

quoting from General Assembly resolutions 2625 (XXV), 2734 (XXV) and 3314 (XXIX), that the Government of Morocco had violated basic principles of the Charter of the United Nations and of international law regarding the right of self-determination. He criticized in particular Morocco's invocation of the right of self-defence under Article 51 of the Charter as an attempt to legitimize its use of the so-called "right of pursuit" and to justify in advance its preparations for armed aggression against Algeria. Under these circumstances, he felt that the Security Council could usefully examine the consequences for peace and security in the region flowing from the persistent refusal of Morocco—in contrast to Mauritania—to implement the decisions of the United Nations and of the OAU regarding the self-determination of the Saharan people. Mauritania, initially a party to the partition of the Sahara, had recognized in the mean time that the tension in the region was caused by the violation of the principle of self-determination and the policy of a military *fait accompli*. The Algerian Government appealed to the Council to make a decisive contribution to the multiple efforts to bring back peace to north-west Africa, a peace based on Saharan self-determination and independence.¹⁸²²

At the 2153rd meeting on 22 June 1979, the representative of Madagascar stated that the struggle of the Saharan people for self-determination and independence could not legally be assimilated to an act of aggression and therefore the Government of Morocco was not entitled to invoke Article 51 against the freedom fighters. In view of such improper use of the principle of self-defence it was up to the Council, under the Charter, to control the exercise of this right, especially as it was misused in the claim to the so-called right of pursuit, as practised in this case against the POLISARIO fighters. The obligation of the Council could not be limited solely to Articles 34 and 35 of the Charter, but must go further towards resolving the problem by requiring immediate cessation of the illegal occupation of Western Sahara and the restoration of the rights of the Saharan people.¹⁸²³

Mr. Madjid Abdallah said that in the judgement of the POLISARIO Front the question of Western Sahara was exclusively one of decolonization and fell under the provisions of Article 73 of the Charter, resolution 1514 (XV) and the provisions of the OAU Charter relating to the right of peoples to self-determination and to respect for frontiers inherited from the colonial period. He accused the Government of Morocco of having created a *fait accompli* in the field through military violence and of pursuing a policy of intransigence in maintaining the course of occupation and expansionism in the Saharan territory. He reminded the Council that since 1966 the United Nations had been dealing with the Saharan issue and the General Assembly, the Security Council and the International Court of Justice had expressed consistent support for the right of the Saharan people to self-deter-

mination. He regretted that Morocco, which had been a leading voice in the campaign to terminate Spanish colonial rule, had veered from the original course and turned against the will of the international community and the well-being of the Saharan people. He hoped that the cease-fire between Mauritania and POLISARIO could eventually be expanded to include Morocco and that the Government of Morocco would agree to seek a solution to the Sahara issue through negotiations with the Saharan Democratic Arab Republic which the POLISARIO had set up and which administered already two thirds of the Western Sahara. But as long as Moroccan soldiers occupied a single inch of Saharan territory, the Saharan people would continue to fight them.¹⁸²⁴

At the 2154th meeting on 25 June 1979, the President informed members of the Council that he had received a letter¹⁸²⁵ dated 25 June from the representative of Morocco, who requested that the Council suspend action on the Moroccan complaint, as his Government had responded to an appeal by the President of Sudan, current President of the OAU. The President stated that following consultations the Council members had decided to adjourn further consideration of the question.¹⁸²⁶

LETTER DATED 25 NOVEMBER 1979 FROM THE SECRETARY GENERAL AND LETTER DATED 22 DECEMBER 1979 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS

INITIAL PROCEEDINGS

By letter¹⁸²⁷ dated 9 November 1979, addressed to the President of the Council, the representative of the United States requested that the Council urgently meet to discuss measures concerning the release of the United States Embassy personnel detained in Iran, for which efforts had so far failed. He stated that the personnel had been detained on 4 November 1979, following the occupation of the Embassy by a group of Iranians, violating the fundamental norms of international communication and creating a grave threat to international peace and security.

Decision of 9 November 1979: statement by the President

During consultations on 9 November 1979, the Council discussed the letter from the United States and agreed that the President would issue a statement on behalf of the Council.¹⁸²⁸

It reads as follows:

Following consultations among the members of the Security Council, I am authorized as President of the Council to express the profound concern of the Council at the prolonged detention of American diplomatic personnel in Iran. Speaking as President of the Council on behalf of the Council, and while not wishing to interfere in the internal affairs of any country, I must emphasize that the principle

¹⁸²² 2152nd mtg., paras. 6-56

¹⁸²³ 2153rd mtg., paras. 18-39

¹⁸²⁴ *Ibid.*, paras. 45-75

¹⁸²⁵ S.13410, *OR*, 34th yr., *Suppl. for April-June 1979*, p. 207

¹⁸²⁶ 2154th mtg., para. 3

¹⁸²⁷ S.13615, *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979*, p. 61

¹⁸²⁸ S.13616 *ibid.*, p. 61

of the inviolability of diplomatic personnel and establishments must be respected in all cases, in accordance with internationally accepted norms. Therefore I urge in the strongest terms that the diplomatic personnel being held in Iran should be released without delay and provided protection. I further urge the Secretary-General to continue to use his good offices to assist in attaining this objective.

Decision of 4 December 1979 (2178th meeting): resolution 457 (1979)

In a letter¹⁸²⁹ dated 25 November 1979, the Secretary-General, in accordance with the exercise of his responsibility under the United Nations Charter, requested an urgent meeting of the Council to seek a peaceful solution to the problem concerning the seizure of the United States Embassy and the detention of its personnel in Iran. He informed the Council that while the Government of the United States was deeply disturbed by the event, which denied the relevant international conventions, the Government of Iran was seeking redress for the injustices and abuse of human rights allegedly committed by the former régime. The Secretary-General expressed the growing concern of the international community about the dangerous situation and emphasized the urgent need for a peaceful solution, in conformity with the principles of justice and international law.

At its 2172nd meeting on 27 November 1979, the Council included the letter from the Secretary-General in its agenda. During the deliberations of the Council, the representatives of Australia, Austria, Belgium, Canada, the Federal Republic of Germany, Greece, Egypt, Iran, Italy, Japan, Liberia, Malawi, Mauritius, the Netherlands, Panama, Spain, Sri Lanka, Swaziland, Yugoslavia and Zaire were invited, at their request, to participate, without a vote, in the discussion of the item on the agenda.¹⁸³⁰ The Council considered the issue at the 2172nd and 2175th to 2178th meetings on 27 November and 1-4 December 1979.

At the 2172nd meeting, the President made a statement on behalf of the Council, in which he read out the text of the letter dated 25 November 1979 from the Secretary-General and referred to a letter¹⁸³¹ dated 27 November 1979 from the Government of Iran requesting that formal deliberations of the Council should be postponed out of respect for the most holy days of Tassua and Ashura and in order to enable the Foreign Minister of Iran to arrive in New York in time to participate in a full debate of the Council starting Saturday evening, 1 December. The President stated that, after consultations, the Council had agreed to adjourn its meeting until 1 December subject to the understanding that it would reconvene before then if the situation demanded it, and, on behalf of the Council, strongly reiterated the appeal contained in his statement issued on 9 November and pledged the Council's efforts to continue to search for a peaceful solution to the problem in conformity with the principles of justice and international law.¹⁸³²

At the 2175th meeting on 1 December 1979, the President informed the Council that his predecessor had been notified by the Government of Iran that it would not attend the meeting of the Council.¹⁸³³

The representative of the United States informed the Council that his Government, in its efforts to find a peaceful solution to the crisis, had requested the assistance of the Security Council and the General Assembly and had approached the International Court of Justice for provisional measures.¹⁸³⁴

The representative of Portugal stated that in his view, the Council could not, as desired by the Iranian Government, analyse the responsibilities of the former régime in Iran, as passing judgement on deposed régimes did not seem to fall within the competence of the Council.¹⁸³⁵

The representative of Czechoslovakia urged the parties to the dispute to use the peaceful measures available under Chapter VI of the United Nations Charter.¹⁸³⁶

All representatives agreed that the act constituted a basic violation of some of the most fundamental rules of international law.¹⁸³⁷ Some emphasized that it violated the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations, and the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents.¹⁸³⁸

At the 2176th meeting on 2 December 1979, the representative of Kuwait stated that in dealing with the crisis, the Council should reaffirm the principles of settling disputes by peaceful means and of refraining from military threats or the use of force in settling disputes, call for respect for the principle of non-interference in the domestic affairs of States and for the territorial integrity of all nations, demand compliance with international law and the rules of diplomatic immunity and repeat its call for the immediate release of the hostages. Furthermore, the representative stated, the Council should authorize the Secretary-General to set up a consultative body to assist in identifying the abuses and violations of human rights that took place under the former régime, as well as in examining the legitimate grievances of the Iranian Government and should support the Secretary-General in his efforts without imposing any restrictions upon him.¹⁸³⁹

The representatives of Egypt and the Netherlands pointed out that the act by Iran was also in violation of the Convention Against the Taking of Hostages which was currently being drafted in the General Assembly.¹⁸⁴⁰

¹⁸²⁹ 2175th mtg., para. 4

¹⁸³⁰ *Ibid.*, para. 23

¹⁸³¹ *Ibid.*, para. 42.

¹⁸³² *Ibid.*, para. 115.

¹⁸³³ *Ibid.*, France, para. 66; Bolivia, para. 70; USSR, para. 87; Zambia, para. 95; Nigeria, para. 102; Czechoslovakia, para. 114; Zaire, para. 142

¹⁸³⁴ *Ibid.*, Gabon, para. 61; Norway, para. 27; Portugal, para. 37; United Kingdom, para. 50; USSR, para. 91; Liberia, para. 126. Also see United Nations, *Treaty Series*, vol. 500, p. 95 and vol. 596, p. 261.

¹⁸³⁵ 2176th mtg., paras. 4-8

¹⁸³⁶ *Ibid.*, para. 33 and para. 73. For the Convention, see A/C.6/34/L.12, p. 2

¹⁸²⁹ S/13646, *ibid.*, p. 83

¹⁸³⁰ For details, see chapter III

¹⁸³¹ S/13650, *OR*, 34th yr., *Suppl. Jor Oct.-Dec.*, 1979, p. 84

¹⁸³² 2172nd mtg., paras. 14-17

The representative of Malawi stated that, in accordance with Articles 2 and 33 as well as other related Articles, the Council should explore all diplomatic and peaceful alternatives to resolve the explosive situation.¹⁸⁴¹

At the 2177th meeting on 3 December 1979, the representative of Austria urged the Governments of the United States and Iran to respect the principle of peaceful settlement of disputes and to exercise utmost restraint in their actions.¹⁸⁴²

At the 2178th meeting on 4 December 1979, the President drew attention to a draft resolution prepared in the course of consultations among the Council members.¹⁸⁴³

At the same meeting, the draft resolution S/13677 was unanimously adopted as resolution 457 (1979).¹⁸⁴⁴

It reads as follows:

The Security Council.

Having considered the letter from the Secretary-General dated 25 November 1979,

Deeply concerned at the dangerous level of tension between Iran and the United States of America, which could have grave consequences for international peace and security,

Recalling the appeal made by the President of the Security Council on 9 November 1979, which was reiterated on 27 November 1979 (S/13652),

Taking note of the letter from the Minister for Foreign Affairs of Iran dated 13 November 1979 relative to the grievances of Iran,

Mindful of the obligation of States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

Conscious of the responsibility of States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming the solemn obligation of all States parties to both the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963 to respect the inviolability of diplomatic personnel and the premises of their missions.

1 *Urgently calls upon* the Government of Iran to release immediately the personnel of the Embassy of the United States of America being held at Teheran, to provide them with protection and to allow them to leave the country;

2 *Further calls upon* the Governments of Iran and of the United States of America to take steps to resolve peacefully the remaining issues between them to their mutual satisfaction in accordance with the purposes and principles of the United Nations,

3 *Urges* the Governments of Iran and of the United States of America to exercise the utmost restraint in the prevailing situation,

4 *Requests* the Secretary-General to lend his good offices for the immediate implementation of the present resolution and to take all appropriate measures to this end,

5 *Decides* that the Council will remain actively seized of the matter and requests the Secretary-General to report urgently to it on developments regarding his efforts.

Decision of 31 December 1979 (2184th meeting): resolution 461 (1979)

By a letter¹⁸⁴⁵ dated 15 December 1979, the Registrar of the International Court of Justice transmitted to the

Secretary-General an official copy of the Court Order of 15 December 1979 indicating provisional measures in the Case Concerning United States Diplomatic and Consular Staff in Teheran. In the Order the Court called upon the Government of Iran to ensure that the premises of the United States Embassy be immediately restored to the possession of the United States. Secondly, the Court called upon the Government of Iran to release immediately and without exception all persons of United States nationality who were being held in the Embassy, or in the Ministry of Foreign Affairs in Teheran, or elsewhere, and to afford full protection to such persons. Thirdly, the Court asked the Government of Iran to afford to the diplomatic and consular personnel of the United States the full protection, privileges and immunities to which they were entitled, including immunity from any form of criminal jurisdiction, and freedom and facilities to leave the territory of Iran.

On 22 December 1979, the Secretary-General, in his report to the Council, stated that his contacts with the Government officials in Iran and the United States had not yet produced progress towards a settlement of the crisis, but that he would continue in his efforts with the determination to find a mutually acceptable solution to the serious situation.¹⁸⁴⁶

By letter¹⁸⁴⁷ dated 22 December 1979, the representative of the United States requested an early meeting of the Security Council, to consider measures to induce Iran to comply with its international obligations and to put an end to the continued detention of the American hostages.

At its 2182nd meeting on 29 December 1979, the Council included in its agenda the letter from the representative of the United States. Following the adoption of the agenda, the representatives of Australia, Canada, the Federal Republic of Germany, Japan and Singapore were invited to participate in the discussion of the item, at their request, and without the right to vote.¹⁸⁴⁸

The Council considered the item at the 2182nd to 2184th meeting on 29 to 31 December 1979.

At the 2182nd meeting, the Secretary of State of the United States stated that if the Secretary-General's efforts did not produce a peaceful solution and the detention of the hostages continued, sanctions against Iran by the Security Council would be justified and specific sanctions under Article 41 of the Charter of the United Nations should be adopted.¹⁸⁴⁹

A number of representatives stated that the Council would have no choice but to resort to sanctions under Chapter VII of the Charter if Iran persisted in holding the American Embassy personnel captive.¹⁸⁵⁰

¹⁸⁴¹ 2176th meeting, para. 86.

¹⁸⁴² 2177th mtg., para. 19.

¹⁸⁴³ 2178th mtg., para. 3.

¹⁸⁴⁴ *Ibid.*, para. 12.

¹⁸⁴⁵ S/13697. For the Order, see International Court of Justice Pub No. 447.

¹⁸⁴⁶ S/13704, OR, 34th yr., Suppl. for Oct-Dec. 1979, p. 139.

¹⁸⁴⁷ S/13705, *ibid.*, p. 40.

¹⁸⁴⁸ For details, see chapter III.

¹⁸⁴⁹ 2182nd mtg., para. 20.

¹⁸⁵⁰ *Ibid.*, Portugal, para. 54, France, para. 60; Singapore, para. 83; Australia, para. 94.

At the 2183rd meeting on 30 December 1979, the representatives of Czechoslovakia and Zambia stated that resolution 457 (1979) should be observed as based on Chapter VI of the Charter, because it provided both the Council and the parties to the dispute with sufficient alternatives for a mutually acceptable solution.¹⁸⁵¹

The representative of Zambia further stated that envisaging the use of sanctions against Iran in the event of the failure of the efforts of the Secretary-General would be detrimental to a possible solution of the crisis.¹⁸⁵²

At the 2184th meeting on 31 December 1979, the President drew attention to a draft resolution proposed by the United States.¹⁸⁵³

At the same meeting, the representative of Gabon expressed concern over the limits of the Organization with regard to the effective implementation of its decisions and stated that the Council's inability to enforce its decisions hampered the maintenance of peace and security. He added that the Council had the means to ensure compliance with its decisions and that it should decide to use the measures available under Chapter VII of the Charter.¹⁸⁵⁴

The President of the Council speaking as the representative of China urged the Council to adopt a prudent attitude concerning paragraph 6 of the draft resolution (S/13711/Rev.1).¹⁸⁵⁵

The representative of the USSR stated that the dispute between Iran and the United States was a bilateral one and, therefore, did not fall within the ambit of Chapter VII of the United Nations Charter. He added that for this reason it was unjustified to seek sanctions in this dispute which would only increase the tension and create a threat to peace.¹⁸⁵⁶

The Council then proceeded to the vote and adopted draft resolution S/13711/Rev.1 by 11 votes to none, with 4 abstentions, as resolution 461 (1979).¹⁸⁵⁷ It reads as follows:

The Security Council,

Recalling its resolution 457 (1979) of 4 December 1979,

Recalling also the appeal made by the President of the Security Council on 9 November 1979, which was reiterated on 27 November 1979 (S/13652),

Gravely concerned at the increasing tension between the Islamic Republic of Iran and the United States of America caused by the seizure and prolonged detention of persons of United States nationality who are being held as hostages in Iran in violation of international law, and which could have grave consequences for international peace and security,

Taking note of the letters from the Minister for Foreign Affairs of the Islamic Republic of Iran dated 13 November 1979 and 1 December 1979 relating to the grievances and statements of his Government on the situation,

Recalling also the letter from the Secretary-General dated 25 November 1979 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,

Taking into account the Order of the International Court of Justice of 15 December 1979 calling on the Government of the Islamic Republic of Iran to ensure the immediate release, without any exception, of all persons of United States nationality who are being held as hostages in Iran and also calling on the Government of the United States of America and the Government of the Islamic Republic of Iran to ensure that no action will be taken by them which will aggravate the tension between the two countries,

Further taking into account the report of the Secretary-General of 22 December 1979 on developments in the situation,

Mindful of the obligation of States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

Conscious of the responsibility of States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

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. *Reiterates its request to the Secretary-General to lend his good offices and to intensify his efforts with a view to assisting the Security Council in achieving the objectives called for in the present resolution, and in this connexion takes note of his readiness to go personally to Iran;*

5. *Requests the Secretary-General to report to the Security Council on his good offices efforts before the Council meets again;*

6. *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.*

Decision of 13 January 1980 (2191st meeting): rejection of a draft resolution

On 6 January 1980, the Secretary-General submitted a report to the Council, in pursuance of resolutions 457 (1979) and 461 (1979) in which he indicated that even though there was as yet no solution to the problem, his contacts had involved a "number of elements and ideas that might provide a basis for further consideration of the crisis by the Council".¹⁸⁵⁸

At the 2191st meeting on 11 January 1980, the President drew attention to a draft resolution submitted by the United States.¹⁸⁵⁹ According to the preamble of the draft resolution,¹⁸⁶⁰ the Security Council would recall its resolutions 457 (1979) and 461 (1979) as well as the appeal made by the President of the Council on 9 November which was reiterated on 27 November 1979. The Council would also take note of the letters dated 13 November and 1 December concerning the grievances and views of Iran, it would take into account the Order of the International Court of Justice dated 15 December and recall the letter dated 25 November of the Secretary-General emphasizing the seriousness of the threat to international peace and security posed by the crisis

¹⁸⁵¹ 2183rd mtg., paras. 12-14 and paras. 15-24

¹⁸⁵² *Ibid.*, paras. 25 and 26.

¹⁸⁵³ 2184th mtg., para. 2. The President referred to draft resolution S/13711/Rev.1, which was adopted as resolution 461 (1979)

¹⁸⁵⁴ *Ibid.*, paras. 3-11.

¹⁸⁵⁵ *Ibid.*, paras. 21-25.

¹⁸⁵⁶ *Ibid.*, paras. 29-37.

¹⁸⁵⁷ *Ibid.*, para. 58.

¹⁸⁵⁸ S/13730, *OR, 35th yr., Suppl. for Jan.-March 1980*, p. 4.

¹⁸⁵⁹ 2191st mtg., para. 1, opening statement by the President, whereby he referred to draft resolution S/13735, which subsequently was voted on and failed of adoption

¹⁸⁶⁰ S/13735, *OR, 35th yr., Suppl. for Jan.-March 1980*, p. 11.

between the two countries. Furthermore the Council would be mindful of the adoption by consensus of resolution 34/146, the International Convention Against the Taking of Hostages, by the General Assembly on 17 December 1979 and of the responsibilities of States to settle international disputes by peaceful means in a manner not endangering peace, security and justice and to that end respect the decisions of the Council. In addition, the Council would be conscious of the responsibilities of States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and would affirm that the safe release and departure of the hostages would be an essential first step in resolving peacefully the issues between Iran and the United States and the other States members of the international community. Moreover it would reiterate that following the release of the hostages, the Governments of Iran and the United States should take steps to resolve peacefully the remaining issues between them to their mutual satisfaction in accordance with the purposes and principles of the United Nations and would further take into account the Secretary-General's report on 9 January 1980 pursuant to resolutions 457 (1979) and 461 (1979). Bearing in mind the continued detention of the hostages which constituted a continuous threat to international peace and security, and acting in accordance with Articles 39 and 41 of the United Nations Charter, the Council would urgently call on the Government of Iran to immediately release all persons of United States nationality being held as hostages in Iran, to provide them protection and allow them to leave the country and would decide that until such time as the hostages were released and had safely departed from Iran, all Member States should prevent the sale or supply by their nationals or from their territories, whether or not originating in their territories, to or destined for Iranian governmental entities in Iran or any other person or body in Iran, or to or destined for any other person or body for the purposes of any enterprise carried on in Iran, of all items, commodities, or products except food, medicine and supplies intended strictly for medical purposes and that they should prevent the shipment by vessel, aircraft, railway or other land transport of their registration or owned by or under charter to their nationals, or the carriage whether or not in bond by land transport facilities across their territories of any of the items, commodities and products covered by subparagraph (a) above which were consigned to or destined for Iranian Governmental entities or any other person or body in Iran, or to any enterprise carried on in Iran. Furthermore, the Council would decide that the Members should not make available to the Iranian authorities or to any other person in Iran, or to any enterprise controlled by any Iranian Governmental entity, any new credits or loans; should not, with respect to such persons and enterprises, make available any new deposit facilities or allow substantial increases in existing non-dollar deposits or allow more favourable terms of payment

than customarily used in international commercial transactions; and should act in a businesslike manner in exercising any rights when payments due on existing credits or loans were not made on time and should require any persons or entities within their jurisdiction to do likewise. In addition, the Members should prevent the shipment from their territories or vessels or aircraft registered in Iran of products and commodities covered by subparagraph (a) above, should reduce to a minimum the personnel of Iranian missions accredited to them and should prevent their nationals, or firms located in their territories, from engaging in any activity which would evade or would have the purpose of evading any of the decisions set out in the present resolution. Accordingly the Council would decide that all Member States should give effect forthwith to the decisions set out above notwithstanding any contract entered into or licence granted before the date of the resolution and would call upon all Members to carry out those decisions of the Council in accordance with Article 25 of the Charter of the United Nations. Having regard to the principles stated in Article 2 of the Charter, the Council would urge States not members of the United Nations to act in accordance with the provisions of the resolution and would call upon all other United Nations bodies, its specialized agencies and their members to conform their relations with Iran to the terms of the present resolution. In addition, the Council would call upon all Member States, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for by the resolution and would also call upon all States Members of the United Nations or members of specialized agencies to report to the Secretary-General by 1 February 1980 on measures taken to implement the present resolution. The Council would finally request the Secretary-General to report to the Council on the progress of the implementation of the resolution, the first report to be submitted not later than 1 March 1980.

At the 2191st meeting on 11 January 1980, the President drew attention to a pending proposal for the suspension of the meeting. In the absence of an objection, the meeting was suspended.¹⁸⁶¹

Following resumption of the 2191st meeting on 13 January 1980, the Secretary-General stated that since his visit to Iran, a mutually acceptable solution to the problem had still not been found.¹⁸⁶²

The representative of the United States urged the Council to take effective measures against Iran under Articles 39 and 41 of the Charter as required by the operative paragraph 6 of resolution 461 (1979), and called upon all Members to accept and carry out the Council's decision in accordance with Article 25 and Article 2, paragraph 2 of the Charter.¹⁸⁶³

The representative of the USSR stated that his Government opposed the draft resolution submitted by

¹⁸⁶¹ 2191st mtg., para. 2.

¹⁸⁶² *Ibid.*, paras. 11-17.

¹⁸⁶³ *Ibid.*, paras. 18-43.

the United States, because the proposed sanctions against Iran were contrary to the Charter of the United Nations.¹⁸⁶⁴

The representative of Mexico stated that in his view, there was a contradiction between the fourth preambular paragraph of the draft resolution and its operative clauses, in that whereas the International Court of Justice had called for restraint on the part of both Governments in taking any action that could aggravate the tension between the two countries, the draft resolution would most probably have that effect. Furthermore, he suggested that the detention of the hostages did not in itself constitute a threat to peace, and therefore sanctions against Iran under Chapter VII would not be justified.¹⁸⁶⁵

At the 2191st meeting, the draft resolution S/13735 submitted by the United States received 10 votes in favour to 2 against, with 2 abstentions, and was not adopted owing to the negative vote by a permanent member. One member did not participate in the vote.¹⁸⁶⁶

By letter¹⁸⁶⁷ dated 9 June 1980, the representative of the United States transmitted the final judgment of the International Court of Justice delivered on 24 May 1980, in the case concerning the United States Diplomatic and Consular staff in Teheran. The Court in its final judgment of 24 May decided that the Government of Iran had violated and was still violating the international conventions in force between the two countries as well as customary international law, and that Iran was therefore responsible towards the United States under international law. Furthermore, the Court called once again for the termination of this unlawful act and for the release and safe departure of the hostages from Iran, as well as for the placement in the hands of the protecting power, of the premises, property, archives and documents of the United States Embassy and its consulates in Iran. In addition, the Court decided that no member of the United States diplomatic or consular staff could be kept in Iran or be subjected to any judicial proceedings or participate in them as a witness. The Court also decided that the Government of Iran was to make reparations to the Government of the United States for the injury caused to it by the events of 4 November and what had followed from those events, the form and amount of which would be settled by the Court in the case of failure of agreement between the parties. Prior to the Order of the International Court of Justice on 15 December 1979 and its final judgment on 24 May 1980, the Government of Iran, in a letter dated 9 November, had stated that the Court could not take cognizance of the present case, as in its view the matter was essentially and directly within its national sovereignty. Furthermore, the Iranian government had argued that the case, as submitted by the United States, was confined to the question of hostages, which in its view was a secondary and marginal aspect of the overall problem, and that the case therefore ought to be

analysed in terms of the relations between the United States and Iran over the last 25 years leading to the current crisis.

In response to the Iranian position, the Court stated that the matter, by the very fact that it concerned diplomatic and consular premises, the detention of internationally protected persons, and the interpretation or application of multilateral conventions codifying international law governing diplomatic and consular relations, would fall within international jurisdiction. Furthermore, the Court stated that in accordance with Article 36 of the United Nations Charter, it was authorized to make recommendations which the Security Council should take into consideration. In addition, since the dispute was a legal one, the resolution of such legal question could be an important and sometimes the decisive factor in the peaceful settlement of a dispute. Finally, it stated that the Court could not consider the question of the hostages as a marginal or secondary issue with regard to the legal principles involved. As to the claim of the Iranian Government that provisional measures could not be unilateral, the Court referred to Article 41 of its Statute, which emphasized the importance of provisional measures in preserving the respective rights of either party, and stated that a request for provisional measures was by its nature unilateral. Since the Government of Iran had not appeared before the Court, the International Court of Justice concluded that Iran's claim was not justified.¹⁸⁶⁸

LETTER DATED 3 JANUARY 1980 FROM 52 MEMBER STATES CONCERNING AFGHANISTAN

By a letter dated 3 January 1980 addressed to the President of the Security Council,¹⁸⁶⁹ the representatives of 43 Member States¹⁸⁷⁰ requested an urgent meeting of the Council to consider the situation in Afghanistan and its implications for international peace and security. Subsequently, nine other Member States added their signatures to the letter of request.¹⁸⁷¹

By a letter dated 4 January 1980¹⁸⁷² the representative of Afghanistan transmitted a telegram addressed to

¹⁸⁶⁸ *Ibid.*, pp. 17-19.

¹⁸⁶⁹ S/13724, *OR*, 35th yr., *Suppl. for Jan-March 1980*, p. 1.

¹⁸⁷⁰ Australia, the Bahamas, Belgium, Canada, Chile, China, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Germany, Federal Republic of, Greece, Haiti, Honduras, Iceland, Italy, Japan, Liberia, Luxembourg, the Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Papua New Guinea, the Philippines, Portugal, Saint Lucia, Saudi Arabia, Singapore, Spain, Suriname, Sweden, Turkey, the United Kingdom, the United States, Uruguay and Venezuela.

¹⁸⁷¹ Bahrain, Bangladesh, Indonesia, Malaysia, Samoa, Senegal, Somalia, Thailand and Uganda (see S/13724/Add. 1 and 2).

¹⁸⁷² S/13725, *OR*, 35th yr., *Suppl. for Jan-March 1980*, p. 2. Previously and subsequently a number of communications had been and were received from various Governments commenting and expressing those Governments' positions on the events in Afghanistan, some of them criticizing or denouncing the action of the USSR in sending its military forces to Afghanistan, and others endorsing that action. (See communications dated 31 Dec 1979 from China (S/13717, *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979*, pp. 147-148), 4 Jan. from Democratic Kampuchea and Chile (S/13727 and S/13728, *OR*, 35th yr., *Suppl. for Jan-March 1980*, p. 3), 11 Jan. from Mongolia (S/13739, *ibid.*, p. 13), 16 Jan. from Solomon Islands (S/13747, *ibid.*, p. 17), 17 Jan. and 5 May from Italy (S/13760 and S/13925, *ibid.*, p. 21 and *ibid.*, *Suppl. for April-June 1980*, p. 40), 8 Feb. from Dominica (S/13794, *OR*, 35th yr., *Suppl. for Jan-March 1980*, p. 46) and 11 Feb. 1980 from Pakistan (S/13810, also circulated under the symbol A/35/109).

¹⁸⁶⁴ *Ibid.*, paras. 44-56.

¹⁸⁶⁵ *Ibid.*, paras. 57-72.

¹⁸⁶⁶ *Ibid.*, para. 149.

¹⁸⁶⁷ S/13989. For the judgment, see ICJ Pub. No. 451.