

3 of Article 27 of the Charter "... in decision under Chapter VI, ... a party to a dispute shall abstain from voting". It was thus doubtful whether the representative of France in this case was entitled to cast a veto. He invited the Council to carry out a detailed legal study on this matter.¹⁰⁵⁰

The President said that since before the vote there might have been a challenge to the right of France to vote, the Secretariat was consulted and a position was developed and made available. Had the question of the right of France to vote been raised before the vote he believed that its right would have been sustained.¹⁰⁵¹

The representative of the Libyan Arab Republic stated that his colleagues from Benin and Panama and he himself wished to register their reservations and had not asked for a ruling or for a statement by the President; therefore, they did not consider his last statement as a ruling on the problem.¹⁰⁵²

The President confirmed that his statement was not a ruling but a point of information in case Council members wanted to know in what way the Secretariat advised the presidency in this matter.¹⁰⁵³

The representative of the United Republic of Tanzania said his delegation took a very serious view of the observations made by Benin, Libya and Panama. The issues involved dealt with an extremely important facet of the Organization's performance, involving juridical consideration. He considered the President's statement as a personal belief of the representative of the United States, since the Council did not ask for a ruling and believed that the Secretariat could not and should not give legal advice unless specifically asked on this matter by the Security Council.¹⁰⁵⁴

At the conclusion of the 1888th meeting, the representative of the Comoros expressed deep regret over the negative vote cast by France but welcomed the vindication by the other members of the Security Council of the legitimate demand of his Government for faithful respect for the sovereignty, independence and territorial integrity of the Comoros. He hoped that the French Government would heed the wishes of the international community on this issue.¹⁰⁵⁵

COMMUNICATIONS FROM FRANCE AND SOMALIA CONCERNING THE INCIDENT OF 4 FEBRUARY 1976

INITIAL PROCEEDINGS

In a letter¹⁰⁵⁶ dated 4 February 1976 addressed to the President of the Security Council, the representative of France requested an urgent meeting of the Council to consider the serious incident that had occurred on 4 February at Loyada, a post situated on the frontier

between Somalia and the French Territory of the Afars and the Issas, in which French forces were fired on by heavy weapons from Somalia and were obliged to react.

By note¹⁰⁵⁷ dated 5 February 1976 the representative of Somalia transmitted a telegram dated 26 January 1976 and addressed to the Secretary-General by the President of the Supreme Revolutionary Council of the Somali Democratic Republic, drawing attention to the critical situation in French Somaliland and its implication for the stability and peace of the region. The President appealed to the Secretary-General to intervene in order to assist the people of that territory to attain unconditional independence.

In a further letter¹⁰⁵⁸ dated 5 February addressed to the President of the Security Council, the representative of Somalia requested an urgent meeting of the Security Council to consider France's attack on 4 February on the border town of Loyada in Somalia.

By letter¹⁰⁵⁹ dated 10 February 1976 addressed to the President of the Security Council, the representative of Somalia furnished a list of the Somali casualties suffered in the incident of 4 February.

In a letter¹⁰⁶⁰ dated 11 February 1976 addressed to the President of the Security Council, the representative of France rejected Somalia's allegations and gave a detailed account of the incident.

By letter¹⁰⁶¹ dated 13 February 1976 the representative of Somalia requested a postponement of the Security Council's meeting.

By letter¹⁰⁶² dated 18 February 1976 addressed to the President of the Security Council, the representative of Somalia requested an urgent meeting of the Security Council to consider its complaint against France's aggression.

The Security Council considered the matter at its 1889th meeting held on 18 February 1976. After the adoption of the agenda¹⁰⁶³ the representatives of Ethiopia and Somalia were invited, at their request, to participate in the discussion without the right to vote.¹⁰⁶⁴

The representative of France referred to his previous communication containing the request for the Security Council meeting¹⁰⁶⁵ and indicated that since the incident had not led to any immediate consequences, and since the situation in the area had returned to normal, he felt that it was not necessary for the Council to convene immediately. He then rejected the charges of aggression and presented a detailed account of the incident. He said that France deeply regretted any loss among Somali civilians during the brief encounter between French forces and the accomplices of the terrorists stationed on Somali territory. France wanted relations

¹⁰⁵⁰ *Ibid.*, paras 276-280

¹⁰⁵¹ *Ibid.*, paras 292-293

¹⁰⁵² *Ibid.*, para 294

¹⁰⁵³ *Ibid.*, para 295

¹⁰⁵⁴ *Ibid.*, paras 300-308

¹⁰⁵⁵ *Ibid.*, paras 320-325

¹⁰⁵⁶ S/11961, *OR 31st yr., Supp. for Jan.-March 1976*, p. 84

¹⁰⁵⁷ S/11965, *ibid.*

¹⁰⁵⁸ S/11969, *ibid.*, pp. 85-86

¹⁰⁵⁹ S/11974, *ibid.*, p. 91

¹⁰⁶⁰ S/11977 and Add 1 and Corr 1, *ibid.*, pp. 94-96

¹⁰⁶¹ S/11979, *ibid.*, p. 98

¹⁰⁶² S/11987, *ibid.*, p. 103

¹⁰⁶³ 1889th mtg., preceding para. 1

¹⁰⁶⁴ For details, see chapter III

¹⁰⁶⁵ See footnote 1056

of friendships and good neighbourliness with Somalia and was prepared at any time to enter into talks with the authorities in Mogadiscio.¹⁰⁶⁶

The representative of Somalia pointed out that his Government had requested to postpone the Council's meeting¹⁰⁶⁷ because it had been approached by a third-party state which offered its good offices with respect to the dispute. His Government had welcomed the offer and promptly accepted it in principle. But in the absence of any encouraging signs of progress within a reasonable time-limit and also taking into account the increasing tension in the area of the dispute, it had finally decided to renew the request for an urgent meeting of the Council. He also informed the Council that his Government was ready to agree to any initiatives towards serious and meaningful negotiations. He then charged that on 4 February French troops supported by armoured cars, positioned along the border of French Somaliland and the Somali Democratic Republic, launched an unprovoked attack on the Somali customs post and village of Loyada, resulting in the death of one child and several other casualties.

The Somali representative added that throughout the years, France had resisted demands by the General Assembly for the dispatch of observers to French Somaliland. In view of the threatening situation which existed there and in view of the conflicting descriptions of the Loyada incident, the Security Council should arrange for the dispatch of a fact-finding mission to the area to ascertain the truth and assess the extent of the damage to life and property at Loyada to determine the compensation to be paid by France.

He also requested the Security Council to take particular note of the Assembly's finding that the situation in French Somaliland had become a threat to the peace and stability of the region and could have adverse effects on international peace and security.¹⁰⁶⁸

In the course of the meeting the representative of France spoke several times on a point of order requesting the representative of Somalia to confine himself to the subject on the agenda and not to enter into consideration of France's policies pertaining to the Territory of the Afars and the Issas.¹⁰⁶⁹

The President assured the French representative that the Council had taken note of his objections. Stating that there was a certain latitude in Council debate, he suggested however that the representative of Somalia spoke without prejudice to the agreed agenda.¹⁰⁷⁰

The representative of France read parts of a statement of the French Government dated 31 December 1975 confirming that the French Territory of the Afars and the Issas was destined for independence and stipulating the ways and means of obtaining that end.¹⁰⁷¹

REQUEST BY MOZAMBIQUE UNDER ARTICLE 50 OF THE CHARTER IN RELATION TO THE SITUATION WHICH HAS ARISEN AS A RESULT OF ITS DECISION TO IMPOSE SANCTIONS AGAINST SOUTHERN RHODESIA

INITIAL PROCEEDINGS

By telegram¹⁰⁷² dated 10 March 1976 addressed to the President of the Security Council, the Minister for Foreign Affairs of Mozambique requested an urgent meeting of the Security Council under Article 50 of the Charter to consider the situation which had arisen as a result of Mozambique's decision to impose sanctions against Southern Rhodesia in full implementation of the relevant decisions of the United Nations. He also drew attention to acts of aggression committed by the racist minority régime which constituted a threat to peace and security in Mozambique, in Africa and in the world. He appealed to the Security Council to take the necessary steps to help Mozambique to defend itself.

By notes dated 8 March 1976¹⁰⁷³ and 15 March 1976,¹⁰⁷⁴ the Secretary-General informed the Security Council that he had received information concerning the situation which had arisen as a result of the decision of Mozambique to impose sanctions against Southern Rhodesia.

By letter dated 8 March 1976¹⁰⁷⁵ addressed to the Secretary-General, the Foreign Minister of Mozambique transmitted a statement made on 3 March by the President of Mozambique proclaiming the imposition of sanctions against Southern Rhodesia.

At the 1890th meeting on 16 March 1976 the Security Council adopted the agenda¹⁰⁷⁶ and considered the item at its 1890th, 1891st and 1892nd meetings held on 16 and 17 March 1976. The representatives of Egypt, Jamaica, Kenya, Mozambique and Zambia were invited, at their request, to participate in the discussion without the right to vote.¹⁰⁷⁷

Decision of 17 March 1976 (1892nd meeting): resolution 386 (1976)

At the 1890th meeting the representative of Mozambique said that the decision by his Government to apply the sanctions fully was not, as claimed in some quarters, a result of aggressions of which Mozambique had been a victim but was in line with his Government's determination to fulfil its international obligations. The application of economic sanctions against the illegal régime in Southern Rhodesia, the closure of the borders and the suspension of all forms of communication with that country had heavy effects on some fundamental sectors of the economy of Mozambique. He went on to say that Mozambique's manpower had been exported to labours, under degrading conditions, in the mines and on the farms of South Africa and Southern Rhodesia constituting one of the main sources of foreign exchange

¹⁰⁶⁶ 1889th mtg., paras 6-24

¹⁰⁶⁷ See footnote 1061

¹⁰⁶⁸ 1889th mtg., paras. 27-44, 48, 52, 56-57, 70-71, and 78-97

¹⁰⁶⁹ *Ibid.*, paras 46, 50, 59, 61 and 75

¹⁰⁷⁰ *Ibid.*, para. 54

¹⁰⁷¹ *Ibid.*, paras 98-100

¹⁰⁷² S/12009, *OR. 31st yr. Suppl. for Jan.-March 1976*, pp. 117-118

¹⁰⁷³ S/12004, *ibid.*, pp. 112-113

¹⁰⁷⁴ S/12004 Add. 1, *ibid.*, p. 113

¹⁰⁷⁵ S/12005, *ibid.*, pp. 113-116

¹⁰⁷⁶ 1890th mtg., para. 2

¹⁰⁷⁷ For details, see chapter III