

6. *Considers* that Iraq is entitled to appropriate redress for the destruction it has suffered, responsibility for which has been acknowledged by Israel;

7. *Requests* the Secretary-General to keep the Security Council regularly informed of the implementation of the present resolution.

Following the adoption of the resolution, the Minister for Foreign Affairs of Iraq deplored that the inclusion of **decisive** measures, including sanctions under Chapter VII of the Charter, had not been possible. He expressed great dismay regarding the attitude shown by the United States in supporting and protecting Israel.”

NOTES

¹ S/14509, *OR, 36th yr., Suppl. for April-June 1981*. See also the letter dated 10 June 1981 from the representative of Iraq transmitting a second letter from the Foreign Minister offering further details about the Israeli aggression and two earlier raids aimed at the nuclear installations on 27 September 1980. He also called for measures under Chapter VII of the Charter and urged that the Council and the international community lend full support to Iraq (S/145 14, *ibid.*).

² S/14510, *ibid.*

³ For details, see chap. III of the present *Supplement*.

The representative of the United States restated her delegation's opposition to the invitation of the PLO under the special practice. The representative of Ireland announced his delegation's support for the invitation and argued that since the invitation was not requested under rule 37, the procedure chosen was not in violation of the Council's legal principles. The representative of Japan indicated that he objected to the invitation of the PLO under the special modality, as the item before the Council did not fall under the general question of the situation in the Middle East (see 2280th mtg., paras. 6-15).

⁴ See 2280th mtg., para. 16, for the vote (11 in favour, 1 against, 3 abstentions). See chap. III of the present *Supplement* for further details.

⁵ *Ibid.*, para. 17.

⁶ 2284th mtg., para. 4.

⁷ 2286th mtg., para. 2.

⁸ 2280th mtg., paras. 21-53. For similar views, see statements by Algeria, Jordan, the Sudan and Tunisia at the 2280th meeting; by Algeria, Cuba, India, Kuwait, Pakistan and Mr. Klibi at the 2281st meeting; by China, the German Democratic Republic, Lebanon and Uganda at the 2282nd meeting; by Egypt, Mongolia, Romania, Sierra Leone, Soviet Union, Viet Nam, Yugoslavia and Zambia at the 2283rd meeting; by Niger, Panama, the Syrian Arab Republic and Yemen at the 2284th meeting; by Bangladesh, Cuba (on behalf of the Movement of Non-Aligned Countries), Czechoslovakia, Morocco and Poland and by the PLO at the 2285th meeting; by Guyana, Hungary and Somalia at the 2286th meeting; by Indonesia, Malaysia, Nicaragua and Sri Lanka and by Mr. Maksoud at the 2287th meeting; and by the President (Mexico) at the 2288th meeting. For comments reprimanding Israel for its action but refraining from any call for punitive sanctions, see statements by France, Japan and the United Kingdom at the 2282nd meeting; by Ireland at the 2285th meeting; and by Italy at the 2286th meeting.

⁹ See 2280th mtg., paras. 57-117. See also 2288th mtg., paras. 38-98, for a restatement of the Israeli position.

¹⁰ S/14556, adopted without change as resolution 487 (1981).

¹¹ 2288th mtg., paras. 6-19.

¹² *Ibid.*, paras. 22-36.

¹³ See *ibid.*, para. 151, for the vote.

¹⁴ *Ibid.*, paras. 181-186. For similar views on the text of the resolution, see *ibid.* statements by the German Democratic Republic, Uganda and the Soviet Union. See chaps. XI and XII of the present *Supplement* for a special analysis of the relevant discussions regarding Articles 2, paragraph 4, 39, 41 and 51 and Chapter VII of the Charter.

6. LETTER DATED 1 SEPTEMBER 1980 FROM THE PERMANENT REPRESENTATIVE OF MALTA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In a letter¹ dated 14 January 1981, the representative of the Libyan Arab Jamahiriya informed the Secretary-General that the Basic People's Congresses had **decided** to ratify the special agreement between the Libyan Arab Jamahiriya and Malta and to submit the dispute over the continental shelf to the International Court of Justice (ICJ), provided that no drilling in the disputed area would be allowed until the Court had concluded its consideration of the matter.

By letter² dated 15 January 1981, the representative of Malta referred to paragraph 5 of the Secretary-General's report³ of 13 November 1980, which stated that the Libyan Arab Jamahiriya had undertaken unconditionally to submit the original text of the agreement to the Popular Congresses for ratification with a view to exchanging the instruments of ratification and formulating the joint notification to the Registrar of ICJ during the first two weeks of December 1980, and charged that the Libyan Arab Jamahiriya not only had delayed ratification but had laid down a new condition. The Government of Malta viewed it as a failure by the Libyan Government to comply fully with its solemn undertaking given to the Security Council and the Secretary-General, and requested the Council urgently to take all necessary action within its powers as the guardian of international peace and security and as the protector of the legitimate peaceful activities of small, unarmed countries.

In a letter⁴ dated 21 July 1981, the representative of Malta requested the President of the Council to convene a **meeting** with a view to condemning the Libyan Arab Jamahiriya and urging it not to perform further acts of molestation.

At its 2294th meeting, on 30 July 1981, the Council resumed its consideration of the item, which had been included in its agenda at its 2246th meeting. The President invited the representatives of Malta and the Libyan Arab Jamahiriya to participate in the discussion without the right to vote, in accordance with the decision taken at the 2246th meeting.⁵ The Council considered the matter at its 2294th meeting.

The Secretary-General stated that since he had received the letter dated 14 January 1981 from the Libyan Arab Jamahiriya, his special representative and he had maintained close contact with both parties with a view to assisting them in finalizing the exchange of instrument of ratification and Joint notification to ICJ as provided for in the special agreement. In late March, following his representative's suggestions, a delegation from the Libyan Arab Jamahiriya had visited Malta where inconclusive discussions had been held between the parties, and subsequent efforts had so far not succeeded. Malta held that the presence in the instrument of ratification submitted by the Libyan Arab Jamahiriya of what it considered to be implicit conditions regarding the question of **drilling** was unacceptable, whereas the Libyan Arab Jamahiriya had stated that its instrument of ratification, while referring to the People's Congresses as the **highest** authority competent to **ratify** international agreements, did not contain any additions or amendments to the special

agreement. He described the subsequent efforts of his representative and stated that he would continue to follow the situation carefully and remain in contact with the parties; he expressed confidence that the two sides would make renewed efforts to overcome the existing **difficulties**.⁶

The representative of Malta recalled that in August 1980 the Libyan Arab Jamahiriya had threatened Malta by sending armed naval units against an unarmed oil rig conducting explorations in an off-shore area well within Malta's side of the median line between the two countries. That armed threat was the reason for Malta's recourse to the Council, and the Council could not afford to ignore it; resort to the same threat was still implied and had recently pervaded the Libyan attitude towards Malta. He expressed regret that the Council had declined to take early action on Malta's complaint, stating that it was vital for the preservation of peace for the Council to request a solemn assurance from the Libyan Arab Jamahiriya that it would not harass or threaten with force what were peaceful, unarmed activities carried out in accordance with International law and practice.

He asserted that the Libyan Arab Jamahiriya had no justifiable claim over the area under dispute and was seeking to gain time through procrastination in order to avoid a legal solution and delay the economic development of Malta. His Government was determined to safeguard Malta's legitimate interests and sovereignty through whatever options were open to it, but **continued** to exercise self-restraint and to seek a peaceful solution. He called upon the Council to condemn the Libyan Arab Jamahiriya for its show of force in August 1980 and for going back on its undertaking to the Secretary-General to go to ICJ in accordance with the 1976 agreement signed by the two Governments, and to urge the Libyan Arab Jamahiriya not to perpetrate further acts of **molestation** or to take the law into its own hands.⁷

The representative of the Libyan Arab Jamahiriya reiterated his country's wish to conclude the exchange of instruments of ratification and to submit the dispute to ICJ. He attributed the creation of obstacles to the Government of Malta and stated that the Libyan Arab Jamahiriya believed that it was better to continue with the bilateral negotiations between the two countries in order to resolve the dispute and eliminate impediments, instead of delaying the negotiations through the creation of unnecessary **obstacles**.⁸

Before adjourning the meeting, the President appealed to the two parties to show moderation and goodwill and to pursue the necessary contacts with each other so as not to jeopardize their **good-neighbourly relations**.⁹

NOTES

¹ S/14331, OR. 36th yr., Suppl. for Jan.-March 1981.

² S/14332, *ibid.*

³ S/14256, *ibid.*, 35th yr., Suppl. for Oct.-Dec. 1980.

⁴ S/14595, *ibid.*, 36th yr., Suppl. for July-Sept. 1981. On several previous occasions the representative of Malta had requested meetings and action by the Council: see S/14375, *ibid.*, Suppl. for Jan.-March 1981; S/14498, *ibid.*, Suppl. for April-June 1981; and S/14558, *ibid.*

⁵ For details, see chap. III of the present Supplement.

⁶ 2294th mtg., paras. 5-14.

⁷ *Ibid.*, paras. 19-70.

⁸ *Ibid.*, paras. 73-79.

⁹ *Ibid.*, para. 80.

7. COMPLAINT BY ANGOLA AGAINST SOUTH AFRICA

Decision of 31 August 1981 (2300th meeting): rejection of a six-Power draft resolution

By letter dated 26 August 1981, the representative of Angola transmitted a letter from the President of Angola to the Secretary-General informing him of an attack by the regular army units of the South African regime and requesting an urgent meeting of the Council in order to take the necessary steps to avoid a confrontation of a greater magnitude and to demand the immediate and unconditional withdrawal of all units of the South African army from the territory of the People's Republic of Angola.

At its 2296th meeting, on 28 August 1981, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote: at the 2296th meeting, the representatives of Angola, Brazil, Cuba, Viet Nam and Zimbabwe; at the 2297th meeting, the representatives of the Federal Republic of Germany, India, Kenya, the Libyan Arab Jamahiriya, South Africa and Yugoslavia; at the 2298th meeting, the representative of Canada; and at the 2300th meeting, the representative of Mozambique.² At its 2299th meeting, the Council decided, at the request of the representative of Tunisia, to extend an invitation to Mr. Clovis Maksoud under rule 39 of the provisional rules of procedure.³ The Council considered this item at its 2296th to 2300th meetings, on 28, 29 and 31 August 1981.

At the 2296th meeting, the representative of Angola said that on 25 August 1981 the armed forces of the **apartheid** regime of Pretoria had invaded the southern part of Angola, accompanied by 135 tanks, **140 armoured** vehicles, 38 helicopters and 3 artillery units; anti-radar missiles were also displayed. The South African invaders, including gangs of mercenaries, had occupied a number of towns and totally or partially destroyed others. The invasion was characterized by terrible brutalities. To maintain its hegemony in the region and its position as a bastion of minority rule and privilege, South Africa had, since 1975, carried its racist and Imperialist wars across its borders into the territory of sovereign neighbouring States. It had been aided **politically**, economically, militarily and diplomatically by its allies, the Western patrons of imperialism and neocolonialism. As the South Atlantic counterpart and partner of the North Atlantic alliance, Pretoria was doing everything it could to **destabilize** the progressive independent States of the region. South Africa's acts were nothing short of State terrorism. By any criteria whatsoever the racist regime stood indicted for terrorism.

The Angolan Government and people demanded the **immediate** and unconditional withdrawal of the racist troops from the territory of Angola. The speaker also requested assistance to enable Angola to strengthen its **defence** capability in the face of South Africa's military and nuclear might. He asked for a long-standing solution based on Justice to the problems that plagued southern Africa.⁴