

<sup>4</sup> For the vote, see 251 1th mtg. See also chap. IV of the present Supplement.

## 8. COMPLAINT BY SEYCHELLES

Decision of 15 December 1981 (2314th meeting): resolution 496 (1981)

By letter dated 8 December 1981, the representative of Seychelles informed the Council that on 25 November 1981 the Republic of Seychelles had been invaded by 45 mercenaries who had landed at the Seychelles International Airport. The invaders, who had come from South Africa, had immediately launched an attack at the airport, inflicting heavy damage, and had taken hostages. Those invaders who had not been captured and detained had fled in panic by hijacking an Air India aircraft, which they had commandeered to South Africa. In view of the threat to international peace and security resulting from that situation, the representative of Seychelles requested that the Council be convened urgently to consider the matter and take appropriate action.

At its 2314th meeting, on 15 December 1981, the Council included the letter in its agenda and considered the question at that meeting. The representatives of Seychelles and Botswana were invited, at their request, to take part in the discussion without the right to vote.<sup>2</sup>

The President of the Council drew attention to several documents, including the text of a draft resolution,<sup>4</sup> which had been prepared in the course of the Council's consultations.

The representative of Seychelles informed the Council that at 1430 Greenwich mean time on 25 November 1981 a group of 44 foreign mercenaries had arrived at Seychelles International Airport on board a scheduled flight of the Royal Air Swazi airline. The mercenaries had travelled by coach from South Africa to Matsapha Airport in Swaziland. As they had disembarked in Seychelles and were going through customs, a customs officer had detected a false-bottomed bag containing a sub-machine-gun. In view of the fact that all members of the group had been carrying more or less similar pieces of luggage, the security forces had been alerted and the buses scheduled to take the group to their hotel had been ordered not to move. Once the mercenaries had realized that their plot had been foiled, they had immediately unpacked their weapons and taken control of the airport, including the air traffic control tower. They had also taken everyone at the airport—a total of 70 people—as hostages. The defence forces of Seychelles had then moved into position and contained the mercenaries at the airport. The mercenaries had then ordered a scheduled Air India Boeing 707 to land, hijacked the aircraft and ordered the pilot to take them to Durban, South Africa, with all passengers on board.

In all, 44 mercenaries had left on the aircraft, taking with them one dead. Two had been seriously wounded. Left behind had been members of the rear guard of the mercenary force, some of whom had infiltrated the country prior to the arrival of the group of 44 and had taken part in the lighting. All were foreigners. Six mercenaries had been captured and detained. The attack had resulted in loss of life, injuries, considerable hardship to the hostages and extensive damage caused to the airport facilities,

control tower and various buildings. The losses had been estimated at about \$30 million.

There was every reason to believe that South Africa had been involved in the aggression. Despite the South African declaration that the hijackers had been taken into custody in South Africa and would be dealt with according to its stringent anti-hijacking legislation, only five of the mercenaries had been charged with kidnapping and released on minimal bail. The other 39 had not been charged but had been set free despite the request by the Government of Seychelles that the mercenaries be returned to Seychelles to stand trial before an international tribunal appointed by the United Nations.

The Government of Seychelles requested the Council to establish an international commission of inquiry to be composed of three members of the Council to investigate the origin, background and financing of the mercenary invasion, as well as to assess the economic damage and to report to the Council with appropriate recommendations not later than 31 January 1982. The action of the South African régime showed that it might have had a hand in the organization of the invasion. Stating that he expected the Council to pass the necessary judgement and condemnation and to initiate the necessary action, the representative of Seychelles reserved the right to bring the matter again before the Council should the situation warrant it.<sup>5</sup>

The representative of Botswana said that although the Council possessed no concrete evidence to suggest that the mercenaries had been sent to Seychelles by the Government of South Africa, it had many questions to put to South Africa and hoped that South Africa would answer them. First, why had the mercenaries been released so quickly despite the fact that they had arrived back in South Africa on the same plane they had forced to fly to South Africa? Secondly, why had South Africa's stringent so-called anti-terrorist laws not been invoked against the mercenaries, at least to punish them for hijacking the Air India plane? Thirdly, did South Africa think that the pilot of the Air India plane had decided to fly to Durban for fun? Fourthly, had the presence on the aircraft of armed men not been enough evidence to suggest that the pilot could not have flown his plane to South Africa of his own volition? Fifthly, had the pilot been asked to tell his story and to explain, in particular, why he had armed men on his plane? Sixthly, and most important, as the Council had every reason to ask, why had the mercenaries been so elated to be back in South Africa, knowing only too well that they could easily be imprisoned for up to 30 years for their damnable act of terrorism? It was important that the real truth of what had happened in Seychelles on 25 November should be known in all its dimensions. The speaker urged the Council to set up a commission of inquiry to visit Seychelles and wherever information could be found as soon as possible to find out what had happened on 25 November. The Commission should assess the economic changes wrought by the invasion and make the necessary recommendations for alleviating them.<sup>6</sup>

The President then put the draft resolution to the vote; it was adopted unanimously by 15 votes as resolution 496 (1981).<sup>7</sup> The resolution reads as follows:

*The Security Council,*  
Taking note of the letter dated 8 December 1981 from the Chargé d'affaires of the Permanent Mission of the Republic of

Seychelles to the United Nations addressed to the President of the Security Council,

*Having heard* the statement of the representative of the Republic of Seychelles,

*Bearing in mind* that all Member States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

1. *Affirms* that the territorial integrity and political independence of the Republic of Seychelles must be respected;
2. *Condemns* the recent mercenary aggression against the Republic of Seychelles and the subsequent hijacking;
3. *Decides* to send a commission of inquiry composed of three members of the Security Council in order to investigate the origin, background and financing of the mercenary aggression of 25 November 1981 against the Republic of Seychelles, as well as assess and evaluate economic damages, and to report to the Council with recommendations no later than 31 January 1982;
4. *Decides* that the members of the commission of inquiry will be appointed after consultations between the President and the members of the Security Council and the Republic of Seychelles;
5. *Requests* the Secretary-General to provide the commission of inquiry with the necessary assistance;
6. *Decides* to remain seized of the question.

The representative of the Soviet Union said that his delegation had voted in favour of the draft resolution for the following reasons: a group of mercenaries had invaded the territory of a sovereign State Member of the United Nations; that group had carried out armed actions on the territory of that State, action that had taken human life and caused serious material damage; and mercenaries had seized a civilian aircraft belonging to another State and had hijacked it to South Africa. The naked act of provocation committed against Seychelles constituted a violation of the universally recognized norms and principles of international law and a further manifestation of the policy of international terrorism pursued by imperialist circles against young independent States. That dangerous military adventure not only violated the sovereignty of Seychelles but also represented a serious threat to international peace and security. The speaker expressed the conviction that the Council, upon receiving the report of the Commission of Inquiry, would take the necessary measures not only to defend the sovereignty of Seychelles, but also to prevent any acts of international terrorism carried out by means of mercenaries against the independence of developing States Members of the United Nations.<sup>8</sup>

Other representatives also strongly condemned the use of mercenaries and of international banditry, which endangered international peace and security, and unanimously supported resolution 496 (1981).<sup>9</sup>

The representative of the United States remarked that the resolution posed questions of a more general sort, which the Council should take cognizance of and reflect on. The first question was whether the intervention was a purely internal affair, the answer to which was apparently "no". Secondly, if it was not a purely internal affair and involved another State, was the Council then perhaps prejudging the very question that a commission of inquiry had been established to investigate? The third question was: Was it always legitimate for a Government that had survived an attempted coup to seek an investigation and perhaps redress in the United Nations? What about a Government that had not survived a coup? Could it seek an inquiry from the Council? In her view, the Council, like the General Assembly and all other bodies, should always take care to think beyond

the specific case to the implications of a specific action for future activities.<sup>10</sup>

The President of the Council, speaking in his capacity as the representative of Uganda, mentioned four features of the aggression that were especially disturbing to his delegation. First, the Council could not ignore the overwhelming *prima facie* evidence, widely reported by many independent sources, that the vicious hand of South Africa had been involved in the episode. That development was even more grave given the declared design of South Africa to intimidate and destabilize any and all African countries that had chosen the path of genuine independence for themselves and solidarity with the struggling peoples of southern Africa. The second feature was the fact that the aggression had been perpetrated through the instrumentality of a band of mercenaries. No continent had suffered and continued to suffer so grievously from the trauma of mercenaries as Africa. The third feature was the fact that the aggressive episode had been followed by the serious crime of hijacking. The fourth feature was the fact that the victim of the aggression was a small, vulnerable and non-aligned African country whose hope for a peaceful and independent existence lay in the United Nations. The speaker said that his delegation would give its comprehensive views on the present complaint when the Council considered the report of the Commission of Inquiry.<sup>11</sup>

In a note dated 24 December 1982,<sup>12</sup> the President of the Council stated that, following his consultations with the members of the Council and Seychelles, an agreement had been reached that the Commission of Inquiry established under resolution 496 (1981) would be composed of Ireland, Japan and Panama.

It was subsequently agreed, during consultations among the members of the Commission, that Ambassador Carlos Ozores Typaldos of Panama would serve as its Chairman.

The Commission of Inquiry visited Seychelles, Swaziland and South Africa between 24 January and 6 February 1982. In a note dated 27 January 1982,<sup>13</sup> the President of the Council informed the members that the Chairman of the Commission of Inquiry had notified him that, owing to the delay encountered as a result of the complexity of the preparatory work, the Commission would find it difficult to report to the Council by 31 January, as called for in paragraph 3 of resolution 496 (1981). Accordingly, the Commission had requested an extension of the date of submission of its report until early March. The President added that, following informal consultations on the matter, it had been found that no member of the Council had any objection to the Commission's request and that the Chairman of the Commission had been so informed.

**Decision** of 28 May 1982 (2370th meeting): resolution 507 (1982)

At its 2359th meeting, on 20 May 1982, the Council resumed its consideration of the item entitled "Complaint by Seychelles" and included the report of the Commission of Inquiry<sup>14</sup> in its agenda.

The Council invited the following, at their request, to participate, without vote, in the discussion of the item: at the 2359th meeting, the representatives of Algeria, Angola, Argentina, Benin, Botswana, Cuba, Czechoslovakia, Egypt, Honduras, India, the Lao People's Democratic Republic, Madagascar, Mal-

dives, Malta and Seychelles; at the **2361st meeting**, the representatives of Afghanistan, Barbados, Bulgaria, the German Democratic Republic, Grenada, Hungary, Mali, Mozambique, Nicaragua, Pakistan, Sao Tome and Principe, the United Republic of Tanzania, Viet Nam and Yugoslavia; at the 2365th meeting, the representatives of Kenya, the Libyan Arab Jamahiriya, Mauritius and the Syrian Arab Republic; and, at the 2367th meeting, the representatives of Bangladesh, Mongolia, Nigeria, Sri Lanka, Swaziland and Zambia.<sup>2</sup> The Council considered the item at its **2359th, 2361st, 2365th, 2367th and 2370th meetings**, from 20 to 28 May 1982.

The report of the Commission of Inquiry, dated 15 March 1982,<sup>14</sup> included a detailed review of the Commission's activities both at Headquarters and during its visit to the area, as well as its conclusions and recommendations.

The representative of Panama, on behalf of the Chairman of the Security Council Commission of Inquiry established under resolution 496 (1981), introduced the report of the Commission. He said that the Commission members were of the opinion that taking into account the immediate planning and preparation of the aggression by the mercenaries, **including** the recruitment of over 50 mercenaries by Colonel Michael Hoare, as well as the fact that the weapons used by the mercenaries were tested in South Africa, it was **difficult** for the Commission to believe that the South African authorities were not aware of the preparation in that connection. On the basis of the documents supplied by the Seychelles Government, the **Commission estimated** that the total losses suffered by the Seychelles economy amounted to approximately \$18 million. The most serious reversal was likely to be a drop in income from the tourist industry.

The Commission felt that there would be significant adverse repercussions upon the economy of Seychelles. Therefore, the Commission recommended that financial, technical and material assistance be provided **urgently** through **an** appropriate fund in order to **enable** the country to deal with the **difficulties** resulting from the aggression and that States and the **international** community as a whole should make every possible effort to prevent mercenary operations, having regard to the grave threat that those operations posed, particularly to small island States with limited resources such as Seychelles. It was further recommended that Governments that had information related to mercenary activities should, without delay, communicate such information, **directly** or through the Secretary-General of the United Nations, to Governments concerned. Another **recommendation** was that the International Civil Aviation Organization (ICAO) give further consideration to preventive **measures**, while taking into account the wish of Governments to facilitate tourism. He also mentioned the difficulties that the Commission had faced in South Africa in its endeavour to **fulfil** its **mandate**.<sup>15</sup>

The Minister for Foreign Affairs of Seychelles said that his Government could not be fully satisfied until the origin, background and financing of the 25 November 1981 aggression had been fully established. An armed operation, carried out by foreigners coming from a foreign country, could have been planned only with the complicity of foreign authorities. Indeed, Mr. Hoare's recent statement at the Pietermaritzburg court had implicated the South

African regime at the highest political and military levels. The complete transcript of both the public and closed sessions of the trial should enable the Commission to prepare a **supplementary** report on the origin, background and **financing** of the aggression.

He added that it was virtually impossible for his nation to remedy the economic situation resulting from that aggression without urgent financial assistance from members of the **United Nations** and of other international organizations. In that connection he asked the **Council** to make an appeal that the assistance be provided without delay and to call upon Member States to co-operate **fully** in the speedy drafting and subsequent implementation of an international convention against recruitment, use, **financing**, training and harbouring of mercenaries in the interest of international peace and security. He also proposed that the mandate of the Commission be extended to enable it to complete its **inquiry**.<sup>16</sup>

The representative of France drew two conclusions from the report of the Commission of Inquiry. The **first** concerned the need for an international convention against the recruitment, use, financing and training of mercenaries. The second concerned assistance to be given to Seychelles. France suggested that, upon the initiative of the Council, a fund for voluntary contributions should be established in which France was prepared to play a special **role**.<sup>17</sup>

The representative of Jordan stressed that all evidence **in** the report pointed to the fact that the act of aggression emanated from the Government of South Africa. South Africa obviously wanted to have control over that island and to undermine the independence of Seychelles. Since the Council was the ultimate guardian of international peace and security it should, first, condemn the act of aggression in the strongest terms and, secondly, **initiate** a process to work out a convention aimed at **safeguarding** small countries against dangerous and unlawful acts of aggression such as that against Seychelles. He also supported the suggestion that the United Nations should consider establishing a special voluntary fund to assist Seychelles. He called for a supplementary inquiry by the Commission in an effort to get to the root of the matter.\*

The representative of Egypt, on behalf of the Group of African States at the United Nations, **mentioned** that the report of the Commission contained no specific recommendations as to the **origin**, financing and organization of the aggression, but there was every reason to believe that South Africa had been involved in the aggression. He underlined the following elements. First, South Africa had not permitted the Commission to interview the mercenaries, who had returned to South Africa aboard the hijacked Air India plane. In particular, the Commission had been handicapped by not having **an** interview with the leader of the mercenaries, Michael Hoare. Secondly, the immediate preparations for and planning of the mercenary aggression, including the recruitment of over 50 mercenaries by Hoare, had taken place in South Africa. A number of those mercenaries had been reservists in the South African **Defence Force** to whom call-up **papers** had been issued. Thirdly, Martin Dolinschek, an intelligence **officer** with the South African National Intelligence Service, had been among the seven mercenaries captured by the Seychelles Security Forces following the mercenary aggression. In answer to a question in the South African Parliament on 19 February 1982,

the Minister of Interior admitted that the authorities had indeed officially issued a new passport to Martin Dolinschek under the alias of **Anton Lubic**.

Fourthly, Mike **Hoare**, testifying at the hijack trial, had revealed that the aggression had been carried out with the knowledge of the South African Intelligence Service and with men supplied by the South African Defence Force. A delivery invoice of weapons and ammunition to be used in the **coup** and delivered to **Hoare's** house had been submitted as evidence in court. **Hoare** had been informed that the South African Cabinet had decided in principle in September 1981 that the invasion attempt using mercenaries should go ahead.

Fifthly, the Speaker of the South African Parliament had refused a request on 4 May 1982 from the opposition Progressive Federal Party to hold a special debate on the involvement of the South African Government and the South African army in the aggression against Seychelles.

Sixthly, South Africa had released 39 of the 44 mercenaries in December 1981 without charging them or even disclosing their identities, although they had forced an Air India plane to fly to South Africa. Subsequently, the Government of South Africa had reversed itself and charged the mercenaries. However, the verdict could almost be predicted.

In the light of those developments, the representative of Egypt affirmed that (a) the report of the Commission was an interim report; (b) one could not exclude the possibility that further information relating to the mandate of the Commission might become available, particularly during or after the trial on the hijacking charges in South Africa or at the trial that was to take place on 16 June 1982 in Seychelles; and (c) a thorough investigation should be carried out by the Commission in order to get to the facts about the origin and background of the mercenary aggression. The Commission should be authorized to furnish a supplementary report in due course containing any further information. In conclusion, he said that unless the world community and the Council dealt effectively with the situation in southern Africa, the Pretoria régime would continue to pursue its policy of aggression and suppression against the people of South Africa, its illegal occupation of Namibia and its acts of aggression against the neighbouring countries.<sup>19</sup>

The representative of the United Kingdom declared that his Government had informed the Government of Seychelles that it would look sympathetically at any request for assistance in repairing the damage. His Government had also undertaken to implement immediately an aid agreement in the amount of f 1.5 million. He mentioned his delegation's participation in the recent session of the General Assembly's Ad Hoc Committee dealing with the drafting of an international convention against the recruitment, use, financing and training of mercenaries. His delegation considered that the Commission's proposal to furnish a supplementary report should be accepted by the Council.\*\*

The representative of Angola called the mercenary attack on Seychelles a most flagrant and brutal violation of territorial integrity and sovereignty and part of a comprehensive master plan concocted by the illegal racist regime of South Africa against an independent country that was a member of the Organization of African Unity (OAU) and a Member

of the United Nations. He welcomed the report of the Commission of Inquiry and supported the creation of a special fund to help rebuild the airport and other buildings damaged by the mercenary activity in Seychelles. He also requested the Council to remain seized of the matter and to prepare a complementary report in addition to the one before it.<sup>21</sup>

At the 2361st meeting, the representative of Japan pointed out that according to the findings of the Commission of Inquiry the primary objective of the mercenaries had been to overthrow the Government of Seychelles in order to install James Mancham as the head of State. Seychelles was clearly the victim of aggression; its sovereignty and territorial integrity had unquestionably been violated by mercenaries from outside the country, although some Seychelles exiles apparently were also involved. The Japanese delegation was of the view that the Council's first task was to consider whether or not to request a supplementary report. Certain ambiguities on the financing might also be clarified if further information was collected from diverse sources, including Michael **Hoare** and Gerard Hoaresan, a Seychellois resident in South Africa who seemed to have been closely involved in the actual attack. He expressed confidence that the leaders and people of Seychelles, with international co-operation, would overcome the economic difficulties in the near future.<sup>22</sup>

The representative of the Soviet Union stressed that the aggressive action against Seychelles was another example of the policy of international terrorism that the imperialist circles directed against young independent States that had embarked upon the road of independent national development. The report of the Commission proved that the South African authorities not only knew about the aggression being prepared, but were its initiators and organizers. That was a normal manifestation of the policy of the racist regime of Pretoria, which intended to crush the aspirations of the people of Africa to freedom, independence, equal rights and social progress. In that connection, he supported a number of recommendations in the Commission's report, called for the rapid completion of the drafting of an international convention against the recruitment, use, financing and training of mercenaries and urged the Council to take far-reaching measures against the racist regime of Pretoria in order to prevent such attacks on independent States.<sup>23</sup>

The representative of Maldives mentioned that the problem of mercenary activities should not be viewed merely as isolated acts by eccentric, deranged or unscrupulous people. They could readily become real major threats to smaller and poorer countries throughout the world and that could be an international problem of great magnitude. Countries like Maldives relied to a considerable extent on the United Nations for the preservation and maintenance of their security, independence and territorial integrity.<sup>24</sup>

The representative of Algeria stressed that everywhere in southern Africa, the Pretoria régime was challenging the independence and sovereignty of African peoples, challenging OAU and the United Nations in order to establish its imperialist strategy of domination, destabilization and the weakening of free Africa. The continuation of the Commission's activities would enable the Council to place international responsibility on those who prepared and financed the aggression. In addition to condemning

the aggression, the Council should see to it that reparations for the damage were extracted from the aggressor. The creation of a special fund for Seychelles was also required as an urgent measure and all States should be invited to contribute to it.<sup>25</sup>

The representative of the German Democratic Republic supported the legitimate demand of Seychelles that the forces responsible be brought to account and obliged to make compensation. He also underlined that the evaluation of the facts and the naming of the perpetrators were all the more imperative because the aggression against Seychelles was one link in the chain of **flagrant** violations of international law by the *apartheid régime*.<sup>26</sup>

The representative of the United Republic of Tanzania, speaking of South Africa's general policy of aggression against independent African States, mentioned that for South Africa the toppling of the revolutionary Government of Seychelles, leading to the installation of a puppet regime, was part of the grand design against the opponents of *apartheid*. The behaviour of the South African authorities in handling the whole affair left no doubt that they were involved. As the possibility of mercenary aggression remained a serious threat, the Council should denounce the whole concept of mercenarism as a crime against humanity threatening the independence, sovereignty and territorial integrity of States.<sup>27</sup>

The representative of Botswana, speaking as Chairman of the Council of Ministers of OAU, expressed his gratification that the display of solidarity in the condemnation of the mercenary aggression against Seychelles transcended differences in other areas of political endeavour. As the objective of the plot had been to capture the entire leadership of the country, overthrow the Government and reinstate the former head of State, the mandate of the Commission should be extended in order to prepare a complementary report. The area of investigation had been narrowed to mercenaries inside South Africa itself. The Council should see to it that the Government of South Africa provided all the assistance the Commission might require. The ultimate objective was the adoption by the international community of a global convention on **mercenarism**.<sup>28</sup>

The representative of Viet Nam suggested that the proliferation of violent attempts at a *coup d'état* and armed intervention could be explained by the plans for stemming the tide of the national liberation movements and by the hegemonistic policies of imperialist forces. It was to be hoped that an international convention on mercenarism would be drafted so that it would be applicable not only to **mercenaries** but especially to States that **recruited**, financed and used them and had on their territory **training** camps disguised in various ways, and that the convention would provide for severe punishment both of the mercenaries and of the States that employed them.<sup>29</sup>

The representative of Yugoslavia said that the attack on Seychelles constituted a twofold violation of international law: (a) the aggression against the sovereignty of a country; and (b) the hijacking of an aircraft and the taking of hostages. Either violation could not and should not be tolerated by the international community and particularly by the Council. The Council should fulfil its responsibilities and finally make South Africa obey the norms of international behaviour.<sup>30</sup>

The representative of Barbados emphasized that his country regarded mercenarism as a crime against humanity. Barbados had been among the sponsors of General Assembly resolution 35/48 of 4 December 1980, which had established the *Ad Hoc* Committee, and it had been an active member of that Committee. His delegation was aware that some **delegations**—even some of those serving on the *Ad Hoc* Committee—would prefer that no convention be elaborated. The Barbados delegation appealed to all members of the international community to safeguard the principle of sovereign equality by taking necessary action to eliminate mercenary activity by their nationals and from within their borders.<sup>31</sup>

The representative of Mozambique declared that the encouragement and organization of mercenary activities against sovereign States was a breach of the principles of international law and ran counter to the purposes of the Charter, which enshrined the aspiration of all States to live in peace and security, free from threats by outside forces.<sup>32</sup>

The representative of Zaire mentioned that the speedy adoption of an international convention would represent an important contribution to the progressive **development** of international law, in accordance with the spirit of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.<sup>33</sup> It was essential that the international community assume collective responsibility for eliminating those activities that jeopardized international peace and security.<sup>34</sup>

The representative of Swaziland declared that his Government and people felt insulted, injured and abused, just like the people of Seychelles, when their only airline was caught in the crossfire of **adventurism** and the circumstances of geoproximity were exploited and abused by the **aggressors**.<sup>35</sup>

The representative of Sri Lanka noted that the **Commission** of Inquiry had focused attention on several important aspects to which the international community should give urgent consideration: (a) it dealt with the recurring problems of armed aggression against independent States with a view to overthrowing their Governments, in violation of the principles of the Charter; (b) it dealt with the role played by foreign mercenaries, a common phenomenon in African politics; (c) it drew the attention of the world **community** to air piracy, which threatened the lives of innocent passengers who were unsuspecting victims of aggression and international terrorism; and (d) it highlighted the short-term and long-term impact on the economies of States that became targets of foreign aggression.<sup>36</sup>

The President of the Council, speaking in his capacity as the representative of China, said that the numerous facts listed in the **report** and recent disclosures in the press clearly showed that the armed invasion of Seychelles by foreign mercenaries was a carefully laid political plot to overthrow, by means of a *coup d'état*, the legitimate Government of Seychelles. In China's view, the Council should strongly condemn the racist regime of South Africa for launching the criminal mercenary invasion of Seychelles and accept the recommendations of the Commission of Inquiry.<sup>37</sup>

At its 2370th meeting, on 28 May 1982, the Council had before it the text of a draft **resolution**.<sup>38</sup>

submitted by Guyana, Jordan, Panama, Togo, Uganda and Zaire.

The representative of Togo presented the draft resolution and explained that the document was the fruit of very lengthy work, in the course of which the non-aligned members had had to make concessions among themselves and had benefited from the advice of other members of the Council. All together, 11 of the 12 amendments proposed had been accepted.<sup>39</sup>

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 507 (1982).<sup>40</sup> It reads as follows:

*The Security Council,*

*Having examined* the report of the Security Council Commission of Inquiry established under resolution 496 (1981).

*Gravely concerned* at the violation of the territorial integrity, independence and sovereignty of the Republic of Seychelles,

*Deeply grieved* at the loss of life and substantial damage to property caused by the mercenary invading force during its attack on the Republic of Seychelles on 25 November 1981,

*Gravely concerned* at the mercenary aggression against the Republic of Seychelles, prepared in and executed from South Africa,

*Deeply concerned* at the danger which mercenaries represent for all States, particularly the small and weak ones, and for the stability and independence of African States,

*Concerned* at the long-term effects of the mercenary aggression of 25 November 1981 on the economy of the Republic of Seychelles,

*Reiterating* resolution 496 (1981), in which it affirms that the territorial integrity and political independence of the Republic of Seychelles must be respected,

1. *Takes note* of the report of the Security Council Commission of Inquiry established under resolution 496 (1981) and expresses its appreciation for the work accomplished;

2. *Strongly condemns* the mercenary aggression against the Republic of Seychelles;

3. *Commends* the Republic of Seychelles for successfully repulsing the mercenary aggression and defending its territorial integrity and independence;

4. *Reaffirms* its resolution 239 (1967) by which, *inter alia*, it condemns any State which persists in permitting or tolerating the recruitment of mercenaries and the provision of facilities to them, with the objective of overthrowing the Governments of Member States;

5. *Condemns* all forms of external interference in the internal affairs of Member States, including the use of mercenaries to destabilize States and/or to violate the territorial integrity, sovereignty and independence of States;

6. *Further condemns* the illegal acts against the security and safety of civil aviation committed in the Republic of Seychelles on 25 November 1981;

7. *Calls* upon all States to provide the Security Council with any information they might have in connection with the mercenary aggression of 25 November 1981 likely to throw further light on the aggression, in particular transcripts of court proceedings and testimony in any trial of any member of the invading mercenary force;

8. *Appeals* to all States and international organizations, including the specialized agencies of the United Nations, to assist the Republic of Seychelles to repair the damage caused by the act of mercenary aggression;

9. *Decides* to establish, by 5 June 1982, a special fund for the Republic of Seychelles, to be supplied by voluntary contributions, through which assistance should be channelled for economic reconstruction;

10. *Decides* to establish an *ad hoc* committee, before the end of May 1982, composed of four members of the Security Council, to be chaired by France, to co-ordinate and mobilize resources for the Special Fund established under paragraph 9 of the present resolution, for immediate disbursement to the Republic of Seychelles;

11. *Requests* the Secretary-General to provide all necessary assistance to the *Ad Hoc* Committee for the implementation, in particular, of paragraphs 8, 9 and 10 of the present resolution;

12. *Decides* to mandate the Commission of Inquiry to examine all further developments and present by 15 August 1982 a supplementary report, with appropriate recommendations, which should take into account, *inter alia*, the evidence and testimony presented at any trial of any member of the invading mercenary force;

13. *Requests* the Secretary-General to provide all necessary assistance for the implementation of the present resolution and paragraph 12 above;

14. *Decides* to remain seized of the question.

After the adoption of the resolution, the representative of the United States expressed his delegation's doubts that a supplementary report would prove to be any more conclusive than the one in hand. The Commission lacked the powers and competence of a court of law, and its findings, necessarily, must be limited and tentative. He expressed confidence that the members of the Commission would exercise the same care in any supplementary report as they had demonstrated in the first report.<sup>41</sup>

The Minister for Foreign Affairs of Seychelles thanked the members of the Council and other speakers for the expression of solidarity with, and profound friendship for, the people and Government of Seychelles manifested by the representatives of no fewer than 50 States Members of the United Nations.<sup>42</sup>

In a note dated 28 May 1982,<sup>43</sup> the President of the Council, after referring to paragraph 10 of resolution 507 (1982), in which the Council decided to establish an *ad hoc* committee, before the end of May 1982, composed of four members of the Council, to be chaired by France, to co-ordinate and mobilize resources for the Special Fund established under paragraph 9 of the resolution, for immediate disbursement to Seychelles, announced that, following consultations with the members of the Council, agreement had been reached that the other three members of the *Ad Hoc* Committee would be Guyana, Jordan and Uganda.

In a note dated 13 August 1982,<sup>44</sup> the President of the Council stated that the Chairman of the Commission had informed him that, owing to the need for the Commission to receive and study the record of the evidence and testimony presented at trials in both Seychelles and South Africa, it would need further time to submit its supplementary report as called for in paragraph 12 of resolution 507 (1982). Accordingly, the Chairman of the Commission had requested an extension of the date of submission of its report until 31 October. The President added that, following informal consultations on the matter, it had been found that no member of the Council had any objection to the Commission's request and that the Chairman of the Commission had been so informed.

In a note dated 31 October 1982,<sup>45</sup> the President of the Council stated that the Chairman of the Commission had informed him that the Commission had begun the examination of the record of the court proceedings which had been received from Seychelles and South Africa on 7 September and 5 October 1982, respectively. However, owing to the length of the South African transcript, the Commission had not yet been able to complete its work and, accordingly, had requested a further extension of the date of submission of its supplementary report. The President added that, following informal consultations on

the matter, it had been found that no member of the Council had any objection to the Commission's request, and that the Chairman of the Commission had been informed that the Council agreed to an extension of two weeks until the middle of November 1982.

On 17 November 1982, the Commission submitted its supplementary report to the Council,<sup>46</sup> pursuant to paragraph I2 of resolution 507 (1982).

In a letter dated 24 June 1983<sup>47</sup> addressed to the President of the Council, the Permanent Representative of Seychelles to the United Nations requested that the Council: (a) terminate the work of the Commission; (b) keep the Special Fund operational; and (c) in keeping with past practice, maintain the item of Seychelles on the Council's agenda.

In a note dated 8 July 1983,<sup>48</sup> the President of the Council stated that the members of the Council had taken note of the letter and had agreed, in consultations held on that day, that the Commission had fulfilled its mandate.

#### NOTES

<sup>1</sup> S/14783, OR, 36th yr., Suppl. for Oct.-Dec. 1981.

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

<sup>3</sup> S/14769 and Corr.1, letter dated 26 November 1981 from the representative of Seychelles, and S/14777, letter dated 1 December 1981 from the same, OR, 36th yr., Suppl. for Oct.-Dec. 1981.

<sup>4</sup> S/14793, adopted without change as resolution 496 (1981).

<sup>5</sup> 2314th mtg., paras. 8-18.

<sup>6</sup> *Ibid.*, paras. 20-32.

<sup>7</sup> For the vote, see 2314th mtg., para. 33.

<sup>8</sup> 2314th mtg., paras. 46-54.

<sup>9</sup> *Ibid.*, statements by China, France, the German Democratic Republic, Ireland, Japan, Mexico, Niger, Spain, Tunisia and the United Kingdom.

<sup>10</sup> *Ibid.*, paras. 81-85.

<sup>11</sup> *Ibid.*, paras. 119-126.

<sup>12</sup> S/14816, OR, 36th yr., Suppl. for Oct.-Dec. 1981.

<sup>13</sup> S/14850, *ibid.*, 37th yr., Suppl. for Jan.-March 1982.

<sup>14</sup> S/14905/Rev.1, *ibid.*, Special Supplement No. 2.

<sup>15</sup> 2359th mtg., paras. 10-39.

<sup>16</sup> *Ibid.*, paras. 42-52.

<sup>17</sup> *Ibid.*, paras. 55-64.

<sup>18</sup> *Ibid.*, paras. 67-74.

<sup>19</sup> *Ibid.*, paras. 78-94.

<sup>20</sup> *Ibid.*, paras. 96-101.

<sup>21</sup> *Ibid.*, paras. 194-207.

<sup>22</sup> 2361st mtg., paras. 4-14.

<sup>23</sup> *Ibid.*, paras. 17-27.

<sup>24</sup> *Ibid.*, paras. 50-57.

<sup>25</sup> *Ibid.*, paras. 62-83.

<sup>26</sup> *Ibid.*, paras. 101-110.

<sup>27</sup> 2365th mtg., paras. 27-40.

<sup>28</sup> *Ibid.*, paras. 42-56.

<sup>29</sup> *Ibid.*, paras. 59-71.

<sup>30</sup> *Ibid.*, paras. 91-101.

<sup>31</sup> *Ibid.*, paras. 104-113.

<sup>32</sup> *Ibid.*, paras. 190-206.

<sup>33</sup> General Assembly resolution 2625 (XXV).

<sup>34</sup> 2367th mtg., paras. 14-29.

<sup>35</sup> *Ibid.*, paras. 120-133.

<sup>36</sup> *Ibid.*, paras. 136-141.

<sup>37</sup> *Ibid.*, paras. 165-170.

<sup>38</sup> S/15127, adopted without change as resolution 507 (1982).

<sup>39</sup> 2370th mtg., paras. 16-25.

<sup>40</sup> For the vote, see *ibid.*, para. 26.

<sup>41</sup> 2370th mtg., paras. 28-36.

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<sup>42</sup> *Ibid.*, paras. 38-45.

<sup>43</sup> St 15138, OR, 37th yr., Suppl. for April-June 1982.

<sup>44</sup> St 15359, *ibid.*, Suppl. for July-Sept. 1982.

<sup>45</sup> S/15473, *ibid.*, Suppl. for Oct.-Dec. 1982.

<sup>46</sup> S/15492 and Corr. 1 and 2, replaced by S/15492/Rev.1, *ibid.*, Special Supplement No. 3.

<sup>47</sup> S/15845, *ibid.*, 38th yr., Suppl. for April-June 1983.

<sup>48</sup> S/15860, *ibid.*, Resolutions and Decisions of the Security Council, 1983.

#### 9. LETTER DATED 19 MARCH 1982 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

#### INITIAL PROCEEDINGS

Decision of 2 April 1982 (2347th meeting): rejection of a draft resolution submitted by Guyana and Panama

In a letter dated 19 March 1982,<sup>1</sup> the representative of Nicaragua transmitted the text of a note dated 18 March from the Co-ordinator of the Governing Junta of National Reconstruction of Nicaragua, who requested an urgent meeting of the Council in view of what he described as the worsening of tension in Central America and the increasing danger of a large-scale military intervention by the armed forces of the United States.

In a letter dated 25 March 1982,<sup>2</sup> the representative of El Salvador, referring to the letter of 19 March from the representative of Nicaragua, cited Chapter VIII of the Charter, recalled existing international instruments with respect to inter-American matters and maintained that the problems of international relations and disputes in the Latin American region in general and Central America in particular should be solved through recourse in the first instance to appropriate procedures within the inter-American system.<sup>3</sup>

At the 2335th meeting, on 25 March 1982, the Council included the letter dated 19 March 1982 from the representative of Nicaragua in its agenda. Following the adoption of the agenda, the Council invited the following, at their request, to participate, without vote, in the discussion on the item: at the same meeting, the representatives of Angola, Argentina, Cuba, Honduras, Mexico and Nicaragua; at the 2337th meeting, the representative of Viet Nam; at the 2339th meeting, the representatives of Grenada, India, Iran, the Lao People's Democratic Republic, Mozambique, Nigeria, Seychelles and Yugoslavia; at the 2341st meeting, the representatives of Benin, El Salvador, the German Democratic Republic, Madagascar, Sri Lanka, the United Republic of Tanzania and Zambia; at the 2342nd meeting, the representatives of Chile, Colombia, the Libyan Arab Jamahiriya, Mauritius, the Syrian Arab Republic and Zimbabwe; at the 2343rd meeting, the representatives of Algeria, the Congo and Costa Rica; and, at the 2347th meeting, the representative of Iraq.<sup>4</sup> The Council considered the item at its 2335th to 2337th, 2339th, 2341st to 2343rd and 2347th meetings, from 25 March to 2 April 1982.

At the 2335th meeting, the Co-ordinator of the Governing Junta of National Reconstruction of Nicaragua presented an extensive and detailed account of Nicaragua's troubled relationship with the