be repeated the Council would have to meet to consider further more effective steps as envisaged in the Charter to ensure against repetition of such attacks."

The representatives of Colombia, Paraguay, the United Kingdom and the United States stated that they failed to agree with the sponsors of the draft resolution because the draft resolution did not contain in its operative paragraph any reference to all other violations of the cease-fire which existence was recognized in the preamble of the draft resolution. For that reason they were not prepared to support the draft resolution before the Council.

At the 1473rd meeting on 1 April 1969, the representative of Pakistan pointed out that the following revisions had been made in the original draft resolution: the third preambular paragraph had been revised to read "Recalling resolution 236 (1967)," and the following paragraph had been inserted as

paragraph 1: "Reaffirms resolutions 248 (1968) and 256 (1968);" and paragraphs 1 and 2 of the original draft had been renumbered as paragraphs 2 and 3.¹³

At the same meeting the three-Power draft resolution was put to the vote and adopted¹⁴ by 11 votes in favour, none against with 4 abstentions.

CASE 2.¹⁵ SITUATION IN THE MIDDLE EAST: In connexion with the joint draft resolution submitted by Pakistan, Senegal and Zambia: voted upon and adopted on 3 July 1969.

[Note: During the discussion, it was maintained that unilateral measures, such as those taken by Israel that had resulted or might have resulted in changing the status of Jerusalem, run against the principles of the Charter, in particular, the principle of inadmissibility of acquisition of territory by force and, in consequence, should be rescinded.]

At the 1482nd meeting on 30 June 1969, the representative of Jordan,* recalling the terms of Security Council resolution 252 (1968)¹⁶ of 21 May 1968 by which the Council had declared that all legislative and administrative measures and actions taken by Israel which tended to change the legal status of Jerusalem were invalid, pointed out that on 23 August 1968, the Israeli authorities had passed and published the so-called Legal and Administrative Matters (Regulation) Law the object of which had been to complete the process of Israel's unilateral annexation of Jerusalem and other surrounding areas. Emphasizing that the issue before the Council was resolution 252 (1968) adopted by the Council and defied by Israel, together with continued defiance and the further violations that had been committed, the representative of Jordan urged the Council to take a number of steps.¹⁷

In reply, the representative of Israel* stated that the pretext of Jordan's call for an emergency meeting of the Security Council was a year-old law which provided for the issuance of licenses and permitted for the exercise of commerce and professions. The generally accepted principles of human rights and political democracy could not be suspended in the case of Jerusalem whose unity, growth, welfare and security would be maintained and protected by Israel.

At the 1483rd meeting on 1 July 1969, the representative of the United Arab Republic* stated that Israel disregarded the will of the United Nations and the principles of the Charter by persisting in its illegal measures of annexation and the systematic obliteration of all that was Arab in Jerusalem in spite of General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) as well as Security Council resolution 252 (1968) that had invalidated Israeli measures and reaffirmed the inadmissibility of acquisition of territories by war and called upon Israel to rescind and desist forthwith from changing the status of Jerusalem.

¹³ 1473rd meeting: paras. 3-4, circulated as document S/9120/Rev.1.

¹⁴ *Ibid.*, para. 92. Adopted as resolution 265 (1969).

¹⁵ For texts of relevant statements, see: 1482nd meeting: Jordan,* paras. 5, 7, 9, 12, 14-17, 44, 78, 81-82; Israel,* paras. 53, 71, 74; 1483rd meeting: Algeria, paras. 88-89; France, para. 51; United Arab Republic,* paras. 7, 15; United Kingdom, para. 27; United States, paras. 96-97; 1485th meeting: Pakistan, paras. 163, 181.

¹⁶ Resolution 252 (1968).

¹⁷ See in chapter VIII, *The Situation in the Middle East*, pp. 109-121.

¹² 1472nd meeting: para. 8, circulated as document S/9120.

The representative of the United Kingdom reaffirmed the position of his Government, as stated in the General Assembly on 21 June 1967, that it followed from Article 2 of the Charter that war should not lead to territorial aggrandizement and reaffirmed the principle that no unilateral action should or could change the status of Jerusalem.

The representative of France stated that all the legislative or other measures taken by the Israeli authorities with a view to facilitating and accelerating, by virtue of a *de facto* occupation, the process of integration of part of Jerusalem were contrary to the resolutions of the United Nations and some of them were also contrary to the rules of international law governing armed occupation and to the provisions of the Charter.

The representative of Algeria stated that the Council should take specific measures within the framework of the Charter to ensure compliance with General Assembly and Security Council resolutions, particularly Council resolution 252 (1968).

The representative of the United States stated that under the Geneva Convention of 12 August 1949 and the international law the occupier Power should maintain the occupied area as intact and unaltered as possible, without interfering with the customary life of the area. The actions of Israel in the occupied portion of Jerusalem presented a different picture, one which caused understandable concern that the eventual disposition of East Jerusalem might be prejudiced, and that the private rights and activities of the population were already affected and altered. He noted however that the status of Jerusalem was not an isolated problem, but an integral part of the whole complex of issues in the Middle East conflict which should be resolved. That fact was recognized by the Council in its resolution 242 (1967).

At the 1485th meeting on 3 July 1969, the representative of Pakistan on behalf of the delegations of Pakistan, Senegal and Zambia, introduced a draft resolution,¹⁸ which included the following paragraphs:

"The Security Council;

"Recalling its resolution 252 (1968) of 21 May 1968 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively, concerning measures and actions by Israel affecting the status of the City of Jerusalem,

". . .

"Noting that since the adoption of the above-mentioned resolutions Israel has taken further measures tending to change the status of the City of Jerusalem,

"Reaffirming the established principle that acquisition of territory by military conquest is inadmissible,

"1. Reaffirms its resolution 252 (1968);

"2. Deplores the failure of Israel to show any regard for the resolutions of the General Assembly and the Security Council mentioned above;

"3. Censures in the strongest terms all measures taken to change the status of the City of Jerusalem;

"4. Confirms that all legislative and administrative measures and actions taken by Israel which

purport to alter the status of Jerusalem, including expropriation of land and properties thereon, are invalid and cannot change the status;

"5. Urgently calls once more upon Israel to rescind forthwith all measures taken by it which may tend to change the status of the City of Jerusalem, and in future to refrain from all actions likely to have such an effect;

"6. Requests Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of the present resolution;

"7. Determines that, in the event of a negative response or no response from Israel, the Security Council shall reconvene without delay to consider what further action should be taken in this matter;

"8. . . ."

At the same meeting, the President (Senegal) stated that a separate vote had been requested on paragraph 5 of the three-Power draft resolution.¹⁹ Thereupon, the said paragraph was put to the vote and adopted²⁰ by 14 votes in favour, none against with 1 abstention. Subsequently, the draft resolution as a whole was put to the vote and adopted²¹ unanimously.

CASE 3.²² SITUATION IN THE MIDDLE EAST: In connexion with the draft resolution submitted by the President of the Security Council: adopted without any objections on 26 August 1969.

[*Note:* During the discussion it was maintained that while all acts of violence, in violation of the cease-fire, were to be deplored, the use of force in the form of military retaliation, no matter what the provocation, was inadmissible under the provisions of the Charter.]

At the 1498th meeting on 13 August 1969, the representative of Lebanon* maintained that Israel, by a sudden and unprovoked air strike, including the use of napalm bombs, against villages in southern Lebanon, had committed an act of flagrant, unprovoked and massive aggression. He maintained further that Lebanon could not be held responsible for actions of Palestinian Arabs who, as freedom fighters and people seeking self-determination, were fighting in self-defence against the aggressor and occupier. In view of the provisions of Security Council resolution 262 (1968) of 31 December 1968, the representative of Lebanon requested the Council to take prompt and effective action in the form of sanctions provided for in the Charter.

The representative of Israel* contended that the Government of Lebanon could not be absolved of responsibility for the use of its territory as a base of terror warfare against Israel. The failure of the Government to do so had necessitated Israel's recourse to the right of self-defence in order to disable the terror base situated in Lebanon.

At the 1499th meeting on 14 August 1969, the representative of Pakistan stated that in view of the fact that the attack alleged by Lebanon was admitted by Israel, the Security Council should do whatever pos-

¹⁹ 1485 meeting, para. 194.

²⁰ *Ibid.*

²¹ *Ibid.*, para. 195. Resolution 267 (1969).

²² For the texts of relevant statements, see: 1498th meeting: Israel,* paras. 47, 48, 66, 67, 82, 83, 86; Lebanon,* paras. 12, 14-22, 30, 31, 34, 35, 38, 39; 1499th meeting: Pakistan, paras. 51, 52, 57; 1500th meeting: United States, paras. 13, 17; 1502nd meeting: Spain, paras. 73, 74.

sible to ensure that Israel desist from any attack on the territory of Lebanon. Experts on international law had proclaimed that the provisions of the Charter pertaining to the avoidance of the use of force were to be regarded as prohibiting reprisals or retaliation of the kind that the Council was considering. Having determined that Israel had no right to launch the attack in question, the Council should hold Israel responsible for the damage to civilian life and property, and proceed to take some action to protect Lebanon against recurrence of such attacks.

At the 1500th meeting on 14 August 1969, the representative of the United States contended that the Security Council's contribution could best be made not by attempting the inevitably contentious business of apportioning degrees of guilt among the parties, but rather by insisting on the need to restore the cease-fire and to stop all violence in the area.

At the 1502nd meeting on 18 August 1969, the President, speaking as the representative of Spain, said that the attempts to justify the Israeli aggression against Lebanon by invoking the right of self-defence were completely unacceptable since such action was nothing but an act of force contrary to the provisions of Article 2, paragraph 4, of the Charter which prohibited the Members of the United Nations to resort to the threat or use of force against the territorial integrity or political independence of any State.

At the 1504th meeting on 26 August 1969, the President (Spain) announced that, as a result of intensive consultations, agreement had been reached on the text of a draft resolution²³ which represented a consensus of opinion among the members of the Council.

The draft resolution, *inter alia*, provided:

"The Security Council,

". . .

"Gravely concerned about the deteriorating situation resulting from the violation of Security Council resolutions,

"Recalling the General Armistice Agreement between Israel and Lebanon of 23 March 1949, and the cease-fire established pursuant to resolution 233 (1967) and 234 (1967) of 6 and 7 June 1967, respectively,

"Recalling its resolution 262 (1968) of 31 December 1968,

"Mindful of its responsibility under the relevant provisions of the Charter of the United Nations,

"1. Condemns the premeditated air attack by Israel on villages in southern Lebanon in violation of its obligations under the Charter and Security Council resolutions;

"2. Deplores all violent incidents in violation of the cease-fire;

"3. Deplores the extension of the area of fighting;

"4. 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."

²³ S/9410, adopted without change as resolution 270 (1969).

In the absence of objections, the President declared the draft resolution unanimously adopted.²⁴

CASE 4.²⁵ SITUATION IN THE MIDDLE EAST: In connexion with two draft resolutions: one submitted by the representative of Spain, voted upon and adopted on 12 May 1970 and another submitted by the representative of Zambia, voted upon and adopted on 19 May 1970.

[Note: In the course of the discussion, it was maintained that armed retaliatory attacks constituted a violation of the Charter and of several Security Council resolutions; and that such attacks could no longer be tolerated.]

At the 1537th meeting, on 12 May 1970, the representative of Lebanon* informed the Council that early that morning Israel had launched a large-scale aggression against his country: Israeli armoured and infantry units had crossed the Lebanese border into southern and eastern parts of a district situated in the southeastern part of Lebanon and that the Israeli air force and heavy artillery had, since then, been bombarding the civilian towns and villages in the area. The action his country sought from the Council at this time was the immediate withdrawal of all Israeli troops from Lebanese territory, a strong condemnation of Israel and the application of Chapter VII of the United Nations Charter.

The representative of Israel,* having referred to his letters of 5, 15, and 29 January, 27 February, 4 and 10 March and 10 May 1970²⁶ in which he had informed the Security Council of the acts of aggression being perpetrated from Lebanese territory against the territory and population of Israel in violation of the cease-fire and the United Nations Charter, stated that his Government had requested this urgent meeting of the Security Council to consider those acts. Since these acts of aggression had not ended but on the contrary had grown in number and scope, Israel had been compelled to act in self-defence. The representative of Israel then informed the Security Council that the operation had been concluded and that the Israeli forces were deploying to leave the area.

At the same meeting the representative of Spain submitted the following draft resolution:²⁷

"The Security Council,

"Demands the immediate withdrawal of all Israeli armed forces from Lebanese territory."

The representative of Zambia formally seconded the draft resolution.

The President (France) observed that the draft resolution before the Council was an interim proposal which in no way prejudged the discussion and the continuation of the debate.²⁸

²⁴ 1504th meeting, paras. 2, 3.

²⁵ For texts of relevant statements, see: 1537th meeting: Israel,* paras. 31, 34, 36, 38, 39-41, 79; Lebanon,* paras. 11-15, 17, 19, 23, 24; Spain, paras. 44-46, 84-86; Zambia, paras. 47-49; 1538th meeting: Israel, para. 108; Lebanon, para. 30; 1539th meeting: Finland, paras. 62, 63, 67; Lebanon, para. 140; USSR, paras. 29, 30, 33, 34, 39; 1540th meeting: Israel, paras. 59, 63; United States, paras. 32, 34, 36; 1541st meeting: Colombia, paras. 13, 14.

²⁶ S/9593, S/9604, S/9621, S/9670, S/9678 and S/9691, OR, 25th yr., Suppl. for Jan.-March 1970, pp. 101-102, 105-106, 114-115, 146, 150 and 155-156 respectively; S/9790, OR, 25th yr., Suppl. for Apr.-June 1970, pp. 180-181.

²⁷ Circulated as document S/9800.

²⁸ 1537th meeting, para. 50.

The representative of Israel contended that in so far as Israeli action had been terminated and that Israeli forces were being withdrawn from Lebanese territory, the draft resolution proposed by the representative of Spain was divorced from reality and did not take cognizance of the facts of the situation because it did not refer to the warfare being waged against Israel in flagrant breach of the Charter.

The representative of Spain stated that his delegation had submitted the given draft resolution, without prejudice to whatever further action the Security Council might wish to take, in view of the fact that the principle contained in Article 2(4) of the Charter had been violated by the Israeli action.

The representative of Spain stated that his delegation had submitted the given draft resolution, without prejudice to whatever further action the Security Council might wish to take, in view of the fact that the principle contained in Article 2(4) of the Charter had been violated by the Israeli action.

At the same meeting the representative of the United States proposed an oral amendment which would add to the Spanish draft resolution, "and an immediate cessation of all military operations in the area".²⁹

The representative of the USSR proposed an oral sub-amendment to the amendment of the United States to substitute "immediate stopping of aggression and withdrawal" for "immediate cease-fire".³⁰

After the representative of the United States drew attention to the fact that the word "cease-fire" did not appear in his amendment, the sub-amendment was modified by the representative of the USSR to read "and stopping of Israeli aggression against Lebanon".³¹

At the 1537th meeting on 12 May 1970, the USSR sub-amendment to the United States amendment was put to the vote and was not adopted,³² there being 3 votes in favour, none against with 12 abstentions. Thereupon, the United States amendment was voted on and not adopted,³³ there being 2 votes in favour, none against with 13 abstentions.

Subsequently, the draft resolution submitted by Spain was put to the vote and adopted³⁴ unanimously. It read³⁵ as follows:

"The Security Council,

"Demands the immediate withdrawal of all Israeli armed forces from Lebanese territory."

At the 1538th meeting held also on 12 May 1970, the representative of Lebanon, stated that according to information he had just received from his country, the Israeli forces were still in large numbers in the region of southern Lebanon and had not given any indication of withdrawing.

In reply, the representative of Israel stated that in so far as it was already night in the region, the Israeli forces which were still on Lebanese soil refrained from withdrawal in order to avoid shooting incidents in the dark.

At the 1539th meeting on 13 May 1970, the President conveyed to the Security Council a message from the Secretary-General that he had as yet received no information from the Acting Chief of Staff of UNTSO regarding the implementation of Council resolution 279 (1970) of 12 May 1970, due to the fact that verification of information in the field was not possible because of the absence of direct means of observation on both sides in the Israel-Lebanese sector.³⁶

Subsequently, a communication³⁷ dated 13 May 1970 from the permanent representative of Israel, transmitting to the United Nations a message from the Prime Minister of Israel, was read out in the Security Council. The message, *inter alia*, stated that the combing operation, which circumstances had compelled Israel to undertake, had been carried out and concluded according to plan and that the Israeli forces which were involved in this defensive action had returned to their base.³⁸

The representative of the USSR stated that the Security Council had already twice—in December 1968 and in August 1969—condemned Israel for aggressive attacks on Lebanon, describing them as a threat to peace in the Middle East and a violation of Israel obligations under the Charter. On both those occasions of the Council warned Israel that if such acts were repeated, the Council would have to consider further steps for the implementation of its decisions.

The representative of Finland stated that the Israeli raid illustrated the almost total breakdown of the structure of international arrangements erected in the aftermath of the war of June 1967 for the purpose of putting an end to the fighting and creating the necessary prerequisites for making peace in the Middle East. The only way to put an end to the kind of attacks being considered by the Council and all other acts of violence was to work for a comprehensive political settlement of the conflict between the Arab States and Israel based on Security Council resolution 242 (1967).

At the same meeting the representative of Lebanon stated that during the previous night the Israeli air force, covering the withdrawal of Israeli forces from Lebanon, had bombed and shelled Lebanese military and civilian positions contrary to the contention by Israel that the so-called combing operation was directed against commando positions in Lebanon.

At the 1540th meeting on 14 May 1970, the representative of the United States maintained that as a first step for a peaceful political settlement of the Arab-Israeli conflict, renewed consultations between Israel, Lebanon and the Secretary-General be held in connexion with the Secretary-General's suggestion to station observers in adequate numbers on both sides of the border between Israel and Lebanon. These renewed consultations should be directed towards working out a mutually acceptable arrangement, without prejudice to the legal positions of the parties concerned and through which UNTSO could carry out an effective observer operation.

The representative of Israel informed the Council that during the previous night a unit of irregular forces had penetrated from across the Lebanese border and opened fire on an Israeli village. These constituted acts

²⁹ 1537th meeting, para. 91.

³⁰ *Ibid.*, para. 113.

³¹ *Ibid.*, para. 128.

³² *Ibid.*, para. 129.

³³ *Ibid.*, para. 130.

³⁴ 1537th meeting, para. 132.

³⁵ Resolution 279 (1970).

³⁶ 1539th meeting, para. 3.

³⁷ S/9801, *OR*, 25th yr., *Suppl. for Apr.-June 1970*, p. 182.

³⁸ 1539th meeting, para. 6.

of aggression of the kind that compelled Israel to take defensive actions to protect its territory and its citizens.

At the same meeting, the Security Council received a communication from the Secretary-General stating that the Acting Chairman of the Israel-Lebanon Mixed Armistice Commission had informed the Acting Chief of Staff of UNTSO that the complete withdrawal of the Israeli forces from Lebanon had been officially confirmed by the Lebanese authorities.³⁹

At the 1541st meeting on 15 May 1970, the representative of Colombia referring to the provisional nature of the recently adopted Council resolution⁴⁰ and to the fact that the measures taken by the Council in the past had not been complied with, suggested that the Security Council might consider the possibility of setting up a committee composed of three members of the Council that were not directly linked to the conflict to hear the parties, to take note of the efforts at negotiation made by the Secretary-General and be given access to the political formulas of the four Great Powers and then, within a reasonable period of time, to present to the Council a series of solutions covering all aspects of the problem, namely, the refugees, the frontiers, Jerusalem, disarmament, etc.

At the 1542nd meeting on 19 May 1970, after the President had suspended the meeting in order to provide certain delegations with time for consultations on a draft resolution,⁴¹ the representative of Zambia read out the text of a draft resolution⁴² arrived at during those consultations. The draft resolution, *inter alia*, read as follows:

"The Security Council,

"...

"Gravely concerned about the deteriorating situation resulting from violations of resolutions of the Security Council,

"Recalling its resolutions 262 (1968) of 31 December 1968 and 270 (1969) of 26 August 1969,

"Convinced that the Israeli military attack against Lebanon was premeditated and of a large scale and carefully planned in nature,

"Recalling its resolution 279 (1970) of 12 May 1970 demanding the immediate withdrawal of all Israeli armed forces from Lebanese territory,

"1. Deplores the failure of Israel to abide by resolutions 262 (1968) and 270 (1969);

"2. Condemns Israel for its premeditated military action in violation of its obligations under the Charter of the United Nations;

"3. Declares that such armed attacks can no longer be tolerated and repeats its solemn warning to Israel that if they were to be repeated the Security Council would, in accordance with resolution 262 (1968) and the present resolution, consider taking adequate and effective steps or measures in accordance with the relevant Articles of the Charter to implement its resolutions;

"4. Deplores the loss of life and damage to property inflicted as a result of violations of resolutions of the Security Council."

³⁹ 1540th meeting, para. 84.

⁴⁰ Resolution 279 (1970).

⁴¹ 1542nd meeting, paras. 31, 32.

⁴² *Ibid.*, para. 34, circulated as document S/9807 and adopted without change as resolution 280 (1970).

At the same meeting, the draft resolution was put to the vote and adopted⁴³ by 11 votes in favour, none against with 4 abstentions.

CASE 5.⁴⁴ SITUATION IN THE MIDDLE EAST: In connexion with a draft resolution submitted by Spain: voted upon and adopted on 5 September 1970.

[Note: During the discussion, it was maintained that the attack by Israeli aircraft and penetration by Israeli mixed infantry and armoured force into Lebanese territory on 4 September 1970 was a repetition of several acts of aggression previously committed by Israel against Lebanon and subsequently condemned by the Security Council as constituting a violation of Security Council resolutions and the provisions of the Charter, particularly those contained in Article 2(4). It was further maintained that the Security Council should demand the immediate withdrawal of Israeli armed forces from Lebanese territory.]

At the 1551st meeting on 5 September 1970, the Secretary-General read to the Security Council the text of two cables he had received from the Chief of Staff of UNTSO regarding the matter before the Council.⁴⁵

The representative of Lebanon,* having noted that during the past two weeks Israeli armed forces had committed fifty-eight acts of aggression against Lebanon, repeated the charge made in his letter⁴⁶ requesting an urgent meeting of the Council that Israeli armed forces, backed by its air force and tanks, had penetrated from the border and launched an attack inside Lebanese territory. He stated that the Israeli military operations were still continuing and Israeli forces were still engaging units of the Lebanese army inside Lebanese territory. The representative of Lebanon stated also that his country requested from the Security Council⁴⁷ the withdrawal of all Israeli forces from Lebanese territory; condemnation of Israel for its repeated acts of aggression against Lebanon and the application of chapter VII of the Charter against Israel, in accordance with operative paragraph 3 of Council resolution 280 (1970).

The representative of Israel* maintained that it was against the background of continuous acts of aggression committed from Lebanese territory and of the admitted helplessness of the Lebanese authorities to control their own territory that Israel had been compelled to exercise its right of self-defence in the present instance. Lebanon was obliged as a Member of the United Nations to prevent irregular, as well as regular, forces from using its territory for aggression against another Member State.

The representative of Spain maintained that insofar as an invasion of Lebanon by Israel had occurred, the fact that a withdrawal had been initiated was not sufficient proof for the Council to remain inactive. Bearing in mind that the incident under consideration was a repetition of actions which had occurred in the past with flagrant violation of Article 2, paragraph 4, of the Charter, he urged that the Council should act with all the urgency required by the situation and submitted

⁴³ 1542nd meeting, para. 57.

⁴⁴ For texts of relevant statements, see: 1551st meeting: Israel,* paras. 46-48, 51-55; Lebanon,* paras. 16-25; Spain, paras. 59, 60-64, 75; United States, paras. 80-84.

⁴⁵ See chapter VIII, p. 118.

⁴⁶ S/9925, OR, 25th yr., Suppl. for July-Sept. 1970, p. 141.

⁴⁷ See in chapter VIII, The Situation in the Middle East, pp. 109-121.

a draft resolution.⁴⁸ He requested that it be put to the vote before the conclusion of the meeting. The draft resolution read as follows:

"The Security Council,

"Demands the complete and immediate withdrawal of all Israeli armed forces from Lebanese territory"

The representative of the United States observed that the situation being discussed by the Council was somewhat different in view of the conflicting evidence presented by each of the parties concerned and the lack of adequate opportunity to ascertain through some impartial source, such as the United Nations Truce Supervision Organization, what the precise situation was along the border.

At the same meeting, the draft resolution was put to the vote and adopted⁴⁹ by 14 votes in favour, none against with 1 abstention.

CASE 6.⁵⁰ SITUATION IN THE MIDDLE EAST: In connexion with a draft resolution submitted by Somalia: voted upon and adopted on 25 September 1971.

[*Note:* During the debate it was maintained that the measures and actions taken by Israel purporting to affect the status of the City of Jerusalem defied international law and the provisions of the Charter, in particular those contained in Article 2, paragraph 4, and contravened several resolutions adopted in the past by the General Assembly and the Security Council by which Israel was requested to rescind all measures already taken and to desist from taking any action which would alter the status of Jerusalem.]

At the 1579th meeting on 16 September 1971, the representative of Jordan* stated that the worsening situation in Jerusalem was the result of the Israeli persistence in the implementation of measures designed to change the status and character of the Holy City, in disregard of the repeated General Assembly and Security Council resolutions and to prevent the conclusion of a just and peaceful settlement, in the hope that the cease-fire lines would ultimately become the new borders of Israel.⁵¹ In view of the repeated Israeli violations of the United Nations resolutions, as well as international conventions, he felt that the Security Council should invoke whatever sanctions it deemed fit under chapter VII of the Charter to ensure respect for its decisions and to prevent a *fait accompli* in Jerusalem from interfering with a just solution to the Middle East problem.

At the 1580th meeting on 16 September 1971, the representative of Israel* stated that the present complaint before the Security Council constituted an attempt on the part of Jordan to divert attention from its internal difficulties. He added that, while rejecting any claims based on aggression against Jerusalem and the city's former illegal division, Israel would continue to be guided by the legitimate rights and interests of Jerusalem's citizens irrespective of nationality and faith

and would scrupulously ensure the sanctity of the Holy Places, freedom of access to them and the jurisdiction of the various religious communities over them.

At the 1582nd meeting on 25 September 1971, the representative of the USSR stated that the resolutions adopted by the Security Council and the General Assembly on the question of Jerusalem and on the situation in the Middle East were based on a generally recognized principle of international law that it was inadmissible to acquire territory through war. Despite those resolutions, Israel continued to wage a policy aimed at conquering and assimilating Arab territories and preventing and subverting a peaceful political settlement in the area as provided for by the Security Council resolution 242 (1967) of 22 November 1967.

The representative of Belgium stressed that his Government rejected any attempt of unilateral acquisition of territory by force and remained faithful to the principles of the Charter of the United Nations, more especially in Article 2, paragraph 4, which enjoined Member States to refrain 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.

The representative of France contended that the Israeli policy of annexation was in formal contradiction to the United Nations resolutions and constituted a violation of the rules of international law, as well as of the Charter.

The representative of Poland stated that the basis for the discussion of the situation being considered by the Council was the concept of the non-admissibility of acquisition of territory by military conquest, by use of force in contravention of the Charter. The numerous resolutions of the Security Council as well as of the General Assembly concerning Jerusalem were only a logical application of that concept. Therefore it was the Council's duty to assess the acts of Israel and to adopt the measures necessary to redress the situation in Jerusalem.

At the same meeting, the representative of Somalia introduced⁵² a draft resolution,⁵³ which read as follows:

"The Security Council,

"Recalling its resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 and the earlier General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967 concerning measures and actions by Israel designed to change the status of the Israeli-occupied section of Jerusalem,

"Having considered the letter of the Permanent Representative of Jordan on the situation in Jerusalem and the reports of the Secretary-General, and having heard the statements of the parties concerned on the question,

"Reaffirming the principle that acquisition of territory by military conquest is inadmissible,

"Noting with concern the non-compliance by Israel with the above-mentioned resolutions,

"Noting with concern further that since the adoption of the above-mentioned resolutions Israel has

⁴⁸ Circulated as document S/9928.

⁴⁹ 1551st meeting, para. 93. Adopted as resolution 285 (1970).

⁵⁰ For texts of relevant statements, see: 1579th meeting: Jordan,* paras. 17, 19, 20, 27, 28, 32-37, 39-44, 76-86; 1580th meeting: Israel,* paras. 6, 9, 11, 21, 28, 34, 61, 69-72; 1582nd meeting: Belgium, paras. 42; France, paras. 58-60; Poland, paras. 81, 82, 86; USSR, paras. 4, 7, 8-15, 20, 26.

⁵¹ For the statement of the representative of Jordan, see chapter VIII, *The Situation in the Middle East*, pp. 109-121.

⁵² 1582nd meeting, para. 126.

⁵³ S/10337, *OR*, 26th yr., *Suppl. for July-Sept. 1971*, p. 67.

taken further measures designed to change the status and character of the occupied section of Jerusalem,

"1. *Reaffirms* Security Council resolutions 252 (1968) and 267 (1969);

"2. *Deplores* the failure of Israel to respect the previous resolutions adopted by the United Nations concerning measures and actions by Israel purporting to affect the status of the City of Jerusalem,

"3. *Confirms* in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem including expropriation of land and properties, transfer of populations and legislation aimed at the incorporation of the occupied section are totally invalid and cannot change that status,

"4. *Urgently calls upon* Israel to take no further steps in the occupied section of Jerusalem which may purport to change the status of the City or which would prejudice the rights of the inhabitants and the interests of the international community, or a just and lasting peace,

"5. *Requests* the Secretary-General, in consultation with the President of the Security Council and using such instrumentalities as he may choose, including a representative or a mission, to report to the Council as appropriate and in any event within sixty days on the implementation of the present resolution."

At the same meeting, the representative of Syria submitted⁵⁴ the following amendments⁵⁵ to the Somalian draft resolution: (i) in paragraph 4, first line, to add after the word "Israel" the following: "to rescind all previous measures and actions and . . ."; (ii) in paragraph 5, second line, to replace the word "he" by the word "they"; (iii) in paragraph 5, last line, to delete "sixty" and insert "thirty" instead; (iv) to add a new paragraph 6 which would read as: "Decides that the Security Council shall reconvene without delay to consider the report referred to in operative paragraph 5 and what further action should be taken under the Charter."

In response to an appeal made by the representatives of France,⁵⁶ the United States,⁵⁷ United Kingdom,⁵⁸ Somalia,⁵⁹ and Italy⁶⁰ to withdraw his amendments in the interest of unanimity, the representative of Syria withdrew the second, third and fourth amendments which he had submitted but requested⁶¹ a vote to be taken on the first amendment.

At the 1582nd meeting on 25 September 1971, the Syrian amendment to the draft resolution submitted by Somalia was put to the vote and adopted⁶² by 13 votes in favour, none against with 2 abstentions.

Subsequently, paragraph 5 of the draft resolution was voted upon, a separate vote having been requested thereon by the representative of the USSR⁶³ and adopted⁶⁴ by 12 votes in favour, none against with 3 abstentions.

At the same meeting, the draft resolution, as amended, as a whole was put to the vote and adopted⁶⁵ by 14 votes in favour, none against with 1 abstention.

CASE 7.⁶⁶ COMPLAINT BY ZAMBIA: In connexion with the letter dated 15 July 1969⁶⁷ from the representative of Zambia and the letter dated 18 July 1969⁶⁸ from thirty-five Member States acting on behalf of the Organization of African Unity; and with the joint draft resolution submitted by Algeria, Nepal, Pakistan and Senegal; voted upon and adopted on 28 July 1969.

[*Note:* During the discussion, it was maintained that the acts of aggression committed by Portugal against Zambia constituted a violation of the provisions of the Charter, in particular of those contained in Article 2, paragraph 4, and of the resolutions adopted by the General Assembly and the Security Council. On the other hand, it was stated that since the facts had not been sufficiently substantiated, the Security Council should have not proceeded to assessments or findings without a joint or impartial investigation.]

In his letter of 15 July 1969, the representative of Zambia charged the Government of Portugal with calculated violations of the territorial integrity of his country, and also with the bombing of the village of Lote in eastern Zambia, near the border with Mozambique which had caused destruction of property and the wounding and killing of two unarmed civilians. The letter recalled that numerous similar incidents had, on various occasions, been brought to the attention of the Security Council and, in view of Portugal's renewed aggressions, requested a meeting of the Security Council to consider the situation.

At the 1486th meeting on 18 July 1969, the representative of Zambia stated that since his request for a meeting there was yet another armed attack by Portuguese soldiers on Zambian civilians in Balovale District which had resulted in the killing of two persons. He said that Zambia had delayed bringing before the Council the incidents which had taken place between 30 June and 4 July 1969 because it was seeking to settle the matter through bilateral negotiations. Owing to the lack of cooperation on the part of Portugal, the negotiations had failed and consequently his Government had found it necessary to seek recourse before the Council. He also stated that between 18 May 1966 and 30 June 1969 there were some sixty Portuguese military incursions into the Zambian territory. In the light of those acts of aggression, the Council should consider whether Portugal was observing the principle of Article 2, paragraph 4, of the Charter. In conclusion, the representative of Zambia, after stating that his Government reserved its inherent right to take action in self-defence under Article 51 of the Charter, requested the Council to condemn Portugal for its unprovoked and premeditated aggression against unarmed Zambian civilians, to call on Portugal to cease all its acts of aggression, to return Zambian nationals

⁵⁴ 1582nd meeting, para. 154.

⁵⁵ S/10338/Rev.1, OR, 26th yr., Suppl. for July-Sept. 1971, p. 67.

⁵⁶ 1582nd meeting, paras. 252, 253.

⁵⁷ *Ibid.*, para. 255.

⁵⁸ *Ibid.*, para. 314.

⁵⁹ *Ibid.*, para. 317.

⁶⁰ *Ibid.*, para. 324.

⁶¹ *Ibid.*, para. 328.

⁶² 1582nd meeting, para. 335.

⁶³ *Ibid.*, paras. 279, 280, 330, 331, 332.

⁶⁴ *Ibid.*, para. 338.

⁶⁵ *Ibid.*, para. 339. Adopted as resolution 298 (1971).

⁶⁶ For texts of relevant statements, see: 1486th meeting: Portugal,* paras. 63-69, 71, 73, 74, 85, 86, 92; Zambia, paras. 6-9, 14-21, 51, 52, 57, 58; 1487th meeting: Hungary, paras. 18-25; Somalia,* para. 29; United Republic of Tanzania,* paras. 65, 70; 1488th meeting: Portugal,* paras. 27, 28, 40-42; USSR, para. 82; 1489th meeting: Zambia, paras. 88, 89-92; 1491st meeting: Spain, paras. 17-19; United Kingdom, para. 11; United States, para. 29.

⁶⁷ S/9331, OR, 24th yr., Suppl. for July-Sept. 1969, p. 127.

⁶⁸ S/9340 and Add. 1-3, OR, 24th yr., Suppl. for July-Sept. 1969, p. 131.

kidnapped by Portuguese soldiers in Angola and Mozambique and to demand that it make amends for the destruction of Zambian homes and property.

At the same meeting, the representative of Portugal* stated that the only incident concretely mentioned by Zambia which allegedly had taken place on 30 June, i.e., the bombing of Lote village, was also devoid of any foundation. He stressed that there had been no incidents on the frontier between Zambia and the contiguous Portuguese territories prior to 1966. In that year, the Zambian Government had decided to open its territory to hostile activities against Angola and Mozambique and it had authorized the establishment in its territory of training and supply bases for armed attacks on the adjoining Portuguese territories. It was therefore the Zambian Government that had embarked on a policy of hostility to Portugal. The Zambian Government had the obligation not to permit its territory to be used as a springboard for hostile actions against foreign territories. It was up to the Zambian Government to take measures to stop the firing across the border from its territory into Portuguese territory. Thus his Government expected the Security Council to call upon the Government of Zambia to abide by the norms of international good conduct in this respect. He further pointed out that not only had the Zambian Government authorized hostile elements to carry out unlawful violent activities against the Portuguese security forces, but also Zambian armed forces were sometimes involved in the incidents. Furthermore, Portuguese air space had also been repeatedly violated by the Zambian Air Force.

At the 1487th meeting on 22 July 1969, the representative of Hungary stated that in fact, all Zambia did was to abide by the relevant resolutions of the United Nations, having given shelter to the refugees of Angola and Mozambique, victims of the Portuguese colonizers. Portugal not only had refused to abide by the resolutions of the Security Council and the General Assembly, but had used the policy of intimidation and terror against Zambia. In an effort to annihilate the refugees, the Portuguese' armed forces had brutally attacked Zambian villages. The Government of Portugal should bear full responsibility for the aggression and should pay reparations for the damages.

At the same meeting, the representative of Somalia* stated that Zambia had not only refrained from exercising its right under Article 51 of the Charter to take defensive action to repel the aggression, but had afforded Portugal every opportunity to amend its lawless conduct by means of bilateral negotiations.

The representative of the United Republic of Tanzania* stated that the Security Council had already determined that the actions of the Portuguese Government in Africa seriously disturbed peace and security. Consequently, the Council should once and for all direct a serious warning to the Portuguese Government to stop all its acts of aggression against Zambia and all the African people.

At the 1488th meeting on 23 July 1969, the representative of the USSR stated that his delegation supported Zambia's demands that the Council should condemn the aggressive acts of the Portuguese colonialists; that it should invite Portugal to put an end to the violation of Zambia's territorial integrity and to unprovoked attacks on that country, that Zambian citizens who had been kidnapped by the Portuguese armed

forces should be released and that all property illegally seized by Portugal's troops on Zambian territory should be returned without delay. The Council should also warn Portugal that if it failed to comply with those demands the Council would take further measures in conformity with the Charter.

At the same meeting, the representative of Portugal stated that the only incident which had taken place was that between 30 June and 3 July, Portuguese security forces having been attacked by armed raiders coming from Zambia, had mounted a clean-up operation in a locality well within Portuguese territory. As far as the alleged Balovale incident was concerned, there had been no incident involving Portuguese security forces in Balovale or anywhere else in that part of Zambian territory, although there had been an encounter in the vicinity, inside Portuguese territory, on 23 June between Portuguese security forces and raiders infiltrating from Zambia.

At the 1491st meeting on 28 July 1969, the representative of Pakistan introduced⁶⁹ a draft resolution jointly sponsored by Algeria, Nepal, Pakistan and Senegal,⁷⁰ the relevant paragraphs of which read as follows:

"The Security Council,

" . . .

"Mindful of its responsibility to take effective collective measures for the prevention and removal of threats to international peace and security,

"Bearing in mind that all States should 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 manner inconsistent with the purposes of the United Nations,

"Concerned about the grave situation created by the Portuguese bombing of Lote village in the Katete District of the Eastern Province of Zambia bordering the Territory of Mozambique,

"Gravely concerned that incidents of this nature endanger international peace and security,

"1. Strongly censures the Portuguese attacks on Lote village in the Katete District of the Eastern Province of Zambia resulting in the loss of Zambian civilian life and property;

"2. Calls upon Portugal to desist forthwith from violating the territorial integrity of, and from carrying out unprovoked raids against, Zambia;

"3. Demands the immediate release and repatriation of all civilians from Zambia kidnapped by Portuguese military forces operating in the colonial Territories of Angola and Mozambique;

"4. Further demands from Portugal the return of all property unlawfully taken by Portuguese military forces from Zambian territory;

"5. Declares that in the event of failure on the part of Portugal to comply with paragraph 2 of the present resolution, the Security Council will meet to consider further measures;

"6. Decides to remain seized of the matter."

At the same meeting, the representative of the United Kingdom stated that the complaints by Zam-

⁶⁹ 1491st meeting, paras. 3, 4.

⁷⁰ S/9360, adopted without change; see resolution 268 (1969) of the Council.

bia of Portuguese violations of its territorial integrity, had been neither proven nor disproven, and only a proper investigation could establish the facts.

The representative of Spain stated that in the opinion of his delegation in regard to the Zambian complaint there was a fluid situation which should be investigated further before the Council could take any action.

At the same meeting, the joint draft resolution was put to the vote and it was adopted⁷¹ by eleven votes in favour, none against with four abstentions.⁷²

After the vote, the representative of the United States stated that the resolution adopted by the Council appeared to make a specific finding against Portugal, which his delegation was unable to support.

CASE 8.⁷³ COMPLAINT BY ZAMBIA: In connexion with the joint draft resolution submitted by Burundi, Sierra Leone, Somalia and the Syrian Arab Republic: voted upon and adopted on 12 October 1971.

[*Note:* In the course of the discussion, it was maintained that the aggressive acts committed by South Africa constituted a violation of the sovereignty and territorial integrity of Zambia and of the principles of the Charter of the United Nations. It was further maintained that the proclaimed policy of South Africa in the southern part of Africa represented a threat to the independent neighbouring African States and to international peace and security.]

At the 1590th meeting on 8 October 1971, the representative of Zambia* stated that there had been a series of systematic and premeditated violations of the sovereignty, air space and territorial integrity of Zambia by the armed forces of South Africa. He further enumerated 24 incidents against Zambia which had occurred between 26 October 1968 and 5 October 1971. The Zambian Government had no responsibility for the activities of the Namibian freedom-fighters inside Namibia in their struggle to resist South Africa's occupation and oppression. Although he had certain reservations regarding the sending of fact-finding missions, his Government would welcome the dispatch of such a mission by the Council provided it would equally be given uninhibited access to Namibia.

At the same meeting the representative of South Africa* stated that on 4 October members of the South African police force were patrolling near the border between the Eastern Caprivi and Zambia when their vehicle was hit by a land mine. As a result, four of the occupants were seriously injured. On the following day, when other members of the police force were dispatched to investigate the incident, another land mine exploded, killing one of the police officers. The trail of four persons was found leading from the direction of the Zambian border to the location of the land mine and back again in the direction of the Zambian border. Unauthorized border crossings and trespassing in air space had previously occurred in the area of the Zambian Eastern Caprivi border, but both sides had been responsible, not only South Africa. In the period between 23 October 1969 and 5 May 1970,

⁷¹ 1491st meeting, para. 26.

⁷² Adopted as resolution 268 (1969).

⁷³ For texts of relevant statements, see: 1590th meeting: Kenya,* paras. 93, 94, 97; Nigeria, para. 109; Somalia, para. 162; South Africa,* paras. 59-72; USSR, para. 191; Zambia,* paras. 7-23; 1591st meeting: Yugoslavia,* para. 28; 1592nd meeting: United States, para. 26.

Zambia complained of eight violations of air space by South Africa. On the other hand, Zambia had between November 1969 and July 1971 violated South West African air space on twelve occasions. The South African Government had asked Zambia to prevent armed incursions from Zambia into South West Africa, but there had been no response.

The representative of Kenya* stated that the Council should take action against South Africa. His Government called upon the Council to censure the aggression against Zambia, demand an apology and demand that South Africa undertake to respect the territorial integrity of Zambia and all other independent States in southern Africa.

The representative of Somalia stressed that the Council should draw attention to the principle that violations of the sovereignty and territorial integrity of a Member State were contrary to the United Nations Charter, that the violations committed by South Africa against the territorial integrity of Zambia were to be condemned, and that South Africa should desist from committing any further aggression.

At the same meeting, the representative of the Syrian Arab Republic introduced⁷⁴ a draft resolution⁷⁵ jointly sponsored by Burundi, Sierra Leone, Somalia and the Syrian Arab Republic, which provided:

"The Security Council,

"...

"Mindful that violations of the sovereignty and territorial integrity of a State constitute a threat to international peace and security,

"Gravely concerned that violations of this nature seriously undermine the independence, peace and stability of neighbouring independent African States,

"Conscious of its responsibility under Article 24 (1) and (2) of the Charter of the United Nations,

"1. *Condemns* the violations of the sovereignty, air space and territorial integrity of Zambia by South Africa;

"2. *Declares* that such violations are contrary to the Charter of the United Nations,

"3. *Calls upon* South Africa to respect fully the sovereignty and territorial integrity of Zambia and desist forthwith from any violation thereof;

"4. *Further declares* that in the event of a refusal by South Africa to comply with this resolution, the Security Council will meet again to consider further appropriate steps or measures in accordance with the relevant provisions of the Charter."

At the 1591st meeting on 11 October 1971, the representative of Yugoslavia* stated that since the Council was aware of the fact that the violation of the territorial integrity of Zambia as well as the proclaimed policy of South Africa in the southern part of Africa, constituted a threat to international peace and security, the Security Council should take energetic action against South Africa.

At the 1592nd meeting on 12 October 1971, the representative of Somalia introduced⁷⁶ a revised text of the draft resolution⁷⁷ jointly sponsored by Burundi,

⁷⁴ 1590th meeting, paras. 59-72.

⁷⁵ S/10365, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 25.

⁷⁶ 1592nd meeting, paras. 3-18.

⁷⁷ S/10365/Rev.1, adopted without charge. See resolution 300 (1971) of the Council.

Sierra Leone and Somalia. The relevant paragraphs of the revised text read as follows:

"The Security Council,

". . .

"Bearing in mind that all Member States must refrain in their relations from resorting to threat or the use of force against the territorial integrity or political independence of any State,

"Conscious that it has the responsibility to take efficient collective measures to prevent and eliminate threats to peace and security,

"Concerned by the situation on the borders of Zambia and Namibia, in the vicinity of the Caprivi Strip,

"1. Reiterates that any violation of the sovereignty and territorial integrity of a Member State is contrary to the Charter of the United Nations;

"2. Calls upon South Africa to fully respect the sovereignty and territorial integrity of Zambia;

"3. Further declares that in the event of South Africa violating the sovereignty or the territorial integrity of Zambia, the Security Council will meet again to examine the situation further in accordance with the relevant provisions of the Charter."

The President (Nicaragua) then put to the vote the revised draft resolution which was unanimously adopted.⁷⁸

After the vote the representative of the United States stated that his delegation believed it appropriate that the resolution reminded Member States that they should refrain in their relations from resorting to the threat or the use of force. All parties should take care that tensions were not exacerbated by unauthorized crossings of international frontiers by irregular forces or armed bands which were contrary to the Charter.

CASE 9.⁷⁹ COMPLAINTS BY SENEGAL: In connexion with the letter dated 27 November 1969⁸⁰ from the representative of Senegal and with the draft resolution submitted by Algeria, Nepal, Pakistan and Zambia: voted upon and adopted on 9 December 1969.

[Note: In the course of the discussion, it was maintained that acts of aggression had been committed against the territorial integrity of a Member State. The use of force, it was contended, was contrary to the principles of the Charter, in particular its Article 2. It was argued in reply that the alleged acts of aggression had not been such, but measures of self-defence.]

At the 1516th meeting on 4 December 1969, the representative of Senegal recounted the incident described in his letter of 27 November,⁸¹ and recalled previous Council resolutions⁸² in which Portugal was requested to take all effective and necessary action to prevent violations of Senegal's sovereignty and territorial integrity. The Security Council should adopt an effective resolution to condemn severely the Portuguese authorities and their acts of aggression.

⁷⁸ 1592nd meeting, para. 20. Adopted as resolution 300 (1971).

⁷⁹ For texts of relevant statements, see: 1516th meeting: Portugal,* paras. 101-135; Senegal, paras. 47-69; 1517th meeting: France, para. 11; 1518th meeting: Senegal, paras. 5-13; USSR, para. 114; 1520th meeting: Paraguay, para. 26; Portugal, paras. 9-19; Spain, para. 54; United States, para. 37.

⁸⁰ S/9513, OR, 24th yr., Suppl. for Oct.-Dec. 1969, p. 117.

⁸¹ See in chapter VIII, Complaints by Senegal, pp. 140-145.

⁸² Resolutions 178 (1963) and 204 (1965).

At the same meeting, the representative of Portugal* stated that the attacks had come in every case from Senegal and that Portugal had limited itself to actions strictly in conformity with the needs of self-defence. In the particular incident under consideration, Portugal did not exclude the possibility *a priori* that, following artillery attacks and raids coming from Senegal, Portugal's return fire might have produced results alleged by Senegal. If it had, it was incumbent on Senegal to contact Portugal to settle the question through investigation and conciliation under the terms of Article 33 of the Charter. On its part, Portugal was prepared to discuss the case with Senegal and, after a proper bilateral investigation, to compensate Senegal for any damage which might have occurred.

The representative of France stated that his delegation could not, whatever the reasons advanced by Portugal, approve of actions that were contrary to Article 2 of the Charter, which called upon Members of the Organization to "settle their international disputes by peaceful means" and "to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State".

At the 1518th meeting on 8 December 1969, the President (Zambia) informed⁸³ the Council that by a letter⁸⁴ dated 7 December, the representative of Senegal had requested an urgent meeting of the Council to consider a further complaint concerning the renewed shelling of Samine on that day which had resulted in further casualties and property damage. The letter was included⁸⁵ in the agenda along with the previous complaint.

At the same meeting, the representative of Senegal stated that the Security Council should condemn Portugal severely and without delay for its repeated acts of aggression.

At the same meeting, the representative of the USSR stated that the Council should warn Portugal that if further acts of aggression recurred, the Security Council would adopt further active measures in accordance with the Charter.

At the 1519th meeting on 8 December 1969, the representative of Pakistan introduced a draft resolution⁸⁶ jointly sponsored by Algeria, Nepal, Pakistan and Zambia, the relevant paragraphs of which, read:

"The Security Council,

". . .

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

"Concerned about the serious situation created by the shelling of the village of Samine in the southern region of Senegal from the Bégène base,

"Deeply concerned at the fact that incidents of this nature jeopardize international peace and security,

"Bearing in mind its resolution 178 (1963) of 24 April 1963 and 204 (1965) of 19 May 1965,

⁸³ 1518th meeting, para. 4.

⁸⁴ S/9541, OR, 24th yr., Suppl. for Oct.-Dec. 1969, p. 151.

⁸⁵ 1518th meeting, preceding para. 1.

⁸⁶ S/9542/Rev.1. Adopted without change as resolution 273 (1969).

"1. *Strongly condemns* the Portuguese colonial authorities for the shelling of the village of Samine, which (1) on 25 November 1969 caused one death and seriously wounded eight persons, struck a building of the Senegalese *gendarmérie* and completely destroyed two houses in the village of Samine, and (2) on 7 December 1969 caused five deaths and seriously wounded one woman;

"2. *Again calls upon* Portugal to desist forthwith from violating the sovereignty and territorial integrity of Senegal;

"3. *Declares* that in the event of failure by Portugal to comply with paragraph 2 of the present resolution, the Security Council will meet to consider other measures;

"4. *Decides* to remain seized of the question."

At the 1520th meeting on 9 December 1969, the President (Zambia) announced,⁸⁷ on behalf of the sponsors of the joint draft resolution that it had been revised⁸⁸ so as to make a minor amendment to the text. In paragraph 1 the word "colonial" after the word "Portuguese" had been deleted.

At the same meeting, the representative of Portugal* referred to Portugal's inalienable right of self-defence against armed attacks. Those attacks, which were contrary to the Charter could not be legitimized by any resolutions of the General Assembly or even of the Security Council. There was nothing in the Charter to justify a "double standard" in the interpretation of Article 51 so as to deny the right of self-defence to Portugal. He emphasized that Portugal had been admitted as a Member State with all its territories as defined in the Portuguese Constitution and it was not within the competence of the United Nations to question the territorial integrity of the Portuguese State. He reiterated his call for investigation *in loco* in order to discover the truth of the situation.

The representative of Paraguay stated that the bombings had occurred on Senegalese territory, the victims were Senegalese, the material damage was done to Senegalese property and the shells came from Portuguese Guinea. Those circumstances had proven the violation of the territorial integrity of Senegal. The principle of respect for the sovereignty and territorial integrity of States represented one of the corner-stones on which relations between States should be based.

The representative of the United States stated that his Government would have been more prepared to take a position on the merits of the case, if the Council had been in possession of some impartially verified account of the complaints.

The representative of Spain stated that his delegation had wished that the parties concerned would have sought a solution through such means as negotiation and investigation, in accordance with Articles 33 and 45 of the Charter, since Portugal was prepared to accept some degree of responsibility, had the facts been clearly determined, and to pay adequate reparations.

At the same meeting, the revised joint draft resolution was adopted⁸⁹ by 13 votes to none, with 2 abstentions.⁹⁰

⁸⁷ 1520th meeting, para. 3.

⁸⁸ S/9542/Rev.1. Adopted without change as resolution 273 (1969).

⁸⁹ 1520th meeting, para. 56.

⁹⁰ Resolution 273 (1969).

CASE 10.⁹¹ COMPLAINT BY SENEGAL: In connexion with the letter dated 6 July 1971⁹² from the representative of Senegal and with the joint draft resolution submitted by Burundi, Japan, Sierra Leone, Somalia, and the Syrian Arab Republic: voted upon and adopted on 15 July 1971.

[*Note:* It was maintained, during the debate, that the Security Council should take measures to protect the independence and territorial integrity of Senegal and it should use its investigative powers so that effective action might be undertaken to preserve peace in the area. The above-mentioned draft resolution made an implicit reference to Article 2, paragraph 4 of the Charter. The representative of Portugal, whose Government was accused of committing aggression against Senegal, rejected, by a letter dated 10 July 1969,⁹³ the Senegalese charges, expressed regret that Senegal had requested a meeting of the Council without first seeking to ascertain the truth of its charges through direct contact with Portugal and stated that Portugal had continued to suffer from aggressions that were due to facilities granted by Senegal to a subversive group organized in Senegalese territory.]

At the 1569th meeting on 12 July 1971, the representative of Senegal* stated that the latest acts of aggression by Portuguese forces added to a long list of violations of the territorial integrity of Senegal and were closely linked with Portuguese repression of the nationalist movements in Guinea (Bissau). Recalling Security Council resolution 273 (1969), whereby the Council declared that "in the event of failure by Portugal to comply with paragraph 2 of the present resolution, the Security Council will meet to consider other measures",⁹⁴ the representative of Senegal said that his Government, having exhausted all the procedures provided for under the Charter, was requesting the Security Council to take effective measures to implement its decisions and to fulfil its responsibility under the Charter to repress any acts of aggression.

The representative of Guinea* stated that the standing question, now before the Council was to know how the Council intended to redress and to put an end to what had been recognized as a manifest violation of the sovereignty and territorial integrity of Senegal neighbouring on the enclaves under Portuguese colonial domination.

At the 1570th meeting on 13 July 1971, the representative of the USSR stated that the Charter obliged all Members of the United Nations to refrain in their international relations from the threat or use of force, both against the territorial integrity and political independence of any State and by any other means incompatible with the purposes of the United Nations. By committing acts of aggression against Senegal, Portugal had violated not only those provisions of the Charter but also the Declaration on the Strengthening of International Security adopted by the General Assem-

⁹¹ For texts of relevant statements, see: 1569th meeting: Guinea,* para. 85; Senegal,* paras. 14-72; 1570th meeting: USSR, paras. 40, 43; 1572nd meeting: Italy, paras. 68, 70; Japan, paras. 8, 9; Somalia, paras. 26, 37; United Kingdom, para. 89; United States, paras. 76, 77, 79, 80.

⁹² S/10251, *OR*, 26th yr., *Suppl. for July-Sept. 1971*, p. 28.

⁹³ S/10255, *ibid.*, pp. 29-30.

⁹⁴ Resolution 273 (1969), para. 3. In its para. 2, the Security Council again called upon Portugal to desist forthwith from violating the sovereignty and territorial integrity of Senegal.

bly at its twenty-fifth session.⁹⁵ His delegation considered it essential that the Security Council should take immediate and resolute measures against Portugal which was violating the Charter and creating a serious threat to peace and security in Africa.

At the 1572nd meeting on 15 July 1971, the representative of Japan stressed that the first step the Security Council ought to take should be an inquiry into the facts. The mission, he added, should be given a broad mandate and should be able to conduct its business freely and independently, with the full co-operation of the authorities concerned.

At the same meeting, the representative of Somalia noted that Senegal had sought solutions to the dispute by negotiation and other peaceful means in accordance with the provisions of Article 33 of the United Nations Charter. The Security Council was now faced with the responsibility, which it could not shirk, of dealing with acts of aggression. Referring to the report⁹⁶ of the *Ad Hoc* Working Group of Experts of the Commission on Human Rights, he said that the Security Council should use to the full its investigative powers under Article 34 of the Charter so that effective measures to preserve peace in the region might be undertaken on a sound and informed basis. He then introduced a draft resolution⁹⁷ jointly sponsored by Burundi, Japan, Sierra Leone, Somalia and Syria. The relevant paragraphs of the joint draft resolution read as follows:

"The Security Council,

..."

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

"Conscious of its duty to take effective collective measures for the prevention and removal of threats to international peace and security and for the suppression of acts of aggression,

"Disturbed by the increasingly serious situation created by acts of violence perpetrated by the Portuguese armed forces against Senegal since the adoption of Security Council resolution 273 (1969) of 9 December 1969,

"Deeply distressed by the repeated laying of mines in Senegalese territory,

"Gravely concerned that incidents of this nature, by threatening the sovereignty and territorial integrity of Senegal, might endanger international peace and security,

"Bearing in mind its resolutions 178 (1963) of 24 April 1963, 204 (1965) of 19 May 1965 and 273 (1969) of 9 December 1969,

"Having taken note of the report of the Ad Hoc Working Group of Experts of the Commission on Human Rights concerning Portuguese acts of violence in Senegalese territory,

"Noting that Portugal has not complied with the provisions of paragraph 2 of resolution 273 (1969),"

⁹⁵ Resolution 2734 (XXV).

⁹⁶ E/CN.4/1050.

⁹⁷ S/10266, 1572nd meeting, para. 37. Adopted without change as resolution 294 (1971).

"1. Demands that the Government of Portugal should stop immediately any acts of violence and destruction in Senegalese territory and respect the sovereignty, territorial integrity and security of Senegal;

"2. Condemns the acts of violence and destruction perpetrated since 1963 by the Portuguese armed forces of Guinea (Bissau) against the population and villages of Senegal;

"3. Condemns the unlawful laying of anti-tank and anti-personnel mines in Senegalese territory;

"4. Requests the President of the Security Council and the Secretary-General to send to the spot, as a matter of urgency, a special mission of members of the Council assisted by their military experts to carry out an inquiry into the facts of which the Council has been informed, to examine the situation along the border between Guinea (Bissau) and Senegal and to report to the Council, making any recommendations aimed at guaranteeing peace and security in this region."

The representative of Italy stated that all States should refrain from the threat or use of force against the territorial integrity or political independence of any State. Consequently his delegation was prepared to support the draft resolution before the Council in its entirety, in spite of certain doubts it had concerning operative paragraph 2, inasmuch as that paragraph formulated a judgement based upon findings of a work-in group whose nomination and mandate had not emanated from the Security Council.

The representative of the United States stated that in the sixth preambular paragraph, which sought to express the deep distress of the Council over the repeated laying of mines in Senegalese territory, and in paragraphs 1 and 2, there were certain determinations of guilt before the special mission had embarked on its inquiry. Therefore, his Government, although it supported the proposal in paragraph 4 to send a special mission to the region, could not support the draft resolution as a whole. He requested a separate vote on paragraph 4.

At the same meeting, paragraph 4 of the joint draft resolution was put to the vote and was unanimously adopted.⁹⁸ The draft resolution as a whole was then adopted⁹⁹ by 13 votes to none with 2 abstentions.

After the vote, the representative of the United Kingdom explained that his delegation could not support the resolution because, in the absence of an investigation, paragraph 2 and some other parts of it went too far in condemning Portugal, which had denied responsibility for the incidents, and there was therefore still doubt as to what had really occurred.

CASE 11.¹⁰⁰ COMPLAINT BY GUINEA: In connexion with the letters dated 4 and 12 December 1969¹⁰¹ from the representative of Guinea and the joint draft resolution submitted by Algeria, Nepal, Pakistan, Senegal

⁹⁸ 1572nd meeting, para. 84.

⁹⁹ *Ibid.*, para. 85. Adopted as resolution 294 (1971).

¹⁰⁰ For texts of relevant statements, see: 1522nd meeting: Guinea,* paras. 7-39; Portugal,* paras. 44-90; 1523rd meeting: Madagascar,* para. 41; 1524th meeting: Portugal,* paras. 71-73; 1525th meeting: USSR, paras. 88-89; United Kingdom, para. 117; 1526th meeting: Spain, para. 5; United States, para. 8.

¹⁰¹ S/9528 and S/9554, *OR*, 24th yr., *Suppl. for Oct.-Dec. 1969*, p. 147 and pp. 155-157.

and Zambia: voted upon and adopted on 22 December 1969.

[*Note:* During the discussion it was maintained that a Member State should be protected by the United Nations against acts of aggression committed in violation of the provisions of the Charter. An implicit reference had been made to Article 2, paragraph 4, in the above-mentioned resolution. It was contended on the other hand that in view of the charges and counter-charges of aggression that had been exchanged, the Security Council should have investigated them in order to have an accurate evaluation of the events.]

At the 1522nd meeting on 15 December 1969, the representative of Guinea after reiterating the account of the incidents listed in his letter of 12 December and also referring to the continued detention by Portuguese authorities since March 1968 of a Guinean aircraft and its two crew members, he expressed his confidence that the Security Council would unanimously condemn Portugal for its occupation of Mozambique, Angola and Guinea (Bissau) and its acts of aggression against the Republic of Guinea. It would also ask Portugal to free immediately the Guinean nationals being detained, return the Guinean aircraft and motor barge, compensate the victims of its aggression and cease all acts of provocation on the frontiers of the Republic of Guinea.

At the same meeting, the representative of Portugal* stated that it was Portuguese Guinea that had been subjected to constant attacks coming from the Republic of Guinea. After citing a number of such incidents, he proposed that the Security Council investigate the charges made by both sides in order to determine the facts and to place the responsibility where it belonged.

At the 1523rd meeting on 17 December 1969, the representative of Madagascar* stated that the decision taken by the Security Council should take into account the fact that a Member State should be able to find, when having recourse to the Organization, the full safeguard of its sovereignty and territorial integrity when confronted with acts of aggression.

At the 1524th meeting on 18 December 1969, the representative of Portugal* further stated that, on the basis of the investigation conducted since the matter had been brought to the Council, his Government would reject as unfounded the charges of shelling incidents and air raids as alleged by the Government of Guinea. He emphasized that, whatever the allegations, any action taken by Portugal was always taken within its own territory and in the exercise of its right of self-defence.

At the 1525th meeting on 19 December 1969, the representative of Nepal introduced a draft resolution¹⁰² jointly sponsored by Algeria, Nepal, Pakistan, Senegal and Zambia.¹⁰³ The relevant paragraphs of the five-Power draft resolution read:

"The Security Council,

" . . .

"Mindful that no State should act in any manner inconsistent with the principles and purposes of the Charter of the United Nations.

"Gravely concerned with any and all such attacks by Portugal against independent African States,

"Grieved at the extensive damage caused by the Portuguese shelling of Guinean villages from positions in the Territory of Guinea (Bissau),

"1. *Deeply deplures* the loss of life and heavy damage to several Guinean villages inflicted by the Portuguese military authorities operating from bases in Guinea (Bissau);

"2. *Calls upon* Portugal to desist forthwith from violating the sovereignty and territorial integrity of the Republic of Guinea;

"3. *Calls upon* the Portuguese authorities in Guinea (Bissau) to immediately release the Guinean civilian plane which was captured on 26 March 1968 together with the pilots thereon;

"4. *Further calls upon* the Portuguese authorities in Guinea (Bissau) to immediately release the Guinean motor barge, *Patrice Lumumba*, which was captured on 27 August 1969 together with the passengers thereon;

"5. *Solemnly warns* Portugal that if such acts were to be repeated in future, the Council would have to seriously consider further steps to give effect to this decision."

The representative of the USSR stated that the Security Council should take the severest measures to halt the aggressive acts of Portugal against independent African States and to prevent a recurrence of such acts in the future. The Council should condemn Portugal for its armed attacks and other violations of the sovereignty and territorial integrity of Guinea.

The representative of the United Kingdom stated that it had been impossible, partly for reasons of time and distance, to establish all the facts. Consequently, it was not possible to form a conclusive judgement on all the matters raised.

At the 1526th meeting on 22 December 1969, the representative of Spain stated that the events which had occurred required investigation by the Council in accordance with the provisions of the Charter, particularly, under Articles 33 and 34, so that members of the Council might have objective information on which to judge the situation.

The representative of the United States stated that the joint draft resolution failed to take into account the conflicting claims presented by the representatives of Guinea and Portugal. The considerable gap between the time the incidents had reportedly taken place and the meeting of the Council, as well as the lack of any impartially confirmed evidence, made it difficult for his delegation to make an informed decision on the facts of the case.

The representative of France stated that the draft resolution related to incidents for the most part already old, the facts of which seemed neither clearly nor adequately established. The Council therefore should facilitate bilateral negotiations under Article 2 of the Charter, which made it an obligation of Member States to settle their disputes by peaceful means.

At the same meeting, the joint draft resolution was adopted¹⁰⁴ by 9 votes in favour, none against with 6 abstentions.

¹⁰² S/9574., adopted without change as resolution 275 (1969) of the Council.

¹⁰³ 1525th meeting, para. 48.

¹⁰⁴ 1526th meeting, para. 48. Adopted as resolution 275 (1969).

B. Article 2, paragraph 5, of the Charter

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

NOTE

During the period under review, no constitutional discussion arose in connexion with Article 2, paragraph 5, of the Charter. However, there was an incidental reference to its provisions, during the debates of the Security Council.¹⁰⁵

¹⁰⁵ For text of relevant statement, see, in connexion with situation in Namibia: 1585th meeting: Liberia, para. 16.

C. 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 was only one implicit reference to Article 2, paragraph 6, of the Charter.¹⁰⁶ There were explicit references to it in one resolution¹⁰⁷ adopted and in two draft resolutions¹⁰⁸ which were voted upon and were not adopted. It should also be noted that during the period under review, the Security Council adopted nine resolutions¹⁰⁹ and rejected two

¹⁰⁶ For texts of relevant statement, see, in connexion with the situation in Namibia: 1584th meeting: Guyana, para. 218.

¹⁰⁷ See, in connexion with the situation in Southern Rhodesia, resolution 277 (1970), paragraph 18.

¹⁰⁸ In connexion with the situation in Southern Rhodesia, see the United Kingdom draft resolution, para. 2, S/9676/Rev.1, 1530th meeting: para. 9; 1534th meeting: para. 172; and the joint draft resolution submitted by Burundi, Nepal, Sierra Leone, Syria and Zambia, oper. paras. 2, 6, 12, 13, S/9696. *OR*, 25th yr., *Suppl. for Jan.-March 1970*, pp. 160-161; 1534th meeting, para. 207.

¹⁰⁹ See, in connexion with the situation in Namibia, resolutions 264 (1969), para. 7; resolution 269 (1969); preambular para. 1 and para. 7; resolution 276 (1970); preambular

draft resolutions¹¹⁰ which might be said to bear upon Article 2, paragraph 6, inasmuch as they contained provisions addressed to "all States" and not merely to States Members of the United Nations. However, no constitutional discussion had taken place in the relevant debates.

para. 5 and para. 7; resolution 283 (1970), preambular para. 3 and paras. 1-8, 11, 13; resolution 284 (1970), preambular para. 2; resolution 301 (1971), paras. 5, 6 and 10. In connexion with the situation in Southern Rhodesia, resolution 288 (1970), preambular para. 2 and paras. 4 and 5. In connexion with the question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of South Africa, resolution 282 (1970), paras. 4 and 6. In connexion with the complaint by Guinea, resolution 290 (1970), para. 10.

¹¹⁰ In connexion with the situation in Southern Rhodesia, see the joint draft resolution submitted by Algeria, Nepal, Pakistan, Senegal and Zambia, paras. 3, 8, 9, S/9270/Rev.1, *OR*, 24th yr., *Suppl. for April-June 1969*, p. 338; 1481st meeting: para. 78. See also the joint draft resolution submitted by Burundi, Nepal, Sierra Leone, Syria and Zambia, oper. paras. 3, 4, S/9976, *OR*, 25th yr., *Suppl. for Oct.-Dec. 1970*, pp. 36-37. 1556th meeting, para. 212.

D. Article 2, paragraph 7, of the Charter

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

NOTE

The case history included in this section deals with the consideration in the Security Council of the subject of domestic jurisdiction. Objections were raised in the Council to the adoption of the provisional agenda on the grounds that the matter pertained to the internal affairs of state. Statements were made in favour of and against the applicability of Article 2, paragraph 7, of the case before the Council.

CASE 12.¹¹¹ SITUATION IN NORTHERN IRELAND: In connexion with the letter dated 17 August 1969¹¹² from the representative of Ireland and with the adop-

¹¹¹ For texts of relevant statements, see: 1503rd meeting: Finland, paras. 15-17; Ireland, paras. 23-42; USSR, para. 45; United Kingdom, paras. 2-14, 52, 53, 60, 61.

¹¹² S/9394, *OR*, 24th yr., *Suppl. for July-Sept. 1969*, p. 159.

tion by the Council of the provisional agenda (S/Agenda/1503) for the 1503rd meeting.

[*Note:* Before the adoption of the agenda, a discussion took place in the Council during which it was maintained that no provision of the Charter could be regarded as prevailing over Article 2, paragraph 7. It was maintained on the other hand that since the situation brought to the attention of the Security Council could lead to international friction, it was appropriate for the Council to consider it under Article 35 of the Charter.]¹¹³

At the 1503rd meeting on 20 August 1969, the representative of the United Kingdom, referring to the adoption of the agenda, stated that the principle of domestic jurisdiction set out in Article 2, paragraph 7

¹¹³ See in chapter III, Case 10.

of the Charter was fundamental. If this principle were breached or eroded, the consequences would be most serious for the United Nations. No State could accept interference in its domestic affairs. It was the duty of the Council not to flout but to support the principle of domestic jurisdiction by opposing the inscription of this item on the agenda. He noted that Northern Ireland had long been an integral part of the United Kingdom and accordingly, events taking place in that area were an internal matter for the United Kingdom Government. The United Kingdom was accordingly taking action to restore and maintain order as the competent authority in that respect. Turning to the request for a dispatch of a United Nations peace-keeping force, contained in the letter from the representative of Ireland, the representative of the United Kingdom stated that that was unnecessary and inappropriate and added that United Nations intervention against the wishes of the United Kingdom Government would be again in violation of Article 2, paragraph 7, of the Charter.

Then he added:

"The letter from the Foreign Minister seeks to raise the question under Article 35 of the Charter, but we cannot accept that there are grounds or right to do so. In any event, Article 2(7) is clearly overriding. Neither Article 35 nor any other article can possibly be regarded as prevailing over the specific provisions of Article 2(7)."

The representative of Finland stated that it would be a matter of courtesy to let the Minister of Foreign Affairs of Ireland address the Security Council which in no way would prejudice the question raised by the representative of the United Kingdom, and it could be done in a way that it would not constitute a precedent. Consequently, he proposed that the Security Council, before taking a decision on its agenda, invite the Minister for External Affairs of Ireland to make a statement to the Council in explanation of his Government's request for the meeting of the Security Council.

The representative of the United Kingdom stated as a matter of courtesy to the Foreign Minister of Ireland, he would not object to the proposal of the representative of Finland.

The President (Spain) stated that there being no objection to the proposal made by the representative of Finland, he took it that the Security Council, before deciding on the adoption of the agenda, invited the Minister for Foreign Affairs of Ireland to make a statement to the Council in explanation of the request in document S/9394.¹¹⁴

The Minister for External Affairs of Ireland,* after taking exception to the argument that the situation in Northern Ireland fell exclusively within the domestic jurisdiction of the United Kingdom, stated that the present situation in the Six Counties of Northern Ireland had its origins in the partition of Ireland, a unilateral act on the part of the United Kingdom Government which had never been conceded to by the Government of Ireland whose declared policy was to bring about reunification by peaceful means. The persistent denial by the United Kingdom Government of their civil rights to a large part of the population of Northern Ireland had culminated in the present crisis. It was the position of the delegation of Ireland* that

while that aspect of the matter alone would be sufficient to justify the request for a Council meeting, another consideration as to why the Council should deal with this question was that the grave situation in Northern Ireland could become aggravated to a degree which would affect relations between Great Britain and Ireland. He also stated that in other instances Article 2, paragraph 7, had not been applied in the rigid manner suggested by the representative of the United Kingdom. Thus the United Nations was accustomed, and rightly so in the view of his delegation, to discuss year after year the question of *apartheid* in South Africa, even though the Government of South Africa maintained that that was not a proper subject for discussion, by virtue of Article 2(7). There was no doubt that the situation in Northern Ireland was grave and could affect relations between Great Britain and Ireland. The current crisis had been brought about by the decision of the Government of the Six Counties to allow the holding of a provocative parade by a Protestant sectarian organization at Derry, despite the warnings of his Government about the dangers involved. The disturbances at Derry had quickly spread to other towns in the area and had led to the loss of life, the destruction of property and the virtual collapse of law and order. The calling of British troops had been a confession of the inability of the Government of the Six Counties to maintain law and order impartially through its police force. There was need, he stressed, for an impartial peace-keeping force, inasmuch as the use of British troops constituted a basic factor in the perpetuation of partition. The Council must consider also that the tension created by these events might spread beyond the area itself and lead to friction between two neighbouring Member States. He further stated that the persistent denial of their civil rights to a large part of the population of the Six Counties which had been the immediate cause of the protests, would be sufficient to justify the consideration of the matter by the Council. The United Kingdom could not maintain that such a course would be in conflict with the Charter since the Foreign Minister of the United Kingdom addressing the General Assembly stated that "Article 56 of the Charter makes it clear that no country can say that the human rights of its citizens are an exclusively domestic matter. A country that denies its citizens the basic human rights is by virtue of Article 56 in breach of an international obligations". (*Official Records of the General Assembly, Twenty-third session, Plenary Meetings, 1693rd meeting, paragraph 109.*)

The representative of the USSR, supporting the request by Ireland for convening the Council, stated that the facts had shown that the policy of the United Kingdom towards Northern Ireland was designed to maintain that country in an unequal position. The United Kingdom authorities were encouraging the division of the population on religious lines. The right to form a government and establish other organs of authority had been granted to the Protestants only; and the civil rights of the overwhelming mass of the population had been curtailed.

The representative of the United Kingdom observed that while it was true that the Irish Republic in its Constitution stated that the national territory consisted of the whole island of Ireland, had over the years recognized the fact of partition and had accepted its consequences. Consequently, he said, there was no

¹¹⁴ 1503rd meeting, para. 20.

justification for the contention that that was an international question. He added that regarding human rights his Government was determined to achieve equality. The principle of equality of treatment and freedom from discrimination was publicly confirmed.

After the representative of Zambia proposed that the meeting be adjourned,¹¹⁵ the Council decided to do so without any objection.¹¹⁶

¹¹⁵ 1503rd meeting, para. 68.

¹¹⁶ *Ibid.*, paras. 69-70.

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, together with Article 25, was the subject of a constitutional discussion in the Security Council. However, since the relevant case history was dealt with in another chapter of this *Supplement*,¹¹⁷ no entry of it has been made in this section in order to avoid repetition. Arti-

¹¹⁷ See in chapter VI, part IV, Case 7.

cle 24 has not been invoked in the text of any draft resolution submitted to the Council nor in any of the resolutions adopted by it. Explicit references to Article 24 have been made on three other occasions on which no constitutional discussion occurred.¹¹⁸

¹¹⁸ For relevant statements, see, in connexion with the situation in the Middle East: 1485th meeting: Pakistan, para. 184; 1541st meeting: Spain, para. 31. In connexion with the complaints by Zambia: 1590th meeting: Sierra Leone, para. 124.

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, four resolutions¹¹⁹ were adopted by the Security Council in which Article 25 of the Charter was explicitly invoked. Article 25 was also explicitly invoked in three draft resolutions¹²⁰ which were submitted to the Council, voted upon and not adopted. There were also explicit references to the binding nature of Article 25 in the course of the debates in the Security Council either in connexion with the adoption of new measures, or the failure of states

¹¹⁹ See, in connexion with the situation in Namibia, resolution 269 (1969), preambular para. 3; in connexion with the situation in Southern Rhodesia, resolutions 277 (1970), preambular para. 4(b) and 288 (1970), preambular para. 2 and para. 4; in connexion with the complaint by Guinea, resolution 290 (1970), para. 9.

¹²⁰ In connexion with the situation in Southern Rhodesia, see the draft resolution submitted by Algeria, Nepal, Pakistan, Senegal and Zambia, S/9270/Rev.1, preambular para. 6, *OR*, 24th yr., *Suppl. for Apr.-June 1969*, p. 338; draft resolution S/9696, preambular para. 5, *OR*, 25th yr., *Suppl. for Jan.-March 1970*, pp. 160-161; draft resolution submitted by Burundi, Nepal, Sierra Leone and Zambia, S/9976, preambular para. 3 and para. 3, *OR*, 25th yr., *Suppl. for Oct.-Dec. 1970*, pp. 36-37.

to abide by the decisions previously taken by the Council.¹²¹ But in one instance only has the Security Council engaged in a constitutional discussion having a bearing on Article 25. However, in view of the special nature of that constitutional discussion, the case was treated in another chapter of this *Supplement*. In order to avoid repetition no entry of such case has been made in this section.¹²²

¹²¹ For relevant statements, see, in connexion with the situation in Southern Rhodesia: 1476th meeting: Nepal, para. 20; 1478th meeting: Algeria, para. 78; 1531st meeting: Zambia, para. 15; 1532nd meeting: USSR, para. 7; 1533rd meeting: Pakistan,* para. 7; 1556th meeting: Nepal, para. 78; Poland, para. 179. In connexion with the situation in the Middle East: 1484th meeting: Indonesia,* para. 168; 1512th meeting: USSR, para. 37; 1538th meeting: Syria, para. 117. In connexion with the situation in Namibia: 1493rd meeting: Algeria, para. 18; India,* para. 72; 1528th meeting: Turkey,* para. 14; USSR, para. 103; 1529th meeting: India,* para. 78; Poland, para. 13. In connexion with the complaints by Guinea: 1525th meeting: Hungary, para. 27; 1563rd meeting: United Kingdom, para. 145. In connexion with the question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Republic of South Africa: 1548th meeting, para. 16.

¹²² See in chapter VI, part IV, Case 7.

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 representatives on the Council, but have not been included in the provisional agenda.

****A. Communications from the Secretary-General of the Organization of African Unity**

B. Communications from the Secretary-General of the Organization of American States

- (i) Dated 4 July 1969: transmitting the text of a resolution adopted on the same date by the Council of the OAS on the situation of the relations between El Salvador and Honduras.¹²³
- (ii) Dated 14 July 1969: transmitting the text of a resolution adopted on the same date by the Council of the OAS.¹²⁴
- (iii) Dated 15 July 1969: transmitting the text of a resolution adopted on the same date by

the Council of the OAS, acting provisionally as Organ of Consultation, calling upon El Salvador and Honduras to suspend hostilities.¹²⁵

- (iv) Dated 17 July 1969: informing that the Committee established by the OAS resolution of 14 July 1969 was in the area of the events pursuant to its terms of reference.¹²⁶
- (v) Dated 18 July 1969: transmitting the texts of four resolutions adopted on the same date by the OAS Council, acting provisionally as Organ of Consultation.¹²⁷
- (vi) Dated 25 July 1969: transmitting the text of a resolution by which the OAS Council reiterated its decision regarding suspension of hostilities between El Salvador and Honduras.¹²⁸
- (vii) Dated 30 July 1969: transmitting the text of three resolutions adopted on the same date by the Thirteenth Meeting of Consultation of Ministers of Foreign Affairs.¹²⁹

¹²⁵ S/9334, *Ibid.*, p. 128.

¹²⁶ S/9338, *Ibid.*, p. 130.

¹²⁷ S/9342, *Ibid.*, p. 131.

¹²⁸ S/9361, *Ibid.*, p. 138.

¹²⁹ S/9370, *Ibid.*, p. 144.

¹²³ S/9317, *OR*, 24th yr., *Suppl. for July-Sept. 1969*, p. 105.

¹²⁴ S/9328, *Ibid.*, p. 125.

- (viii) Dated 27 October 1969: transmitting the text of seven resolutions adopted on the same date by the Thirteenth Meeting of Consultation of Ministers of Foreign Affairs.¹³⁰
- (ix) Dated 19 June 1970: transmitting the text of a resolution adopted on 9 June 1970 by the Meeting of Consultation of Ministers of Foreign Affairs of Central America.¹³¹
- C. *Communications from States parties to disputes or situations*
- (i) Dated 27 June 1969: El Salvador, informing that it had severed diplomatic relations with Honduras.¹³²
- (ii) Dated 2 July 1969: El Salvador, transmitting the text of a letter dated 1 July 1969 to the Secretary-General of the OAS denying the charges made by Honduras and denouncing the outrages committed against Salvadorians living in Honduras.¹³³
- (iii) Dated 3 July 1969: El Salvador, informing that on that day Honduras aircraft had violated El Salvador's air space and had machine-gunned Salvadorian guard posts.¹³⁴
- (iv) Dated 4 July 1969: Honduras, informing that after a series of unfortunate incidents had disturbed the relations between El Salvador and Honduras and that the Governments of both countries had asked the OAS for the assistance of the Inter-American Commission on Human Rights.¹³⁵
- (v) Dated 15 July 1969: Honduras, informing of incidents on the frontier with El Salvador and the acts of legitimate self-defence adopted by the Government of Honduras.¹³⁶
- (vi) Dated 15 July 1969: El Salvador, stating that it was obliged, in view of the repeated aggression by Honduras, to take legitimate measures of self-defence while steps were taken by the competent organs of the Inter-American system and, possibly of the United Nations, to put an end to the Honduran aggression.¹³⁷
- (vii) Dated 16 July 1969: Honduras, stating that it had been obliged to appeal to the OAS to end the military operations and settle by peaceful means the differences between El Salvador and Honduras.¹³⁸
- (viii) Dated 24 July 1969: El Salvador, transmitting a communication sent on 18 July 1969 to the OAS accepting the OAS cease-fire order.¹³⁹
- (ix) Dated 26 July 1969: Honduras, charging El Salvador with committing violations of human rights against the civilian population of Honduran occupied territory.¹⁴⁰
- (x) Dated 2 August 1969: El Salvador, transmitting the text of a cable to the Inter-American Commission on Human Rights rejecting the Honduran charges.¹⁴¹
- (xi) Dated 5 August 1969: El Salvador, reply to the Secretary-General's appeal of 15 July 1969 (S/9332) and expressing appreciation for the Secretary-General's call and expressing gratification that the Meeting of Consultation of OAS Ministers of Foreign Affairs had adopted resolutions aimed at a peaceful solution of the conflict.¹⁴²

****D. Communications from other States concerning matters before regional organizations**

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.¹⁴³

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.

¹³⁷ S/9330/Corr.1, *Ibid.*, p. 126.

¹³⁸ S/9336, *Ibid.*, p. 129.

¹³⁹ S/9358, *Ibid.*, p. 136.

¹⁴⁰ S/9362, *Ibid.*, p. 140.

¹⁴¹ S/9377, *Ibid.*, p. 149.

¹⁴² S/9378, *Ibid.*, p. 149.

¹⁴³ See Report of the Security Council to the General Assembly, 1968-1969, GAOR, 24th Session, Suppl. No. 2, pp. 109-110; Report of the Security Council to the General Assembly, 1969-1970, GAOR, 25th Session, Suppl. No. 2, pp. 106-107.

¹³⁰ S/9490, OR, 24th yr., Suppl. for Oct.-Dec. 1969, p. 97.

¹³¹ S/9860, OR, 25th yr., Suppl. for July-Sept. 1970, p. 76.

¹³² S/9291, OR, 24th yr., Suppl. for Apr.-June 1969, p. 348.

¹³³ S/9315, OR, 24th yr., Suppl. for July-Sept. 1969, p. 103.

¹³⁴ S/9314, *Ibid.*, p. 102.

¹³⁵ S/9318, *Ibid.*, p. 105.

¹³⁶ S/9329, *Ibid.*, p. 125.

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**