

the Western Five should continue with their task, not only of seeking further clarification from South Africa but also of ensuring that this country would honour the outcome of those negotiations. He also appealed to the Secretary-General to continue negotiations and consultations.⁹¹¹

The representative of the United States, speaking also on behalf of Canada, France, the Federal Republic of Germany and the United Kingdom, said that the five Governments wished to reiterate the statement made by their Foreign Ministers on 19 October 1978 in Pretoria that they saw no way of reconciling unilateral elections with the proposal they had put forward and which the Security Council had endorsed, and that any such unilateral measure in relation to the electoral process would be regarded as null and void. He reaffirmed that the five Governments considered the so-called internal elections of no significance and would accord no recognition to their outcome, and that such elections could not be considered free and fair and were irrelevant to the progress of Namibia toward an internationally acceptable independence. He noted the statement contained in the Secretary-General's report that South Africa reaffirmed that it would retain authority in Namibia pending implementation of the settlement proposal, and declared that the five Governments attached importance to such explicit recognition by South Africa of its responsibility for the unfolding of events in Namibia.⁹¹²

At the 2104th meeting the President, with the consent of the Council, proposed to adjourn the meeting and fix the date of next meeting on the item in consultations.⁹¹³

At the same meeting the representative of Gabon said that the African Group had decided that discussions of the question of Namibia should be transferred to the current session of the General Assembly.⁹¹⁴

THE SITUATION CONCERNING WESTERN SAHARA

Decision of 22 October 1975 (1850th meeting): resolution 377 (1975)

By letter⁹¹⁵ dated 18 October 1975 addressed to the President of the Security Council, the representative of Spain drew attention to statements which had been made by King Hassan II of Morocco in which he threatened to conduct a march of 350,000 people to invade Western Sahara. The representative noted that he was bringing the situation to the attention of the Council in accordance with Article 35 of the Charter because the situation was one which threatened international peace and security. He urged the President to convene an emergency meeting of the Council so that appropriate measures could be adopted and the Moroccan Government dissuaded from carrying out its announced intention to invade.

Following the adoption of the agenda, the representatives of Spain and Morocco, and at the 1850th meeting the representative of Algeria⁹¹⁶ were invited, at their request, to participate without vote in the discussion of the item on the agenda. The Council considered the question at its 1849th, 1850th, 1852nd to 1854th meetings held between 22 October and 6 November 1975.

At the 1849th meeting, the President drew the attention of the Council to a letter dated 18 October from the representative of Morocco.⁹¹⁷ The letter protested the use of the term "invasion" by the representative of Spain for what the King of Morocco had described as a peaceful march.⁹¹⁸

The representative of Spain contended that a march, such as announced by the King of Morocco, constituted an act of force which would jeopardize the territorial integrity of the Sahara. Such an act would run counter to the principles and purposes of the Charter and would be in contradiction with the General Assembly resolutions on the decolonization of the Sahara. He reviewed the efforts made by Spain and the General Assembly to bring about the self-determination of Western Sahara and drew attention to the role Morocco had played in threatening the development of such a situation. The representative contended that although his Government had decided to terminate its presence in the Territory, it intended to ensure an orderly transfer of power and had thus invited the representatives of Algeria, Morocco and Mauritania to attend a conference with a view to involving them in the process of decolonization. The meeting was not held, however, because of opposition from Morocco. A proposal for a conference, to be held under the auspices of the Secretary-General and suggested by the Government of Spain, also met with no success. He observed that an advisory opinion, issued by the President of the International Court of Justice on October 16, had noted that:

... the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.

In spite of this view, the Government of Morocco interpreted the opinion to mean that Western Sahara was part of Moroccan territory. The Court had, however, stated that there were no historical or legal ties which would justify the non-application of the principle of self-determination to the people of the Sahara. The representative of Spain claimed that this denial led to the present crisis, urged the Council to send a mission to inquire as to the intentions of the Government of Morocco and requested that it take appropriate measures to prevent the march. He hoped the Council would send an urgent appeal to the King of Morocco to refrain from carrying out the invasion and stressed that his Government would not accept responsibility for what might occur.⁹¹⁹

⁹¹¹ 2103rd mtg., paras. 53-65.

⁹¹² *Ibid.*, paras. 67-71.

⁹¹³ 2104th mtg., para. 6.

⁹¹⁴ *Ibid.*, para. 7.

⁹¹⁵ S/11851, OR, 30th yr., *Suppl. for Oct.-Dec. 1975*, p. 17.

⁹¹⁶ For details, see chapter III of this *Supplement*.

⁹¹⁷ 1849th mtg., para. 3.

⁹¹⁸ S/11852, OR, 30th yr., *Suppl. for Oct.-Dec. 1975*, p. 17.

⁹¹⁹ *Ibid.*, pp. 3-18.

The representative of Morocco maintained that the conditions laid down in Articles 34 and 35 of the Charter, under which the representative of Spain called for an urgent meeting, were not met in the present situation. The dispute between Spain and Morocco had existed since 1957; no new dispute had therefore arisen which could lead to international friction. Although resolution 1514 (XV) stipulated the principle of the right to self-determination, it also laid down the principle of respect for the unity and territorial integrity of States; self-determination was applicable to those territories which had no previous ties to other countries. He observed that the United Nations had generally opted for the application of the principle of territorial integrity when the two principles had come into conflict. He rejected the allegation that Morocco was planning an invasion; Moroccans wanted merely to return to their homeland, not infiltrate another state via armed force.⁹⁴⁰

The representative of Mauritania asserted that the inhabitants of the Sahara under Spanish administration had always belonged to the Mauritanian or Chinguitti group of countries in their political and economic organization as well as in cultural affinity. The Government of Mauritania recognized the legal ties between Morocco and sections of the Territory in the region of the North Sahara and believed that the most appropriate framework for reaching a solution between Morocco, Spain and Mauritania could be found within the United Nations.⁹⁴¹

The President informed the Council that the delegation of Costa Rica had submitted a draft resolution.⁹⁴²

The representative of Costa Rica subsequently introduced the draft resolution under which the Council would have demanded, as a matter of urgency, that the Government of Morocco desist from the proposed march on Western Sahara.⁹⁴³

At the 1850th meeting the President drew the attention of the Council to a draft resolution that had been agreed to in the course of informal consultations among Council members. The draft provided, *inter alia*, for the Secretary-General to enter into immediate consultations with the parties concerned and report to the Security Council on his consultations so that appropriate measures could be taken.⁹⁴⁴

The representative of Algeria re-emphasized that his Government made no territorial claims to Western Sahara, but that it had a natural interest in the peaceful decolonization of the Territory because conditions there would affect the peace and security of the entire region. He observed that in the past, Morocco, Mauritania and Algeria had been united in a common struggle to obtain

the right of self-determination for the people of the Sahara, and called on the Security Council to fulfil its duty, under the present situation, by taking all necessary steps to maintain peace and security in the area and by preventing any act which would bring about the failure of the authority of the United Nations. The representative offered the assistance of his Government to the Council under Articles 33 and 34 of the Charter.⁹⁴⁵

At the same meeting the President announced that agreement had been reached, during consultations, that the draft resolution (S/11858) would be adopted by consensus. In the absence of any objections, the President declared the draft resolution adopted.⁹⁴⁶ The resolution⁹⁴⁷ read as follows:

The Security Council.

Having considered the situation concerning Western Sahara, and the letter dated 18 October 1975 from the Permanent Representative of Spain to the President of the Security Council (S/11851).

Reaffirming the terms of General Assembly resolution 1514 (XV) of 14 December 1960 and all other relevant General Assembly resolutions on the Territory.

1. *Acting in accordance with Article 34 of the Charter of the United Nations and without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974 or to negotiations that the parties concerned and interested might undertake under Article 33 of the Charter, requests the Secretary-General to enter into immediate consultations with the parties concerned and interested and to report to the Security Council as soon as possible on the results of his consultations in order to enable the Council to adopt the appropriate measures to deal with the present situation concerning Western Sahara;*

2. *Appeals to the parties concerned and interested to exercise restraint and moderation, and to enable the mission of the Secretary-General to be undertaken in satisfactory conditions.*

The President announced that the draft resolution which had previously been submitted by Costa Rica had been withdrawn.⁹⁴⁸

At the same meeting, the representative of France observed that the cornerstone of the resolution which had been adopted was the mission of consultation which would be undertaken by the Secretary-General.⁹⁴⁹

The representative of Costa Rica explained that he had agreed to withdraw his country's draft resolution and vote for the present one because he had been convinced that a more cautious approach to the problem was needed at the time.⁹⁵⁰

The representative from the USSR affirmed his Government's position that the situation had arisen due to the fact that the colonial system had continued in the Western Sahara. Resolutions of the General Assembly had already established a number of principles, in accordance with which the decolonization of Western Sahara should be accelerated. In the view of his delegation, the future of the Western Sahara was to be decided by the people of the Territory.⁹⁵¹

⁹⁴⁰ 1849th mtg., paras. 40-64

⁹⁴¹ *Ibid.*, paras. 65-84.

⁹⁴² *Ibid.*, para. 92.

⁹⁴³ *Ibid.*, para. 93. For the text and the version replacing the word "demand" by "request", see S/11853 and S/11853/Rev. 1, *OR*, 30th yr., *Suppl. for Oct.-Dec. 1975*, p. 17. At the 1850th meeting on 22 October, the President announced that Costa Rica had withdrawn the draft resolution.

⁹⁴⁴ 1850th mtg., para. 3. S/11858 adopted without change as resolution 377 (1975).

⁹⁴⁵ *Ibid.*, paras. 5-18.

⁹⁴⁶ *Ibid.*, para. 19.

⁹⁴⁷ Resolution 377 (1975).

⁹⁴⁸ *Ibid.*, para. 20.

⁹⁴⁹ *Ibid.*, paras. 26-32.

⁹⁵⁰ *Ibid.*, paras. 36-39.

⁹⁵¹ *Ibid.*, paras. 43-45.

The representative of the United Republic of Tanzania stated that recent developments in the Western Sahara, if allowed to continue, would not only affect the peace and security of the region and the world, but also the principle of the right to self-determination. He declared that it was the responsibility of the Security Council to maintain peace and security and act decisively to prevent any escalation of the existing tensions; by doing so, the Security Council would make it possible for the General Assembly to deal with the substance of the problem. He observed that, although the Organization of African Unity (OAU) was concerned with issues of decolonization and had dealt with the problem of Western Sahara, the involvement of the United Nations was also expected since the Organization was involved with issues of self-determination in accordance with General Assembly resolution 1514 (XV).⁹⁵²

The representative of Mauritania observed that, although his Government associated itself with the 1966 proclamation of self-determination for the peoples of the Sahara, it had not renounced its fundamental position regarding the Sahara. The two positions were not contradictory because Mauritania was certain that if an objective choice was made in the Sahara, it would be a choice for integration with Mauritania. The representative informed the Council that Spain had been influencing the nomadic population of the Sahara to choose independence; the extension of such influence would prove detrimental to the people and countries concerned since the movement for independence was a tribal one which ignored frontiers. Mauritania, therefore, could not subscribe to the principle of self-determination as they had been formulated because it would mean the dismemberment of the country. The delegate called upon the United Nations to consider the principle of territorial integrity as well and not to attach more importance to one principle than to another.⁹⁵³

Decision of 2 November 1975 (1852nd meeting): resolution 379 (1975)

In accordance with resolution 277 (1975) the Secretary-General submitted a report to the Security Council on his consultations with the Governments of Morocco, Mauritania, Algeria and Spain. He reviewed the positions of the parties and noted that King Hassan II of Morocco had not accepted the thesis that the question of the decolonization of Western Sahara had to be kept separate from the situation which had arisen as a result of the "Green March". The King had informed the Secretary-General of talks involving Spain, Morocco and Mauritania and had said that if these talks did not prove fruitful, Morocco would be prepared to consider approaches utilizing the United Nations. Morocco did not agree with the advisory opinion of the International Court of Justice. The Secretary-General reported that Mauritania's views were basically similar to those of Morocco.

Regarding Algeria, however, he pointed out that it agreed with the opinion of the International Court of

Justice and rejected the claims made to Western Sahara by Morocco and Mauritania. It made no territorial claims to the area but insisted that the people of the Territory be enabled to exercise their right to self-determination via a referendum. The Government of Algeria rejected any process which would seek a solution outside the United Nations. According to the Secretary-General's report, the Government of Spain had committed itself to seeking a solution on a bilateral or trilateral basis; it was anxious to find a solution and would co-operate with the United Nations.

The Secretary-General noted that in his judgement all the parties would be willing to accept the United Nations as an essential element in the search for peace and that he would therefore continue his consultations with the parties and keep the Council apprised of the situation.⁹⁵⁴

By letter⁹⁵⁵ dated 1 November 1975 the Chargé d'affaires a.i. of Spain informed the Council that the situation in Western Sahara had deteriorated because the Government of Morocco had refused to halt its announced march. He asked that an urgent meeting of the Council be convened to consider appropriate measures which could be taken in response.

The representative of Spain, Morocco and Algeria were invited to participate without the right to vote in accordance with the decisions taken by the Security Council at its 1849th meeting. The Council considered the item at the 1852nd meeting on 2 November 1975.

At the beginning of the meeting, the President drew the attention of the Council to the efforts which had been made by the Secretary-General in accordance with resolution 377 (1975), and to the letter by the Chargé d'affaires a.i. of Spain. The President stated that after the Secretary-General's report had been issued, intensive consultations had been conducted with the participation of the Secretary-General. As a result a draft resolution⁹⁵⁶ had been prepared by the members of the Council. As agreed the draft resolution was adopted by consensus.⁹⁵⁷ The resolution reads as follows:

The Security Council,

Having considered the report of the Secretary-General in pursuance of Security Council resolution 377 (1975) relating to the situation concerning Western Sahara,

Having also considered the letter dated 1 November 1975 from the Chargé d'affaires *ad interim* of the Permanent Mission of Spain to the United Nations addressed to the President of the Security Council,

Reaffirming its resolution 377 (1975) of 22 October 1975,

Having noted with concern that the situation in the area remains grave,

Expressing its appreciation of the efforts of the Secretary-General in implementation of resolution 377 (1975),

Reaffirming the terms of General Assembly resolution 1514 (XV) of 14 December 1960 and all other relevant General Assembly resolutions on the Territory,

Noting that the question of Western Sahara is before the General Assembly at its thirtieth session,

⁹⁵² S/11863, OR, 30th yr., Suppl. for Oct.-Dec. 1975, pp. 27-28

⁹⁵³ S/11864, *ibid.*, p. 29

⁹⁵⁶ S/11865, adopted without change as resolution 379 (1975)

⁹⁵⁷ 1852nd mtg., para. 9. Adopted as resolution 379 (1975)

⁹⁵² *Ibid.*, paras. 49-59

⁹⁵³ *Ibid.*, paras. 76-91

1. *Urges* all the parties concerned and interested to avoid any unilateral or other action which might further escalate the tension in the area:

2. *Requests* the Secretary-General to continue and intensify his consultations with the parties concerned and interested, and to report to the Security Council as soon as possible on the results of these consultations in order to enable the Council to adopt any further appropriate measures that may be necessary.

The representative of Spain stated that in view of such a complex situation no one could object to concurrent action by the Security Council, Secretary-General and the General Assembly in search of the resolution of the problem. He maintained that the halting of the march on the Sahara was a *sine qua non* for finding a peaceful solution to the problem of decolonization within the framework of the United Nations. He warned that, if Morocco carried out its threat to march, Spain, as the administering Power, would defend the Territory by every means, including the use of armed force.⁹⁵⁸

The representative of Costa Rica reiterated his delegation's position that the intended march was the true cause of the crisis and deplored that the Council's two resolutions on the issue did not refer to the Government of Morocco; he noted that the provisions of resolution 379 (1975) derived from operative paragraph 1 of resolution 377 (1975).⁹⁵⁹

The representative of Sweden expressed his disappointment in the wording of the resolution just adopted and added that his delegation would have preferred a more direct reference to the immediate cause of the crisis, the proclaimed march into Western Sahara.⁹⁶⁰

At the same meeting, the representative of Mauritania contended that the peaceful march which had been planned by Morocco could not be considered objectively unless the problem of the decolonization of the Sahara was examined as well. The seeming haste in which this problem was dealt with would allow only a very cursory examination of the problem and would not advance contacts that had been initiated by the parties in conformity with Security Council resolution 377 (1975) and Article 33 of the Charter.⁹⁶¹

The representative of Algeria emphasized that the definition of the sovereignty of the Territory of Spanish Sahara was the central issue. Since sovereignty did not belong to Spain, the administering Power, it could not decide the sovereignty of Western Sahara on its own. The opinion of the International Court of Justice had indicated that the neighbouring countries did not have sovereignty over the Territory either. The representative noted that his delegation would have preferred more precise language in discussing the situation and observed that had the parties concerned been given a chance to participate in the preparation of the draft resolution, his delegation would have asked for more

exact language to meet the true objective of the Security Council. The proposed march by Morocco would constitute a violation of the sovereignty of the Territory and if the Security Council and the international community did not meet its responsibilities, Algeria, which was unwilling to recognize any situation of *fait accompli*, would assume its responsibilities.⁹⁶²

The President, speaking in his capacity as representative of the USSR, stressed that the Council would have to act swiftly to avert the possibility of armed conflict and noted that the resolution which had just been passed was directed toward that goal. He repeated his delegation's position that the future of the Western Sahara be determined by the people.⁹⁶³

Decision of 16 November 1975 (1853rd meeting) appeal by the President

The 1853rd meeting of the Security Council was held in private in order to give the members of the Council an opportunity to question the concerned parties. In response to questions from members of the Council, the representative of Morocco reaffirmed the peaceful intentions of the proposed march and noted that the participants were unarmed civilians. He reiterated his Government's willingness to negotiate a solution between the parties and the administering Power and to participate in the search for a solution within the framework of the United Nations. He claimed that the withdrawal of Spanish troops to 12 kilometres from the border in Western Sahara represented an offer to allow this peaceful march. This was not a matter of the Spanish frontier; the Western Sahara was a Non-Self-Governing Territory which was not under Spanish sovereignty and, therefore, even from a formal point of view, it would be difficult for Spain to authorize or not to authorize Morocco to cross that line drawn on a map.⁹⁶⁴

The representative of Spain observed that the violation of a frontier constituted an internationally illegal act and that there could be no peaceful crossing of a frontier unless it was taken in compliance with international law.⁹⁶⁵

Following a brief suspension for informal consultations⁹⁶⁶ it was decided that the President issue, on behalf of the Council, an appeal to the King of Morocco. The appeal reads as follows:

The Security Council has authorized me to address to Your Majesty an urgent request to put an end forthwith to the declared march into Western Sahara.

It was also agreed that a verbatim record of the 1853rd meeting would be prepared and distributed in the same way as was usual for a public meeting. The President announced that the Council had adopted the following wording of the communiqué:⁹⁶⁷

⁹⁵⁸ 1852nd mtg., paras. 16-29.

⁹⁵⁹ *Ibid.*, paras. 32-39.

⁹⁶⁰ *Ibid.*, paras. 93-96.

⁹⁶¹ *Ibid.*, paras. 98-103.

⁹⁶² *Ibid.*, paras. 115-136.

⁹⁶³ *Ibid.*, paras. 138-146.

⁹⁶⁴ 1853rd mtg., paras. 17-21, 29-31, 34 and 35.

⁹⁶⁵ *Ibid.*, para. 43.

⁹⁶⁶ *Ibid.*, para. 132.

⁹⁶⁷ *Ibid.*, paras. 130 and 131.

At its 1853rd meeting held in private on 6 November 1975, the Security Council continued its consideration of the situation concerning Western Sahara. The representatives of Morocco, Spain and Algeria, as three of the four parties concerned and interested, were invited by decision of the Council to take part in the meeting.

The members of the Council put questions to the representatives of parties concerned and interested and received answers to them.

After a suspension of the meeting, the Council decided to authorize its President to issue, on its behalf, the following appeal to His Majesty King Hassan II of Morocco.

"The Security Council has authorized me to address to Your Majesty an urgent request to put an end forthwith to the declared march into Western Sahara."⁹⁶⁸

Decision of 6 November 1975 (1854th meeting): resolution 380 (1975)

By letter dated 6 November 1975 addressed to the President of the Security Council the Chargé d'affaires a.i. of Spain recalled his earlier letter of 1 November 1975 in which he called for an urgent meeting of the Council to deal with the refusal by Morocco to call a halt to its proposed march. In the mean time, the frontier of Western Sahara had been violated by many Moroccan nationals, including elements of the armed forces and official authorities. He therefore requested that the Council meet in public session and take appropriate measures to end the situation.⁹⁶⁹

The President observed that despite the two resolutions which had been adopted by the Security Council, and despite the special message sent to the King of Morocco by the Security Council, the march into Western Sahara had begun. He drew the attention of the Council to a second letter⁹⁷⁰ dated 6 November 1975 from the Chargé d'affaires a.i. of Spain, who informed the President of the Council of Morocco's intentions as conveyed to the Embassy of Spain at Rabat. Morocco had threatened to continue the march to the south unless bilateral negotiations dealing with the transfer of sovereignty over the Sahara to Morocco were held. If the march led to violent confrontations, the Moroccan Royal Armed Forces would most likely intervene, leading to a state of belligerency between Spain and Morocco. He noted, too, Morocco's refusal to accept intervention by the United Nations.⁹⁷¹

The President also stated that during consultations of the Security Council, which had been held during the day, a draft resolution⁹⁷² had been prepared and it had been agreed that the Council would adopt the draft resolution by consensus. In the absence of any objections the President declared that the draft resolution had been adopted.⁹⁷³ The resolution reads as follows:

The Security Council,

Noting with grave concern that the situation concerning Western Sahara has seriously deteriorated,

Noting with regret that, despite its resolutions 377 (1975) of 22 October and 379 (1975) of 2 November 1975 as well as the appeal made by the President of the Security Council, under its authoriza-

tion, to the King of Morocco with an urgent request to put an end forthwith to the declared march on Western Sahara, the said march has taken place,

Acting on the basis of the aforementioned resolutions,

1. *Deplores* the holding of the march,

2. *Calls upon* Morocco immediately to withdraw from the Territory of Western Sahara all the participants in the march,

3. *Calls upon* Morocco and all other parties concerned and interested, without prejudice to any action which the General Assembly might take under the terms of its resolution 3292 (XXIX) of 13 December 1974 or any negotiations which the parties concerned and interested might undertake under Article 33 of the Charter of the United Nations, to co-operate fully with the Secretary-General in the fulfilment of the mandate entrusted to him in Security Council resolutions 377 (1975) and 379 (1975).

The Secretary-General reminded the Council of his efforts in resolving the case. He had been in constant touch with the parties concerned and had informed the Council of developments. He added that his special envoy had just returned from his mission and that he would submit a comprehensive report to the Security Council in the near future.⁹⁷⁴

The representative of Spain stated again that his Government intended to carry out its responsibilities under the Charter and at the same time pursue its right of self-defence. He called on the Council to act decisively in condemning the violation of international law, in particular the Charter of the United Nations and the resolutions of the General Assembly on the decolonization of the Sahara. His Government remained willing to co-operate with the Secretary-General but could not accept a solution which would involve the breaking of all ties between Spain and the Sahara. He reiterated the two fundamental objectives of his Government: the withdrawal of Moroccan troops from Western Sahara and the achievement of a solution within the framework of the United Nations. The representative criticized the text of the resolution which mentioned neither the letters requesting the Council meeting nor the additional information which had been submitted to the Council by the Spanish delegation. He also regretted that the resolution did not mention the unlawful act of Morocco violating the territorial integrity of the Sahara.⁹⁷⁵

The representative of Morocco recalled his Government's assurances that the march would be a peaceful one and that it would participate in all serious efforts which could lead to a negotiated solution to the problem of decolonization. The negotiating process had been blocked by various pressures; under these circumstances the green march represented an exercise of Morocco's inalienable rights. The population of Western Sahara had always been a part of the Moroccan nation, as shown by a letter from the President of the Jemaa in Western Sahara stating that it was the desire of the people of the Sahara to link their fate with that of their brothers. The representative also called on the General Assembly to adjust its earlier resolutions in recognition of the manifestation of the unanimous will of the people of Morocco as symbolized in the green march.⁹⁷⁶

⁹⁶⁸ *Ibid.*, para. 132

⁹⁶⁹ S/11867, OR, 30th yr., Suppl. for Oct.-Dec. 1975, pp. 29-30

⁹⁷⁰ S/11871, *ibid.*, p. 31

⁹⁷¹ See 1854th mtg., paras. 2-6 for the President's remarks

⁹⁷² S/11870, adopted without change as resolution 380 (1975)

⁹⁷³ 1854th mtg., para. 6

⁹⁷⁴ *Ibid.*, paras. 8 and 9

⁹⁷⁵ *Ibid.*, paras. 11-26

⁹⁷⁶ *Ibid.*, paras. 28-60

The President, speaking in his capacity as the representative of the USSR, noted his Government's regret that the two previous resolutions 377 (1975) and 379 (1975) had not been implemented. He thanked the Secretary-General for his efforts to keep the Security-Council informed of the situation and reiterated his Government's position which advocated the decolonization of Western Sahara and the achievement of the right of the peoples of the Territory to determine their future in accordance with the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples.⁹⁷⁷

THE SITUATION IN TIMOR

Decision of 22 December 1975 (1869th meeting): resolution 384 (1975)

By letter dated 7 December 1975⁹⁷⁸ the representative of Portugal informed the President of the Security Council that the Republic of Indonesia had launched an offensive action against the Territory of Portuguese Timor on 7 December 1975. This intervention served to inhibit the exercise of the right to self-determination, freedom and independence by the people of Timor. Under these circumstances Portugal could neither restore the peace in Timor nor ensure that the process of decolonization would be accomplished through peaceful and negotiated means, in accordance with the Charter of the United Nations. The representative of Portugal requested an urgent meeting of the Council so that the aggression by Indonesia might be terminated and the peaceful process of decolonization in Timor might be continued.

At its 1864th meeting on 15 December 1975, the Council included the item in its agenda and considered it at its 1864th, 1865th and 1867th to 1869th meetings from 15 to 22 December 1975. During the consideration of the item, the representatives of Australia, Guinea, Guinea-Bissau, Indonesia, Malaysia and Portugal were invited, at their request, to participate without vote in the discussions of the item on the agenda.⁹⁷⁹ At the 1864th meeting, the following persons were invited: Mr. Jose R. Horta, Mr. Abilio Araujo, Mr. Guilherme Maria Gonçalves, Mr. Mario Carrascalão and Mr. Jose Maretins⁹⁸⁰ in accordance with rule 39 of the provisional rules of procedure.

At the 1864th meeting the President drew the attention of the Council to the letter dated 12 December 1975 from the Secretary-General informing the Security Council that the General Assembly had adopted resolution 3845 (XXX) on 12 December.⁹⁸¹ Under paragraph 6 of this resolution, the Assembly drew the attention of the Security Council to the critical situation in the territory of Portuguese Timor and recommended that

the Council take urgent action to protect the territorial integrity of Portuguese Timor and the right of its people to self-determination.⁹⁸²

The representative of Portugal gave an account of the process of decolonization of Timor and of the events which had led to the 7 December attack by Indonesia. He noted the claim by the Foreign Minister of Indonesia that his country had invaded Timor at the request of the Unias Democratica de Timor (UDT) and that Indonesian troops would be withdrawn as soon as peace was restored.

Portugal viewed this aggression as a blatant violation of the Charter, in particular of Article 2, paragraphs 3 and 4. If a threat to the peace and security of Indonesia had existed, it should have been brought to the attention of the Council in accordance with Article 35 of the Charter. The Government of Portugal failed to understand why the Indonesian Government did not use peaceful means to resolve a perceived threat to its peace and security, as provided for in Article 33 of the Charter and considered Indonesia's action as an act of aggression falling under the provisions of Article 39 of the Charter. Indonesia's aim was not to conquer Timor militarily, but to create conditions which would lead to the merger of the two territories. The withdrawal of Indonesian troops would therefore not be sufficient; it would also be necessary to restore to the people of Timor their right to self-determination. The representative maintained that both Portugal and the United Nations were duty-bound to create such conditions. The Government of Portugal therefore called for the cessation of hostilities and the withdrawal of all occupation forces and suggested that the good offices of the Secretary-General be utilized to help bring about conditions in which the people of Timor could freely determine their future.⁹⁸¹

The representative of Indonesia emphasized his country's geographic, ethnic and cultural ties to Portuguese Timor and reviewed the background of events leading to the current situation. Fighting had broken out on 11 August between the UDT and FRETILIN creating numerous problems for Indonesia; refugees fled to Indonesian Timor and FRETILIN terrorized people who had supported integration with Indonesia. The Government of Indonesia had come under increasing pressure to protect these people, especially since those who advocated integration considered themselves to be Indonesian nationals, and thus entitled to protection from Indonesia. In addition, armed bands had infiltrated Indonesia to steal cattle, food and property and Indonesian territory was occasionally hit by mortar fire from the other side. On 28 November, FRETILIN unilaterally declared independence, prompting the four other political parties, APODETI, UDT, KOTA and TRABALHISTA to declare the integration of East Timor into Indonesia. Fighting broke out and Indonesia took military action to re-establish order in the territory

⁹⁷⁷ 1854th mtg., paras. 120-123

⁹⁷⁸ S/11899, *OR*, 30th yr., *Suppl. for Oct.-Dec. 1975*, pp. 53-54

⁹⁷⁹ For details, see chapter III

⁹⁸⁰ 1864th mtg., para. 4. For further details, see chapter III

⁹⁸¹ *Ibid.*, para. 5. The letter was issued in document S/11909

⁹⁸² Resolution 3485 (XXX), para. 6. The Assembly invoked Article 11, para. 3, of the Charter in drawing the attention of the Council to this situation

⁹⁸³ 1864th mtg., paras. 8-64