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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF  
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Question of French Somaliland

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the United Nations Mission to Observe the Referendum and Elections in French Somaliland (Djibouti).

\* A/32/50/Rev.1.

REPORT OF THE UNITED NATIONS MISSION TO OBSERVE THE REFERENDUM  
AND ELECTIONS IN FRENCH SOMALILAND (DJIBOUTI)

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LETTER OF TRANSMITTAL

8 June 1977

Sir,

We have the honour to transmit to you the report of the United Nations Mission to Observe the Referendum and Elections in French Somaliland (Djibouti) established in accordance with paragraph 14 of General Assembly resolution 31/59 of 1 December 1976.

Accept, Sir, the assurances of our highest consideration.

(Signed) I. B. FONSEKA

María Clemencia LOPEZ

Tom Eric VRAALSEN

His Excellency  
Mr. Kurt Waldheim  
Secretary-General of the United Nations  
New York

/...

## I. INTRODUCTION

### A. Mandate of the Mission

1. At its thirty-first session, the General Assembly, after having considered the question of French Somaliland, adopted resolution 31/59 on 1 December 1976, which reads as follows:

"The General Assembly,

"Having considered the question of so-called French Somaliland (Djibouti),

"Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 1/

"Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling also its resolutions 2228 (XXI) of 20 December 1966, 2356 (XXII) of 19 December 1967 and 3480 (XXX) of 11 December 1975 on so-called French Somaliland (Djibouti),

"Having heard the statements of the representatives of the liberation movements, the Front de libération de la Côte des Somalis and the Mouvement de libération de Djibouti,

"Having also heard the statements of the President of the Government Council of the Territory, as well as those of the representatives of the political parties, namely, the Ligue populaire africaine pour l'indépendance, the Union nationale pour l'indépendance and the Mouvement populaire de libération, and of a petitioner,

"Taking note of the solemn declarations of the leaders of the delegations of Ethiopia and Somalia before the Council of Ministers of the Organization of African Unity at its twenty-seventh ordinary session, held at Port Louis from 24 June to 3 July 1976, and before the Fourth Committee of the General Assembly, affirming that their respective Governments would recognize, respect and honour the independence, sovereignty and territorial integrity of so-called French Somaliland (Djibouti) after its accession to independence,

"Taking note also of the resolution on the question of so-called French Somaliland (Djibouti) adopted by the Conference of Ministers for Foreign

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1/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. XIV.

Affairs of Non-Aligned Countries, held at Lima from 25 to 30 August 1975, 2/ and of that part of the Political Declaration adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976, regarding the question, 3/

"Having heard the statement of the representative of France, as the administering Power, in particular the expressed commitment of his Government to lead the Territory to independence in 1977,

"1. Reaffirms the inalienable right of the people of so-called French Somaliland (Djibouti) to self-determination and independence;

"2. Reaffirms also its unqualified support of the right of the people of so-called French Somaliland (Djibouti) to immediate and unconditional independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"3. Calls upon the Government of France to implement scrupulously and equitably, under democratic conditions, the programme for the independence of so-called French Somaliland (Djibouti), as outlined by the representative of France in his statement before the Fourth Committee of the General Assembly, within the indicated time frame, namely, the summer of 1977;

"4. Urges the leaders of the Government Council of the Territory, as well as the representatives of the liberation movements, the Front de libération de la Côte des Somalis and the Mouvement de libération de Djibouti, and of the political parties and groups to enter into the broadest possible discussions on neutral grounds, under the auspices of the Organization of African Unity, with a view to resolving their differences, and to agree on a common political platform before the holding of a referendum, in conformity with the resolution adopted by the Council of Ministers at its twenty-seventh ordinary session 4/ and subsequently approved by the Assembly of Heads of State and Government of the Organization of African Unity at its thirteenth ordinary session;

"5. Also calls upon the Government of France to co-operate fully with the Organization of African Unity in its effort to convene, in accordance with the decision of the Assembly of Heads of State and Government, a round-table conference for the speedy implementation of the request contained in paragraph 4 above;

"6. Requests the Government of France to consider the result of the referendum in its totality, thus respecting the territorial integrity of the future State;

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2/ A/10217 and Corr.1, annex I, resolution I.

3/ A/31/197, annex I, para. 37.

4/ A/31/196 and Corr.1, annex, resolution C51/Res.480 (XXVII).

"7. Demands that the Government of France withdraw its military base from the Territory without delay;

"8. Further calls upon the Government of France to allow and facilitate the return to the Territory of all refugees who are bona fide citizens of the Territory, in accordance with the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969 and the Convention relating to the Status of Refugees of 1951; 5/

"9. Requests the Government of France, in order to ensure the implementation of the request contained in paragraph 8 above, to set up an ad hoc committee in accordance with the recommendation of the Fact-Finding Mission of the Organization of African Unity; 6/

"10. Reaffirms its resolution 3480 (XXX);

"11. Endorses all resolutions adopted by the Organization of African Unity on the Question of so-called French Somaliland (Djibouti), in particular resolutions CM/Res.431/Rev.1 (XXV) 7/ and CM/Res.480 (XXVII), 8/ as well as the declaration adopted by the Organization of African Unity Co-ordinating Committee for the Liberation of Africa, as approved by the Council of Ministers at its twenty-seventh ordinary session and the Assembly of Heads of State and Government at its thirteenth ordinary session, and welcomes the solemn declarations by the leaders of the delegations of Ethiopia and Somalia before the Council of Ministers of the Organization of African Unity and before the Fourth Committee of the General Assembly that their Governments would recognize, respect and honour the independence and sovereignty of so-called French Somaliland (Djibouti) and its territorial integrity after its accession to independence;

"12. Calls upon all States to refrain from interfering in the internal affairs of the Territory and to abstain from any action likely to impede or adversely affect the current process of the country's accession to independence;

"13. Welcomes the statements by the representatives of the people of so-called French Somaliland (Djibouti) in which they declared that the Territory would become a member of the United Nations and of the Organization of African Unity immediately after independence;

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5/ United Nations, Treaty Series, vol. 189, No. 2545, p. 137.

6/ See Organization of African Unity document CM/759 (XXVII), 1976.

7/ See A/10297, annex I.

8/ See A/31/196 and Corr.1, annex.



"14. Endorses the decisions of the Organization of African Unity and the United Nations to send representatives to observe the referendum and all subsequent stages of the independence process to ensure that the principle of self-determination in the Territory is carried out smoothly and in the most democratic manner;

"15. Urges all Member States, the specialized agencies and other organizations within the United Nations system, in co-operation with the administering Power, to render all possible moral and material assistance to the people of the Territory."

2. In accordance with the understanding reached when this resolution was adopted, the Secretary-General carried out the necessary consultations with the parties concerned and appointed Norway, Sri Lanka and Venezuela as members of the United Nations Mission to Observe the Referendum and Elections in French Somaliland (Djibouti) (see A/32/66).

3. Subsequently, the three Member States designated the following persons to represent them on the Mission:

Mr. I. B. Fonseka (Sri Lanka)

Miss María Clemencia López (Venezuela)

Mr. Tom Eric Vraalsen (Norway)

Mr. Fonseka served as Chairman of the Mission.

#### B. Consultations in New York

4. The Mission twice held consultations with His Excellency Mr. Jacques Leprette, Permanent Representative of France to the United Nations. These consultations touched upon three questions: (a) information on the situation in the Territory and on the referendum and elections; (b) the appointment of additional observers to assist the Mission and the size of its staff; and (c) the question of meeting with the political parties in the Territory (see sect. V below).

5. The Mission also met in New York with the Permanent Representatives of Ethiopia and Somalia, who informed the Mission of the position of their respective countries in regard to recent developments in the Territory and its future status. The Mission also received invitations from the Governments of Ethiopia and Somalia to visit Addis Ababa and Mogadiscio, respectively, for discussions.

6. Before drawing up its itinerary, the Mission decided to establish contact with the OAU Fact-Finding Mission 9/ in order to exchange views on the modalities

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9/ See Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. XIV, annex, para. 6.

of co-operation between the two missions. When the United Nations Mission met with His Excellency Mr. Dramane Ouattara, Executive Secretary of OAU to the United Nations, he suggested that, as the Fact-Finding Mission would only meet at Addis Ababa a few days before the referendum, the two missions might meet there or at Djibouti.

7. The Mission also informed Mr. Ouattara of its desire to make itself available to the two liberation movements recognized by OAU and to political parties in the Territory to hear their views.

#### C. Itinerary

8. Following the above-mentioned consultations, the Mission decided to visit Paris from 28 to 30 April for consultations with the French authorities (see sect. V below). Subsequently, in response to the invitations received from the Governments of Ethiopia and Somalia, the Mission visited Addis Ababa from 1 to 3 May and Mogadiscio and Hargeisa from 3 to 5 May. While in Addis Ababa, the Mission also met with Mr. Peter Onu, OAU Assistant Secretary-General for Political Affairs. The Mission arrived in Djibouti the evening of 5 May (see annex I below for details).

#### D. Meeting with the OAU Assistant Secretary-General for Political Affairs

9. The Mission met at the headquarters of OAU, on 2 May with Mr. Onu, who suggested that since only a few of the members of the OAU Fact-Finding Mission were then in Addis Ababa, the United Nations Mission would be able to meet with them in Djibouti on 6 May.

10. Mr. Onu also briefed the Mission on the developments at and subsequent to the Accra conference organized by OAU which had been attended by the representatives of the two recognized liberation movements and of the political parties and groups in the Territory.

#### E. Meetings with representatives of the Governments of Ethiopia and Somalia

11. On 2 May, the Mission held a meeting with the following officials of the Ministry of Foreign Affairs of Ethiopia: Major Dawit Wolde Giorgis, Permanent Secretary of the Ministry; Mr. Tesfaye Mekasha, Head, International Organizations Department; Mr. Berhanu Dinka, Head, African and Middle East Department; Mr. Kesate B. Badima, Counsellor, African Department; Mr. Wuhib Muluneh, Acting Head, Middle East Section, Africa and Middle East Department; and Miss Kongit Sinegeorgis, First Secretary, International Organizations Department.

12. On 3 May, the Mission met with the following officials of the Somali Ministry

of Foreign Affairs: Mr. Abdulrahman Jama Barre, Director General; Mr. Abdulrahman Hussein, Director of International Organizations; Mr. Hussein Hassan Iarah, Director of the African Affairs Department; and Mr. Mohamed Sharif Mahamud, Director of the Arab Affairs Department. Later that day, the Mission was received by His Excellency General Siad Barre, President of the Republic of Somalia.

13. During these meetings, the two Governments conveyed to the Mission their views on recent developments in the Territory. They expressed support for the independence, sovereignty and territorial integrity of the future State of Djibouti.

#### F. Acknowledgements

14. The Mission wishes to place on record its appreciation to the Government of France for the co-operation and assistance it received in New York and during its visit to Paris. The members of the Mission are especially grateful to Mr. Camille d'Ornano, High Commissioner of the Territory; Mr. A. Loyzance, Deputy High Commissioner; and Mr. P. Hugot, Chef de Cabinet, for their courtesy, co-operation and kindness.

15. The Mission also wishes to place on record its appreciation to the Governments of Ethiopia and Somalia for the generous hospitality extended to it.

## II. GENERAL INFORMATION ON THE TERRITORY

### A. Description of the Territory

16. French Somaliland is situated on the eastern coast of Africa, around the Gulf of Tadjourah, at the head of the Gulf of Aden, just outside the strait of Bab-el-Mandeb. The Territory lies between 39°30' and 41° east longitude and 11° and 12°30' north latitude. It has an area of approximately 23,000 square kilometres, most of which is desert or semi-desert, and has a common frontier with Ethiopia to the north, west and south-west and a frontier with Somalia on the south-east. Of a total of 500 kilometres of frontier, 400 kilometres constitute the frontier with Ethiopia.

17. The Territory has a coastline of approximately 800 kilometres from Ras Doumeirah on the north to Loyada on the south. It consists mostly of volcanic plateaux, bordered in places by sunken plains and lakes, some of which (Lake Assal and Lake Alol, for example) are below sea level. The Territory has no permanent surface watercourse. The climate is very hot during the major part of the year, averaging 29.44° C at Djibouti, the capital, but during the rainy season, which is from October to March, the weather is cooler. Humidity is high near the coast, but decreases in the interior, while precipitation is scarce and irregular, averaging less than 127 millimetres of rainfall annually.

### B. Population

18. The population is divided into the following four major groups: Afars or Danakils, comprising the Adohyammaras; Issas, a Somali group comprising the Abgals, the Dalols and the Wardigs; Arabs, chiefly of Yemeni and Saudi Arabian origin; and Europeans.

19. According to Le Réveil de Djibouti of 11 March 1967, the total population in March of that year was estimated to number 125,050 persons, classified as follows:

Issas	58,240
Afars	48,270
Europeans and <u>assimilés</u>	10,255
Arabs	8,285
Total	<u>125,050</u>

Of this number, 28,430 Issas, 1,700 Afars, 2,600 Europeans and 5,120 Arabs were classified as foreigners.

20. According to the United Nations Demographic Yearbook of 1975, 10/ the census of

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10/ United Nations publication, Sales No. E/F.76.XIII.1.

the Territory, held in 1960/61, had recorded a total population of 81,200. The population was estimated at 95,000 inhabitants in 1970 and 106,000 inhabitants in 1975. The growth rate between 1970 and 1975 was 2.2 per cent. The population density was five inhabitants per square kilometre.

21. According to information provided by the French authorities in the Territory, no real census of the population has ever been taken, and there are no accurate figures because of the movements of the nomad population across the frontiers and the massive seasonal migrations.

22. At May 1976, the territorial population service estimated the population as follows:

Total stabilized population:	215,000 (including 13,000 Europeans)
Fluctuating population:	30,000 to 40,000
Population density:	5 per square kilometre

Distribution of population

	<u>Town</u>	<u>Circonscription</u> <u>(administrative</u> <u>district)</u>
Djibouti	125,000	
Dikhil	3,000	30,000
Tadjourah	3,500	30,000
Obock	1,500	15,000
Ali Sabieh	4,500	15,000

C. Government and administration

1. Relations between France and the Territory

23. The first treaty between France and the Danakil chiefs was signed in Paris on 4 March 1862. By this treaty, the Sultans of Tadjourah, Raheita and Gobaad ceded the Territory of Obock to France. The document was supplemented by the treaties signed between France and the chiefs of the Afar and Issa tribes on 14 December 1884, 2 January 1885 and 26 March 1885.

24. A few years later, several French companies were established in the Territory, and the first French colonial administrator of the Territory of Obock was appointed on 24 June 1884.

25. On 21 September of the same year, the Sultan of Tadjourah concluded a treaty with France for the cession of the Territory of Tadjourah. Cessions of territory on the Gulf of Tadjourah were also made by the Sultan of Gobaad on 14 December 1884 and 2 January 1885.

26. On 26 March 1885, a French protectorate over the region of Djibouti was established by a treaty concluded between France and the Issa chiefs of the region. The extent and boundaries of the Territory were subsequently fixed by treaties concluded by France with the United Kingdom of Great Britain and Northern Ireland in 1888 and with Ethiopia in 1897 and were confirmed by the tripartite treaty concluded in 1906 between France, Italy and the United Kingdom.

27. Djibouti has been the capital and seat of the territorial Government since 1892.

28. By a decree of the French Government dated 20 May 1896, the Territory was officially named "Côte française des Somalis et dépendances" and was under the administration of a Governor assisted by a Conseil d'administration.

## 2. Constitutional development of the Territory 1945-1967

29. In 1945, after the Second World War, a Conseil représentatif was established, consisting of 12 elected and eight appointed members. Six members were elected by French citizens and six others by the Arab, Danakil and Somali electoral colleges, which each elected two councillors.

30. Under the terms of the French Constitution of 1946, the overseas Territories of the Republic were granted territorial assemblies composed of elected members. The Territories could also send representatives to the French Parliament and to the Assembly of the French Union. French Somaliland was included among the overseas Territories enumerated in the law of 27 October 1946, which made provision for the constitution and election of the Assembly of the French Union.

31. An entirely elective Conseil représentatif was established in the Territory in 1950. It was composed of 25 members, of whom 12 were elected by citizens of French civil status and 13 by citizens who had retained their personal civil status. 11/

32. The Loi-cadre of 23 June 1956, adopted by the National Assembly after consultation with the Assembly of the French Union, introduced some reforms in the overseas Territories, including the granting of broadened, deliberative powers to the territorial assemblies and the establishment of government councils. The Loi-cadre also established an electoral system based on universal suffrage of adults, irrespective of their personal status, and a single electoral college.

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11/ "Personal civil status" was applicable only to indigenous inhabitants in the Territory who had not renounced such status in terms of the provisions of article 82 of the French Constitution of 1946.

33. The law of 17 April 1957 reorganized the Territorial Assembly of French Somaliland on the basis of universal suffrage. The decree of 22 July 1957 implemented the provisions of the Loi-cadre with regard to the establishment of a Government Council and the broadening of the powers of the Territorial Assembly

34. On 28 September 1958, the draft of a new French constitution was submitted to a referendum in which the electorates of both metropolitan France and the overseas Territories participated. Under the proposed constitution, the overseas Territories would become territorial units of the French Republic and would form an integral part thereof. The overseas Territories could retain their status or could decide to become départements of the Republic or member States of the French Community. Overseas Territories which rejected the constitution would become independent forthwith.

35. The results of the referendum in the Territory were 8,662 votes in favour (75.2 per cent of the votes cast) to 2,851 votes against.

36. Following the referendum, elections to choose the members of the Territorial Assembly were held on 23 November 1958. The new Assembly decided on 11 December 1968, by 27 votes to 4, to maintain French Somaliland as an overseas Territory; this status was confirmed by a new statute approved by referendum on 19 March 1967. French Somaliland, as an overseas Territory within the French Republic, was also granted financial autonomy and the right to be represented in the French Parliament and the Economic and Social Council.

### 3. Structure of the Government

37. The political structure of the Territory was established by a decree issued in implementation of the Loi-cadre, in particular the decree of 3 December 1956 (as amended by the decree of 4 April 1957) and the decree of 22 July 1957. Subsequently, the present political structure of the Territory was established by the law of 3 July 1967 relating to "the organization of the French Territory of the Afars and the Issas".

38. Under the terms of that law, the institutions of the Territory include a Conseil de gouvernement (Government Council) and a Chambre des députés (Chamber of Deputies), in which the various communities of the Territory are represented, and a High Commissioner.

#### High Commissioner

39. The High Commissioner, formerly called the Governor, is the head of the Territory and the representative of the French Republic. He is appointed by the French Government and is directly responsible for the administration of state services, which may be summarized as follows: services which represent the central power; external affairs services; general military, economic and security services; institutions and services ensuring respect for the freedom of citizens; treasury services, financial control and services for planning, higher education and radio and television stations.

40. The High Commissioner promulgates the laws and decrees after informing the Government Council and subsequently ensures their execution. He ensures the legality of the acts of the territorial authorities and, to that end, the decisions of the Chamber of Deputies and of the Government Council must be communicated to him before being published or implemented. Within 10 days of the date of such a communication, the High Commissioner may request the Chamber of Deputies or the Government Council to give a second reading or further consideration to the decision in question. Such a request cannot be denied. Lastly, the High Commissioner may request the French Minister for Overseas Territories to ask the French Conseil d'Etat to annul by decree any of the acts of the territorial authorities on grounds of lack of competence, excess power or violation of the law. The Minister for Overseas Territories is also empowered to take such action.

#### Government Council

41. The Government Council consists of a President and ministers chosen from among the members of the Chamber of Deputies and elected by them. Since the composition of the Council must take into account the equitable representation of the various communities living in the Territory, the list of candidates drawn up by the Chamber of Deputies has to reflect that representation.

42. Under the terms of the statute established by the law of 3 July 1967, the High Commissioner, who is the representative of the French Republic, plays no part in the proceedings of the Council; however, the Deputy High Commissioner may attend meetings of the Government Council with the right to speak.

43. The Government Council manages the affairs of the Territory and is responsible for public services. It draws up the budget estimates for the Territory and is the only body which can authorize expenditure. It is also responsible for the implementation of the decisions of the Chamber of Deputies. The Government Council also has competence for the following matters: appointment of the heads of the territorial public services and the heads of the circonscriptions; determination, in consultation with the Chamber of Deputies, of the conditions of service for territorial civil servants; creation, elimination or modification of circonscriptions; organization of chefferies (chiefdoms); regulation of urban and rural administrative policy and public health; granting of agricultural and forestry concessions and mining concessions that do not fall within the competence of the French Republic; granting of public works concessions; regulation of prices; compilation of statistics; and development of basic education. The Government Council also acts in an advisory capacity in respect of radio and television programmes.

#### Chamber of Deputies

44. Under the law of 1967, as amended and supplemented by a law adopted on 19 December 1972, the Chamber of Deputies consists of 40 members elected by direct universal suffrage for a term of five years. As in the case of the Government Council, the various communities of the Territory must be equitably represented in the Chamber of Deputies, the President of which is elected by the members.



45. The Chamber of Deputies holds two regular sessions a year, which are convened by the President of the Government Council. The duration of each regular session is limited to two months, and the territorial budget must be voted upon before 31 December of each year.

46. The President of the Government Council may convene an extraordinary session of the Chamber of Deputies (a) at the request of the High Commissioner, (b) upon written request of at least two thirds of the members or (c) on his own initiative. The duration of an extraordinary session is limited to one month.

47. The competence of the Chamber of Deputies covers the following: public finance, including the adoption of the budget and the setting of duties and taxes; economic matters, including development programmes, commercial law, town planning and housing, credit and transport; social affairs, including labour questions, social security and public health matters, as well as primary, secondary, vocational and technical education; and private law. The Chamber of Deputies can adopt regulations on matters within its purview and is empowered to impose prison terms up to a maximum of five years or fines up to 100,000 francs, or both, for infractions of its regulations. In financial matters, no proposal or amendment may be made by the Chamber of Deputies unless it has the effect of cancelling or effectively reducing an item of expenditure, creating or increasing revenue or ensuring the control of public expenditure. The Chamber of Deputies is empowered to question the responsibility of the Government Council by voting on a motion of censure, provided that the motion has been signed by at least nine deputies. If such a motion is adopted by an absolute majority of the members, the Government Council ceases to exercise its functions. The President of the Council, with the agreement of the other members, may table a motion of confidence; its rejection by an absolute majority of the members of the Chamber requires the resignation of the Government Council. The High Commissioner may, at the request of the Government Council, propose to the Government of the French Republic the dissolution of the Chamber of Deputies. In the event of dissolution, new elections must take place within two months.

48. A Permanent Commission, composed of five to seven members of the Assembly, meets between sessions of the Assembly to conduct the business delegated to it by that body.

#### Administrative and judicial organization

49. For administrative purposes, French Somaliland is divided into the district of Djibouti and the four cercles of Dikhil, Tadjourah, Obock and Ali Sabieh. The Territory's judicial organs are a High Court of Appeals, a Court of First Instance and a number of customary courts. The chief law officer is the Procurator of the French Republic, assisted by a substitute, who is resident at Djibouti. In criminal matters, all the inhabitants of the Territory are subject to the jurisdiction of the Court of Appeals acting as the sole correctional tribunal. In civil and commercial matters, some cases between indigenous inhabitants are submitted to the cadis, judges of Koran law.

Representation in the central organs of the French Republic

50. The Territory is represented in the French Parliament by one deputy and a senator. It also sends a representative to the Economic and Social Council.

D. Political organizations

1. Liberation movements

51. In French Somaliland there are two liberation movements recognized by OAU: the Front de libération de la Côte des Somalis (FLCS) and the Mouvement de libération de Djibouti (MLD).

Front de libération de la Côte des Somalis

52. FLCS, which was established in June 1963, has its headquarters at Mogadiscio in Somalia. Since its establishment, the aim of FLCS has been to secure the total liberation of the Territory. In December 1976, FLCS held its first congress at Hargeisa, Somalia, which ended with the announcement of the election of a nine-member executive committee, including Mr. Mer Elmi Khayre as Secretary-General and Mr. Hassan Robleh Awale as Secretary of Defence. In addition, the outgoing Committee announced that it had formed a special guerrilla force and was "ready to launch an armed struggle" if France did not keep its promise to grant full independence to the Territory.

Mouvement de libération de Djibouti

53. MLD was established in January 1964 with headquarters at Diredawa, Ethiopia. The aim of the movement is the total liberation of the Territory from French colonial domination. MLD envisages the establishment of an independent and sovereign nation, in which all citizens would be free and equal, and the strengthening of co-operation on a basis of equality among all the countries of the horn of Africa. In the view of MLD, united action by all political parties and movements of the Territory is a necessity not only for true national independence, but also for consolidation of the building of a politically stable and economically prosperous nation. Without such unity, according to MLD, the Territory would be prey to hatred, confrontation between different groups, fratricidal war, destruction of the nation, the advent of a new colonialism and the disappearance of the country from the map of the world.

2. Political parties and groups

54. As at 1 January 1977, the political parties in the Territory were identified as follows: Union nationale pour l'indépendance (UNI); Ligue populaire africaine pour l'indépendance (LPAI); and Mouvement populaire de libération (MPL), the parliamentary opposition group.

#### Union national pour l'indépendance

55. UNI, which was the government party until July 1976, is an outgrowth of the Union démocratique Afar (UDA) and the Union et progrès dans l'ensemble français (UPEF). The leaders of UNI, including Mr. Ali Aref Bourhan, former President of the Government Council, were enthusiastic defenders of the French presence in the Territory from 1958 to 1976. Since 1976, UNI has advocated independence of the Territory through peaceful negotiations with France. To that end, UNI has favoured consultations among all parties established within the Territory. The party has firmly opposed any outside intervention in the Territory's affairs. It has demanded guarantees from Somalia and Ethiopia to preserve the Territory's independence and sovereignty.

#### Ligue populaire africaine pour l'indépendance

56. LPAI has evolved through several phases and is a combination of several parties. The Ligue populaire africaine (LPA) was formed on 28 February 1972 as a result of a merger between the Ligue pour l'avenir et l'ordre (LAO), led by Mr. Ahmed Dini Ahmed, the Union populaire africaine (UPA), led by Mr. Hassan Gouled Aptidon, and the Rassemblement du peuple Issa (RPI). Mr. Hassan Gouled, former acting Vice-President of the Government Council, had also been the leader of the party known as Défense des intérêts économiques et sociaux du territoire (DIEST), established in 1958. Finally, in February 1975, LPA and Action pour la justice et le progrès (AJP) merged to form LPAI, the leaders of which are Mr. Hassan Gouled, President, Mr. Moumen Bahdou, Vice-President and Mr. Ahmed Dini, spokesman. The central aim of the programme of LPAI is immediate independence for the Territory; until December 1975, it was the only legal opposition party.

#### Mouvement populaire de libération

57. The party was established in December 1975 by young civil servants, most of whom belonged to the Afar ethnic group. The party favours immediate and complete independence of the Territory without foreign intervention and lists the following as the political content of independence: political and social transformation; power to the people; a political programme for education, health and housing; laws to protect women; development of the cultural heritage of the two nationalities; regulation of commerce.

58. The leader of MPL is its President, Mr. Mohamed Kamil Ali.

#### Parliamentary opposition

59. The parliamentary opposition is a political group consisting of 24 members of the territorial Chamber of Deputies, which has a total of 40 members. It was the parliamentary opposition which withdrew its support from Mr. Ali Aref, President of the Government Council, and thereby caused his resignation in 1976.

60. The parliamentary opposition group, whose principal leader is Senator Barkat Gourad, addressed a memorandum to the OAU Mission on 30 April 1976, in which the group called for the resignation of the Ali Aref Government; suspension of the proposed referendum with a view to making better preparations; abrogation of the law on citizenship and adoption of a new nationality law; revision of the electoral law and of the voting and registration processes; formation of a coalition Government, including all the political groups of the Territory; establishment of a constitutional committee presided over by a neutral figure; transformation of the Chamber of Deputies into a constituent assembly; and the holding of a referendum to approve the constitution of the future State.

E. French military presence and the strategic importance of the Territory

1. French military potential at Djibouti

61. According to estimates of the French press in 1975, French forces at Djibouti numbered 7,000 to 8,000 men, consisting of the following units:

(a) Two motorized regiments of the army, supported by a regiment of artillery and a detachment of transport or manoeuvre helicopters;

(b) The Fifth Overseas Mixed-Forces Regiment, with AMX-13 combat tanks equipped with anti-armour missiles;

(c) The Thirteenth Half-Brigade of the Foreign Legion, with AML-90 armoured reconnaissance units and anti-tank missiles; and

(d) The Sixth Regiment, with its self-propelled 155-mm cannon and anti-aircraft batteries.

62. A total of more than 3,000 men are supported by a detachment of Puma manoeuvre helicopters and attack helicopters armed with anti-tank missiles. There is also a company of 500 men of the Second Foreign Parachutist Regiment, detached from France; a permanent police force supported by local auxiliaries and reinforcements sent from metropolitan France; and an indigenous nomad group consisting of 500 locally recruited goumiers, who are commanded by marine officers and non-commissioned officers and who hold a score of posts in the interior.

63. In 1975, according to the same sources of information, air force personnel was of the order of 600 persons; the principal operational aircraft consisted of about 10 F-100 Super-Sabre jet fighters, six Norathas transport aircraft, observation aircraft and Alouette helicopters.

64. Permanently stationed at Djibouti itself are three combat units, including the missile-launching patrol boat La Combattante, supported by landing craft and a Bréguet-Atlantique anti-submarine aircraft. These forces are regularly supplemented by the presence of other ships on temporary assignment. The Djibouti garrison could be aided in case of need by some 15 warships (3,500 men), which patrol the northern and southern Indian Ocean.

## 2. Strategic importance of the Territory

65. French Somaliland derives its entire strategic importance from the geographical position it occupies. The town of Djibouti dominates the Territory from the strategic, economic and political points of view. Djibouti is not only one of the best equipped ports in the region, but is also an international airport and the terminus of a railway line, which has linked Addis Ababa to the Red Sea since 1917.

66. The strategic importance of the naval base at Djibouti was emphasized by Mr. Ali Aref, former President of the Government Council, when he declared, in 1973, that from that base the French Navy could control the cross-roads between the Mediterranean Sea, the Red Sea and the Indian Ocean. Moreover, according to a study published in Revue française d'études politiques africaines (February 1973), the political balance both in the Middle East and in eastern Africa required the maintenance of the status quo in the Red Sea. Consequently, the study concluded, the status of the Territory was of interest not only to neighbouring States, but also to all of the great Powers, inasmuch as it guaranteed the maintenance of freedom of navigation in the Red Sea.

### III. QUESTION OF THE INDEPENDENCE OF THE TERRITORY

#### A. Referendums of 1958 and 1967

67. At the time of the referendum of 28 September 1958, Mr. Mahmoud Harbi, who was at that time the Vice-President of the Government Council and also the leader of the Rassemblement démocratique Somali (RDS), had called upon the voters of French Somaliland to reject the French Constitution. After the referendum, Mr. Harbi was relieved of his functions.

68. When President Charles de Gaulle visited the Territory on 25 and 26 August 1966, it was reported that large numbers of demonstrators waving banners and chanting "independence" collected at the airport and in the streets. Violent clashes broke out between demonstrators and the security forces and President de Gaulle was forced to cancel his planned, open-air speech.

69. In his address to the Territorial Assembly, President de Gaulle said:

"The banners we have seen and the agitation of those who were carrying them are not sufficient to express the democratic will of this French Territory. It is possible that one day, by democratic means, the Territory will express a different opinion from that which it has expressed up to now ... If therefore one day - everything is conceivable - by regular and democratic means the Territory were to express a different opinion as regards its destiny, France would take note of it ...". 12/

70. A few weeks later, on 9 and 14 September 1966, serious incidents broke out in the Territory; a number of persons were killed and wounded, many were arrested and a curfew was imposed.

71. On 15 September 1966, President de Gaulle, meeting with his ministers, following his return to France, was reported to have said:

"The population must know what it wants and then say so by democratic means; France will know what conclusions to draw. We lived without Djibouti for a long time. We have obligations towards our compatriots, and we are ready to assume them and continue to play our part. But if the people want to separate from us, France will not place any obstacles in their way." 13/

72. On 21 September 1966, following a meeting of the French Council of Ministers, it was announced that, in view of the internal and external situation of French Somaliland and having regard to the provisions which could be made by law with regard to its status and destiny in relation to the general interests of the Republic, in application of Title II of the Constitution, the Government had decided that the people of the Territory should be directly consulted on the subject by means of a referendum before 1 July 1967.

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12/ Official Records of the General Assembly, Twenty-first Session, Annexes, addendum to agenda item 23, document A/6300/Rev.1, chap XII, para. 48.

13/ Ibid., para. 61.

73. Before the referendum was held, France made it known that it intended to revise the statute of the Territory to give it a wider degree of self-government. Accordingly, the wording of the question in the referendum was: "Do you want the Territory to remain within the French Republic with the renewed governmental and administrative status whose essential elements have been made known to you?" <sup>14/</sup>

74. The results of the referendum, held on 19 March 1967, were as follows: number of voters registered, 39,312; votes cast, 37,221; in favour of maintaining the association with France, 22,555; against, 14,666.

75. When the results of the referendum were announced, violent demonstrations broke out at Djibouti, causing the death of at least 20 persons. A state of emergency and a curfew were decreed, and all meetings of more than five persons were prohibited.

76. On 26 March 1967, the Parti du mouvement populaire (PMP) and five Somali leaders, including Mr. Ahmed Idriss Moussa and Mr. Hassan Gouled, resigned from the Government and withdrew from the political life of the Territory. They accused the authorities of having falsified the results of the referendum.

77. The French National Assembly ratified the results of the referendum on 13 June 1967. The Assembly also approved a proposal to change the name of French Somaliland to the "French Territory of the Afars and the Issas" and to change the title of Governor of the Territory to that of High Commissioner. The law amending the statute of the Territory was published on 3 July 1967 (see para. 42 above).

#### B. Visit of President Georges Pompidou

78. In the period following the referendum, opposition to Mr. Ali Aref's Government gradually increased. In 1973, prior to the visit of President Pompidou to the Territory, the members of the opposition, including Mr. Hassan Gouled and Mr. Ahmed Dini, addressed a memorandum to Mr. Pompidou, in which they complained that there was no democratic freedom in the Territory. Their statement said in part:

"The administration does not serve the population but is at the disposal of a group in power. Because the administration is biased and has no arguments, it rejects any dialogue with the Opposition.

"Not only are democratic freedoms not guaranteed, they are flouted. In addition to its moral and psychological impact as a 'wall of shame', the barbed-wire barricade which cuts our capital off from the rest of the Territory is an obstacle to freedom of movement within a country, a right recognized by the Declaration of Human Rights. The country's political future has been non-existent since the state authorities in the Territory,

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<sup>14/</sup> Journal Officiel de la Côte française des Somalis, 31 January 1967, Decree No. 67-73 of 26 January 1967, article 1.

whose duty it is to safeguard fundamental freedoms, have relinquished their responsibility in favour of a political party which organizes local elections as it pleases and, in certain regions of the Territory, takes possession of the constituents' votes by force and intimidation without allowing the voters the slightest choice in the exercise of casting their ballot. This is clearly inconsistent with the French presence, since France should ensure the implementation of its own laws, whether they are electoral ...". 15/

79. President Pompidou visited the Territory from 15 to 17 January 1973. During a press conference at Djibouti, Mr. Pompidou said that his trip was intended to give the people of the Territory the certainty that the presence of the French Republic would not be called into question and that what that presence would mean to them would be security and aid for the development of the Territory.

### C. Demands for independence

80. Prior to the elections to the Chamber of Deputies in November 1974, the question of the independence of the Territory had become a major issue between the government party and the opposition.

81. Explaining his position on the question of independence, Mr. Ali Aref stated in Le Monde in October 1974 that he considered that there would first have to be a clear understanding between the Afar and Issa ethnic groups and guarantees that would safeguard the independence of the Territory in the face of the territorial claims of Somalia and Ethiopia. He declared that "so long as those annexationists aims exist, we shall take shelter behind French colonialism in order to defend our right of self-determination".

82. The leaders of LPA, on the other hand, in a bulletin published before the elections, demanded complete independence for the Territory. At the elections held on 18 November 1974, however, the government candidates, under the leadership of Mr. Ali Aref, won all 40 seats in the Chamber of Deputies. This led the opposition to denounce the fraudulent electoral practices of Mr. Ali Aref and his friends, who were members of the Union et progrès dans l'ensemble français and the Regroupement Issas dans l'ensemble français. To the French authorities, however, the elections showed that the right of self-determination had been clearly exercised by the peoples of the Territory, who had freely chosen to remain with the French Republic.

83. During 1975, the situation in the Territory deteriorated steadily as a confrontation developed between the Government, led by Mr. Ali Aref, and the opposition, led by LPAI. On 25 and 26 May and on 1 and 2 June, violent demonstrations and clashes between different sections of the population took place at Djibouti and many people were expelled from the Territory. The Government accused the opposition of instigating the violence and the leaders of the opposition accused the Government of what they called police repression and "abusive expulsion".



84. Towards the end of the year there began to appear reports of assassinations, attempted assassinations, police operations, searches and expulsions from the Territory. On 5 December, Mr. Ali Aref escaped an attempt on his life and, on 18 December, two children were killed by Mr. Ali Aref's bodyguards.
85. To show its growing strength, LPAI organized several large public demonstrations, one of the most successful of which took place on 21 December 1975.
86. In a statement released on 31 December 1975, the French Government affirmed that the Territory was destined for independence and specified the ways and means of attaining that end. The Government said that it had a duty "to ensure the Territory's accession to international sovereignty by maintaining the integrity of its boundaries, ensuring its security and preserving the dignity of its peoples". <sup>16/</sup> The French Government declared that to that end it was ready "to guarantee the integrity and security" /of the Territory/ and would endeavour to obtain the necessary guarantees from the countries directly concerned and from international or regional bodies. While assuring the people of the Territory of their right to self-determination, France would work out solutions designed to ensure that the new State would take its place in the international community under the best possible conditions and would pursue its development in friendship and co-operation with France. Furthermore, France was prepared to enhance the economic prospects of the future State by helping it to remain a maritime outlet for part of East Africa and by ensuring that communication and trade guarantees were preserved.
87. The French Government therefore called upon the political leaders of the Territory, within the framework of local institutions, to define collectively the constitutional and democratic principles which would guarantee the right of the minorities.

#### D. Developments in 1976

88. On 3 February 1976, four armed individuals claiming membership in FLCS kidnapped 30 children between the ages of 6 and 12 years who had been travelling on a school bus in a suburb of Djibouti. After removing an adult from the bus, the kidnapers drove towards the Somali frontier, where they were halted by a road block.
89. FLCS claimed responsibility for the kidnapping of the children, and listed the following conditions for their release: unconditional independence involving no foreign participation; dismantling of the entire existing colonial system; and release of all political prisoners. These demands were accompanied by threats of execution of the hostages in the event of a refusal by the French authorities.
90. After unsuccessful attempts to negotiate, the French authorities in the Territory launched an operation to liberate the children. The assault on the bus,

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<sup>16/</sup> Ibid., Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. XIV, annex, para. 30.

which enabled the French soldiers to release the children, resulted in the death of seven persons: one child, the four kidnapers and two Somalis who had joined them on board the bus during the negotiation attempts. There were also a number of injured among the children and the French soldiers. The rescue operation led to charges by Somalia that France had violated its territory, causing the death or injury of its nationals. At the request of France (S/11961) and Somalia (S/11969), 17/ the Security Council met on 18 February 1976 to consider the incident (S/PV.1889). 18/

#### 1. Plans for independence

91. Soon after this event, on 12 March 1976, in an article in Le Monde it was reported that in regard to the future of the Territory, the French Government planned to consult the people by referendum and that it had decided on the following:

(a) The arrangement for the referendum should be agreed upon among the various elements of the population, taking into account various views and political trends in the Territory;

(b) The international organizations concerned, the United Nations, OAU and the League of Arab States, would be allowed to send observers;

(c) The maintenance of a French military base would not be a pre-condition for the independence of the Territory, although France would be prepared to maintain a military presence after independence if the Government of the new State wished it to do so.

92. On 5 April 1976, Mr. Jean François-Poncet, Secretary of State for Foreign Affairs, held a press conference at Paris following visits to Cairo, Addis Ababa, Mogadiscio and Kampala. He announced at that time that the referendum would probably be held before the end of the year and would be preceded by consultations between the French authorities and the various political groups in the Territory. Elections would follow completion of the referendum. An OAU mission and observers would be invited to the Territory. France would make the new State an offer of co-operation, particularly military co-operation.

93. During this period, differences with Mr. Ali Aref in his policy regarding the future of the Territory led to a series of resignations. Mr. Mohammed Djama Elabe, Minister of Public Works, Transport and Tourism was the first to resign, followed by Mr. Ahmed Aouled Ali, Minister for the Civil Service, who declared that "the Government of Mr. Ali Aref Bourhan no longer meets the aspirations of the great

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17/ For the printed text, see Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976.

18/ See S/PV.1889. See also Official Records of the Security Council, Thirty-first Year, Supplement for January, February and March 1976 (documents S/11974, S/11977 and Add.1, S/11979 and S/11987). See also S/11988 and S/11989.

majority of the population". 19/ Mr. Abdellahi Ahmed Gad, the deputy for Djibouti at Paris, also resigned and 19 of the 40 members of the Chamber of Deputies declared themselves opposed to the policies of Mr. Ali Aref.

94. On 25 May 1976 a series of meetings was held at Paris with the leaders of the principal political groups in the Territory (UNI, LPAI and the parliamentary opposition) and Mr. Olivier Stirn, Secretary of State for Overseas Departments and Territories, to discuss the future of the Territory.

95. Following three series of meetings that ended on 4 June, Mr. Stirn declared that the leaders of the groups participating in the talks had agreed to sign the following text:

"The three delegations declared that they wanted the future State to have genuine independence, with maintenance of respect for its sovereignty and its territorial integrity. The delegations wished that that independence, proposed by France, should be recognized by international organizations and neighbouring States. After independence, the delegations would favour co-operation agreements between the new State and France. The delegations took note of the French Government's decision to present and put to the vote at the current session [of the National Assembly] a draft law abrogating the provisions of article 161 of the Nationality Code, with retroactive effect for the period from 1942 to 1963. The delegations took note of the French Government's willingness to issue official identity cards and identity documents before the consultation, even for persons recognized to be foreigners. For the coming electoral consultations, the delegations, each for its own part, approved the provisions of the law ensuring an equitable balance of the population and ensuring that only persons born in the Territory or of territorial origin would be allowed to take part in the consultations; finally, in the event of a change of government, they declare themselves favourable to the formation of a lasting union Government, to which they will give their participation and support." 20/

## 2. Reactions of the political leaders in the Territory

96. In the Territory there were varied reactions to Mr. Stirn's declaration that he had reached agreement with three of the political groups. According to Mr. Ahmed Dini Ahmed, LPAI had always favoured genuine action that could lead the Territory to independence by peaceful means. He considered that an important advance had been made in obtaining the French Government's agreement to amend the nationality law. Mr. Barket Gourat Hamadou, leader of the parliamentary opposition, said that his delegation was satisfied with the results of the meetings, since it had initially called for amendment of the nationality law.

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19/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. II, chap. XIV, annex, para. 24.

20/ Le Réveil de Djibouti, 12 June 1976.

97. Mr. Omar Farah Iltireh, President of UNI, stated that the meetings had not achieved the results envisioned. Nevertheless, he supported the declaration, which the other delegations had also signed. His delegation expected to sit down as a "round-table" to discuss matters in detail and to help the people achieve the national unity of the Territory.

98. Mr. Ali Aref, President of the Government Council, stated that, so far as he was concerned, there was no agreement, for the simple reason that the "round-table" talks envisaged had not yet taken place. He felt that a problem of ethnic groups existed in the Territory. He also expressed regret at the fact that there had not been a genuine round-table discussion at which everyone would have been able to state his views clearly. Lastly, he believed that the French Government should hold a consultation (referendum) to ascertain whether or not the people wished to accede to independence. If the response were positive, the Government should arrange for the establishment of a constituent assembly responsible for preparing and proclaiming the independence of the Territory.

### 3. Nationality problem

99. The Paris declaration provided for the abrogation of article 161 of the nationality code. The text of that article states:

"In the French Territory of the Afars and the Issas, articles 23, 24, 44, 45, 47 and 52 of this Code shall be applicable only to those persons at least one of whose parents had French nationality".

Until 1932, the concept of jus solis had been applied: every person born in the Territory was virtually regarded as French. Beginning in 1932, it no longer sufficed to be born in the Territory in order to be French; it was necessary to have resided there during the five years preceding a person's coming of age. In 1963, French nationality was recognized only in the case of those persons born in the Territory of French parents, under the concept of jus sanguinis. A report issued by the Population Service 21/ gave the following illustration of the confused situation:

"An indigenous person born in the Territory of the Afars and the Issas in 1945 of parents unable to give proof of their French nationality is: (a) virtually a French subject at birth, according to the decree of 16 June 1937; (b) a 'potential citizen' (citoyen en puissance) on 1 June 1946 according to the law of 7 May 1946; (c) a foreigner on 1 July 1953, but with the possibility of becoming French upon coming of age (article 44 of the Nationality Code) if he resides in French Somaliland from the age of 16 until the age of 21; (d) a foreigner on 1 August 1963 by virtue of the law of 8 July 1963, with no possibility of access to French nationality."

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21/ La nationalité française dans le T.F.A.I., Service d'Etat de la Population, Djibouti, July 1974, p. 9.

100. According to newspaper reports, between 1971 and 1973 a systematic record (not officially published) of the population had been carried out under the direction of Mr. Magendie. This record, known as the "Magendie file", estimated the distribution of voters in the Territory at 39,000 Issas, 35,000 Afars and 19,000 Somalis. The official figures at that time, however, were the reverse: 30,000 Afars, 15,000 Issas, 4,000 Somalis, 2,500 Arabs and 1,500 Europeans. Some press articles suggested that the Magendie file had been set aside at the request of Mr. Ali Aref, with the agreement of France, to ensure that the Issa-Somali group did not become the majority group in the Territory.

101. With the new amendment of the nationality law as applied to the Territory, it was expected that, on the basis of the Magendie file, the figures for the distribution of the population between the two major ethnic groups of the Territory would be reversed.

#### 4. Resignation of Mr. Ali Aref

102. Following the publication of the Paris declaration, UNI split into two factions. Mr. Ali Aref declared that Mr. Omar Farah Iltireh, President of UNI, who had signed the Paris document, had been deluded. On 9 June 1976, the Leadership Committee of UNI disavowed its President for having signed "a semblance of an agreement concerning the future of the Territory" and declared that his signature "commits no one but himself, and we do not recognize this alleged agreement as having any validity".

103. With the split in the party, Mr. Samod Farah Khaire, previously a supporter of Mr. Ali Aref, decided to join the opposition, thereby bringing their number to 20, compared with 19 who supported Mr. Ali Aref; one European deputy had refused to participate in the political voting.

104. Since a motion of censure tabled on 15 April 1976 had failed to win a majority, according to the rules no new motion of censure could be discussed in the Chamber of Deputies for three months, until 15 July. However, Mr. Ali Aref declared in Paris that he would not wait for the deposition by a motion of censure to relinquish power and that he was prepared to withdraw "in the higher interests of the nation".

105. During the night of 9 to 10 July, there was a violent clash between the supporters of Mr. Ali Aref and some members of LPAI; 16 persons were killed and 64 were injured.

106. In the face of this deteriorating situation, Mr. Camille d'Ormano, the High Commissioner, in a letter dated 15 July, called upon the President of the Government Council to convene the Chamber of Deputies in an extraordinary session on 22 July 1976 to discuss: (a) the restoration, by one of the procedures stipulated in Law 67-521 of 3 July 1967 (articles 14, 35 and 36) of an equitable representation of the communities in the Government Council; and (b) the decision of the Chamber of Deputies on a draft order of the High Commissioner establishing a consultative commission responsible for facilitating the issue of identity cards and the review of the electoral lists, and the decision on the manner in which the deputies would be represented in that commission.

107. Mr. Ali Aref refused to convene the Chamber because he saw no urgent need to take action on the first question. In his view, the Government Council lacked the minimum number of ministers and could not hold meetings. Furthermore, he alleged that the Chamber of Deputies did not have the statutory competence to take a decision on the High Commissioner's proposal concerning the issue of identity cards.

108. Subsequently, the exchange of letters which took place on 16 July between the High Commissioner and the President of the Government Council brought to the fore their fundamental disagreement on the action to be taken in the prevailing circumstances.

109. The High Commissioner insisted on the convening of the Chamber of Deputies because he considered that the improper representation of ethnic groups in the Government Council was at the very heart of a political situation whose tragic effects had been manifested at Djibouti on 10 July 1976. That situation, according to the High Commissioner, had also made it impossible for the Government to function properly.

110. After taking note of the refusal of the President of the Government Council to comply with the provisions of article 28 of the law of 3 July 1967 relating to the convening of the Chamber of Deputies, the High Commissioner decided to convene the Chamber in extraordinary session on 22 July.

111. On 17 July 1976, after eight years at the head of the territorial Government, Mr. Ali Aref resigned as President of the Government Council of the Territory. Previously, he had served for more than seven years as Vice-President of the Government Council, presided over at that time by the Governor of the Territory.

#### 5. New Government Council

112. The election of a new President of the Government Council, which was to take place on the morning of 29 July, was delayed by last-minute difficulties resulting from a dispute between the partisans of Mr. Ali Aref of UNI and the members of the parliamentary opposition. One hour after the beginning of the meeting, the 17 UNI deputies walked out of the Chamber of Deputies as a protest against what they called the "illegal" list of members of the Government Council proposed by Senator Barkat which included members of LPAI and of the parliamentary opposition. The UNI members considered that . Abdallah Mohamed Kamil, Secretary-General of the Government, who had been proposed as the head of the Government Council, was ineligible since he was not a member of the Chamber of Deputies. At the end of the day, after a heated meeting, Mr. Kamil was elected President by the unanimous vote of the 24 members present. The UNI deputies had been absent. In a dramatic reversal, the new Government Council of 10 members comprised three Afars and seven Issas.

113. In his address to the Chamber, Mr. Kamil appealed for harmony and promised that the barbed wire barrier surrounding the town would be dismantled.

114. After the election of Mr. Kamil, the High Commissioner, in response to criticisms, issued the following clarification:

"(1) On the evening of 28 July, the Vice-President of the Chamber of Deputies refused to accept the list submitted by Mr. Abdallah Mohamed Kamil;

"(2) That refusal was confirmed by the same authority on 29 July at the opening of the extraordinary session of the Chamber of Deputies, even though an order dated 29 July of the Conseil de contentieux, convened at the request of Mr. Abdallah Mohamed Kamil, had ruled that that refusal was illegal because it was in excess of the Vice-President's powers;

"(3) Upon being informed of that refusal, the High Commissioner, being responsible for the functioning of the Territory's institutions and for public order, ordered the Presiding Officer to receive Mr. Abdallah Mohamed Kamil's list and to hold a vote on it;

"(4) Since the Presiding Officer disregarded the order, the High Commissioner declared that Mr. Abdallah Mohamed Kamil's list was accepted. Upon being informed that the Presiding Officer had irregularly and without cause adjourned the meeting, since the previous bureau had been removed, and in implementation of article 12 of the rules of procedure, he had instructed the senior member to proceed to appoint a permanent bureau which would, in accordance with the agenda, arrange for an election based on the list of candidates presented". 22/

#### E. Paris conference on the future of the Territory

115. Following the announcement on 10 February 1977 by the Secretary of State for Overseas Departments and Territories, the "round-table" conference on the future of French Somaliland convened at Paris on 28 February. Participants in the conference comprised a delegation of the territorial Government, led by Mr. Kamil, as President of the Government Council; a delegation of the parliamentary majority group; and representatives of LPAI, FLCS and a dissident faction of UNI. Those not represented were the UNI faction supporting Mr. Ali Aref, MPL and MLD.

116. At the conclusion of the first phase of the conference, agreement was reached on several points. The referendum would be held in the Territory on 24 April 1977, as proposed by the French authorities and agreed to by all the participants, and independence would be proclaimed between 20 and 30 June 1977. Thus the new State, which would probably be called the Republic of Djibouti, would be formally admitted to OAU in early July at the summit meeting of that organization at Libreville.

117. The remaining problems to be settled included the question of the French-Ethiopian railway, which is used by Ethiopia in accordance with the terms of a 1959 treaty between Ethiopia and France. Under the treaty, Ethiopia enjoys certain privileges, including access facilities to the port of Djibouti, even in time of war, and customs advantages. In the view of the participating delegations from the Territory, the very fact of independence would make the treaty invalid and they would therefore demand its renegotiation.

118. Another problem concerned the arrangements for holding the general elections. At the last elections held in 1973, the Territory was divided into cercles. The territorial participants at the Paris conference had expressed the wish to change that arrangement.

F. Establishment of a single list of candidates

119. At the end of March, OAU organized a meeting at Accra of all the political parties in the Territory with a view to bringing about national unity before independence.

120. All the political groups, including UNI, MPL and MLD, which had refused to take part in the Paris conference, attended the meeting at Accra. Despite the various differences, it was agreed that a national patriotic front would be formed which would set up a national co-ordinating committee (also referred to as a national council) to resolve the differences of the political groups on the question of the issue of identity cards, and to prepare the referendum and elections.

121. On 1 April 1977, the French Government issued a decree dissolving the Chamber of Deputies and another decree providing for the election of 65 members to the new Chamber of Deputies with the Territory as a single electoral district. A limitation was placed on the functions of the new Chamber of Deputies.



#### IV. INTERNATIONAL CONCERN FOR THE FUTURE OF THE TERRITORY

##### A. Question before the United Nations

122. In 1946, France, as administering Power, undertook to transmit information under Article 73 e in respect of 17 Territories, including French Somaliland. The information on French Somaliland was subsequently considered each year by the Special Committee on Information from Non-Self-Governing Territories.

123. Following the adoption of the Loi-Cadre in 1956 (Act No. 56-619 of 23 June 1956), constitutional changes were introduced in the Territory (Decree No. 57-813 of 22 July 1957), as a result of which the French Government considered French Somaliland to have become autonomous and therefore ceased transmission of information as of 1957. 23/

124. In 1965, on the recommendation of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly decided to include French Somaliland in the list of Territories to which the Declaration applied. 24/

125. Between 1966 and 1975, the General Assembly adopted three resolutions on the question of French Somaliland: resolutions 2228 (XXI) of 20 December 1966; 2356 (XXII) of 19 December 1967; and 3480 (XXX) of 11 December 1975.

126. In its resolution 2228 (XXI), the General Assembly, inter alia, reaffirmed the inalienable right of the people of French Somaliland (Djibouti) to self-determination and independence in accordance with General Assembly resolution 1514 (XV); called upon the administering Power to ensure that the right of self-determination should be freely expressed and exercised by the indigenous inhabitants of the Territory on the basis of universal adult suffrage and with full respect for human rights and fundamental freedoms; requested the administering Power, in consultation with the Secretary-General, to make appropriate arrangements for a United Nations presence before, and supervision during, the holding of the referendum; requested the Secretary-General to transmit the text of the resolution to the administering Power and to report on its implementation to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

127. In its resolution 2356 (XXII), the General Assembly, inter alia, regretted that the administering Power had not co-operated with the United Nations in the application of resolution 1514 (XV) and had not implemented resolution 2228 (XXI); called upon the administering Power to create the political conditions necessary for accelerating the implementation of the right of the people to self-determination

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23/ Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 36, document A/4096/Add.1, sect. A.

24/ Ibid., Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chap. I, paras. 63-64.

and independence, including the full exercise of political freedoms, and to allow the return of all refugees to the Territory; and urged the administering Power to co-operate fully with the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and with the United Nations in accelerating the process of decolonization in the Territory and to grant independence to the inhabitants at an early date.

128. In its resolution 3480 (XXX), the General Assembly considered that the situation in the Territory could become a threat to peace and stability in the region and might affect adversely international peace and security unless an urgent solution to it were found; called upon the administering Power to create the necessary conditions in order to accelerate the process of independence of the people of the Territory by effecting the release of political prisoners and the return of the representatives of the liberation movements recognized by OAU and of all refugees; called once again upon the Government of France to grant immediate and unconditional independence to the people of the Territory and to withdraw all its military forces; called upon all States, particularly the administering Power and the neighbouring States, to refrain from any action, unilateral or otherwise, which might alter the independence and territorial integrity of the Territory; called upon all States to renounce any and all claims to the Territory and to declare null and void any and all acts asserting such claims; urged all Member States, the specialized agencies and other organizations within the United Nations system, in co-operation with the administering Power, to render all possible moral and material assistance to the people of the Territory; and requested the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territory under active consideration, including the dispatch of a visiting mission to the Territory, and to report to the General Assembly at its thirty-first session on the implementation of the resolution.

129. When the Fourth Committee took up the question of French Somaliland in 1976, the representative of France recalled 25/ that, on 11 February 1976, his Government had reaffirmed its intention to lead the Territory to independence with full respect for the principle of self-determination. The people of the Territory would be asked to express their choice through a referendum, in accordance with the French Constitution and in the presence of observers from the United Nations, OAU and the League of Arab States if those organizations so desired.

130. He recalled the results of the meetings held in June of that year and stated that, with regard to the political organizations which had remained outside the Territory, his Government would not exclude anyone who wished to participate by peaceful means in the task of national reconciliation. In addition to fostering internal union, his Government had held meetings with the neighbouring States and OAU for the purpose of obtaining assurances regarding respect for the territorial integrity of the future State and the creation of a calm and co-operative climate.

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25/ Ibid., Thirty-first Session, Fourth Committee, 14th meeting.

131. The representative of France indicated that, in preparation for the independence process, the electoral lists had been revised in keeping with the provisions of the new nationality law (see paras. 99-101 above); a referendum would be held in the spring of 1977, to be followed by the establishment of a constitutional assembly and, finally, after the National Assembly in France had acted on the results of the referendum, the Territory would accede to independence during the summer of 1977. It would thus be eligible for membership in the Organization at the thirty-second session of the General Assembly.

132. Mr. Abdallah Mohamed Kamil, speaking before the Fourth Committee 26/ in his capacity as President of the Government Council of the Territory, said that his Government wanted the Territory to accede to independence in a union of all political tendencies. The people of the Territory were determined to overcome the sterile ethnic conflicts that had been maintained by colonialism; they were ready to form a unified nation which, in its laws, would not take account of the ethnic origin of its citizens.

133. Once the new State was established, it would be necessary to preserve its independence. Fortunately, the annexationist claims that had been made in respect of his country no longer existed. The new State would not allow external interference to jeopardize its sovereignty, and it did not want any country to have the right to have the excuse of acting to protect it from another State. All that his country asked was that the two neighbouring countries should solemnly declare in the United Nations and elsewhere that they recognized his country's right to exist as an independent entity. Those two Powers should also undertake to refrain from interfering in the internal affairs of the new State. For its part, the new State intended to pursue a policy of friendship and good neighbourliness towards its neighbouring brother countries and towards all countries which recognized its independence and accepted its friendship.

134. On the recommendation of the Fourth Committee, the General Assembly subsequently adopted resolution 31/59 (see para. 1 above).

## B. Position of Ethiopia and Somalia

### 1. Ethiopia

135. In a memorandum dated 8 June 1965 from the Permanent Mission of Ethiopia addressed to the Special Committee on the Situation with regard to the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Government of Ethiopia stated its position concerning the Territory (A/AC.109/122). 27/ In the

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26/ Ibid.

27/ Ibid., Twenty-first Session, Annexes, addendum to agenda item 23, chap. XII, annex III.

view of the Ethiopian Government, there were three main points to consider: (a) for many centuries the coastal area of Djibouti had formed an integral part of Ethiopia; (b) viewed geographically, Djibouti was part of the territorial unit formed by Ethiopia; and (c) the territory of Djibouti was economically dependent upon Ethiopia.

136. Ethiopia considered that the term "French Somaliland" had been coined and derived from the dismemberment of a number of African countries by colonial Powers, which had invented new names to denote artificially created territorial entities. Ethiopia therefore called the Territory Djibouti.

137. In May 1976, the Provisional Military Government of Ethiopia communicated to the Special Committee a memorandum setting out its views on the independence and future of the Territory of Djibouti. <sup>28/</sup> In the memorandum, the Ethiopian Government affirmed the inalienable right of the people of Djibouti to self-determination and independence. Thus the future of the Territory should be based on the choice of the people. If they chose independence, Ethiopia would be happy to live with an independent Djibouti, whose sovereignty would be assured by its membership in OAU. Because of the complex web of independence and mutuality of interests with the Territory, Ethiopia believed that the Territory's independence was compatible with its interests and therefore it supported the genuine independence, unity, territorial integrity and continued existence of Djibouti as a sovereign State.

138. Concerning the solution of the problem, it was stated in the memorandum that the Government of Ethiopia considered it the responsibility of OAU to assist the Territory in the period both before and after independence. In the period before independence, OAU should especially assist in the creation of a united front of all political factions inside and outside the Territory and ensure that independence was attained in peace. OAU should also request from both Ethiopia and Somalia a specific undertaking of renunciation of any and all claims to the Territory of Djibouti, in compliance with the provisions of the resolution (CM.Res.431/Rev.1) adopted by the Council of Ministers of OAU at its twenty-fifth ordinary session, held at Kampala in 1975 (see A/10297, annex I), and of General Assembly resolution 3480 (XXX) (see para. 128 above). In addition, OAU should request such other undertakings as may be required to respect the territorial integrity of the Territory, to refrain from actions designed to alter its independent statehood and to desist from interfering in the national affairs of the Territory, and particularly to abandon attempts to change the demographic composition of the Territory.

139. In an interview published in *Le Monde* of 5 June 1976, the Ethiopian Minister for Foreign Affairs was quoted as having said that he found it encouraging that France had decided to hold a referendum and that practically all political groups in the Territory were now asking for independence.

140. He stated that Ethiopia had not based its policy regarding Djibouti on support for a particular political figure, but on support for independence for the people

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<sup>28/</sup> *Ibid.*, Supplement No. 23 (A/31/23/Rev.1), chap. VII, annex V.

as a whole. The Government of Ethiopia, he continued, was co-operating with all political groups, on condition that they represented the true interests of the people. Ethiopia therefore hoped that the representatives of the people of Djibouti would be able to resolve their differences and would be able to accede to independence in unity because that unity would be a guarantee of their security after independence. It was hoped that the leaders would realize that they were responsible for the interests of their people and should not allow foreign Powers to take advantage of ethnic differences.

141. During the debate on this question in the Fourth Committee at the thirtieth session of the General Assembly, the representative of Ethiopia recalled 29/ the statement made by the Chairman of the Provisional Military Administrative Council of Ethiopia on his country's policy with respect to the Territory, that the Provisional Military Government did not believe that Ethiopia's policy posed any difficulty to the independence of the Territory. "Whatever historical rights Ethiopia might have had in this area she recognizes that these are overridden by the right of the people to self-determination and independence." He stated that there was no law or provision in Ethiopian legislation asserting any claim to the Territory. He reaffirmed that Ethiopia believed that the future destiny of the Territory should be based on the free choice of the people and that, if independence were their choice, Ethiopia would accept that and would be happy to live with an independent neighbour whose sovereignty would be assured by its membership in OAU.

## 2. Somalia

142. In a memorandum dated 25 May 1965 from the Minister for Foreign Affairs of Somalia, addressed to the Special Committee, the Somali Government set out "the Somali Republic's intentions towards the Territory" (A/AC.109/121). 30/

143. According to the memorandum:

"The Somali Republic's intentions are the reintegration of all territory inhabited by the Somali peoples into one nation-State, the Somali Republic, on the basis of the right of self-determination of the people of the Territory.

"However, the Somali Republic firmly believes in the need to ensure that the expression of opinion of the people of the Territory should be a free and genuine one. Hence, it will be necessary for the United Nations to guarantee this right by a plebiscite, conducted by the United Nations within the Territory, and free from all outside pressure in whatever form." 31/

144. To that end the Somali Government urged the following action as a matter of urgency.

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29/ Ibid., Thirtieth Session, Fourth Committee, 2172nd meeting.

30/ Ibid., Twenty-first Session, Annexes, Addendum to agenda item 23, chap. XII, annex II.

31/ Ibid., paras. 37-38.

145. The United Nations should:

(a) Affirm that French Somaliland is a Non-Self-Governing Territory to which resolution 1514 (XV) of 14 December 1960 applies;

(b) Affirm the right of the people of French Somaliland to self-determination, in accordance with their freely expressed wishes;

(c) Call upon France to grant immediate independence to the Territory, within the spirit of the resolution of the General Assembly and the Charter of the United Nations, and to withdraw its armed forces, officials and all other instrumentalities of control over the people of French Somaliland;

(d) The United Nations should call upon all other States to abstain from all forms of pressure direct and indirect, calculated to distort the free expression of the right of self-determination of the people;

(e) The United Nations should, immediately upon the granting of independence to the Territory, assume the administration of the Territory for a period of two years so as to allow the formation of a political consensus within the Territory as to its future;

(f) The United Nations should, during the period of administration, permit the return to the Territory of all those people who, during the past 10 years, have been expelled or exiled from the Territory by the French, subject to a proper United Nations scrutiny of their genuine association with the Territory.

146. In the course of the meetings of the Special Committee held at Mogadiscio and at Addis Ababa from 2 to 8 June 1966, 32/ the representative of Somalia said that his Government had taken the initiative in requesting that the question of French Somaliland should be placed on the agenda of the Special Committee, since it was fully satisfied that it was a Non-Self-Governing Territory to which General Assembly resolution 1514 (XV) applied and since, as a State Member of the United Nations, the Somali Republic had a special responsibility to ensure that the resolution was applied to Territories inhabited by Somali people under colonialist rule.

147. During the debates on the subject in the Fourth Committee at the thirtieth session of the General Assembly, the representative of Somalia 33/ said that, since his country's attainment of independence in 1960, the attitude of successive Somali Governments with respect to the future of the Territory had not changed. Their sole wish was to see the people of the Territory free and independent in unity under the flag of their choice and, as his Government had on numerous occasions stated and reaffirmed, it had no intention of annexing the Territory. His

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32/ For an account of the meetings, see ibid., chap. II.

33/ Official Records of the General Assembly, Thirtieth Session, Fourth Committee, 2170th and 2172nd meetings.

Government's sole interest was in the liquidation of colonialism from French Somaliland and the restoration of the legitimate and inalienable right of the people of that Territory to decide their ultimate destiny independently in a free and democratic manner devoid of any presence or interference from any quarter or from any country no matter what vital interest that country may claim to have in shaping the future of French Somaliland. 33/

148. Speaking in the Fourth Committee during the thirty-first session of the General Assembly, the delegations of Ethiopia and Somalia recalled in detail the views they had expressed in the past. They welcomed the commitment by the administering Power to a time-table and a programme for the independence of Djibouti and insisted that this commitment be executed without delay. 34/

### C. Organization of African Unity

149. During the twelfth ordinary session of the Assembly of Heads of State and Government of OAU, held at Kampala in 1975, the Conference congratulated Ethiopia and Somalia for their respective declarations in respect of total independence and their avowed non-involvement in the internal affairs of the Territory, and called upon them to renounce any claims they might have on the Territory.

150. During the twenty-sixth ordinary session of the Council of Ministers, held at Addis Ababa in February 1976, OAU decided to send a mission to the Territory. The OAU Fact-Finding Mission, which comprised Egypt, Guinea, Liberia, Mozambique, Senegal, Uganda, the United Republic of Tanzania and Zaire, visited the Territory in May. The Mission submitted its report to the OAU meeting of Heads of State held in June at Port Louis. 35/

151. The Mission found, inter alia, that all parties concerned stated categorically that they wanted independence for so-called French Somaliland (Djibouti), and they agreed that independence should be attained through constitutional means. All the concerned parties both in the Territory and outside had misgivings concerning the forthcoming referendum and elections proposed by France. They were ready to accept a referendum and subsequent elections after certain questions had been resolved (for example, the nationality question, revised electoral rolls, participation by all political parties, liberation movements, release of political prisoners and supervision by OAU). All the political parties and liberation movements were agreeable to the participation of all genuine citizens of the Territory in the referendum and elections.

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34/ For details of the views expressed on the matter during the General Assembly at its thirty-first session, see ibid., Thirty-first Session, Plenary Meetings, 22nd, 24th, 28th and 30th meetings; and ibid., Fourth Committee, 14th, 16th, 17th, 20th, 21st, 23rd and 27th meetings.

35/ Report of the OAU Fact-Finding Mission to so-called French Somaliland (Djibouti), OAU CM/759/XXVII, 1976, mimeographed.

152. In its resolution CM/Res.480 (XXVII) (see A/31/269, annex), the Council of Ministers of OAU reaffirmed the resolutions adopted in 1975 at Kampala calling on neighbouring States to renounce any claims they might have to the Territory (see A/10297, annex I), and approved the recommendations contained in the report of the OAU Fact-Finding Mission sent to the Territory, as well as the declaration of the OAU Co-ordinating Committee for the Liberation of Africa; it also reaffirmed the inalienable right of the people of the Territory to self-determination and called upon all States to refrain from interfering in the internal affairs of that Territory and deplored "the manoeuvres that have hitherto hindered the independence of ... Djibouti". The Council of Ministers also urged "all the political parties and groups and the two liberation movements recognized by OAU (FLCS and LMD) to accept a round-table conference on neutral grounds under the auspices of OAU to agree on a common political platform before the referendum". In the preambular part of the resolution, the Council of Ministers registered the solemn declaration of the leaders of the Ethiopian and Somali delegations before the Council affirming, on behalf of their respective Governments, their will to recognize, respect and honour the independence and sovereignty of so-called French Somaliland (Djibouti) and its territorial integrity after its accession to independence.

153. The resolution was subsequently approved by the Assembly of Heads of State and Government of OAU at its thirteenth ordinary session, held at Port Louis in July 1976.

#### D. Non-aligned countries

154. The Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976, adopted a political declaration in which it, inter alia, expressed "its deep concern over the critical situation prevailing in the so-called French Somaliland (Djibouti)" and reaffirmed "the inalienable and sacred right of the people of the Territory to self-determination and the immediate accession to genuine and unconditional independence" (A/31/197, annex I, para. 37). The Conference endorsed the resolution adopted by OAU (see para. 152 above), and called on all parties concerned urgently to undertake steps for the implementation of that resolution, as well as the resolution adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima in August 1975 (A/10217, annex I, resolution I). It also demanded that "France urgently take the necessary measures for the creation of a conducive atmosphere for ensuring a peaceful, just and democratic process leading to immediate and unconditional independence and, to that end, to allow the return of the national liberation movements recognized by OAU in accordance with United Nations General Assembly resolution 3480 (XXX) before a referendum, in order to freely participate in the political life inside the Territory".

#### E. League of Arab States

155. On 17 March 1976, a spokesman for the League of Arab States announced at Cairo, that the League whole-heartedly supported independence for Djibouti. The League also requested its Secretary-General to approach the Government of France regarding the organization of a referendum as soon as possible. In addition, the League decided to send to Djibouti a fact-finding mission composed of Algeria, Jordan, Kuwait and the Libyan Arab Jamahiriya.



V. ORGANIZATION OF THE REFERENDUM AND THE ELECTIONS

A. Legislation organizing the referendum

156. Law No. 76-1221 of 28 December 1976 (see A/32/107/Add.1, annex I.A) established the conditions for the holding of a referendum in the Territory within six months of the date of the publication of the law, and stipulated that within six months thereafter the French Parliament should decide on the action to be taken on the results of the referendum.

157. The law provided that indigenous inhabitants of the Territory whose names were entered on the electoral roll would be eligible to participate in the referendum. In addition, persons registered as non-indigenous inhabitants would be eligible to vote provided that they could furnish proof of actual residence in the Territory during the three years prior to the referendum.

158. Provision was also made for the establishment of a Commission de contrôle des opérations électorales (Commission for the Supervision of Electoral Procedures), composed of 12 members of the judiciary appointed by the First President of the Court of Cassation, with responsibility for ensuring the freedom and authenticity of the referendum. It would also be required to ensure that the polling arrangements were in compliance with the appropriate laws and regulations.

159. The functions of the Commission were, inter alia: (a) to draw up the list of the political parties eligible to participate in the electoral campaign; (b) to ensure that electoral propaganda documents and documents containing information on the purpose and scope of the referendum were displayed on signboards reserved for that purpose and were distributed to each voter; and (c) to ensure that teams of polling officers were appointed in a proper manner and that voting procedures, the scrutinizing of ballot papers and the counting of votes were carried out in accordance with regulations.

160. Following the closure of the polls, the Commission was to meet to prepare a report on the conduct of the referendum, which it was to transmit without delay to the Commission de recensement et de jugement (Returns and Adjudication Commission), appointed by decree, on the proposal of the heads of the civil service corps and consisting of a Councillor of State, as chairman, a judge of the Court of Cassation, and a senior official of the Audit Office. This Commission was responsible for collating the reports of the polling stations, ruling on petitions challenging the results, which might be brought before it by any voter within four days following polling day, and on the observations made in the reports; and taking a final decision on the results of the referendum, announcing the results and publishing them not later than 10 days following polling day.

161. Two supplementary decrees dated 28 March 1977 established the arrangements for the popular referendum in the Territory. Under Decree 77-340 (see A/32/107/Add.1, annex I.B), voters eligible to participate in the referendum were required to answer "yes" or "no" to the following question: "Do you wish the French Territory of the Afars and the Issas to become independent?"

162. This decree also established the composition of the polling teams, the arrangements for the campaign, the participation of the political parties and procedures for contesting the regularity of the polling procedures. It also authorized the High Commissioner of the Territory to establish the necessary polling stations. In view of the fact that the referendum took place simultaneously with the elections to the Chamber of Deputies, the polling arrangements are outlined in paragraphs 173 to 178 below.

163. By Decree 77-341 (see A/32/107/Add.1, annex I.C), 8 May 1977 was set as the date of the referendum.

#### B. New nationality law and its effects

164. Under Law 76-662 of 19 July 1976 (see A/32/107/Add.1, annex I.D), article 161 of the Code of French Nationality ceased to have effect with regard to the Territory. This amendment abolished from 10 August 1976 the previously required condition (contained in article 161) that a person would be considered a French national only if one of his parents were a French national. This condition, introduced in 1963, had barred all persons born in the Territory after 1 August 1942 from becoming French nationals unless one of their parents were a French national. By abolishing this condition, persons born in the Territory after 1 August 1942 could, in general, acquire French nationality by submitting a declaration to the competent authorities.

165. The process of issuing new identity cards in accordance with this law and with Decree 76-821 of 25 August 1976 (see A/32/107/Add.1, annex I.E) began on 23 September 1976 and ended on 31 January 1977. By that date, 93,226 persons were in receipt of a French nationality identity card. Of this number, 40,296 had received the cards before 3 December 1975; 41,799 received them during 1976; and 11,131 received them during the first month of 1977. Thus, in effect, the application of the new nationality act doubled the number of persons holding French identity cards. The increase resulted from new claims, the issue of identity cards to persons who previously had been unable to qualify, the inclusion of a large number of the nomad population and a more systematic registration.

166. According to the French authorities, all ethnic groups benefited from the application of the new act. However, the Allogènes, in particular the Issac and the Gadaboursi, benefited the most from the new procedure.

167. The application of the new nationality act gave rise to some criticism and reservations. According to the Ethiopian authorities, some 12,000 Afars, who had been entered on the electoral roll, failed to receive their identity cards. The Somali authorities declared that the nationality act was based on a colonial concept since it related to French nationality. They recognized, however, that the new act enabled all those born after 1942 to regain their nationality.

C. Election to the Chamber of Deputies

168. In accordance with Law 77-51 of 20 January 1977, by decree of 1 April 1977 of the French Government (see A/32/107/Add.1, annex I.F), the Chamber of Deputies of the Territory was dissolved. Order 77-355 of the same date (see A/32/107/Add.1, annex I.G) increased the number of representatives of the Chamber of Deputies from 40 to 65 members, and provided that they would be elected from the Territory as a whole, as a single electoral district.

169. The election was to be by scrutin de liste (list) and by majority vote in a single round of balloting without splitting of votes or preferential voting. (This meant that each voter could cast only a single vote for the list of his choice and all the candidates on the list obtaining a majority of the votes would be elected.)

170. Each list of candidates was required to contain the names of 65 persons, of whom 29 had to be residents of or registered voters in the district of Djibouti; 12 residents of or registered voters in the cercle of Tadjourah; 12 residents of or registered voters in the cercle of Dikhil; 6 residents of or registered voters in the cercle of Ali Sabieh; and 6 residents of or registered voters in the cercle of Obock.

171. Although all the political groups in the Territory were free to put forward a list of candidates, finally only a single joint list was put forward by the Rassemblement pour l'indépendance (RPI), a national front, comprising, on an individual basis, members of LPAI, the parliamentary majority, FLCS, UNI and MLP.

172. Both the French authorities and OAU had been in favour of such a list with a balance between the geographical, political and ethnic distribution of the population, because they hoped that it would strengthen national sentiments and promote a rapprochement among the different political tendencies.

D. Organization of polling stations and voting procedures

173. Since the election to the Chamber of Deputies was to take place simultaneously with the referendum, the organization of the polling stations and the voting procedures (established by the territorial authorities and set out in a circular dated 26 April 1977) followed the requirements that had been established for the referendum.

1. Polling arrangements

174. In each polling station there was to be a polling table, one or more "discharge" tables and one or more polling booths. The basic legislative texts and notices of the referendum were to be displayed in the polling station.

175. On the polling table, behind which the members of the polling team were to

sit, two ballot-boxes were to be placed, one for the referendum and the other for the election to the Chamber of Deputies.

176. The envelopes and the ballot papers for the two polls were to be placed on the discharge tables.

177. In each polling station, there was to be at least one polling booth, the purpose of which was to shield the voter from public view while he placed his ballot paper in the envelope.

178. On 21 April 1977, by order 475/CAB/SELAG, the High Commissioner established the number and location of the polling stations. One hundred and three stations were established: 41 in the district of Djibouti; 20 in the cercle of Tadjourah; 12 in the cercle of Obock; 12 in the cercle of Ali Sabieh; and 18 in the cercle of Dikhil (see A/32/107/Add.1, annex V).

179. Subsequently, the time for the opening and closing of the polls was set at 7 a.m. to 6 p.m. throughout the Territory. By an order dated 29 April, the High Commissioner closed the land and sea frontiers of the Territory with effect from midnight on Saturday, 7 May 1977, until midnight on Sunday, 8 May 1977.

## 2. Members of the polling team

180. Each time was to comprise a chairman, at least four assistant polling officers and a secretary. The chairman was to be appointed by order of the High Commissioner from among the voters able to read and write. The secretary was to be appointed by the chairman of the polling team. The assistant polling officers were to be appointed by the candidates for election to the Chamber of Deputies and by the representatives of the political parties eligible to participate in the campaign leading up to the referendum.

181. The members of the polling team were to direct and supervise the voting procedures and to decide provisionally on any difficulties which might arise. Its deliberations were to be secret. Its decisions, which were to be taken by a majority of the members and to be accompanied by a statement of reasons, were to be announced orally by the chairman. They were also to be included in the report. In the event of a tie vote, the chairman was to have a casting vote. In the deliberations of the polling team, the secretary was to have only an advisory voice.

## 3. Representatives of the parties and the lists of candidates

182. Each of the lists of candidates for election to the Chamber of Deputies and each of the political parties eligible to participate in the campaign leading up to the referendum was to be entitled to demand that a representative and an alternate, if any, for each list or each party, be present at all times in each polling station.

183. The representatives were to observe the conduct of the balloting. For that

purpose, they were empowered to supervise all voting procedures, the counting of ballots and the tally of the votes. The representatives were not polling officers. They were, however, able to make observations, protests and challenges relating to the various voting operations and to demand their inclusion in the report.

#### 4. Voting procedures

184. The detailed procedures established by the circular are briefly summarized below.

185. Each voter was required to vote separately for the referendum and the election. On entering the polling station he first had to show his identity card and his voter registration card. Once these had been checked and his name duly noted in the voters' registration list, he was given the two referendum ballots (a white one with "Yes" and a pink one with "No") and the corresponding blue envelope. He then proceeded to the polling booth where he placed the ballot of his choice in the envelope. After being identified by his voter's registration card, he then cast his envelope in the ballot box marked "Referendum". He was then handed the green ballot containing the list of candidates together with the corresponding beige envelope. He again entered the polling booth where he could place the ballot in the envelope to cast his vote in favour of the list. If he wished to vote against the list, he could cross out one or more names on the ballot before putting it in the envelope or decide to cast an empty envelope. He was identified for a second time before casting his envelope in the ballot-box marked "Election to the Chamber of Deputies".

#### 5. Counting of the votes

186. Under the established procedure, the preliminary counting of the votes was to be carried out in five steps: (a) designation of tellers; (b) determination of the number of voters participating in the vote; (c) opening of the ballot boxes; (d) counting of the envelopes and then the ballots; and (e) determination of the number of valid votes.

187. Each polling team was required to submit separate reports on the voting in the referendum and in the elections to the Chamber of Deputies. Each report was to include information on: (a) the number of registered voters; (b) the number of voters participating in the vote; (c) the number of void ballots; the number of valid ballots; (d) for the referendum, the number of "yes" and "no" ballots and, for the election, the number in favour of the list. The reports also were to include a record of any complaints made by the voters or the representatives of the political parties, as well as actions taken by the polling team on any incidents during the voting.

188. For the referendum, the first copy of the report on the voting, together with the required documents, was to be sent to the Returns and Adjudication Commission. For the elections, the first copy was to be sent to the specially established Commission de recensement général de votes (Returns Commission). In addition, a copy was to be sent to the High Commissioner and a copy to the administrative officer of the district who was responsible for sending the voting results by telegraph to the authority concerned.

## VI. CONSULTATIONS WITH THE ADMINISTERING POWER

### A. Meetings in New York

189. During its meetings with Ambassador Leprette in New York, the Mission sought further information on the situation in the Territory and details on the provisions regarding the referendum and elections to the Chamber of Deputies. It also raised the question of the appointment of additional observers to assist the Mission, as well as the possibility of meeting with the political leaders of the Territory.

#### 1. Information on the referendum and elections

190. The Mission was informed that, following the round table conference in Paris and in accordance with the agreement reached among the political parties, the date of the referendum had been set for 8 May and that elections to a new Chamber of Deputies would take place the same day. Following the referendum, if the people of the Territory expressed themselves in favour of independence, the French Parliament would enact the necessary legislation and the Territory would become independent on 27 June 1977.

191. In response to the Mission's request, it was provided with the relevant legislative texts governing the referendum and the elections, including the amendment to the nationality law. As to the Mission's request for information on the number and locations of the polling stations, this information would be made available to it in Paris.

#### 2. Appointment of additional observers

192. On the basis of available information on electoral processes in the Territory, it was anticipated that some 100 polling stations would be set up for the voting on 8 May. The Mission therefore informed Ambassador Leprette that, in order for it to carry out its mandate, that is to observe the electoral process so as "to ensure that the principle of self-determination in the Territory is carried out smoothly and in the most democratic manner", the three members of the Mission would need to be assisted by additional staff appointed as observers under its authority. Ambassador Leprette said that, from the outset, his Government had understood that the United Nations Mission would comprise only three to five members as the observers. The question of the appointment of additional observers had never been raised in the preliminary consultations. Had it been suggested that more observers would be required, the composition of the Mission would have been discussed on a different basis. Furthermore, as the facilities in the Territory were limited, the Territorial authorities had expressed the hope that the size of the Mission would be kept as small as possible. He also suggested that the size of the Mission's staff should be limited to not more than five Secretariat members.

193. When it was pointed out by the Mission that the three members would not be able to observe all the polling stations, Ambassador Leprette said that, in the view of the French Government, the mandate of the Mission "to observe" the referendum and the elections did not require the Mission to visit all the polling stations to supervise the polls. Two special commissions, each headed by a judge, had been set up; one was to supervise the electoral procedures and to ensure that they conformed to the law; the other was to certify the results. To the extent possible, the facilities in the Territory would be made available to the Mission to visit different polling stations in order to see the whole process. The Mission would be free to select the time and locations of the polling stations it wished to observe. Nevertheless, as the facilities of the Territory were limited, the Mission might have to share the transportation and other facilities with the OAU observer Mission and/or with members of the international press who were expected to be in the Territory also to observe the voting. On the basis of Ambassador Leprette's remarks, the Mission decided not to pursue the matter of additional observers. In order to facilitate the task of the Administering Power in receiving the Mission in the Territory, it was decided that the Secretariat staff should comprise the minimum essential to its needs.

3. Question of meeting with the political parties  
in the Territory

194. The Mission informed Ambassador Leprette that, in order to carry out its mandate, the Mission wished to make itself available to the political parties in the Territory in order to hear their views on the referendum and elections and requested the French authorities to assist in this matter by informing the parties concerned. Ambassador Leprette said that he would convey the Mission's request to his Government.

B. Consultations with the French Government in Paris  
and with authorities in the Territory

195. On the day of its arrival in Paris, the Mission met with the following officials of the Ministry of Foreign Affairs: Mr. Jean Soutou, Secretary-General, Ministry of Foreign Affairs; Mr. Guy Georgy, Director for African and Malagasy Affairs; Mr. Henri Ourmet, Acting Director, United Nations and International Organizations Department; Mr. Harel and Mr. Faure, Secretaries for Foreign Affairs, Office of African and Malagasy Affairs; Mr. Fels, Technical Adviser, Office of the Minister for Foreign Affairs; and Mr. Auchère, Foreign Affairs Adviser, United Nations and International Organizations Department. Mr. Pottier, Technical Adviser, Office of the State Secretary for Overseas Departments and Territories, also attended these meetings.

196. During the above meetings, the Mission was informed that Mr. Ali Aref had on that day made a statement announcing his unqualified support of the list of candidates put forward by RPI and of Mr. Hassan Gouled Aptidon, who headed the list (see A/32/107/Add.1, annex II). In his statement, Mr. Ali Aref also called

upon all the citizens of the country, "whatever their ethnic group or their political orientation" and his Afar sympathizers in particular, to join with him in supporting President Hassan Gouled in the building of the Djibouti nation.

197. At the conclusion of the meetings, the Mission received documents containing information on the number of identity cards issued in the Territory; the number of registered voters; a map showing the number and location of the polling stations; the names of the political parties in the Territory; and the text of Mr. Ali Aref's statement.

198. On the following day, the Mission met with Mr. Olivier Stirn, Secretary of State for Overseas Departments and Territories, and held a working session with the following officials of the secretariat: M. Ferret, Director, Office of the State Secretary for Overseas Departments; M. Pottier, Technical Adviser; M. Chaussade, Director for Overseas Territories; and M. Robinet. M. Ibrahim, the Paris representative of the Territory, also attended these meetings.

199. During the working session, the French officials further explained the way in which the application of the new nationality law had effectively doubled the size of the electorate. They also answered questions and explained the referendum and electoral procedures. The Mission was assured of the complete co-operation of the French authorities in the Territory to enable it to carry out its mandate fully in accordance with its own wishes. To this end, the High Commissioner had been instructed to do his utmost to make the necessary facilities available to the Mission. Nevertheless, as the facilities of the Territory were limited, the French authorities expressed the hope that the Mission would understand the difficulties involved.

200. On the day after its arrival in the Territory, the Mission, together with the missions of OAU and the League of Arab States, met with the High Commissioner, Mr. Camille d'Ornano, and other officials, including the Deputy High Commissioner, Mr. A. Loyzance and Mr. P. Hugo, the Chef de Cabinet. The meeting was devoted mainly to a briefing on the polling arrangements on 8 May, followed by a discussion on the facilities available to the three missions to enable them to observe the voting.

201. Further documentation was provided to the Mission, including the final list of the polling stations and the list of candidates of RPI (see A/32/107/Add.1, annexes IV, V and VI).



## VII. OBSERVATION OF THE REFERENDUM AND ELECTIONS

### A. Conditions affecting the electoral process

#### 1. Difficulties of transportation

202. As has been noted previously, the Territory has an area of 23,000 square kilometres, with a coastline of 800 kilometres. Its frontiers with Ethiopia extend over 400 kilometres and those with Somalia 60 kilometres. Apart from the newly constructed road, which links the Ethiopian Assab-Addis Ababa road to Dikhil, there are two other main roads, one linking Djibouti town with Ali Sabieh and the other linking Djibouti with Tadjourah and Obock. Many parts of the country can only be reached by paths or roads which often become impassable after the rains. Some polling stations therefore had to be moved when they became inaccessible after a heavy rainfall. Because of the long distances involved, the only way in which the more remote stations could be visited during the one day of the polling was by helicopter.

203. Although the administering Power and the local administration had tried to set up the polling stations in the most accessible places, in some areas the nomads had to travel considerable distances (up to 30 kilometres) to reach the nearest polling station. The authorities had therefore rented trucks from the Truck Drivers' Union and shuttle services were run during the day of the voting along routes established by the commanders of each cercle where transportation was most needed. Six trucks were assigned for this service in the Ali Sabieh cercle; 10 in the Dikhil cercle; 12 in the Tadjourah cercle and 6 in the Obock cercle. Each of these trucks had a capacity of 30 to 40 passengers and operated all day. In addition, in the Djibouti district, the route from Loyada on the Somalia border to Damerjos was served by two buses running all day. All transportation was provided free and, in addition, free food was made available in some areas for nomads coming from long distances. Both of these facilities - transport and food - were essential if the voters were to exercise their voting rights.

#### 2. Difficulties arising from the complexity of the electoral procedures

204. A further problem arose from the fact that the voters were called upon to cast two different ballots, one after the other, involving two ballot papers for the referendum, one of which was to be discarded, and one ballot paper for the election to the Chamber of Deputies. The Mission was told that a double balloting procedure had been adopted to accommodate the wish of the majority leaders of the Territory, primarily because of the administrative and physical difficulties involved in bringing in the nomad population from long distances for a second voting exercise within a short period of time.

205. According to the information provided by the administering Power, of the 12,000 pupils enrolled in school, 90 per cent were in primary grades and only

10 per cent in secondary and technical schools. Moreover, the education programme had been improved only in fairly recent years so that the over-all, territory-wide literacy rate among the adult population was estimated at around 30 per cent. At many polling stations, however, the Mission found that the literacy rate was considerably lower, especially in the outlying areas and among the nomad population. There was therefore an inevitable gap between what were, in the circumstances, rather sophisticated legal procedures enacted by the administering Power and the capacity of many of the electors to grasp and implement these procedures while exercising their voting rights.

### 3. Distribution of population and registered voters

206. The distribution of the population in the five administrative units and the number of voters inscribed on the electoral rolls are shown below.

<u>District and cercles</u>	<u>Population</u>	<u>Registered voters</u>	<u>Percentage of population registered</u>
Djibouti district			
Town			
Total	125 000 <sup>a/</sup>	51,809	42.40
Tadjourah <u>cercle</u>			
Town	3,500		
Total	30,000	17,830	59.43
Obock <u>cercle</u>			
Town	1,500		
Total	15,000	9,125	60.83
Ali Sabieh <u>cercle</u>			
Town	4,500		
Total	15,000	9,200	61.33
Dikhil <u>cercle</u>			
Town	3,000		
Total	30,000	17,998	60.00
Territorial total	215,000	105,962	49.28

<sup>a/</sup> Stabilized population. In addition, there is an estimated floating population of 40,000.

B. Observation of the referendum and elections

1. Facilities provided by the administering Power and organization of observer teams

207. From the outset the High Commissioner had informed the missions of the United Nations, OAU and the League of Arab States that every effort would be made to provide them with the necessary facilities to enable them to go where they wished and when to observe the voting on the day of the referendum. Nevertheless, owing to the need for special security measures, the transportation facilities that could be made available to the observation teams were limited. Each mission would have at its disposal three automobiles for surface travel and one three-passenger helicopter for travel to the Tadjourah, Obock and Dikhil cercles. The High Commissioner suggested that, in addition to covering the Djibouti electoral district by automobile, the observers could also travel by the same means to observe the voting in the Ali Sabieh cercle, where the network of roads made land travel possible.

208. Following joint consultations, the three missions decided to set up mixed teams of observers in order to make maximum use of the facilities provided and to cover the largest possible number of the polling stations.

209. The three helicopters were assigned to three mixed teams, with one observer from each mission, to visit all the polling stations in the Obock, Tadjourah and Dikhil regions. Because of the long distances involved in the Ali Sabieh region, the missions decided to request the High Commissioner to provide a fourth helicopter for a mixed team to visit that district. As no additional helicopters could be spared, the High Commissioner provided the missions with a four-passenger Broussard plane. With the additional aircraft an itinerary was worked out whereby four observer teams were able to visit the outlying areas. The three chairmen, together with their respective teams, covered the Djibouti electoral district. The addition of the light plane made it possible for the three chairmen also to visit Obock, Tadjourah and Dikhil in the afternoon. As the United States Mission had only three observers, the Chairman assigned two Secretariat members to the mixed teams.

2. Observation of the voting

210. One United Nations Member participated in each of the four mixed teams which visited the main population centres in the Ali Sabieh, Obock, Tadjourah and Dikhil cercles. These teams all left Djibouti soon after 7 a.m. One member also participated in the afternoon trip which the three chairmen had intended to make together.

211. To facilitate its work, the United Nations Mission adopted a checklist of points for observation. With this list as a guide, the observers checked on the set-up of the polling stations, the composition and conduct of the polling teams, the participation and activities of the political parties, the degree to which the

voting procedures complied with those set out in the official circular (see A/32/107/Add.1, annex I.H), the attitudes of the voting population and the presence and conduct of French security forces.

(i) Itinerary

(a) Ali Sabieh cercle

212. Travelling by helicopter, the mixed team, comprising one United Nations, one OAU and one League of Arab States representative assigned to cover the Ali Sabieh cercle, observed the polling stations and voting procedures at eight of the total of 12 stations. These were the polling stations at Goubetto, Ali-Adde, Guistir and Assamo, both stations at Holl-Holl and two out of the four stations located in the town of Ali Sabieh. The team returned to Djibouti soon after noon.

(b) Dikhil cercle

213. The mixed team assigned to cover this area visited 11 out of the 18 stations in the cercle. The stations visited were those located at Gorabous, Abba, Koutabouya, As Eyla, Galafi, Gaggade, the two stations at Yoboki and three at Dikhil. This team returned to Djibouti at around 6 p.m.

(c) Obock cercle

214. The mixed team assigned to cover this area observed all 12 of the established polling stations in the following order: Khor Angar, Lahassa, Moulhoule, Andoli, Alaili, Dada, Daddato, Gorolita, Waddi, Assassane, Medeho and Oroburu. The team returned to Djibouti late in the afternoon.

(d) Tadjourah cercle

215. The mixed team assigned to cover this cercle observed 10 out of the total of 20 polling stations. The stations observed were those located at Dorra, Malaho, Daimoli, Bouya, Moudo, Assa Gayla, Bodoni, Dafanaitou, Randa and Tadjourah. The team had planned to visit all the stations in the cercle and would have completed this task except for an incident that occurred at Randa. Here, while the team was observing the polling procedures at the polling station, an explosion occurred a short distance away in which four children were hurt. As one child's hand was torn and another also needed immediate medical attention, the team offered its helicopter to take the children to Djibouti hospital. After the incident, the polling station was immediately closed at the request of one of the party representatives, who suggested that the incident had been deliberately provoked. The team had to wait two hours for the return of the helicopter and, as it had to return to Djibouti by 6.15 p.m., it went directly from Randa to Tadjourah and returned from there to the capital. Except for this one incident at Randa, where the polling station was later reopened, all the polling at the stations visited proceeded normally.

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(e) Visit by the chairmen to Obock and Tadjourah

216. As the Chairman of the United Nations Mission did not return in time for the visit with the Chairmen of OAU and the League of Arab States, a member of the Secretariat participated instead. This team used the light Broussard plane and observed the voting stations located at the school at Obock and two of the four polling stations at Tadjourah. As at Tadjourah, the plane had to use the landing strip located 15 minutes away, and so the trip took longer than had been anticipated. As a result, and because of the time limitation, the team did not visit Dikhil.

(f) Djibouti district and town

217. There were no transportation problems in Djibouti, and each mission carried out its own observations.

218. The Chairman himself visited three of the five polling stations in Djibouti district in the morning, namely, Wea, d'Arta and Dorale. He also attempted to visit the polling station at Chebelley, but his jeep was unable to reach it because the river was in spate. The round-trip distance travelled involved over 140 kilometres and, because of road conditions, the trip took the whole morning.

219. The Chairman, assisted by Secretariat members, visited 33 of the centres in Djibouti town in the afternoon.

(ii) Conduct of the voting

220. At all the polling stations, voting had begun early and continued throughout the day. In Djibouti town, the voting was particularly heavy and the High Commissioner decided to order the polling stations to remain open for an additional hour (until 7 p.m.), in order to accommodate the crowds who were still waiting to vote at 6 p.m. It was evident that the population had been well informed beforehand.

221. The United Nations Mission was able to observe 77 of the 103 polling stations. At all of the stations visited by the Mission, it was evident that the polling teams were well acquainted with the procedures and, with a few minor exceptions, the physical arrangements conformed to what was required under the law. Polling teams executed their duties efficiently. Having been informed in advance of the procedures by the political parties, the voters were alive to the importance of exercising the vote and did so in an orderly manner. The turnout of voters in Djibouti city was heavy throughout the day, while in the more remote districts male voters were predominant in the forenoon and women showed up in larger numbers in the afternoon.

222. The few minor departures from strict compliance with the legal requirements were traceable to inadequate understanding of the complex procedures by a few of the polling teams or by the voters. The procedures were admittedly complex for an electorate, many of whom while exercising the vote for the first time were also

being called upon to decide and cast two ballots, one for a referendum and another for an election to a legislature. It was all the more commendable in that this special franchise was being exercised by voters whose level of literacy was well below 10 per cent, especially outside the towns. Those omissions which did occur were rectified as soon as attention was drawn to them. These minor variations from the legal requirements would have made no difference of substance in the final result.

223. The Mission was particularly impressed by the fact that the entire exercise was conducted by chairmen and polling teams drawn exclusively from the local population. The French police and security forces were unobtrusive and appeared to be deliberately excluding themselves from any form of participation or intervention in the voting procedures, leaving this exclusively to local officials.

(iii) Results of the vote

224. The Mission was not able to observe the counting of the votes in the outlying area of Obock, Tadjourah, Dikhil and Ali Sabieh as the helicopters were required to return to Djibouti before dark (about 6.15 p.m.). However, the Mission was able to visit four of the polling stations in Djibouti to get an impression of the vote counting by sampling.

225. In general, the complicated procedures required by the regulations were followed by the polling teams and the counting of the registered voters as well as of the ballots was done with careful attention. As in the case of the voting, it appeared to the Mission that, even if minor deviations had occurred, these would not have affected the final results. The majority voted overwhelmingly in favour of independence and in support of the single list of candidates.

(a) Referendum

226. According to the final results as reported by the Returns and Adjudication Commission, 94.5 per cent of those voting in the referendum answered "yes" to independence. The final official figures are as follows:

Registered voters	110,954
Number of persons voting	79,789
Invalid votes	931
Yes	75,405
No	204
Votes not accepted ( <u>Suffrages non retenus</u> )	3,249

No official detailed figures on the voting by each electoral cercle have been made available to the Mission. As a matter of interest, however, the preliminary results which the Mission received in the Territory are shown in the table below. The detailed preliminary figures on the voting at each polling station are contained in annex VII to the present report.

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Preliminary voting results on the referendum  
 held on 8 May 1977

<u>Cercle</u>	<u>Registered voters</u>	<u>Number of votes cast</u>				<u>Per cent</u>	
		<u>Yes</u>	<u>No</u>	<u>Invalid</u>	<u>Total</u>	<u>Participation</u>	<u>Yes</u>
Djibouti	51,809	47,451	69	288	47,808	92.3	99.3
Tadjourah	17,830	7,314	55	273	7,642	42.9	95.7
Obock	9,125	6,682	63	37	6,782	74.3	98.5
Ali Sabieh	9,200	7,698	0	4	7,702	83.7	99.9
Dikhil	17,998	11,963	18	66	12,047	66.9	99.3
Total	105,962	81,108	205	668	81,981	77.4	98.9

(b) Elections

227. According to the preliminary results, 92.3 per cent of those participating in the vote supported the list of candidates put forward by RPI. The voting by each electoral cercle is shown in the table below.

Preliminary voting results in the election  
 to the Chamber of Deputies

<u>Cercle</u>	<u>Registered voters</u>	<u>Number of votes cast</u>		<u>Per cent</u>	
		<u>Total</u>	<u>For RPI</u>	<u>Participation</u>	<u>For RPI</u>
Djibouti	51,809	47,486	44,896	89.6	94.5
Tadjourah	17,830	7,600	5,804	42.6	76.4
Obock	9,125	6,744	5,972	73.9	88.6
Ali Sabieh	9,200	7,695	7,689	83.6	99.9
Dikhil	17,998	12,024	10,934	66.8	90.9
Total	105,962	81,549	75,295	76.1	92.3

C. Statements on the results of the referendum and elections

1. Statement by Mr. Hassan Gouled

228. On the day after the voting, Mr. Hassan Gouled received the Mission. He asked the Mission to convey to the United Nations the gratitude of his Government for providing an international presence. He also personally thanked the Mission for the way in which it had carried out its mandate.

229. He said that the results showed that nearly 80 per cent of the population had voted without pressure for independence. The new State, to be called the Republic of Djibouti, looked forward to joining the international community as a member of

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the United Nations. Independence, however, marked only the beginning, which would be followed by a period of national reconstruction. In that process, his country would need the assistance of the international organizations. Mr. Hassan Gouled's written statement which was handed to the Mission, appears in A/32/107/Add.1, annex VIII.

## 2. Statements by UNI and MPL

230. At a press conference held on 9 May at Djibouti, representatives of UNI and MPL criticized the "impression" that had been created at the polls by the simultaneous balloting on the referendum and on the elections to the Chamber of Deputies. They also said that there had been irregularities in the voting.

231. Mr. Ahmed Youssouf, the Secretary-General of UNI, said that his party was nevertheless satisfied with the results of the referendum. It had not tried to mobilize the people to vote against the list of candidates to the Chamber of Deputies, in order not to create further confusion. In some areas, however, there had been a large number of abstentions as a result of his party's position. He also charged that identity cards had not been properly distributed to all the nomad population and that, in some areas, the ballot boxes had been stuffed with the green ballots before the voting started.

232. Mr. Kamil Ali, Secretary-General of MPL, charged that at least some 40,000 Somalis had been "infiltrated" into the Territory to change the ethnic balance. Moreover, prior to the elections, the Government had commandeered all means of transport to prevent UNI and MPL members from moving around to contact people. The voting had also been affected by the fact that the chairmen of the polling teams had been members of LPAI or friends of Mr. Ali Aref who all helped LPAI.

### D. Further stages of the independence process

233. Following the elections, the new Chamber of Deputies met and elected, by 53 votes, Mr. Hassan Gouled Aptidon, President of the Government Council. He will also be in charge of co-operation. Other members of the Government Council are as follows:

Mr. Abdullah Mohamed Kamil: Minister for Planning and Development  
Mr. Mounin Bahdon Farah: Minister for the Interior  
Mr. Omar Kamil Warsama: Minister for Public Works  
Mr. Idriss Farah Abane: Minister for Rural Economy  
Mr. Mohamed Ahmed Issa, called Cheiko: Minister for National Education  
Mr. Hassan Mohamed Moyale: Minister for Public Services  
Mr. Ahmed Hassan Liban, called Gomard: Minister for Public Health  
Mr. Ibrahim Harbi Farah: Minister for Labour and Professional Training  
Mr. Ibrahim Mohamed Sultan: Minister for Finance



234. In addition, certain responsibilities, which according to the statute of the Territory are not dependent on the local government, were entrusted to certain ministerial delegates as follows:

Jama Jilal Jama	Defence and National Service
Ismael Ali Youssouf	Justice and Prison Affairs
Ali Mahamade Mouhamed	Foreign Affairs

These posts are to be transformed into ministries after the Territory's independence. In addition, as ministerial delegates, Mohamed Jama Elabe is to be in charge of commerce, industry and arts and crafts; Ahmed Hasan Ahmed in charge of industrial administration and Hussein Hasan Banabila in charge of youth, sports and cultural affairs.

235. No further elections are to take place before independence. In the meantime, the results of the referendum are to be submitted to the French Parliament, which will then approve the necessary legislation. The Territory will be declared independent on 27 June 1977. In accordance with the wishes of the people, the new State will be called the Republic of Djibouti.

#### VIII. CONCLUSIONS

236. As described above, the organization and conduct of the referendum and election to the Chamber of Deputies were carried out with due observance of the legislation governing the two processes. The French authorities and the local government carried out their respective functions with efficiency. The political parties, through their organization and discipline, contributed to the smooth functioning of the voting process throughout the Territory.

237. The Mission wishes to report that the referendum and elections were carried out without intervention by the French authorities, the local government or the political parties. The official result of the referendum showed that 98.7 per cent of the people who voted were in favour of independence of the Territory and 92.4 per cent were in favour of the list of candidates to the new Chamber of Deputies. The results of the referendum were to be certified by the special commission established by the French authorities for that purpose.

238. During its brief stay in the Territory, the Mission was able to make a first-hand acquaintance with the land and people of the future State of Djibouti. The participation of the unprecedentedly large number people, including especially the women, all of whom often had to wait long periods in the scorching heat of the day, was an encouraging sign for the country's future. The conduct of the voting showed a sense of responsibility and discipline which deserve high praise.

239. The independence of the new State consequent to the democratically expressed wishes of the people will mark a new stage in the history of Djibouti. In this connexion, the Mission noted the statements of support by the Governments of Ethiopia and Somalia for the independence of the Territory.

240. The Mission noted the determination of the leaders of the Territory to devote their efforts to national reconstruction. The Territory has limited resources, however, and will need assistance both to raise the level of living of the large nomad population and to transform its economy. The Mission notes that the Government of France has already offered the future State various forms of assistance.

241. In observing the referendum and elections in the Territory and being witness to the results, the United Nations Mission was privileged to be present at the birth of a new State whose destiny has been the constant concern of the United Nations from as far back as 1946. In concluding its task, the Mission remains confident that the international community and the regional organizations, which have laboured long in the cause of the Territory's advance to independence, will sustain their interest in tangible ways to ensure that the independence of the people of this youngest member of the community will be both viable and real.

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