

9. LETTER DATED 17 JUNE 1985 FROM THE PERMANENT REPRESENTATIVE OF BOTSWANA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter¹ dated 17 June 1985 addressed to the President of the Security Council, the representative of Botswana requested that an urgent meeting of the Council be convened to consider the serious situation that was arising as a result of South Africa's military attack on Gaborone, the capital city of Botswana, on 14 June 1985.

In a previous letter² dated 14 June 1985 addressed to the President of the Security Council, the representative of Botswana had transmitted the text of a press release issued on the same date by the Office of the President of the Republic of Botswana describing the loss of lives and material damage inflicted during the raid early that morning by members of the South African Defense Force. The Government of Botswana strongly condemned the raid, which had been the most serious of the incidents that had occurred since March 1985 and had been carried out despite the repeated assurances that had been given that Botswana did not permit its territory to be used for launching attacks against neighbouring countries.

By a letter³ dated 17 June 1985, the representative of South Africa transmitted to the Secretary-General the text of a statement of 14 June 1985 by the Minister for Foreign Affairs of South Africa. Commenting on the events at Gaborone on 13/14 June 1985, the Minister had stated that the Government of Botswana had been repeatedly warned by South Africa to curtail the activities of the African National Congress of South Africa (ANC) inside Botswana, and in particular the planning and execution of terrorist activities in South Africa from Botswana. He had also recounted a number of meetings between the Ministers for Foreign Affairs and relevant security forces of the two countries that had been held at various times between 21 April 1983 and 2 February 1985, and had charged that, since August 1984, ANC had been responsible for 36 acts of violence which had been planned and executed from Botswana. Furthermore, he had referred to an "established" principle of international law that a State may not permit on its territory activities for the purpose of carrying out acts of violence on the territory of another State, and declared that it was equally well established that a State had a right to take appropriate steps to protect its own security and territorial integrity against such acts.

At its 2598th meeting, on 12 June 1985, the Security Council included in its agenda the item entitled "Letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations addressed to the President of the Security Council" and considered the item at the 2598th and 2599th meetings, on 21 June 1985.⁴

In the course of its deliberations the Council invited, at their request, the representatives of the Bahamas, Benin, the German Democratic Republic, Lesotho, Liberia, Seychelles and the United Republic of Tanzania to participate, without the right to vote, in the Council's discussion.⁵ The

Council also extended an invitation, as requested, under rule 39 of the provisional rules of procedure of the Security Council, to the Vice-Chairman of the Special Committee against Apartheid.⁵

Decision of 21 June 1985 (2599th meeting): resolution 568 (1985)

At the 2598th meeting, on 21 June 1985, at the outset of the discussion, the President of the Security Council drew the attention of the members of the Council to a draft resolution⁶ submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago.

At the opening of the discussion, the Minister for Foreign Affairs of Botswana recalled the events of 14 June 1985 when, at 0140 hours, Botswana had been invaded by South African refugees, two residents, two visitors, including a six-year-old child, and two nationals of Botswana. The invasion had been unprovoked and had been the culmination of the aggressive South African attitude that had progressively deteriorated as the agitation for change had intensified inside South Africa. Because South Africa and Botswana were geographically bound to live together, her country had never allowed opposition to apartheid to undermine its commitment to the principle of peaceful coexistence. Her Government had refused to sign a non-aggression pact as demanded by South Africa, since such a pact, other than compromising its sovereignty, could not enhance its capacity to be any more vigilant than it currently was against guerrilla infiltration into South Africa. As a humanitarian and moral obligation and in fulfilment of its statutory obligations as a party to the 1951 Geneva Convention relating to the Status of Refugees as well as the 1969 Convention of the Organization of African Unity Governing the Specific Aspects of Refugee Problems in Africa, her Government gave political asylum to refugees fleeing the brutalities of apartheid in South Africa, and it would continue to do so regardless of the consequences. She referred to the statement³ of 14 June 1985 by the Minister for Foreign Affairs of South Africa and said that the allegation about "ANC terrorist activities" in Botswana had been based on "mere suspicion" or had been fabricated in order to force Botswana to get rid of genuine refugees. It was South Africa, not Botswana, that was responsible for the crimes committed in South Africa by the policies of apartheid. She asked the Security Council to strongly condemn South Africa's terrorist act against Gaborone and against refugees in Botswana. She also appealed to the Council to demand that South Africa desist from further attacks on Botswana and ensure security in the region. Finally, she requested the Council to dispatch a mission to assess the damage caused by South Africa's invasion and to examine the need for possible assistance.⁷

At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland emphasized that the explanations that had been given by the Government of South Africa regarding its attack on Gaborone on 14 June 1985 were entirely unsatisfactory and in no way

¹S/17279.

²S/17274.

³S/17282.

⁴For the adoption of the agenda, see S/PV.2598, p. 2.

⁵For details, see chap. III of the present *Supplement*.

⁶S/17291, subsequently adopted, as orally revised, as resolution 568 (1985).

⁷S/PV.2598, pp. 4-19.

justified the violation of sovereignty and the killing or wounding of innocent people. While the United Kingdom was aware of the complexities of the internal situation in South Africa, his Government was nevertheless opposed to violence; South Africa must recognize that a solution to its internal problems would not be found by attacking neighbouring countries. It was for all the people of South Africa to resolve their own future and it was within South Africa, not outside it, that apartheid must be dismantled to enable different groups and races to live together in justice and equity.⁸

At the 2599th meeting, on 21 June 1985, the representative of South Africa said that the "true state of affairs" that had led to the events in Gaborone was contained in the statement of his Foreign Minister³ on 14 June 1985. Subsequently, on 20 June 1985, the Minister for Foreign Affairs of South Africa had dispatched a message to the Minister of External Affairs of Botswana informing her that, since the Nkomati Accord, ANC had focused on Botswana to establish new bases for its attacks on South Africa and all ANC members in Botswana had been secretly placed on full-scale armed alert. The South African Foreign Minister had further asserted that evidence of the violent intentions of ANC operating from Botswana was provided by the discovery of a huge arms cache in Gaborone and that that had been confirmed subsequently by the Government of Botswana on 26 April 1985. Finally, the representative of South Africa quoted extensively from an address by his State President to the South African Parliament on 19 June 1985, where he had said: "Measures which we are taking within the framework of established principles of international law to protect our population and our property are decried as violations of the sovereignty of other States." The State President was further quoted as having declared his Government's readiness to regulate and normalize relations with all its neighbours on the basis of "ground rules" that included: (a) prohibition of support for cross-border violence or the planning of such violence; (b) withdrawal of foreign forces from the region; (c) peaceful settlement of disputes; (d) regional co-operation to address common challenges; and (e) toleration of the different socio-economic and political systems in the region.⁹

At the same meeting, the above-mentioned draft resolution,¹⁰ as orally revised, was voted upon and adopted unanimously as resolution 568 (1985).¹¹ The resolution reads as follows:

The Security Council,

Taking note of the letter dated 17 June 1985 from the Permanent Representative of Botswana to the United Nations and having heard the statement of the Minister for External Affairs of Botswana concerning the recent acts of aggression by the racist regime of South Africa against the Republic of Botswana,

⁸Ibid., pp. 23-27.

⁹S/PV.2599, pp. 31-36.

¹⁰See note 6 above.

¹¹For the vote, see S/PV.2599, p. 78.

Expressing its shock and indignation at the loss of human life, the injuries inflicted, and the extensive damage as a result of that action,

Affirming the urgent need to safeguard the territorial integrity of Botswana and maintain peace and security in southern Africa,

Reaffirming the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty and territorial integrity of any State,

Expressing its profound concern that the racist regime resorted to the use of military force against the defenceless and peace-loving nation of Botswana,

Gravely concerned that such acts of aggression can only serve to aggravate the already volatile and dangerous situation in southern Africa,

Bearing in mind that this latest incident is one in a series of provocative actions carried out by South Africa against Botswana and that the racist regime has declared that it will continue and escalate such attacks,

Commending Botswana for its unflinching adherence to the conventions relating to the status of refugees and of stateless persons and for the sacrifices it has made and continues to make in giving asylum to victims of apartheid,

1. *Strongly condemns* South Africa's recent unprovoked and unwarranted military attack on the capital of Botswana as an act of aggression against that country and a gross violation of its territorial integrity and national sovereignty;

2. *Further condemns* all acts of aggression, provocation and harassment, including murder, blackmail, kidnapping and destruction of property committed by the racist regime of South Africa against Botswana;

3. *Demands* the immediate, total and unconditional cessation of all acts of aggression by South Africa against Botswana;

4. *Denounces and rejects* racist South Africa's practice of "hot pursuit" to terrorize and destabilize Botswana and other countries in southern Africa;

5. *Demands* full and adequate compensation by South Africa to Botswana for the damage to life and property resulting from such acts of aggression;

6. *Affirms* Botswana's right to receive and give sanctuary to the victims of apartheid in accordance with its traditional practice, humanitarian principles and international obligations;

7. *Requests* the Secretary-General to enter into immediate consultation with the Government of Botswana and the relevant United Nations agencies on measures to be undertaken to assist the Government of Botswana in ensuring the safety, protection and welfare of the refugees in Botswana;

8. *Requests* the Secretary-General to send a mission to visit Botswana for the purpose of:

(a) Assessing the damage caused by South Africa's unprovoked and premeditated acts of aggression;

(b) Proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees;

(c) Determining the consequent level of assistance required by Botswana and to report thereon to the Security Council;

9. *Requests* all States and relevant agencies and organizations of the United Nations system urgently to extend all necessary assistance to Botswana;

10. *Requests* the Secretary-General to monitor developments related to this question and to report to the Security Council as the situation demands;

11. *Decides* to remain seized of the matter.