

Chapter X

CONSIDERATION OF THE PROVISIONS OF CHAPTER VI OF THE CHARTER

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Part I

CONSIDERATION OF THE PROVISIONS OF ARTICLE 33 OF THE CHARTER

NOTE

During the period under review, none of the members of the Security Council, and none of the statements made thereon during the initial stage of debates, contained references to prior effort at pacific settlement.²

The significance of Article 33 in the pacific settlement of disputes and situations rests not only on the fact that the parties themselves are bound by their obligation

to that Article by the Council itself by calling upon the parties to settle their disputes by means of pacific settlement. In this connexion, reference should be made to the various decisions of the Security Council entered under the heading "Measures for Settlement" in the Analytical Table of Resolutions, 1946-1970, table G, paras. 1-10.

Council during the period under review contained no explicit reference to Article 33 of the Charter. Nor did they contain provisions calling on the parties concerned to enter into direct negotiations or to resort to any of the means of pacific settlement contained in paragraph 1 of that Article, in order to settle their differences by

indirect application of Article 33. In connexion with the complaint by the Government of Cyprus, for instance, the Council, in extending the stationing in

earlier resolutions on this question whereby it had, *inter alia*, recommended certain measures of pacific settlement³ but also to urge the parties to continue

constructive manner of the present auspicious climate and opportunities.

In another instance, in connexion with the question

² In one instance, the submitting State referred both in its initial communication and in its statement before the Council, to certain proposals it had made to the other party, prior to its appeal to the Security Council for dispatch to the area in question of a United Nations peace-keeping force. See resolution 1747 (1969) of 17 December 1969, in connexion with the complaint by the Government of Cyprus.

³ Resolutions 266 (1969); 281 (1970); 291 (1970); 293 (1970); 305 (1971) of 13 December 1971, para. 3.

⁴ Resolution 305 (1971), para. 1.
⁵ See, in particular, resolution 186 (1964) of 4 March 1964, paras. 3 and 5.

⁶ Resolutions 266 (1969); 281 (1970); 291 (1970); 293 (1970); 305 (1971).

VIII, part II, p. 125 of this Supplement.

⁷ Resolution 278 (1970) of 11 May 1970, para. 1.

status and welcomed⁹ the conclusions in the findings of the report.

context of the grave situation in the India/Pakistan subcontinent which, in its view, remained a threat to international peace and security, resolved,¹⁰ *inter alia*, to authorize the Secretary-General to appoint if necessary a special representative to lend his good offices for the solution of humanitarian problems. Two other

of which failed of adoption and the other¹² was not pressed for consideration. No constitutional discussion, applying to Article 33, ensued.

During the period under review Article 33 was invoked, explicitly and implicitly, by several members

ment of the parties and of the Council in efforts at pacific settlement. Some argued that the matter had been brought before the Council because bilateral attempts to settle it peacefully had failed or that the conditions for using the procedures under Article 33

tried before the question was brought before the Security Council.¹⁴ Some arguments, in this connexion, were

¹⁰ In connexion with the situation in the India/Pakistan subcontinent, see: resolution 307 (1971) of 21 December 1971, para. 5.

¹¹ In connexion with the situation in the India/Pakistan subcontinent, see: resolution 307 (1971) of 21 December 1971, para. 5.

¹² In connexion with the situation in the India/Pakistan subcontinent, see: resolution 307 (1971) of 21 December 1971, para. 5. In connexion with the situation in the India/Pakistan subcontinent, see: resolution 307 (1971) of 21 December 1971, para. 5. In connexion with the situation in the India/Pakistan subcontinent, see: resolution 307 (1971) of 21 December 1971, para. 5.

¹³ A joint draft resolution by Italy and Japan would, among other things, have the Security Council call for immediate steps toward a comprehensive political settlement and decide to appoint, with the consent of India and Pakistan, a committee composed of three members of the Security Council to assist them in their efforts to bring about normalcy in the area of conflict and to achieve reconciliation. (S/10416, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 90.) At the 1606th meeting of the Security Council, Italy, paras. 33-34.)

¹⁴ In connexion with the complaint by Zambia: 1486th meeting: Zambia, paras. 12-13, 49; 1488th meeting: Nepal, para. 60; 1489th meeting: Sierra Leone, para. 71; Zambia, para. 92. In connexion with the complaint by Senegal: 1518th meeting: Senegal, paras. 24-25; Senegal, paras. 116-117. In connexion with the complaint by Somalia: 1519th meeting: Somalia, para. 13.

¹⁵ In connexion with the complaint by Zambia: 1486th meeting: Zambia, paras. 12-13, 49; 1488th meeting: Nepal, para. 60; 1489th meeting: Sierra Leone, para. 71; Zambia, para. 92. In connexion with the complaint by Senegal: 1518th meeting: Senegal, paras. 24-25; Senegal, paras. 116-117. In connexion with the complaint by Somalia: 1519th meeting: Somalia, para. 13.

¹⁶ In connexion with the complaint by Senegal: 1516th meeting: Portugal, paras. 127-129. In connexion with the

and act. (1617th meeting: Italy, paras. 33-34.)

¹⁷ In connexion with the complaint by Senegal: 1516th meeting: Portugal, paras. 127-129. In connexion with the

para. 18. In connexion with the complaint by Senegal: 1516th meeting: Portugal, paras. 127-129. In connexion with the

8 and 9.

as follows: (1) while parties to a dispute have an obligation to settle it, in the first instance, along the lines of Article 33, every State is entitled, if these efforts

mutual confidence between the parties, the necessary prerequisite for the successful utilization of the means under Article 33 is non-existent it is the duty of the

solution;¹⁵ (2) the Council should assist the parties in

various ways and means under Chapter VII of the Charter, in order to prevent the recurrence of incidents

cation of the many instruments under Article 33 of the Charter;¹⁶ (3) these instruments, in particular negotiations, are binding to the extent that all the parties so decide and that the situation which gave rise to the dispute lends itself to a settlement;¹⁷ (4) non-imple-

On many other occasions, Article 33 was mentioned only briefly during the various Council debates: mostly as just an express reference to the exact phase in Article 33, and in some cases in support of one or the other

¹⁵ In connexion with the complaint by Zambia: 1480th meeting: Finland, para. 88.

¹⁶ In connexion with the complaint by Tunisia: 1491st meeting: United Kingdom, para. 15.

¹⁷ In connexion with the complaint by Senegal: 1518th meeting: France, para. 93; 1489th meeting: Tunisia, para. 55; in connexion with the complaint by Senegal: 1518th meeting: Nepal, paras. 116-117.

¹⁵ In connexion with the complaint by Senegal: 1517th meeting: Sierra Leone, para. 28; 1520th meeting: Spain, para. 54; 1572nd meeting: Senegal, para. 31.

¹⁶ In connexion with the complaint by Senegal: 1517th meeting: Sierra Leone, para. 28; 1520th meeting: Spain, para. 54; 1572nd meeting: Senegal, para. 31.

¹⁷ In connexion with the complaint by Senegal: 1518th meeting: Pakistan, para. 133. In connexion with the question concerning the islands of Abu Musa, the Greater Tunb and the Lesser Tunb: 1610th meeting: Iraq, paras. 256-257.

Part II

CONSIDERATION OF THE PROVISIONS OF ARTICLE 34 OF THE CHARTER

instance of an explicit reference to Article 34 in the resolutions or decisions of the Security Council. Neither has there been any constitutional discussion regarding

and security in the area. In a third instance, in which the State concerned maintained that another State was preparing aggression against it, the Council decided to send a special mission to the area for the purpose of creating immediately.

The three case histories entered in part II of this chapter relate only marginally to the functions of in-

In another case²⁰ the Security Council requested the

purpose of any proposed intervention was to maintain of international peace and security.²¹ In two instances,²²

report to the Council as appropriate and as early as

saalem. The report was to contain information on how

Council resolutions on Jerusalem

situation immediately; in the second instance,²⁴ the special mission was to examine the situation of which

once, together with Article 33, in support of the observation that the parties to the complaint before the Council could have sought a solution through negotiations and investigation in accordance with the provisions of the said Articles, since the State subject of complaint was prepared to accept some responsibility and pay

²¹ In one instance, in connexion with the complaint by Senegal, the Security Council, having considered the report of a special mission which it had sent to the area to examine the situation along the border between Guinea (Bissau) and

the region" and strongly deplored "the lack of co-operation

chapter for the establishment of the Special Mission.

²² Cases 1 and 2 below.

Case 2.

²⁴ See resolution 298 (1971) of 25 September 1971, para. 5. See also chapter VIII, pp. 120-121 of this Supplement.

meeting: Spain, para. 54.

organ so that its members could evaluate the situation on the basis of objective information.²⁸ No constitu-

On one occasion the reinstatement of the practice of sending investigation missions of the Security Council, rather than missions of the Secretariat was welcomed by one member as a positive development entirely in accord with the Charter and with the role of the Security Council as the organ primarily responsible for the maintenance of international peace and security. The Coun-

of the Charter independently to carry out thorough examination of particular acts of aggression and to take appropriate steps to eliminate such acts utilizing the relevant provisions of Chapters VI and VII of the Charter.

administration of one Member State and other Member States neighbouring these Territories.

proposed that the Security Council should call upon the administering State to allow a special mission to

sembly, to go to its overseas Territories to conduct an impartial investigation of conditions there in order to

all parties to investigate border incidents and related questions and report periodically to the Security Council on progress towards self-determination in the Territories, and thereby helped to prevent border incidents and disputes arising from them.

Nepal, Sierra Leone, Syria and Zambia (S/9990/Rev.1), voted upon and adopted on 22 November

the Republic of Guinea, there was a difference of opinion regarding the method of selecting it. The five-Power draft resolution that was adopted provided for its formation after consultation between the President of the Council and the Secretary-General, while a draft

At the 1558th meeting on 22-23 November 1970, the representative of Guinea* stated that on that morning the Republic of Guinea had been the object of premeditated armed aggression by Portuguese colonial quest by his Government that United Nations airborne

The Secretary-General informed the Council of messages he had received from the President of the Republic of Guinea charging Portugal with aggression

²⁸ In connexion with the complaint by Guinea: 1526th meeting: Spain, para. 5.

²⁹ In connexion with the complaint by Senegal: 1586th meeting: USSR, paras. 79-80; 1600th meeting: USSR, paras. 29-30.

³⁰ *Ibid.*, 1600th meeting: United States, paras. 50-51.

³¹ For texts of relevant statements, see: 1558th meeting: Guinea, paras. 18-22; Nepal, paras. 80-82; United States, paras. 84-86, 97-99; Secretary-General, paras. 7-13.

and from the Resident Representative of the United Nations Development Programme in Conakry who, at

scribed by the Government of Guinea as Portuguese.

The Council members also had before them a letter³³ dated 22 November 1970 from the representative of Portugal, in which he denied the accusation of the Government of Guinea stating that Guinea was trying to blame third parties for its internal troubles and

reject the Guinean accusations as unfounded.

During the deliberations in the Council, the representative of Nepal suggested that it was of the utmost importance for the Security Council, first to effect the withdrawal of the attacking forces, and, second to

of Burundi, Sierra Leone, Syria, Zambia and Nepal, a draft resolution, the third and fourth paragraphs of

which read as follows:

"The Security Council

"2. Decides to send a special mission to the Territories

"3. Decides that this special mission be formed after consultation between the President of the Security Council and the Secretary-General;

"..."

The representative of Nepal, requested, in the names of Burundi, Sierra Leone, Syria, Zambia and Nepal,

urgent basis. The United States raised an objection to the wording of the fourth paragraph of the draft resolution (Security Council) *Decides* that this special mission be formed after consultation." He added that the purpose of this change would be to ensure adequate consultation among the members of the Council in connexion with the composition of the special mission.

posals as an amendment to paragraph 4 of the draft resolution.³⁰

Subsequently, the United States amendment was put to the vote³⁷ and was not adopted the result of the vote being 8 in favour, none against with 12 abstentions.

³³ S/9989, OR, 25th yr., Suppl. for Oct.-Dec. 1970, pp. 51-52.

³⁴ S/9990/Rev.1 adopted without change as Security Council resolution 289 (1970), 1558th meeting, para. 81. In the original

the Council members (1558th meeting, para. 79) prior to the introduction by the representative of Nepal of the revised draft (S/9990/Rev.1), the third paragraph would have had the Security Council request its President "in consultation with the Secretary-General to send a special mission to the Repub-

³⁵ S/9990, OR, 25th yr., Suppl. for Oct.-Dec. 1970, p. 52.

³⁶ For the discussion on this issue see chapter VIII, part II, p. 147 and chapter V, Case 1, pp. 58-59.

³⁷ *Ibid.*, para. 100.

the Security Council before its next meeting.

At the 1571st meeting on 14 July 1971, the representative of Sierra Leone contended that Portugal had shown contempt for the United Nations by banking on experts sent by the United Nations were making of the *Ad Hoc* Working Group of Experts of the Commission on Human Rights, there was no need in the cause hostility, he urged that a special mission of the satisfy those who still might entertain some doubts.

At the 1572nd meeting on 15 July 1971, the representative of Japan expressed the opinion that a fact should be able to conduct its business freely and independently.

The representative of Somalia, invoking Article 34 of the Charter, held that the Security Council should use to the full its investigative powers so that any action it deemed necessary might be taken on an informed

contained revealing evidence obtained at first-hand about the situation on the border between Senegal and Guinea (Bissau), he expressed the belief that an on-the-spot investigation by the Council was necessary to dispel any remaining doubts as to whether there was a proper basis for the charges against Portugal. He believed that the Security Council should send a special mission to investigate the charges and to report fully to the Council on the situation prevailing along

tary experts could be provided by the States that would be appointed to the special mission. He stressed that the mission's report should clarify the nature and ex

in divide on the peace-keeping machinery and political peace and stability in the area. To this end, the members of the Afro-Asian Group of the Security Council sponsored by the delegations of Burundi, Japan, Sierra Leone, Somalia and Surin, which was being prepared for circulation.

The representative of China stated that it would be

sovereignty, its security and its territorial integrity were and would be respected, expressed the belief that there was a need to send to the area, with the approval of

44 1570th meeting, paras. 104-109.

members, assisted by their military experts, to carry out the inquiry.

After a brief suspension of the meeting, the President (France) announced⁴⁶ that the Council would (S/10266)⁴⁷ Under the terms of that draft resolution the report of the *Ad Hoc* Working Group of Experts of the Commission on Human Rights, expressing its would, among other things, condemn "the acts of violence Portuguese armed forces of Guinea (Bissau) against the population and villages of Senegal"⁴⁹ and request:

"... the President of the Security Council and has been informed, to examine the situation along the border between Guinea (Bissau) and Senegal and to report to the Council, making any recommendations aimed at guaranteeing peace and security in this region."⁵⁰

tion, expressed doubts concerning operative paragraph 2, whereby the Security Council would condemn acts of violence perpetrated since 1963 by the Portuguese armed forces of Guinea (Bissau) against Senegal. In his delegation's view that operative paragraph passed a judgement based upon the report of a group of experts, i.e., *Ad Hoc* Working Group of Experts of the Commission on Human Rights, whose nomination and mandate were not decided upon by the Security Council itself. The representative of the United States agreed with the resolution introduced by the representative of

to support even though it would abstain in the vote on the draft resolution as a whole.

adopted by 13 votes in favour, none against with 2

After the adoption of the resolution, the representative of the United Kingdom observed that the debate complaints made by the Government of Senegal and that subsequently the Council members had been asked to consider and condemn the series of incidents itemized in the report of the *Ad Hoc* Working Group of

⁴⁶ See foot-note 43 above.
⁴⁸ S/10266, preambular para. 10.
⁴⁹ *Ibid.*, para. 2.
⁵⁰ *Ibid.*, para. 4.
⁵¹ 1572nd meeting, paras. 79-80.

though such responsibility had been denied by the rep-

to the Chairman of the Commission on Human Rights (E/CN.4/1064). He emphasized that there had been

Security Council and since there existed ground for doubt as to what had actually occurred, the condemnation in paragraph 2 and implications of some other paragraphs, in his opinion, were not justified. The

should not condemn any country or particular act before the truth of what has been alleged is established.

On 21 July 1971 in a report jointly submitted by

Sierra Leone, Somalia and Syria (S/10281), voted upon and adopted on 3 August 1971; [Resolution

of the Council as expressed by the President on 26 August 1971.

[Note: Consultations among the members of the Council resulted in unanimous agreement on a four-Power draft resolution to send to the Republic of Guinea a special mission to report on the situation immediately. After some delay, the President of the Security Council and the Secretary-General concluded their consultations regarding the membership of the special mission and the mission was dispatched.]

been the victim of continuous acts of aggression by Portugal for twelve years and that the special mission of inquiry sent to Guinea by the Security Council in

had found incontrovertible and tangible evidence on the basis of which the Security Council had, by resolution 290 (1970) of 8 December 1970, strongly condemned the Government of Portugal for its invasion of Guinea.⁵⁰ He observed that despite that resolution, Portuguese violations of Guinean air space and territory had continued.

In the present instance his Government had decided to bring to the Council's attention further aggression by land, sea and air that Portugal was preparing against the Republic of Guinea. He read to the members of the Council a message from the Guinean Chief of State which stated that Guinean Intelligence Service had intercepted, on 2 August 1971, conversations between Overseas Marine Units and two other headquarters units of the Portuguese Colonial Army

message of the Guinean Chief of State that the Security Council take all necessary steps to safeguard the territorial integrity and the peace and security of the

Guinea, paras. 19-23; Somalia, paras. 40-41, 65-71; 1576th

At the same meeting, the representative of Somalia

had held consultations on this question and that in their view the situation warranted immediate action by

delegation of Burundi, Sierra Leone, Syria and Somalia, a draft resolution,⁵⁷ under the second and third operative paragraphs of which the Security Council, to be appointed after consultation between the Presi-

Republic of Guinea to consult the authorities and to report on the situation immediately.

After a brief suspension of the meeting, the same

resolution had been referred as a result of consulta-

"..."

"2. Decides to send a special mission of three members of the Security Council to the Republic of Guinea to consult the authorities and to report on the situation immediately;

"3. Decides that this special mission be appointed after consultation between the President of the Security Council and the Secretary-General;

"..."

The representative of Somalia expressed the hope of the sponsors that if the draft resolution was adopted, the President of the Security Council and the Secretary-General would ensure the appointment of representa-

The draft resolution was put to the vote and adopted

the consultations between the President and the Secretary-General concerning the appointment of the members of the special mission to the Republic of Guinea had been suspended following the receipt of a letter⁶⁰ dated 4 August 1971 from the representative of Guinea to the President of the Council requesting to delay the dispatch of the mission. Since, by a subsequent letter⁶¹ dated 12 August 1971, he had informed the President that his Government was prepared to receive the special mission as soon as possible, the consultations between the President of the Council and the Secretary-General had been resumed and after possible candidates had been sounded out, additional consultations had been held with all Council members.

As a result of those consultations, the President of the Security Council had been authorized to make the

the Special Mission called for in resolution 295 (1971) should be composed of two members of the Council instead of three. The Special Mission will

⁵⁰ S/10283, OR, 26th yr., Suppl. for July-Sept. 1971, p. 42. ⁶¹ S/10287, OR, 26th yr., Suppl. for July-Sept. 1971, p. 44.

Tabulation of questions submitted to the Security Council (1969-1971)

SECTION A. QUESTIONS SUBMITTED BY MEMBERS TO DISCUSS

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
(i) Situation in Namibia (i) letter dated 17 March 1969)	Forty-six Member States		None	"... the deteriorating situation in Namibia.	"... to examine urgently this grave situation and to take ... appropriate measures and action to enable the people of Namibia to exercise their right to self-determination and independence."	S/4000, and Add.1-3 OR, 24th yr., Suppl. for Jan.-March 1969, pp. 126-127
(ii) letter of 24 July 1969)	Eleven Member States		None	"... the situation resulting from the failure of the Government of South Africa to comply with the letter and spirit of ... [SC resolution 264 (1969) of 20 March 1969] and from the measures which it is continuing to take in defiance of the authority of the Security Council and the Charter of the United Nations."	"... urgently to convene in order to examine the situation in order to enable the people of Namibia to exercise their right to self-determination and independence."	S/2359, OR, 24th yr., 1969, p. 130
(iii) letter of 26 January 1970)	Sixty-six Member States		None	"... the failure of the Government of South Africa to comply with the letter and spirit of ... [SC resolution 264 (1969)] and in particular its paragraph 4".	"... to convene, on an urgent basis, ... in order to examine the failure of the Government of South Africa ..."	S/9616 and Add.1-3, OR, 25th yr., Suppl. for Jan.-Mar. 1970, pp. 112-113
(iv) letter of 23 July 1970)	Burundi, Finland, Nepal, Sierra Leone, Zambia		None	Submission by the Ad Hoc Subcommittee, established in pursuance of SC resolution 276 (1970), of its report [S/9863] to the Council.	"... to resume consideration of the question of Namibia".	S/9886, OR, 25th yr. Suppl. for July-Sept. 1970, p. 11
(v) letter of 17 September 1971)	Thirty-seven Member States		None	Adoption on 23 June 1971 of a resolution [AHG/Res.65 (VIII)] by the Assembly of Heads of State and Government of the Organization of African Unity, "urging the immediate summoning of a special session of the Security Council to discuss ways and means of enforcing the past decisions of the United Nations Security Council and the obligation imposed on the world community by the decision of the International Court of Justice"	To convene "in order to enable ... current Chairman of the Organization of African Unity, to participate personally in the debates of the Security Council as the head of a large delegation of ministers".	S/10326, OR, 26th yr., Suppl. for July-Sept. 1971, p. 04

Part I

Application

the provisions

Article 35 of

the Charter

Tabulation of questions submitted to the Security Council (1969-1971) (continued)

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
2. Situation in the Middle East (i) letter of 26 March 1969	Jordan	Israel	None	Execution by Israel jet fighters, on 26 March 1969, of "another grave attack causing heavy loss of civilian life and damage to centres in the area of Es Salt.	"... to consider these continuous and grave violations of international law and to adopt more adequate measures to prevent aggression and restore international peace and security."	S/9113, OR, 24th yr., Suppl. for Jan.-Mar. 1969, pp. 142-143
(ii) letter of 27 March 1969	Israel	Jordan	None	"... grave and continual violations of the provisions of the Charter, of the provisions of the United Nations Charter, and of international law..." armed infiltration and acts of violence by terrorist groups operating from Jordan territory encouragement of the Jordanian forces... and... the wanton shelling of Israel villages" by Jordanian forces.	"... to consider the complaint of grave and continual violations of the provisions of the United Nations Charter, and of international law..."	S/9114, OR, 24th yr., Suppl. for Jan.-Mar. 1969, pp. 142-143
(iii) letter of 26 June 1969	Jordan	Israel	None	Israeli actions and planned measures... "... and... the wanton shelling of Israel villages" by Jordanian forces.	"... to consider the continued violation of the provisions of the Charter, of the provisions of the United Nations Charter, and of international law..."	S/9284, OR, 24th yr., Suppl. for July-Sept. 1969, p. 153
(iv) letter of 12 August 1969 (Complaint by Lebanon) ^b	Lebanon	Israel	None	"... the premeditated and unprovoked aggression committed by Israel against civilian villages in southern Lebanon..." "... the destruction of the city" and replacement of the City's inhabitants in violation of basic human rights and in contravention of Security Council resolution 252 (1968).	To convene an urgent meeting "in view of the gravity of the situation endangering the peace and security of Lebanon..."	S/9385, OR, 24th yr., Suppl. for July-Sept. 1969, p. 153
(v) letter of 12 August 1969 (Complaint by Israel)	Israel	Lebanon	None	"... the destruction of the city" and replacement of the City's inhabitants in violation of basic human rights and in contravention of Security Council resolution 252 (1968). carried out against Israel from its territory...	armed attacks perpetrated from its territory...	S/9385, OR, 24th yr., Suppl. for July-Sept. 1969, p. 156
(vi) letter of 28 August 1969	Twenty-five Member States		None	"... the grievous situation resulting from the extensive damage to the territory..."	To convene urgently "to consider the grievous situation..."	S/9421 and Add.1 and 2, OR, 24th yr., Suppl. for Oct.-Dec. 1969, p. 156

Chapter X.

Derivation of the Provisions of the Charter

VI of the Charter

^b In this case, the letter of submission employs terms similar to those of Article 39 of the Charter.

Questions	Submitted by	Other parties	Articles invoked in submission	Description of incident in letter of submission	Recommendation of the Security Council	Reference
((vii) letter of 12 May Lebanon)) ^b	Lebanon	Israel	None	"This [penetration] into Lebanese territory by Israeli infantry units and bombardment of several towns and villages by Israeli air force and artillery] act of aggression against Lebanon in . . . violation of the Lebanese Charter."	To convene an urgent meeting and security of Lebanon and of the area . . ."	S/9794, OR, 25th yr., 1970, p. 181
((viii) letter of 12 May 1970 (Complaint by Israel)) ^b	Israel	Lebanon	None	". . . acts of armed attack, shelling, incursion, murder and violence perpetrated from Lebanese territory against the territory and population of Israel in violation of the cease-fire and the . . . Charter."	To convene an urgent meeting to consider "these acts of aggression".	S/9795, OR, 25th yr., Suppl. for April-June 1970, p. 182
((ix) letter of 5 Sep-	Lebanon	Israel	None	Penetration into Lebanese territory	To convene an urgent meeting	S/9925, OR, 25th yr.
				air support . . . bombing civilian installations and opening roads for Israeli military use permitting further expansionist operations".	and security of Lebanon . . ."	
((x) letter of 12 Sep- tember 1971)	Jordan	Israel	None	"The situation created by . . . direct threat to the character of Jerusalem and the surrounding suburbs and villages, the lives and destiny of its people and international peace and security."	" . . . to consider Israel's illegal measures in violation of the Charter of Security Council resolution 252 (1968), 267 (1969) and 271 (1969)."	S/10212, OR, 26th yr., Suppl. for July-Sept. 1971, p. 63
3. Situation in Southern Rhodesia ((i) letter of 6 June	Sixty Member States		None ^c	"The rapid deterioration in the situation [in Southern Rhodesia (Zimbabwe)] and the refusal of the Government of Rhodesia to use of force . . ."	" . . . to examine as a matter of urgency the serious situation, which constitutes an increasing . . ."	S/9237 and Add.1 and 2, OR, 24th yr., Suppl. for April-June 1969, p. 18
					energetic measures within the framework of Chapter VII of the Charter . . . so that the people of Southern Rhodesia (Zimbabwe) may exercise their right to self-determination in accordance with General Assembly resolution 1514 (XV)."	

^c In this case, Chapter VII of the Charter was invoked.

Tabulation of questions submitted to the Security Council (1969-1971) (continued)

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
((ii) letter of 3 March 1970)	United Kingdom		None	The "illegal" declaration by "the illegal regime in Southern Rhodesia" of the dissolution of its illegal parliament and the assumption of republican status".	To convene an urgent meeting.	S/9675, OR, 25th yr., Suppl. for Jan.-Mar. 1970, p. 149
((iii) letter of 6 March 1970)	Thirty-eight Member States		None	". . . the deterioration in the situation in Southern Rhodesia as a result of the proclamation of Salisbury, which is thereby an	". . . to consider the deterioration in the situation in South-	S/9682, OR, 25th yr., Suppl. for Jan.-Mar.
((iv) letter of 9 November 1970)	Burundi, Nepal, Sierra Leone, Syria,		None	and security." Occurrence of "a number of disturbing political and economic developments" that constitute a "threat to the territorial integrity" of Southern Rhodesia	To convene an early meeting "to discuss the question of Southern Rhodesia" in view of disturbing developments "which	S/9975/Rev.1, OR, 25th yr., Suppl. for Oct.-Dec. 1970, p. 36
((v) letter of 24 November 1971)	United Kingdom		None	Security Council] resolution 277 (1970) . . ." Readiness of the representative of the United Kingdom "to make a statement to the Council about the results of the recent discussions which the Secretary of State for Foreign and Commonwealth Affairs has had in Salisbury".	To hear a statement by the representative of the United Kingdom.	S/10396, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 40
4. Complaints by Zambia ((i) letter of 15 July 1969) ^b	Zambia	Portugal	51	". . . the recent calculated Portuguese violations of the territorial integrity of the Republic of Zambia, and also the bombing of a village, destruction of property and the wounding and killing of two innocent and unarmed civilians" in "one of the villages situated along the border of the Republic of Zambia and the Portuguese colony of Mozambique".	To discuss "the recent aggression" constituting "proof of the bellicose intentions of the Lisbon Government" and "to advise corrective measures which will bring an end to these . . . acts which constitute a threat to international peace and security".	S/9331, OR, 24th yr., Suppl. for July-Sept. 1969, p. 127
((ii) letter of 6 October 1971) ^b	Zambia	South Africa	None	" . . . the recent aggression against Zambia" by South African forces operating from "the bordering area between Zambia and the international Territory of Namibia and . . . into Zambia territory from the area . . ."	To discuss "the serious incidents and violations of the sovereignty, air space and territorial integrity of . . . Zambia, by the forces of the . . . Government of South Africa . . ."	S/10352, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 20

Chapter X. Consideration of the provisions of Chapter VI of the Charter

Tabulation of questions submitted to the Security Council (1969-1971) (continued)

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
((ii) letter of 2 December 1969) ^b	Thirty-six Member States	Portugal	None ^c	"... the recent deliberate violations of the territorial integrity of the Republic of Senegal by Portugal".	To convene a meeting, as requested by the Republic of Senegal and "to take the necessary action to put an end to . . . acts of overt aggression committed by Portugal against	S/9524 and Add.1, OR, 24th yr., Suppl. for Oct.-Dec. 1969, p. 144
					the territories which are under Portuguese domination, "thereby acting in accordance with Chapter VII of the Charter . . ."	
((iii) letter of 7 December 1969)	Senegal	Portugal	None	Bombardment by Portuguese armed forces of the village of Samine and the announced Portuguese "intention of shelling . . . capital of the southern region of Casamance [the province bordering on Senegal, Guinea and Guinea (Bissau)]"	"... to convene an urgent meeting . . . to consider a further complaint by Senegal against Portugal . . ."	S/9541, OR, 24th yr., Suppl. for Oct.-Dec. 1969, p. 151
((iv) letter of 6 July 1971) ^b	Senegal	Portugal	None	"... the laying of mines in Senegalese territory by the regular . . . constitutes a further obvious and flagrant violation of Senegal's sovereignty and territorial integrity . . ."	To convene a meeting "as a matter of urgency".	S/10251, OR, 26th yr., Suppl. for July-Sept. 1971, p. 28
((v) letter of 12 July 1971) ^b	Thirty-seven Member States	Portugal	None	"... the aggression and obvious and repeated violation of the territorial integrity of the Republic of Senegal by the laying of mines in Senegalese territory by Portuguese armed forces . . ."	To convene a meeting, as requested by the Republic of Senegal and "to take such . . . ensure that Portugal conforms . . . rity Council and the General Assembly by putting an end to . . . flagrant acts of aggression and by granting self-determination and independence to its colonies in accordance with . . . General Assembly resolution 1614 (XV)"	S/10259 and Add.1 and 2, OR, 26th yr., Suppl. for July-Sept. 1971, p. 31

Questions	Submitted by	Other parties	Articles invoked in letter of submission	Description of question in letter of submission	Action required of the Security Council	Reference
7. Complaints by the Republic of Guinea (i) letter of 4 December 1969) ^b	Guinea	Portugal	None	"another act of aggression by the . . . Portuguese Government against . . . national sovereignty [of the Republic of Guinea]" by the repeated shelling of "two Guinean frontier villages" by the	"to convene a meeting to consider the . . . aggression recently committed by the Portuguese colonial army against the territorial integrity of the Republic of Guinea"	S/9538, O.R., 24th yr., Suppl. for Oct.-Dec. 1969, p. 147
((ii) letter of 5 December 1969)	Forty States	Portugal	None ^c	". . . the recent deliberate violation by Portugal of the territorial integrity of the Republic of Guinea."	To convene a meeting as requested by the Republic of Guinea and "to deal with the situation and take the necessary steps under Chapter VII of the Charter . . . to put an end to these flagrant acts of aggression".	S/9549, O.R., 24th yr., Suppl. for Oct. Dec. 1969, p. 154
				armed attack by Portuguese forces who landed at several points in the capital."	provide "immediate intervention by airborne United Nations troops to assist the National Army of the Republic of Guinea".	1970, p. 51
((iii) letter of 2 August 1971) ^b	Guinea	Portugal	None	Interception on 2 August 1971 by the Intelligence Service of the Republic of Guinea of "conversations between Overseas Marine Units and two other headquarters units of the Portuguese	To convene "immediate intervention" in view of an "imminent threat to international peace and security".	S/10200, O.R., 26th yr., Suppl. for July-Sept. 1971, pp. 41-42
				imminent military aggression by Portugal against the Republic of Guinea . . . presumably intended to liberate mercenaries and others, persons implicated in the aggression of 22 November 1970 launched against the		
8. Question of Bahrain (i) letter of 4 May 1970)	Iran		None	Submission by the Secretary-General to the Security Council of the report of his Personal Representative	To convene for the purpose of considering the report of the Personal Representative of the Secretary-General	S/9719, O.R., 25th yr., Suppl. for Apr.-June 1970, p. 175

^d This description was contained in an earlier letter dated 2 December 1969 from the representative of Guinea to the President of the Security Council. (S/9525, O.R., 24th yr., Suppl. for Oct.-Dec. 1969, p. 145)

Tabulation of questions submitted to the Security Council (1969-1971) (continued)

Questions	Submitted by	Other parties	Articles in letter of submission	Description of question in letter of submission	Action requested by Security Council	Reference
				the report of his Personal Representative to Bahrain on 30 April 1970.	Secretary-General's Personal Representative" sent at the request of the parties, to Bahrain "to ascertain the wishes of the people of Bahrain".	1970, p. 178
9. Question of race conflict in South Africa (letter of 15 July 1970)	Forty Member States		None	"... the refusal by a number of Member States to implement faithfully the arms embargo" and "the failure of the Security Council to denounce these vio-	"... to resume the consideration of the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of	S/9867, OR, 25th yr., Suppl. for July-Sept. 1970, p. 106
				ment of South Africa to amass considerable military power which it uses not only to impose its racist policies but also to flout the decisions of the United Nations with regard to Namibia, Southern Rhodesia . . . Angola and Mozambique" and also "to threaten the sovereignty of neighbouring independent African States".	181 (1963) of 7 August 1963, 182 (1963) of 4 December 1963 and 191 (1964) of 18 June 1964" and to find "ways and means . . . to strengthen the arms embargo and secure its full implementation".	
10. Question concerning the islands of Abu Musa, the Greater Tunb and (letter of 3 December 1971) ^b	Algeria, Iraq, Libyan Arab People's Democratic Republic of Yemen		None	"... the dangerous situation in the Arabian Gulf area arising from the occupation by the Islands of Abu Musa, the Greater Tunb and the Lesser Tunb, on 30 November 1971."	To convene "an urgent meeting . . . to consider the dangerous situation in the Arabian Gulf	S/10409, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 79
ber 1971)				tan."	tion . . ."	
((ii) letter of 4 December 1971)	Tunisia		None	"... the deteriorating situation between India and Pakistan"	To convene as requested by nine Member States	S/10413, OR, 26th yr., Suppl. for Oct. Dec. 1971, p. 89

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Tabulation of questions submitted to the Security Council (1969-1971) (concluded)

<i>Questions</i>	<i>Submitted by</i>	<i>Other parties</i>	<i>Articles invoked in letter of submission</i>	<i>Description of question in letter of submission</i>	<i>Action required of the Security Council</i>	<i>Reference</i>
(iii) letter of 12 December 1971) ^b	United States		None	"The war on the Indian subcontinent continues to rage unabated. . . . One of the parties, Pakistan, has accepted the resolution [2793 (XXVI) adopted by the General Assembly under the "Uniting for Peace" procedure, "which <i>inter alia</i> called on India and Pakistan to institute a cease-fire and to withdraw troops from each other's territories"]. The other party, India, had not yet done so."	To convene an immediate meeting and to fulfil its "obligation to end this threat to world peace on a most urgent basis".	S/10444, OR, 26th yr., Suppl. for Oct.-Dec. 1971, pp. 104-105

Part III. Application of the provisions of Article 35 of the Charter

Part IV

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

NOTE

Part IV deals with cases in which discussion has taken place in the Security Council for the settlement of particular disputes or situations.

exclusively with the actual issues before the Council. There has been no sustained discussion regarding the conventional framework of Chapter VI of the Charter within which the Council may participate in the pacific settlement of disputes and other forms of conflict. Therefore, evidence for the relation of the deci-

Chapter VIII of this Supplement should be consulted, as well as the materials in the other parts of chapter X.

For discussions bearing on procedures of pacific settlement that have occurred in connexion with situations submitted to the Council as threats to peace, breaches of the peace or acts of aggression, reference

It should be noted that during the period covered

the Security Council in connexion with the complaint Council, while mainly concerned with the maintenance of peace on the island,⁸⁷ continued to address itself to

⁸⁵ For general criteria for entries under this part, see *Repertoire of the Practice of the Security Council 1946-1951*, pp. 296 and 410.

⁸⁶ Resolutions 266 (1969) of 10 June 1969; 274 (1969) of 11 December 1969; 281 (1970) of 9 June 1970; 291 (1970) of 10 December 1970; 293 (1971) of 26 May 1971; and, 305 (1971) of 13 December 1971.

⁸⁷ See paragraphs para. 1 in each of the resolutions cited

the corollary measures of pacific settlement. Thus in each resolution, the Council not only extended⁸⁸ the stipulations of the United Nations Peace-keeping Force in Cyprus but also urged⁸⁹ the parties concerned to act with

In connexion with the question concerning the islands of Abu Musa, the Greater Tunb and the Lesser Tunb, it was observed that it would be precipitate, at the given time, for the Council to recommend any measures under Article 36 since States friendly both

the request of the complainants or at its own discretion.⁹¹ Subsequently, the President (Sierra Leone) announced,⁹² that in the absence of objections, the Council had decided⁹³ to defer consideration of this matter to a later date to allow sufficient time for intensive third-party efforts.

tions cited above.

⁸⁸ See para. 2 in each of the resolutions cited above.

(1967) of 22 November 1967 for the objectives of the Secu-

that in each of the resolutions adopted subsequent to resolution 186 (1964), the Security Council reaffirmed all of its earlier resolutions and expressions of consensus on this question.

For treatment of the complaint by the Government of Cyprus in previous supplements, see *Repertoire of the Practice of the Security Council, Supplement 1964-1965*, chapter VIII, pp. 108-127, and chapter X, Case 8; *Supplement 1966-1968*, chapter VIII, pp. 105-113, and chapter X, Case 5.

⁹¹ 1610th meeting: Somalia, paras. 280, 281.

⁹² *Ibid.*, para. 282.

⁹³ Decision of 9 December 1971. *OP*, 26th sess., Resolutions