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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/ . . .) are normally published in quarterly *Supplements* of the *Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

1889th MEETING

Held in New York on Wednesday, 18 February 1976, at 11 a.m.

President: Mr. Daniel P. MOYNIHAN
(United States of America).

Present: The representatives of the following States: Benin, China, France, Guyana, Italy, Japan, Libyan Arab Republic, Pakistan, Panama, Romania, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America.

Provisional agenda (S/Agenda/1889)

1. Adoption of the agenda.
2. Communications from France and Somalia concerning the incident of 4 February 1976:
 - (a) Letter dated 4 February 1976 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/11961);
 - (b) Letter dated 5 February 1976 from the Permanent Representative of Somalia to the United Nations addressed to the President of the Security Council (S/11969).

The meeting was called to order at 11.35 a.m.

Adoption of the Agenda

The agenda was adopted.

Communications from France and Somalia concerning the incident of 4 February 1976:

- (a) Letter dated 4 February 1976 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/11961);
- (b) Letter dated 5 February 1976 from the Permanent representative of Somalia to the United Nations addressed to the President of the Security Council (S/11969)

1. The PRESIDENT: If I hear no objection, I shall invite the representative of Somalia to participate in the discussion without the right to vote, in accordance with rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Hussien (Somalia) took a place at the Council table.

2. The PRESIDENT: In addition, I should like to inform the members of the Council that I have received a letter from the Permanent Representative of Ethiopia in which he requests to be invited to participate in the discussion. Accordingly, I propose that the Council agree, in accordance with the usual practice, to invite the representative I have just mentioned to participate in the discussion without the right to vote.

3. There being no objection, I invite the representative of Ethiopia to take the place reserved for him at the side of the Council chamber, on the usual understanding that he will be invited to take a place at the Council table whenever he wishes to address the Council.

At the invitation of the President, Mr. Ibrahim (Ethiopia) took the place reserved for him at the side of the Council chamber.

4. The PRESIDENT: Before the Council commences its consideration of the item just inscribed on its agenda, I should like to inform members of the Council that this morning I received a letter from the representative of Somalia in which he confirms the oral request made to me yesterday for the convocation of this meeting of the Council. This latest letter will be circulated in the course of the meeting in document S/11987.

5. Since receipt of the two letters inscribed on the agenda, dated 4 and 5 February respectively, the following additional communications on this subject have been received from the representatives of France and Somalia: that in document S/11965, a note verbale dated 5 February from the representative of Somalia addressed to the Secretary-General; that in document S/11974, a letter dated 10 February from the representative of Somalia addressed to the President of the Security Council; that in document S/11977 and Corr.1 and Add.1, a letter dated 11 February from the representative of France addressed to the President of the Security Council and, finally, that in document S/11979, a letter dated 13 February from the representative of Somalia addressed to the President of the Council.

6. Mr. de GUIRINGAUD (France) (*interpretation from French*): The Council will recall that on 4 February the French delegation, acting on instructions

from its Government, addressed to you, Mr. President, a letter contained in document S/11961, in which it informed you that a serious incident had on that day occurred at the post of Loyada, situated on the frontier between the French Territory of the Afars and the Issas and the Somali Republic. French forces which were engaged in freeing a bus in which 30 children were being held hostage were fired on by heavy weapons from the Somali territory. They were obliged to react in order to protect themselves and the children. On the instructions of my Government, I requested you to convene a meeting of the Security Council as a matter of extreme urgency for the purpose of considering that serious incident. However, since the incident did not lead to any immediate consequences, and since the situation on the scene returned to normal, we felt it was not necessary for the Council to convene immediately. In the consultations which you initiated, we did, however, specify that we reserved the right to ask you to act on our request if circumstances should so require.

7. On 5 February, the Somali delegation, noting an alleged aggression committed by French forces against the post of Loyada, brought the details of the matter before the Council in a letter circulated in document S/11969. On 10 February, in a letter circulated in document S/11974, that same delegation repeated its accusation and furnished a list of Somali nationals allegedly killed or wounded during the incident of 4 February.

8. The French delegation rejects absolutely the accusation of aggression. In order to dispel any ambiguity, it deems it necessary to present a detailed account of the facts of the incident in question.

9. On Tuesday, 3rd February, at 7 a.m., four armed terrorists claiming to be members of the Front for the Liberation of the Somali Coast [FLSC], seized in a suburb of Djibouti 30 children from 6 to 12 years of age who were on board a school bus. They made an adult charged with accompanying the children get off the bus and forced the driver, by threatening him with their weapons, to run through a police barrier and head for the Somali frontier. As the alarm had been given, among others by the person accompanying the children, police forces immediately set out in pursuit of the vehicle, but it proved impossible for them to catch up with it as the kidnappers were firing at them with automatic weapons.

10. The road from the spot where the terrorists seized the bus to the Somali frontier is about 15 kilometres long and in bad condition. Before the school bus was able to reach the French frontier post, the personnel guarding the post were able to place a car across the road. This car was placed in front of a barrier leading to a no-man's land under French sovereignty separating the French post from the Somali post about 250 metres away. The bus was thus forced to stop and was immediately surrounded by reinfor-

cements brought in by helicopter. Before even revealing their intentions the four terrorists demanded that the bus be driven to the middle of the no man's land, to a point midway between the two posts. They threatened to kill the children if their demand was not met, and they fired several warning shots inside the vehicle to show their determination. As soon as their demand was accepted, they forced the bus driver, again threatening him with their weapons, to place the bus some 10 or 15 metres from the Somali barrier, which is located right on the frontier and parallel to it.

11. The terrorists then revealed the conditions, which were political in nature, under which they would free the children. They stated that if their demands were rejected the children would not only be executed but "their throats would be cut". At the end of the morning of 3 February, Abdullahi Hadj Archi, who calls himself the Vice-President of the FLSC, an organization whose headquarters is in Mogadiscio, claimed that his movement was responsible for the kidnapping of the 30 children. Also in Mogadiscio, another official of the FLSC confirmed to a correspondent of Radio Monte Carlo the political demands of the kidnappers.

12. Anxious to avoid any bloodshed, the French authorities endeavoured to negotiate. The French Minister for Foreign Affairs immediately requested the Ambassador of Somalia in Paris to intervene with his Government out of humanitarian considerations. Furthermore, on 3 February the French Ambassador in Mogadiscio asked to be received by Mr. Omar Arteh, the Minister for Foreign Affairs. For 48 hours he was unable to make any contact with the Somali Government. It was not until 5 February at 7 p.m. that he finally was able to see Mr. Arteh.

13. Throughout the day on 3 February the French authorities who had arrived on the scene from Djibouti tried in vain to establish a dialogue with the four terrorists in the school bus. The latter demanded that the Secretary-General of the FLSC be present; failing that, they seemed to be awaiting the arrival of other officials of the movement.

14. On the morning of 4 February the Somali Consul in Djibouti, who had spent the night at the Somali frontier post, brought before the French officials following the situation at some distance from the bus three messengers from the FLSC who he said had arrived from Hargueissa. The messengers handed over to those officials a typewritten list recapitulating the political demands of the terrorists in more or less the same terms as they had been formulated by the kidnappers and repeated by the spokesmen of the FLSC in Mogadiscio. They specified that the French Government had 24 hours to comply, or else the children would be executed.

15. When he was asked to intervene as a mediator and for humanitarian reasons, the Consul refused

outright, saying that the matter concerned only France and the FLSC and that he did not wish to be involved in any way.

16. The French authorities were prepared to let the terrorists cross over into Somali territory if they released the children, but at no time did the kidnapers seem ready to accept that offer. Furthermore, the messengers who had come from Hargueissa joined the terrorists in maintaining an armed guard over the bus and the children.

17. On the afternoon of Wednesday, 4 February, the children's plight was growing more and more serious and their lives seemed gravely threatened by the behaviour of the terrorists, who appeared increasingly nervous. The French authorities decided to take action. Troops were ordered to take up the appropriate positions. Infantry and light armoured cars were arranged around the French post, approximately 200 metres from the school bus. Sharpshooters brought in specially from France were posted under palm trees in front of the post, about 180 metres from the bus.

18. At exactly 3.45 p.m., five marksmen fired simultaneously and killed four terrorists whose silhouettes were visible in the bus and a fifth who was on the ground behind the bus. A sixth terrorist then rushed from the Somali post; he reached the bus almost at the same time as two French soldiers who had run up from the palm grove to free the children. The sixth terrorist managed to fire a machine-gun volley at the children who had instinctively lain down inside the bus; he killed one and wounded five others as well as a social worker and the bus driver before being killed himself by one of the soldiers.

19. In the seconds which followed those shots, while the French soldiers rushed up from the palm grove to save the children, two rapid-fire automatic weapons opened fire from a small wood located in Somali territory to the east of the frontier post. Also at that same moment, several marksmen on the balconies of the Somali frontier post fired at the French soldiers. A French lieutenant was severely wounded. The French forces naturally returned the fire. In a few minutes they silenced the two automatic weapons and the marksmen on the balconies.

20. It cannot seriously be claimed that the French forces attacked the village of Loyada, as is stated in the Somali letter in document S/11969; the French forces merely responded to fire directed at them by troops in position on the Somali side of the frontier. It is equally false to claim that "all the buildings" of Loyada were destroyed. Eyewitnesses have been able to ascertain that the village is still standing and suffered no damage; this can be seen from the aerial photographs which are being distributed [S/11988] and which were taken on 6 February from a helicopter from the French Territory of the Afars and the Issas.

It is also untrue that the French forces abducted Somali customs officials or civilians. No one was taken prisoner. However, when the children were brought back to Djibouti, it was discovered that one of them was missing. It was eventually established that he had been taken across the frontier after the bus had been brought up close to it.

21. The child was held for several days in northern Somalia by terrorists who claimed to belong to the FLSC. Fortunately, he was returned on 7 February to the French Ambassador in Somalia, and we are pleased to express our appreciation for the positive contribution of the Somali authorities in securing the child's return.

22. If Somali civilians were killed or wounded during the brief encounter between French forces and the accomplices of the terrorists stationed on Somali territory, the French authorities regret it. Undoubtedly, those persons were, unfortunately for them, mixed in with armed elements positioned around the Somali frontier post and in the small wood nearby, positions from which the French forces were attacked by rifle and machine-gun fire. They are the victims of that attack and of the response which necessarily followed. France rejects any accusation of aggression in this regard.

23. While we are meeting here, talks are under way, through a third party, to restore the atmosphere of détente between France and Somalia which is necessary for a constructive dialogue to develop between our two countries on subjects of common interest. The French Government wants nothing other than relations of friendship and good neighbourliness with Somalia. We, for our part, are prepared at any time to enter into any talks the authorities in Mogadiscio may desire.

24. My delegation has no doubt that all members of the Council will wish to help France and Somalia restore between themselves harmonious relations consistent with the interests of all States in the area.

25. The PRESIDENT: The next speaker is the representative of Somalia, on whom I now call.

26. Mr. HUSSEN (Somalia): Mr. President, my delegation is grateful to you and to the other members of the Council for responding promptly to our request for this meeting and for giving us the opportunity to place before the Council the complaint of the Somali Democratic Republic.

27. I should like at the outset to make a few remarks about the reasons which led me, more than once, to request the postponement of the Council's meeting regarding the complaint of the Somali Democratic Republic against France.

28. In the first place, my Government decided to conduct a thorough investigation of the Loyada inci-

dent by sending a high-ranking governmental inquiry commission, which was on the scene from 5 to 7 February.

29. Secondly, as I indicated in my official note to the President of the Council dated 11 February [S/11979], my Government was approached by a third State which offered its good offices with respect to the dispute between the two parties. Having regard to the purposes and principles of the Charter of the United Nations, and specifically to the provisions of Article 33, my Government welcomed the offer and promptly accepted it in principle.

30. In the absence of any encouraging signs of progress within a reasonable time-limit and also taking into account the increasing tension in the area following the Loyada incident, my Government has finally decided to renew its request for a meeting of the Council as a matter of urgency. However, my Government wishes to inform the Council of its readiness to agree to any initiatives towards any serious and meaningful negotiations.

31. Having said this, I shall now address myself to the merits of the matter before the Council.

32. Members will recall that I appeared before the Council only a few weeks ago when it had before it the question of France's violation of the territorial integrity of the newly independent State of the Republic of the Comoros and of France's interference in its internal affairs. In my statement during the debate on the Comoros [1886th meeting], I drew the attention of the Council to the fact that a powerful State, itself a member of the Security Council and as such a guardian of international peace and security, was threatening and intimidating a small nation. I am now obliged to repeat a similar grave complaint against France with regard to its actions against my country.

33. In essence, Somalia's complaint is that on 4 February, French troops supported by armoured cars, positioned along the border of French Somaliland and the Somali Democratic Republic, launched an unprovoked attack on the Somali Customs Post and village of Loyada. The French armed units opened intensive fire and crossed the border into the territory of the Somali Democratic Republic. People on the Somali side were fired upon indiscriminately and, as a result of the vicious attack, 15 men, women and children were killed and 14 others wounded, some of them very seriously.

34. I shall now give in detail the facts relating to that incident.

35. On the morning of 3 February, the occupants of the Loyada Customs Post became aware of a considerable commotion at the French check point located about 250 metres from the border. Shots were heard and eventually a bus was seen approaching the Somali

check point, pursued by a number of military vehicles. When the bus came within about 10 metres of the frontier line, but within French Somaliland territory, it came to a halt. French military personnel, all fully armed, were observed taking up positions around the bus. In the background were a number of French armoured cars.

36. From inquiries they made, officials in the Loyada Customs Post on the Somali side learned that the bus contained French school children and that the vehicle had been hijacked by some members of the Front for the Liberation of the Somali Coast.

37. When reports of the incident reached Mogadiscio the same day, the Somali Government instructed the Somali Consul in Djibouti to offer his good offices to ensure that no harm came to the children and that they would be released. Accordingly, the Somali Consul proceeded to Loyada that same afternoon with the knowledge and co-operation of the French authorities. At Loyada he contacted the kidnappers but was told that they would not enter into any negotiations in the absence of their leaders. Accordingly, the Somali Consul sent an urgent message to Mogadiscio and in response to his request three FLCS emissaries arrived at Loyada from Hargeuissa at 1 o'clock in the morning of 4 February. The Consul immediately informed the French authorities of their arrival, and they were permitted to approach the bus. Although the emissaries could not obtain the immediate release of the children, they did succeed in persuading the kidnappers to allow the children to receive food and drink, medicine and other comforts such as blankets.

38. The Somali Consul returned to Djibouti on the morning of 4 February, encouraged by the successful contact which had been made with the kidnappers. He was hopeful that the children would be released unharmed in due course. He urged the French authorities not to take precipitate action, as a high-level delegation would leave Mogadiscio by air that day and would arrive at Loyada in the afternoon to secure the children's release. The delegation would be led by the Director-General of the Ministry of the Interior, and he would be accompanied by one of the top leaders of the liberation movement FLCS.

39. During the course of the morning of 4 February, contacts between the FLCS emissaries and the French authorities on the spot continued. It should be noted that the customs police played no part in the negotiations. However, they were able to keep the regional headquarters at Hargeuissa informed of their observations through radio communication.

40. Nothing untoward happened in the vicinity of the bus during the morning, although it was apparent to the Loyada customs personnel that the French authorities had brought considerable military reinforcements into the area. Although the terrain in this

area is flat, the customs building provided a good observation post because of the view offered from the second-floor terrace.

41. The Loyada customs personnel consisted of a civilian Director of Customs and 10 customs policemen. There were no members of the Somali army at the post, neither were there any Somali military establishments in the area.

42. While the customs staff awaited the arrival of the high-level delegation from Mogadiscio, they continued with their routine duties. At approximately 3.30 p.m. the quiet of the afternoon was broken by the shattering sound of rifle, machine-gun and mortar fire. The customs post found itself the target of an intensive attack by the French armed units. Within a matter of seconds two of the customs personnel, including the Director, were killed instantly on the terrace. They had been sitting there and were unarmed. Three other customs policemen in the customs compound were also hit and killed when machine-gun fire raked the building. The initial burst of firing did not last long. Within minutes the customs building and compound were occupied by French legionnaires accompanied by armoured cars. They fanned out in all directions, firing intermittently, and made for the bus as well as for Loyada village, which is located about 100 metres behind the customs building. When this bloody massacre was over, it was revealed that the French troops had killed 15 innocent Somali citizens and wounded 14 others. The authorities in Mogadiscio did not learn of the attack, the radio transmitter having been destroyed.

43. No doubt members of the Council are wondering, after what I just said regarding the Loyada incident, why France should have acted so brutally and in such an extreme manner. Taken in isolation, the acts of aggression may appear incomprehensible. But those who have been following closely the trend of events in the region, and in particular in French Somaliland during recent years, will undoubtedly recognize that the Loyada incident cannot be viewed in a vacuum. The incident was just one part of a systematic plan by France to strengthen and perpetuate French political and strategic interests in the region, regardless of whether or not the territory would accede to independence.

44. France is aware that the international community is opposed to colonial policies, be they in French Somaliland or elsewhere, and to the methods being employed to give expression to those policies. This has been made abundantly clear by the General Assembly, by the Organization of African Unity and by the non-aligned movement. Yet, despite appeals from those regional and world bodies, French policies in the territory continue unchanged. Those policies have caused so much bitterness, injustice and suffering that the likelihood of that territory achieving

independence in conditions of peace and harmony becomes more remote as each day passes...

45. The PRESIDENT: I call on the representative of France on a point of order.

46. Mr. de GUIRINGAUD (France) (*interpretation from French*): I should like to recall that the item on our agenda is the incident on the border between the French Territory of the Afars and the Issas and Somalia. I would request the representative of Somalia to confine himself to that subject and not to enter into considerations of France's policies pertaining to the Territory of the Afars and the Issas, a subject which falls within French national sovereignty and which is not on today's agenda.

47. The PRESIDENT: I ask the representative of Somalia to remember the agenda we are discussing.

48. Mr. HUSSEN (Somalia): I listened with attention to the statement just made by the French representative on a point of order. I should like to draw the attention of the Council to the fact that what I am trying to explain here is something which relates to the peace and security of the area, and, as I said a few minutes ago, the incident of Loyada cannot be separated from its basic cause, which was the objective of the aggression itself. Therefore, I believe that I am within my rights and within the scope of the item on the agenda. With your permission, Mr. President, I should like to continue my statement and also beg of you not to allow me to be interrupted when I am speaking.

49. The PRESIDENT: I call on the representative of France.

50. Mr. de GUIRINGAUD (France) (*interpretation from French*): I cannot agree with what has just been said by the representative of Somalia. As long as he keeps to the Loyada incident, I shall listen to him with the greatest attention, as I have been doing since the beginning of his statement. But I cannot agree that at this meeting of Council, which is devoted to the Loyada incident, the representative of Somalia should mention problems which are a matter of the domestic policy of the French Territory of the Afars and the Issas and which more generally come under the global question of decolonization. That is not on the agenda today. I am ready to talk about it some other time if the representative of Somalia so wishes. I am prepared to talk about it in the Council; I am prepared to talk about it with him directly; but I cannot concede that this subject should be brought before the Council at a time when we are having a debate which is limited to a frontier incident at Loyada.

51. The PRESIDENT: While we all recognize that there is a certain latitude in discussions in the Council, the item on the agenda is, I think, clear. I referred to the original letter from the representative of So-

malia, which does confine itself pretty much to the attack in question. I would therefore ask the representative of Somalia to try to keep within the framework of the agenda for this meeting.

52. Mr. HUSSEN (Somalia): Mr. President, while I thank you very much for your statement, I would again insist that what I am trying to say is within the wider context of the item on which I have asked for a debate here. I am sure that if the Council will allow me to proceed to the latter part of my statement, it will realize that what I have been saying is within the context of the aggression against which I am complaining. As I said earlier, the aggression did not take place in a vacuum; there must have been some basis for it. What I am trying to do is explain to the Council the basis reason for the occurrence of the incident. I would therefore appeal to the Council to allow me to proceed with my statement. I strongly believe that I am speaking within the area of the subject under discussion.

53. I await your ruling, Mr. President.

54. The PRESIDENT: I am sure that the Council has taken note of the objection raised by the representative of France. As I stated earlier, there is a certain latitude in Council debates. I would suggest, however, that the representative of Somalia speak without prejudice to our agreed agenda.

55. I now call on the representative of Somalia.

56. Mr. HUSSEN (Somalia): From what I have said regarding the Loyada incident, members of the Council will realize that France is aware that the international community is opposed to colonial policies, be they in French Somaliland or elsewhere, and to the methods being used to give expression to those policies.

57. It may be recalled that on 5 December last year President Mohamed Siad Barre, Somalia's head of State, appealed to the President of France to grant immediate and unconditional independence to the people of the territory. He called the attention of the President of France, and the attention of all African States, to the tense situation which had developed in the territory as a result of the harsh and oppressive measures being systematically carried out by the local administration...

58. The PRESIDENT: I call on the representative of France on a point of order.

59. Mr. de GUIRINGAUD (France) (*interpretation from French*): I am obliged flatly to oppose the representative of Somalia's engaging in a discussion of the considerations that he is beginning to develop. The telegram which the President of the Republic of Somalia sent to the President of France, requesting that the French Government give immediate and

unconditional independence to the people of the French Territory of the Afars and the Issas, has nothing to do with the Loyada incident, which was caused by the abduction of a school bus containing 30 children and by the activities of terrorists who were trying to take possession of those children. I request the representative of Somalia to be good enough to keep to the subject, which is a discussion of the Loyada incident.

60. Mr. KIKHIA (Libyan Arab Republic): I think it is clear that it is very difficult to separate the incident in Loyada from the political situation in the territory. I believe it is appropriate for the representative of Somalia to give the Council the political background of that incident. I therefore appeal to the representative of France to allow the representative of Somalia to continue his statement.

61. Mr. de GUIRINGAUD (France) (*interpretation from French*): I am very surprised by the statement just made by our colleague of the Libyan Arab Republic. I am astonished that he should consider that the abduction of 30 children in a school bus could be justified by any kind of political situation. No political situation can justify the abduction of children or blackmail with threats of murdering or cutting the throats of 30 children. If the representative of Libya meant that such things could be justified by a political situation, I take note of that.

62. Mr. KIKHIA (Libyan Arab Republic) (*interpretation from French*): I think it will be difficult for us to understand what happened in French Somaliland if we do not take into account the general political and historical situation. The Libyan delegation did not say that the political situation justified the incident. However, in order for us to be able to understand clearly and give our views on that incident, we have to study the whole problem and not merely take into account an isolated incident, using it for purposes of political propaganda against liberation movements in general and the liberation movements of French Somaliland in particular. What our colleague from Somalia is going to say will perhaps help us to understand.

63. I never said that the political situation justified the abduction of the children.

64. Mr. SALIM (United Republic of Tanzania): I think the ruling given by the President was a wise one; he said that our colleague from Somalia should continue with his statement, without prejudice to the item on the agenda. In other words, it gives him sufficient latitude to say certain things without going into the details of the problem. I think it would be unfortunate if we were now to start a discussion on whether or not our Somali colleague should continue with his statement. I think that the wiser course of action would be to ensure that there should not be undue interruptions, and I should like to appeal to my colleague

from France, as well as to our colleague from Somalia, in this regard.

65. We have here two complaints. What the Council is seized of is not just the question of the incident of the kidnapping. The question of the kidnapping is a complaint made by our colleague from France; that is the first letter. But we have also a letter from the Somali Government complaining about French aggression against Somalia; that is the second letter. If the representative of Somalia is to be able to explain his position, I think it would not be realistic if he could not make any reference whatsoever to what he considers to be the source of the problem.

66. I appeal to my colleague from Somalia not to use the forum of the Council to go into the details of the question of the conditions in so-called French Somaliland, because we do not want to discuss the decolonization of French Somaliland in the Council. But I think it would be a little unfair to expect that the representative of Somalia should not say anything about what in his Government's view led to the circumstances now prevailing.

67. I would go further and say that precedents in the Council, when discussing issues which are perhaps confined to specific incidents, have permitted members of the Council sufficient latitude to make statements which could be considered even irrelevant. It was in that context that I thought the ruling made by the President of the Council was sufficiently flexible to allow the Council to go on.

68. The PRESIDENT: I call to the attention of the Council that the presidency has ruled and that the representative of Somalia is free to continue his statement, which I trust he will do in the spirit which my colleague from Tanzania has just described.

69. I call on the representative of Somalia.

70. Mr. HUSSEN (Somalia): I should like to express my gratitude and thanks to you, Mr. President, and to the representative of the Libyan Arab Republic and my brother the representative of Tanzania for their interventions. And now, with your permission, I shall continue and I hope that the French representative also will accede to the appeal made to him by various colleagues.

71. I should like to add before I continue that, as quite rightly observed by the members of the Council, it is very difficult to separate the item on the agenda from the background of that item. I think that if we go back to the main issues of aggression we shall find that most aggressions have a political motivation. Therefore it is very difficult, I maintain, to separate an aggression as such from the cause of the aggression, which is primarily of a political nature. It is in that light that I thought it would be of interest to the Council to give the background of the aggression about

which I am now complaining. Therefore, having thanked the members of the Council I shall proceed from where I had been stopped.

72. It may be recalled that on 5 December...

73. The PRESIDENT: I ask pardon of the representative of Somalia, as the representative of France has asked to be allowed to speak.

74. Mr. de GUIRINGAUD (France) (*interpretation from French*): I do not want to prolong the discussion pointlessly.

75. Our distinguished colleague from Tanzania quite rightly pointed out that today's debate was not a debate about decolonization or the political situation in the French Territory of the Afars and the Issas, but a debate confined to the Loyada incident. He appealed to our colleague from Somalia to remain within these confines, with a certain latitude—and I willingly concede that there can be a certain latitude—and I have every confidence in the representative of Somalia and feel sure that he will remain within the limits of this reasonable latitude. If he exceeds those limits, then I shall reserve my right to react to what he says.

76. The PRESIDENT: I call attention to the informative fact that the representative of Somalia has a text from which he is reading to us, and I would assume he wishes to read his text. In the absence of any strong feeling to the contrary, I simply would say that it will thereafter be altogether the right of the representative of France or any other member of the Council to reply in as much detail as he may desire.

77. With that ruling, I would like to ask the representative of Somalia to resume his presentation.

78. Mr. HUSSEN (Somalia): It may be recalled that, on 5 December of last year, President Mohamed Siad Barre, Somalia's head of state, appealed to the President of France to grant immediate and unconditional independence to the people of the territory. He called his attention, and the attention of all African States, to the tense situation which had developed in the territory as a result of the harsh and oppressive measures being systematically carried out by the local administration against the population of the territory.

79. On 26 January of this year, President Barre, disturbed that the situation in the territory was rapidly deteriorating, sent another urgent telegram, this time to Secretary-General Kurt Waldheim [S/11965], again drawing attention to the dangerous situation reigning in the territory. In particular, he noted the determination of France to install a puppet Government and ignore the wishes of the majority of the people, in order to preserve and safeguard its strategic interests in the area. The Somali President further informed the Secretary-General that the territory's opposition

parties and liberation movements were being subjected to constant harassment, arrest and torture. President Barre also added that other oppressive measures, such as deportations and house-to-house searches, which had become almost a daily exercise, had brought about a state of increasing tension and explosive emergency situation.

80. The situation described by the Somali head of State has become even more inflamed in the past few weeks because of a series of outrages and actions of the most provocative kind carried out by the colonial authorities in French Somaliland. These actions have been directed against the local population and, in particular, against those who are demanding true national independence for the territory free from the military provisions which the French Government is manoeuvring to establish. A most notable example of this kind of action was the complete destruction of the shanty-town of Balbala, in the suburbs of Djibouti city, and the subsequent expulsion from the territory of the majority of its inhabitants. Numbering several thousands, and including women and children, those unfortunate persons were loaded on trucks and dumped at remote parts of the frontier to fend for themselves in the desert. Reports from reliable sources affirm that many died in the course of this inhuman operation. This step was embarked upon by French colonial troops and gendarmes under the pretext of carrying out what the French authorities call a birth certificate check-up. In this respect I should like to draw the attention of members of the Council to the photographs attached to my statement; I hope they have been distributed [S/1989]. Picture number 5 shows some of the people to whom I have just referred. It is no coincidence that the kidnapping of the French school children was carried out immediately after that atrocious action of the French colonial authorities.

81. It is necessary for my delegation to give its observations on some of the grave distortions of fact concerning the Loyada incident presented by the French delegation in document S/1977 and Corr.1. The French assertion that it was Somali armed forces which instigated the Loyada incident is completely untrue. As already stated, there were no Somali military units in the area. All the evidence shows that the occupants of the customs post and the people in the vicinity were completely unprepared for the French attack. They had never considered they would be in any way involved or become the victims of the measures taken by the French authorities in connexion with the kidnapping incident.

82. My delegation must point out the further distortions of fact contained in the map attached to document S/1977 and Corr. 1. There were, in fact, no marksmen on the balconies of the Loyada customs post, or, for that matter, anywhere else in the area; nor were there machine-guns in the possession of any of the customs policemen. Any machine-guns fired

on the Somali side of the border during the incident belonged to the French forces who crossed into Somali territory. It should also be pointed out that there were at least nine French armoured cars in the area, and not two as shown on the map just mentioned. We must also reject the assertion that the Somali Consul in Djibouti did not co-operate with the French authorities. As we have shown, he did whatever he could under the circumstances and exerted every possible effort on behalf of the children. It is therefore a matter of regret that the French authorities failed to appreciate the efforts he made.

83. My delegation cannot allow to pass without comment the double standard of the French delegation with regard to human life. Its statement emphasized, on the one hand, the meticulous care the French marksmen allegedly took when rescuing the French schoolchildren and, on the other hand, dismissed, in a matter-of-fact way, the indiscriminate killing of Somali women and children. Those women and children were not, as has been alleged by the French delegation, killed near any armed elements but were shot down either when they were in their homes or when they were fleeing for safety in the nearby bushes.

84. In this connexion it is also significant to recall the statement reportedly made by the French Minister for Overseas Territories, Mr. Olivier Stirn, who on 4 February described the death toll in the assault as "tragic" but justified it by saying that it saved the lives of the children. This is indeed a clear admission on the part of the French Government that the indiscriminate killing of Somali citizens at Loyada was not an accident but part of a preconceived and preplanned deliberate project.

85. I trust it is quite clear to all that the French Government is trying to cover up its own responsibility for the high casualties suffered among the women and children as a result of the reckless and precipitate action of the legionnaires and gendarmes. It is also trying to cover up the facts of its unprovoked armed aggression against Somali territory and Somali citizens.

86. The credibility of the French Government's account of this matter is currently being challenged in articles in a number of the leading newspapers in France written by well-known journalists who visited the scene of the aggression. They provide substantial evidence that the account my delegation has given here is a true one. It is clear from these reports that the French schoolchildren in the bus were killed or wounded by shots fired by French troops on the French side of the border. They also provide evidence which substantiates the charge of the Somali Government that French armed units crossed the border into Somali territory, killing defenceless people and causing damage to property.

87. For example, *Le Monde* of 12 February stated that the versions successively offered by the French

officials did not explain all the aspects of the drama. It went on to say that several factors cast doubt on the theory that the shots which killed one child and wounded four others came from the soldiers massed along the border about 100 metres away from the bus. The two factors cited in the article are sufficient not merely to cast doubt on but to refute completely the account given by the French Government. The article stated that journalists authorized on 9 February to visit the site of the incident saw that the impact of the bullets was made not on the side of the bus facing Somalia but on the side facing the French troops. May I, at this point, be permitted to produce before the members of the Council a photograph of the bus taken from the Somali side, and I refer to pictures numbered 10 and 11—which, I trust, are already before the Council—of the pictures which I have distributed. They show no bullet holes on the body of the bus. *Le Monde* also stated that, in addition, the gauge and trajectory of the fatal bullet removed from the dead child indicated that it had come from the French side.

88. An article in *Le Quotidien* of 10 February poses this question:

“If, as the local military authorities declared a short while after the event, the two machine-gunners who were behind the Somali frontier had pounded the children’s bus with shots, how is it then explained that there was no trace to be found on the side of the bus which was facing Somalia?”

89. An article in *L’Humanité* of 10 February states that many traces of the fighting are to be found inside the Somali border, and these traces confirm the official Somali report that the French forces, and above all two mounted machine-guns, had penetrated about 300 metres inside the village of Loyada. The intensity of the attack, the paper continues, could be seen from the fact that 7,000 shots were fired from the French side within a quarter of an hour. With regard to the fact that the bus was marked by shots which all came from the French side, the article said that this was established by every journalist at the scene. It added that the place where the little girl had probably been killed was marked by seven hits coming from the same direction. Of particular significance was the assertion, in the article, that one of the mounted machine-guns which has penetrated inside Somali territory took three Somali police in the rear, killing them outright.

90. I am sure that the members of the Council will now understand why the French Government decided not to press ahead with its request for a Council meeting when it sent its letter of 4 February [S/11961]. It can also be understood why the French Foreign Minister stated at the time that he considered the frontier incident closed and that there was no need for things to go any further. In the view of my Government, the incident is certainly not closed, and

we believe that there is a pressing need for a full debate on the matter. Certainly the armed attack against our territory, the violation of our territorial integrity, the brutal murder of our citizens and the wanton destruction of property cannot be allowed to go uncondemned by the international community. My Government trusts that the Council will severely censure the French Government, which ordered these actions to be carried out, and will call upon France to refrain from any further unlawful action against my country. The Council should also call upon France to withdraw all its military forces on and around the Somali border.

91. Equally, the Council must take cognizance of the inhuman measures being perpetrated by France against the people of French Somaliland. The large-scale uprooting and daily expulsion of the people of the territory and the denial of their fundamental political rights can only continue at the price of regional and international peace.

92. Since the delegation of France has drawn the attention of the Council to the kidnapping incident involving schoolchildren from French Somaliland, I would like to make it clear that my Government neither condoned this act nor was involved in any way in its perpetration. Indeed, as has already been stated, my Government was gravely concerned by the seizure of the children and had taken all the steps dictated by the circumstances in order to spare the lives of the children and to obtain their release.

93. However, the French authorities were bent on taking dramatic action rather than on handling the situation with the caution and restraint it demanded. The mediators, ironically, were among those shot to death by the so-called French sharpshooters. The tragic death of one child in the assault on the bus and the wounding of several other children were the direct result of the intemperate and precipitous action of the legionnaires whose bloody and mercenary-like methods have long been familiar not only to the people of French Somaliland but also to those in all parts of the former French colonial empire.

94. I sincerely hope that the kidnapping incident—deplorable and tragic as it was—will not divert the Council from the substance of our debate, which is the unprovoked and cold-blooded armed aggression by France against the territory and citizens of the Somali Democratic Republic.

95. Throughout the years, France has always resisted demands by the General Assembly for the dispatch of observers to French Somaliland. My Government believes that in view of the threatening situation which still exists on our borders, and in view of the conflicting versions of the Loyada incident that have been given, the Security Council should arrange for the immediate dispatch of a fact-finding mission to the area so that the truth of the matter can be ascer-

tained. I can assure the Council that, if the Council so decided, my Government would give the mission its fullest co-operation. Another important function of such a mission would be to assess the extent of the damage to life and property at Loyada with a view to determining the compensation France must pay to the Somali Government.

96. In conclusion, I ask the Council to take particular note of the General Assembly's finding that the situation in French Somaliland has become a threat to the peace and stability of the region and can potentially have adverse effects on international peace and security. The General Assembly's fears with regard to the region have already been justified. One needs no special wisdom to realize that French Somaliland is one of those trouble spots where local conflicts can have serious international consequences. My Government is confident that the Council will appreciate the gravity of the situation and take all measures necessary for a just and urgent solution.

97. I should like, in conclusion, to express my gratitude to the members of the Council, and especially to the representatives of Libya and Tanzania, for their efforts to see to it that the debates of the Council are conducted in a comprehensive manner.

98. Mr. de GUIRINGAUD (France) (*interpretation from French*): I reserve my right to reply in detail to the various references made by the representative of Somalia contained in his version of the Loyada incident. He had recourse to quotations from French reporters which have been very vigorously challenged in France and elsewhere. Subsequently I shall demonstrate that those allegations are devoid of foundation.

99. Since our colleague, the representative of Somalia, has deemed it necessary to give the Council an "idea of the political background" to the Loyada incident, I shall not pursue this discussion of French policy in the Territory of the Afars and the Issas, but I will read to the Council a statement made by the spokesman of the French Government on 31 December 1975. That statement leaves no room for doubt as to the intentions of the French Government with regard to the Territory of the Afars and the Issas, and I think it will render superfluous the points which the representative of Somalia deemed it necessary to make with regard to policy in that Territory. This is the statement of the French Government:

"The Government confirmed that the French Territory of the Afars and the Issas is destined for independence and stipulated the ways and means of obtaining that end.

"Aware of having participated by its presence in Djibouti in the peace and equilibrium of this part of Africa, France considers that it must ensure the accession of the Territory to international sove-

reignty by maintaining the integrity of its frontiers, by ensuring its security and by preserving the dignity of its people.

"The Government is ready to guarantee the integrity and security of the Territory. It will also try to seek the necessary guarantees from countries directly concerned and international or regional bodies. Furthermore, the Government, within the framework of local institutions, calls upon political authorities in the Territory to define collectively the constitutional and democratic principles which will, *inter alia*, guarantee the rights of minorities. It is ready, finally, to improve the economic prospects of the future State by keeping it as a maritime outlet for East Africa and ensuring that communications and trade guarantees are preserved. In ensuring that the population of the Territory enjoys its right to self-determination, the Government will work out solutions to ensure for the new State its place within the international community under the best possible conditions, as well as its development in friendship and co-operation with France."

100. Exactly one week ago, following the weekly meeting of the Council of Ministers, the regular communiqué gave the following indications with regard to the French Territory of the Afars and the Issas:

"The Government recalled that it had announced on 31 December 1975, its willingness to lead the French Territory of the Afars and the Issas to independence in respect for the principle of self-determination. This peaceful step toward independence should be prepared for within the country by broad and open discussions within the representative institutions of the Territory in a spirit of broad union. It would be facilitated abroad by the adoption of clear-cut positions with regard to respect for the frontiers of the future State. To this end, the French Government, as announced on 31 December 1975, together with representatives of the Territory, will undertake the necessary action with States and interested institutions in order to define the guarantees which can facilitate and accelerate the progress of the Territory to independence, in regard to which the interest of the region is that it be brought about peacefully and democratically."

101. The PRESIDENT: I call on the representative of Somalia.

102. Mr. HUSSEN (Somalia): I should like to say that I listened with care to the statement just made by the French representative, and, while I am reserving the right of my Government to make the necessary comments on that statement at a later stage, I wish to mention that, first of all, the kind of independence which the French Government has so far offered to the territory could not, as far as my Government is concerned, be regarded as genuine and complete independence. From my interpretation of the state-

ment just made by the representative of France, I see that there is some truth in what I have just said. While he said, on the one hand, that France is quite willing to grant independence to that Territory, he admitted, on the other, that it will be the responsibility of France to guarantee the territorial integrity and sovereignty of that territory. I think that this is a contradiction. Once there is an independent and sovereign State, it is up to that sovereign State and not to any other sovereign State to maintain or guarantee the independence and territorial integrity of its own territory.

103. The PRESIDENT: May I interrupt the representative of Somalia to say that the presidency has sought to maintain the widest latitude for debate with respect to the matter on the agenda. But there is a point at which a discussion goes beyond that latitude and over the horizon. Any matter that the representative of Somalia may wish to bring up—matters of

the kind that he refers to—can of course be dealt with, as is the right of any State Member of the United Nations. But, in the interest of pursuing our present agenda, I hope that the representative would hew as closely to the subject as reason permits and in the spirit which my colleague from the United Republic of Tanzania suggested earlier.

104. I call on the representative of Somalia.

105. Mr. HUSSEN (Somalia): I think, then, that at this stage and in view of the statement you have just made, Mr. President, I shall reserve my right to comment later on the statement just made by the representative of France with regard to the willingness of the French Government to grant independence to that territory.

The meeting rose at 1.15 p.m.

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