

Introducing the draft resolution, the representative of the Philippines said that in view of the frustration of the Council in the discharge of its primary responsibility under the Charter and bearing in mind the gravity of the situation in Afghanistan, the sponsors of the draft resolution felt that the rest of the international community should be given an opportunity to consider the issue. Consequently, the purpose of the draft resolution was to refer the matter to the General Assembly as the only remaining, peaceful alternative recourse to the Council's inaction.<sup>1891</sup>

The representative of the USSR said that his delegation categorically opposed the idea of convening an emergency session of the General Assembly to discuss the so-called situation in Afghanistan. His delegation and the Government of Afghanistan had already objected to discussion of the matter in the Security Council in the first place; it was therefore wrong, counter-productive and contrary to the Charter of the United Nations, particularly Article 2(7) thereof, to embroil the United Nations any further in the discussion of a non-existent question. For that reason his delegation would vote against the draft resolution.<sup>1892</sup>

The draft resolution was put to a procedural vote. It received 12 votes in favour to two against (German Democratic Republic and Union of Soviet Socialist Republics), with one abstention (Zambia), and was adopted as resolution 462 (1980).<sup>1893</sup> The text of the resolution reads as follows:

*The Security Council,*

*Having considered* the item on the agenda of its 2185th meeting, as contained in document S/Agenda/2185,

*Taking into account* that the lack of unanimity of its permanent members at the 2190th meeting has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

*Decides* to call an emergency special session of the General Assembly to examine the question contained in document S/Agenda/2185.

Speaking after the vote, the President, in his capacity as the representative of France, said that although his delegation had voted in favour of the resolution just adopted, it had reservations concerning the wording of the second preambular paragraph of the resolution.<sup>1894</sup>

The General Assembly convened the sixth emergency special session held between 10 and 14 January 1980 and considered the matter referred to it by the Security Council. At the conclusion of the special session the Assembly adopted resolution ES-6/2 on the subject.<sup>1895</sup> By a note dated 15 January 1980 the Secretary-General transmitted the text of General Assembly resolution ES-6/2 to the Security Council, drawing particular attention to paragraph 8 of the resolution, which called

upon the Council to consider ways and means which could assist in the implementation of that resolution.<sup>1896</sup>

**LETTER DATED 1 SEPTEMBER 1980 FROM THE  
PERMANENT REPRESENTATIVE OF MALTA**

**Decision of 4 September 1980 (2246th meeting): discussion of the question postponed**

By a letter dated 1 September 1980,<sup>1897</sup> the representative of Malta requested that the Security Council urgently convene to consider the illegal action taken by the Libyan Government which had stopped the Maltese drilling operations in the Mediterranean. He informed the Council that Libya and Malta had made an agreement on 23 May 1976 to submit the question concerning the jurisdiction of the continental shelf between the two countries to the International Court of Justice. He stated that Malta had begun its drilling operations in the area following the failure of the Libyan Government to ratify that agreement.

At the 2246th meeting on 4 September 1980, the Council invited the representatives of Malta and the Libyan Arab Jamahiriya to participate in the discussion, at their request and without the right to vote. The Council considered the item at the 2246th meeting on 4 September 1980.<sup>1898</sup>

At the meeting, the President drew the Council's attention to the letter from the Government of Malta and to a letter dated 3 September 1980<sup>1899</sup> from the representative of Libya, whereby he claimed that the dispute over the continental shelf was a bilateral issue to be settled between the two countries, and of secondary importance compared to the overall relations between Malta and Libya, and accordingly did not necessitate the involvement of the Council.

The President also referred to a letter dated 4 September 1980<sup>1900</sup> from the representative of Malta in which he re-emphasized the importance of the issue and reiterated his request for the consideration by the Council of the unlawful act of the Libyan Government.

The representative of Malta stated that the drilling operations by Malta were in accordance with the 1958 Convention on the Continental Shelf, which was based on customary law derived from the decisions of international tribunals and the practice of States. He noted that Libya was not a party to that Convention, but asserted that the principle of the median line as the boundary between the two States justified Malta's drilling operations for the production of off-shore oil.<sup>1901</sup>

The representative of the Libyan Government requested that the meeting be postponed for a study of the Maltese statement and consultations with his Government.<sup>1902</sup>

<sup>1891</sup> Resuming 2190th mtg., paras. 145-156.

<sup>1892</sup> *Ibid.*, paras. 166-169.

<sup>1893</sup> *Ibid.*, para. 178.

<sup>1894</sup> *Ibid.*, paras. 185-187.

<sup>1895</sup> For the text of the resolution, see *G.AOR, 6th emerg. spec. session, Supplement No. 1*.

<sup>1896</sup> S/13744.

<sup>1897</sup> S/14140, *OR, 35th yr., Suppl. for July-Sept. 1980*, p. 70.

<sup>1898</sup> For details, see chapter III.

<sup>1899</sup> S/14145, *OR, 35th yr., Suppl. for July-Sept. 1980*, p. 75.

<sup>1900</sup> S/14147, *ibid.*, p. 76.

<sup>1901</sup> 2246th mtg., paras. 7-42.

<sup>1902</sup> *Ibid.*, paras. 44-47.

The President suggested that the meeting be postponed at the request of the Libyan Government. In the absence of objection, it was decided.<sup>1903</sup>

By letters dated 19 September<sup>1904</sup> and 13 October 1980,<sup>1905</sup> the representative of Malta reiterated his request that the Council take measures to protect Malta from the use of force by Libya.

By a letter dated 17 October 1980,<sup>1906</sup> the Secretary-General informed the President of the Council that, following consultations with the parties and with their agreement, a special representative of the Secretary-General would be sent to the two countries to discuss the issue with the two Governments.

By letter dated 22 October 1980<sup>1907</sup> the President informed the Secretary-General that his letter of 17 October had been discussed by the Members of the Council and they had agreed with the proposed mission by his representative.

The Secretary-General, in his report issued on 13 November 1980, stated that the submission of the case to the International Court of Justice would be an essential step in the resolution of the conflict. He informed the Council that while the Government of the Libyan Arab Jamahiriya was opposed to the drilling operations in the area until such time as the Court delivered its advisory opinion, the Government of Malta wanted to make arrangements with Libya to pursue the drilling operations that had been suspended on 20 August 1980.<sup>1908</sup>

#### THE SITUATION BETWEEN IRAN AND IRAQ

**Decision of 23 September 1980:** statement by the President

In a letter<sup>1909</sup> dated 23 September 1980, the Secretary-General expressed his deep concern at the escalation of the conflict between Iran and Iraq,<sup>1910</sup> which constituted, in his opinion, a potentially grave threat to international peace and security. He indicated that he had appealed the day before to the parties to end the fighting and to seek to settle their differences by negotiation and had offered, through the representatives of the two Governments at the United Nations, his good offices that might be of use in settling their differences. In view of the dangers that would inevitably arise from a further escalation of the conflict, he urged, as a first step, that the members of the Council meet in consultation.

On the same date, the members of the Council undertook informal consultations on the situation, as a result of which the President issued the following statement<sup>1911</sup> on behalf of the members:

Members of the Security Council have today exchanged views in informal consultations on the extremely serious situation prevailing between Iran and Iraq. They have taken note of the sharp deterioration in relations and of the escalation in armed activity leading to loss of life and heavy material damage.

Members of the Council are deeply concerned that this conflict can prove increasingly serious and could pose a grave threat to international peace and security.

The members of the Council welcome and fully support the appeal of the Secretary-General, addressed to both parties on 22 September 1980, as well as the offer that he has made of his good offices to resolve the present conflict.

The members of the Council have asked me to appeal, on their behalf, to the Governments of Iran and Iraq, as a first step towards a solution of the conflict, to desist from all armed activity and all acts that may worsen the present dangerous situation and to settle their dispute by peaceful means.

**Decision of 28 September 1980 (2248th meeting):** resolution 479 (1980)

In a letter<sup>1912</sup> dated 25 September 1980, the Secretary-General expressed his appreciation to the President of the Council for having issued the appeal to the parties following consultations. He reported that in spite of his efforts and those of the Council, the fighting had continued and intensified on land, on the sea and in the air. He warned again that the current situation was an undoubted threat to international peace and security. He therefore suggested that the Council should consider the matter with the utmost urgency.

By letter<sup>1913</sup> dated 26 September 1980, the representatives of Mexico and Norway requested the President of the Council to convene an urgent meeting of the Council to consider the ongoing conflict between Iran and Iraq.

At the 2247th meeting on 26 September 1980, the Security Council included the situation between Iran and Iraq in its agenda and considered the issue at its 2247th and 2248th meetings on 26 and 28 September 1980. During these meetings the Council decided to invite the representatives of Iraq and Japan to participate, without vote, in the discussion of the question.<sup>1914</sup>

At the beginning of the meeting, the President drew the attention of the members of the Council to a number of documents which had been issued regarding the issue before the Council.<sup>1915</sup> He then called on the Secretary-General, who summarized in detail the developments of the last few days, in particular his own activities, and informed the Council of the plan of the Islamic Conference, which had convened the same day at the Foreign Ministerial level, to send a goodwill mission to Iran and

<sup>1903</sup> *Ibid.*, para. 48.

<sup>1904</sup> S/14181, *OR, 35th yr., Suppl. for July-Sept. 1980*, pp. 108-109.

<sup>1905</sup> S/14217, *OR, 35th yr., Suppl. for Oct.-Dec. 1980*, p. 11.

<sup>1906</sup> S/14228, *ibid.*, p. 16.

<sup>1907</sup> S/14229, *ibid.*, p. 16.

<sup>1908</sup> S/14256, *ibid.*, p. 16.

<sup>1909</sup> S/14196, *OR, 35th yr., Suppl. for July-Sept. 1980*, p. 118.

<sup>1910</sup> Several communications depicting the increasing hostility between the two countries were issued by the Organization as Security Council documents: S/14020 (a letter dated 20 June 1980), S/14070 (a letter dated 23 July 1980) and S/14191 (a letter dated 22 September 1980).

<sup>1911</sup> S/14190; see *OR, 35th yr., Resolutions and Decisions of the Security Council 1980*, p. 23.

<sup>1912</sup> S/14197, *OR, 35th yr., Suppl. for July-Sept. 1980*, p. 118.

<sup>1913</sup> S/14198, *ibid.*, p. 119.

<sup>1914</sup> For details, see chapter III.

<sup>1915</sup> 2247th mtg., para. 3. In addition to those indicated above, the President mentioned the letter dated 24 September 1980 from the representative of Iraq (S/14192, *OR, 35th yr., Suppl. for July-Sept. 1980*, pp. 114-115), the letter dated 24 September 1980 from the Secretary-General (S/14193, *ibid.*, p. 115) and the letter dated 25 September 1980 from the representative of Tunisia (S/14195, *ibid.*, pp. 117-118).