

ARTICLE 25

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ARTICLE 25

TEXT OF 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.

INTRODUCTORY NOTE

1. The present study has been organized in the same way as the study of Article 25 in Supplement No. 3. A distinction has therefore been made between those cases in which the Security Council, in demanding acceptance of, and compliance with, its decisions, made explicit references to Article 25 and those cases in which it did not do so, but recalled or reaffirmed previous decisions, called on the Member States concerned to comply with them or censured non-compliance. As in the previous study, no constitutional significance should be attached to the use of the two categories into which the cases have been divided.

I. GENERAL SURVEY

2. During the period under review, Article 25 was explicitly invoked in two resolutions, as well as in one draft resolution which was rejected by the Security Council, and in three draft resolutions which were not voted upon. The two resolutions dealt with the implementation of earlier decisions taken by the Council in connexion with the situation in Southern Rhodesia¹ and the situation in Namibia.² The draft resolution that was not adopted dealt with the situation in Southern Rhodesia.³ Of the three draft resolutions that were not voted upon, one dealt with the question of South West Africa⁴ and two with the situation in Southern Rhodesia.⁵

3. Compliance with Security Council resolutions was the subject of constitutional discussions during consideration of the following items: the situation in Southern Rhodesia,⁶ the Palestine question,⁷ the situation in the Middle East,⁸ the question of South West Africa⁹ and the situation in Namibia.¹⁰ In some of those cases, specific references to Article 25 were made while in others there were frequent references to the necessity of complying with Council decisions. All those cases are treated in the Analytical

Summary of Practice.

4. The Security Council also adopted a number of resolutions in connexion with the Cyprus question which, in addition to references to previous resolutions, also contained calls for compliance with them or reaffirmed earlier decisions.¹¹ However, there was no constitutional discussion bearing on Article 25 during the Council's deliberations on the subject.

5. The Council also adopted two resolutions on the situation in the Democratic Republic of the Congo; one reaffirmed a previous resolution¹² while the other reaffirmed a previous resolution and condemned non-compliance therewith.¹³ There was no constitutional discussion bearing on Article 25.

6. During the period under review, the General Assembly, at its twenty-fourth session, adopted resolution 2517 (XXIV) on the question of Namibia in which it explicitly invoked Article 25.¹⁴ The General Assembly also adopted resolutions 2202A (XXI)¹⁵ and 2506B (XXIV)¹⁶ on the

¹ See paras. 9-22 below.

² See paras. 22-27 below.

³ See paras. 16-21 below.

⁴ See paras. 142-147 below.

⁵ See paras. 9-15 below.

⁶ See paras. 9-21 below.

⁷ See paras. 28-33 below.

⁸ See paras. 34-141 below.

⁹ See paras. 142-147 below.

¹⁰ See paras. 22-27 and 148-153 below.

¹¹ S C resolution 231 (1966), paras. 1 and 2; S C resolution 238 (1967), paras. 1 and 2; consensus adopted by the Security Council at its 1383rd meeting, on 24-25 November 1967; S C resolution 244 (1967), paras. 1 and 5; S C resolution 247 (1968), paras. 1 and 2; S C resolution 254 (1968), paras. 1 and 2; S C resolution 261 (1968), paras. 1 and 2; S C resolution 266 (1969), paras. 1 and 2; S C resolution 274 (1969), paras. 1 and 2.

¹² S C resolution 239 (1967), para. 1.

¹³ S C resolution 241 (1967), 5th preamb. para. and para. 2.

¹⁴ G A resolution 2517 (XXIV), 6th preamb. para.

¹⁵ G A resolution 2202A (XXI), para. 5(a).

¹⁶ G A resolution 2506B (XXIV), para. 6.

policies of *apartheid* of the Government of the Republic of South Africa as well as resolution 2498 (XIV) on the question of Namibia which contained implicit references to Article 25.

7. Incidental references, both explicit and implicit, were made to Article 25 in the General Assembly during consideration of the following items: the policies of *apartheid* of the Government of the Republic of South Africa;¹⁷ comprehensive review of the whole question of peace-keeping

¹⁷ G A (XXI), Spec. Pol. Com., 530th mtg.: Nepal, para. 1; 535th mtg.: Ethiopia, para. 33; Turkey, para. 25; 536th mtg.: Congo (Democratic Republic of), para. 27; Liberia, para. 36; 538th mtg.: Ghana, para. 14; Israel, para. 16; Jordan, para. 7; Sierra Leone, para. 56; 539th mtg.: Togo, para. 27; Yugoslavia, para. 36; 540th mtg.: Albania, para. 41; Romania, para. 17; 541st mtg.: Guinea, para. 24; G A (XXIII), Spec. Pol. Com., 600th mtg.: Ecuador, para. 20, 605th mtg.: Somalia, para. 27; USSR, para. 16; G A (XXIV), Spec. Pol. Com., 645th mtg.: Nigeria, para. 2; 654th mtg.: Norway, para. 50.

operations in all their aspects;¹⁸ the question of South West Africa;¹⁹ the strengthening of international security²⁰ and the question of Namibia.²¹

8. An implicit reference to Article 25 was contained in the text of a draft appeal to all States of the world, attached to the letter of submission requesting the inclusion in the agenda of the General Assembly of the item entitled "Strengthening of international security".²²

¹⁸ G A (S-V) Plen., 1519th mtg.: Saudi Arabia, para. 55.

¹⁹ G A (XXII) Plen., 1646th mtg.: Ghana, para. 14; 1651st mtg.: Nigeria, para. 56, 1661st mtg.: Ukrainian SSR, para. 25.

²⁰ G A (XXIV), 1st Com., 1654th mtg.: Hungary, para. 88; 1655th mtg.: Iraq, para. 37; 1656th mtg.: Ukrainian SSR, para. 28; 1657th mtg.: United Arab Republic, para. 77; 1662nd mtg.: Uganda, paras. 89 and 98; 1664th mtg.: Byelorussian SSR, para. 54; Pakistan, para. 132; 1665th mtg.: Congo (Brazzaville), para. 94; Syria, para. 64.

²¹ G A (XXIV) Plen., 1819th mtg.: Southern Yemen, para. 45.

²² G A (XXIV), Annexes, a.i. 103, A/7654 and A/7903.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Modalities for obtaining acceptance and implementation of Security Council decisions

1. INVOCATION OF ARTICLE 25

a. Decisions of 29 May 1968 and 24 June 1969 in connexion with the situation in Southern Rhodesia

(i) Decision of 29 May 1968

9. At its 1399th to 1428th meetings, held between 19 March and 29 May 1968, the Security Council considered the situation in Southern Rhodesia,²³ at the request of the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Democratic Republic of the Congo, Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia. In the letter of submission²⁴ it was stated that, since the selective mandatory sanctions adopted in resolution 232 (1966) of 16 December 1966 had failed, it was urgently incumbent upon the Council to examine the continuing grave situation which still constituted a threat to international peace and security and to envisage the necessary measures and action under Chapter VII of the Charter with a view to enabling the people of Southern Rhodesia (Zimbabwe) to exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV).

²³ For the texts of the statements referred to in paras. 9-15, see S C, 23rd yr., 1399th mtg.: Algeria, paras. 9 *et seq.*; Ethiopia, paras. 92-107; United Kingdom, paras. 42 *et seq.*; 1400th mtg.: Canada, paras. 28 and 29; Denmark, paras. 60 and 61; India, paras. 12 and 15, Jamaica, paras. 49, 51 and 54; USSR, paras. 99, 102 and 108; United States, paras. 68, 71 and 73; 1408th mtg.: Brazil, paras. 55 and 56; China, paras. 77 and 78; Hungary, para. 8; Pakistan, para. 66; Paraguay, para. 82; Senegal, para. 95; Zambia, para. 48; 1415th mtg.: United Kingdom, para. 17.

²⁴ S C, 23rd yr., Suppl. for Jan.-March, pp. 258 and 259, S/8454.

10. During the debate in the Council the African representatives stressed that the situation in Southern Rhodesia was fast becoming a threat to international peace and security and that unfortunately the selective economic sanctions imposed by the Security Council on 16 December 1966²⁵ had proved ineffective, that they had not been fully complied with by all States and that the Governments of Portugal and South Africa had completely disregarded the Council's decision.²⁶

11. Several representatives maintained that resolution 232 (1966) had been adopted under Chapter VII of the Charter, so that Article 25 clearly applied. They further maintained that there should be comprehensive mandatory economic sanctions, coupled with a warning that all States Members of the Organization would be bound to comply with such sanctions in terms of their obligations under Article 25 of the Charter. Such action was necessary in particular because two Member States, which were in close alliance with the Government of Southern Rhodesia, had openly declared their intention to continue to help that régime. The representatives also noted that selective sanctions had failed; they urged that total and mandatory economic sanctions should be imposed and that the use of force to overthrow the illegal régime of Southern Rhodesia should not be excluded.²⁷

12. At the 1413th meeting a draft resolution²⁸ was submitted by the representatives of Algeria, Ethiopia, India, Pakistan and Senegal, the relevant paragraphs of which read:

"The Security Council,

"Recalling and reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November

²⁵ S C resolution 232 (1966).

²⁶ S C, 23rd yr., 1399th mtg.: Algeria, paras. 19 and 26; Ethiopia, paras. 77, 80 and 90; 1408th mtg.: Zambia, para. 50; 1413th mtg.: Ethiopia, paras. 14 and 15.

²⁷ S C, 23rd yr., 1399th mtg.: Ethiopia, paras. 106-108.

²⁸ S C, 23rd yr., Suppl. for April-June, pp. 120-121, S/8545.

1965, 221 (1966) of 9 April 1966, and 232 (1966) of 16 December 1966,

“*Reaffirming in particular* its resolution 232 (1966) in which it determined that the situation in Southern Rhodesia constitutes a threat to international peace and security,

“ . . .

“*Gravely concerned* that the measures so far taken have failed to resolve the situation in Southern Rhodesia,

“*Gravely concerned further* that the measures taken by the Security Council have not been fully complied with by all States,

“*Noting* that the Governments of the Republic of South Africa and Portugal, in particular, in contravention of their obligation under Article 25 of the Charter of the United Nations have not only carried on trade with the illegal racist minority régime of Southern Rhodesia contrary to the terms of Security Council resolution 232 (1966), but have in fact given active assistance to that régime enabling it to counter the effects of the measures decided upon by the Security Council,

“*Acting* under Chapter VII of the Charter of the United Nations,

“ . . .

“1. *Calls upon* the Government of the United Kingdom to take immediately all requisite measures to stop the execution of political prisoners in Southern Rhodesia;

“2. *Calls upon* all States to sever immediately all economic and other relations with the illegal racist minority régime in Southern Rhodesia;

“3. *Calls upon* all States to carry out this decision of the Security Council in accordance with their obligations under the Charter of the United Nations;

“4. *Censures* the Governments of Portugal and South Africa for their assistance to the illegal racist minority régime in defiance of the resolution of the Security Council;

“5. *Decides* to take resolute and effective action in accordance with the relevant provisions of the Charter against the Governments of South Africa and Portugal in the event that they persist in defying the decisions of the Security Council;

“6. *Calls upon* Member States, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the present resolution;

“7. *Requests* all States to report to the Secretary-General on the measures taken to implement the present resolution;

“8. *Requests* the Secretary-General to report to the Security Council on the progress of the implementation of this resolution.”

13. At the 1415th meeting, the representative of the United Kingdom submitted another draft resolution²⁹ which provided for a number of measures against Southern Rhodesia, including a ban, with a few exceptions, on all imports from, and a total ban on all exports to, Southern Rhodesia. Specific reference was made to Article 25 in operative paragraph 7 of the draft resolution.

14. At the 1418th meeting, the President announced that an agreed draft resolution had been submitted.³⁰ The relevant paragraphs read as follows:

“*The Security Council,*

“*Recalling and reaffirming* its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, and 232 (1966) of 16 December 1966,

“ . . .

“*Noting with great concern* that the measures taken so far have failed to bring the rebellion in Southern Rhodesia to an end,

“*Reaffirming* that, to the extent not superseded in this resolution, the measures provided for in resolutions 217 (1965) of 20 November 1965, and 232 (1966) of 16 December 1966, as well as those initiated by Member States in implementation of those resolutions, shall continue in effect,

“*Gravely concerned* that the measures taken by the Security Council have not been complied with by all States and that some States, contrary to resolution 232 (1966) of the Security Council and to their obligations under Article 25 of the Charter, have failed to prevent trade with the illegal régime in Southern Rhodesia,

“ . . .

“*Affirming* the primary responsibility of the Government of the United Kingdom to enable the people of Southern Rhodesia to achieve self-determination and independence, and in particular their responsibility for dealing with the prevailing situation,

“ . . .

“*Reaffirming* its determination that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

“*Acting* under Chapter VII of the United Nations Charter,

“1. *Condemns* all measures of political repression, including arrests, detentions, trials and executions which violate fundamental freedoms and rights of the people of Southern Rhodesia, and calls upon the Government of the United Kingdom to take all possible measures to put an end to such actions;

“2. *Calls upon* the United Kingdom as the administering Power in the discharge of its responsibility to take urgently all effective measures to bring to an end the rebellion in Southern Rhodesia, and enable the people to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV);

“3. *Decides* that, in furtherance of the objective of ending the rebellion, all States Members of the United

²⁹ S C, 23rd yr., Suppl. for April-June, pp. 133-136, S/8554.

³⁰ S C, 23rd yr., 1428th mtg., para 42, S/8601.

Nations shall prevent:

“(a) The import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products are for consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored);

“(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export of any commodities or products from Southern Rhodesia; and any dealings by their nationals or in their territories in any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

“(c) The shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution;

“(d) The sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories, but not including supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material and, in special humanitarian circumstances, foodstuffs) to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

“(e) The shipment in vessels or aircraft of their registration, or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which are consigned to any person or body in Southern Rhodesia, or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia;

“4. *Decides* that all States Members of the United Nations shall not make available to the illegal régime in Southern Rhodesia or to any commercial, industrial or public utility undertaking, including tourist enterprises, in Southern Rhodesia any funds for investment or any other financial or economic resources and shall prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia except payments exclusively for pensions or for strictly medical, humanitarian or educational purposes or for the provision of news material and, in special humanitarian circumstances, foodstuffs;

“5. *Decides* that all States Members of the United Nations shall:

“(a) Prevent the entry into their territories, save on

exceptional humanitarian grounds, of any person travelling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal régime in Southern Rhodesia; and

“(b) Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have reason to believe to have furthered or encouraged, or to be likely to further or encourage, the unlawful actions of the illegal régime in Southern Rhodesia or any activities which are calculated to evade any measure decided upon in this resolution or resolution 232 (1966) of 16 December 1966;

“6. *Decides* that all States Members of the United Nations shall prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with any airline company constituted or aircraft registered in Southern Rhodesia;

“7. *Decides* that all States Members of the United Nations shall give effect to the decisions set out in operative paragraphs 3, 4, 5 and 6 of this resolution notwithstanding any contract entered into or licence granted before the date of this resolution;

“8. *Calls upon* all States Members of the United Nations or of the specialized agencies to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encouraging emigration to Southern Rhodesia, with a view to stopping such emigration;

“9. *Requests* all States Members of the United Nations or of the specialized agencies to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Article;

“10. *Emphasizes* the need for the withdrawal of all consular and trade representation in Southern Rhodesia, in addition to the provisions of operative paragraph 6 of resolution 217 (1965);

“11. *Calls upon* all States Members of the United Nations to carry out these decisions of the Security Council in accordance with Article 25 of the United Nations Charter and reminds them that failure or refusal by any one of them to do so would constitute a violation of that Article;

“12. *Deplores* the attitude of States that have not complied with their obligations under Article 25 of the Charter, and censures in particular those States which have persisted in trading with the illegal régime in defiance of the resolutions of the Security Council, and which have given active assistance to the régime;

“13. *Urges* all States Members of the United Nations to render moral and material assistance to the people of Southern Rhodesia in their struggle to achieve their freedom and independence;

“14. *Urges*, having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of the present resolution;

“15. *Requests* States Members of the United Nations, the United Nations Organization, the specialized

agencies, and other international organizations in the United Nations system to extend assistance to Zambia as a matter of priority with a view to helping her solve such special economic problems as she may be confronted with arising from the carrying out of these decisions of the Security Council;

“16. *Calls upon* all States Members of the United Nations, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the present resolution;

“18. *Calls upon* all States Members of the United Nations or of the specialized agencies to report to the Secretary-General by 1 August 1968 on measures taken to implement the present resolution;

“19. *Requests* the Secretary-General to report to the Security Council on the progress of the implementation of this resolution, the first report to be made not later than 1 September 1968;

“20. *Decides* to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a committee of the Security Council to undertake the following tasks and to report to it with its observations:

“(a) To examine such reports on the implementation of the present resolution as are submitted by the Secretary-General;

“(b) To seek from any State Member of the United Nations or of the specialized agencies such further information regarding the trade of that State (including information regarding the commodities and products exempted from the prohibition contained in operative paragraph 3 (d) above) or regarding any activities by any nationals of that State or in its territories that may constitute an evasion of the measures decided upon in this resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council;

“21. *Requests* the United Kingdom, as the administering Power, to give maximum assistance to the committee, and to provide the committee with any information which it may receive in order that the measures envisaged in this resolution and resolution 232 (1966) may be rendered fully effective;

“22. *Calls upon* all States Members of the United Nations, or of the specialized agencies, as well as the specialized agencies themselves, to supply such further information as may be sought by the Committee in pursuance of this resolution.”

15. At the same meeting the representative of the USSR submitted an amendment³¹ to operative paragraph 15 of the draft resolution to the effect that the material losses that might be inflicted on Zambia in connexion with the implementation of the decision of the Security Council should be compensated by those States which had failed to take the necessary measures to put an end to the illegal racist régime in Southern Rhodesia.

Decision

At the 1428th meeting, on 29 May 1968, following the

rejection of the USSR amendment, the Council adopted the draft resolution unanimously³² as resolution 253 (1968).

(ii) Decision of 24 June 1969

16. At its 1475th to 1481st meetings, held between 13 and 24 June 1969,³³ the Security Council considered the situation in Southern Rhodesia. The request for the meeting was made on 6 June 1969³⁴ by the representatives of Afghanistan, Algeria, Botswana, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Laos, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Swaziland, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia. The letter of submission stated that, because of the lack of co-operation on the part of several Member States, notably South Africa and Portugal, the comprehensive mandatory sanctions imposed by Security Council resolution 253 (1968) of 29 May 1968 had failed to bring about the desired result. The illegal racist minority régime continued to strengthen its authority over the Territory and its population and was contemplating new measures designed to formalize the system of *apartheid* already in operation in the territory. The rapid deterioration in the situation and the refusal of the United Kingdom to act in an appropriate manner—namely, to resort to the use of force—had created a serious situation which constituted an increasing threat to international peace and security. The sixty States Members requested the Council to take more energetic measures within the framework of Chapter VII of the Charter so that the people of Southern Rhodesia (Zimbabwe) could exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV).

17. Two reports³⁵ of the Committee established in pursuance of Security Council resolution 253 (1968) were also included in the agenda.

³² *Ibid.*, para. 42.

³³ For the texts of the statements referred to in paras. 16-20, see S C, 24th yr., 1475th mtg.: Algeria, paras. 9, 10, 15 and 20; Pakistan, paras. 93, 114, 116 and 117; Senegal, paras. 48 and 51; United Kingdom, paras. 69, 70 and 71; United States, paras. 119 and 134; Zambia, paras. 31, 34 and 35; 1476th mtg.: China, para. 88; Colombia, para. 62; Finland, para. 58; France, para. 10; Hungary, paras. 83 and 85; Nepal, paras. 20 and 21; Spain, para. 67; USSR, paras. 35 and 49; United Kingdom, para. 91; 1477th mtg.: Guinea, para. 71; Mauritania, paras. 21-23; Somalia, para. 87; United Republic of Tanzania, para. 48; 1478th mtg.: Algeria, paras. 78 and 80; India, paras. 17 and 18; Sudan, para. 32; 1479th mtg.: Algeria, paras. 13, 15 and 16; United Kingdom, paras. 30-32; 1480th mtg.: Burundi, para. 31; Finland, paras. 8 and 9; Hungary, paras. 17 and 23; 1481st mtg.: China, para. 54; France, para. 103; Paraguay, para. 139; Spain, para. 34; USSR, paras. 5, 10 and 23.

³⁴ S C, 24th yr., Suppl. for April-June, p. 187, S/9237 and Add.1 and 2.

³⁵ S C, 23rd yr., Suppl. for Oct.-Dec., pp. 181-295, S/8954 and S C, 24th yr., Suppl. for April-June, pp. 195-329, S/9252 and Add.1. In its first report (S/8954), the Committee stated that despite the Security Council resolutions of 1965 and 1966, the trade of Southern Rhodesia remained substantial in mid-1968, because resolution 232 (1966) had called on States to cease trade with that territory only in certain commodities and because some States had continued to trade with Southern Rhodesia in contravention of that resolution. The data contained in the annexes of the report indicated that other countries besides South Africa and Portugal

³¹ S C, 23rd yr., 1428th mtg., para. 38, S/8603.

18. During the debate in the Council it was maintained that the economic sanctions against the Southern Rhodesian régime envisaged in Security Council resolution 253 (1968) had been ineffective, not only because that territory had sources of supply offered by South Africa and Portugal but also because certain other States had failed to implement fully the provisions of that resolution. Instead of facing insurmountable difficulties as a result of the Security Council's adoption of resolution 253 (1968), the illegal régime of Southern Rhodesia was on the verge of reaffirming its racist character by putting its draft constitution to a referendum in which votes would be cast, not by an electorate representative of the population of 4.5 million people, but by some 90,000 voters, nine tenths of whom were white, in a country whose population was about 95 per cent black. Thus, the basic issue in Southern Rhodesia was the existence there of an illegal racist minority régime which was practicing policies of *apartheid* and denying the majority of the people of Zimbabwe the right to self-determination. It was further maintained that the United Kingdom had the responsibility under the Charter to quell the rebellion in Southern Rhodesia by all necessary means including the use of force. In the face of Southern Rhodesian defiance and since the economic sanctions so far had failed, the Security Council must be prepared to apply the provisions of Articles 41 and 42 of Chapter VII of the Charter. Some representatives pointed out that the Council should take immediate action under Article 41 and extend the sanctions to South Africa and Portugal which, in violation of Article 25 of the Charter, had openly provided cover for Southern Rhodesian imports and exports. Portugal and South Africa were reminded by operative paragraph 11 of resolution 253 (1968) that failure or refusal to comply with that resolution constituted a violation of Article 25.

had continued to trade with Southern Rhodesia. The Committee decided to investigate the nature and quantum of that trade further and to submit later reports on its findings on the extent to which such trade was in violation of the sanctions.

The Committee's report further stated that all available evidence indicated that South Africa had become the main trading partner of Southern Rhodesia and that Portugal had failed to take any measures to implement resolutions 232 (1966) and 253 (1968) and had permitted the free flow of goods to and from Southern Rhodesia. Portugal's trade statistics for the first half of 1968 indicated imports from Southern Rhodesia of commodities prohibited by resolution 232 (1966).

In its second report (S/9252 and Add.1) the Committee noted that, although the majority of States Members of the United Nations or members of the specialized agencies had reported taking measures to comply with the decision of the Security Council, certain States were either not complying at all or were not yet complying fully with the measures imposed by the Security Council. On the basis of the facts available to it, the Committee stated that the Governments of South Africa and Portugal had not taken any measures to implement the provisions of resolution 253 (1968), had continued to maintain close economic, trade and other relations with the illegal régime and had permitted the free flow of goods from Southern Rhodesia through the territories of South Africa and the colony of Mozambique and their ports and transport facilities. The Committee also noted that the illegal régime in Southern Rhodesia had been carrying on trade with countries other than South Africa and Portugal in contravention of the sanctions imposed by the Security Council.

The Committee further stated that, as a result of the refusal of South Africa and Portugal to take measures in accordance with the Council's decisions and the failure of some other States to implement fully the provisions of resolution 253 (1968), it was compelled to observe that the sanctions established by that resolution against the illegal régime in Southern Rhodesia had not yet brought about the desired results. The Committee therefore felt that consideration should be given to more effective measures to ensure full implementation of Security Council resolution 253 (1968).

19. It was maintained on the other hand that the Council should concentrate on finding more effective measures to ensure full implementation of Security Council resolution 253 (1968) rather than on far-reaching proposals which would certainly divide the Council and consequently remain without practical effect. The use of force was not the appropriate way to solve the problem. Furthermore, the extension of the economic sanctions to South Africa and Portugal would introduce additional grave complications into an already complex situation and should be decided only after careful and thorough analysis of such a step. There were, however, many roads still open for ensuring universal compliance with the sanctions already adopted in the Council's resolution 253 (1968) and, in the light of its two reports, the Sanctions Committee should explore those possibilities.

20. The representative of the United Kingdom stated that the economic sanctions against Rhodesia should be continued and, if possible, intensified. It was the firm policy of his Government to pursue steadily the current course of denying recognition and maintaining sanctions against the illegal régime. His Government would be ready to consider, together with other members of the Council, what further measures could be taken to make the decisions of the Council more effective. As regards the use of force, he recalled that since 1923, when Rhodesia had first been formed as a self-governing colony, there had never been a British army there nor any British official in administrative authority. The question therefore was not one merely of deciding to adopt a new local policy, but one in which the question of invasion and of starting a war was involved. The United Kingdom was not in a position to take actions of that kind, because once force was used, escalation could easily ensue, and the results of such violent action were always incalculable.

21. At the 1479th meeting, the representatives of Algeria, Nepal, Pakistan, Senegal and Zambia submitted a joint draft resolution,³⁶ the relevant paragraphs of which would provide as follows:

"The Security Council,

"Recalling and reaffirming its resolutions 216 (1965) of 12 November 1965, 217 (1965) of 20 November 1965, 221 (1966) of 9 April 1966, 232 (1966) of 16 December 1966 and 253 (1968) of 29 May 1968,

"Reaffirming in particular its resolution 232 (1966) in which it determined that the situation in Southern Rhodesia constitutes a threat to international peace and security,

" . . .

"Gravely concerned further that the measures taken by the Security Council have not been fully complied with by all States,

"Noting that the Governments of the Republic of South Africa and Portugal, in particular, in contravention of their obligation under Article 25 of the Charter of the United Nations, have not only carried on trade with the illegal racist minority régime of Southern Rhodesia contrary to the terms of Security Council resolutions 232

³⁶ S C, 24th yr., Suppl. for April-June, p. 338, S/9270/Rev.1.

(1966) and 253 (1968) but have, in fact, given active assistance to that régime, enabling it to counter the effect of measures decided upon by the Security Council,

“Acting under Chapter VII of the Charter of the United Nations,

“1. *Emphasizes* the responsibility of the Government of the United Kingdom, as the administering Power, for the situation that prevails in Southern Rhodesia and condemns the so-called constitutional proposals of the illegal racist minority régime aimed at perpetuating its powers and sanctioning the system of *apartheid* in Southern Rhodesia,

“2. *Urges* the United Kingdom, as the administering Power, to take urgently all necessary measures, including the use of force, to bring an end to the rebellion in Southern Rhodesia and enable the people of Zimbabwe (Southern Rhodesia) to exercise their right to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

“3. *Decides* that all States shall sever immediately all economic and other relations with the illegal racist minority régime in Southern Rhodesia, including railway, maritime, air transport, postal, telephonic and wireless communications and other means of communication;

“4. *Censures* the assistance given by the Governments of Portugal and South Africa to the illegal racist minority régime in defiance of resolutions of the Security Council;

“5. *Decides* that Member States and members of the specialized agencies shall carry out the measures dealing with imports and exports envisaged in resolution 253 (1968) and in the present resolution against the Republic of South Africa and the Portuguese colony of Mozambique;

“6. *Calls upon* all Member States and members of the specialized agencies to carry out the decisions of the Security Council in accordance with their obligations under the Charter of the United Nations;

“7. *Calls upon* Member States and, in particular, those with primary responsibility under the Charter for the maintenance of international peace and security to assist effectively in the implementation of the measures called for by the present resolution;

“8. *Urges* all States to render moral and material assistance to the national liberation movements of Zimbabwe (Southern Rhodesia) in order to enable them to achieve their freedom and independence;

“9. *Requests* all States to report to the Secretary-General on the measures taken to implement the present resolution;

“10. *Requests* the Secretary-General to report to the Security Council on the progress of the implementation of this resolution.”

Decision

At the 1481st meeting of the Council, on 24 June 1969, the draft resolution submitted by Algeria, Nepal, Pakistan, Senegal and Zambia was rejected³⁷ by 8 votes to none,

³⁷ S C, 24th yr., 1481st mtg., para. 78.

³⁸ By resolution 2372 (XXII), adopted on 12 June 1968, the General

with 7 abstentions, having failed to obtain the required majority.

b. Decision of 12 August 1969 in connexion with the situation in Namibia³⁸

22. At its 1492nd to 1497th meetings, held between 30 July and 12 August 1969, the Security Council considered the situation in Namibia.³⁹ The request for the meeting was made by the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia and Zambia, members of the United Nations Council for Namibia, who requested the Council to consider the situation resulting from South Africa's wholly negative reaction to Security Council resolution 264 (1969) and from the measures it was continuing to take in defiance of the authority of the Security Council and the General Assembly.⁴⁰

23. By a letter dated 1 August 1969, the representatives of fifty-one Member States associated themselves with the above-mentioned request for urgent action by the Security Council to deal with the situation in Namibia. The letter stated that the situation resulting from South Africa's defiance of the United Nations, in particular its failure to comply with Security Council resolutions 245 (1968), 246 (1968) and 264 (1969), in violation of its obligations under Article 25 of the Charter, was urgent and serious and that only resolute action by the Council, under the provisions of Chapter VII, could achieve the objective of securing the immediate withdrawal of South Africa from Namibia.⁴¹

24. In the course of the debate several representatives asserted that South Africa's disregard for United Nations resolutions had been evidenced in statements made by its highest authorities.⁴² Resolution 264 (1969), which recog-

Assembly proclaimed that “in accordance with the desires of its people, South West Africa shall henceforth be known as ‘Namibia’”.

³⁹ For the texts of the statements referred to in paras. 22-26, see S C, 24th yr., 1492nd mtg.: Colombia, para. 5; Zambia, para. 32; 1493rd mtg.: Algeria, paras. 17 and 18; Chile, para. 94; India, paras. 72 and 73; Nepal, para. 32; Pakistan, para. 61; 1494th mtg.: Finland, paras. 15 and 16; Senegal, para. 35; USSR, para. 47; 1495th mtg.: China, paras. 33 and 35; France, para. 48; Hungary, para. 9; Paraguay, para. 21; 1496th mtg.: Spain, paras. 39 and 40; United Kingdom, paras. 8 and 11; United States, paras. 23, 24 and 26; 1497th mtg.: Nepal, para. 21; Zambia, para. 11.

⁴⁰ S C, 24th yr., Suppl. for July-Sept., p. 138, S/9359. Prior to the submission of this letter, the President of the United Nations Council for Namibia stated, in a letter to the President of the Security Council, that the United Nations Council for Namibia had considered the situation resulting from the reaction of the Government of South Africa to Security Council resolution 264 (1969), set forth in the report of the Secretary-General dated 14 May 1969 (S C, 24th yr., Suppl. for April-June, p. 153, S/9204) and had unanimously expressed its great concern at that Government's refusal to comply with the provisions of the resolution. The letter further stated that South Africa's continuing illegal occupation of Namibia, in open defiance of General Assembly resolutions 2145 (XXI) and 2248 (S-V), had prevented the United Nations Council for Namibia from discharging its responsibility for administering the Territory in an effective manner and that, since the adoption of Security Council resolution 264 (1969), the Government of South Africa had taken fresh measures with a view to dividing Namibia into separate “homelands”. In addition, the Government had recently indicted eight Namibians charged with offences under its Terrorism Act and Suppression of Communism Act. Under the circumstances, the United Nations Council for Namibia had concluded unanimously that the Security Council should take urgent measures to ensure the speediest possible implementation of its resolution 264 (1969).

⁴¹ S C, 24th yr., Suppl. for July-Sept., p. 147, S/9372 and Add.1-3.

⁴² See report of the Secretary-General in pursuance of resolution 264 (1969), Annex 1 (S C, 24th yr., Suppl. for April-June, pp. 153-158, S/9204).

nized Security Council responsibility in the question of Namibia, had represented a step forward in international action against South Africa since it had stipulated clearly that, in the event of failure on the part of the Government of South Africa to comply with its demands, the Security Council would adopt measures to end further defiance by that Government. Since the Security Council's repeated warnings of effective measures in conformity with the relevant provisions of the Charter had failed to dissuade South Africa, the time had come for translating the warnings into action under Chapter VII.

25. Some representatives maintained that the Security Council, faced with a situation in which a Member State had refused to fulfil its obligations under Article 25 of the Charter, was duty bound to honour its commitment under resolution 264 (1969) and to decide upon effective measures for securing the immediate withdrawal of South Africa from Namibia.

26. It was also maintained that, although the existing state of affairs in Namibia was tragic and deplorable, the application of international sanctions at the time would not be wise or effective. The Council must be careful not to embark on an unrealistic course of action which could have the opposite result of the one that was intended. There were strong reasons to doubt that application of sanctions under Chapter VII would be effective either economically or politically. The United Nations must act within its capacity and avoid the adoption of measures when it was not yet prepared to meet their consequences. It would be more appropriate for the Council to make another effort for an agreed and effective course of action which the United Nations could adopt with regard to the Territory of Namibia.

27. At the 1497th meeting the representatives of Algeria, Colombia, Pakistan, Paraguay, Senegal and Zambia submitted a draft resolution,⁴³ which would provide as follows:

"The Security Council,

"Recalling its resolution 264 (1969) of 20 March 1969,

"Taking note of the report of the Secretary-General contained in document S/9204,

"Mindful of its responsibility to take necessary action to secure strict compliance with the obligations entered into by States Members of the United Nations under the provisions of Article 25 of the Charter of the United Nations,

"Mindful also of its responsibilities under Article 6 of the Charter of the United Nations,

"1. Reaffirms its resolution 264 (1969);

"2. Condemns the Government of South Africa for its refusal to comply with resolution 264 (1969) and for its persistent defiance of the authority of the United Nations;

"3. Decides that the continued occupation of the Territory of Namibia by the South African authorities constitutes an aggressive encroachment on the authority of the United Nations, a violation of the territorial integrity and a denial of the political sovereignty of the people of Namibia;

"4. Recognizes the legitimacy of the struggle of the people of Namibia against the illegal presence of the South African authorities in the Territory;

"5. Calls upon the Government of South Africa to withdraw its administration from the Territory immediately, and in any case before 4 October 1969;

"6. Decides that in the event of failure on the part of the Government of South Africa to comply with the provisions of the preceding paragraph of the present resolution, the Security Council will meet immediately to determine upon effective measures in accordance with the appropriate provisions of the relevant Chapters of the Charter of the United Nations;

"7. Calls upon all States to refrain from all dealings with the Government of South Africa purporting to act on behalf of the Territory of Namibia;

"8. Requests all States to increase their moral and material assistance to the people of Namibia in their struggle against foreign occupation;

"9. Requests the Secretary-General to follow closely the implementation of the present resolution and to report to the Security Council as soon as possible;

"10. Decides to remain actively seized of the matter."

Decision

At the 1497th meeting of the Council, on 12 August 1969, the draft resolution was adopted⁴⁴ by 11 votes to none, with 4 abstentions, as resolution 269 (1969).

2. RECALLING OR REAFFIRMING PREVIOUS DECISIONS, CENSURING NON-COMPLIANCE WITH COUNCIL DECISIONS, REQUESTING COMPLIANCE WITH THOSE DECISIONS

a. Decision of 25 November 1966 in connexion with the Palestine question

28. At its 1320th to 1328th meetings, held between 16 and 25 November 1966, the Security Council again examined the question of Palestine⁴⁵ at the request of the representative of Jordan. In its letter of submission, the Government of Jordan asked the Council to consider the act of aggression committed by Israel armed forces against the citizens and territory of Jordan on 13 November 1966.⁴⁶

29. During the debate in the Security Council the representative of Jordan pointed out that what was involved was a well-planned, deliberate and clearly admitted act of aggression by Israel. He reminded the Council that Israel had said repeatedly that it had no complaint against Jordan, which had not been involved in any of the incidents in Israel-occupied territory. He recalled that his Government

⁴⁴ S C, 24th yr., 1497th mtg., para. 22.

⁴⁵ For the texts of the statements referred to in paras. 28-32, see S C, 21st yr., 1320th mtg.: Israel, paras. 53, 59 and 64; Jordan, paras. 34 and 40; United Kingdom, paras. 79 and 82; United States, paras. 86 and 97; 1321st mtg.: France, para. 4; USSR, paras. 6 and 18; 1322nd mtg.: Argentina, paras. 4 and 8; Japan, para. 10; New Zealand, para. 19; 1323rd mtg.: China, para. 17; Netherlands, paras. 5 and 9; 1324th mtg.: Jordan, para. 31; Uruguay, para. 72; 1325th mtg.: Bulgaria, paras. 3 and 7; 1327th mtg.: Mali, para. 36; Nigeria, para. 4; Uganda, para. 15.

⁴⁶ S C, 21st yr., Suppl. for Oct.-Dec., p. 78, S/7587.

⁴³ S C, 24th yr., 1497th mtg., para. 3, S/9384.

had warned the Council at its previous series of meetings that Israel was planning aggression. According to first reports, the losses of life and property were heavy.

30. The representative of Jordan further stated that Israel had been repeatedly condemned in the past for acts of aggression and that condemnation was not therefore enough in the present case. He urged the Council to condemn Israel for the wanton and outrageous attack carried out on 13 November 1966 by its regular military forces against the territory of Jordan and its people; to express its grave concern at the failure of Israel to comply with its obligations; to decide that that act was a flagrant violation of the Charter and of the Armistice Agreement; to decide further that armed attack constituted aggression under the provisions of Article 39 of the Charter; and to call upon Members of the United Nations to adopt the necessary measures for applying economic sanctions against Israel.

31. In reply, the representative of Israel stated that, contrary to the Charter and the Armistice Agreement, the four Arab Governments bordering Israel did not accept his country's political independence and territorial integrity, and called for its elimination. In the previous two years, Arab policies had spawned a pattern of organized terrorist and sabotage raids from the territory of neighbouring States into Israel. Recently, organized terrorism across the Jordanian border had become bolder and more frequent, involving certain villages in Jordan which served as operational bases and staging points. Israel, after long forbearance, and as a last resort, had reluctantly undertaken limited action, directed at the villages involved.

32. It was asserted during the debate that there could not be any justification for the calculated, admitted and disproportionate act of military reprisal committed by Israel against Jordan. All reprisals, particularly armed reprisals, should be condemned. The attack of Israel constituted an open aggression and a violation of the Charter of the United Nations and the principles and provisions of the Armistice Agreement.

33. At the 1327th meeting of the Security Council a draft resolution was submitted by the representatives of Mali and Nigeria,⁴⁷ the relevant paragraphs of which would provide as follows:

"The Security Council,

"

"Reaffirming the previous resolutions of the Security Council condemning past incidents of reprisal in breach of the General Armistice Agreement between Israel and Jordan and of the United Nations Charter,

"Recalling the repeated resolutions of the Security Council asking for the cessation of violent incidents across the demarcation line, and not overlooking past incidents of this nature,

"Reaffirming the necessity for strict adherence to the General Armistice Agreement,

"1. Deplores the loss of life and heavy damage to property resulting from the action of the Government of Israel on 13 November 1966;

"2. Censures Israel for this large-scale military action in violation of the United Nations Charter and of the General Armistice Agreement between Israel and Jordan;

⁴⁷ S C, 21st yr., 1327th mtg., para. 39, S/7598.

"3. Emphasizes to Israel that actions of military reprisal cannot be tolerated and that if they are repeated, the Security Council will have to consider further and more effectively steps as envisaged in the Charter to ensure against the repetition of such acts."

Decision

At the 1328th meeting of the Security Council, on 25 November 1966, the draft resolution submitted by Mali and Nigeria was adopted⁴⁸ by 14 votes to none, with one abstention, as resolution 228 (1966).

b. *Decisions of 7 June, 9 June, 11 June, 14 June, 9 July, 25 October 1967; 24 March, 2 May, 16 August, 8 September, 18 September, 31 December 1968; 1 April, 3 July, 26 August and 15 September 1969 in connexion with the situation in the Middle East*

(i) *Decision of 7 June 1967*

34. In a letter⁴⁹ requesting a meeting of the Security Council, the representatives of Canada and Denmark cited the anxiety expressed by the Secretary-General in his report of 19 May 1967⁵⁰ and stated that, since that report had been issued, developments had taken place which had caused the situation to deteriorate further. Action by the Security Council would reinforce the efforts being made by the Secretary-General to preserve peace in the area.

35. During the debate in the Council,⁵¹ the representatives of Canada and Denmark as well as other representatives contended that, since the beginning of the withdrawal of UNEF, the situation along the border between Israel and the United Arab Republic had been deteriorating at an alarming speed; there had been a military build-up along those borders, and the stage had been set for a major military clash. Moreover, the President of the United Arab Republic had announced that Israeli ships and other ships carrying certain cargoes to Israel would be prevented from passing through the Strait of Tiran, based on the allegation that the strait was territorial water in which his country had a right to control shipping. The Government of Israel, on the other hand, had declared that it would consider such a move as an attack. At the moment the first measure the Council could take in order to ease the tension would be to express its full support for the efforts of the Secretary-General to pacify the situation in the Middle East and to request all States to refrain from any steps which might worsen the situation.

36. Some representatives asserted that effective measures

⁴⁸ S C, 21st yr., 1328th mtg., para. 35.

⁴⁹ S C, 22nd yr., Suppl. for April-June, pp. 118 and 119, S/7902.

⁵⁰ *Ibid.*, pp. 109-113, S/7896.

⁵¹ For the texts of the statements referred to in paras. 35-42, see S C, 22nd yr., 1341st mtg.: Bulgaria, para. 32; Canada, paras. 12 and 14; Denmark, para. 69; India, para. 41; Mali, paras. 29 and 30; USSR, para. 9; 1342nd mtg.: United Arab Republic, para. 57; United Kingdom, paras. 31 and 32; United States, para. 3; 1343rd mtg.: Argentina, para. 130; Brazil, paras. 138 and 140; Canada, para. 262; Ethiopia, para. 207; India, paras. 217, 219 and 221; Israel, para. 179; United Arab Republic, paras. 51, 52, 54, 55, 57, 64, 73, 79, 82, 85, 91 and 119-122; United States, paras. 17 and 37; 1344th mtg.: China, para. 123; Denmark, para. 99; Japan, paras. 26 and 27; Nigeria, paras. 10 and 11; United Arab Republic, paras. 91 and 97; United States, para. 118; 1345th mtg.: Jordan, para. 74; Ethiopia, para. 120; Japan, paras. 26 and 27; Israel, paras. 110 and 112; United States, para. 32; 1346th mtg.: Bulgaria, paras. 57 and 75; 1347th mtg.: Israel, paras. 30-34; United Arab Republic, paras. 36-39 and 47-51; 1349th mtg.: USSR, para. 7.

must be taken to reaffirm the General Armistice Agreement and to revitalize the armistice machinery. The provisions of those Agreements should be fully observed by the parties concerned.

37. In his second report,⁵² the Secretary-General pointed out that, at the current critical juncture, his major concern was to try to gain time in order to lay the basis for a *détente*.

38. At the 1345th meeting, the representative of the United Arab Republic introduced a draft resolution⁵³ by which the Security Council *inter alia* would decide that the Egyptian-Israel General Armistice Agreement was still valid and would reiterate that the United Nations machinery emanating therefrom should be fully operative; would call upon the Government of Israel to respect and abide by its obligations and responsibilities as stipulated in that Agreement; would instruct the Chief of Staff of UNTSO to proceed promptly and to reinstitute within two weeks the headquarters of EIMAC in El-Auja from which it had been expelled by Israel's unilateral action; would decide to take additional measures for the full implementation of the resolution in case of non-compliance by the Government of Israel; would request the Secretary-General to contact the parties to the Egyptian-Israel General Armistice Agreement for the immediate implementation of the decision and report to the Council within 15 days for its approval of additional measures; and would decide to reconvene to discuss the Secretary-General's report immediately upon its submission.⁵⁴

39. At the 1347th meeting, on 5 June, the President of the Security Council stated that the representative of Israel had informed him that Egyptian land and air forces had moved against Israel, whose armed forces were engaged in repelling the attack. The representative of the United Arab Republic had likewise informed him that Israel had launched a premeditated aggression against the United Arab Republic, attacking at points in the Gaza Strip, Sinai, airports in Cairo, the Suez Canal area and several other airports inside the United Arab Republic.

40. The Secretary-General informed the Security Council orally that United Nations sources had no means of ascertaining how the hostilities had been initiated. However, all reports agreed that serious military action on land and in the air was taking place at a number of points and was spreading.⁵⁵

41. At the 1348th meeting on 6 June, the Council, after extensive consultations among its members, unanimously adopted a draft resolution which called for an immediate cease-fire.⁵⁶

42. At the 1349th meeting on 7 June, the representative of the USSR stated that the continuation of military activities by Israel, despite the decision of the Security Council, might create an even more menacing situation in the area. For its part, the USSR considered it essential that the

Council should, without any delay and as a first step, demand a cease-fire and a cessation of all military activities in the Near East. Subsequently, he introduced a draft resolution⁵⁷ which would provide as follows:

"The Security Council,

"Noting that, in spite of its appeal to the Governments concerned to take forthwith as a first step all measures for an immediate cease-fire and for a cessation of all military activities in the Near East (resolution 233 (1967)), military activities in the area are continuing,

"Concerned that the continuation of military activities may create an even more menacing situation in the area,

"1. Demands that the Governments concerned should as a first step cease fire and discontinue all military activities at 2000 hours GMT on 7 June 1967;

"2. Requests the Secretary-General to keep the Council promptly and currently informed on the situation."

Decision

At its 1350th meeting, on 7 June 1967, the Security Council unanimously adopted the draft resolution submitted by the USSR,⁵⁸ as resolution 234 (1967).

(ii) Decision of 9 June 1967

43. At the 1350th meeting the representative of Canada introduced a draft resolution⁵⁹ by which the Security Council, after taking note of resolutions 233 (1967) and 234 (1967), would have requested the President of the Security Council, with the assistance of the Secretary-General, to take the necessary measures to bring about full and effective compliance with those resolutions. In introducing the draft resolution, the representative of Canada stated that it was intended to fill a gap in the definition of responsibility with regard to the implementation of the Council's cease-fire resolutions.

44. Some representatives contended that,⁶⁰ in accordance with resolutions 233 (1967) and 234 (1967), Israel should cease its aggression and withdraw behind the Armistice demarcation lines and points prior to the outbreak of hostilities. Israel had ignored the cease-fire resolutions and had used the time elapsed since their adoption to seize additional territory of the United Arab Republic and Jordan by force. Thus, it would not be enough to reiterate the appeal for the cessation of all military activities, but it would be necessary to condemn Israel and to call for the withdrawal of Israeli troops from the territories they had seized in the Arab countries.

45. The representative of Israel pointed out that his country had been the first to accept the cease-fire and that it was ready to halt military activities as soon as a cease-fire had been completed and implemented faithfully by the other side.

⁵² S C, 22nd yr., Suppl. for April-June, pp. 109-113, S/7896.

⁵³ S C, 22nd yr., 1345th mtg., para. 89, S/7919.

⁵⁴ At the 1361st meeting, on 14 June 1967, the representative of the United Arab Republic stated that for the time being he would not press for a vote on his draft resolution (S/7919) (S C, 22nd yr., 1361st mtg., para. 136).

⁵⁵ For the statement of the Secretary-General see S C, 22nd yr., 1347th mtg., paras. 10-21.

⁵⁶ S C resolution 233 (1967).

⁵⁷ S C, 22nd yr., 1349th mtg., para. 8, S/7940.

⁵⁸ S C, 22nd yr., 1350th mtg., para. 14.

⁵⁹ S C, 22nd yr., 1350th mtg., para. 13, S/7941. At the 1360th mtg., on 14 June 1967, the representative of Canada indicated that he wished to defer voting on his draft resolution (*Ibid.*, 1360th mtg., para. 176).

⁶⁰ For the texts of the statements referred to in paras. 44-49, see S C, 22nd yr., 1350th mtg.: Bulgaria, paras. 64 and 66; Canada, para. 84; Israel, para. 57; United Arab Republic, paras. 35 and 38; USSR, para. 78; 1351st mtg.: Israel, para. 69; USSR, para. 38, United States, paras. 16, 18 and 21; 1352nd mtg.: Israel, para. 29.

46. At its 1351st to 1357th meetings, held between 8 and 11 June 1967, the Security Council, at the request of the representatives of the United States and the USSR, resumed consideration of the situation in the Middle East. In a letter dated 8 June 1967,⁶¹ the representative of the United States stated that, despite the unanimous adoption of two resolutions by the Security Council calling for a cease-fire and despite its acceptance by Jordan and Israel, fighting continued in the Middle East. In view of that fact, he requested an urgent meeting of the Security Council to consider the current grave situation. On the same day, the representative of the USSR, in a letter addressed to the President of the Security Council,⁶² stated that, in view of the continuation of Israel's military activities despite the adoption by the Council of the resolutions on a cease-fire, he was urgently requesting the convening of a meeting of the Security Council to consider the question of condemning Israel's aggressive acts, the immediate cessation by the aggressor of military activities against the Arab States and the effective withdrawal of Israeli troops to Israel's side of the Armistice Line.

47. At the 1351st meeting, the representative of the USSR submitted a draft resolution which was subsequently revised,⁶³ and which would provide as follows:

"The Security Council,

"Noting that Israel had disregarded the Security Council decisions calling for the cessation of military activities (resolutions 233 (1967) of 6 June 1967 and 234 (1967) of 7 June 1967),

"Considering that Israel not only has not halted military activities but had made use of the time elapsed since the adoption by the Council of the aforementioned resolutions in order to seize additional territory of the United Arab Republic and Jordan,

"Noting that even now Israel is continuing military activities instead of halting its aggression, thus defying the United Nations and all peace-loving States,

"1. Vigorously condemns Israel's aggressive activities and its violations of the aforementioned Security Council resolutions, of the United Nations Charter and of United Nations principles;

"2. Demands that Israel should immediately halt its military activities against neighbouring Arab States and should remove all its troops from the territory of those States and withdraw them behind the armistice lines."

48. At the same meeting, the representative of the United States introduced a draft resolution which, in its third revised form,⁶⁴ would provide that:

"The Security Council,

"Recalling its resolutions 233 (1967), 234 (1967), 235 (1967) and 236 (1967), and the understanding formulated by the President of the Council at its 1353rd meeting,

"Noting that Israel, Jordan, Syria and the United Arab Republic, have accepted and implemented the Council's demand for a cease-fire, and that military operations and any forward military movements have been discontinued,

"Desirous of taking steps toward the achievement of a stable peace in the Near East,

"1. Insists on the continued scrupulous implementation by all the parties concerned of the Council's repeated demands for a cease-fire and cessation of all military activity as a first urgent step toward the establishment of a stable peace in the Middle East;

"2. Requests the Secretary-General to continue to report to the Council on compliance with the cease-fire;

"3. Calls for discussions promptly among the parties concerned, using such third party or United Nations assistance as they may wish, looking toward the establishment of viable arrangements encompassing the withdrawal and disengagement of armed personnel, the renunciation of force regardless of its nature, the maintenance of vital international rights and the establishment of a stable and durable peace in the Middle East;

"4. Also requests the Secretary-General to provide such assistance as may be required in facilitating the discussions called for in paragraph 3."

49. Introducing his draft resolution, the representative of the United States observed that it was obvious that it had two distinct parts; while paragraphs 1, 2 and 4 were designed to complete the essential first step of the cease-fire, paragraph 3 called for prompt discussions, after a cease-fire had been achieved, of all outstanding questions between the parties.

50. At the 1352nd meeting, the President of the Security Council stated that he had consulted all members of the Council, and it was his understanding that there was agreement that, before the Council proceeded with its business, it ought, in the current situation, to adopt urgently a resolution demanding that hostilities cease forthwith. In his capacity as President of the Security Council he submitted the following draft resolution:

"The Security Council,

"Recalling its resolutions 233 (1967) of 6 June and 234 (1967) of 7 June 1967,

"Noting that the Governments of Israel and Syria have announced their mutual acceptance of the Council's demand for a cease-fire,

"Noting the statements made by the representatives of Syria and Israel,

"1. Confirms its previous resolutions about immediate cease-fire and cessation of military action;

"2. Demands that hostilities should cease forthwith;

"3. Requests the Secretary-General to make immediate contacts with the Governments of Israel and Syria to arrange immediate compliance with the above-mentioned resolutions, and to report to the Security Council not later than two hours from now."

Decision

At its 1352nd meeting, on 9 June 1967, the Security Council unanimously adopted⁶⁵ the draft resolution submitted by the President as resolution 235 (1967).

(iii) Decision of 11 June 1967

51. At the 1354th meeting of the Security Council, held on 10 June 1967, the Secretary-General reported orally on the developing military situation. He said that UNTSO ob-

⁶¹ S C, 22nd yr., Suppl. for April-June, p. 168, S/7950.

⁶² *Ibid.*, p. 172, S/7954.

⁶³ S C, 22nd yr., 1351st mtg., para. 47, S/7951/Rev 1.

⁶⁴ S C, 22nd yr., Suppl. for April-June, p. 171, S/7952/Rev.3.

⁶⁵ S C, 22nd yr., 1352nd mtg., para. 39.

servers had reported bombing and continuing hostilities in the area east of Lake Tiberias in Syria and the eastern bank of the Jordan River, while the Damascus airport and suburbs had been bombed by the Israeli air force. He added that the Israel Foreign Office had denied the air attack on Damascus or its airport, asserting that Israeli aircraft were over Syria only to provide protective cover for Israeli forces. The Secretary-General further pointed out that the reports were fragmentary, reflecting the extreme difficulties under which the United Nations observers in the area were operating.

52. During the debate in the Council,⁶⁶ the representative of Syria contended that Israel, in violation of the cease-fire resolutions, had moved its forces which were still attacking Syria and occupying more Syrian territory. He asked the Council to apply sanctions against Israel for its flagrant violations of the cease-fire resolutions. In reply, the representative of Israel stated that, despite the acceptance of two cease-fire resolutions, Syria had not ceased shelling Israeli villages along the Israel-Syrian frontier, while Israeli forces were in the process of establishing and implementing the cease-fire.

53. Some representatives maintained that there was adequate proof that Israel had flouted the Security Council resolutions and that the Council should take immediate measures to halt Israel's aggression. Other representatives stated that, while the Council could not tolerate any flouting of the cease-fire decision by any party, no judgement should be passed, on the basis of allegations brought by the parties, as to which party was responsible for violating the cease-fire. Several representatives pointed out that the situation required an urgent appeal to the parties to implement the frequently violated cease-fire resolutions.

54. At the 1356th meeting, the representative of the United States submitted a draft resolution⁶⁷ which read:

"The Security Council,

"Having heard the reports of the Secretary-General on the current situation,

"Gravely concerned at reports and complaints it has received of air attacks, shellings, ground activities and other violations of the cease-fire between Israel and Syria,

"1. Condemns any and all violations of the cease-fire;

"2. Requests the Secretary-General to order a full investigation of all reports of violations and to report to the Security Council as soon as possible;

"3. Demands that the parties scrupulously respect its cease-fire appeals contained in resolutions 233 (1967), 234 (1967) and 235 (1967);

"4. Calls on the Governments concerned to issue categorical instructions to all military forces to cease all firing and military activities as required by these resolutions."

55. At the 1357th meeting, the President of the Security

⁶⁶ For the texts of the statements referred to in paras. 52 and 53, see S C, 22nd yr., 1354th mtg.: Bulgaria, paras. 134 and 139; India, paras. 105 and 108; Israel, para. 50; Mali, para. 97; Syria, paras. 27, 28, 31 and 33; USSR, para. 75; United States, paras. 63, 67 and 84; 1355th mtg.: Bulgaria, paras. 112 and 114; Ethiopia, para. 137; France, para. 153; Japan, para. 142; United Kingdom, para. 60.

⁶⁷ S C, 22nd yr., 1356th mtg., para. 74, S/7971.

Council stated that, on the basis of consultations, he was submitting the following draft resolution⁶⁸ for adoption by the Council without debate:

"The Security Council,

"Taking note of the oral reports of the Secretary-General on the situation between Israel and Syria made at the 1354th, 1355th, 1356th and 1357th meetings and the supplemental information supplied in document S/7930 and Add.1-3,

"1. Condemns any and all violations of the cease-fire;

"2. Requests the Secretary-General to continue his investigations and to report to the Council as soon as possible;

"3. Affirms that its demand for a cease-fire and discontinuance of all military activities includes a prohibition of any forward military movements subsequent to the cease-fire;

"4. Calls for the prompt return to the cease-fire positions of any troops which may have moved forward subsequent to 1630 hours GMT, 10 June;

"5. Calls for full co-operation with the Chief of Staff of the United Nations Truce Supervision Organization in Palestine and the observers in implementing the cease-fire, including freedom of movement and adequate communications facilities."

Decision

At its 1357th meeting, on 11 June 1967, the Security Council unanimously adopted the draft resolution submitted by the President as resolution 236 (1967).

(iv) Decision of 14 June 1967

56. At its 1358th to 1361st meetings, held on 13 and 14 June 1967, the Security Council again considered the situation in the Middle East at the request of the representative of the USSR.⁶⁹

57. At the 1358th meeting, the representative of the USSR submitted a draft resolution,⁷⁰ the relevant paragraphs of which would provide that:

"The Security Council,

"Noting that Israel, in defiance of the Security Council's resolutions on the cessation of military activities and a cease-fire resolution 233 (1967) of 6 June, 234 (1967) of 7 June and 235 (1967) of 9 June 1967 has seized additional territory of the United Arab Republic, Jordan and Syria,

"1. Vigorously condemns Israel's aggressive activities and continued occupation of part of the territory of the United Arab Republic, Syria and Jordan, regarding this as an act of aggression and the grossest violation of the United Nations Charter and generally recognized principles of international law;

"2. Demands that Israel should immediately and unconditionally remove all its troops from the territory of those States and withdraw them behind the armistice lines and should respect the status of the demilitarized

⁶⁸ S C, 22nd yr., 1357th mtg., para. 224.

⁶⁹ S C, 22nd yr., Suppl. for April-June, p. 248.

⁷⁰ See S C, 22nd yr., 1358th mtg., para. 45, S/7951/Rev.2.

zones, as prescribed in the General Armistice Agreements.”

58. Introducing the draft resolution, the representative of the USSR drew the Council's attention to a draft resolution introduced earlier by his delegation⁷¹ and stated that he had taken into account the changes which had occurred in the Near East in submitting this revised text. He contended that the Council could no longer repeat or confirm earlier resolutions which were totally inadequate, and must insist on the immediate and unconditional withdrawal of forces from the occupied territories of the Arab States.

59. At the same meeting, the representative of the United States introduced a revised draft resolution,⁷² the relevant paragraphs of which would provide that:

“*The Security Council,*

“*Recalling* its resolutions 233, 234, 235 and 236 and the understanding formulated by the President of the Council at its 1353rd meeting,

“*Noting* that Israel, Jordan, Syria and the United Arab Republic have accepted and implemented the Council's demand for a cease-fire and that military operations and any forward military movements have been discontinued,

“1. *Insists* on the continued scrupulous implementation by all the parties concerned of the Council's repeated demands for a cease-fire and cessation of all military activity as a first urgent step toward the establishment of a stable peace in the Middle East;

“2. *Requests* the Secretary-General to continue to report to the Council on compliance with the cease-fire;

“3. *Calls for* discussions promptly among the parties concerned, using such third party or United Nations assistance as they may wish, looking toward the establishment of viable arrangements encompassing the withdrawal and disengagement of armed personnel, the renunciation of force regardless of its nature, the maintenance of vital international rights and the establishment of a stable and durable peace in the Middle East;

“ . . . ”

60. In introducing his revised draft resolution, the representative of the United States explained that he was submitting it because his delegation did not wish to press for a vote on its previous draft resolutions which had been overtaken by developments in the Middle East.⁷³

Decision

At the 1360th meeting, on 14 June 1967, the revised draft resolution introduced by the USSR was voted on by parts. Operative paragraph 1 was rejected by 4 votes to none, with 11 abstentions. Operative paragraph 2 was rejected by 6 votes to none, with nine abstentions. Having ascertained that the representative of the USSR did not

wish to insist on a vote on the draft resolution as a whole, the President of the Council stated that the draft resolution was not adopted.

(v) Decision of 9 July 1967

61. At its 1365th and 1366th meetings, held on 8 and 9 July 1967, the Security Council considered the situation in the Middle East at the separate requests of the representatives of the United Arab Republic and Israel.

62. In a letter dated 8 July,⁷⁴ the representative of the United Arab Republic stated that the armed forces of Israel had that morning violated the cease-fire by launching an attack, including heavy shelling by artillery, against Port Fouad. Israel had furthermore carried out aerial raids against various control stations in the Suez Canal area and destroyed them. This latest violation of the cease-fire was one of a premeditated series of violations carried out since the Security Council had adopted its resolutions 233 (1967), 234 (1967), 235 (1967) and 236 (1967) on the cease-fire. He requested that an emergency meeting of the Council be convened as soon as possible.

63. In a letter also dated 8 July,⁷⁵ the representative of Israel stated that that morning the United Arab forces had opened fire on Israeli troops stationed in the area of Ras El'Ish, some fifteen kilometres south of Port Said. In order to repel the attacks, Israeli planes had taken action against those gun positions from where the fire had been directed against the Israeli troops. The aggressive actions of the United Arab Republic proved beyond doubt that it remained the policy of that Government to maintain a continued state of belligerency against Israel. He requested that an urgent meeting of the Security Council be convened to discuss Israel's complaint of serious violations of the cease-fire by the United Arab Republic.

64. During the debate in the Council,⁷⁶ the representative of the United Arab Republic stated that the Council could not and should not condone Israel's violations of its decisions. The Security Council should not adjourn before coming to a conclusive decision dealing once and for all with the repeated violations by Israel of the various resolutions of the Security Council on the cease-fire, and in particular Security Council resolution 236.

65. The representative of Israel stated that the latest action by the United Arab Republic and the incidents which had preceded it gave Israel reason to believe that the United Arab Republic had not changed its policy of belligerency and was still carrying it out by initiating armed action despite its acceptance of the cease-fire. The Government of Israel was anxious to see the cease-fire faithfully maintained and strictly observed. It hoped that the United Arab Republic had similar intentions.

66. The view was expressed by several representatives that the Security Council should condemn any and every breach of the cease-fire and must ensure that the cease-fire was observed. Therefore, according to the recommendation of the Secretary-General, United Nations observers should be sent to the area to report on the implementation of the cease-fire by the parties.

⁷¹ The draft resolution referred to was originally introduced at the 1351st meeting, on 8 June 1967, as document S/7951, which was subsequently revised twice. See para. 47 above.

⁷² S C, 22nd yr., 1358th mtg., para. 84. This draft resolution was originally submitted at the 1351st meeting, on 8 June 1967, as document S/7952, which was subsequently revised in documents S/7952/Rev.1 and 2. See para. 48 above. At the 1360th meeting, on 14 June 1967, the representative of the United States stated that his delegation would not ask for a vote on the third revision of his draft resolution (S/7952/Rev.3). See S C, 22nd yr., 1360th mtg., para. 185.

⁷³ For the texts of the relevant statements see: S C, 22nd yr., 1358th mtg.: USSR, paras. 5 and 25; United States, paras. 97, 98 and 102.

⁷⁴ S C, 22nd yr., Suppl. for July-Sept., pp 69 and 70, S/8043.

⁷⁵ *Ibid.*, pp. 70 and 71, S/8044

⁷⁶ For the texts of the statements referred to in paras. 64-67, see S C, 22nd yr., 1365th mtg.: Israel, paras. 107 and 108; United Arab Republic, para. 76, 1366th mtg.: India, para. 121; United Kingdom, paras. 34 and 40, USSR, paras. 28 and 29; United States, paras. 47-49.

67. One representative maintained that the Security Council must call upon Israel immediately to carry out its decisions and refrain from any military operations. Under Article 25 of the Charter, Israel must strictly fulfil the decision of the Security Council with regard to the cease-fire. Accordingly, should Israel further ignore the decisions and requests of the Security Council, it would be essential to apply sanctions under Chapter VII of the Charter against Israel as an aggressor.

Decision

At the 1366th meeting, on 9 and 10 July 1967, the President of the Security Council read the following statement of a consensus of the views of the members of the Council:

“Recalling Security Council resolutions 233 (1967) of 6 June, 234 (1967) of 7 June, 235 (1967) of 9 June and 236 (1967) of 11 June 1967, and emphasizing the need for all parties to observe scrupulously the provisions of these resolutions, having heard the statements made by the Secretary-General and the suggestions he had addressed to the parties concerned, I believe that I am reflecting the view of the Council that the Secretary-General should proceed, as he has suggested in his statements before the Council on 8 and 9 July 1967, to request the Chief of Staff of the United Nations Truce Supervision Organizations (UNTSO), General Odd Bull, to work out with the Governments of the United Arab Republic and Israel, as speedily as possible, the necessary arrangements to station United Nations military observers in the Suez Canal sector under the Chief of Staff of UNTSO”⁷⁷

The President stated further that since there were no objections, the consensus was accepted by the Council.

(vi) Decision of 25 October 1967

68. At its 1369th to 1371st meetings, held on 24 and 25 October 1967, the Security Council considered the situation in the Middle East upon requests received separately from the representatives of the United Arab Republic and Israel.

69. In his letter of submission,⁷⁸ dated 24 October, the representative of the United Arab Republic stated that an Israeli force, in violation of the cease-fire, had earlier that day started a concentrated shelling of the city of Suez which had resulted in extensive loss of human life and severe damage to the city and its inhabited areas which had almost been demolished. This preplanned aggression by Israel went far beyond a mere violation of the cease-fire resolutions of the Security Council. It could not be justified as a retaliatory measure against the United Arab Republic for its sinking of the Israeli destroyer *Eilat* in the territorial waters of the United Arab Republic since the operation had been directed not against military targets but against civilian industrial installations. He requested an urgent meeting of the Council to condemn the Israeli aggression and to apply enforcement measures under the provisions of Chapter VII of the Charter.

70. In a letter, also dated 24 October,⁷⁹ the representative of Israel stated that, earlier that day, the armed forces of the United Arab Republic had opened fire from the

West Bank of the Suez Canal against Israeli forces on the East Bank, north of Port Tawfiq. The artillery fire had been returned. Because of the location of the United Arab Republic artillery, some oil refineries were believed to have been hit. He also stated that a cease-fire proposed by United Nations military observers had been accepted by both parties and had taken effect. He requested an urgent meeting of the Council to deal with the open aggression and violations of the cease-fire resolutions by the United Arab Republic.

71. During the debate in the Council⁸⁰ the representative of the United Arab Republic stated that the Israeli attack was a serious act of aggression, a defiance of the provisions of the Charter and a flagrant violation of the Security Council decisions on the cease-fire. It followed upon Israel's aggression of 21 October when an Israeli destroyer had been spotted by the United Arab Republic naval defensive forces speeding in the territorial waters of the United Arab Republic towards Port Said. The subsequent sinking of the destroyer was only the result of its violations of the territorial waters of the United Arab Republic and the vessel's attempt to carry out aggression against the city of Port Said. The Council must observe that the advance of the destroyer was fully prohibited under the cease-fire resolutions of the Security Council, particularly its resolution 236 (1967) which prohibited “any forward military movements subsequent to the cease-fire”.

72. The representative of Israel stated that, on 21 October, Egyptian naval craft had attacked the destroyer *Eilat* on the high seas. The ship was on a routine patrol on its normal course outside Egyptian territorial waters. Suddenly it had been struck by an Egyptian missile, resulting in casualties of nineteen killed, twenty-eight missing and ninety-one wounded, twenty of them seriously. He further stated that the incidents of 24 October were of the same nature, bringing to a culmination a long series of Egyptian provocations. The Egyptian policies and actions were designed to undermine the cease-fire. But reciprocity was the very essence of the cease-fire. Without it the whole system collapsed. Israel had emphasized its policy of strict observance of the cease-fire on the basis of reciprocity. The attack on the destroyer *Eilat* had placed the cease-fire obligations in jeopardy.

73. At the 1369th meeting, the representative of the USSR submitted a draft resolution⁸¹ the relevant paragraphs of which would provide as follows:

“The Security Council,

“Having considered the communication of the representative of the United Arab Republic concerning a new act of aggression by Israel in the area of the city of Suez,

“Considering that the actions of the Israel armed forces in the area of the city of Suez constitute a gross violation of the Security Council resolutions of 6 June 1967 (resolution 233 (1967)) and of 7 June 1967 (reso-

⁷⁷ S C, 22nd yr., 1366th mtg., paras. 125-127.

⁷⁸ S C, 22nd yr., Suppl. for Oct.-Dec., pp. 191 and 192, S/8207.

⁷⁹ S C, 22nd yr., Suppl. for Oct.-Dec., pp. 192 and 193, S/8208.

⁸⁰ For the texts of the statements referred to in paras. 71-77, see 1369th mtg.: Brazil, para. 99; Bulgaria, paras. 108-112; Canada, para. 48; Denmark, para. 122; Ethiopia, para. 132; France, para. 119; India, paras. 89 and 90; Israel, paras. 27, 28, 33 and 34; Mali, paras. 127 and 129; United Arab Republic, paras. 14-16, 18-20; United Kingdom, para. 38; USSR, paras. 56 and 64; United States, paras. 80 and 85; 1371st mtg.: China, para. 15, Japan, para. 65

⁸¹ S C, 22nd yr., 1369th mtg., para. 65.

lution 234 (1967)) calling for a cease-fire and the cessation of military activities, as well as of other Security Council resolutions on that question,

"1. *Strongly condemns* Israel for the act of aggression committed by it in the area of the city of Suez;

"2. *Demands* that Israel compensate the United Arab Republic for the damage caused by that act;

"3. *Urgently calls upon* Israel strictly to observe the aforementioned resolutions of the Security Council concerning the cease-fire and the cessation of military activities."

74. In introducing his draft resolution, the representative of the USSR stated that Israel was fully responsible for this new and serious act of aggression which went far beyond what could be described as a mere violation of the Security Council cease-fire resolutions. The Security Council had a duty to condemn the aggressive acts committed by Israel, which must pay compensation for the damage caused to the United Arab Republic as a result of the attack.

75. At the same meeting, the representative of the United States submitted a draft resolution⁸² which would provide that:

"*The Security Council,*

"*Gravely concerned* at the reports and complaints it has received of military hostilities in violation of the cease-fire between Israel and the United Arab Republic,

"*Convinced* that progress towards the establishment of a just and durable peace in the area requires mutual respect for the cease-fire, in accordance with resolutions of the Security Council and the agreements of the parties,

"1. *Condemns* any and all violations of the cease-fire;

"2. *Insists* that the Member States concerned scrupulously respect the cease-fire as contained in resolutions 233 (1967), 234 (1967), 235 (1967) and 236 (1967) and the consensus of 10 July and co-operate fully with the Chief of Staff of the United Nations Truce Supervision Organization and the United Nations Military Observers in their tasks in connexion therewith;

"3. *Calls on* the Governments concerned to issue categorical instructions to all military forces to refrain from all firing, as required by these resolutions."

76. In introducing his draft resolution, the representative of the United States noted that the Council should now demand scrupulous adherence to the cease-fire while condemning all violations; it should deal with the situation even-handedly without taking one-sided views or adopting one-sided resolutions.

77. It was asserted during the discussion that the cease-fire should be respected by both sides and that all parties must desist from all military activities in the area. It was maintained, on the other hand, that Israel could not justify its attack under any pretext since the practice of reprisals had been specifically prohibited on several occasions and particularly in paragraph 3 of Security Council resolution 228 (1966), adopted on 25 November 1966, for which reason the Council should condemn Israel's pre-planned aggression.

78. At the 1371st meeting, the President of the Council announced that, as a result of consultations, agreement had been reached on the text of a draft resolution,⁸³ which *inter alia* would provide as follows:

"*The Security Council,*

"*Gravely concerned* over recent military activities in the Middle East carried out in spite of the Security Council resolutions ordering a cease-fire,

"1. *Condemns* the violations of the cease-fire;

"2. *Regrets* the casualties and loss of property resulting from the violations;

"3. *Reaffirms* the necessity of the strict observance of the strict cease-fire resolutions;

"4. *Demands* of the Member States concerned to cease immediately all prohibited military activities in the area, and to co-operate fully and promptly with the United Nations Truce Supervision Organization."

Decision

At the 1371st meeting of the Council, on 25 October 1967, the draft resolution read out by the President of the Security Council was adopted unanimously,⁸⁴ as resolution 240 (1967).⁸⁵

(vii) *Decision of 24 March 1968*

79. At its 1401st to 1407th meetings, held between 21 and 24 March 1968, the Security Council considered the situation in the Middle East upon requests received separately from the representatives of Jordan and Israel.

80. In a letter⁸⁶ dated 21 March 1968, the representative of Jordan stated that, earlier the same day, Israel had launched a mass attack; he requested an urgent meeting of the Security Council to consider the situation. On the same day, the representative of Israel also requested⁸⁷ an urgent meeting of the Security Council to deal with the continuous acts of aggression and violations of the cease-fire by Jordan. He referred to information which Israel had received that an increased large-scale campaign of raids and sabotage was about to be launched from Jordan and to preventive measures which the Israeli defence forces had been compelled to take that morning against training centres and staging bases situated on the East Bank of the Jordan.

81. During the debate in the Council,⁸⁸ the representative of Jordan stated that Israel, instead of facilitating the task of the United Nations Representative and showing its acceptance of resolution 242 (1967) adopted by the Security Council on 22 November 1967, had shown, by its premeditated attack, its defiance and contempt for the United Na-

⁸³ S C. 22nd yr., 1371st mtg., paras. 2 and 3.

⁸⁴ *Ibid.*, para. 4.

⁸⁵ After the vote the representatives of the USSR and the United States stated that there was no need to put their respective draft resolutions to the vote. For the texts of the relevant statements, see S C. 22nd yr., 1371st mtg.: USSR, para. 30; United States, para. 44.

⁸⁶ S C. 23rd yr., Suppl. for Jan.-March, pp. 278 and 279. S/8484.

⁸⁷ *Ibid.*, pp. 280 and 281, S/8486.

⁸⁸ For the texts of the statements referred to in paras. 81-84, see S C. 23rd yr., 1401st mtg.: Israel, paras. 42-44, 47, 48 and 53; Jordan, paras. 5 and 6, 11, 19 and 20; 1402nd mtg.: Algeria, para. 35; Ethiopia, paras. 108, 109, 111 and 112; France, para. 52; Hungary, para. 151; India, paras. 82 and 84; Pakistan, paras. 38 and 43; USSR, paras. 77, 78 and 80, United States, paras. 5 and 7; 1403rd mtg.: Brazil, para. 55; Canada, paras. 40 and 46; China, para. 68; Denmark, paras. 48 and 49; Paraguay, paras. 60 and 61; United Kingdom, paras. 7 and 8; 1404th mtg.: Syria, para. 47; 1405th mtg.: United States, para. 18; 1407th mtg.: Denmark, para. 52; United Kingdom, paras. 38 and 40, United States, paras. 7-9.

⁸² S C. 22nd yr., 1369th mtg., para. 85.

tions. The present attack was larger than the usual retaliatory raid and had been directed against civilians and refugees. If Israel's action were not condemned and checked in accordance with Chapter VII, then the whole concept of law and equity established in the Charter would be jeopardized and the efforts of the international community to build a lasting and just peace would not succeed. In that connexion he recalled that, in its resolution 228 (1966) of 25 November 1966, the Council had emphasized to Israel that, if actions of military reprisals were repeated, the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts. In other words, the Council at that time had expressly warned Israel that, if more such acts were committed, then the sanctions provided in Chapter VII would be applied. Israel's continued acts of aggression and defiance of the Council's decision should now be met with an effective Security Council response reflected in sanctions. Failure to take such actions would simply render the situation more explosive and pose a more dangerous threat to world peace.

82. The representative of Israel stated that the Government of Jordan had openly admitted violating the cease-fire, particularly during March 1968. In response to those violations the Government of Israel, on the morning of 21 March 1968, had instructed its defence force to act against terrorist camps near the border. That operation was to have been limited in scope and duration and upon its execution the Israeli forces were to return to their bases on the same day. The representative then assured the Council that Israel had respected, and would continue to respect, the cease-fire agreement which obliged all parties not only to abstain from military activities by regular armies, but also to prevent any acts of aggression and terrorism on the part of any faction within the territory of those States which had agreed to the cease-fire. If, however, Jordan violated its obligation, the Government of Israel would fulfil its duty to defend the security and well-being of its citizens. The Council, however, should call upon the Government of Jordan to abandon its policy of war and put an end to its policy of aggression against Israel.

83. A number of representatives condemned the attack by Israeli armed forces against Jordan which they considered disproportionate and a serious violation of the cease-fire resolutions. They also deplored all acts of violence and stressed that military reprisal could in no way be permissible or justified and constituted a violation of resolution 56 (1948) of 19 August 1948 which provided that no party was permitted to violate the truce on the ground that it was undertaking reprisals or retaliations against the other party. In that connexion, it was recalled that resolution 228 (1966) had emphasized that actions of military reprisal could not be tolerated, and that, if they were repeated, the Security Council would have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts. It was also asserted that the parties should fully co-operate in the implementation of resolution 242 (1967) of 22 November 1967 and to that end the cease-fire should be maintained and strictly observed.

84. Referring to resolution 242 (1967), one representative stated that, in contrast to the attitude of the interested Arab States, which had repeatedly stated their readiness to abide by the terms of that resolution, Israel had so far

refused to do so, and thus its attitude was in direct contravention of Article 25 of the Charter.

85. At the 1407th meeting, the President stated that members of the Security Council had held negotiations which had resulted in a text which he then read out. The relevant paragraphs of the draft resolution would provide as follows:

“*The Security Council,*

“ . . .

“ . . .

“ . . .

“*Recalling* resolution 236 (1967) by which the Security Council condemned any and all violations of the cease-fire,

“*Observing* that the military action by the armed forces of Israel on the territory of Jordan was of a large-scale and carefully planned nature,

“*Considering* that all violent incidents and other violations of the cease-fire should be prevented and not overlooking past incidents of this nature,

“*Recalling further* resolution 237 (1967) which called upon the Government of Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations have taken place,

“1. *Deplores* the loss of life and heavy damage to property;

“2. *Condemns* the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions;

“3. *Deplores* all violent incidents in violation of the cease-fire, and declares that such actions of military reprisal and other grave violations of the cease-fire cannot be tolerated and 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;

“4. *Calls upon* Israel to desist from acts or activities in contravention of resolution 237 (1967);

“5. *Requests* the Secretary-General to keep the situation under review and to report to the Security Council as appropriate.”

Decision

At the 1407th meeting, held on 24 March 1968, the draft resolution was unanimously adopted⁸⁹ as resolution 248 (1968).⁹⁰

(viii) *Decision of 2 May 1968*

86. At its 1416th to 1426th meetings, held between 27 April and 21 May 1968, the Security Council considered the situation in the Middle East at the request of Jordan. In his letter of submission,⁹¹ the representative of Jordan stated that, since the adoption of General Assembly resolutions 2253 (ES-V) and 2254 (ES-V), Israel had continued to implement its plans for the annexation and the illegal

⁸⁹ S C. 23rd yr., 1407th mtg., para. 5.

⁹⁰ On 23 March 1968, India, Pakistan and Senegal submitted a draft resolution (S C. 23rd yr., Suppl. for Jan.-March, p. 288, S/8498) which was not introduced in the Security Council. The representative of Pakistan made a statement explaining the reasons why the sponsors of the draft resolution had decided not to introduce it (*Ibid.*, 1407th mtg., paras. 56 and 57).

⁹¹ S C. 23rd yr., Suppl. for April-June, pp. 139 and 140, S/8560.

appropriation of Arab lands in Jerusalem. Instead of heeding the directives of the Security Council and the General Assembly, the Israeli authorities had persisted in carrying out projects calculated to bring about drastic changes in the national and historical character of the Holy City. Culminating such illegal actions, Israel was planning a military parade to be held in Jerusalem on 2 May 1968. The nature of the parade and the heavy equipment to be used would be a breach of the General Armistice Agreement, a violation of Security Council and General Assembly resolutions and a serious provocation which would contribute to further deterioration of an already explosive situation.

87. When the Council met to consider the Jordan complaint, it had before it a note⁹² by the Secretary-General in which he informed the Security Council that he had felt it necessary to address the Government of Israel on 20 April expressing his concern about its plans to hold a military parade, much of which, it was understood, would be on the east side of the armistice demarcation line. In his note to the Government of Israel, the Secretary-General stated that his concern about the parade was related to General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) and to Security Council resolution 162 (1961), as well as to his position on the General Armistice Agreement between Israel and Jordan as stated in the introduction to his annual report for 16 June 1966-15 June 1967.⁹³

88. During the debate in the Council,⁹⁴ the representative of Jordan stated that Israel's plan to hold a military parade in Jerusalem on 2 May 1968 constituted a breach of the Armistice Agreement and a violation of Security Council resolution 162 (1961) of 11 April 1961, which had endorsed the decision of the Mixed Armistice Commission of 20 March 1961. That decision had condemned such Israeli acts and had called upon the Israeli authorities to take the strongest measures to prevent the recurrence of such a breach of the Armistice Agreement and to refrain in the future from bringing into Jerusalem any equipment in excess of that allowed under the terms of the Armistice Agreement. As a first step, the Security Council should immediately affirm its own resolution and call on Israel not to hold the military parade in Jerusalem.

⁹² S C, 23rd yr., Suppl. for April-June, pp. 140 and 141, S/8561.

⁹³ In the *Introduction to the Annual Report of the Secretary-General on the Work of the Organization* covering the period 16 June 1966-15 June 1967, the Secretary-General *inter alia*, stated: "... On the other hand there has been no indication either in the General Assembly or in the Security Council that the validity and applicability of the Armistice Agreements have been changed as a result of the recent hostilities or of the war of 1956; each agreement, in fact, contains a provision that it will remain in force until a peaceful settlement between the parties is achieved. Nor has the Security Council or the General Assembly taken any steps to change the pertinent resolutions of either organ relating to the Armistice Agreements or to the earlier cease-fire demands. The Agreements provided that by mutual consent the signatories can revise or suspend them. There is no provision in them for unilateral termination of their application. This has been the United Nations position all along and will continue to be the position until a competent organ decides otherwise." (See G A, 22nd session, Supplement No. 1A (A/6701/Add.1), chapter V, para. 43).

⁹⁴ For the texts of the statements referred to in paras. 88-93, see S C, 23rd yr., 1416th mtg.: Israel, paras. 84-87; Jordan, paras. 42-44; 1417th mtg.: Algeria, paras. 11, 12 and 14; Canada, para. 44; China, para. 75; Denmark, para. 79; Ethiopia, para. 40; France, paras. 47, 50 and 51; Hungary, paras. 24 and 25; 28-30; India, paras. 55 and 56; Paraguay, para. 61; Senegal, paras. 33 and 36; USSR, paras. 86, 89, 95 and 98; 1418th mtg.: Jordan, paras. 22 and 24; United States, para. 92.

89. In reply, the representative of Israel stated that the Armistice Agreement had been a provisional agreement, valid as a transition to permanent peace. It had been judged by the Security Council to be incompatible with belligerent rights. Jordan had flouted the agreement for nineteen years by invoking the rights of war and repudiating the agreement's central provisions, and in particular articles I, II, VIII and XII. It had been destroyed by Jordan when, on 5 June 1967, the Jordanian Government had opened up its general military onslaught against Israel. The armistice was not Armistice any longer because the Arabs had destroyed it. The relations between Israel and the Arab States were now founded upon and regulated by the cease-fire established by the Security Council and consecrated in a series of its resolutions. Within the cease-fire area the Israeli forces were free to move, to act and to parade.

90. Several representatives maintained that Israel's policies aimed at altering the status of Jerusalem and that the planned military parade violated all United Nations resolutions on that question. Consequently, Israel should be condemned by the Security Council.

91. At the 1417th meeting, on 27 April 1968, the representative of Pakistan, on behalf of the representatives of India, Pakistan and Senegal, submitted a draft resolution⁹⁵ of which the relevant paragraphs would provide as follows:

"The Security Council,

"

"Having considered the Secretary-General's note (S/8561),

"Recalling its resolution 162 (1961) of 11 April 1961,

"

"1. Calls upon Israel to refrain from holding the military parade in Jerusalem which is contemplated for 2 May 1968;

"..."

Decision

At the 1417th meeting, as a result of consultations, the three-Power draft resolution was modified by deleting the third preambular paragraph by which the Council would have recalled its resolution 162 (1961) of 11 April 1961. The modified draft resolution was subsequently adopted unanimously as resolution 250 (1968).⁹⁶

92. Speaking after the adoption of the above-mentioned draft resolution, the representative of Israel stated that his Government could not accept the resolution advising Israel not to hold the parade because, under the cease-fire, the matter fell within Israel's internal jurisdiction.

93. At the 1418th meeting, on 1 May, the representative of Jordan informed the Council that his Government had irrefutable evidence that Israel authorities intended to hold the parade despite Council resolution 250 (1968) of 27 April 1968. In view of Israel's defiance of the decisions of the Council which proved that Israel was deliberately destroying all efforts to find a peaceful settlement of the problems in the area, he appealed to the Council to do everything possible to prevent further deterioration of the already explosive situation.

94. At the 1419th meeting, on 2 May 1968, the Secretary-General reported that "the parade in Jerusalem which

⁹⁵ S C, 23rd yr., Suppl. for April-June, pp. 141 and 142, S/8563.

⁹⁶ S C, 23rd yr., 1417th mtg., paras. 170 and 171.

was the subject of Security Council resolution 250 (1968) of 27 April has been held today as scheduled", and that a further report on the details of that action would be presented to the Council that afternoon.⁹⁷

95. At the 1420th meeting, the President of the Security Council stated that, through consultations, the members of the Security Council had agreed on the text of a draft resolution which he read as follows:

"The Security Council,

"Noting the Secretary-General's reports of 26 April (S/8561) and 2 May 1968 (S/8567),

"Recalling resolution 250 (1968) of 27 April 1968,

"Deeply deplores the holding by Israel of the military parade in Jerusalem on 2 May 1968 in disregard of the unanimous decision adopted by the Council on 27 April 1968."

Decision

At the 1420th meeting, on 2 May 1968, the draft resolution was adopted unanimously, as resolution 251 (1968).⁹⁸

(ix) Decision of 16 August 1968

96. At its 1434th to 1440th meetings, held between 5 and 16 August 1968, the Security Council considered again the situation in the Middle East at the requests of Jordan⁹⁹ and Israel.¹⁰⁰

97. In the course of the debate,¹⁰¹ the representative of Jordan stated that, as a result of new premeditated attacks by Israeli forces against the unarmed civilian population in Jordan, the Council was again confronted with a situation fraught with danger. He noted that, like the attack of 4 June against civilian centres in the city of Irbid and its surrounding villages, the attack of the previous day had been directed against civilians in the city of Es Salt and its neighbouring area. It was clear that the Israeli aggression had been pre-planned at the highest level and had been aimed at destroying the agriculture in the east bank of Jordan and at terrorizing and expelling the inhabitants of that area. In view of the fact that the recent Israeli act of aggression was not an isolated military operation and in view of the Council's repeated warnings to Israel against actions of military reprisals, he expected further and more effective measures as envisaged in Chapter VII of the Charter.

98. The representative of Israel stated that his Government had repeatedly requested effective action by the

⁹⁷ On 2 May 1968, the Secretary-General submitted his report in pursuance of Security Council resolution 250 (1968) (S C, 23rd yr., Suppl. for April-June, pp. 142-145, S/8567).

⁹⁸ S C, 23rd yr., 1420th mtg., para. 5.

⁹⁹ S C, 23rd yr., Suppl. for April-June, pp. 186 and 187, S/8616; and *Ibid.*, Suppl. for July-Sept., pp. 113-115, S/8721.

¹⁰⁰ *Ibid.*, Suppl. for April-June, p. 187, S/8617; and *Ibid.*, Suppl. for July-Sept., pp. 115 and 116, S/8724.

¹⁰¹ For the texts of the statements referred to in paras. 97-102, see S C, 23rd yr., 1434th mtg.: Israel, paras. 61 and 62, 72, 74, 124 and 125; Jordan, paras. 23 and 24, 40, 48 and 49; United Kingdom, paras. 198-203; USSR, paras. 159-197; United States, paras. 186-197; 1435th mtg.: France, paras. 23-31; Pakistan, paras. 62-76; 1436th mtg.: Denmark, paras. 96-99; Hungary, paras. 117-124; Senegal, paras. 125-138; 1437th mtg.: China, paras. 19-25; India, paras. 26-35; Paraguay, paras. 2-12; USSR, paras. 49-62; 1439th mtg.: Ethiopia, paras. 3-20; 1440th mtg.: Brazil, paras. 80-83; Canada, paras. 43-53; Denmark, paras. 31-35; France, paras. 54-57; Pakistan, paras. 36-42; Paraguay, 61-67; Senegal, paras. 58-60; USSR, paras. 68-79; United States, paras. 8-15.

Council to stop Jordan's violation of the cease-fire. Despite the Security Council resolution of 24 March 1968 which had deplored all violent incidents in violation of the cease-fire, Jordan had promptly interpreted it as being non-applicable to Arab acts of hostility against Israel and, on 4 April, when the Security Council had expressed its concern at the deteriorating situation, Jordan had again ignored that decision. On the morning of 4 June, a large-scale assault had been renewed from Jordanian territory resulting in extensive damage to the village and to the central part of Beit-She'an, as well as civilian casualties. In view of the persistence and intensification of the Jordan artillery barrage, it had become necessary for Israeli aircraft to take action in self-defence and to silence the sources of the fire. He appealed to the Security Council to raise its voice against the acts of aggression which were continuing against Israel. The Council should thus impress upon Jordan the necessity to abide by its cease-fire obligations and to terminate acts of aggression from its territory against Israel.

99. Several representatives stressed the fact that the Security Council must not allow reprisal or retaliation. Israel action involving the deployment of heavy artillery and aircraft had assumed a magnitude uncalled for by the nature of the alleged provocation. Since the adoption of its cease-fire resolutions, the Council had had to meet on a number of occasions to consider acts violating those resolutions. The current incident, which was similar to the one that the Council had condemned in March, by its resolution 248 (1968), must be similarly condemned. The Security Council should adopt the most severe measure to avoid the recurrence of such incidents.

100. It was also maintained that all violations of the cease-fire must be deplored unreservedly as such violations, besides resulting in loss of life and property, also impeded progress towards peace. The Council must face the fact that certain actions by either party might result in counter-action by the other party to the detriment of peace.

101. It was further maintained that all parties concerned should concentrate on the implementation of Security Council resolution 242 (1967), because it offered the best hope for a just and lasting peace.

102. At the 1440th meeting, the President of the Council stated that, as a result of consultations, a draft resolution had emerged which, as he understood it, reflected the views of the members of the Security Council on the item under consideration. Thereupon, the text of the draft resolution was read out to the Council; the relevant paragraphs would provide as follows:

"The Security Council,

" . . .

"Recalling its previous resolution 248 (1968) condemning the military action launched by Israel in flagrant violation of the United Nations Charter and the cease-fire resolutions and deploring all violent incidents in violation of the cease-fire,

"Considering that all violations of the cease-fire should be prevented,

"Observing that both massive air attacks by Israel on Jordanian territory were of a large scale and carefully planned nature in violation of resolution 248 (1968),

“Gravely concerned about the deteriorating situation resulting therefrom,

“1. *Reaffirms* its resolution 248 (1968), which, *inter alia*, declares that grave violations of the cease-fire cannot be tolerated and that the Council would have to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such acts;

“2. *Deplores* the loss of life and heavy damage to property;

“3. *Considers* that premeditated and repeated military attacks endanger the maintenance of the peace;

“4. *Condemns* the further military attacks launched by Israel in flagrant violation of the United Nations Charter and resolution 248 (1968) and warns that if such attacks were to be repeated the Council would duly take account of the failure to comply with the present resolution.”

Decision

At the 1440th meeting, on 16 August 1968, the draft resolution was adopted unanimously, as resolution 256 (1968).¹⁰²

(x) Decision of 8 September 1968

103. At its 1448th, 1449th, 1451st and 1452nd meetings, held between 8 and 18 September 1968, the Security Council considered the situation in the Middle East at the requests of the representatives of Israel and the United Arab Republic.

104. In a letter,¹⁰³ dated 8 September 1968, requesting the meeting, the representative of Israel charged that a flagrant and unprovoked violation of the cease-fire by the armed forces of the United Arab Republic had occurred that day in the Suez Canal sector. Despite appeals by the military observer for a cease-fire, to which Israel had agreed and with which it had complied, the Egyptian attack continued, resulting in Israeli casualties, the wounding of a United Nations Military Observer, and damage to two observer's posts.

105. In a letter,¹⁰⁴ dated 8 September 1968, addressed to the President of the Security Council, the representative of the United Arab Republic complained that Israel had committed another premeditated act of aggression by opening fire that day against the cities of Port Tawfiq, Suez, Ismailia and Kantara. In view of the gravity of the situation, an urgent meeting of the Security Council was requested.

106. The Secretary-General stated that, in three brief cable messages sent in the course of that afternoon, the Chief of Staff of UNTSO had informed him of the heavy and prolonged exchange of fire that day across the Suez Canal. The third of those messages had stated that the exchange of fire in the Canal area had ceased. In view of the fact that no messages about further firing had been received, it was safe to conclude that the cease-fire arranged by the United Nations observers had been holding since it had become effective at 1650 hours on 8 September. The Secretary-General also read out the text of a report received just then from the Chief of Staff of UNTSO, which gave de-

tails of the exchange of fire observed by the United Nations military observers at different posts along the Canal, the weapons used and the attempts made at securing cease-fire. The report also contained accounts of damage to UNTSO installations and the wounding of a United Nations military observer.¹⁰⁵

107. The representative of Israel stated¹⁰⁶ that the attacks of the United Arab Republic in violation of the cease-fire had assumed such dimensions in the course of the day that an immediate meeting of the Council had become essential. Developments throughout the day had strengthened the concern of his country that the United Arab Republic attack of 26 August might be a prelude to a renewed campaign of violence along the cease-fire line. The repeated planting of anti-vehicle mines in the same area left no doubt about the origin and well-planned nature of those operations. It was thus obvious that the United Arab Republic was trying to undermine the cease-fire and create a situation of gross danger to the area. Whatever Egypt's motives for such a policy, the Council should act immediately and effectively to stop Egyptian acts of aggression and help maintain the cease-fire.

108. The representative of the United Arab Republic stated that, in a previous statement, he had observed that, despite its membership in the United Nations and verbal acceptance of the Charter, Israel had reserved for itself the right to take the law into its own hands and in that regard Israel seldom resorted to the Council, preferring to rely on naked force to achieve its ends. That had been borne out by the latest events for, although the Council was still discussing Israel allegations, Israel had on that day opened fire in the area of Port Tawfiq and Suez, using artillery and tank fire, and had continued to escalate the fire by extending it to the cities of Ismailia and Kantara. Moreover, according to the report of the Secretary-General, there was reason to believe that missiles had been used by Israel. The armed force of the United Arab Republic had been obliged to return the fire in self-defence. The attack had caused heavy loss of civilian life as well as wide damage and destruction to buildings and public installations in both cities.

Decision

At the 1448th meeting, on 8 September 1968, the President of the Security Council stated that, after extensive consultations, he had been authorized to make a declaration which had been agreed upon by the Security Council. It read as follows:

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

¹⁰⁵ *Ibid.*, pp. 9-11, S/7930/Add.78.

¹⁰⁶ For the text of the statements referred to in paras. 107 and 108, see S C, 23rd yr., 1448th mtg.: Israel, paras. 29, 39, 43 and 45; United Arab Republic, paras. 47 and 48.

¹⁰² S C, 23rd yr., 1440th mtg., para. 5.

¹⁰³ *Ibid.*, Suppl. for July-Sept., pp. 240 and 241, S/8805.

¹⁰⁴ S C, 23rd yr., Suppl. for July-Sept., pp. 240 and 241, S/8805.

(xi) *Decision of 18 September 1968*

109. At the 1449th meeting, the representative of Israel stated¹⁰⁷ that his country had presented complaints of genuine attacks against it by the Egyptian forces on 26 August and 8 September, whereas the United Arab Republic had merely given traditional and qualified denials, which had been invariably disproved by facts. A careful analysis of the reports submitted by General Bull would confirm the Egyptian responsibility. The initiation of the attack and its immediate extension along a wide front with co-ordinated use of artillery, mortars, tanks and machine-guns left no doubt about the premeditated and well-prepared character of the operation.

110. The representative of the United Arab Republic said that his delegation had requested an urgent meeting of the Security Council on 8 September in order to secure prompt and effective action by the Council against Israel's act of aggression. The report of the Chief of Staff of UNTSO had clearly indicated that Israel had initiated firing on 8 September. Israel's action was not only a flagrant violation of the cease-fire but indicated its ominous designs for the future in the area. The latest Israel aggression had resulted in considerable loss of human life and damage to installations and property on the west bank of the Suez Canal and should be severely condemned by the Council. The United Arab Republic had repeatedly declared its acceptance and readiness to implement fully resolution 242 (1967) which had been unanimously adopted by the Council on 22 November 1967. Israel, however, continued to evade direct acceptance of its implementation. Furthermore, Israel's deliberate policy of omitting all references to the Armistice Agreements was a grave matter which deserved the Council's attention. Those Agreements were still valid and must be adhered to meticulously. The United Nations considered those Agreements still valid and applicable, as was clear from the Secretary-General's reference to them in his introduction to his annual report to the twenty-second session of the General Assembly.¹⁰⁸

111. In reply, the representative of Israel stated that the United Arab Republic had repeatedly claimed that it had accepted Security Council resolution 242 (1967), but as long as the United Arab Republic adhered to the Khartoum decision of "no peace, no negotiations, no recognition of Israel", it was wilfully preventing progress towards a lasting peace.

112. In the course of the debate, the view was generally expressed that the cease-fire, which was a necessary though temporary arrangement for keeping the peace, must be scrupulously preserved if conditions were to be created for a peaceful settlement of the problems in the area along the lines established by Security Council resolution 242 (1967).

113. At the 1452nd meeting, the President read out the text of the following draft resolution which, he stated, had

been the result of intensive consultations among members of the Council:

"The Security Council,

"Recalling the declaration of the President of the Security Council of 9 September 1968, as made at the 1448th meeting of the Council,

"Gravely concerned about the deteriorating situation in the Middle East,

"Convinced that all Members of the United Nations should co-operate towards a peaceful settlement in the Middle East,

"1. Insists that the cease-fire ordered by the Security Council in its resolutions must be rigorously respected;

"2. Reaffirms its resolution 242 (1967) of 22 November 1967, and urges all the parties to extend their fullest co-operation to the Special Representative of the Secretary-General in the speedy fulfilment of the mandate entrusted to him under that resolution."

Decision

At the 1452nd meeting, on 18 September 1968, the draft resolution was adopted by 14 votes to none, with 1 abstention, as resolution 258 (1968).¹⁰⁹

(xii) *Decision of 31 December 1968*

114. At its 1460th to 1462nd meetings, the Security Council considered the situation in the Middle East at the requests of the representatives of Lebanon and Israel. In a letter¹¹⁰ dated 29 December 1968, the representative of Lebanon stated that the Israeli air force had committed a flagrant act of aggression against Lebanon on the previous day. In view of the gravity of the situation, which endangered the peace and security of Lebanon, he requested an urgent meeting of the Council. By a letter¹¹¹ also dated 29 December 1968, the representative of Israel requested an urgent meeting of the Council to consider the constant violation by Lebanon of the United Nations Charter and the cease-fire resolution of the Council in assisting and abetting acts of warfare by irregular forces and organizations operating from Lebanon against Israeli territory, citizens and property, and in particular against Israeli civil aviation.

115. In the course of the debate,¹¹² the representative of Lebanon stated that, on 28 December 1968, units of the Israeli air force, using explosives, incendiary bombs and rockets, had staged a surprise attack against the international airport at Beirut, completely destroying thirteen airplanes which constituted the main portion of Lebanon's civilian aircraft fleet. Not only had Israeli authorities ad-

¹⁰⁹ S C, 23rd yr., 1452nd mtg., para. 6.

¹¹⁰ *Ibid.*, Suppl. for Oct.-Dec., p. 180, S/8945.

¹¹¹ *Ibid.*, p. 180, S/8946.

¹¹² For the texts of the statements referred to in paras. 115-118, see S C, 23rd yr., 1460th mtg.: Algeria, para. 133; Brazil, para. 146; France, paras. 89 and 90; Hungary, paras. 120 and 121; India, para. 108; Israel, paras. 27, 28, 39 and 56; Lebanon, paras. 15, 18, 20, 21 and 23; Senegal, paras. 137 and 138; United Kingdom, paras. 80, 81 and 83; USSR, paras. 98 and 100; United States, paras. 73, 75 and 77; 1461st mtg.: Canada, para. 39; China, para. 63; Denmark, paras. 31 and 32; Israel, paras. 127 and 131; Lebanon, paras. 15 and 23; Pakistan, para. 78; Paraguay, paras. 87-89; USSR, paras. 139 and 150; United Kingdom, para. 53; 1462nd mtg.: Brazil, paras. 15 and 17; Canada, paras. 10 and 11; Hungary, paras. 39 and 40; USSR, para. 57.

¹⁰⁷ For the texts of the statements referred to in paras. 109-112, see S C, 23rd yr., 1449th mtg.: Brazil, para. 56; Canada, para. 125; Ethiopia, para. 49; France, paras. 114 and 115; Hungary, paras. 85 and 89; Israel, paras. 7, 14, 18, 23 and 132; United Arab Republic, paras. 66, 67, 77 and 78; 1451st mtg.: Israel, paras. 77 and 81; Pakistan, para. 13; Senegal, para. 18; USSR, paras. 64, 66, 68 and 70; United States, paras. 26 and 29; 1452nd mtg.: Algeria, paras. 50 and 54; Canada, paras. 76, 78 and 79; Denmark, paras. 40 and 42; Pakistan, para. 45; Paraguay, paras. 36 and 38; United Kingdom, paras. 10, 14 and 15; USSR, paras. 87-89.

¹⁰⁸ See para. 87 above.

mitted responsibility for the attack but their officials and press had welcomed the safe return of the units, applauding and hailing their shameful exploit. In view of such flagrant violations of the principles and objectives of the Charter, his delegation was appealing to the Council to go beyond its usual condemnation of Israel for its acts of aggression against Arab countries, and take effective measures under Chapter VII. At a later stage, his Government, after having fully assessed the damage sustained, intended to request the Council to take the necessary measures against Israel for full and adequate compensation.

116. The representative of Israel stated that, on 26 December 1968, an Israeli civil airliner, en route to New York on a regular scheduled commercial flight, had been attacked with bombs and machine guns in the Athens international airport, by assailants from Beirut. They had opened fire indiscriminately with sub-machine guns against the passengers and crew, killing one passenger and seriously wounding a stewardess. The assailants, identifying themselves as Arab commandos, had admitted that they had been trained and equipped by a terrorist organization operating out of Beirut, with the full knowledge of the Lebanese Government. Lebanon, however, had undertaken specific obligations towards Israel under the Security Council cease-fire resolution. Any attack against an Israeli civil aircraft, wherever it might be, was as much a violation of the cease-fire as any attacks on Israeli territory and entitled the Israeli Government to exercise its right of self-defence.

117. A number of representatives maintained that the action of Israel constituted a violation of several Security Council resolutions and could not be justified as an act of self-defence. Neither could the Council permit the practice of reprisals which was ruled out by the Charter and by international law. Moreover, it should take into account the fact that no evidence had been given of direct or indirect responsibility of the Lebanese Government for the attack against the Israel airplane at the airport of Athens. Therefore, the Council should condemn Israel for its action at the Beirut airport and at the same time should request the Government of Israel to make reparation for the damages which it had caused to Lebanon.

118. It was further maintained that the Council was not only required to condemn Israel but, as contemplated in resolution 248 (1968), to adopt in regard to that country further and more effective steps as envisaged in the Charter, which logically meant the application of sanctions under Chapter VII of the Charter.

119. At the 1462nd meeting the President stated that, after intensive consultations, the members of the Security Council had been able to reach agreement on a draft resolution, of which the relevant paragraphs would provide as follows:

"The Security Council,

" . . .

"Having heard the statements of the representative of Lebanon and of the representative of Israel concerning the grave attack committed against the civil International Airport of Beirut,

"Observing that the military action by the armed forces of Israel against the civil International Airport of Beirut was premeditated and of a large scale and carefully planned nature,

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

"Deeply concerned about the need to assure free uninterrupted international civil air traffic,

"1. Condemns Israel for its premeditated military action in violation of its obligations under the Charter and the cease-fire resolutions;

"2. Considers that such premeditated acts of violence endanger the maintenance of the peace;

"3. Issues a solemn warning to Israel that if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions;

"4. Considers that Lebanon is entitled to appropriate redress for the destruction it suffered, responsibility for which has been acknowledged by Israel."

Decision

At the 1462nd meeting, on 31 December 1968, the draft resolution was adopted unanimously as resolution 262 (1968).¹¹³

(xiii) Decision of 1 April 1969

120. At its 1466th to 1473rd meetings, held between 27 March and 1 April 1969, the Security Council considered the situation in the Middle East at the requests of the representatives of Jordan and Israel. By a letter¹¹⁴ dated 26 March 1969, the representative of Jordan complained of an attack that day by Israel jet fighters on Jordanian villages and certain centres in the area of Es Salt, as a result of which seventeen civilians had been killed and twenty-five wounded. The attack had also caused heavy damage to property and to the main roads linking the villages of the city of Es Salt. In his letter, the representative of Jordan requested an urgent meeting of the Security Council to consider such a grave and serious violation of the cease-fire and to take more effective measures to check Israel's act of aggression.

121. By a letter¹¹⁵ dated 27 March 1969, the representative of Israel also requested an urgent meeting of the Security Council to consider grave and continual violations by Jordan of the cease-fire, including armed attacks, armed infiltration and acts of murder and violence by terrorist groups operating from Jordan territory with official support, and also firing across the cease-fire lines by Jordanian forces, including shelling of Israel villages.

122. Several representatives noted during the discussion¹¹⁶ that Israel's action should be condemned because it constituted a clear violation of the cease-fire resolutions. It could not be characterized as a measure of self-defence, as

¹¹³ S C, 23rd yr., 1462nd mtg., para. 6.

¹¹⁴ S C, 24th yr., Suppl. for Jan.-Mar., pp. 142 and 143, S/9113.

¹¹⁵ *Ibid.*, p. 143, S/9114.

¹¹⁶ For the texts of the statements referred to in paras. 122-125, see S C, 24th yr., 1466th mtg.: Israel, paras. 57, 87 and 97; Jordan, paras. 47, 50 and 54; 1467th mtg.: Nepal, paras. 32-46; USSR, paras. 4-31; United States, paras. 47-54; 1468th mtg.: Algeria, paras. 11, 13 and 17; France, paras. 37 and 39; Finland, paras. 18, 20 and 22; Israel, para. 65; Jordan, paras. 78 and 83; Pakistan, paras. 46, 49 and 54; United Kingdom, paras. 29 and 31; 1469th mtg.: Colombia, paras. 80, 85 and 86; Hungary, paras. 135 and 138; Spain, paras. 58, 62, 64 and 67; United States, paras. 176-178; Zambia, paras. 125-128; 1470th mtg.: China,

recognized under Article 51, but rather a punitive action which showed that Israel believed in the effectiveness of armed action rather than in pursuing conciliatory policies. The deteriorating situation in the Middle East was a matter of great concern to the United Nations and, in particular, to the permanent members of the Security Council, who had agreed to hold talks with a view to contributing to the implementation of resolution 242 (1967), which had set the framework of a just and equitable settlement of the situation in the Middle East.

123. It was also maintained that, although the reported Israel air attack had constituted a flagrant violation of the cease-fire and the Council should accordingly urge Israel to avoid such indiscriminate actions, that attack should be seen in the total context of the continuing absence of peace in the Middle East. Thus, while condemning the current Israel attack, the Security Council could not refrain from condemning the other grave violations from the other side.

124. At the 1472nd meeting the representative of Pakistan introduced a draft resolution sponsored jointly by Pakistan, Senegal and Zambia, of which the relevant paragraphs would provide as follows:

“The Security Council,

“ . . .

“Having heard the statements made before the 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) of 16 August 1968,

“Gravely concerned about the deteriorating situation which endangers peace and security in the area,

“1. Deplores the loss of civilian life and damage to property;

“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.”

125. At the 1473rd meeting the representative of Pakistan, on behalf of the sponsors, introduced a revised text of the three-Power draft resolution. In the revised text the third preambular paragraph would read: “Recalling resolution 236 (1967)” and a new paragraph 1 was inserted which would read: “Reaffirms resolutions 248 (1968) and

256 (1968)”. The former paragraphs 1 and 2 were accordingly to be renumbered as paragraphs 2 and 3.

Decision

At the 1473rd meeting of the Security Council, on 1 April 1969, the three-Power draft resolution was adopted by 11 votes to none, with 4 abstentions, as resolution 265 (1969).¹¹⁷

(xiv) Decision of 3 July 1969

126. At its 1482nd to 1485th meetings, held between 30 June and 3 July 1969, the Security Council considered the situation in the Middle East at the request of the representative of Jordan. By a letter¹¹⁸ dated 26 June 1969, Jordan complained of further violations by Israel of resolution 252 (1968) of 21 May 1968 concerning Jerusalem. The letter stated that, instead of complying with the directives of the Security Council, the Government of Israel, in utter disregard of the will of the inhabitants of Jerusalem, had enacted Administrative Regulation Law 1968 and had, on 27 April 1969, enacted further provisions and new regulations. Although an urgent meeting of the Council on the matter, called in February 1969, had been deferred, Israel had continued to take measures contrary to the Council's resolution 252 (1968) and to the Charter of the United Nations and was further implementing its plan for the establishment of Israel settlements in the city. Consequently, he requested an urgent meeting of the Council to consider Israel's continued defiance of resolution 252 (1968) on Jerusalem.

127. In the course of the debate¹¹⁹ the representative of Jordan observed that the Government of Israel had failed to carry out Security Council resolution 252 (1968) under which the Israeli authorities had been requested to desist from taking any further action which would tend to change the status of Jerusalem. The so-called Legal and Administrative Matters Law passed by Israel on 23 August 1968 was intended to complete the process of unilateral annexation of Jerusalem and other surrounding areas. The provisions of that legislation were in utter disregard of the will of the Security Council. The Powers that had special responsibilities under the Charter must insist on putting an end to such behaviour on the part of Israel. In May 1968 the Council had taken a decision deploring Israel's non-compliance and declaring all Israel's measures concerning annexation of the Jerusalem area as invalid. The Council should, therefore, presently condemn in the strongest terms the non-compliance of Israel with resolution 252 (1968), and warn that unless the illegal legislative acts were rescinded, the Council would take action, including the application of Article 41 of the Charter. In the view of

¹¹⁷ S C, 24th yr., 1473rd mtg., para. 92.

¹¹⁸ S C, 24th yr., Suppl. for April-June, pp. 345 and 346, S/9284.

¹¹⁹ For the texts of the statements referred to in paras. 127-131, see S C, 24th yr., 1482nd mtg.: Israel, paras. 53, 55-57; Jordan, paras. 10, 15 and 44; 1483rd mtg.: Algeria, paras. 89, 90 and 91; France, paras. 46, 48, 51 and 54; USSR, paras. 61, 64, 66 and 70; United Arab Republic, paras. 8, 15-16 and 23; United States, paras. 97-100; 1484th mtg.: China, paras. 105 and 108; Colombia, paras. 185 and 186; Finland, paras. 99 and 100; Hungary, paras. 83 and 93; Indonesia, paras. 165, 166, 168 and 169; Israel, para. 229; Iraq, paras. 144, 147, 148 and 156; Lebanon, paras. 126, 128 and 134; Malaysia, paras. 113, 118 and 119; Morocco, paras. 25, 49 and 52; Nepal, paras. 72 and 77; Paraguay, paras. 190-192 and 197; Spain, paras. 176, 178-182; Syria, paras. 201 and 203; Zambia, paras. 55, 56, 59 and 62; 1485th mtg.: Pakistan, paras. 164-168, 181 and 184; Sudan, paras. 66, 72, 73 and 84; Tunisia, paras. 55, 60 and 63.

paras. 50 and 52; Paraguay, paras. 37 and 44; 1472nd mtg.: Pakistan, paras. 10, 13, 15-19; USSR, paras. 99, 115-118; United Kingdom, paras. 53-55; United States, paras. 43-45; 1473rd mtg.: Colombia, paras. 71-73 and 76; France, paras. 17 and 18; Finland, paras. 80, 82 and 83; Pakistan, paras. 2-4; Paraguay, paras. 11-13.

the representative of Jordan, the one single issue before the Council was the resolution on Jerusalem adopted by the Council and defied by Israel, together with the continued defiance and the further violations that had been committed by the occupying military and civil authorities in the Jerusalem area.

128. The representative of Israel stated that the Jordanian complaint was a manoeuvre to divert attention from the fact that the Arab Governments had hardened even further their refusal to conclude peace with Israel. Regarding the regulations which were the subject of the complaint, he stated that what mattered to Jordan was less what Israel did than the fact that Israel did it. In reply to Jordanian complaints concerning Israel measures in the area of the Wailing Wall, he stated that Jordan had, in 1948, razed thirty-four of the thirty-five houses of worship, as well as schools and homes, in the Jewish Quarter of Jerusalem.

129. During the debate, it was maintained that Jerusalem had already been the subject of much discussion and many resolutions by the Security Council and the General Assembly, including resolution 252 (1968), and that, since 1967, a number of measures adopted in the occupied territories, and particularly in Jerusalem, had given rise to Jordan's protests to the Council and the General Assembly. The new complaint of Jordan was the continuation of previous ones and stemmed from Israel's non-compliance with the provisions of Security Council resolution 252 and General Assembly resolutions 2253 (ES-V) and 2254 (ES-V). It was further asserted that there could be no doubt that all legislative, administrative or other measures adopted by Israel that might facilitate the process of integration of part of Jerusalem, were not only in contradiction to those resolutions and to principles and rules of international law regarding armed occupation, but detrimental to peace and to the efforts being made in order to implement Security Council resolution 242 (1967).

130. In referring to the obligations of Member States towards the United Nations, one representative observed that Security Council resolution 252 (1968) covering Jerusalem had not been implemented. Such repeated disregard by Israel of a resolution of the highest authority of the United Nations posed a serious threat to the very existence of the world organization. There had probably been no more persistent and difficult problem facing the United Nations since its inception than the failure by a few countries to carry out their pledged obligations under the Charter. Those obligations arose from Article 25 of the Charter, under which all Members had undertaken to accept and carry out the decisions of the Security Council in accordance with the Charter. Continued defiance posed therefore a great threat to both the letter and the spirit of the Charter, deepening the crisis of confidence in the United Nations.

131. At the 1485th meeting the representatives of Pakistan, Senegal and Zambia jointly submitted the following draft resolution:

"The Security Council,

"Recalling its resolutions 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.

"Having heard the statements of the parties concerned on the question,

"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 that 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. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution."

Decision

At the 1485th meeting, on 3 July 1969, the draft resolution was unanimously adopted as resolution 267 (1969).¹²⁰

(xv) Decision of 26 August 1969

132. At its 1498th to 1502nd and 1504th meetings, held on 13 to 15, 18 and 26 August 1969, the Security Council considered the situation in the Middle East at the requests of the representatives of Lebanon and Israel. In a letter¹²¹ dated 11 August 1969, the representative of Lebanon charged that Israel's jet aircraft had attacked six villages near its southern border with napalm bombs, rockets and machine-guns and that four civilians had been killed and three wounded. In a further letter¹²² dated 12 August, the representative of Lebanon requested the convening of an urgent meeting of the Security Council to consider his complaint regarding that attack. On the same date the representative of Israel also requested an urgent meeting of the Council¹²³ to consider his complaint about several armed attacks against his country launched from Lebanese territory, charging that, in the preceding few months, twenty-one attacks by shelling, firing and mining had been carried out against Israeli localities, during which civilians had been wounded. The representative of Israel added that in self-defence Israel had been compelled to take action on

¹²⁰ S C, 24th yr., 1485th mtg., para 195.

¹²¹ *Ibid.*, Suppl. for July-Sept., p. 152, S/9383.

¹²² *Ibid.*, p. 153, S/9385.

¹²³ *Ibid.*, p. 156, S/9387

11 August 1969, against irregular terrorist encampments in Lebanese territory.

133. During the debate in the Council,¹²⁴ the representative of Lebanon stated that an unprovoked attack had been carried out against his country by Israel; he charged that, on 11 August, Israel fighters and bombers had raided six villages in southern Lebanon, using napalm, machine-guns and rockets, killing four civilians and wounding three others. In justification of its attack, Israel had claimed that its action had been taken in retaliation for attacks against Israel from Lebanese territory. If Israel had "serious and plausible reasons for complaints, it should have resorted to the United Nations machinery established under the Israel-Lebanon General Armistice Agreement, which continued to be valid and in force. Lebanon had respected its obligations under that Agreement, but Israel had refused constantly to resort to the Mixed Armistice Commission or to permit any investigation to establish the facts. The United Nations had adopted several resolutions condemning Israel's aggression in the past, but Israel, instead of implementing those resolutions, had taken action unilaterally in defiance of international law. Lebanon could not be held responsible for the actions of the Palestinian commandos who were struggling to establish their legitimate rights. As a small and defenceless country, Lebanon relied on the rule of law and on the action which could be taken by the Security Council. After recalling that the Security Council, in its resolution 262 (1968), had issued a solemn warning to Israel that, in case of recurrence of acts of violence, the Council would have to consider further steps, the representative of Lebanon urged the Council to take steps as provided in the Charter, including sanctions, and to hold Israel responsible for the damages inflicted against civilian life and property.

134. The representative of Israel stated that, despite the 1967 cease-fire, terrorist operations had continued unabated and the regular armies of the Arab States had intensified their attacks against Israel. Along with other Arab countries, Lebanon had allowed itself to become a base of terrorist operations against Israel, and the Lebanese Government seemed unable or unwilling to curtail those operations. Israel, which had been subjected to Arab aggression for more than two decades, had had to take action in self-defence, carefully directing the action against the saboteurs' concentrations. In Israel's opinion, Lebanon could not be absolved of its responsibility for the use of its territory by terrorist organizations. It was well known to Lebanon that Israel's aim was to maintain the cease-fire and that the action taken by it was in self-defence.

135. It was also contended that Israel's attack on Lebanon, whether as a retaliatory action or as an act of self-de-

fence, was unjustified and contrary to the Charter and constituted a serious violation of the Armistice Agreement, the cease-fire and other Security Council resolutions, in particular resolution 262 (1968) adopted when the Council had considered the case of an earlier Israel reprisal action against Lebanon. Furthermore, the current incident had diminished the chance to promote a peaceful settlement in accordance with the Council's unanimously adopted resolution 242 (1967).

136. It was also maintained that Israel and Lebanon had an equal obligation to observe the cease-fire that they had agreed to respect. While the Israel air attack in violation of the cease-fire could not be condoned, the Council could not completely exonerate Lebanon from its responsibility for attacks carried out from its territory. The general deterioration of the cease-fire could not fail to make the Council's task more difficult and the Council must, therefore, insist on strict observance of the cease-fire.

137. At the 1504th meeting the President announced that, as a result of intensive consultation among members, agreement had been reached on the text of a draft resolution, the relevant paragraphs of which would provide as follows:

"The Security Council,

" . . .

"Grieved at the tragic loss of civilian life and property,

"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 resolutions 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."

Decision

At the 1504th meeting, on 26 August 1969, the draft resolution was adopted unanimously as resolution 270 (1969).¹²⁵

(xvi) Decision of 15 September 1969

138. At its 1507th to 1512th meetings, held between 9 and 15 September 1969, the Security Council considered

¹²⁴ For the texts of the statements referred to in paras. 133-137, see S C, 24th yr., 1498th mtg.: Israel, paras. 45, 46, 78, 82 and 86; Lebanon, paras. 12, 17, 18, 21-23, 30, 34, 38 and 39; 1499th mtg.: Algeria, paras. 3, 17 and 18; France, paras. 45-46; Israel, para. 60; Pakistan, paras. 51, 52-54; USSR, paras. 23, 30 and 31; 1500th mtg.: Hungary, paras. 29 and 30, Senegal, paras. 21 and 23; United States, paras. 13 and 15; 1501st mtg.: Finland, paras. 10 and 12; Israel, paras. 40, 41 and 54, Lebanon, paras. 32 and 33, Nepal, paras. 23 and 24, United Kingdom, paras. 7 and 8; Zambia, paras. 56 and 64; 1502nd mtg.: China, para. 33; Colombia, paras. 5-7; Lebanon, paras. 51 and 52; Paraguay, paras. 15 and 21; Spain, paras. 73, 74 and 77; 1504th mtg.: Colombia, paras. 20 and 21; Finland, paras. 23 and 24; Pakistan, paras. 37 and 38; Paraguay, paras. 28-30, United Kingdom, paras. 10 and 11; USSR, paras. 43-46; United States, paras. 16 and 18.

¹²⁵ S C, 24th yr., 1504th mtg., para. 3.

the situation in the Middle East at the joint request of the representatives of Afghanistan, Algeria, Guinea, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Morocco, Niger, Pakistan, Saudi Arabia, Somalia, Southern Yemen, Sudan, Syria, Tunisia, Turkey, the United Arab Republic and Yemen, who urged the Council to meet to consider the "grievous situation resulting from the extensive damage caused by arson to the Holy Al Aqsa Mosque in Jerusalem."¹²⁶

139. A number of representatives contended during the debate¹²⁷ that, although the Council had under its consideration a specific complaint, the question raised therein had wider implications and concerned the juridical status of Jerusalem. Under General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) and Security Council resolutions 252 (1968) and 267 (1969), Israel had been asked to desist from taking actions that would tend to change the status of Jerusalem. Those and other resolutions had also reaffirmed the principle that territory could not be acquired by military conquest. Thus, as long as Israel continued its current policy of defiance and refused to withdraw from the occupied territories, the tension in the Middle East would increase, posing a threat to peace and security far beyond the Israel-Arab borders. The current episode had brought out more forcefully than ever before the need to make Israel carry out fully and faithfully the various United Nations resolutions, including resolution 242 (1967).

140. The representative of Israel stated that his Government shared the sense of shock at the damage caused to the Al Aqsa Mosque and its own reaction had been summed up in the statement made by the Foreign Minister of Israel on 24 August in which he had said that the Al Aqsa was a part of universal culture and that, as a result of damage to it, a part of the human heritage had been injured and that everything must be done to restore it as far as possible to its full splendor. It was in that spirit that the Security Council must consider the incident, and its action must not cause further division and hostility.

141. At the 1510th meeting, the representative of Pakistan submitted a draft resolution which read as follows:

"The Security Council,

"Grieved at the extensive damage caused by arson to the Holy Aqsa Mosque in Jerusalem on 21 August 1969 under the military occupation of Israel,

"Mindful of the consequent loss to human culture,

"Having heard the statements made before the Council reflecting the universal outrage caused by the act of

sacrilege in one of the most venerated shrines of mankind,

"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, respectively, concerning measures and actions by Israel affecting the status of the city of Jerusalem,

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

"1. Reaffirms its resolutions 252 (1968) and 267 (1969);

"2. Recognizes that any act of destruction or profanation of the Holy Places, religious buildings and sites in Jerusalem or any encouragement of, or connivance at, any such act may seriously endanger international peace and security;

"3. Determines that the execrable act of desecration and profanation of the Holy Al Aqsa Mosque emphasizes the immediate necessity of Israel's desisting from acting in violation of the aforesaid resolutions and rescinding forthwith all measures and actions taken by it designed to alter the status of Jerusalem;

"4. Calls upon Israel scrupulously to observe the provisions of the Geneva Convention and international laws governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Supreme Moslem Council of Jerusalem, including any co-operation that Council may desire from countries with predominantly Moslem population and from Moslem communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem;

"5. Condemns the failure of Israel to comply with the aforementioned resolutions and calls upon it to implement forthwith the provisions of these resolutions;

"6. Reiterates the determination in paragraph 7 of resolution 267 (1969) that in the event of a negative response or no response, the Security Council shall convene without delay to consider what further action should be taken in this matter;

"7. Requests the Secretary-General to follow closely the implementation of the present resolution and to report thereon to the Security Council at the earliest possible date."

Decision

At the 1512th meeting, on 15 September 1969, the draft resolution was adopted by 11 votes to none, with 4 abstentions, as resolution 271 (1969).¹²⁸

c. Decision of 14 March 1968 in connexion with the question of South West Africa

142. At its 1390th to 1397th meetings, held between 16 February and 14 March 1968, the Security Council considered the question of South West Africa at the request of the representatives of Chile, Colombia, Guyana, India, Indonesia, Nigeria, Pakistan, Turkey, United Arab Republic, Yugoslavia, and Zambia, members of the United Nations Council for South West Africa. In their letter of submis-

¹²⁶ *Ibid.*, Suppl. for July-Sept., p. 166, S/9421 and Add. 1 and 2.

¹²⁷ For the texts of the statements referred to in paras. 139-141, see S C, 24th yr., 1570th mtg.: Indonesia, paras. 78, 79, 82 and 83; Israel, para. 126; Pakistan, paras. 10, 20 and 29; United Arab Republic, paras. 41, 61-63; 1508th mtg.: Algeria, paras. 25 and 29; India, paras. 36, 38 and 40; Somalia, paras. 56-58 and 63; 1509th mtg.: Hungary, paras. 110 and 111; Jordan, paras. 47, 58 and 59; United Arab Republic, paras. 136 and 137; 1510th mtg.: Ceylon, paras. 26, 27, 31 and 33; Malaysia, paras. 44 and 45; Pakistan, paras. 61 and 69; 1511th mtg.: Colombia, paras. 90 and 91; Finland, paras. 119-121; France, paras. 10 and 12; Lebanon, paras. 28 and 29; Nepal, paras. 79-81; Paraguay, paras. 126-128; Senegal, paras. 54, 57 and 58; Tunisia, paras. 43 and 46; United States, paras. 66, 67, 72-74; Zambia, para. 113; 1512th mtg.: Finland, para. 139; Jordan, paras. 13, 14 and 20; Pakistan, paras. 128 and 129; Spain, paras. 28-30; USSR, paras. 37, 38, 49, 51, 53 and 55; United Kingdom, paras. 144, 147-149.

¹²⁸ S C, 24th yr., 1512th mtg., para. 137.

sion¹²⁹ dated 12 February 1968, those representatives referred to Security Council resolution 245 (1968) and requested an urgent meeting of the Security Council to consider the situation resulting from the continuation of the illegal trial of thirty-four South West Africans, and the sentences on thirty-three of them in defiance of General Assembly resolution 2324 (XXII) and Security Council resolution 245 (1968), adopted unanimously on 25 January 1968, whereby the Council called upon the Government of South Africa to discontinue that illegal trial forthwith and to release and repatriate the South West Africans concerned. By a letter¹³⁰ also dated 12 February 1968, the representatives of Afghanistan, Algeria, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iran, Iraq, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Tanzania, Thailand, Togo, Tunisia, Uganda, Upper Volta and Yemen supported the request to convene an urgent meeting of the Security Council made by the representatives of the eleven members of the United Nations Council for South West Africa.

143. Speaking on behalf of the eleven members of the United Nations Council for South West Africa, the representative of Pakistan stated¹³¹ that the Council was faced with a clear defiance of its resolution 245 (1968) and consequently it must act to end the Pretoria trial and ensure the release and repatriation of the South West Africans illegally tried under laws which were contrary to those recognized by civilized nations and abhorrent to humane traditions. The Security Council must discharge its responsibility under the United Nations Charter and must equally uphold the authority of the General Assembly. It was hoped that the Council would take early and effective action to deal with the situation caused by South Africa's defiance of resolution 245 (1968). The Council must condemn South Africa and warn that continued refusal to implement the Council resolution would constrain the latter to take more drastic steps envisaged in the Charter.

144. Several other representatives asserted that the Security Council must act speedily and effectively and demand that South Africa heed United Nations decisions. Otherwise, enforcement measures must be taken. The rejection by South Africa of Security Council resolution 245 (1968), officially communicated to the Secretary-General, came under the purview of Article 25. One representative, after citing the text of Article 25, contended that it was obvious that the Government of South Africa, in refusing to abide

by Security Council resolution 245 (1968), had in fact refused to carry out a specific decision of the Council. Thus, any action that the Council was contemplating to take should be based on the recognition of the fact that what was involved was nothing less than Article 25 of the Charter, namely, the failure of a State Member of the Organization to carry out decisions of the Council.

145. At the 1394th meeting, the President of the Council drew the attention of members to a joint draft resolution¹³² sponsored by Algeria, Brazil, Ethiopia, India, Pakistan, Paraguay and Senegal which, in its relevant parts, would provide as follows:

"The Security Council,

"Recalling its resolution 245 (1968) of 25 January 1968, by which it unanimously condemned the refusal of the Government of South Africa to comply with the provisions of General Assembly resolution 2324 (XXII) of 16 December 1967 and further called upon it to discontinue forthwith the illegal trial and to release and repatriate the South West Africans concerned,

"Mindful of the obligation of Member States to accept and carry out the decisions of the Security Council in accordance with the Charter,

"Distressed that the Government of South Africa has failed to comply with Security Council resolution 245 (1968),

"1. Censures the Government of South Africa for its flagrant defiance of Security Council resolution 245 (1968) as well as of the authority of the United Nations of which South Africa is a Member;

"2. Demands that the Government of South Africa forthwith release and repatriate the South West Africans concerned;

"3. Calls upon the Members of the United Nations to co-operate with the Security Council, in fulfilment of their obligations under the Charter, to ensure that the Government of South Africa complies with the provisions of the present resolution;

"4. Decides that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, which will be in violation of Article 25 of the Charter, the Security Council will meet immediately to decide on the application of effective measures as envisaged in the Charter of the United Nations."

146. During the discussion, it was observed that although Article 25 had very close and perhaps exclusive links with Chapter VII of the Charter, the mention of that Article in paragraph 4 of the draft resolution did not necessarily imply a mechanical reference to a specific Chapter of the Charter. The current case was not a dispute between two or more Member States, but a dispute between the Organization and a Member State which had persistently defied it. Therefore, the clear warning of Article 25 was essential.

147. At the 1394th meeting the President stated that, after consultations with members of the Council, he was in a

¹²⁹ S C, 23rd yr., Suppl. for Jan.-March, pp. 177 and 178, S/8394.

¹³⁰ *Ibid.*, pp. 178 and 179, S/8398 and Add./Rev.1 and Add.2.

¹³¹ For the texts of the statements referred to in paras. 143-146, see S C, 23rd yr., 1391st mtg.: Canada, para. 59; Chile, paras. 141-145, 150 and 154; Denmark, para. 50; France, para. 113; Hungary, paras. 86 and 96; Pakistan, paras. 8, 9, 11, 19, 25 and 27; Senegal, paras. 32 and 44; USSR, paras. 116, 127 and 128; 1392nd mtg.: Algeria, para. 90, Brazil, paras. 7 and 12; China, para. 95; Ethiopia, paras. 45, 54-57 and 61; India, paras. 20 and 21; Paraguay, paras. 103, 105 and 107; United Kingdom, paras. 39-42; United Arab Republic, paras. 115, 116 and 122; 1393rd mtg.: Colombia, para. 64; Indonesia, paras. 9, 19, 24 and 25; Turkey, para. 43; Yugoslavia, para. 59; Zambia, para. 37; 1395th mtg.: Nigeria, paras. 66 and 68; Pakistan, paras. 19-33; United Kingdom, paras. 95 and 97; United States, paras. 78 and 79.

¹³² S C, 23rd yr., Suppl. for Jan.-March; pp. 198 and 199, S/8429.

position to put before the Security Council a text on which he believed there could be a unanimous vote. The text read as follows:

"The Security Council,

"Recalling its resolution 245 (1968) of 25 January 1968, by which it unanimously condemned the refusal of the Government of South Africa to comply with the provisions of General Assembly resolution 2324 (XXII) of 16 December 1967 and further called upon it to discontinue forthwith the illegal trial and to release and repatriate the South West Africans concerned,

"Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966 by which the General Assembly of the United Nations terminated the Mandate of South Africa over South West Africa and assumed direct responsibility for the Territory until its independence,

"Reaffirming the inalienable right of the people and Territory of South West Africa to freedom and independence in accordance with the Charter of the United Nations and with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,

"Mindful that Member States shall fulfill all their obligations as set forth in the Charter,

"Distressed that the Government of South Africa has failed to comply with Security Council resolution 245 (1968),

"Taking into account the memorandum of the United Nations Council for South West Africa of 25 January 1968 on the illegal detention and trial of the South West Africans concerned as also the letter of 10 February 1968 from the President of the United Nations Council for South West Africa,

"Reaffirming that the continued detention and trial and subsequent sentencing of the South West Africans constitute an illegal act and a flagrant violation of the rights of the South West Africans concerned, the Universal Declaration of Human Rights and of the international status of the Territory now under direct United Nations responsibility,

"Cognizant of its special responsibility towards the people and the Territory of South West Africa,

"1. Censures the Government of South Africa for its flagrant defiance of Security Council resolution 245 (1968) as well as of the authority of the United Nations of which South Africa is a Member;

"2. Demands that the Government of South Africa forthwith release and repatriate the South West Africans concerned;

"3. Calls upon Members of the United Nations to cooperate with the Security Council, in pursuance of their obligations under the Charter, in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

"4. Urges Member States who are in a position to contribute to the implementation of the present resolution to assist the Security Council in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

"5. Decides that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon effective steps or

measures in conformity with the relevant provisions of the Charter of the United Nations;

"6. Requests the Secretary-General to follow closely the implementation of the present resolution and to report thereon to the Security Council not later than 31 March 1968."

Decision

At the 1397th meeting, on 14 March 1968, the draft resolution submitted by the President was adopted unanimously as resolution 246 (1968).¹³³

*d. Decision of 20 March 1969 in connexion with the situation in Namibia*¹³⁴

148. At its 1464th and 1465th meetings, held on 20 March 1969, the Security Council considered the situation in Namibia. In a letter¹³⁵ dated 14 March 1969, the representatives of forty Member States requested an urgent meeting of the Security Council to examine the deteriorating situation in Namibia and to take appropriate action to enable the people of Namibia to exercise their right to self-determination. The letter added that the South African Government, in spite of the General Assembly and Security Council decisions, had continued to maintain its occupation of the Territory of Namibia, constituting a grave threat to international peace and security. The letter was signed by the representatives of Afghanistan, Algeria, Burundi, Cameroon, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Equatorial Guinea, Gabon, Ghana, Guinea, India, Indonesia, Ivory Coast, Madagascar, Mali, Mauritania, Mauritius, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Tanzania, Togo, Tunisia, Uganda, the United Arab Republic, Yugoslavia and Zambia. Subsequently, Cyprus, Ethiopia, Liberia, Libya, Mongolia and Turkey joined in signing the request.¹³⁶

149. In a letter¹³⁷ dated 19 March 1969, the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples transmitted to the Security Council the text of a statement made by him at the 661st meeting of the Committee. The statement charged that the Government of South Africa, instead of relinquishing its illegal control over Namibia, had taken measures aimed at destroying the unity and territorial integrity of Namibia and was extending its system of *apartheid* to Namibia by creating separate "homelands" for the non-white population groups. Those measures, taken in defiance of the authority of the United Nations and in violation of the resolutions of the General Assembly and the Security Council, had created a grave situation in Namibia, and the Special Committee considered that the Security Council should take urgent action in the spirit of the recommendations of the General Assembly.

¹³³ *Ibid.*, 1397th mtg., para. 5.

¹³⁴ By resolution 2372 (XXII), adopted on 12 June 1968, the General Assembly proclaimed that "in accordance with the desires of its people, South West Africa shall henceforth be known as 'Namibia'".

¹³⁵ S C, 24th yr., Suppl. for Jan.-Mar., pp. 126 and 127, S/9090.

¹³⁶ *Ibid.*, pp. 126 and 127, S/9090, Add. 1-3.

¹³⁷ *Ibid.*, pp. 131 and 132, S/9097.

150. At the 1464th meeting, the representative of Zambia introduced a draft resolution jointly sponsored with the representatives of Colombia, Nepal, Pakistan, Paraguay and Senegal which would provide that:

"The Security Council,

"Taking note of General Assembly resolutions 2248 (S-V) of 19 May 1967; 2324 (XXII) and 2325 (XXII) of 16 December 1967; 2372 (XXII) of 12 June 1968 and 2403 (XXIII) of 16 December 1968,

"Taking into account General Assembly resolution 2145 (XXI) of 27 October 1966 by which the General Assembly of the United Nations terminated the Mandate of South West Africa and assumed direct responsibility for the territory until its independence,

"Recalling its resolutions 245 (1968) of 25 January 1968 and 246 (1968) of 14 March 1968,

"Reaffirming the inalienable right of the people of Namibia to freedom and independence in accordance with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960,

"Mindful of the grave consequences of South Africa's continued occupation of Namibia,

"Reaffirming its special responsibility towards the people and the territory of Namibia,

"1. Recognizes that the United Nations General Assembly terminated the mandate of South Africa over Namibia and assumed direct responsibility for the territory until its independence;

"2. Considers that the continued presence of South Africa in Namibia is illegal and contrary to the principles of the Charter and the previous decisions of the United Nations and is detrimental to the interests of the population of the territory and those of the international community;

"3. Calls upon the Government of South Africa to immediately withdraw its administration from the territory;

"4. Declares that the actions of the Government of South Africa designed to destroy the national unity and territorial integrity of Namibia through the establishment of Bantustans are contrary to the provisions of the United Nations Charter;

"5. Declares that the Government of South Africa has no right to enact the 'South West Africa Affairs Bill', as such an enactment would be a violation of the relevant resolutions of the General Assembly;

"6. Condemns the refusal of South Africa to comply with General Assembly resolutions 2145 (XXI); 2248 (S-V); 2324 (XXII); 2325 (XXII); 2372 (XXII) and 2403 (XXIII) and Security Council resolutions 245 and 246 of 1968;

"7. Invites all States to exert their influence in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

"8. Decides that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon necessary steps or measures in accordance with the relevant provisions of the Charter of the United Nations;

"9. Requests the Secretary-General to follow closely the implementation of the present resolution and to report to the Security Council as soon as possible;

"10. Decides to remain actively seized of the matter."

151. During the discussion,¹³⁸ several representatives maintained that in view of South Africa's continued refusal to comply with the decisions adopted by the General Assembly and the Security Council, the Council should contemplate stronger measures. The draft resolution before the Council represented a step forward in that direction. By its adoption the Security Council would recognize and endorse the termination by the General Assembly of South Africa's mandate over Namibia. If South Africa were to refuse to withdraw its administration and its forces immediately from Namibia, which constituted a threat to international peace, then it would be well for the Council to take effective measures.

152. It was also maintained that, if the Council were to achieve any success, it must move in unison. Any proposals, to be effective, should be based on a wide measure of agreement. The long debates and delicate negotiations which had culminated in the unanimous adoption of resolution 246 (1968) had shown the limits within which the Council could act if it wished to obtain the large majority which was indispensable for exerting pressure on South Africa; if, on the other hand, the Council were to adopt resolutions which it could not put into effect, then the Council would not be serving the people concerned but would be encouraging the Government of South Africa to pursue its policies.

153. Referring to the draft resolution, one representative asserted that it did not commit the Council to sanctions under Chapter VII of the Charter.

Decision

At the 1465th meeting, on 20 March 1969, the draft resolution was adopted by 13 votes to none, with 2 abstentions, as resolution 264 (1969).¹³⁹

****B. The question of the applicability of Article 25 to States not Members of the United Nations**

¹³⁸ For the texts of the statements referred to in paras. 150-153, see S C, 24th yr., 1464th mtg.: Algeria, paras. 12-29; France, paras. 96-112; Nepal, paras. 81-94; Pakistan, paras. 113-126; Senegal, paras. 62-79; Zambia, paras. 31-60; 1465th mtg.: China, paras. 146-151; Colombia, paras. 131-144; Finland, paras. 61-66; Hungary, paras. 153-159; Paraguay, paras. 110-120; Spain, paras. 122-129; USSR, paras. 17-59; United Arab Republic, paras. 97-109; United Kingdom, paras. 67-94; United States, paras. 2-16.

¹³⁹ S C, 24th yr., 1465th mtg., para. 165.