

are contrary to the provisions of the present resolution in order to ascertain whether States have entered into agreements which recognize South Africa's authority over Namibia, and to report periodically thereon;

"15. *Calls upon* all States to support and promote the rights of the people of Namibia and to this end to implement fully the provisions of the present resolution;

"16. *Requests* the Secretary-General to report periodically on the implementation of the provisions of the present resolution."

Decision of 20 October 1971 (1598th meeting):

Adjournment of the meeting

At the 1598th meeting on 20 October 1971, the representative of Argentina introduced⁹² a draft resolution⁹³ under which the Security Council would: (1) invite the Secretary-General, acting on behalf of the United Nations, to take all necessary steps as soon as possible, including making contact with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of the Territory of Namibia, freely and with strict regard to the principles of human equality, to exercise their right to self-determination and independence, in accordance with the Charter of the United Nations; and (2) request the Secretary-General to report to the Security Council on the implementation of the resolution. He then stated that the course of action outlined in the proposed draft resolution, which was the result of extensive consultations, was not in any way incompatible with that envisaged in the resolution that the Council had then adopted. It was based on the belief that every possible alternative had to be explored to ensure the future of Namibia in accordance with the basic principles which had been established regarding the Territory by previous resolutions of the United Nations.⁹⁴

In the course of the discussion that followed, a number of suggestions for the revision of the draft resolution were made and a number of representatives expressed the wish that the draft resolution be voted upon at a later meeting so that members of the Council could consider further the text and to engage in consultations.

The President (Nicaragua) then suggested⁹⁵ that the meeting be adjourned and that the consideration of the Argentine draft resolution continue at a subsequent meeting on a date to be set by the President. Consultations would continue among the members and the President would be at their disposal. There being no objection, it was so decided.⁹⁶

On 22 October 1971, the representative of Argentina submitted the revised text⁹⁷ of his delegation's draft resolution, in which, *in alia*: (1) the words "and without prejudice to other resolutions adopted by the Security Council on this matter" were added to the first preambular paragraph; and (2) a new operative paragraph 2 was added which read: "*Calls upon* the Government of South Africa to co-operate fully with

the Secretary-General in the implementation of this resolution."

The question remained on the list of matters of which the Security Council is seized.

SITUATION IN THE MIDDLE EAST

Decision of 1 April 1969 (1473rd meeting): resolution 265 (1969)

By letter⁹⁸ dated 26 March 1969 addressed to the President of the Security Council, the representative of Jordan, having referred to his earlier letters of 16 and 17 March 1969⁹⁹ concerning active Israeli aggression against civilian centres in Jordan, complained that earlier that day Israeli jet fighters had attacked, using heavy bombs and rockets, Jordanian villages and civilian centres in the area of Es Salt, causing heavy loss of life and damage to property. In view of this grave attack, an urgent meeting of the Security Council was requested to consider these continuous and grave violations by Israel and to adopt more adequate and effective measures to check Israeli acts of aggression and restore international peace and security.

By letter¹⁰⁰ dated 27 March 1969 addressed to the President of the Security Council, the representative of Israel, having referred to his letter of 17 March 1969¹⁰¹ regarding persistent armed attacks against Israel by regular and irregular forces from Jordan necessitating measures of self-defence by Israel, requested an urgent meeting of the Security Council to consider the complaint of grave and continual violations by Jordan of the cease-fire, the provisions of the United Nations Charter, and of international law, including: (a) armed attacks, armed infiltration and acts of murder and violence by terrorist groups operating from Jordan territory with the official support, aid and encouragement of the Jordanian Government and armed forces; (b) firing across the cease-fire lines by Jordanian forces, and in particular the wanton shelling of Israeli villages.

At the 1466th meeting on 27 March 1969, after a procedural discussion on the adoption of the agenda,¹⁰² the Council decided¹⁰³ without vote to include the two letters in its agenda and invited¹⁰⁴ the representatives of Jordan and Israel to participate in the discussion of the question without the right to vote. Invitation¹⁰⁵ was also extended to the representative of Saudi Arabia at the 1467th meeting. The Council considered the question at the 1466th to 1473rd meetings, held between 27 March and 1 April 1969.

At the 1466th meeting on 27 March 1969, the representative of Jordan+ stated that during the last three months acts of aggression committed by Israel from the air and the land against civilian centres and means of communication deep inside Jordan territory had not only been continuing, as reported¹⁰⁶ by the

⁹⁸ S/9113, OR, 24th yr., Suppl. for Jan.-March 1969, pp. 142-143.

⁹⁹ S/9083 and S/9085, *Ibid.*, p. 124.

¹⁰⁰ S/9114, *Ibid.*, p. 143.

¹⁰¹ S/9089, *Ibid.*, p. 126.

¹⁰² For the discussion and the decision on the agenda, see in chapter II, Case 3.

¹⁰³ 1466th meeting, para. 24.

¹⁰⁴ *Ibid.*, para. 25.

¹⁰⁵ 1467th meeting, para. 1.

¹⁰⁶ Reference was made to the following communications: S/8911 and S/8916. OR, 23rd yr., Suppl. for Oct.-Dec. 1968, pp. 133-134 and 158 respectively; S/9039, S/9083 and S/9085, OR, 24th yr., Suppl. for Jan.-March 1969, pp. 97-100 and 124 respectively.

⁹² 1598th meeting, para. 45.

⁹³ S/10376, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 27.

⁹⁴ 1598th meeting, paras. 44-45.

⁹⁵ *Ibid.*, paras. 94-95.

⁹⁶ *Ibid.*, para. 100.

⁹⁷ S/10376/Rev.1, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 27.

representative of Jordan in his communications to the Security Council, in direct violation of the cease-fire resolutions and in utter disregard for the Armistice Agreement, but had intensified and culminated in an air raid by Israeli jet fighters on civilian areas between the East Bank and the West Bank of the Jordan River where there were no military installations in the immediate area and where no anti-aircraft fire had been directed against the Israeli planes. The attacks showed that Israeli policy was not one of self-defence, but the incident under consideration constituted a clear-cut act of aggression; it was also a challenge and a test for the Security Council which organ, in its resolution 262 (1968) of 31 December 1968, had condemned Israel for its premeditated military action and had issued a warning that if such acts were to be repeated, the Council would have to consider further steps to give effect to its decisions.¹⁰⁷ In this connexion, the Council was called upon to take adequate and effective measures under Chapter VII of the Charter.¹⁰⁸

The representative of Israel,* noted that the basic United Nations doctrine on Arab terror warfare was contained in the provisions of Security Council resolution 56 (1948) of 19 August 1948. Jordan's role in warfare by terror against the people of Israel was a major one since Jordanian territory served as the central jumping-off ground for the main terror organizations which maintained headquarters, branches, recruiting offices and terror bases there. In the incidents under consideration, Israel had acted in self-defence to disable those centres of attack and bases for terror operations against Israel. Until an end was put to the Arab war against Israel which was being pursued in particular by the method of terror warfare and until the Arab States maintained the cease-fire to which they had pledged themselves, Israel's right to self-defence would remain inalienable. It could not be questioned or curtailed by labelling Israeli counteractions as reprisals, a concept which had no application to the present situation in the Middle East.¹⁰⁹

At the 1472nd meeting on 1 April 1969, the representative of Pakistan, on behalf of the delegations of Senegal, Zambia and Pakistan, introduced a draft resolution¹¹⁰ which, he stated, was the result of prolonged consultations not only among the Asian-African members of the Security Council, but also with other permanent and non-permanent members.

At the 1473rd meeting on 1 April 1969, the representative of Pakistan pointed out that revisions had been made in the original draft resolution in order to accommodate to a wider extent certain views expressed to the three sponsors in the course of further intensive consultations with a view to moving towards unanimity if possible.

At the same meeting the three-Power draft resolution was put to the vote and adopted¹¹¹ by 11 votes in favour, none against with 4 abstentions. It read as follows:¹¹²

"The Security Council,

"Having considered the agenda contained in document S/Agenda/1466/Rev.1,

¹⁰⁷ Resolution 262 (1968), paras. 1 and 3.
¹⁰⁸ 1466th meeting, paras. 30, 37-39, 40, 43, 45, 48, 49-51, 53, 55.

¹⁰⁹ *Ibid.*, paras. 62-69, 85, 87-88, 95-96, 100.

¹¹⁰ 1472nd meeting, para. 8, circulated as document S/9120.

¹¹¹ 1473rd meeting, para. 92.

¹¹² Resolution 265 (1971).

"Having heard the statements made before the Council,

"Recalling its resolution 236 (1967) of 12 June 1967,

"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 preplanned nature, in violation of resolutions 248 (1968) of 24 March 1968 and 256 (1968) of 16 August 1968,

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

"1. **Reaffirms** resolutions 248 (1968) and 256 (1968);

"2. **Deplores** the loss of civilian life and damage to property;

"3. **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 Security Council would have to meet to consider further and more effective steps as envisaged in the Charter to ensure against repetition of such attacks."

Decision of 3 July 1969 (1485th meeting) : resolution 267 (1969)

By letter¹¹³ dated 26 June 1969 addressed to the President of the Security Council, the representative of Jordan stated that Israel continued to violate basic human rights in Jerusalem and to take measures contrary to the provisions of Security Council resolution 252 (1968) and the United Nations Charter. Referring to Israeli actions and planned measures for the establishment of Israeli settlements in the Holy City and replacement of the City's inhabitants, he requested an urgent meeting of the Security Council to consider the continued Israeli defiance of its resolution 252 (1968) on Jerusalem.

At the 1482nd meeting on 30 June 1969 following the adoption¹¹⁴ of the agenda, the Council invited¹¹⁵ the representatives of Jordan and Israel to participate without vote in the discussion of the question. Invitations¹¹⁶ were also extended to the representatives of the United Arab Republic, Saudi Arabia, Syria and Morocco at the 1482nd meeting, to the representatives of Iraq, Indonesia and Lebanon at the 1483rd meeting, to the representative of Malaysia at the 1484th meeting and to the representatives of Afghanistan, Sudan, Yemen, Tunisia and Kuwait at the 1485th meeting. The Council considered the question at its 1482nd to 1485th meetings held between 30 June and 3 July 1969.

At the 1482nd meeting on 30 June 1969, the representative of Jordan,* having stated that in recent weeks and months Israel, in its determination to achieve its plan for expansion, had repeatedly committed acts of aggression in violation of the Armistice Agreement and

¹¹³ S/9284, OR, 24th yr., Suppl. for Apr.-June 1969, pp. 345-346.

¹¹⁴ 1482nd meeting, immediately preceding para. 1.

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*, paras. 1, 98; 1483rd meeting, paras. 4 and 24; 1484th meeting, para. 2; 1485th meeting, para. 2.

the cease-fire, maintained that the situation in the Jerusalem area was threatening not only the political, social and economic life of Christian and Moslem Jordanian citizens in Jerusalem but also international peace and security. Recalling the terms of Security Council resolution 252 (1968) of 21 May 1968 by which the Council had declared that all legislative and administrative measures and actions taken by Israel which tended to change the legal status of Jerusalem were invalid, he pointed out that on 23 August 1968, the Israeli authorities had passed and published the so-called Legal and Administrative Matters (Regulation) Law the object of which had been to complete the process of Israel's unilateral annexation of Jerusalem and other surrounding areas, Emphasizing that the issue before the Council was resolution 252 (1968) adopted by the Council and defied by Israel, together with continued defiance and the further violations that had been committed, the representative of Jordan urged the Council to take the following steps: (1) to take note of the report submitted by the Secretary-General¹¹⁷ on 11 April and 30 June 1969 in pursuance of Security Council resolution 252 (1968) of 21 May 1968 concerning the status of Jerusalem; to deplore the failure of Israel to show any regard for Security Council resolution 252 (1968) and to condemn in the strongest terms the non-compliance of Israel with that resolution; (2) to emphasize once more the established principle that acquisition of territory by military conquest was inadmissible; (3) as an interim measure, once more to call urgently upon Israel to rescind all measures taken by it that had resulted or might result in changing the status of the city of Jerusalem and, in the future, to refrain from all actions likely to have such effect; (4) to issue a solemn warning to Israel that unless the above-mentioned illegal acts of legislation were rescinded, the Council would convene without delay to take action, including the application of Article 41 of the Charter; (5) to request that Israel inform the Council, within a fortnight, of its intentions with regard to the implementation of the provisions of the resolution; (6) as an interim measure, to appeal to all Member States to refrain from sending arms and military equipment to Israel until it has complied with the above-mentioned requests of the Council. The representative of Jordan* further called upon the Council to reaffirm its resolution 252 (1968) of 21 May 1968, as well as General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967, respectively, on Jerusalem, and to declare the new Israeli legislation dated 23 August 1968 and the subsequent decrees and legislation null and void. He also expressed the hope that the Security Council would call upon the Secretary-General to submit a report to the Council on the implementation of its resolution.¹¹⁸

At the same meeting, the representative of Israel* contended that the present Jordanian complaint was but a manoeuvre to divert attention from the fact that the Arab Governments had hardened even further their refusal to conclude peace with Israel and that Arab aggressive warfare against Israel continued unabated. The pretext for Jordan's call for an emergency meeting was a year-old law which provided for the issuance of licences and permitted for the exercise of commerce and professions, i.e., regulations which were required

¹¹⁷ S/9149 nnd Add.1, OR, 24th yr., Suppl. for Apr.-June 1969, pp. 106-113.

¹¹⁸ 1482nd meeting, paras. 5, 6, 7, 9, 12, 14-17, 44, 78, 81, 82.

for the welfare of the population, Jewish and Arab alike: the generally accepted principles of human rights and political democracy could not be suspended in the case of Jerusalem whose unity, growth, welfare and security would be maintained and protected by Israel.¹¹⁹

At the 1483rd meeting on 1 July 1969, the representative of the United Kingdom reaffirmed the position of his Government, as stated in the General Assembly on 21 June 1967, that it followed from Article 2 of the Charter that war should not lead to territorial aggrandizement and reaffirmed the principle that no unilateral action should or could change the status of Jerusalem. He held it to be essential for the Council to require that nothing should be done by unilateral action to prejudice the future of Jerusalem which had to be kept open and be discussed and decided as part of a final settlement ensuring a permanent peace. Noting that the vital concern of the countries of the Middle East for peace in the area could not be disputed and that agreement by outside Powers without the agreement of the countries and peoples directly concerned would not secure a permanent peace, the representative of the United Kingdom observed that the Security Council had a legitimate interest in, and international responsibility for, peace and security. The Council was not to be told by anyone that its primary responsibility for the maintenance of international peace and security was diminished or deferred.¹²⁰ He emphasized that in so far as Jerusalem was the heart of the whole problem, a just and complete settlement should not be ruled out in advance and should not be rendered impossible by any act designed to prejudice the future status of the City.¹²¹

At the 1485th meeting on 3 July 1969, the representative of Pakistan referred to the total disregard by Israel of General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) of 4 and 14 July 1967 and Security Council resolution 252 (1968) of 21 May 1968, and that country's refusal to rescind the legislative and administrative measures and actions taken by it to change the legal status of Jerusalem. He expressed the view of his delegation that any decision that the Council might take had to be a firm vindication of the principle of the inadmissibility of territorial acquisition by war and recalled that this principle had been emphasized in Council resolution 242 (1967) of 22 November 1967 and reaffirmed in resolution 252 (1968).¹²² Subsequently, the representative of Pakistan, on behalf of the delegations of Senegal, Zambia and Pakistan, introduced a draft resolution¹²³ which, he stated, was the result of the consultations held among members of the Security Council.

At the same meeting, the President stated that a separate vote had been requested on operative paragraph 5 of the three-Power draft resolution.]? Thereupon, the said operative paragraph was put to the vote and adopted¹²⁴ by 14 votes in favour, none against with 1 abstention. Subsequently, the draft resolution as a whole was put to the vote and adopted¹²⁵ unanimously. It read¹²⁷ as follows:

¹¹⁹ *Ibid.*, paras. 53, 71, 74.

¹²⁰ For discussion of this question, see chapter XII, part III, under Article 24.

¹²¹ 1483rd meeting, paras. 27, 33, 36, 37.

¹²² 1485th meeting, paras. 163, 181.

¹²³ *Ibid.*, para. 185, circulated as document S/9311.

¹²⁴ 1485th meeting, para. 194.

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*, para. 195.

¹²⁷ Resolution 267 (1969).

"The Security Council,

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

"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 of 26 August 1969 (1504th meeting) : resolution 270 (1969)

By **letter**¹²⁸ dated 12 August 1969 addressed to the President of the Security Council, the representative of Lebanon, pursuant to his earlier **letter**¹²⁹ of 11 August 1969 by which he had informed the Security Council of the premeditated and unprovoked aggression committed by Israel against civilian villages in southern Lebanon, and in view of the gravity of the situation endangering the peace and security of Lebanon, requested the convening of an urgent meeting of the Security Council.

By **letter**¹³⁰ dated 12 August 1969 addressed to the President of the Security Council, the representative of Israel stated that the cease-fire to which Lebanon was committed forbade all military activities. In explicit violation of this obligation, repeated attacks had been launched against Israel from Lebanese territory.

It was generally known that Lebanon harboured on its territory, and particularly in its southern region bordering with Israel, considerable concentrations of irregular forces which were engaged in waging terror warfare against Israel. During the past month alone twenty-one attacks by shelling, firing and mining had been carried out against inhabited localities in Israel. In the face of these attacks Israel had been compelled to take, on 11 August 1969, action in self-defence against the terror encampments. In view of the gravity of the armed attacks perpetrated against Israel from Lebanese territory, the representative of Israel requested the President to convene an urgent meeting of the Security Council.

At the 1498th meeting on 13 August 1969, the Council **decided**¹³¹ without vote to include the letters in its agenda and invited¹³² the representatives of Lebanon and Israel to participate in the debate without the right to vote. The Council considered the question at its 1498th to 1502nd and 1504th meetings, held between 13 and 26 August 1969.

At the 1498th meeting on 13 August 1969, the representative of Lebanon* maintained that Israel, by a sudden and unprovoked air strike, including the use of napalm bombs, against villages in southern Lebanon, had committed an act of flagrant, unprovoked and massive aggression. Referring to the Israeli countercharge that the strike was in retaliation for attacks alleged to have been launched from Lebanese territory against inhabited localities in Israel, he held that in so far as Israel refused to resort to the Mixer Armistice Commission established under the Armistice Agreement or to allow any investigation on its territory to establish unbiased evidence, these allegations remained unsubstantiated. He maintained further that Lebanon could not be held responsible for the actions of Palestinian Arabs who, as freedom fighters and people seeking self-determination, were fighting in self-defence against the aggressor and occupier. In view of the provisions of Security Council resolution 262 (1968) of 31 December 1968, the representative of Lebanon requested the Council to take prompt and effective action in the form of sanctions provided for in the Charter in order to forestall any similar acts of aggression in the future and to prevent the deterioration of the general situation in the Middle East.¹³³

The representative of Israel* contended that the Government of Lebanon could not be absolved of responsibility for the use of its territory as a base of terror warfare against Israel. Having noted that the Lebanese authorities seemed unable or unwilling to put an end to the utilization of their territory for armed attacks against Israel, in breach of the cease-fire, he maintained that their failure to do so had necessitated Israel's recourse to the right of self-defence in order to disable the terror bases situated in Lebanon.¹³⁴

At the 1504th meeting on 26 August 1969, the President (Spain) announced that as a result of intensive consultation among Council members, agreement had been reached on the text of a draft resolution which represented a consensus among the members of the Council.¹³⁵

¹³¹ 1498th meeting, para. 9.

¹³² *Ibid.*, para. 10.

¹³³ *Ibid.*, paras. 12, 14-22, 30, 31, 34, 35, 38, 39.

¹³⁴ *Ibid.*, paras. 47, 48, 66, 67, 82, 83, 86.

¹³⁵ 1504th meeting; para. 2.

¹²⁸ S/9385, OR, 24th yr., Suppl. for July-Sept. 1969, p. 153.

¹²⁹ S/9383, *Ibid.*, p. 152.

¹³⁰ S/9387, *ibid.*, p. 156.

At the same meeting the **President**, in the absence of objections, declared the draft resolution to have **been** unanimously adopted.¹³⁶ It read¹³⁷ as follows:

“The **Security Council**,

“**Having considered** the agenda contained in document S/Agenda/1498/Rev.1,

“**Having noted** the contents of the letter of the **Charge d'affaires ad interim** of Lebanon (S/9383),

“**Having heard** the statements of the representatives of **Lebanon** and **Israel**,

“**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 of 15 September 1969 (15 12th meeting) : resolution 271 (1969)

By letter¹³⁸ dated 29 August 1969 addressed to the President of the Security Council, 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**, pursuant to their telegraphic communication¹³⁹ of 22 August 1969 regarding the grave event of 21 August 1969 in Jerusalem, i.e. the outbreak of fire in the Holy Mosque of Al Aqsa, requested the convening of an urgent meeting of the Security Council to consider the grievous situation resulting from the extensive damage caused by arson to the Holy Al Aqsa Mosque in Jerusalem.

At the 1507th meeting on 9 September 1969 following the adoption of the agenda,¹⁴⁰ the Council decided

¹³⁶ 1504th meeting.

¹³⁷ Resolution 27b (1969).

¹³⁸ S/9421 and Add.1 and 2, OR, 24th yr., Suppl. for July-Sept. 1969, p. 166.

¹³⁹ S/9447, OR, 24th yr., Suppl. for July-Sept. 1969, pp. 173-184; Annex I, p. 177.

¹⁴⁰ 1507th meeting, para. 2.

to invite¹⁴¹ the representatives of **Israel**, the United Arab Republic and **Indonesia** to participate, without the right to vote, in the discussion of the question, **Invitations**¹⁴² were also extended to the representatives of **India** and **Somalia** at the 1508th meeting, to the representatives of **Jordan** and **Saudi Arabia** at the 1509th meeting, to the representatives of **Ceylon** and **Malaysia** at the 1510th meeting and to the representatives of **Lebanon** and **Tunisia** at the 1511th meeting. The Council considered the question at the 1507th to 1512th meetings, held between 9 and 15 September 1969.

At the 1507th to 1512th meetings held on 9-12 and 15 September 1969, ten¹⁴³ of the twenty-five signatories to the letter dated 29 August 1969¹⁴⁴ requesting an urgent meeting of the Security Council, as well as two other **States**¹⁴⁵ non-members of the Security Council who were invited to participate in the debate, contended that the grievous situation resulting from the extensive damage caused by arson to the Holy Al Aqsa Mosque arose from a set of political circumstances which were part of the larger Middle East situation and that this incident was inextricably associated with the military occupation of the Old City by **Israel** and with **Israel's** attempts to annex **Jerusalem** in defiance of the decisions of the Security Council, in violation of the resolutions of the General Assembly, and in breach of the principle repeatedly affirmed and emphasized by both the Security Council and the General Assembly that acquisition of territory by military conquest was inadmissible. It was maintained that holy places were organically related to the City itself and could not be isolated from their physical environment nor from the social and political order imposed on it. Accordingly, the desecration committed on the Holy Al Aqsa Mosque, and the attendant question of the protection of the sanctity and security of holy shrines, had to be considered in the context of the general situation prevailing in the Middle East and as a part of the question of the future of **Jerusalem** and the status of the Old City. In this connexion, reference was made to Security Council resolutions 252 (1968) of 21 May 1968 and 267 (1969) of 3 July 1969 by which that organ had confirmed that all legislative and administrative measures and actions taken by **Israel** designed to alter the status of **Jerusalem** were invalid, had censured such measures and had called upon **Israel** to rescind them. It was noted that on the basis of these resolutions neither the Security Council nor any Member of the United Nations could extend even an implicit recognition to the validity or legitimacy of **Israeli** authority over the Holy City nor give even tacit consent to the measures being taken by **Israel** against the arsonist and for the restitution of damages caused. The very minimum required of

¹⁴¹ *Ibid.*, para. 4.

¹⁴² 1508th meeting, para. 2; 1509th meeting, paras. 3 and 105; 1510th meeting, para. 3; and 1511th meeting, para. 3.

¹⁴³ 1507th meeting: **Indonesia**, paras. 66-70, 72, 76, 77; **Pakistan**, paras. 9, 10, 11, 13, 26, 28-30, 32; **UAR**, paras. 36, 39, 50-51; 1508th meeting: **Algeria**, paras. 13-14, 16, 17, 27-29; **Somalia**, paras. 45, 57-58, 59, 60, 61-64; 1509th meeting: **Jordan**, paras. 47, 54; **Saudi Arabia**, para. 181; 1510th meeting: **Malaysia**, paras. 40, 42, 43, 44; 1511th meeting: **Lebanon**, paras. 22, 23, 25, 26, 27, 28; **Tunisia**, paras. 33, 34, 37, 43; 1512th meeting: **Jordan**, paras. 14, 18; **Pakistan**, paras. 94-97, 100, 101-105, 107-109.

¹⁴⁴ See foot-note 43 above.

¹⁴⁵ 1508th meeting: **India**, paras. 35, 37, 38, 40, 41; 1510th meeting: **Ceylon**, paras. 26, 27, 28, 31.

the Council at this time was decisive action to break the deadlock created by Israel's non-compliance with, and to ensure implementation of, its past resolutions pertaining to the City of Jerusalem.

At the 1507th and 1509th meetings held on 9 and 11 September 1969, the representative of Israel* maintained that the real question before the Security Council was how to deal with the exploitation of the fire at the Al Aqsa Mosque for political purposes and how to prevent the vindication of incitement to belligerency. Having pointed out that all necessary measures had already been taken by the Israeli authorities to ascertain the circumstances of the fire by arson and to restore the building, he stated that all attempts, whether in the area or in the Security Council, to seize on the fire as a weapon for intensifying belligerency towards Israel and assailing Israel's rights and standing were unacceptable.¹⁴⁶

At the 1510th meeting on 12 September 1969, the representative of Pakistan introduced¹⁴⁷ a draft resolution,¹⁴⁸ the text of which, he noted, reflected the consensus of the twenty-five Member States that had requested the Council to meet to consider the situation resulting from the incident of 21 August 1969. With regard to the third operative paragraph which would have the Council determine that the desecration of the Holy Al Aqsa Mosque emphasized the immediate necessity of Israel's desisting from acting in violation of Council resolutions 252 (1960) and 267 (1969), he wished to make it clear that in this paragraph Pakistan alleged no complicity by Israel in the act of arson and that to make such a connexion would be to give an unwarranted meaning to the text.¹⁴⁹

At the 1511th meeting on 15 September 1969, the representative of the United States, having observed that the facts surrounding the fire at the Holy Al Aqsa Mosque had to be investigated thoroughly and impartially and that there could be no disagreement on the necessity for more adequate precautions against repetition of such desecration, stated that his delegation did not consider it appropriate or desirable to re-examine and pronounce upon the status of Jerusalem or to link the fire in Al Aqsa to the whole Arab-Israeli conflict. He further maintained that the draft resolution before the Council had gone far beyond the purpose for which the Security Council had been called into session and that the draft resolution, having reaffirmed Council resolution 267 (1969), should have dealt substantively only with measures for the maintenance, repair and protection of the Holy Places, including provisions for adequate participation of Moslem representatives.¹⁵⁰

At the 1512th meeting held also on 15 September 1969, the representative of the USSR stated that all decisions of the United Nations on the question of Jerusalem were based on the principle reflecting the legal consciousness of the States Members of the United Nations that the military takeover by Israel of the Arab part of Jerusalem was an unlawful act. He observed that the Security Council, in its resolution 242 (1967) of 22 November 1967 calling for the

withdrawal of Israeli troops from occupied Arab territories, had not made any exclusion or exception either for the Arab part of Jerusalem or for any other Arab territory taken by Israel. Having noted that the decisions of the Security Council were binding upon all Member States who, under Article 25 of the Charter, had the obligation to implement such, the representative of the USSR stated that non-implementation by Israel of the decisions of the Security Council on Jerusalem had worsened the situation, increased the threat to peace and had created an atmosphere of arbitrariness under an occupation régime that had led to a new flagrant act of vandalism. He held that in so far as the setting of the fire to the Al Aqsa Mosque was a direct result of the aggression, occupation and policy of aggression being carried out by Israel with respect to Jerusalem and other Arab territories, the Council had to clearly state the political and moral responsibility of that country for the arson in the Mosque and for the tense situation in the Arab part of Jerusalem and other occupied Arab territories.¹⁵¹

At the same meeting, the representative of Pakistan, on behalf of the co-sponsors of the draft resolution before the Council, made an oral amendment to operative paragraph 4 of the Pakistan draft resolution whereby that paragraph would refer to not only "Geneva Conventions" but also to "international law" governing military occupation.¹⁵²

Subsequently, the representative of France, having stated the position of his delegation that in the case before the Council a reference to the 1954 Convention and Protocol for the Protection of Cultural Property in the event of Armed Conflict would have been more appropriate than the "Geneva Conventions governing military occupation"; requested, in accordance with rule 32 of the provisional rules of procedure of the Council, a separate vote on operative paragraph 4 of the draft resolution.¹⁵³ Accordingly, that paragraph was put to the vote first and adopted¹⁵⁴ by 10 votes in favour, none against with 5 abstentions. Subsequently, the draft resolution as a whole was put to the vote and adopted¹⁵⁵ by 11 votes in favour, none against with 4 abstentions. It read¹⁵⁶ as follows:

"The Security Council,

"Grieved at the extensive damage caused by arson to the Holy Al 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,

¹⁴⁶ 1507th meeting, paras. 115-121, 123, 125; 1509th meeting, para. 101.

¹⁴⁷ 1510th meeting, para. 57.

¹⁴⁸ S/9445 incorporated into the record of the 1510th meeting, para. 57 and adopted, without change but with an interpolation to paragraph 4, as resolution 271 (1969).

¹⁴⁹ 1510th meeting, para. 67.

¹⁵⁰ 1511th meeting, paras. 63-65, 71-73.

¹⁵¹ 1512th meeting, paras. 35-40, 46, 47-49, 51, 55.

¹⁵² *Ibid.*, para. 112.

¹⁵³ *Ibid.*, para. 118.

¹⁵⁴ *Ibid.*, para. 136.

¹⁵⁵ *Ibid.*, para. 137.

¹⁵⁶ Resolution 271 (1969).

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

"2. *Recognizes* that any act of destruction or profanation of the Holy Places, religious building 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. Culls upon Israel scrupulously to observe the provisions of the Geneva Conventions and international law 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 of 12 May 1970 (1537th meeting): resolution 279 (1970)

Decision of 19 May 1970 (1542nd meeting): resolution 280 (1970)

By letter¹⁵⁷ dated 12 May 1970 addressed to the President of the Security Council, the representative of Lebanon stated that Israeli armed forces had launched, earlier that day, an invasion of Lebanon. Israeli armoured and infantry units in large proportions had penetrated Lebanese territory and Israeli air force and artillery were at this time bombarding several towns and villages. This act of aggression against Lebanon was in flagrant violation of the Lebanon-Israel armistice agreement and the provisions of the United Nations Charter. An urgent meeting of the Security Council was requested in view of the gravity of the situation endangering the peace and security of Lebanon and of the area.

By letter¹⁵⁸ dated 12 May 1970 addressed to the President of the Security Council, the representative of Israel requested an urgent meeting of the Security Council to consider the acts of armed attack, shelling, incursion, murder and violence perpetrated from Lebanese territory against the territory and population of

Israel in flagrant violation of the cease-fire and the United Nations Charter.

At the 1537th meeting on 12 May 1970 following the adoption¹⁵⁹ of its agenda, the Council invited¹⁶⁰ the representatives of Lebanon and Israel to participate in the debate of the Council. At the same meeting, invitations¹⁶¹ were also extended to the representatives of Morocco and Saudi Arabia. The Council considered the question at its 1537th to 1542nd meetings, held between 12 and 19 May 1970.

At the 1537th meeting on 12 May 1970 the Secretary-General stated that he had received information from the Acting Chief of Staff of UNTSO that an armoured attack had been launched by Israel into Lebanon with the support of artillery and air force. He noted further that he was unable to give detailed information of the actions in progress in view, amongst others, of the fact that his efforts to increase substantially the number of observers in both sides in that area were unsuccessful.¹⁶²

In his opening statement, the representative of Lebanon* informed the Council that early that morning Israel had launched a large-scale aggression against his country: Israeli armoured and infantry units had crossed the Lebanese border into southern and eastern parts of a district situated in the south-eastern part of Lebanon and that the Israeli air force and heavy artillery had, since then, been bombarding the civilian towns and villages in the area. Emphasizing that this aggression had occurred in the wake of several threats made by Israeli officials against Lebanon in the last few months, one of which Lebanon had conveyed to the Security Council by letter dated 7 March 1970,¹⁶³ he held that note had to be taken of "the official calculating thinking of the planners of aggression in Israel". Having recalled the terms of resolution 262 (1968) of 31 December 1965 in which the Security Council had issued a warning to Israel that if acts such as the premeditated and large-scale military action by the armed forces of Israel against the civil International Airport of Beirut were to be repeated, the Council would have to consider further steps to give effect to its decisions, the representative of Lebanon stated that the action his country sought from the Council at this time was the immediate withdrawal of all Israeli troops from Lebanese territory, a strong condemnation of Israel and the application of Chapter VII of the United Nations Charter.¹⁶⁴

The representative of Israel,* having referred to his letters of 5, 15 and 29 January, 27 February, 4 and 10 March and 10 May 1970¹⁶⁵ in which he had informed the Security Council of the acts of aggression being perpetrated from Lebanese territory against the territory and population of Israel in violation of the cease-fire and the United Nations Charter, stated that his Government had requested this urgent meeting of the Security Council to consider those acts. Noting

¹⁵⁹ 1537th meeting, para. 2.

¹⁶⁰ *Ibid.*, para. 4.

¹⁶¹ *Ibid.*, para. 28.

¹⁶² *Ibid.*, paras. h-8.

¹⁶³ S/9683, OR, 25th yr., Suppl. for Jan.-Mar. 1970, pp. 153-154.

¹⁶⁴ 1537th meeting, paras. 1-15, 17, 19, 23, 24.

¹⁶⁵ S/9593, S/9604, S/9621, S/9670, S/9678 and S/9691, OR, 25th yr., Suppl. for Jan.-Mar. 1970, pp. 101-102, 105-106, 114-115, 146, 150 and 155-156 respectively; S/9790, OR, 25th yr., Suppl. for Apr.-June 1970, pp. 180-181.

¹⁵⁷ S/9794, OR, 25th yr., Suppl. for Apr.-June 1970, p. 181.

¹⁵⁸ S/9795, *ibid.*, p. 181.

that Israel had repeatedly called on the Government of Lebanon to observe the cease-fire and to put an end to those attacks and had also requested organs of the United Nations and Governments of Member States to apprise Lebanon of the gravity of the situation created by the continuation of warfare from its territory, he maintained that in so far as the acts of aggression had not ended but on the contrary had grown in number and scope, Israel had been compelled to act in self-defence. On the morning of 12 May 1970, Israel defence forces had taken action against bases of aggression concentrated in south-east Lebanon in order to comb the area of the irregular forces and the terrorist squads engaged in terror warfare against Israel; the Israeli forces would leave the area on completion of their mission. The representative of Israel further maintained that under the cease-fire and the Charter, the Government of Lebanon bore full responsibility for armed attacks carried out from its territory against Israel — whether by regular or irregular forces. He added that this responsibility was evident, in the light of the official agreements between the Government of Lebanon and the irregular forces operating against Israel from Lebanese territory. At the close of his statement, the representative of Israel informed the Security Council that he had received a communiqué issued by an Israeli army spokesman that the operation had been concluded and that the Israeli forces were deploying to leave the area.¹⁶⁶

At the same meeting the representative of Spain, having observed that the military invasion of Lebanon by armed Israeli forces in flagrant violation of the Charter could not be condoned and that it was not appropriate for the Council to remain passive in the face of events which the parties had recognized as factual, submitted¹⁶⁷ a draft resolution¹⁶⁸ and requested that it be put to the vote immediately.¹⁶⁹ It was formally seconded by the representative of Zambia.¹⁷⁰

The President (France) observed that the draft resolution before the Council was an interim proposal which in no way prejudged the discussion and the continuation of the debate.¹⁷¹ Following a procedural discussion as to whether the representative of Israel should be allowed to speak at that stage,¹⁷² the President put to the vote the proposal of the representative of Syria that the Council should proceed to the vote immediately. The proposal was not adopted,¹⁷³ there being 7 votes in favour, 2 against with 6 abstentions.

Subsequently the representative of Israel contended that in so far as Israeli action had been terminated and that Israeli forces were being withdrawn from Lebanese territory, the draft resolution proposed by the representative of Spain was divorced from reality and did not take cognizance of the facts of the situation because it did not refer to the warfare being waged against Israel in flagrant breach of the Charter. The Israeli action under consideration had been directed solely against the terrorist bases imposed on Lebanon against Lebanese interests. He held that the Security Council

should not proceed to take any action whatever before clarifying those facts positively and definitively.¹⁷⁴

The representative of Spain stated that his delegation had submitted the given draft resolution, without prejudice to whatever further action the Security Council might wish to take, in view of the fact that the principle contained in Article 2(4) of the Charter had been violated by the Israeli action.¹⁷⁵

At the same meeting the representative of the United States proposed an oral amendment which would add to the Spanish draft resolution, "and an immediate cessation of all military operations in the area".¹⁷⁶

The representative of the USSR proposed an oral sub-amendment to the amendment of the United States to substitute "immediate stopping of aggression and withdrawal" for "immediate cease-fire".¹⁷⁷

After the representative of the United States drew attention to the fact that the word "cease-fire" did not appear in his amendment, the sub-amendment was modified by the representative of the USSR to read "and stopping of Israeli aggression against Lebanon".¹⁷⁸

At the 1537th meeting on 12 May 1970, the USSR sub-amendment to the United States amendment was put to the vote and was not adopted,¹⁷⁹ there being 3 votes in favour, none against with 12 abstentions. Thereupon, the United States amendment was voted on and not adopted,¹⁸⁰ there being 2 votes in favour, none against with 13 abstentions:

Subsequently, the draft resolution submitted by Spain was put to the vote and adopted¹⁸¹ unanimously. It read¹⁸² as follows:

"The Security Council

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

At the 1538th meeting held also on 12 May 1970, the representative of Lebanon stated that according to information he had just received from his country, the Israeli forces were still in large numbers in the region of southern Lebanon and had not given any indication of withdrawing.¹⁸³

The representative of Israel stated that in so far as it was already night in the region, the Israeli forces which were still on Lebanese soil refrained from withdrawal in order to avoid shooting incidents in the dark.¹⁸⁴

At the 1539th meeting on 13 May 1970, the President conveyed to the Security Council a message from the Secretary-General that he had as yet received no information from the Acting Chief of Staff of UNTSO regarding the implementation of Council resolution 279 (1970) of 12 May 1970, due to the fact that verification of information in the field was not possible because of the absence of direct means of observation on both sides in the Israel-Lebanese sector.¹⁸⁵

¹⁷⁴ *Ibid.*, para. 81, 100.

¹⁷⁵ *Ibid.*, para. 84.

¹⁷⁶ *Ibid.*, para. 91.

¹⁷⁷ *Ibid.*, para. 113.

¹⁷⁸ *Ibid.*, para. 128.

¹⁷⁹ *Ibid.*, para. 129.

¹⁸⁰ *Ibid.*, para. 130.

¹⁸¹ *Ibid.*, para. 132.

¹⁸² Resolution 279 (1970).

¹⁸³ 1538th meeting para. 30.

¹⁸⁴ *Ibid.*, para. 108.

¹⁸⁵ 1539th meeting para. 3.

¹⁶⁶ 1537th meeting, paras. 31, 34, 36, 38, 39, 40, 41.

¹⁶⁷ *Ibid.*, para. 44.

¹⁶⁸ *Ibid.*, para. 46; circulated as document S/9800.

¹⁶⁹ *Ibid.*

¹⁷⁰ *Ibid.*, para. 41.

¹⁷¹ *Ibid.*, para. 50.

¹⁷² See chapter I. Case 30, and chapter 111. Case 8.

¹⁷³ 1537th meeting, para. 77.

Subsequently, a communication¹⁸⁶ dated 13 May 1970 from the permanent representative of Israel, transmitting to the United Nations a message from the Prime Minister of Israel, was read out in the Security Council. The message, *inter alia*, stated that the combing operation, which circumstances had compelled Israel to undertake, had been carried out and concluded according to plan and that the Israeli forces which were involved in this defensive action had returned to their base.¹⁸⁷

At the same meeting the representative of Lebanon stated that during the previous night the Israeli air force, covering the withdrawal of Israeli forces from Lebanon, had bombed and shelled Lebanese military and civilian positions contrary to the contentment by Israel that the so-called combing operation was directed against commando positions in Lebanon.¹⁸⁸

At the 1540th meeting on 14 May 1970, the representative of the United States emphasized the continued opposition of his Government to all acts of violence across frontiers in violation of the cease-fire from any source. The way to end such violence, he believed, was to make an all-out effort to bring about a peaceful political settlement of the Arab-Israeli conflict encompassing all States in the area. As a first step in that direction, he urged that there be renewed consultations between Israel, Lebanon and the Secretary-General, in connexion with the latter's earlier suggestion to station observers in adequate numbers on both sides of the border between Israel and Lebanon, to work out a mutually acceptable arrangement, without prejudice to the legal positions of those involved, by which UNTSO could carry out an effective observer operation.¹⁸⁹

The representative of Israel informed the Council that during the previous night a unit of irregular forces had penetrated from across the Lebanese border and opened fire on an Israeli village. Having noted that fire had been returned in this and other instances of similar hostilities in the night, he stated that these constituted acts of aggression of the kind that compelled Israel to take defensive actions to protect its territory and its citizens.¹⁹⁰

At the same meeting, the Security Council received a communication from the Secretary-General stating that the Acting Chairman of the Israel-Lebanon Mixed Armistice Commission had informed the Acting Chief of Staff of UNTSO that the complete withdrawal of the Israeli forces from Lebanon had been officially confirmed by the Lebanese authorities.¹⁹¹

At the 1541st meeting on 15 May 1970, the representative of Colombia, referring to the provisional nature of the recently adopted Council resolution¹⁹² and to the fact that the measures taken by the Council in the past had not been complied with, suggested that the Security Council might consider the possibility of setting up a committee composed of three members of the Council that were not directly linked to the conflict to hear the parties, to take note of the efforts at negotiation made by the Secretary-General and be given access to the political formulas of the four Great

Powers and then, within a reasonable period of time, to present to the Council a series of solutions covering all aspects of the problem, namely, the refugees, the frontiers, Jerusalem, disarmament, etc.¹⁹³

At the 1542nd meeting on 19 May 1970, after the President had suspended the meeting in order to provide certain delegations with time for consultation on a draft resolution,¹⁹⁴ the representative of Zambia read out the text of the draft resolution¹⁹⁵ arrived at during those consultations.

At the same meeting, the draft resolution was put to the vote and adopted¹⁹⁶ by 11 votes in favour, none against with 4 abstentions. It read¹⁹⁷ as follows:

"The Security Council,

"Having considered the agenda contained in document S/Agenda/ 1537,

"Having noted the contents of the letters of the Permanent Representative of Lebanon and the Permanent Representative of Israel,

"Having heard the statements of the representatives of Lebanon and Israel,

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

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

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

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

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

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

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

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

Decision of 5 September 1970 (1551 st meeting) : resolution 285 (1970)

By a letter¹⁹⁸ dated 5 September 1970 addressed to the President of the Security Council, the representative of Lebanon having referred to his earlier letter¹⁹⁹ of 4 September 1970 regarding the continuous acts of aggression that had been committed by Israel

¹⁸³ 1541st meeting, paras. 13-14.

¹⁸⁴ 1542nd meeting, paras. 31-32.

¹⁸⁵ *Ibid.*, para. 34, circulated as document S/9807 and adopted without change as resolution 280 (1970).

¹⁸⁶ *Ibid.*, para. 57.

¹⁸⁷ Resolution 280 (1970).

¹⁸⁸ S. 9925, OR, 25th yr., Suppl. for July-Sept. 1970, p. 141.

¹⁸⁹ S/9924, *Ibid.*, pp. 140-141.

¹⁸⁶ S/9801, OR, 25th yr., Suppl. for Apr.-June 1970, p. 182.

¹⁸⁷ 1539th meeting, para. 6.

¹⁸⁸ *Ibid.*, para. 140.

¹⁸⁹ 1540th meeting, paras. 32, 34, 36.

¹⁹⁰ *Ibid.*, paras. 59, 63.

¹⁹¹ *Ibid.*, para. 84.

¹⁹² Resolution 279 (1970).

against Lebanon in the past few weeks, complained that earlier that day two infantry companies of Israeli armed forces, under heavy air support, had penetrated inside Lebanese territory, bombing civilian installations and opening roads for Israeli military use, permitting further expansionist operations. In view of the extreme gravity of the situation endangering the peace and security of Lebanon, the President was requested to convene an urgent meeting of the Security Council.

At the 1551st meeting on 5 September 1970 following the adoption²⁰⁰ of the agenda, the Council decided to invite²⁰¹ the representatives of Lebanon and Israel to participate without vote in the discussion of the question which was considered at that meeting only.

At the beginning of the meeting, the Secretary-General read to the Security Council the texts of two cables he had received from the Chief of Staff of UNTSO regarding the matter before the Council. In the messages it was, *inter alia*, stated: that on 5 September 1970 the Lebanese authorities had informed the Israel-Lebanon Mixed Armistice Commission (ILMAC) of an attack by Israeli aircraft and penetration by Israeli mixed infantry and armoured force into Lebanese territory, and had requested confirmation by a UN Military Observer on the spot, as well as the immediate withdrawal of the Israeli unit from Lebanese territory; that the Assistant Israel Defence Force Liaison Officer, who initially had had no information on the alleged attack, had later that day informed the Chief of UNTSO that all Israeli defence forces had withdrawn from Lebanese territory. The Secretary-General recalled the statement he had made on 12 May 1970 on a similar occasion²⁰² that he had long sought, without success, to increase substantially the number of United Nations observers on both sides in that area and that this accounted for the lack of detailed information of actions such as the one under consideration.²⁰³

The representative of Lebanon,* having noted that during the past two weeks Israeli armed forces had committed fifty-eight acts of aggression against Lebanon, repeated the charge made in his letter requesting an urgent meeting of the Council that Israeli armed forces, backed by its air force and tanks, had penetrated from the border and launched an attack inside Lebanese territory. He stated that the Israeli military operations were still continuing and Israeli forces were still engaging units of the Lebanese army inside Lebanese territory. The representative of Lebanon stated also that his country requested from the Security Council the immediate and complete withdrawal of all Israeli forces from all Lebanese territory; condemnation of Israel for its repeated acts of aggression against Lebanon, in violation of the Charter and the pertinent resolutions of the Security Council — resolutions 262 (1968) of 31 December 1968, 270 (1969) of 26 August 1969, 279 (1970) of 12 May 1970 and 280 (1970) of 19 May 1970; the application of Chapter VII of the Charter against Israel, in accordance with operative paragraph 3 of Council resolution 280 (1970) whereby Israel had been warned that in case of a repetition of armed attack, the Council would consider taking adequate and effective steps or meas-

ures in accordance with the relevant Articles of the Charter to implement its resolutions.²⁰⁴

The representative of Israel* maintained that an attempt by Lebanon to dramatize a "minor patrolling incident" could not justify the urgent meeting of the Security Council. He contended further that the inequitable and one-side text of resolution 280 (1970) of 19 May 1970 had given encouragement to the aggressor and that since the adoption of that resolution over two hundred acts of aggression had been committed from Lebanese territory with the connivance of the Lebanese authorities against the territory and population of Israel. The so-called "Cairo Agreement" signed between Lebanon and the Palestinian commandos on 3 November 1969, he maintained, provided the basis for terrorist activity against Israel from Lebanon. Under the terms of that agreement, he noted, the Palestinians' armed struggle was reaffirmed to be in Lebanon's interest and the Lebanese army had undertaken to co-operate in the installation of supplies, rest and aid posts for Palestinian commandos. It was against this background of continuous acts of aggression committed from Lebanese territory and of the admitted helplessness of the Lebanese authorities to control their own territory that Israel had been compelled to exercise its right of self-defence in the present instance. On 4 and 5 September 1970, a small unit of the Israel Defence Forces had carried out a search and comb mission directed solely against terrorists in the affected part of Lebanon. Those units had evacuated Lebanese territory upon completion of their mission. In this minor Israeli action of defensive and limited nature, the Lebanese Army had not been directly involved except for some shelling from a distance. He further stressed that Lebanon was obliged as a Member of the United Nations to prevent irregular, as well as regular, forces from using its territory for aggression against another Member State. If Lebanon chose to repudiate this principle, it could not claim to be immune to Israel's defence against aggression.²⁰⁵

The representative of Spain maintained that in so far as an invasion of Lebanon by Israel had occurred, the fact that a withdrawal had been initiated was not sufficient proof for the Council to remain inactive. Bearing in mind that the incident under consideration was repetition of actions which had occurred in the past with flagrant violation of certain principles of the Charter, he urged that the Council should act with all the urgency required by the situation and submitted²⁰⁶ a draft resolution.²⁰⁷ He requested that it be put to the vote before the conclusion of the meeting.²⁰⁸

Subsequently, the draft resolution was put to the vote and adopted²⁰⁹ by 14 votes in favour, none against with 1 abstention. It read²¹⁰ as follows:

"The Security Council

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

Decision of 25 September 1971 (1582nd meeting): resolution 298 (1971)

²⁰⁴ *Ibid.*, paras. 16-25.

²⁰⁵ *Ibid.*, paras. 46, 47, 48, 51, 52, 53, 54, 55.

²⁰⁶ *Ibid.*, paras. 59, 60-64.

²⁰⁷ *Ibid.*, circulated as document S/9928.

²⁰⁸ *Ibid.*, para. 64.

²⁰⁹ *Ibid.*, para. 93.

²¹⁰ Resolution 285 (1970).

²⁰⁰ 1551st meeting, para. 7.

²⁰¹ *Ibid.*, para. 8.

²⁰² 1537th meeting, paras. 6-8.

²⁰³ 1551st meeting, paras. 11-14.

By letter²¹¹ dated 13 September 1971 addressed to the President of the Security Council, the representative of Jordan requested an urgent meeting of the Security Council to consider Israel's illegal measures in Jerusalem in defiance of Security Council resolutions 252 (1968), 267 (1969) and 271 (1969). He stated that Israel had been continuing its illegal and unilateral measures and steps to change the Arab character of the City and its environs and was presently contemplating a new legislation to extend the border of Jerusalem to include 30 new Arab towns and villages with a population over 100,000. These measures were referred to in the Jordanian delegation's latest letters,²¹² as well as the Secretary-General's reports of 18 February 1971²¹³ and 20 April 1971.²¹⁴ Israel's negative attitude had been demonstrated since it had started to implement the so-called "master plan" for Jerusalem. In so far as the situation created by illegal Israeli measures constituted a 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, it called for immediate consideration by the Security Council.

At the 1579th meeting of the Security Council on 16 September 1971, the representative of Syria proposed that in so far as the reports from the Secretary-General which had been called for by the Security Council in its resolutions 252 (1968), 267 (1969) and 271 (1969) related to the question to be considered by the Council, the item on the provisional agenda regarding the situation in the Middle East should be divided into two sections and include these reports in addition to the letter dated 13 September 1971 from the representative of Jordan.²¹⁵ The agenda as amended was adopted²¹⁶ without objection. It read:

"The situation in the Middle East:

"(a) Letter dated 13 September 1971 from the Permanent Representative of Jordan to the United Nations addressed to the President of the Security Council (S/10313)

"(b) Reports of the Secretary-General (S/8052, S/8146, S/9149 and Add.1, S/9537, S/10124 and Add.1 and 2)".

Subsequently, the Council invited²¹⁷ the representatives of Jordan, Egypt and Israel to participate without vote in the discussion of the question before the Council. Invitations²¹⁸ were also extended to the representatives of Mali, Morocco, Lebanon and Saudi Arabia at the 1580th meeting and to the representative of Tunisia at the 1581st meeting. The Council considered the question at its 1579th to 1582nd meetings, held between 16 and 25 September 1971.

At the 1579th meeting on 16 September 1971, the representative of Jordan* stated that the worsening situation in Jerusalem was the result of the Israeli persistence in the implementation of measures designed

(i) to change the status and character of the Holy City, in disregard of the repeated General Assembly and Security Council resolutions and (ii) to prevent the conclusion of a just and peaceful settlement, in the hope that the cease-fire lines would ultimately become the new borders of Israel. New legislation now being contemplated by Israel would extend the borders of Jerusalem by annexing 3 more Arab towns and 27 Arab villages over and above what had already been unilaterally and illegally annexed in June 1967. Furthermore, reports emanating from the occupied territories referred to attempts in the Israeli Parliament to enact a law to confine holy Moslem religious places in Haram Esh-Sherif area to Al Aqsa and the Dome of the Rock mosques whereby the plaza of Haram Esh-Sherif and other religious and cultural buildings which constituted part of it and which were held sacred by the Moslems, would be subject to future illegal Israeli regulations and excavations. He stated that the Israeli authorities still declined to supply the Secretary-General, in spite of his repeated requests, with information on the "master plan" for "greater Jerusalem" which envisaged, *inter alia*, developments affecting the premises of the "Government House"-the headquarters of the UNTSO situated in the "no-man's land" in Jerusalem. At the close of his statement, the representative of Jordan reiterated the charge that Israel followed a systematic and determined policy of "Judaizing" the Holy City and its environs, and in this connexion, drew attention to the following points: that the Israeli annexationist measures in Jerusalem constituted a renunciation of the Israeli commitments under the Armistice Agreement of which Israel was a signatory; that they were a breach of the cease-fire Agreement which implied that troop movements must be halted and "any attempt to gain legal and geographical advantages from the current situation must be deplored"; that these measures were contrary to contemporary international law and practice which did not recognize the right of conquest or the right of the conqueror to acquire territory as a result of his conquest; that they were in contradiction of the principles of the United Nations Charter which reaffirmed the established principle that acquisition of territory by military conquest was inadmissible; that they were in violation of General Assembly and Security Council resolutions pertaining to Jerusalem, particularly General Assembly resolutions 2253 (ES-V) and 2254 (ES-V) and Security Council resolutions 252 (1968), 267 (1969) and 271 (1969); that they were also in violation of the Hague Convention of 1907 and the Geneva Conventions of 1949 and international law and practice governing military occupation, the 1955 Convention and Protocol for the Protection of Cultural Property in the Event of Armed Conflict, the Declaration of Human Rights, 1948 and the United Nations Convention on Civil and Political Rights; and that these measures undermined the sovereignty and territorial integrity of an independent and sovereign Member State of the United Nations. In view of the repeated Israeli violation of the United Nations resolutions, as well as international conventions, he felt that the Security Council should invoke whatever sanctions it deemed fit under Chapter VII of the Charter to ensure respect for its decisions and to prevent a fait accompli in Jerusalem from interfering with a just solution to the Middle East problem.²¹⁹

²¹¹ S/10313, OR, 26th yr., Suppl. for July-Sept. 1971, p. 63.

²¹² S/10075, S/10123, S/10130/Corr.1, S/10139, S/10149 and S/10152, OR, 26th yr., Suppl. for Jan.-Mar. 1971, pp. 36-39, 77, 81-86, 96, 102, 103-104 respectively; S/10169, OR, 26th yr., Suppl. for Apr.-June 1971, p. 21-22.

²¹³ S/10124, OR, 26th yr., Suppl. for Jan.-Mar. 1971, p. 77-79.

²¹⁴ S/10124/Add.1, OR, 26th yr., Suppl. for Apr.-June 1971, p. 20-21.

²¹⁵ 1579th meeting, paras. 3-5.

²¹⁶ *Ibid.*, para. 7.

²¹⁷ *Ibid.*, para. 9.

²¹⁸ 1580th meeting, paras. 2, 75; 1581st meeting, para. 45.

²¹⁹ 1579th meeting, paras. 17, 19, 20, 27, 28, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 76-86.

At the 1580th meeting on 16 September 1971, the representative of Israel* contended that the present complaint before the Security Council constituted an attempt on the part of Jordan to divert attention from its internal difficulties. He maintained that Jordan had been associated with Jerusalem only through its invasion of 1948, in violation of the Charter and of United Nations resolutions, and through the subsequent illegal occupation of the city's eastern sector. That occupation, he added, did not accord Jordan any rights, especially now that it had been terminated. It had never been recognized by any of the States Members of the United Nations and could not serve as a basis for invoking international conventions and instruments; nor could it be used as a lever to infringe upon the City's right to normal existence, to reconstruction and development. Contrary to the Jordanian allegations, there was no "master plan". The development of Jerusalem, including construction, having been interrupted by war and the subsequent bisection of the city had to proceed once more on its normal course. He denied Jordanian allegations that Israel contemplated the extension of the city's municipal boundaries to include neighbouring Arab towns and villages and their populations, and stated that the legislation referred to in the Jordanian complaint had been a private bill submitted by an individual member of the Israeli Parliament which had long ago been withdrawn. In conclusion, the representative of Israel declared that while rejecting any claims based on aggression against Jerusalem and the city's former illegal division, Israel would continue to be guided by the legitimate rights and interests of Jerusalem's citizens irrespective of nationality and faith and would scrupulously ensure the sanctity of the Holy Places, freedom of access to them and the jurisdiction of the various religious communities over them.²²⁰

At the 1582nd meeting on 25 September 1971, the representative of the USSR stated that the resolutions adopted by the Security Council and the General Assembly on the question of Jerusalem and on the situation in the Middle East were based on a generally recognized principle of international law that it was inadmissible to acquire territory through war.²²¹ Despite those resolutions, Israel continued to wage a policy aimed at conquering and assimilating Arab territories and preventing and subverting a peaceful political settlement in the area as provided for by Security Council resolution 242 (1967) of 22 November 1967. He concluded by expressing support for the demand of the Arab countries that a special mission of the Security Council be dispatched to Jerusalem.²²²

At the same meeting the representative of Somalia introduced²²³ a draft resolution²²⁴ which, he noted, took cognizance of the main issues of the question and attempted to chart a course of action for the Council that would take the United Nations one step forward in meeting its responsibilities.²²⁵

Subsequently the representative of Syria submitted**

²²⁰ 1580th meeting, paras. 6, 9, 11, 21, 28, 34, 61, 69-72.

²²¹ For discussion on the question of inadmissibility of acquisition of territory by force in connexion with Article 2(4), see chapter XII, Case 6.

²²² 1582nd meeting, paras. 4, 7, 8-15, 20, 26, 30. The suggestion was made by an invited member (Morocco) at the 1581st meeting, paras. 24, 25.

²²³ 1582nd meeting, para. 126.

²²⁴ S/10337, OR, 26th yr., Suppl. for July-Sept. 1971, p. 67.

²²⁵ 1582nd meeting, paras. 105, 106, 107, 108, 109, 110, 111, 127-133.

²²⁶ *Ibid.*, para. 154.

a number of amendments** to the Somalian draft resolution.

In response to an appeal made by the representatives of France,²²⁶ the United States,²²⁶ United Kingdom,²³⁰ Somalia²³¹ and Italy²³² to withdraw his amendments in the interest of unanimity, the representative of Syria withdrew the second, third and fourth amendments which he had submitted but requested²³³ a vote to be taken on the first amendment.

At the 1582nd meeting on 25 September 1971, the Syrian amendment to the draft resolution submitted by Somalia was put to the vote and adopted²³⁴ by 13 votes in favour, none against with 2 abstentions,

Subsequently, paragraph 5 of the draft resolution was voted upon, a separate vote having been requested thereon by the representative of the USSR²³⁵ and adopted²³⁶ by 12 votes in favour, none against with 3 abstentions.

At the same meeting, the draft resolution, as amended, as a whole was put to the vote and adopted²³⁷ by 14 votes in favour, none against with 1 abstention. It read²³⁸ as follows:

"The Security Council,

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

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

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

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

"Noting with concern also that since the adoption of the above-mentioned resolutions Israel has taken further measures designed to change the status and character of the occupied section of Jerusalem.

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

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

"3. **Confirms** in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties, trans-

²²⁷ S/10338/Rev.1, OR, 26th yr., Suppl. for July-Sept. 1971, p. 67.

²²⁸ 1582nd meeting, paras. 252-253.

²²⁹ *Ibid.*, para. 257.

²³⁰ *Ibid.*, para. 314.

²³¹ *Ibid.*, para. 317.

²³² *Ibid.*, para. 324.

²³³ *Ibid.*, para. 328.

²³⁴ *Ibid.*, para. 335.

²³⁵ *Ibid.*, paras. 279, 280, 330, 331, 332.

²³⁶ *Ibid.*, para. 338.

²³⁷ *Ibid.*, para. 339.

²³⁸ Resolution 298 (1971).

fer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status;

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

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

COMPLAINT BY THE GOVERNMENT OF CYPRUS

Decision of 10 June 1969 (1474th meeting): resolution 266 (1969)

On 2 June 1969, the Secretary-General submitted to the Security Council his report²³⁰ on the United Nations Operation in Cyprus covering developments from 3 December 1968 to 2 June 1969. In his report the Secretary-General noted that the situation during the period under review had been generally calm. There had been no major breaches of the cease-fire, although certain incidents had, at times, created tension. Relations between Greek and Turkish Cypriots had continued to show some improvements; in particular, there had been a marked increase in the number of contacts between members of both communities. An atmosphere more conducive to normalization had thus been created. He was further convinced that in the then existing circumstances, the peace-keeping work of the United Nations Force represented an indispensable element in maintaining and further improving the calm atmosphere in the island and in promoting the steps toward normalization. He therefore considered a further extension of the stationing of the United Nations Force to be imperative. Moreover, all the parties concerned supported its continued presence in Cyprus.

The Security Council considered the report of the Secretary-General at its 1474th meeting on 10 June 1969, at which meeting the agenda was adopted,²⁴⁰ without objection. The representatives of Cyprus, Greece and Turkey were invited²⁴¹ to participate in the discussion.

At the same meeting, as a result of the consultations held among members of the Council prior to the meeting, an agreement was reached on the text of a draft resolution²⁴² which read as follows:

"The Security Council,

"Noting from the report of the Secretary-General of 3 June 1969 (S/9233) that in the present circumstances the United Nations Peace-keeping Force in Cyprus is still needed if peace is to be maintained in the island.

"Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in

²³⁰ S/9233, OR, 24th yr., Suppl. for Apr.-June 1969, pp. 175-185.

²⁴⁰ 1474th meeting, preceding para. 8.

²⁴¹ *Ibid.*, para. 8.

²⁴² *Ibid.*, paras. 10-11.

the Island it is necessary to continue the Force beyond 15 June 1969,

"Noting from the observations in the report, that the improvement of the situation in Cyprus has been maintained during the period under review,

"1. **Reaffirms** its resolutions 186 (1964) of 4 March, 187 (1964) of 13 March, 192 (1964) of 20 June, 193 (1964) of 9 August, 194 (1964) of 25 September and 198 (1964) of 18 December 1964, 201 (1965) of 19 March, 206 (1965) of 15 June, 207 (1965) of 10 August, 219 (1965) of 17 December 1965, 220 (1966) of 16 March, 222 (1966) of 16 June and 231 (1966) of 15 December 1966, 238 (1967) of 19 June and 244 (1967) of 22 December 1967, and 247 (1968) of 18 March, 254 (1968) of 18 June and 261 (1968) of 10 December 1968, and the consensus expressed by the President at the 1143rd meeting on 11 August 1964 and at the 1383rd meeting on 24 November 1967;

"2. **Urges** the parties concerned to act with the utmost restraint and to continue determined cooperative efforts to achieve the objectives of the Security Council by availing themselves in a constructive manner of the present auspicious climate and opportunities;

"3. **Extends** once more the stationing in Cyprus of the United Nations Peace-keeping Force, established under Security Council resolution 186 (1964), for a further period ending 15 December 1969, in the expectation that by then sufficient progress toward a final solution will make possible a withdrawal or substantial reduction of the Force."

At the same meeting the President (Paraguay) put to the vote the draft resolution which was adopted²⁴³ unanimously. After the vote the representative of the USSR stated that having regard to the wishes of the parties directly concerned, his Government would not object to the proposal for an extension of another six months of the stay of the United Nations Force in Cyprus in view of the fact that such an extension was in full conformity with the provisions of the Security Council resolution of 4 March 1964, i.e., they would continue to function under the existing mandate and be financed on a voluntary basis.²⁴⁴

Decision of 11 December 1969 (1521st meeting):

On 3 December 1969, the Secretary-General submitted to the Security Council his report²⁴⁵ on the United Nations operation in Cyprus covering developments from 3 June 1969 to 1 December 1969. In the report, the Secretary-General stated that despite the fact that there had been a great improvement as a result of nearly six years of patient and persistent efforts, in which the UNFICYP had played a vital role, the situation in Cyprus remained basically unstable and uncertain. He thus saw no other alternative but to recommend a further extension of the stationing of the United Nations Force in Cyprus.²⁴⁶

The Security Council considered the report of the Secretary-General at its 1521st meeting on 11 December

²⁴³ *Ibid.*, para. 64; resolution 266 (1969).

²⁴⁴ *Ibid.*, paras. 137-139.

²⁴⁵ S/9521 and Add.1, OR, 24th yr., Suppl. for Oct.-Dec. 1969, pp. 120-142.

²⁴⁶ The parties concerned had expressed their agreement to the proposed extension.