Chapter XI

CONSIDERATION OF THE PROVISIONS OF CHAPTER VII OF THE CHARTER
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The present Supplement presents the decisions of the Security Council that either constitute explicit applications or might be considered as implicit applications of the provisions of Chapter VII of the Charter.

CHAPTER VII OF THE CHARTER

Action with respect to threats to the peace, breaches of the peace and acts of aggression

"Article 39

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

"Article 40

"In order to prevent any aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

"Article 41

"The Security Council may decide what measures not involving the use of armed forces are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other measures of communication, and the severance of diplomatic relations.

"Article 42

"Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

"Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

"Article 44

"When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

"Article 45

"In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

"Article 46

"Plans for the applications of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

"Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the
Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

"3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

"4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

"Article 48

"1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

"2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

"Article 49

"The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

"Article 50

"If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

"Article 51

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence. If an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

**Part I**

**CONSIDERATION OF THE PROVISIONS OF ARTICLES 39-42 OF THE CHARTER**

**NOTE**

Due to the frequently interconnected nature of the proceedings of the Council involving, especially, Articles 39 and 41, Articles 39-42 are again considered together, rather than separately.

During the period under review, the Council has taken one decision in which Article 39 was explicitly invoked together with Article 41. Twice, Article 39 was explicitly referred to in draft resolutions that failed to be adopted: in one case the article was invoked together with Articles 40 to 46; in the second instance Articles 39 and 41 were referred to.

The Council has also taken a number of decisions containing implicit references to Article 39 or employing the language of that article. In connection with the situation in Southern Rhodesia, the Council reiterated in four resolutions its finding that the situation constituted a threat to international peace and security and invoked Chapter VII in affirming and expanding the sanctions imposed on Southern Rhodesia.

When the Council considered the complaint by the Government of Botswana against the illegal régime in Southern Rhodesia concerning violations of its territorial sovereignty, it recalled in its resolutions 403 (1977) and 406 (1977) the determination under resolution 232 (1966) that the situation in Southern Rhodesia constituted a threat to international peace and security. The same finding was also reiterated in resolution 411 (1977) regarding the complaint by Mozambique and in resolutions 424 (1978) and 455 (1979) with regard to complaints by Zambia.

In 1977, after a prolonged examination of the question of South Africa, the Council adopted resolution 418 (1977) of 4 November 1977 in which it determined that the acquisition by South Africa of arms and related matériel constituted a threat to the maintenance of international peace and security and imposed a mandatory arms embargo. This determination under Article 39 was recalled in resolution 421 (1977) of 9 December 1977

1 Resolution 388 (1976) and 409 (1977) contained explicit references to Chapter VII, whereas resolutions 433 (1978) and 445 (1979) invoked it only implicitly.


5 Resolution 455 (1979) of 23 November 1979, eighth preambular para. The third to sixth preambular paras. contained formulations that were similar to the language of Article 39.

6 Resolution 418 (1977), para. 1. See below for the sanctions under Article 41 and for the explicit invocation of Chapter VII in this decision.
when the Council took additional measures to implement the arms embargo.13

During its consideration of the complaint by Angola against South Africa, the Council adopted resolution 447 (1979) of 28 March 1979, in which it condemned South Africa for premeditated, persistent and sustained armed invasions of Angola which constituted a flagrant violation of the sovereignty and territorial integrity of that country as well as a serious threat to international peace and security.14 This condemnation was reiterated in resolution 475 (1980) of 27 June 1980.15

In 1980, when the Council resumed consideration of the question of South Africa, it adopted resolution 473 (1980) of 13 June 1980, in which it reaffirmed that the policy of apartheid was a crime against the conscience of and dignity of mankind and was incompatible with the rights and dignity of man, the Charter of the United Nations and the Universal Declaration of Human Rights, and seriously disturbed international peace and security.16

There were a number of instances in which resolutions adopted by the Council contained provisions that might be considered to be similar to the language of Article 39. These are briefly listed as follows:

(a) Resolution 387 (1976) of 31 March 1976, sixth preambular paragraph:17

Gravely concerned at the acts of aggression committed by South Africa against the People's Republic of Angola and the violation of its sovereignty and territorial integrity,

(b) Resolution 405 (1977) of 14 April 1977, paragraph 2:18

2. Strongly condemns the act of armed aggression perpetrated against the People's Republic of Benin on 10 January 1977;

(c) Resolution 454 (1979) of 2 November 1979, fourth preambular paragraph and paragraph 1:19

Gravely concerned at the premeditated, persistent and sustained armed invasions committed by South Africa in violation of the sovereignty, air space and territorial integrity of the People's Republic of Angola,

1. Strongly condemns South Africa's aggression against the People's Republic of Angola;

(d) Resolution 466 (1980) of 11 April 1980, third to sixth preambular paragraphs:20

Gravely concerned at the escalation of hostile and unprovoked acts by the racist régime of South Africa, violating the sovereignty, air space and territorial integrity of the Republic of Zambia,

Recalling its resolution 455 (1979) in which, inter alia, it strongly condemned the collision by racist South Africa with the then illegal régime in Southern Rhodesia in acts of aggression against the Republic of Zambia,

Gravely concerned about the tragic loss in human life and concerned about the damage and destruction of property resulting from the escalated acts and armed incursions by the racist régime of South Africa against the Republic of Zambia,

Deeply concerned that the wanton acts by the racist régime of South Africa are aimed at the destabilization of the Republic of Zambia.

The Council considered a number of draft resolutions containing implicit references to Article 39, which, however, were either not voted upon or failed to be adopted. These drafts read as follows:

(a) S/11713, paragraph 9:

 Acting under Chapter VII of the United Nations Charter:

(i) Determines that the illegal occupation of the Territory of Namibia by South Africa constitutes a threat to international peace and security;21

(ii) S/12211, paragraph 11:

 Acting under Chapter VII of the United Nations:

(i) Determines that the illegal occupation of Namibia and the war being waged there by South Africa constitute a threat to international peace and security;

(c) S/12310, second preambular paragraph and paragraph 2:

Reaffirming that the imposition of apartheid in South Africa and the massive violence and repression by the racist régime of South Africa against the great majority of the population is seriously disturbing international peace and security,

2. Further declares that the policies and actions of the South African racist régime have seriously disturbed peace in the region and constitute a grave threat to international peace and security;22

(d) S/12311, sixth preambular paragraph:

Recognizing that the military build-up and persistent acts of aggression by the South African racist régime against the neighbouring States pose a grave threat to the security and sovereignty of independent African States and to the security of the great majority of the people of South Africa,24

(e) S/12433, fourth preambular paragraph and paragraph 1:

Considering that the policies and acts of the South African Government are fraught with danger to international peace and security,

1. Determines, having regard to the policies and acts of the South African Government, that the acquisition by South Africa of arms and related material constitutes a threat to the maintenance of international peace and security;25

(f) S/12547, seventh preambular paragraph:

Considering that the policies and actions of the South African racist régime have further aggravated the situation in South Africa and that

13 Resolution 421 (1977), first preambular para. For the sanctions and the establishment of a committee to oversee the implementation of the embargo see below under Article 41.

14 Resolution 447 (1979), para. 1. For the explicit reference to Chapter VII see further below in part IV.

15 Resolution 473 (1980), para. 1. See also part IV below for the explicit invocation of Chapter VII.

16 Resolution 473 (1980), para. 3. The resolution also deals with the strengthening of the embargo against South Africa under resolution 418 (1977).

17 In connection with the complaint by Benin on behalf of the African Group of States at the United Nations, concerning acts of aggression committed by South Africa against the People's Republic of Angola.

18 In connection with the complaint by Benin.

19 In connection with the complaint by Angola against South Africa.

20 In connection with the complaint by Zambia against South Africa.

21 S/11713, OR, 30th yr., Suppl. for April-June 1975: draft resolution submitted by Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania in connection with the situation in Namibia, failed to be adopted owing to the negative votes of three permanent members.

22 S/12211, OR, 31st yr., Suppl. for April-Sept. 1976: draft resolution submitted by Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania in connection with the situation in Namibia, failed to be adopted owing to the negative votes of three permanent members.

23 S/12310, OR, 32nd yr., Suppl. for Jan.-March 1977: draft resolution submitted by Benin, Libyan Arab Republic and Mauritius in connection with the question of South Africa, revised, failed to be adopted owing to the negative votes of three permanent members. For further details see part IV below.

24 S/12311, OR, 32nd yr., Suppl. for Jan.-March 1977: draft resolution submitted by Benin, Libyan Arab Republic and Mauritius in connection with the question of South Africa, revised, failed to be adopted owing to the negative votes of three permanent members.

25 S/12433, OR, 32nd yr., Suppl. for Oct.-Dec. 1977: draft resolution submitted by Canada and the Federal Republic of Germany in connection with the question of South Africa; the draft resolution was withdrawn.
During the period under review, the Council took no decision explicitly under Article 40 of the Charter. The question whether there were any resolutions or other decisions containing implicit references to that Article cannot be answered in the affirmative because the action considered by the Council and the accompanying proceedings did not make clear whether the Council was actually considering basing its decision on the provisions of Article 40. Moreover, there was no constitutional discussion regarding the Article, but merely occasional references to it or an invocation of its language in order to support a specific demand relating to the under consideration.

Those decisions and statements that might be interpreted as implicit references to Article 40 are briefly summarized below. Special attention is given to those decisions that might be considered to be of the nature of provisional measures to prevent the aggravation of a situation. Such provisional measures included (a) calls for the withdrawal of armed forces; (b) calls upon parties to refrain from further military action and acts of violence; (c) calls for a cease-fire, including cessation of all hostilities; (d) demands for the immediate cessation of an armed invasion; (e) demands that the independence, sovereignty and territorial integrity of a country be respected; (f) declarations that elections were null and void; (g) demands for the release of detained personnel of an embassy; (h) demands that the illegal expulsion of elected officials be rescinded and their return to their functions be facilitated; (i) calls for payment of full and adequate compensation for the effects of acts of aggression; (j) calls upon a party to rescind certain measures in an occupied territory; and (k) calls upon Member States to co-operate with the United Nations.

During the period under review, Article 39 was not explicitly invoked in any letter of submission to the Council, but in a number of cases letters requesting a meeting of the Council employed language similar to that of Article 39.

There were a number of explicit references to Article 39 during the consideration of several agenda items in the Security Council. Furthermore, many statements contained what might be interpreted as implicit references to the Article, usually in the form of an appeal to the Council to recognize a particular situation as a threat to international peace and security and to weigh the adoption of appropriate measures under the Charter.

During the period under review, the Council took no decision explicitly under Article 40 of the Charter. The question whether there were any resolutions or other decisions containing implicit references to that Article cannot be answered in the affirmative because the action


26 Resolution 392 (1976), para. 5, in connection with the situation in South Africa; resolution 393 (1976), para. 3, in connection with the complaint by Zambia against South Africa; resolution 425 (1978), para. 2, and resolution 436 (1978), paras. 1, in connection with the situation in the Middle East; and resolution 473 (1980), para. 9, in connection with the question of South Africa.

27 Resolution 403 (1971), para. 4, in connection with the complaint by Boissone; resolution 430 (1978), para. 1, in connection with the situation in the Middle East; and resolution 414 (1970) of 23 September 1980, last paragraph, in connection with the situation between Iran and Iraq.

28 Resolution 447 (1979), para. 3, and resolution 454 (1979), para. 2, in connection with the complaint by Angola against South Africa.

29 Resolution 450 (1979), fifth preambular para. and para. 5, in connection with the situation in the Middle East; resolution 454 (1979), para. 3, and resolution 475 (1980), para. 3, in connection with the complaint by Angola against South Africa; and resolution 466 (1980), para. 2, in connection with the complaint by Angola against South Africa.

30 Resolution 445 (1979), para. 6, and resolution 448 (1979), para. 2, in connection with the situation in Southern Rhodesia.

31 Statement of the President (S/13616) of 9 November 1979; resolution 457 (1979), para. 1, and resolution 463 (1979), para. 3, in connection with the letter dated 23 November 1979 from the Secretary-General and the letter dated 22 December 1979 from the representative of the United States.


33 Resolution 425 (1979), para. 5, in connection with the complaint by Angola against South Africa.

34 Statement of the President (S/12233) of 11 November 1976, para. 4, in connection with the situation in the occupied Arab territories.

The Council also called upon certain Member States to take a number of specific measures. Thus, South Africa was called upon to end its bantustan policy, to withdraw from Namibia, to release all Namibian political prisoners, to abolish the race laws and to grant unconditionally the right to all Namibians in exile for political reasons to return to Namibia; to respect the independence of Angola, to stop using Namibia for attacks on Angola and other African States and to compensate Angola for the damages; to reopen the border posts; to end violence and repression against the black people; to release all persons arbitrarily imprisoned and detained; to cease the violence against demonstrators against apartheid, the murders in detention and the torture of political prisoners; to abrogate the bans on organizations and news media opposed to apartheid; and to abolish the system of racial discrimination and the policy of bantustanization; to end the occupation of Namibia; and to cancel the elections planned in Namibia.

In 1979, the United Kingdom, as the administering Power, was requested to prevent further illegal executions in Southern Rhodesia. Israel was called upon to cease the assistance it continued to lend to irresponsible armed groups in Lebanon; and all parties were called upon to refrain from activities inconsistent with the objectives of UNIFIL and to co-operate for the fulfilment of those objectives. Israel was called upon to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem. The Council condemned the proclamation of the so-called “independence” of Venda, declared it totally invalid and called upon all Governments to deny any form of recognition to the so-called “independent” bantustans, to refrain from any dealings with them and to reject travel documents issued by them, and urged Governments of Member States to take effective measures to prohibit all individuals, corporations and other institutions under their jurisdiction from having any dealings with the so-called “independent” bantustans. The Council again demanded that South Africa desist from utilizing Namibia for launching acts of aggression against Angola and other neighbouring African States. With regard to Southern Rhodesia, the Council called for strict adherence to the agreements reached and for their full implementation by the administering Power and all the parties concerned and called upon the administering Power to ensure that no South African or other external forces, regular or mercenary, would remain in or enter Southern Rhodesia, except those forces provided for under the Lancaster House agreement.

During 1980, the Council called upon the Government of the United Kingdom to ensure the withdrawal of any remaining South African forces from Southern Rhodesia, to take all necessary steps to ensure that eligible Zimbabwe nationals would freely participate in the upcoming electoral process, including the return of exiles and refugees, the release of all political prisoners, the rescinding of all emergency measures and regulations inconsistent with the conduct of free and fair elections, to create conditions in Southern Rhodesia which would ensure free and fair elections and thereby avert the danger of the collapse of the Lancaster House agreement, and to release any South African political prisoners, including captured freedom fighters, in Southern Rhodesia and to ensure their safe passage to any country of their choice. The Council further condemned the assassination attempts against three Palestinian mayors, called for the immediate apprehension and prosecution of the perpetrators of these crimes, and called upon the Government of Israel to provide the victims with adequate compensation. The Council determined that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purported to alter the character and status of Jerusalem, had no legal validity and constituted a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constituted a serious obstruction to achieving peace in the Middle East; and recommended that all such measures that had altered the character and status of Jerusalem were null and void and must be rescinded forthwith, affirmed that that action constituted a serious obstruction to achieving peace in the Middle East, decided not to recognize the “basic law” and other actions by Israel with regard to Jerusalem and called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City. When two Palestinian mayors were expelled, Israel was called upon to adhere to the

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47 Resolution 365 (1976), paras. 4, 10 and 11, in connection with the situation in Namibia.
48 Resolution 387 (1976), paras. 2, 3 and 5, in connection with the complaint by Lesotho against South Africa.
49 Resolution 402 (1976), para. 4, in connection with the complaint by Angola against South Africa.
50 Resolution 417 (1977), para. 3, in connection with the question of Southern Africa.
51 Resolution 428 (1978), para. 7, in connection with the complaint by Angola against South Africa.
52 Resolution 439 (1978), para. 4, in connection with the situation in Namibia.
53 Resolution 445 (1979), para. 4, in connection with the situation in Southern Rhodesia.
54 Resolution 450 (1979), paras. 2 and 3, in connection with the situation in the Middle East.
55 Resolution 452 (1979), para. 3, in connection with the situation in the Middle East.
56 Statement of the President (S/13549) of 21 September 1979, paras. 3 and 4, in connection with the question of South Africa.
57 Resolution 454 (1979), para. 4, in connection with the complaint by Angola against South Africa.
58 Resolution 460 (1979), paras. 6 and 7, in connection with the situation in Southern Rhodesia.
59 Resolution 463 (1980), para. 4-7, in connection with the situation in Southern Rhodesia.
60 Resolution 471 (1980), paras. 1 and 3, in connection with the situation in the Middle East.
61 Resolution 473 (1980), paras. 5, 7 and 8, in connection with the situation in the Middle East.
62 Resolution 476 (1980), paras. 3-5, in connection with the situation in the Middle East.
63 Resolution 478 (1980), paras. 1, 3, 4 and 5, in connection with the situation in the Middle East.
provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.\(^\text{62}\)

A number of Council resolutions contained warnings that, in the event of failure to comply with the terms of those resolutions, the Council would meet again and consider further steps. These warnings, which might be considered as falling under the last provision of Article 40, were expressed in various ways. Frequently, the Council warned that it would consider taking adequate and effective measures if its calls were not heeded.\(^\text{63}\) In several instances, the Council announced that Chapter VII measures would have to be considered.\(^\text{64}\)

In one instance, Article 40, together with Articles 39 and 41-46, was explicitly invoked in a draft resolution\(^\text{65}\) in connection with the consideration by the Council of the question of Southern Africa. The draft was not put to the vote, but subsequently it was submitted again in revised form and put to the vote; it received 10 votes in favour and 5 against and was not adopted owing to the negative votes of three permanent members.\(^\text{66}\)

During the period under review, the Council adopted two resolutions that contained explicit references to Article 41.\(^\text{67}\) Regarding the situation in Southern Rhodesia, the Council had invoked Article 41 in two resolutions adopted in 1966 and 1970,\(^\text{68}\) and referred in subsequent resolutions not devoted to the establishment and strengthening of the economic sanctions imposed against the rebellious white minority regime to Chapter VII in general and to the provisions of Article 41 in particular, but only in resolution 409 (1977) was the Article explicitly invoked.\(^\text{69}\) Whereas resolutions 388 (1976), 409 (1977), 437 (1978) and 445 (1979) were geared to reaffirming and reinforcing the sanctions against Southern Rhodesia, resolution 460 (1979) brought the termination of the programme of sanctions and the dissolution of the Committee established in pursuance of resolution 253 (1968).

Throughout the period under review, the Council Committee administering the economic sanctions carried out its mandate of monitoring the application of the measures under Article 41 by Member States and by States not members of the Organization. There were several occasions when the Committee dealt extensively with Article 41 and its application with a view to strengthening and expanding the sanctions against the illegal regime. When the Committee considered these constitutional issues, it issued special reports\(^\text{70}\) about its deliberations with numerous references to Article 41.

Following agreement at the conference held at Lancaster House in London about the Constitution for a free and independent Zimbabwe providing for genuine majority rule, the Council once more took up the situation in Southern Rhodesia and decided to call upon Member States to terminate the measures taken against Southern Rhodesia under Chapter VII of the Charter and to dissolve the Committee established in pursuance of resolution 253 (1968) in accordance with rule 28 of the provisional rules of procedure of the Council.\(^\text{71}\)

In 1977, the Council acted under Article 41, when it imposed a mandatory arms embargo against South Africa. This decision represented the first instance of sanctions against a Member State of the United Nations.\(^\text{72}\) Resolution 418 (1977) of 4 November 1977, which was unanimously adopted after extensive consideration of the question of South Africa,\(^\text{73}\) transformed the voluntary arms embargo imposed under resolution 181 (1963) into a mandatory measure in accordance with the provisions of Article 41. Acting under Chapter VII of the Charter, the Council decided that all States should cease forthwith any provision to South Africa of arms and related matériel of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, paramilitary police equipment, and spare parts for the aforementioned, and should cease as well the provision of all types of equipment and supplies and grants of licensing arrangements for the manufacture or maintenance of the aforementioned, and adopted steps to facilitate the implementation of the mandatory arms embargo against South Africa.\(^\text{74}\)

Although the deliberations of the Council prior to the imposition of the mandatory arms embargo contained urgent calls for forceful sanctions against South Africa and a number of explicit references to Article 41,\(^\text{75}\) no constitutional discussion developed regarding the application of these provisions.

On 9 December 1977, the Council adopted resolution 421 (1977) setting up a committee to oversee the

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\(^{62}\) Resolution 484 (1980), para. 2, in connection with the same item.

\(^{63}\) Resolution 379 (1975), para. 2, in connection with the situation concerning Western Sahara; resolution 385 (1976), para. 12, in connection with the situation in Namibia; resolution 393 (1976), para. 6, in connection with the complaint by Zambia against South Africa.

\(^{64}\) Resolution 428 (1978), para. 8, and resolution 473 (1980), para. 7, in connection with the complaint by Angola against South Africa; resolution 439 (1978), para. 6, in connection with the situation in Namibia; resolution 461 (1979), para. 6, in connection with the letter dated 22 December 1979 from the representative of the United States; and resolution 466 (1980), para. 3, in connection with the complaint by Zambia against South Africa.

\(^{65}\) S/12310, para. 5, OR, 32nd yr., Suppl. for Jan.-March 1977. The draft resolution was sponsored by Benin, Libyan Arab Republic and Mauritius. The President drew the attention of the members to the draft resolution at the 199th meeting, on 30 March 1977. Its paragraph 5 reads as follows: "5. Decides that, in case of non-compliance with paragraph 3 of the present resolution, the Security Council will consider appropriate action under all the provisions of the Charter, including Article 41 and its application with a view to strengthening the economic sanctions imposed against the rebellious white minority regime to Chapter VII in general and to the provisions of Article 41 in particular, but only in resolution 409 (1977) was the Article explicitly invoked. Whereas resolutions 388 (1976), 409 (1977), 437 (1978) and 445 (1979) were geared to reaffirming and reinforcing the sanctions against Southern Rhodesia, resolution 460 (1979) brought the termination of the programme of sanctions and the dissolution of the Committee established in pursuance of resolution 253 (1968).

\(^{66}\) Resolution 422 (1966) and 277 (1970). Resolution 253 (1968), which set up the policy of sanctions, did not invoke Article 41 explicitly.

\(^{67}\) The resolutions in question were resolutions 388 (1976), 409 (1977), 437 (1978), 445 (1979) and 460 (1979).

\(^{68}\) Resolution 409 (1977), para. 3, in connection with the situation in Southern Rhodesia. For resolution 460 (1979), para. 6, see case 1 below.

\(^{69}\) For the revised draft resolution (S/12310/Rev.1, OR, 32nd yr., Suppl. for Oct.-Dec. 1977), whose paragraph 5 remained unchanged, see 2354th meeting held on 31 October 1977, para. 8.

\(^{70}\) For explicit references to Article 41, see 1989th mtg.: Liberia.

\(^{71}\) During the period under review, the Committee submitted five special reports, S/11913, OR, 30th yr., Suppl. for Oct.-Dec. 1977; S/12296, ibid., 32nd yr., Suppl. for Jan.-March 1977; S/12450, ibid., Suppl. for Oct.-Dec. 1977; S/13191, ibid., 34th yr., Suppl. for Jan.-March 1979; and S/13296, ibid., Suppl. for April-June 1979. Since its establishment in 1968, the Committee also submitted 11 regular reports covering its work for the period of one year each.

\(^{72}\) See resolution 460 (1979), paras. 2 and 3. The resolution was adopted at the 2181st meeting, on 21 December 1979, by 13 votes to none, with 2 abstentions. For the dissolution of the Committee, see also chapter V in the present Supplement.

\(^{73}\) In the case of Southern Rhodesia, the economic sanctions were applied against a dependent territory in rebellion.

\(^{74}\) In 1977, the Council met twice for extended periods to consider the question of South Africa. The first period comprised the 1988th to 2190th, 1994th, 1996th, 2042nd and 2043rd meetings between 21 and 31 March 1977; the second period comprised the 2036th to 2040th and 2042nd to 2046th meetings from 24 October to 4 November 1977.

\(^{75}\) Resolution 418 (1977), tenth preambular para., paras. 2, 3. For explicit references to Article 41, see 1990th mtg.: Liberia.

\(^{76}\) See 1313th mtg.: Madagascar, paras. 84, and 2039th mtg.: Senegal, para. 36. Since the deliberations focused on the question of whether and how sanctions should be applied, the discussion as a whole related to Article 41.
improvement of resolution 418 (1977). The Committee was instructed to see to it that the provisions of resolution 418 (1977) be effectively implemented and to study ways and means by which the mandatory arms embargo could be made more effective. 77

At its 221st meeting, on 13 June 1980, the Council adopted resolution 473 (1980) in connection with the question of South Africa; under that resolution, the Council issued a request to the Committee established by resolution 421 (1977) "to redouble its efforts to secure full implementation of the arms embargo against South Africa by recommending by 15 September 1980 measures to close all loophole in the arms embargo, reinforce and make it more comprehensive." 78

During the period under review, the Council adopted several resolutions that contained implicit references to Article 41, concerning related developments in South Africa. Resolution 411 (1977) was adopted in connection with a complaint by Mozambique about Southern Rhodesian attacks and dealt with the problem of implementing the sanctions against the illegal minority regime. 79

Similarly, the Council adopted resolution 424 (1978) in response to a complaint by Zambia against a series of Southern Rhodesian acts of aggression and issued the warning that it would consider further measures under Chapter VII if the racist régime of Southern Rhodesia continued to defy the sanctions imposed by the Council. 80

In connection with the complaint by Angola against South Africa, the Council took also decisions that had a bearing on Article 41: resolution 447 (1979) of 28 March 1979 condemned the invasion of Angolan territory and, referring explicitly to Chapter VII of the Charter, requested the Secretary-General to submit further information in order to enable the Council to determine the most effective sanctions in accordance with the Charter to bring about an end to South African aggression against Angola and other front-line States. 81

In 1980, the Council was seized with the same issue and adopted resolution 475 (1980) of 27 June 1980 in which it was decided to consider effective measures under Chapter VII of the Charter if South Africa violated Angola's sovereignty and territorial integrity once more. 82

When the Council considered similar violations of Zambia's territorial integrity and sovereignty by the South African régime, it adopted resolution 466 (1980) of 11 April 1980 in which it warned South Africa that, in the event of any further armed incursions against the Republic of Zambia, it would meet to consider further appropriate action under the provisions of the Charter, including Chapter VII thereof. 83

During the period under review, the Council considered a number of draft resolutions referring to Article 41; three of them contained explicit invocations of the Article. 84

These draft resolutions either were not put to a vote or failed to be adopted.

When the Council resumed consideration of the situation in Namibia at its 1954th and 1955th to 1963rd meetings on 31 August and 28 September to 19 October 1976, a draft resolution 91 was submitted calling for the Council to act under Chapter VII of the Charter and to impose on South Africa a comprehensive mandatory arms embargo. This proposal was voted upon at the 1953rd meeting and failed to be adopted owing to the negative votes of three permanent members of the Council. 85

During the subsequent examination of the question of South Africa, the Council was faced with several draft resolutions referring explicitly or implicitly to Article 41. At the 1998th meeting, following extensive debate of the issue at the 1988th to 1992nd, 1994th and 1996th meetings, the President called attention to four draft resolutions, 86 three of which contained references to Article 41: one 87 invoked Chapter VII and Articles 39 and 46 and called upon South Africa to abide by the resolutions of the Council; the second 88 sought a mandatory arms embargo; the third 89 sought an economic embargo against South Africa. The Council concluded its debate at the 1999th meeting, without putting the four draft resolutions to the vote.

The Council resumed its discussion of the question of South Africa at its 2036th to 2040th and 2042nd to 2046th meetings, between 24 October and 4 November 1977. The four above-mentioned draft resolutions, which had undergone some revisions not affecting the invocation of, or reference to, Article 41, were discussed in some detail and then voted on; S/12310/Rev.1, S/12311 and S/12312/Rev.1 each received 10 votes to 5 and failed to be adopted, owing to the negative votes of three permanent members. 90

Following the defeat of the three draft resolutions, another draft resolution 91 was submitted calling for the imposition of a mandatory arms embargo under the provisions of Chapter VII of the Charter. At the 2046th meeting, on 4 November 1977, the President announced that the draft had been withdrawn by its sponsors and drew attention to a new text, 92 which had been prepared in the course of intensive consultations and was adopted unanimously at the same meeting as resolution 418 (1977). 93

When the Council was convened in August 1980 to consider the situation in the Middle East, especially recent developments with regard to the status of Jerusalem, the President drew the attention of the members to a draft

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77 Resolution 421 (1977) was adopted at the 2052nd meeting. Paragraphs 11, 13 and 14 of the draft establishing the committee.

78 Resolution 473 (1980), para. 11.

79 Resolution 411 (1977) of 30 June 1977, adopted unanimously at the 2019th meeting. The ninth, tenth, eleventh and thirteenth preambular paragraphs and paragraphs 6 and 12 focused on the sanctions against Southern Rhodesia.

80 Resolution 424 (1978) of 17 March 1978, adopted unanimously at the 2139th meeting by 12 votes to none, with three abstentions. See especially the fifth preambular para. for the relevant reference to Article 41.

81 Resolution 447 (1979) of 28 March 1979, adopted at the 2139th meeting by 12 votes to none, with three abstentions. See especially the fifth preambular para.

82 Resolution 475 (1980) of 27 June 1980, adopted at the 2240th meeting by 12 votes to none, with 3 abstentions. See paras. 4 and especially 7 for the relevant passage.

83 Resolution 466 (1980) of 11 April 1980, adopted unanimously at the 221st meeting. See especially para. 3 for the implicit reference to Article 41.

84 One draft resolution with an explicit reference to Article 41 is dealt with in case 1 below.

85 For the vote see 2045th meeting, on 31 October 1977. S/12309/Rev.1 was unanimously adopted as resolution 417 (1977).

86 Resolution 417 (1977) was sponsored by Benin, Guyana, Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania and called for the complete ban on military collaboration with South Africa and for an end to arms licensing and information.

87 The draft resolution received 10 votes to 3, with 2 abstentions. S/12309, S/12310, S/12311 and S/12312, OR, 32nd yr., Suppl. for Jan.-Mar. 1977. All four draft resolutions were submitted by Benin, Libyan Arab Republic and Mauritius.


89 S/12311, ibid. See especially the fifth preambular para. for the invocation of Chapter VII of the Charter, and paras. 1 and 2 for the detailed decisions on the arms embargo.

90 Resolution 421 (1977) was adopted by 12 votes to none, with 3 abstentions. See especially para. 1 for the scope of economic sanctions proposed.

91 For the vote see 2045th meeting, on 31 October 1977. S/12309/Rev.1 was unanimously adopted as resolution 417 (1977).

92 Resolution 418 (1977) was sponsored by Canada and the Federal Republic of Germany.

93 S/12436, adopted without change as resolution 418 (1977).

94 See footnotes 74 and 75 above.
resolution59 sponsored by 33 Member States; the text provided for a condemnation of Israel's attempt to change the status of Jerusalem and, in paragraph 6, included a call upon all States to apply measures against Israel, as provided in Article 41 of the Charter, including the interruption of economic and military relations with Israel.56 The draft resolution was not put to the vote, but another draft resolution prepared in the course of consultations among members of the Council was adopted by 14 votes to none, with 1 abstention, as resolution 478 (1980).57 That text contained neither explicit nor implicit references to Article 41.

During the period under review, Article 41 was explicitly referred to in the Council in connection with the situation in Namibia,58 the request by Mozambique under Article 50 of the Charter,59 the situation in Southern Rhodesia,60 the complaint by Zambia against South Africa,61 the situation in the occupied Arab territories,62 the complaint by Botswana,63 the question of South Africa,64 the complaint by Mozambique,65 the situation in Cyprus66 and the complaint by Zambia.67 In connection with these and other issues representatives made frequent implicit references to Article 41 suggesting economic sanctions and other mandatory measures.

Article 42 was not invoked in any decision of the Council. However, in connection with the question of South Africa, a draft resolution was submitted to the Council that referred explicitly to Article 42, together with Articles 39-41 and 43-46.68 The first draft was not put to the vote, and when it was resubmitted in revised form, it failed to be adopted owing to the negative votes of three members of the Council.69 There was no constitutional discussion about this particular submission. But on several occasions Article 42 was invoked explicitly70 and implicitly with suggestions for the use of force by the Organization.

CASE I

Letter dated 22 December 1979 from the Permanent Representative of the United States

(In connection with a draft resolution (S/13711/Rev.1) sponsored by the United States, voted upon and adopted as resolution 461 (1979); and another draft resolution (S/13735) sponsored by the United States, voted upon and not adopted, owing to the negative vote of a permanent member of the Council)

Following extensive efforts by the Council and the Secretary-General to assist the United States in obtaining the release of its diplomatic personnel from detention in the Iranian capital through peaceful means in accordance with Chapter VI of the Charter of the United Nations, together with the pursuit of judicial settlement through the International Court of Justice, the Government of the United States sought to invoke punitive measures under Chapter VII of the Charter, especially Articles 39 and 41. The initial step to issue a warning that measures under Chapter VII would be considered if Iran did not heed the urgent call for the unconditional release of the detainees found support in a resolution of the Council, but when the representative of the United States moved for the imposition of sanctions against Iran, the discussion in the Council showed a deep gap between those who thought the time had come to press for a solution through the application of various sanctions under Article 41, and those who felt that the issue should and could only be solved through peaceful means as stipulated under Article 33. Those who were not willing to approve of mandatory measures, as sought by the United States, were concerned that the international response should be commensurate with the gravity of the Iranian violation and that it should not become an impediment to an eventual resolution of the conflict.71

When the Council resumed consideration of the detention of United States diplomatic personnel in Teheran, at the 2182nd meeting, the request by the United States for the meeting mentioned measures that should be taken to induce Iran to comply with its international obligations. At the 2184th meeting, on 31 December 1979, the President drew attention to a draft resolution72

55S/14106, OR, 35th yr., Suppl. for July-Sept. 1980. The sponsors were Algeria, Bahrain, Bangladesh, Chad, Democratic Yemen, Djibouti, Gambia, Guinea, Guinea-Bissau, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Upper Volta and Yemen.

56See 14106/Para. 1-6, especially para. 6, with the explicit reference to Article 41.

57S/14113, adopted without change as resolution 478 (1980). The draft was put to the vote after the discussion at the 2245th meeting, on 30 August 1980.

581824th mtg.: India, para. 80; 2082nd mtg.: USSR, para. 182; 2092nd mtg.: Burundi, para. 92 and 96; 2094th mtg.: Ghana, para. 38.

591893th mtg.: Jamaica, para. 42 and 43.

601907th mtg.: Benin, para. 113; Guyana, para. 51; Japan, para. 96; Romania, para. 65; USSR, para. 43; United Republic of Tanzania, para. 7; 2011th mtg.: Benin, para. 100; Libyan Arab Jamahiriya, para. 29; Mauritius, paras. 6 and 12; Pakistan, paras. 19, 20 and 21; Panama, para. 87; Romania, paras. 45-47; USSR, paras. 36-38; United Kingdom, para. 63, United States, para. 71, 2121st mtg.: Sri Lanka, para. 32; and Yugoslavia, para. 17. When the Council terminated the sanctions during the 2181st meeting, the discussion contained many implicit references to Article 41.

611965th mtg.: Madagascar, para. 166.

621966th mtg.: Syrian Arab Republic, paras. 160-161.

631984th mtg.: United Republic of Tanzania, para. 103.

641989th mtg.: Liberia, para. 33; 1991st mtg.: Madagascar, para. 84; and Senegal, para. 36.

652014th mtg.: United Republic of Tanzania, para. 85; 2015th mtg.: Benin, para. 59; 2017th mtg.: USSR, paras. 38 and 39; 2018th mtg.: Botswana, para. 31; and Pakistan, para. 71; and 2019th mtg.: Benin, para. 87.

662035th mtg.: Cyprus, paras. 144 and 145; Panama, para. 121; 2081st mtg.: Cyprus, paras. 25 and 240; 2099th mtg.: Cyprus, para. 13 and 14; and 2100th mtg.: Cyprus, para. 99.

672069th mtg.: United Republic of Tanzania, para. 75; 2069th mtg.: Kuwait, para. 113; and 2171st mtg.: Nigeria, para. 40.

68V/12310. See footnote 88 above for details.

69For the relevant statements, see 2182nd mtg.: Australia, para. 94; France, para. 60; Federal Republic of Germany, para. 70; Norway, paras. 43 and 44; Portugal, para. 54; United States, paras. 18-25; 2183rd mtg.: Bolivia, paras. 36 and 39; Czechoslovakia, para. 13; Jamaica, paras. 33 and 34; Mexico, para. 8; and Zambia, para. 22; 2184th mtg.: Bangladesh, para. 17; Gabon, para. 5; Kuwait, para. 41-43; USSR, paras. 34 and 35; and Zambia, para. 56; and 2191st mtg. and Add. 1: German Democratic Republic, para. 79 and 80; Jamaica, para. 85; Mexico, para. 63; Niger, paras. 100 and 101; President (France), para. 133; USSR, paras. 48 and 32; United States, paras. 5, 27, 28, 157 and 160; Zambia, paras. 114-116. Most of these statements involved explicit references to Articles 39 and 41, Chapter VII and occasional mention of Chapter VI, especially Article 33, and Articles 2 (4) and 24.

70S/13711/Rev.1, adopted without change at the same meeting as resolution 461 (1979).
sponsored by the United States. The text was put to the vote at the same meeting and adopted by 11 votes to none, with 4 abstentions, as resolution 461 (1979). It reads, inter alia, as follows:

The Security Council,

Recalling also the letter dated 25 November 1979 (S/13646) stating that, in his opinion, the present crisis between the Islamic Republic of Iran and the United States of America poses a serious threat to international peace and security,

1. Reaffirms its resolution 457 (1979) in all its aspects;
2. Deplores the continued detention of the hostages contrary to its resolution 457 (1979) and the Order of the International Court of Justice of 15 December 1979;
3. Urgently calls once again on the Government of the Islamic Republic of Iran to release immediately all persons of United States nationality being held as hostages in Iran, to provide them with protection and to allow them to leave the country;
4. Decides to meet on 7 January 1980 in order to review the situation and, in the event of non-compliance with the present resolution, to adopt effective measures under Articles 39 and 41 of the Charter of the United Nations.

At the first part of the 2191st meeting, on 11 January 1980, when the Council resumed its deliberations on the issue, the President drew attention to a draft resolution submitted by the United States, which provided for the Council, bearing in mind that the continued detention of the hostages constituted a continuing threat to international peace and security, to act in accordance with Articles 39 and 41 of the Charter and to ask, until the release of the hostages, that all Member States prevent the sale or supply of all items, commodities, or products, except food, medicine and medical supplies, to Iran, prevent the shipment of such goods to Iran, deny to Iran any new credits or loans or other financial services, prevent shipment of embargoed goods on Iranian vessels or aircraft, reduce to a minimum the personnel of Iranian diplomatic missions accredited to them, prevent their nationals or firms located in their territories from engaging in new service contracts in support of industrial projects in Iran, other than those concerned with medical care, and prevent their nationals or any person or body in their territories from engaging in any activity evading the decisions set out in this draft. Under the draft resolution, the Council would further decide that all Members should give immediate effect to the decisions of the Council and carry them out in accordance with Article 25 of the Charter, and urge, under Article 2, paragraph 6, States not members of the United Nations to join in implementing these decisions of the Council.

Following a suspension of the meeting, the Council, at the resumed 2191st meeting, on 13 January 1980, voted on the draft resolution, which received 10 votes to 2, with 2 abstentions, and was not adopted owing to the negative vote of a permanent member; one member did not participate in the voting.

Part II
CONSIDERATION OF THE PROVISIONS OF ARTICLES 43-47 OF THE CHARTER

NOTE

During the period under review, the Council did not adopt any resolutions referring to Articles 43-47 of the Charter. On one occasion, however, when the Council considered the question of South Africa, in March 1977, the representatives of Benin, the Libyan Arab Republic and Mauritius submitted four draft resolutions, one of which invoked in its paragraph 5 Articles 43-46, together with Articles 39-42 and Chapter VII. This draft was not put to the vote. When the Council resumed consideration of the item, in October 1977, the draft resolution, in revised form, but with the invocation of the Articles unchanged, was put to the vote and failed to be adopted, owing to the negative votes of three permanent members of the Council.

Part III
CONSIDERATION OF THE PROVISIONS OF ARTICLES 48-51 OF THE CHARTER

NOTE

During the period under review, the Council adopted one resolution with explicit references to Articles 49 and 50. This resolution was adopted in connection with the request by Mozambique under Article 50 of the Charter in relation to a situation that had arisen as a result of its decision to impose sanctions against Southern
Rhodesia in accordance with the relevant decisions of the Council. Under resolution 386 (1976) of 17 March 1976, which was unanimously adopted at the 1892nd meeting, the Council, recognizing that the action of the Government of Mozambique in accordance with resolution 447 (1979) and "bearing in mind the provisions of Articles 49 and 50 of the Charter of the United Nations", 122 commended the Government of Mozambique for its efforts to implement the sanctions against the illegal regime of Southern Rhodesia and provided for an international assistance programme to enable Mozambique to overcome the economic difficulties arising from its application of these sanctions. 123

The deliberations in the Council with regard to the request by Mozambique showed unanimous support for an appropriate programme of international assistance in conformity with the provisions of Articles 49 and 50. 124

The Council adopted a number of other resolutions that contained implicit references to Articles 49 and 50; these resolutions involved the question of assistance to Angola, Lesotho, Mozambique and Zambia, member States that had suffered losses and damages as a result of their adherence to Security Council and General Assembly decisions against Southern Rhodesia 125 or South Africa. 126

None of these decisions was preceded by any in-depth consideration of the application of Articles 49 and 50, but several incidental explicit references to these Articles occurred during the Council proceedings. 127

During the period under review none of the resolutions adopted by the Council contained an explicit reference to Article 51. Resolution 403 (1977) of 14 January 1977, which was adopted in connection with the complaint by Botswana, contained a provision that might be considered as an implicit reference to Article 51. 128

In the course of deliberations in the Council, various issues occasioned pertinent arguments relating to the interpretation of the principle of self-defence, which, however, did not culminate in constitutional arguments. In connection with the complaint by the Prime Minister of Mauritius, 129 the point was emphasized that self-defence could not be invoked to justify a premeditated act of aggression violating the sovereignty and territorial integrity of a Member State. The argument that the so-called principle of pre-emptive self-defence negated the provisions of Article 51 was made in connection with the complaint by Mozambique. 130 In connection with the question of South Africa, specifically with regard to the institution of the mandatory arms embargo, it was argued that while in strictly legal terms no country could be denied the right of self-defence in accordance with Article 51, the intention in imposing the arms embargo was to protest against the stockpiling of weapons for purposes of internal repression. The consideration of the situation in the Middle East 131 brought forth new exchanges regarding the interpretation of the principle of self-defence as stipulated by Article 51. Israel claimed that its duty to take all the measures necessary to protect the lives and safety of its citizens extended to incursions of armed bands and other acts of terrorism from the territory of another State; the right under Article 51 applied to all those situations. Various Arab representatives denied the validity of such a broad definition and emphasized that self-defence was permitted only against armed attacks; moreover, the exercise of self-defence was subject to certain limitations affecting the measure and degree of the use of force. When the Council considered the letters dated 13 and 15 June 1979 from the representative of Morocco, 132 the representatives of Algeria and Madagascar rejected Morocco's interpretation of the right to self-defence as justification of its measures against the Fronte Popular para la Liberación de Sao Luk and the Frente POLISARIO and argued that the issue should be viewed as a question of self-determination and that the use of force, including so-called "hot pursuit", was incompatible with the provisions of Article 51. In connection with the letter dated 3 January 1980 from 52 Member States, 133 it was maintained on the one hand...
that the military action of the USSR in support of the Government of Afghanistan was an exercise in collective self-defence in accordance with Article 51; on the other hand, that interpretation of the right to self-defence was rejected and it was demanded that the foreign troops leave Afghan territory and that the population be allowed to exercise its right to self-determination in conformity with the Charter and international law.

Explicit references to Article 51 occurred during other proceedings without giving rise to further discussion.138

138 See 2006th mtg.: Mauritius, para. 19, in connection with the complaint by Botswana; and 2226th mtg.: Israel, para. 146, in connection with the situation in the occupied Arab territories.

Article 51 was also invoked in communications from the United States concerning an incident in the Gulf of Sidam139 and an attempt to rescue the United States hostages held in Teheran.140

During the period under review, the Council took no decision under Article 48 of the Charter, nor was the Article explicitly referred to during the Council's deliberations.

Consideration of the Provisions of Chapter VII of the Charter in General

During the period under review, the Council adopted a number of resolutions with explicit references to Chapter VII. In connection with the situation in Southern Rhodesia, the Council invoked Chapter VII explicitly in three cases: in resolutions 388 (1976) of 6 April 1976 and 409 (1977) of 27 May 1977, the reference to Chapter VII was linked to a decision to affirm and expand the sanctions against the illegal regime in Southern Rhodesia;141 but in resolution 460 (1979), Chapter VII was explicitly invoked in lifting the mandatory sanctions against the rebellious colony at the moment when it was returned to British authority.142

In 1977, the Council adopted resolution 418 (1977) imposing a mandatory arms embargo against South Africa. This resolution contained an explicit invocation of Chapter VII and the detailed list of measures to be taken under this Chapter.143

There were additional instances where the Council included explicit references to Chapter VII in its resolutions: this was the case in resolution 424 (1978) regarding the complaint by Zambia against the régime in Southern Rhodesia,144 in resolutions 428 (1978), 447 (1979) and 475 (1980) concerning complaints by Angola against South Africa,145 in resolution 439 (1978) in connection with the situation in Namibia146 and in resolution 466 (1980) regarding a complaint by Zambia against South Africa.147 These references involved a warning to Southern Rhodesia, in resolution 424 (1978), and in the other cases to South Africa to consider further measures under Chapter VII, if the decisions of the Council were not implemented.

During the period under review, the Council considered a number of draft resolutions containing explicit references to Chapter VII, which, however, either were not voted upon or failed to be adopted. Such draft resolutions were submitted in connection with the situation in Namibia,148 and the question of South Africa.149 None of these drafts gave rise to a constitutional discussion, but they were frequently accompanied by invocations of Chapter VII or by statements employing the language of that Chapter.

On one occasion, Chapter VII was explicitly invoked in a letter requesting the Council to convene a meeting regarding the situation in Namibia.150

Throughout the period under review there were many explicit references to Chapter VII in the proceedings of the Council in connection with the following issues: the situation in Cyprus; the situation in the Middle East; the Middle East problem including the Palestinian question; the situation in the occupied Arab territories; the question of the exercise by the Palestinian people of its inalienable rights; the situation in Namibia; the situation in the Comoros; request by Mozambique under Article 50 of the Charter; complaint by Kenya concerning aggression by South Africa against Angola; the situation in Southern Rhodesia; the situation in South Africa; encomium by Mauritius, current Chairman of OAU, of the “act of

140 Letter dated 25 April 1980 from the representative of the United States (S/13968, OR, 35th yr., Suppl. for April-June 1980).

141 Resolution 418 (1977) was adopted unanimously on 4 November 1977 at the 206th meeting, “Acting under Chapter VII . . .”). The draft resolution was submitted by Guyana, Iraq, Mauritania, the United Republic of Cameroon and the United Republic of Tanzania, and failed to be adopted owing to the negative votes of three permanent members S/1211, para. 11, OR, 31st yr., Suppl. for Oct.-Dec. 1976 ("Acting under Chapter VII . . ."). The draft resolution was submitted by Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania and failed to be adopted owing to the negative votes of three permanent members.

142 See resolution 466 (1980), para. 2: “Acting under Chapter VII . . .”). The draft resolution was submitted by Benin, Guyana, the Libyan Arab Republic, Pakistan, Panama, Romania and the United Republic of Tanzania and failed to be adopted owing to the negative votes of three permanent members.

143 Resolution 418 (1977) was adopted unanimously on 4 November 1977 at the 206th meeting, “Acting under Chapter VII . . .”) and paras. 2-4 for the measures to be taken by all States. For further details, see chapter VIII, part II, under the title “Question of South Africa” and part I of the present chapter.

144 Resolution 424 (1978), para. 5.

145 Resolution 428 (1978), para. 6; resolution 447 (1979), sixth preambular para; recalling resolution 428 (1978), and resolution 475 (1980), para. 7.

146 See resolution 439 (1978), para. 5.

147 Resolution 466 (1980), para. 5.
aggression" by Israel against Uganda; complaint by Zambia against South Africa; complaint by Botswana; the question of South Africa; complaint by Mozambique; complaint by Zambia; complaint by Angola against South Africa; telegram dated 3 January 1979 from the Deputy Prime Minister in charge of Foreign Affairs of Democratic Kampuchea; letter dated 25 November 1979 from the Secretary-General and letter dated 22 December 1979 from the representative of the United States.131

131 The listing shows the wide range of Chapter VII references, too numerous to be listed individually. There were many more implicit references to Chapter VII throughout the period under review.