

LETTERS DATED 13 AND 15 JUNE 1979 FROM THE
PERMANENT REPRESENTATIVE OF MOROCCO

Decision of 25 June 1979 (2154th meeting): adjournment

In a letter¹⁸¹⁶ dated 13 June 1979, the representative of Morocco requested the President to convene a meeting of the Security Council to consider acts of aggression by Algeria against Morocco, charging that on 31 May and 4 June, Morocco had been subjected to two attacks by armed forces which came from and returned to Algeria. The first had been directed against a column of the Moroccan Royal Armed Forces which was advancing peacefully between the towns of Tantan and Tarfaya, and the second against the town of Assa. Twenty-six people had been killed and several dozen wounded, and extensive material damage had been caused.

In a letter¹⁸¹⁷ dated 15 June, the representative of Morocco complained about further aggression in the Tantan region on 14 June and reiterated his request for an urgent Security Council meeting to consider the situation.

At its 2151st meeting on 20 June 1979, the Security Council included the two letters in its agenda and considered the item at the 2151st to 2154th meetings from 20 to 25 June 1979. The representatives of Algeria, Angola, Benin, Burundi, the Congo, Democratic Yemen, the Libyan Arab Jamahiriya, Madagascar, Mauritania, Morocco, Sao Tome and Principe, Senegal and Zaire were invited, at their request, to participate, without vote, in the discussion of the item.¹⁸¹⁸ The Council also decided to extend an invitation to Mr. Madjid Abdallah under rule 39 of the provisional rules of procedure.¹⁸¹⁹

At the beginning of the 2151st meeting, the President drew attention to a letter¹⁸¹⁹ dated 16 June 1979, in which the representative of Algeria denied the Moroccan charges and added that Morocco's accusations were designed to divert the attention of the international community from the basic facts of the question of Western Sahara, which, in reality, was a matter of decolonization; the issue was a conflict between the Saharan people struggling for its independence and self-determination and the two occupying States which had usurped its territory; therefore, Morocco's attempt to claim self-defence under Article 51 of the Charter was unjustified and inappropriate.¹⁸²⁰

At the same meeting, the Minister of State in charge of Foreign Affairs and Co-operation of Morocco stated that pursuant to Article 35 of the Charter, Morocco was submitting a precise request concerning incidents involving deliberate acts of aggression against its national

territory committed by armed bands from Algeria. These recent events threatened to push Algeria and Morocco to the brink of a fratricidal war the dimensions of which could not be foreseen. He mentioned the casualties suffered by Moroccan citizens and material losses and called the incident of 13/14 June a real act of defiance by Algeria against the Security Council and the United Nations. He charged that Algeria was without doubt responsible for those acts of aggression in that the bands committing the attacks were recruited, equipped, armed, trained and financed by the Algerian authorities and protected in Algerian sanctuaries. He suggested that Algeria had violated fundamental principles embodied in the Charter and spelled out in greater detail in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV)), the Declaration on the Strengthening of International Security (resolution 2734 (XXV)) and the resolution containing the definition of aggression (resolution 3314 (XXIX)) and cited in particular the principle of non-interference in the affairs of other States and the principal duty of States to refrain from recourse to the threat or use of force against the territorial integrity or political independence of other States. The Government of Morocco had declared its readiness and remained ready to seek a peaceful solution through the United Nations, the Organization of African Unity (OAU) and the League of Arab States; but in application of the inherent right of self-defence in accordance with Article 51, his Government would pursue the aggressors wherever they might be found. Ongoing efforts to discuss the Western Sahara question in an *ad hoc* committee of the OAU had nothing to do with Morocco's complaint about the recent attacks instigated by Algeria. The Government of Morocco hoped that the deliberations of the Security Council would bear results, and stood ready to facilitate any investigation that the Council might consider necessary to ascertain the facts.¹⁸²¹

At the 2152nd meeting on 21 June 1979, the representative of Algeria pointed out that the central issue was the question of the decolonization of Western Sahara. The attempt by the Government of Morocco to deny the exercise of the right to self-determination by the Saharan people and to maintain its military occupation of the Saharan territory, in defiance of United Nations and OAU resolutions, had created an explosive situation in the area, and Morocco's decision to bring this matter before the Council had been deemed ill-advised by all delegations, in particular those of the Arab and African groups, as Morocco, the aggressor against the Saharan people, claimed to be the victim of aggression. Morocco faced the inevitable results of its annexationist greed, but was still unwilling to acknowledge its mistake and instead blamed Algeria for attacks by fighters of the POLISARIO Front within Moroccan territory. The representative of Algeria rejected the Moroccan charges as totally unfounded and asserted,

¹⁸¹⁶ S/13394, OR, 34th yr., Suppl. for April-June 1979, pp. 193-194.

¹⁸¹⁷ S/13397, *ibid.*, p. 195.

¹⁸¹⁸ For details, see chapter III.

¹⁸¹⁹ S/13399, OR, 34th yr., Suppl. for April-June 1979, pp. 196-198.

¹⁸²⁰ For the President's introductory remarks see 2151st mtg., para. 8.

¹⁸²¹ 2151st mtg., paras. 32-43.

quoting from General Assembly resolutions 2625 (XXV), 2734 (XXV) and 3314 (XXIX), that the Government of Morocco had violated basic principles of the Charter of the United Nations and of international law regarding the right of self-determination. He criticized in particular Morocco's invocation of the right of self-defence under Article 51 of the Charter as an attempt to legitimize its use of the so-called "right of pursuit" and to justify in advance its preparations for armed aggression against Algeria. Under these circumstances, he felt that the Security Council could usefully examine the consequences for peace and security in the region flowing from the persistent refusal of Morocco—in contrast to Mauritania—to implement the decisions of the United Nations and of the OAU regarding the self-determination of the Saharan people. Mauritania, initially a party to the partition of the Sahara, had recognized in the mean time that the tension in the region was caused by the violation of the principle of self-determination and the policy of a military *fait accompli*. The Algerian Government appealed to the Council to make a decisive contribution to the multiple efforts to bring back peace to north-west Africa, a peace based on Saharan self-determination and independence.¹⁸²²

At the 2153rd meeting on 22 June 1979, the representative of Madagascar stated that the struggle of the Saharan people for self-determination and independence could not legally be assimilated to an act of aggression and therefore the Government of Morocco was not entitled to invoke Article 51 against the freedom fighters. In view of such improper use of the principle of self-defence it was up to the Council, under the Charter, to control the exercise of this right, especially as it was misused in the claim to the so-called right of pursuit, as practised in this case against the POLISARIO fighters. The obligation of the Council could not be limited solely to Articles 34 and 35 of the Charter, but must go further towards resolving the problem by requiring immediate cessation of the illegal occupation of Western Sahara and the restoration of the rights of the Saharan people.¹⁸²³

Mr. Madjid Abdallah said that in the judgement of the POLISARIO Front the question of Western Sahara was exclusively one of decolonization and fell under the provisions of Article 73 of the Charter, resolution 1514 (XV) and the provisions of the OAU Charter relating to the right of peoples to self-determination and to respect for frontiers inherited from the colonial period. He accused the Government of Morocco of having created a *fait accompli* in the field through military violence and of pursuing a policy of intransigence in maintaining the course of occupation and expansionism in the Saharan territory. He reminded the Council that since 1966 the United Nations had been dealing with the Saharan issue and the General Assembly, the Security Council and the International Court of Justice had expressed consistent support for the right of the Saharan people to self-deter-

mination. He regretted that Morocco, which had been a leading voice in the campaign to terminate Spanish colonial rule, had veered from the original course and turned against the will of the international community and the well-being of the Saharan people. He hoped that the cease-fire between Mauritania and POLISARIO could eventually be expanded to include Morocco and that the Government of Morocco would agree to seek a solution to the Sahara issue through negotiations with the Saharan Democratic Arab Republic which the POLISARIO had set up and which administered already two thirds of the Western Sahara. But as long as Moroccan soldiers occupied a single inch of Saharan territory, the Saharan people would continue to fight them.¹⁸²⁴

At the 2154th meeting on 25 June 1979, the President informed members of the Council that he had received a letter¹⁸²⁵ dated 25 June from the representative of Morocco, who requested that the Council suspend action on the Moroccan complaint, as his Government had responded to an appeal by the President of Sudan, current President of the OAU. The President stated that following consultations the Council members had decided to adjourn further consideration of the question.¹⁸²⁶

LETTER DATED 25 NOVEMBER 1979 FROM THE SECRETARY GENERAL AND LETTER DATED 22 DECEMBER 1979 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS

INITIAL PROCEEDINGS

By letter¹⁸²⁷ dated 9 November 1979, addressed to the President of the Council, the representative of the United States requested that the Council urgently meet to discuss measures concerning the release of the United States Embassy personnel detained in Iran, for which efforts had so far failed. He stated that the personnel had been detained on 4 November 1979, following the occupation of the Embassy by a group of Iranians, violating the fundamental norms of international communication and creating a grave threat to international peace and security.

Decision of 9 November 1979: statement by the President

During consultations on 9 November 1979, the Council discussed the letter from the United States and agreed that the President would issue a statement on behalf of the Council.¹⁸²⁸

It reads as follows:

Following consultations among the members of the Security Council, I am authorized as President of the Council to express the profound concern of the Council at the prolonged detention of American diplomatic personnel in Iran. Speaking as President of the Council on behalf of the Council, and while not wishing to interfere in the internal affairs of any country, I must emphasize that the principle

¹⁸²² 2152nd mtg., paras. 6-56

¹⁸²³ 2153rd mtg., paras. 18-39

¹⁸²⁴ *Ibid.*, paras. 45-75

¹⁸²⁵ S.13410, *OR*, 34th yr., *Suppl. for April-June 1979*, p. 207

¹⁸²⁶ 2154th mtg., para. 3

¹⁸²⁷ S.13615, *OR*, 34th yr., *Suppl. for Oct.-Dec. 1979*, p. 61

¹⁸²⁸ S.13616 *ibid.*, p. 61