

representatives. He also observed that the resolution just adopted was a substantial improvement over resolution 3485 (XXX) which the General Assembly had adopted ten days earlier. The Council resolution took into account the various points of view, rather than placing responsibility for the situation on one party only.<sup>1011</sup>

The representative of the USSR stated that the political situation in Timor was complicated by the presence of foreign troops in violation of General Assembly and Security Council resolutions. He suggested that the Special Representative be asked to produce a second report which would clearly describe the situation and indicate the opinions of the various groups. Although the Soviet Union voted for the draft resolution because it was in accordance with previous decisions adopted by the United Nations, the Soviet delegation would have preferred a less ambiguous resolution.<sup>1012</sup>

The representative of the United Kingdom noted his regret that the Japanese amendment was not adopted, and emphasized that its rejection did not cast any doubt on the statements by the representative of Indonesia regarding the withdrawal of some Indonesian forces. But he pointed out that his Government could not agree with the claims put forth during the debate that self-determination had already taken place in Timor. Self-determination would require that there be peace in the area without external pressures and that procedures suited to the local circumstances be implemented.<sup>1013</sup>

The representative of the United States also regretted that the amendment submitted by Japan had not been adopted. In the view of the United States, a resolution could be used only for two purposes—to encourage co-operation or to extend the mandate of the Secretary-General. The resolution worked against the spirit of co-operation and was not necessary for the extension of the mandate since the continuation of the efforts by the Secretary-General and the Special Representative was advisable in any event. The representative emphasized, however, that his delegation's abstention did not indicate a weakening of support for the self-determination of the people of East Timor.<sup>1014</sup>

The President, acting in his capacity as representative of China, observed that the Special Representative was unable to get a total and clear picture of the situation because of obstacles which had been placed by the Indonesian authorities. The Council should have condemned Indonesia's refusal to implement the relevant resolutions of the General Assembly and Security Council and should have demanded that Indonesia respect the independence and territorial integrity of the people of East Timor; that it cease its air and naval blockade and military operations against the Territory and that it withdraw all its forces. With regard to paragraphs 3 and 4 of the resolution he reiterated his delegation's position that the responsibility of the Secretary-General was only to supervise Indonesia's military

withdrawal from East Timor and that the internal problems of East Timor were to be solved by the people themselves.<sup>1015</sup>

In a note issued on 21 June,<sup>1016</sup> the President of the Council circulated the text of an invitation received on 10 June from the Government of Indonesia for the Security Council to visit East Timor concurrently with a mission of the Indonesian Government commencing on 24 June. The note stated that after holding consultations with the members of the Council, the President had replied to the representative of Indonesia that in view of its resolutions on the issue, the Council had concluded that it was unable to accept the invitation.

In accordance with the request of the Security Council in paragraph 4 of resolution 389 (1976), the Secretary-General submitted to the Council on 22 June 1976 a report<sup>1017</sup> concerning the continuing assignment of his Special Representative and transmitted the second report on the contacts made by the Special Representative with the parties concerned.

The Special Representative described the consultations he had held with representatives of the Governments of Indonesia and Portugal, as well as of the "Provisional Government of East Timor". He had been unable to arrange a meeting with representatives of FRETILIN but had received various communications on behalf of the "Government of the Democratic Republic of East Timor". In view of the fact that his mandate derived from the resolutions of the Security Council, it had been decided that it would not have been appropriate for the Special Representative to respond to the invitations received from the Government of Indonesia to visit East Timor on 24 June, concurrent with the mission to be sent there by the Indonesian Government. Under the circumstances outlined in his report, the Special Representative concluded that it had not been possible to assess accurately the prevailing situation in East Timor, particularly with regard to the implementation of resolutions 384 (1975) and 389 (1976).

**LETTER DATED 12 DECEMBER 1975 FROM THE PERMANENT REPRESENTATIVE OF ICELAND TO THE UNITED NATIONS**

By letter<sup>1018</sup> dated 12 December 1975 addressed to the President of the Security Council the representative of Iceland requested an urgent meeting of the Security Council in connection with an attack by British vessels on an Icelandic coastguard vessel. He stated that this attack constituted a flagrant violation of Iceland's sovereignty and endangered peace and security.

By a previous letter<sup>1019</sup> dated 11 December 1975 addressed to the President of the Security Council the representative of Iceland charged the United Kingdom with deployment of its naval units in Icelandic waters

<sup>1011</sup> 1915th mtg., paras. 15-17.

<sup>1012</sup> *Ibid.*, paras. 19-27.

<sup>1013</sup> *Ibid.*, paras. 28-32.

<sup>1014</sup> *Ibid.*, paras. 41-43.

<sup>1015</sup> *Ibid.*, paras. 45-50.

<sup>1016</sup> S/12104, *OR, 31st yr., Suppl. for April-June 1976*, pp. 65-66.

<sup>1017</sup> S/12106, *ibid.*, pp. 66-68.

<sup>1018</sup> S/11907, *OR, 30th yr., Suppl. for Oct.-Dec. 1975*, p. 65.

<sup>1019</sup> S/11905, *ibid.*, pp. 64, 65.

for the purpose of coercing the Government of Iceland and preventing the people of Iceland from exercising their sovereign rights over their marine resources in the fisheries zone of the Icelandic coast. The representative added that his Government reserved the right to bring, at a later stage, the question of the armed aggression by British warships in Icelandic waters formally before the Security Council.

By note<sup>1020</sup> dated 15 December 1975 the President of the Security Council in his capacity as the representative of the United Kingdom circulated the reply from the Government of the United Kingdom to the letter of 11 December (S/11905) from the representative of Iceland. The reply stated that on 25 July 1974 the International Court of Justice had found that the Government of Iceland was not entitled unilaterally to exclude British fishing vessels from the waters around Iceland or to impose restrictions on them. It charged that between 15 and 25 November 1975, Icelandic coastguard vessels and aircraft had attacked a number of British trawlers and damaged at least seven of them. British naval vessels had subsequently been ordered to the area to defend them. The United Kingdom had made repeated efforts to resolve the question of fishing rights around Iceland by negotiation. At present, the issue was governed by the decision of the International Court of Justice; however, the British Government remained ready to resume negotiations.

The Security Council adopted the agenda<sup>1021</sup> and considered the item at its 1866th meeting on 16 December 1975.

The representative of Iceland was invited at his request to participate in the discussion, without vote.<sup>1022</sup>

At the beginning of the meeting the President, the representative of the United Kingdom, stated that since the discussion of the issue on the agenda involved British interests he felt it would be appropriate to exercise the discretion given to the President under rule 20 of the provisional rules of procedure and to vacate the chair while that item was being discussed. Consequently he invited the representative of the United Republic of Cameroon to preside at the meeting.<sup>1023</sup>

During the discussion the representative of Iceland recalled that for over 25 years Iceland had been gradually implementing its law of 1948 on the scientific conservation of the continental shelf fisheries. The latest and final step had been taken on 15 October 1975, providing for fishery limits of 200 nautical miles off Iceland. These regulations were in conformity with the consensus which emerged at the Third United Nations Conference on the Law of the Sea.

The Icelandic Government had expressed its willingness to make temporary agreements with other nations which had been engaged in substantial fishing in the area. However, negotiations with the United Kingdom

had broken down, due to excessive British demands on the allowable catch.

On 11 December, the Icelandic coastguard vessel *Thor* had come upon three British ships approximately one nautical mile from the Icelandic shore. The *Thor* had ordered the British ships to halt so as to inquire about their activities. This order had been disregarded by the British ships, whereupon the *Thor* had been repeatedly rammed by a British tugboat at a point 1.9 nautical miles off the coast of Iceland, well within the Icelandic territorial waters. The representative said that this constituted a violation of Icelandic sovereignty and called upon the United Kingdom to refrain from the use of force in Icelandic waters.<sup>1024</sup>

The representative of the United Kingdom, in putting forward his Government's account of the incident, stated that three unarmed British support vessels had entered Icelandic territorial waters during the night of 10/11 December to seek shelter from severe weather, as they had the right to do under customary international law. The Icelandic coastguard vessel *Thor* had approached and had ordered the British vessels to stop. A series of collisions had followed, caused by the manoeuvring of the *Thor*. The Icelandic vessel had subsequently fired three shots at one of the British vessels, none of which had hit. The central fact about the incident was that the Icelandic gunboat had opened fire on an unarmed British vessel.

Incidents such as these occurred because of the deliberate policy of Iceland of harassing British ships in an area in which, as recently as July 1974, the International Court of Justice had ruled that they had the right to fish. No further international agreements had been reached on this matter since the International Court's ruling; it followed that Iceland's unilateral extension of its fishing limits to 200 miles was unenforceable against British fishermen and that, accordingly, the harassment of British trawlers was illegal.

Since July 1975, when Iceland announced its intention to extend its limits to 200 miles— in advance of decisions by the Third United Nations Conference on the Law of the Sea—the United Kingdom's objective had been to reach a negotiated settlement prior to the expiration, on 13 November 1975, of the interim United Kingdom-Iceland Fisheries Agreement of 1973.

In the negotiations which had taken place, the United Kingdom had made it clear that it was ready to reduce its catch considerably because of the need to conserve stocks and because of Iceland's dependence on its fishing industry. However, Iceland, in calling for a total allowable catch almost identical to its own catch, was, in effect, asking the fishermen of other countries to bear the entire burden of conservation and was declining to bear any substantial part of the burden itself.

The representative of the United Kingdom concluded by stating that his country wished to resume negotiations at any time, at any place, at any level.<sup>1025</sup>

<sup>1020</sup> S/11914, OR 30th yr., Suppl. for Oct-Dec 1975, p. 72.

<sup>1021</sup> 1866th mtg., preceding para. 1.

<sup>1022</sup> For details, see chapter III.

<sup>1023</sup> 1866th mtg., paras. 5-8.

<sup>1024</sup> *Ibid.*, paras. 10-22.

<sup>1025</sup> *Ibid.*, paras. 23-36.

In the absence of any other request to speak, the President adjourned the debate, saying that the Security Council would remain seized of the question so that it might resume consideration of it at any appropriate time.<sup>1026</sup>

#### THE SITUATION IN THE COMOROS

**Decision** of 6 February 1976 (1888th meeting): rejection of 5-Power draft resolution

In a telegram<sup>1027</sup> dated 28 January 1976, the Head of State of the Comoros informed the President of the Security Council that the French Government intended to organize a referendum in the island of Mayotte on 8 February 1976. He pointed out that Mayotte was an integral part of Comorian territory under French laws and that on 12 November 1975, the United Nations had admitted the Comorian State consisting of the four islands of Anjouan, Mayotte, Mohéli and Grande-Comore. In view of the flagrant aggression by France, he requested an urgent meeting of the Security Council to maintain peace in the archipelago and to safeguard the integrity of the country.

By letter<sup>1028</sup> dated 3 February 1976, the representative of Guinea-Bissau, on behalf of the African Group, asked the President of the Security Council to make the necessary arrangements for convening a meeting of the Council not later than Wednesday, 4 February 1976.

By letter<sup>1029</sup> dated 4 February 1976, the representative of Uganda transmitted a message from the President of the Republic of Uganda, then Chairman of the Organization of African Unity (OAU), in which the Comorian position was fully endorsed.

At the 1886th meeting on 4 February 1976, the Council included the question in its agenda and considered the issue at its 1886th to 1888th meetings between 4 and 6 February 1976. During its deliberations, the representatives of Algeria, Comoros, Equatorial Guinea, Guinea, Guinea-Bissau, Kenya, Madagascar, Nigeria, Saudi Arabia and Somalia were invited, at their request, to participate in the discussion without the right to vote.<sup>1030</sup>

At the 1886th meeting, the representative of the Comoros said that his Government's position was clearly expressed in the telegram of 28 January<sup>1031</sup> and the head of his delegation would provide the additional information necessary on the issue upon his arrival.<sup>1032</sup>

<sup>1026</sup> *Ibid.*, para. 37.

<sup>1027</sup> S/11953, *OR, 31st yr., Suppl. for Jan-March 1976*, p. 80. At the end of the 1885th meeting on 30 January 1976, following the discussion of the situation in Namibia, the President read out the text of the telegram and announced that in accordance with the usual practice, he and his successor in the Presidency would approach members of the Council in order to determine what further steps should be taken with regard to the request. A procedural discussion ensued in which the representative of the Libyan Arab Republic tried to address the urgency of the Comorian request and the representative of France, supported by the President, insisted that the question of the Comoros was not on the agenda and that any discussion of the issue would have to wait until the Council agreed to put the item on its agenda. The President reiterated his assurance that he would take action on the matter as soon as possible (1885th mtg., paras. 125-142.)

<sup>1028</sup> S/11959, *ibid.*, p. 83.

<sup>1029</sup> S/11960, *ibid.*, p. 83.

<sup>1030</sup> For details, see Chapter III.

<sup>1031</sup> S/11953, *OR, 31st yr., Suppl. for Jan-March 1976*, p. 80.

<sup>1032</sup> 1886th mtg., paras. 8-9.

At the same meeting, the representative of France reviewed the background of the matter and stated that in December 1974, the French Government had organized a consultation of the Comorian population which resulted in a large majority in favour of independence. However, two thirds of the votes in the island of Mayotte were negative. The French parliament adopted on 30 June 1975 a law providing for the drafting of a constitution preserving the political and administrative identity of the islands. Although only the French parliament could decide to transfer sovereignty, the Chamber of Deputies of the Comoros proclaimed the independence of the islands on 5 July 1975.

On 31 December, the French Government recognized the independence of the islands of Grande-Comore, Anjouan, and Mohéli but provided for the people of Mayotte to make a choice between the island remaining in the French Republic and being integrated in the new Comorian State.

The question of the referendum thus resulted from the scrupulous application of the principle of self-determination and France had the duty to furnish the inhabitants of Mayotte the means of making an impartial choice.<sup>1033</sup>

The representative of Guinea-Bissau, speaking also in the name of the OAU, said it was France's moral duty to help the Comorians forge a nation and to preserve the groups of the four islands as a united republic. The Government of Guinea-Bissau and the OAU always did stand for the principle of self-determination and regarded the case of Mayotte as one of political manipulation of local parties by the French Government in order to preserve some degree of influence in the area.<sup>1034</sup>

At the 1887th meeting, the representative of the Comoros stated that his Government would never accept a division of whatever nature of its new state. The unity of the islands was an undeniable fact accepted by the French themselves. He affirmed that several French texts and laws showed the political and administrative unity of the archipelago since the time of colonization and the law on the basis of which the referendum on independence held in December 1974 stipulated that the latter would be held on a global basis and not for each island in isolation. France, perplexed by the result of the referendum, took Mayotte as an excuse for extending colonialism and interfering in the internal affairs of the Comoros by taking administrative, military and other measures.<sup>1035</sup>

The representative of Panama stated that the Security Council and the General Assembly had accepted for membership the State of the Comoros as comprising the four islands. To question the territorial integrity of the new State would be contrary to the purposes and principles of the Charter and the Declaration of the Granting of Independence to Colonial Countries and Peoples.<sup>1036</sup>

<sup>1033</sup> *Ibid.*, paras. 11-31.

<sup>1034</sup> *Ibid.*, paras. 35-46.

<sup>1035</sup> 1887th mtg., paras. 5-27.

<sup>1036</sup> *Ibid.*, paras. 30-39.