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2151st MEETING

Held in New York on Wednesday, 20 June 1979, at 4.30 p.m.

President: Mr. Oleg A. TROYANOVSKY
(Union of Soviet Socialist Republics).

Present: The representatives of the following States: Bangladesh, Bolivia, China, Czechoslovakia, France, Gabon, Jamaica, Kuwait, Nigeria, Norway, Portugal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia.

Provisional agenda (S/Agenda/2151)

1. Adoption of the agenda
2. Letters dated 13 June 1979 and 15 June 1979 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/13394 and S/13397)

The meeting was called to order at 5.40 p.m.

Adoption of the agenda

The agenda was adopted.

Letters dated 13 June 1979 and 15 June 1979 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council (S/13394 and S/13397)

1. The PRESIDENT: (*interpretation from Russian*): I wish to inform members of the Council that I have received letters from the representatives of Algeria, Benin, Madagascar and Morocco in which they request to be invited to participate in the discussion of the question on the agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Boucetta (Morocco) took a place at the Council table and Mr. Bouayad-Agha (Algeria), Mr. Houngavou (Benin) and Mr. Rabetafika (Madagascar) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT (*interpretation from Russian*): I should like to inform the Council that I have today received a letter from the representatives of Afghanistan, Algeria, Benin, Burundi, the Congo, Equatorial Guinea,

Ethiopia, Guyana, Madagascar, Rwanda, Sao Tome and Principe and the United Republic of Tanzania [S/13406], which reads as follows:

"We have the honour to inform you that we support the letter addressed to you by Mr. Madjid Abdallah, a member of the POLISARIO Front, in which he requests permission to make a statement in the Security Council, pursuant to rule 39 of the provisional rules of procedure, at the meetings which are to be held at the request of the Permanent Representative of Morocco.

"We should be grateful if you would have this letter and that of Mr. Abdallah circulated as a Council document."

3. Do any members of the Council wish to make any observations in connexion with this request?

4. Mr. N'DONG (Gabon) (*interpretation from French*): The Gabonese delegation attaches great importance to the valuable information that any qualified person may place before the Council in pursuance of rule 39 of its provisional rules of procedure. Nevertheless, with regard to the case before us, I should like to say that my delegation, although not opposed to hearing the speaker, would simply like to enter reservations with respect to the capacity in which he would speak.

5. The PRESIDENT (*interpretation from Russian*): The remarks made by the representative of Gabon have been noted.

6. I take it that the Council agrees to invite Mr. Madjid Abdallah to make a statement under rule 39 of the provisional rules of procedure.

It was so decided.

7. The PRESIDENT (*interpretation from Russian*): The Security Council is meeting today in response to the request by the Permanent Representative of Morocco which is contained in his letters dated 13 and 15 June to the President of the Security Council, issued in documents S/13394 and S/13397 respectively.

8. Members of the Council also have before them a letter dated 16 June from the Deputy Permanent Representative of Algeria to the President of the Council, which is contained in document S/13399.

9. The first speaker is the Minister of State in charge of Foreign Affairs and Co-operation of Morocco, His Excellency Mr. M'Hamed Boucetta. I welcome him and invite him to make his statement.

10. Mr. BOUCETTA (Morocco) (*interpretation from French*): Mr. President, the delegation of the Kingdom of Morocco wishes first to express its satisfaction at seeing you presiding over the deliberations of the Security Council on a question as vital and crucial as this one, which concerns the safeguarding of the security of our country. Your wisdom, your open-mindedness and your acute sense of justice are for us a guarantee that there will be a serious and thorough examination of the problem that is today before the Council. It also happens that you are the representative of a country with which Morocco has the most cordial and fruitful relations based on trust, friendship, mutual respect and close co-operation in various fields.

11. My delegation also wishes to express its appreciation and its gratitude to all members of the Council for the diligence with which they have responded to the Moroccan request. In so doing, they have recognized the seriousness of the moment and have shown that they are ready to face up to their responsibilities.

12. In appealing to the Security Council today, Morocco, pursuant to Article 35 of the Charter of the United Nations, is submitting a clear, precise request concerning incidents at a specific time and place. In effect, Morocco has for some time been the victim of deliberate acts of aggression, acts known to all, against its national territory committed by armed bands from Algeria that return to Algeria once they have committed their crimes.

13. This is a particularly serious time and the situation is very grave. We are sincerely concerned and feel compelled to say that we find ourselves, practically speaking, on the eve of a bloody and tragic confrontation between two neighbouring countries, a confrontation that may degenerate into a widespread conflict the dimensions of which cannot be foreseen.

14. How is it that Morocco and Algeria—two countries that should aim at co-operation and friendship, two countries that are linked by their history and geography, that share a common destiny and that belong to the same civilization—are today on the brink of a fratricidal unjustifiable war? The Algerian Government, contrary to all expectations, has for some time been responsible for the launching of attacks by armed gangs against our national territory and against the security of our citizens.

15. If we have come to the Council today it is because we feel compelled to do so. It should be recognized that thus far we have shown patience, restraint and wisdom. But that patience, that restraint and that wisdom have not been rewarded. Our attitude has been interpreted as a manifestation of weakness. Out of respect for international legality and desiring not to overdramatize a situation unduly, we initially felt satisfied with merely informing the Secretary-General of the importance and

seriousness of the situation, without wishing to bring a formal complaint to the Security Council. In this regard I would ask the members of the Council to refer to our letter of 4 October 1978 to the Secretary General.¹ We have, then, tried to exhaust other means before coming to the Council, the United Nations organ entrusted with the maintenance of international peace and security. But, in view of the deterioration of the situation and the recent developments, we have thought it indispensable to come to the Council with the problem.

16. In truth, what country in the world could stand idly by while another country violates its frontiers, destroys its property and kills its citizens? Just imagine: the number of deaths so far is 328. Just imagine: the number of wounded is 251. Just imagine: the number of missing persons is 122. That is the present situation. The Council will surely agree with us that this situation has become intolerable.

17. To cite just the most recent acts of aggression—and that is the purpose of our complaint to the Council—on the night of 31 May/1 June 1979 a column of the Moroccan army was attacked while it was proceeding from the town of Tantan to the town of Tarfaya. There were 23 deaths, eight persons reported missing and 42 wounded, not to speak of considerable material damage. On the night of 4 June, while His Majesty the King of Morocco, Hassan II, was receiving Mr. Edem Kodjo, the Administrative Secretary-General of the Organization of African Unity, in order to inform him about Algerian aggression and the deliberate violation of Moroccan national territory, the town of Assa, in the province of Goulimine, was attacked. There were 25 deaths, 9 persons reported missing and 13 wounded. Among the victims were civilians who had been peacefully going about their business.

18. I have distributed maps so that members of the Council may find the precise locations of these places, some on the Algerian frontier and some inside our country, a fact which is characteristic of the question we have brought to the Council today.

19. At the very time when we were bringing our request to the Council, a third act of aggression was committed in the same region, on the night of 13/14 June. That is a real act of defiance against the Council and to the United Nations.

20. I should like to transmit to members a list of the victims so that the Council may appreciate the seriousness of the problem. There have been deaths and woundings; children have been killed; women have been killed; peaceful inhabitants of the region have been attacked and killed. The list is lengthy. I should not like to impose upon the Council a reading of that list, but I do wish to draw attention to the persons who have been victims of these acts of aggression. It will be seen that there are children among them, and women, and elderly persons. It will also be noted that there has been material damage; the property of civilians has been damaged or destroyed. From the photographs that I shall submit to the Council

¹ A/33/284.

through the Secretariat, it will also be noted that heavy weapons were used—sophisticated weapons, missiles, tanks and armaments of various types. From the photographs the Council and the Secretariat will ascertain the importance of what I am saying. Those are not the kinds of weapons that would be found in the hands of guerrillas, if any existed in the region; they could only belong to a regular army, an army that has sophisticated weapons at its disposal.

21. This is the best illustration of the seriousness of the acts of aggression committed by the Algerian Government against the territory of a State Member of the United Nations, Morocco, which has on many occasions demonstrated its commitment to peace and to the principles and ideals of the Organization.

22. There is no doubt that Algeria's responsibility for those acts of aggression is total. Those attacks were committed by bands which have been recruited, equipped, armed, trained and financed by the Algerian authorities, and protected in Algerian sanctuaries after having left Algerian territory.

23. The Organization, on the basis of the principles embodied in the Charter, had repeatedly legislated on these cases. Indeed, the General Assembly has, in numerous declarations, adopted appropriate provisions condemning such practices in relations among States; it has even termed them crimes against international peace and security. At this stage I merely wish to draw the attention of the Council in particular to three documents of crucial importance: the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted on 24 October 1970 on the twenty-fifth anniversary of the United Nations [*resolution 2625 (XXV)*]; the Declaration on the Strengthening of International Security, adopted on 16 December 1970 [*resolution 2734 (XXV)*]; the resolution containing the definition of aggression, adopted on 14 December 1974 [*resolution 3314 (XXIX)*].

24. All those documents reaffirm the principles of international law which should govern relations among sovereign, independent States. They relate to strict respect for the obligation to refrain from interfering in the affairs of other States. Respect for those principles is the essential condition for the maintenance of peace among nations. Those international instruments unambiguously affirm that the practice of intervention in any form whatever is not only a violation of the spirit and letter of the Charter but also tends to create situations which endanger international peace and security.

25. Furthermore, the aforementioned three declarations in a similar manner recall the duty of States to refrain from recourse to the threat or use of force against the territorial integrity or the political independence of other States. Such action is considered to be a crime against peace.

26. Finally, those three documents not only define general principles but also define cases of aggression in pre-

cise terms. One of those cases is the sending of armed bands or mercenaries from the national territory of a State to attack the territorial integrity of another State. That is specifically included in article 3 g of the Definition of Aggression. Paragraph 1 of article 5 of that same instrument sets forth the following: "No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression." The Declaration annexed to resolution 2625 (XXV) establishes that States are in duty bound

"to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts".

27. As we have just seen, substantive international law leaves nothing unclear; it deals with the same specific cases of aggression that we have brought today before the Council. It clearly stems from it that under no pretext should a State finance, arm or lead gangs against the territorial integrity of another State, sowing death and destruction.

28. Consequently, Algeria cannot adduce any justification for such acts. Its attitude is all the more serious and unjustifiable in that the Government of Algeria alleges that it does not have any dispute with Morocco. That Government should therefore revise its present policy, the consequences of which are pregnant with threats and dangers for peace and security in the region.

29. We wish to reaffirm for our part that, despite everything, we continue to believe that the construction of the Maghreb is not only a duty for us all but, in our view, is also part of the common destiny of the States of our region.

30. Loyal to that constant principle of our policy and our own traditions, we have retained our composure and held to an exemplary position in the face of the attacks perpetrated against us, since we are convinced of the virtue of dialogue and of the need for the peaceful settlement of any dispute between States. I reaffirm here that my country has always preserved its unswerving faith in the capacity of the Organization of African Unity, the United Nations and the League of Arab States to put an end to such acts of aggression.

31. In the two messages which our Sovereign, King Hassan II, addressed successively to His Excellency Mohamed Gaafar Nimeiri, President of the Democratic Republic of the Sudan and current President of the Organization of African Unity, after the acts of aggression by Algeria which took place on 31 May and 4 June 1979 respectively and which are the subject of our complaint to the Council, we reaffirmed Morocco's desire for peace and its complete readiness to endeavour to put an end to the state of tension in the region. In his first message, His Majesty stated the following:

"We had hoped to encounter the same desire and the same readiness on the other side. Showing great self-

restraint, Morocco refrained from any action so as to confirm its desire for peace and, above all, so as not to give Algeria the slightest pretext to justify its bad cause."²

32. Furthermore, Morocco has always been ready to accept the praiseworthy efforts of mediation made within an Arab, African or international context. Morocco has spared no efforts to see to it that attempts are made to clear the atmosphere among the States of the region and to restore a climate of friendship and co-operation among them.

33. To this constant desire for peace and harmony that Morocco has always sincerely displayed, the Algerian Government has responded in the manner of which we are all aware.

34. In the face of such an attitude we must therefore say that our patience does not impair our resolve to defend our sovereignty, our territorial integrity and the security of our citizens and of their property. This is, in fact, the sacred duty of any State worthy of the name.

35. The exercise of self-defence is an inherent right recognized in international law and embodied in the Charter, particularly in its Article 51. In application of these rules of law, my country, which continually suffers from acts of aggression for which the Algerian Government is solely responsible, will pursue the aggressors wherever they may be found. We forcefully affirm that Algeria must assume full responsibility for any situation that may emerge. As was stressed by His Majesty Hassan II in his second message to President Nimeiri:

"Whatever may happen later will be beyond our control. It will be the bitter fruit of the persistence of others in their error and arrogance."³

36. In having recourse today to the Security Council, Morocco fosters the hope that the irreparable may be averted. This hope is based on the virtue we recognize in the peaceful settlement of disputes whatever may be their nature. We trust that the Council will condemn the aggressions against our country and adopt the relevant measures to prevent their repetition.

37. As we have stated before, the situation is an extremely serious one. From one moment to the next, it is in danger of degenerating into an armed conflict with unforeseeable consequences. This is why speedy action by the Council is needed. The Council must take note of these acts of aggression, condemn and use its prerogatives under the Charter to put an end to them once and for all. Because we respect the Charter, we wish to preserve peace in our region and to safeguard the security of a Member State.

² See A/34/317, annex I.

³ *Ibid.*, annex II.

38. Before I conclude my statement, I should like to add a few words that I consider necessary so as to eliminate any ambiguity and to clear up any confusion that has been deliberately created and spread since the day before yesterday in the corridors of the Security Council. Tantan, Tarfaya, Zag and Assa—places that I mentioned earlier in my statement and that are indicated by numbers on the map I have had circulated and that were the targets of attacks whose circumstances I have briefly recounted—are completely outside our Saharan provinces—what was formerly known as the Territory of Western Sahara—a territory where the international responsibilities of Spain came to an end on 26 February 1976. The map makes this matter perfectly clear.

39. The confusion that our adversaries are attempting to create consists in their saying that the problem is one of tension—tension, incidentally, that they themselves have created—that has been rife there since that region was decolonized; that the problem is before the Organization of African Unity, that the heads of State belonging to that organization have set up an *ad hoc* committee to deal with it and that, therefore, the OAU should be the only body seized of the matter. Must I recall that this is a political, opportunistic argument, since only a few weeks ago, in the non-aligned movement as in the thirty-third session of the General Assembly, it was our opponents who endeavoured to show that OAU could not be the only body to defend certain principles and that that organization could not be the only one to study this matter?

40. Today, the Security Council is seized of a certain number of deliberate acts of aggression—and in particular those committed on the night of 31 May/1 June and on 4 June 1979—which, strictly speaking, have no connexion with the problem before the Organization of African Unity.

41. Furthermore, upon the commission of those acts of aggression, Morocco immediately informed His Excellency Mohamed Gaafar Nimeiri, current President of the Organization of African Unity, and Mr. Edem Kodjo, Administrative Secretary-General of OAU, who was in Morocco at the time the attacks took place.

42. I wished to draw to this confusion deliberately created in an attempt to oppose consideration of this question by the Council. I also wished to bring forth these clarifications in the hope of allaying any doubt that may exist in the minds of our brothers and friends of our African family.

43. My country remains at the service of the Council to facilitate any investigation that it may consider necessary in order to ascertain the veracity of the facts and to implement any measure it may deem useful to end these acts of aggression which constitute a flagrant violation of the principles of the Charter and which create an extremely serious situation in our region, thus gravely jeopardizing international peace and security.

The meeting rose at 6.20 p.m.

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