
CONSIDERATION OF THE PROVISIONS OF OTHER ARTICLES OF THE CHARTER

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INTRODUCTORY NOTE

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

Part I

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

Article 1

"1. ...

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

NOTE

During the period under review, the Security Council did not consider Article 1, paragraph 2, of the Charter. The principle of self-

resolution 312 (1972) of 1 August 1972 and 323 (1972) of 6 December 1972, and 322 (1972) of 22 November 1972 in connexion with the situation in Ter-

resolution 310 (1972) of 28 July 1972 relating to the situation in Southern Rhodesia; resolution 321 (1972) of 23 October

of 10 March 1973 regarding the complaint by Zambia. The Security Council also considered several draft resolutions invoking the principle of self-determination implicitly, which either were rejected or not voted upon or from which the reference to the principle of self-determination was deleted before adoption by the Council.² In many of

¹ For observations on the methods adopted in compilation of 1946-1951, introductory note to chapter VIII, part II; arrangement of chapters X-XII, p. 296.

² In connexion with the situation in Southern Rhodesia, the draft resolutions S/10606 (failing of adoption), *OR, 27th yr., Suppl. for Jan.-March 1972*, pp. 82f., and S/10805/Rev.1 (failing of adoption), *ibid., Suppl. for July-Sept. 1972*, pp. 108-110; in connexion with the situation in Territories under Portuguese

these cases³ the text contained in addition references to General Assembly resolution 1514 (XV) of 14 December 1960, the "Declaration on the Granting of Independence to

Article 1, paragraph 2 was occasionally invoked explicitly

Article 1 together with Articles 2, 6, 55 and 56, but failing of adoption) and S/10837 (failing of adoption) of 10 October 1974, pp. 54-55 and 56.

³ Resolution 310 (1972), preambular para. 9; resolution 312 (1972), paras. 1, 2, 4 a; resolution 322 (1972), preambular para. 3,

preambular para. 5, and resolution 326 (1973), preambular para. 7, para. 3; also draft resolutions S/10606, preambular paras. 5 and 9; S/10607, para. 4 (d); S/10805/Rev.1, preambular paras. 3 and 7; S/10834, preambular para. 3, paras. 1, 3, and 6; S/10839, para. 2.

⁴ In connexion with the consideration of questions relating to Africa, 1633rd mtg.: Mr. Leballo, (invoking Article 1 as a whole);

Portuguese Administration, 1672nd meeting. Liberia, for some discussion regarding the definition of self-determination, see *ibid.*,

Zambia, 1688th mtg.; Egypt; in connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, 1702nd mtg.; President (Panama), and also 1699th mtg., for a definition by Australia of self-determination in Latin America. In connexion with the situation in the Middle East, 1718th mtg.: Syrian Arab Republic, and 1725th mtg.: President (USSR).

Part II

A. Article 2, paragraph 4, of the Charter

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

NOTE

adopted by the Council contained an explicit reference to the deliberations of the Council reflected, however, the importance of this Charter provision and of the concomitant principles and obligations. Of the twenty-one resolutions referring to Article 2, paragraph 4, ten⁵ use language

16d implicit references to it. Eight draft resolutions, which either failed of adoption or were not brought to a vote, also contained references to Article 2, paragraph 4, and one and one contained an explicit reference to Article 2 as a whole.

In a large number of instances,¹⁰ the Council resolutions or drafts contained implicit references to the principle of the prohibition of the threat or use of force in international

(1972), preambular para. 7, para. 5; resolution 321 (1972), preambular para. 7, para. 3; resolution 326 (1973), preambular para. 7; resolution 332 (1973), para. 2; resolution 337 (1973), preambular para. 3, para. 1; resolution 347 (1974), para. 1; resolution 353 (1974), para. 1; resolution 355 (1974), preambular para. 2; resolution 360 (1974), preambular para. 2.

⁶ Resolution 313 (1972); resolution 316 (1972), preambular para. 6, para. 1; resolution 317 (1972), paras. 1-3; resolution 328

resolution 340 (1973), preambular para. 2, para. 1; resolution 357 (1974), preambular para. 2, para. 2; resolution 358 (1978), preambular para. 1; resolution 366 (1974), preambular paras. 4 and 5, para. 1.

⁷ In connexion with the situation in Territories under Portuguese Administration, the draft resolutions S/10834, pre-

situation in the Middle East, draft resolution S/10974, para. 5, *ibid.*, 28th yr., *Suppl. for July-Sept. 1973*, pp. 20-21; in connexion with

para. 1, *ibid.*, 29th yr., *Suppl. for July-Sept. 1974*, pp. 28-29; S/11201, *ibid.*, 30th yr., *Suppl. for July-Sept. 1975*, pp. 26-27.

In connexion with the situation in the Middle East, draft

⁹ In connexion with the relationship between the United Nations and South Africa, draft resolution S/11543, preambular para. 4, *ibid.*, 29th yr., *Suppl. for Oct.-Dec. 1974*, pp. 34-35.

¹⁰ Resolution 330 (1973), preambular para. 2, para. 2; resolution 331 (1973), preambular para. 2, para. 2; resolution 332 (1973), para. 2; resolution 333 (1973), para. 2; resolution 334 (1973), para. 2; resolution 335 (1973), para. 2; resolution 336 (1974), para. 5; draft resolutions S/10804 (see above note 7), para. 4 and S/10839 (see also note 7), para. 2.

relations against the territorial integrity or political independence of any State. Other paragraphs¹¹ invoked the

concomitant principles of territorial integrity, political independence and non-interference with the situation under review, the Council condemned, or was asked to condemn,¹³ acts of aggression, or it called for a cease fire, for the withdrawal from occupied territory and for other such measures¹⁴. There were a few other

provisions of Article 2, paragraph 4, e.g., when the Council deplored the loss of life through violence, the resumption of fighting and the loss of civilian lives and the loss of personnel.

Although references of this kind to the provisions of Article 2, paragraph 4 were rather numerous, the Council, during the period under review, engaged only very seldom in what might be described as some constitutional discussion or at least as clear espousal of the Charter principle. Eight such instances belonging in this category are listed below.

On a number of occasions,¹⁶ Article 2, para. 4 was explicitly invoked, but usually did not give rise to a constitutional discussion.

¹¹ Resolution 310 (1972), preambular para. 10; resolution 321 (1972), preambular para. 7, para. 3; resolution 353 (1974), para. 1;

para. 5; S/11346 (see also note 7), para. 1, and S/11391 (see also note 7), para. 1.

¹² Resolution 316 (1972), para. 2; resolution 326 (1973), preambular paras. 2, 5 and 8, para. 1; resolution 328 (1973), para. 2; resolution 332 (1973), paras. 1 and 2; resolution 337 (1973), para. 1; resolution 347 (1974), paras. 1 and 2; resolution 360 (1974), para. 2; resolution 366 (1974), para. 1.

¹³ Draft resolutions S/10723 (see above note 8), para. 1; S/10834 (see above note 7), para. 2; S/10839 (see above note 7), para. 2.

¹⁴ Resolution 313 (1972); resolution 317 (1973), para. 2; resolution 320 (1973), para. 1; resolution 326 (1973), para. 1; resolution 332 (1973), para. 1; resolution 337 (1973), para. 1; resolution 347 (1974), para. 1; resolution 353 (1974), para. 1; resolution 355 (1974), para. 1; resolution 360 (1974), para. 2; resolution 366 (1974), para. 1.

S/11346 (see above note 7), para. 2; S/11391 (see also note 7), para. 2.

¹⁵ Resolution 316 (1972), preambular para. 6; resolution 317 (1972), paras. 2 and 3; resolution 340 (1973), preambular para. 2;

preambular para. 1.

¹⁶ In connexion with the situation in the Middle East, draft resolutions S/10804, S/10839, S/10840, S/10841, S/10842, S/10843, S/10844, S/10845, S/10846, S/10847, S/10848, S/10849, S/10850, S/10851, S/10852, S/10853, S/10854, S/10855, S/10856, S/10857, S/10858, S/10859, S/10860, S/10861, S/10862, S/10863, S/10864, S/10865, S/10866, S/10867, S/10868, S/10869, S/10870, S/10871, S/10872, S/10873, S/10874, S/10875, S/10876, S/10877, S/10878, S/10879, S/10880, S/10881, S/10882, S/10883, S/10884, S/10885, S/10886, S/10887, S/10888, S/10889, S/10890, S/10891, S/10892, S/10893, S/10894, S/10895, S/10896, S/10897, S/10898, S/10899, S/10900, S/10901, S/10902, S/10903, S/10904, S/10905, S/10906, S/10907, S/10908, S/10909, S/10910, S/10911, S/10912, S/10913, S/10914, S/10915, S/10916, S/10917, S/10918, S/10919, S/10920, S/10921, S/10922, S/10923, S/10924, S/10925, S/10926, S/10927, S/10928, S/10929, S/10930, S/10931, S/10932, S/10933, S/10934, S/10935, S/10936, S/10937, S/10938, S/10939, S/10940, 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Case 1. *The situation in the Middle East*: In connexion with the draft resolution jointly submitted by Belgium, France, Italy and the United Kingdom, amended, voted upon and adopted on 28 February 1972.

During the discussion of the Lebanese and Israeli complaints, one charging massive attacks by Israeli armed

Israel, nearly all speakers invoked explicitly Article 2, paragraph 4, and stated that the use of force against the territory of another State was inadmissible and that the argument of self-defence in retaliation against terrorist attacks had to be rejected in view of the meaning of Article 51 of the Charter; the Government of Lebanon could not be held accountable for the movements and actions of Palestinians who were resisting the Israeli occupation of

its Government had merely fulfilled its duty to protect its citizens from these external attacks.¹⁷

At the 1644th meeting on 27 February 1972, the representative of Italy introduced a draft resolution¹⁸ sponsored by Belgium, France, Italy and the United Kingdom, which read as follows:

The Security Council,

Deploring all actions which have resulted in the loss of innocent lives,

Demanding that Israel immediately desist and refrain from any ground and air military action against Lebanon and forthwith withdraw all its military forces from Lebanese territory.

Following the discussion concerning various amendments and deletions regarding the draft resolution and a

remainder of the draft resolution was unanimously adopted.²⁰

Case 2. *The situation in the Middle East*: In connexion with the draft resolution jointly submitted by Belgium, France and the United Kingdom, voted upon and adopted on 26 June 1972, and the draft resolution

During the discussion of the Lebanese and Israeli complaints, both charging continued armed attacks and ~~the use of force~~, the representative of Lebanon asked the Council to condemn the Israeli acts of aggression and to take decisive measures under Chapter VII whereas the representative of Israel claimed once again the right to act in self-defence, as long as Lebanon repudiated its obligation to ensure that its territory was not used for aggression

At the 1650th meeting on 26 June 1972, the representative of France introduced a draft resolution²² sponsored by Belgium, France and the United Kingdom and urged its unanimous adoption. It read, *inter alia*, as follows:

The Security Council,

Deploring the tragic loss of life resulting from all acts of violence and retaliation,

Gravely concerned at Israel's failure to comply with Security Council resolutions 262 (1968) of 31 December 1968, 20 (1969) of 26 August 1969, 280 (1970) of 19 May 1970, 285 (1970) of 5 September 1970 and 313 (1972) of 28 February 1972 calling on Israel to desist forthwith from any violation of the sovereignty and territorial integrity of Lebanon,

1. *Calls upon* Israel to strictly abide by the aforementioned

(USSR), Peru, (Article 2 as a whole); 1767th mtg.: Lebanon, 1769th mtg.: Costa Rica, (Article 2 as a whole); in connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America

connexion with the situation in Cyprus, S/10610, Letter dated 15 April 1972 from the representative of Cyprus, *OR, 27th yr., Suppl. for April-June 1972*, p. 31; 1793rd mtg.: Cyprus, 1794th mtg.: Cyprus, 1795th mtg.: Cyprus, (together with Article 2 (1 and 3)); 1810th mtg.: Cyprus; in connexion with the complaint by Cuba, S/10995, Letter dated 13 September 1973 from the representative of Cuba, *OR, 28th yr., Suppl. for July-Sept. 1973*, p. 31 (together with Article 2 (2)); in connexion with the relationship between the United Nations and South Africa, 1800th mtg.: Yugoslavia, 1802nd mtg.: Barbados, (together with Article 2 (2)); draft resolu-

preambular para. 4 (Article 2 as a whole). The proceedings of the

¹⁷ For relevant statements, see 1643rd mtg.: Lebanon, Israel, USSR, France, Yugoslavia, United Kingdom, Italy, Belgium, China, Somalia; 1644th mtg.: Argentina; Guinea; USSR; France; United

S/10552, amended and adopted as resolution 313 (1972).

draft resolution²³ under which the Security Council would, *inter alia*, condemn acts of violence in the area; call for an immediate cessation of all such acts, and call on all

prisoners held in custody.

Following a brief discussion of the two drafts, the three-power draft resolution was voted upon and adopted by 13 votes to none, with 2 abstentions.²⁴ The United States draft resolution was not put to the vote in view of the adoption of the other draft resolution.²⁵

²⁰ *Ibid.*, paras. 230-232. Adopted as resolution 313 (1972). For the detailed procedural history of this case, see chapter VIII, part II.

²¹ For relevant statements, see 1648th mtg.: Lebanon; Israel; Somalia, 1650th mtg.: France; Belgium.

²² S/10722, adopted without change as resolution 316 (1972).

²³ S/10723 *OR, 27th yr., Suppl. for April-July 1972*, p. 141.

²⁵ *Ibid.*, para. 83. For the detailed procedural history of this

resolution submitted by several members after lengthy consultations.⁴³ It read *inter alia* as follows:

The Security Council,

...

Deeply aïsturbed at the continuation of acts of violence,

...

and sovereignty and calls once more on the Government of Israel to

2. *Condemns* all acts of violence, especially those which result in the tragic loss of innocent civilian life, and urges all concerned to refrain from any further acts of violence;

...

An amendment proposed by the United States to insert the four words "as at Kiryat Shmona" in paragraph 2,⁴⁴ received 6 votes in favour, 7 against and 2 abstentions and was not adopted, having failed to acquire the necessary majority.⁴⁵ Then the original draft resolution was voted upon and adopted by 13 votes to none, with two members not participating.⁴⁶

Case 8. *The situation in Cyprus:* In connexion with a draft resolution revised and not voted upon; a draft resolution voted upon and adopted on 20 July 1974; the draft resolution adopted on 22 July 1974; a draft resolution

Kingdom; a draft resolution voted upon and not adopted, owing to the negative vote of a permanent member of the Council; a draft resolution voted upon and adopted on 1 August 1974; a draft resolution submitted by the United Kingdom, revised and adopted on 14 August 1974; a draft resolution voted upon and adopted on 15 August 1974; a draft resolution submitted by France, twice revised and adopted on 16 August 1974.

During the long deliberations concerning the critical situation in Cyprus during July and August 1974, the members of the Security Council and the parties invoked near-unanimously the principles and provisions of Article 2, paragraph 4, and reaffirmed the sovereignty, independence and territorial integrity of the Republic of Cyprus. The Council condemned the intervention of foreign troops on the island and called urgently for a cease-fire and a complete withdrawal of all these troops. The spokesman for the intervening State asserted that the intervention had

violation of Charter principles, but an effort to solve the Cypriot problem in a manner of justice and equity.⁴⁷

At the conclusion of the 1780th meeting on 19 July 1974, the President (Peru) announced that a draft resolution which was the result of consultations,⁴⁸ would be circulated among the members of the Council and he hoped to be able to put it to the vote at the next meeting. The draft resolution provided *inter alia* that the Council would deeply deplore the outbreak of violence and the continuing

sovereignty, independence and territorial integrity of military intervention in the Republic of Cyprus and request the immediate withdrawal of foreign military personnel in excess of those envisaged in international agreements.

The draft resolution was slightly revised in two preambular and one operative paragraphs,⁴⁹ but it was not brought to a vote.

At the 1781st meeting on 20 July 1974, the President stated that as a result of continuous consultations with the Secretary General and representatives of Member States it had been possible to circulate a draft resolution⁵⁰ which he proposed to put to the vote. The draft was voted upon and unanimously adopted.⁵¹ It read *inter alia* as follows:

The Security Council,

...

1. *Calls upon* all States to respect the sovereignty, independence, and territorial integrity of Cyprus;
2. *Calls upon* all parties to the present fighting as a first step to cease all firing and requests all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation;
3. *Demands* an immediate end to foreign military intervention in the Republic of Cyprus that is in contravention of the provisions of paragraph 1 above;
4. *Requests* the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements, ...;

...

At the 1783rd meeting on 23 July 1974, the President stated that as a result of talks and consultations a draft resolution⁵² had been distributed for circulation. He put it to a vote immediately, and it was unanimously adopted.⁵³ It read *inter alia* as follows:

The Security Council,

1794th mtg.: Cyprus, 1795th mtg.: Cyprus, President (USSR),

S/11346, OR, 27th yr., Suppl. for July-Sept. 1974, pp. 28-29.

⁴⁹ S/11346/Rev.1, *ibid.*, p. 29.

⁵⁰ S/11360, unanimously adopted resolution 262 (1974).

⁴³ 1779th mtg., 1780th mtg., 1781st mtg., 1782nd mtg., 1783rd mtg., 1784th mtg., 1785th mtg., 1786th mtg., 1787th mtg., 1788th mtg., 1789th mtg., 1790th mtg., 1791st mtg., 1792nd mtg., 1793rd mtg., 1794th mtg., 1795th mtg., 1796th mtg., 1797th mtg., 1798th mtg., 1799th mtg., 1800th mtg., 1801st mtg., 1802nd mtg., 1803rd mtg., 1804th mtg., 1805th mtg., 1806th mtg., 1807th mtg., 1808th mtg., 1809th mtg., 1810th mtg., 1811st mtg., 1812nd mtg., 1813th mtg., 1814th mtg., 1815th mtg., 1816th mtg., 1817th mtg., 1818th mtg., 1819th mtg., 1820th mtg., 1821st mtg., 1822nd mtg., 1823rd mtg., 1824th mtg., 1825th mtg., 1826th mtg., 1827th mtg., 1828th mtg., 1829th mtg., 1830th mtg., 1831st mtg., 1832nd mtg., 1833rd mtg., 1834th mtg., 1835th mtg., 1836th mtg., 1837th mtg., 1838th mtg., 1839th mtg., 1840th mtg., 1841st mtg., 1842nd mtg., 1843rd mtg., 1844th mtg., 1845th mtg., 1846th mtg., 1847th mtg., 1848th mtg., 1849th mtg., 1850th mtg., 1851st mtg., 1852nd mtg., 1853rd mtg., 1854th mtg., 1855th mtg., 1856th mtg., 1857th mtg., 1858th mtg., 1859th mtg., 1860th mtg., 1861st mtg., 1862nd mtg., 1863rd mtg., 1864th mtg., 1865th mtg., 1866th mtg., 1867th mtg., 1868th mtg., 1869th mtg., 1870th mtg., 1871st mtg., 1872nd mtg., 1873rd mtg., 1874th mtg., 1875th mtg., 1876th mtg., 1877th mtg., 1878th mtg., 1879th mtg., 1880th mtg., 1881st mtg., 1882nd mtg., 1883rd mtg., 1884th mtg., 1885th mtg., 1886th mtg., 1887th mtg., 1888th mtg., 1889th mtg., 1890th mtg., 1891st mtg., 1892nd mtg., 1893rd mtg., 1894th mtg., 1895th mtg., 1896th mtg., 1897th mtg., 1898th mtg., 1899th mtg., 1900th mtg., 1901st mtg., 1902nd mtg., 1903rd mtg., 1904th mtg., 1905th mtg., 1906th mtg., 1907th mtg., 1908th mtg., 1909th mtg., 1910th mtg., 1911st mtg., 1912nd mtg., 1913th mtg., 1914th mtg., 1915th mtg., 1916th mtg., 1917th mtg., 1918th mtg., 1919th mtg., 1920th mtg., 1921st mtg., 1922nd mtg., 1923rd mtg., 1924th mtg., 1925th mtg., 1926th mtg., 1927th mtg., 1928th mtg., 1929th mtg., 1930th mtg., 1931st mtg., 1932nd mtg., 1933rd mtg., 1934th mtg., 1935th mtg., 1936th mtg., 1937th mtg., 1938th mtg., 1939th mtg., 1940th mtg., 1941st mtg., 1942nd mtg., 1943rd mtg., 1944th mtg., 1945th mtg., 1946th mtg., 1947th mtg., 1948th mtg., 1949th mtg., 1950th mtg., 1951st mtg., 1952nd mtg., 1953rd mtg., 1954th mtg., 1955th mtg., 1956th mtg., 1957th mtg., 1958th mtg., 1959th mtg., 1960th mtg., 1961st mtg., 1962nd mtg., 1963rd mtg., 1964th mtg., 1965th mtg., 1966th mtg., 1967th mtg., 1968th mtg., 1969th mtg., 1970th mtg., 1971st mtg., 1972nd mtg., 1973rd mtg., 1974th mtg., 1975th mtg., 1976th mtg., 1977th mtg., 1978th mtg., 1979th mtg., 1980th mtg., 1981st mtg., 1982nd mtg., 1983rd mtg., 1984th mtg., 1985th mtg., 1986th mtg., 1987th mtg., 1988th mtg., 1989th mtg., 1990th mtg., 1991st mtg., 1992nd mtg., 1993rd mtg., 1994th mtg., 1995th mtg., 1996th mtg., 1997th mtg., 1998th mtg., 1999th mtg., 2000th mtg., 2001st mtg., 2002nd mtg., 2003rd mtg., 2004th mtg., 2005th mtg., 2006th mtg., 2007th mtg., 2008th mtg., 2009th mtg., 2010th mtg., 2011st mtg., 2012nd mtg., 2013th mtg., 2014th mtg., 2015th mtg., 2016th mtg., 2017th mtg., 2018th mtg., 2019th mtg., 2020th mtg., 2021st mtg., 2022nd mtg., 2023rd mtg., 2024th mtg., 2025th mtg., 2026th mtg., 2027th mtg., 2028th mtg., 2029th mtg., 2030th mtg., 2031st mtg., 2032nd mtg., 2033rd mtg., 2034th mtg., 2035th mtg., 2036th mtg., 2037th mtg., 2038th mtg., 2039th mtg., 2040th mtg., 2041st mtg., 2042nd mtg., 2043rd mtg., 2044th mtg., 2045th mtg., 2046th mtg., 2047th mtg., 2048th mtg., 2049th mtg., 2050th mtg., 2051st mtg., 2052nd mtg., 2053rd mtg., 2054th mtg., 2055th mtg., 2056th mtg., 2057th mtg., 2058th mtg., 2059th mtg., 2060th mtg., 2061st mtg., 2062nd mtg., 2063rd mtg., 2064th mtg., 2065th mtg., 2066th mtg., 2067th mtg., 2068th mtg., 2069th mtg., 2070th mtg., 2071st mtg., 2072nd mtg., 2073rd mtg., 2074th mtg., 2075th mtg., 2076th mtg., 2077th mtg., 2078th mtg., 2079th mtg., 2080th mtg., 2081st mtg., 2082nd mtg., 2083rd mtg., 2084th mtg., 2085th mtg., 2086th 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mtg., 2703rd mtg., 2704th mtg., 2705th mtg., 2706th mtg., 2707th mtg., 2708th mtg., 2709th mtg., 2710th mtg., 2711st mtg., 2712nd mtg., 2713th mtg., 2714th mtg., 2715th mtg., 2716th mtg., 2717th mtg., 2718th mtg., 2719th mtg., 2720th mtg., 2721st mtg., 2722nd mtg., 2723rd mtg., 2724th mtg., 2725th mtg., 2726th mtg., 2727th mtg., 2728th mtg., 2729th mtg., 2730th mtg., 2731st mtg., 2732nd mtg., 2733rd mtg., 2734th mtg., 2735th mtg., 2736th mtg., 2737th mtg., 2738th mtg., 2739th mtg., 2740th mtg., 2741st mtg., 2742nd mtg., 2743rd mtg., 2744th mtg., 2745th mtg., 2746th mtg., 2747th mtg., 2748th mtg., 2749th mtg., 2750th mtg., 2751st mtg., 2752nd mtg., 2753rd mtg., 2754th mtg., 2755th mtg., 2756th mtg., 2757th mtg., 2758th mtg., 2759th mtg., 2760th mtg., 2761st mtg., 2762nd mtg., 2763rd mtg., 2764th mtg., 2765th mtg., 2766th mtg., 2767th mtg., 2768th mtg., 2769th mtg., 2770th mtg., 2771st mtg., 2772nd mtg., 2773rd mtg., 2774th mtg., 2775th mtg., 2776th mtg., 2777th mtg., 2778th mtg., 2779th mtg., 2780th mtg., 2781st mtg., 2782nd mtg., 2783rd mtg., 2784th mtg., 2785th mtg., 2786th mtg., 2787th mtg., 2788th mtg., 2789th mtg., 2790th mtg., 2791st mtg., 2792nd mtg., 2793rd mtg., 2794th mtg., 2795th mtg., 2796th mtg., 2797th mtg., 2798th mtg., 2799th mtg., 2800th mtg., 2801st mtg., 2802nd mtg., 2803rd mtg., 2804th mtg., 2805th mtg., 2806th mtg., 2807th mtg., 2808th mtg., 2809th mtg., 2810th mtg., 2811st mtg., 2812nd mtg., 2813th mtg., 2814th mtg., 2815th mtg., 2816th mtg., 2817th mtg., 2818th mtg., 2819th mtg., 2820th mtg., 2821st mtg., 2822nd mtg., 2823rd mtg., 2824th mtg., 2825th mtg., 2826th mtg., 2827th mtg., 2828th mtg., 2829th mtg., 2830th mtg., 2831st mtg., 2832nd mtg., 2833rd mtg., 2834th mtg., 2835th mtg., 2836th mtg., 2837th mtg., 2838th mtg., 2839th mtg., 2840th mtg., 2841st mtg., 2842nd mtg., 2843rd mtg., 2844th mtg., 2845th mtg., 2846th mtg., 2847th mtg., 2848th mtg., 2849th mtg., 2850th mtg., 2851st mtg., 2852nd mtg., 2853rd mtg., 2854th mtg., 2855th mtg., 2856th mtg., 2857th mtg., 2858th mtg., 2859th mtg., 2860th mtg., 2861st mtg., 2862nd mtg., 2863rd mtg., 2864th mtg., 2865th mtg., 2866th mtg., 2867th mtg., 2868th mtg., 2869th mtg., 2870th mtg., 2871st mtg., 2872nd mtg., 2873rd mtg., 2874th mtg., 2875th mtg., 2876th mtg., 2877th mtg., 2878th mtg., 2879th mtg., 2880th mtg., 2881st mtg., 2882nd mtg., 2883rd mtg., 2884th mtg., 2885th mtg., 2886th mtg., 2887th mtg., 2888th mtg., 2889th mtg., 2890th mtg., 2891st mtg., 2892nd mtg., 2893rd mtg., 2894th mtg., 2895th mtg., 2896th mtg., 2897th mtg., 2898th mtg., 2899th mtg., 2900th mtg., 2901st mtg., 2902nd mtg., 2903rd mtg., 2904th mtg., 2905th mtg., 2906th mtg., 2907th mtg., 2908th mtg., 2909th mtg., 2910th mtg., 2911st mtg

Demands that all parties to the present fighting comply immediately with the provisions of paragraph 2 of Security Council resolution 353 (1974) calling for an immediate cessation of all firing in the area and requesting all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation.

At the 1792nd meeting on 20 July 1974, the President drew the attention of the Council members to a draft resolution sponsored by the USSR.⁵⁴ During the same meeting the representative of the USSR introduced the

immediate cessation of firing and the withdrawal of all foreign forces and military personnel against the Republic of Cyprus and on the speediest present in Cyprus in violation of its sovereignty, independence and territorial integrity of Cyprus. The draft resolution was not put to a vote.

announced the withdrawal of a draft resolution sponsored by the United Kingdom,⁵⁵ which *inter alia* would have noted that all States had declared their respect for the sovereignty, independence and territorial integrity of Cyprus.

At the same meeting the President also announced that, as a result of consultations, a draft resolution⁵⁶ was being circulated, which *inter alia* would note that all States had declared their respect for the sovereignty, independence and territorial integrity of Cyprus. Following lengthy deliberations in the course of which the USSR submitted two amendments⁵⁷ and the Council adopted one of them and rejected the other, the draft resolution, as amended, received 12 votes in favour to 2 against, with one member not participating in the vote, and failed of adoption owing to the negative vote of a permanent member.⁵⁸

At the 1789th meeting on 1 August 1974, the President stated that, in the course of consultations with the

adopted by 12 votes to none, with 2 abstentions and one member not participating.⁶⁰ It read *inter alia* as follows:

The Security Council,

Noting that all States have declared their respect for the sovereignty, independence and territorial integrity of Cyprus,

Prior to the 1792nd meeting on 14 August 1974, a draft resolution had been submitted by the United Kingdom.⁶¹ At the 1792nd meeting, the President announced that, during consultations, members of the Council had agreed upon a revised text,⁶² which he put to the vote at once and

⁵⁴ S/11391, *OR*, 29th yr., *Suppl. for July-Sept. 1974*, p. 70.

⁵⁵ S/11399, *ibid.*, p. 75.

⁵⁶ S/11400, *ibid.*, p. 75.

⁵⁷ S/11401, *ibid.*, p. 75.

⁵⁹ S/11402, adopted as resolution 355 (1974).

⁶⁰ 1789th meeting, preceding the intervention by China.

⁶¹ S/11403/Rev.1, adopted as resolution 357 (1974).

which was unanimously adopted.⁶³ It read *inter alia* as follows:

The Security Council,

Deeply deploring the resumption of fighting in Cyprus, contrary to the provisions of resolution 353 (1974),

2. *Demands* that all parties to the present fighting cease all

At the 1793rd meeting on 15 August 1974, the President put to the vote a draft resolution which had been agreed upon during consultations.⁶⁴ It was unanimously adopted.⁶⁵ It read *inter alia* as follows:

The Security Council,

disrupted in Cyprus,

2. *Insists* on the full implementation of the above resolutions by all parties and on the immediate and strict observance of the cease-fire.

At the 1794th meeting on 16 August 1974, the President drew the attention of the members of the Council to a draft resolution submitted by France the previous day,⁶⁶ which had been twice revised.⁶⁷ The original text provided *inter alia* that the Council, noting that all States had declared their respect for the sovereignty, independence and territorial integrity of Cyprus and for the constitutional structure of that country, as established and

at the further deterioration of the situation in Cyprus, resulting from the military operations conducted by Turkey, which constituted a most serious threat to peace and security in the eastern Mediterranean area, would: (i) records its formal disapproval of the resumption of

activity forthwith and strictly observe the cease-fire

with all the provisions of previous resolutions of the

without delay from the Republic of Cyprus or foreign military personnel present otherwise than under the authority of international agreements, and to resume negotiations without delay for the restoration of peace and constitutional government in Cyprus, in conformity with resolution 353 (1974).

The revised draft resolution was put to the vote and adopted by 11 votes to none, with 3 abstentions and one member not participating.⁶⁸ It read *inter alia* as follows:

⁶³ 1792nd meeting, following the President's opening statement.

⁶⁴ S/11448, adopted as resolution 358 (1974).

⁶⁵ 1793rd meeting, following the statement by the Secretary-General.

⁶⁷ S/11450/Rev.2, subsequently adopted as resolution 360 (1974).

⁶⁸ 1794th meeting, following the statement by the Secretary-General.

chapter 1, part 11, under the same title.

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

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

NOTE

During the period under review, the Security Council

Council to establish as well as to control an international force a subsidiary organ could be set up whose purpose would be to lessen the Council's work without prejudice to

resolution containing the same explicit invocation of Article 24, had been circulated among the members of the Council, but it was not put to a vote. The consideration of

aside from those already mentioned, in the course of Council debates, but no constitutional discussion ensued.⁹⁰

During the Middle East war of October 1973, the United States explicitly invoked the principle of Article 24 in calling for a meeting of the Security Council.⁸⁶ Following the adoption of resolution 341 (1973) setting up UNEF, the representative of France emphasized the position of his Government with regard to the exclusive competence of the Security Council in the matter of peace-keeping and the maintenance of international security in accordance with Article 24 of the Charter and added that to enable the

Article 24, paragraph 3, was explicitly referred to in a decision of the Council to change the format of the Council's annual report.

⁸⁶ Resolution 353 (1973), preambular para. 8.

⁸⁷ S/11346 and S/11346/Rev.1, preambular para. 7, OR, 29th

⁸⁹ 1752nd mtg., France. See also similar remarks at the 1760th mtg., France, in connexion with the role of the United Nations and the Security Council in the arrangements for the peace conference on the Middle East (resolution 344 (1973)).

⁹⁰ In connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, 1701st mtg., France, in connexion with the situation in the Middle East, 1725th mtg., Peru, 1743rd mtg., Egypt, in connexion with the relationship between the United

Part IV

CONSIDERATION OF THE PROVISIONS OF ARTICLE 25 OF THE CHARTER

Article 25

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

NOTE

During the period under review, the Security Council adopted four resolutions⁹² in which Article 25 of the

explicitly referred to in five draft resolutions, of which subsequently revised and then adopted.

⁹² In connexion with the situation in Southern Rhodesia, resolutions 314 (1972), preambular para. 5, para. 2; 318 (1972), preambular para. 5; 320 (1972), preambular para. 3, para. 2; 333 (1973), preambular para. 3.

⁹³ S/10606, preambular para. 7, OR, 27th yr. Suppl. for Jan.-March 1972, pp. 82-83; S/10805 and Rev.1, para. 7, *ibid.*, Suppl. for July-Sept. 1972, pp. 108-110; and S/10928, preambular para. 6, *ibid.*, 28th yr. Suppl. for April-June 1973, p. 36; all in connexion with the situation in Southern Rhodesia

A large number of resolutions⁹⁵ and several draft resolutions which either were not brought to a vote or

resolution 314 (1972); and S/10804, preambular para. 3, para. 2, *ibid.*, Suppl. for July-Sept. 1972, p. 108, revised and adopted as

⁹⁵ In connexion with the situation in Namibia, resolution 310, preambular para. 8, para. 1; and resolution 366 (1974), preambular para. 4, para. 4; in connexion with the question of race conflict in South Africa, resolution 311 (1972), preambular para. 4; in connexion with the situation in Territories under Portuguese administration, resolution 312 (1972), preambular para. 5; in connexion with the situation in the Middle East, resolutions 316

(1974), para. 7; and 363 (1974), para. 1, (a); in connexion with the complaint by Senegal, resolution 321 (1972), preambular para. 5; in connexion with the complaint by Zambia, resolution 326 (1973),

S/10541, preambular para. 5, para. 2, OR, 27th yr., Suppl. for

(1974), para. 2.

failed of adoption,⁹⁶ contained paragraphs which might be considered as implicit references to Article 25.

There were also explicit references to Article 25 and to the Security Council usually in connection with Council decisions previously taken by the Council.⁹⁷ But the Council did not engage in

⁹⁶ In connexion with the situation in Namibia, S/10608, preambular para. 8, *OR, 27th yr., Suppl. for Jan.-March 1972*, p. 84; in connexion with the situation in Territories under Portuguese administration, S/10839, para. 2, *ibid., Suppl. for April-June 1972*, p. 10; in connexion with the situation in Cyprus, S/11201, para. 1, *OR, 28th yr., Suppl. for July-Sept. 1974*, p. 10.

⁹⁷ In connexion with the consideration of questions relating to the situation in Southern Rhodesia, 1641st mtg., Somalia, France, 1642nd mtg., Somalia, President (Sudan), 1654th mtg., Somalia, 1655th mtg., Somalia, 1664th mtg., Yugoslavia, Guinea, 1712th mtg., Yugoslavia, in connexion with the situation in the

any constitutional discussion concerning Article 25, that represented more than a reaffirmation of long held views about its interpretation and application.

Article 25 was explicitly invoked in a communication from the Executive Secretary of the Organization of African Unity to the President of the Council and in a letter⁹⁹ from the President of the Council to the Secretary-General.

Middle East, 1651st mtg., USSR, 1718th mtg., Nigeria, 1725th mtg., Peru, 1733rd mtg., Egypt, 1735th mtg., India, and in connexion with the relationship between the United Nations and South Africa, 1737th mtg., here p. 10 (OAU resolution on Zimbabwe, para. 8).

⁹⁹ S/10822, *ibid., Suppl. for Oct.-Dec. 1972*, p. 27 relating to the reply by the Security Council concerning the implementation of the Declaration on the Strengthening of International Security.

Part V

CONSIDERATION OF THE PROVISIONS OF CHAPTER VIII OF THE CHARTER

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

"2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

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

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

Article 53

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

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

Article 54

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

NOTE

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

upon Members of the United Nations and upon regional arrangements or agencies, the attention of the Security Council has been drawn during the period from 1972 to

representatives on the Council, it has been the practice to include summary accounts of some of them in the Annual Reports of the Security Council to the General

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

resolutions adopted by the Assembly of Heads of State

During the period under review, the question of the regional agencies concerning matters before the Council was not the subject of an intensive constitutional debate, but on several occasions, the Articles of Chapter VIII and the principles established in these Charter provisions were implicitly invoked and amplified in terms of their relevance for the work of the regional organization and its

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

C. Communications from States parties to disputes or situations

(i) Dated 1 October 1973: Guinea, requesting a meeting of the Security Council as a matter of urgency to consider the serious situation between Guinea and

¹⁰³ See report of the Security Council to the General Assembly, 1972-1973, GAOR, 28th Session, Suppl. No. 2, p. 148; report of the Security Council to the General Assembly, 1973-1974, GAOR, 29th Session, Suppl. No. 2, p. 20.

(ii) Dated 21 February 1974: Guinea, withdrawing the complaint against Senegal, following the visit of the President of OAU to Guinea.¹⁰²

with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, 1695th mtg., Secretary-General, (Article 54); 1697th mtg., Chile, (Article 53); 1701st mtg., United Kingdom, (Article 52, Chapter VIII); United States, (Chapter VIII); and in connexion with the situation in the Middle East, 1724th mtg., Kenya, (Article 52).

¹⁰⁰ S/10741, OR, 27th yr., Suppl. for July-Sept. 1972.

S/11004, OR, 28th yr., Suppl. for Oct.-Dec. 1973, p. 61.

¹⁰² S/11004, OR, 28th yr., Suppl. for Oct.-Dec. 1973, p. 61.

in Latin America, see the procedural history in chapter VIII, part II,

Part VI

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

Part VII

CONSIDERATION OF THE PROVISIONS OF CHAPTER XVI OF THE CHARTER

“...”

Article 103

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

NOTE

raised the question whether and to what extent Article 103

questions involved on the agenda of the Security Council... letters from the representatives of Cyprus and Turkey

the ambit of Article 103 of the Charter in that they... sovereignty, equality, non-use of force in international

relations and non-intervention.¹⁰⁵ The representative of Turkey denied all these charges and expressed the view that

During the Council meetings in Panama City Article 103 was explicitly referred to by two representatives who

were violated by the Government of Cyprus which failed to find that the constitutional arrangements fully complied with the principles of the Charter of the United Nations in proceedings.

principles of the Charter of the United Nations be

¹⁰⁵ For the Cypriot view, see S/10585, *OR*, 27th yr., *Suppl. for April-June 1972*, p. 20, and S/10610, *ibid.*, pp. 30-32.

¹⁰⁶ For the Turkish position, see S/10595, *ibid.*, pp. 27-28, and S/10650, *ibid.*, pp. 60-62.

¹⁰⁷ In connexion with the consideration of measures for the maintenance and strengthening of international peace and security in Latin America, 1697th mtg., Chile, and 1702nd mtg., President (Panama).

Part VIII

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