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2361st MEETING

Held in New York on Friday, 21 May 1982, at 6.15 p.m.

President: Mr. LING Qing (China).

Present: The representatives of the following States: China, France, Guyana, Ireland, Japan, Jordan, Panama, Poland, Spain, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

Provisional agenda (S/Agenda/2361)

1. Adoption of the agenda
2. Complaint by Seychelles:
Report of the Security Council Commission of Inquiry established under resolution 496 (1981) (S/14905/Rev.1)

The meeting was called to order at 6.35 p.m.

Adoption of the agenda

The agenda was adopted.

Complaint by Seychelles:

Report of the Security Council Commission of Inquiry established under resolution 496 (1981) (S/14905/Rev.1)

1. The PRESIDENT (*interpretation from Chinese*): In accordance with decisions taken at the 2359th meeting, I invite the representative of Seychelles to take a place at the Council table. I invite the representatives of Algeria, Angola, Argentina, Benin, Botswana, Cuba, Czechoslovakia, Egypt, Honduras, India, the Lao People's Democratic Republic, Madagascar, Maldives and Malta to take the places reserved for them at the side of the Council chamber.

At the invitation of the President, Mr. Hodoul (Seychelles) took a place at the Council table; Mr. Abada (Algeria), Mr. De Figueiredo (Angola), Mr. Roca (Argentina), Mr. Soglo (Benin), Mr. Legwaila (Botswana), Mr. López del Amo (Cuba), Mr. Suja (Czechoslovakia), Mr. Abdel Meguid (Egypt), Mr. Lobo (Honduras), Mr. Krishnan (India), Mr. Srithirath (Lao People's Democratic Republic), Mr. Rabetafika (Madagascar), Mr. Zaki (Maldives) and Mr. Gauci (Malta) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT (*interpretation from Chinese*): I should like to inform members of the Council that I have also received letters from 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 in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Zarif (Afghanistan), Mr. Moseley (Barbados), Mr. Tsvetkov (Bulgaria), Mr. Ott (German Democratic Republic), Mr. Taylor (Grenada), Mr. Racz (Hungary), Mr. Traore (Mali), Mr. Lobo (Mozambique), Mr. Chamorro Mora (Nicaragua), Mr. Naik (Pakistan), Mr. Cassandra (Sao Tome and Principe), Mr. Rupia (United Republic of Tanzania), Mrs. Nguyen Ngoc Dung (Viet Nam) and Mr. Šilović (Yugoslavia) took the places reserved for them at the side of the Council chamber.

3. The PRESIDENT (*interpretation from Chinese*): I should like to inform members of the Council that although there is a long list of speakers for this meeting, owing to the lateness of the hour only seven speakers will be heard this evening. The remaining speakers will be heard at the next meeting of the Council on this item.

4. Mr. NISIBORI (Japan): With regard to the question before us, I should like to remind the members of the Council that at our meeting on this item last December, my delegation stated that the aggression by mercenaries against the Republic of Seychelles on 25 November 1981 was an extremely regrettable incident, involving a clear violation of the territorial integrity of the Republic of Seychelles and a threat to its political independence [2314th meeting, para. 38]. At the same time, my delegation pointed out that since there were a number of factual uncertainties surrounding the incident, it was imperative that the Council be presented with all relevant information in order to enable its members to determine appropriate measures to be taken [*ibid.*, para. 41].

5. My delegation has, in various forums of the United Nations, repeatedly stressed the need to strengthen the fact-finding capacity of some of its organs, including the Security Council. Thus, it strongly supported Council resolution 496 (1981) of 15 December 1981 establishing a Commission of Inquiry to investigate the complaint made by the Republic of Seychelles. My delegation was privileged to serve as a member of that Commission.

6. I should like to take this opportunity to place on record my deep admiration for the leadership and wisdom of the Chairman of the Commission of Inquiry, Mr. Ozores Typaldos of Panama, and the spirit of teamwork displayed by him and the other member of the Commission, Mr. Craig, of Ireland. The staff of the Secretariat also deserves a high tribute for its unflinching support and professional assistance in advancing the work of the Commission.

7. I wish also to thank Mr. Ozores Typaldos for his helpful and comprehensive introduction of the Commission's report dated 15 March 1982. As is clear from the report, the members of the Commission made every effort to fulfil the mandate entrusted to them by resolution 496 (1981) to investigate the origin, background and financing of the mercenary aggression of 25 November 1981 against the Republic of Seychelles, as well as to assess and evaluate economic damages. I believe that in pursuance of the mandate the Commission did its best to leave no stone unturned in seeking with objectivity and fairness to establish the facts concerning the incident at Mahé International Airport.

8. According to the findings of the Commission, there is no doubt whatsoever that the primary objective of the mercenaries was to overthrow the Government of Seychelles with the alleged goal of installing Mr. James Mancham as the head of State. Seychelles was clearly the victim of aggression; its sovereignty and territorial integrity were unquestionably violated by mercenaries from outside the country, although some Seychellois exiles were apparently also involved.

9. The Commission was able to interview the mercenaries who were in custody in Seychelles while awaiting trial for their serious offences, and its hearing of them constitutes a very important part of the report before us. Owing to legal constraints in South Africa, however, the Commission was unable to question those mercenaries—particularly Michael Hoare, the central figure of the mercenary operation—who returned to South Africa aboard a hijacked Air India aircraft immediately after the abortive attack. The report is very candid in this regard in stating in paragraph 274 that the available information is incomplete and that:

“The Commission does not have full knowledge of the origin and background of the mercenary aggres-

sion. The Commission cannot exclude that further significant information relating to its mandate may become available, particularly during the course of the trial on the hijacking charges . . . in South Africa.”

10. In the light of recent testimony that was given by Michael Hoare in a South African court and somewhat sensationally reported by major international news media, my delegation is of the view that the Commission's reservations have been fully vindicated. The information that continues to be made available following the Commission's submission of its report on 15 March should be closely examined. In this connection, I should like to call the attention of the Council members to the sixth recommendation contained in paragraph 293 of the report, which reads as follows:

“Should the Security Council so desire, the Commission might be authorized to furnish a supplementary report in due course containing any further information relative to its mandate.”

11. My delegation is of the view that the Council's first task is to consider whether or not to request the Commission to submit another report supplementary to the one before us. Certain ambiguities on the financing may also be clarified if further information is collected from diverse sources including Michael Hoare and Gerard Hoareau, a Seychellois resident in South Africa who seems to have been closely involved in the actual attack.

12. Another aspect of the incident which I should like briefly to touch upon relates to economic damages. There is no doubt that the economy of Seychelles suffered as a result of the unprovoked mercenary attack last November. As the report points out in paragraph 271,

“While the numbers involved in this aggression may be small, . . . given the small size and limited resources of Seychelles, the aggression posed a grave threat to the sovereignty and independence of the country and seriously disrupted its daily life.”

13. In this regard we are pleased to note that the direct physical damages to the airport have been repaired, thanks to the diligent efforts of the Government and people of Seychelles, with the co-operation of friendly countries.

14. However, we cannot ignore another aspect of the incident, and that is its impact on the national economy of Seychelles. The major industry in that country is tourism, which in recent years has generated nearly 70 per cent of its foreign exchange earnings and absorbed more than 10 per cent of its work force. Because tourism is highly sensitive to political, social and economic disturbances, the attack unquestionably dealt a serious blow not only to that industry but

to the national economy as a whole. Although the report says it is too early to make a definitive assessment and evaluation of damages to the tourist industry, it can be assumed that the Seychelle's economy will be adversely affected in 1982 as a result of the mercenary attack. We are confident, however, that the efforts of the leaders and people of Seychelles, with international co-operation, will enable the country to overcome its economic difficulties in the near future.

15. Mr. TROYANOVSKY (Union of Soviet Socialist Republics) (*interpretation from Russian*): First of all, Sir, allow me to congratulate you on the way you are discharging your responsibilities as President of the Council for the month of May and to express the hope that under your competent leadership the Council will successfully carry out the difficult tasks facing it.

16. I should also like to thank Mr. Kamanda wa Kamanda for his successful leadership of the work of the Council during April.

17. We listened with great attention to the clear and convincing statement of the Minister for Foreign Affairs of Seychelles, who put forward his Government's position on the item now before the Council. From the very beginning, the Soviet delegation has vigorously supported the appeal made by Seychelles to the Council. On 25 November 1981, in violation of the generally accepted norms, standards and principles of international law, a brazen act of provocation was carried out against that small country. A group of mercenaries intruded upon its territory in order to overthrow the legitimate Government of that country, and carried out military actions that caused loss of life and material damage. In other words, aggressive action was carried out against Seychelles, and it was yet another specific manifestation of the implementation of the policy of international terrorism directed by those in imperialist circles against young, independent States that have embarked upon the road of independent national development.

18. In December 1981, in the Council, the Soviet Union supported resolution 496 (1981), which provided for the sending of a commission to investigate the origin, background and financing of the mercenary aggression as well as to assess and evaluate economic damages.

19. It is the opinion of the Soviet delegation that the Commission of Inquiry, under the leadership of the representative of Panama, Mr. Ozores Typaldos, carried out useful work on the whole. Its report contains significant factual material. In spite of the fact that the obstructionist position taken, for obvious reasons, by the racist régime of South Africa did not allow the Commission to establish all the facts within its sphere of competence, it is already possible on the basis of the material in the report to trace the course of events with sufficient clarity and to reach some preliminary conclusions.

20. The Commission's report shows incontrovertibly that a group of mercenaries carried out an act of aggression against Seychelles and intended to overthrow the legitimate Government of that country. The immediate preparation and planning for that aggression, including the recruiting of the mercenaries who carried it out, took place on the territory of South Africa. New facts contained in the statement of the Minister for Foreign Affairs of the Republic of Seychelles and in the statements of the representatives of other States, as well as the additional facts which have come to light since the publication of the Commission's report, all testify to the fact that the South African authorities not only knew about the aggression being prepared but were the initiators and organizers of those actions.

21. That is a normal manifestation of the policy of the State-terrorist racist régime of Pretoria, which intends to crush the aspirations of the people of Africa to freedom, independence, equal rights and social progress. It is a customary link in the chain of the bandit-like attacks made by the racist régime against the neighbouring African countries.

22. Those actions by South Africa have repeatedly been the subject of discussion and condemnation in the Security Council. The Council of Ministers of the Organization of African Unity (OAU) at their thirty-eighth session, held at Addis Ababa in February 1982, vigorously condemned the racist régime of South Africa for the planning, organization and financing of armed aggression against the people and the State of Seychelles.¹

23. There is no doubt that the rulers of South Africa could not persist in carrying out that reckless policy if they did not enjoy comprehensive assistance and support from the forces of international imperialism.

24. The Soviet delegation supports a number of recommendations which appear in paragraph 293 of the Commission's report, in particular the second, on the need for the rapid completion of the drafting of an international convention against the recruitment, use, financing and training of mercenaries. In this connection, I would emphasize that for two sessions the representatives of some Western countries in the *Ad Hoc* Committee on the drafting of an International convention against the Recruitment, Use, Financing and Training of Mercenaries have been trying, for various reasons and on various pretexts, to delay and hamper the drafting of this important international legal document.

25. The Soviet delegation shares the opinion expressed in the statement of the Minister for Foreign Affairs of Seychelles to the effect that the Commission's report should be considered as preliminary, as one requiring additional work in the light of new material. Therefore, we support the request of the Government of Seychelles on the need to continue

the work of the Security Council Commission established under resolution 496 (1981), so that the Commission can complete its work and present the Council with specific recommendations on the basis of which the Council can take due measures concerning those responsible for the aggression and concerning protection of the sovereignty of the Republic of Seychelles.

26. Furthermore, the Soviet delegation believes that the Council should take far-reaching measures concerning the racist régime of Pretoria in order to prevent such attacks on independent sovereign States—the Seychelles or any other country.

27. The Soviet Union states its solidarity with and support for the Seychelles people, who showed bravery and firmness in dealing with the schemes of the henchmen of imperialism. We heartily wish the friendly Republic of Seychelles success on the road that it has chosen towards building a new society in conditions of peace and quiet.

28. Mr. AMEGA (Togo) (*interpretation from French*): Fate has decreed, Mr. President, that you should assume the presidency of the Council at a time when it is considering a problem that is crucial for the third world—the phenomenon of mercenaries. I am pleased to convey to you, Mr. President, my warm congratulations. You belong to a country with which mine has good relations of friendship and co-operation, a country whose age-old civilization and inspired knowledge have given its people the great wisdom which you epitomize. That great wisdom and your mastery of international issues are guarantees of the success of our work.

29. I take this opportunity to pay a warm tribute to your predecessor, Mr. Kamanda wa Kamanda of Zaire, for the dedication and determination that he showed last month in seeking a solution to the problems of the moment and for the quality of the work done. The results achieved under his presidency were the work of a master well versed in wielding the mallet with a firm hand and a supple wrist.

30. The problem before us today is a substantive problem whose gravity is fully appreciated by this body. Here and elsewhere, my delegation has made known Togo's position on matters relating to peace and security among nations. It is important to make clear once again my Government's position concerning the activities of mercenaries, which for our small countries have become a nightmare, the prolongation of which brings with it a thousand dangers detrimental to international peace and security. Furthermore, the statements made by previous speakers demonstrate the deep concern caused by this serious infringement of the sovereignty of States, this flagrant violation of international law—the use of mercenaries. From this stems the importance of these meetings devoted to the premeditated aggression of those

godless and lawless men against the sister Republic of Seychelles on 25 November 1981.

31. Following the events of 25 November 1981 in the Seychelles, the Council considered the question entitled "Complaint by Seychelles" at its meeting on 15 December [2314th meeting], when it unanimously adopted resolution 496 (1981).

32. In paragraph 3 of that resolution, the Council decided 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 25 November 1981 mercenary aggression against the Republic of Seychelles, as well as assess and evaluate economic damages, and to report to the Security Council with recommendations.

33. The Council today has that report before it, contained in document S/14905/Rev.1 of 15 March 1982. In this regard, I am pleased to congratulate the Commission of Inquiry, and its Chairman in particular, for the fine work done, for the excellent report drawn up and for the eloquent manner in which it was introduced. The Togo delegation is also pleased with the thoroughness with which the inquiry was carried out and with the objectivity with which facts and situations have been reported.

34. On 25 November 1981, the Government and people of Seychelles, who seek only to live in peace, fell victim to an act of aggression by mercenaries whose aim was to overthrow the Government. The nature of that act of aggression, an act unanimously condemned by the Council, was made even clearer by the specific information given us by the Commission of Inquiry and enables us once again to appreciate the true scale of those mercenary activities and their consequences for the life of our countries, the countries of the third world in general and the smallest among them in particular. The report submitted to the Council reveals once again the now familiar, classic pattern of relations between the paymasters, recruiters and trainers of mercenaries and their operations.

35. We have often witnessed an anomaly: when hordes of mercenaries invade an independent sovereign State, international public opinion, conditioned by a certain type of press, merely shrugs it off, or simply remains indifferent. But when it comes to bringing those mercenaries to trial, the victimized States come up against an almost general outcry from that same body of opinion. Attention was drawn to this anomaly by the Minister for Foreign Affairs and Co-operation of the Republic of Togo at the thirty-sixth session of the General Assembly when he stated:

"Arrest mercenaries and their licensed recruiters and try them with all possible guarantees for their defence: you will be submerged with letters, declarations, articles in newspapers and other mendacious propaganda publications of associations for the rights of I don't know what people."

36. That is why I stressed just now the importance of this series of Council meetings. It should allow us to adopt firm measures to confront resolutely a scourge which has lasted for too long. In these circumstances, the Council must be consistent in condemning the activities of the forces of evil represented by mercenaries, and take effective steps to prevent their activities. Such an attitude on the part of the Council must strengthen the efforts of the *Ad Hoc* Committee on the Drafting of an International Convention Against the Recruitment, Use, Financing and Training of Mercenaries.

37. The use of mercenaries to destabilize the Government of an independent and sovereign State is, first and foremost, a denial of the right of peoples to determine their own future. In order to understand its beginnings, it may be useful to go back to the origins of colonialism and to its philosophy. Unfortunately, the limited framework of this debate does not allow me to undertake such an exercise: I shall therefore confine myself to recalling that when a few years ago our young States were joyously emerging, we perceived that historic event as a turning point in the lives of our peoples. However, we had not reckoned with the will and designs of colonialism, which, far from renouncing its despicable practices, merely changed its face. In order to contain the qualitative changes in international relations which they were obliged to accept, those who harked back to the "good old days" invented the use of mercenaries in an attempt to destabilize sovereign independent States whose only offence was to follow a policy different from what the colonialists would have preferred. Thus, mercenary aggression is not an isolated act of chance. It is the strategy of those who still dream of reconquering the territory of others by force and of installing there governments subordinate to their will.

38. The role played by South Africa in the abortive act of force by South African mercenaries against the sister Republic of Seychelles on 25 November 1981 is obvious. In this respect, I should like to quote relevant passages from the report of the Commission of Inquiry. In paragraph 278, it is stated that:

"The immediate preparations for and planning of the mercenary aggression . . . took place in South Africa . . . A number [of mercenaries] were reservists in the South African defence forces, to whom call-up papers had been issued."

In paragraph 282, we read:

"Given the tight and effective control exercised by the security authorities in South Africa, and the nature of the preparations for the mercenary operation of 25 November 1981 . . . particularly the procurement and test-firing of the weapons, the Commission finds it difficult to believe that the South African authorities did not at least have knowledge of the preparations in this matter."

In paragraph 272, the Commission, which went to South Africa, deplored the fact that it was:

"not . . . permitted to interview the mercenaries who returned to South Africa aboard the hijacked Air India plane. In particular it was handicapped by not having an interview with the leader of the mercenaries, Michael Hoare."

Indeed, one must wonder why the Pretoria authorities did not allow the Commission of Inquiry to see Michael Hoare and his accomplices, who had sought refuge in South Africa. Finally, in paragraph 281 we read that:

"Martin Dolinschek, who is in custody in Seychelles, stated to the Commission that he was a serving member of the National Intelligence Service of South Africa."

The Pretoria authorities have refused to confirm or deny that statement.

39. No wonder that a State which, domestically, does not shrink from any act, however vile it may be, of mistreatment of its own nationals, should fail outside its borders to respect international rules. Those who still attach any credit at all to racist, fascist South Africa must now face the facts and adopt appropriate measures to change the domestic and foreign policy of that country.

40. For our part, we consider South Africa's studied cynicism in this matter, as well as the complacency of the authorities of that country towards the mercenaries involved in the abortive coup against the sister Republic of Seychelles and the total impunity which the latter have enjoyed, as sufficient proof of that country's role in the 25 November act of aggression.

41. Moreover, South Africa, the country from which the mercenaries came and which welcomed them back, maintains that it is all right to conspire against a foreign Government. Indeed, in paragraph 200 of the report of the Commission of Inquiry, the Minister of Justice of the South African régime is quoted as saying that:

"in general terms, he was not aware of any law, either statutory or common law, which, as such, prohibited people from conspiring against another Government. Only if some law had been contravened in the process might prosecution be warranted."

42. Peace and security are a pressing need for all States. That is particularly true for young States such as ours. It is imperative for their stability and for their economic and social development. That is why my delegation believes that the activities of mercenaries must be declared a crime against humanity, a crime

against international peace and security, and that those who are guilty, once arrested, must be punished appropriately. In this regard, Togo, a member of the *Ad Hoc* Committee on the Drafting of an International Convention Against the Recruitment, Use, Financing and Training of Mercenaries, attaches the highest importance to United Nations efforts to put a stop to the activities of mercenaries.

43. My delegation warmly hopes that the work of the Committee will lead to the adoption of an international convention effective enough to eradicate this scourge once and for all.

44. My delegation stressed just now the importance of this series of meetings and called for a firm stand by the Council and the adoption of effective measures to discourage the development of the use of mercenaries. As early as 1977, in its resolution 405 (1977), adopted as a result of the aggression committed against the sister Republic of Benin, the Council solemnly declared a ban on the use of mercenaries to overthrow or to try to destabilize the legal Government of any State. That resolution was not enough to prevent mercenaries from preparing a few months later an attempt to destabilize my own country—an attempt which aborted before it was implemented thanks to the vigilance of friendly countries and to Togo's armed forces. That resolution did not prevent mercenaries from trying to overthrow the Government of the sister Republic of Seychelles on 25 November. That attempt fortunately also failed, thanks to the vigilance of the Seychelles security forces. It is thus time for the Council, while awaiting the conclusion of an international convention against mercenaries, to take more effective measures to prevent the development of the use of mercenaries. Among those measures, my delegation thinks that the Council must constrain South Africa to hand over Michael Hoare and his accomplices who have taken refuge in South Africa to the authorities of Seychelles, who have promised to try them with all international safeguards. Thus, potential mercenaries will know that henceforward they cannot act with impunity.

45. As for the economic consequences of the act of aggression, the Commission of Inquiry has noted the extensive damage caused to the international airport of Pointe Larue at Mahé, as well as the loss of earnings caused by the temporary closing of the airport and the drop in the resources that Seychelles gains from tourism. In that respect, I should like to express once again our total solidarity with the sister Republic of Seychelles. I also express our support for all the recommendations of the Commission of Inquiry that appear in paragraph 293 of the report, particularly the sixth, relating to a complementary inquiry, and the first, recommending "that financial, technical and material assistance should be provided urgently by Member States and international organizations to enable the country to deal with the difficulties it is facing because of the mercenary aggression."

46. The constant attention given by the Government of Togo to the matter of international peace and security derives from the unshakable determination of the Government and people of Togo to devote all their energies and strength to economic and social development and to promote a policy of co-operation with all the peoples of the world that love peace and justice. It is with that in view that Togo once again takes this opportunity firmly and unequivocally to condemn the use of mercenaries to destabilize independent and sovereign States.

47. The PRESIDENT (*interpretation from Chinese*): The next speaker is the representative of Maldives. I invite him to take a place at the Council table and to make his statement.

48. Mr. ZAKI (Maldives): I thank you, Sir, and the members of the Council for giving me this opportunity to say a few words while the Council remains seized of a most important matter, which in my opinion not only involves the security and independence of one country but also constitutes a threat to the maintenance of harmony in international relations and the preservation of international security.

49. It is a privilege for me to associate myself with other speakers in expressing my sentiments of good wishes to you as you assume the presidency for the month of May. In the same breath, I congratulate the representative of Zaire for the appropriate manner in which he performed the same task during the past month.

50. My statement today is prompted by a deep feeling of concern as the Council deliberates on the subject involving the Republic of Seychelles—concern because my country also had some experiences relating to foreign mercenaries in early 1980. Although it was not as bitter as that of the Republic of Seychelles late last year, our experience and the subsequent information that we were able to gather helped us gain a wider perception of the dire threat that confronts the international community if it fails to take appropriate action to curb the growing numbers of groups of people in various parts of the world who remain ever ready to sell their fighting skills, regardless of the objective for which they do so.

51. While I do not wish to take up too much of the Council's time, I cannot help but mention that a more detailed revelation of the distasteful facts of mercenary activities could hardly be found than that in the cover story of the magazine *New African* of March 1982, under the caption "Mercenaries: Target Africa". I shall quote just one sentence from the article: "For a fist full of dollars they will kill or get killed. That is the name of the game." Even if this directs the reader's attention to only a limited area of such activities, we should not be so naive as to believe that they are or would be restricted to that area. I sincerely feel that such activities should be viewed as a dangerous reality throughout the world.

52. The great misfortune that befell our sister nation the Republic of Seychelles following the aggression of the mercenaries late last year is viewed by my delegation as the result of wanton acts instigated and perpetrated by people who, in our opinion, lack dignified human conscience and who have a callous disregard not only for all norms of international law but also for every aspect of decent human life on earth. We believe the Republic of Seychelles and the Republic of Maldives have much in common. Just like Maldives, Seychelles is a peace-loving, friendly country, fighting hard against severe constraints to develop and better the prospects of its people. The Government and the people of my country entertain the warmest friendship towards the Government and people of Seychelles. That sincere feeling considerably reinforced my desire to make this statement today.

53. The report of the Security Council Commission of Inquiry established under resolution 496 (1981) is, as we all know, not quite complete or conclusive. But this is certainly not, in my opinion, the result of any lack of effort on the part of the members of the Commission. Indeed, they should be highly commended for the careful and conscientious work they have done. What stands out clearly is the extent of the economic loss suffered by the victim of this act by the mercenaries. My delegation therefore sincerely feels that the least that could be done now would be to initiate the necessary steps to take every possible action to alleviate the tremendous economic burden that has befallen our sister nation.

54. In the view of my delegation, the other aspects of this sad episode must receive the fullest attention of this body and should be considered with utmost seriousness. I shall not quote extracts, in order not to take up too much of the Council's valuable time; suffice it to mention the following articles which appeared in *The New York Times* on the following dates: 22 April, under the headline "South Africa Tied to Abortive Coup"; 4 May, under the headline "Testimony Links South African Arms to Coup"; 10 May 1982, under the headline "Trial Gives Peek at South Africa Intelligence Web".

55. Furthermore, the unambiguous statement of the Minister for Foreign Affairs of the Republic of Seychelles is still very fresh in my mind. Taking into consideration the statements recorded by the Commission of Inquiry relating to South Africa, and the fact that the régime in Pretoria still endeavours to prolong the inhuman policy of *apartheid*, my delegation earnestly appeals to the Council not to relax its vigilance and its efforts to implement fully its resolution 496 (1981) and asks that it take whatever action may be found necessary.

56. From our experience of the past and the events connected with the Republic of Seychelles, we believe 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. In short, this could be an international problem of great magnitude. It is for that reason that we give our closest attention to the progress of the work of the implementation of General Assembly resolution 36/76 of 4 December 1981.

57. Countries like Maldives rely to a considerable extent on the United Nations for the preservation and maintenance of their security, independence and territorial integrity. We have trust and confidence in the functioning of the United Nations system in a timely and effective manner so that the lofty principles enshrined in the Charter may be upheld, respected and acted upon, irrespective of whether a nation is big or small, strong or weak, rich or poor.

58. The PRESIDENT (*interpretation from Chinese*): The next speaker is the representative of Algeria. I invite him to take a place at the Council table and to make a statement.

59. Mr. ABADA (Algeria) (*interpretation from French*): Mr. President, allow me first of all to express the satisfaction of the Algerian delegation at seeing you preside over the Council at a time when the international situation requires so much attention, so much competence and so much effort to prevent the destiny of mankind from moving towards more violence, more confrontation and more suffering.

60. Being a representative of a country with a long history and an age-old civilization, a country so sensitive to the freedom and the progress of peoples, with which Algeria is honoured to have strong bonds of friendship, I am convinced that you will assume your mission with authority, conscientiousness and effectiveness.

61. I must also say how much my delegation appreciates the significant work achieved during a particularly burdensome month by your predecessor, Mr. Kamanda wa Kamanda.

62. In speaking today on behalf of Algeria—and I thank you for having allowed me to do so—my delegation wishes to carry out a mandate entrusted to it as well as to other African countries by the thirty-eighth session of the Council of Ministers of the OAU, held at Addis Ababa from 22 to 28 February 1982, to make a collective contribution to the Security Council concerning the study of a particularly serious aggression, and at the same time to show the support of Africa for the Republic of Seychelles.

63. In doing so, Algeria is also fulfilling the duty of friendship and solidarity with a friendly brother country whose independence and sovereignty were so seriously threatened. It is also an opportunity for us to indicate the special esteem that we have for the

Republic of Seychelles, for its people and for its Government.

64. That small country, which everyone rightly describes as a paradise, ought to have been allowed to move along an easy path by exploiting all the advantages of its geographical situation. Indeed, although situated in a very important strategic area, which arouses great covetousness in others, this country has preferred to turn resolutely along the road of social progress for all its people, to practise a policy of national independence and choose non-alignment, with all that that entails in terms of commitment and devotion to the just causes of the world.

65. Such options, in terms of both domestic and foreign affairs, affirmed with conviction by a peaceful people, unfortunately make the Republic of Seychelles seem an easy target for the enemies of the freedom of peoples and of peace, for the enemies of Africa.

66. The aggressors who appeared once again against the Seychelles on 25 November 1981 aimed at nothing less than challenging those options, obtaining the submission of the Seychelles people and leading them into a new form of servitude.

67. While we were delighted at the new victory won by the people of the Seychelles, who managed to foil an operation that was minutely planned and powerfully organized and carried out, we must do everything possible to shed light on this affair, to expose and condemn its authors and instigators and to make good the losses suffered.

68. For Algeria, as for Africa as a whole, this criminal act had a familiar ring to it, as did those other aggressions of recent years against Angola, Zambia, Botswana and Mozambique. Everywhere, in the whole of southern Africa, it is the Pretoria régime that we find challenging the independence and sovereignty of African peoples, challenging the OAU, challenging the United Nations, in order to establish its imperialist strategy of domination, destabilization and the weakening of free Africa.

69. Having received its mandate from this body, the Commission of Inquiry whose report we are studying at the present time had of course to move with wisdom and perhaps with caution in conscientiously establishing the facts, and seeking out and confirming the various elements involved before instituting what, in view of this consummate act of aggression and mercenarism, can be no less than a criminal trial.

70. We understand and respect the steps taken by the Commission, and Algeria wishes to pay a tribute to the Commission and particularly to its Chairman; but we remain convinced that the continuation of the Commission's activities would enable us to place international responsibility on those who are the source of the aggression, who prepared and financed it.

71. In our opinion, the result is bound to point to the only régime in the region capable of financing such an operation, because it is part of the logic of its policy of control, domination and destabilization. Let it be clearly understood that at this stage of the inquiry, and even well before it, to Africa any doubt about the identity of the criminal is out of the question, for such doubt would be paralysing, would be fatal. Let it be clearly understood that the Republic of Seychelles does not have the right to doubt, nor do the front-line States, nor does Africa as a whole. Their independence and their security are involved, for at any moment, in each country of the region, the same aggressor could strike again.

72. What the Commission's report does not contain is, moreover, significant, and the limitations with which, in this first stage, the inquiry met, in fact reveal the composite sketch of the criminal. We need not wait for the additional elements of the inquiry called for in this first report in order to point the finger at the Pretoria régime and to denounce it all the more forcefully since it sought to harm a non-aligned African country—one of the smallest and most vulnerable among us, a country that so deserves to live in freedom, dignity and honest labour.

73. But as if in itself the crime of aggression was not sufficiently hateful, it was necessary to entrust the carrying out of that aggression to mercenaries with a long record of misdeeds committed against other African peoples. Let it be understood why Africa bristles with anger and revulsion and is so demanding of the international community.

74. In the aggressive implementation of an imperial racism, the Pretoria régime is today attempting to give new life to mercenarism. The intolerable effluent of a psychology and a behaviour that for centuries made it possible to justify colonial conquests and to establish relations of domination and enslavement, mercenarism could become, because of the unbridled will to hegemony motivating the racist Pretoria leaders, a disturbing reality in the entire southern part of our continent, if the international community does not take the necessary radical measures to eliminate it.

75. The fact that the area of destabilization should have been extended to Seychelles, through the secular arm of Pretoria—the mercenaries—confirms quite clearly the perilous designs against the security of the African continent and emphasizes the urgency of an organized international riposte to the constant challenges of the *apartheid* régime.

76. The growing awareness by the United Nations of the danger of mercenarism is established, and a consistent doctrine has been progressively built up. Prohibited by the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,³ the use of mercenaries is

rightly made an act of aggression in General Assembly resolution 3314 (XXIX), annex, of 14 December 1974, which contains the Definition of Aggression.

77. For its part, the Council has in similar situations duly added to this doctrine by establishing and describing facts and by recognizing the right of victims to reparation, specifically during the consideration of the aggression against the People's Republic of Benin in 1977 [resolution 405 (1977)].

78. Similarly, an *ad hoc* committee, over which Algeria has the honour to preside, has received the mandate to draft an international convention against the recruitment, use, financing and training of mercenaries. And today we can see how necessary it is to speed up the carrying out of this task.

79. But over and above all the actions undertaken and the logical stands taken, there remains the political need for the exercise of the prerogatives of the Council in the maintenance of international peace and security. Indeed, in order to be reliable and dissuasive, the system of collective security established by the Charter of the United Nations requires the condemnation of any act of aggression and the naming and condemning of the perpetrator of such an act.

80. Although there is no doubt that the Pretoria régime deliberately organized and financed the aggression, the Council, on the basis of paragraph 282 of the report of the Commission of Inquiry, which recognizes that the South African authorities could not help but be aware of the preparations, is duty-bound to draw the minimum conclusion that the Pretoria régime is at the very least an accomplice in this aggression.

81. In addition to the political and moral condemnation that the Council must level at the perpetrator of the aggression, reparation for the damages caused is an important element of what is expected from the Council.

82. The system of international responsibility makes this reparation the responsibility of the perpetrator of the aggression. Consequently, it would be appropriate for the Commission of Inquiry to be able to continue its investigations along these lines and to give the Council a supplementary report on the basis of which the elements of the final verdict could be determined.

83. However, given the fragility and vulnerability of the economic situation of Seychelles, and given the scope of the damages which the Commission correctly assessed, international solidarity with Seychelles must be immediately organized so that the consequences of the aggression can be quickly eliminated. In this regard, the creation of a special fund for Seychelles is required as an urgent measure, and all States must be invited to contribute to it. Algeria will give its full support to any initiative along these lines.

84. The PRESIDENT (*interpretation from Chinese*): The next speaker is the representative of Hungary. I invite him to take a place at the Council table and to make his statement.

85. Mr. RACZ (Hungary): Sir, I should like first of all to join the previous speakers who have congratulated you on your assumption of the presidency for the month of May. I wish you much success in guiding the work of the Council at this delicate time, when the international situation is particularly complicated.

86. I am grateful to you and the other members of the Council for affording my delegation this opportunity to make a statement during the discussion of the report of the Security Council Commission of Inquiry on the attack by South African mercenaries against the Republic of Seychelles, seriously affecting international peace and security.

87. This unlawful act of aggression planned by the highest circles of the Government of South Africa and carried out by professional killers trying to hide their links to the racist régime by using various methods of deception was condemned by the vast majority of the international community. On 14 December 1981, the members of the Council unanimously condemned the mercenary aggression against the Republic of Seychelles and the subsequent hijacking of an Air India aircraft [resolution 496 (1981)].

88. Since then, a great deal of evidence has been produced by the Commission of Inquiry established by the Security Council. In the course of the investigation conducted by the Commission, the mercenaries captured by the authorities of the Republic of Seychelles revealed that the authorities of South Africa gave the order to their National Intelligence Service to organize a *coup d'état* against the Government of Seychelles. It was the National Intelligence Service of South Africa that recruited 44 mercenaries from eight countries, most of them from South Africa, gave them arms and money and sent them to the Republic of Seychelles with the aim of overthrowing that country's legitimate Government.

89. This illegitimate act of aggression has once again directed the attention of the international community to the true nature of the racist régime of South Africa, which continuously disregards the most elementary norms of international law. It has underlined once again that if the international community is not going to take urgent measures in order to stop the dangerous international criminal acts of the racist régime, tomorrow any poor and weak country could fall victim to Pretoria's armed aggression.

90. The armed aggression against the Republic of Seychelles represents a new feature of the policy pursued by the racist régime. It was an attempt to overthrow a legitimate foreign Government. It was an attempt that put civil aviation into serious danger by

the hijacking of an aircraft. It is our view that the régime of South Africa must bear the responsibility for the consequences of all the aspects of this criminal act.

91. It was no accident that the mercenary attack was carried out against a non-aligned country whose independent foreign policy displeases some Governments by standing in the way of the success of their endeavours in the strategically-important region of the Indian Ocean.

92. As has been emphasized many times in the United Nations, the racist régime of South Africa could not pursue its policy of *apartheid* without the collaboration and active support of its Western partners and allies. The same is true of the foreign adventures of the racist régime, of its acts of armed aggression against the front-line States and of all the attempts aimed at destabilizing the whole region. Consequently, the responsibility attaches also to those countries that maintain ties of co-operation and support with the Pretoria régime.

93. The year 1982 has been declared by the United Nations as the International Year of Mobilization for Sanctions against South Africa. We urge once again that those countries which have not done so cease every kind of collaboration with the racist régime, in accordance with the relevant resolutions of the General Assembly and the Security Council.

94. As a member of the Special Committee against *Apartheid* since its inception, Hungary resolutely condemns the policy of *apartheid* as well as the aggressive foreign political course of the racist régime and supports all practical measures aimed at putting an immediate end to them. It is in this spirit that our Government has condemned in the strongest terms the attempted *coup d'état* by South African mercenaries against the Government of Seychelles and has reiterated our full solidarity with the people of Seychelles. We hope that the international community will see to it that such attempts do not happen again and that the Republic of Seychelles will be fully compensated for the damages caused by the attack.

95. Let me say in conclusion that although we highly appreciate the work of the Commission of Inquiry for having thrown light on a great many aspects of the attack against the Republic of Seychelles, we share the view of Foreign Minister Jacques Hodoul of Seychelles—whom we wholeheartedly welcome in our midst—that the Commission has yet completely to fulfil its mandate by making a more comprehensive approach to this many-sided issue, shedding a clearer light on the origin, background and financing of the aggression and establishing more unequivocally the responsibility for it.

96. We support the extension of the mandate of the Commission of Inquiry and the request for a supplementary report.

97. The PRESIDENT (*interpretation from Chinese*): The next speaker is the representative of the German Democratic Republic. I invite him to take a place at the Council table and to make his statement.

98. Mr. OTT (German Democratic Republic): On behalf of the delegation of the German Democratic Republic, I congratulate you, Sir, on your assumption of the presidency for the month of May. It is our expectation that under your skilful guidance the Council will contribute to the solution of important international problems in the interest of peace and security.

99. I also wish to pay a tribute to the work of your predecessor as President of the Council in the month of April, Mr. Kamanda wa Kamanda of Zaire.

100. My delegation is pleased to welcome the Minister for Foreign Affairs of the Republic of Seychelles, Mr. Jacques Hodoul, who is participating in this important meeting.

101. The Council is meeting again in order to deal with the aggression committed against the Republic of Seychelles and with the resulting conclusions. My delegation has already, at the meeting last December [2314th meeting], taken up a position regarding this act of terrorism and has thoroughly condemned this aggression. The report submitted by the Security Council Commission of Inquiry confirms that this act of international terrorism, prepared long beforehand, was directed at the sovereignty of a Member State of the United Nations. All that violence, murder and destruction have been taken into account. Instructive information can be drawn from the report about the origin of the mercenaries, some of them having already been involved earlier in similar criminal actions on the African continent.

102. In this connection the delegation of the German Democratic Republic supports the view that great importance attaches to the speedy conclusion of a convention against the recruitment, use, financing and training of mercenaries.

103. In the meantime, many facts and connections have become known regarding the mercenary aggression against the Republic of Seychelles on 25 November 1981. From the above-mentioned report, from the statements of the mercenaries and also from various publications of the international press, the fact emerges that the Government of South Africa as well as imperialist secret services were directly involved in the preparation and commission of this aggression.

104. According to *The New York Times* of 4 May, even the leader of the gang of mercenaries that committed the attack upon the sovereignty of Seychelles has testified "that the South African Government had approved the attempted takeover and supplied the weapons" [see S/15056, annex]. And on 10 May the

same newspaper reported that the mercenary "had met a representative from the Central Intelligence Agency in Pretoria and informed him of the coup plans. The United States was interested . . . because of 'the strategic value of the Seychelles'" [see S/15065, annex].

105. Evaluation of these facts and naming of the forces responsible are all the more imperative because the aggression against the Republic of Seychelles is only one link in the chain of flagrant violations of international law by the *apartheid* régime. It is necessary only to mention the continuous aggression against the People's Republic of Angola and the persistent attempts to destabilize other sovereign States in southern Africa. For Pretoria, no measures are too dirty to implement aggressive plans.

106. For the aggression against Seychelles, they made use of purchasable unscrupulous mercenaries: in Namibia, the illegal occupation is maintained through terror and violence and the right of self-determination of the people is denied; in London, bomb attacks on the bureau of the African National Congress of South Africa (ANC) are committed; in Mozambique, members of the ANC are treacherously murdered.

107. The resolutions adopted by the General Assembly at its thirty-sixth session are fully justified in referring to the increasing Pretoria-induced threat to international peace and security and condemning the complicity of those States which encourage South Africa to escalate its aggressive policy, provide it with weapons and assist it in the development of its nuclear

capability. The same forces kindle confrontation also in other regions of the world and do not stop at military adventures.

108. These events underline the urgency of resolute measures against the *apartheid* régime. The aggression against the Republic of Seychelles considerably damaged that country.

109. The German Democratic Republic supports the legitimate demand of Seychelles that the forces responsible be brought to account and obliged to make compensation. It is in full solidarity with the Republic of Seychelles.

110. As already stated, only a few days ago, by the General Secretary of the Central Committee of the Socialist Unity Party of Germany and Chairman of the Council of State of the German Democratic Republic, Erich Honecker, at Berlin, we sincerely wish all peoples of Asia, Africa and Latin America to succeed in shaping their lives in their own way in peace and security, without imperialist intervention and interference.

The meeting rose at 7.55 p.m.

NOTES

¹ A/37/161, annex, resolution CM/Res. 906 (XXXVIII).

² *Official Records of the General Assembly, Thirty-sixth Session, Plenary Meetings*, 33rd meeting, para. 116.

³ General Assembly resolution 2625 (XXV), annex.

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