Mozambique. The draft appealed to all States to provide immediate assistance to Mozambique so that it could carry out its economic development programme at the normal pace. He stated that the Soviet Union rendered already the necessary substantial material assistance to Mozambique. The burden of compensation for damage caused, however, should be borne by those States that were, in fact, politically responsible for maintaining the régime in Southern Rhodesia, as well as those States that continued to maintain close economic and other contacts with the territory.1088

The representative of the United States expressed his disappointment that the draft resolution contained a number of elements which did not bear on its main objectives. The charges of aggression deserved careful attention. His Government wished to make clear that it did not regard them as related to the appeal which the Council was making on behalf of Mozambique under Article 50. He viewed that appeal as premised solely on Mozambique's compliance with resolutions 232 (1966) and 253 (1968) and the costs which ensued from that compliance. The United States would normally have abstained from voting on that draft because of the insertion of those references. However it would vote in favour, in order to leave no doubt that it supported the principal purpose of the draft resolution.<sup>1089</sup>

At the same meeting the draft resolution was adopted unanimously.1090

The resolution reads as follows:

The Security Council,

Taking note of the statement made by the President of the People's Republic of Mozambique on 3 March 1976,

Having heard the statement of the Minister for Foreign Affairs of the People's Republic of Mozambique.

Gravely concerned at the situation created by the provocative and aggressive acts committed by the illegal minority régime in Southern Rhodesia against the security and territorial integrity of the People's Republic of Mozambique.

Reaffirming the inalienable right of the people of Southern Rhodesia (Zimbabwe) to self-determination and independence, in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, and the legitimacy of their struggle to secure the enjoyment of such rights, in accordance with the Charter of the United Nations

Recalling its resolution 253 (1968) of 29 May 1968 imposing sanctions against Southern Rhodesia.

Recalling further its resolutions 277 (1970) of 18 March 1970 and 318 (1972) of 28 July 1972,

Noting with appreciation the decision of the Government of Mozambique to sever immediately all trade and communication links with Southern Rhodesia in accordance with the decision of the Council and in strict observance of economic sanctions,

Considering that this decision constitutes an important contribution to the realization of the United Nations objectives in Southern Rhodesia in accordance with the principles and purposes of the Charter.

Recognizing that the action of the Government of Mozambique is in accordance with resolution 253 (1968),

Bearing in mind the provisions of Articles 49 and 50 of the Charter.

1. Commends the Government of Mozambique for its decision to sever all economic and trade relations with Southern Rhodesia,

2. Condemns all provocative and aggressive acts, including military incursions, against the People's Republic of Mozambique by the illegal minority régime of Southern Rhodesia.

Takes note of the urgent and special economic needs of Mozambique arising from its implementation of resolution 253 (1968), as indicated in the statement by its Minister for Foreign Affairs:

4. Appeals to all States to provide immediate financial, technical and material assistance to Mozambique, so that Mozambique can carry out its economic development programme normally and enhance its capacity to implement fully the system of sanctions;

Requests the United Nations and the organizations and 5 programmes concerned, in particular the Economic and Social Council, the United Nations Development Programme, the World Food Programme, the World Bank, the International Monetary Lund and all United Nations specialized agencies, to assist Mozambique in the present economic situation and to consider periodically the question of economic assistance to Mozambique as envisaged in the present resolution

6. Requests the Secretary-General, in collaboration with the appropriate organizations of the United Nations system, to organize, with immediate effect, all forms of financial, technical and material assistance to Mozambique to enable it to overcome the economic difficulties arising from its application of economic sanctions against the racist régime in Southern Rhodesia

The Secretary-General, in a statement following the adoption of the resolution, said he hoped there would be a prompt and favourable response from all Member States to the Council's appeal for assistance to Mozambique. It was his intention, he said, to send a mission to Maputo, Mozambique, without delay for detailed discussions with the Government on an effective programme of assistance geared to the immediate and long-term needs of the country.<sup>1091</sup>

The representative of Mozambique said that he felt confident that the international community would not fail to pool its efforts to help Mozambique in solving many problems, the quantification of which had not yet been possible.1092

COMPLAINT BY KENYA, ON BEHALF OF THE AFRICAN GROUP, CONCERNING THE ACT OF AGGRESSION COM-MITTED BY SOUTH AFRICA AGAINST THE PEOPLE'S RE-PUBLIC OF ANGOLA

## INITIAL PROCEEDINGS

By letter<sup>1093</sup> dated 10 March 1976 addressed to the President of the Security Council, the representative of Kenya, on behalf of the African Group, requested a Council meeting to consider the act of aggression committed by South Africa against Angola.

By letter<sup>1094</sup> dated 21 March 1976 addressed to the Secretary-General, the representative of South Africa transmitted the texts of statements made by the Prime Minister of Defence concerning the withdrawal of South African troops from Angola. The Prime Minister, in his statement, said that his Government was considering assurances received through a third party. If it found them acceptable, it would withdraw its forces from the area not later than 27 March.

<sup>1081 1892</sup>nd mig. paras. 13-24 1089 *Ibid.*, paras. 44-51 1090 *Ibid.*, paras. 80, adopted as resolution. 386 (1976)

<sup>1091</sup> Ibid , paras. 82-88

<sup>1092</sup> Ibid., paras 91-99.

<sup>&</sup>lt;sup>1093</sup> S/12007, OR, 31st yr. Suppl. Jer Jan - March 1976, p. 117 <sup>1094</sup> S/12019, ibid., pp. 126-127

By letter<sup>1095</sup> dated 23 March 1976 addressed to the Secretary-General, the representative of Portugal denied the South African assertion that Portugal had advance information about South Africa occupying the Caluegue Dam site in Angola.

By letter<sup>10%</sup> dated 25 March 1976 addressed to the Secretary-General, the representative of South Africa set out excerpts from a statement of that date by the Minister of Defence that the Government of South Africa had decided to withdraw all its forces from Angola by 27 March.

By letter<sup>1097</sup> dated 28 March 1976 addressed to the Secretary-General, the representative of South Africa confirmed that the withdrawal of South African troops from Angola had been completed by 27 March.

By letter<sup>1098</sup> dated 31 March 1976 addressed to the President of the Security Council, the representative of South Africa drew attention to some differences of interpretation and several omissions in the statement of Portugal at the 1905th meeting of the Security Council.

The Security Council included the item in its agenda<sup>1099</sup> and considered it at its 1900th to 1906th meetings from 29 March to 31 March 1976.

In the course of its deliberations the Council invited the representative of Angola to participate in the debate in accordance with article 32 of the Charter.<sup>1100</sup> The Council also invited the representatives of Bulgaria, the Congo, Cuba, Egypt, the German Democratic Republic, Guinea,<sup>1101</sup> Guinea-Bissau, India, Kenya, Madagascar, Mali, Mozambique, Nigeria, Poland, Portugal, Saudi Arabia, Sierra Leone, Somalia, South Africa, the Syrian Arab Republic, Uganda, the United Republic of Cameroon, Yugoslavia and Zambia, at their request, to participate without vote, in the discussion of the item.<sup>1102</sup>

Decision of 31 March 1976 (1906th meeting): resolution 387 (1976)

At the 1900th meeting the representative of Angola said that his country, while still under the so-called government of transition had been the victim of an unjustified invasion: imperialism had sent into Angola not only mercenaries of diverse nationalities but also the regular South African army. The purpose of the invasion was to offset the failures of the internal agents of imperialism, to cut off the vanguard of the Angolan people and to prevent the declaration of independence of Angola. Not only was its sovereignty being violated but there were violations of principles universally recognized by the international community. Certain circles in international politics had been concerned about Soviet and Cuban support for Angola, but when the South African invasion had apparently succeeded, those same

voices remained silent. Only later, after independence, was Angola accused of using the assistance of friendly countries to drive out the invader. In reality, Angola was exercising its sovereignty by asking for assistance from those that from the beginning had a clear understanding of the Angolan struggle. It was Angola's right to appeal to any country for help when necessary; any concern of that kind about Angola was unquestionably an unjustified interference in its internal affairs. He said that Angola demanded the unconditional withdrawal of the forces of the South African army and it hoped that the Council would take a decision so that the withdrawal might take place immediately. Angola also hoped that the Council would take action to see to it that South Africa guaranteed respect for the independence and territorial integrity of Angola, that it stopped using the territory of Namibia as a base for acts of aggression against Angola and that it returned material property and compensated Angola for the injury done to its economy and people.1103

The representative of Kenya, speaking as the Chairman of the African Group of States, said that South Africa had no common border with Angola. South Africa moved many hundreds of miles from its borders through Namibia, which it occupied illegally before reaching Angolan territory. For a long time African States had been saying that South Africa's illegal presence in Namibia constituted a threat to international peace and security. South Africa had no business to be in Namibia and, as though that was not bad enough, it had moved beyond to commit acts of aggression and destruction in Angola. He said that the African group could do no less than ask the Security Council to condemn the racist régime of South Africa for using Namibia for aggressive purposes against the People's Republic of Angola and to demand that South Africa compensate Angola for the destruction it had inflicted there. The Council also had to call once more on South Africa to vacate Namibia as soon as possible.<sup>1104</sup>

The representative of China stated that the South African racist régime had openly carried out armed aggression against Angola and directly interfered in its internal affairs under the pretext of protecting its so-called interests in Angola. He also charged that the Soviet Union was involved in Angola.1105

Following the statement of the representative of China, the President, speaking on a point of order, expressed the desire that statements by the members of the Council be limited to the item on the agenda.<sup>1106</sup>

The representative of the United Republic of Tanzania referred to the statement of the representative of China and noted that he would never accept the thesis that the South African aggression in Angola had been caused by Soviet support, Cuban support or any other support for the liberation movement in Angola.1107

<sup>1045</sup> S/12023, ibid., p. 131

<sup>10%</sup> S/12024, ibid , pp 131-132

<sup>1007</sup> S/12026, thid . p. 133

<sup>1098</sup> S/12033, ibid . p. 137

<sup>1999 1900</sup>th mtg., preceding para 1 1999 For details, see chapter 11

<sup>1400</sup> The representative of Guinea was also invited in her capacity as Chairman of the Special Committee against Apartheid (see 1901st mtg., para 3) 1007 For details, see chapter 111

<sup>1103 1900</sup>th mtg., paras 13-32 1104 Ibid., paras 35-49

<sup>1105</sup> Ibid, paras 53-66 1106 Ibid, paras 67. The same opinion was expressed by the 1106 Ibid, para 67. The same opinion was expressed by the representative of the USSR (*ibid*, para 68) <sup>100</sup> *Ibid*, paras 69-79

At the 1901st meeting on 29 March 1976, the representative of Guinea who also spoke in her capacity as Chairman of the Special Committee against Apartheid said that to avert further acts of South African aggression against Angola it was imperative for the Council to take appropriate measures, as it had been requested to do by the General Assembly, to ensure the full application of the arms embargo against South Africa, without any exceptions or reservations and the cessation of all military co-operation with that régime. It had become essential for the international community to take preventive measures by providing all necessary assistance to the Governments and peoples of the countries bordering on South Africa to help them consolidate their independence and resist South African aggression and pressure.1108

The representative of Zambia, speaking as President of the United Nations Council for Namibia, said the aggression committed against Angola by the racist régime of South Africa had been launched from Namibia, a Territory under the direct responsibility of the United Nations. The illegal character of the presence of South Africa in Namibia had been stated by the International Court of Justice and repeatedly reaffirmed by the Security Council and the General Assembly. The legal authority with respect to Namibia rested with the United Nations Council for Namibia, he stated.1109

The representative of Egypt said that Egypt as an African country considered the aggression against Angola by South Africa as directed against Egypt and, in accordance with the resolution on Angola taken by the OAU at its 26th meeting in Addis Ababa, Egypt held that it was its duty to contribute effectively to the defence of the national independence, territorial integrity and sovereignty of Angola.1110

At the 1902nd meeting on 29 March 1976, the representative of Poland stated that Poland shared the prevailing view that South Africa's action against independent Angola represented a threat to international peace and security. He also stated that the fact that South Africa had been compelled to take steps to withdraw from Angola was an illustration of a certain effectiveness in the efforts of the United Nations, and that it should do its utmost to consolidate the independence, sovereignty and territorial integrity of the young Republic of Angola.

The representative of Cuba stated that South Africa had launched its aggression against Angola in an attempt to wrest complete victory from MPLA and frustrate genuine independence. Early in August 1975, South African armed forces had crossed the border of Namibia, occupied large parts of the southern part of Angola and, in conjunction with bands of Angola traitors, had begun its armed intervention in what was then still a territory under Portuguese administration. The Portuguese Government had protested against that invasion. No other foreign military force had been in

Angola at that time. Between August and October 1975, the imperialist interference continued, its purpose being to seize the capital, and control the vital centres of the country before independence was declared on 11 November. The agents of the United States Central Intelligence Agency, white mercenaries and puppet troops had intervened at the side of the South Africans. It was not until October that Cuba had sent its first instructors to Angola. Following a massive invasion by South African troops Cuba had decided on 5 November, at the request of MPLA, to send the first military unit to Angola. He also categorically rejected the assertion by the representative of China that it was not the People's Republic of Angola which was fighting against South African aggression but mercenaries, meaning Cubans and nationals of other countries. He urged the Security Council to condemn South African aggression, withdraw all its troops from Angola and scrupulously respect the independence, sovereignty and integrity of that Country.<sup>1112</sup>

At the 1903rd meeting on 30 March 1976, the President of the United Nations Council for Namibia said that South Africa's aggression against Angola was launched from Namibia, a territory under the direct responsibility of the United Nations. Therefore South Africa had committed a double offence in international law. South Africa had to be branded as an aggressor State which used its illegal presence in Namibia to launch an armed invasion upon a neighbouring country. The withdrawal of its troops from Angola was not sufficient to reduce the threat to international peace and security in southern Africa. The Security Council had to condemn the South African withdrawal back to Namibia as an attempt to mislead world opinion.<sup>1113</sup>

At the 1904th meeting on 30 March 1976, the representative of the USSR stated that when the question of aid to Angola had arisen it had been in very complicated circumstances. There had been the matter of the proclamation of independence. At that time South African forces helped by mercenaries had been advancing from the south to Luanda. So the question had been whether Angola would be free and independent or once again become a colony. Like all socialist countries, the USSR could not remain indifferent to the fate of the Angolan people and had decided to help them, but not because it had any interests in Angola. He condemned the South African racists for their aggression against Angola and for their use of Namibia as a base for that aggression. Resolutely condemning the South African aggression and demanding its immediate withdrawal and respect for the territorial integrity and sovereignty of the people of Angola, in addition to material compensation for the harm done by the South African régime, he felt that peace in that area could be achieved only if there was no intervention and no aggression against Angola nor any other African people struggling against racism and apartheid.""

<sup>1108 1901</sup>st mig. paras 4-35 1109 Ibid. paras 37-49

<sup>1110</sup> Ibid paras 51-65

<sup>3111 1902</sup>nd mtg , paras 4-18

<sup>112</sup> Ibid , paras 33-65.

<sup>1903</sup>rd mtg . paras 5-15

<sup>11-4 1904</sup>th mtg., paras 33-58

The representative of the Libyan Arab Republic said the Council should adopt a resolution covering the following points: condemnation of the aggression committed by the racist régime of South Africa and the violation of Angola's sovereignty and territorial integrity; condemnation of the utilization by South Africa of the international territory of Namibia to commit that aggression; a demand that South Africa respect the independence, sovereignty and territorial integrity of Angola; a demand that South Africa refrain from the utilization of Namibia to initiate acts of aggression against Angola; and a demand that South Africa pay full compensation for the damage inflicted on Angola as a result of the aggression and restore immediately to the people of Angola the equipment and material seized and looted by the invading forces.1115

The representative of South Africa claimed that as he spoke South Africa had no forces on Angolan territory and he wondered what justification there was for the current Council meeting. He went on to say that South Africa had played a very limited role in the recent events, motivated by essentially protective and humanitarian considerations. It sought to protect a hydroelectric project which was constructed at great cost for purely peaceful purposes and to care for thousands of displaced persons. Any involvement of South Africa beyond that was the result of the presence of the USSR and Cuba in Angola. He also asserted that the Portuguese authorities had asked South Africa to keep its troops in Angola until a take-over by the new Government of that country.1116

At the 1905th meeting on 31 March 1976 the representative of Pakistan said that the representative of Angola was within his rights in suggesting that Angola, as a sovereign and independent country, might choose to seek help where it wished, even to invite and retain within its borders the military forces of foreign countries that it considered friendly to its cause and whose assistance it felt it needed.1117

The representative of Italy stated that his delegation would look favourably on any proposal based on the following points: (1) the interests of the Angolan people; (2) the lack of justification for the violation by South Africa of the sovereignty and territorial integrity of Angola and the utilization of the international Territory of Namibia to the same effect; (3) the responsibility of the Security Council, which transcended the interests of each of its members; (4) the ending of any outside interference in Angola which would increase the present danger of power politics and negatively affect any prospect for a peaceful and positive solution of the whole complex situation in the southern part of Africa.1118

The representative of Portugal rejected the claims of the South African representative that South African troops had penetrated Angolan territory with the knowledge and prior agreement of the Portuguese Government.1119

At the 1906th meeting on 31 March 1976 the representative of Japan stated that as the South African forces had been withdrawn from Angola, the main objectives for which the Council was meeting had been achieved. Therefore Japan urged the Council to follow a realistic and constructive course which would win wide support in the Council.1120

At the same meeting the representative of the United Republic of Tanzania introduced a draft resolution<sup>1121</sup> sponsored by Benin, Guyana, the Libyan Arab Republic, Panama, Romania and the United Republic of Tanzania.

The representative of the United States indicated that from the beginning of the struggle in Angola his Government sought three principal goals: an end to bloodshed; the opportunity for all competing factions through their own efforts to be represented in the Government of an independent Angola; and the cessation of all foreign military involvement. The continued presence of combat forces in Africa risked establishing a pattern of action and competition for foreign sponsorship which could fundamentally undermine what had been achieved in Africa over the past 20 years. He supported the motivation for African independence inherent in the draft resolution but said that he would abstain in the vote because the draft failed to apply to other continuing foreign interventions.1122

The representative of France stated that it was for Africans to define their destiny without any interference in the exercise of their sovereignty. Angola's civil war was no excuse for intervention by the Pretoria authorities or others.1123

The President accepted the wish of the sponsors of the draft resolution and suspended the meeting in accordance with the provisions of rule 33 of the provisional rules of procedure.<sup>1124</sup>

After the resumption of the meeting and before the vote, the representative of Sweden stated that military attacks of such magnitude and duration as were made by South African forces against Angola's territory had clearly to be characterized as aggression.1125

The President then put to the vote the six-Power draft resolution (S/12030) which was adopted by 9 votes to none, with 5 abstentions as resolution 387 (1976). One member did not participate in the vote.1126

The resolution reads as follows:

The Security Council.

Having considered the letter of the Permanent Representative of Kenya on behalf of the African Group of States at the United Nations,

Having heard the statement of the representative of the People's Republic of Angola.

1124 Ibid para 218 1125 Ibid paras 220-227

itis Ibid paras 71-89

<sup>1116</sup> Ibid , paras 92-162

<sup>1111 1905</sup>th intg., paras 45-55

<sup>&</sup>lt;sup>1108</sup> Ibid., paras. 86-67

<sup>1119</sup> Ibid , paras 84-100

<sup>1120 1906</sup>th mtg , paras. 68-76

<sup>102</sup> Ibid. paras. 120-145 S.12030, adopted without change as resolution 387 (1976)

<sup>1123</sup> Ibid , paras 155-166 1123 Ibid , paras 167-174

<sup>1126</sup> Ibid . para. 240.

Recalling the principle that no State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State.

Recalling also the inherent and lawful right of every State, in the exercise of its sovereignty, to request assistance from any other State or group of States,

Bearing in mind that all Member States must 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,

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

Condemning the utilization by South Africa of the international Territory of Namibia to mount that aggression,

Gravely concerned also at the damage and destruction done by the South African invading forces in Angola and by their seizure of Angolan equipment and materials,

Noting the letter of the Permanent Representative of South Africa regarding the withdrawal of South African troops,

Condemns South Africa's aggression against the People's 1 Republic of Angola;

2. Demands that South Africa scrupulously respect the independence, sovereignty and territorial integrity of the People's Republic of Angola;

3. Demands also that South Africa desist from the utilization of the international Territory of Namibia to mount provocative or aggressive acts against the People's Republic of Angola or any other neighbouring African State;

4. Calls upon the Government of South Africa to meet the just claims of the People's Republic of Angola for a full compensation for the damage and destruction inflicted on its State and for the restoration of the equipment and materials which its invading forces seized:

5. Requests the Secretary-General to follow the implementation of the present resolution

Explaining the reason why he had abstained in the vote the representative of the United Kingdom said that his Government had consistently opposed all forms of external intervention. South African intervention was rightly condemned in the draft resolution. But in his view all foreign intervention in Angola was wrong and should be condemned. Therefore, he found the draft unbalanced. He also had reservations concerning the use of the term "aggression" since, with the withdrawal of South African troops from Angola, it applied to a situation in the past. As to the questions of restitution and compensation for damages the Security Council was not the appropriate forum for such consideration.<sup>1127</sup>

Similar views were expressed by the representative of France.1128

At the end of the meeting a procedural discussion concerning the presidency over the Security Council took place, since the meeting continued beyond midnight ending on 1 April 1976 at 12.15 a.m.<sup>1129</sup>

## THE SITUATION IN SOUTHERN RHODESIA

Decision of 6 April 1976 (1907th meeting): resolution 388 (1976)

On 15 December 1975 the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia submitted to the Security Council a special report (S/11913) containing a recommendation for the expansion of sanctions against the illegal régime in Southern Rhodesia. The report stated that the Committee had considered a wide range of proposals to that end, but had managed to reach agreement, subject to reservations entered by certain delegations, on the recommendation that insurance, trade names and franchises should be included within the scope of mandatory sanctions against Southern Rhodesia.1130

At the 1907th meeting on 6 April 1976, the Security Council decided to include the Committee's special report in its agenda, which was adopted without objection.1111

At the same meeting the President of the Security Council announced that, as a result of intensive consultations on certain recommendations contained in the special report, agreement had been reached on the text of a draft resolution (S/12037), which had been sponsored and submitted by all 15 members of the Security Council. The draft resolution was adopted unanimously at that meeting as resolution 388 (1976). The text of the resolution reads as follows:

## The Security Council,

Reaffirming its resolutions 216 (1965) of 12 November and 217 (1965) of 20 November 1965, 221 (1966) of 9 April and 232 (1966) of 16 December 1966, 253 (1968) of 29 May 1968 and 277 (1970) of 18 March 1970.

Reaffirming that the measures provided for in those resolutions, as well as the measures initiated by Member States in pursuance thereof, shall continue in effect,

Taking into account the recommendations made by the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia in its special report of 15 December 1975 (S/11913),

Reaffirming that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides that all Member States shall take appropriate measures to ensure that their nationals and persons in their territories do not insure:

(a) Any commodities or products exported from Southern Rhodesia after the date of the present resolution in contravention of Security Council resolution 253 (1968) which they know or have reasonable cause to believe to have been so exported:

Any commodities or products which they know or have (5) reasonable cause to believe are destined or intended for importation into Southern Rhodesia after the date of the present resolution in contravention of resolution 253 (1968):

(c) Commodities, products or other property in Southern Rhodesia of any commercial, industrial or public utility undertaking in Southern Rhodesia, in contravention of resolution 253 (1968);

Decides that all Member States shall take appropriate mea-2 sures to prevent their nationals and persons in their Territories from granting to any commercial, industrial or public utility undertaking in Southern Rhodesia the right to use any trade name or from entering into any franchising agreement involving the use of any trade name.

<sup>112° 1906</sup>th mtg., paras. 245-252

<sup>1124</sup> Ibid, paras. 253-254. 1129 For details, see chapter I

<sup>1130</sup> For the nature and full extent of the sanctions envisaged under those items, see the relevant operative paragraphs of resolution 388 (1976) subsequently adopted by the Security Council on the subject and reproduced below (13) 1907th mtg. preceding para 2