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2419th MEETING: 22 MARCH 1983

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/...) are normally published in quarterly *Supplements* of the *Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

2419th MEETING

Held in New York on Tuesday, 22 March 1983, at 4.15 p.m.

President: Sir John THOMSON (United Kingdom of Great Britain and Northern Ireland).

Present: The representatives of the following States: China, France, Guyana, Jordan, Malta, Netherlands, Nicaragua, Pakistan, Poland, Togo, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire, Zimbabwe.

Provisional agenda (S/Agenda/2419)

1. Adoption of the agenda
2. Letter dated 16 March 1983 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (S/15643)

The meeting was called to order at 4.45 p.m.

Expression of thanks to the retiring President

1. The PRESIDENT: Since this is the first meeting of the Council for the month of March, I should like, on behalf of the Council, to pay a tribute to my predecessor, Mr. Oleg Aleksandrovich Troyanovsky, representative of the Union of Soviet Socialist Republics, for his service as President of the Council for the month of February. Mr. Troyanovsky guided the work of the Council last month with his usual accustomed great diplomatic skill. I am sure I speak for all members of the Council in expressing our deep appreciation for his work.

Adoption of the agenda

The agenda was adopted.

Letter dated 16 March 1983 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (S/15643)

2. The PRESIDENT: I should like to inform members of the Council that I have received letters from the representatives of Chad, the Ivory Coast, the Libyan Arab Jamahiriya, Senegal and the Sudan, in which they request to be invited to participate in the discussion of the item on the 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. Miskine (Chad) and Mr. Treiki (Libyan Arab Jamahiriya) took places at the Council table; Mr. Essy (Ivory Coast), Mr. Sarré (Senegal) and Mr. Abdalla (Sudan) took the places reserved for them at the side of the Council chamber.

3. The PRESIDENT: The Council is meeting today in response to the request contained in a letter dated 16 March 1983 from the representative of Chad to the President of the Security Council.

4. I should like to draw the attention of members of the Council to the following other documents: S/15644, which contains a letter dated 17 March from the representative of Chad to the President of the Council, transmitting a message from the President of the Republic of Chad; and S/15645, which contains a letter dated 17 March 1983 from the representative of the Libyan Arab Jamahiriya to the President of the Council.

5. Members of the Council also have before them photocopies of a letter dated 21 March from the representative of Chad to the President of the Council, which will be circulated as a document of the Council under the symbol S/15649.

6. The first speaker is the Minister for Foreign Affairs and Co-operation of Chad, Mr. Idriss Miskine. I welcome him and invite him to make his statement.

7. Mr. MISKINE (Chad) (*interpretation from French*): Before addressing the subject now before the Council, Sir, I should like to express to you, on behalf of my delegation, sincere congratulations on your assumption of the presidency for the month of March and, at the same time, to tell you how grateful we are for the expeditious manner in which you have convened the Council. My delegation is happy to see the representative of the United Kingdom, a country with which Chad maintains cordial and fruitful relations, presiding over the Council for this important period of the year. We are certain that, under your intelligent and dedicated guidance, and thanks to your outstanding qualities as a statesman and an experienced diplomat, the Council will be able to shoulder the difficult responsibilities assigned to it by the Charter of the United Nations.

8. I should also like to take this opportunity to pay a well-deserved tribute to your predecessor, the representative of the Union of Soviet Socialist Republics, for the competent and dynamic way in which he directed the work of the Council last month.

9. I should also like most warmly to congratulate the newly elected members of the Council—Malta, the Netherlands, Nicaragua, Pakistan and Zimbabwe—and to wish them every success in their important work in the Council.
10. Lastly, I should like to express the deepest gratitude of all the people of Chad and of their Government to all the members of the Council for having responded so promptly to the appeal made to them by my country, Chad, and for having allowed me to address the Council.
11. If we have been compelled to request this urgent meeting of the Council, the principal body for safeguarding international peace and security, it is because we believe that the tension now prevailing between Chad and Libya is so serious and so explosive that if we are not careful it will inevitably disturb that peace and security which the international community so dearly needs.
12. The situation in Chad is serious and disturbing because of the outright intervention of the Socialist People's Libyan Arab Jamahiriya in Chad. That militarily over-equipped country has indeed taken it upon itself, in defiance of the provisions of the Charter of the United Nations, the Charter of the Organization of African Unity and the relevant resolutions of those organizations, as well as in defiance of the principles of international law, to occupy by force the part of Chad territory commonly known as the "Aouzou Strip", which in fact represents the Tibesti sub-prefecture, that is, more than 150,000 square kilometres.
13. Indeed, Qaddafi's Libya attempted to occupy this part of Chad territory as far back as 1971. The occupation became effective in 1973.
14. In order to justify their actions the Libyan leaders refer on the one hand to a mere road map published in 1970 by *Studi Cartofici Milano* and which includes part of northern Chad as Libyan territory, with the explanatory note that the international borders thus outlined should not be considered as definitive, as they are subject to change and, on the other hand, to the stillborn Laval-Mussolini Treaty of 1935.
15. The stillborn Laval-Mussolini Treaty of 7 January 1935, termed the "Treaty of Rome on the settlement of the interests of Italy and France in Africa" [S/15649, annex VII], however it may upset the Libyan representative, is non-existent.
16. Although the French Parliament passed a law authorizing ratification of the Laval-Mussolini Treaty in fact there was no exchange of instruments of ratification. Therefore that Treaty never came into force and has never had any legal validity. Furthermore, on 17 December 1938, Count Ciano, the Italian Foreign Affairs Minister, declared: "As the Treaty of Rome was neither ratified nor completed, it is historically invalid".
17. On 23 December 1938, Mr. François Poncet, the French Ambassador to Italy, took note of that statement in the following terms:
- "If the instruments of ratification could not be exchanged owing to a postponement of the Tunisian Convention which was to precede that exchange, France is not responsible for appraisal of the circumstances which have led Italy itself to desire that postponement."
18. Moreover, in its resolution 392 (V) adopted on 15 December 1950, the United Nations General Assembly recommended, in paragraph 1 (a), with respect to Libya,
- "That the portion of its boundary with French territory not already delimited by international agreement be delimited, upon Libya's achievement of independence, by negotiation between the Libyan and French Governments, assisted on the request of either party by a third person to be selected by them or, failing their agreement, to be appointed by the Secretary-General".
19. It was on the basis of that resolution that the "Treaty of Friendship and Good Neighbourliness" was concluded on 10 August 1955, at Tripoli, between the French Republic and the United Kingdom of Libya [*ibid.*, annex X].
20. Under the terms of article 3 of that Treaty, concerning the boundary, the following is clearly stated:
- "The two High Contracting Parties recognize that the frontiers between the territories of Tunisia, Algeria, French West Africa and French Equatorial Africa, on the one hand, and the territory of Libya, on the other hand, are those resulting from the international instruments in force on the date of the establishment of the United Kingdom of Libya, as defined in the exchange of letters appended hereto (annex I).
21. The aforementioned annex I, which constitutes the exchange of letters between the United Kingdom of Libya and the French Legation at Tripoli, clearly stipulates the following international instruments from which the western and southern borders of Libya result: first, the Franco-British Convention of 14 June 1898 [*ibid.*, annex I], which delimits the French possessions of the Ivory Coast, the French Sudan and Dahomey, the British colonies of the Gold Coast, Lagos (Nigeria) and the other British possessions to the west of the Niger River, as well as the delimitation of the French and the British possessions and the spheres of influence of both countries to the east of the Niger River; secondly, the Additional Declaration of 21 March 1899 [*ibid.*, annex II] delimiting the boundary between Chad and Libya; thirdly, the Franco-Italian Agreements of 1 November 1902 [*ibid.*, annex III] reaffirming the preceding agreements; fourthly, the Convention between the French Republic and the Sublime Porte of 19 May 1910 [*ibid.*, annex IV] delimiting the boundary between Tunisia and Tripolitania; fifthly, the Franco-British Convention of

8 September 1919 [*ibid.*, annex V] delimiting the boundary between Chad and Libya; and sixthly, the Franco-Italian arrangement of 12 September 1919 [*ibid.*, annex VI] delimiting the boundaries between Tripolitania, Algeria and Tunisia.

22. The Franco-Libyan Treaty was approved on 22 November 1956 by the French National Assembly and on 29 November by the Council of the Republic. Act No. 56-1235 of 12 December then authorized the President of the Republic to ratify it and the exchange of instruments of ratification took place on 20 February 1957. The Treaty was published and came into force through Decree No. 57-436 of 26 March, signed by the President of the French Republic, Mr. René Coty, and countersigned by the President of the Council of Ministers, Mr. Guy Mollet, and the Minister for Foreign Affairs, Mr. Christian Pineau.

23. To our knowledge none of the parties expressed any reservations concerning the delimitation of the border between Chad and Libya. It should be made clear that the letters exchanged on the day of signature of the Treaty, on 10 August 1955, and which comprise annexes, are detailed and unassailable declarations as to the border between Chad and Libya. Thus the border between Chad and Libya is today constituted by the following two straight lines: the first originates at the Tummo well and ends at the intersection of the Tropic of Cancer 23° 27' north latitude with Greenwich 15° east longitude. The second originates at the Tropic of Cancer and goes to the point where Greenwich 24° east longitude meets parallel 19° 30' north latitude. It is at that point that the three borders of Chad, Libya and Sudan intersect.

24. As regards the question of borders, the Treaty of 10 August 1955 calls for the following comments.

25. The Treaty established, beyond any doubt, the lack of validity—indeed, the total non-existence of the Treaty of Rome of 7 January 1935. Article 3 and annex I in fact provide an exhaustive list of the international instruments in force concerning the borders. Since the Treaty of Rome is not on that list, it is clear that it never entered into force. This is a legal principle that cannot be called into question.

26. The Treaty recognizes the borders defined by the Franco-British Additional Declaration of 21 March 1899, the Barrère-Prinetti exchange of letters of 1 November 1902 and the Franco-British Convention of 8 September 1919.

27. Those international instruments concern not only Libya and Chad; they also concern other African States that are now independent.

28. Moreover, during discussions concerning ratification by France of the Treaty of 10 August 1955, on 29 November 1956, Mr. Maurice Faure, then Secretary of State for Foreign Affairs declared before the Council of the French Republic:

“This Treaty provides for the definitive renunciation by Libya of the claims which, in the Mussolini era

and by virtue of the agreements signed with Pierre Laval, Italy might have put forward to the Tibesti region”.

It is therefore surprising, to say the least, that Libya should today invoke such a document to justify its occupation of part of the territory of Chad.

29. Furthermore, Libya unreservedly voted for resolution AHG/Res.16 (I) [*ibid.*, annex XII] adopted at the Assembly of Heads of State and Government of the Organization of African Unity (OAU), held at Cairo from 17 to 21 July 1964. By that resolution all member States pledged to respect borders existing at the time they attained independence.

30. Furthermore, in a treaty of friendship, co-operation and mutual assistance signed at N'Djamena—which was then Fort Lamy—on 12 January 1972, Chad and Libya undertook in their relations to respect the principles of the Charter of the Organization of African Unity and that of the United Nations. Therefore by occupying part of Chad's territory Libya is deliberately violating both the letter and the spirit of those Charters.

31. According to Article 2, paragraph 4, of the Charter of the United Nations:

“All Members [of the Organization] shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.”

Article III of the Charter of the Organization of African Unity stipulates that:

“The member States, in pursuit of the purposes stated in Article II, solemnly affirm and declare their adherence to the following principles: . . . respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence”.¹

32. If today we have been compelled once again to address the Council it is because the aggression of which my country is the victim as a result of that occupation is becoming increasingly flagrant.

33. The statement we have just made to the Council amply demonstrates—if that were needed—the seriousness of the situation now prevailing in my country. As the Council knows, Chad is one of the countries least favoured by nature and its poverty is very familiar to the international community. We are now living through the grimmest hours of our history because of the expansionist designs of our neighbour to the north, the Libyan Arab Jamahiriya.

34. This situation not only endangers the very existence of Chad as a sovereign State and as a member of the international community; it can also seriously endanger the peace and security of that part of the African continent.

35. That is why, inspired by our desire to resolve the problem through peaceful channels, Chad is today addressing the Council in order to obtain its assistance in recovering its territorial integrity so that it may live in peace within the borders it inherited from colonization. It is requesting that Libya withdraw completely from the territory of Chad.

36. The PRESIDENT: The next speaker is the representative of the Libyan Arab Jamahiriya, upon whom I now call.

37. Mr. TREIKI (Libyan Arab Jamahiriya) (*interpretation from Arabic*): At the outset, Sir, I wish to congratulate you on your assuming the presidency for this month. I am confident that your experience and wisdom will help the Council in its deliberations.

38. I cannot fail to seize this opportunity to congratulate your predecessor, Mr. Oleg Troyanovsky, the representative of the Soviet Union, and to convey to him the gratitude of my delegation for his valuable efforts and the wisdom with which he conducted the proceedings of this Council last month.

39. In the letter dated 17 March, which I addressed to you in the name of my country [S/15645], I stated that we did not see any reason for the convening of this meeting of the Council because the letter submitted by the delegation of the Northern Army, that of Hissein Habré [S/15644], has no formal character and is completely devoid of meaning. That letter represents a personal stance on the part of the leader of the Northern Army, the so-called FAN, and it is inimical to the Jamahiriya.

40. What is the situation in Chad; what does this delegation—if we can call it a delegation—represent? Who can speak in the name of Chad at the present time? Is it the legitimate Government of President Goukouni Weddey, the Government recognized by the OAU, a Government that represents all of the parties in Chad who were signatories to the Lagos Accord [S/14378, *annex I*], or is one of the wings of that Government, the wing led by the former Defence Minister, a clique that represents only one of the eleven groups that were signatories to the Lagos Accord?

41. Members of the Council must be made familiar with the issues in Chad and examine the explosive situation that prevails there as a result of the ambitions of the person who, as mentioned in the minutes of the Lagos meeting, which are still available, was willing to walk over the body of every person in Chad in order to accede to power.

42. The Jamahiriya has historic relations with Chad. Both countries fought together against Italian fascist colonialism; many Chadians died on Libyan soil and thousands of Libyans died while defending Chadian soil against imperialism. Both peoples are cohesive even at the racial level; Hissein Habré himself, the leader of the northern group, has two sisters who are married to Libyans.

43. Because of these factors, from the very outset and until the Libyan revolution, the Jamahiriya did its best to help the people of Chad achieve stability. Ever since the outbreak of the FROLINAT [*National Liberation Front of Chad*] revolution, which began at Nyala in the Sudan in 1966 under the leadership of the late Ibrahim Abatcha, we have attempted to effect a national reconciliation in Chad to protect that country's interests.

44. Beginning in 1974, we initiated serious attempts to achieve that end. After the *coup d'état* of General Malloum, I personally went to N'Djamena two weeks later at the request of President Malloum to try to effect a national reconciliation in Chad. Contacts were actually made with Mr. Abba Siddik, who was secretary general of FROLINAT at the time, and with Hissein Habré, the leader of the Armed Forces of the North. At the time, Goukouni Weddey was an assistant of Hissein Habré, and we sent a delegation to meet with him in Tibesti, together with the then President, Mr. El-Baghiani.

45. It must be remembered that Habré had been employed as a civil servant in the town of Al-Bayda, Libya, and that he had been asked to leave Libya because of malfeasance. He then went to Tibesti and raised an army against the N'Djamena Government.

46. Hissein Habré rejected the notion of national reconciliation, but Goukouni Weddey arrived in Tripoli and a meeting between the resistance groups in Chad was held there, at which it was agreed to work towards national reconciliation. Madame Françoise Claustre had been imprisoned in Tibesti by Habré, who wished to hold her hostage. Goukouni, however, prevented him from doing so, and Madame Claustre was later released to the French Government through Libya.

47. As the result of a Sudanese initiative, a quadripartite summit meeting was held by the Libyan Arab Jamahiriya, Chad, Niger and the Sudan on 22 February 1978, at which it was decided to move towards national reconciliation in Chad and to convene a meeting at Sebha in Libya in order to effect national reconciliation. National reconciliation was achieved, but Habré refused to participate in it as one of the groups parties to the Chad dispute. He went to the Sudan and there formed a movement. Meetings were held at Benghazi and Sebha, after which a communiqué was issued and agreement was reached between FROLINAT and the N'Djamena Government, with the participation of representatives of Niger and of the Sudan, whose delegation was led by the then First Vice-President of the Democratic Republic of the Sudan, Mr. Abu-Al-Qasem Mohammed Ibrahim. However, that agreement was also rejected by Hissein Habré. Later, Hissein Habré was reconciled with General Malloum and became Prime Minister of Chad. However, only a few weeks later he rebelled against President Malloum and the civil war in Chad assumed larger dimensions. At the initiative of Nigeria, the first Kano meeting was convened in Nigeria on 11 March 1979. Most of the Chadian groups attended that meeting, including Hissein Habré. He insisted on deposing President Malloum of Chad. I was a participant on behalf of

my country at that meeting. Habré formed a Government in defiance of the Kano Accord with Shawwa as Prime Minister. However, the OAU refused to recognize that Government.

48. The first Lagos meeting was then convened. However, Hissein Habré also refused to participate in that meeting. When he realized that the OAU was rejecting his position and refusing to recognize his Government, he agreed to participate in the second Lagos meeting, at which the following leaders from Chad took part: Goukouni Weddey, Wadal Abdelkadar Kamougué, Hissein Habré, Aboubakar Abdel Rahane, Acyl Ahmed, Abdoulaye Adam Dana, Abba Siddik, Hadjero Senoussi, Mahamat Abba Said and Fatcho Balam. At that meeting, the Lagos Accord was signed; Habré himself signed it, and in accordance with its provisions he became Minister of Defence in the national Government of Chad. Only a few months later, Minister of Defence Habré rebelled against the legitimate Government and civil war broke out anew in Chad. Two weeks prior to the outbreak of war, Habré had invited a Libyan delegation to discuss the situation in N'Djamena. I attended that meeting as a member of the Libyan delegation, and Hissein Habré, Minister of the Interior Abba Siddik, Wadal Abdelkadar Kamougué and Goukouni Weddey, head of the Government, were there as well. Hissein Habré asked for Libya's help. When I informed him that for Libya the question of Chad had been resolved by the Lagos Accord and the formation of the Government of National Unity, he stated: "This is a negative neutrality".

49. The minutes of that meeting are available, and all those who took part in it are alive today.

50. Hissein Habré insisted that the Jamahiriya should support Chad. With the intensification of the fighting and in accordance with resolution AHG/Res.101 (XVII) adopted at the Assembly of Heads of State and Government of the OAU at its seventeenth session, held at Freetown from 1 to 4 July 1980 [S/14378, *annex II*], which called explicitly for assistance to the Government of National Unity in Chad, following a legitimate request from that Government and acting in accordance with signed agreements, Libya sent armed forces to assist that Government in putting an end to Habré's rebellion. The rebel Habré was beaten and fled to the Sudan. At that time, Chad enjoyed peace for the first time in 15 years. The civil war in Chad ended.

51. Afterwards, at its eighteenth session, held at Nairobi from 24 to 27 June 1981, the Assembly of Heads of State and Government of the OAU adopted resolution AHG/Res.102 (XVIII)/Rev.1,² by which it unanimously decided to support the Government of National Unity headed by Goukouni Weddey, and to form a force made up of certain African States to help Chad end the war, establish peace and implement the Lagos Accord, which stipulated the holding of elections in Chad within six months and the formation of a constitutional Government.

52. After the arrival of the African forces, President Goukouni sent a request to the Jamahiriya to withdraw its forces, and orders were actually issued to withdraw the Libyan forces shortly thereafter. Then Hissein Habré resumed his rebellions activities and ravaged Chad anew with the help of imperialist forces that we all know, and which have incited him today, after their defeat in the Security Council in the past, to lodge a complaint against Libya.

53. Civil war broke out, but we were entirely neutral, as Hissein Habré is well aware. He sent us missions at that time; however we have never interfered: we actually withdrew our forces from eastern Chad much faster than in other areas so as not to give Hissein Habré an excuse to say that Libyan forces resisted him when he entered Chad.

54. President Goukouni contacted us, arrived in Libya and asked again that Libya forces be sent anew, but we categorically refused that request.

55. Then Hissein Habré entered N'Djamena to start a new era of bloodshed and massacre of the people of Chad. He personally took part in those massacres, and *Paris Match* has published accounts of them. We found children, some Libyan or of Libyan descent, slaughtered in the lake there at the hands of Habré.

56. Thus we see two Governments in Chad, one legitimately recognized by the OAU, that of National Unity in Chad.

57. The participants at the conference held at Tripoli from 5 to 8 August 1982, attended by 34 Heads of African States, stated in particular the following in respect of Chad:

"We expressed our deep concern for the deteriorating situation in Chad and for renewal of civil strife since the voluntary departure of the Jamahiriya's forces—whose efforts and sacrifices had significantly contributed to the restoration of peace and security and to safeguarding the unity of that long-suffering sister country.

"We confirm our support of the Lagos Accord concerning national reconciliation in Chad and condemn any faction to that Accord which may seize power in a way that would disturb the peace and security of the country."³

58. At the second meeting, also held at Tripoli, more than 32 African countries refused to recognize the Habré Government. They stressed their recognition of the Government of Goukouni Weddey until the OAU convenes in plenary and takes a decision on who should represent Chad.

59. Mr. Habré sent four representatives to Libya at that time, including Mr. Miskine himself, conveying letters that confirmed to Colonel Qaddafi that he is a great socialist, seeks conciliation, wants recognition from

Libya and is willing even to give up N'Djamena. But we told him that we could not at all recognize something that the OAU did not. We even rejected publicizing any of the letters sent by Hissein Habré.

60. Why was this particular time chosen by Habré, who twice had met with Sharon in the presence of one of his then assistants who participated later in the Government of National Unity? Is Habré the one who expresses the desire of the people of Chad?

61. Representatives have all received a copy of the letter from the legitimate Government in Chad—that of National Unity—a copy of which I too have received through the Security Council. That letter categorically rejects the claim of the delegation of Chad, that of N'Djamena or that of the Northern Army, to represent Chad. It is the legitimate Government recognized by the OAU which issued that letter.

62. My present statement is not in any way a reply to what has been said by Idriss Miskine, the representative of the Northern Army, because I do not recognize him as the Foreign Minister of Chad in accordance with the OAU resolution. This does not at all mean recognition of that Government by Libya—unless recognized by the OAU. I speak to familiarize the Council with our point of view on the issue of Chad.

63. The representative of Habré spoke of legal details. I do not intend to dwell on legal issues in detail—there are so many of them on which I could dwell if I wanted—because I do not believe that the Security Council, which is concerned with international peace and security, is interested in the conventions of 1936 and 1956. That of 1936 is null and void, because Hissein Habré does not want it; but that of 1956, which was rejected and was not ratified by the Libyan Parliament, is in effect. I shall not dwell on border disputes. I do not believe that it is the purpose of the Council to do so because if it does there are 18 African States which have border disputes, and I can enumerate them all. It is not for the Council to deal with that now.

64. Furthermore, let us suppose that there is a dispute between Chad and Libya over the delimitation of borders. The Jamahiriya is not against the idea of discussing this with any State. We had recourse to the International Court of Justice in the case of the dispute with Malta concerning the continental shelf, and the same thing applies to Tunis, and a ruling in this regard has been issued. In the past, when there was a real Government of Chad, we conducted negotiations with an official delegation from that country headed by Mr. Jimmy Mimari, the then Vice-President of the Republic of Chad. At that time I headed a delegation as the Foreign Minister of my country and presented charts, and the delegation of Chad presented some of its documents, and we decided on more contacts. But to say that Aouzou is a part of Chad is a falsification of the situation. There has never been any sovereignty by Chad over Aouzou throughout history—not during the royal era, not after

the revolution, and not during the Italian or Ottoman periods.

65. Libya's borders during the Ottoman era were at the city of Faya, and the charts can testify to that. A chart annexed to the documents of Libya's independence which was incorporated in the report of Mr. Adrian Belt is deposited with the United Nations, and is available at the United Nations and its Library; it shows that Aouzou is an integral part of Libya.

66. We do not accept consideration of this issue. It has to do with sovereignty and it cannot be discussed by any party whatsoever. But we are ready to consider any dispute.

67. In the past, during the 1977 OAU meeting at Libreville, Mr. Kamougué, the Foreign Minister of Chad, who is Vice-President of the legitimate Government of Goukouni Weddey, submitted a complaint to the OAU. An *ad hoc* mediation committee⁴ was formed for Chad and Libya and is still in existence. It is entrusted with the task of considering the dispute, if there is any, between Chad and Libya.

68. And at the 1978 OAU meeting at Khartoum the existence of the Committee was reconfirmed.⁵ It does exist. In the OAU we have a conciliation and arbitration commission, and did the delegation of Chad at the time—not the representative of Habré who has no competence—contact it?

69. The representative of Habré is representing no one. He is an agent. Even his tickets and hotel expenses in New York were paid him in order to denigrate the Jamahiriya. But I can attest to the fact that ultimately he will do nothing but sabotage Chad's national interests. Chad needs national reconciliation. It needs the Lagos Accord anew for reconciliation. And when there is a legitimate government in Chad recognized by the OAU, my country affirms before you that it will be ready, as in the past, to consider with that government any dispute.

70. But this is a farce. I call it that because there is no current tension between Libya and Chad. The tension is in Chad itself; there are actually two Governments in Chad—a legitimate one that controls more than half of Chad, and that of Habré, propped up by foreign colonial help, which slaughters the people of N'Djamena. But Chad needs every penny for its reconstruction. For two full years we bore the brunt of Chad's expenses; we were its saviours, and the representative of Chad knows that even his salary and the expenses of the Mission of Chad here at that time were paid by Libya. We paid the arrears of Chad here in the United Nations so that Chad could participate in the voting; millions of dollars were spent also on the reconstruction of Chad.

71. The representative of Hissein Habré cannot come now and say that Libya occupied Chad in 1973—the Year of Fenugreek, according to a popular Libyan saying. In 1973 Mr. Habré was asleep in Al-Bayda, as I mentioned, after being expelled from Libya for malfeasance. Now he comes back calling for Aouzou. He is

obviously dreaming. Actually he has been asleep since 1972—quite a long time indeed—and now he has awakened and he claims that the situation in Chad is explosive, and that Libya is occupying Chadian territory. But Libya respects all international instruments. Libya signed the Cairo Agreement and has respected the colonial borders. We inherited borders from Italian colonialism, and Chad inherited borders from French colonialism. We respect the freedom and territorial integrity of Chad, but we reject the notion that there should be interference in our affairs; we reject any claim to part of our land.

72. The people in Aouzou are Libyans and have representatives in the Libyan General People's Congress. They will not accept to be anything but Libyans. This issue can never be the subject of discussion on the part of any party whatsoever. With due respect to all, we categorically reject any such discussion. However, we are willing to consider all issues with Chad when there is a national régime in Chad representing all the people of Chad, as I said before.

73. I believe that the Council's competence is clear in accordance with Article 33 of the Charter of the United Nations, which stipulates the following:

“The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security”

—if such a dispute exists; but even Habré's representative did not say that peace and security are being endangered at all: there is no dispute between Chad and Libya—

“shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”

Article 33 is crystal-clear: there is nothing endangering peace and security at all. We are ready to begin immediate talks with the legitimate Government of President Goukouni, recognized by the OAU. We do not want to impose our will on anyone or on Chad. Libyan forces were in the whole of Chad and we would have been able to impose our will, but we had no desire to do that. When we were asked to withdraw our forces, we did so in 10 days only. We know who is behind this gang. Tomorrow we will see the headlines in the New York newspapers—these newspapers which ignored Libya's complaint against imperialism in the Security Council because they wanted to exploit that issue for other purposes. Tomorrow we will see an editorial headlined “Chad has a complaint against Libya”.

74. There are those who incite those mercenaries—and I say “mercenaries” because they do not represent Chad at all. Miskine himself—and I know him personally—knows that they belong, together with Hissein Habré, to one clan in Chad, together with others of his ilk.

75. The PRESIDENT: I should like to inform members of the Council that I have just received a letter from the representative of Egypt in which he requests to be invited to participate in the discussion of the item on the agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative 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. Khalil (Egypt) took the place reserved for him at the side of the Council chamber.

76. The PRESIDENT: The next speaker is the representative of Senegal. I invite him to take a place at the Council table and to make his statement.

77. Mr. SARRÉ (Senegal) (*interpretation from French*): Permit me first of all, Sir, on behalf of my delegation and on my own behalf personally, to congratulate you most warmly on your assumption of the presidency for March. My delegation is convinced that, thanks to your qualities as a seasoned diplomat, the work of the Council will be successful.

78. This complaint by Chad against Libya is timely, and I believe that, were the United Kingdom not a member of the Council, everything would have had to be done for it to be here with us today—and indeed for several reasons. The first is that the case before the Council for consideration indirectly concerns the United Kingdom, and, because of the responsibilities of your country, Sir, the United Kingdom, you would have had to take cognizance of it. There is another reason. A few moments ago I was reading your illustrious poet, Shakespeare, who, talking of your island, said this:

“This fortress built by Nature for herself . . .

“This precious stone set in the silver sea . . .

“Against the envy of less happier lands . . .”.*

79. Hence the people of your country have always been jealous of their independence and integrity. So for all those reasons, Sir, I think you are in a better position than anyone else, with your characteristic objectivity, to be able to appreciate the problem we are considering today.

80. Having said that, permit me also to pay a well-deserved tribute to the outgoing President, Mr. Troyanovsky, representative of the Union of Soviet Socialist Republics, for the praiseworthy manner in which he guided the proceedings of the Council during February.

81. My delegation welcomes the new members to the Council—Malta, the Netherlands, Nicaragua, Pakistan

* Quoted in English by the speaker.

and Zimbabwe—and wishes them every success in the delicate and important work they are called upon to do in the Council.

82. I should like also to thank you, Sir, and the other members of the Council for the honour you have done me in having invited the Senegalese delegation to participate in the debate on the dispute between two fraternal African countries—Chad and Libya. You have given my delegation an opportunity to make its own modest contribution to the discussion of this important item on the agenda, a matter which, it must be said, is of great concern to all Africans. Whether we like it or not, if it is not settled it will pose a threat to international peace and security.

83. It is with the greatest interest and attention that my delegation listened to the parties—the Republic of Chad, through its representative, Mr. Idriss Miskine, Minister for Foreign Affairs and Co-operation, and the Libyan Arab Jamahiriya, in the person of its representative to the United Nations, Mr. Ali Treiki—with regard to a strip of territory on the frontier between the two countries commonly known as the Aouzou Strip.

84. The argument of Chad, which was so brilliantly presented to us by Mr. Miskine, as we heard him just now, proceeded along strictly Cartesian lines, which, based on a number of irrefutable historic and juridical facts, followed implacable rigor and logic. We are particularly grateful to the Minister for Foreign Affairs of Chad for this new light he has shed on the dispute between his country and Libya—light which gives us a better appreciation of the problem of the occupation of the Aouzou Strip in Tibesti. We believe that this presentation will have been illuminating to the Council and to all those listening to this debate as to the true dimensions and the true nature of the problem.

85. The purpose of my delegation is not to dispense justice and still less to enforce it. Our own purpose is to be objective, so that our contribution to the debate can shed further light on the matter for the Council to enable it to take informed decisions, as it deems appropriate, in possession, in so far as possible, of all the elements of the case.

86. As is known, Senegal was a member of the *Ad Hoc* Mediation Committee set up in July 1977 at the fourteenth session of the Assembly of Heads of State and Government of the OAU, held at Libreville,⁴ on the initiative of Mr. Omar Bongo, President of the Gabonese Republic and at the time President of the OAU, in order to seek ways and means to bring about a peaceful solution—a solution, I would say, essentially African in its nature—to the problem which today is the subject of the proceedings in the Council.

87. Senegal has therefore followed this question very closely because of its unequivocal devotion to the ideals of peace and justice, as enshrined in the Charter of the Organization of African Unity and in the Charter of the

United Nations, and to scrupulous respect for the sovereignty and territorial integrity of States.

88. From the study of the case my delegation has had the opportunity to make, it becomes clear, if one refers to the historic facts and the juridical documents left by the former colonial Powers, whether they be, among others, Franco-British Conventions—and that was why, Sir, I referred a moment ago to the fact that it was most fortunate that you were President of the Council right now—the 8 September 1919 Convention [*S/15649, annex V*], the Franco-Italian arrangement of 12 September 1919 [*ibid., annex VI*], the Laval-Mussolini Treaty of 7 January 1935 [*ibid., annex VII*], upon which, incidentally, the Libyan side is basing itself, and, closer to us, the Treaty of Friendship and Good Neighbourliness signed on 10 August 1955 [*ibid., annex X*] between the French Republic and, at the time, the United Kingdom of Libya, it becomes clear, as I said, that Chad has legitimate reasons to claim sovereignty over the Aouzou Strip.

89. This part of Chad territory which today is the subject of competing claims was at the time of the signing at Tripoli itself on 2 March 1966 of the Agreement of Good-Neighbourliness and Friendship between Chad and Libya under Chad's administration, as indeed it was under French administration in the colonial era.

90. Unfortunately, we must note that this Agreement of Good-Neighbourliness and Friendship, as well as the Treaty of Friendship, Co-operation and Mutual Assistance signed on 23 December 1972, was violated by the Libyan side, as we have just been told by the delegation of Chad.

91. Indeed, the fact alone of unilaterally sending troops to Tibesti constitutes in itself a systematic violation of the principles of international law, inasmuch as this act violates the principles of territorial integrity and sovereignty of States as they appear in Article 2, paragraph 4, of the Charter of the United Nations and the sacrosanct principle of the inviolability of the frontiers inherited from the colonial era, as laid down in resolution AHG/Res.16 (I) of the OAU [*ibid., annex XII*], adopted at Cairo on 21 July 1964 as a supplement to article III, paragraph 3, of the Charter of the Organization of African Unity and which provides “respect for the sovereignty and territorial integrity of every State and for its inalienable right to an independent existence”.

92. This resolution provides “that all member States pledge themselves to respect the borders existing on their achievement of national independence”.

93. It seems to us therefore that the facts are now out in the open with all the clarity conferred upon them by historical truth and one could say that the case has been presented. It is now up to the Council, in the light of the debate, to take the necessary decisions.

94. For our part, we have listened to the case made by the Libyan side. Its argumentation—I regret to have to

say this—has hardly fully convinced us. We cannot, therefore, accept it in its entirety.

95. Without indulging in demagoguery—and without taking any side whatsoever or attempting to influence in any way the final decision of the Council—it does seem to us that the most appropriate solution would be to prevail upon our Libyan brothers and friends to heed the voice of reason.

96. The international community, through the Council, should act so as to get Libya to abide by the most elementary norms of international morality, the principles of international law and the rules of good-neighbourliness that underpin the Charter of the Organization of African Unity and the Charter of the United Nations itself, of which Libya is a member.

97. Libya must agree to respect the sovereignty of Chad and, more generally speaking, the sovereignty of other States. The use of force and illegal occupation have never been a good solution to disputes between States.

98. At a time when Africa needs to mobilize all its resources to face up to the numerous problems posed by its economic development, it seems hardly appropriate to us for it to allow itself to be dominated by dissension that is more likely to hold up its positive development towards the progress and well-being of its peoples.

99. Chad, which has gone through the ordeal of an unprecedented civil war and which has now regained its national unity, is attempting to rebuild from the rubble a sorely tried administration and economy. In this regard it is only natural for it to aspire to regain its territorial integrity and finally to live in peace within the frontiers it inherited from the colonial era. This is the truth.

100. In our view, the Government and the people of Chad deserve assistance. The International Conference on Assistance to Chad, organized under the auspices of the OAU and the United Nations and held at Geneva in November 1982, testifies to the clear will of the international community to come to the aid of the people of Chad, resolutely committed to the battle for development.

101. It is in this spirit of solidarity and equity that we should like to see the case of Chad considered, hoping, as the President of the Republic of Senegal, Mr. Abdou Diouf, said in an interview which he granted two weeks ago to the Third World Press Club of Radio France International, “that Libya will respect the sovereignty of Chad and of other States and will truly attempt to work for the unity of the countries of Africa”.

102. It is this appeal that I should like to repeat here to our Libyan brothers, that they may heed the voice of reason and withdraw from Chadian territory so that the people of Chad, who have been so sorely tried, can recover their unity and independence, make their contribution to African unity, as well as their modest

contribution to the establishment of a new era of civilization, peace, justice and fraternity.

103. Mr. AMEGA (Togo) (*interpretation from French*): I should first like to present to you, Sir, the warm congratulations of my delegation on your assumption of the presidency. Your competence and your great experience in international relations assure us of good leadership in the Council's business for this month.

104. I take this opportunity to convey to your predecessor, Mr. Troyanovsky, the representative of the Soviet Union, the congratulations and thanks of my delegation for the excellent work he accomplished last month when President of the Council.

105. I should also like to welcome to our midst Mr. Idriss Miskine, the Minister for Foreign Affairs and Co-operation of Chad, who was kind enough to undertake the journey to New York to participate in the Council's work. The fact that he is with us is in itself extremely meaningful and conveys the full importance of the matter before the Council.

106. The matter which the Council now has before it concerns two countries: the Socialist People's Libyan Arab Jamahiriya and Chad, members of the OAU and of the Movement of Non-Aligned Countries, two countries that are friends of Togo and with which the Togolese Government maintains excellent relations of friendship and co-operation.

107. Togo has always acknowledged the right of all peoples to adopt the government of their choice. This is a sovereign right. Togo recognizes States, not individuals. That is why our Government recognized the Government of National Unity of Chad, presided over by Goukouni Weddey, when it enjoyed the support of 11 factions and of the people of Chad.

108. In the same way, since 7 June 1982 Togo has recognized the Government of Hissein Habré, which enjoys the support of the people of Chad and the international community. The United Nations and the Movement of Non-Aligned Countries have both solemnly recognized the Government of Hissein Habré, as the sole legitimate Government of Chad.

109. The Government of Togo is, furthermore, most gratified at the very fortunate initiative recently taken by the Libyan authorities, who dispatched to Mr. Hissein Habré an official mission in order together to seek ways and means of producing an amicable settlement to the dispute between those two countries, which is the subject of our present discussion in the Council.

110. Togo is therefore convinced that the territorial dispute existing between the Socialist People's Libyan Arab Jamahiriya and the Republic of Chad can still be settled through bilateral negotiations, with or without the mediation of third parties.

111. Consequently Togo advocates that all means, including arbitration and international judgement, be used to bring about a peaceful outcome of this dispute.

112. Togo is prepared to support any resolution that may be adopted by the Security Council in order to resolve the dispute.

113. Mr. SALAH (Jordan) (*interpretation from Arabic*): Mr. President, allow me at the outset to congratulate you on your assumption of the presidency for this month. Your well known experience, competence and capability will enable you to conduct the work of the Council with great success. Your diplomatic skill and expertise will enable the Council to achieve the best possible results. It gives me pleasure to commend the traditional friendship binding our two countries and the closeness of our relations.

114. I cannot fail to congratulate Mr. Troyanovsky, the representative of the Soviet Union, on the way in which he conducted the work of the Council last month. His skill, expertise and objectivity won him admiration and appreciation.

115. The delegation of the Hashemite Kingdom of Jordan views the issue before the Council in the light of the following considerations.

116. First, the great continent of Africa has been suffering from many complicated problems. The peoples of that fraternal continent are chafing under the problems of development, problems for which colonialism was responsible, and its peoples are trying to confront and overcome them by various means. To that end all efforts and potentialities must be harnessed to ensure an appropriate atmosphere of co-operation and stability among the States of that continent and between that continent and the world.

117. Secondly, African border disputes are vestiges of colonialism, and in that continent they assume a distinct and special character. But it is encouraging to see that many African States have overcome those disputes and achieved amicable settlement of them in a manner acceptable to all parties. Those settlements were facilitated by the adoption of a rational and realistic approach and the exercise of quiet diplomacy through bilateral contacts between States. Moreover, regional organizations, good offices and arbitration proceedings by those organizations played a vital role in bridging the differences on many issues that arose among African brothers, including border disputes. But the most common element in the achievement of amicable settlements of border disputes in Africa and elsewhere was that all parties were keen not to intensify and escalate those disputes and not to use them regionally or internationally as instruments in the context of regional and international political disputes. Making those disputes subject to the social and political contradictions that plague African relations and politicizing and internationalizing them causes complications, bringing more transient issues to the forefront while basic issues are drowned in a tumult of charges and counter-charges. Issues that at the outset are amenable to solution become intractable because they become symbols for issues that cannot be solved without resort to force in relations among nations.

118. We must warn against raising normal issues amenable to solution in a charged atmosphere and in a context that is far from friendly. We emphasize the gravity of using these disputes in the context of strategic and political conflicts between States. We do so because we are careful to preserve the interests of all parties, who in this instance are our brothers in national identity and creed to whom we are bound by ties of common destiny in the context of the League of Arab States and the Organization of the Islamic Conference. We are also bound to them by amicable and fraternal relations, and we should like to see stability prevail in their countries and an atmosphere of understanding and co-operation prevail in their bilateral relations.

119. The declaration made by the representative of Libya concerning its readiness to discuss the border dispute between it and its neighbour Chad on a bilateral level and in the Organization of African Unity is compatible with the principles of the Charter and exemplifies a responsible political position. We hope that such discussion will take place, when circumstances permit, as a result of Chad's positive response to this Libyan commitment.

120. In this context we call upon our brothers in Libya and Chad to pursue a policy of restraint, good-neighbourliness and peaceful settlement of disputes. We would assure them that it is in the interests of the peace and stability of both countries and of the whole region not to link border disputes to issues of legitimacy in each country because we believe that the nature of the régime of any country falls squarely within the competence of the people of that country and that selection of that régime is its exclusive right.

121. Finally, this reality prompts us to call upon our brothers in Libya and Chad to return to bilateral contacts to settle this dispute among brothers and to give the OAU a real opportunity to continue its activities in this regard.

122. The OAU has given the Chad question special attention and has adopted numerous unanimous decisions regarding it. It has also constituted a five-member good-offices committee which is still concerned with the achievement of an amicable settlement of the Libya-Chad border dispute.

123. Hence we think it would be wise if the efforts expended by the OAU enjoyed the support of Libya and Chad, which participated in the constitution of that organization and have already accepted its good offices, and the support of the Council, since these efforts accord with Article 52 of the Charter of the United Nations. The last thing Africa needs is conflicts or tension.

124. The PRESIDENT: The next speaker is the representative of the Ivory Coast. I invite him to take a place at the Council table and to make his statement.

125. Mr. ESSY (Ivory Coast) (*interpretation from French*): I should like to thank you, Mr. President,

for affording my delegation this opportunity to speak on a problem that concerns it not only as an African State but also as a peace-loving State that wishes to see international relations governed by ethical principles and by certain norms which are indispensable for the attainment of a coherent international society committed to a system of law and in which those subject to international law, both large and small, can enjoy the attributes of their sovereignty without fear.

126. The United Kingdom, which had the formidable responsibility of presiding at the attainment of international sovereignty by many large and small States, all Members of the United Nations, is in a better position than anyone to realize how fragile certain sovereignties would be were there no body of law capable of protecting them against the expansionist greed and designs of certain Powers. It is therefore a real pleasure for my delegation to see the representative of the United Kingdom, a country with which the Ivory Coast has relations of sincere friendship and multilateral co-operation, occupying the presidency of the Council.

127. Your extensive diplomatic experience and your skills which we have admired both in the Council and in the General Assembly, are a valuable contribution to our search for a peaceful solution to the thorny question now before the Council.

128. I should also like to express our gratitude to your predecessor, Mr. Troyanovsky, for the usual effectiveness and skill with which he guided the work of the Council last month.

129. For the Ivory Coast peace is a true creed without which there can be no development. Thus it cannot remain indifferent to any threat to or breach of the peace in any African State, particularly in those areas that President Houphouët-Boigny defined in April 1971 in an effort to find ways and means to guarantee peace to our continent; he identified three prerequisites that are closely interrelated: namely, peace within each African State, peace among African States and peace between the African States and the rest of the world.

130. Accordingly, it is obvious that if any one of those three prerequisites were lacking the entire system would be threatened. In the case before the Council today, what do we find? First, Chad, an African country, has not experienced calm political life since 1965, that is, five years after its accession to independence—that calm political life conducive to the development essential for a country that is relatively disadvantaged by being landlocked. Secondly, there is a border dispute between Chad and its neighbour to the north, the Libyan Arab Jamahiriya. Those two situations, both of which run counter to the three prerequisites I mentioned earlier, cannot fail to be of concern to any African State that seeks peace for the African continent and, therefore, peace for itself.

131. However, above and beyond this dispute between two African States, with all the consequences it entails,

there are tenets of our policy which we cannot allow to be challenged. Foremost is respect for the Charter of the Organization of African Unity, which is consistent with the Charter of the United Nations, one of the cardinal principles of which is non-interference in the internal affairs of States.

132. The OAU recognizes States and not individuals. The Tobar and Wilson doctrines on the theory of legitimacy are alien to Africa. "The first to become king," history teaches us, "was a successful soldier". Just as we recognized Goukouni Weddey as Head of State of Chad when he was in power in N'Djamena, so too we today fully recognize Mr. Hisssein Habré as Head of Government of Chad. The Ivory Coast, as President Houphouët-Boigny has stated on many occasions, "does not pass judgement on *coups d'état*. The only judges are the sovereign peoples who experience such changes of régime or administration."

133. It is all the more difficult for us to understand the criticism and objections that have been raised, particularly when they emanate from persons who have employed similar methods in acceding to high office.

134. The welcome accorded the present delegation of Chad, both in meetings within the United Nations system and by the Movement of Non-Aligned Countries, is highly significant in this connection as indicating the desire of the international community to see a certain stability prevail in international relations.

135. There is another principle that is dear to us in the OAU, and that was designed by our Heads of State precisely in order to avoid the border conflicts that could not fail to arise in the decolonization of territories interrelated by geography and history.

136. That principle of the inviolability of the borders that emerged as an aftermath of decolonization is enshrined in resolution AHG/Res.16 (I) [*ibid.*] adopted on 21 July 1964 at the Assembly of Heads of State and Government of the OAU, held at Cairo, which stipulates in paragraph 2 "that all member States pledge themselves to respect the borders existing on their achievement of national independence", and made it possible for our States in the sub-region, within the framework of joint commissions, to delimit our borders with the help of the maps, agreements and treaties bequeathed by the former colonizing Powers.

137. All States that emerged from decolonization possess geographical and population-related data that cannot be in error since the taxation system enforced in the colonial period enabled the colonial administration in place to draw up a balanced budget for the management of the territory under its administration. It was therefore not in the interests of the colonial Powers to manipulate those geographical and population-related data because of the impact of such data on the budget of the colony and, therefore, on that of the home country in case of deficit.

138. In the case before us today there have been numerous international instruments concluded between the former colonizing Powers of Chad and Libya, among

which we might mention the Franco-British Convention of 14 June 1898, the Additional Declaration on 21 March 1899, which is an addendum to that Convention, the Franco-Italian Agreements of 1 November 1902 and the Treaty of Friendship and Good Neighbourliness concluded between the French Republic and the United Kingdom of Libya on 10 August 1955 [S/15649, annexes I, II, III and X, respectively].

139. From our reading of the letters addressed to the President of the Security Council by the representatives of the Republic of Chad, as well as the letter from the representative of the Libyan Arab Jamahiriya, we can affirm that there does undeniably exist, under the terms of Article 33 of the Charter of the United Nations, a dispute whose prolongation is likely to threaten the maintenance of peace in Africa and, therefore, international security.

140. One party bases itself upon a plethora of legal texts in proving its good faith with regard to legal title inherited in a "succession of States", whereas the other party calls these into question.

141. The Council therefore cannot stand idle in the face of this dispute and adjourn without recommending the use of one of the means for peaceful settlement provided by the Charter: *inter alia*, possible recourse to the International Court of Justice to obtain its legal opinion in this succession of States which concerns two African States members of the OAU and Members of the United Nations and therefore governed by the cardinal principles of those two organizations, which are based on respect for territorial integrity, non-interference in the internal affairs of States, non-aggression and the non-acquisition of territories by force and respect for the independence and sovereignty of States.

142. The Ivory Coast will spare no effort to make its modest contribution to any peaceful solution to this dispute that is based on justice and law.

143. The PRESIDENT: The next speaker is the representative of Sudan. I invite him to take a place at the Council table and to make his statement.

144. Mr. ABDALLA (Sudan) (*interpretation from Arabic*): It gives me great pleasure and is an honour for me to convey to you, Sir, at the outset of my statement warmest congratulations on your assumption of the presidency for the current month. We are confident that your wide experience and expertise in the diplomatic and political fields will be great assets and enable the Council to discharge its duties and responsibilities in the service of international peace and security in a way that will respond to the desires and expectations of the international community for security and stability. My country, which enjoys close relations with your friendly country, wishes to confirm its co-operation with you in the achievement of our noble purposes.

145. My thanks go also to your predecessor, Mr. Oleg Troyanovsky, the representative of the Soviet Union, for

his meritorious efforts and great activities that characterized his presidency of the Council last month.

146. The Council has been convened to consider an important issue represented by the complaint submitted by the Government of Chad against the Libyan occupation of a part of its territory.

147. A few weeks ago we had an opportunity to address this Council on a matter in which Libya—most unfortunately—was the main common denominator. At that time we confirmed that the quest of the Jamahiriya for domination and expansion and its threat to the security of neighbouring and other countries were the main reasons for the tension and state of instability prevailing in that region.

148. A real source of concern is to see the Council for the second time in less than a month open the file of Libyan intervention in the affairs of neighbouring countries, subjecting their independence and sovereignty to danger at a time when the ink has barely dried on the statements made in the last series of meetings concerning the importance of respecting the territorial integrity of other States and the principles of non-interference in their internal affairs and the inadmissibility of the use or threat of use of force.

149. What is unfortunate, too, is that neighbouring countries constitute an arena for these aggressive acts by Libya at a time when Libya's responsibility should be keenly to develop good-neighbourly relations, mutual respect and co-operation with its neighbours, as well as to strengthen the historical and cultural bonds that link it with those States.

150. As it participates in the present debate of the Council on the issue of the Libyan presence in Chad, my country confirms Sudan's interest in this matter. A continuation of this presence which has lasted for a decade has negative effects on Sudan and the other African States and threatens their security and stability. In addition, our interest stems from the fact that the essence of the issue proceeds from the aforementioned principles: respect for the sovereignty and independence of the neighbouring States and their territorial integrity, the inadmissibility of the acquisition of territory by force, and the importance of the peaceful resolution of disputes. Above all, the perpetuation of that presence obstructs efforts aimed at establishing peace and security in that country. Also, it endangers Chad, which is one of the least developed countries, prevents it from achieving economic and social development for its people and, moreover, obstructs the efforts of the international community to help Chad—efforts that were crystallized during the International Conference on Assistance to Chad held recently at Geneva.

151. I do not need—especially after the clear statement made by the Minister for Foreign Affairs and Co-operation of Chad—to dwell on the political and legal aspects of the Libyan-Chadian dispute which would reinforce Chad's sovereignty over the Aouzou sector. My

delegation wishes to draw the Council's attention to the danger of the continuation of the Libyan presence in Chad, a crystal-clear issue that should not be the subject of prevarication or speculation. It is a matter that has to do with the illegal occupation of a part of Chad's territory and represents a violation of the principles of the regional organization to which the two parties to this dispute belong. I refer to the OAU, which has confirmed the inviolability of frontiers inherited at the time of independence.

152. This issue represents another dimension of Libya's relationship with its neighbours and other African countries resulting from a policy characterized by intervention in the affairs of others, attempts at destabilizing those countries, imposing a trusteeship and hegemony, using mercenaries and threats of military invasion. This is clear from Libya's occupation of a country, its sowing seeds of discord among its people, allying itself with those who have done the same with it, and expelling by force of arms those who did not ally themselves, thus undermining OAU principles and other international norms that govern contemporary conduct among nations. It has also obstructed the OAU plan aimed at achieving reconciliation in Chad.

153. This period is characterized by a deterioration in Libya's position, and about one third of the members of the OAU have severed relations with Libya owing to its acts.

154. Libya did not confine itself to this occupation, but continued to be inimical to the present Government in Chad, which represented the hopes of the people of Chad for national unity and reconstruction. It was inimical to it, threatening it and doubting its representation of the people of Chad, starting with Tripoli, continuing to Managua and ending in New Delhi during the meetings of the Movement of Non-Aligned Countries, oblivious to the fact that the Libyan presence in Chad is a national issue, that is, of interest to all the people of Chad, and is not a matter for futile verbal clashes about the legitimacy or illegitimacy of Governments.

155. The Council is confident that the dispute over the legitimacy of Governments can never be a justification or a reason for occupying the lands of others by force. The issue under consideration before the Council has to do with respect for two principles that are enshrined among the most important bases for international conduct. They are enshrined in the Charter of the United Nations, in the Charter of the Organization of African Unity and in other agreements relevant to the Chad issue that had been referred to by other speakers who preceded me this evening. These two principles are: respect for the territorial integrity of States and non-interference in the internal affairs of other countries. Respect for these two principles is not subject to certain Governments and there can never be any justification for violating them or for seeking other solutions based on disagreement among Governments.

156. Libya has declared that these issues should be resolved through regional arrangements in the OAU's

Commission for Reconciliation and Arbitration, but what is unfortunate is that Libya has twice in succession obstructed the convening of OAU meetings at Tripoli, thus undermining the course of its different bodies, including that on reconciliation.

157. Libya must respect the principles of the OAU if it seriously wishes to resolve its disputes through the Charter of the Organization of African Unity. One of the most important principles is undoubtedly that of the inviolability of the frontiers inherited since independence—through which it was possible to avoid much of the plague of disputes at a time when the African States were still suffering from the problems of national unification and other problems, especially countries sharing common tribes and cultural and historical ties.

158. The issue of the Libyan presence in Chad is not an issue of today only. Certain Governments of Chad and countries like Sudan have sought a solution of the issue through the OAU throughout the years, but to no avail.

159. Chad's request that the Council consider this issue reflected the gravity of the matter as well as the continued inimical attitude of Libya towards the Government at N'Djamena. The Council, which is charged with the responsibility of maintaining international peace and security, must fulfil that obligation by taking the proper necessary measures to safeguard the independence and sovereignty of the Republic of Chad by calling upon Libya to withdraw its forces from Chad.

160. My country attaches great importance to the efforts of the present Government of Chad to restore its sovereignty throughout the entirety of its territory and commends that Government's efforts to submit this problem to the Council after the failure of successive Governments to solve it through other efforts, including regional mediation. We feel that the Council's position will reinforce the efforts of the people of Chad to maintain their country's independence and to reconstruct it after the civil wars that obstructed the clarification of all aspects of this issue. Chad has to direct all its resources and capabilities towards reconstruction and development in order to put an end to the vestiges of its past. This can be done only after the immediate and complete withdrawal of Libyan forces from the territory of Chad. This is what we hope for and we hope also that the deliberations of the Council will result in that coming about.

161. The PRESIDENT: The next speaker is the representative of Egypt. I invite him to take a place at the Council table and to make his statement.

162. Mr. KHALIL (Egypt): I should first of all like to express my sincere congratulations to you, Sir, on your assumption of the presidency. We wish you success and are equally sure that you will easily achieve it with distinction.

163. I should also like to avail myself of this opportunity to express to your predecessor, Mr. Troyanovsky of the Soviet Union, our gratitude for the manner in which he discharged his responsibilities.

164. Respect for the territorial integrity of Chad is not only a natural right of its people to sovereign independence, but is also necessary for peace, security and stability in the region, indeed in the African continent as a whole.

165. Constructive African efforts within the OAU have been diligently directed towards assisting the people of Chad to achieve peace and national unity after the civil strife that has, unhappily, engulfed them for over a decade. Heads of State of the OAU have consistently called upon all its members to support efforts aimed at maintaining peace and security in Chad, to abstain from interfering in its domestic affairs and to contribute towards creating the proper atmosphere necessary for consolidating stability and Chad's newly found peace, gained at such great cost, as we all know.

166. In spite of these clear, consistent and constructive positions and all the principles upon which they are based, a region which constitutes an integral part of Chad is still under occupation by the Libyan Arab Jamahiriya. Recurrent endeavours by the legitimate Government of Chad to induce Libya to withdraw from the territory of Chad have met, at best, with procrastination.

167. We have, I am sure, all listened with great care to the statement of the Minister for Foreign Affairs and Co-operation of Chad. Our attention was no less intense when we followed the arguments of the Permanent Representative of the Libyan Arab Jamahiriya. In the opinion of my delegation, the Government of Chad was fully justified in bringing its complaint to the attention of the Council.

168. We did not detect in the statement of the Libyan representative any attempt seriously to resolve this issue, in spite of the very forthcoming position of the Government of Chad, as expressed by the Minister for Foreign Affairs of Chad.

169. Foreign Minister Miskine, having thoroughly and, in my delegation's view, very convincingly presented his country's point of view, has again—and before the Council—repeated his Government's readiness to resolve this question by peaceful means. He has addressed himself to the Council in order for it to help the legitimate Government of Chad to restore its territorial integrity and to live in peace within the frontiers inherited from the past—a basic principle which the members of the OAU have pledged themselves to respect in order to avoid interminable difficulties and conflicts.

170. In the opinion of the delegation of Egypt, the least the Council could do is to call on Libya to respect the territorial integrity of Chad and, consequently, put an end to its occupation of Chadian territory, and to respond to Chad's attempt to put an end to, and resolve, the tension persisting between the two countries.

171. The PRESIDENT: The representative of Chad has asked to speak in exercise of the right of reply, and I now call on him.

172. Mr. BARMA (Chad) (*interpretation from French*): As members of the Council may have noticed when listening to the representative of Libya, he deliberately departed from the subject before us, that is, the occupation by force of part of Chad's territory by Libya. In so doing, the representative of Libya has amply demonstrated, as if there were a need to do so, that his country is flagrantly and shamelessly intervening in the internal affairs of Chad in overt violation of all international rules.

173. We therefore categorically refuse to be led down this path ourselves. Hence, in exercise of the right of reply, we would not like, as the representative of Libya did, to get bogged down in political considerations and thus miss the point about the precise problem we have brought to the Council—the question of the occupation of part of Chad's territory by Libya. Members of the Council will recall that in our statement we confined ourselves strictly to the legal aspect of this matter. Hence we had felt that the Libyan representative would do the same. Unfortunately, as Libya has always done, particularly in the Council on 7 February 1978 [2060th meeting], its representative has indulged in discussions and wild imaginings to evade the substance of the problem. All that the representative of Libya said was a tissue of lies and constituted unacceptable interference in the internal affairs of Chad.

174. Libya affirms without any proof to back it up that part of Chad's territory it is occupying by force is "an integral part of Libyan territory"—and those are terms used in the letter dated 17 March 1983 from the Libyan representative to the President of the Council [S/15645].

175. For our part we have presented irrefutable proof amply demonstrating that the territory at present occupied by Libya is unquestionably part of Chad. On 10 August 1955, in accordance with the recommendation of the General Assembly, a treaty was concluded between France and Libya [S/15649, annex X], putting an end to any Libyan claims to part of Chad's territory. And even in 1965—five years after Chad acceded to independence and 10 years after the signing of the French-Libyan Treaty—Chad and France were by common accord still administering that part of our territory at present occupied by Libya.

176. The representative of Libya has described us as "rebels". Can he say, therefore, why an official delegation of the Libyan Government went to N'Djamena on 2 March 1983 to discuss State matters with the Chad Government? I think this is, to say the least, a rather inconsistent attitude in the Libyan position. Can he tell us why his Government invited and welcomed to Tripoli, his capital, a governmental representative from Chad to discuss matters of State with Libyan authorities?

177. May I be allowed to reveal the content of the discussions which took place at N'Djamena and Tripoli, the essential subject of which, as my Government saw it, was the occupation by Libya of part of Chad's territory. Let this be well understood: for the Libyans, three conditions

must be met by Chad for these discussions to be successful. Firstly, our Government must proclaim an Arab Islamic Republic, whereas everyone knows that Chad is a republic—one, indivisible and non-religious—even though Chad was one of the founding members of the Organization of the Islamic Conference. Secondly, Libya demands that our country form a strategic alliance with Libya in order to destabilize the countries near Chad—Cameroon, the Niger and Nigeria—which it describes as reactionary régimes. Chad would then serve as a springboard to destabilize the régimes of these neighbouring countries. Thirdly, Libya asks us to keep the historic frontiers between the two countries, which, as they see it, means that the present frontier between the two countries would have to be obliterated.

178. Once these three conditions had been met, Libya would then hand over to the Chad Government the members of this puppet government.

179. As the Council can well imagine, our Government rejected *in toto* these three unacceptable conditions and the shameless bargain proposed by Libya. In view of this extremely negative position taken by Libya, like that adopted at previous negotiations both bilaterally and in the OAU, the Chad Government decided to bring the matter before the Council so that the true problem of the occupation of part of our territory should be settled by the Council, in accordance with the Charter of the United Nations and the Charter of the Organization of African Unity.

180. Hence we urge all the members of the Council to invite the representative of Libya, who is present here, to return to the question of concern to us which is now before the Council, namely, the occupation of part of our territory by Libya. All the delaying tactics of Libya prove to what extent the representative of Libya is lacking in arguments to justify the military presence of his country on Chad soil.

181. In conclusion, we once again request the representative of Libya to tell us under which claim and in the name of what convention or treaty Libya occupies part of Chad territory with impunity. It should withdraw its troops from Chad without any preconditions, for, contrary to what was said by the representative of Libya, there is indeed a threat to peace and security not only in the region but also internationally.

182. The CHAIRMAN: The representative of the Libyan Arab Jamahiriya has asked to speak in exercise of the right of reply. I call on him.

183. Mr. TREIKI (Libyan Arab Jamahiriya) (*interpretation from Arabic*): The representative of Chad personally knows that what I said is true. He knows that before Idriss Miskine came to the United Nations he came to my office and said that he had not received a letter from the legitimate Government, that he was in an embarrassing situation and he sought my assistance at the time to help him to contact the legitimate Government.

184. I do not want to respond to Habré's delegation. I only want to respond to the delegation of one of the parties to Camp David—the delegation of Egypt—and to the delegation of Sudan.

185. Sudan and Egypt have common frontiers with Libya; yet they have not charged in their statements that Libya occupied part of Sudan or part of Egypt. Nemeiri's representative stated that Libya creates problems and is expanding. We have heard this from President Nemeiri personally, in Nairobi, and he even mentioned that Libya wanted to occupy Nigeria at that time. More pettiness!

186. I steered away from legal arguments; I stated clearly that at Tripoli and at N'Djamena—I was the head of my country's delegation—we spoke clearly of the legal question concerning the frontier problem that Chad claims exists with Libya and we are prepared to discuss this and any issue with the legitimate Government of Chad.

187. The representative of Sudan stated that Libya wanted to commit sabotage and rejects any legitimate Government—what legitimate Government or representative? Sudan is a signatory of the Lagos Accord [S/14378, *annex I*] and here is its signature—that of the Minister of State for Cabinet Affairs at that time. That Accord provides for the formation of a Government of National Unity in Chad comprising 11 groups. One of those groups is the delegation of Hissein Habré—the Armed Forces of the North.

188. Sudan presided over the Sebha meeting in Libya and was one of signatory States of the Sebha Declaration. The Sudanese delegation was led by Abu-Al-Qasem Mohammed Ibrahim, but Sudan disregarded its signature and concluded another agreement with Hissein Habré whereby Hissein Habré was later appointed Prime Minister under President Malloum.

189. Sudan also incited Habré to rebel at that time, as it incited him in the last rebellion against President Goukouni. Who incited whom to rebellion in Chad?

190. We now hear that Libya sent a delegation. That is not true; Libya did not send an official delegation. We hear that Libya wants an Islamic republic in Chad! We could have done that when we had our forces in Chad, had we wanted to. What would have stopped us? I do not think President Nemeiri would have stopped us; he could not even defend his capital against internal opposition elements. I do not think that one of the parties to Camp David, who sold the land to colonialism to establish its bases, would have stopped us. But Libya refuses to do this. Libya has never imposed any conditions on Chad or on any other country.

191. I have said from the beginning that there is a conspiracy and that Habré has been prompted to undertake this manoeuvre to pave the way—and here I am warning against operations that may be undertaken by imperialism in collusion with the Nemeiri régime and with Egypt, a party to the Camp David accords, against Libya.

192. I stated that Hissain Habré met Sharon. That meeting took place in the Hilton Hotel at Cairo, when Sharon was there. The inclusion of Egypt and Sudan in the list of speakers today affirms the manoeuvre and the conspiracy, as well as the fact that some of the statements were written for some delegations by well-known parties. What is the aim of this? Is it to pave the way for an act of aggression against Libya? We shall see in the near future.

193. I have been accused of obfuscating the issue and of going into a political discussion. What is the purpose of the Council: to discuss legal questions? Is it the International Court of Justice? Is it the Committee of Good Offices of the OAU? The Council is concerned with peace and security and discusses political issues in the first place and not legal issues.

194. This is a map prepared by the United Nations and on the basis of which Libya was granted its independence. The map was not prepared by Libya but by the United Nations. Let us see whether Aouzou forms part of Libya or not. As regards the agreements, the Laval-Mussolini Treaty is invalid and the Treaty of Ben Halim with France is valid. I do not want to go into the legal details, but the problem in Chad is a political one.

195. Thirty-two African States recognized the Goukouni Government. If I wanted to discuss the problem of Chad I would discuss it with the legitimate Goukouni Government and not with a group of mercenaries. I have never attempted, and I shall not do so, to change the course of the debate, but let us be clear: what is the function of the Council? Is it to discuss legal questions? Let the Council decide and then we shall discuss the documents which I already have. Then let us change the Security Council into an international court of justice and let it assume the functions of a court, or let it be turned into a good offices committee.

196. What I heard from the delegation of Sudan and from Egypt's Camp David delegation affirms the dimensions of the real conspiracy, and I feel that the Council must not be deceived. There is an Arab proverb which says: "If a rogue disparages me, that is eloquent proof of my lofty ideals."

197. Egypt, which sold Sinai to Israel and imperialism, is giving lessons in morality. It sold the whole of Egypt to Menachem Begin and now it is giving lectures on ethics. And to whom? To the Libyan revolution.

198. Egypt was the vanguard of the Arab nation. It was always the defender of Arab causes and Arab territories. Unfortunately it has changed and become a puppet entity. And let us of Africa and the Arab nation acknowledge that imperialism succeeded in recruiting puppets in the Sudan and Egypt.

199. Under what pretext does the representative of the Egyptian régime give lectures on ethics? The dimensions of this conspiracy are clear.

200. Libya respects the independence of Chad and its territorial integrity. It never has intervened and never will intervene in the internal affairs of Chad. But at the same time it respects its own borders and can protect its territory, and it will not give up an inch of its territory under any circumstances. We are willing to discuss any issue on a bilateral level, on an African level, on any level, to settle this problem, if there is a problem. But to the Egyptian régime and to the Sudanese régime I say that imperialism cannot protect them. What they have said does not represent their peoples: it represents Menachem Begin, Camp David and the friends of Camp David.

201. Revolutionary Libya will continue to defend its territories with all its might. We will not accept intervention in our affairs by any Power. Aouzou is part and parcel of Libya; Aouzou is Libyan territory. We inherited it from Italian colonialism. The Italian representative, who is now present, can be asked this question: when Libya was defeated, was Aouzou part of Libya or was it not? The United Kingdom and France are aware of the facts. We inherited Aouzou from Italian colonialism; its population is Libyan, and it is represented in the People's Conference. Whoever wants to fight Libya should not use these immoral means and manoeuvres. Libya is a signatory of the Cairo Agreement, and we respect all agreements.

202. I reserve my right to speak again, and I shall have a lot to say if the representatives of the Egyptian and Sudanese puppets or imperialism dare to speak of the Jamahiriya. As for what some other speakers said, I shall not even dignify their remarks with an answer.

203. The PRESIDENT: The representative of Sudan wishes to exercise his right of reply. I invite him to take a place at the Council table and to make his statement.

204. Mr. ABDALLA (Sudan): Judging from the last words of the representative of Libya, Libya is a part of Africa. Throughout the history of the United Nations, Africa has observed a certain decorum and etiquette in dealing with this august international body. Speaking of African Presidents, whether the Chadian President, the Sudanese President or other Presidents in the manner in which the representative of Libya just addressed the Council is, to put it as mildly as I can, in bad taste.

205. The issue in question is the complaint by Chad, and Chad has given the Council its arguments. The Libyan representative has given very few arguments that deserved to be discussed and indulged in a lot of irrelevant talk about matters unrelated to the matter in question. I should like the Council to take note of that.

206. The PRESIDENT: The representative of Egypt has asked to speak in exercise of the right of reply. I invite him to take a place at the Council table and to make his statement.

207. Mr. KHALIL (Egypt): Like the representative of Sudan I shall be very brief in view of the lateness of the

hour and what I consider to be the trivialities just pronounced by the representative of Libya. I think he always tends to see a conspiracy in any move; he tends to see the hand of what he thinks is imperialism; and I think that in his wild imagination he always indulges in insults to which we have unfortunately all become accustomed. I think our margin of tolerance perhaps goes beyond what the code of conduct of this august body should be.

208. As I have said, he seeks to cast doubt even on the representivity of my delegation. I noted some of the words and sentences he used, and I need not really bother the Council by replying to them. He said that Egypt is a party to Camp David. Yes, that is a fact. We are a party to Camp David. Camp David has sought and still seeks a comprehensive settlement in the Middle East. We stand by it. We hope it will be implemented. In fact I think it is much more practical than the empty rhetoric that is not getting us anywhere.

209. I do not intend to speak again whatever the representative of Libya might choose to say. Suffice it again to reiterate that I feel it is time that a certain code of conduct was enforced and respected in the Council.

210. The PRESIDENT: The representative of the Libyan Arab Jamahiriya wishes to speak in exercise of the right of reply. I call upon him.

211. Mr. TREIKI (Libyan Arab Jamahiriya) (*interpretation from Arabic*): I believe that the representatives of Egypt and the Sudan were cut to the quick by the facts. Nothing is more painful than reality. I am happy that the representative of Egypt recognizes that his country is a corner-stone of Camp David and that, proceeding from that premise, it implements Camp David.

212. That is all I wanted to say.

The meeting rose at 7.15 p.m.

NOTES

¹ United Nations, *Treaty Series*, vol. 479, No. 6947.

² See A/36/534, annex II.

³ See A/37/437, annex.

⁴ See A/32/310, annex II, decision AHG/Dec.108 (XIV).

⁵ See A/33/235 and Corr.1, annex II, resolution AHG/Res.94 (XV).