

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

The representative of the United Kingdom said that his Government had repeatedly condemned violence in the region. The South African Ambassador had been summoned to the Foreign and Commonwealth Office where the Government had expressed its concern at the escalation of military activities in the area. The speaker emphasized that his Government remained fully committed to independence for Namibia on the basis of resolution 435 (1978). The Council should appeal, in simple and direct terms, to the South African Government to terminate its military action in Angola and to withdraw its troops immediately.⁷

The representative of Spain said that in the view of his Government, South Africa's flagrant act of aggression should be condemned immediately because of the danger it represented for the peace and stability of the entire area and the Council should call upon the South African forces immediately to withdraw from the territory of a sovereign country.⁸

The representative of the German Democratic Republic recalled that the representatives of many States, including the German Democratic Republic, had repeatedly called upon the Council to adopt serious measures against South Africa in order to compel it to abandon its acts of aggression against sovereign States and to guarantee the peaceful development of southern Africa. Even so, nothing had been done because those who had close links with South Africa had prevented the Council from carrying out its duties under the Charter. The Council should come out decisively against the aggression emanating from South Africa and take up the defence of peace and security in southern Africa as well. South Africa should bear the main responsibility for its actions which jeopardized peace. Apart from a firm condemnation of South Africa, the Council should call upon South Africa to cease its aggression forthwith and to withdraw its troops from the territory of Angola. South Africa should provide compensation for the damage caused to the Angolan people and State.⁹

The representative of Zimbabwe, who spoke in his capacity as Chairman of the Group of African States at the United Nations for the month of August, said that African countries condemned and rejected outright the lies and misrepresentations advanced by the racist regime to justify its blatant violation of international law and of provisions of the Charter of the United Nations. The speaker called upon the Council to take appropriate steps and measures with moral courage, a sense of urgency and responsibility.¹⁰

The representative of the Soviet Union said that Pretoria's actions were directed to undermining the revolutionary achievements of the Angolan people, towards destabilizing the progressive regime set up in that country. It was an open secret why the leaders in Pretoria had started such a military adventure: they had relied on support for their aggressive plans from imperialist and racist forces. The acts of aggression constituted a serious threat to international peace and security, not only in Angola but in all independent African countries. The raid by South Africa, if not repulsed, might become yet another link in a chain of further large-scale acts of aggression against independent African States. The delegation of the Soviet Union supported Angola's demand that the Council firmly condemn the racist regime of South Africa, call for the immediate cessation of its acts of aggression against Angola and the withdrawal of its

troops from Angolan territory forthwith and compel the South African régime to respect the sovereignty and territorial integrity of Angola.¹¹

The representative of China decried the invasion as an act of aggression violating Angola's independence, sovereignty and territorial integrity. It demonstrated once again that the South African racist régime was the root cause of instability in southern Africa. Its outrageous conduct could only strengthen the unity and the resolve of the peoples of Namibia and the rest of Africa to continue the struggle. The Chinese delegation supported the just demands by the representatives of African States in that regard.¹²

The representative of Japan said his country totally disapproved of the military actions undertaken by South Africa against its neighbour, as they went against the efforts by members of the United Nations towards a settlement of the Namibian problem and further exacerbated it.¹³

The representative of Viet Nam pointed out that for several years international opinion of all political persuasions and on all continents had vigorously condemned the colonialist and aggressive policy of the South African régime, designed to perpetuate the illegal occupation of Namibia, bring about an explosive situation and destabilize the front-line States—in particular Angola. The new phase of aggression against Angola not only constituted a grave violation of the sovereignty and territorial integrity of that country, but also showed insolent scorn for Council resolutions condemning earlier attacks by the Pretoria régime. The delegation of Viet Nam called upon the Council to take prompt and decisive actions, including sanctions against the South African aggressors.*

The representative of Ireland condemned without reservation the actions perpetrated against Angola which increased the likelihood of a wider conflict in sub-Saharan Africa, a bloody and destructive conflict with the possibility of the direct involvement of foreign forces. The urgent response from the Council in the form of either a resolution or a presidential statement should be unanimous and should include in addition a demand that South Africa show respect for the sovereignty and territorial integrity of Angola.¹⁴

The representative of the United States agreed that the Council should demand the immediate withdrawal of South African forces from the territory of Angola.¹⁵

The President reminded the members that in resolution 475 (1980) the Council had decided to remain seized of the matter of the armed invasion of Angola by the South African armed forces and that the relevant provisions of that resolution, which he then read out, were still in force.¹⁶

At the 2297th meeting, the representative of Mexico said that the act of aggression by South Africa called for an energetic condemnation and immediate action by the Council. He stressed that the impunity of South Africa was in large measure the result of ambiguous conduct by the Council, which had not reacted with sufficient decisiveness when faced with an obvious fact. The circumstances in which the attacks had occurred and the arguments invoked by their authors called for more careful thinking. An attempt was being made to legitimize the theory of preventive attack and to justify the use of force against other States for ideological reasons or

strategic interests. Such thinking could lead to accepting as normal any crusade against movements of national independence and the efforts at social and economic transformation in many countries. The Council had not spared verbal condemnations of the continued violations of international law by South Africa but the Council had failed to take effective measures.

South Africa's intention in perpetrating those acts of aggression was to prolong its illegal domination of **Namibia** through the annihilation of the forces that were struggling for that Territory's independence. The **Council** should unequivocally express the decision of the international community to restore legality in southern Africa and ensure the full exercise of national rights by the Namibian people. His delegation would support any draft resolution that was consistent with the previous decisions and would promote the independence of Namibia, the abolition of the *apartheid* regime and an end to the excesses of South African **policy**.¹⁶

The representative of Niger stated that Pretoria wished once again to irritate international opinion in order to divert its attention, to create confusion by pushing urgent matters into the background and to revive the cold war, which it had always used and abused to consolidate its illegal presence in Namibia and to continue with impunity its shameful policy of *apartheid*. South Africa should be condemned for its acts; it should be urged to withdraw forthwith all its troops from **Angolan** territory; and it should be compelled to pay to Angola complete and adequate compensation for the loss in human lives and the material damage resulting from its unprovoked acts of aggression. The delegation of Niger was convinced that it was of great urgency to prevent the repetition of these acts and to implement speedily and totally resolution 435 (1978) on the independence of Namibia. The Council was also requested to support the preparations for the special session of the General Assembly on Namibia.”

The representative of Tunisia stated that it was imperative for the Council to adopt the necessary measures and sanctions provided for in the Charter, as referred to in resolution 475 (1980), especially paragraph 7. The Tunisian delegation believed that the new aggression on the very eve of the emergency special session of the General Assembly on the question of Namibia left no room for hope that South Africa intended to put an end to its illegal occupation of Namibia no matter what **resolution** might be adopted, unless it was accompanied by machinery for mandatory **sanctions**.¹⁸

The representative of France informed the Council that because of the gravity of the situation the South African Ambassador in Paris had been called to the Ministry of Foreign Affairs where he had been notified about the French condemnation of the unprovoked and unjustified invasion of Angola by South Africa. The speaker added that a lasting solution to the tension prevailing in southern Africa required the speediest possible implementation of resolution 435 (1978).¹⁹

The representative of the Libyan Arab Jamahiriya declared that the Council should handle its responsibility and take the following measures in order to guarantee the independence, sovereignty and territorial integrity of Angola and the other front-line States. It should: (a) impose sanctions against South

Africa, as provided in Chapter VII of the Charter; (6) condemn the aggression committed by the racist regime of South Africa against Angola and the violation of its sovereignty and territorial integrity; (c) condemn the utilization by South Africa of the international Territory of Namibia to commit that aggression; (d) secure the immediate withdrawal of the forces of South Africa from **Angolan** territory; (e) ensure that South Africa respect the independence, sovereignty and territorial integrity of Angola; (f) see to it that South Africa refrain from the **utilization** of Namibia to initiate provocative acts of aggression against Angola; and (g) require South Africa to pay full **compensation** for the **damage inflicted** on Angola as a result of the **aggression**.²⁰

Many other representatives strongly condemned the unwarranted aggression and called upon the Council to adopt the most rigid measures.²¹

At the 2299th meeting, the Council had before it the text of the draft resolution sponsored by the delegations of Mexico, Niger, Panama, the Philippines, Tunisia and **Uganda**.²²

In the preambular part of the draft resolution, the Council, *inter alia*, would have expressed deep concern at racist South Africa's latest acts of aggression against Angola, which constituted a threat to international peace and security, and at the continued military occupation of parts of southern Angola by the racist regime of South Africa; deplored South Africa's **utilization** of the **illegally occupied** Territory of Namibia as a springboard for armed invasions and destabilization of Angola; and expressed awareness of the need to take effective measures to maintain international peace and security, in view of South Africa's continued violation of the Charter and the resolutions of the Council.

In the operative part, the Council would have: (a) strongly condemned the racist regime of South Africa for its premeditated, unprovoked and persistent acts of aggression perpetrated against the people and the territory of Angola; (6) strongly condemned also South Africa's utilization of the illegally occupied territory of Namibia as a springboard for armed invasions and destabilization of Angola; (c) declared that such acts of aggression were a **flagrant** violation of the sovereignty and territorial integrity of Angola and constituted a breach of international peace and security; (d) demanded the immediate and unconditional withdrawal of all South African troops from the territory of Angola; (e) strongly condemned the use by racist South Africa of mercenaries against the Government and people of Angola; (f) condemned the aggressive campaign and other hostile activities aimed at **destabilizing** Angola; (g) urged all Member States, as a matter of urgency, to extend material assistance to Angola in order to enable its people to defend the national independence, sovereignty and territorial integrity of **their** country; (h) called upon all States to implement fully the arms embargo imposed against South Africa in resolution 418 (1977); (i) called for the payment of full and adequate compensation to Angola by South Africa for the damage to life and property resulting from those acts of aggression; (j) decided to impose comprehensive and mandatory sanctions against racist South Africa under the provisions of Chapter VII of the Charter; (k) decided to send immediately to Angola a commission of investigation, comprising five members of the Council, in order to undertake an on-the-spot evaluation of the critical situation resulting from the

aggression of racist South Africa and to report to the Council not later than 30 September 1981; (f) decided to remain seized of the question and to meet again to consider the effective implementation of the resolution.

At the 2300th meeting, the same group of countries submitted a revised draft **resolution**²³ which differed from the previous document in that operative paragraph 10 had been deleted, operative paragraphs I 1 and 12 being renumbered in consequence, and, in operative paragraph I I, the term "the aggression" had been substituted by "the armed invasion".

At the same meeting, the President of the Council, speaking in his capacity as the representative of Panama, reminded the members that the system of **security** conceived at San Francisco by the founders of the Organization had been affirmed basically (a) in the acceptance and **fulfilment** by the Member States of the obligations enshrined in the Charter (Article 4, para. 1); (b) in the binding force of the resolutions of the Council (Article 25); and (c) in the primacy in case of conflicts of the obligations imposed by the Charter over obligations contracted by Member States by virtue of any other international agreement (Article 103). In the light of those provisions, the concept of neutrality regarding the application of resolutions of the Council could not be upheld. There could be no justification for South Africa's non-compliance with resolution 475 (1980). Neutrality in that case would mean the acceptance of the existing state of affairs in South Africa and Namibia, including the system of racial discrimination and the acquiescence in the continuation for the sake of alleged economic, strategic and security interests of a system of colonial exploitation, which was a disgrace to mankind. The seriousness of the unprovoked act of aggression required the Council to adopt forceful measures against the Pretoria regime so that it would put an end to its reprehensible acts of aggression and cease to be a threat to world **peace**.²⁴

The representative of the United Kingdom, explaining his vote before the vote, pointed out that the draft resolution contained elements that his delegation found difficult to support. In the view of his Government, operative paragraph 3 did not constitute a determination under Article 39 of Chapter VII of the Charter; therefore his delegation would abstain when the draft resolution was put to the **vote**.²⁵

The revised draft **resolution**²⁶ was put to the vote and, having **received 13** votes in favour and 1 **against**, with 1 abstention, failed of adoption owing to the negative vote of one of the permanent members of the **Council**.²⁷

Decision of 20 December 1983 (2508th meeting): resolution 545 (1983)

By **letter**²⁸ dated 14 December 1983 addressed to the President of the Council, the representative of Angola requested an urgent meeting of the Council to deal with the situation resulting from the violation of the territorial integrity and national sovereignty of Angola and, in particular, the occupation since 1981 of parts of southern Angola by the armed forces of South Africa.

At the 2504th meeting, on 16 December 1983, the Council included the item in its agenda. Following the adoption of the agenda, the following were invited, at their request, to participate in the discussion without the right to vote: at the 2504th meeting,

the representatives of Angola, Botswana, Brazil, India, Mauritania, Mozambique, Portugal, Somalia, South Africa, Yugoslavia and Zambia; at the 2505th meeting, the representatives of Argentina, Canada, Egypt, the German **Democratic Republic**, the Libyan Arab Jamahiriya, Nigeria and the United Republic of Tanzania; at the 2506th meeting, the representatives of **Benin** and Ethiopia; and, at the 2507th meeting, the representatives of Cuba and Turkey. At the 2506th meeting, the Council also decided to extend an invitation under rule 39 of the provisional rules of **procedure** to the Chairman of the Special Committee on the Situation with regard to the **Implementation** of the Declaration on the Granting of **Independence** to Colonial Countries and **Peoples**.²⁹ The Council **considered** this item at its 2504th to 2508th meetings, on 16, 19 and 20 **December 1983**.

Opening the discussion at the 2504th meeting, the representative of Angola drew the attention of the Council to the full-scale war that the South African regime had **been** waging against his country since 1981. The war was being supported in various overt and **covert** ways by certain States Members of the United Nations, without whose backing the South African troops could not have tried to destabilize the legitimate Government of Angola. The acts of aggression had intensified **between** mid-1982 and the time of the meeting. The speaker referred to the occasions when his Government had brought its case to the **Council**.³⁰ Demanding a withdrawal of the racist soldiers and **mercenaries** from the territory of Angola, the speaker stressed that this question was non-negotiable, as it was Angola's inherent right under international law on **statehood** and national sovereignty.

He invoked Article 25 of the Charter and pointed out that South Africa had since 1976 refused to abide by that Article with absolute impunity. As a Member of the United Nations, Angola had the right to expect supportive action, especially from the Council, whose permanent members had the duty not to make a mockery of international law and of the Charter by **using** the veto to block the course of justice. The speaker concluded by saying that if the Council did not condemn racist South Africa for its military occupation of **Angolan** territory nor force its withdrawal then one would be forced to conclude that by its impotence and inaction the organ legitimized **war**.³¹

The representative of South Africa declared that his country's security operation in southern Angola had one objective only: the protection of South West Africa/Namibia against terrorist attacks by the South West Africa People's Organization (SWAPO). As long as SWAPO continued them, South Africa would take whatever action was necessary to defend the people of South West Africa/Namibia. In particular, South Africa would not allow SWAPO to establish sanctuaries north of the border in Angola, from where it could carry out its raids against the inhabitants of the territory. In keeping with the Charter, South Africa would have much preferred to resolve the problem by **peaceful** means. During the talks between South Africa and Angola in the Cape Verde Islands, a formula had been proposed that could have led to the cessation of armed activities in the border area and the withdrawal of SWAPO and Cuban forces above certain latitudes in Angola. During the second round of talks a senior South African delegation had made it clear that the talks could not

continue unless FAPLA and SWAPO manifested the same military restraint that South Africa had maintained for a number of months. South Africa had also made it clear that an overall solution to the problems of the region would require the withdrawal of the Cubans from the whole of Angola. South Africa had no desire to control a single centimetre of **Angolan** territory and it was prepared to examine the possibility of peaceful coexistence with all States of the region. The Movimento Popular de **Libertação** de Angola (MPLA), in accordance with international law, should ensure that its territory was not used for the launching of terrorist attacks against its **neighbours**. The moment SWAPO ceased its campaign of violence, action against SWAPO would cease. In such circumstances, South African military action across the border against SWAPO elements in Angola would no longer be necessary.

He then read out the message from his Foreign Minister to the Secretary-General expressing his Government's readiness to begin a disengagement of forces on 31 January 1984 on the understanding that the gesture would be reciprocated by the **Angolan Government**.³² The Foreign Minister also said that the South African Government remained prepared to **begin** the process of implementing resolution 435 (1978) upon resolution of the problem of Cuban forces in **Angola**.³¹

The representative of Somalia emphasized that South Africa's acts of aggression against Angola over the past eight years and its current occupation of **Angolan** territory constituted a violation of the Charter principles and the norms of international law. It was an intolerable situation that was made even more untenable by South Africa's **arrogant** attempts to justify its actions with patently false arguments. Every possible judgment of international law had declared South Africa to be in illegal occupation of Namibia. That regime could not claim the right to use military force against those who opposed its illegal, racist and oppressive rule. The African States, and indeed all States that looked to the United Nations as the source of collective security, found it incomprehensible that South Africa had been allowed to carry out with impunity its murderous attacks on Angola and other neighbouring countries and to occupy **Angolan** territory. His delegation hoped that the Council would **fulfil** the promise to Angola contained in its resolution 475 (1980).³¹

The representative of India, **speaking** on behalf of the Movement of Non-Aligned Countries, referred to various documents condemning the repeated violations by South Africa of the territorial integrity of Angola and other neighbouring States. He appealed to the Council to act decisively in condemning in unequivocal terms the aggression by South Africa and its continuing military occupation of parts of southern Angola and demanding the **immediate** and unconditional withdrawal by South Africa of all its occupation forces, as also a commitment by it to respect scrupulously the independence, sovereignty and territorial integrity of Angola. The Council should also ask for full compensation from South Africa for all the damage that had been inflicted on Angola over the last years by South African **aggression** and occupation. Mere condemnation of South African aggression and a call upon South Africa to withdraw were not enough, for Pretoria had shown scant regard for such pronouncements. If South

Africa's intransigence persisted, the Council should be prepared to adopt appropriate measures under Chapter VII of the Charter. That in turn would call for a display of the requisite political will on the part of all members of the **Council**.³¹

The representative of Botswana declared that the invasion and occupation of Angola were an attempt by South Africa to intimidate Angola and to deny the people of that country the right to choose freely the political system under which they wanted to live. He stated that South Africa should be compelled to respect Article 2, paragraph 4, of the Charter and to cease supporting the **União Nacional para a Independência** Total de Angola (**UNITA**), whose acts of banditry had caused so much death and destruction in Angola. The answers to the problem of the region were the speedy implementation of resolution 435 (1978) and the total abolition of **apartheid** and the democratization of South African society.³²

Several African countries addressed the Council and unanimously demanded that it should reject any attempt to justify the aggression against Angola. They joined Angola in demanding that the Council denounce and condemn South Africa and declared that **nothing** but the immediate and unconditional cessation of hostilities against Angola, followed by the immediate and unconditional withdrawal of South African forces, would convince them of South Africa's seriousness about disengagement. They demanded full and prompt compensation by South Africa for the destruction of property and loss of life brought about by its continued occupation and called for sanctions provided for in Chapter VII of the Charter. They also requested the Council to adopt the draft resolution **being** prepared as a modest contribution to peace and security for **Angola**.³³

The representative of Pakistan stated that the timing of the offer of disengagement made by the Foreign Minister of South Africa in his letter addressed to the Secretary-General* raised the legitimate suspicion that it was tactical in nature and limited in objective. Its aim appeared to be to avoid condemnation by the Council of South Africa's continued occupation of **Angolan** territory. It skirted the central issue of the withdrawal of South African troops from Angola's territory and instead held out a promise of disengagement under conditions that if accepted would amount to the United Nations endorsing South Africa's purported justification of its lawless actions against Angola. In addressing itself to the violations of the Charter, the Council could **fulfil** its special responsibility under the Charter only by taking firm action in support of those principles.³⁴

The representative of China said that the Council should condemn South Africa's armed aggression against Angola and demand that South Africa respect the **sovereignty** and territorial integrity of Angola and withdraw **all its** troops immediately and **unconditionally**.³⁵

Some socialist countries associated themselves with all the demands advanced by many of the speakers. In addition, they called for an end to the misuse of the Territory of Namibia as a springboard for aggression, and the termination of all assistance for and any collaboration with **UNITA**, the instrument of South African policy. They stressed that in the spirit of resolution 539 (1983) the **fulfilment** of those demands should in no way be linked to the presence of Cuban forces in Angola. The threat to

that country continued to exist, and thus the conditions continued to exist that had induced Angola to request foreign assistance under Article 51 of the Charter. It was absolutely imperative to force South Africa to comply with those demands through the imposition of sanctions under Chapter VII of the Charter.³⁶

The Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the **Granting** of Independence to Colonial Countries and Peoples underlined that the entire international community should not merely condemn the blatant breach of all norms of international law and the principles of the Charter by the South African minority régime, but also take concrete steps to redress and prevent the recurrence of such criminal acts through the faithful and strict application of the relevant provisions of the Charter. At the same time, all possible support and assistance should be given to the Government of Angola in its efforts to protect and safeguard its territorial integrity and sovereignty. **Such** support and assistance should be given as well to the people of Namibia in their struggle for liberation under the leadership of SWAPO.

He mentioned that the Special Committee had long called for the full and effective application of measures under Chapter VII of the Charter, bearing in mind the continuing defiance by South Africa of its Charter obligations and its persistent use of force to perpetuate its illegal domination of Namibia, as well as its repeated and increasingly savage acts of aggression against neighbouring independent African States.

South Africa should not be allowed to replace its obligation to grant independence to Namibia with its aggression and illegal occupation of Angola. The Pretoria régime should be **left** in no doubt as to the international community's determination to ensure Namibia's **independence** and the restoration of peace, justice and equality in southern **Africa**.³⁵

The representative of Guyana stated that the Council could not consider its duty done if it simply listened to a debate and added yet another **resolution** to the list of those that South Africa continued to ignore. There should be a recognition of the need to ensure that the Council's authority was respected and that that body could assert itself to protect a Member State against violations of the Charter by another Member State. Speaking about the draft **resolution**,³⁷ he pointed out that his delegation would most certainly have preferred a draft resolution more categorical and unequivocal in its expression. It was hoped that the spirit of accommodation that the sponsors had displayed in respect of the wording would be matched by a willingness on the part of Pretoria's friends, particularly among the permanent members of the Council, to intensify pressure on the **régime** to respect Angola's independence, sovereignty and territorial **integrity**.³⁸

The President, making a statement in his capacity as representative of the Netherlands, said that in view of the grave consequences that might ensue from the violation of Angola's sovereignty and territorial integrity, the Netherlands Government deemed it **imperative** that the Council take urgent action to redress that intolerable situation. He expressed the hope that the Government of South Africa, in complying with the Council's demands,

would make the gesture of goodwill needed to promote the political settlements without which it and its neighbours would know no enduring peace and **prosperity**.³⁸

The representative of the United Kingdom said that his delegation would vote in favour of the draft resolution although it had reservations on certain points in it. Thus, it did not consider that the last preambular paragraph and operative paragraph 2 fell within the provisions of Chapter VII of the Charter or constituted a finding or decision that had specific consequences under the Charter. Moreover, the delegation considered that the wording of operative paragraph 2 was unfortunate. It should in no way be taken as a justification for further intervention by foreign forces in the internal affairs of Angola. **Such** action would indeed endanger international peace and security. The main concern of the British delegation was that the objective of the draft resolution—the withdrawal of South African forces from Angola—should be achieved. Therefore, the British Government had welcomed the indication that South Africa would begin to disengage its forces in Angola as indicated in the letter of 15 December 1983 from the South African Foreign Minister to the **Secretary-General**.³² That was a major opportunity **for progress towards** peace and the **reduction of tension in the area**.³⁸

The President then put to the vote the draft **resolution**,³⁷ which was adopted by 14 votes to none, with 1 **abstention**.³⁹ The resolution reads as follows:

The Security Council,

Having heard the statement of the Permanent Representative of Angola to the United Nations,

Deeply concerned at the continued occupation of parts of southern Angola by the South African military forces in flagrant violation of the principles and objectives of the Charter of the United Nations and of international law.

Gravely concerned at the massive loss of human life and extensive destruction of property brought about by the continuing attacks against and military occupation of the territory of Angola,

Recalling its resolutions 387 (1976), 428 (1978), 447 (1979), 454 (1979) and 475 (1980).

Bearing in mind that in accordance with Article 2, paragraph 4, of the Charter, all Member States shall 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,

Conscious of the need to take effective measures to maintain international peace and security in view of the continued violation of the Charter by South Africa,

1. *Strongly condemns* South Africa's continued military occupation of parts of southern Angola which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of Angola;

2. *Declares* that the continued illegal military occupation of the territory of Angola is a flagrant violation of the sovereignty, independence and territorial integrity of Angola and endangers international peace and security;

3. *Demands* that South Africa should unconditionally **withdraw** forthwith all its occupation forces from the territory of Angola and cease all violations against that State and henceforth scrupulously **respect the sovereignty and territorial integrity of Angola**;

4. *Considers, moreover, that Angola is entitled to appropriate redress for any material damage it has suffered*;

5. *Calls upon* all Member States to desist from any action which would undermine the independence, territorial integrity and sovereignty of Angola;

6. *Requests* the Secretary-General to monitor the implementation of the present resolution and report to the Security Council accordingly;

7. *Decides to remain seized of the matter.*

Decision of 6 January 1984 (25 I 1 th meeting): resolution 546 (1984)

By a **letter**⁴⁰ dated 1 January 1984 addressed to the President of the Council, the representative of Angola transmitted an urgent message from the President of Angola requesting an urgent meeting of the **Council** to consider the worsening military situation in southern Angola created by the advance of South African military units further north into **Angolan** territory. The violent combat between the South African military units and **Angolan** units could lead to disastrous consequences, which in turn threatened peace and security in the region.

At its 2509th meeting, on 4 January 1984, the Council included the item in its agenda. Following the adoption of the agenda, representatives of the following States were invited, at their request, to participate in the discussion without the right to vote: Angola, Ethiopia, Mozambique, South Africa, Togo, the United Republic of Tanzania and Zambia; and, at the 2510th meeting, Algeria, Nigeria, the **Syrian Arab Republic**, Viet Nam and Yugoslavia.* The Council considered this item at its 2509th to 2511th meetings, on 4, 5 and 6 January 1984.

Opening the discussion, the representative of **Angola** spoke of a series of military moves begun by the **South African** armed forces further north of their positions inside **Angolan** territory. Those acts of armed aggression had been aimed at localities more than 200 kilometres from the Namibian border, which gave the lie to the South African assertion that its troops would engage in operations only against Namibian freedom **fighters**. The latest operation was one of the largest using sophisticated weaponry. It was part of an ongoing attempt by the **régime** to use military might inside **Angolan** territory and install a puppet administration in areas under South African military occupation.

The Council owed southern African States some action that would redress the military aggression carried out by the racist South African **régime**. To deny Pretoria's friends any excuse to point a finger at Angola, his Government was willing to test the so-called offer of disengagement made by the South African **régime**. At the same time, he indicated that neither the Government nor the people of Angola could understand the Council's inability or unwillingness to act when the issue had been before the Council since 1976; when six resolutions had been adopted by the Council itself since 1976; when there was a clear violation of the Charter; when the Council was the supreme peace-keeping organ of the Organization and the guardian of the Charter; when the will of the international community had been regularly, consistently and unequivocally expressed in support of the **Angolan position**; when there had been almost 3,000 documented cases of South African aggression against Angola up to mid-1981; when there had been no case of an **Angolan** soldier ever setting foot across the national borders of Angola; when the known, recognized and internationally acknowledged aggressor struck with impunity across its own borders; and when the States members of the Council and of the United Nations acknowledged the validity and justness of the **Angolan position** and acknowledged and admitted the culpability of the racist South African regime. As a State Member of the United Nations, Angola had the right to demand and expect an answer to the question of why the

Council had been impotent to deliver justice and to safeguard peace and **security**.⁴¹

The representative of South Africa reiterated that the South African activities were aimed at eradicating SWAPO nests in Angola. As a condition for peace and security, he demanded that Luanda take the necessary steps to ensure that its territory was not used for the launching of aggression against its neighbours. He assured the Council that as long as the **Angolan** Government tolerated, encouraged and nourished SWAPO on its soil, the South African **Defence Force (SADF)** would seek out its bases and destroy them. As for the implementation of resolution 435 (1978), South Africa remained prepared to begin its implementation upon resolution of the problem of Cuban forces in Angola as reflected in **paragraph 12** of the Secretary-General's **report**⁴² to the **Council**.⁴¹

The representative of Upper Volta recalled the resolutions adopted by the Council in regard to the situation in Angola. He said that if the Council was unable to give the world the expected response to that distressing problem, it was **particularly** due to the support enjoyed by Pretoria from certain permanent members of the Council. Another condemnation of the Pretoria **régime's** continued aggression against Angola and a further demand that that regime immediately and unconditionally withdraw its troops from **Angolan** territory would be inadequate. It was high time that the Council stood firm in demanding the strict implementation of its resolutions and decisions. That firmness could be convincing only if all the members spoke with one **voice**.⁴¹

The representative of Togo, speaking as Chairman of the Group of African States at the United Nations for January, invited the Council to adopt a resolution demanding an immediate cease-fire and the unconditional withdrawal of South African troops from Angola. The Council should once again condemn South Africa's hostile acts against Angola, order that they be stopped and reject "linkage". The Council should exert unanimous and increased pressure against the racist South African **régime** to force it to **abandon** its policy of aggression against its **neighbours**.⁴¹

The representative of India **pointed** out that the pretext of "hot **pursuit**"—or of so-called preventive strikes—that the representative of South Africa had presented to the Council stood long discredited and exposed. South Africa had no business being in Namibia: Pretoria had repeatedly used Namibia as a springboard for launching acts of aggression, **destabilization** and terrorism against independent African States in an effort to consolidate its illegitimate presence in Namibia and to further its exploitation of the human and material resources of that Territory.

He said that the Movement of Non-Aligned Countries viewed the occupation of **Angolan** territory by forces of the racist **régime** as an act of aggression against the Movement itself. He indicated that the Council should address itself more urgently to the issue at hand, condemn those actions in the strongest terms and demand respect for Angola's sovereignty, independence and territorial integrity. Speaking of the **necessity** to ensure by every means available under the Charter that South **Africa** respect the will of the Council, he declared his delegation's readiness to extend its support to all efforts in that **direction**.⁴¹

The representative of Mozambique underlined that there were no signs of South Africa's compliance with resolution 545 (1983) and other relevant resolutions, or of the so-called disengagement. The Council and the West bore a great responsibility. The West had to decide whether it wanted to arrest the violence and allow genuine independence or whether it preferred to continue to allow its finances and expertise to be used to perpetuate racism and apartheid, to prolong the violence and to bring about a blood-bath. The Council **had** to decide whether it would take the necessary measures to force South Africa to respect international law through the imposition of **sanctions**.⁴¹

The representative of the United Republic of Tanzania said that the Council had before it a case of continuing aggression against a sovereign, independent Member of the Organization. The latest **military** campaign provided further proof that South Africa did not intend to abandon its aggressive militaristic policies in the region unless compelled to do so. That active policy of open hostility and aggression was aimed at crippling the **Angolan** revolution. The Council seemed incapable of acting as the implementation of its resolutions was held hostage to the illegal demands of the apartheid regime. Every action of the international community attempting to censure that regime or to find a peaceful solution to any of the problems in southern Africa had been reciprocated with an act of aggression by South Africa. Angola, as a State Member of the Organization, was **entitled** to and should be granted protection by the Council.

He stressed that his delegation sought from the Council a categorical condemnation of the South African aggression, a demand for the cessation of its acts of aggression and the unconditional withdrawal of the **occupation** forces from Angola, as well as the payment of prompt and adequate compensation by South Africa for the damage to human life and property brought about by its aggression. The Council should make it clear that if South Africa persisted in its aggression the Council would have to consider the adoption of effective measures under Chapter VII of the **Charter**. The Council should also reaffirm the right of Angola to take all measures necessary under the Charter, in particular Article 51, to safeguard its sovereignty, territorial integrity and **independence**.⁴¹

At the 2510th meeting, the representative of Ethiopia said that time and again Pretoria had **told** the world in no uncertain terms that it could not care less what the Council did or what the international community at large thought, so long as its important ally and its other Western friends stood by its side. South Africa's intensification of its war of aggression against Angola was but that regime's arrogant response to resolution 545 (1983). The speaker quoted the statement by the Ministry of Foreign Affairs of Ethiopia of 18 **December** 1983 which "called upon the international community to intensify the **world-wide** campaign to isolate the Pretoria regime and urged all peace-loving peoples and Governments to increase their material and financial support to the front-line countries, in particular to Angola, as well as to the liberation movements of southern **Africa**".⁴³

The representative of the Soviet Union stated that South African racists had undertaken the latest act of banditry only because they knew full well that they could count on the patronage of certain Western Powers-foremost among them the United States, which collaborated with the Pretoria regime and gave

it support and political protection. Certain peoples had had the illusion that it had **been the** concern of the West to normalize the situation in southern Africa in the interest of the African countries. But after so many years of the Western Powers obviously pandering to Pretoria that illusion should be fully dissipated. The Soviet delegation was convinced that the Council was duty-bound not merely to adopt a new resolution containing another condemnation of the South African aggressors, but to adopt decisive effective measures under Chapter VII of the Charter in order to force South Africa immediately and unconditionally to halt all acts of aggression against Angola and forthwith to withdraw its troops from the occupied territory of Angola. The Council should seek reparations from the Government of Angola for all the damages it had **sustained**.⁴³

Other speakers also associated themselves with the demands of Angola and indicated that the Council was faced with a challenge to move beyond the ritual of indignant condemnation of the racist regime for its aggression and occupation of Angola and to take **effective** measures under Chapter VII, which should bring about the immediate and unconditional withdrawal of South African forces from southern Angola."

At the 2511th meeting, the representative of the Netherlands indicated that the dangerous conditions prevailing in southern Africa were a direct result of South Africa's stubborn refusal to terminate its unlawful occupation of Namibia and to implement the United Nations settlement plan for Namibia. Namibia was not part of the Republic of South Africa and South Africa could derive no valid legal claim for the violation of Angola's sovereignty and territorial integrity from its continued illegal presence in **Namibia**. The Netherlands would vote in favour of the draft resolution before the **Council**.⁴⁵ That did not mean, however, that his Government was considering taking any measures for the implementation of its operative paragraph 6.⁴⁶

The representative of Zimbabwe stressed that should the demands contained in the draft resolution be ignored by South Africa, the Council should reserve the right to meet in order to consider the adoption of more effective measures under Chapter **VII**.⁴⁶

At the 2509th meeting, the President drew the Council's attention to a draft resolution sponsored by the delegations of **Angola, Egypt, India, Mozambique, Nicaragua, the United Republic of Tanzania, Upper Volta, Zambia and Zimbabwe**.⁴⁵

At the 2511th meeting, a revised draft **resolution**⁴⁷ was submitted by the same group of countries, as well as Malta, Nigeria, Pakistan and Peru. At the same meeting, the draft resolution was put to the vote and was adopted by 13 votes to none, with 2 abstentions.* It reads as follows:

The Security Council,

Having considered the statement of the Permanent Representative of Angola to the United Nations,

Recalling its resolutions 387 (1976), 418 (1977), 428 (1978), 447 (1979), 454 (1979), 475 (1980) and 545 (1983).

Gravely concerned at the renewed escalation of unprovoked bombing and persistent acts of aggression, including the continued **military occupation, committed by the racist régime of South Africa in violation of the sovereignty, airspace and territorial integrity of Angola,**

Grieved at the tragic and mounting loss of human life and concerned about the damage and destruction of property resulting

from those escalated bombing and other military attacks against and occupation of the territory of Angola by South Africa,

Indignant at the continued military occupation of parts of the territory of Angola by South Africa in contravention of the Charter of the United Nations and relevant Security Council resolutions,

Conscious of the need to take effective steps for the prevention and removal of all threats to international peace and security posed by South Africa's military attacks,

1. **Strongly condemns** South Africa for its renewed, intensified, premeditated and unprovoked bombing, as well as the continuing occupation of parts of the territory of Angola, which constitute a flagrant violation of the sovereignty and territorial integrity of that country and endanger seriously international peace and security;

2. **Further strongly condemns** South Africa for its utilization of the international Territory of Namibia as a springboard for perpetrating the armed attacks as well as sustaining its occupation of parts of the territory of Angola;

3. **Demands** that South Africa should cease immediately all bombing and other acts of aggression and unconditionally withdraw forthwith all its military forces occupying Angolan territory as well as undertake scrupulously to respect the sovereignty, airspace, territorial integrity and independence of Angola;

4. **Calls** upon all States to implement fully the arms embargo imposed against South Africa in Security Council resolution 418 (1977);

5. **Reaffirms** the right of Angola, in accordance with the relevant provisions of the Charter of the United Nations and, in particular, Article 51, to take all the measures necessary to defend and safeguard its sovereignty, territorial integrity and independence;

6. **Renews** its request to Member States to extend all necessary assistance to Angola, in order that Angola may defend itself against the escalating military attacks by South Africa as well as the continuing occupation of parts of Angola by South Africa;

7. **Reaffirms** further that Angola is entitled to prompt and adequate compensation for the damage to life and property consequent upon these acts of aggression and the continuing occupation of parts of its territory by the South African military forces;

8. **Decides** to meet again in the event of non-compliance by South Africa with the present resolution in order to consider the adoption of more effective measures in accordance with appropriate provisions of the Charter;

9. **Requests** the Secretary-General to monitor the implementation of the present resolution and report to the Security Council thereon not later than 10 January 1984;

10. **Decides** to remain seized of the matter.

Following the voting, the representative of the United Kingdom declared that his delegation had been faced with a resolution drafted in extreme language on which the authors had not been prepared to make more than minor changes. For example, his delegation could not accept and did not accept the overtones of Article 39 of the Charter, which still remained in the last preambular paragraph and in operative paragraph 1. His delegation could not and did not support operative paragraph 6, which might even be taken as an invitation to widen conflict and exacerbate the problems of finding peace in the region. The British reservations on those aspects remained as stated on 20 December 1983 in relation to resolution 545 (I 1983). Other parts of the resolution, too, were unacceptable in substance, such as the third preambular paragraph and operative paragraph 8, or were inappropriate. In his delegation's view, a resolution containing such elements risked taking the Council down another blind alley.⁴⁶

NOTES

¹ S/14647, OR, 36th yr., Suppl. for July-Sept. 1981. See also the letter dated 27 August 1981, in which the Angolan request for a Council meeting was reiterated (S/14654, *ibid.*), and another letter dated 25 August 1981, in which the representative of Angola

transmitted the text of a letter from the President of Angola addressed to the Secretary-General in which he expressed concern about the alleged concentration of more than 45,000 South African soldiers on the border between Angola and Namibia and warned that his country might be forced to resort to Article 51 of the Charter for its self-defence (S/14643, *ibid.*).

² For details, see chap. III of the present *Supplement*.

³ 2299th mtg., para. 2. For details, see also chap. 111 of the present *Supplement*.

⁴ 2296th mtg., paras. 7-25.

⁵ *Ibid.*, paras. 26-30.

⁶ *Ibid.*, paras. 31-38.

⁷ *Ibid.*, paras. 40-56.

⁸ *Ibid.*, paras. 58-63.

⁹ *Ibid.*, paras. 64-81.

¹⁰ *Ibid.*, paras. 82-85.

¹¹ *Ibid.*, paras. 86-91.

¹² *Ibid.*, paras. 102-118.

¹³ *Ibid.*, paras. 135-143.

¹⁴ *Ibid.*, paras. 144-148.

¹⁵ *Ibid.*, paras. 158 and 159.

¹⁶ 2297th mtg., paras. 6-22.

¹⁷ *Ibid.*, paras. 23-31.

¹⁸ *Ibid.*, paras. 32-37.

¹⁹ *Ibid.*, paras. 38-55.

²⁰ *Ibid.*, paras. 58-65.

²¹ For the relevant statements, see 2297th mtg., Yugoslavia and India; 2299th mtg., Mr. Clovis Maksoud and Uganda; and 2300th mtg., Mozambique.

²² S/14664, OR, 36th yr., Suppl. for July-Sept. 1981.

²³ S/14664/Rev.1 and 2, *ibid.*

²⁴ 2300th mtg., paras. 22-38.

²⁵ *Ibid.*, paras. 40-44.

²⁶ S/14664/Rev.2, OR, 36th yr., Suppl. for July-Sept. 1981. The second preambular paragraph was revised by substituting the term "armed invasion" for "acts of aggression"; operative paragraph 3 was changed by replacing the words "acts of aggression" by "armed invasion" and "breach of international peace and security" by "a danger to international peace and security". Paragraph 10 in the original draft invoking Chapter VII of the Charter had been deleted in the lint revision.

²⁷ For the vote, see 2300th mtg., para. 45.

²⁸ S/16216, OR, 38th yr., Suppl. for Oct.-Dec. 1983.

²⁹ 2506th mtg.

³⁰ Resolutions or decisions on this question were adopted by the Council in 1978, 1979, 1980 and 1981.

³¹ 2504th mtg.

³² S/16219, annex I, OR, 38th yr., Suppl. for Oct.-Dec. 1983.

³³ 2506th mtg., Libyan Arab Jamahiriya, Mauritania, Mozambique, Nigeria, United Republic of Tanzania and Zimbabwe; and 2507th mtg., Zambia, Ethiopia and Egypt.

³⁴ 2506th mtg.

³⁵ 2507th mtg.

³⁶ 2506th mtg., Poland; 2507th mtg., German Democratic Republic, Soviet Union and Cuba; and 2508th mtg., Poland.

³⁷ S/16226, sponsored by Angola, Botswana, Guyana, Jordan, Malta, Mozambique, Nicaragua, Nigeria, Pakistan, Togo, the United Republic of Tanzania, Zaire, Zambia and Zimbabwe; adopted without change as resolution 545 (1983).

³⁸ 2508th mtg.

³⁹ For the vote, see 2508th mtg. See also chap. IV of the present *Supplement*.

⁴⁰ S/16244, OR, 39th yr., Suppl. for Jan.-March 1984.

⁴¹ 2509th mtg.

⁴² S/15943, OR, 38th yr., Suppl. for July-Sept. 1983.

⁴³ 2510th mtg.

⁴⁴ For the relevant statements, see 2510th mtg., China, Malta, Zambia, Ukrainian Soviet Socialist Republic and Algeria; and 2511th mtg., Yugoslavia, France, Zimbabwe and Nicaragua.

⁴⁵ S/16247, OR, 39th yr., Supplement for Jan.-March 1984.

⁴⁶ 2511th mtg.

⁴⁷ S/16247/Rev.1, adopted as resolution 546 (1984). The revision involved small changes in operative paragraphs 1, 8 and 9.

⁴ For the vote, see 251 1th mtg. See also chap. IV of the present Supplement.

8. COMPLAINT BY SEYCHELLES

Decision of 15 December 1981 (2314th meeting): resolution 496 (1981)

By letter dated 8 December 1981, the representative of Seychelles informed the Council that on 25 November 1981 the Republic of Seychelles had been invaded by 45 mercenaries who had landed at the Seychelles International Airport. The invaders, who had come from South Africa, had immediately launched an attack at the airport, inflicting heavy damage, and had taken hostages. Those invaders who had not been captured and detained had fled in panic by hijacking an Air India aircraft, which they had commandeered to South Africa. In view of the threat to international peace and security resulting from that situation, the representative of Seychelles requested that the Council be convened urgently to consider the matter and take appropriate action.

At its 2314th meeting, on 15 December 1981, the Council included the letter in its agenda and considered the question at that meeting. The representatives of Seychelles and Botswana were invited, at their request, to take part in the discussion without the right to vote.²

The President of the Council drew attention to several documents, including the text of a draft resolution,⁴ which had been prepared in the course of the Council's consultations.

The representative of Seychelles informed the Council that at 1430 Greenwich mean time on 25 November 1981 a group of 44 foreign mercenaries had arrived at Seychelles International Airport on board a scheduled flight of the Royal Air Swazi airline. The mercenaries had travelled by coach from South Africa to Matsapha Airport in Swaziland. As they had disembarked in Seychelles and were going through customs, a customs officer had detected a false-bottomed bag containing a sub-machine-gun. In view of the fact that all members of the group had been carrying more or less similar pieces of luggage, the security forces had been alerted and the buses scheduled to take the group to their hotel had been ordered not to move. Once the mercenaries had realized that their plot had been foiled, they had immediately unpacked their weapons and taken control of the airport, including the air traffic control tower. They had also taken everyone at the airport—a total of 70 people—as hostages. The defence forces of Seychelles had then moved into position and contained the mercenaries at the airport. The mercenaries had then ordered a scheduled Air India Boeing 707 to land, hijacked the aircraft and ordered the pilot to take them to Durban, South Africa, with all passengers on board.

In all, 44 mercenaries had left on the aircraft, taking with them one dead. Two had been seriously wounded. Left behind had been members of the rear guard of the mercenary force, some of whom had infiltrated the country prior to the arrival of the group of 44 and had taken part in the lighting. All were foreigners. Six mercenaries had been captured and detained. The attack had resulted in loss of life, injuries, considerable hardship to the hostages and extensive damage caused to the airport facilities,

control tower and various buildings. The losses had been estimated at about \$30 million.

There was every reason to believe that South Africa had been involved in the aggression. Despite the South African declaration that the hijackers had been taken into custody in South Africa and would be dealt with according to its stringent anti-hijacking legislation, only five of the mercenaries had been charged with kidnapping and released on minimal bail. The other 39 had not been charged but had been set free despite the request by the Government of Seychelles that the mercenaries be returned to Seychelles to stand trial before an international tribunal appointed by the United Nations.

The Government of Seychelles requested the Council to establish an international commission of inquiry to be composed of three members of the Council to investigate the origin, background and financing of the mercenary invasion, as well as to assess the economic damage and to report to the Council with appropriate recommendations not later than 31 January 1982. The action of the South African régime showed that it might have had a hand in the organization of the invasion. Stating that he expected the Council to pass the necessary judgement and condemnation and to initiate the necessary action, the representative of Seychelles reserved the right to bring the matter again before the Council should the situation warrant it.⁵

The representative of Botswana said that although the Council possessed no concrete evidence to suggest that the mercenaries had been sent to Seychelles by the Government of South Africa, it had many questions to put to South Africa and hoped that South Africa would answer them. First, why had the mercenaries been released so quickly despite the fact that they had arrived back in South Africa on the same plane they had forced to fly to South Africa? Secondly, why had South Africa's stringent so-called anti-terrorist laws not been invoked against the mercenaries, at least to punish them for hijacking the Air India plane? Thirdly, did South Africa think that the pilot of the Air India plane had decided to fly to Durban for fun? Fourthly, had the presence on the aircraft of armed men not been enough evidence to suggest that the pilot could not have flown his plane to South Africa of his own volition? Fifthly, had the pilot been asked to tell his story and to explain, in particular, why he had armed men on his plane? Sixthly, and most important, as the Council had every reason to ask, why had the mercenaries been so elated to be back in South Africa, knowing only too well that they could easily be imprisoned for up to 30 years for their damnable act of terrorism? It was important that the real truth of what had happened in Seychelles on 25 November should be known in all its dimensions. The speaker urged the Council to set up a commission of inquiry to visit Seychelles and wherever information could be found as soon as possible to find out what had happened on 25 November. The Commission should assess the economic changes wrought by the invasion and make the necessary recommendations for alleviating them.⁶

The President then put the draft resolution to the vote; it was adopted unanimously by 15 votes as resolution 496 (1981).⁷ The resolution reads as follows:

The Security Council,
Taking note of the letter dated 8 December 1981 from the Chargé d'affaires of the Permanent Mission of the Republic of