



SECURITY COUNCIL OFFICIAL RECORDS

THIRTY-SECOND YEAR

2002nd

MEETING: 12 APRIL 1977

NEW YORK

CONTENTS

	<i>Page</i>
Provisional agenda (S/Agenda/2002)	1
Adoption of the agenda	1
Complaint by Benin: Report of the Security Council Special Mission to the People's Republic of Benin established under resolution 404 (1977) (S/12294 and Add.1)	1

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.

2002ND MEETING

Held in New York on Tuesday, 12 April 1977, at 10.30 a.m.

President: Mr. Simón Alberto CONSALVI (Venezuela).

Present: The representatives of the following States: Benin, Canada, China, France, Germany, Federal Republic of, India, Libyan Arab Jamahiriya, Mauritius, Pakistan, Panama, Romania, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela.

Provisional agenda (S/Agenda/2002)

1. Adoption of the agenda
2. Complaint by Benin:
Report of the Security Council Special Mission to the People's Republic of Benin established under resolution 404 (1977) (S/12294 and Add.1)

The meeting was called to order at 11,05 a.m.

Adoption of the agenda

The agenda was adopted.

Complaint by Benin

Report of the Security Council Special Mission to the People's Republic of Benin established under resolution 404 (1977) (S/12294 and Add.1)*

1. The PRESIDENT (*interpretation from Spanish*): In accordance with the decisions previously taken by the Council, I invite the representatives of Algeria, Botswana, Gabon, Guinea, the Ivory Coast, Madagascar, Mauritania, Morocco, Niger, Saudi Arabia, Senegal and Togo to take the places reserved for them at the side of the Council chamber.

At the invitation of the President, Mr. F. K. Bouayad-Agha (Algeria), Mr. M. Modisi (Botswana), Mr. L. N'Dong (Gabon), Mr. M. S. Camara (Guinea), Mr. S. Aké (Ivory Coast), Mr. B. Rabetafika (Madagascar), Mr. M. Kane (Mauritania), Mr. A. Bengelloun (Morocco), Mr. J. Poisson (Niger), Mr. J. M. Baroody (Saudi Arabia), Mr. M. Fall (Senegal) and Mr. A. A. Kodjovi (Togo) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT (*interpretation from Spanish*): In addition I should like to inform members of the Council

* Subsequently issued as *Official Records of the Security Council, Thirty-second Year, Special Supplement No. 3* (S/12294/Rev.1).

that letters have been received from the representatives of Cuba, Egypt, the Lao People's Democratic Republic and Somalia, in which they request to be invited to participate in the discussion of the question on the Council's agenda. Consequently I propose, in accordance with past practice and with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, under the provisions of Article 31 of the Charter and rule 37 of the provisional rules of procedure.

3. In view of the limited number of places available at the Council table, I invite those representatives to take the places reserved for them at the side of the Council chamber, on the understanding that they will be invited to take places at the Council table whenever they wish to speak.

At the invitation of the President, Mr. L. Gómez Anzardo (Cuba), Mr. A. E. Abdel Meguid (Egypt), Mr. V. Sourinho (Lao People's Democratic Republic) and Mr. A. H. Hussen (Somalia) took the places reserved for them at the side of the Council chamber.

4. The PRESIDENT (*interpretation from Spanish*): Before calling on the first speaker on the list, I wish to draw to the attention of members of the Council document S/12319/Add.1, entitled "Report on the imperialist armed aggression committed on Sunday, 16 January 1977, against the People's Republic of Benin", transmitted by the Chargé d'affaires a.i. of the Permanent Mission of Benin to the United Nations. I wish also to draw the Council's attention to a new document which contains the text of a letter dated 8 April 1977 addressed to the President of the Council by the representative of the Ivory Coast [S/12320].

5. Mr. KIKHIA (Libyan Arab Jamahiriya): Mr. President, on behalf of my delegation I should like to extend a welcome to you in your capacity as President of the Security Council for the month of April. I congratulate you on your assumption of your high position, especially at a time when the Council is concerned with such important and vital issues. I am confident that you will conduct our work with the dignity and skill exemplified by your extensive experience in public life and diplomacy. Your distinguished personal qualities are the best guarantee of an outstanding presidency during this month of April. I promise you the full co-operation of my delegation.

6. It also gives me special pleasure to welcome in you the representative of a free country of Latin America with which we have historical and deep, fruitful relations. I welcome an eminent son of a country that is a founder and fellow member of OPEC [Organization of Petroleum

Exporting Countries]. In this respect, Venezuela and Libya face identical problems and challenges, and share common privileges and responsibilities. In particular, we are concerned with the effective use of resources for the benefit of our peoples in the interests of the human community and in the framework of international co-operation and solidarity. We are also bound together to face, side by side, the mounting pressures and unjust campaign directed against us by certain avaricious forces and financial circles. Those macabre forces of exploitation unjustly decry us as international troublemakers responsible for world-wide inflation and the devastation of the economies of non-OPEC countries. In short, they falsely accuse us of intending to "strangle world growth". In this respect, I should like to hail the positive and dynamic role of your country, Venezuela, and its effective solidarity with other OPEC nations.

7. So that the Council may appreciate the role of your country in the third world, I should like to quote none other than President Carter. In his letter dated 22 February 1977 addressed to President Carlos Andrés Pérez, President of Venezuela, the President of the United States of America expressed his personal regrets and those of the United States Government concerning certain slanderous campaigns carried out against Venezuela by the biased American mass media. President Carter said:

"You, Mr. President, an independent and vigorous defender of Venezuela's interests, of the nations of Latin America, of OPEC and of the third world, are one of the most respected and formidable leaders in the world today."

8. Mr. President, permit me also to express the appreciation of my delegation to your predecessor, Ambassador Young, representative of the United States, for the great ability he demonstrated during the month of March as President of the Security Council. When he came to the United Nations, Ambassador Young was preceded by his reputation as a civil-rights fighter and a respected political leader of his country. We welcome the opportunity we have been given to come to know him on a personal basis through our close contacts as colleagues around this table. We are grateful because we follow what is happening in the United States and have acquired a lot of information on Ambassador Young as a political leader, a civil-rights fighter and a Congressman, and we realize that information disseminated through the mass media does not do the same justice as does direct contact and honest dialogue. We also know that, in the representation of countries and policies, a change of persons, style or approach in dealing with international problems does not necessarily change the basis of the policies of our respective countries. In fact, we have always hoped for a dramatic change in American policy towards the African and Arab communities—namely, towards reducing, limiting or abandoning the strong and sometimes unlimited American support for the minority racist régimes in southern Africa and occupied Palestine.

9. However, we cannot deny the important role of the representative of the United States and his contribution in creating new conditions to pave the way towards new lines of conduct in this respect, taking into account, first, the

eminent position occupied by the Permanent Representative of the United States of America to the United Nations inside the American political structure, since he has cabinet status, and, secondly, the declaration of the new policy of the United States pledging support to this international body. That is why we took the nomination of Ambassador Young as a sign of change, since the choice of the man could give a hint of the policy intended to be executed and implemented by him.

10. However, I cannot conceal the fact that this optimistic note was clouded by doubts which provoked our estrangement and dismay when we read peculiar statements attributed to Ambassador Young. In those statements, Ambassador Young equated at least one third of the African population with the Ku Klux Klan, accusing them of racism and hate and asserting that the United States would help one African country against its so-called militant neighbour. We really wonder how a declared friend of Africa, a declared champion of African liberation, can reconcile those statements with the principles he has declared in the United Nations. It brings to mind the impetuous and inciting episode of Professor Pat Moynihan and his infamous speech two years ago at San Francisco, where he insulted the whole of Africa. We must, however, render justice to Professor Moynihan. He was neither a friend of Africa nor a sympathizer with the third world. He would use the same aggressive and contemptuous language inside the United Nations and outside the United Nations. But at least we must admit that he was consistent. I still hope that some misunderstandings or misinformation were reflected in the Jewish Telegraphic Agency's *Daily News Bulletin* of 31 March, in *The New York Post* of 30 March and in *The Washington Post* of 8 April when they reported Ambassador Young's statements. I hope we shall receive an explanation so that we can set the record straight from the outset and so that we may better understand the real intentions behind the declared new policy of the United States. We believe that the worst offence of all is to create false hopes in order to defuse the African liberation struggle and to divert the favourable momentum in Africa, in the Arab-African community and in the rest of the third world.

11. Now I should like to come to the substance of the issue under discussion in the Council today. I shall be very brief, since my country is one of the three members of the Special Mission mandated by the Council to investigate the events of 16 January 1977 at Cotonou. The voluminous documentation presented by the Mission and by the Government of Benin constitutes an important and impressive dossier worthy of the interest and deep consideration of the Council. The statements delivered before the Council by my colleagues who preceded me have enriched the dossier on this extraordinarily important issue and, after the appropriate and excellent introduction of the report by the Chairman of the Mission, Ambassador Illueca of Panama [2000th meeting], I shall confine myself to the following points.

12. First, I should like to express the sincere thanks of my Government, and also my personal thanks, to the President of the Council during the month of February, Ambassador Murray of the United Kingdom, and to the other members of the Council for the trust they demonstrated in my

country by unanimously appointing it, along with India and Panama, as a member of the fact-finding Mission to Benin.

13. Secondly, I should like to pay a tribute to Ambassador Illueca and to my colleague Mr. Ramesh Mulye, representative of India. I salute their dedication, devotion, objectivity and total integrity. It was indeed both a pleasure and an honour to work with Ramesh Mulye under the respectable and intelligent leadership of Ambassador Illueca.

14. Thirdly, I should like to reiterate that our Mission executed its mandate with complete devotion and total objectivity. Therefore, any insinuations or innuendos made in the media or inside the Council are both unjust and irrelevant. The Mission registered all relevant information gathered from testimony and from the available documentation, and subsequently reported back to the Council. The Mission did not condemn, accuse or incriminate any party in particular. It did not judge the activities of any country or any authority. We merely reported back to the Council the plain and simple facts, and it is now up to the Council to draw its own conclusions. Quite frankly, I do not know what else was expected from the Mission. We were not appointed to make accusations, nor were we appointed to cover up for any party or parties involved in the aggression.

15. I know full well that our mandate was both delicate and risky and I realize that we were walking a tightrope. I realize also that, in our day and age, it is impossible to achieve miracles or, as the French say, "to make an omelette without breaking any eggs". Therefore, it is not only appropriate but also far more constructive for us to avoid any futile and counterproductive exercises and to concentrate, instead, on the main issue, on the plain and simple facts.

16. Concerning the facts of what happened at Cotonou on 16 January 1977, I doubt if there is anyone who will dispute what transpired on that Sunday morning at about 7 o'clock, when an unmarked aircraft made an unauthorized landing at the international airport. From that aircraft a group of about 100 persons, both whites and blacks, disembarked, dressed in military attire and carrying large quantities of arms and ammunition.

17. This assault group of men, who acted in the manner of a well-organized military unit, after establishing a command post at the airport, proceeded towards Cotonou and attacked the Presidential Palace, the Hall of Congress and apartment buildings with firearms and projectiles. On their way back, the invading force indiscriminately shot at civilians and non-military establishments. The Beninese armed forces were able to repulse the onslaught and the attackers were compelled, after a while, to retreat in the direction of the airport. However, the gallant Beninese military forces that pursued the attackers were unable to prevent them from leaving Cotonou in the aircraft in which they had arrived or from killing six persons and wounding 51 others. One African member of the assault force was captured, a certain Bâ Alpha Oumarou, and one European and one African were killed.

18. The attacking forces used such weapons as machine-guns, mortars and bazookas, causing a substantial amount of damage to a number of public and private buildings, including the premises of some diplomatic missions and even a hospital.

19. There is no doubt whatsoever that the primary objective of the onslaught was to overthrow the Government of Benin. It is clear that Benin was subjected to aggression; its sovereignty and territorial integrity were unquestionably violated by an invading force from outside the country. It is evident also that the majority of the invading force were white mercenaries whose participation was for pecuniary interests. It is clear, too, that similar operations could be conducted elsewhere against small, defenceless countries.

20. Those are the paramount facts, which remain uncontested.

21. It is apparent that the terms of the mandate of the Mission did not allow it to investigate and verify all the documents and testimony examined by it. It will be more constructive now for the participants in the debate, and the interested or concerned parties in general, to concentrate on appropriate action, seeking ways and means to follow up and investigate further, in the hope of shedding more light on this despicable aggression. It is not sufficient just to say that the documents and testimony in question are fabrications. I think it would require a genius to fabricate all the documents and, in any event, the statement that all are fabricated is incredible. One could possibly fabricate a few general documents such as the plan of action or the declaration. But what about the large quantities of individual documents and the different pieces left behind by the mercenaries, such as bank account statements, identity cards, drivers' licences, international health certificates, airline tickets, personal letters and names and addresses in various countries?

22. We believe that it is incumbent upon all States to co-operate with the Council in order to gather more information and verify the documentation and data. That is the only method to eliminate any doubt. There are many documents and facts not easy to verify without the co-operation of certain States.

23. France, for example, could verify addresses, bank accounts, French identity cards and drivers' licences and, in particular, could provide further information on the key personality in this whole abominable affair, Gilbert Bourgeaud. Here I should like to take note of and commend the positive French attitude shown in the statement to the Council by Ambassador Leprette [2001st meeting] that France had already conducted some preliminary investigations and that the French Government was ready to conduct further investigations if requested to do so. We have been informed by Ambassador Leprette that the investigations have been undertaken by the French Government on its own initiative and in accordance with its own intent on its own initiative and in accordance with its own legislation.

24. It is also important to remember that the representative of France did not exclude the possibility of individ-

ual participation in the operation. We are relieved to hear from him that the investigations undertaken revealed that no officer corresponding to the description of Mr. Bourgeaud was in the French Army on active or reserve duty. We sincerely hope that France will continue its investigations to provide the Council with more information on Mr. Bourgeaud, if not as a member of the French Army then perhaps in a different department or in the private sector.

25. The Red Cross also could undertake an investigation about the identity of the Swedish pilot Isberg Bjorg Leo, who was employed some years ago by the Red Cross to deliver aid to Biafra and whose personal documents, in particular, identity card No. 2103 issued by the International Red Cross at Geneva on 22 January 1969, were found after the attack on Cotonou.

26. It would have been extremely difficult, if not impossible, for all the documents and testimony to have been fabricated, and such an explanation or reasoning is far too easy. It was asked here in the Council why there was only one mercenary who was caught and only one testimony, suggesting that the primary witness, Bâ Alpha Oumarou, could be a fake. It is legitimate to ask ourselves why anyone, or any party, who would go to the trouble of preparing a false witness would prepare only one, when there were great opportunities to prepare a number of them and thereby lend more credibility to the act of fabrication. I should like to pose that question for consideration by my colleagues in relation to the allegations of falsification with regard to the witness.

27. It was also suggested that the attacking forces had left far too much documentation behind. I must admit that that is a very good point and, if only for that reason alone, we must attempt further investigations to shed light on particular points of concern. One could imagine that those documents were left because the attackers were 100 per cent sure of their success, as was stated in one of the documents: "there will be every chance of success".

28. Another point to remember is that those people, those mercenaries, are adventurers who gamble on the chance of either success or death; consequently they have nothing to be afraid of if the mission fails and documents are left behind or captured. Furthermore, we have countless examples of similar badly organized operations conducted by adventurers and by secret services of certain countries. Many operations, even those conducted by secret services of big Powers, have ended in tragic failure, just like this one. But if it is difficult to understand why the attackers left those documents behind and to justify this, those are invaluable and relevant reasons to conduct further investigations to explain the presence of that box full of documents among the material left behind by the attackers and to clarify two points: first, the authenticity of those documents; secondly, their presence inside an ammunition case at the airport after the pirates' plane escaped.

29. We sincerely hope that members of the Council will concentrate on the facts before them, avoiding any futile debates, and will address themselves to the direct questions posed by the aggression.

30. I should also like to say that we have been disturbed from the outset by the strange attitude of the mass media—a negative attitude. From the very first day the Western mass media took a strange attitude by attempting to water down the importance of the events at Cotonou and spread doubts about them, even before receiving full information on what was actually happening there; and, after that, what I can only call a complicity of silence continued. Many States—in particular Western States—had nationals there in Benin, some of whom were evacuated to their countries of origin, while others were treated for serious wounds and injuries. But we did not see any reports or accounts of those accidents in the press or media in their respective countries. To my mind, that is not only strange but also totally out of character for media that are always looking for and searching out sensationalism and are in the habit of creating a big fuss on the occasion of insignificant events and incidents in the third world. I believe that further investigation and time will explain that attitude.

31. There is another aspect which my delegation wishes to mention: such an operation could be prepared elsewhere against other small, defenceless and peace-loving countries for a similar purpose. A careful study of the dossier, combined with intelligent understanding of what is happening in Africa and in the world today, could give rise to the impression that somewhere these types of specialized groups and organizations exist, using mercenaries and adventurers with a view to overthrowing progressive and anti-imperialist Governments and régimes. Thus many small and militarily weak States will be at the mercy of those sinister groups of interventionists. It is not only important but imperative that the Council should give serious consideration to these aspects of the problem, because the mere presence of such groups and organizations threatens to disrupt peace and security in the world and prepares for the colonial reconquest of Africa and the third world. It is also a further indication of a kind of unholy alliance between the forces of domination and exploitation in the world, contracted with a view to conducting a "holy war" against the progressive and democratic forces in Africa and in the third world. That type of operation is extremely detrimental to the progress and economic development of small, poor countries which will be obliged to sacrifice a major part of their budget and resources so as to build armies, arm their people and organize adequate national defence. That would mean a reduction of their potential and chances for economic and social development and would, as a result, also cause an escalation of the spread of armaments in the world.

32. A question was raised concerning the distribution by our brother from Benin of two reports; one on the evaluation of damages and losses and the other the report of the International Commission of Inquiry which preceded our Mission in Benin. I should like to draw the attention of the Council to the fact that, in our discussion with the Benin authorities, our Mission requested the report of the Commission in order to complete our information. However, at that time, that report was not ready and the Benin authorities promised to send it to us here. I shall read from the provisional verbatim record of the tenth meeting held on 23 February 1977 between the representatives of the Benin authorities and the Mission. I hope that the Secre-

tariat will find it possible to circulate all the verbatim records of the Mission to all the members of the Security Council. At that meeting, Mr. Ogouma, representative of the Benin authorities, said:

"Now, yesterday you requested a certain number of documents: for instance, the map of the city, a list of the wounded personnel, death certificates, lists of dead personnel etc. These documents are available. We will give them to you after you have completed your examination of the photostats.

"But there was a third request you made yesterday that referred to the report of the International Commission of Inquiry. We have contacted the responsible people and we have received our instructions. Now, the situation is as follows: the report of the Commission was officially submitted several days ago, and it has been received by the proper authorities. It has not yet been studied by the Central Committee of our Party. This study is necessary before we can publish the report.

"The conditions are not yet ripe to put this report at your disposal. After the examination made by the Central Committee of our Party, certain decisions will be made by the Central Committee of our Party, certain decisions will be taken, and it is possible that this report will be distributed. At that moment we will contact you, either directly or through our representative to the United Nations."

33. At our last meeting, held on 25 February, Mr. Ogouma said:

"Mr. Chairman, on the basis of your request, we have accomplished the essential requirements raised by the Mission—that is to say, we have provided you with the different documents, with the photostats, and we have also stated what the situation is with regard to the record of the International Commission.

"We have also provided you with pictures of the different places that you have visited. There is only one item missing with regard to the request you made: that is to say, the evaluation of damage in material as well as human and other terms. This task has not been completed. If we do not succeed in completing it before the Mission leaves our country, we will be forced to transmit it to you through our Ambassador to the United Nations, His Excellency Ambassador Boya."

Therefore, the Benin delegation was fulfilling the promise which it gave to the Mission at Cotonou.

34. I promised not to take up too much time, but I should like to single out one other aspect of the problem, namely, the problem of mercenaries. We know that the use of mercenaries is a problem as old as war itself. It appears at almost every stage of human history. In the twentieth century, and after the liquidation of colonial empires, mercenary activities became a scourge in our society, and we, in Africa, know only too well what mercenaries indicate for us. They mean racism, imperialism, exploitation and colonial reconquest. The United Nations has

been dealing with the problem of mercenaries for about 20 years and we have an important number of Security Council and General Assembly resolutions concerning mercenaries, calling on all Member States to outlaw their activities and prevent their recruitment, training and movement. The Organization of African Unity has adopted many resolutions concerning mercenaries. I refer in particular to the Declaration on the Activities of Mercenaries in Africa, adopted in 1971.¹ Considering the grave threat which the activities of mercenaries represent to the independence, sovereignty, territorial integrity and harmonious development of the African States, and considering that the constant threat of the use of mercenaries constitutes an element of serious tension and conflict in Africa, the African countries expressed the necessity of putting an end, once and for all, to the subversive activities of mercenaries in Africa, and reaffirmed the determination of the African peoples and States to take all necessary measures to eradicate from Africa the scourge that the mercenary system represents. They reiterated their irrevocable condemnation of the use of mercenaries by certain countries and forces to jeopardize further the independence, sovereignty and territorial integrity of States members of the Organization of African Unity. They called upon States to take appropriate steps to ensure that their territories were not being used to recruit, drill or train mercenaries, or for the passage of equipment intended for mercenaries, as well as to hand over any mercenaries present in their countries to the States against which they intended to carry out or had carried out their subversive activities. Further, they invited all States not to allow mercenaries, whether their own nationals or not, to pursue those activities, not to tolerate the recruitment, training and equipping of mercenaries on their territory and to forbid their nationals to serve as mercenaries.

35. I do not have to go through all the resolutions of the General Assembly, the Security Council and the Organization of African Unity and other appropriate resolutions of governmental and non-governmental agencies which are concerned with mercenaries. However, what happened recently in Benin drew our attention, once again, to this problem. We are convinced that the Security Council and the General Assembly must now take immediate and appropriate measures to co-ordinate the fight against the use of mercenaries.

36. We have many possibilities in front of us. We can pose the problem of mercenaries as an independent item in the Security Council and/or in the General Assembly. We may consider the possibility of creating an appropriate legal instrument to combat the use of mercenaries. We can consider the possibility of holding international conferences on the problem of mercenaries, or the creation of an international centre for exchanging information and co-ordinating efforts relating to the fight against the use of mercenaries, or the establishment of a special committee, in the framework of the United Nations, to study the problem of mercenaries. In fact, the international community has dealt with and has established instruments and bodies concerning many other evils in this world. I can mention,

¹ Adopted by the Council of Ministers of the Organization of African Unity at its seventeenth ordinary session held at Addis Ababa from 15 to 19 June 1971.

for example, racism, *apartheid*, zionism, terrorism, hijacking, hostages, drugs, slavery and so on. So the time has come to take positive and practical action to combat the use of mercenaries.

37. The use of mercenaries in the age of nation-States and ideological States is a crime in itself; but it is also an instrument of aggression against small countries for the colonial reconquest of the third world and an instrument of terror in the hands of certain Powers and secret services. My country will join its efforts with those of other concerned sister countries in order to propose a specific mode of action to the international community to combat the evil of mercenary activities.

38. It is extremely sad to see ourselves—Africans—divided in this debate before the Security Council. However, this division is a fact of life; it is a true reflection of our real problems and of our crisis in progress and development. It reflects the fight within the third world between the forces of the past and the emerging forces of the future. We cannot avoid these facts; nor can we hide them behind the facade of unity, because our unity is the unity of our peoples, unity for progress and the liberation of our masses. We are attached to African unity, as we are equally attached to Arab unity, to Islamic unity, to third-world unity, to non-aligned unity and to the developing countries' unity. But all these forms of unity cannot hide the inevitable struggle between the two forces, the past and the future—between progress and reaction. However, the real danger lies in intervention in this fight and intervention in this natural confrontation by foreign, external Powers; this could falsify the whole situation and create more obstacles and difficulties in the face of our progress and the final, inevitable victory of our masses and peoples.

39. The PRESIDENT (*interpretation from Spanish*): I thank the representative of Libya for his cordial words about my country, about our President and about me. I completely agree with him about the role that our countries have played in OPEC and about what is being done to bring about a new economic order for all peoples.

40. Mr. DATCU (Romania) (*interpretation from French*): First of all, Mr. President, I wish to join my colleagues who have already congratulated you on your assumption of the presidency of the Council. Our pleasure at seeing you conducting the debate in this important body is particularly great because you are an eminent representative of Venezuela, a friendly country of Latin America, a region of the world to which my country, Romania, feels bound by strong affinities of language, spirit and culture, as well as by our common yearning for a world based on the principles of equality and the independence of nations. We are convinced that, thanks to your qualities and diplomatic experience, with the co-operation of all Council members, our work this month will take place in the best possible circumstances and will yield positive results. It goes without saying that we pledge you our fullest support.

41. I also wish to thank Ambassador Young of the United States, your predecessor in the presidency, for the devotion and zeal which he displayed in conducting our work last month, and particularly for the relaxed, friendly atmosphere which he brought to our work.

42. The Romanian delegation has carefully studied the report of the Special Mission of the Security Council to the People's Republic of Benin, and the statements made in the course of this debate by the representative of Benin and by representatives of other States.

43. We find that, on the basis of the testimony received and evidence examined by it, the Special Mission concluded, in paragraph 141 of its report [S/12294], that "the People's Republic of Benin was . . . subjected to an armed attack" by a group of mercenaries which arrived at Cotonou airport on the morning of 16 January 1977, and that the "primary objective of the invading force was the overthrow of the present Government of Benin". Equally noteworthy is the conclusion contained in paragraph 142 of the report, that:

"Inasmuch as the territorial integrity, independence and sovereignty of the State of Benin was violated by this invading force which came from outside the territory of that country, there can be no doubt that the State of Benin was subjected to aggression."

44. The Romanian delegation considers that the Security Council should formulate its recommendations and decisions taking into account the conclusions reached by the Special Mission. In this connexion, I wish to take this opportunity to thank the members of the Mission, particularly its Chairman, Ambassador Jorge Illueca, for the hard work that went into the preparation of this voluminously documented and impartial report. The Special Mission, directed with competence and professional probity by the Ambassador of Panama, has thus carried out the mandate entrusted to it by the Security Council.

45. We note that the Security Council has before it a violation of the sovereignty and territorial integrity of a United Nations Member State—the People's Republic of Benin—an act of brutal interference in the internal affairs of that State.

46. My delegation wishes to condemn that act of aggression committed against an African country dedicated to peace and freedom, whose efforts are devoted to the consolidation of its political and economic independence and to the building of a society based on social justice.

47. My country has always condemned, and indeed resolutely condemns, all acts of force committed against the national sovereignty, political independence and territorial integrity of States, as well as any attempts to prevent the developing countries from consolidating their political and economic independence. In relations among all States, my country strongly favours respect for the principles of full equality of rights, national independence and sovereignty, non-interference in others' internal affairs, mutual advantage and the renunciation of the threat or use of force. The Romanian people has always stood by the African peoples fighting for the complete removal of the vestiges of colonialism and neo-colonialism, and the elimination of any policy for the domination and oppression of other peoples, as well as for the abolition of racial discrimination and *apartheid*. At the same time, we wish to stress that solidarity and co-operation among African

States—among all developing countries—is essential to the success of their struggle for their free and independent development and for the establishment of a new international economic and political order.

48. In our opinion, the complicated problems inherited from the colonial era, which have created tension among African countries, must be solved by the Africans themselves by peaceful means, through understanding, and in a spirit of friendship and co-operation.

49. Those African peoples which have won their freedom and their right to a life of dignity after a long struggle and with great sacrifices, are capable of solving the problems confronting them on their own, and our Organization and the Security Council have a duty to act to protect them from any outside interference, from any exercise of pressure or diktat on the part of the imperialists and neo-colonialists.

50. As President Nicolae Ceaușescu of the Socialist Republic of Romania stated recently:

“Romania will continue in the future to give full support to the African peoples and to strengthen its solidarity with them in their struggle to recover their national wealth, to assert their own interests and fully to participate on an equal footing in international affairs in the solution of all problems confronting mankind today.”

51. In our opinion, the Security Council should condemn the armed attack perpetrated on 16 January 1977 by a group of mercenaries against the People's Republic of Benin, as well as the criminal practice of the use of international mercenaries. Since the attack of 16 January caused the loss of human life and material damage, the Council should reaffirm the principle of reparation for damages, such as those suffered by the people of Benin. That would be an act of justice towards the Beninese people and would show the entire world that the Council is determined not to tolerate any such acts in future, regardless of where they may occur, because they are contrary to the Charter of the United Nations and to the norms of conduct in international relations.

52. The PRESIDENT (*interpretation from Spanish*): I thank the representative of Romania for his kind words about my country and about myself. I certainly think that the way he himself directed the arduous work of the Council during the month of December is very praiseworthy.

53. The next speaker is the representative of Togo, whom I invite to take a seat at the Council table and to make his statement.

54. Mr. KODJOVI (Togo) (*interpretation from French*): Mr. President, it is with genuine pleasure that I address to you the warm congratulations of my delegation on your assumption of the presidency of the Security Council for this month of April and on the competence with which you have been conducting this debate, whose unusual character is the result of the equally unusual nature of the mysterious affair that we are considering.

55. I should like to take the opportunity to repeat my warm congratulations to Ambassador Young, your predecessor, who, last month, demonstrated his devotion to the cause of peace and took initiatives with regard to the problems of South Africa which, we hope, will help to restore justice and calm to that area.

56. Undoubtedly, Sir, your task is formidable, but it is also a noble one. Indeed, you have assumed the presidency at a crucial moment, when the Security Council has an opportunity to play a vital role in achieving conditions of peace and security in the world and to show that it is not going to let itself be swayed, manipulated or taken in by intriguers who are attempting to institutionalize bluff and cynicism in international relations. The Council is, in fact, firmly committed to a persevering and scrupulous quest for the truth, for right and justice without which there can be no lasting peace on earth.

57. I already had the honour of speaking on behalf of my country in the Council on 8 February last [*1987th meeting*], during the initial phase of the debate on the events at Cotonou of 16 January, and my delegation is gratified at the fact that it was one of those that laid particular stress on the need to shed all possible light on those events and to identify clearly all those responsible for the raid on Cotonou. We did so on the explicit instructions of our Government out of solidarity with Benin, which is a brother country; we did so because of our profound devotion to the truth, to justice and to respect for the sovereignty of nations, whatever they may be; we did so because we are avowed enemies of all designs, such as the vile mercenary system, which attack the dignity and security of States and peoples.

58. These same considerations, at the present stage of the debate, account for our position, a position that we want to make unambiguously clear and that we do not intend to be linked to any division whatsoever in Africa or in the world at large.

59. The phenomenon of mercenary activity and the various uses made of it have a great many implications that are too serious to allow us to accept that the debate occasioned by the events at Cotonou, and which is taking place in an atmosphere of calm, should be systematically diverted from its proper goal by manoeuvres that show that those resorting to them are completely lacking in elementary decency and are intent on preventing a clear examination of a matter that is being discussed here as a result of their own complaint.

60. In this matter, the main concern of my delegation is to expose the truth and to see justice done. The emotional element, which the Benin delegation has been attempting to inject into the debate, cannot be explained as the result of agitation due to the recent events. The manoeuvres of the Benin delegation in the African Group and in the Security Council and the distribution, in the middle of a meeting, of a document concocted in the little back rooms of the much touted revolution, containing slanderous accusations against sovereign countries and distinguished heads of State, are clearly undertaken for the purpose of sowing confusion in the examination of an event that is, in any case, completely

shrouded in mystery. My delegation notes this and regrets it, but we shall not allow ourselves to be intimidated or overawed by anyone; we shall stay calm and make a brief objective analysis of the situation.

61. We should like to extend the warmest congratulations to the members of the Special Mission, our colleagues Mr. Illueca of Panama, Mr. Mulye of India and Mr. Kikhia of Libya, for the remarkable work they did on their mission. I take particular pleasure in paying a tribute to them for the frankness with which they admitted that they were unable, because of lack of time and in view of their terms of reference, to pursue their inquiries any further and to verify the assertions of the "prisoner", Bâ Alpha Oumarou, or indeed the evidence contained in the documents. This means that, in the circumstances, the inquiry has not been concluded—far from it.

62. The authenticity of the documents submitted as evidence and the veracity of the statements of Bâ Alpha Oumarou have not been established and, therefore, cannot serve as a valid basis for determining who is to blame. I should like to make this clear. A document presented as evidence can be authentic or forged. It can have been forged by the person presenting it or by the person from whom he has obtained it, with or without the consent of that source. The inquiries which have to be made in this area are not difficult, and all those—that is, everyone—who are aware of the serious danger constituted by the mercenary phenomenon for all countries without exception must help in this task.

63. History has many striking instances of forgery. In this particular case, if we are not careful, and if through slackness the Council takes some kind of definitive decision—and some people seem to be trying to get the Council to do this, with a naïveté which does them no credit—it is liable to replace the real mercenary system, like that observed in Zaire, Guinea, Nigeria and elsewhere, by an imaginary mercenary system that it would be convenient to use as a diversionary tactic, and the implications of this would be a grave danger to peace. Furthermore, in certain bodies, hasty definitive decisions on certain cases on the basis of summary procedures dominated by cunning machinations may well be contrary to justice and right and hence constitute a grave threat to peace.

64. However that may be, my delegation is not yet in a position to talk of an accumulation of irrefutable proof. The origin of the operation, as is made clear by the statements of the pseudo-mercenary, pseudo-prisoner and obvious automaton, Bâ Alpha Oumarou, and the nature of the documents which are alleged to have been captured lead my delegation to exercise the greatest possible circumspection.

65. We believe most sincerely that it would be an insult to the valiant revolutionary people's armed forces of Benin, whose calibre we respect, to agree that they might have forgotten, when they were repelling the aggressors, to do the one elementary thing which would have occurred to the simplest soldier: to sabotage the aircraft of the attackers to prevent them from effecting their departure after the failure of the operation. That extraordinary oversight

enabled the members of the commando to board their aircraft and leave after their more than three-hour spree at Cotonou. I must say frankly that our young States may be weak and exposed to the wildest schemes of the lowest adventurers, but they are not as vulnerable as that. It is in our interest to make this point absolutely clear for its deterrent effect.

66. We most sincerely think that it would be to underestimate the efficiency of the mercenaries and thus to underrate the danger represented by mercenaries, if we were to admit that those experts of armed aggression, as they embarked on an operation, would have encumbered themselves with such a variegated assortment of documents of no use whatsoever to them, such as this primary school certificate, these cheque-books, pay slips and so on, and that they would have taken care, before undertaking an orderly retreat, to leave for the Benin authorities those compromising documents which some have described pompously as "extremely edifying".

67. I wish to repeat and make clear, so that there can be no possible misunderstanding on anyone's part, that at the present stage of the inquiry the multifaceted mystery that surrounds the events of 16 January 1977 at Cotonou—and we certainly agree that those events occurred—has not yet been cleared up. We have not yet been provided with irrefutable evidence to confound sceptics who are not accustomed to taking Africa seriously or indeed anything that happens there and who continue to wonder what really happened and what provoked those events. Confusion remains just as rife as ever and there are many possible explanations for the events. For the honour of Africa, but also and above all in the interest of Benin, the investigation must be pursued to its conclusion so that we can expose and confound all those responsible for the shady business at Cotonou.

68. Again, to avoid misunderstanding, I should like to make it clear that I actually said "also and above all in the interest of Benin", and I did so for the two following reasons.

69. First, with a dignity which we respect, the representative of Benin said in this very Council in his statement of 6 April:

"The people of Benin ask the Council to take measures to ensure compensation for damage and to provide considerable assistance to our economy. But I want it to be clearly understood that the people of Benin, a revolutionary people, is not coming here begging for international alms. . . . What the people of Benin demands is that justice be done and that there be compensation for all the damage." [2000th meeting, para. 81.]

70. That could not be clearer. The justice claimed, as I cannot but emphasize, so justly by Benin requires that compensation be demanded from those responsible for the damage. It is extremely important, therefore, to identify first of all the people responsible, and this should be the essential objective to which the international community should address itself calmly and inexorably, because, as the representative of Benin said, that is its "moral responsibil-

ity" [*ibid.*]. In the murky confusion now created and maintained by hasty accusations, noisy, over-imaginative, unfounded, weird and improbable charges and allegations and the protestations to which those accusations have of course inevitably led and which we have noted here, whom are we to ask for compensation? Not the United Nations, since it was not the United Nations that organized the events. It would be unjust, however, if Benin did not obtain compensation. So the inquiry must go on.

71. The second reason why we think it is in the interest of Benin for the investigation to be pushed through to a conclusion is that the extraordinary revolutionary fervour that Benin injects into these charges and the methods that it has resorted to—and that eloquently illustrate the concerns of those intriguers who have resorted to them—in these accusations which are so lightly levelled, that fervour and those methods are such as to confirm the suspicions of the sceptics who, as everyone knows, are wondering whether in fact what we are faced with here is not actually something staged and whether perhaps something has not gone wrong with the revolution to make the victim of aggression into the aggressor, through the medium of agents, for preventive purposes and to exploit the situation for various ends.

72. The Togolese, like all responsible African peoples, are really concerned for the dignity of our continent and find it difficult to accept these malevolent insinuations which are often provoked by events occurring in Africa. In this case, we cannot permit free rein to be given to insinuations which harm the honour and dignity of those who worked for the Benin revolution. In this regard too, my delegation has every reason to demand that the inquiry be continued.

73. I would add that, in the view of my delegation, there can be no question of the Security Council, which has such a vital role to play in bringing about conditions of just and lasting peace in the world, compromising its authority by taking any final decision on this matter, for any reason whatsoever, on the basis of an incomplete investigation, placing its reliance on the assertions of the only "aggressor" captured who remains in the hands of the Benin authorities, or on documents the authenticity of which has, as we know, not yet been established. In this regard, my delegation has no hesitation whatsoever in leaving matters to the wisdom and clear-sightedness of the members of the Council.

74. My country, Togo, and its President, General Gnassingbe Eyadéma, have been implicated in this matter. It is alleged that, since October 1976, my country has harboured a certain Second Company of a certain Foreign Intervention Group coming from Gabon, whose task is alleged to have been that of penetrating and attacking by surprise the territory of the People's Republic of Benin on 16 January 1977. It is alleged that, on 2 January 1977, in Gabon, our President met with President Bongo and a certain Colonel Bourgeaud to work out the arrangements for the aggression of 16 January.

75. In his statement of 6 April, my brother the representative of Benin stated:

"for reasons of security which the documents in our possession make it easy to understand, we have been

obliged to close our western frontiers for a time" [*ibid.*, para. 79].

So when the leaders of the Benin revolution speak of African lackeys and imperialism, my country feels it is under attack.

76. Before commenting on these slanderous allegations, my delegation wishes to make some remarks which will make it easier to understand its indignation and stupefaction at these charges. We must refer to the nature of our relations with Benin.

77. Togo and Benin are linked by ties forged by objective historical and geographical phenomena which are just facts of life. This prompted President Eyadéma, in his realistic and clear-sighted perception of the facts and with the assent of the whole Togolese people, which has rallied around him, to say that Togo and Benin are condemned to live together. There are Togolese who, because of their family origins, are as much Beninese as Togolese, and vice versa. In addition to their both belonging to OAU and all relevant regional and subregional organizations, the two countries have recently decided, through co-operative work, to make of the valley of the Mono river a frontier element that unites and does not divide.

78. It is because of these different factors that we in Togo consider that foreign aggression against Benin will inevitably have a negative impact on Togo, whether directly or indirectly. In the circumstances, it is logical that anyone who sets out to attack Benin will find Togo in the way. Togo could not possibly associate itself with any party doing anything whatsoever against Benin.

79. Togo is positively neutral with regard to imported ideologies. It scrupulously respects the socio-economic options of all States and the way chosen by each people to achieve its national goals. That is how we have managed to achieve the honour of maintaining in Africa and throughout the world solid and active friendships. Marxism-Leninism was not originated by or cultivated exclusively for Benin and the choice of that ideology by that country can in no way damage our fraternal links.

80. To these elements should be added the deep-rooted tolerance, thoughtfulness and spirit of conciliation that have always moved General Eyadéma and encouraged him to avoid doing anything to harm Togolese-Beninese fraternity. President Eyadéma has always seen to that personally and he has always adopted an attitude of active candour and loyalty in his relations with his brother President Kérékou. From Conakry to Lagos, through bilateral meetings organized in Benin or Togo or on the frontier, the chief of State of Togo has never for a moment departed from that line of conduct, even if sometimes the other side has not demonstrated the same willingness to enter into a sincere dialogue and even if the other side seems to take a mean pleasure in turning those meetings into rounds of fraudulent bargaining.

81. In this connexion, I would mention the recent meeting at Lagos, organized to permit the leaders of our two friendly countries to settle the situation which arose out of

the slanderous accusations and wild charges made by the Cotonou revolutionaries against Togo and its head of State in connexion with the events of 16 January 1977. Dirty linen should be washed at home. That is why we went to Lagos and warmly supported the consensus arrived at in the African Group. When one finds one's brother is very excited for some reason, one must be patient. But even patience has limits.

82. It is painful for my delegation to have to take part in an acrimonious debate in the Security Council, particularly in a case which is so undignified and in the wake of such wild allegations by brothers who have only brought international ridicule upon themselves. We do not want to be their propaganda agents in this shady affair. But, in their revolutionary fervour, those brothers use any instruments they can lay their hands on. They are not in the habit of burdening themselves with scruples and are capable of interpreting an elliptical denial made with some disdain as a mark of weakness.

83. That is why we should like to set matters straight. As I have already said, the Togolese consider that anyone who attacks Benin also attacks Togo. We do not see why, on our frontier, we should create a situation of insecurity for our relatives in Benin. It is clear that anyone who dared to undertake the use of Togolese territory as a springboard for aggression against Benin would have little chance of success, or, in other words, of escaping as easily as did the attackers on 16 January 1977 at Cotonou. Our authorities are tight-lipped about it all but they are on the watch. Our militants have been mobilized and our soldiers know their duty.

84. Yes, the border was closed by Benin—not for reasons of security but to sabotage the Economic Community of West African States and to jeopardize the economy of our sub-region. That country was banking on the 6 billion it had intended to claim as compensation from the international community.

85. On 2 January 1977, General Gnassingbe Eyadéma was at home at Pya. Energetic and devoted to the service of Africa, he travels a great deal to meet his opposite numbers, from Conakry to Lagos, from Kinshasa to Niamey, from Ouagadougou to Libreville, from Cotonou to Abidjan and Tripoli, and so on and so forth. He is indefatigable and moves around a great deal, but unfortunately he does not have the gift of ubiquity, enabling him to have been both at Pya and at Libreville on 2 January 1977.

86. However that may be, it is indescribably naive to accuse a soldier of the calibre of General Eyadéma, so worthy a leader as our President, the clear-minded artisan of the new Togo, a fighter for African unity, cohesion and solidarity and a proven supporter of justice and peace in the world, of having had anything to do with the masquerade at Cotonou.

87. It is particularly odious to make the hollow claim that we gave refuge on our territory to an army of mercenaries whose task was to attack Cotonou, in other words, to massacre our brothers, our sisters, our children, our cousins, our other relatives in Benin. What is the purpose of all this?

88. This insult to our country and to our President is something that we in Togo will not take. We regret that those who are responsible for the decadence of Benin thought it a good idea to use this ramshackle operation at Cotonou in order to publicize the lowness of their methods and the flagrant incompetence of their régime. We very much regret that they thought it necessary, in this important arena of international diplomacy and in this body which should be a haven of serenity, courtesy, wisdom and responsibility, to implicate in such a vicious, stupid and criminal way our country and its guide, and to do so after President Kérékou himself had stated, on 14 February 1977, to the delegation sent to him by President Eyadéma, that Togo had had nothing whatever to do with this matter; to do so after the tripartite meeting at Lagos.

89. Lies do not pay off. Liars always end up the victims of their own contradictions.

90. The Togo of the new march is and will always be, whatever the circumstances, a fervent supporter of truth and justice. That is why, on the orders of my Government, I solemnly call upon all the commissions set up to investigate this matter, and particularly the Security Council Special Mission, to go to Togo to make the necessary inquiries in order to discover the truth.

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

92. Mr. RABETAFIKA (Madagascar) (*interpretation from French*): Mr. President, through you my delegation would like to thank all the members of the Security Council for allowing us to participate in this second stage of the debate on the complaint submitted by the People's Republic of Benin. The importance of this debate no longer needs to be demonstrated. I should like also to join other delegations in congratulating you on your assumption of the presidency of the Council and in expressing admiration for the courteous and kind manner in which you are conducting our deliberations.

93. We supported the People's Republic of Benin during the first stage of this debate, when it turned to the Council for help in shedding light on the armed aggression to which it had fallen victim on 16 January 1977. That was only natural, for the concern of the Benin authorities to discover and establish, internationally, the identity of the instigators of and those responsible for this aggression, to understand the motives and to establish the means used, is a concern that we share with all countries, in particular those of the third world, which are anxious to safeguard their territorial integrity, their political independence and their sovereignty.

94. Thus, we were the first to welcome the Council's decision to send to the scene a special mission, whose report is now before the Council for consideration. We should like to thank and congratulate those who prepared this document and, in particular, Ambassador Illueca of Panama, who introduced it [*2000th meeting*]. Before going further, we would add that we are deliberately taking no account of the documents whose circulation was requested

by Benin and by other countries—even though that was done in accordance with a consensus of the African Group—because, technically speaking, the agenda limits us to the consideration of the report of the Special Mission.

95. Consideration of that document prompts us to point to three categories of facts.

96. In the first place, there are the undisputed facts, those on which the voluminous evidence collected and the proof examined on the scene by the Special Mission concord. That is true of the fact that an armed aggression took place on 16 January 1977, of the development of the attack, of the mostly European composition of the commando band of mercenaries and of the size of the material damage and the loss of human life suffered by Benin.

97. In the second place, there are the facts which, although not formally verified by the Mission, are none the less established because, if they were not true, there could have been no act of aggression against Benin. They are certainly of concern to the Security Council as the body primarily responsible for the maintenance of international peace and security. They relate to the traffic in and diversion of sophisticated weapons that were placed at the disposal of the mercenaries, the availability, either through sales or rentals, or in any other way, of logistical equipment, aircraft and means of communication, which made possible the attack against Benin, and the recruitment of mercenaries, in violation of resolution 239 (1967), of which I quote the following paragraphs:

“2. *Condemns* any State which persists in permitting or tolerating the recruitment of mercenaries, and the provision of facilities to them, with the objective of overthrowing the Governments of States Members of the United Nations;

“3. *Calls upon* Governments to ensure that their territory and other territories under their control, as well as their nationals, are not used for the planning of subversion, and the recruitment, training and transit of mercenaries designed to overthrow [*any Government*].”

98. This category of facts is in stark contradiction with article 3 (g) of the Definition of Aggression annexed to General Assembly resolution 3314 (XXIX) which states that the following qualify as acts of aggression:

“The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.”

What do we care whether they are called adventurers, marauders or reckless hot-heads seeking adventure. They are all of the same breed; they obey the same masters who, in a show of generosity, are always busy exculpating them.

99. The third category of facts to which I should like to refer are those set forth in paragraph 145 of the report on the basis of the evidence provided by a member of the commando taken prisoner in Benin, as well as on the basis

of the documents abandoned by the aggressors and communicated to the Special Mission by the Government of Benin. They concern the place of recruitment of the mercenaries, their training base, their transportation to Cotonou and the political and military direction of the operation.

100. Should these facts be considered as having been established or, as some would have us believe, have we just been served up mere “imaginings”, “deceitful allegations” and “slanders”?

101. Those who contest the validity of the report on those particular points, use the following arguments: the invalidity of the evidence of the prisoner Bâ Oumarou and the invalidity of the documents that were seized and are considered not authentic.

102. Before considering the question of validity, we should point out that, in those arguments, there is no claim to provide evidence to the contrary or to invalidate the contents of the report. We are dealing with an exception, a question which needs to be settled first and, indeed, it should be considered whether or not it is to be entertained before entering into matters of substance.

103. As regards the invalidity of the testimony given by the prisoner, some, invoking Roman law, have said that the testimony of a single person is not valid. Is that a rule with universal value that can be invoked at the United Nations? I would say no. Even in so-called European systems where trials are of the “inquisitorial” type, and where this rule is accepted, there are exceptions, because proof provided by even a single person can destroy a presumption; such testimony is acceptable when there is—as in this case—other material or documentary evidence.

104. Furthermore, this rule does not apply in the Anglo-Saxon system where trials are of the “accusatory” type. We saw that when the police of the City of New York told us that the assault of which a member of our delegation had been a victim could not be the subject of further inquiry if the victim, the sole witness, was not authorized to give evidence against the criminal.

105. This rule—*testis unus, testis nullus*—which does not have absolute or universal value was deliberately not invoked by the Special Mission. Could it in fact have said to the Government of Benin: “Your testimony is presented by a single individual and we cannot accept it”? Could it have deprived the Security Council, which had established it, of the information provided by the prisoner Bâ Oumarou?

106. To satisfy the legal formalism which has appeared during this Council debate, we should like to say that, according to Canadian jurisprudence, to take one example, Bâ Oumarou’s evidence is acceptable. He has personal knowledge of the facts and, as Canadian law says:

“No one—except an expert witness—can provide testimony before sufficient proof has been supplied demonstrating that he has personal knowledge of the facts. That proof can be supplied by the witness himself.”

That is what Bâ Oumarou did, and he is therefore qualified to provide testimony. Furthermore, the testimony was valid

because it was voluntarily given. Before each interrogation the witness was told that he was entitled to make or not make any statements. That is in accordance with article 52 of the Code of Proof established by the Law Reform Commission of Canada in December 1975.

107. Even though we are discussing the validity or invalidity of testimony provided by a prisoner, I cannot help but refer to the statement made by the Chairman of the Special Mission when the report was introduced:

“After exhaustive interrogation, we found no flaws, contradictions or obvious omissions in his testimony, and his account in general was the same as other accounts and, in particular, accorded with the documentation captured by the Government of Benin.” [*Ibid.*, para. 25.]

Our opinion is the following: the evidence provided by prisoner Bâ Oumarou is acceptable, valid and conclusive.

108. I should now like to turn to the question of the validity of the documents left by the attackers. With regard to the source of those documents, guarded language has been used and reference has been made to documents that, supposedly, were abandoned at the airport. Another representative who considers that they are “compromising”, finds it paradoxical that a commando of highly trained professional mercenaries would, when attacking a country, bring with them personal effects such as identity cards and so on. In connexion with the contents, we all heard the representative of Benin complain about the fact that his country had been wrongly accused of having produced false and forged documents.

109. Since, once again, we wish to remain strictly within the legal framework, we shall call those arguments prior issues. They are issues that, as I said, must be settled first, before the questions of substance are disposed of. As such, the burden of proof is reversed and it is up to the person raising the prior questions to prove what he is advancing.

110. Who can show here that the Government of Benin obtained those documents illegally and that therefore their acceptance as means of proof would tarnish the reputation for justice of the Security Council? Who can prove that the Government of Benin forged a single one among the many documents contained in the file? One would have to prove false only one document to demolish the whole lot.

111. The Special Mission accepted the documents, so we would like to find one single representative who would say that the Mission was wrong in so doing. The Chairman of the Mission said the following:

“That documentation is voluminous and constitutes a meticulous and coherent inventory corroborating the testimony of the prisoner and other evidence obtained by the Mission.” [*Ibid.*, para. 26.]

Perhaps that is the reason why so many would like to remove them from the file.

112. We have dwelt on those legal points to show that the foundation of the Mission’s conclusions is valid and

reasonable, as well as to show that it is irresponsible to question the objectivity of the report on the basis of unacceptable exceptions. How can one question the competence, impartiality and sense of responsibility of the Mission and at the same time hope that it was able to include and check all the international ramifications of the aggression against Benin?

113. Since the testimony of the prisoner Oumarou “accorded with the documentation” and since the documents corroborate the testimony of the prisoner, I should like to ask a question: what remains to be established and where? Since we are still speaking about the place of recruitment of the mercenaries, of their training base, of their transportation to Cotonou, of the military and political direction of the operation—to the exclusion of the other aspects of the aggression of 16 January—what now needs to be verified? Are we sure of having the co-operation of all the Governments concerned? Since the mercenaries’ plane disappeared as if by a miracle, there is some doubt about that. We can have doubts because no one has indicated where that particular plane landed after it left Cotonou, and the abstention of a single country can raise the presumption of complicity on the part of all countries within flying range of that plane. There is some doubt, because Bourgeaud alias Maurin—to cite just one case—whose dual identity and whose guilt have been established, is still at liberty, without an identity card or driver’s licence, and no one comes forward to tell us where he is or what has happened to him. We are not speaking of the other mercenaries. Some of them returned to their irregular situations somewhere and no country will indicate their presence, at least not until they claim their next victims.

114. All this brings us back to the harsh realities of the imperfect world in which we live, a world where the gaps and the weaknesses of international law make it hard to subject supremely political questions such as the aggression against Benin to a strict formal legal examination. The Council has a very difficult task before it. It must critically evaluate the proof before it and draw conclusions in keeping with the spirit of the Charter and the requirements of a delicate political situation.

115. For our part, we are among those who believe that the entire report presented makes it possible to form a reasoned opinion on the events which took place at Cotonou on 16 January 1977, and we endorse the conclusions reached by the Special Mission, namely, that the People’s Republic of Benin was the victim of an armed attack by a commando force made up of mercenaries; that inasmuch as the territorial integrity, independence and sovereignty of Benin were violated by those invaders who came from outside the country, there can be no doubt that the country was the victim of an aggression.

116. The careful preparation, the magnitude of the financial and military means employed as well as the intervention of mercenaries known for their attacks in Africa and Asia long associated with imperialist, reactionary and neo-colonialist circles, all justify the belief that this operation had a definite international dimension, a dimension which reduces to the level of alibis the aims attributed to the presumed beneficiaries of that abortive attempt.

117. The attempts made to limit the ramifications of this aggression to the African continent are not credible and, in our view, are obviously part of a larger neo-colonial plan to reconquer, destabilize and overthrow, one after another, the régimes whose options and tendencies are at variance with imperialist and neo-colonialist objectives on the African continent. The true dimension of the aggression against Benin emerges, we believe, from a reading of paragraph 144 of the report, in which the Special Mission gives the following warning:

“From the manner in which the operation was conceived and executed, the Special Mission believes a similar operation could be conducted elsewhere against small defenceless countries for similar purposes.”

118. We could not better express our fears and our apprehensions. Perhaps we shall be allowed to add that we cannot help establishing a link between that warning and the regrettable events which recently took place in that part of Africa. First of all difficulties were created for the Government of Angola so as to create in that country the right conditions for military intervention; then there was the assassination of President Marien Ngouabi of the Congo. Those are two countries which, with Benin, are part of the “progressive axis” referred to in the documents seized at Cotonou.

119. The question before us relates to the safeguarding of the territorial integrity of our countries, the safeguarding of our political independence, of our right to choose the socio-economic system which suits us, according to our own criteria and without regard for the protection of special or foreign in other words, retrograde interests.

120. In this connexion, we cannot fail to fulfil our responsibility. We cannot abandon our political commitment to break certain links which we have inherited from the past and to pursue the path of a genuine policy of national independence. That is why, in the present case, we stand solidly with Benin.

121. We condemn the aggression of which that country was the victim. We disapprove of the violent methods used against its territorial integrity. We denounce the use of mercenaries to interfere in its political life and to serve foreign interests which wish to resume control of the country.

122. In our opinion, the Council has the duty to react against the act of aggression of 16 January 1977 and to act in such a way that this type of attack will not take place again, either in Benin or elsewhere. Mere condemnation is inadequate, in our opinion, and would not meet the constant threats to which our countries have been subjected. Perhaps the time has come for the Council to take a further initiative and go beyond its own resolution 239 (1967), which I have already mentioned, in order to protect our countries from the criminal actions of mercenaries and from imperialist and neo-colonial Powers which use them for purposes hostile to the independent development of our peoples.

123. The representative of Benin has also drawn the attention of the Council to the importance of the material

damage inflicted on the economy of his country by the aggressors. The amount of the damage—without taking into account damage other than material—estimated at about 6 billion CFA francs, leads us to dispute the arguments of those who minimize or laugh at this whole affair, those who try to propagate the belief that a country which is already economically weak could afford to stage a scenario to prove one knows not what, but whose net results are clearly negative.

124. Going from sarcasm to protest, from protest to denials, they finally would have us believe that the attack of 16 January 1977 was the perfect crime, a crime committed without criminals. That would be unfair to the people of Benin and deplorable on the moral plane, for it would mean that the desire of some to avoid their responsibilities would have triumphed over the truth.

125. In the overheated atmosphere of this chamber, appeals have been made to the calmness of the wounded people of Benin with the hope of making them lapse into resignation and passivity. Appeals have been made to their impartiality, asking them not to communicate to the Council their own impressions and assumptions in connexion with an affair which concerns them first and foremost. Their goodwill has been appealed to, but there has been a misunderstanding of the initiative which they took when they tried to offer additional information, in conformity with paragraph 145 of the report of the Special Mission and with the consensus adopted by the African Group.

126. What about the Beninese martyrs of 16 January? Is our memory of them to be drowned by a deluge of invective and vilification against the leaders at Cotonou? Can we accept without a murmur the insinuation according to which those dead have been the innocent victims of a scenario staged by Cotonou for the simple pleasure of implicating the States with different but nevertheless converging political ideas?

127. It is all too easy to accuse others of being obsessed with the notion of a plot. But perhaps “plotting-on-the-brain” is not so great an evil as one may think, if this infection is the result of our constant vigilance and our desire not to be lulled by the promises of imperialism, or of our refusal to compromise in a dialogue the result of which is always that we are made dupes.

128. The direction our debates have taken is particularly regrettable because, at times, we have given the impression of pursuing the shadow instead of the reality, of talking about tangential bilateral or regional African problems rather than about the truly international dimension of the tentacle-like machinations of which the act of aggression against Benin was but one manifestation. While we have discussed the credibility, good faith and good will of the Beninese authorities, the undoubted responsibility of international imperialism in this matter has only been commented on half-heartedly and without conviction.

129. Imperialism, which is still clinging to the African continent, stands once again accused, as it always has been. It stands accused of trying to have us believe that its

interests are our interests, or, at any rate, of placing its interests above ours. It stands accused of wanting to impose its laws and governments of its own choosing on peoples that only want to follow the national course of their own development. By virtue of its use of mercenaries, it stands accused of belying its own claims of friendship, the sincerity of which depends on the servility of those towards whom it is directed. It stands accused of resorting to violence and surprise attacks. Unfortunately, it always seems to find in Africa the necessary "connexion" and springboard, such as the Territory of Namibia, which was recently used in the invasion of Angola, just as South Africa is being used to support the rebellion of Ian Smith.

130. The total liberation of the African continent may not perhaps take place without other incidents similar to those I have just mentioned. But the decision we are awaiting today from the Council must reflect the unequivocal commitment of the United Nations to working for that liberation; it must put an end once and for all to the conspiracy of the forces of reaction and of those who are nostalgic for the colonial era and who have already committed too many crimes against Africa. That is the only way of dealing justly with the complaint by Benin about the act of aggression in question.

The meeting rose at 1.05 p.m.