

Following a brief suspension of the meeting, the representative of Somalia requested separate votes on the second and fifth preambular paragraphs and operative paragraphs 3, 4, and 5.³⁷⁴

At the same meeting the draft resolution was put to the vote with the following results:³⁷⁵

The second preambular paragraph, which would have the Council note that the proposals for a settlement had not been negotiated in consultation with the accredited political leaders of the majority of the people of Southern Rhodesia, was adopted by 10 votes to none, with 5 abstentions.

The fifth preambular paragraph, which stated that the Council was mindful of the conditions necessary to permit the free expression of the right to self-determination, was adopted by 14 votes to none, with 1 abstention.

Operative paragraph 3 was adopted by 14 votes to none, with 1 abstention.

Operative paragraphs 4 and 5 were each adopted by 10 votes to none, with 5 abstentions.

The draft resolution as a whole failed of adoption, owing to a negative vote by one of the permanent members of the Security Council. It received 9 votes in favour, 1 against with five abstentions.³⁷⁶

COMPLAINT BY ZAMBIA

INITIAL PROCEEDINGS

By letter³⁷⁷ dated 15 July 1969 addressed to the President of the Security Council, the Permanent Representative of Zambia requested an early meeting of the Council to discuss the recent Portuguese violations of the territorial integrity of Zambia, and also the bombing of a village, destruction of property and the wounding and killing of two innocent and unarmed civilians at Lote village in the Katete District of Eastern Province of Zambia on 30 June 1969. He recalled that several unprovoked activities of the Portuguese Government had been brought to the attention of the Security Council and added that the recent aggression was a proof of the bellicose intentions of the Lisbon Government. Lest its application of the inherent right of self-defence as envisaged in Article 51 of the Charter might result in a more serious situation, his Government now requested the Security Council to take corrective measures in order to bring an end to those acts which constitute a threat to international peace and security.

Subsequently, in a letter³⁷⁸ dated 18 July 1969 addressed to the President of the Council, thirty-five Member States acting on behalf of the Organization of African Unity expressed their support for the request for a meeting of the Security Council.

At the 1486th meeting on 18 July 1969, the item was included in the Council's agenda.³⁷⁹ The Council considered the question at its 1486th to 1491st meetings between 22 and 29 July 1969. The representatives

of Portugal,³⁸⁰ Tanzania,³⁸¹ Somalia,³⁸² Kenya,³⁸³ the United Arab Republic,³⁸⁴ Liberia, Madagascar, Sierra Leone, Tunisia, Gabon,³⁸⁵ and Democratic Republic of the Congo³⁸⁶ were invited to participate in the discussions.

At the 1486th meeting the representative of Zambia* stated that since his request for a meeting there was yet another armed attack by Portuguese soldiers on Zambian civilians in Balovale District which had resulted in the killing of two persons. He further stated that the reason why his Government had not brought the matter to the Council sooner was that it thought it preferable to resolve such matters bilaterally. However, since the Portuguese authorities had become intransigent, his Government found it necessary to seek now recourse before the Council. He further stated that in the period between 18 May 1966 and 30 June 1969 there were some sixty Portuguese military incursions into the Zambian territory, thirty-five by land and twenty-five by air. Those were aggressive acts causing a continuous turmoil and instability and threatening the peace and security not only in Zambia alone but in Africa as a whole. They were in open violation of Article 2, paragraph 4 of the Charter.

The representative of Zambia went on to recount a few of the instances of the alleged Portuguese armed aggression against Zambian territory as well as technical data relating to fragments of bombs, mines and grenades so as to substantiate the direct involvement of the Portuguese armed forces in the incidents complained of and to indicate to the members of NATO that such arms as they made available to Portugal were being used not for the defence of Portugal or for the member countries of NATO, but for the oppression of the peoples of Mozambique and Angola and for launching attacks against Zambia. In the light of this chain of acts of aggression, it was incumbent upon the Council to consider whether Portugal, a Member of the United Nations, was observing that principle. In conclusion, the representative of Zambia, after stating that his Government reserved its inherent right to take action in self-defence under Article 51 of the Charter, requested the Council to condemn Portugal for its unprovoked and premeditated aggression against unarmed Zambian civilians, to call on Portugal to cease all its acts of aggression, to return Zambian nationals kidnapped by Portuguese soldiers in Angola and Mozambique and to demand that it make amends for the destruction of Zambian homes and property.³⁸⁷

The representative of Portugal* stated that he found it strange that the Zambian Government had brought the matter to the Security Council bypassing bilateral talks which had been adopted by agreement by the two Governments. Moreover, its allegations lacked any substance. The only incident concretely mentioned which was alleged to have taken place on 30 June, i.e., the bombing of Lote village in Eastern Zambia, was also devoid of any foundation. He further wondered why the representative of Zambia should have submitted to the Council a list of incidents which took place since 1966 inasmuch as all those past incidents

³⁷⁴ 1623rd meeting paras. 249-259.

³⁷⁵ *Ibid.* paras. 266-272.

³⁷⁶ *Ibid.* para. 272.

³⁷⁷ S/9331, O.R. 24th yr., Suppl. for July-Sept. 1969, p. 127.

³⁷⁸ S/9340 and Add.1 -3, *ibid.*, p. 131.

³⁷⁹ 1486th meeting, preceding para. 1.

³⁸⁰ *Ibid.*, para. 1.

³⁸¹ 1487th meeting, para. 12.

³⁸² *Ibid.* para. 13.

³⁸³ 1488th meeting, para. 2.

³⁸⁴ *Ibid.*, para. 44.

³⁸⁵ 1489th meeting, para. 2.

³⁸⁶ *Ibid.*, para. 31.

³⁸⁷ 1486th meeting, paras. 6-9, 14-21, 51, 52, 58.

had been considered as settled through bilateral talks. He went on to say that there had been no incidents prior to 1966. However, in 1966 the Zambian Government decided to open its territory to hostile activities against Angola and Mozambique; it had authorized in its territory the establishment of training and supply bases for armed attacks on the adjoining Portuguese territories.

It was therefore the Zambian Government that had embarked on a policy of hostility to Portugal, its policy of permitting violence against Portugal gave rise to attacks carried out from Zambian territory against Portuguese territories.

The Portuguese Government, faced with that situation, had on the one hand, tried to reason with Zambia and on the other, had issued strict instructions to its own security forces to respect the territorial integrity and the sovereignty of the Republic of Zambia. Moreover, it could not allow its security forces in the frontier area to be harassed and fired upon by hostile elements stationed across the border without those security forces reacting in self-defence. It was up to the Zambian Government to take measures to stop the firing across the border from its territory into Portuguese territory. Thus his Government expected the Security Council to call upon the Government of Zambia to abide by the norms of international good conduct in this respect.

He further emphasized that not only had the Zambian Government authorized hostile elements to carry out unlawful violent activities against the Portuguese security forces, but also Zambian armed forces were sometimes involved in the incidents. Portuguese air space had also been repeatedly violated by the Zambian Air Force. Thus, Portugal had patiently tried to come to an understanding with Zambia through their bilateral talks in New York, London and Zambia itself. But Zambia did not seem to want that understanding and instead brought unfounded charges against Portugal before the Security Council.

In conclusion, the representative of Portugal stated that his Government would give Zambia all assurances of its continued desire of co-operation and good neighbourliness and he wished that Zambia would still come to realize the advantages of mutual co-operation in the furtherance of the well-being of the respective populations. Referring to Article 33 of the Charter, he expressed the belief that the Luso-Zambian Mixed Commission might still be an instrument of understanding and co-operation between Zambia and Portugal.³⁸⁵

In reply, the representative of Zambia,* referring to the Portuguese assertion of the existence of a permanent Zambian-Portuguese commission to deal with frontier incidents, stated that there had never been a permanent Zambian-Portuguese joint commission to look into such border incidents. Only committees from both sides had met from time to time on an *ad hoc* basis. Zambia, he added, had used that channel in the past. However, no sooner had an agreement been reached than the Portuguese attacked another Zambian village. As to the complaint of the representative of Portugal about the activities of the Angolan and Mozambique nationals inside Mozambique or inside Angola, he asserted that the Government of Zambia could not accept responsibility for them since that was the

responsibility of the Government of Portugal as it was the duty of every Government to control the activities of its own nationals.³⁸⁹

At the 1488th meeting on 23 July 1969 the representative of Portugal,* commenting on the specific charges brought by Zambia to the Council, stated that it became apparent that either the Zambian Government could not or did not wish to control its frontiers. Nevertheless, it could not escape responsibility for the attacks made on Portuguese territory. In conclusion, he denied the allegations that his Government was using NATO arms in Africa.³⁹⁰

At the 1489th meeting on 24 July 1969 the representative of Zambia* stated that his Government had brought the Lote incident to the Council because for four years Portugal had been violating its territorial integrity. In connexion with three series of incidents, the Zambian Government had invited the representatives of the Portuguese Government to see for themselves the results of their aggression. They accepted responsibility only for one incident. For the two other incidents, they claimed that they had acted in the exercise of the so-called right of pursuit. Following that rejection, the Zambian Government had come to the conclusion that pacific settlement had no meaning for the Portuguese.

Decision of 28 July 1969 (1491st meeting) : resolution 268 (1969)

At the 1491st meeting on 28 July 1969 the representative of Pakistan introduced a draft resolution jointly sponsored by Algeria, Nepal, Pakistan and Senegal.³⁹¹ Subsequently, the President put to the vote the four-Power draft resolution which was adopted³⁹² by 11 votes in favour, none against, with 4 abstentions. The resolution³⁹³ read:

"The Security Council,

"Having heard the statements by the parties,

"Mindful of its responsibility to take effective collective measures for the prevention and removal of threats to international peace and security,

"Bearing in mind that all States should 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 manner inconsistent with the purposes of the United Nations,

"Concerned about the grave situation created by the Portuguese bombing of Lote village in the Katete District of the Eastern Province of Zambia bordering the Territory of Mozambique,

"Gravely concerned that incidents of this nature endanger international peace and security,

"1. **Strongly censures** the Portuguese attacks on Lote village in the Katete District of the Eastern Province of Zambia resulting in the loss of Zambian civilian life and property;

"2. **Calls upon** Portugal to desist forthwith from violating the territorial integrity of, and from carrying out unprovoked raids against, Zambia;

"3. **Demands** the immediate release and repatriation of all civilians from Zambia kidnapped by

³⁸⁹ *Ibid.*, paras. 109, 110, 112.

³⁹⁰ 1488th meeting, paras. 27, 28, 40-42.

³⁹¹ 1491st meeting, paras. 3, 4.

³⁹² *Ibid.*, para. 26.

³⁹³ Resolution 268 (1969)

³⁸⁸ 1486th meeting, paras. 63-69, 71, 73, 74, 85, 86, 92.

Portuguese military forces operating in the colonial Territories of Angola and Mozambique;

"4. **Further demands** from Portugal the return of all property unlawfully taken by Portuguese military forces from Zambian territory;

"5. **Declares** that in the event of failure on the part of Portugal to comply with paragraph 2 of the present resolution, the Security Council will meet to consider further measures;

"6. **Decides** to remain seized of the matter."

Decision of 12 October 1971 (1592nd meeting): resolution 300

By letter³⁹⁴ dated 6 October 1971 addressed to the President of the Security Council, the Permanent Representative of Zambia requested to convene as soon as possible a meeting of the Council to consider a series of serious incidents and violations of the sovereignty, air space and territorial integrity of Zambia by the forces of the Government of South Africa. In the letter it was further stated that for a considerable time numerous such incidents had taken place at the border area between Zambia and the international Territory of Namibia, where South Africa illegally maintained its military and police forces to suppress the Namibian liberation movement. As recently as 5 October 1971 South African forces illegally crossed into Zambian territory from the Caprivi Strip of Namibia.

In a letter³⁹⁵ dated 7 October 1971 addressed to the President of the Council, forty-seven Member States³⁹⁶ associated themselves with Zambia's request for the convening of the meeting. Subsequently, Lesotho also associated itself with the request for a meeting of the Council.³⁹⁷

At the 1590th meeting on 8 October 1971, the item was included in the Council's agenda. The Council considered the question at its 1590th to 1592nd meetings held between 8 and 12 October 1971. The representatives of Zambia, Tanzania, Nigeria, South Africa, Kenya,³⁹⁸ Guinea,³⁹⁹ Yugoslavia,⁴⁰⁰ India and Pakistan⁴⁰¹ were invited to participate in the discussions.

At the 1590th meeting on 8 October 1971, the representative of Zambia* stated that there had been a series of systematic and premeditated violations of the sovereignty, air space and territorial integrity of Zambia by the armed forces of South Africa. On 5 October 1971, at 19:30 hours Zambian time, units of the South African Army entered Zambia illegally at Katime Mulilo in speed-boats and helicopters, allegedly pursuing freedom-fighters who they assumed had entered the Caprivi Strip in the United Nations Territory of Namibia, through Zambia. After having

³⁹⁴ S/10352, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 20.

³⁹⁵ S/10364, *Ibid.*, p. 24.

³⁹⁶ *Ibid.*, Forty-seven Member States: Algeria, Barbados, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Democratic Republic of), Dahomey, Egypt, Ethiopia, Equatorial Guinea, Gabon, Gambia, Ghana, Guinea, Guyana, India, Ivory Coast, Jamaica, Kenya, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Pakistan, People's Republic of the Congo, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Upper Volta, Yugoslavia and Zambia.

³⁹⁷ S/10368, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 25.

³⁹⁸ 1590th meeting, paras. 1-2.

³⁹⁹ *Ibid.*, para. 143.

⁴⁰⁰ 1591st meeting, para. 2.

⁴⁰¹ *Ibid.*, paras. 3-4.

spent some time searching vainly inside Zambia, the South African armed forces retreated to their military base at the Caprivi Strip. He further enumerated 24 incidents which had occurred between 26 October 1968 and 5 October 1971. Those serious incidents were conducted against Zambia because it happened to border the international territory of Namibia which was under an illegal minority régime; it believed in a policy of non-racialism; it was opposed to a dialogue with South Africa and the so-called outward looking policy; it believed that the peoples of southern Africa and Guinea-Bissau had the right to self-determination and independence in accordance with General Assembly resolution 1514 (XV); it was opposed to white supremacy; and it adhered to its obligations under Article 25 of the Charter. The Zambian Government, he stressed, had no responsibility for the activities of the Namibian freedom-fighters inside Namibia in their just struggle to resist South Africa's occupation and oppression.

Furthermore, South Africa had interfered in the domestic affairs of Zambia by financing opposition parties inside Zambia. While Zambia desired peace and stability on its borders, it was unrealistic to talk about peace with South Africa until the major problems of apartheid and race were resolved. Although he had certain reservations regarding the sending of fact-finding missions, his Government would welcome the despatch of such a mission by the Council provided it would also be given uninhibited access to Namibia.⁴⁰²

At the same meeting the representative of South Africa* stated that on 4 and 5 October incidents had indeed occurred in the Caprivi Strip. On 4 October members of the South African police force were patrolling near the border between the Eastern Caprivi and Zambia when their vehicle was hit by a land mine. As a result, four of the occupants were seriously injured. On the following day, when other members of the police force were dispatched to investigate the incident, another land mine exploded, killing one of the police officers. The trail of four persons was found leading from the direction of the Zambian border to the location of the land mine and back again in the direction of the Zambian border. The Prime Minister of South Africa had repeatedly warned that his country would not tolerate attacks upon its people or the people of "South West Africa" from across the borders of the Republic or of the Territory. Steps were being taken to pursue the culprits and the pursuers would defend themselves if they were attacked. The South African police force, however, had not crossed the Zambian border. They had followed the trail left by the four persons to where it had disappeared within the area of the Caprivi Strip and had returned to their stations. He admitted that unauthorized border crossings and trespassing in air-space had previously occurred in the area of the Zambian Eastern Caprivi border, but both sides had been responsible, not only South Africa. They were unintentional and were caused by the twisting river boundary between Zambia and the Caprivi Strip and the fact that the border was not always in the mid-stream.

In the period between 23 October 1969 and 5 May 1970, Zambia complained of eight violations of air space by South Africa. On the other hand, Zambia had between November 1969 and July 1971 violated South West African air space on twelve occasions. He stressed that the charges of the Zambian Government were

⁴⁰² 1590th meeting, paras. 7-23.

entirely unfounded. However, there were incidents of a far more serious nature which involved the infiltration of armed bands across the border from Zambia into the Caprivi Strip causing death and destruction. Five mine explosions had occurred in 1971. Those armed bands operated from camps situated in Zambia, they were given shelter on **Zambian** soil and received the support of the Zambian Government. The South African Government had asked Zambia to prevent armed incursions from Zambia into South West Africa, but there had been no response. While it was the policy of his Government to avoid border incidents and violations of the air space of neighbouring countries, in the case of incursions of terrorists, it had a duty to protect the inhabitants of South Africa and "South West Africa" against the acts of terrorism and such acts would not be tolerated.⁴⁰³

At the same meeting the representative of the Syrian Arab Republic introduced⁴⁰⁴ a draft resolution jointly sponsored by Burundi, Sierra Leone, Somalia and the Syrian Arab Republic.

At the 1592nd meeting on 12 October 1971, the representative of Somalia stated that as a result of extensive consultations among the members of the Council, the three African sponsoring countries had decided⁴⁰⁵ to revise the draft resolution to take into account the various positions of members and to bring forward a resolution which would ensure a unanimous vote,

The President then put to the vote the revised draft resolution which was adopted⁴⁰⁶ unanimously. The text⁴⁰⁷ read as follows:

"The Security Council,

"Having received the letter of the Permanent Representative of Zambia contained in document S/10352 and also the letter from 47 Member States contained in document S/10364,

"Taking note of the statements made by the Permanent Representative of Zambia at its 1590th meeting, concerning violations of the sovereignty, air space and territorial integrity of Zambia by South Africa,

"Taking note of the statement made by the Minister of Foreign Affairs of the Republic of South Africa,

"Bearing in mind that all Member States must refrain in their relations from resorting to threat or the use of force against the territorial integrity or political independence of any State,

"Conscious that it has the responsibility to take efficient collective measures to prevent and eliminate threats to peace and security,

"Concerned by the situation on the borders of Zambia and Namibia, in the vicinity of the Caprivi Strip,

"1. Reiterates that any violation of the sovereignty and territorial integrity of a Member State is contrary to the Charter of the United Nations;

"2. Calls upon South Africa to fully respect the sovereignty and territorial integrity of Zambia;

"3. 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."

SITUATION IN NORTHERN IRELAND

INITIAL PROCEEDINGS

In a letter⁴⁰⁸ dated 17 August 1969, the representative of Ireland requested, in accordance with Article 35 of the Charter, an urgent meeting of the Security Council. It was stated in the letter that the preceding week had witnessed the development of a situation in the six counties of Northern Ireland, resulting from the continuous suppression of the people of these counties. The Royal Ulster Constabulary had been unable to control that situation and that had led to the intervention of British military forces. Proposals by his Government that the United Kingdom ask for the dispatch of a United Nations peace-keeping force and, subsequently, that a joint British-Irish peace-keeping force be established had been rejected by the British Government. The Government of Ireland therefore felt obliged to appeal to the Security Council for the dispatch of a United Nations peace-keeping force, since it could not stand by and see the people in the six counties of Northern Ireland suffer injury; nor could it tolerate the tensions created along the border between the two areas which might give rise to serious disturbances in its own State. The letter requested that the Irish delegation be permitted to be heard at all stages of the consideration by the Council in order to present its case.

The Security Council met to consider the situation in Northern Ireland at its 1503rd meeting held on 20 August 1969.

In connexion with the adoption of the agenda, the representative of the United Kingdom stated that the principle of domestic jurisdiction set out in Article 2, paragraph 7 of the Charter was fundamental. If this principle were breached or eroded, the consequences would be most serious for the United Nations.⁴⁰⁹

The representative of Finland proposed that the Security Council, before taking a decision on its agenda, invite the Minister for External Affairs of Ireland to make a statement to the Council in explanation of his Government's request for the meeting of the Security Council.⁴¹⁰

Decision of 20 August 1969 (1503rd meeting):

Statement by the President

At the 1503rd meeting on 20 August 1969, the President (Spain) stated that the Security Council, before taking a decision on the provisional agenda, agreed to invite the Minister for External Affairs of Ireland to make a statement to the Council in explanation of his Government's request for an urgent meeting of the Security Council.⁴¹¹

At the same meeting, the Minister for External Affairs of Ireland,* after taking exception to the argument that the situation in Northern Ireland fell exclu-

⁴⁰³ 1590th meeting, paras. 59-72.

⁴⁰⁴ *Ibid.*, paras. 175-177.

⁴⁰⁵ 1592nd meeting, paras. 3-18.

⁴⁰⁶ *Ibid.*, para. 20.

⁴⁰⁷ Resolution 300 (1971).

⁴⁰⁸ S/9394, OR, 24th yr., Suppl. for July-Sept, 1969, p. 159.

⁴⁰⁹ 1503rd meeting, paras. 2-14. For consideration of Article 2(7), see in chapter XII, Case 12.

⁴¹⁰ 1503rd meeting, paras. 15-17.

⁴¹¹ *Ibid.*, para. 20.