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TWENTY-SIXTH YEAR

**1592<sup>nd</sup>** MEETING: 12 OCTOBER 1971

NEW YORK

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## FIFTEEN HUNDRED AND NINETY-SECOND MEETING

Held in New York on Tuesday, 12 October 1971, at 3.30 p.m.

*President:* Mr. Guillermo SEVILLA SACASA (Nicaragua).

*Present:* The representatives of the following States: Argentina, Belgium, Burundi, China, France, Italy, Japan, Nicaragua, Poland, Sierra Leone, Somalia, Syrian Arab Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

### Provisional agenda (S/Agenda/1592)

#### 1. Adoption of the agenda.

#### 2. Complaint by Zambia:

Letter dated 6 October 1971 from the Permanent Representative of Zambia to the United Nations addressed to the President of the Security Council (S/10352).

### Adoption of the agenda

*The agenda was adopted.*

### Complaint by Zambia

Letter dated 6 October 1971 from the Permanent Representative of Zambia to the United Nations addressed to the President of the Security Council (S/10352)

1. The PRESIDENT (*interpretation from Spanish*): In accordance with the decision previously taken by the Council, and with the Council's consent, I invite the representative of Zambia to be seated at the Council table and I invite the representatives of the United Republic of Tanzania, South Africa, Kenya, Nigeria, Guinea, Yugoslavia, India and Pakistan to take the places reserved for them in the Council Chamber, on the understanding that they will be seated at the Council table when they wish to speak.

*At the invitation of the President, Mr. V. J. Mwaanga (Zambia) took a place at the Council table; and Mr. S. A. Salim (United Republic of Tanzania); Mr. C. F. G. von Hirschberg (South Africa); Mr. J. Odera-Jowi (Kenya); Mr. E. O. Ogbu (Nigeria); Mr. D. Camara (Guinea); Mr. L. Mojsov (Yugoslavia); Mr. S. Sen (India) and Mr. A. Shahi (Pakistan) took the places reserved for them.*

2. The PRESIDENT (*interpretation from Spanish*): The Council will now continue consideration of the item on its agenda. I would draw the attention of members of the

Council to the revised text of the draft resolution [S/10365/Rev.1], co-sponsored by Burundi, Sierra Leone and Somalia, which was distributed a few minutes ago.

3. Mr. FARAH (Somalia): During our meeting yesterday evening I informed you, Sir, and through you the members of this Council that the African members of the Council had proceeded to rewrite the draft resolution which had been presented to the Council on 8 October [S/10365] and that the reformulation of the draft resolution had taken into account extensive consultations that had taken place between African members and delegations on the Council.

4. When my delegation spoke on this matter in the debate on 8 October, I posed the following question:

"... in what manner can this Organization assist a Member State such as Zambia, which falls victim to the aggressive policies of the South African régime?" [1590th meeting, para. 161.]

5. At that time I suggested that the least that this Council could do in the present case was

"... in a clear and concise manner, draw attention to the principle that violations of sovereignty and territorial integrity of a State are contrary to the Charter of the United Nations, that the violations committed by South Africa against the sovereignty and territory of Zambia are to be condemned, and that South Africa must desist from committing any further violations." [Ibid., para. 162.]

6. When the draft resolution contained in document S/10365 was presented to this Council by the representative of the Syrian Arab Republic on behalf of his country and of Burundi, Sierra Leone and Somalia, its text to us represented the minimum action which this Council should take under the set of circumstances with which Zambia has been faced over the past two years, and particularly those arising from the incident of 5 October. However, we have found that it is not always possible to obtain a line of action which would be commensurate with the gravity of a situation because of certain positions adopted by members of this Council. For those reasons, but without compromising on any principle, the three African countries decided to rewrite the draft resolution to take into account the various positions of members and to bring forward a resolution which in our opinion would receive a unanimous vote.

7. The text of the revised draft resolution is contained in document S/10365/Rev.1 of 12 October 1971. Before

proceeding to introduce its different provisions, I should like to draw attention to an amendment to operative paragraph 3. That paragraph has been amended to read as follows:

*"Further declares that in the event of South Africa violating the sovereignty or the territorial integrity of Zambia, the Security Council will meet again to examine the situation further in accordance with the relevant provisions of the Charter."*

8. This latest amendment goes to illustrate the extensive consultations which members of the African group have had with various delegations here. It is our hope that this revised draft resolution will evoke no abstentions, will bring no ill-will, will call for no misgiving, but will be adopted unanimously. What does it say? The preambular paragraphs are quite straightforward.

9. The first mentions the letter of complaint [S/10352] which was addressed to this Council by the Permanent Representative of Zambia and also the letter [S/10364] from 47 Member States of this Organization which associate themselves with the complaint of Zambia and have expressed solidarity with and sympathy for the cause of the Zambian people in their present crisis.

10. The second preambular paragraph takes note of the statements made by the Permanent Representative of Zambia concerning violations of the sovereignty, airspace and territorial integrity of Zambia by South Africa.

11. The third preambular paragraph takes note of the statement by the Minister for Foreign Affairs of the South African Republic.

12. The fourth preambular paragraph enunciates an important principle of international relations in that Member States must refrain from resorting to the threat or the use of force against the territorial integrity or political independence of any State.

13. The fifth preambular paragraph recalls the fact that the Council is conscious of its responsibility to take efficient collective measures to prevent and eliminate threats to peace and security. My delegation has in many forums of this Organization drawn attention to the grave situation which has developed in southern Africa as a result of the racist and imperialist policies of South Africa. We believe that the Security Council cannot ignore these realities without imperilling its own efficiency and departing from its own responsibilities.

14. The operative paragraphs have been kept to three. The first of these reiterates the principle that any violation of the sovereignty and territorial integrity of a Member State is contrary to the Charter of the United Nations. I think that on that score there is complete unanimity.

15. Operative paragraph 2 calls upon South Africa fully to respect the sovereignty and territorial integrity of Zambia. In the opinion of the co-sponsors that goes to the heart of the matter. South Africa must be made to respect the sovereignty and territorial integrity of Zambia.

16. What makes the position of South Africa perhaps even more deplorable is the fact that South Africa has been able to launch violations against the integrity of Zambia from an international Territory over which the United Nations for all purposes exercises complete authority. If any further violations occur and if any loss of life is involved and property destroyed, I cannot see how the United Nations can escape responsibility in this respect.

17. The last operative paragraph declares that in the event of South Africa violating the sovereignty or the territorial integrity of Zambia the Security Council will examine the situation further in accordance with the provisions of the Charter.

18. Yesterday we had hoped that the Council would be in a position to take its decision on this matter. However, we the co-sponsors were called upon to desist from pressing for a vote and I think the last 24 hours have been most fruitful. We have now produced a draft resolution which we hope will be adopted unanimously.

19. The PRESIDENT (*interpretation from Spanish*): We have taken note of the amendment incorporated in the revised draft resolution proposed by the delegations of Burundi, Sierra Leone and Somalia [S/10365/Rev.1].

20. We are gratified at the efforts made to arrive at a draft resolution deserving of general acceptance. I shall now put to the vote the revised draft resolution, as amended by the representative of Somalia.

*A vote was taken by show of hands.*

*The draft resolution was adopted unanimously.<sup>1</sup>*

21. The PRESIDENT (*interpretation from Spanish*): As your President I am very pleased with this result, which reflects the collective effort made to arrive at this decision. As President of the Security Council I wish to thank the members of the Council for the efforts they have made. We thank the co-sponsors for submitting a revised draft which was able to achieve the unanimity of the votes. That is a praiseworthy step taken by this international forum—the Security Council—in which we participate.

22. I shall now call on delegations which wish to explain their votes.

23. Mr. PHILLIPS (United States of America): My delegation has a few comments it would like to make with respect to the resolution which has just been adopted by the Council and for which we voted.

24. My delegation gave careful study to the statements that were made to the Council. We noted that they were not fully consistent—they sometimes left open some question as to the timing, the nature or the extent of incidents that may have taken place along the border between Zambia and Namibia.

25. However, it is clear—and my Government quite understands this—that tension and apprehension have arisen over

<sup>1</sup> See resolution 300 (1971).

the possibility that incidents of this kind might arise in the future. Moreover, incidents in that region are of particular concern because the United Nations has recognized responsibilities for the international Territory of Namibia. In this connexion we reaffirm our support for General Assembly resolution 2145 (XXI) and the conclusion in paragraph 133 (1) of the Advisory Opinion of the International Court of Justice<sup>2</sup> that South Africa's presence in Namibia is illegal and that South Africa has a legal obligation to withdraw from Namibia.

26. My delegation believes it appropriate and proper that the resolution reminds Member States that they must refrain in their relations from resorting to the threat or the use of force. We believe that both in word and in deed care should be taken by all parties concerned so that tensions are not exacerbated. In this connexion, unauthorized crossings of international frontiers by irregular forces or armed bands is contrary to the principles of the Charter. We believe that this Council's resolutions in this and other comparable situations are deficient when they do not make this unmistakably clear. In our view this resolution would contribute more surely to a reduction of tensions in the area if it were explicit on this point.

27. We have none the less given our support to this resolution in the hope that it will encourage all the parties concerned to exercise restraint and assist the United Nations by all peaceful means to meet its responsibilities for Namibia and promote peace and security in the region.

28. It is our desire that the resolution just adopted should play its part in allaying the tension which has arisen in the area, and we trust that it will thereby provide a fitting context for the discussions on the question of Namibia which are to follow.

29. Mr. VINCI (Italy): We for our part have examined carefully the complaint by Zambia that on 5 October units of the South African army illegally entered Zambian territory, allegedly pursuing guerrillas who had planted mines on the border between the Caprivi Strip and Zambia.

30. We were glad to learn from the statement made by the representative of Zambia that no shots had been fired inside Zambian territory and, happily, that the Zambian Government did not have to lament loss of life or damage. We also heard that the Foreign Minister of South Africa, who denied that the South African police had crossed the Zambian border on 5 October. We took note of his statement to the effect that: "It is the policy of the Government of South Africa to avoid border incidents and violations of the airspace of neighbouring countries." [1590th meeting, para. 72.]

31. The representative of Zambia also recalled other incidents, most of which appear to have taken place in 1968 and in early 1970. We learned also that most of those incidents, which were not reported at the time to the

Council, were properly dealt with by the parties through exchanges of notes in conformity with Article 33 of the Charter and—if I may be permitted to refer to a recommendation of another body—with paragraph 6 of the Declaration on the Strengthening of International Security [General Assembly resolution 2734 (XXV)].

32. South Africa, on the other hand, has maintained that violations of airspace are sometimes committed by Zambian aircraft. We think that those violations, if they are really taking place as alleged, are committed by civilian aircraft, whereas in the case of South Africa military aircraft are apparently involved.

33. We have greatly appreciated the spirit of understanding and conciliation shown by co-sponsors of the first draft of the resolution and the subsequent efforts they made to reformulate and rewrite the text—to use the words of the representative of Somalia. Another amendment put forward by the representative of Somalia undoubtedly served to improve the text further, and I wish to express my sincere appreciation to him.

34. Taking into account the considerations I have developed we should have preferred, however, a more concise and more sober resolution, one adhering more closely to the relevant information provided to the Council. We voted in favour of the draft resolution because the facts reported to us are proof of the prevailing uneasiness in the area and are fraught with danger, as they may create a risk of tension. They raise, therefore, some concern in our minds, particularly as they are compounded by the fact that the refusal of South Africa to comply with its obligations as a Member State under Articles 73, 77, 79 and 80 (2) of the Charter is preventing this Organization from playing its institutional role under Chapter XII which, in our opinion, would be beneficial to all the parties concerned since it would remove the causes of tension.

35. Mr. KOSCIUSKO-MORIZET (France) (*interpretation from French*): Following a debate during which we feared that it might encompass certain matters close to the main subject, we have come to the crux of the matter, as Ambassador Farah pointed out a moment ago. Of course, some might have thought it possible to avoid a lengthy debate. We all know that we should not hold too many meetings of the Security Council as this would not be in the interests of the Member States, the Council itself, or the United Nations. The Ambassador of Zambia came here, however, to express to us the misgivings of his country. Consequently it was desirable for us to reassure him, and also for the Council to express its concern.

36. The unanimously adopted resolution achieves this purpose. It is firm, precise and measured in its contents. We should consequently thank the co-sponsors, you yourself, Mr. President, and also Ambassador Mwaanga whose great African wisdom has been recognized by us all. We wished to stress the anxiety of the Security Council to preserve the territorial integrity and sovereignty of a Member State.

37. We believe that all the States directly concerned will abide by the text of the resolution. We ourselves have no doubts on this score. In any case, it was desirable for the

<sup>2</sup> Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J., Reports 1971, p. 16.

Security Council to provide the Republic of Zambia with this assurance. This is why we voted for the resolution.

38. The CHAIRMAN (*interpretation from Spanish*): I am grateful to the representative of France for his cordial reference to my part in this matter.

39. I now call on the representative of Zambia.

40. Mr. MWAANGA (Zambia): I should like to say a few words about the resolution which has just been adopted unanimously by the Security Council on the question of South Africa's aggression against my country, the Republic of Zambia. I must state from the outset that the Council has done us a lot of injustice by giving South Africa such a mild reprimand. The resolution which has just been adopted obviously does not meet the requirements of the situation, but we welcome it in a spirit of co-operation and compromise as the very barest minimum action the Security Council can take under the circumstances.

41. We also recognize that the composition of the Security Council, particularly this year, is not loaded in favour of African questions, particularly those questions affecting the white minority régimes of South Africa. We have noticed a detestable tendency on the part of some members of the Security Council to over-protect the white racist minority régimes in southern Africa.

42. The Security Council, in my opinion, has set a very dangerous precedent which will definitely not give any comfort to Zambia and many other small and weaker States, not only in Africa but in various parts of the world. The hope which we have always had in the ability of the Security Council to protect small States against aggression has obviously been shattered, perhaps for good.

43. The victory which we have just won following the acceptance by the Security Council of our well-documented charges against the white racist régime in Pretoria is not an important victory from our point of view. Our victory was won on the day the Security Council began its consideration of this question. Our complaint was supported by an unusually large number of States—47 in all, in the present case—and by the large number of Foreign Ministers and Permanent Representatives from all continents of the world

who spoke in turn, strongly condemning South Africa for its premeditated acts of aggression against Zambia. This is the victory we celebrate here.

44. There are many friends who have supported us, both inside and outside the Council, throughout our consideration of this very difficult problem. We have learned a lot about the attitude of States, and particularly of the members of the Security Council, to our problem, and we have indeed drawn very many bitter conclusions. We only wish to say that one day, gentlemen, we shall be strong enough not to require your support, because it is only by strengthening ourselves that we can assure our security. We now realize that our security does not lie in this Chamber. It lies in our own ability to defend and protect our territorial integrity.

45. It is our understanding that the resolution which has just been adopted, and particularly paragraph 3, is an indication that in the event of any further violation by South Africa of our territorial integrity, our airspace, our sovereignty, the Security Council will meet again to consider further measures, not excluding measures under Chapter VII of the United Nations Charter.

46. I should like to thank you personally, Mr. President, for the very active role you have played in bringing about a spirit of understanding among members of the Security Council. I should also like to thank the co-sponsors of the resolution which has just been adopted by the Security Council for their very constructive role and the support which they have given us throughout the extremely difficult negotiations we have had.

47. It is our hope that the Security Council will remain actively seized of this matter, and that when next we bring our complaint to the Security Council, if we do have occasion to do so, the Council will adopt a resolution which will meet the demands of the situation.

48. The CHAIRMAN (*interpretation from Spanish*): The Council will meet tomorrow at 10.30 a.m. to consider the question of Namibia.

*The meeting rose at 5.30 p.m.*

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