

At the 2417th meeting, on 23 February 1983, the representative of Poland recalled that the States members of the Warsaw Pact for years had been putting forward proposals concerning the lowering of the level of deployment of the naval forces of the opposing military blocs in the Mediterranean. They were in favour of withdrawing nuclear-equipped vessels from the Mediterranean and of renouncing the deployment of nuclear weapons on the territory of Mediterranean non-nuclear countries.<sup>8</sup>

The representative of Viet Nam mentioned the **anachronistic** position of the United States with regard to the extent of the territorial waters of coastal States. Ignoring the new United Nations Convention on the Law of the Sea, which had extended the territorial waters to 12 nautical miles, the United States Administration persisted in recognizing a limit of only 3 miles.<sup>8</sup>

At the 2418th meeting, on 23 February 1983, the representative of Pakistan said that the air and naval activities in the eastern Mediterranean had created fears concerning their impact on the **security** of States of the region. Pakistan had taken note of the expression of those fears and hoped that States Members of the United Nations would have recourse to the Council whenever they perceived a threat to their security, instead of resorting to the threat or use of force to achieve their objectives. Only in that way would the Council be enabled to function as an effective instrument for the maintenance of **international** peace and security as provided for by the Charter. He appealed to all the parties concerned to co-operate in taking steps to reduce tension in the region and to avoid any precipitate action that might endanger international peace and **security**.<sup>9</sup>

Then the President, speaking in his capacity as representative of the Soviet Union, said that for some years the authorities in Washington had been pursuing a systematic campaign of threats and intimidation **against** the Libyan Arab Jamahiriya and its leaders. The United States was seeking to militarize the region of the Middle East, to expand direct American military presence and to interfere in the affairs of States in that area. In places beyond the reach of its strategic ally--Israel--Washington turned up as a self-styled **arbiter** trying to dictate its conditions to other countries. There was another aspect of those recent events, which should not be forgotten: Was the Libyan Arab Jamahiriya the only target of the United States attempts to wave the big stick? It would be closer to the truth to say that the actions of the Administration were aimed against all non-aligned countries, particularly those that did not want to go along with the hegemonistic policies of the United States aimed at subverting the basis of international relations, leading to a further exacerbation of tension in that already explosive region of the Middle East. He called for an immediate end to such acts of provocation against the Libyan Arab **Jamahiriya**.<sup>9</sup>

At the end of the 2418th meeting, the President declared that the Council had concluded for the day its consideration of the agenda item and adjourned the meeting.

## NOTES

<sup>1</sup> S/15615, OR, 38th yr., *Supplement for Jan.-March 1983*.

<sup>2</sup> S/15614, *ibid.*

<sup>3</sup> For further details regarding participation in the proceedings of the Council, see chap. III of the present *Supplement*.

<sup>4</sup> S/10939, OR, 28th yr., *Suppl. for April-June 1973*; S/14094, *ibid.*, 35th yr., *Suppl. for July-Sept. 1980*; S/14636, *ibid.*, 36th yr., *Suppl. for July-Sept. 1981*; S/14860, *ibid.*, 37th yr., *Suppl. for Jan.-March 1982*; and S/15614, *ibid.*, 38th yr., *Suppl. for Jan.-March 1983*.

<sup>5</sup> 2415th mtg.

<sup>6</sup> S/15617, OR, 38th yr., *Suppl. for Jan.-March 1983*.

<sup>7</sup> 2416th mtg.

<sup>8</sup> 2417th mtg.

<sup>9</sup> 2418th mtg.

16. **LETTER DATED 16 MARCH 1983 FROM THE PERMANENT REPRESENTATIVE OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

## INITIAL PROCEEDINGS

**Decision of 6 April 1983: Statement by the President of the Council**

By letter dated 16 March 1983 addressed to the President of the Council, the representative of Chad requested an urgent meeting of the Council in order to consider the extremely serious situation resulting from the occupation of a part of Chad's territory by the Libyan Arab Jamahiriya and from repeated acts of aggression by that country against the people of Chad. The letter charged that since 1973 the Libyan Arab Jamahiriya had occupied a part of Chad's territory commonly known as the Aouzou Strip, and had also **openly** intervened in the internal affairs of Chad in **flagrant** violation of the Charter and of relevant resolutions of the General Assembly.

At its 2419th meeting, on 22 March 1983, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote: the representatives of Chad, the Libyan Arab Jamahiriya, the Ivory Coast, Senegal and the Sudan; at the 2428th meeting, the representatives of Benin, Democratic Yemen, Egypt, Ethiopia, Gabon, Guinea, the Islamic Republic of Iran, Niger, the Syrian Arab Republic and the United Republic of Cameroon; and at the 2429th meeting, the representative of **Ghana**.<sup>2</sup> The Council considered this item at its 2419th and 2428th to 2430th meetings, from 22 March to 6 April 1983.

At the 2419th meeting, the representative of Chad stated that the situation in his country was serious and disturbing because of the outright intervention of the Libyan Arab Jamahiriya in Chad and the occupation by force of the part of Chad territory commonly known as the Aouzou Strip, which in fact represented the Tibesti sub-prefecture of more than 150,000 square kilometres. The Libyan Arab Jamahiriya had attempted to take over that part of Chad's territory as far back as 1971 and had occupied that territory since 1973.

In the view of the Government of Chad, the situation endangered the very existence of Chad as a sovereign State and as a member of the international **community** and it constituted a serious danger to the peace and territory of that part of the African continent.<sup>7</sup>

The representative of the Libyan Arab Jamahiriya stated that the Government led by the **former**

Minister of **Defence**, Hissein Habri, had no legal right to represent the Chad nation. As for the Aouzou Strip, there had never been any sovereignty by Chad over Aouzou throughout history. The Libyan Arab Jamahiriya would not accept consideration of that issue, which had to do with its sovereignty. But the Libyan Arab Jamahiriya was ready to consider any dispute: a good-offices commission had been formed between Chad and the Libyan Arab Jamahiriya and was still in existence. It could be entrusted with the task of considering any dispute. The Libyan Arab Jamahiriya affirmed that it would be ready, as in the **past**, to consider any dispute when there was a **legitimate** Government in Chad recognized by the Organization of African Unity (OAU). The **Libyan Arab Jamahiriya** respected the freedom and territorial integrity of Chad but rejected the notion that there should be interference in **its** affairs and rejected any claim to part of its land.<sup>3</sup>

The representative of Senegal said that the complaint by Chad against the Libyan Arab Jamahiriya was timely. The argument of Chad was based on a number of irrefutable historic and judicial facts. Senegal was a member of the Ad Hoc Commission set up in July 1977 by the Assembly of Heads of State and **Government** of OAU at its fourteenth ordinary session in order to seek ways and means to bring about a peaceful solution to the problem. From the **study of the case, it had become clear that Chad had** legitimate reasons to claim sovereignty over the **Aouzou Strip**. At the time of the signing at Tripoli on 22 March 1966 of the Agreement of **Good-Neighbourliness and Friendship** between Chad and Libya, that **part** of territory was under Chad's administration, as indeed it had been under French administration in the colonial era. Unfortunately, the agreement, as well as the Treaty of Friendship, Co-operation and Mutual Assistance signed on 23 December 1972, had been violated by the Libyan side. Indeed, unilaterally sending troops to Tibesti constituted in itself a violation of the principles of territorial integrity and sovereignty. The most appropriate solution would be for the Council to **prevail** upon the Libyan Arab Jamahiriya to abide by the most **elementary** norms of international morality and law.<sup>3</sup>

The representative of Togo stated that his **Government** recognized States, not individuals, and therefore had recognized the Government of Hissein **Habré**. Togo was convinced that the territorial dispute between Chad and the Libyan Arab Jamahiriya could be settled **through** bilateral negotiations **with** or without the mediation of third parties and advocated that all means, including arbitration and judicial settlement, be used to bring **about** a peaceful outcome of the **dispute**.<sup>3</sup>

The representative of Jordan said that the African border **disputes** were vestiges of colonialism. He emphasized the danger of **using** those disputes in the context of **strategic** and political conflicts between States. He praised the Libyan Arab Jamahiriya for its readiness to discuss the border dispute on a bilateral level as well as in OAU and called upon the two States to pursue a policy of restraint, **good-neighbourliness** and peaceful **settlement**.<sup>3</sup>

The representative of the Ivory Coast affirmed, in terms of Article 33 of the Charter, the undeniable existence of a dispute whose prolongation was **likely** to threaten the maintenance of peace in Africa and, therefore international security. The Council could not stand idle in the face of that dispute and adjourn

without recommending the use of one of the means for peaceful settlement provided by the Charter: *inter alia*, recourse to the International Court of Justice (ICJ).<sup>3</sup>

The representative of the Sudan said that the real source of concern was to see the Council for the second time in less than a month take up Libyan intervention in the affairs of **neighbouring** countries, endangering their independence and sovereignty. The **illegal** occupation by the Libyan Arab **Jamahiriya** of Chad's territory constituted a violation of the principles of OAU. The speaker accused the Libyan Arab Jamahiriya of twice obstructing the convening of OAU meetings at Tripoli and said that it should respect the principles of OAU if it seriously wished to resolve its disputes through the OAU charter. The Security Council should take the proper necessary measures to safeguard the independence and sovereignty of Chad by calling upon the **Libyan Arab Jamahiriya** to **withdraw** its forces from **Chad**.<sup>3</sup>

The representative of Egypt said that the Assembly of Heads of State and Government of OAU had consistently called upon all its members to support efforts aimed at maintaining peace and **security** in Chad, to abstain from interfering in its domestic affairs and to contribute towards creating the proper atmosphere necessary for consolidating stability and Chad's newly found peace. Nevertheless, an integral part of Chad was still under occupation by the Libyan Arab Jamahiriya. In the opinion of the Egyptian **delegation**, the Government of Chad was fully justified in bringing its complaint to the attention of **the** Council, and the least the Council could do was to call upon the Libyan Arab Jamahiriya to respect the territorial integrity of Chad and put an end to its occupation of **Chadian** territory.<sup>3</sup>

The representative of Chad rejected Libyan claims for that territory as ungrounded and revealed the content of the discussions that had taken place at **N'Djamena** and Tripoli regarding the occupation by the Libyan Arab **Jamahiriya** of part of Chad's territory, and in particular three conditions set by the **Libyan Arab Jamahiriya** that should have been met by Chad for those discussions to be successful: (a) the proclamation **by** Chad of an Arab Islamic Republic; (b) the **formation** of a strategic alliance with the Libyan Arab Jamahiriya in order to destabilize the countries near Chad-Cameroon, **Niger** and **Nigeria**-regarded by the Libyan Arab Jamahiriya as reactionary **régimes**; and (c) keeping of the historic frontiers between the two countries. Once the three conditions were met, the Libyan Arab Jamahiriya would then hand over to the **Chadian** Government the members of the puppet Government. The **Chadian** Government rejected **in toto** those three unacceptable conditions and the shameless bargain proposed by the Libyan Arab Jamahiriya. The representative of Chad urged all the members of the Council to invite the representative of the Libyan Arab Jamahiriya to return to the question of Libyan occupation of **Chadian** territory. He demanded that the **Libyan Arab Jamahiriya** withdraw its troops from **Chad** without any **preconditions**.<sup>3</sup>

At the 2428th **meeting** on 31 March 1983, the representative of Zaire called the **de facto** occupation of the disputed territory **illegal** and said that the Council would do better to call for the application of Article 96 of the Charter and to refer the dispute to ICJ for an opinion. The second conclusion his delegation had reached was to request the Council to

decide: first, that the Libyan occupation troops should immediately withdraw from the Aouzou Strip and from any other locality within **Chadian** territory; secondly, that a neutral force should be sent to the Aouzou Strip in order to preserve peace and security in that region pending a substantive settlement of the dispute between the two countries.<sup>3</sup>

The representative of France said that the statements of Chad and the Libyan Arab Jamahiriya confirmed the existence of a border dispute between the two countries. From a legal point of view, France, as the former administering Power, must note the soundness of the theses presented by the representative of Chad. The Council could play a constructive role by appealing to the two parties through the President. On the basis of that appeal, OAU could resume its mediation efforts with a view to a final settlement.<sup>4</sup>

The representative of the Netherlands stated that the Council, acting under Chapter VI of the Charter, could call upon States Members of the United Nations to settle their disputes by peaceful means. The choice of government was, however, the sole prerogative of the people of the country. It was essential that all foreign intervention in Chad cease and that economic assistance be provided by countries in a position to do so. He appealed to both parties to refrain from any action that might aggravate the situation and supported the recommendation to submit the question to **ICJ**.<sup>4</sup>

The representative of Malta said that until the efforts through OAU were concluded, the Council should refrain from taking a definite stand on the issue. Instead, in accordance with Article 33, paragraphs 1 and 2, of the Charter it should encourage the countries concerned, as well as OAU and other interested regional bodies, to seek a solution in the shortest possible time.<sup>4</sup>

The representative of Democratic Yemen said that his delegation had drawn the following conclusions: (a) the issue under discussion was a case of interference in the internal affairs of the Libyan Arab Jamahiriya, especially because the Aouzou Strip was an integral part of Libyan territory; (b) the **Libyan Arab Jamahiriya** had categorically rejected **allegations** that it was occupying any part of **Chadian** territory and had stated that it had no ambitions whatsoever regarding the territory of other States; (c) the Libyan Arab Jamahiriya had striven to maintain the fraternal and good-neighbourly relations that link the Libyan and **Chadian** peoples; (d) the problem of Chad was being dealt with by OAU, which had established an *ad hoc* committee at the level of heads of State; and (e) the Libyan Arab Jamahiriya had stated its readiness to discuss bilateral relations between the two countries in the framework of the committee of good **offices** established by **OAU**.<sup>4</sup>

At the 2429th meeting, on 31 March 1983, the representative of Poland stated that the efforts aimed at overcoming the legacy of colonialism and underdevelopment required an atmosphere of co-operation and stability in relations between African States. The issues that might arise in the African continent should be solved first and preferably, through bilateral negotiations and within **OAU**.<sup>5</sup>

The representative of Ethiopia urged the members of the Council and all others concerned not to prolong the debate as there had been few if any instances in which public debates had contributed to

the resolutions of such disputes. He also urged the parties to the issue to exercise maximum restraint and to avail themselves of each and every peaceful means and in particular to give their regional organization a chance to exhaust its possibilities and finalize the efforts it had undertaken. He also expressed the hope that the Council would exercise maximum caution in the discharge of the responsibility entrusted to it.<sup>5</sup>

At its 2430th meeting, on 6 April 1983, the Council resumed its **consideration** of the item. The Council had before it a draft **resolution**,<sup>6</sup> submitted by the representative of Chad. In the operative part of the draft resolution, the Council would have requested the parties to settle their dispute forthwith and by peaceful means on the basis of the relevant principles of the Charter of the United Nations and the charter of OAU; would have taken note with satisfaction that both parties had stated their willingness to examine their dispute and to settle it by peaceful means and would have urged them to refrain from any action likely to aggravate the situation; and would have **appealed** to them to make full use of the machinery for the peaceful settlement of disputes available to them within the regional organization, particularly the good offices committee set up by OAU, and of the machinery provided for in Article 33 of the Charter of the **United Nations**.

In the course of the meeting, the President made the **following** statement on behalf of the member of the Council:<sup>7</sup>

The Security Council has heard and taken note of the statements made by the Foreign Minister of Chad and by the representative of the **Libyan Arab Jamahiriya** in the debate on the letter dated 16 March 1983 from the representative of Chad.

The members of the Security Council express their concern that the differences between Chad and the **Libyan Arab Jamahiriya** should not deteriorate and therefore call on the parties to settle these differences without undue delay and by **peaceful** means, on the basis of the relevant principles of the Charter of the **United Nations** and the Charter of the **Organization of African Unity**, which demand respect for political independence, sovereignty and territorial integrity.

In this connection, the members of the Council have taken note with appreciation of the willingness expressed by both parties to discuss their differences and to resolve them peacefully and urge both sides to refrain from any actions which could aggravate the current situation.

The members of the Council also note that the **Organization of African Unity**, the regional organization, is **already seized** of this matter. They appeal to both parties to make the fullest use of the mechanism available within the regional organization for the peaceful settlement of disputes, including the **Good Offices Committee** established by the **Organization of African Unity** and of those provided in Article 33 of the Charter of the **United Nations**.

She added that the Council having completed that stage of its consideration of the agenda item, the President of the Council would follow the development of the situation and would be in touch with interested parties in the following days.\*

The representative of the Soviet Union declared that as the last part of the statement was not agreed upon among members of the Council and was in fact contrary to the understanding of most members it should be regarded as the viewpoint of the **United States delegation**.<sup>8</sup>

The President of the Council replied that the last statement had been made in her presidential **capacity**.<sup>8</sup>

The representative of the Libyan Arab Jamahiriya indicated that as President of the Council the representative of the United States should have summoned the **Chadian** representative, as well as the Libyan representative. However, she had not done so, in disregard of the most rudimentary rules of **objectivity**. He asked to put on record that the Libyan Arab Jamahiriya would not recognize what had been stated by the United States representative beyond the text of the statement.\*

## NOTES

S/1 5643, OR. 38th yr., *Suppl.* for Jun.-March 1983.

\*For details, see chap. II of the present *Supplement*.

<sup>1</sup> 2419th mtg.

<sup>4</sup> 2428th mtg.

<sup>3</sup> 2429th mtg.

<sup>6</sup> S/1 5672, OR. 38th yr., *Suppl.* for Jan.-March 1983.

<sup>1</sup> S/1 5688, *ibid.*, *Resolutions and Decisions of the Security Council, 1983*.

<sup>2</sup> 2430th mtg.

17. **LETTER DATED 22 MARCH 1983 FROM THE REPRESENTATIVE OF NICARAGUA ON THE SECURITY COUNCIL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL'**

## INITIAL PROCEEDINGS

By **letter**<sup>2</sup> dated 22 March 1983, the representative of Nicaragua requested an urgent meeting of the Council in view of the grave increase in acts of aggression against Nicaragua.

At the 2420th meeting on 23 March 1983 the Council included the letter on its agenda. At the same **meeting following** the adoption of the agenda, the **Council** invited **the following**, at their request, to participate in the discussion of the question, without the right to vote: the representatives of Honduras, Mexico and Panama; and, at the 2421st meeting, the representatives of Barbados, Cuba, Democratic Yemen, Grenada, the Libyan Arab Jamahiriya and Spain; at the 2422nd meeting, the representatives of Algeria, Colombia, Costa **Rica**, Ecuador, **India**, **Mauritius**, the **Philippines**, the **United Republic** of Tanzania, Venezuela and **Viet Nam**; at the 2423rd meeting, the representatives of Argentina, **Belgium**, Bolivia, Brazil, the Dominican Republic, the **Federal Republic** of Germany, the Islamic Republic of Iran, **Peru** and Yugoslavia; at the 2424th **meeting**, the representatives of Bulgaria, El Salvador, the **German Democratic Republic**, **Italy**, Mongolia and the Syrian Arab Republic; at the 2425th meeting, the representatives of Cyprus, Czechoslovakia and Hungary; at the 2426th meeting, the representative of Ghana; and at the 2427th **meeting**, the representatives of Guatemala and Uruguay.<sup>3</sup> The Council considered the item at its **2420th** to 2427th meetings, from 23 to 29 March 1983.

At the 2420th meeting, the representative of Nicaragua said that his country was facing a new **escalation** of United States aggressive acts by way of massive infiltration of **military** units of Somoza counter-revolutionaries from Honduras. The **Somozist** groups existed only because of the financial assistance and direction by the United States. According to Nicaraguan intelligence sources, **thou-**

sands of additional counter-revolutionaries planned to infiltrate the country from Honduras in the next few days. Nicaragua appealed to the United States to cease its attempts to destroy the Sandinist People's Revolution, and to end the "secret" but widely recognized war against Nicaragua. The United States should renew all peace initiatives, such as those made by Mexico and Venezuela on the **Honduras-Nicaragua** border problem., and the proposal by Mexico, Venezuela, **Colombia** and Panama on negotiated solutions to the main elements of the Central American crisis. The Council members and the **international community** should strive to develop a policy towards the Central American region conducive to peaceful negotiated **solutions**.<sup>4</sup>

The representative of Honduras stated that Nicaragua had attempted to involve his country in events relating to internal uprisings against the Sandinist **régime**. The current situation in Nicaragua was **related** to increasing political and social tensions between the Sandinist Government and opposition **groups**. The situation must be resolved by the Nicaraguans themselves. Honduras had presented to the Organization of American States (OAS) a proposal for **general** disarmament in the region. It would result in the reduction in the number of foreign advisers who, in Nicaragua's case, were extra-continental. The mobilization of Honduran forces within its territory to defend its democratic system was in exercise of its sovereign right. Honduras adhered to the principle of non-intervention and was prepared to submit to international controls to verify whether various countries had a defensive or offensive capability.<sup>5</sup>

The representative of the United States said that the people of Nicaragua had longed for a democratic revolution and had fought against the **dictatorship** of Anastasio Somoza because they had been **promised** democracy. The Sandinist National Liberation Front (FSLN) had committed itself to respect human rights and the freedom of all **Nicaraguans**, including minorities. It had committed itself to free elections and a rule of regular civil law. The Council could not be indifferent to what had happened to those commitments. Nicaragua had been claiming for some time that an invasion **by** the United States was imminent. On the contrary, **Nicaragua** was the country involved in a major effort to destabilize other Governments in Central America, like those of El Salvador and Honduras. Nicaragua had violated Costa Rica's border. It had also violated Costa Rica's rights by attempts to deny it use of the San Juan River. The United States was prepared to join with other members of the Western hemisphere, or the Council, or to stand aside while other members of that hemisphere—and of Central America **specifically**—worked out solutions which provided for those **guarantees** that had been promised by the Sandinista **Government** to its people; respect for human rights, good-neighbourliness and for the right of peoples to choose **their** own Government through competitive and free elections.<sup>6</sup>

The representative of Nicaragua proposed to Honduras that the proposal of peace and negotiation presented by the Governments of Mexico and Venezuela in October 1982 be taken up and that the process of discussion between the two countries might thus begin. He repeated that Nicaragua was developing its defenses **in** an eminently defensive manner in order to ensure the independence and