5. Urges the further development of international cooperation among States in devising and adopting effective measures which are in accordance with the rules of international law to facilitate the prevention, prosecution and punishment of all acts of hostage-taking and abduction as manifestations of international terrorism.

17. COMPLAINT BY LESOTHO AGAINST SOUTH AFRICA

Decision of 30 December 1985 (2639th meeting): resolution 580 (1985)

By a letter dated 23 December 1985 addressed to the President of the Security Council,¹ the representative of Lesotho requested a meeting of the Security Council to deal with the grave situation created by an unprovoked armed aggression against Lesotho by South Africa.

At its 2638th meeting, on 30 December 1985, the Security Council included the item in the 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: the representatives of Burundi, Lesotho, Senegal and South Africa. At their request contained in a letter dated 30 December 1985 from the representatives of Burkina Faso, Egypt and Madagascar,² an invitation, under rule 39 of the Council's provisional rules of procedure, was extended to Mr. Neo Mnumzana, representative of the African National Congress of South Africa (ANC). The Council considered the item at its 2638th and 2639th meetings, on 30 December 1985.

At the 2638th meeting, on 30 December 1985, the representative of Lesotho recalled that the first complaint against South Africa was brought to the Council in December 1982 after the invasion and brutal murder of 42 people in the capital, Maseru. That aggressive act was condemned by the Security Council in its resolution 527 (1982) of 15 December 1982, in which it called upon South Africa to bind itself not to repeat similar attacks and to pay full and adequate compensation. South Africa had arrogantly refused to implement any of the provisions of the resolution and had continued a systematic campaign of destabilization of Lesotho through the so-called Lesotho Liberation Army based and trained on its territory.

The speaker described the recent attack, which had taken place in the early hours of 20 December 1985. According to independent witnesses, commandos of the South African Army shot in cold blood seven people, of whom six were South Africans, in a house located in a suburb of the capital, Maseru. The witnesses saw white soldiers cordoning off the house and remarked that, judging from the mute sound, the guns were fitted with silencers. Two other victims were followed by the assassins to their houses and shot. There was also testimony that a group of white soldiers had been seen heading towards South African territory. The representative announced that sworn statements by witnesses and photographs were available for examination. He also referred to the exchange of telex messages between South Africa and Lesotho,³ which, according to the speaker, showed the premeditated nature of the latest attack on the basis of unsubstantiated allegations that

members of the ANC had been planning attacks against South Africa from Lesotho during the Christmas period. At the same time, the exchange of messages had shown that Lesotho had demonstrated readiness to resolve any differences through discussions and negotiations. The representative stated that his country had received refugees belonging to various South African organizations on condition of non-use of its territory for attacks against South Africa. Arrangements for their transportation to second countries of asylum were made by the Office of the United Nations High Commissioner for Refugees. He called for the international community to make arrangements for the safe conduct of the refugees from Lesotho. He also drew the attention of the Council to the fact that South Africa had threatened to impose restrictions on normal traffic in and out of Lesotho and had asked the Council to take note that South Africa was creating special transit problems for Lesotho, placing that country's security and economic development in jeopardy. He went on by stating that the wings of apartheid had spread over the entire southern African region, bringing destabilization to Lesotho, Angola, Botswana, Mozambique, Swaziland, Zambia and Zimbabwe. In conclusion, the speaker appealed to the Security Council to condemn once again the aggressive action of South Africa as well as the system of apartheid. which was incompatible with peace and security. He welcomed any mission of the Security Council that could help preserve the sovereignty and territorial integrity of Lesotho.4

At the 2639th meeting, on 30 December 1985, the representative of Senegal stated that the Pretoria regime defied the international community by its policies of tyranny and lawlessness. He referred to the refusal of the racist regime to recognize the right of the people of South Africa to establish a democratic, multiracial society. He also referred to the illegal occupation of Namibia, contrary to all relevant resolutions of the Security Council, and to Pretoria's aggression against neighbouring African States. He condemned the most recent cynical acts of aggression against the sovereign State of Lesotho and called for a mission of inquiry to be sent in order to assess the damage and evaluate human casualties. He declared that compensation to Lesotho and to the victims would constitute the very minimum that the Security Council could determine in order to renew the confidence placed by the founders of the Organization and its Member States in the primary organ for the maintenance of international peace and security. In his view the only response of the Security Council consistent with the efforts to eradicate totally the system of apartheid would be application of comprehensive and mandatory economic—and even political—sanctions. He referred to the proposal of the Chairman of the Organization of African Unity (OAU) to convene a world conference on sanctions against South Africa, which had been endorsed by the Security Council and the General Assembly. He expressed the conviction that upon objective consideration of the situation the Council would take all measures necessary to make South Africa heed reason and to ensure that peace and stability returned to southern Africa and the whole continent.⁵

At the same meeting, the representative of Egypt stated that the new premeditated act of aggression perpetrated by South Africa followed repeated aggressive acts against its other neighbours-Angola and Botswana-and was clearly meant to divert attention from developments inside South Africa itself and to shift the blame for its problems to external elements from neighbouring countries. He pointed out that a review of the correspondence between the Government of Lesotho and the Government of South Africa over the period from 13 to 19 December 1985³ revealed that Lesotho had been willing to solve any problem between the two States by negotiation, while the communications from South Africa contained implicit and explicit threats that had been implemented on 19 December. He noted that at the same time South African forces had penetrated the territory of Swaziland, forcing the displacement of some residents. He also recalled South Africa's attacks on Angola and described all the above actions as an extension of the policies of apartheid, violence and suppression followed by the Pretoria regime. He believed that the Security Council had a clear responsibility to protect the territory of Lesotho and its innocent nationals against the aggression of the South African forces. He added that the Council should reaffirm South Africa's responsibility for paying compensation to the families of the victims, as well as help Lesotho fulfil its international commitments to receive political and other refugees.6

Also at the same meeting, the representative of South Africa objected to the charges of "unprovoked armed aggression" lodged by the representative of Lesotho on 23 December 1985.¹ He characterized the latest complaint as an attempt to deflect attention from the internal instability in Lesotho and the alienation of a large part of its population from the Government, especially after the illegal usurpation of power by the present Premier in 1970 had spawned armed resistance inside Lesotho. He attributed a strong tide of resentment in particular to the presence of a violent organization sponsored and funded by Moscow, as well as elements collaborating with the ANC within Lesotho's security forces and pro-ANC groups. He added that Lesotho was endeavouring to exploit the situation by addressing appeals for financial aid to the international community. The speaker emphasized that his country had on numerous occasions unsuccessfully sought to solicit Lesotho's cooperation to address mutual security problems. He recalled the proposal of his Foreign Minister to the Acting Foreign Minister of Lesotho to establish a joint monitoring mechanism to investigate security incidents and added that his Minister had offered to provide facilities and bear expenses, but Lesotho had failed to respond to that proposal. He also referred to the reassuring statement of the Lesotho Foreign Minister at the previous meeting of the Council

expressing the will to seek solutions to common problems through negotiation and felt that the South African proposal for a joint monitoring mechanism should be seriously considered by the Government of Lesotho. The speaker concluded by asserting that South Africa was experiencing terrorist violence emanating from the territory of Lesotho by forces inspired by the ANC under the guise of refugees and called upon the Security Council, in the spirit of General Assembly resolution 40/61 of 9 December 1985 denouncing terrorism, to prevail upon Lesotho to cooperate with his Government in order to eliminate terrorism in the region.⁷

At the same meeting, the representative of Burundi, speaking on behalf of the Group of African States, condemned the racist South African regime for once again violating international law and the provisions of the Charter of the United Nations calling on all States to refrain from resorting to the threat or use of force against the territorial integrity and political independence of any State, and described Lesotho as a victim of aggression and terrorism. He asserted that South Africa would never comply with international law as long as it enjoyed impunity for its acts of aggression against the front-line countries and as long as acts of repression of the black population of South Africa were not condemned by the international community. He gave an account of recent aggressive acts on the part of South Africa and reiterated the solidarity of the African Group with the people of Lesotho. He called upon the international community to provide assistance to Lesotho, to resist aggression and to strengthen its ability to receive refugees. He also called upon the Security Council to make Pretoria put an end to the policy of apartheid and destabilization and to pay immediate and adequate compensation for the loss of life and property. South Africa, he added, should put an end to the illegal occupation of Namibia, as set forth in Security Council resolution 435 (1978).⁸

Also at the same meeting, the representative of India denounced the latest unprovoked act of armed aggression against Lesotho, a fellow non-aligned country and a fellow member of the Commonwealth, as well as earlier similar actions intended to terrorize, put pressure and intimidate that peace-loving State. He considered that South Africa, under the pretext of hot pursuit of activists from ANC, was seeking to destabilize Governments in front-line and other neighbouring States. He recalled that South Africa which had illegally occupied Namibia, in defiance of innumerable United Nations resolutions and the advisory opinion of the International Court of Justice, still had some troops on part of Angolan territory and had extended its military adventurism to Botswana, Zambia, Zimbabwe and Seychelles. He reiterated that the Movement of Non-aligned Countries had stood by Lesotho and quoted from the relevant part of the Declaration of the Seventh Conference of Heads of State or Government of Non-aligned Countries.9 The speaker supported Lesotho's right to give sanctuary to victims of apartheid. He expressed the conviction that comprehensive mandatory sanctions under Chapter VII of the United Nations Charter would be the only effective international answer to the racist regime. He urged that all

⁵S/PV.2639, pp. 2-6. ⁶Ibid., pp. 6-10.

⁷Ibid., pp. 11-13. ⁸Ibid., pp. 13-17. ⁹S/15675, annex.

members of the Council proceed from condemnation to united meaningful actions.¹⁰

At the same meeting, the representative of Madagascar recalled that in 1985 alone seven Security Council resolutions had been adopted condemning South African racist policies and pointed out that those resolutions were scorned by the racist regime. He indicated that South Africa harboured, equipped and trained on its territory a rebellious movement, the Lesotho Liberation Army, which committed acts of sabotage and killings in Lesotho aimed at the destabilization of its Government. He also expounded on the idea that the system of apartheid, colonialism and racism was the principal cause of the flow of the increased number of refugees in the region and that Lesotho since its independence in 1960 had been receiving them and trying to facilitate their transit to other countries in keeping with the Convention Relating to the Status of Refugees of 1951. He recognized the legitimacy of the ANC, which represented the aspirations of the majority of the people of South Africa and described the premeditated, armed, unprovoked attacks of South Africa against its neighbours as deliberate violations of the Charter of the United Nations and of international law. He expressed the hope that the Council would adopt unanimously the draft resolution¹¹ sponsored by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago.¹²

At the same meeting, the representative of Peru, in condemning the South African regime and extending its solidarity to Lesotho, expressed the hope that, in the future, the Security Council would be able to exercise and use the legitimate means with which it had been endowed in order to discharge its political responsibilities. He considered that a very important action would be an investigation into the origin of weapons that enable South Africa to continue its internal and external aggression.¹³

Also at the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland observed that once again the Security Council was considering an attack by South Africa on its neighbouring States, which he attributed to a pattern of a profoundly mistaken policy. He went on to set out the fundamental points that governed the United Kingdom's approach to that matter. Firstly, Lesotho had no aggressive designs against South Africa and had no alternative to a policy of peaceful coexistence, being economically and otherwise dependent on South Africa. The Security Council should make it clear that any attacks against neighbouring States would not be tolerated. Therefore, his Government strongly condemned those responsible for the latest attack. Secondly, the United Kingdom had no sympathy for those who preferred violence to dialogue or negotiation. As retaliation was not a solution, raids against South African exiles would not resolve the problems; instead, they were bound to increase the existing polarization. It was necessary to go to the root of the problem and resolve it there. Finally, the Commonwealth Accord on South Africa,14 which had appealed for the initiation of a process of dialogue in the context of a suspension of violence on all sides, had particular relevance in the light of the latest events. He pointed out that, notwithstanding South Africa's rejection of the Security Council resolutions, the members of the Council should not underestimate the effect of their actions on Pretoria. He did not believe that the ruling minority regime was happy with its condemnation by the international community or with its isolation from the rest of the world. He, therefore, called for continued persuasion and pressure on the regime and announced the support of his delegation for the draft resolution before the Council.15

At the same meeting, the representative of the Union of Soviet Socialist Republics strongly condemned yet another aggressive action of South Africa against a sovereign country, Member of the United Nations, OAU and the Movement of Non-Aligned Countries. The attack represented yet another challenge to the international community and constituted a flagrant violation of international law and of the Charter of the United Nations. He expressed his country's deepest sympathy and condolences to the Government of Lesotho and to the families of the victims. He considered that the barbaric policy of apartheid within South Africa and the imposition of their colonialist hegemonism on all southern Africa was the crystallization of racism, colonialism, state terrorism and aggression. As such it constituted a constant threat to international peace and security and the stability of the region. The speaker referred to the recent session of the General Assembly, which had showed that the majority of Member States supported the application against Pretoria of comprehensive, mandatory sanctions under Chapter VII of the Charter. He also referred to the position of some Western Powers that are permanent members of the Security Council and stated that their use of the veto to protect the apartheid regime had enabled Pretoria to continue to threaten neighbouring States. He recalled that the Foreign Minister of the USSR had conveyed to the Foreign Minister of Lesotho that as a matter of principle the USSR defended the interests of all freedom-loving and progressive forces in South Africa. He reiterated that his Government supported the adoption by the Security Council of effective measures against South Africa under Chapter VII of the Charter.¹⁶

Also at the same meeting, the representative of China strongly condemned the gross violation of the principles of the Charter of the United Nations by South Africa, its invasion of the territory of Lesotho, the threat of military force and blackmail tactics against neighbouring countries as well as the intransigence of the racist regime in persisting in the practice of racial discrimination and apartheid. He went on to add that in order to find excuses for its aggressive policy, the regime had always invoked the pretext of outside instigation of the struggle of the people of South Africa against racial persecution. He stated further that the latest surprise attack against Lesotho posed a threat to peace and security in the whole region and called upon the Security Council to condemn South Africa for its aggression, to demand compensation for all the losses its invasion had caused, to mobilize the international community and to adopt additional sanctions against South Africa so as to provide powerful support to the just struggle against apart-

¹⁰S/PV.2639, pp. 18-21..

¹¹S/17701.

¹²S/PV.2639, pp. 22-26.

 $^{^{13}}$ Ibid., pp. 27 and 28. 14 A/40/817.

¹⁵S/PV.2639, pp. 28-32.

¹⁶lbid., pp. 32-37.

heid, to gain independence for Namibia and to safeguard the sovereignty and territorial integrity of all countries of the region.¹⁷

At the same meeting, Mr. Neo Mnumzana, speaking under rule 39 of the provisional rules of procedure of the Security Council, said that the Pretoria regime had set in motion a spiral of violence systematically punishing with death those who sought freedom, senselessly destroying the considerable national wealth of the country while millions of people were afflicted with poverty, disease and ignorance. As the struggle against apartheid in the country gathered might and the tide of African liberation rolled to the very frontiers of the country, the racist regime had responded by instituting a reign of terror against its own people and had gone to war against the neighbouring States whom the regime sought to destabilize through outright military aggression, economic blackmail and sabotage, as well as political subversion. He pointed out that pursuing South African refugees and exiles into countries that offered them sanctuary was part and parcel of the apartheid policy. He stated further that not punishing the apartheid regime for its crimes meant punishing the peoples of Lesotho, South Africa and of other countries of southern Africa. The speaker considered that the only solution to the problem would be the dismantling of apartheid and the creation of a free, united and non-racial and democratic South Africa. He concluded by registering the ANC's profound gratitude to Lesotho for its commitment, consistent with international law, to give refuge to the victims of apartheid and reaffirmed the ANC's solidarity with the peoples and Governments of the front-line States.18

At the same meeting, the representative of the Ukraine stated that one fourth of all Security Council meetings over the past two years had been devoted to questions related to the aggressive actions of South Africa. He noted that Lesotho, a small country, that did not even have a regular army, could not pose a near-fatal threat to South African security. The Government of Lesotho had frequently appealed to the South African authorities to put an end to acts of aggression, to refrain from trying to shift onto Lesotho the responsibility for its own internal problems. He also recalled that the General Assembly, OAU, the Movement of Non-Aligned Countries and Socialist States had frequently called on the Security Council to adopt effective measures against South Africa by introducing comprehensive mandatory sanctions against the racist regime. Those demands had, however, been disregarded by two permanent members of the Security Council, thereby providing support and indeed encouraging the regime to continue the policy of repression, aggression and state terrorism. He said that his delegation strongly condemned the recent aggressive acts and expressed the belief that the Security Council should adopt effective measures against the aggressor, under Chapter VII of the Charter. Such measures, he added, were essential to the maintenance of peace in the region, the preservation of the sovereignty and territorial integrity of young African countries and to the granting of true independence to Namibia.¹⁹

Also at the same meeting, the representative of Thailand considered that the criminal acts of the Pretoria regime should be condemned in the strongest possible terms and that adequate compensation should be paid to Lesotho for the damage and loss of life resulting from such acts. He stated that apartheid had become the scourge for all the front-line States, as any country giving refuge to victims of apartheid was subject to constant threats of attack, while it was a well-recognized principle that the noble humanitarian policy of receiving refugees was not a hostile act towards the country of origin. He quoted from the statement of the Foreign Minister of Lesotho that refugees from various organizations were received in his country on condition that they would not use the territory of Lesotho as a springboard for attacks against South Africa. His delegation would vote in favour of the draft resolution that was before the Council.20

At the same meeting, the President, speaking in his capacity as representative of Burkina Faso, stated that, in spite of repeated condemnations, the Pretoria regime obstinately refused to come to its senses and that acts of aggression went in quick succession, as did Security Council resolutions. According to him, the regime had remained unperturbed and had ignored even the most serious warnings of those whose aid permitted it to defy the decisions of the Security Council without fear of punishment. He acknowledged that the mere adoption of condemnatory resolutions would not suffice to eradicate apartheid. What was needed was already foreseen by the Charter and needed only to be set under way. He regretted the fact that certain members of the Council were obstructing the imposition of comprehensive mandatory sanctions against the racist regime.

Resuming his role as President of the Security Council, the speaker put to the vote the draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago.¹¹ It was adopted unanimously as resolution 580 (1985). The resolution reads as follows:

The Security Council,

Taking note of the letter dated 23 December 1985 from the Permanent Representative of the Kingdom of Lesotho to the United Nations addressed to the President of the Security Council,¹

Having heard the statement by the Honourable Minister for Foreign Affairs of the Kingdom of Lesotho, Mr. V. M. Makhele,⁴

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 acting in any other manner inconsistent with the purposes of the Charter of the United Nations,

Recalling its resolution 527 (1982),

Gravely concerned at the recent unprovoked and premeditated killings for which South Africa is responsible, in violation of the sovereignty and territorial integrity of the Kingdom of Lesotho, and their consequences for peace and security in southern Africa,

Gravely concerned that this act of aggression is aimed at weakening the determined and unrelenting humanitarian support given by Lesotho to South African refugees,

Grieved at the tragic loss of life of six South African refugees and three nationals of Lesotho resulting from this act of aggression committed against Lesotho,

¹⁷Ibid., pp. 37 and 38.

¹⁸Ibid., pp. 39 and 40.

¹⁹Ibid., pp. 43-46.

²⁰Ibid., pp. 46-48.

Alarmed at the fact that the continued existence of apartheid in South Africa is the root cause of increased violence both within South Africa and from South Africa against neighbouring countries,

Strongly condemns these killings and recent acts of unprovoked and premeditated violence, for which South Africa is responsible, against the Kingdom of Lesotho in flagrant violation of the sovereignty and territorial integrity of that country;

2. Demands the payment by South Africa of full and adequate compensation to the Kingdom of Lesotho for the damage and loss of life resulting from this act of aggression;

Calls upon all parties to normalize their relations and to employ 3. established channels of communication on all matters of mutual concern:

4. Reaffirms Lesotho's right to receive and give sanctuary to the victims of apartheid in accordance with its traditional practice, humanitarian principles and its international obligations;

5. Requests Member States to extend urgently all necessary economic assistance to Lesotho in order to strengthen its capacity to receive, maintain and protect South African refugees in Lesotho;

6. Calls upon the South African Government to resort to peaceful means in resolving international problems in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

7. Further calls upon South Africa to live up to its commitment not to destabilize neighbouring countries nor to allow its territory to be used as a springboard for attacks against neighbouring countries and to declare publicly that it will, in future, comply with provisions of the Charter of the United Nations and that it will not commit acts of violence against Lesotho, either directly or through its proxies;

8. Demands that South Africa forthwith take meaningful steps towards the dismantling of apartheid;

Requests the Secretary-General to establish, in consultation with the Government of Lesotho, an appropriate presence comprising one or two civilians in Maseru, for the purpose of keeping him informed of any development affecting the territorial integrity of Lesotho:

10. Further requests the Secretary-General, through appropriate means, to monitor the implementation of the present resolution and the prevailing situation and to report to the Security Council as the situation demands;

11. Decides to remain seized of the matter.

Following the vote, the representative of the United States of America expressed his country's deep concern over the latest escalation of violence in southern Africa. He observed that, according to witnesses, the perpetrators of the crime had fled into South Africa. He called upon the Government of South Africa to investigate the matter, apprehend the guilty parties and bring them to justice. He reiterated that the United States had made it clear to the Government of South Africa that they could not accept the possibility of dispatching troops for military actions beyond national borders. The solution of the problems was rather in the elimination of the system of apartheid and in strengthening the dialogue with its neighbours. He pointed out that his delegation supported the resolution as a constructive and moderate one. He referred in particular to paragraph 3, which called for employing established channels of communication, and recalled that the principle of non-use of the territory of States to launch attacks against other States applied to all.²¹

The Foreign Minister of Lesotho expressed his country's appreciation to the Security Council for having adopted the resolution unanimously. Referring to the statement of the representative of South Africa concerning Lesotho's "internal problems", he argued that there were none, but that all the problems originated in South Africa, where 28 million people were ruled by 4 million minority whites and which was founded and funded by bandit groups.²²

²¹Ibid., pp. 52 and 53. ²²Ibid., p. 54.

18. STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL (IN CONNECTION WITH THE INCIDENTS AT THE ROME AND VIENNA AIRPORTS]

Decision: statement by the President

At the 2639th meeting,¹ on 30 December 1985, after a brief suspension for consultations and before adjourning the meeting, the President made the following statement on behalf of the Council:²

The members of the Security Council strongly condemn the unjustifiable and criminal terrorist attacks at the Rome and Vienna airports, which caused the taking of innocent human lives.

They urge that those responsible for these deliberate and indiscriminate killings be brought to trial in accordance with due process of law

They call upon all concerned to exercise restraint and to refrain from taking any action inconsistent with their obligations under the Charter of the United Nations and other relevant rules of international law.

They reaffirm the statement by the President of the Security Council of 9 October 1985 (S/17554) and Security Council resolution 579 (1985) of 18 December 1985, and endorse the Secretary-General's statement of 27 December 1985, in which he noted General Assembly resolution 40/61 of 9 December 1985 and expressed the hope that it would be followed by determined efforts by all Governments and authorities concerned, in accordance with established principles of international law, in order that all acts, methods and practices of terrorism may be brought to an end.

By a letter dated 31 December 1985 from the Acting Permanent Representative of Israel to the United Nations addressed to the President of the Security Council,³ Israel condemned the attacks and attributed them to the Palestinian terror inspired by the Palestine Liberation Organization (PLO), which resulted in the ruthless and deliberate killing of women, children and babies. The letter indicated the contradiction between the stance that many countries had adopted against international terrorism and the permission some of them gave to terrorist organizations to operate in their capitals. The letter called for condemnation of the Libyan Arab Jamahiriya, Iraq and the Islamic Republic of Iran for giving support and shelter to the terrorists.

By a letter dated 2 January 1986 addressed to the Secretary-General,⁴ the Chargé d'affaires a.i. of the Per-

¹The agenda for the meeting was "Complaint by Lesotho against South Africa". ²S/17702.

³S/17703. ⁴S/17710.