

integrity and national sovereignty. He stated that, in carrying out its international obligations towards refugees, Botswana should not and could not be left to its own devices and that the right of political asylum in peace and security was a fundamental principle that the international community had the obligation to defend and protect.⁷

The representative of Madagascar, speaking also in his capacity as current Chairman of the Group of African States, said that the report of the Secretary-General's mission to Botswana emphasized the following two points: (a) the economic burden that had been created by the assistance the Government was providing to the refugees; and (b) the security risk that was faced by Botswana because of the presence of those refugees on its territory. He recalled the South African practice of attacking neighbouring independent States and the brutality with which Pretoria repressed anti-apartheid demonstrations, which might result in a new influx of refugees, and said that it was in that context that they had considered the report submitted by the Secretary-General pursuant to Security Council resolution 568 (1985). He said that it was the wish of the sponsors of the draft resolution (S/17503) that the Council endorse the recommendations and conclusions of the report and ensure that South Africa paid reparation for the damage and loss that had resulted from its acts of aggression on 14 June 1985.⁸

The draft resolution was then voted upon and adopted unanimously as resolution 572 (1985).⁹ The resolution reads as follows:

The Security Council,

Recalling its resolution 568 (1985),

Having considered the report of the mission to Botswana appointed by the Secretary-General in accordance with resolution 568 (1985),¹⁰

Having heard the statement of the Permanent Representative of Botswana to the United Nations⁷ expressing the deep concern of his Government over the attack by South Africa against the territorial integrity of Botswana,

Deeply concerned that the attack by South Africa resulted in the loss of life and casualties to many residents and refugees in Gaborone as well as the destruction of and damage to property,

Noting with satisfaction the policy which Botswana follows in regard to the granting of asylum to people fleeing from the oppression

of apartheid as well as its respect for and adherence to the international conventions on the status of refugees,

Reaffirming its opposition to the system of apartheid and the right of all countries to receive refugees fleeing from the oppression of apartheid,

Noting the urgent needs of Botswana to provide adequate shelter and facilities to refugees seeking asylum in Botswana,

Convinced of the importance of international support for Botswana,

1. *Commends* the Government of Botswana for its steadfast opposition to apartheid and for the humanitarian policies it is following in regard to refugees;

2. *Expresses its appreciation* to the Secretary-General for having arranged to send a mission to Botswana to assess the damage caused by South Africa's unprovoked and premeditated acts of aggression and for proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees as well as for determining the level of assistance required by Botswana to cope with the situation resulting from the attack;

3. *Endorses* the report of the mission to Botswana pursuant to resolution 568 (1985);¹⁰

4. *Demands* that South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from its act of aggression;

5. *Requests* Member States, international organizations and financial institutions to assist Botswana in the fields identified in the report of the mission to Botswana;

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

7. *Decides* to remain seized of the situation.

In a letter dated 21 October 1985 addressed to the Secretary-General,¹¹ the representative of South Africa referred to Security Council resolution 572 (1985) and stated that his Government was under no obligation to pay compensation to Botswana. He added that his Government rejected inferences in resolution 572 (1985) that it had carried out an unprovoked "act of aggression" against Botswana or that "terrorist groups" that were established in and operating from Botswana were synonymous with "refugees". The letter concluded by reasserting that Pretoria had exercised its inherent and natural right of self-defence in order to curtail further "imminent acts of violence" in South Africa.

⁷S/PV.2609, pp. 6-12.

⁸Ibid., pp. 13-17.

⁹For the vote, see *ibid.*, p. 17.

¹⁰S/17453.

¹¹S/17586.

12. LETTER DATED 1 OCTOBER 1985 FROM THE PERMANENT REPRESENTATIVE OF TUNISIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a letter dated 1 October 1985 addressed to the President of the Security Council,¹ the representative of Tunisia informed the members of the Council that, at 10.07 a.m. on the same date, six low-flying Israeli military aircraft had penetrated Tunisian airspace and dropped five delayed-action bombs, each weighing 1,000 pounds, on the civilian locality of Borj-Cedria, known as Hammam-Plage, in the southern suburbs of Tunis. The operation, for which

Israel had claimed responsibility, had resulted in the death of 50 and nearly 100 wounded; the search for bodies was continuing and there had been extensive material destruction. The Israeli raid constituted a blatant act of aggression against the territorial integrity, sovereignty and independence of Tunisia and a violation of the rules and norms of international law and of the principles of the Charter of the United Nations, and the Government of Tunisia requested an immediate meeting of the Security Council to consider Israel's aggression and to take the steps that were required by the situation resulting from that aggression. The Government of Tunisia called upon the Council to

¹S/17509.

condemn the act of aggression in the strongest terms, to require fair and full compensation for the damage and to take appropriate measures to prevent the recurrence of such acts.

At its 2610th meeting, on 2 October 1985, the Security Council included in its agenda the item entitled "Letter dated 1 October 1985 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council", and considered it at the 2610th, 2611th, 2613th and 2615th meetings, on 2 to 4 October 1985.²

Decision of 2 October 1985 (2610th meeting): invitation accorded to the Palestine Liberation Organization

In the course of its deliberations the Security Council invited, at their request, the representatives of Afghanistan, Algeria, Bangladesh, Cuba, the German Democratic Republic, Greece, Indonesia, the Islamic Republic of Iran, Jordan, Kuwait, Lesotho, the Libyan Arab Jamahiriya, Malta, Mauritania, Morocco, Nicaragua, Nigeria, Pakistan, Saudi Arabia, Senegal, the Syrian Arab Republic, Turkey, Viet Nam, Yemen and Yugoslavia to participate, without the right to vote, in the Council's discussion.³

At the 2610th meeting, on 2 October 1985, the President informed the Council that he had received a letter from the representative of Egypt requesting the participation of Mr. Farouk Kadoumi of the Palestine Liberation Organization (PLO) in the Council's debate, in accordance with the Council's previous practice. The President noted that the proposal was not made under rule 37 or rule 39 of the provisional rules of procedure of the Security Council but that, if adopted by the Council, the invitation to the PLO to participate in the debate would confer upon it the same rights of participation as those conferred on a Member State invited to participate under rule 37.⁴ Speaking in his capacity as the representative of the United States of America, the President stated that his Government was opposed to special/ad hoc departures from orderly procedure, as it considered such practice as having no legal foundation, and requested that the proposed invitation be put to the vote.⁵ The request to invite the PLO was then voted upon and adopted by 10 votes in favour to 1 against, with 4 abstentions.⁶ Accordingly, the representative of the PLO was invited to take part in the Council's discussion.

The Council also extended an invitation, as requested, under rule 39 of the provisional rules of procedure of the Security Council, to Mr. Clovis Maksoud, Permanent Observer for the League of Arab States (LAS) to the United Nations, to Mr. Adnan Omran, also of LAS, and to Mr. Seid Sherifuddin Pirzada of the Organization of the Islamic Conference (OIC).⁷

Decision of 4 October 1985 (2615th meeting): resolution 573 (1985)

At the 2610th meeting, on 2 October 1985, the Minister for Foreign Affairs of Tunisia referred to the letter from

²For adoption of the agenda, see S/PV.2610, p. 2.

³For details, see chap. III of the present *Supplement*.

⁴S/PV.2610, pp. 3-5.

⁵*Ibid.*, pp. 3-6.

⁶For the vote on the invitation accorded to the PLO, see *ibid.*, pp. 6 and 7.

⁷For details, see chap. III of the present *Supplement*.

his Government¹ describing the aggression committed against his country and said that, contrary to what Israeli officials claimed, the target of the attack was an exclusively residential urban area that had been the traditional home of Tunisian families and a small number of Palestinian civilians who had fled Lebanon after the invasion of that country by the Israeli army. He stated that the crime committed against Tunisia was particularly reprehensible because it was aimed at undermining the efforts to bring about a peaceful, just and durable settlement of the Palestinian problem on the basis of the principles of the Charter and the relevant resolutions of the United Nations, which was also the framework within which Tunisia had extended its hospitality to the Palestinian leadership. He said that his Government's call on the Security Council to condemn the act of aggression and to demand just and full reparation for the damage was aimed not only at seeking the sanction of international legality but also at preserving the chances for a peaceful settlement of the Middle East problem.⁸

At the same meeting, the Deputy Premier and Minister for Foreign Affairs of Kuwait, speaking on behalf of the Group of Arab States, said that the air raid against the Tunisian capital was an act of aggression against the Charter of the United Nations, which guaranteed the sovereignty and territorial integrity of States; and that it was also an aggression against ethics, which constituted the moral arbiter in relations among States that respected the Charter of the United Nations and cherished the sanctity of international laws. He stated that the Arab States, which condemned the blatant aggression, were convinced that the Israeli crime fell within the category of official state terrorism. He referred to Israel's unrelenting efforts to destroy all traces of the PLO, the sole legitimate representative of the Palestinian people, wherever it was to be found and that it had sought to do so through: (a) the invasion of Lebanon; (b) the policies of coercion, repression and deportation of the peoples of the occupied territories, in violation of the provisions of the Fourth Geneva Convention; and (c) the air raid on the PLO headquarters in the capital city of Tunisia, in a heavily populated civilian area. He added that those actions were aimed at the eviction of the Arab population from the remaining Palestinian Arab land in order to gain possession of that land in violation of the principle enshrined in the Charter of the United Nations of the inadmissibility of the acquisition of territory by force. He dismissed the attempt at justifying the air raid as an attack directed against the PLO, not against Tunisia, and as an act of legitimate self-defence and declared that the Charter was meant to be observed and that it was the Security Council's duty to take appropriate measures under the Charter in order to ensure Israel's compliance with relevant United Nations resolutions.⁹

At the same meeting, the representative of India said that the attack against the sovereignty and territorial integrity of Tunisia was another manifestation of Israel's desire to eliminate the Palestinian resistance against it and to consolidate its occupation of Palestinian and Arab territories in flagrant violation of the norms of international law and the purposes and principles of the Charter of the United Nations. He added that the Israeli attack had been dis-

⁸S/PV.2610, pp. 8-11.

⁹*Ibid.*, pp. 12-21.

cussed the previous day at a meeting of Ministers and Heads of Delegation of the Movement of Non-Aligned Countries to the fortieth session of the General Assembly and that a special communiqué had been adopted strongly condemning Israel for its attack on Tunisia. He stated that the Ministers and Heads of Delegation had also renewed the repeated call by the Movement of Non-Aligned Countries for the imposition of comprehensive mandatory sanctions against Israel under Chapter VII of the Charter. He stressed that the only path to peace was through a comprehensive, just and lasting solution of the Middle East problem and that the framework for such a solution, as defined in the relevant resolutions of the General Assembly and the Security Council, had to be based on the following fundamental principles: (a) that the question of Palestine was at the heart of the problem of the Middle East; (b) that the exercise of the inalienable rights of the Palestinian people, including their right to self-determination, would contribute to a final solution of the crisis in the region; (c) that the PLO, the sole and authentic representative of the Palestinian people, should participate on an equal footing in all efforts to find a solution to the Middle East problem; and (d) that no peace could be established in the region without the withdrawal of Israel from all the Palestinian and other Arab territories that it had occupied since 1967, including Jerusalem, and without the guarantee that all States of the region could live within secure and recognized borders. While emphasizing the importance of the early convening of the proposed international conference on peace in the Middle East, he also stressed the significance attached to the forthcoming meeting of the Security Council that had been requested by his delegation in pursuance of the decision of the Meeting of Foreign Ministers of the Movement of Non-Aligned Countries that had been held in September 1985 at Luanda.¹⁰

At the 2611th meeting, on 2 October 1985, the representative of Israel said that over the past year the PLO headquarters in Tunisia had planned and launched more than 600 terrorist attacks, which had killed or wounded more than 75 Israeli civilians, including schoolchildren. The latest victims had been three defenceless tourists on a boat at Larnaca who had been killed by Yasser Arafat's personal bodyguard unit, Force 17, the very people who had occupied the PLO headquarters in Tunisia. He stressed that Israel's "surgical strike" had been carefully aimed at three buildings housing the PLO headquarters and not, as the Foreign Minister of Tunisia had asserted, at scattered private houses. He stated that Israel could not accept the notion of immunity of bases and headquarters of terrorist killers, anywhere or at any time, and that every State had a responsibility to prevent armed attacks from its territory, in particular against civilians. He then emphasized that the sovereignty of a State could not be separated from its responsibilities, among which the major one was preventing a sovereign territory from being used as a launching ground for acts of aggression against another country, and that when a State renounced that fundamental responsibility, deliberately or through negligence, it could not do so without risking the consequences of such dereliction of duty. The interest of a State in exercising protection over its nationals might take precedence over territorial integrity, and quoted from Article 51 of the Charter, which provided:

¹⁰*Ibid.*, pp. 23-27.

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations.

The only question, he said, that might arise when a State acted in self-defence to curb armed attacks from other countries was whether alternate remedies were available and asserted that no other remedy had existed in the present case, since Tunisia had shown no desire or intention to prevent the PLO from planning and initiating terrorist activities from its soil. With reference to allegations that Israel's action had been aimed against the peace process, he said that his country remained committed to real peace with all its neighbours while the PLO, which was the obstacle to peace, was "unalterably committed" to the destruction of Israel and to the "practice and espousal of terrorism".¹¹

At the 2615th meeting, on 4 October 1985,¹² Mr. Terzi of the PLO, speaking in exercise of the right of reply, said that at its thirty-fourth session the General Assembly had considered the item entitled "International terrorism" and that it had condemned the continuation of repressive and terrorist acts by colonial and alien regimes that were denying peoples the legitimate right to self-determination and independence. The Assembly had recognized that in order to contribute to the elimination of the causes of the problem of terrorism both the Assembly and the Security Council should pay special attention to situations such as colonialism, racism and alien occupation with a view to the application, as appropriate, of the relevant provisions of the Charter, including those under Chapter VII. He stated that it was a right and a duty of a people under alien occupation to resist and to resort to armed struggle against occupation forces and that the legitimacy of the armed struggle of the Palestinian people under occupation had been clearly spelled out in the resolutions of the General Assembly. He further asserted that terrorism and reprisal, which were the State policy of Israel, were acts of violence with which Palestinians were dealing and that, since armed resistance could not be considered an act of terrorism, he thought it was the Council's duty to carry out the recommendations of the Assembly to remove the causes of the disputes and struggles.¹³

At the same meeting, the President drew the attention of the members of the Council to a draft resolution submitted by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago,¹⁴ which was then put to a vote and adopted by 14 to none, with 1 abstention, as resolution 573 (1985).¹⁵ The resolution reads as follows:

The Security Council,

Having considered the letter dated 1 October 1985,¹ in which Tunisia made a complaint against Israel following the act of aggression which the latter committed against the sovereignty and territorial integrity of Tunisia,

Having heard the statement by the Minister for Foreign Affairs of Tunisia,²

Having noted with concern that the Israeli attack has caused heavy loss of human life and extensive material damage,

¹S/PV.2611, pp. 22-28.

²The meeting was resumed after a brief suspension at the request of the President (United States of America). see S/PV.2615, pp. 75 and 76.

³S/PV.2615, pp. 93-98.

⁴S/17535.

⁵For the vote, see S/PV.2615, p. 108.

Considering that, in accordance with Article 2, paragraph 4, of the Charter of the United Nations, all States Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or acting in any other manner inconsistent with the purposes of the United Nations,

Gravely concerned at the threat to peace and security in the Mediterranean region posed by the air raid perpetrated on 1 October by Israel in the area of Hammam-Plage, situated in the southern suburb of Tunis,

Drawing attention to the serious effect which the aggression carried out by Israel and all acts contrary to the Charter cannot but have on any initiative designed to establish an overall, just and lasting peace in the Middle East,

Considering that the Israeli Government claimed responsibility for the attack as soon as it had been carried out,

1. Condemns vigorously the act of armed aggression perpetrated by Israel against Tunisian territory in flagrant violation of the Charter of the United Nations, international law and norms of conduct;

2. Demands that Israel refrain from perpetrating such acts of aggression or from threatening to do so;

3. Urges Member States to take measures to dissuade Israel from resorting to such acts against the sovereignty and territorial integrity of all States;

4. Considers that Tunisia has the right to appropriate reparations as a result of the loss of human life and material damage which it has suffered and for which Israel has claimed responsibility;

5. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution by 30 November 1985 at the latest;

6. Decides to remain seized of the matter.

On 29 November 1985, the Secretary-General submitted a report in pursuance of paragraph 5 of Security Council resolution 573 (1985).¹⁶ The Secretary-General annexed to his report the replies he had received from Israel, Oman and Tunisia to his note by which he had transmitted to all Member States the text of resolution 573 (1985), drawing particular attention to paragraph 3 of the resolution. The reply from the representative of Israel¹⁷ contended that Security Council resolution 573 (1985) condemned Israel for defending itself from PLO terrorist attacks, thus distorting not only the principle of self-defence but also the very concept of aggression, and that, therefore, Israel viewed the content of the resolution as entirely unacceptable and rejected, in particular, the improper use of the terms "acts of aggression" and "acts of armed aggression". On the other hand, the reply from the representative of Tunisia,¹⁸ which had been prepared in accordance with paragraph 4 of resolution 573 (1985), included a report evaluating the damage that had resulted from Israel's armed aggression against Tunisian territory on 1 October 1985.

¹⁶S/17659, subsequently replaced by S/17659/Rev.1.

¹⁷*Ibid.*, annex II.

¹⁸*Ibid.*, annex II and appendix.

13. STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL [IN CONNECTION WITH THE *ACHILLE LAURO* INCIDENT]

Decision of 9 October 1985 (2618th meeting): Statement by the President

By a letter dated 8 October 1985,¹ the representative of Italy requested that the hijacking of the Italian ship *Achille Lauro* be brought to the attention of the Security Council with a view to firmly condemning the act and to appeal for the prompt liberation of the hostages.

At the 2618th meeting, on 9 October 1985, prior to the adoption of the agenda,² the President made the

following statement on behalf of the members of the Council:³

The members of the Security Council welcome the news of the release of the passengers and the crew of the cruise ship *Achille Lauro* and deplore the reported death of a passenger.

They endorse the Secretary-General's statement of 8 October 1985, which condemns all acts of terrorism.

They resolutely condemn this unjustifiable and criminal hijacking as well as other acts of terrorism, including hostage-taking.

They also condemn terrorism in all its forms, wherever and by whomever committed.

¹S/17548.

²The agenda for the meeting was "The Middle East problem, including the Palestinian question".

³S/17554.

14. THE MIDDLE EAST PROBLEM, INCLUDING THE PALESTINIAN QUESTION

Decision: No decision

By a letter dated 30 September 1985,¹ the representative of India, on behalf of the Movement of Non-Aligned Countries, requested the urgent convening of the Security Council under the item entitled "The Middle East problem, including the Palestinian question".

At its 2618th meeting, on 9 October 1985, the Security Council included the item in its agenda. The Council decided to invite the following, at their request, to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure: at the 2619th meeting, the representatives of Israel, Kuwait and the Syrian Arab Republic; at the 2620th meeting, the representatives of Algeria, Czechoslovakia, Morocco, Pakistan and Yugoslavia; at the 2621st meeting, the representatives

¹S/17507.