

2. *Urges* the Governments of Greece and Turkey to do everything in their power to reduce the present tensions in the area so that the negotiating process may be facilitated;

3. *Calls upon* the Governments of Greece and Turkey to resume direct negotiations over their differences and appeals to them to do everything within their power to ensure that these negotiations will result in mutually acceptable solutions;

4. *Invites* the Governments of Greece and Turkey in this respect to continue to take into account the contribution that appropriate judicial means, in particular the International Court of Justice, are qualified to make to the settlement of any remaining legal differences which they may identify in connexion with their present dispute.

COMPLAINT BY LESOTHO AGAINST SOUTH AFRICA

INITIAL PROCEEDINGS

By letter¹³⁸² dated 16 December 1976 addressed to the President of the Security Council the representative of Lesotho requested that a meeting of the Council be convened to consider the grave situation affecting his country, following the closure of the border by the Republic of South Africa, between the south-eastern part of Lesotho and that part of South Africa referred to as Transkei.

In a previous letter¹³⁸³ dated 27 October 1976 addressed to the President of the Security Council, the representative of Lesotho had transmitted a communication to the President of the Council from the Prime Minister of Lesotho calling attention to problems faced by his country due to instability created on its borders. The area was seething with discontent of the inhabitants of Transkei, who moved from one so-called bantustan to another, as an expression of their dissatisfaction with political arrangements of the newly styled "Republic of Transkei". He said that conditions of that nature were bound to affect the prevailing peace and stable economy of Lesotho and appealed for support for the African people of South Africa in their struggle for basic rights and for his country, which had become part and parcel of that struggle.

In a letter¹³⁸⁴ dated 12 November 1976, addressed to the President of the Security Council, the representative of the Libyan Arab Republic, on behalf of the African Group, drew attention to the explosive situation created by South Africa's action which not only posed a serious economic problem to Lesotho but constituted a threat to the peace and security in the region. The letter maintained that the international community had to assume its responsibility to give every support required by Lesotho.

By letter¹³⁸⁵ dated 16 November 1976, the representative of South Africa transmitted to the Secretary-General a letter from the South African Minister for Foreign Affairs stating that the Republic of Transkei had already denied that it had closed the borders between Lesotho and Transkei, but merely insisted on valid travel documents for people crossing the border into

Transkei. The allegation that South Africa had breached international law was completely without foundation.

At the 1981st meeting on 21 December 1976 the Security Council adopted¹³⁸⁶ the agenda and considered the item at the 1981st and 1982nd meetings held on 21 and 22 December 1976. At the 1981st meeting the representatives of Lesotho and Madagascar¹³⁸⁷ and at the 1982nd meeting those of Botswana and Mauritius¹³⁸⁸ were invited, at their request, to take part in the discussion without the right to vote.

Decision of 22 December 1976 (1982nd meeting):
resolution 402 (1976)

At the 1981st meeting on 21 December 1976, at the opening of the discussion, the representative of Lesotho said that the closure of the border by South Africa which had had profound consequences for the politico-economic life of his country was meant to constitute pressure on Lesotho because of its refusal to recognize Transkei. Lesotho reiterated its right to exercise one of the basic attributes of sovereignty, namely, to accord recognition to States that it held qualified for recognition. The Lesotho Government could not be pressured into entering into bilateral negotiations with Transkei, a step that would be tantamount to recognizing the homeland's independence and thereby giving legitimacy to *apartheid*. He went on to say that closing the borders of a landlocked country was tantamount to an act of aggression. The adoption of a positive and constructive resolution by the Council would reaffirm and uplift the cardinal principles of the Charter and remove a possible threat to international peace and security in the region.¹³⁸⁹

The representative of Madagascar speaking on behalf of the African Group stated that the facts of which the Government of Lesotho was complaining fell into the same category as acts of blackmail and open aggression directed against neighbouring independent States in order to force them to renounce their support for the liberation movements and thus to abandon their opposition to colonial domination and *apartheid*. He declared that the Council should take such decisions that would (1) contribute to strengthening the position of those who formed the overwhelming majority in southern Africa and who did not intend in any way to give up their rights, their dignity and to jeopardize the territorial integrity of their countries, (2) repeat once again the various appeals which had been made by the General Assembly in favour of sanctions against South Africa, whether through economic blockade, an obligatory arms embargo or the ending of military co-operation and relations between banks and transnational corporations on the one hand and the racist régime on the other hand, and (3) give the highest priority to ensuring that Lesotho's right of transit be respected in all circum-

¹³⁸² S/12257, OR, 31st year, Suppl. for Oct-Dec 1976, p. 54.

¹³⁸³ S/12221, *ibid.*, p. 14.

¹³⁸⁴ S/12227, *ibid.*, p. 22.

¹³⁸⁵ S/12231, *ibid.*, p. 24.

¹³⁸⁶ 1981st mtg., preceding para. 1.

¹³⁸⁷ *Ibid.*, paras. 2-4.

¹³⁸⁸ 1982nd mtg., paras. 2 and 3.

¹³⁸⁹ 1981st mtg., paras. 8-29.

stances by South Africa. He also said that South Africa had to be forced to respect its contractual obligations and to fulfil all the norms of international relations relating to the preservation of international peace and security. But above all, the international community had to help Lesotho to improve its internal means of communication thus reducing its vulnerability to acts of blackmail. The Charter contained provisions concerning the granting of assistance to those countries that find themselves in economic difficulties as a result of measures decreed by the Organization.¹³⁹⁰

At the same meeting the representative of the Libyan Arab Republic called on the Security Council to implement effective measures against South Africa to end its defiance of United Nations resolutions, to condemn the plans of South Africa to create so-called independent bantustans and to support the Government of Lesotho in its plans for an emergency programme to offset the effects of the closing of the border.¹³⁹¹

The representative of China urged the Security Council to endorse General Assembly resolution 31/6 A and, in the spirit of that resolution, sternly condemn the South African authorities for their scheme of concocting the sham "independence" of Transkei and their criminal activities against Lesotho and other countries.¹³⁹²

At the 1982nd meeting on 22 December 1976, the representative of Mauritius noted that in deciding not to recognize the so-called independent Transkei, Lesotho had made an important contribution to the realization of United Nations objectives in South Africa and had helped the Organization to uphold the purposes and principles of the Charter. For this, Lesotho deserved the active support and assistance of the international community. On behalf of the OAU, he urged all members of the Security Council to support the programme of assistance presented by the Foreign Minister of Lesotho.¹³⁹³

The representative of Panama said that the Security Council would be justified in making an appeal to all United Nations Member States to co-operate in resolving the financial and economic crisis from which Lesotho was suffering and to co-operate in its programme for economic development. Such United Nations bodies as the Economic and Social Council, the World Food Programme, the United Nations Development Programme and others might consider direct assistance to Lesotho and the Secretary-General, in co-operation with the competent organizations, might prepare and provide a programme of technical and financial assistance for Lesotho to overcome the difficulties it was encountering because of the closure of the border posts between that country and South Africa. He suggested that the Security Council should keep the

matter under review so that the situation would not deteriorate but rather be resolved.¹³⁹⁴

At the same meeting the representative of France proposed the Secretary-General to send a team of experts to proceed to evaluate the aid which Lesotho would need in order to set up a communication system that would enable it to maintain its economy. By expressing censure and recommending that the required aid be granted to Lesotho the Security Council would be carrying out an act of solidarity and justice. He went on to say that he did not believe that it would serve any useful purpose to extend his comments beyond the item on the agenda. In the same spirit, the draft resolution which would be submitted should be limited to the subject of the debate.¹³⁹⁵

The representative of Botswana pointed out that the international community should not allow any State to be blackmailed into recognizing bantustans as independent entities because of the hardships they might encounter as a result of implementing decisions of the United Nations. The decisions relating to the Transkei were those of the international community, and so the solutions to the problem should be the collective responsibility of the international community.¹³⁹⁶

The representative of the USSR urged the Security Council to stand fully behind the General Assembly's decisions as expressed in its resolution 31/6 A. South Africa, in his view, was striving to conduct relations with the liberated African countries from a position of brute force and overt coercion, with the collusion of certain circles in Western countries and the broad economic co-operation of certain transnational monopolies which facilitated the development of South Africa's economy and military potential. The USSR, he said, would support a resolution by which the Council, condemning South Africa's actions and practices, would set forth steps that would force South Africa to end its blockade of Lesotho, require the implementation of General Assembly and Security Council decisions demanding an end to military assistance, economic co-operation and other forms of help to South Africa, and envisage steps to be taken to respond to the burdensome economic situation that had arisen in Lesotho.¹³⁹⁷

At the same meeting a draft resolution¹³⁹⁸ sponsored by Benin, Guyana, the Libyan Arab Republic, Panama, Romania and the United Republic of Tanzania was introduced by the representative of the United Republic of Tanzania.

The representative of Romania supported the appeal of several delegations that the draft resolution be adopted by consensus.¹³⁹⁹

¹³⁹⁰ *Ibid.*, paras. 41-47.

¹³⁹¹ *Ibid.*, paras. 53-63.

¹³⁹² *Ibid.*, paras. 76-82.

¹³⁹³ 1982nd mtg., paras. 5-13.

¹³⁹⁴ *Ibid.*, paras. 14-23.

¹³⁹⁵ *Ibid.*, paras. 25-29.

¹³⁹⁶ *Ibid.*, paras. 37-44.

¹³⁹⁷ *Ibid.*, paras. 61-81.

¹³⁹⁸ *Ibid.*, paras. 84-98, S/12260, was adopted without change as resolution 40? (1976).

¹³⁹⁹ *Ibid.*, paras. 129-134.

At the same meeting the draft resolution S/12260 was unanimously adopted by consensus as resolution 402 (1976).¹⁴⁰⁰

The resolution reads as follows:

The Security Council,

Having heard the statement of the Minister for Foreign Affairs of the Kingdom of Lesotho on 21 December 1976,

Gravely concerned at the serious situation created by South Africa's closure of certain border posts between South Africa and Lesotho aimed at coercing Lesotho into according recognition to the bantustan Transkei,

Recalling relevant General Assembly resolutions, in particular resolution 3411 D (XXX) of 28 November 1975, condemning the establishment of bantustans and calling on all Governments to deny recognition to the bantustans,

Recalling further General Assembly resolution 31/6 A of 26 October 1976, on the so-called independent Transkei and other bantustans, which, *inter alia*, calls upon all Governments to deny any form of recognition to the so-called independent Transkei and to refrain from having any dealings with the so-called independent Transkei or other bantustans,

Noting with appreciation the decision of the Government of Lesotho not to recognize the bantustan Transkei in compliance with United Nations decisions,

Considering that the decision of Lesotho constitutes an important contribution to the realization of United Nations objectives in southern Africa in accordance with the principles and purposes of the Charter of the United Nations,

Taking note of the urgent and special economic needs of Lesotho arising from the closure of the border posts,

1. *Endorses* General Assembly resolution 31/6 A, which, *inter alia*, calls upon all Governments to deny any form of recognition to the so-called independent Transkei and to refrain from having any dealings with the so-called independent Transkei or other bantustans;

2. *Commends* the Government of Lesotho for its decision not to recognize the so-called independence of the Transkei;

3. *Condemns* any action by South Africa intended to coerce Lesotho into according recognition to the bantustan Transkei;

4. *Calls upon* South Africa to take immediately all necessary steps to reopen the border posts;

5. *Appeals* to all States to provide immediate financial, technical and material assistance to Lesotho so that it can carry out its economic development programmes and enhance its capacity to implement fully the United Nations resolutions on *apartheid* and bantustans;

6. *Requests* the United Nations and the organizations and programmes concerned, in particular the United Nations Development Programme, the World Food Programme and all the United Nations specialized agencies, to assist Lesotho in the present situation and to consider periodically the question of economic assistance to Lesotho as envisaged in the present resolution;

7. *Requests* the Secretary-General, in collaboration with the appropriate organizations of the United Nations system, to organize, with immediate effect, all forms of financial, technical and material assistance to the Kingdom of Lesotho to enable it to overcome the economic difficulties arising from the closure of the border posts by South Africa owing to the refusal of Lesotho to recognize the so-called independence of the Transkei;

8. *Further requests* the Secretary-General to keep the situation under constant review, to maintain close liaison with Member States, regional and other intergovernmental organizations, the specialized agencies and international financial institutions, and to report to the Security Council at its subsequent meeting on the question;

9. *Decides* to remain seized of the question

Speaking in explanation of joining the consensus, the representative of the United States noted that one of the

paragraphs of the resolution quoted and endorsed General Assembly resolution 31/6 A, on which the United States had abstained. He said his Government had already made it clear that it had no intention of recognizing the so-called Transkei. However, it reserved the right to attend to the welfare and protection of American citizens and the occasion might arise when it would be necessary to have some contact with the authorities of the entity in question. The main purpose of the resolution, he added, was clearly to encourage assistance to Lesotho, and the United States had accordingly joined in the consensus.¹⁴⁰¹

The representative of the United Kingdom said that in endorsing the appeal for economic assistance he did not think it appropriate for a Security Council resolution to endorse a resolution of the General Assembly. The functions of the Assembly and the Council were separate and it was neither appropriate nor necessary for one to have the endorsement of the other for its actions.¹⁴⁰²

Decision of 25 May 1977 (2009th meeting): resolution 407 (1977)

By note¹⁴⁰³ dated 30 March 1977, the Secretary-General transmitted to the Security Council the report of the Mission appointed by him pursuant to paragraph 7 of resolution 402 (1976) which had visited Lesotho in order to consult with its Government and obtain an assessment of the assistance it needed so that the Secretary-General could organize an international programme of financial, technical and material assistance. The report identified areas of assistance necessary to enable Lesotho to carry out its economic development programmes and enhance its capacity to implement fully the United Nations resolutions on *apartheid* and bantustans. Furthermore, it covered the assistance necessary to enable Lesotho to overcome the economic difficulties arising from the closure of certain border posts by South Africa because of Lesotho's refusal to recognize the so-called independence of Transkei.

By letter¹⁴⁰⁴ dated 18 April 1977 addressed to the Governments of all Member States and members of the specialized agencies, the Secretary-General transmitted the report of the Mission to Lesotho and said he had designated the Assistant Secretary-General for Special Political Questions to co-ordinate action by the United Nations system. He also expressed the hope that all Governments would respond positively to the appeal of the Security Council for immediate financial, technical and material assistance to Lesotho.

At the 2007th meeting on 24 May 1977, the Council included the note of the Secretary-General in its agenda. Following the adoption of the agenda¹⁴⁰⁵ the representatives of Lesotho and Sierra Leone were invited, at their request, to participate in the discussion without the

¹⁴⁰¹ 1982nd mtg., paras. 138-143

¹⁴⁰² *Ibid.*, paras. 147-153

¹⁴⁰³ S/12315, *OR*, 32nd year, *Suppl. for Jan.-March 1977*, pp. 51-77

¹⁴⁰⁴ S/12325, *ibid.*, *Suppl. for April-June 1977*, pp. 35-36

¹⁴⁰⁵ 2007th mtg., preceding para. 1

¹⁴⁰⁰ *Resolutions and Decisions of the Security Council, 1976*, p. 13

right to vote.¹⁴⁰⁶ The Council considered the item at the 2007th and 2009th meeting on 24 and 25 May 1977.

At the 2007th meeting the Secretary-General submitted the report of the Mission for the consideration of the Council. He noted that it was vital for Lesotho to receive from the international community the assistance to overcome the economic difficulties with which it was faced. He expressed the hope that the Security Council would endorse the two programmes recommended by the report.¹⁴⁰⁷

At the same meeting the representative of Mauritius introduced, on behalf of the non-aligned members of the Council, the draft resolution¹⁴⁰⁸ sponsored by Benin, India, the Libyan Arab Jamahiriya, Mauritius, Pakistan, Panama and Romania.

The representative of Lesotho declared that the implementation of the recommendations of the report would enable the Government and the people of Lesotho to uphold and abide by the principles of the Charter of the United Nations, effectively to implement the decisions and resolutions of the United Nations and to safeguard their independence and sovereignty.¹⁴⁰⁹

At the 2009th meeting, the representative of India noted that the Security Council was dealing with a situation which was very special and which, apparently, had not been envisaged by those who drafted the Charter of the United Nations. Even so, the Charter provided the General Assembly and the Security Council with ample general powers to rectify situations which were the direct consequences of the discredited policies of the Pretoria régime.¹⁴¹⁰

The representative of France voiced the wish that the unanimous position of the international community in the matter under consideration would prompt those responsible for the situation which had been imposed on Lesotho to face up to reality. The common attitude of the Security Council should help them to understand that it was an illusion for them to hope to obtain international recognition for any of the entities which they might set up artificially.¹⁴¹¹

At the same meeting, the representative of the USSR reiterated that the inter-governmental relations should be based on such principles as the rejection of the use or the threat of the use of force, respect for the sovereignty and territorial integrity of States, the inviolability of State frontiers, non-interference in internal affairs and the peaceful settlement of disputes. He said that the Security Council not only should condemn the racist policies of South Africa but also adopt more effective measures which would put an end to the aggression and other hostile activities of the racists and their supporters against independent African States.¹⁴¹²

Then the draft resolution was adopted unanimously without a vote.¹⁴¹³

It reads as follows:

The Security Council,

Recalling its resolution 402 (1976) of 22 December 1976,

Taking note of the letter dated 18 April 1977 addressed to all States by the Secretary-General in accordance with paragraph 8 of resolution 402 (1976),

Having examined the report of the Mission to Lesotho, appointed by the Secretary-General in accordance with resolution 402 (1976),

Having heard the statement of the Minister for Foreign Affairs of Lesotho,

Noting with deep concern the continued acts of coercion and harassment against the people of Lesotho by South Africa in complete disregard of resolution 402 (1976),

Reaffirming its endorsement of General Assembly resolution 31/6 A of 26 October 1976 on the so-called independent Transkei and other bantustans,

Fully aware that the decision of the Government of Lesotho not to recognize the bantustan Transkei has imposed a special economic burden upon Lesotho,

Convinced that international solidarity with Lesotho, as a neighbouring State of South Africa, is essential to counteract effectively South Africa's policy to coerce Lesotho into recognizing the so-called independent Transkei,

1. *Commends* the Government of Lesotho for its decision not to recognize the so-called independent Transkei;

2. *Expresses its appreciation* to the Secretary-General for having arranged to send a Mission to Lesotho to ascertain the assistance needed;

3. *Takes note with satisfaction* of the report of the Mission to Lesotho;

4. *Fully endorses* the assessment and recommendations of the Mission to Lesotho under resolution 402 (1976);

5. *Further fully endorses* the appeal made by the Secretary-General in his letter of 18 April 1977 to all States for immediate financial, technical and material assistance to Lesotho;

6. *Welcomes* the establishment by the Secretary-General of a special account at Headquarters to receive contributions to Lesotho;

7. *Requests* the United Nations and the organizations and programmes concerned, including the Economic and Social Council, the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development, the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the United Nations Conference on Trade and Development, the United Nations Development Programme and the World Health Organization, to assist Lesotho in the fields identified in the report of the Mission to Lesotho;

8. *Requests* the Secretary-General to give the matter of assistance to Lesotho his continued attention and to keep the Security Council informed;

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

COMPLAINT OF THE GOVERNMENT OF BOTSWANA AGAINST THE ILLEGAL RÉGIME IN SOUTHERN RHODESIA CONCERNING VIOLATIONS OF ITS TERRITORIAL SOVEREIGNTY

Decision of 14 January 1977 (1985th meeting): resolution 403 (1977)

By a letter dated 22 December 1976¹⁴¹⁴ the representative of Botswana submitted his Government's complaint that the illegal régime in Southern Rhodesia had committed serious acts of aggression against Botswana,

¹⁴⁰⁶ *Ibid.*, para. 2.

¹⁴⁰⁷ *Ibid.*, paras. 5-17.

¹⁴⁰⁸ S/12335, adopted without change as resolution 407 (1977).

¹⁴⁰⁹ 2007th mtg., paras. 37-46.

¹⁴¹⁰ 2009th mtg., paras. 2-11.

¹⁴¹¹ *Ibid.*, paras. 47-53.

¹⁴¹² *Ibid.*, paras. 63-76.

¹⁴¹³ *Ibid.*, following the President's statement (para. 98) adopted as resolution 407 (1977).

¹⁴¹⁴ S/12262, OR, 31st Year, Suppl. for Oct.-Dec. 1976, p. 56.