

3. *Calls upon* the administering Power to ensure the full and impartial implementation of the letter and spirit of the Lancaster House agreement;

4. *Calls upon* the Government of the United Kingdom of Great Britain and Northern Ireland, while noting its announcement that the South African troops have been withdrawn from the Beit Bridge, to ensure the immediate, complete and unconditional withdrawal of any other South African forces, regular or mercenary, from Southern Rhodesia;

5. *Calls upon* the Government of the United Kingdom to take all necessary steps in order to ensure that eligible Zimbabwe nationals will freely participate in the forthcoming electoral process, including:

(a) The speedy and unimpeded return of Zimbabwe exiles and refugees in conformity with the Lancaster House agreement;

(b) The release of all political prisoners;

(c) The strict compliance by all the forces with the terms of the Lancaster House agreement and the confinement forthwith of the Rhodesian and auxiliary forces to their bases in conformity with that agreement;

(d) The according of equal treatment to all parties to the agreement;

(e) The rescinding of all emergency measures and regulations inconsistent with the conduct of free and fair elections;

6. *Calls upon* the Government of the United Kingdom to create conditions in Southern Rhodesia which will ensure free and fair elections and thereby avert the danger of the collapse of the Lancaster House agreement, which could have serious consequences for international peace and security;

7. *Calls upon* the Government of the United Kingdom to release any South African political prisoners, including captured freedom fighters, in Southern Rhodesia and to ensure their safe passage to any country of their choice;

8. *Strongly condemns* the racist régime in South Africa for interference in the internal affairs of Southern Rhodesia;

9. *Calls upon* all Member States to respect only the free and fair choice of the people of Zimbabwe;

10. *Decides* to keep the situation in Southern Rhodesia under review until the Territory attains full independence under genuine majority rule.

Following the vote the representative of the United Kingdom explained his delegation's non-participation in the vote, explaining that the draft resolution was unbalanced and selective, and purported to give guidance on the United Kingdom's administration of its colonial territory otherwise than in accordance with the terms of the London agreement; the United Kingdom delegation could not associate itself with such a resolution.¹²⁸¹

The representative of the United States said that, although difficulties had occurred during the implementation of the London agreement, it was necessary for the parties concerned to build on the positive elements that had so far emerged. He exhorted all others not party to the agreement to exercise patience and exhibit forbearance in their criticism. In explanation of vote he said that he understood that the resolution just adopted called on the United Kingdom and the parties concerned to play their part in implementing the agreement, but his delegation did not accept charges of violations of that agreement.¹²⁸²

The representative of Portugal said that his delegation had supported the resolution because it reflected the apprehension of the world community about the

developments in Southern Rhodesia, but that his delegation had trust in the ability of the United Kingdom to implement the London agreement impartially.¹²⁸³

THE SITUATION IN SOUTH AFRICA: KILLINGS AND VIOLENCE BY THE APARTHEID RÉGIME IN SOWETO AND OTHER AREAS

Decision of 19 June 1976 (1930th meeting): resolution 392 (1976)

By letter¹²⁸⁴ dated 18 June 1976 addressed to the President of the Security Council, the representatives of Benin, the Libyan Arab Republic and the United Republic of Tanzania, in accordance with the decision of the African Group, requested an emergency meeting of the Security Council to consider the measures of repression, including wanton killings, perpetrated by the *apartheid* régime in South Africa against the African people in Soweto and other areas in South Africa.

By telegram¹²⁸⁵ dated 18 June 1976 addressed to the Secretary-General, the President of Madagascar, in view of the outburst of violence in Soweto and several other places in South Africa, requested the Secretary-General to convene the Security Council as a matter of urgency and to call upon all nations, particularly the developed countries, to implement the relevant resolutions of the General Assembly and the Security Council.

At the 1929th meeting on 18 June 1976, the Council included the item in its agenda.¹²⁸⁶ In the course of the discussions the President, with the consent of the Council, invited the representatives of Algeria, Cuba, India, Liberia, Madagascar, South Africa, the United Republic of Cameroon, Yugoslavia and Zambia, at their request, to participate in the discussion without the right to vote.¹²⁸⁷

The Council also extended invitations under rule 39 of the provisional rules of procedure to Mr. Trami Mhlambiso of the African National Congress of South Africa and Mr. David Sibeko of the Pan Africanist Congress of Azania.¹²⁸⁸

The question was considered at the 1929th and 1930th meetings, held on 18 and 19 June 1976.

At the 1929th meeting the representative of Liberia, speaking on behalf of the African Group, stated that the events in Soweto were reminiscent of what took place in Sharpeville in 1960, constituted a violation of human rights and had become the concern of the international community. She pointed out that the African States condemned the atrocities by the Pretoria régime, which had resulted in the deaths of hundreds of innocent people, including children, and called on the Security Council to take bold and positive action against South Africa which for the past 30 years had flouted resolutions of both the Security Council and the General Assembly.¹²⁸⁹

¹²⁸³ *Ibid.*, paras 72 and 73.

¹²⁸⁴ S/12100, *OR, 31st yr., Suppl for April-June 1976*, p. 64.

¹²⁸⁵ S/12101, *ibid.*

¹²⁸⁶ 1929th mtg., preceding para. 1.

¹²⁸⁷ For details, see chapter III.

¹²⁸⁸ *Ibid.*

¹²⁸⁹ 1929th mtg., paras 6-17.

¹²⁸¹ 2196th mtg., paras 5 and 6.

¹²⁸² *Ibid.*, paras 34-43.

At the same meeting the representative of Algeria called on the Council to reaffirm unanimously the condemnation of *apartheid*, to express the solidarity of the Council with the African people in South Africa and to issue an absolute prohibition of any political, economic or military relations with the Pretoria régime.¹²⁹⁰

The representative of the United Republic of Tanzania reviewed the developments in South Africa which he called a direct threat to international peace and security and expressed his belief that the Council had to do everything within its power, in accordance with the appropriate provisions of the Charter, to ensure that an end was put to the *apartheid* system.¹²⁹¹

The representative of the USSR agreed with the press statement issued on 17 June 1976 by the Acting Chairman of the United Nations Special Committee against *Apartheid* in which an appeal had been made for a total embargo on all supplies to the armed forces and police of South Africa and for the complete international isolation of the South African racist régime, and supported the strongest sanctions against South Africa, as provided for in the Charter.¹²⁹²

At the same meeting, the President informed the Council of a letter dated 18 June 1976 from the Rapporteur of the Special Committee against *Apartheid* with a request to address the Council on the item. In accordance with previous practice, the President proposed that the Council extend an invitation, under rule 39 of the provisional rules of procedure, to the Rapporteur of the Special Committee against *Apartheid*. In the absence of objections, it was so decided.¹²⁹³

The Rapporteur of the Special Committee against *Apartheid* reiterated the Committee's appeal for a total embargo on all supplies for the armed forces and police in South Africa, and for the total isolation of the South African racist régime and expressed its view that the Council should not only condemn the latest atrocities in South Africa, but also demand that the régime end forthwith its violence against innocent black Africans and take immediate steps to abolish the system of *apartheid* and racial discrimination.¹²⁹⁴

The President informed the Council that the sponsors of the draft resolution contained in document S/12103 had asked to make the following additions: at the end of the second preambular paragraph, "1976", was added; a new second preambular paragraph was inserted before the existing second preambular paragraph reading as follows: "Having considered also the telegram from the President of the Democratic Republic of Madagascar addressed to the Secretary-General (S/12101)".

At the 1930th meeting on 19 June 1976, the representative of the United Republic of Tanzania introduced the draft resolution¹²⁹⁵ on behalf of the delegations of Benin, Guyana, the Libyan Arab Republic, Pakistan,

Panama, Romania, Sweden and the United Republic of Tanzania.

In explaining his participation in the debate the representative of South Africa stated that it should not be construed as modifying in any way the well-known position of his delegation on Article 2, paragraph 7, of the Charter, which was documented in the records of the Organization.¹²⁹⁶

In the course of the 1929th and 1930th meetings a number of speakers called for the imposition of measures stipulated in Chapter VII of the Charter of the United Nations.¹²⁹⁷

The representative of Italy proposed to adopt the draft resolution by consensus.¹²⁹⁸

The representative of Benin, on behalf of the sponsors of the draft resolution, said that there were no objections to the Council proceeding in the manner proposed by the representative of Italy.

The President announced that inasmuch as draft resolution S/12103 had unanimous support in the Council, there appeared to be no need to vote upon it formally.

At the same meeting draft resolution S/12103 was unanimously adopted by consensus as resolution 392 (1976).¹²⁹⁹

The resolution reads as follows:

The Security Council,

Having considered the letter of the representatives of Benin, the Libyan Arab Republic and the United Republic of Tanzania, on behalf of the African Group at the United Nations, concerning the measures of repression, including wanton killings, perpetrated by the *apartheid* régime in South Africa against the African people in Soweto and other areas in South Africa,

Having considered also the telegram from the President of the Democratic Republic of Madagascar to the Secretary-General.

Deeply shocked over large-scale killings and wounding of Africans in South Africa, following the callous shooting of African people including schoolchildren and students demonstrating against racial discrimination on 16 June 1976,

Convinced that this situation has been brought about by the continued imposition by the South African Government of *apartheid* and racial discrimination, in defiance of the resolutions of the Security Council and the General Assembly,

1. *Strongly condemns* the South African Government for its resort to massive violence against and killings of the African people including schoolchildren and students and others opposing racial discrimination;
2. *Expresses* its profound sympathy to the victims of this violence;
3. *Reaffirms* that the policy of *apartheid* is a crime against the conscience and dignity of mankind and seriously disturbs international peace and security;
4. *Recognizes* the legitimacy of the struggle of the South African people for the elimination of *apartheid* and racial discrimination;
5. *Calls upon* the South African Government urgently to end violence against the African people and to take urgent steps to eliminate *apartheid* and racial discrimination;
6. *Decides* to remain seized of the matter.

¹²⁹⁰ *Ibid.*, paras. 19-30.

¹²⁹¹ *Ibid.*, paras. 85-121.

¹²⁹² *Ibid.*, paras. 133-145.

¹²⁹³ *Ibid.*, paras. 146 and 147.

¹²⁹⁴ *Ibid.*, paras. 149-160.

¹²⁹⁵ 1930th mtg., paras. 135-147. S/12103 was adopted without change as resolution 392 (1976).

¹²⁹⁶ 1930th mtg., paras. 150-179.

¹²⁹⁷ 1929th mtg., para. 127 (Benin), para. 159 (Rapporteur of the Special Committee against *Apartheid*), 1930th mtg., para. 43 (Yugoslavia), para. 98 (Zambia), para. 143 (United Republic of Tanzania), para. 218 (Mr. Sibeko).

¹²⁹⁸ 1930th mtg., paras. 279-283.

¹²⁹⁹ *Resolutions and Decisions of the Security Council, 1976*, p. 11.

Speaking in explanation of joining the consensus the representative of the United States of America stated that he did so on the understanding that the language of the resolution fell under Chapter VI of the Charter and did not imply any Chapter VII determination. He emphasized the sensitiveness of the United States to the limits of the Security Council's jurisdiction imposed by Article 2, paragraph 7, of the Charter under which no organ of the United Nations was authorized to intervene in matters which were essentially within the domestic jurisdiction of any State, except where enforcement measures under Chapter VII were to be applied. He added that that resolution before the Council was not providing for enforcement measures.¹³⁰⁰

The representative of the United Kingdom explained that his support for the resolution in no way indicated any diminution of the importance the United Kingdom attached to the strictest adherence to Article 2, paragraph 7, of the Charter and that Article 2, paragraph 7, was qualified by the parallel duty of the United Nations under Articles 55 and 56 of the Charter to concern itself with questions of human rights and fundamental freedoms.¹³⁰¹

At the end of the meeting the President noted that in accordance with the resolution adopted by the Council it remained seized of the matter.¹³⁰²

On 3 August 1976, the Special Committee against *Apartheid* transmitted a special report¹³⁰³ entitled "The Soweto massacre and its aftermath". The Special Committee recommended that the Security Council again consider the situation in South Africa in the light of the defiance by the South African régime of the relevant resolutions of the Council, in particular resolution 392 (1976), and the continued aggravation of the situation by massive repression. The Special Committee further recommended that the Security Council declare that the rapidly worsening situation in South Africa resulting from the policies of *apartheid* of the Pretoria régime was a grave threat to international peace and security, and that the Council take early action under Chapter VII of the Charter of the United Nations.

COMPLAINT BY THE PRIME MINISTER OF MAURITIUS, CURRENT CHAIRMAN OF THE OAU, OF THE "ACT OF AGGRESSION" BY ISRAEL AGAINST THE REPUBLIC OF UGANDA

Decision of 14 July 1976 (1943rd meeting): rejection of the two-Power draft resolution

By letter¹³⁰⁴ dated 6 July 1976 addressed to the President of the Security Council, the Assistant Executive Secretary of the Organization of African Unity (OAU) transmitted the text of a telegram by the Prime Minister of Mauritius, the current Chairman of the OAU. The telegram stated that on 4 July, the Assembly of Heads of State and Government of the OAU in Mauritius had received information concerning the

invasion of Uganda by Israeli commandos and had decided to request the Security Council to meet urgently to consider that wanton act of aggression against a Member State of the United Nations.

By letter¹³⁰⁵ dated 6 July 1976 addressed to the President of the Security Council the representative of Mauritania, as Chairman of the African Group for the month of July, requested the President to convene a meeting of the Council as a matter of urgency to consider the contents of the telegram of 6 July from the Chairman of OAU.

By earlier letter¹³⁰⁶ dated 4 July 1976 addressed to the Secretary-General, the representative of Israel transmitted excerpts from a statement made by the Prime Minister of Israel with regard to an operation conducted by the Israeli Defence Forces at Entebbe international airport in Uganda. The Prime Minister stated that the decision to undertake the operation had been taken by the Government of Israel on its sole responsibility and described it as an achievement in the struggle against terrorism.

By another letter¹³⁰⁷ dated 5 July 1976 addressed to the President of the Security Council the representative of Uganda transmitted the text of a message dated 4 July from the President of the Republic of Uganda charging that the Israeli invasion had been well-planned with the full co-operation of some other countries, including Kenya and the Western Powers. Uganda requested that Israel be condemned in the strongest possible terms for its aggression.¹³⁰⁸

At the 1939th meeting on 9 July 1976 the Council included the four letters in its agenda¹³⁰⁹ and considered the item from the 1939th to 1943rd meetings between 9 and 14 July 1976.

In the course of its deliberations the Council invited the representatives of Cuba, the Federal Republic of Germany, Guinea, India, Israel, Kenya, Mauritania, Mauritius, Qatar, Somalia, Uganda, the United Republic of Cameroon and Yugoslavia at their request to take part in the discussions without the right to vote.¹³¹⁰

¹³⁰⁵ S/12128, *ibid.*, p. 7.

¹³⁰⁶ S/12123, *ibid.*, pp. 3, 4.

¹³⁰⁷ S/12124, *ibid.*, pp. 4, 5.

¹³⁰⁸ In a letter dated 7 July (S/12131, *OR, 31st yr., Suppl. for July-Sept. 1976*, p. 9) the representative of Kenya replied to the charges made by Uganda, denying that Kenya ever had been or ever would be used as a base for aggression against any other country. The Israeli aircraft had been permitted to land at Nairobi airport purely on humanitarian grounds and in accordance with international law. Kenya, therefore, could not be held responsible in any manner or form for collaborating with the forces hostile to Africa. In a subsequent letter dated 12 July (S/12140, *OR, 31st yr., Suppl. for July-Sept. 1976*, pp. 16, 17) the Minister for Foreign Affairs of Kenya stated that a very serious situation had arisen in the wake of the allegations by Ugandan authorities charging Kenya with collaboration in the Israeli raid at Entebbe airport. He charged that Uganda had recently built up its military forces along the border with Kenya, thus increasing tension and the danger of avoidable incidents in the area.

¹³⁰⁹ Preceding the adoption of the agenda the representative of the USSR expressed the understanding that the words in inverted commas, "act of aggression", were taken from the telegram from the Chairman of the OAU, the Prime Minister of Mauritius (S/12126, annex), which referred to "this unprecedented aggression against Uganda by Israel" (1939th mtg., para. 4).

¹³¹⁰ For details, see chapter III

¹³⁰⁰ 1930th mtg., paras. 289-292.

¹³⁰¹ *Ibid.*, paras. 293-307.

¹³⁰² *Ibid.*, para. 337.

¹³⁰³ S/12150/Add.1.

¹³⁰⁴ S/12126, *OR, 31st yr., Suppl. for July-Sept. 1976*, p. 6.