

ARTICLE 73

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ARTICLE 73

TEXT OF ARTICLE 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular

circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

INTRODUCTORY NOTE

1. The material included under section II A of this study, entitled "Determination of the territories to which Chapter XI of the Charter applies", generally corresponds with comparable material included under section II C of the *Repertory* and its *Supplements Nos. 1* and 2. The titles of the subheadings have, however, been modified. The material included under the subheading numbered II A 2 relates to an entirely new development which took place during the period under review.

2. The material included under section II B of this study, entitled "Transmission of Information under Article 73 e and its examination", generally corresponds with comparable material included under sections II A and B of the *Repertory* and its *Supplements Nos. 1* and 2. The material has, however, been consolidated under subheadings 1, 2, 4 and 6. The material included under subheadings 3 and 5 relates to entirely new developments which took place during the period under review.

3. Cross references to the *Repertory* and its *Supplements Nos. 1* and 2 are given, where appropriate, in foot-notes.

4. Section II C of this study deals with the adoption by the General Assembly at its fifteenth session of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV) of 14 December 1960,¹ and with the question of establishing a time-limit for the elimination of colonialism.

5. The Declaration applies not only to the territories covered by Chapter XI of the Charter but also to Trust Territories, to which Chapters XII and XIII apply, and to all other territories which have not yet attained independence. It has been dealt with under Chapter XI, Article 73, however, because, as stated in Assembly resolution 1970 (XVIII), the Declaration regarding Non-Self-Governing Territories contained in Chapter XI cannot be dissociated from it.

6. Because of the importance of the Declaration in subsequent decisions of the General Assembly relating to Non-Self-Governing Territories, the majority of which were taken within the context of the Declaration, its several provisions have not been treated separately, but are dealt with as a whole in section II C.

7. The actions taken and recommendations made by the General Assembly and, in some cases, by the Security Council to assist the peoples of colonial territories to achieve the objectives of the Charter are treated separately in this study under section II D. Decisions concerning French Somaliland and Oman are also included in section II D. In 1965 the former was added to the list of territories to which the Declaration on decolonization applied by the Special Committee on the application of the Declaration. In the same year, the Assembly invited the Special Committee to examine the situation in Oman.

8. Decisions relating specifically to individual Trust Territories and to South West Africa, to which the Declaration on decolonization also applies, are not considered here. They are dealt with, as in the *Repertory* and its *Supplements Nos. 1* and 2, under Articles 76 and 80 respectively.

¹ Referred to in this study as the Declaration on decolonization

I. GENERAL SURVEY

9. As of the beginning of the period under review, a number of former Non-Self-Governing Territories, or parts thereof, had attained the ultimate goal of Chapter XI, that is, "a full measure of self-government", and during the period under review additional territories achieved that goal. In almost all cases a full measure of self-government meant the attainment of independence and, with one exception, the resulting independent States became Members of the United Nations.²

10. The major action of general application to the territories to which Chapter XI applies taken by the General Assembly during the period under review was the adoption at its fifteenth session of the Declaration on the Granting of Independence to Colonial Countries and Peoples³ contained in resolution 1514 (XV). The Declaration was adopted by an overwhelming majority and without a negative vote.

11. In the Declaration, the General Assembly, among other things, expressed its conviction that the continued existence of colonialism prevented the development of international economic co-operation, impeded the social, cultural and economic development of dependent peoples and militated against the United Nations ideal of universal peace; solemnly proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations; and declared that immediate steps should be taken, in Trust and Non-Self-Governing Territories or all other territories which had not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

12. With regard to specific territories to which the provisions of Chapter XI apply, the Government of Spain, at the fifteenth session of the Assembly, no longer claimed that it did not possess any such territories and declared that it would transmit information on territories under its administration. The Assembly invited the Government of Spain to participate in the work of the Committee on Information from Non-Self-Governing Territories.⁴

13. At the same session, the Assembly established the precedent of itself deciding that certain territories were non-self-governing within the meaning of Chapter XI. Thus, after approving twelve principles which it decided should be applied in the light of the facts and the circumstances of a given case to determine whether or not an obligation existed to transmit information under Article 73 e, the Assembly considered that certain territories under the administration of Portugal were non-self-governing within the meaning of Chapter XI. It declared that an obligation existed on the part of the Government of Portugal to transmit infor-

mation under Chapter XI concerning the territories, requested the Government of Portugal to transmit the information and invited it to participate in the work of the Committee on Information from Non-Self-Governing Territories.⁵

14. At its sixteenth session the Assembly affirmed, again without the concurrence of the administering Member concerned, that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI.⁶

15. The Committee on Information from Non-Self-Governing Territories was continued by the General Assembly at its sixteenth and seventeenth sessions. From 1959 to 1963, the Committee examined information transmitted under Article 73 e, on behalf of the Assembly, and prepared studies thereon. As in the past, the various studies were prepared on conditions and problems in an area or region, except where circumstances required individual consideration. At the sixteenth session, the Committee's terms of reference were expanded to include the examination of, and preparation of studies on, political and constitutional information transmitted by administering Members.⁷

16. Certain administering Members had regularly transmitted political and constitutional information when they transmitted the information called for under Article 73 e. At the sixteenth session of the Assembly the United Kingdom undertook to supply the Secretary-General with such information separately. During the period under review, the Assembly continued to request administering Members to transmit political and constitutional information.⁸

17. At its sixteenth session, the General Assembly established the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV).⁹ At its seventeenth session, the Assembly invited the Committee to continue to seek the most suitable ways and means for the speedy and total application of the Declaration to all territories which had not yet attained independence. Similar requests were made by the Assembly at its eighteenth and twentieth sessions.¹⁰

18. The Special Committee at its first meetings in 1962 did not find it necessary to prepare a complete list of all the territories coming within the scope of its work. In 1963, however, it approved a preliminary list of such territories.¹¹ They were, in effect, those territories to which the Declaration contained in resolution 1514 (XV) clearly applied in accordance with its paragraph 5, namely the Trust Territories, the territories

² See paras. 199 and 200 below.

³ Referred to in this study as the Declaration on decolonization. See paras. 302-348 below.

⁴ See paras. 52-59 below.

⁵ See paras. 105-114 below.

⁶ See paras. 130-154 below.

⁷ See paras. 217-242 below.

⁸ See paras. 267-289 below.

⁹ Referred to in this study as the Special Committee on decolonization.

¹⁰ See paras. 349-407 below.

¹¹ See paras. 375-377 below.

which had been declared by the General Assembly to be Non-Self-Governing within the meaning of Chapter XI but on which information was not transmitted under Article 73 e by the administering Powers (that is, the territories under Portuguese administration and Southern Rhodesia) and the Non-Self-Governing Territories on which information was transmitted by the administering Powers. The Special Committee also included South West Africa in the preliminary list.

19. From its first meetings in 1962, the Special Committee considered the territories coming within the scope of its work on an individual basis, concentrating primarily on constitutional developments and political conditions with a view to making recommendations on the speedy fulfilment of the principles contained in the Declaration.

20. At its eighteenth session the General Assembly, under resolution 1970 (XVIII), considered that the Declaration contained in Chapter XI of the charter could not be dissociated from that contained in resolution 1514 (XV), that all United Nations activities concerning Non-Self-Governing Territories should be co-ordinated and consolidated with a view to the immediate ending of colonialism, and that the Special Committee, in view of the experience it had gained was in a position to take over the functions of the Committee on Information from Non-Self-Governing Territories. Accordingly, the Assembly decided¹² to dissolve the latter Committee, and requested the Special Committee to study the information transmitted under Article 73 e, as well as the information transmitted on political and constitutional development, and to take it fully into account in examining the situation with regard to the implementation of the Declaration contained in resolution 1514 (XV).

21. In a departure from previous practice, so far as Non-Self-Governing Territories were concerned,¹³ the Special Committee decided in 1962 that it would consider sending visiting groups to various territories, if necessary. At its eighteenth session, the Assembly requested the administering Powers to give their full co-operation to the Special Committee and to facilitate the task of the sub-committees and visiting groups instructed by the Special Committee to go to the territories under its mandate; and specifically expressed deep regret at the refusal of the Government of the United Kingdom to allow a sub-committee to go to Aden in pursuance of the tasks entrusted to it by the Special Committee. At its twentieth session, the Assembly requested the administering Powers to allow United Nations missions to visit twenty-six Non-Self-Governing Territories, and to extend to them full co-operation and assistance. As of the end of the period under review, a sub-committee of the Special Committee had in August 1966, with the agreement of the administering Power, visited Equatorial Guinea (Fernando Póo and Río Muni) under Spanish administration.¹⁴

22. In a further departure from previous practice¹⁵ the Fourth Committee, from the sixteenth session of the General Assembly, granted hearings to petitioners from Non-Self-Governing Territories.¹⁶ At its sixteenth session the Assembly also authorized the Special Committee on Territories under Portuguese Administration to receive petitions and to hear petitioners concerning conditions prevailing in those territories.¹⁷ That Committee was dissolved at the Assembly's seventeenth session.

23. The Special Committee on decolonization also agreed at its first meetings in 1962 that, as an additional and supplementary means of acquiring information, it would hear petitioners and receive written petitions. It subsequently adopted that procedure in connexion with various territories including Non-Self-Governing Territories.¹⁸ The Assembly approved the procedure at its eighteenth session in 1963.

24. After the adoption of the Declaration on decolonization, the General Assembly continued to make recommendations of general application to all Non-Self-Governing Territories but the majority related to individual territories. That was contrary to previous practice, when with few exceptions¹⁹ it had adopted resolutions relating to individual territories only on the initial transmission of information under Article 73 e or on the cessation of such information.

25. In a number of its resolutions relating to individual Non-Self-Governing Territories the Assembly reaffirmed, within the context of resolution 1514 (XV) the right of peoples concerned to self-determination and independence, or to freedom and independence, and in some cases requested that a date for independence be set in accordance with the wishes of the people.²⁰

26. In other cases, while reaffirming the right of the peoples of the territories concerned to self-determination and independence, the Assembly recommended that the administering Power should adopt such measures as elections based on universal adult suffrage, which would ensure the establishment before independence of a freely elected government fully representative of the people. Recommendations to that effect were made by the Assembly notably with regard to Aden at its eighteenth and twentieth sessions, with regard to Basutoland, Bechuanaland and Swaziland at its seventeenth, eighteenth and twentieth sessions, with regard to Fiji at its eighteenth and twentieth sessions, and with regard to Southern Rhodesia at its sixteenth, seventeenth, eighteenth and twentieth sessions.²¹ In the case of Aden and the Southern Rhodesia, the Assembly also

¹⁵ For provisions and procedures regarding the acceptance of petitions concerning Trust Territories by the General Assembly, and under its authority, the Trusteeship Council, see this *Supplement* under Article 87. For the receipt of written petitions and the hearing of petitioners from South West Africa, see this *Supplement* under Article 80.

¹⁶ See paras. 438-454 below.

¹⁷ See paras. 455-459 below.

¹⁸ See paras. 460-462 below.

¹⁹ Resolutions 274 (III), 301 (IV), 611 (VII), 612 (VII), 812 (IX), 813 (IX) and 911 (X).

²⁰ See paras. 503-506, 509-515 and 568 below.

²¹ See paras. 491-495, 486-500, 507, 508 and 538-562 below.

¹² See paras. 243-251 below.

¹³ For provisions and procedures regarding periodic visits to Trust Territories by the General Assembly and, under its authority, the Trusteeship Council, see this *Supplement* under Article 87.

¹⁴ See paras. 408-437 below.

called on the administering Power to release political prisoners and to repeal repressive legislation.²²

27. In the case of Aden the General Assembly, at its twentieth session, further appealed to all Member States not to recognize any independence not based on the wishes of the people freely expressed through elections held under universal adult suffrage and to render all possible assistance to the people in their efforts to attain freedom and independence.²³

28. At the same session, on 5 November 1965, the Assembly noted with grave concern the manifest intention of the authorities in Southern Rhodesia to proclaim independence unilaterally, which would continue the denial to the African majority of their rights to freedom and independence. It called on the United Kingdom to employ all necessary measures, including military force, to implement Assembly recommendations on the situation in Southern Rhodesia.

29. Objections were raised to that recommendation in the Fourth Committee and in the General Assembly, on the grounds that it could not be justified under any pretext; that it would be contrary to Article 1; and that only the Security Council was competent in the matter. In reply it was argued that the measure called for did not come under Chapter VII of the Charter, since it was not a call for collective force but an appeal to an administering Power to fulfil its obligations under Article 73. Separate votes were taken on the recommendation both in the Fourth Committee and in the General Assembly, where it was adopted.²⁴

30. On 11 November 1965, the General Assembly condemned the unilateral declaration of independence made on that day by the racist minority in Southern Rhodesia and invited the United Kingdom immediately to implement the Assembly's resolutions and those of the Security Council in order to put an end to the rebellion by the unlawful authorities in Southern Rhodesia.²⁵

31. In the case of the Portuguese territories which Portugal maintained were integral parts of the Portuguese nation, the General Assembly requested²⁶ the Portuguese Government to undertake extensive constitutional and political reforms and in particular, at its seventeenth session, after it had examined the report of the Special Committee on Territories under Portuguese administration, urged the Portuguese Government to recognize the right of the peoples of the territories to self-determination and independence; and to hold negotiations, on the basis of the recognition of the right to self-determination, with authorized representatives of political parties with a view to the transfer of power to political institutions freely elected and representative of the peoples; and to grant independence immediately thereafter to all the territories under its administration in accordance with the wishes of the people. The General Assembly also made a number of requests to Member States.²⁷

32. In connexion with a call on Member States to break off diplomatic and consular relations and to boycott trade with Portugal, objection was raised in the Fourth Committee that such a recommendation was tantamount to the application of Chapter VII and consequently within the exclusive competence of the Security Council. A request that that recommendation, among others, should be voted on separately was, however, rejected by the Committee.²⁸

33. Resolutions concerning Southern Rhodesia²⁹ and the territories under Portuguese administration³⁰ were also adopted by the Security Council.

34. With respect to the Falkland Islands (Malvinas) and Gibraltar, where sovereignty over the territories was in dispute and where the question of the compatibility of the principles relating to self-determination and territorial integrity arose, the Assembly at its twentieth session made recommendations that the Governments concerned should enter into negotiations, bearing in mind the principles of the Charter and of the Declaration on decolonization and the interests of the people.³¹

35. With regard to West New Guinea (West Irian), where there was also a dispute over sovereignty and the same question of the compatibility of the two principles arose, the Assembly at its seventeenth session took note of an Agreement between the Republic of Indonesia and the Kingdom of the Netherlands and authorized the Secretary-General to carry out tasks entrusted to him in the Agreement.³²

36. In the case of Ifni and Spanish Sahara, where the question of sovereignty was also raised, the Assembly at its twentieth session requested the Government of Spain as the administering Power to take immediately all necessary measures for the liberation of the two territories from colonial domination and to that end to enter into negotiations on the problems relating to sovereignty.³³

37. With regard to twenty-six Non-Self-Governing Territories, in some of which, as noted by the Assembly, there were special circumstances of geographical isolation and economic conditions, the Assembly reaffirmed at its twentieth session the inalienable right of the inhabitants to decide their constitutional status in accordance with the provisions of the Declaration on decolonization and other General Assembly resolutions and decided that the United Nations should render all help to the people of the territories in their efforts freely to decide their future status.³⁴

38. At the same session, in a resolution of general application to all territories to which the Declaration applied, the Assembly requested the Special Committee on decolonization to pay particular attention to the small territories and to recommend the most appro-

²² See paras. 491, 493, 494, 539, 540 and 560 below.

²³ See para. 495 below.

²⁴ See paras. 557-561 and 620-632 below.

²⁵ See para. 562 below.

²⁶ See para. 523 below.

²⁷ See paras. 583, 588 and 599-602 below.

²⁸ See paras. 604 and 605 below.

²⁹ See paras. 550-552, 563, 616 and 636-638 below. See also this *Supplement* under Articles 39, 41 and 42.

³⁰ See paras. 519, 527, 528, 534, 535, 537, 592, 594 and 597 below. See also this *Supplement* under Article 39.

³¹ See paras. 786, 812 and 818 below.

³² See paras. 871-873 below.

³³ See paras. 839 and 840 below.

³⁴ See paras. 567 and 568 below.

prate steps to be taken to enable their populations to exercise fully their right to self-determination and independence. It also requested the Special Committee, whenever it considered it appropriate, to recommend a deadline for the accession to independence of each territory in accordance with the wishes of the people.

39. The Assembly also requested the colonial Powers to dismantle military bases installed in colonial territories and to refrain from establishing new ones.³⁵ Those Members advocating that the simple majority principle should apply for such a request argued that so far as colonial territories were concerned the removal of military bases related to the question of decolonization. Such a request consequently did not relate to the maintenance of international peace and security, for which, under Article 18 (2), a two-thirds majority was required. It was decided that the simple majority principle should apply.

40. Also at the twentieth session the Assembly called on the colonial Powers to discontinue their policy of violating the rights of colonial peoples through the systematic influx of immigrants and the dislocation, deportation and transfer of indigenous inhabitants.³⁶

41. In two cases during the period under review, namely, the Cook Islands³⁷ and Sabah (North Borneo) and Sarawak,³⁸ the United Nations participated in processes to ascertain the freely expressed wishes of the people regarding their future political status.

42. In the case of West New Guinea (West Irian), the General Assembly, at its seventeenth session, authorized the Secretary-General to appoint a United Nations representative to advise, assist and participate in the arrangements for the act of free choice by the people of the territory, which was to take place before the end of 1969, on whether they wished to remain with Indonesia, or sever their ties with it.

³⁵ See also paras. 649-654, 659, 663-666 and 670 below.

³⁶ See paras. 671-688 below.

³⁷ See paras. 731-751 below.

³⁸ See paras. 759-762 below. See also this *Supplement* under Article 98.

43. At its eighteenth and twentieth sessions the Assembly requested the Secretary-General, in consultation with the Special Committee and the administering Power, to arrange for an effective United Nations presence in Aden, before and during the elections which, it recommended, should take place before independence.³⁹

44. With regard to Equatorial Guinea (Fernando Póo and Río Muni), the Assembly recommended at its twentieth session that the administering Power set the earliest date for independence after consulting the people on the basis of universal adult suffrage under the supervision of the United Nations. Subsequently, the Special Committee recommended that the administering Power should continue to co-operate with the United Nations by ensuring United Nations participation in the processes leading to independence.⁴⁰

45. During the period under review, the scholarship programme for students from Non-Self-Governing Territories initiated by the General Assembly at its ninth session continued in operation. Under that programme, Member States were invited to make scholarships available to qualified students from Non-Self-Governing Territories and to report their offers to the Secretary-General.⁴¹

46. The General Assembly established at its seventeenth session a Special Training Programme, financed by the United Nations, for the indigenous people of the territories under Portuguese administration. At the same time, it invited Member States to make available all-expense scholarships for students from those Territories.⁴²

³⁹ See paras. 716 and 724 below.

⁴⁰ See paras. 753-758 below.

⁴¹ See paras. 882-886 below. For information on a similar programme for students from Trust Territories see this *Supplement* under Article 76.

⁴² See paras. 887-898 below. For information on the Special Training Programme for students from South West Africa, see this *Supplement* under Article 80.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Determination of the territories to which Chapter XI of the Charter applies

1. ENUMERATION BY MEMBER STATES OF TERRITORIES ON WHICH THEY WILL TRANSMIT INFORMATION UNDER ARTICLE 73 e

47. As indicated in the *Repertory*,⁴³ the General Assembly did not itself initially decide to which territories Chapter XI was to apply and on which information was to be transmitted under Article 73 e. It simply requested the Secretary-General to include in his annual report a statement summarizing such information as had been transmitted to him by Members.

48. In order to obtain the necessary information the Secretary-General addressed a letter to all Member

States requesting that they enumerate any Non-Self-Governing Territories under their jurisdiction. Under resolution 66 (I) in 1946 the Assembly listed seventy-four territories on which information had been transmitted or was to be transmitted under Article 73 e.

49. The Secretary-General's practice of sending a letter requesting the necessary information to new Member States was referred to in *Repertory Supplements Nos. 1 and 2*.⁴⁴ During the period under review, the Secretary-General requested such information from Algeria, Burundi, Cameroon, Central African Republic, Chad, Cyprus, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Jamaica, Kuwait, Madagascar, Mali, Mauritania, Nigeria, Rwanda, Senegal, Sierra Leone,

⁴⁴ *Repertory Supplement No. 1*, vol. II, under Article 73, para. 3; *Repertory, Supplement No. 2*, vol. II, under Article 73, paras. 9-14.

⁴³ *Repertory*, vol. IV, under Article 73, paras. 21-23.

Somalia, Tanganyika, Togo, Trinidad and Tobago, Uganda and Upper Volta. None of those Members replied that it had any territories under its administration falling within the scope of Chapter XI.

50. Reference was also made in *Repertory Supplement No. 2*⁴⁵ to the reply from Portugal in 1956 that it did not administer any territories covered by Article 73 e and to the similar reply from Spain in 1958; to the questions raised in the Fourth Committee concerning those statements; and to the eventual establishment under resolution 1467 (XIV) of 12 December 1959 of a Special Committee to study the principles which should guide Members in determining whether or not an obligation existed to transmit the information called for in Article 73 e of the Charter.

51. During the period under review the Special Committee set up under resolution 1467 (XIV) reported to the Assembly at its fifteenth session. The principles set out in the Special Committee's report were approved in an amended form in the Fourth Committee and subsequently adopted in General Assembly resolution 1541 (XV).⁴⁶

52. After the approval of the draft principles in the Fourth Committee, a draft resolution⁴⁷ was submitted by which the Assembly would declare certain territories under Spanish and Portuguese administration⁴⁸ to be non-self-governing within the meaning of Chapter XI of the Charter. The territories under Spanish administration were Ifni, West Sahara, Fernando Póo and Río Muni. The Assembly would further declare that an obligation existed on the part of the Government of Spain to transmit information under Article 73 e of the Charter concerning those territories and that that obligation should be discharged without further delay.

53. During the discussion, the representative of Spain⁴⁹ stated that his Government did not know what a Non-Self-Governing Territory was and did not accept the obligation to transmit information on any so-called Non-Self-Governing Territories which it administered, but in view of its desire to co-operate with the United Nations it was prepared in due course to transmit information on its "overseas provinces".

54. On the basis of that statement, the sponsors revised the draft resolution.⁵⁰

55. In a second statement⁵¹ at the 1048th meeting of the Fourth Committee, the representative of Spain said that the Spanish Government had decided to transmit to the Secretary-General information pertaining to the territories referred to under Chapter XI of the Charter.

56. Amendments⁵² to the revised draft resolution were submitted. With respect to one of those amendments, listing the territories administered by Spain as "Ifni, West Sahara, Fernando Póo, Río Muni, Canary Islands", the representative of Morocco expressed reservations⁵³ with regard to Ifni and West Sahara which his Government considered to be integral parts of its territory. Objection was also raised⁵⁴ to the inclusion of the Canary Islands in the list on the grounds that Spanish sovereignty in respect of that territory could not be questioned. That part of the amendment under which the Assembly would introduce the territories with the words "concerning the following Non-Self-Governing Territories" was voted on separately and was rejected by 42 votes to 15, with 16 abstentions. In consequence, the rest of the amendment listing the territories was not voted on.

57. An amendment to delete the words "with satisfaction" regarding the statement by the representative of Spain in the fourth preambular paragraph was rejected by 50 votes to 11, with 11 abstentions. An amendment to delete operative paragraph 4 providing for the Secretary-General to take the necessary steps pursuant to the statement by the representative of Spain was rejected by a roll-call vote of 51 to 9, with 14 abstentions. The paragraph was adopted by 52 votes to 10, with 9 abstentions.

Decision

The draft resolution as a whole, as amended, was approved⁵⁵ in a roll-call vote by 45 to 6, with 24 abstentions. It was subsequently adopted⁵⁶ by the General Assembly on 15 December 1960 by a roll-call vote of 68 to 6, with 17 abstentions as its resolution 1542 (XV).

58. The relevant paragraphs of resolution 1542 (XV) relating to the territories administered by Spain read as follows:

"The General Assembly,

"Recalling that, by resolution 742 (VIII) of 27 November 1953, the General Assembly approved a list of factors to be used as a guide in determining whether a Territory is or is no longer within the scope of Chapter XI of the Charter of the United Nations,

"Recalling also that differences of views arose among Member States concerning the status of certain territories under the administration of ... Spain and described by [this]... State as "overseas provinces" of the metropolitan State concerned, and that with a view to resolving these differences the General Assembly, by resolution 1467 (XIV) of 12 December 1959, appointed the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter to study the principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e,

⁴⁵ See *Repertory Supplement No. 2*, vol. III, under Article 73, paras. 107-119.

⁴⁶ See paras. 64-104 below.

⁴⁷ G A (XV) Annexes, a.i. 38, A/C.4/L.649, submitted by Afghanistan, Burma, Ceylon, Ghana, Guinea, India, Nepal and Nigeria.

⁴⁸ For developments concerning territories under Portuguese administration, see paras. 106-129 below.

⁴⁹ G A (XV), 4th Com., 1038th mtg., para. 27.

⁵⁰ G A (XV), Annexes, a.i. 38, A/C.4/L.649/Rev.1 and Add.1 (Iraq, Liberia, Libya and Senegal joined the original sponsors).

⁵¹ G A (XV), 4th Com., 1048th mtg., para. 1.

⁵² Submitted by the Ukrainian SSR (see G A (XV), Annexes, a.i. 38, A/4651, para. 12, A/C.4/L.651).

⁵³ G A (XV), 4th Com., 1046th mtg., para. 39.

⁵⁴ G A (XV), 4th Com., 1047th mtg.: Colombia, para. 39 (see also 1049th mtg.: Argentina, para. 31; Haiti, para. 34).

⁵⁵ G A (XV), 4th Com., 1048th mtg., paras. 69-83.

⁵⁶ G A (XV), Plen., 948th mtg., para. 93.

"Recognizing that the desire for independence is the rightful aspiration of peoples under colonial subjugation and that the denial of their right to self-determination constitutes a threat to the well-being of humanity and to international peace,

"Recalling with satisfaction the statement of the representative of Spain at the 1048th meeting of the Fourth Committee that his Government agrees to transmit information to the Secretary-General in accordance with the provisions of Chapter XI of the Charter,

"Mindful of its responsibilities under Article 14 of the Charter,

"...

"4. Requests the Secretary-General to take the necessary steps in pursuance of the declaration of the Government of Spain that it is ready to act in accordance with the provisions of Chapter XI of the Charter;

"5. Invites the Government of ... Spain to participate in the work of the Committee on Information from Non-Self-Governing Territories in accordance with the terms of paragraph 2 of General Assembly resolution 1332 (XIII) of 12 December 1958."

59. In 1961, the representative of Spain made a statement in the Committee on Information from Non-Self-Governing Territories giving information on Río Muni, Fernando Póo and Spanish Sahara. In explanation of why information was not provided on Ifni, the representative stated,⁵⁷ among other reasons, that since bilateral discussions had been held between Spain and Morocco, his Government had not considered it appropriate to provide such information. Subsequently, information was transmitted by the Government of Spain on Fernando Póo, Ifni, Río Muni and Spanish Sahara.⁵⁸

2. QUESTION OF THE COMPETENCE OF THE GENERAL ASSEMBLY TO DETERMINE TO WHICH TERRITORIES CHAPTER XI OF THE CHARTER APPLIES: THE ESTABLISHMENT OF PRINCIPLES INDICATIVE OF WHETHER A TERRITORY IS ONE ON WHICH AN OBLIGATION EXISTS TO TRANSMIT INFORMATION

60. The issue of the competence of the General Assembly to decide whether a given territory had, or had not attained a full measure of self-government became an active one in 1947 and 1948 when certain administering Members ceased to transmit information on certain territories under their administration.

61. In its resolutions on the question,⁵⁹ the General Assembly had considered it essential, under resolution 222 (III), that the United Nations should be informed of any change in the constitutional position and status of

any territory on which the responsible Member Government thought it unnecessary to transmit information and requested those Members to transmit such information. Under resolution 334 (IV), it had considered it was within its responsibility to express an opinion on the principles which had guided or might guide Members enumerating territories for which the obligation to transmit information existed. In resolution 742 (VIII), the Assembly had approved a list of factors indicative of the attainment of independence or of other separate systems of self-government, and recommended that those factors should be used by the Assembly and the administering Members as a guide in determining whether a territory, as a result of changes in its constitutional status, was, or was no longer within the scope of Chapter XI of the Charter. Under resolutions 748 (VIII), 849 (IX), 945 (X) and 1469 (XIV), by which it had decided that the transmission of information on certain territories should cease, the Assembly had borne in mind its competence to decide whether a Non-Self-Governing Territory had or had not attained a full measure of self-government as referred to in Chapter XI.

62. From the eleventh session of the Assembly in 1956, questions arose as to whether the Assembly had the competence to determine that the provisions of Chapter XI applied to a given territory and that the transmission of information should begin, with particular reference to the replies from the Governments of Portugal and Spain, in response to the Secretary-General's inquiry, that they did not administer any territories coming under Article 73.

63. In that connexion, the General Assembly had established, under resolution 1467 (XIV) of 12 December 1959, a special committee of six members—three of which were administering Members and three non-administering Members—to study the principles which should guide Members in determining whether or not an obligation existed to transmit the information called for in Article 73 e.⁶⁰ In the preambular part of that resolution, the General Assembly had, among other things, noted that Member States had expressed differing views as to the application of the provisions of Chapter XI to territories whose peoples had not yet attained a full measure of self-government, including the obligation to transmit the information called for under Article 73 e.

64. The Special Committee submitted a report⁶¹ to the General Assembly at its fifteenth session. In introducing the report, the Chairman of the Special Committee stated⁶² in the Fourth Committee that the Special Committee had decided to confine itself to the enumeration of universal principles without reference to any particular Non-Self-Governing Territory. It felt, however, that it had formulated principles on the basis of which the General Assembly would be able to determine in each specific case, whether or not an obli-

⁵⁷ G A (XVI), Suppl. No. 15, paras. 72-76. For Spain's original statement, see *ibid.*, annex V.

⁵⁸ G A (XVIII), Suppl. No. 14, annex II; G A (XIX), Annexes, No. 8 (Part I), chap. II p. 29; G A (XX), Annexes, I.i., 23 A/6000/Rev. 1, chap. XXVI, p. 459; G A (XXI), Annexes, a.i. 23, A/6300/Rev. 1, chap. XXIII, p. 794.

⁵⁹ For further details see under Article 73, *Repertory*, paras. 229-254; *Repertory Supplement No. 1*, para. 41; *Repertory Supplement No. 2*, paras. 73-89.

⁶⁰ See *Repertory Supplement No. 2*, vol. III, under Article 73, paras. 107-119.

⁶¹ G A (XV), Annexes, a.i. 38, A/4526. The members of the Special Committee were: India, Mexico, Morocco, the Netherlands, the United Kingdom and the United States.

⁶² G A (XV), 4th Com., 1031st mtg.: India, paras. 4-6.

gation existed to transmit information under Article 73 e. The adoption of the twelve principles contained in the report would remove any uncertainty with regard to the existence of an obligation to transmit information or the circumstances in which such an obligation existed, and would provide a legal and constitutional basis for any action which the General Assembly might take in the matter.

65. In the Fourth Committee, discussion of the Special Committee's report and of the draft principles contained therein again gave rise to debate as to whether the General Assembly had the competence to formulate such principles, and whether it had the competence to determine that the provisions of Chapter XI applied to a given territory and that information should be transmitted on it.

66. The question of the definition of a territory to which Chapter XI applied and of the meaning of the term "a full measure of self-government" also gave rise to debate. In that connexion, it may be recalled⁶³ that the Assembly, while not defining the term "a full measure of self-government", had under resolution 742 (VIII) considered that the manner in which territories referred to in Chapter XI could become fully self-governing was primarily through the attainment of independence. It had, however, recognized that self-government could also be achieved by association with another State or group of States if that were done freely and on the basis of absolute equality.

67. In addition, debate took place on whether the General Assembly had the right to assert its competence to supervise the processes by which a Non-Self-Governing Territory might be integrated with an independent State. In that connexion, it may be recalled that the General Assembly had already in resolution 850 (IX), considered that in order to evaluate as fully as possible the opinion of the population as to the status or change in status which they desired, a mission, if the General Assembly deemed it desirable, should, in agreement with the administering Member, visit the Non-Self-Governing Territory before or during the time when the population was called upon to decide on its future status or change in status.⁶⁴

68. Debate also again took place on the interpretation to be given to the proviso contained in Article 73 e that information was to be transmitted regularly for information purposes, "subject to such limitation as security and constitutional considerations may require"⁶⁵

69. The arguments raised in the debate involved, as at previous sessions, the nature of Chapter XI and of the obligations thereunder.

70. A draft resolution⁶⁶ was submitted in the Fourth Committee whereby the General Assembly would in

operative paragraph 2 approve the principles set out in the Special Committee's report; and in operative paragraph 3, would decide that those principles should be applied in the light of the facts and the circumstances of each case to determine whether or not an obligation existed to transmit information under Article 73 e of the Charter.

71. The draft principles were as follows:

I

The authors of the Charter of the United Nations had in mind that Chapter XI should be applicable to territories which were then known to be of the colonial type. An obligation exists to transmit information under Article 73 e of the Charter in respect of such territories whose peoples have not yet attained a full measure of self-government.

II

Chapter XI embodies the concept of Non-Self-Governing Territories in a dynamic state of evolution and progress towards a "full measure of self-government". As soon as a territory and its peoples attain a full measure of self-government, the obligation ceases. Until this comes about the obligation to transmit information under Article 73 e continues.

III

The obligation to transmit information under Article 73 e of the Charter constitutes an international obligation, and should be carried out with due regard to the fulfilment of international law.

IV

Prima facie there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally, from the country administering it.

V

Once it has been established that such a *prima facie* case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, *inter alia*, of an administrative, political, juridical, economic or historical nature. If they affect the relationship between the metropolitan State and the territory concerned in a manner which arbitrarily places the latter in a position or status of subordination, they support the presumption that there is an obligation to transmit information under Article 73 e of the Charter.

VI

A Non-Self-Governing Territory can be said to have reached a full measure of self-government by:

- (a) Emergence as a sovereign independent State;
- (b) Free association with an independent State; or
- (c) Integration with an independent State.

VII

(a) Free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed by informed and democratic processes. It should be one which respects the individuality and the cultural characteristics of the territory and its peoples, and retains for the peoples of the territory, which is associated with an independent State, the freedom to modify its status through the expression of their will by democratic means and through constitutional processes.

(b) The associated territory should have the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely expressed wishes of the people. This does not preclude consultations as appropriate or necessary under the terms of the free association agreed upon.

⁶³ See *Repertory*, vol. IV, under Article 73, paras. 259-261 (the question of the definition of a full measure of self-government); and paras. 262-264 (the factors determining the attainment of a full measure of self-government).

⁶⁴ See also *Repertory*, vol. IV, under Article 73, paras. 279 and 280.

⁶⁵ See also *Repertory Supplement No. 2*, vol. III, under Article 73 para. 116.

⁶⁶ G A (XV), Annexes, a.i. 38, A/C.4/L.648 and Add.1, submitted by Bolivia, Iraq, Ireland, Nigeria and Venezuela.

VIII

Integration with an independent State should be on the basis of complete equality between the peoples of the erstwhile Non-Self-Governing Territory and those of the independent country with which it is integrated. The peoples of both territories should have equal status and rights of citizenship and equal guarantees of fundamental rights and freedoms without any distinction or discrimination; both should have equal rights and opportunities for representation and effective participation at all levels in the executive, legislative and judicial organs of government.

IX

Integration should have come about in the following circumstances:

(a) The integrating territory should have attained an advanced stage of self-government with free political institutions, so that its peoples should have the capacity to make a responsible choice through informed and democratic processes;

(b) The integration should be the result of the freely expressed wishes of the territory's peoples with full knowledge of the change in their status and through informed and democratic processes, impartially conducted, and based on universal adult suffrage. It is recognized that in certain circumstances United Nations supervision of such processes may be desirable.

X

The transmission of information in respect of Non-Self-Governing Territories under Article 73 e is subject to such limitation as security and constitutional considerations may require. This means that the extent of the information may be limited in certain circumstances, but the limitation in Article 73 e cannot relieve a Member State of the obligations of Chapter XI. The "limitation" can relate only to the quantum of information of economic, social and educational nature to be transmitted.

XI

The only constitutional considerations to which Article 73 e refers are those arising from constitutional relations of the territory with the Administering Member. They refer to a situation in which the constitution of the territory gives it self-government in economic, social and educational matters through freely elected institutions. Nevertheless, the responsibility for transmitting information under Article 73 e continues, unless these constitutional relations preclude the Government or parliament of the Administering Member from receiving statistical and other information of a technical nature relating to economic, social and educational conditions in the territory.

XII

Security considerations have not been invoked in the past. Only in very exceptional circumstances can information on economic, social and educational conditions have any security aspect. In other circumstances, therefore, there should be no necessity to limit the transmission of information on security grounds.

72. In objecting to the formulation of the principles as a whole by the General Assembly and to the statement in draft principle III that the transmission of information was an international obligation, one representative noted⁶⁷ that once again the question of the interpretation of Article 73 was being discussed. Chapter XI was entitled "Declaration regarding Non-Self-Governing Territories". The word "Declaration" meant only that—an act which was entirely left to the initiative and discretion of Member Governments. Chapters IX and XII were "international" systems, and the authors of the Charter had intended that the United Nations

should have a say in their implementation. The Charter did not provide any machinery for the supervision of the implementation of Chapter XI as it did for the other systems. There was no doubt, therefore, that the Charter did not ascribe to Chapter XI the same scope and the same obligations that it had embodied in Chapters IX and XII. Whereas the Charter always referred to the United Nations when dealing with matters covered by those two Chapters, the emphasis in Chapter XI was on Members of the United Nations, thereby placing on them, and on them only, the responsibilities and powers which under the other two Chapters were placed on the General Assembly. Members of the United Nations were not even requested to co-operate with the Organization in implementing Articles 73 and 74 as they were in connexion with Chapters IX and XII. The entire text of Articles 73 and 74 was addressed to Member States, and they alone had the power to make "declarations" in consequence of which they might accept certain obligations. It was nowhere suggested that a declaration, whether in the form of a resolution or otherwise, might be made by the United Nations itself. Article 73 did not, either in letter or spirit, prescribe any specific obligation other than that of making a declaration, the terms and scope of which were left entirely to the discretion of Member States. The only obligations assumed by Member States were those arising from their declarations.

73. It seemed to be taken for granted that an obligation to transmit information did exist under Article 73 e—a view which his delegation did not hold. Draft principles I and III reached a conclusion on the basis of an assumption which was not discussed, when it was precisely that conclusion that was itself the subject of controversy.

74. Another representative stated⁶⁸ that the determination of criteria did not lie within the competence of the General Assembly, since there was no provision in the Charter authorizing the General Assembly to intervene in a field that lay within the exclusive jurisdiction of sovereign States.

75. On the other hand, other representatives considered that the obligations under Chapter XI, including that of transmitting information were legal, international and binding on all Member States. The General Assembly, furthermore, in view of its own responsibilities towards the peoples of the Non-Self-Governing Territories, was competent to establish the criteria on which a decision could be made as to whether a territory had or had not attained a full measure of self-government; and to decide whether the provisions of Chapter XI applied and that information should be transmitted. It was stated⁶⁹ that the competence of the General

⁶⁸ G A (XV), 4th Com., 1046th mtg.: Belgium, para. 5.

⁶⁹ For text of relevant statements, see G A (XV), 4th Com., 1031st mtg.: Mexico, paras. 8 *et seq.*; Yugoslavia, paras. 27 and 28; 1032nd mtg.: Cyprus, para. 26; 1033rd mtg.: Burma, para. 7 *et seq.*; China, para. 33; Jordan, paras. 15 *et seq.*; Ukrainian SSR, paras. 21 and 22; 1034th mtg.: United Arab Republic, para. 15; 1035th mtg.: Pakistan, para. 3; Czechoslovakia, para. 6 *et seq.*; Ceylon, para. 13; Nigeria, para. 30; 1036th mtg.: Tunisia, paras. 30 and 31; 1037th mtg.: Senegal, para. 15; Indonesia, para. 21; Afghanistan, para. 28; 1038th mtg.: Poland, para. 3; Guinea, para. 16; 1039th mtg.: Iran, paras. 6 and 7; Libya, para. 9; Sudan, para. 11; Philippines, paras. 38-40; Bulgaria, para. 49; 1040th mtg.: Haiti, paras. 5-6; India, paras. 10, 11 and 13.

⁶⁷ G A (XV), 4th Com., 1036th mtg.: Portugal, paras. 35-52.

Assembly was clear from the Charter and from the earlier resolutions it had adopted confirming its competence. In accepting the sacred trust defined in Article 73, States signatories to the Charter acknowledged their accountability to the United Nations. Articles 73 and 74 did not give the United Nations the right of supervision over the administration of the Non-Self-Governing Territories, as did the Articles in Chapter XII, dealing with the Trust Territories. They did place the General Assembly under an obligation to obtain information in order to ascertain whether administering Members were discharging their sacred trust.

76. The obligations under Articles 73 and 74, including the obligation to further the well-being of the indigenous peoples, to develop self-government and to transmit information on the progress made in various fields, were international and legal obligations and could not be abrogated by the unilateral action or arbitrary interpretation of any Member State. They remained in force from the time an administering Power was admitted to the United Nations until the attainment of full self-government by that Power's Non-Self-Governing Territories. Chapter XI was not only a declaration of principles, but also a declaration of obligations accepted by the Member States administering Non-Self-Governing Territories and was as fully binding as a concordat.

77. The obligation to transmit information under Article 73 e could not be isolated from the rest of Article 73 or from the political declaration that Chapter XI constituted.

78. The transmission of information was essential, not as an end in itself, but in order that the General Assembly could not only ascertain whether the administering Members were fulfilling their obligations to the peoples of the Non-Self-Governing Territories, but could judge how close those peoples had come to self-government or independence. Only by studying the information could the General Assembly ascertain whether they were complying with the obligations imposed on them by Article 73 a, b, c and d.

79. One representative recalled⁷⁰ that there had been no agreement as to which authority was to decide that the transmission of information should cease. The majority of administering Members had maintained that the competence to take that decision lay exclusively with them, while the great majority of non-administering Members thought that the General Assembly should have the authority, either exclusively, or jointly, with the administering Members. His delegation believed that it was for the General Assembly to determine collectively the interpretation to be given to the term "Non-Self-Governing Territories and territories whose peoples have not yet attained a full measure of self-government."

80. As to the question of the definition of a territory to which Chapter XI applied and the meaning of the term "a full measure of self-government", one representative observed⁷¹ that the draft principles contained no definition of what constituted "colonialism" or a

"colony". The same representative failed to understand what was meant in legal terms by the concept embodied in draft principle II of a "dynamic state of evolution". Until a territory became self-governing, no matter how near it might be to that status, it was still a Non-Self-Governing Territory.

81. With regard to draft principles IV and V, the same representative said that it was not clear whether geographical, ethnical and cultural distinctness were to be taken separately or together. Geographical separation was irrelevant because a number of independent States consisted of archipelagos or other combinations of geographically distinct areas. Racial and cultural differences were immaterial; for many countries were composed of a number of races with different cultures and backgrounds. The economic situation of a territory did not itself indicate whether or not a territory was a colony unless it was in a subordinate position and there was economic exploitation.

82. A colony he stated, existed when one people dominated another, when the principle of equality of rights and opportunity was not accepted, when there was economic and financial exploitation, when territories were held for military reasons or to further national power, when a particular religion, creed or culture was imposed on others, and when political and ideological doctrines were imposed on peoples to increase the power and prestige of a country or a group of countries.

83. As far as the principles indicative of a "full measure of self-government" were concerned, he stated that it appeared to have been taken for granted in draft principle VI, that everyone knew when a State had emerged as sovereign and independent. That was not the case; sovereignty in international law was a controversial subject, and it had to be admitted that in the international community there were several degrees of sovereignty.

84. A federation or confederation of States was all that was described in draft principle VII. There was an important omission: no reference was made to the secession of a State or territory after acceding to a federation or confederation. The words "democratic processes" and "democratic means" used in that principle were difficult to define. There was more than one type of democracy. In his delegation's view, respect for national laws provided the only basis for an agreed definition of a democratic process through which the wishes of the people could be expressed.

85. Another representative failed to see what criteria were to be used to determine geographical separation, or who was to define the various factors enumerated in draft principles IV and V.⁷²

86. Another representative supported⁷³ draft principle I on the understanding that the territories of the colonial type referred to included not only those in existence when the United Nations Charter was drafted but also any territories lacking a full measure of self-government which might have come within the scope of the classification since then. He also expressed reservations on draft principle IV and said that the exact nature of the geographical separation referred to was

⁷⁰ G A (XV), 4th Com., 1033rd mtg.: China, paras. 33 and 34.

⁷¹ See G A (XV), 4th Com., Portugal: 1036th mtg., paras. 51 and 53-56; and 1041st mtg., paras. 1-5.

⁷² G A (XV), 4th Com., 1038th mtg.: Spain, para. 24.

⁷³ *Ibid.*, 1039th mtg.: Philippines, paras. 41 and 44.

not clear. His own country consisted of more than a thousand islands inhabited by a number of ethnic groups.

87. One representative said ⁷⁴ that his delegation reserved its position on the question of the integration of a Non-Self-Governing Territory with an independent State.

88. The question of whether the United Nations had the right to assert its competence to supervise the processes by which a territory might be integrated with an independent State was raised in draft principle IX which stated that, in certain circumstances, United Nations supervision of such processes might be desirable. It was recorded in the Special Committee's report, in connexion with draft principle IX, that one representative had expressed reservations about referring to the desirability of United Nations supervision of the processes by which self-government was attained, while another representative had expressed the view that United Nations supervision was not only desirable but sometimes even necessary. The wording "may be desirable" only partly met his Government's view.⁷⁵

89. During the discussion in the Fourth Committee an amendment ⁷⁶ was submitted to replace the last sentence of draft principle IX by the following: "Supervision of such processes by the United Nations is necessary".

90. In explanation of the amendment, it was noted ⁷⁷ that draft principle VI set forth the ways in which self-government could be achieved. Emergence as a sovereign, independent State did not call for any comment, nor did free association with an independent State since that presupposed the previous attainment of independence. Integration with an independent State, however, might lead to conflict between an administering Power backed by force and the defenceless people of a territory. Hence the idea of United Nations supervision to safeguard the interests of the people. The wording used in the Committee's report was, however, open to serious objection since the question might arise as to who would decide whether supervision was or was not desirable.

91. In reply, certain representatives ⁷⁸ considered the amendment too categorical. They pointed out that it would be desirable to retain the compromise solution arrived at in the Special Committee's report so that the draft resolution could be adopted by the largest possible majority.

92. In order to give United Nations supervision that measure of flexibility which some delegations considered necessary, and at the same time to safeguard freedom of choice for the peoples of the Non-Self-Governing Territories, which the sponsors considered fundamental, the latter agreed ⁷⁹ to revise their amendment to read as follows:

"The United Nations could, when it deems it necessary, supervise these processes."

93. The amendment had been proposed, one of the sponsors stated, in order to preclude the possibility that the competence of the United Nations might be contested. Once integration had taken place it would no longer be possible to discuss the matter in the United Nations and there must be safeguards. The object of the amendment was to protect the peoples of the Non-Self-Governing Territories—the third party that had had no say in the matter. The United Nations should be able to intervene when necessary.

94. Noting that the amendment raised the question of the competence of the United Nations, one representative observed ⁸⁰ that the Special Committee had agreed on a text which neither excluded that competence nor said that the United Nations should automatically decide to supervise the process of integration. If the amendment were adopted, his delegation would vote against the draft resolution as a whole.

95. Another representative considered ⁸¹ the revised version too weak. It was essential that supervision by the United Nations should be compulsory. He proposed that the original amendment should be reintroduced, but that the word "necessary" should be replaced by the word "indispensable". That amendment was, however, withdrawn on an appeal from the sponsors of the first amendment.

96. One representative objected ⁸² to any recognition of supervision by the United Nations as being desirable. The Charter nowhere envisaged such supervision in regard to Non-Self-Governing Territories, and his delegation was not prepared to subscribe to any violation of the Charter or to endorse any attempt to force the Charter to say what it did not say.

97. The possible limitation on the transmission of information referred to in Article 73 e for "security and constitutional considerations", was dealt with in draft principles X, XI and XII.

98. It was reported by the Special Committee that one representative had accepted draft principle X on the understanding that there might be circumstances in which constitutional considerations of the kind referred to therein reduced to nil the amount of information which could be transmitted.⁸³

99. In the Fourth Committee, another representative stated ⁸⁴ that if the views of the Special Committee were to be accepted, the way would be open for the examination and criticism of national constitutions by the United Nations, since the question of the constitutional relations of a territory with the administering Member could not be examined by the United Nations without examining the Constitutions of those Member States.

⁷⁴ G A (XV), 4th Com., 1043rd mtg.: Haiti, paras. 46 and 47.

⁷⁵ See G A (XV), Annexes, a.i. 38, A/4526, paras. 13 and 14, United Kingdom and Morocco respectively.

⁷⁶ G A (XV), Annexes, a.i. 38, A/4651, para 5, A/C.4/L.650, submitted by Togo and Tunisia.

⁷⁷ G A (XV), 4th Com., 1043rd mtg.: Togo, para. 22.

⁷⁸ For text of relevant statements see G A (XV), 1043rd mtg.: Iran, para. 61; Ireland, para. 45; 1044th mtg.: Cambodia, para. 4.

⁷⁹ G A (XV), 4th Com., 1044th mtg.: Tunisia, paras. 7, 8 and 14; 1045th mtg.: Tunisia, paras. 7 and 8.

⁸⁰ G A (XV), 4th Com., 1044th mtg.: United Kingdom, paras. 12 and 13.

⁸¹ G A (XV), 4th Com., 1045th mtg.: Guinea, paras. 4, 5 and 13.

⁸² *Ibid.*, 1036th mtg.: Portugal, para. 57.

⁸³ G A (XV), Annexes, a.i. 38, A/4526, para. 15 (United Kingdom).

⁸⁴ G A (XV), Annexes, a.i. 38, A/4526, para. 15 (United Kingdom).

⁸⁴ G A (XV), 4th Com., 1036th mtg.: Portugal, paras. 45, 46 and 58.

In his delegation's view that would be unacceptable. If Member States, by their free declarations, assumed obligations under Article 73, they and they alone had the power to determine, in accordance with their own constitutions, the limitations which might exist.

100. It had been observed,⁸⁵ however, that world public opinion, recognized implicitly in Chapter XI, considered that the administration of Non-Self-Governing Territories was no longer a matter of national sovereignty.

101. In reference to the draft principles as a whole, one representative noted⁸⁶ that the Special Committee had sought to interpret the provisions of Chapter XI in the light of changing circumstances. If the principles were adopted they would have to be regarded as an authoritative interpretation of the provisions governing the obligations of Member States in relation to territories for which they were responsible. Another stated⁸⁷ that if the Fourth Committee, or any of its members, felt that a legal instrument was needed to define the accountability of Members for the administration of dependent territories, such a legal instrument had been provided by the Special Committee.

102. Another representative commented⁸⁸ that if it were felt that the wording of the Charter did not clearly represent the thoughts of the authors, then it must be amended by the prescribed procedures.

103. Separate votes were requested on draft principles VI (c), VIII and IX.⁸⁹

Decisions

Draft principle VI (c) was adopted by 63 votes to none, with 19 abstentions. Draft principle VI, as a whole, was adopted by 67 votes to none, with 22 abstentions.

Draft principle VIII was adopted by 69 votes to none, with 18 abstentions.

Draft principle IX (a) was adopted by 68 votes to none, with 19 abstentions. The amendment to the last sentence of draft principle IX (b) to replace the sentence, "It is recognized that in certain circumstances United Nations supervision of such processes may be desirable", by the sentence, "The United Nations could, when it deems it necessary, supervise these processes", was adopted by a roll-call vote of 38 to 24, with 26 abstentions. Draft principle IX (b), as amended, was adopted by 57 votes to 5, with 24 abstentions. Draft principle IX as a whole, as amended, was adopted by 50 votes to 3, with 32 abstentions.

The draft principles as a whole, as amended, were adopted by a roll-call vote of 66 to 3, with 19 abstentions.

The draft resolution to which the draft principles were annexed, was adopted⁹⁰ by a roll-call vote of 62 to 3, with 19 abstentions.

The draft resolution was subsequently adopted by the General Assembly on 15 December 1960 by a roll-call vote of 69 to 2, with 21 abstentions, as its resolution 1541 (XV).

104. By that resolution the General Assembly approved twelve principles which should guide Members in determining whether or not an obligation existed to transmit the information called for under Article 73 e of the Charter, and decided that the principles should be applied in the light of the facts and the circumstances of a given case to determine whether or not an obligation existed to transmit information under Article 73 e. In addition, the Assembly further clarified ways in which a Non-Self-Governing Territory could be said to have reached a full measure of self-government".

3. DETERMINATION BY THE GENERAL ASSEMBLY THAT CERTAIN TERRITORIES WERE NON-SELF-GOVERNING WITHIN THE MEANING OF CHAPTER XI; ASSUMPTION BY THE GENERAL ASSEMBLY OF COMPETENCE TO MAKE RECOMMENDATIONS ON THOSE TERRITORIES

a. Territories under Portuguese administration

105. At the fifteenth session of the General Assembly a set of draft principles to be used by Members as a guide in determining whether an obligation existed in a given case to transmit the information called for in Article 73 e of the Charter was approved in the Fourth Committee and subsequently adopted in Assembly resolution 1541 (XV).

106. After approving those draft principles, the Committee took up consideration of the question of whether certain territories under Portuguese and Spanish administration⁹¹ should be declared non-self-governing within the meaning of Chapter XI of the Charter.

107. Under a draft resolution⁹² before the Committee, the Assembly would consider that nine of the territories under Portuguese administration were non-self-governing within the meaning of Chapter XI. They were:

- (a) Caps Verde Archipelago;
- (b) Guinea, called Portuguese Guinea;
- (c) São Tomé and Príncipe and their dependencies;
- (d) São João Batista de Ajudá;
- (e) Angola including the enclave of Cabinda;
- (f) Mozambique;
- (g) Goa and dependencies, called the State of India;
- (h) Macau and dependencies;
- (i) Timor and dependencies.

108. In operative paragraph 2 of the draft resolution, the Assembly would declare that an obligation existed on the part of the Government of Portugal, which should be discharged without further delay, to transmit information under Chapter XI concerning those territories.

⁸⁵ *Ibid.*, 1035th mtg., para. 30.

⁸⁶ *Ibid.*, 1037th mtg.: Israel, para. 11.

⁸⁷ *Ibid.*, 1034th mtg.: Liberia, para. 3.

⁸⁸ *Ibid.*, 1038th mtg.: Spain, para. 24.

⁸⁹ G A (XV), 4th Com., 1045th mtg.: Haiti, para. 14.

⁹⁰ *Ibid.*, paras. 28-40.

⁹¹ For developments concerning Spanish territories, see paras. 52-59 above.

⁹² G A (XV), Annexes, a.i. 38, A/C.4/L.649/Rev.1 and Add.1, submitted by Afghanistan, Burma, Ceylon, Ghana, Guinea, India, Iraq, Liberia, Libya, Nepal, Nigeria and Senegal.

109. In operative paragraph 3, the Assembly would request the Government of Portugal to transmit to the Secretary-General information in accordance with the provisions of Chapter XI on conditions prevailing in the enumerated territories. In operative paragraph 5, the Government of Portugal would be invited to participate in the work of the Committee on Information from Non-Self-Governing Territories.

110. During the discussion an amendment⁹³ was submitted to add at the end of operative paragraph 2 the words "until they are granted full independence".

111. It was stated⁹⁴ that the territories in question had not reached a full measure of self-government as defined in the guiding principles, contained in resolution 1541 (XV) and that no unilateral act by the Portuguese Government changing their status from that of "colonies" to that of "overseas provinces" could change that fact or allow Portugal to escape international accountability which was clearly set forth in Article 73 e.

112. The representative of Portugal stated⁹⁵ that his Government had no doubts with regard to its sovereignty over the territories in question. The draft resolution prejudged the competence of the General Assembly⁹⁶ which Portugal did not recognize. Furthermore, although the guiding principles were supposedly of universal application, only the replies which Spain and Portugal had made to the Secretary-General's request that Member States enumerate any Non-Self-Governing Territories under their jurisdiction had, in fact, been considered. The provision of Article 73 e which had been meant as a guide, was now to be a binding obligation on Member States. The draft resolution amounted to an impairment of the sovereignty of Member States.

113. During the discussion the representative of India reserved the right of his Government to call for the liberation of Goa which he stated⁹⁷ was an integral part of Indian territory. Reservations were also made⁹⁸ regarding sovereignty over Macau and dependencies as being part of the People's Republic of China.

Decisions⁹⁹

The first part of the list of territories from (a) to (f) was adopted by 45 votes to 6, with 22 abstentions. The remainder from (g) to (i) was adopted by 44 votes to 6, with 24 abstentions.

⁹³ See G A (XV), Annexes, a.i. 38, A/4651, para. 3, submitted by Ukrainian SSR.

⁹⁴ For text of relevant statements see: G A (XV), 4th Com., 1031st mtg.: Yugoslavia, para. 30; 1032nd mtg.: Ghana, paras. 5 and 6; 1033rd mtg.: Burma, paras. 5 and 13; Jordan, para. 17; 1034th mtg.: Liberia, paras. 4-8; USSR, para. 30; 1035th mtg.: Nigeria, paras. 31 and 32; 1036th mtg.: Iraq, paras. 7 *et seq.*; 1037th mtg.: Byelorussian SSR, para. 4; Israel, para. 13; Romania, para. 26; Senegal, para. 16; 1038th mtg.: Guinea, paras. 6 *et seq.*, 1040th mtg.: India, paras. 24-27.

⁹⁵ G A (XV), 4th Com., 1048th mtg., paras. 65 and 66.

⁹⁶ See also paras. 64, 71-79 and 99-101 above. The arguments presented during consideration of the report of the Special Committee of Six apply equally here.

⁹⁷ G A (XV), 4th Com., 1040th mtg., para. 19.

⁹⁸ G A (XV), 4th Com., 1047th mtg.: USSR, para. 25; 1048th mtg.: Albania, para. 15; Poland, para. 26; Romania, para. 5.

⁹⁹ For details of voting, see G A (XV), 4th Com., 1048th mtg., paras. 69-83.

The amendment to add the words "until they are granted full independence" at the end of operative paragraph 2 was rejected by 28 votes to 21, with 21 abstentions.

The revised draft resolution as a whole, as otherwise amended, was approved in a roll-call vote by 45 to 6 with 24 abstentions.

The draft resolution was subsequently adopted by the General Assembly on 15 December 1960 as resolution 1542 (XV) by a roll-call vote of 68-6, with 17 abstentions.

114. That part of resolution 1542 (XV) relating to the territories administered by Portugal read as follows:

"The General Assembly,

"Recalling that, by resolution 742 (VIII) of 27 November 1953, the General Assembly approved a list of factors to be used as a guide in determining whether a Territory is or is no longer within the scope of Chapter XI of the Charter of the United Nations,

"Recalling also that differences of views arose among Member States concerning the status of certain territories under the administration of Portugal... and described by [that]... State as "overseas provinces" of the metropolitan State..., and that with a view to resolving those differences the General Assembly, by resolution 1467 (XIV) of 12 December 1959, appointed the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter to study the principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e,

"Recognizing that the desire for independence is the rightful aspiration of peoples under colonial subjugation and that the denial of their right to self-determination constitutes a threat to the well-being of humanity and to international peace,

"...

"Mindful of its responsibilities under Article 14 of the Charter,

"Being aware that the Government of Portugal has not transmitted information on the territories under its administration which are enumerated in operative paragraph 1 below and has not expressed any intention of doing so, and because such information as is otherwise available in regard to the conditions in these territories gives cause for concern,

"1. Considers that, in the light of the provisions of Chapter XI of the Charter, General Assembly resolution 742 (VIII) and the principles approved by the Assembly in resolution 1541 (XV) of 15 December 1960, the territories under the administration of Portugal listed hereunder are Non-Self-Governing Territories within the meaning of Chapter XI of the Charter:

"(a) The Cape Verde Archipelago;

"(b) Guinea, called Portuguese Guinea;

"(c) São Tomé and Príncipe, and their dependencies;

"(d) São João Batista de Ajudá;

"(e) Angola, including the enclave of Cabinda;

"(f) Mozambique;

"(g) Goa and dependencies, called the State of India;

"(h) Macau and dependencies;

"(i) Timor and dependencies;

"2. *Declares* that an obligation exists on the part of the Government of Portugal to transmit information under Chapter XI of the Charter concerning these territories and that it should be discharged without further delay;

"3. *Requests* the Government of Portugal to transmit to the Secretary-General information in accordance with the provisions of Chapter XI of the Charter on the conditions prevailing in the territories under its administration enumerated in paragraph 1 above;

"4. ...

"5. *Invites* the Government of Portugal... to participate in the work of the Committee on Information from Non-Self-Governing Territories in accordance with the terms of paragraph 2 of General Assembly resolution 1332 (XIII) of 12 December 1958."

115. After the vote in the Fourth Committee, several representatives stated ¹⁰⁰ that they had either abstained or voted against the draft resolution because they did not consider that it was the function of the United Nations to determine which territories fell within the scope of Article 73. The decision to transmit information should be made by the administering Members themselves.

116. After the adoption of resolution 1542 (XV), the General Assembly and committees of the Assembly considered conditions in the territories under Portuguese administration, and the Assembly adopted a number of resolutions ¹⁰¹ concerning them. The Security Council also adopted resolutions concerning the situation in those territories.¹⁰²

117. It may be noted that by operative paragraph 2 of General Assembly resolution 1603 (XV), which was adopted ¹⁰³ as a whole by a roll-call vote of 73 to 2, with 9 abstentions, the Assembly decided to appoint a

Sub-Committee to examine the statements made before the Assembly concerning Angola, to receive further statements and documents, to conduct such inquiries as it might deem necessary and to report to the Assembly as soon as possible. The Security Council in resolution 163 (1961) of 9 June called on the Portuguese authorities, among other things, to extend every facility to the Sub-Committee to enable it to perform its task expeditiously, and requested the Sub-Committee to report to the Council and the Assembly as soon as possible.

118. At its sixteenth session, having examined the report of the Sub-Committee on the situation in Angola,¹⁰⁴ the General Assembly decided by resolution 1742 (XVI) to continue the Sub-Committee. That resolution was adopted ¹⁰⁵ as a whole by a roll-call vote of 99 to 2, with 1 abstention. At the same session the General Assembly adopted ¹⁰⁶ resolution 1699 (XVI) by a roll-call vote of 90 to 3, with 2 abstentions. In that resolution the Assembly noted with deep regret that the Government of Portugal had refused and still continued to refuse to submit information on its Non-Self-Governing Territories or to participate in the work of the Committee on Information from Non-Self-Governing Territories, as called for by General Assembly resolution 1542 (XV) and Chapter XI of the Charter. It condemned the non-compliance of the Government of Portugal with its obligations under Chapter XI and with the terms of resolution 1542 (XV), and its refusal to co-operate in the work of the Committee on Information from Non-Self-Governing Territories. It considered it necessary that, "pending the fulfilment of these obligations by the Government of Portugal, the General Assembly, must, for its part, continue to discharge its own obligations and responsibilities towards the inhabitants of the Non-Self-Governing Territories under Portuguese administration". The Assembly established a special committee to examine, within the context of Chapter XI and relevant resolutions of the Assembly, such information as was available concerning the territories under Portuguese administration, and to formulate its observations, conclusions and recommendations for the consideration of the Assembly and any other body which it might appoint to assist it in the implementation of resolution 1514 (XV).

119. During 1962 the Sub-Committee on the Situation in Angola submitted a report ¹⁰⁷ to the General Assembly at its seventeenth session and to the Security Council. The Special Committee on Territories under Portuguese Administration also submitted a report ¹⁰⁸ to the General Assembly at its seventeenth session. Angola and Mozambique were also considered by the Special Committee on decolonization which included chapters on those territories in its report ¹⁰⁹ to the General Assembly at its seventeenth session.

120. The General Assembly in its resolution 1819

¹⁰⁰ G A (XV), 4th Com., 1049th mtg.: Australia, para. 6; Belgium, para. 21; Brazil, para. 4; France, para. 5; Japan, para. 15; United Kingdom, para. 10; United States, para. 12.

¹⁰¹ G A resolutions 1603 (XV) of 20 April 1961 concerning the situation in Angola; 1699 (XVI) of 19 December 1961 concerning the non-compliance of the Government of Portugal with Chapter XI and with General Assembly resolution 1542 (XV); 1742 (XVI) of 30 January 1962 concerning the situation in Angola; 1809 (XVII) of 14 December 1962 concerning the Territories under Portuguese administration; 1809 (XVII) of 14 December 1962 concerning the Special Committee on Territories under Portuguese administration; 1913 (XVIII) of 31 December 1963 concerning the Territories under Portuguese administration and 2107 (XX) of 21 December 1965 concerning the question of the Territories under Portuguese administration. See also resolution 2105 (XX) of 20 December 1965 concerning the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, operative paragraph 11.

¹⁰² S C resolution 163 (1961) of 9 June concerning Angola; 180 (1963) of 31 July, 183 (1963) of 11 December and 218 (1965) of 23 November concerning Territories under Portuguese administration. The situation in Angola was also considered by the Security Council in March 1961 at its 943rd to 946th meetings, inclusive, but no resolution was adopted.

¹⁰³ G A (XV), Plenary, 992nd mtg., para. 227.

¹⁰⁴ G A (XVI), Suppl. No. 16.

¹⁰⁵ G A (XVI), Plen. 1102nd mtg., para. 159.

¹⁰⁶ G A (XVI), Plen., 1083rd mtg., para. 246.

¹⁰⁷ G A (XVII), Annexes, a.i. 29/Addendum, A/5286.

¹⁰⁸ G A (XVII), Annexes, a.i. 54, Addendum, A/5160 and Adds. 1 and 2.

¹⁰⁹ G A (XVII), Annexes, a.i. 25/Addendum, A/5238, chaps. VIII and XI.

(XVII)¹¹⁰ expressed its satisfaction to the Sub-Committee on Angola for the work it had accomplished. By resolution 1809 (XVII) it decided to dissolve the Special Committee on Territories under Portuguese Administration and expressed its gratitude to the Special Committee for its efforts and for its valuable contribution to the accomplishment of the purposes of the United Nations under Chapter XI and resolution 1514 (XV). By resolution 1807 (XVII)¹¹¹ it requested the Special Committee on decolonization to give high priority to an examination of the situation in the territories under Portuguese administration.

121. Thereafter, the Special Committee on decolonization examined the situation in the territories under Portuguese administration and reported¹¹² to the General Assembly from its eighteenth to twenty-first sessions. The Special Committee included in each of those reports resolutions and recommendations it had adopted with respect to those territories under Portuguese administration.

122. For its part the Security Council in its resolutions supported the decision of the General Assembly that the territories in question under Portuguese administration were non-self-governing within the meaning of Chapter XI of the Charter. Thus, in its resolution 163 (1961) of 9 June, the Council recalled Assembly resolution 1542 (XV) declaring Angola, among others, to be a Non-Self-Governing Territory within the meaning of Chapter XI. In its resolution 180 (1963) of 31 July, it recalled the same resolution which declared the territories under Portuguese administration to be non-self-governing within the meaning of Chapter XI and affirmed that the policies of Portugal in claiming the territories under its administration as "overseas" territories and as integral parts of metropolitan Portugal were contrary to the principles of the Charter and the relevant resolutions of the General Assembly and the Security Council. In its resolution 183 (1963) of 11 December the Council again noted Assembly resolution 1542 (XV), which enumerated, *inter alia*, territories under Portuguese administration as falling under the category of Non-Self-Governing Territories within the meaning of Chapter XI of the Charter.

123. In the resolutions it adopted from its fifteenth to seventeenth sessions, the General Assembly made recommendations to the Portuguese Government for the adoption of extensive constitutional and political reforms designed to allow the territories to exercise self-determination and to achieve independence in accordance with the provisions of the Declaration on decolonization. The Assembly condemned the colonial policy of Portugal and its persistent refusal, in effect, to carry out Assembly recommendations and made a number of requests to Member States.¹¹³ At its

twentieth session, it called on Member States to break off diplomatic and economic relations with the Portuguese Government.¹¹⁴ Requests were also made to the specialized agencies and other international organizations to refrain from granting Portugal any financial, economic or technical assistance so long as that Government failed to implement General Assembly resolution 1514 (XV),¹¹⁵ and requests were made to the United Nations High Commissioner for Refugees, the specialized agencies concerned and other international relief organizations to assist refugees from the territories under Portuguese administration.¹¹⁶ The Assembly also considered and made recommendations¹¹⁷ relating to the activities of foreign financial interests in the territories and the establishment of foreign immigrants there.

124. The Security Council made recommendations¹¹⁸ similar to those of the General Assembly to the Portuguese Government for the adoption of extensive political and constitutional reforms designed to lead to self-determination and independence, and it deplored the failure of the Government of Portugal to comply with Security Council and General Assembly resolutions.

125. Representatives of Portugal continued to maintain¹¹⁹ throughout the period under review that Chapter XI constituted a voluntary declaration on the part of individual Member States and that any obligations undertaken thereunder by a Member State were voluntary and unilateral undertakings. Only a Member State possessed the competence to enumerate any territories under its administration coming within the scope of Chapter XI. The interpretation incorporated in the principles adopted at the fifteenth session, whereby Chapter XI ceased to be a voluntary declaration and the exclusive responsibility of Member States and became an obligation imposed by decision of the General Assembly, was entirely contrary to the letter and spirit of Articles 73 and 74 and amounted to an amendment of the Charter. To the extent that the power of decision of a Member Government was ignored, the interpretation violated the fundamental principle of the United Nations inscribed in Article 2 (7). That interpretation also rendered inoperative the constitutional reservations of Article 73 e. Furthermore, to have singled out Portugal for the application of that interpretation ran counter to the established practice of the United Nations. That was an act of discrimination which violated another fundamental principle—the sovereign equality of all Member States. The territories in question were integral parts of the Portuguese nation, and the United Nations had no competence under the Charter to question the constitutional status of any Portuguese territory or to question the constitutional

¹¹⁰ Adopted as a whole by a roll-call vote of 57 to 14 with 18 abstentions. G A (XVII), Plen. 1196th mtg., para. 56.

¹¹¹ Adopted as a whole by a roll-call vote of 82 to 7, with 13 abstentions. G A (XVII), Plen. 1194th mtg., para. 187.

¹¹² G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, chap. II; G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1, chap. V; G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, chap. V; G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, chap. V.

¹¹³ See paras. 517, 518, 520-526 and 533 below.

¹¹⁴ See paras. 599-603 below.

¹¹⁵ See paras. 689-697 below.

¹¹⁶ See para. 710 below.

¹¹⁷ See paras. 673-685 below.

¹¹⁸ See paras. 519, 527, 528, 534, 535 and 537.

¹¹⁹ For text of relevant statements, see G A (XV), Plen., 948th mtg., paras. 99-108; 966th mtg., paras. 6 *et seq.*; G A (XVI), Plen., 1083rd mtg., paras. 185-202; 4th Com., 1193rd mtg., paras. 17 *et seq.*; 1202nd mtg., paras. 12-14; G A (XVII), 4th Com., 1393rd mtg., paras. 1 and 2; 1406th mtg., para. 32 *et seq.*; G A (XVIII), 4th Com., 1475th mtg., paras. 26-30; G A (XX), 4th Com., 1590th mtg., para. 13 *et seq.*

structure of the Portuguese nation. The fact that a resolution had been adopted by a majority did not mean it could override the Charter. Portugal made no apology for not accepting resolutions which had been adopted in contravention of the Charter and denied that it had at any time failed to fulfil its obligations under the Charter.

126. In 1962 at the seventeenth session of the General Assembly, a draft resolution¹²⁰ was submitted in plenary meeting whereby the Assembly would, among other things, request the President to appoint two United Nations representatives for the purpose of gathering information on political, economic and social conditions in Angola and Mozambique respectively, by visiting those two territories and other places as they might deem necessary; request the Government of Portugal to extend to them such assistance as they might require, and request the representatives to draw up reports for consideration by the Assembly at its eighteenth session. The representative of Portugal said¹²¹ that, without prejudice to its position that Article 73 was not applicable to the Portuguese overseas provinces, his delegation was prepared to support the draft resolution and to extend full co-operation to the representatives. The sponsor of the draft resolution, however, on being informed¹²² that the African-Asian group could not support it because of important omissions, agreed¹²³ not to press it to a vote.

127. Subsequently, after the adoption of resolution 180 (1963) of 31 July by the Security Council, a representative of the Secretary-General visited Lisbon in response to an invitation extended by the Government of Portugal without prejudice to its position, after which talks were held under the auspices of the Secretary-General between representatives of Portugal and the African States.¹²⁴

128. The Special Committee on decolonization also approached the Portuguese Government in 1963, to obtain its co-operation for a visiting group to undertake consultations within the framework of the Committee's terms of reference.¹²⁵ In reply, the Portuguese Government stated¹²⁶ that it would be impossible for it to admit the legitimacy of the Special Committee's activities or to recognize its competence in matters which, in the opinion of the Portuguese Government, fell within its internal jurisdiction. The Government also stated that Portugal's refusal to transmit information applied only in connexion with the manner in which some delegations were seeking to apply Article 73. Outside that context, the Portuguese Government had never refused to supply the fullest and most complete information concerning its overseas territories.

129. In 1963 and 1964 the Special Committee also invited¹²⁷ a representative of Portugal to attend the meetings at which the situation in the territories under Portuguese administration was considered. Those invitations were declined on the grounds that, since Portugal was not a member of the Committee, it was not clearly understood how its delegation could participate in the work of the Committee in a capacity which would necessarily be different and inferior to that of Committee members. The position of the Portuguese Government concerning the Committee and its mandate had already been defined on more than one occasion, and no new circumstances had occurred to justify a change in that position.

b. Southern Rhodesia

130. At the sixteenth session of the General Assembly a draft resolution¹²⁸ was submitted in the Fourth Committee by which the General Assembly would, *inter alia*, bear in mind that the indigenous inhabitants of Southern Rhodesia had not been adequately represented in the legislature and not represented at all in the Government; and it would request the Special Committee on decolonization to consider whether the territory of Southern Rhodesia had attained a full measure of self-government and to report to the Assembly on the matter.

131. The representative of the United Kingdom stated¹²⁹ that his Government had agreed to co-operate with the United Nations on the clear understanding that no attempt was made to intervene in the administration of territories for which the United Kingdom was responsible. Such intervention would be outside the competence of the United Nations. The government of Southern Rhodesia, although not independent, was self-governing in its internal affairs and completely responsible for its own economic, social and educational policies. The United Kingdom Government had never provided information on those matters because it could not give what it did not receive. The Southern Rhodesian government was under no obligation to report on those questions and that plain fact precluded and still precluded the United Kingdom from submitting such information. The submission of information under Article 73 e was subject to such limitations as "constitutional considerations may require". Constitutional considerations in that case made the submission of information impossible.

132. In reply it was stated¹³⁰ that many reservations about the status of Southern Rhodesia had been expressed in the past. No action had been taken because for many years the General Assembly had been in the process of devising and adopting a list of factors which

¹²⁰ G A (XVII), Annexes, a.i. 29, A/L.420, submitted by the United States.

¹²¹ G A (XVII), Plen., 1196th mtg., paras. 80-83.

¹²² *Ibid.*, 1201st mtg.: Morocco, paras. 8-16.

¹²³ *Ibid.*, United States, para. 22.

¹²⁴ See paras. 529-532 below.

¹²⁵ G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, chap. II, paras. 210 and 211.

¹²⁶ *Ibid.*, para. 212.

¹²⁷ *Ibid.*, paras. 100 and 101; G A (XIX), Annexes, No. 8 (Part I), chap. V, paras. 231 and 232.

¹²⁸ Submitted by Burma, Ethiopia, Ghana, Guinea, Indonesia, Iraq, Mali, Morocco, Philippines, United Arab Republic, Yugoslavia.

¹²⁹ G A (XVI), 4th Com., 1303rd mtg., paras. 2-8.

¹³⁰ For text of relevant statements, see G A (XVI), 4th Com., 1303rd mtg.: Ghana, paras. 9-20; Iraq, paras. 37-51; Ivory Coast, paras. 46-52; Nigeria, paras. 53-61; Sierra Leone, paras. 62 and 63; USSR, paras. 42-45; United Arab Republic, paras. 22-29.

would provide a guide for the Assembly as well as for the administering Powers in determining which territories fell within the scope of Chapter XI. The competence of the General Assembly itself to decide had now been established beyond doubt in view of the numerous resolutions, including resolutions 334 (IV), 742 (VIII), 748 (VIII), 849 (IX) and 1541 (XV). It was clear that controversy existed as to whether or not Southern Rhodesia fell within the scope of Chapter XI and the best way to resolve the matter was to request the Special Committee on decolonization to consider whether Southern Rhodesia had attained a full measure of self-government, based on the free expression of the people and in the light of the principles enumerated in resolution 1541 (XV). The question was not whether the territory was self-governing, but whether it had attained a full measure of self-government within the meaning of Chapter XI.

133. The representative of the United Kingdom proposed¹³¹ that debate on the item be concluded without proceeding to a vote on the draft resolution.

Decisions

The United Kingdom motion was rejected by a roll-call vote of 56 to 22, with 20 abstentions.

The draft resolution was approved¹³² by a roll-call vote of 56 to 20, with 22 abstentions. It was subsequently adopted¹³³ by the General Assembly on 23 February 1962 by a roll-call vote of 57 to 21, with 24 abstentions, as resolution 1745 (XVI).

134. The Special Committee considered the question of Southern Rhodesia within the context of resolution 1745 (XVI) the Declaration on decolonization and resolution 1654 (XVI) under which the Special Committee was established to examine the application of the Declaration.

135. During those discussions, the representative of the United Kingdom recalled¹³⁴ the view of his Government that the question of Southern Rhodesia was outside the competence of the United Nations. He gave information on the constitutional position and stated that Southern Rhodesia had been self-governing in its internal affairs since 1923. The United Kingdom had no power to legislate with respect to those affairs. The only power retained in that connexion was to disallow certain categories of laws, including law affecting the interests of the African population. That power had, in fact, never been exercised. Under the 1961 Constitution¹³⁵ the power of disallowance was to be replaced by a Declaration of Rights, and a Constitutional Council would be established to examine bills to determine whether any of their provisions were inconsistent with the Declaration of Rights. The status of the self-governing colony of Southern Rhodesia had become anomalous, he said, because it was in the twilight zone between independence and dependence.

136. The views of the Committee were summed up by the Chairman.¹³⁶ The Committee was of the opinion, among other things, that the territory of Southern Rhodesia had not attained a full measure of self-government and that urgent positive action should be taken by the United Kingdom to prevent a drift towards upheaval and conflict. The 1961 Constitution, which further entrenched the authority of European settlers who formed a small minority of the population, was unacceptable to the indigenous people who numbered well over 90 per cent of the population. Fresh efforts should be made towards formulating new constitutional arrangements, and civil liberties should be restored. The Special Committee, accordingly, appointed a Sub-Committee on Southern Rhodesia, composed of the representatives of India, Mali, Syria, Tanganyika, Tunisia and Venezuela, to establish contact with the United Kingdom Government and to discuss, in the light of the Committee's views, future steps in regard to Southern Rhodesia. In accordance with its mandate, the Sub-Committee visited London and met with representatives of the United Kingdom Government, members of the British Parliament and representatives of certain organizations interested in developments in Africa.

137. In its report,¹³⁷ the Sub-Committee stated that the main general points made by the United Kingdom Government were: (a) British colonial policy was to lead all territories to self-government and all those in any way viable to complete independence. The methods had to be varied and fitted to the particular problems of each territory. In the drafting of constitutions, due weight had to be given to the position of minorities and the rights of individuals; (b) the United Kingdom recognized the interest of the United Nations in the emancipation of dependent territories. It therefore co-operated in furnishing full information and participated in the work of the various committees, including the Special Committee; and (c) the United Kingdom could not share its responsibilities for administering its territories or countenance interference in their administration. However, it would rather work on the basis of co-operation than stand on the legal position.

138. On the other hand, the Sub-Committee considered that while responsibility for leading its colonial territories towards independence rested with the United Kingdom Government, the United Nations also had a responsibility arising from the obligations assumed by Member States under the Charter. The United Nations had adopted certain measures on colonial problems and there was a certain amount of concern in those matters. The interest and concern of the United Nations in the peaceful evolution of colonial territories to independence, which the United Kingdom Government had recognized, had found expression in the Declaration on decolonization and in the establishment of the Special Committee on decolonization. The question of the peaceful transition of colonial territories to independence was of overwhelming importance to the United Nations, since it was the duty of the Organization to eliminate the causes of possible conflicts.

¹³¹ G A (XVI), 4th Com., 1304th mtg., para. 6.

¹³² *Ibid.*, paras. 35 and 41.

¹³³ G A (XVI), Plen., 1106th mtg., para. 97.

¹³⁴ G A (XVII), Annexes, a.i. 25/Addendum, A/5238, chap. II, paras. 62 *et seq.*, 139 and 140.

¹³⁵ *Southern Rhodesia Constitution* (London, H.M. Stationery Office), 1961, parts I and II (Cmd. 1399 and 1400).

¹³⁶ G A (XVI), Annexes, a.i. 97, A/5124, annex I, para. 7.

¹³⁷ *Ibid.*, annex I.

139. With regard to the status of Southern Rhodesia, the Sub-Committee questioned the view of the United Kingdom Government that it could be considered self-governing when the majority of the people were excluded from participation in the government which was in the hands of a small minority. It stated that whatever had been done in 1923 had been done without regard to the views of the indigenous people who had not even been consulted. The territory did not satisfy the conditions generally accepted as applicable to a self-governing territory, particularly those contained in General Assembly resolutions 742 (VIII) and 1541 (XV). The Sub-Committee reiterated the conclusion of the Special Committee that the territory had not attained a full measure of self-government.

140. With reference to the 1961 Constitution and the Special Committee's view that efforts should be made towards formulating new constitutional arrangements, the Sub-Committee reported, in effect, that United Kingdom representatives had explained that the United Kingdom Government did not and could not by itself introduce a new constitution or set one aside. The 1961 Constitution was being introduced at the wish of the Southern Rhodesian government, and the United Kingdom was involved primarily in the replacement of its reserve powers.¹³⁸ The United Kingdom Government felt that the Declaration of Rights contained in the Constitution and the creation of a Constitutional Council would be more effective than the reserve powers they replaced.

141. With respect to the liberalization of the franchise qualifications, which the Sub-Committee felt was the key to the whole problem, United Kingdom representatives stated that full responsibility for determining the franchise rested with Southern Rhodesia. Many Europeans as well as Africans in Southern Rhodesia, however, wished to create a multi-racial society, and the United Kingdom Government would certainly use its influence in that direction.

142. The Sub-Committee considered, however, that whatever the pattern of relationship between the Southern Rhodesian government and the United Kingdom Government, it could not affect the "international character and status of Southern Rhodesia in the eyes of the United Nations which must be determined in accordance with the principles of the Charter and the various resolutions of the General Assembly". The United Nations criteria had been laid down in the twelve principles embodied in resolution 1541 (XV) and in the factors in resolution 742 (XVIII). The Special Committee had already concluded that Southern Rhodesia did not qualify for the status of a territory which had attained a "full measure of self-government" within the meaning of the Charter. It was difficult for the United Nations to accept a "twilight" status for the territory, a status which fell short of a "full measure of self-government" but in which the administering Power considered itself deprived of power to perform its responsibilities under the Charter and the Declaration on decolonization. Secondly, assuming that it could not take the initiative for any constitutional proposal or amendment, there appeared to be no obli-

gation on the United Kingdom Government to act at the behest of the Southern Rhodesian government in a manner inconsistent with the principles of justice and equality for the indigenous population.

143. Having considered the report of the Sub-Committee, whose conclusions it endorsed,¹³⁹ the Special Committee recommended that the situation in Southern Rhodesia should be considered by the General Assembly as a matter of urgency.

144. On the recommendation of the Special Committee and at the request¹⁴⁰ of forty-one Member States the General Assembly considered the situation in Southern Rhodesia at its resumed sixteenth session in June 1962.

145. By the revised text¹⁴¹ of a draft resolution, which formed the basis of the discussion, the General Assembly would approve the conclusions of the Special Committee on Southern Rhodesia and affirm that the territory was a Non-Self-Governing Territory within the meaning of Chapter XI. It would request the administering Power to undertake certain measures to replace the 1961 Constitution and to restore all rights to the non-European population. The Assembly would also request the Special Committee to continue constructive efforts towards the earliest implementation of the Declaration on decolonization with regard to Southern Rhodesia in order to ensure its emergence as an independent African State.

146. In opposing consideration of the item, the representative of the United Kingdom stated,¹⁴² among other things, that the General Assembly was well aware of his Government's attitude on the question of intervention by the Special Committee in the affairs of its "dependent territories". The United Kingdom believed that debate in the United Nations about Southern Rhodesia not only exceeded what was permissible under the Charter but particularly at that stage could do harm in the territory. In a further statement¹⁴³ after the general debate, he noted that some Members had pointed to resolutions in which it was decided to assert the competence of the General Assembly to determine whether a particular territory had or had not attained a full measure of self-government. They went on to deduce from those particular resolutions that the general question of competence had been settled. An assertion of competence was an assertion and no more. It did not make something exist which did not exist in the Charter itself. It could not create or confer a new jurisdiction. At the time when those particular resolutions had been adopted, his delegation had clearly stated that it did not regard them as effective or binding. The United Kingdom's

¹³⁹ G A (XVI), Annexes, a.i. 97, A/5124, para. 3(a) and (b).

¹⁴⁰ *Ibid.*, A/5127 and Add.1 and 2.

¹⁴¹ *Ibid.*, A/L.386/Rev.1 and Add. 1-4, submitted by Afghanistan, Burma, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iraq, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Togo, Tunisia, United Arab Republic and Upper Volta.

¹⁴² G A (XVI), Plen., 1109th mtg., paras. 15 and 16.

¹⁴³ *Ibid.*, 1120th mtg., paras. 23-59.

¹³⁸ See para. 135 above.

co-operation with the Special Committee, whose deliberations had resulted in the item being included in the agenda, rested on the explicit understanding that there would be no attempt to intervene in the affairs or the administration of territories in which the Charter precluded United Nations intervention. Consequently, the Assembly had no legal right to intervene in the matter before it.

147. The representative of the United Kingdom went on to analyse the existing Constitution of Southern Rhodesia and stated again that the territory was self-governing so far as its internal affairs were concerned. Constitutionally, by a convention of non-interference, which had the same binding legal force as a written instrument, the United Kingdom could not intervene in Southern Rhodesian affairs. His Government could not therefore transmit the information referred to under Article 73 e. That was why Southern Rhodesia had been excluded in 1946 from the list of territories in respect of which information was transmitted. The only power retained by the United Kingdom in respect of the internal affairs of Southern Rhodesia was the power of veto over certain restricted categories of Southern Rhodesian legislation. But the power of veto or disallowance, in fact, had never been used.

148. United Nations intervention in the administration of dependent territories in circumstances precluded by the Charter was objectionable in principle and dangerous in practice. It was on the basis of the Charter itself that the United Kingdom Government was unable to accept the conclusions reached by the Special Committee regarding Southern Rhodesia and reflected in the draft resolution. The draft resolution was *ultra vires*, unacceptable and impracticable. The United Kingdom disapproved not only of the draft resolution itself, but also of the whole proceedings, and would consequently take no part in the voting.

149. The majority of representatives agreed that Southern Rhodesia had not attained a full measure of self-government according to the conditions and principles set out in resolutions 742 (VIII) and 1541 (XV) and that consequently it was a Non-Self-Governing Territory within the meaning of chapter XI.

In answer to the arguments of the United Kingdom concerning the competence of the General Assembly to make recommendations relating to the constitution of, and the political situation in, Southern Rhodesia, characterized by the United Kingdom as "intervention", it was contended, among other things, that although in accordance with Chapter XI responsibility for the territory lay squarely with the administering Power, that did not mean that the United Nations had no responsibility towards the people of Southern Rhodesia. The Charter, the Universal Declaration of Human Rights and the Declaration on decolonization placed a heavy responsibility on the United Nations to ensure that justice was done in Southern Rhodesia. As contained in Article 73, the obligations both of the United Kingdom and of the United Nations towards the peoples of the territory were clear and unambiguous, and prevailed over any other agreement. The foremost obligation of the United Kingdom was to lead the three million Africans of the territory to independence. If that were not done, then it was the duty of the United Nations to see that it was. The General

Assembly was not interfering in the day-to-day administration, but telling the United Kingdom to do what, in fact, it had the right to do under the law and constitutionally and not to transfer that right to the Southern Rhodesian government which was a government of a minority. That was within the competence of the General Assembly. The United Kingdom by its own admission retained authority, influence and ultimate responsibility over the territory. It recognized its responsibilities since it had stated that it had no intention of delegating them. It had further related the actions it had taken with regard to the Constitution although it had stated it could not interfere in the internal affairs of the territory. By virtue of the Charter the United Kingdom was subject to international accountability. If the objection was to being accountable, then that should be explicitly stated. If the objection was that there had been interference in the internal administration of Southern Rhodesia, there was no ground for it.¹⁴⁴

150. One representative commented¹⁴⁵ that Southern Rhodesia was clearly not an independent State, but equally clearly it was self-governing in some respects. The question was the degree of United Kingdom responsibility, and whether a previous delegation or surrender of responsibility could be revoked. The United Kingdom asserted that in law and in fact it had no power to intervene in Southern Rhodesia. Even if Southern Rhodesia were a Non-Self-Governing Territory within the terms of Chapter XI, the powers of the United Kingdom Government would be limited. The practical question was whether it could assert its nominal legal powers.

151. Another representative noted¹⁴⁶ that the United Kingdom Government's power unilaterally to change the Southern Rhodesian Constitution or to repeal the laws of Southern Rhodesia was from a constitutional point of view difficult to define and from a practical point of view severely limited. There seemed to be a feeling that if the United Nations found Southern Rhodesia to be a Non-Self-Governing Territory such a finding would require the United Kingdom Government to exercise the power of an administering Power. But a finding by the General Assembly could not change the constitutional and practical relationships that existed between the United Kingdom and the government of Southern Rhodesia.

152. One representative stated¹⁴⁷ that Chapter XI did not confer on the United Nations the legal competence to decide whether or not a territory was self-governing. Furthermore, the evaluation of measures taken to promote the development of a given territory fell within the exclusive and sovereign competence of the responsible Member State. Moreover, the Charter

¹⁴⁴ For text of relevant statements, see for example., G A (XVI), Plen. 1110th mtg.: Ghana, paras. 11 *et seq.*; 1112th mtg.: Ceylon, paras. 75 *et seq.*; Nigeria, paras. 2 *et seq.*; 1113th mtg.: Czechoslovakia, paras. 33 and 34; Sierra Leone, paras. 44 *et seq.*; Sudan, paras. 74 and 75; 1114th mtg.: Nepal, paras. 1 *et seq.*; 1116 mtg.: Chile, para. 45; Hungary, paras. 57 *et seq.*; 1117th mtg.: India, paras. 105 *et seq.*; 1120th mtg.: Ethiopia, paras. 64 and 65.

¹⁴⁵ G A (XVI), Plen., 1114th mtg.: Australia, paras. 49-55.

¹⁴⁶ G A (XVI), Plen., 1116th mtg.: United States, paras. 93-103 (see also 1115th mtg.: New Zealand, paras. 71-75).

¹⁴⁷ G A (XVI), Plen., 1115th mtg.: France, paras. 38 and 39.

did not contain a list of administering Powers or Non-Self-Governing Territories. If anyone believed that the provisions of the Charter were inadequate, or that they had been superseded by events, the only solution was to revise them in accordance with the constitutional procedures provided for that purpose.

Decision

The General Assembly adopted¹⁴⁸ the draft resolution in an amended form, as its resolution 1747 (XVI) on 28 June 1962 by a roll-call vote of 73 to 1, with 27 abstentions.

153. Portugal and the United Kingdom were present during the voting, but did not participate.

154. By resolution 1747 (XVI), the Assembly approved the conclusions of the Special Committee and affirmed that the territory of Southern Rhodesia was non-self-governing within the meaning of Chapter XI of the Charter. It requested the administering Power to undertake certain measures to replace the 1961 Constitution and to take immediate steps to restore all rights of the non-European population.¹⁴⁹ It requested the Special Committee to continue its constructive efforts towards the earliest implementation of resolution 1514 (XV) with regard to Southern Rhodesia in order to ensure its emergence as an independent African State.

155. The question of Southern Rhodesia was again considered by the General Assembly later in 1962 at its seventeenth session, when, on 12 October 1962, it adopted¹⁵⁰ resolution 1755 (XVII) by a roll-call vote of 83 to 2, with 11 abstentions, and on 31 October 1962,¹⁵¹ resolution 1760 (XVII) by a roll-call vote of 81 to 2, with 19 abstentions. Resolution 1755 (XVII) contained a request to the United Kingdom to secure the release of nationalist leaders, and resolution 1760 (XVII) a request to suspend the 1961 Constitution and to convene a representative constitutional conference.¹⁵²

156. The United Kingdom did not participate in the vote on those resolutions.

157. During 1963, the question of Southern Rhodesia was considered by the Special Committee from March to June, by the Security Council in September and by the General Assembly at its eighteenth session.

158. On 20 June 1963, the Special Committee adopted a resolution¹⁵³ in which it again called on the United Kingdom to abrogate the 1961 Constitution and to call a representative constitutional conference. It also called on the United Kingdom to declare unequivocally that it would not transfer the powers and attributes of sovereignty to any government constituted under the 1961 Constitution.

159. At the request of four Member States, in a letter dated 2 August 1963,¹⁵⁴ subsequently endorsed

by twenty-eight other Member States,¹⁵⁵ the Security Council considered the situation in Southern Rhodesia at six meetings¹⁵⁶ between 9 and 13 September 1963.

In a memorandum accompanying the letter dated 2 August 1963, it was charged that the British Government, despite repeated requests by the General Assembly, had refused to implement Article 73 and resolutions 1514 (XV), 1747 (XVI), 1755 (XVII), 1760 (XVII) and the resolution adopted by the Special Committee on 20 June 1963. The memorandum also set forth the reasons why it was felt that the situation was likely to endanger international peace and security.

160. A second memorandum¹⁵⁷ submitted to the Security Council by the Ghanaian delegation contained, among other things, a detailed analysis and rebuttal of the United Kingdom's previous arguments concerning the competence of the United Nations to consider the question of Southern Rhodesia and to make recommendations to the United Kingdom Government on that question. It also referred to the status of the territory and the constitutional relationship between the United Kingdom Government and the Southern Rhodesian government.

161. It was again argued that the Declaration contained in Chapter XI was binding on all Member States which were obliged by Article 2 (2) to "fulfill in good faith the obligations assumed by them in accordance with the present Charter". Those obligations so far as Non-Self-Governing Territories were concerned were contained in Article 73.

162. The British argument regarding the status of Southern Rhodesia depended on the correctness of at least one of two propositions: (1) Britain never assumed or had responsibility for the administration of Southern Rhodesia, or had at one time assumed that responsibility and subsequently abandoned it; or (2) the people of Southern Rhodesia had now attained a full measure of self-government. Unless one of those propositions could be shown to apply to Southern Rhodesia, Article 73 must apply irrespective of the exact relations between the British Government and the colonial authorities in Southern Rhodesia. With regard the first proposition, it was noted the furthest any British representative had gone had been to suggest that, as a result of some slow and gradual process, Southern Rhodesia, though not an independent State, nevertheless had gradually become entitled to be treated as one. Not only was that proposition unknown to international law, but it was contrary to authoritative statements made by members of the British Government.

163. The British Government had contended that the United Nations had no right by virtue of the Charter to intervene in the affairs of Southern Rhodesia. The existence of a resolution in which it was asserted that the United Nations had that right could not and did not create what was not in the Charter. Since the British argument was that Britain had in fact no control whatsoever over the affairs of Southern Rhodesia,

¹⁴⁸ *Ibid.*, 1121st mtg., para. 17.

¹⁴⁹ See para. 539 below.

¹⁵⁰ G A (XVII), Plen., 1152nd mtg., para. 17.

¹⁵¹ *Ibid.*, 1163rd mtg., para. 62.

¹⁵² See paras. 540-542 below.

¹⁵³ G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, chap. III, paras. 277 and 282.

¹⁵⁴ S C, 18th yr., Suppl. for July-Sept., S/5382.

¹⁵⁵ *Ibid.*, S/5409.

¹⁵⁶ S C, 18th yr., 1064th-1069th mtgs.

¹⁵⁷ S/5403 (mimeographed).

it was difficult to see how recourse could be made to domestic jurisdiction.¹⁵⁸ In any case, a State's conduct in regard to its colonies could not be a matter of domestic jurisdiction within the meaning of Article 2 (7). If it were, then the Charter would be inconsistent with itself, for Article 73 imposed specific obligations in regard to colonies which would be unenforceable if Article 2 (7) applied to them. In any event, the tenor of the British argument was the exact opposite, namely, that the colony of Southern Rhodesia had reached such a degree of independence that it was outside the scope of Article 73.

164. The British argument that, since the British Government had no control over that particular colony, Britain could not be expected to answer for what took place there was irrelevant. The extent to which Britain exercised control over any particular colony was a purely internal matter of British law and constitutional practice and had nothing to do with Britain's obligations under the Charter. Britain was sovereign over Southern Rhodesia. Of that there could be no doubt. Once that was admitted, it followed that Britain had the same obligations in relation to Southern Rhodesia as it had in relation to any other territory over which it was sovereign. Whether such territories enjoyed a large or a small degree of self-government, or had no self-government at all, was immaterial so far as Britain's international obligations were concerned.

165. A British possession could clearly become independent and be recognized as such by other States, in which case, naturally, Britain ceased to have any international responsibility for the affairs.

Equally clearly, until a British possession became independent, Britain could not abandon its responsibility for it. The details of the relations between a particular British colony and Britain at any given point in time had no international significance and were purely a domestic matter between Britain and the colony concerned.

166. The convention which had developed of Britain's Parliament not legislating for the self-governing colonies without their consent was not recognized under international law. International law and practice recognized the right of Britain to legislate for its colonial possessions. International law and practice did not recognize the right of Britain to legislate for independent States.

167. With regard to the argument that Southern Rhodesia had not been included in the list of Non-Self-Governing Territories enumerated by the General Assembly in its resolution 66 (I) of 14 December 1946, it was pointed out that that resolution merely listed the territories which administering Members had enumerated themselves. That was why Southern Rhodesia had been omitted.

168. The principal question debated in the Security Council was whether or not the situation in Southern Rhodesia was a threat to international peace and security. In addition, the United Kingdom representative raised objections¹⁵⁹ to consideration of Southern

Rhodesia on the ground Southern Rhodesia was not a Non-Self-Governing Territory. Contrary to the Ghanaian argument, in the view of the United Kingdom, Article 2 (7) clearly applied. The internal affairs of Southern Rhodesia were essentially matters of domestic jurisdiction. The Security Council was in no position to write into the Charter what was not already there. It was not its function to pronounce on whether a territory was or was not self-governing. The implication that the Security Council could in some way establish the applicability of Article 73 was as unfounded as previous assertions of the General Assembly, competence in that respect. The status of Southern Rhodesia was a matter for negotiation between the United Kingdom Government and the government of Southern Rhodesia.

169. It had been made abundantly clear that the United Kingdom Government regarded the General Assembly resolutions as *ultra vires*. Basically and shortly all those resolutions depended on an interpretation of Chapter XI which the United Kingdom Government did not accept as valid. Southern Rhodesia could not be regarded as a Non-Self-Governing Territory. The General Assembly had asserted the opposite, but an assertion of competence was an assertion and no more. Moreover, it was not within the competence of the Security Council to decide on such questions or to alter the Charter.

170. Given the constitutional relationship between the Government of the United Kingdom and the Southern Rhodesia government, the United Kingdom was in no position to answer for the internal policies of the government of Southern Rhodesia. Those were matters essentially within the domestic jurisdiction of the government of Southern Rhodesia and as such were beyond the competence of the Security Council.

171. In a further statement,¹⁶⁰ the representative of the United Kingdom said that the reason the United Kingdom had not in the past invoked Article 2 (7) in relation to colonial matters, was because of the differences between Southern Rhodesia and Britain's Non-Self-Governing Territories. Information had always been provided on the latter under Article 73 e. It was because an attempt was being made by the Security Council to intervene in matters which concerned only the "fully self-governing territory of Southern Rhodesia" and the United Kingdom that Article 2 (7) had been invoked. The relationship between the United Kingdom and Southern Rhodesia was totally different from the relationship between the United Kingdom and its Non-Self-Governing Territories.

172. Another representative also stated¹⁶¹ that the United Nations was given no right in law to decide whether or not a nation or state was autonomous or self-governing of whether or not it fell under the provisions of Chapter XI. The United Nations was not empowered to pass judgement on measures taken to ensure the political development of one country or another which as yet did not enjoy all the attributes of sovereignty. Those problems fell exclusively within the competence of the Member State responsible.

¹⁵⁸ On the applicability of Article 2 (7), see this *Supplement* under that Article.

¹⁵⁹ S C, 18th yr., 1064th mtg., paras. 3-8; 1066th mtg., paras. 44-51

¹⁶⁰ *Ibid.*, 1068th mtg., paras. 101-103.

¹⁶¹ S C, 18th yr., 1068th mtg.: France, para. 83.

173. Other representatives observed¹⁶² that the status of Southern Rhodesia had been lengthily discussed on previous occasions and that the resolutions adopted by the General Assembly and the Special Committee constituted solid evidence that the claims of the United Kingdom were not considered tenable by the United Nations. No doubts were entertained that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI as confirmed in General Assembly resolution 1747 (XVI).

174. It was further noted¹⁶³ with regard to the applicability of Article 2 (7) that since the San Francisco Conference the colonial Powers had tried to hide behind the argument of non-competence of the General Assembly, claiming that empires were integral parts of metropolitan areas. However, the United Kingdom had admitted the tenuousness of those ideas and had collaborated with the Organization to allow certain decolonization. It was surprising therefore to see an ancient idea survive in the case of Southern Rhodesia. The British arguments, however, were not the same as those of the Portuguese Government in the case of the territories under its administration.

175. For the United Kingdom, on the one hand, to legislate on behalf of British sovereignty and, on the other, to invoke the impossibility of intervening in the domestic affairs of a territory under that same British authority was political sophistry which could not bear the most elementary juridical analysis. Furthermore, since Southern Rhodesia was a Non-Self-Governing Territory entitled to independence, international law and the United Nations Charter must prevail over any law of the administering Power that might interfere with its development on the international level.

176. During the debate a draft resolution¹⁶⁴ was submitted containing a number of recommendations to the United Kingdom and inviting it to implement, in particular, General Assembly resolutions 1747 (XVI) and 1760 (XVIII), and requesting the General Assembly to continue its examination of the question with a view to securing a just and lasting settlement.

Decision

The draft resolution was put to the vote at the 1069th meeting, on 13 September 1963, and received 8 votes in favour, 1 against, with 2 abstentions. Because the negative vote was that of a permanent member (United Kingdom) the draft resolution was not adopted.¹⁶⁵

177. At its eighteenth session the General Assembly adopted¹⁶⁶ resolution 1883 (XVIII) on 14 October 1963 by a roll-call vote of 90 to 2, with 13 abstentions. It also adopted¹⁶⁷ resolution 1889 (XVIII) on 6 Novem-

ber 1963 by a roll-call vote of 73 to 2, with 19 abstentions. The United Kingdom did not participate in the vote on those resolutions.

178. In its resolution 1883 (XVIII), the General Assembly, among other things, invited the United Kingdom to put into effect resolutions 1747 (XVI) and 1760 (XVII); and in resolution 1889 (XVIII) the Assembly called on the United Kingdom not to accede to the request of the minority government of Southern Rhodesia for independence until majority rule based on universal adult suffrage had been established.¹⁶⁸

179. In 1964, the question of Southern Rhodesia was considered by the Special Committee only. It was not considered by the General Assembly at its nineteenth session because of the special circumstances prevailing at that session. On 1 January 1964, the Central African Federation, of which Southern Rhodesia had been a member, was dissolved, and after the failure of negotiations between the United Kingdom Government and the Southern Rhodesian government concerning the terms for Southern Rhodesian independence, the question of a unilateral declaration of independence by the Southern Rhodesian government came increasingly to the fore.

The Special Committee on 23 and 24 March, 27 April, 18 and 22 May, 26 June, 27 October and 19 November took decisions or adopted resolutions concerning the territory.¹⁶⁹ In its resolution of 23 March, among others, the Special Committee urged the United Kingdom Government to warn the "minority settler government" emphatically against the consequences of a unilateral declaration of independence and to declare categorically that independence would not be granted until majority rule was established in the territory.

180. Subsequently, on 27 October 1964, a statement by the Prime Minister of the United Kingdom concerning that question was read to the Special Committee by the United Kingdom representative.¹⁷⁰ In that statement it was said, among other things, that the decision to grant independence rested entirely with the British Government and Parliament and that they had a solemn duty to be satisfied that before independence was granted it would be acceptable to the people of the country as a whole. A mere declaration of independence by the Southern Rhodesian government would have no constitutional effect. The only way Southern Rhodesia could become a sovereign independent State was by an act of the British Parliament. A declaration of independence would be an open act of defiance and rebellion, and it would be treasonable to take steps to give effect to it. In short, an illegal declaration of independence would bring to an end relationships between Southern Rhodesia and Britain, would cut Southern Rhodesia off from the rest of the Commonwealth, from most foreign Governments and from international organizations, would inflict disastrous

¹⁶² For text of relevant statements, see *ibid.*, 1064th mtg.: Ghana, para. 63; 1069th mtg.: Brazil, para. 9; Philippines, para. 37; Venezuela, para. 17; 1068th mtg.: USSR, para. 53.

¹⁶³ *Ibid.*, 1067th mtg.: Morocco, paras. 7, 8 and 15; 1068th mtg.: Morocco, paras. 120 and 121.

¹⁶⁴ S C, 18th yr., Suppl. for July-Sept., S/5425/Rev.1, submitted by Ghana, Morocco and the Philippines.

¹⁶⁵ S C, 18th yr., 1069th mtg., para. 64.

¹⁶⁶ G A (XVIII), Plen., 1241st mtg., para. 73.

¹⁶⁷ *Ibid.*, 1255th mtg., para. 15.

¹⁶⁸ See also paras. 543 and 544 below.

¹⁶⁹ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1, chap. III, paras. 333, 345, 355, 417-419, 430, 435, 453, 454, 457, 458, 513, 523, 617, 618 and 631-636.

¹⁷⁰ G A (XIX), Annexes, No. 8 (Part I), p. 93, paras. 571-573; G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 62, para. 14 and p. 112, appendix II.

economic damage on it and would leave it isolated and virtually friendless in a largely hostile continent.

181. On 27 October the Special Committee by consensus noted¹⁷¹ that statement with great interest. Subsequently, on 19 November, it took note¹⁷² of an oral report by its Sub-Committee on Southern Rhodesia. In that report, while noting the steps taken by the United Kingdom Government to discourage a unilateral declaration of independence, the Sub-Committee considered that whatever the effects of those steps, energetic measures should be urgently taken by the United Kingdom to implement the resolutions of the General Assembly and the Special Committee concerning Southern Rhodesia.

182. In 1965 and up to 11 November 1965, when the minority government unilaterally declared its independence, the Special Committee, the Security Council and the General Assembly each considered and adopted resolutions on the question of Southern Rhodesia. Those by the Special Committee were adopted on 22 April, 26 and 28 May and 18 June.¹⁷³ Resolution 202 (1965) was adopted by the Security Council on 6 May. The General Assembly resolutions were 2012 (XX) of 12 October and 2022 (XX) of 5 November. Resolution 2012 (XX) was adopted¹⁷⁴ by a vote of 107 to 2, with 1 abstention, and resolution 2022 (XX)¹⁷⁵ by a roll-call vote of 82 to 9, with 18 abstentions. The United Kingdom did not participate in the voting on those resolutions.

183. In the various resolutions, the Special Committee, the Security Council and the General Assembly¹⁷⁶ again, in effect, called on the United Kingdom to suspend the 1961 Constitution; to convene a fully representative conference; to take all necessary action to prevent a unilateral declaration of independence by the minority government of Southern Rhodesia; and not to transfer in any circumstances to its colony of Southern Rhodesia as currently governed any of the powers or attributes of sovereignty. In resolution 2022 (XX), the General Assembly further called on¹⁷⁷ the United Kingdom to employ all necessary measures, including military force, to implement its recommendations.

184. The United Kingdom continued to maintain¹⁷⁸ at the eighteenth session of the General Assembly, throughout 1964 and until 11 November 1965, that the authority and responsibility for bringing Southern Rhodesia forward to independence rested with the United

Kingdom Government and that the United Nations had no competence to discuss Southern Rhodesian affairs. The United Kingdom further continued to maintain that the United Kingdom Government itself had no authority to interfere in the internal affairs of Southern Rhodesia and consequently could not carry out the recommendations of the General Assembly, the Special Committee and the Security Council. At the same time, however, it provided information on the latest developments in Southern Rhodesia in the spheres in which it considered that it had responsibility. It also continued to maintain that the question should be settled by negotiation between the United Kingdom Government and the Southern Rhodesian government.

185. On 11 November 1965, when the minority government of Southern Rhodesia unilaterally declared its independence, the General Assembly adopted¹⁷⁹ by a roll-call vote of 107 to 2, with 1 abstention, resolution 2024 (XX) in which it condemned that declaration of independence and invited the United Kingdom to implement immediately the relevant resolutions of the General Assembly and the Security Council in order to put an end to the rebellion by unlawful authorities. It also recommended that the Security Council consider the situation as a matter of urgency. The representative of the United Kingdom did not participate in the voting on the draft resolution.¹⁸⁰

186. On 12 November the question was placed on the agenda of the Security Council on the recommendation of the General Assembly, at the request¹⁸¹ of thirty-five African States at the request¹⁸² of twenty-two African and Asian States, and at the request¹⁸³ of the United Kingdom.

The representative of the United Kingdom stated¹⁸⁴ in the Security Council that his Government regarded the unilateral declaration of independence as illegal and invalid since only the British Parliament had the right and authority to accord independence to Southern Rhodesia. Now that that illegal declaration had been made the only lawful Government of Southern Rhodesia was the Government of the United Kingdom. That Government, however, had no physical presence in Southern Rhodesia where there was now no rule of law.

187. On the same day the Security Council adopted,¹⁸⁵ by a vote of 10 to none, with 1 abstention, resolution 216 (1965) in which it condemned the unilateral declaration of independence by the racist minority in Southern Rhodesia and called on all States not to recognize the illegal racist minority régime and to refrain from rendering any assistance to it. Subsequently, on 20 November 1965, the Security Council adopted,¹⁸⁶ by a vote of 10 to none, with 1 abstention,

¹⁷¹ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1, p. 98, para. 617.

¹⁷² *Ibid.*, p. 99, paras. 631-636.

¹⁷³ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 91, para. 292, p. 108, para. 471, p. 111, para. 513 and p. 58, para. 463 respectively.

¹⁷⁴ G A (XX), Plen., 1357th mtg., para. 74.

¹⁷⁵ *Ibid.*, 1368th mtg., para. 22.

¹⁷⁶ See paras. 550-561 below for recommendations of the Security Council and the General Assembly.

¹⁷⁷ See paras. 620-622 below.

¹⁷⁸ G A (XVIII), Annexes, a.i. 75, A/5664, para. 3 and A/C.4/606; *ibid.*, a.i. 23/Addendum, A/5446/Rev.1, p. 63, paras. 218 *et seq.*, G A (XIX), Annexes, No. 8 (Part I), p. 39, para. 76 *et seq.*, G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 68, para. 84 *et seq.*

¹⁷⁹ G A (XX), Plen., 1375th mtg., para. 224.

¹⁸⁰ G A (XX), Plen., 1375th mtg., para. 167.

¹⁸¹ S C, 20th yr., Suppl. for Oct.-Dec., S/6902.

¹⁸² *Ibid.*, S/6903.

¹⁸³ *Ibid.*, S/6896.

¹⁸⁴ *Ibid.*, 1257th mtg., paras. 13-36. See also paras. 634 and 635 below.

¹⁸⁵ S C, 20th yr., 1258th mtg., para. 29.

¹⁸⁶ S C, 20th yr., 1265th mtg., para. 4.

resolution 217 (1965) in which it called on the United Kingdom to quell the rebellion of the racist minority; to take all appropriate measures which would prove effective in eliminating the authority of the usurpers and in bringing the minority régime to an immediate end; and to take immediate measures to allow the people of Southern Rhodesia to determine their own future consistent with the objectives of General Assembly resolution 1514 (XV). In the same resolution, the Security Council called on all States not to recognize the illegal authority in Southern Rhodesia and not to entertain any diplomatic or other relations with it; and to desist from providing it with arms, equipment and military material and to do their utmost in order to break all economic relations with Southern Rhodesia, including an embargo on oil and petroleum products.¹⁸⁷

188. Subsequently, up to the end of the period under review, the Special Committee arrived at a consensus on 6 April 1966 and adopted further resolutions concerning Southern Rhodesia on 21 April and 31 May 1966.¹⁸⁸ In its resolutions the Special Committee made further recommendations to the United Kingdom, to Member States¹⁸⁹ and to the specialized agencies.¹⁹⁰

4. REVIEW OF DECISIONS CONCERNING TERRITORIES COMING WITHIN THE PROVISIONS OF CHAPTER XI, 1946-1966

189. In 1946, seventy-four territories on which information had been transmitted, or was to be transmitted, under Article 73 e were listed by the General Assembly under resolution 66 (I).¹⁹¹ No territories were added to that original listing until 1960. In that year, the Government of Spain undertook during the period under review to transmit information on certain Territories under its administration and subsequently did so on Fernando Póo, Rio Muni, Ifni and Spanish Sahara.¹⁹²

190. In the same year, under resolution 1542 (XV) the General Assembly considered that certain territories under Portuguese administration were non-self-governing within the meaning of Chapter XI.¹⁹³ The Special Committee on Territories under Portuguese administration established under resolution 1699 (XVI), however, decided to exclude from the scope of its work two of the territories, namely, São João Batista de Ajudá and Goa, because they had been united with Dahomey and India respectively.¹⁹⁴ São João Batista de Ajudá was united with Dahomey in August 1961. Goa was united with India in December 1961.¹⁹⁵

¹⁸⁷ See also para. 631 below.

¹⁸⁸ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, chap. III, paras. 340-345, 532, 587 and 1097.

¹⁸⁹ See paras. 564, 639 and 640 below.

¹⁹⁰ See para. 711 below.

¹⁹¹ For list of territories, see *Repertory*, vol. IV, under Article 73, para. 23.

¹⁹² See paras. 52-59 above.

¹⁹³ See paras. 106-114 above.

¹⁹⁴ G A (XVI), Annexes, a.i. 54, A/5160 and Add. 1 and 2, para. 6.

¹⁹⁵ The question of Goa was discussed by the Security Council at its 987th and 988th meetings but no resolution was adopted.

Thereafter, the two territories were no longer listed as non-self-governing.

191. In 1962, under resolution 1747 (XVI), the General Assembly also affirmed that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI.¹⁹⁶

192. After 1947 and 1948, when a number of administering Members ceased to transmit information on certain territories, the General Assembly adopted procedures and approved a list of factors, and subsequently a set of principles by which to ascertain whether or not a given territory had achieved a full measure of self-government and whether, consequently, the transmission of information should cease.¹⁹⁷

193. Thus, under resolution 222 (III) of 3 November 1948, the General Assembly requested constitutional information from administering Members on the territories on which they considered that the transmission of information was unnecessary. Under resolution 448 (V) of 12 December 1950, the Assembly requested the Committee on Information from Non-Self-Governing Territories to examine such information and report to the Assembly. In resolution 742 (VIII) of 27 November 1953, the Assembly approved a list of factors indicative of the attainment of a full measure of self-government, to be used by the General Assembly and the administering Members as a guide in determining whether any territory, as a result of changes in its constitutional status, was or was no longer within the scope of Chapter XI in order that, in view of the documentation provided under resolution 222 (III), a decision might be taken by the General Assembly on the continuation or cessation of information. Under resolution 850 (IX) of 22 November 1954, the Assembly expressed the opinion that communications relating to the cessation of information should be examined, as indicated in resolution 742 (VIII), with particular emphasis on the manner in which the right of self-determination had been attained and freely exercised. Subsequently, under resolution 1051 (XI) of 20 February 1957, the Assembly decided, notwithstanding the provisions of resolution 448 (V), that communications relating to the cessation of information should be referred directly to the Assembly and again emphasized that they should be examined with particular emphasis on the manner in which the right of self-determination had been exercised. Under resolution 1541 (XV), of 15 December 1960, the General Assembly adopted twelve principles¹⁹⁸ which further clarified the ways in which a territory could be said to have reached a full measure of self-government.

194. As of 1962, the procedures outlined above were in some respects superseded by the fact that constitutional and political information was annually provided by administering Members on most of the territories on which information was transmitted under Article 73 e and that the Special Committee on the

¹⁹⁶ See paras. 130-154 above.

¹⁹⁷ See *Repertory*, vol. IV, under Article 73, paras. 278-290; *Repertory Supplement No. 1*, vol. II, under Article 73, paras. 43-73; *Repertory Supplement No. 2*, vol. III, under Article 73, paras. 90-104.

¹⁹⁸ See paras. 70-104 above.

decolonization, established under resolution 1634 (XVI), regularly considered and made recommendations concerning constitutional and political conditions and developments in each of the territories it examined.

195. In the period from 1953-1969, the General Assembly, having examined the information transmitted in accordance with resolution 222 (III), approved the cessation of information on six territories. In the order of the decisions taken, they were, under resolution 748 (VIII) of 27 November 1953, Puerto Rico, which became a Commonwealth associated with the United States; under resolution 849 (IX) of 22 November 1954, Greenland, which was integrated with Denmark; under resolution 945 (X) of 15 December 1955, Netherlands Antilles (originally listed as Curacao) and Surinam, which became self-governing parts of the Netherlands; and, under resolution 1469 (XIV) of 12 December 1959, Alaska and Hawaii, which were integrated with the United States.

196. In the relevant resolutions, the status of Puerto Rico was described by the General Assembly as an autonomous political entity. Greenland was stated to have achieved self-government, and Alaska and Hawaii a full measure of self-government. In each of those cases, the General Assembly also decided that the Declaration regarding Non-Self-Governing Territories and the provisions established under it in Chapter XI could no longer be applied. In the case of the Netherlands Antilles and Surinam, the General Assembly expressed its opinion that the cessation of information was appropriate.

197. During the period under review, the General Assembly in resolution 2064 (XX) of 16 December 1965 considered that, since the Cook Islands¹⁹⁹ had attained full internal self-government, the transmission of information under Article 73 e was no longer necessary. At the same time, the General Assembly reaffirmed the responsibility of the United Nations, under General Assembly resolution 1514 (XV), to assist the people of the Cook Islands in eventually achieving full independence, if they wished, at a future date. The elections in the territory for the newly established Legislative Assembly had been supervised by a United Nations representative.

198. Other territories achieved independence and thereby a full measure of self-government.

199. The first to do so was the Republic of Indonesia in 1950. Under resolution 448 (V) of 12 December 1950, the General Assembly, having noted a communication from the Government of the Netherlands in which it was stated that the Netherlands would no longer present a report on Indonesia, with the exception of West New Guinea, and having noted that the full independence of the Republic of Indonesia had been followed by the admission of that State to membership in the United Nations, took note with satisfaction of the communication of the Government of the Netherlands

with reference to the cessation of the transmission of information on Indonesia.

200. In other cases where former Non-Self-Governing Territories, or parts thereof, attained independence, both prior to and during the period under review, the General Assembly did not take formal decisions that the provisions of Chapter XI no longer applied, or that the transmission of information should cease. The admission of the States in question to membership in the United Nations, however, constituted self-evident confirmation that the terms of Chapter XI no longer applied to them and that the transmission of information should cease.²⁰⁰ As of the end of 1966, they, together with Indonesia, were as follows:

<i>Member</i>	<i>Admission to United Nations</i>
Barbados (formerly under United Kingdom administration)	9 December 1966 G A resolution 2175 (XXI)
Botswana (formerly Bechuanaland under United Kingdom administration)	17 October 1966 G A resolution 2136 (XXI)
Cambodia (formerly part of the Associated States of Indo-China under French administration)	14 December 1955 G A resolution 995 (X)
Central African Republic (formerly part of French Equatorial Africa as Ubangi Shari)	20 September 1960 G A resolution 1488 (XV)
Chad (formerly part of French Equatorial Africa)	20 September 1960 G A resolution 1485 (XV)
Congo (Brazzaville) (formerly part of French Equatorial Africa as Middle Congo)	20 September 1960 G A resolution 1486 (XV)
Congo (Democratic Republic of) (formerly Belgian Congo)	20 September 1960 G A resolution 1480 (XV)
Cyprus (formerly under United Kingdom administration)	20 September 1960 G A resolution 1489 (XV)
Dahomey (formerly part of French West Africa)	20 September 1960 G A resolution 1481 (XV)
Gabon (formerly part of French Equatorial Africa)	20 September 1960 G A resolution 1487 (XV)
Gambia (formerly under United Kingdom administration)	21 September 1965 G A resolution 2008 (XX)
Ghana ²⁰¹ (formerly Gold Coast Colony Protectorate under United Kingdom administration)	8 March 1957 G A resolution 1118 (XI)
Guinea (formerly part of French West Africa)	12 December 1958 G A resolution 1325 (XIII)
Guyana (formerly British Guiana)	20 September 1966 G A resolution 2133 (XXI)
Indonesia (formerly part of Netherlands Indies)	28 September 1950 G A resolution 491 (V)
Ivory Coast (formerly part of French West Africa)	20 September 1960 G A resolution 1484 (XV)

²⁰⁰ In the case of Viet-Nam, formerly part of the Associated States of Indo-China under French administration, the Security Council in 1952 considered but failed to recommend its admission to membership in the United Nations. The General Assembly, however, in its resolutions 620 C (VII) 1017 B (XI) and 1144 B (XII) determined that Viet-Nam should be admitted. The Security Council subsequently considered but failed to recommend Viet-Nam's admission on a number of occasions. The question was not raised during the period under review.

²⁰¹ The new State also incorporated the former Trust Territory of Togoland under United Kingdom administration.

¹⁹⁹ In originally agreeing to transmit information on this territory, the Government of New Zealand stated that the inclusion of the Cook Islands, which were an integral part of New Zealand, was without prejudice to any interpretation of the expression "Non-Self-Governing Territories" (see A/74/Add.2 (mimeographed) and G A resolution 66 (I)).

<i>Member</i>	<i>Admission to United Nations</i>	<i>Member</i>	<i>Admission to United Nations</i>
Jamaica (formerly under United Kingdom administration)	18 September 1962 G A resolution 1750 (XVII)	Uganda (formerly under United Kingdom administration)	25 October 1962 G A resolution 1758 (XVII)
Kenya (formerly under United Kingdom administration)	16 December 1963 G A resolution 1776 (XVIII)	Upper Volta (formerly part of French West Africa)	20 September 1960 G A resolution 1483 (XV)
Laos (formerly part of the Associated States of Indo-China under French administration)	14 December 1955 G A resolution 995 (X)	Zambia (formerly Northern Rhodesia under United Kingdom administration)	Declared admitted on 1 December 1964 ²⁰⁶
Lesotho (formerly Basutoland under United Kingdom administration)	17 October 1966 G A resolution 2137 (XXI)	Zanzibar ²⁰⁷ (formerly under United Kingdom administration)	16 December 1963 G A resolution 1975 (XVIII)
Madagascar (formerly under French administration and excluding the Comoro archipelago)	20 September 1960 G A resolution 1478 (XV)		
Malawi (formerly Nyasaland under United Kingdom administration)	Declared admitted on 1 December 1964 ²⁰²		
Malaysia ²⁰³ (formerly under United Kingdom administration)	17 September 1957 G A resolution 1134 (XII)		
Mali (formerly part of French West Africa as French Sudan)	28 September 1960 G A resolution 1491 (XV)		
Malta (formerly under United Kingdom administration)	Declared admitted on 1 December 1964 ²⁰⁴		
Mauritania (formerly part of French West Africa)	27 October 1961 G A resolution 1631 (XVI)		
Morocco (formerly under French administration)	12 November 1956 G A resolution 1111 (XI)		
Niger (formerly part of French West Africa as Niger Colony)	20 September 1960 G A resolution 1482 (XV)		
Nigeria (formerly under United Kingdom administration)	7 October 1960 G A resolution 1492 (XV)		
Senegal (formerly part of French West Africa)	28 September 1960 G A resolution 1490 (XV)		
Sierra Leone (formerly under United Kingdom administration)	27 September 1961 G A resolution 1623 (XVI)		
Singapore (formerly under United Kingdom administration)	21 September 1965 G A resolution 2010 (XX)		
Somalia ²⁰⁵ (formerly under United Kingdom administration)	20 September 1960 G A resolution 1479 (XV)		
Trinidad and Tobago (formerly under United Kingdom administration)	18 September 1962 G A resolution 1751 (XVII)		
Tunisia (formerly under French administration)	12 November 1956 G A resolution 1112 (XI)		

²⁰² G A (XIX), Plen. 1286th mtg., para. 40. There was no formal resolution.

²⁰³ The Federation of Malaya joined the United Nations on 17 September 1957. On 16 September 1963, its name was changed to Malaysia, after the admission of Singapore, Sabah (North Borneo) and Sarawak to the new federation. Singapore subsequently became an independent State on 9 August 1965 and a Member of the United Nations on 21 September 1965.

²⁰⁴ G A (XIX), Plen. 1286th mtg., para. 43. There was no formal resolution. In 1949, the United Kingdom Government had ceased to transmit information on Malta, when, under the island's constitution, educational, social and economic conditions were stated to have become the exclusive concern of the Government of Malta. Early in 1959, however, the constitution was revoked. Later in the same year the United Kingdom Government agreed to resume transmission of information and did so until the territory became independent in 1964.

²⁰⁵ British Somaliland attained independence on 1 July 1960. At the same time the former Trust Territory of Somaliland under Italian administration attained independence and together the two territories became the Republic of Somalia.

201. In certain cases the General Assembly took no decisions either that the provisions of Chapter XI no longer applied, or that the transmission of information should cease even though the United Nations participated in the processes which led to the cessation of information.

202. Thus in the case of West New Guinea (West Irian) which in 1946 had, together with Indonesia, been listed in resolution 66 (I) under the general designation Netherlands Indies, and on which the Netherlands had continued to submit information, the General Assembly, under resolution 1752 (XVII) of 21 September 1962, took note of an Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)²⁰⁸ and authorized the Secretary-General to carry out the tasks entrusted to him in the Agreement. In accordance with the Agreement, the administration of the Territory was transferred from the Netherlands to a United Nations Temporary Executive Authority established by and under the jurisdiction of the Secretary-General, and its in turn, on 1 May 1963 transferred the administration of the territory to the Republic of Indonesia. Provision was also made in the Agreement for an act of free choice by the people of West New Guinea (West Irian) before the end of 1969, also with United Nations participation, as to whether they wished to remain with Indonesia or sever their ties with it.

203. As from the conclusion of the Agreement between the Republic of Indonesia and the Government of the Netherlands in 1962, the transmission of information under Article 73 e ceased.

204. In the case of Sabah (North Borneo) and Sarawak,²⁰⁹ the United Nations also participated in the processes whereby the territories were integrated with an independent State, but the General Assembly did not take any formal decision in the matter. The two territories joined the Federation of Malaya, together with Singapore, to become the Federation of Malaysia on 16 September 1963, after a United Nations Malaysia Mission appointed by the Secretary-General at the request of Governments concerned and with the concurrence of the United Kingdom, had reported favour-

²⁰⁶ G A (XIX), Plen. 1286th mtg., para. 45. There was no formal resolution.

²⁰⁷ After the ratification of Articles of Union between Tanganyika and Zanzibar on 26 April 1964, the United Republic of Tanganyika and Zanzibar continued as a single member, changing its name to the United Republic of Tanzania on 1 November 1964.

²⁰⁸ See also paras. 871-873 below.

²⁰⁹ See also paras. 759-762 below.

ably to him on the wishes of the people with regard to the participation of the two territories in the Federation. Subsequently, however, Singapore became an independent State on 9 August 1965 and a Member of the United Nations on 21 September 1965.

205. In certain cases Member States originally transmitting information under Article 73 e ceased to transmit information without any decisions having been taken by the General Assembly or its committees to indicate that the provisions of Chapter XI no longer applied or that the transmission of information should cease. In those cases the United Nations did not participate in the processes which led to the cessation of information.

206. Thus, in resolution 66 (I) of 14 December 1946, the General Assembly noted that information had been transmitted by the Government of the United States concerning conditions in the Panama Canal Zone. On 14 November 1946, the Government of Panama contested the action of the United States on the grounds that the territory could not be considered a Non-Self-Governing Territory and that sovereignty over the Canal Zone rested with the Republic of Panama. The Secretary of State of the United States informed the Secretary-General on 27 June 1947 that consequently the United States was not transmitting information on the Panama Canal Zone pending clarification of that question with the Republic of Panama.²¹⁰ The matter, however, has not been raised since in the United Nations.

207. With respect to territories under French administration²¹¹ the Government of France ceased to transmit information in 1947 on Guadeloupe, Martinique, French Guiana, Réunion, New Caledonia, the French Establishments in Oceania and St. Pierre and Miquelon; in 1948, on the former Associated States of Indo-China and the former French Establishments in India;²¹² in 1956, on Tunisia and Morocco; in 1957, on the territories comprising former French West Africa, former French Equatorial Africa, Madagascar, the Comoro Archipelago²¹³ and French Somaliland.

208. In effect, that meant that from 1957 information continued to be transmitted by France only in the case of the New Hebrides, a condominium with the United Kingdom.

209. By the end of 1966 the independence of the former Associated States of Indo-China, of Tunisia, Morocco, the territories comprising former French West Africa and former French Equatorial Africa and of Madagascar, had been recognized in the United Nations.

210. With respect to Guadeloupe, Martinique, French Guiana, Réunion, New Caledonia, the French

Establishments in Oceania, St. Pierre and Miquelon, the Comoro Archipelago and French Somaliland, it may be recalled²¹⁴ that a communication dated 27 March 1959²¹⁵ from the Government of France concerning the cessation of information on those territories (as well as on the territories which subsequently became independent), and containing information of a constitutional nature was referred by the Secretary-General, in accordance with the procedures set forth in resolutions 222 (III) and 1051 (XI), to the General Assembly at its fourteenth session.

211. Although several statements were made in the Fourth Committee concerning the communication, no proposals were made, or decisions taken, as to whether the General Assembly still considered that the provisions of Chapter XI continued to apply to the territories or not, or whether the transmission of information should cease.

212. Subsequently, during the period under review, at the eleventh and twelfth sessions of the Committee on Information from Non-Self-Governing Territories in 1960 and 1961, statements were made by certain representatives to the effect that the Government of France was still under an obligation to transmit information under Article 73 e on all its territories until they were fully self-governing. It was stated²¹⁶ in 1960 that the progress which the territories in the French Community had made thus far, though commendable, did not constitute a state of affairs that exempted France from the obligation to transmit information. In 1961, it was noted²¹⁷ that the French territories in South America had not yet achieved independence and that their status was not clear. Although France had transmitted information on those territories in 1946, it had ceased transmission the next year without any action by the General Assembly. The cessation of information on the territories had not, however, been approved by the General Assembly. The General Assembly by resolution 1541 (XV), had asserted its competence to decide whether or not an obligation existed to transmit information and had adopted twelve principles to be used in that connexion. The status of the French territories should therefore be examined in the light of those principles. Similar statements were made²¹⁸ in the Fourth Committee at the sixteenth session of the General Assembly in 1961.

213. In 1963, the question of the obligation of the Government of France to transmit information specifically on the Comoro Archipelago and French Somaliland²¹⁹ was raised in the Committee on Information from Non-Self-Governing Territories. It was stated²²⁰ that the territories had not attained a full measure

²¹⁰ A/AC.35/L.371, (mimeographed), annex p. 32.

²¹¹ In originally transmitting information under Article 73 e, the Government of France stated that it was without prejudice to the future status of the territories.

²¹² The former French Establishments in India comprising Chandernagore, Pondicherry, Karikal, Mahé and Yanaon were united with and became an integral part of India. The settlement of Chandernagore was incorporated into India on 9 June 1952. The other four settlements were formally ceded by treaty on 28 May 1956 (see A/AC.35/L.371 (mimeographed), annex, p. 11).

²¹³ The Comoro Archipelago was not specifically listed in resolution 66 (I) but included in the Dependencies of Madagascar.

²¹⁴ See *Repertory Supplement No. 2*, vol. III, under Article 73, paras. 103-104.

²¹⁵ G A (XIV), Annexes, a.i. 36, A/4096 and Add.1.

²¹⁶ G A (XV), Suppl. No. 15, part I, para. 103: Ghana.

²¹⁷ G A (XVI), Suppl. No. 15, part I, para. 77: Mexico, supported by Argentina, India and Liberia, para. 79.

²¹⁸ G A (XVI), 4th Com., 1190th mtg.: Brazil, para. 16; 1191st mtg.: India, para. 3; Liberia, para. 18; United Arab Republic, para. 28; Yugoslavia, para. 35.

²¹⁹ See also paras. 378-383 below.

²²⁰ G A (XVIII), Suppl. No. 14, part I, Liberia, paras. 19 and 104.

of self-government as envisaged in Chapter XI and were still under the administration of France.

214. In reply to such statements representatives of France maintained the position ²²¹ that only the administering Member had the competence to decide whether a territory under its administration had attained a full measure of self-government and they stated that the question of the transmission of information by France was closed except in the case of the New Hebrides. In 1947, France had ceased to transmit information on certain territories as a result of their political development. The General Assembly had not objected at that time, the French argument continued, and it was not until 1953 or 1954 that a new majority had emerged in favour of modifying the procedure relating to the transmission of information. To France, which had fulfilled all the obligations it had undertaken, the new solution had not seemed in conformity with the Charter. As a result of events known to all, certain territories had achieved *de facto* self-government. They had freely chosen institutions, their deputies, their assemblies and their councils of ministers. They were in control of their own destinies, and their status was not fixed immutably. As to French Somaliland and the Comoro Archipelago, it was stated that they were self-governing and had exercised their right to self-determination in a referendum based on universal suffrage in October 1958.

215. Thus as of the beginning of 1967, there were thirty-seven territories on which administering Members transmitted information under Article 73 e and eight ²²² which had been declared by the General Assembly to be non-self-governing within the meaning of Chapter XI. They were as follows:

<i>Administering Member</i>	<i>Territories</i>
Australia	Cocos (Keeling) Islands ²²³ Papua
France	New Hebrides (condominium with the United Kingdom)
New Zealand	Niue Island Tokolau Islands
Portugal	Angola, including the enclave of Cabinda Cape Verde Archipelago Guinea, called Portuguese Guinea Macau and dependencies Mozambique São Tomé and Príncipe and dependencies Timor (Portuguese) and dependencies

²²¹ G A (XV), Suppl. No. 15, part I, para. 106; G A (XVI), Suppl. No. 15, part I, para. 78; G A (XVIII), Suppl. No. 14, part I, paras. 21 and 105; G A (XVI), 4th Com., 1191st mtg., paras. 51-53.

²²² The territories under Portuguese administration and Southern Rhodesia (see paras. 105-188 above). The list does not include São João Batista d'Ajuda and Goa which the Special Committee on Portuguese Territories decided to exclude from the scope of its work (see para. 190 above).

²²³ The Cocos (Keeling) Islands were originally administered as part of Singapore. They were transferred to Australian administration on 23 November 1955 (see A/AC.35/L.371 (mimeographed), p. 15).

<i>Administering Member</i>	<i>Territories</i>
Spain	Equatorial Guinea (Fernando Póo and Rio Muni) ²²⁴ Ifni Spanish Sahara
United Kingdom	Aden, Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Cayman Islands, Dominica, Falkland Islands (Malvinas), Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, Pitcairn Island, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland, Turks and Caicos Islands New Hebrides (condominium with France)
United States of America	American Samoa, Guam, United States Virgin Islands

B. Transmission of Information under Article 73 e and its examination

1. EXAMINATION BY THE COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES OF INFORMATION TRANSMITTED UNDER ARTICLE 73 e; EXTENSION OF THE TERMS OF REFERENCE OF THE COMMITTEE; DISSOLUTION OF THE COMMITTEE

216. The development of the procedures for the transmission of information under Article 73 e and for its initial examination, on behalf of the General Assembly, by a succession of committees established or renewed between 1946 and 1958 was described in the *Repertory* and its *Supplements Nos. 1 and 2*.²²⁵

217. At the beginning of the period under review, the information submitted by administering Members, supplemented by 'official publications transmitted or authorized by them, was annually summarized and analysed by the Secretary-General and submitted to the Committee on Information from Non-Self-Governing Territories. Special studies on economic, social and educational conditions were also prepared by the Secretary-General and the specialized agencies concerned on the basis of the information transmitted. Those summaries and analyses and special studies were published as a continuing and related series.

218. Under its general terms of reference ²²⁶ the Committee on Information from Non-Self-Governing Territories was to examine, in the spirit of Article 1 (3) and (4) and Article 55, the summaries and analyses of the information submitted and make procedural and substantive recommendations relating generally to economic, social and educational conditions, but not

²²⁴ Under its resolution 2067 (XX) of 16 December 1965, the Assembly noted that the two territories had been merged and named Equatorial Guinea.

²²⁵ *Repertory*, vol. IV, under Article 73, sections A and B; *Repertory Supplement No. 1*, vol. II, under Article 73, sections A and B; *Repertory Supplement No. 2*, vol. III, under Article 73, sections A and B.

²²⁶ G A resolutions 933 (X) and 1332 (XIII).

with respect to individual territories. In particular, the Committee was directed, without prejudice to its annual consideration of economic, social and educational conditions, to give special attention to each of those functional areas in turn. Thus, the Committee gave special attention to economic conditions in its report ²²⁷ to the General Assembly at its fifteenth session and to social advancement in its report ²²⁸ to the Assembly at its sixteenth session. It included surveys of social and educational conditions in the former and of educational and economic advancement in the latter.

219. In addition, as requested in Assembly resolution 1461 (XIV), the Committee included in its report to the Assembly at its fifteenth session, its observations and conclusions ²²⁹ on a report ²³⁰ on the progress made in the Non-Self-Governing Territories since the establishment of the United Nations towards achievement of the objectives of Chapter XI of the Charter. The latter report was prepared by the Secretary-General in collaboration with the specialized agencies and based on information submitted by administering Members.

220. In accordance with the request contained in Assembly resolution 1470 (XIV), the Committee also recorded ²³¹ in its report to the Assembly at its fifteenth session, the views of various Members on the effects of the association of Non-Self-Governing Territories with the European Economic Community, and noted that, with the exception of the Netherlands Government, the administering Members concerned had not supplied information. The Secretariat further informed ²³² the General Assembly that no new report could be prepared, as requested under resolution 1470 (XIV), because of a lack of relevant material. Furthermore, as a result of constitutional developments in Non-Self-Governing Territories in Africa associated with the European Economic Community, it was impossible for the Secretariat to report on them in the terms of Chapter XI. In its report to the General Assembly at its sixteenth session, the Committee observed ²³³ on the basis of a report ²³⁴ of the Economic Commission for Africa, that, while there might be immediate and short-term benefits for African trade and development from association with economic groupings such as the European Economic Community, newly independent States should consider carefully the long-term implications.

221. In its resolution 1535 (XV) of 15 December 1960, the Assembly took note of the Secretary-General's progress report and noted with appreciation the Committee's observations and conclusions thereon. In resolution 1537 (XV), of 15 December 1960, the Assembly took note of the Committee's report on economic

conditions,²³⁵ and in resolution 1694 (XVI), of 19 December 1961, of its report on social advancement.²³⁶ It requested the Secretary-General to communicate the progress report with the Committee's observations and conclusions and the other two reports to administering Members, the Economic and Social Council, the regional economic commissions and the specialized agencies concerned. It also requested that the reports on economic and social conditions be communicated to the Trusteeship Council.

222. The question of the renewal of the Committee on Information from Non-Self-Governing Territories was discussed briefly by the Committee itself at its twelfth session in 1961. One view expressed, as recorded in the Committee's report ²³⁷ to the General Assembly at its sixteenth session, was that, in view of the adoption by the General Assembly of resolution 1514 (XV) containing the Declaration on decolonization, the future work of the Committee should be directed towards the implementation of that resolution. The Committee should be authorized to examine political and constitutional developments and should be able to submit recommendations on individual territories. The clause in resolution 1332 (XIII) providing for recommendations to be made generally, but not in respect of individual territories, had become a serious handicap to the effectiveness of the Committee's work. Furthermore, because of the rapid changes taking place in the Non-Self-Governing Territories, information soon became out of date. The Committee could no longer afford to examine the functional fields only once every three years, but should examine all aspects of economic, social, educational and political advancement each year. The Committee should not be renewed for a fixed period of time, but should be set up so that it would exist as long as there were Non-Self-Governing Territories.

223. Representatives of the administering Members, on the other hand, while not objecting to the renewal of the Committee on the existing basis, considered that the controversial question of the extension of its terms of reference should be left to the Fourth Committee to decide.

224. Before the Fourth Committee took up its consideration of that question at the sixteenth session of the General Assembly, a number of significant developments had taken place.

225. On 27 September 1961 the United Kingdom representative gave an undertaking that his Government would in future transmit information on political and constitutional developments in respect of the Non-Self-Governing Territories on which it already transmitted information under Article 73 e on economic, social and educational matters.

226. By resolution 1654 (XVI) of 27 November 1961, the Assembly established the Special Committee on decolonization and requested the Committee on Information from Non-Self-Governing Territories to assist the Special Committee in its work.

²²⁷ G A (XV), Suppl. No. 15.

²²⁸ G A (XVI), Suppl. No. 15.

²²⁹ G A (XV), Suppl. No. 15, part II.

²³⁰ *Progress of the Non-Self-Governing Territories under the Charter* (United Nations publication, Sales No. 60.VI.B.1), vols. 1-5.

²³¹ G A (XV), Suppl. No. 15, part III, paras. 45-51.

²³² G A (XV), Annexes, a.i. 37, A/4470.

²³³ G A (XVI), Suppl. No. 15, part I, paras. 43 and 44.

²³⁴ E/CN.14/72 (mimeographed).

²³⁵ G A (XV), Suppl. No. 15, part III.

²³⁶ G A (XVI), Suppl. No. 15, part II.

²³⁷ *Ibid.*, part I, paras. 86-92.

227. By resolution 1699 (XVI) of 19 December 1961, the General Assembly, on the recommendation of the Fourth Committee established the Special Committee on Territories under Portuguese Administration which was to examine such information as was available and formulate observations, conclusions and recommendations for consideration by the Assembly. At its fifteenth session under resolution 1603 (XV) the Assembly had already established the Sub-Committee on Angola.

228. A draft resolution²³⁸ on the question of the renewal of the Committee on Information from Non-Self-Governing Territories was submitted in the Fourth Committee, at its 1249th meeting on 14 December 1961, which, in a revised text,²³⁹ the Assembly would (1) continue the Committee on the same basis as hitherto until it had decided that the principles embodied in Chapter XI of the Charter and in the Declaration on decolonization had been fully implemented; (2) decide that the Committee should examine the political and constitutional information transmitted by administering Members as well as information relating to functional fields, and submit its reports to the General Assembly with observations and recommendations thereon; (3) instruct the Committee to undertake intensive studies of political, educational, economic and social conditions and problems of territories located in the same area or region, except where circumstances required individual consideration; (4) recall resolution 1542 (XV) and instruct the Committee to invite the co-operation of the Special Committee on Territories under Portuguese Administration; (5) request the Committee to transmit its reports to the Special Committee on decolonization and provide the latter with pertinent material, including such studies as might be required for the discharge of its functions.

229. In introducing the draft resolution, one of the sponsors stated²⁴⁰ that, since a special committee had just been established to consider the implementation of the Declaration on decolonization, it had at first seemed pointless to continue the Committee on Information. The establishment of the committees on the Portuguese territory and on South West Africa²⁴¹ were also arguments against renewing the Committee. Nevertheless, after many consultations, the sponsors had decided in favour of continuing it. Although the General Assembly had stressed in resolution 1514 (XV) the need for the immediate granting of independence to colonial countries and peoples, colonialism would persist for a little time to come, and the Committee on Information could handle routine matters which should not be assigned to the Special Committee on decolonization. Some administering Members already transmitted information on political and constitutional developments, and the United Kingdom had indicated its intention of doing so. The sponsors of the draft resolution, therefore, had proposed expanding the terms of reference of the Committee on Information.

²³⁸ G A (XVI), Annexes, a.i. 45, A/5047, paras. 5 and 6, A/C.4/L.725 and Corr.1, submitted by Argentina, Ethiopia, Ghana, India, Iran, Philippines, Syria and Venezuela.

²³⁹ *Ibid.*, para. 9.

²⁴⁰ G A (XVI), 4th Com. 1249th mtg. : India, paras. 4-6.

²⁴¹ See this *Supplement* under Article 80.

They had not wanted to inflict on the Committee the gigantic task of studying each individual territory in detail, but they did not preclude the possible need for such studies if regional studies proved inadequate.

230. An amendment²⁴² to the draft resolution was submitted which, in effect would have meant that the question of the Committee's scope of work would have been postponed until the next session. That amendment was, however, withdrawn.²⁴³

231. In clarification of questions relating to the Committee's proposed new terms of reference, it was explained²⁴⁴ that the Committee would now examine the political and constitutional information transmitted by administering Members. It would continue, however, to study the information globally, but if circumstances required, it could, by its own decision, give certain territories individual consideration. The Committee would report to the General Assembly as in the past but would also transmit its reports to the Special Committee. The Committee would not, however, be a subordinate organ of the Special Committee.

Decision

Operative paragraph 3 on the scope of the Committee's work was approved by 47 votes to none, with 28 abstentions.

The revised draft resolution as a whole was approved²⁴⁵ by a roll-call vote of 60 to none, with 16 abstentions.

The draft resolution was subsequently adopted²⁴⁶ by the General Assembly on 19 December 1961, as resolution 1700 (XVI) by a roll-call vote of 77 to none, with 16 abstentions.

232. In accordance with its new terms of reference, the Committee on Information submitted to the General Assembly at its seventeenth session a report²⁴⁷ containing a chapter dealing with political and constitutional information and chapters on economic, social and educational advancement. It also drew attention to special studies which had been prepared by the United Nations Secretariat and the specialized agencies on educational conditions and to the observations of Members thereon.²⁴⁸ The Committee communicated its report to the Special Committee.

233. In resolution 1846 (XVII) of 19 December 1962, the General Assembly took note of the report and requested the Secretary-General to transmit it to administering Members, the Economic and Social Council, the regional economic commissions, the Trusteeship Council and the specialized agencies.

234. The question of the renewal of the Committee was again considered at the seventeenth session. The Acting Secretary-General in the introduction to his

²⁴² G A (XVI), Annexes, a.i. 45, A/5047, para. 7, A/C.4/L.726, submitted by the United Kingdom.

²⁴³ G A (XVI), 4th Com., 1250th mtg.: United Kingdom, para. 1.

²⁴⁴ *Ibid.*, 1251st mtg. : Syria, paras. 24-29.

²⁴⁵ *Ibid.*, paras. 59 and 60.

²⁴⁶ G A (XVI), Plen., 1083rd mtg., para. 247.

²⁴⁷ G A (XVII), Suppl. No. 15.

²⁴⁸ *Ibid.*, annex III.

annual report had drawn attention²⁴⁹ to the fact that four committees and special committees were dealing with matters that might usefully be combined. If that were done, delegations would be relieved of otherwise added burdens, and at the same time costs and staff requirements would be reduced. He commented that it might perhaps be possible to concentrate all the work under the Special Committee on decolonization.

235. The Special Committee in its first report to the General Assembly at its seventeenth session also noted²⁵⁰ that in addition to the Trusteeship Council four other bodies established by the General Assembly were concerned with territories coming within the scope of the Special Committee's work: (1) the Committee on Information from Non-Self-Governing Territories; (2) the Sub-Committee on the Situation in Angola; (3) the Special Committee on Territories under Portuguese Administration; and (4) the Special Committee for South West Africa.

236. During consideration of the matter in the Fourth Committee some representatives expressed the view that since the adoption of the Declaration on decolonization the functions of the Committee on Information were no longer suited to the world's needs. Its terms of reference were narrow and did not admit of any extension of its activities. The Committee had outlived its usefulness, and matters relating to all the territories which had not yet attained independence should, in future, be dealt with by the Special Committee.²⁵¹

237. Other representatives,²⁵² however, felt that the Committee should continue. The two committees were complementary in function, and a political organ such as the Special Committee would not be the most suitable body for the tasks which had been carried out by the Committee on Information. The latter could continue to play a useful role in its capacity as a technical advisory body to assist the General Assembly and the Special Committee. Its work was primarily that of assembling, evaluating and comparing information on the situation in the various Non-Self-Governing Territories, whereas the Special Committee was specifically concerned with political questions connected with the achievement of independence by colonial territories. There was an undeniable need for a staged development towards independence, and it was in that field that the work of the Committee on Information lay.

238. During the discussion, a draft resolution²⁵³ was submitted whereby the Assembly would: (1) continue the Committee on Information on the same basis

as that established by resolution 1700 (XVI) and (2) review the situation at its eighteenth session.

239. One of the sponsors explained²⁵⁴ that the draft resolution was in the nature of a compromise since it put off until the eighteenth session a decision concerning the Committee.

Decision

The draft resolution was approved²⁵⁵ by 70 votes to none, with 5 abstentions. It was subsequently adopted²⁵⁶ by the General Assembly on 19 December 1962 by 96 votes to none, with 5 abstentions, as resolution 1847 (XVII).

240. The Committee on Information from Non-Self-Governing Territories accordingly submitted a report²⁵⁷ to the General Assembly at its eighteenth session, including chapters on political and constitutional developments and on educational and social advancement, and also a chapter and a separate report²⁵⁸ on economic advancement. It transmitted²⁵⁹ its report, the report on economic advancement and the studies prepared by the Secretariat and the specialized agencies on economic matters to the Special Committee.

241. At its eighteenth session the General Assembly under resolution 1971 (XVIII) of 16 December 1963 invited the Secretary-General to communicate the report on economic advancement to the administering Members, the Special Committee, the Economic and Social Council, the regional economic commissions, the Trusteeship Council and the specialized agencies concerned.

242. The Committee on Information also included in that report a summary of the various views expressed by Members regarding its continuation.²⁶⁰ It was stated, among other things, that the work of the Committee had no doubt contributed to the accelerated advance of the peoples of Non-Self-Governing Territories. By renewing the Committee after the adoption of the 1960 Declaration on decolonization, it was evident that the General Assembly had not considered that its Charter responsibilities had ceased and had not intended the implementation of the Declaration to supersede the work of the Committee. There were still a large number of territories, many of them very small, for which the attainment of the objectives of Chapter XI might take different forms. The United Nations had a continuing responsibility towards all peoples who had not yet attained a full measure of self-government, irrespective of the size of the territory. Because of its balanced composition the Committee had a special competence to evaluate the information transmitted and to study the problems of Non-Self-Governing Territories. For those reasons the consensus was that the Committee should be continued.

243. The question of the renewal of the Committee was again considered at the eighteenth session of the

²⁴⁹ G A (XVII), Suppl. No. I A, p. 4.

²⁵⁰ G A (XVII), Annexes, a.i. 25/Addendum A/5238, p. 22, para. 152.

²⁵¹ For text of relevant statements see G A (XVII), 4th Com., 1421st mtg.: Burma, para. 15; 1423rd mtg.: Tunisia, para. 3.

²⁵² For text of relevant statements see G A (XVII), 4th Com., 1420th mtg.: Australia, para. 111; 1421st mtg.: Argentina, para. 41; 1422nd mtg.: Uruguay, paras. 3-6; 1424th mtg.: Liberia, para. 6.

²⁵³ Submitted by Argentina, Bolivia, Brazil, Ceylon, Chad, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, India, Ivory Coast, Liberia, Mali, Nepal, Niger, Nigeria, Pakistan, Sierra Leone, Somalia, Syria, Tanganyika and Togo.

²⁵⁴ G A (XVII), 4th Com., 1425th mtg.: Ghana, para. 14.

²⁵⁵ *Ibid.*, para. 16.

²⁵⁶ G A (XVII), Plen., 1198th mtg., para. 110.

²⁵⁷ G A (XVIII), Suppl. No. 14.

²⁵⁸ *Ibid.*, part II.

²⁵⁹ *Ibid.*, part I, para. 116.

²⁶⁰ *Ibid.*, paras. 117-124.

General Assembly. Statements were made²⁶¹ in the Fourth Committee on behalf of the Secretary-General, at the invitation of Members, concerning the respective activities of the Committee and of the Special Committee on decolonization. It was noted that there was a great deal of duplication and overlapping of responsibilities in the handling of questions relating to Non-Self-Governing Territories. Although in the past the information transmitted by the administering Members mainly concerned economic, social and educational questions, most of the administering Members now also transmitted information on political and constitutional developments which the Secretariat was required to summarize for the Committee on Information from Non-Self-Governing Territories, and a considerable part of the Committee's debates and report was devoted to those developments.

244. On the other hand, the basic responsibility of the Special Committee was to examine political and constitutional developments in all territories to which the Declaration on decolonization applied, including those coming within the competence of the Committee on Information. The Special Committee, however, had at its disposal more up-to-date information, as written and oral petitions and reports of special missions, in addition to the official information submitted by the administering Members. Although there remained a difference of approach and of emphasis in the work of the two Committees, they were basically considering the same problems within the framework of Chapter XI of the Charter and of the Declaration on decolonization. Should the General Assembly decide to discontinue the Committee on Information, the role of the United Nations under Chapter XI of the Charter would in no way be impaired. The information transmitted to the Secretary-General under Article 73 e of the Charter would simply be considered by the Special Committee.

245. Other arguments²⁶² put forward by various representatives for the abolition of the Committee on Information and the transfer of its functions to the Special Committee were that the continuation of any committee dealing with the economic, social or educational aspects of the colonial problem was a negation of operative paragraph 3 of the Declaration on decolonization that "inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence". The Committee on Information had primarily been concerned with giving effect to the provisions of Chapter XI of the Charter. That Chapter could not, however, be dissociated from General Assembly resolution 1514(XV). Moreover, the Special Committee had primary responsibility for decolonization in all its aspects. It could enjoy the services hitherto provided by the Secretariat to the Committee on Information, including the pre-

paration of special studies and analyses. At the stage now reached in the process of decolonization, although information on Non-Self-Governing Territories was of course still necessary, the chief need was the implementation of the Declaration. The Committee on Information had been a very effective organ, but in existing circumstances the Special Committee had a more advanced role to play and should therefore be entrusted with the function of collecting information.

246. The obligation of the administering Members under Article 73 e to transmit information would not cease merely because the General Assembly assigned the task of analysing that information to another committee. The Charter itself made no stipulation regarding the committee which was to deal with the information transmitted, and no administering Members had indicated that they would regard the abolition of the Committee on Information as relieving them of their responsibilities under Chapter XI.

247. The Committee on Information had to rely mainly, if not exclusively, on information submitted by the administering Members. It could not consider territories individually, except under certain conditions, and could not hear petitioners. Attempts to improve the terms of reference of the Committee had met with serious objections and had been abandoned. The Special Committee's were much wider in scope and allowed it to carry out much more effectively the functions entrusted to the Committee on Information. The Committee on Information met for only three weeks a year, the Special Committee for nearly nine months. The latter could therefore find time to carry out any new functions that would be entrusted to it if the transfer took place. The argument that the Committee had technical functions carried little weight since technical questions were examined mainly by the Secretariat, the specialized agencies and experts of the administering Powers.

248. Some representatives expressed doubts about dissolving the Committee on Information from Non-Self-Governing Territories. It was stated that the information transmitted under Chapter XI was important even though out of date. It was a recognition of the international responsibility assumed by the administering Members. As long as there were Non-Self-Governing Territories, the United Nations would continue to have the responsibility to examine official information. The Committee on Information had a separate function to perform, and that function had not been duplicated by the Special Committee.²⁶³

249. During the discussion, a draft resolution²⁶⁴ was submitted providing for the dissolution of the Committee on Information from Non-Self-Governing Territories and containing a request that the Special Committee study the information transmitted by administering Members.

²⁶¹ G A (XVIII), 4th Com., 1501st mtg., paras. 1-4; 1510th mtg., paras. 7-14.

²⁶² For text of relevant statements see G A (XVIII), 4th Com., 1509th mtg.: Ceylon, paras. 35-38; Ghana, paras. 27-32; Guinea, para. 39; Mali, paras. 45 and 46; 1510th mtg.: Cambodia, paras. 31-33; Indonesia, paras. 36-40; Philippines, paras. 50-53; USSR, paras. 1-4; 1511th mtg.: Ghana, para. 34; Philippines, para. 36; Syria, paras. 20 and 21.

²⁶³ For text of relevant statements see G A (XVIII), 4th Com., 1509th mtg.: Australia, para. 22; Ecuador, paras. 25 and 26; Liberia, paras. 12-16; 1511th mtg.: Pakistan, para. 18.

²⁶⁴ Submitted by Cambodia, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ghana, Guinea, India, Ivory Coast, Malaysia, Mali, Niger, Nigeria, Togo, Uganda and Yugoslavia.

Decision

The draft resolution was approved²⁶⁵ by a roll-call vote of 53 votes to none, with 28 abstentions.

The draft resolution was subsequently adopted²⁶⁶ by the General Assembly on 16 December 1963 by 84 votes to none, with 26 abstentions, as resolution 1970 (XVIII).

250. In the preambular part of resolution 1970 (XVIII) the General Assembly, among other things, considered that the Declaration regarding Non-Self-Governing Territories contained in Chapter XI could not be dissociated from the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV); that all United Nations activities concerning Non-Self-Governing Territories should be co-ordinated and consolidated, with a view to the immediate ending of colonialism; and that the Special Committee, in view of the experience it had gained, was now in a position to take over the functions of the Committee on Information from Non-Self-Governing Territories. In the operative part of the resolution the General Assembly, among other things, decided to dissolve the Committee on Information from Non-Self-Governing Territories and requested the Special Committee to study the information transmitted under Article 73 e, as well as the information on political and constitutional development, and to take it fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in each of the Non-Self-Governing Territories, and to undertake any special study and prepare any special report it might consider necessary in addition to its activities under General Assembly resolutions 1654 (XVI) and 1810 (XVII). The Assembly also requested the Secretary-General to continue to provide the Special Committee with all the facilities and personnel necessary for the implementation of the resolution. In the same resolution the General Assembly expressed its gratitude to the Committee for its efforts and for its valuable contribution to the accomplishment of the purposes of the United Nations under Chapter XI of the Charter.

251. With the dissolution of the Committee on Information from Non-Self-Governing Territories, the preparation and publication of full summaries and analyses of the information transmitted under Article 73 e was discontinued.²⁶⁷

2. COMPOSITION AND MEMBERSHIP OF THE COMMITTEE ON INFORMATION FROM NON-SELF-GOVERNING TERRITORIES²⁶⁸

252. As explained in the *Repertory* and its *supplements Nos. 1 and 2*²⁶⁹ the various committees estab-

lished to examine information transmitted under Article 73 e, including the Committee on Information from Non-Self-Governing Territories, were composed of those Members transmitting such information and an equal number of elected Members. During the period under review that system was not altered with the further renewal of the Committee under resolutions 1700 (XVI) and 1847 (XVII).

253. At the end of 1959, the terms of office of two elected Members of the Committee on Information, Ceylon and Guatemala, expired. Argentina was elected, and Ceylon re-elected for three-year terms.²⁷⁰ The membership of the Committee during 1960 consequently consisted of seven administering Members: Australia, Belgium, France, the Netherlands, New Zealand, the United Kingdom and the United States; and seven elected Members: Argentina, Brazil, Ceylon, the Dominican Republic, Ghana, India and Iraq.

254. With the exception of Belgium, all members of the Committee were represented at its eleventh session in 1960.

255. During 1960, the Congo (Leopoldville) attained independence, and Belgium consequently ceased to be an administering Member and a member of the Committee. At the end of 1960, Brazil's term of office expired.

256. At the fifteenth session of the General Assembly in 1960 the Government of Spain undertook to transmit information under Article 73 e on certain territories under its administration; and the General Assembly considered that certain territories under the administration of Portugal were non-self-governing within the meaning of Chapter XI. Under resolution 1542 (XV), the General Assembly invited the Governments of Spain and Portugal to participate in the Committee. It was therefore necessary to elect two Members to the Committee, and Liberia and Mexico were elected for three-year terms.²⁷¹

257. The Committee was thus composed during 1961 of eight administering Members, namely, Australia, France, the Netherlands, New Zealand, Spain, Portugal, the United Kingdom and the United States; and eight elected Members, namely, Argentina, Ceylon, the Dominican Republic, Ghana, India, Iraq, Liberia and Mexico.

258. At the end of 1961, the terms of office of the Dominican Republic, Ghana, India and Iraq expired, and Ecuador, Pakistan, the Philippines and Upper Volta were elected for three-year terms to fill the vacancies.²⁷²

259. During 1962, the Netherlands withdrew from the Committee as a consequence of its Agreement with the Government of Indonesia regarding West New Guinea (West Irian),²⁷³ and the number of administering Members was reduced to seven. At the end of 1962, therefore when the terms of office of Argentina and Ceylon expired, it was necessary to elect only one member. Honduras was elected to fill the vacancy.²⁷⁴

²⁶⁵ G A (XVIII), 4th Com. 1511th mtg., para. 40.

²⁶⁶ G A (XVIII), Plen., 1281st mtg., para. 149.

²⁶⁷ See paras. 292-294 below.

²⁶⁸ See also this *Supplement* under Article 22.

²⁶⁹ *Repertory*, vol. IV, under Article 73, paras. 139-199; *Repertory Supplement No. 1*, vol. II, under article 73, paras. 26-35; *Repertory Supplement No. 2*, vol. III, under Article 73, para. 70.

²⁷⁰ G A (XIV), 4th Com., 993rd mtg., para. 25.

²⁷¹ G A (XV), 4th Com., 1095th mtg., para. 49.

²⁷² *Ibid.*, 1253rd mtg. para. 7.

²⁷³ See para. 871 below.

²⁷⁴ G A (XVII), 4th Com., 1425th mtg., para. 38.

260. All members of the Committee except Portugal were present at the twelfth, thirteenth and fourteenth sessions of the Committee in 1961, 1962 and 1963.

3. INFORMATION TO BE USED BY THE SPECIAL COMMITTEE ON TERRITORIES UNDER PORTUGUESE ADMINISTRATION PENDING THE TRANSMISSION OF INFORMATION UNDER ARTICLE 73 e

261. By resolution 1542 (XV) of 15 December 1960, the General Assembly requested the Government of Portugal to transmit to the Secretary-General information on the conditions prevailing in the territories under its administration in accordance with the provisions of Chapter XI.

262. The Government of Portugal maintained that the territories in question were integral parts of the metropolitan country and that the General Assembly had no competence to take such action. The Government consequently did not transmit any information concerning the territories.

263. At its sixteenth session the Assembly under resolution 1699 (XVI) established a Special Committee of seven Members to examine as a matter of urgency, within the context of Chapter XI and relevant resolutions of the General Assembly, such information as was available concerning territories under Portuguese administration, and to formulate observations, conclusions and recommendations for the consideration of the Assembly and any other body which the Assembly might appoint to assist it in implementing the Declaration on decolonization. Pending compliance by Portugal with its obligations under Chapter XI, the Secretary-General was requested to prepare background papers for the Special Committee, on the basis of available information. In order that information available to it might be as up-to-date and authentic as possible, the special Committee was authorized to receive petitions and hear petitioners.²⁷⁵

264. The Fourth Committee, acting on behalf of the General Assembly, elected the members of the Special Committee,²⁷⁶ and the General Assembly approved the election.²⁷⁷ The following Member States were elected: Bulgaria, Ceylon, Colombia, Cyprus, Guatemala, Guinea and Nigeria.

265. In accordance with its terms of reference, the Special Committee on Territories under Portuguese Administration submitted a report²⁷⁸ to the General Assembly at its seventeenth session which the Assembly approved by resolution 1807 (XVII) of 14 December 1962. The Assembly requested the Special Committee on decolonization which had also reported on certain of the territories,²⁷⁹ to give high priority to an examination of the situation in the territories under Portuguese administration.

266. By resolution 1809 (XVII) of 14 December 1962, the Assembly decided to dissolve the Special Committee on Territories under Portuguese Administration.

4. THE QUESTION OF THE TRANSMISSION OF CONSTITUTIONAL AND POLITICAL INFORMATION

267. As recorded in the *Repertory* and *Supplement No. 1*²⁸⁰ the General Assembly from its early sessions had encouraged the voluntary submission by administering Members of information on constitutional and political developments in the Non-Self-Governing Territories. Thus in resolutions 144 (II), 327 (IV), and 848 (IX) the Assembly had, in effect, noted that certain administering Members had voluntarily transmitted information on political developments, had declared that the voluntary submission of political information was fully in accord with the spirit of Article 73 and had invited those administering Members which had not transmitted such information to do so. In that connexion, the revised Standard Form for the guidance of administering Members in the preparation of information to be transmitted under Article 73 e, adopted by the General Assembly under resolution 551 (VI) and modified under resolution 930 (X) provided a guideline, in an optional category, for the transmission of such information.

268. The General Assembly had also,²⁸¹ in reference to territories on which administering Members had decided to cease transmitting information because of the constitutional development of the territories in question, requested the Members concerned, under resolution 222 (III) to communicate to the Secretary-General within a maximum period of six months, information relating to the constitutional position and status of a territory on which the transmission of information was considered unnecessary.

269. During the period under review as in the earlier period the General Assembly adopted resolutions requesting the administering Members to transmit such information.

270. Thus at the fourteenth session a draft resolution²⁸² was submitted in the Fourth Committee entitled "Information on Political Developments in Non-Self-Governing Territories". In it the Assembly would note that only some Members responsible for the administration of the Non-Self-Governing Territories transmitted information on the development of political institutions in those territories, and it would consider that the transmission of information on developments in the political field would enable it better to assess the information transmitted by administering Members concerning educational, social and economic developments. It would reiterate the view that the voluntary transmission of information on political developments in the Non-Self-Governing Territories

²⁷⁵ See/also paras. 455-459 below.

²⁷⁶ G A (XVI), 4th Com., 1257th mtg., para. 14.

²⁷⁷ G A (XVI), Plen., 1087th mtg., para. 7.

²⁷⁸ G A (XVII), Annexes, a.i. 54 Addendum, A/5160 and Add. 1 and 2.

²⁷⁹ *Ibid.*, a.i. 25/Addendum, A/5238, chaps. VIII and XI.

²⁸⁰ *Repertory*, vol. IV, under Article 73, paras. 65-75, *Repertory Supplement No. 1*, vol. II, under Article 73, para. 11.

²⁸¹ See *Repertory*, vol. IV, under Article 73, para. 278.

²⁸² A/C.4/L.624 and Add.1 (mimeographed), submitted by Ghana, India, Panama and Yugoslavia.

was fully in accord with the spirit of Article 73 and in operative paragraph 5 would urge the administering Members to extend their full co-operation in the matter.

271. An amendment²⁸³ was submitted to operative paragraph 5 whereby administering Members would be requested additionally to include information on the establishment of intermediate time-tables leading to the attainment of self-government.

272. One of the sponsors of the draft resolution said²⁸⁴ that only if the United Nations received information on political developments could it offer advice of a political character which would benefit both the administering Powers and the inhabitants of the territories in question. There was no question that the draft resolution was in conformity with the spirit of Article 73. Subparagraph e of that Article could not be viewed in isolation from the other subparagraphs. United Nations activities in relation to Non-Self-Governing Territories would be meaningless if political developments were not taken into account. There could be no real technical, economic, educational or social progress without progress in the political sphere.

273. A representative of an administering Member commented²⁸⁵ that the purpose of the draft resolution appeared to be to impose on all administering Members an obligation, if only moral, to submit information of a political nature. It was objectionable to underscore the fact that certain administering Members did not submit such information. They were under no obligation to do so, and there was no provision in the Charter which either stated or implied that they should. Paragraph 5 likewise implied that administering Members were under an obligation to submit political information. His Government would continue to submit political information but would do so on a purely voluntary basis and on the understanding that the passage of such a draft resolution could in no way impose on it an obligation which did not exist in the Charter and which Member States were therefore fully entitled to disregard.

274. The representative of another administering Member also commented²⁸⁶ that the draft resolution and the proposed amendment thereto constituted an attempt to establish some legal obligation which did not exist in the Charter.

275. In reply it was observed²⁸⁷ that nothing in the draft resolution sought to impose an obligation on administering Members. It was the Committee's duty, however, to urge administering Members to help it discharge its responsibilities under Chapter XI by submitting information on political developments. The draft resolution merely urged the administering Powers to take a voluntary action which they had already been asked to take in the past. It was based on the notion that development in all spheres should converge towards the attainment of the objectives of Article 73.

276. During the discussion, it was suggested²⁸⁸ that since it had been emphasized that the transmission of information on political developments was purely voluntary and that no obligation to that effect existed in the Charter, the word "voluntarily" should be inserted as appropriate.

277. That suggestion was accepted²⁸⁹ by the sponsors, who stated that they had no intention to impose even a moral obligation. Similar resolutions had been adopted in the past, so that if there was any obligation it had already been established. No attempt was being made to alter the terms of the Charter.

Decisions

The draft resolution as a whole, as amended, was approved²⁹⁰ by a roll-call vote of 47 to 15, with 9 abstentions.

The draft resolution was subsequently adopted by the General Assembly on 12 December 1959 as resolution 1468 (XIV).

278. At the fifteenth session of the Assembly a draft resolution was submitted in the Fourth Committee in connexion with the report²⁹¹ prepared by the Secretary-General on progress achieved in the Non-Self-Governing Territories under the Charter. Under a revised text²⁹² the General Assembly would note that, despite some reference in the Secretary-General's progress report to constitutional and political developments in some of the Non-Self-Governing Territories, the absence of information of a political and constitutional character on a majority of Non-Self-Governing Territories rendered it impossible to assess the extent of their progress towards the goals of the Charter. It would consider that a full knowledge of political and constitutional developments in Non-Self-Governing Territories was essential to a proper evaluation not only of the progress of the territories towards independence but also of their economic, social and cultural advancement; and it would once again urge the administering Members concerned to extend their full co-operation to the General Assembly in the performance of its functions by transmitting information of a political and constitutional character on developments in the territories under their administrations.

279. The arguments put forward in support of the draft resolution emphasized that the administering Members had an obligation to transmit such information. It was stated²⁹³ that without political and constitutional information it was impossible for the United Nations to assess correctly how far the administering Members had implemented the central obligation they had assumed under the Charter to develop

²⁸⁸ *Ibid.*, Argentina, para. 39; Uruguay, para. 68.

²⁸⁹ *Ibid.*, India, paras. 42-44 and 69.

²⁹⁰ For details of vote, see G A (XIV), 4th Com., 984th mtg., paras. 70-76.

²⁹¹ See foot-note 230 above.

²⁹² G A (XV), Annexes, a.i. 37, A/4650, para. 22, A/C.4/L.640/Rev.1 and Add. 1 and 2, submitted by Burma, Ceylon, Ghana, India, Indonesia, Iran, Iraq, Jordan, Libya, Mali, Morocco, Nigeria, Somalia, Senegal, Sudan, Togo, United Arab Republic and Venezuela.

²⁹³ For text of relevant statements, see G A (XV), 4th Com., 1024th mtg.: Nigeria, para. 20; United Arab Republic, para. 23; 1025th mtg.: Burma, para. 28; Liberia, para. 41.

²⁸³ A/C.4/L.634 (mimeographed), submitted by Iraq.

²⁸⁴ G A (XVI), 4th Com., 984th mtg., Ghana, para. 21.

²⁸⁵ *Ibid.*, United States, paras. 26 and 27.

²⁸⁶ *Ibid.*, 984th mtg., Australia, para. 59.

²⁸⁷ *Ibid.*, United Arab Republic, para. 30; Yugoslavia, para. 32.

self-government in the territories they administered. The contention that the Charter did not call for the transmission of political information was a legal nicety. The pressure of events and the desire of the peoples of the Non-Self-Governing Territories for freedom made it urgent and essential to adopt a liberal view of the legal framework within which the Committee operated. The Committee should be guided by the spirit of Chapter XI, rather than by the letter. Times had changed and the administering Members could no longer take refuge behind a legalistic interpretation of Chapter XI. The sponsors wished to make clear that it was incumbent on the administering Members to transmit information of a political and constitutional character. Chapter XI formed an entity, and the provisions of Article 73 e could not be dissociated from those of Article 73 a which emphasized the need to ensure the political advancement of the territories. If the territories were to attain independence in conditions of peace and stability, the administering Powers were bound to transmit information on their political development to the United Nations.

280. Two administering Members observed ²⁹⁴ that they transmitted political information, but emphasized that that in no way modified their interpretation of Article 73 e, namely that the transmission of such information was not obligatory.

Decision

The draft resolution as a whole, as amended, was approved ²⁹⁵ by a roll-call vote of 61 to none, with 24 abstentions.

The draft resolution was subsequently adopted by the General Assembly on 15 December 1960 by 69 votes to none with 20 abstentions as resolution 1535 (XV).

281. After the vote in the Fourth Committee, one representative stated ²⁹⁶ that he had voted against the paragraph regarding the absence of information of a political and constitutional character because no obligation existed to provide such information under the Charter. Another representative stated ²⁹⁷ that the sponsors had attempted by implication, in the paragraph urging the administering Members to transmit such information, to rewrite the Charter.

282. A representative of an administering Member — the United Kingdom — said ²⁹⁸ that Article 73 e clearly referred to economic, social and educational conditions. If the intention had been that information on political conditions should be provided, the Article would have said so. His country carried out its obligations under the Charter and could not support a resolution which urged it to take action for which the Charter did not provide. His delegation had therefore been unable to vote in favour of the draft resolution

but, since there was much in it which met with his delegation's approval, he had abstained.

283. At the sixteenth session of the General Assembly, however, the representative of the United Kingdom stated ²⁹⁹ in plenary meeting that his Government was ready to provide full information to the United Nations on the political and constitutional steps being taken in the territories which remained under United Kingdom administration. At the same time, he observed that there was nothing in the Charter which required the United Kingdom to transmit such information and that Article 73 e put a specific limit on information which had to be "of a technical nature relating to economic, social and educational conditions". The United Kingdom nevertheless recognized the intense interest, particularly in the General Assembly, in constitutional and political progress. It had decided to provide political and constitutional information as a major mark of co-operation with the United Nations. The representative emphasized, however, that the United Kingdom could not share or shift its responsibility for the territories under its administration.

284. At the same session the General Assembly, under resolution 1700 (XVI) of 19 December 1961, extended the terms of reference of the Committee on Information from Non-Self-Governing Territories to include the examination of political and constitutional information.³⁰⁰

285. At its seventeenth session, the General Assembly in resolution 1846 (XVII) of 19 December 1962 noted that the information on political and constitutional developments transmitted thus far had not been detailed enough to allow the Committee and the General Assembly fully to evaluate such developments; and it again invited administering Members to transmit the fullest possible information on political and constitutional developments, especially concerning the activities of political parties and groups in the Non-Self-Governing Territories, as well as information showing the extent to which the political, administrative and judicial machinery in the territories was in the hands of the indigenous people.

286. At its eighteenth session the General Assembly adopted resolution 1970 (XVIII) of 16 December 1963 providing for the dissolution of the Committee on Information from Non-Self-Governing Territories and for the Special Committee on decolonization to study the information transmitted by the administering Members. By that resolution the General Assembly also again invited administering Members to transmit or to continue to transmit information as prescribed under Article 73 e of the Charter, as well as the fullest possible information on political and constitutional developments.

287. At its twentieth session, by resolutions 2109 (XX) of 21 December 1965, the General Assembly expressed its regret that not all Member States having responsibilities for the administration of Non-Self-Governing Territories had seen fit to transmit information under Article 73 e and once again urged all

²⁹⁴ G A (XV), 4th Com., 1025th mtg.: Australia, para. 36; New Zealand, para. 18.

²⁹⁵ For details of vote, see G A (XV), 4th Com., 1026th mtg., paras. 40-43.

²⁹⁶ *Ibid.*, France, para. 46.

²⁹⁷ *Ibid.*, Canada, para. 48.

²⁹⁸ *Ibid.*, paras. 50-53.

²⁹⁹ G A (XVI), Plen., 1017th mtg., paras. 114-116.

³⁰⁰ See paras. 228-231 above.

such States to transmit, or continue to transmit, such information as well as the fullest possible information on political and constitutional developments.

288. No noteworthy discussion took place in the Fourth Committee or the General Assembly with regard to the requests relating to the transmission of political and constitutional information in resolutions 1846 (XVII), 1970 (XVIII) and 2109 (XX). Resolution 2109 (XX) was approved³⁰¹ in its draft form by the Fourth Committee and subsequently adopted³⁰² by the General Assembly without objection and without vote.

289. In 1964, as recorded in its report³⁰³ to the General Assembly at its nineteenth session, the Special Committee on decolonization requested Members administering territories with which the Committee was concerned,³⁰⁴ namely, Australia, France, New Zealand, Portugal, South Africa, Spain, the United Kingdom and the United States, for information on constitutional progress in the territories under their administrations since the adoption of the Declaration on decolonization and on the measures which had been taken, or were being contemplated, to implement the Declaration. With the exception of the Government of South Africa from which no response was received, and the Government of Portugal, whose response was negative, the administering Powers submitted information as requested. The United Kingdom also transmitted a calendar of constitutional advance summarizing the main developments in the territories for which it was responsible for the period September 1963 to October 1964.³⁰⁵ A similar calendar was subsequently transmitted by the United Kingdom for the period November 1964 to July 1965.³⁰⁶

5. THE EXAMINATION OF INFORMATION TRANSMITTED UNDER ARTICLE 73 e BY THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

290. The General Assembly by resolution 1970 (XVIII) of 16 December 1963 decided to dissolve the Committee on Information from Non-Self-Governing Territories 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 study the information transmitted under Article 73 e, as well as the information transmitted on political and constitutional development and to take it fully into account in examining the situation with regard to the implementation of the Declaration contained in resolution 1514 (XV). The Special Committee was also requested to undertake any special

study it might consider necessary in addition to its activities under General Assembly resolutions 1654 (XVI) and 1810 (XVII).

291. In 1964, the Special Committee considered the implementation of resolution 1970 (XVI) and in that connexion had before it notes by the Secretary-General suggesting procedures that might be followed. Among other things, the Secretary-General proposed³⁰⁷ to submit an annual report to the Special Committee giving the dates on which information under Article 73 e as well as information on political and constitutional developments had been transmitted by administering Members. He further suggested that the Special Committee might wish to consider the question of the fulfilment by all administering Members of their obligation under Article 73 e, under an item entitled "Transmission of information under Article 73 e: Report of the Secretary-General".

292. The Secretary-General noted that, under the procedures established by the Special Committee, the Secretariat was required to submit to it working papers giving information on each of the territories coming within the scope of its work. In the past, those working papers contained information mainly on political and constitutional developments, although information on economic matters had also been included in some cases. Since the Special Committee was now called upon to study the information transmitted by administering Members and to take it fully into account in examining the situation with regard to the implementation of the 1960 Declaration on decolonization, the working papers would be expanded to include, in concise form, information on economic, social and educational conditions transmitted by administering Members. That information, in its original form, would be made available, on request, to Member States and to the specialized agencies as necessary. If that procedure were approved, it was suggested that the preparation of full summaries of the information transmitted under Article 73 e should be discontinued.

293. The procedures suggested by the Secretary-General were approved³⁰⁸ by the Special Committee.

294. In its reports to the General Assembly at its nineteenth, twentieth and twenty-first sessions, the Special Committee accordingly included a chapter³⁰⁹ on its consideration of the Secretary-General's report to it. The chapter was entitled "Information on Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations and related questions", and in each case incorporated the Secretary-General's report as an appendix.

295. It may be noted that under resolution 2109 (XX) of 21 December 1965, the General Assembly, among other things, approved the procedures adopted by the Special Committee for the discharge of its functions under General Assembly resolution 1970 (XVIII)

³⁰¹ G A (XX), 4th Com., 1593rd mtg., para. 1.

³⁰² G A (XX), Plen., 1407th mtg., para. 85.

³⁰³ G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 22, paras. 156 and 157.

³⁰⁴ See paras. 375-377 below.

³⁰⁵ See annex I to the Committee's report (G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 515).

³⁰⁶ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev. 1, p. 460, annex I.

³⁰⁷ G A (XIX), Annexes, No. 8 (part I), p. 25, appendix I, paras. 3-10; p. 27, appendix II, paras. 5-8.

³⁰⁸ G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 25, para. 9.

³⁰⁹ *Ibid.*, A/5800/Rev.1, chap. II, G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, chap. XXVI; G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, chap. XXIII.

and requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970 (XVIII) in accordance with those procedures.

6. COLLABORATION WITH THE ECONOMIC AND SOCIAL COUNCIL, THE REGIONAL ECONOMIC COMMISSIONS AND THE SPECIALIZED AGENCIES

296. As recorded in the *Repertory* and its *Supplements Nos. 1 and 2*,³¹⁰ the General Assembly in a series of resolutions³¹¹ established liaison with the Economic and Social Council and the regional economic commissions and approved procedures for collaboration with the specialized agencies in the examination of the information transmitted under Article 73 e. It was the practice of the Secretariat to inform the Committee on Information from Non-Self-Governing Territories of any relevant studies made and decisions taken by the Economic and Social Council affecting Non-Self-Governing Territories, of the extent and nature of technical assistance rendered the Non-Self-Governing Territories at the request of the administering Members and of technical assistance accorded the territories by specialized international bodies.

297. Representatives of the International Labour Organisation (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO) participated in the work of the Committee and provided information within their respective fields on work they had undertaken affecting Non-Self-Governing Territories. The specialized agencies also regularly prepared special studies on economic, social and educational matters. They also participated in the preparation of the report³¹² prepared by the Secretary-General under resolution 1053 (XI) on the progress of the Non-Self-Governing Territories under the Charter since the establishment of the United Nations.

298. The question of international collaboration in respect of economic, social and educational conditions in Non-Self-Governing Territories was considered as a separate item on the agenda of the Committee on Information, and a chapter of its reports to the General Assembly was devoted to the question.

299. The Committee continued to follow those procedures until its dissolution under resolution 1970 (XVIII) and reported³¹³ to the General Assembly at its fourteenth to eighteenth sessions on the question of international collaboration in respect of economic, social and educational conditions in Non-Self-Govern-

ing Territories. Having considered the reports of the Committee, the Assembly in resolutions 1462 (XIV) of 12 December 1959, 1537 (XV) of 15 December 1960, 1694 (XVI) of 19 December 1961, 1846 (XVII) of 19 December 1962 and 1971 (XVIII) of 16 December 1963 requested the Secretary-General to transmit them or relevant parts of them, for their consideration, to the Economic and Social Council, to the regional economic commissions, the Trusteeship Council and the specialized agencies concerned. In resolution 1461 (XIV) of 12 December 1959, the Assembly expressed its appreciation of the work of the Secretary-General and of the specialized agencies in preparing the progress report, and in resolution 1535 (XV) of 15 December 1960 requested the Secretary-General to transmit it with the observations and conclusions of the Committee on Information³¹⁴ to the Economic and Social Council, the regional economic commissions and the specialized agencies concerned for necessary action.

300. The Special Committee on decolonization, which took over the functions of the Committee on Information at the end of 1963, approved³¹⁵ a suggestion by the Secretary-General that collaboration with the Economic and Social Council and the specialized agencies might be continued.

301. Subsequently, in its reports³¹⁶ to the General Assembly at its twentieth and twenty-first sessions, the Special Committee stated that collaboration with the specialized agencies had been maintained by the presence at its meetings of representatives of the ILO, FAO, UNESCO and WHO. The Special Committee also reported³¹⁷ to the General Assembly at its twenty-first session on the implementation of resolutions 2105 (XX) and 2107 (XX) and on certain of its own resolutions, which contained requests and appeals to international institutions, including the specialized agencies.

C. The question of independence, the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the time-factor

302. The ultimate objective of Chapter XI of the charter is the attainment by the territories falling within its provisions of a full measure of self-government. In indicating the ways in which that objective might be attained the General Assembly had placed primary emphasis on the achievement of independence, although it had recognized that other forms of a full measure of self-government were possible when there were safeguards to ensure that the resulting political status was one freely chosen by the people themselves. In that connexion it may be noted that the Assembly had reaffirmed under resolution 1188 (XII), that it was of

³¹⁰ *Repertory*, vol. IV, under Article 73, paras. 96-108, 111-118; *Repertory Supplement No. 1*, vol. II, under Article 73, paras. 24 and 25; *Repertory Supplement No. 2*, vol. III, under Article 73, paras. 63-69.

³¹¹ G A resolutions 66 (I), 145 (II), 146 (II), 220 (III), 221 (III), 321 (IV), 329 (IV), 330 (IV), 331 (IV), 333 (IV), 336 (IV), 444 (V), 445 (V), 929 (X), 932 (X), 1053 (XI) and 1327 (XIII).

³¹² See foot-note 230 above.

³¹³ G A (XIV), Suppl. No. 15, chap. XI, part I; G A (XV), Suppl. No. 15, chap. X, part I; G A (XVI), Suppl. No. 15, chap. XI, part I; G A (XVII), Suppl. No. 15, chap. XI; G A (XVIII), Suppl. No. 14, chap. VIII.

³¹⁴ G A (XV), Suppl. No. 15, part II.

³¹⁵ G A (XIX), Annexes, No. 8 (part I), A/5800/Rev. 1, p. 25, para. 9.

³¹⁶ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 11, para. 90; G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 33, para. 306.

³¹⁷ *Ibid.*, p. 25, paras. 224-262, 307 and 308. See also paras. 696 and 697 below.

international importance that, in accordance with the purposes and principles of the Charter, Member States having responsibility for the administration of Non-Self-Governing Territories should promote the realization and facilitate the exercise of the right of self-determination by the peoples of those territories.

303. At the beginning of the period under review, the General Assembly by resolution 1468 (XIV) requested administering Members to transmit voluntarily information of a political and constitutional character in respect of the Non-Self-Governing Territories, and in so doing to include information on the establishment of intermediate time-tables leading to the attainment of self-government.³¹⁸

304. Also at the fourteenth session of the Assembly the fourth Committee considered a draft resolution³¹⁹ entitled "Attainment of independence by Non-Self-Governing Territories", by which the Assembly would consider that in recent years several Non-Self-Governing Territories had attained independence, that certain territories would attain it shortly and that the date for its attainment by other territories had already been set; and express the belief that the preliminary establishment of plans and objectives could assist in speeding up the advancement of the peoples of the Non-Self-Governing Territories. The Assembly would invite administering Members to submit for its consideration at its fifteenth session, after consultation with representatives of the people concerned, time-tables for the attainment of independence by the Non-Self-Governing Territories and request the Secretary-General to submit a detailed report on the matter at its fifteenth session.

305. In introducing the draft resolution, the sponsor recalled³²⁰ the historical background to the adoption of Chapters XI, XII and XIII of the Charter, and stated that Article 73, properly interpreted, had been intended to swell the number of post-war liberation movements, first in Asia and later in Africa. Article 73 was of special importance, and any attempt to confine its scope to subparagraph e would be absurd. Article 73 was a recognition of the right of the Non-Self-Governing Territories to attain freedom and the right of their peoples to equality and should be considered in conjunction with Article 76 concerning Trust Territories. The draft resolution was designed to give specific form to one of the most important elements in the existing situation, the speedy liberation of the dependent Territories, on which all other elements depended. The United Nations should not allow itself to be out-paced by events. The whole of Africa was thirsting for liberty, and the words "independence" and "unity" had never echoed so loudly as on that continent. Only by the setting of precise target dates could outbreaks of violence be prevented. In view of the demands of the people themselves for immediate independence, the draft resolution was by no means radical, but might rather be considered as a compromise designed to bring order to an inevitable development.

³¹⁸ For similar requests in respect of the Trust Territories, see *Repertory*, under Article 76, para. 106.

³¹⁹ G A (XIV), Annexes, a.i. 36, A/4343, para. 60, A/C.4/L.628, submitted by Guinea.

³²⁰ G A (XIV), 4th Com., 985th mtg.: Guinea, paras. 17-24.

306. Several representatives expressed support³²¹ for the draft resolution. One representative³²² was in full agreement with its objectives but considered that the wording should be brought into line with the Charter which did not refer to "independence", although that did not mean that Non-Self-Governing Territories would not one day achieve independence. Others³²³ who were also in agreement with the objectives felt that attempts to exert pressure on administering Members might have an adverse effect and that, in any case, the adoption of resolution 1468 (XIV) had in large measure already served the purpose of the draft resolution. They appealed to the sponsor not to press it to a vote.

307. The sponsor agreed³²⁴ to withdraw the draft resolution for that session.

308. At its fifteenth session, the General Assembly, under resolution 1541 (XV), adopted twelve principles to be used as a guide in determining whether an obligation existed to transmit information under Article 73 e. In indicating in those principles the ways in which a full measure of self-government might be achieved, the General Assembly again placed primary emphasis on the emergence of a Non-Self-Governing Territory as a sovereign, independent State. In elaborating the processes by which a Non-Self-Governing Territory might be associated with, or integrated into, another independent State, the Assembly stressed the right of the people to make their own choice, free from outside interference and under democratic procedures.

309. At the same session the Assembly had before it the report of the Committee on Information from Non-Self-Governing Territories which included observations and conclusions³²⁵ on the Secretary-General's report on progress in the Non-Self-Governing Territories. In a general survey of progress and changes in the territories since 1946, the Committee noted³²⁶ that by far the most important change was the emergence of peoples either to "independence and statehood" or to "a full measure of self-government", and the recognition by the General Assembly that the provisions of Chapter XI no longer applied to them. The Committee stated that it had been aware of the tempo of the times and of the aspirations of the millions of people still inhabiting dependent territories. The trends and events which had occurred at the beginning of the period, mainly in Asia, were continuing, mainly in Africa, and were more profoundly concerned with the attainment of self-government than with technical development. Indeed, aspirations towards self-government or independence had too often far out-stripped the pace of economic and social advancement for that fact to be ignored.

³²¹ For text of relevant statements, see G A (XIV), 4th Com., 985th mtg.: Liberia, para. 37; Morocco, para. 30; 986th mtg.: Bulgaria, paras. 5-15; Czechoslovakia, para. 24; Iran, paras. 16-23; Liberia, paras. 2-4; USSR, paras. 20 and 21; United Arab Republic, paras. 22 and 23.

³²² *Ibid.*, 985th mtg.: Ethiopia, paras. 25 and 26.

³²³ *Ibid.*, India, para. 27; Mexico, paras. 31 and 32; Venezuela, para. 35.

³²⁴ *Ibid.*, 986th mtg., Guinea, para. 1;

³²⁵ G A (XV), Suppl. No. 15, part II.

³²⁶ *Ibid.*, paras. 11, 24 and 25.

310. On the other hand, the Committee noted that administering Members and others seemed agreed that the peoples of the Non-Self-Governing Territories were entitled to complete independence on a basis of equality, regardless of the differences of race, colour or creed, or, if they preferred, to some form of full self-government freely chosen by them, and that it would be for them to determine their future status.

311. Also at the same session the Chairman of the Council of Ministers of the Soviet Union, Nikita S. Khrushchev, requested³²⁷ that an item entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples" be included in the agenda of the General Assembly. In an explanatory memorandum³²⁸ it was noted that in the previous fifteen years many new national States had emerged from the ruins of old colonial empires and that the time was at hand for the final and complete liberation of peoples languishing in colonial bondage. The States Members of the United Nations could not remain indifferent to that fact. In keeping with the high principles proclaimed in the Charter, the United Nations must declare itself in favour of the immediate and complete elimination of the colonial system in all its forms. Such action would constitute an important foundation for the development of genuinely friendly relations among all States and peoples and for the realization of a solid and lasting peace.

312. A draft declaration³²⁹ was submitted by the Soviet Union by which Member States would solemnly proclaim the following demands:

"1. All colonial countries and Trust and Non-Self-Governing Territories must be granted forthwith complete independence and freedom to build their own national States in accordance with the freely-expressed will and desire of their peoples. The colonial system and colonial administration in all its forms must be completely abolished in order to afford the peoples of the Territories concerned an opportunity to determine their own destiny and form of government;

"2. Similarly, all strongholds of colonialism in the form of possessions and leased areas in the territory of other States must be eliminated;

"3. The Governments of all countries are urged to observe strictly and steadfastly the provisions of the United Nations Charter and of this Declaration concerning the equality and respect for the sovereign rights and territorial integrity of all States without exception, allowing no manifestation of colonialism or any special rights or advantages for some States to the detriment of other States."

313. The draft declaration would conclude by stating that:

"In keeping with the lofty principles of the Charter, the States Members of the United Nations cannot but regard the elimination of colonial rule as a most important stage in international life. This act in itself will provide a solid foundation for the develop-

ment of friendly relations among all States and among all peoples and thereby for the realization of the great objective of securing a strong and lasting peace on earth.

"It is the sacred duty of each State and each Government to promote an early and full implementation of this Declaration."

314. The item was placed on the agenda and the General Assembly decided³³⁰ that it should be discussed in plenary.

315. During the discussion in the General Assembly, a second draft declaration on the granting of independence to colonial countries and peoples was submitted and eventually sponsored by 43 States.³³¹ By that draft declaration the General Assembly would recognise the passionate yearning for freedom of all dependent peoples and the decisive role they should play in the attainment of their independence; consider the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories; express the conviction that all peoples had an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory; and solemnly proclaim the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations.

316. The General Assembly would declare that all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development; that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence; that immediate steps should be taken, in Trust and Non-Self-Governing Territories or all other territories which had not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom and that any attempt at the partial or total disruption of the national unity and territorial integrity of a country was incompatible with the Purposes and Principles of the Charter of the United Nations.

317. When the draft declaration was introduced, it was stated³³² that the sponsors had tried to find formulae and solutions which would be acceptable to the greatest possible number of delegations.

318. Generally speaking, all representatives who participated in the debate expressed full support for the right of colonial peoples freely to choose their

³³⁰ G A (XV), Plen., 902nd mtg., para. 2 and 903rd mtg., para. 45.

³³¹ Afghanistan, Burma, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Somalia, Saudi Arabia, Senegal, Sudan, Togo, Tunisia, Turkey, United Arab Republic and Upper Volta. Same text as resolution 1514 (XV).

³³² G A (XV), Plen. 926th mtg.: Cambodia, para. 11.

³²⁷ G A (XV), Annexes, a.i. 87, A/4501.

³²⁸ *Ibid.*, A/4502.

³²⁹ *Ibid.*, p. 6.

own political destiny. They agreed that colonialism would and should be eliminated and that the United Nations should recognize and support the demands of colonial peoples for political emancipation. The majority of representatives further agreed that the time had come for the General Assembly to state its views formally and set forth the principles which should govern the final liquidation of the colonial system.

319. It was recalled³³³ by one representative that his delegation had submitted a draft resolution with a similar intent at the fourteenth session. It was now necessary for the General Assembly to make an unequivocal declaration for the immediate and complete abolition of colonialism in all its forms.

320. Some representatives referred to the essentially temporary nature of Chapters XI and XII of the Charter. It was stated³³⁴ that when the United Nations was founded there had been a general consensus, tacit or explicit, that the days of colonial relationships were numbered and that the termination of those relationships was one of the important tasks of the United Nations as well as the principal obligation of the colonial Powers towards the peoples over whom they had established their rule and domination. In token of such an understanding, important provisions contained in Chapters XI and XII were devoted to colonies — Non-Self-Governing Territories and Trust Territories. The colonial Powers were called on to promote the progress of the peoples under their administration and lead them towards national independence through adequate administration and under the control of the United Nations. No time-limits had been set, and no other individual elements had been sufficiently defined, but the aim and sense were clear. It was unbelievable that there might be some who would assert that those Chapters were drafted and became an important component of the Charter for the purpose of legalizing and perpetuating, on the one hand, the rights and privileges of stronger and more advanced peoples and, on the other, the poverty and slavery of weaker and less advanced peoples. Such an approach would amount to legal nonsense and a morally and politically untenable thesis.

321. With regard to the 43-Power draft declaration, one representative observed³³⁵ that it indicated no precise target date for the granting of independence to colonial countries and contained no specific instructions to the administering Powers or provisions for consideration of its implementation by the General Assembly. It was essential to fix a target date. A large number of States had called for the prompt liberation of all colonies, and the time factor was therefore of great importance. The demand for the speedy elimination of the colonial system had been transformed in the previous five years into a demand for its immediate elimination. The United Nations could not simply confine itself to proclaiming certain principles without taking steps for their implementation. A declaration on the granting of independence to colonial

countries and peoples by its nature could not apply for all time. He therefore submitted the following amendments to be added at the end of the 43-Power draft declaration.

"8. *Calls upon* the Powers concerned to ensure the transfer of full and sovereign power to the peoples of all dependent territories in accordance with the principles stated above and, for this purpose, to enter into negotiations with representatives of the colonial peoples elected on the basis of universal suffrage, if necessary under United Nations supervision, so that all colonial countries and peoples should attain independence not later than the end of 1961 and take their rightful place in the community of nations;

"9. *Decides* to consider the question of the implementation of this resolution at its sixteenth regular session."

322. One of the sponsors of the 43-Power draft declaration explained³³⁶ that it had been felt that an arbitrary date for the elimination of colonialism in all territories should not be fixed. In certain cases it would even be advisable for the transfer of powers not to be effected immediately because it was essential that the transfer should be made to the genuine representatives of the population in accordance with their freely expressed will and desire. Unconditional and speedy independence was the principal aim of the declaration, but the various communities should be left to decide how it should be implemented. The fixing of time-limits in particular cases would obviously not be opposed.

323. With respect to universal suffrage and elections it had not been thought essential to lay down a hard and fast rule. In general such a rule was unexceptionable but, given the special nature of the development of each State fighting for its independence, it might raise certain problems. Some delegations even thought that the organization of elections by universal suffrage might in some cases be used as a pretext for delaying independence: hence the need to specify that the transfer of power should be in accordance with the freely expressed will and desire of the peoples. That would in most cases be expressed by organizing a plebiscite or elections on the basis of universal adult suffrage held in due and proper form and, preferably and whenever possible, guaranteed by the presence and supervision of the United Nations. But that should be decided in each State according to the special circumstances of its development. The question of the implementation of the declaration should be considered, and it was agreed that it would be, at the Assembly's next session, but it was a procedural question which would be out of place in an historic declaration.

324. A further amendment³³⁷ to the 43-Power draft declaration would add the following paragraph:

"7. The principle of the self-determination of peoples may in no case impair the right of territorial integrity of any State or its right to the recovery of territory."

³³³ *Ibid.*, 896th mtg.: Guinea, paras. 119 and 120 (see paras. 304-307 above).

³³⁴ *Ibid.*, 928th mtg.: Yugoslavia, paras. 83-89 and 117 (see also *ibid.*: Poland, paras. 64-67; 930th mtg.: Pakistan, para. 63).

³³⁵ G A (XV), Plen., 945th mtg.: USSR, paras. 115-127.

³³⁶ *Ibid.*, 946th mtg.: Iran, paras. 46-51, 58 and 59.

³³⁷ G A (XV), Annexes, a.i. 87, A/L.325, submitted by Guatemala.

325. After statements³³⁸ by sponsors of the 43-Power draft declaration, however, to the effect that paragraph 6 already fully expressed the idea in the amendment, the latter was withdrawn.³³⁹

326. A further draft resolution was submitted during the discussion which the sponsor said³⁴⁰ was meant as a supplement for implementing the 43-Power draft declaration. By the finally revised text³⁴¹ of that draft resolution the General Assembly would: (1) proclaim the elimination of colonialism throughout the world, in the Western hemisphere as elsewhere; and (2) appoint a commission consisting of five members (one African, one Latin American, one Asian and two administering Powers) to examine the situation in the Trust and Non-Self-Governing Territories, with a view to proposing to the General Assembly at its sixteenth session whatever concrete measures should be recommended or applied in each case in order to achieve, in the most expeditious, appropriate and effective way possible, the complete abolition of colonialism throughout the world and to enable all peoples which were still under colonial administration to acquire the status of independent and sovereign States. Subsequently, however, that draft resolution was withdrawn.³⁴²

327. Some criticism was expressed concerning the emphasis in the 43-Power draft declaration on the achievement of independence as being the only acceptable goal for dependent peoples. One representative³⁴³ stated that experience showed that separate independence was usually, but by no means always, the people's choice. On emerging from colonial rule, countries had freely chosen to join with a neighbouring State in a single sovereignty. Independence was only the most obvious of several possible choices. The essential point was that the people should choose. Self-determination meant an actual choice of alternatives not the ratification of a pre-determined decision. The draft declaration was heavily weighted towards complete independence and thus ignored the Charter provisions for self-government of dependent areas within larger political contexts. The wisdom of espousing a declaration which would result, in some cases, in unnecessary political fragmentation was to be questioned. Full democratic self-government within a larger and stable political system was sometimes a more worthy immediate objective than full political independence.

328. Some representatives considered³⁴⁴ that any declaration which might be adopted should establish

beyond doubt that the United Nations was concerned not only with Trust and Non-Self-Governing Territories but with all peoples who at present did not enjoy effective independence or full freedoms.

Decisions

Paragraphs 1, 2 and 3 of the first USSR draft declaration were rejected by a roll-call vote of 35 to 32, with 30 abstentions. The concluding part was rejected by a roll-call vote of 43 to 25, with 29 abstentions. Consequently, the USSR draft declaration was not put to the vote as a whole.

The amendment to add paragraph 8 to the 43-Power draft declaration to set the end of 1961 as the date by which all colonial countries and peoples should attain independence was rejected by a roll-call vote of 47 to 29, with 22 abstentions.

The amendment to add paragraph 9 to the 43-Power draft declaration providing for the General Assembly to consider the implementation of the declaration at its sixteenth session was also voted on by roll-call. The result was 41 votes in favour, 35 against, with 22 abstentions. The amendment was not adopted, having failed to obtain the required two-thirds majority.

The 43-Power draft declaration was voted on by roll-call and adopted³⁴⁵ on 14 December 1960 as resolution 1514 (XV) by 89 votes to none, with 9 abstentions.

329. The resolution read as follows:

"Declaration on the Granting of Independence to Colonial Countries and Peoples
The General Assembly,

"*Mindful* of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

"*Conscious* of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"*Recognizing* the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

"*Aware* of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

"*Considering* the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

"*Recognizing* that the peoples of the world ardently desire the end of colonialism in all its manifestations,

"*Convinced* that the continued existence of colonialism prevents the development of international

³³⁸ G A (XV), Plen., 946th mtg.: Afghanistan, para. 31; Iran, para. 54; 947th mtg.: Indonesia, paras. 8-10.

³³⁹ *Ibid.*, 947th mtg.: Guatemala, paras. 15 and 16. See also this Supplement under Article 1 (2).

³⁴⁰ G A (XV), Plen., 937th mtg.: Honduras, para. 3.

³⁴¹ G A (XV), Annexes, a.i. 87, A/L.324/Rev. 2, submitted by Honduras.

³⁴² G A (XV), Plen., 947th mtg., para. 6.

³⁴³ G A (XV), Plen., 937th mtg., paras. 26 and 27 and 947th mtg., paras. 147 and 148: (see also *ibid.*, 932nd mtg.: New Zealand, para. 19).

³⁴⁴ For text of relevant statements, see G A (XV), Plen., 932nd mtg.: New Zealand, paras. 7 and 22; 933rd mtg.: Japan, para. 91; 935th mtg.: Afghanistan, para. 81; Ireland, para. 93.

³⁴⁵ G A (XV), Plen., 947th mtg., paras. 28-34.

economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

"Affirming that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law,

"Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

"Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence,

"Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

"Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

"And to this end

"Declares that:

"1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation;

"2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development;

"3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence;

"4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected;

"5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom;

"6. Any attempt aimed at the partial or total disruption of the national unit and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations;

"7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and

the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity."

330. In explanation of his abstention in the vote, a representative of an administering Power stated³⁴⁶ that the obligations of his Government towards the international community with regard to the remaining overseas territories still under its administration were covered by Chapters XI, XII and XIII of the Charter. The basic objectives of the Declaration were the same as those of his Government, which were, indeed, the objectives set forth in the Charter. Paragraph 1, however, was simply not applicable to the peoples under the administration of his Government; with regard to paragraph 2, he observed that a definition of the right to self-determination in a universally accepted form had not yet been finally resolved; with regard to paragraph 3, while inadequacy of preparedness should not be used as a pretext for delaying independence, constructive steps must be taken in the political, economic, social and educational fields as a preparation for independence, so that when it came it could be effective.

331. Another representative of an administering Power, explaining the abstention of his delegation, stated³⁴⁷ that paragraphs 3, 4 and 5 were susceptible of serious misinterpretations which could cause basic misunderstanding of the attitude of the various Governments on the need for orderly and effective preparations for self-government or independence. Paragraph 3 permitted an interpretation that the preparation for independence was wholly irrelevant. That, however, was a matter of elementary prudence and was a responsibility which must be accepted by those administering dependent peoples. False allegations in respect of political, economic, social or educational preparation should not, however, be used to retard political development. Paragraph 4 was written in unqualified language and seemed to preclude even legitimate measures for the maintenance of law and order. His Government had taken, was taking and would continue to take steps for self-government or independence and would do so in consonance with its international responsibilities under the Charter. The provisions of Chapters XI and XII were the controlling factors as far as the territories under his Government's administration were concerned.

332. The question of setting a time-limit for the elimination of colonialism was again raised at the sixteenth session of the General Assembly in connexion with the agenda items, "The Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" and "Assistance to Africa: a United Nations Programme for Independence",³⁴⁸ which were considered concurrently. It may be noted that the latter item³⁴⁹ had been discussed in the First Committee, but at the

³⁴⁶ *Ibid.*, United Kingdom, paras. 45-53.

³⁴⁷ *Ibid.*, United States, paras. 146-152.

³⁴⁸ G A (XVI), Annexes, a.i. 88 and 22 (a).

³⁴⁹ G A (XV), Annexes, a.i. 88, A/4515. The item was proposed by the United States.

fifteenth session. A draft resolution³⁵⁰ had been submitted whereby, among other things, the General Assembly would have directed the Fourth Committee to work out, through appropriate machinery, precise details including target dates for the implementation of the Declaration on decolonization, particularly paragraph 5. The matter was, however, deferred for consideration until the sixteenth session.³⁵¹

333. At the sixteenth session, a draft resolution³⁵² relating specifically to the attainment of independence by colonial, dependent and Non-Self-Governing Territories in Africa was submitted. By that draft resolution, the General Assembly would solemnly proclaim that all colonial, dependent and Non-Self-Governing Territories and peoples in Africa should attain independence by 1 December 1970; and that immediate and urgent steps should be taken to prepare the peoples of those territories for the complete management of their affairs by 1970.

334. By a second draft resolution³⁵³ the General Assembly would call for the immediate implementation of the Declaration on decolonization by all States administering Trust and Non-Self-Governing Territories; and declare that colonialism in all its forms and manifestations must be finally and unconditionally liquidated by not later than the end of 1962. It would call on States administering Trust and Non-Self-Governing Territories to proceed immediately to take certain measures with a view to carrying out the Declaration and would establish a special commission to conduct a full and comprehensive inquiry into the implementation of the Declaration and the measures for carrying it into effect and to report to the General Assembly.

335. Under a third draft resolution,³⁵⁴ the General Assembly would establish an *ad hoc* committee which would, among other things, examine all cases of dependent territories under colonial rule and those administered by any Power under international trusteeship, in order to indicate which of them were already in a position to attain full independence immediately; recommend which territories might be placed for minimal periods of time under the joint administration of the administering Power and the United Nations, affording adequate safeguards to enable the populations to exercise their right to self-determination as soon as possible; and report to the Assembly. The Assembly would solemnly declare that the temporary placing of territories under United Nations trusteeship where title to sovereignty was in dispute, should prejudice neither their final destiny nor such rights as other States might claim over them, and should not limit the right of the population to self-determination. The

Assembly would further urge all States parties to any international dispute concerning such title to submit their differences to the International Court of Justice, or to solve them by other peaceful means provided for in Article 33.

336. By a fourth draft resolution³⁵⁵ the General Assembly would not refer to the attainment of immediate independence, or to the setting of a time-limit for the elimination of colonialism, but would call on States concerned to take action without further delay with a view to faithfully applying and implementing the Declaration on decolonization; and would establish a special committee which would examine the application of the Declaration and make suggestions and recommendations on the progress and extent of its implementation, and report to the General Assembly at its seventeenth session.

337. Amendments³⁵⁶ were submitted to the latter draft resolution whereby the Assembly, in addition, would solemnly proclaim 1962 as the year for the elimination of colonialism, and would request the Special Committee, which was to be established, to examine the application of the Declaration contained in Assembly resolution 1514 (XV), and to make suggestions and recommendations on the immediate application of the Declaration and the completion of its implementation.

338. During consideration of the draft resolutions and amendments, a sponsor of the draft resolution setting the date for the attainment of independence by territories in Africa as 1970 noted³⁵⁷ that several territories were, in fact, scheduled to become, or would become independent before that date and that the exact date to be established for each territory had deliberately been left fluid.

339. Other representatives were against setting any date for the elimination of colonialism. Decolonization should be immediate and continuous in every territory. It should have begun immediately with the adoption of the Declaration on decolonization and should be continuing, having regard to the circumstances of each territory, with all speed and orderly progress towards independence. The setting of a date would be a hindrance to the achievement of the very purpose of speedy decolonization.³⁵⁸ The question of the determination of dates was an essential matter on which the peoples of the territories concerned should be consulted. If the United Nations were to determine a date without consulting the peoples of the territories, it would be acting against the spirit and the letter of paragraph 5 of the Declaration. The General Assembly should concern itself not so much with dates as with the setting up of machinery and the adoption of measures

³⁵⁰ G A (XV), Annexes, a.i. 88, A/4747, para. 4, A/C.1/L.271/Rev.1, Part A, para. 3, submitted by Cameroun, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Ivory Coast, Liberia, Libya, Madagascar, Mali, Morocco, Niger, Nigeria, Senegal, Somalia, Sudan, Togo, Tunisia, United Arab Republic and Upper Volta.

³⁵¹ G A (XV), Plen., 995th mtg., para. 541.

³⁵² G A (XVI), Annexes, a.i. 88 and 22 (a), A/L.357 and Add.1, submitted by Nigeria and subsequently also sponsored by Liberia.

³⁵³ *Ibid.*, A/L.355, submitted by the USSR.

³⁵⁴ *Ibid.*, A/L.369, submitted by Mexico.

³⁵⁵ Submitted by Afghanistan, Burma, Cambodia, Cameroon, Ceylon, Congo (Leopoldville), Cyprus, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mali, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Saudi Arabia, Senegal, Sierra Leone, Somalia, Syria, Thailand, Tunisia, Turkey, United Arab Republic and Yemen (same text as G A resolution 1654 (XVI)).

³⁵⁶ G A (XVI), Annexes, a.i. 88 and 22 (a), A/L.370, submitted by the USSR.

³⁵⁷ G A (XVI), Plen., 1050th mtg.: Nigeria, paras. 8 *et seq.*

³⁵⁸ *Ibid.*, 1064th mtg.: Cyprus, para. 30.

for the speedy implementation of the Declaration.³⁵⁹ The very fact that two divergent target dates, 1962 and 1970, had been suggested, revealed the difficulty of trying to fix a target date. Any date was likely to be too far ahead in some cases and not far enough in others. Moreover, for the General Assembly to fix a date was rather patronizing and, to some extent, ignored the views of the peoples concerned. The best thing that could be done would be to persist in demanding that immediate measures be taken by the colonial Powers to implement the Declaration. To ask an *ad hoc* committee to indicate which territories were ready to attain full independence immediately, as proposed in the third draft resolution, was too much to ask of any committee. It was for the people themselves to arrange such matters. The General Assembly might get into serious difficulties if it were to suggest dates, or express views on whether a particular territory was or was not fit for independence.³⁶⁰

340. In response to appeals from the sponsors of the fourth draft resolution under which a special committee would be established, the draft resolutions setting 1962 for the elimination of colonialism and 1970 for its elimination in Africa were withdrawn.³⁶¹

Decisions

The amendment to the fourth draft resolution, whereby the General Assembly would proclaim 1962 as the year for the elimination of colonialism, was rejected by a roll-call vote of 46 to 19, with 36 abstentions.

The amendment to the same draft resolution whereby the General Assembly would request a special committee to make recommendations on the completion of the implementation of the Declaration was rejected by a roll-call vote of 36 votes to 22, with 35 abstentions.

The fourth draft resolution providing for the establishment of a special committee to examine the application of the Declaration was adopted³⁶² by the General Assembly as resolution 1654 (XVI) on 27 November 1961 by a roll-call vote of 97 to none, with 4 abstentions.

341. After the adoption of that resolution, the draft resolution whereby the General Assembly would have established an *ad hoc* committee to indicate which territories were in a position to attain full independence immediately was withdrawn.³⁶³

342. The question of setting a date for the elimination of colonialism was again raised at the seventeenth session of the General Assembly. In a draft resolution³⁶⁴ submitted in plenary meeting concerning

the implementation of the Declaration on decolonization, the General Assembly would urge all administering Powers to take immediate steps in order that all colonial territories and peoples might achieve independence without delay in accordance with the provisions of the Declaration. In the seventh preambular paragraph, it would consider it was necessary to fix an appropriate time-limit for the full implementation of the Declaration in order to accelerate the process of decolonization, and in operative paragraph 8 (b) would invite the Special Committee on decolonization to propose specific measures for the complete application of the Declaration, including recommendations concerning the fixing of an appropriate time-limit.

343. Objections were raised to the seventh preambular paragraph and to operative paragraph 8 (b) on similar grounds as previously. It was stated³⁶⁵ that it was not possible to set a time-limit or target date that could be applied to all territories. Any attempt to do so would be so unrealistic as actually to cast discredit on the United Nations. It would furthermore give the Special Committee an impossible task and would waste a great deal of its limited time on an insoluble problem. A separate vote was therefore asked for on that provision and on the words in paragraph 8 (b) "including recommendations concerning the fixing of an appropriate time-limit".

344. In reply³⁶⁶ it was stated that all that was being asked for was "recommendations". The sponsors wanted to make it possible to fix time-limits for any dependent territories and also make it possible to fix a blanket time-limit. The Special Committee would be making recommendations to the General Assembly which could accept or reject them.

345. It was proposed³⁶⁷ that the draft resolution should be voted on as a whole, without separate votes on the seventh preambular paragraph or on paragraph 8 (b).

Decisions

The proposal that a separate vote should be taken on the seventh preambular paragraph was adopted by a roll-call vote of 50 to 47, with 7 abstentions. The result of the roll-call vote on that paragraph was 54 to 40, with 12 abstentions. The President ruled that the paragraph was not adopted, having failed to obtain the required two-thirds majority.

The proposal for a separate vote on the words in paragraph 8 (b), "including recommendations concerning the fixing of an appropriate time-limit", was adopted by a roll-call vote of 51 to 47, with 6 abstentions.

The result of the roll-call vote on those words was 55 in favour, 38 against, and 13 abstentions. The words were not adopted, having failed to obtain the required two-thirds majority.

The draft resolution as amended, was voted on as a whole on 17 December 1962 and adopted³⁶⁸ as reso-

³⁵⁹ *Ibid.*, 1065th mtg.: Sudan, paras. 51 and 52.

³⁶⁰ *Ibid.*, India, paras. 85-97.

³⁶¹ *Ibid.*, 1066th mtg.: Nigeria, para. 104; USSR, para. 110.

³⁶² *Ibid.*, paras. 147-157.

³⁶³ *Ibid.*, Mexico, paras. 154-156.

³⁶⁴ G A (XVII), Annexes, a.i. 25, A/L.410 and Add. 1, submitted by Afghanistan, Algeria, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Indonesia, Iran, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Pakistan, Philippines, Senegal, Somalia, Syria, Tanganyika, Togo, Uganda, United Arab Republic and Upper Volta.

³⁶⁵ G A (XVII), Plen., 1194th mtg.: United States, paras. 59-65 (see also *ibid.*, Japan, paras. 71-73; 1195th mtg.: Denmark, para. 6; Italy, para. 16).

³⁶⁶ *Ibid.*, Indonesia, paras. 116-120 (see also *ibid.*, Guinea, paras. 102 *et seq.*; Yugoslavia, para. 93).

³⁶⁷ *Ibid.*, 1195th mtg.: Guinea, paras. 34 and 51.

³⁶⁸ *Ibid.*, paras. 52-64.

lution 1810 (XVII) by a roll-call vote of 101 to none, with 4 abstentions.

346. Although the General Assembly did not specify a date by which colonialism should be eliminated in all territories, as from its seventeenth session it recommended that dates should be set for independence in the case of individual territories in accordance with the wishes of the people.³⁶⁹

347. At its twentieth session, by resolution 2105 (XX), the Assembly requested the Special Committee, whenever it considered it appropriate, to recommend a deadline for the accession to independence of each territory in accordance with the wishes of the people.

348. No noteworthy discussion took place on that request prior to the adoption of the resolution.

D. Actions taken and recommendations made by United Nations organs to assist the peoples of colonial territories to attain the objectives of the Charter³⁷⁰

1. THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES³⁷¹

a. Establishment of the Special Committee and its composition

349. During the discussions preceding the adoption on 27 November 1961 of resolution 1654 (XVI), by which the Special Committee on decolonization was established, little objection was raised regarding the General Assembly's competence to establish that Committee. One representative, while not opposing adoption of the resolution, stated³⁷² that the procedures seemed questionable because they departed from those prescribed in the Charter. He consequently expressed reservations of a constitutional and juridical nature.

350. Paragraph 3 of resolution 1654 (XVI) provided that the Special Committee would be composed of seventeen members to be nominated by the President of the General Assembly. The President accordingly nominated the following as members: Australia, Cambodia, Ethiopia, India, Italy, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, USSR, United Kingdom, United States, Uruguay, Venezuela and Yugoslavia. The General Assembly subsequently took note³⁷³ of those nominations.

351. In 1962, statements were made by two of the three administering Powers nominated to the Special Committee concerning their participation in its work.

The representative of Australia noted³⁷⁴ that his Government was participating in the Committee both as an administering Member and as a Member of the United Nations. Administering Members might be unable to accept certain recommendations, but they were under an obligation to give them full and careful consideration. The representative of the United Kingdom said³⁷⁵ that his Government had given full co-operation to the Committee on Information from Non-Self-Governing Territories and saw no need for any other committee. Nevertheless, it was willing to co-operate with the Special Committee on the understanding that it could not accept any form of intervention in the administration of the territories for which it was responsible and that, if there were any attempts to intervene, the United Kingdom would be bound to withdraw its co-operation.

352. In reply, one representative observed³⁷⁶ that all members of the international community had obligations towards dependent territories and peoples. The sacred trust of civilization embodied in the United Nations Charter entitled all countries to take part in the emancipation of those territories. He could not, therefore, agree that other countries had no responsibility whatsoever, that the territories in question were the exclusive concern of the United Kingdom, and that the United Kingdom's co-operation was extended to the Committee on that basis.

353. At its seventeenth session, the General Assembly decided, by resolution 1810 (XVII) of 17 December 1962, to enlarge the membership of the Special Committee by the addition of seven members to be nominated by the President of the Assembly. The President nominated Bulgaria, Chile, Denmark, Iran, Iraq, Ivory Coast and Sierra Leone.³⁷⁷

354. After the resignation of Cambodia in 1965,³⁷⁸ the President nominated Afghanistan as a member of the Special Committee at the twentieth session of the Assembly, which subsequently approved the nomination on 21 December 1965.³⁷⁹ As from that date and during 1966 the Special Committee was consequently composed of the following Member States: Afghanistan, Australia, Bulgaria, Chile, Denmark, Ethiopia, India, Iran, Iraq, Italy, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tunisia, USSR, United Kingdom, United Republic of Tanzania, United States, Uruguay, Venezuela and Yugoslavia.

355. Although only three members of the Special Committee were responsible for the administration of territories coming within the scope of its work, namely Australia, the United Kingdom and the United States, the Special Committee invited other administering Powers to participate without vote in its discussion of the territories under their respective administrations.

³⁶⁹ See paras. 492, 496, 503, 506 and 568 below.

³⁷⁰ Excludes actions taken and recommendations made with respect to the Trust Territories and South West Africa which are dealt with under Articles 76 and 80 respectively of this *Supplement*.

³⁷¹ Referred to in this study as the Special Committee on decolonization.

³⁷² G A (XVI), Plen., 1065th mtg.: France, paras. 34-36.

³⁷³ *Ibid.*, 1094th mtg., para. 4.

³⁷⁴ G A (XVII), Annexes, a.i. 25/Addendum, A/5238, p. 15, para. 92.

³⁷⁵ *Ibid.*, p. 7, para. 25 (see also G A (XVI), Annexes, a.i. 88 and 22 (a), A/5084).

³⁷⁶ *Ibid.*, p. 14, Ethiopia, para. 87.

³⁷⁷ See A/5397 (mimeographed).

³⁷⁸ G A (XX), Annexes, a.i. 23, A/5983.

³⁷⁹ G A (XX), Plen., 1408th mtg., para. 183.

Thus, a representative of New Zealand³⁸⁰ took part in the discussions concerning the Cook Islands, Niue and Tokelau Islands, and a representative of Spain³⁸¹ in those concerning Fernando Póo, Río Muni, Ifni and Spanish Sahara. The Governments of Portugal³⁸² and South Africa³⁸³ were also invited to participate in the deliberations on the territories under Portuguese administration and South West Africa respectively, but declined.

356. Other Members also participated, without vote, in the discussions on specific territories at their request. Thus, representatives of Yemen³⁸⁴ and the United Arab Republic³⁸⁵ took part in discussions on Aden; a representative of Somalia in discussions on French Somaliland;³⁸⁶ representatives of Morocco and Mauritania in discussions on Ifni and Spanish Sahara;³⁸⁷ a representative of Spain³⁸⁸ in discussions on Gibraltar; a representative of Argentina³⁸⁹ in discussions on the Falkland Islands (Malvinas); and representatives of Algeria, Ghana and Saudi Arabia in discussions on Southern Rhodesia.³⁹⁰ Representatives of the Organization of African Unity³⁹¹ and the League of Arab States³⁹² as well as representatives of Algeria, Czechoslovakia, Somalia, Spain and the United Arab Republic³⁹³ also attended certain meetings of the Special Committee as observers.

b. Terms of reference of the Special Committee

357. The original terms of reference of the Special Committee as contained in resolution 1654 (XVI) were to examine the application of the Declaration on

decolonization, to make suggestions and recommendations on the progress and extent of the implementation of the Declaration and to report to the General Assembly at its seventeenth session. By resolution 1810 (XVII), the General Assembly requested the enlarged Special Committee to continue to seek the most suitable ways for the speedy and total application of the Declaration to all territories which had not yet attained independence and to propose specific measures for the complete application of the Declaration and to submit to the General Assembly suggestions and recommendations on all territories mentioned in paragraph 5 of the Declaration, that is, Trust and Non-Self-Governing Territories or all other territories which had not yet attained independence. By resolution 1956 (XVIII), the General Assembly again requested the Special Committee to continue to seek the best means for the immediate and total application of the Declaration to all territories which had not yet attained independence. A similar request was made in resolution 2105 (XX).

358. In addition to those general terms of reference, the General Assembly under resolution 1805 (XVII) requested the Special Committee to discharge *mutatis mutandis* the tasks assigned to the Special Committee for South West Africa by resolution 1702 (XVI) taking into consideration the special responsibilities of the United Nations with regard to that territory, and, by resolution 1806 (XVII), it dissolved the Special Committee for South West Africa. By resolution 1899 (XVIII), the Assembly requested the Special Committee on decolonization to continue its efforts towards discharging the tasks assigned to it by resolution 1805 (XVII).³⁹⁴

359. By resolution 1970 (XVIII), the General Assembly decided to dissolve the Committee on Information from Non-Self-Governing Territories and requested the Special Committee to take over the study of the information transmitted under Article 73 e and of information transmitted on political and constitutional developments, and to take it fully into account in examining the situation with regard to the implementation of the Declaration in each of the Non-Self-Governing Territories. The Special Committee was further requested to undertake any special report it might consider necessary in addition to its activities under General Assembly resolutions 1654 (XVI) and 1810 (XVII).

360. Under resolution 1810 (XVII), the General Assembly requested the Special Committee to apprise the Security Council of any developments in the territories which might threaten international peace and security. A similar request was made in resolution 1956 (XVIII). In resolution 2105 (XX), the General Assembly repeated the request and further requested the Special Committee to make suggestions which might assist the Security Council in considering appropriate measures under the Charter.

361. In resolution 2105 (XX), the Assembly requested the Special Committee to pay particular attention to small territories and to recommend the most appropriate ways for the populations of those territories to exercise fully their rights to self-determination and independence. In the same resolution, it requested the

³⁸⁰ See G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 363, paras. 55 and 56; G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 380, para. 18; G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 700, para. 3.

³⁸¹ See G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 279, para. 39; G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 286, para. 64; G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 565, para. 34.

³⁸² See G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 19, paras. 100 and 101; G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 158, paras. 231 and 232.

³⁸³ See G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 80, paras. 31 and 32.

³⁸⁴ See G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 177, para. 50.

³⁸⁵ See G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 308, para. 100; G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 473, para. 156.

³⁸⁶ See *ibid.*, p. 633, paras. 69 and 70.

³⁸⁷ See G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 279, paras. 40 and 41; G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 286, paras. 65 and 66; G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 41, para. 14; p. 603, paras. 63 and 64.

³⁸⁸ See G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 269, para. 25; G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 292, para. 22; G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 623, para. 25.

³⁸⁹ See G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 436, para. 27.

³⁹⁰ See G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 125, paras. 337 and 338.

³⁹¹ See G A (XX), a.i. 23/Addendum, A/6000/Rev.1, p. 13, para. 107; p. 15, para. 7; G A (XXI), a.i. 23/Addendum, A/6300/Rev.1, p. 30, para. 272; p. 40, para. 12.

³⁹² See *ibid.*, p. 30, para. 273.

³⁹³ See *ibid.*, p. 40, para. 13.

³⁹⁴ For further details see this *Supplement* under Article 80.

Special Committee, whenever it considered it appropriate, to recommend a deadline for the accession to independence of each territory in accordance with the wishes of the people.

c. Practices and procedures of the Special Committee

362. In 1962, the Special Committee agreed³⁹⁵ that it would follow the rules of procedures of the General Assembly. It also agreed that, in the conduct of its work, all Members should try to reach agreement without the need for voting. It was understood, however, that voting procedures would be resorted to whenever any Member felt them necessary. In practice, many of the decisions of the Special Committee were arrived at by voting and the results were recorded in the Committee's reports to the General Assembly. In some cases, the Chairman summed up the views of members of the Committee in a consensus.

363. In 1962, the Committee agreed³⁹⁶ that information regarding territories coming under its consideration should be collected and the necessary documentation prepared by the Secretariat. The Secretariat accordingly prepared factual background papers on each territory on the basis of information drawn from all available sources, including official publications of the administering Powers, United Nations publications, press reports, information from petitioners, information submitted by administering Members under Article 73 e, and any information given by administering Members during discussion of a particular territory. Initially, the background papers were concerned primarily with constitutional and political developments in keeping with the Committee's original terms of reference, although in some cases economic information was also included. In 1964, after its terms of reference were expanded to include the consideration and examination of information transmitted under Article 73 e, the Special Committee requested the Secretariat to include in the background papers concise summaries of the economic, social and educational information transmitted.

364. The Special Committee also requested the Secretary-General to assist in the preparation of special studies. In that connexion, the studies of the activities of foreign economic interests in the territories under Portuguese administration,³⁹⁷ in Southern Rhodesia³⁹⁸ and in South West Africa³⁹⁹ may be mentioned.

365. In 1962, the Special Committee agreed⁴⁰⁰ that as an additional and supplementary means of acquiring information it might hear petitioners and receive written petitions on the understanding that petitioners would be heard at its discretion and that the Committee would have the discretion to screen petitions. During that year it established and thereafter through

1966 annually renewed⁴⁰¹ a Sub-Committee on Petitions. Under the practices which developed, all communications received by the Special Committee from individuals or groups concerning various territories were initially circulated informally to all members of the Special Committee. The Sub-Committee then examined the communications and decided which of them should be regarded as petitions and circulated formally as documents of the Special Committee. If any contained a request for a hearing, the Sub-Committee recommended whether or not the hearing should be granted. The petitions were taken into consideration during discussion of the territory concerned when petitioners who had been granted hearings made their statements and replied to questions put to them.

366. In 1962, the Special Committee also agreed⁴⁰² that a sub-committee should draw up a questionnaire to be sent to the administering Powers on territories coming within the scope of its work. A Sub-Committee on the Questionnaire was established, and it formulated a draft questionnaire which, with certain amendments, was sent to Portugal, the United Kingdom and South Africa. No replies were received from those Governments. The United Kingdom, however, provided the United Nations with certain information on the territories for which it was responsible, including information on political and constitutional developments, but not on the basis of the questionnaire.

367. In 1962, the Special Committee agreed⁴⁰³ to consider the sending of visiting groups, if necessary, in respect of particular territories and concrete situations. At the same time the special Committee recognized the limitations of that procedure and the need for securing the co-operation of the administering Powers. As from 1962 it also established various sub-committees to carry out direct talks and negotiations with representatives of administering Powers; or to ascertain the views of the population; or to bring together the different political elements in a territory with a view to assisting them to independence.⁴⁰⁴

368. In 1963, the Special Committee established⁴⁰⁵ a working group "to consider and to make recommendations on the list of territories to be considered by the Committee and the order of priority for their consideration". The working group, which was composed of the Chairman, the two Vice-Chairmen, the Rapporteur and four other members nominated by the Chairman, submitted recommendations to the Special Committee in accordance with its terms of reference.⁴⁰⁶

369. The Special Committee established various sub-committees to consider individual territories and to

³⁹⁵ G A (XVII), Annexes, a.i. 25/Addendum, A/5238, p. 18, para. 112 (a).

³⁹⁶ *Ibid.*, para. 112 (b).

³⁹⁷ See paras. 673-685 below.

³⁹⁸ See paras. 686-688 below.

³⁹⁹ See this *Supplement* under Article 80.

⁴⁰⁰ G A (XVII), Annexes, a.i. 25/Addendum, A/5238, p. 18, para. 112 (c). See also paras. 460-462 below.

⁴⁰¹ G A (XVII), Annexes, a.i. 25/Addendum, A/5238, p. 18, para. 116; G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev. 1, p. 5, para. 21; G A (XIX), Annexes, No. 8 (part I), p. 18, para. 107; G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 7, paras. 38-40; G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 19, para. 147.

⁴⁰² G A (XVII), Annexes, a.i. 25/Addendum, A/5238, p. 18, paras. 112 (b) and 113-115.

⁴⁰³ *Ibid.*, para. 112 (d).

⁴⁰⁴ See also paras. 408-437 below.

⁴⁰⁵ G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 5, para. 25.

⁴⁰⁶ See paras. 377 and 381 below.

consider groups of territories. In 1964 three sub-committees were established to consider territories which up to then had not been considered: Sub-Committee I was to consider Mauritius, the Seychelles and St. Helena; Sub-Committee II, certain territories located in the Pacific Ocean area; and Sub-Committee III, certain territories located in South America and the Caribbean area.⁴⁰⁷ Those sub-committees were continued⁴⁰⁸ in 1965 and 1966.

370. In addition to considering the territories referred to it, Sub-Committee I was requested⁴⁰⁹ to study the activities of foreign economic interests in territories under Portuguese administration, Southern Rhodesia and South West Africa.⁴¹⁰

371. Under resolution 1654 (XVI), the General Assembly authorized the Special Committee to meet elsewhere than at United Nations Headquarters, whenever and wherever such meetings might be required for the effective discharge of its functions, in consultation with the appropriate authorities. At the invitation of the Governments concerned, the Special Committee held meetings in 1962 in Ethiopia, Morocco and Tanganyika,⁴¹¹ in 1965 in Ethiopia, the United Republic of Tanzania and Zambia;⁴¹² and in 1966 in Algeria, Ethiopia, Somalia, the United Arab Republic and the United Republic of Tanzania.⁴¹³

372. During the period from 6 April 1962 to 30 November 1966, the Special Committee held 483 meetings. It reported annually⁴¹⁴ to the General Assembly and included in each report a chapter on procedural and other matters and a chapter or section on each territory it considered, including any resolutions or recommendations it adopted on a given territory. When the Special Committee first adopted resolutions concerning individual territories in 1962, some criticism was expressed that it had no authority to address itself directly to an administering Power and should confine itself to reporting to the General Assembly. It was stated that the Assembly had not intended the Committee to serve as an action group by adopting resolutions which the Assembly might or might not later approve.⁴¹⁵

373. As of 30 November 1966, the Special Committee had considered and made recommendations concerning all Territories with which it was concerned with the

exception of British Honduras, Brunei, French Somaliland, Hong Kong and Oman.

374. In resolutions of 17 December 1962, 1956 (XVIII) of 11 December 1963 and 2109 (XX) of 21 December 1965, the General Assembly took note with approval of the methods and procedures which the Special Committee had adopted for the discharge of its functions.

d. Territories within the Special Committee's scope of work

i. Trust Territories, Non-Self-Governing Territories and South West Africa

375. The Declaration on decolonization applies in general terms as made clear in paragraph 5, to "Trust and Non-Self-Governing Territories or all other Territories which have not yet attained independence".

376. In 1962, the Special Committee decided to give priority consideration to territories in Africa but did not find it necessary to prepare a complete list of all the territories coming within the scope of its work.⁴¹⁶ The territories considered were eight Non-Self-Governing Territories, including seven Territories in Africa, on which administering Members transmitted information under Article 73 e, namely, Basutoland, Bechuanaland and Swaziland, British Guiana, Kenya, Northern Rhodesia, Nyasaland and Zanzibar; two territories which the General Assembly itself had considered under resolution 1542 (XV) to be Non-Self-Governing Territories within the meaning of Chapter XI of the Charter, namely, Angola and Mozambique under Portuguese administration; Southern Rhodesia, which was referred for consideration to the Special Committee by the General Assembly under resolution 1745 (XVI) and which the Assembly subsequently in resolution 1747 (XVI) affirmed was a Non-Self-Governing Territory within the meaning of Chapter XI; and South West Africa. In connexion with South West Africa, it may be noted that the General Assembly from its fifteenth session onwards had made clear the applicability of the Declaration to that territory.⁴¹⁷

377. By resolution 1810 (XVII), the General Assembly invited the Special Committee to submit to it not later than its eighteenth session a full report containing its suggestions and recommendations on all territories covered by paragraph 5 of the Declaration on decolonization. In that connexion, the Working Group established in 1963 noted⁴¹⁸ in its first report that, in order to comply with that request, it would be necessary to have a list of those territories, namely, the "Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence". The Working Group recognized that the drawing up of a complete list would involve detailed consideration of various factors requiring additional meetings. It therefore prepared a preliminary list⁴¹⁹ which was approved by the Special Committee.

⁴⁰⁷ See G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 18, para. 110 (see also para. 473 below).

⁴⁰⁸ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 6, para. 31; G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 19, paras. 149 and 153; p. 20, para. 157.

⁴⁰⁹ See below paras. 673-679 and 686-688 respectively.

⁴¹⁰ See this *Supplement* under Article 80.

⁴¹¹ See G A (XVII), Annexes, a.i. 25/Addendum, A/5238, p. 20, paras. 134-142.

⁴¹² See G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev. 1, paras. 1-467.

⁴¹³ See G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, paras. 1-626.

⁴¹⁴ See G A (XVII), Annexes, a.i. 25/Addendum, A/5238; G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1; G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1; G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1; G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1.

⁴¹⁵ G A (XVII), Annexes, a.i. 25/Addendum, A/5238, p. 130, United States, para. 83.

⁴¹⁶ *Ibid.*, p. 22, para. 151.

⁴¹⁷ See this *Supplement* under Article 80.

⁴¹⁸ G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 5, para. 25.

⁴¹⁹ *Ibid.*, pp. 5 and 6, paras. 24-28.

The preliminary list was as follows:

(a) Trust Territories;⁴²⁰

(b) The Territory of South West Africa;

(c) Territories which had been declared by the General Assembly to be Non-Self-Governing Territories within the meaning of Chapter XI of the Charter but on which information was not transmitted under Article 73 e by the administering Powers;⁴²¹

(d) Non-Self-Governing Territories on which information was transmitted by the administering Powers.

ii. *French Somaliland*

378. Between 1963 and 1966 the Special Committee added one other territory, namely French Somaliland, to the list of territories to which the Declaration applied.

379. French Somaliland was one of the territories on which the French Government ceased to transmit information under Article 73 e in 1957 but on which no decision was taken by the General Assembly as to whether or not it was still to be considered a Non-Self-Governing Territory.

380. In 1964, the Special Committee, on the recommendation of its Working Group, took note of a letter dated 12 November 1964 from the Permanent Representative of Somalia requesting the Special Committee to include the question of French Somaliland in the agenda of its current session. It also took note of a declaration adopted by the Conference of Non-Aligned Countries.⁴²² In that Declaration,⁴²³ the Conference, among other things, called on the French Government to enable French Somaliland to become free and independent in accordance with the Declaration on decolonization.

381. In 1965, the Special Committee, on the recommendation of its Working Group, decided⁴²⁴ to include French Somaliland in the list of territories to which the Declaration applied.

382. Although not referring specifically to that decision, the General Assembly in resolution 2105 (XX) noted the action taken by the Special Committee regarding the list of territories to which the Declaration was applicable and approved the Special Committee's report.

383. In 1966, the Special Committee considered conditions in French Somaliland and reported⁴²⁵ thereon without recommendations to the General Assembly at its twenty-first session.

⁴²⁰ As of 1963 and for the remainder of the period under review, the Trust Territories were New Guinea under Australian administration; Nauru administered by Australia on behalf of Australia, New Zealand and the United Kingdom; and the Trust Territory of the Pacific Islands, a strategic area in accordance with Article 83 of the Charter under the administration of the United States. See this *Supplement* under Article 76.

⁴²¹ Territories under Portuguese administration and Southern Rhodesia (see paras. 106-114 and 130-154, respectively, above).

⁴²² G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 21, paras. 137-142.

⁴²³ A/5763 (mimeographed).

⁴²⁴ G A (XIX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 9, para. 64.

⁴²⁵ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, chap. XII.

iii. *Oman*

384. Under resolution 2073 (XX) of 17 December 1965, the Special Committee was requested by the General Assembly to examine the situation in Oman.

385. The question of Oman was first introduced in the United Nations in August 1957 when representatives of eleven States requested the Security Council to include the question in its agenda. The Council decided not to place the question on its agenda.⁴²⁶

386. Subsequently, the question was considered by the Special Political Committee at the fifteenth, sixteenth and seventeenth sessions of the Assembly. The Assembly took no decision at its fifteenth session and did not adopt the draft resolutions approved by the Special Political Committee at the sixteenth and seventeenth sessions.⁴²⁷

387. In 1962, at the invitation of the Sultan of Muscat and Oman, the Secretary-General appointed a Special Representative to visit Oman, and instructed him that his primary task was a fact-finding one.⁴²⁸

388. At the eighteenth session of the Assembly in 1963, the question of Oman was allocated for the first time to the Fourth Committee.⁴²⁹

389. In an explanatory memorandum accompanying the request⁴³⁰ by thirteen Member States for the inclusion of the item in the agenda, it was stated, among other things, that the Assembly must consider the problem again and treat it as an essentially colonial problem. The United Kingdom, after expressing reservations concerning the inclusion of the item, objected⁴³¹ to its allocation to the Fourth Committee.

390. In a telegram⁴³² dated 26 October 1963, the Sultan of Muscat and Oman recalled that at its seventeenth session the Assembly had again rejected a draft resolution, expressing judgment on matters exclusively within his jurisdiction, and stated that the same subject was again to be debated, "even more incongruously, in the Committee dealing with trusteeship matters and Non-Self-Governing Territories". He reiterated that he continued to hold sole responsibility for all matters within his territories, which were sovereign and independent, not subject to any form of trusteeship and in no sense non-self-governing.

391. In the debate in the Fourth Committee, representatives who argued that the question was a colonial one said that the manifestations of colonialism were apparent in a series of treaties imposing heavy and unreasonable obligations on the territory; the attempts by the United Kingdom to dismember Oman by dividing Greater Oman into nine entities: the Imamate of Oman, the Sultanate of Muscat and seven sheikdoms known

⁴²⁶ S C 12th yr., 784th mtg., para. 87. See also *Repertory Supplement No. 2*, under Article 2 (7), case No. 32.

⁴²⁷ See this *Supplement* under Article 2 (7), case No. 36.

⁴²⁸ See this *Supplement* under Article 98.

⁴²⁹ G A (XVIII), Plen., 1210th mtg., paras. 76 and 88.

⁴³⁰ G A (XVIII), a.i. 78, A/5492 and Add.1. The request was made by Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic and Yemen.

⁴³¹ G A (XVIII), Gen. Com., 154th mtg., para. 17.

⁴³² G A (XVIII), Annexes, a.i. 78, A/C.4/619.

as Trucial Oman; repression in the territory and successive armed British attacks on the people, the most recent having taken place in 1957; and the British presence and domination in the territory. Such manifestations of colonialism indicated that the territory was of the colonial type, a *de facto*, if not *de jure*, protectorate; that in such a state the territory did not have complete international responsibility for acts relating either to external sovereignty or internal administration; and that the repressive measures and armed attacks inflicted on the people prevented them from exercising their right to self-determination and independence.⁴³³ It was further pointed out⁴³⁴ that the Imamate of Oman had had a long history as a religious and temporal entity; that the actions which had led to the establishment of the Sultanate of Muscat were illegal; and that the Sultanate had been able to maintain its independence only through British support.

392. One representative stated⁴³⁵ that the fundamental aspect of the question was not whether Oman had the right to be independent of Muscat, but whether the people of Oman should be assisted in throwing off the British colonial yoke and in so doing to liberate their brothers of Muscat. If the question of Oman could not be considered independently of the question of Muscat, then both questions should be examined by the United Nations.

393. The representative of the United Kingdom reiterated⁴³⁶ that the question of Oman related solely to the internal affairs of the sovereign and independent State of Muscat and Oman and consequently, under Article 2 (7), no United Nations body was entitled to interfere in its internal affairs. Oman was neither a British colony nor part of a British colony. The familiar legislative and executive features of the British colonial system did not exist in relation to the Sultanate of Muscat and Oman. Parliament had no right to legislate in respect of the territory and there was no British Governor to whom instructions might be issued. The basis of the relationship between the United Kingdom and the Sultanate was outlined in the Treaty of 1951⁴³⁷ which was clearly a treaty between two independent countries and contained no provisions infringing the independence of Muscat and Oman. The Sultan was under no obligation to accept British advice in regard to his foreign affairs, although purely on an *ad hoc* basis, he did ask the United Kingdom Government to undertake the conduct of certain affairs or negotiations on his behalf. The independence of Muscat and Oman was also recognized in treaties contracted with other sovereign countries. It was true that the United Kingdom had provided economic and military

assistance under the 1951 treaty and a subsequent agreement in 1958; but that in no way diminished the sovereign status of the Sultanate. No one could seriously suggest that the acceptance of such aid established a colonial situation. With regard to the charge of British armed aggression in the area, the United Kingdom Government, at the request of the Sultan, had come to the aid of the Sultanate in 1957 and subsequently, when the territorial integrity of the country was threatened with armed rebellion by tribesmen from the interior supported from outside the country. There was nothing illegal about that action. Armed rebellion against a legitimate government did not establish the right to self-determination on the part of the rebels, nor did it bring into play on their behalf the provisions of the Declaration on decolonization. Extensive warfare was not continuing; there had been no fighting in the recent past and no active warfare since January 1959. The country was at peace, and therefore nothing remained of the so-called question of Oman, and the Committee should refuse to recommend further discussion of the matter in the United Nations.

394. Certain other representatives also maintained that the question was not a colonial one.⁴³⁸

395. One representative commented⁴³⁹ that the problem of Oman was still obscure and confused, whether it was viewed as an international, domestic or colonial problem.

396. Two draft resolutions concerning the question were submitted. By the first, submitted by eighteen States,⁴⁴⁰ the General Assembly would have invited the Special Committee on decolonization to examine the situation and submit a report to the General Assembly at its nineteenth session. That draft resolution was not voted on.

397. By the second draft resolution, submitted by thirteen States,⁴⁴¹ the General Assembly, taking into account the fact that, in his reports,⁴⁴² the Secretary-General's Special Representative on Oman had not had time to evaluate the territorial, historical and political issues involved and had not considered himself competent to do so, would decide to establish an *Ad Hoc* Committee composed of five Member States to be appointed by the President of the General Assembly to examine the question of Oman; would call on all the parties concerned to co-operate with the *Ad Hoc* Committee by all possible means, including that of facilitating visits to the area; would request the *Ad Hoc* Committee to report to the General Assembly at its nineteenth session; and would request the Secretary-General to render all necessary assistance to the *Ad Hoc* Committee.

⁴³³ For text of relevant statements see G A (XVIII), 4th Com., 1498th mtg.: United Arab Republic, paras. 34-37; 1499th mtg., Syria, paras. 2-19; 1500th mtg.: Jordan, para. 4; Tunisia, paras. 59-72; 1501st mtg.: Lebanon, paras. 51 and 52; Mongolia, para. 61; 1502nd mtg.: Afghanistan, paras. 9-12; Hungary, paras. 15-20; 1503rd mtg.: Algeria, paras. 24-33; Indonesia, paras. 34-40; Mali, paras. 7-11; Morocco, paras. 41-44; Ukrainian SSR, paras. 1-6.

⁴³⁴ *Ibid.*, 1498th mtg.: Saudi Arabia, paras. 49-56.

⁴³⁵ *Ibid.*, 1499th mtg.: Syria, paras. 20 and 21.

⁴³⁶ *Ibid.*, paras. 28 and 31-53.

⁴³⁷ United Nations *Treaty Series*, vol. 149 (1952), No. 1956, p. 247.

⁴³⁸ For text of relevant statements see G A (XVIII), 4th Com., 1501st mtg.: United States, para. 47; 1503rd mtg.: Canada, para. 53.

⁴³⁹ *Ibid.*, 1502nd mtg.: Chile, para. 41.

⁴⁴⁰ G A (XVIII), Annexes, a.i. 78, A/5657, paras. 9 and 10 (A/C.4/L.783 and Corr.1 and Rev.1), submitted by Afghanistan, Algeria, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Mali, Morocco, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia.

⁴⁴¹ Argentina, Brazil, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Peru, Uruguay and Venezuela.

⁴⁴² G A (XVIII), Annexes, a.i. 78, A/5562.

398. One of the sponsors explained ⁴⁴³ that the draft resolution, without prejudging the matter, made provision for an exhaustive study which would enable the General Assembly to take a decision in full knowledge of the facts. It was the intention of the sponsors that the proposed *Ad Hoc* Committee should not only be a fact-finding body but should also undertake a study of the question of Oman. The comprehensive word "area" had been used in order to leave it to the discretion of the proposed *Ad Hoc* Committee to decide which Member and non-member States in the Arab world, or outside it, were legitimately concerned with the problem.

Decision

The thirteen-Power draft resolution was approved ⁴⁴⁴ by a roll-call vote of 95 to 1, with 7 abstentions. It was subsequently adopted ⁴⁴⁵ by the General Assembly by a roll-call vote of 96 to 1, with 4 abstentions as its resolution 1948 (XVIII) on 11 December 1963.

399. In pursuance of that resolution, the President appointed Afghanistan, Costa Rica, Nepal, Nigeria and Senegal as members of the *Ad Hoc* Committee on Oman.⁴⁴⁶

400. In its report ⁴⁴⁷ to the Assembly at its nineteenth session, the *Ad Hoc* Committee, after giving detailed consideration to all aspects of the question, expressed its belief that the question of Oman was a serious international problem, requiring the special attention of the General Assembly. It further expressed the belief that the problem derived from imperialistic policies and foreign intervention in Muscat and Oman. It proposed that the question should be solved by negotiation among all parties concerned and that the United Nations should assist in bringing about a solution by taking an active part in facilitating the negotiations through the establishment of a good offices committee. Any initiative the General Assembly might take should be designed to achieve the fulfilment of the "legitimate aspirations of the people of Muscat and Oman".

401. The report of the *Ad Hoc* Committee was not considered at the nineteenth session of the General Assembly because of the special circumstances prevailing at that session.

402. At the twentieth session the item was again allocated to the Fourth Committee. The United Kingdom representative reserved the position of his delegation with respect to the inclusion of the item in the agenda. His proposal in the General Committee that the item if considered, should be considered by the Special Political Committee was rejected.⁴⁴⁸

403. Essentially the same arguments were repeated in the Fourth Committee by those who argued ⁴⁴⁹ that the

question was a colonial one and by the United Kingdom representative who reiterated ⁴⁵⁰ that the Sultanate of Muscat and Oman was a sovereign, independent State.

404. During the discussion a draft resolution ⁴⁵¹ entitled "Question of Oman" was submitted by thirty States. By that draft resolution, the General Assembly would recall the Declaration on decolonization and express deep concern at the serious situation arising from the colonial policies and foreign intervention by the United Kingdom in the territory. Among other things, the Assembly, in operative paragraph 3, would recognize the inalienable right of the people of the territory as a whole to self-determination and independence in accordance with their freely expressed wishes; in operative paragraph 4, would consider that the colonial presence of the United Kingdom in its various forms prevented the people from exercising that right in operative paragraph 6, would invite the Special Committee on decolonization to examine the situation in the territory; and in operative paragraph 7, would request the Secretary-General, in consultation with the Special Committee, to take appropriate measures for implementing the resolution and to report thereon to the General Assembly at its twenty-first session. In the same draft resolution, the Assembly would also make recommendations to the Government of the United Kingdom, including a call for the withdrawal of British troops.⁴⁵²

405. One of the sponsors explained ⁴⁵³ that the term "territory as a whole" meant the entire territory of Oman, including the coastal and interior areas.

406. The United Kingdom representative stated ⁴⁵⁴ that the evidence before the Committee showed that the Sultanate of Muscat and Oman was a sovereign State, that there was no evidence whatever of a British military presence in the Sultanate, let alone a British military occupation; that the views put forward by petitioners could largely be discredited by logic; and that there was therefore no justification for the views set out in the draft resolution.

Decisions

The draft resolution was approved ⁴⁵⁵ by the Fourth Committee by a roll-call vote of 55 to 15, with 26 abstentions.

mtg.: Albania, paras. 28-33; Czechoslovakia, paras. 8-27; Romania, paras. 46-50; Syria, paras. 1-7; United Arab Republic, paras. 60-69; Yemen, paras. 34-42; Yugoslavia, paras. 71-74; 1576th mtg.: Algeria, paras. 5-10; Cuba, paras. 11-18; Saudi Arabia, paras. 20-28.

⁴⁵⁰ *Ibid.*, 1571st mtg., para. 63; 1576th mtg., para. 35-38.

⁴⁵¹ A/C.4/L.821 (mimeographed), submitted by thirty States: Algeria, Burundi, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Ghana, Guinea, Iraq, Jordan, Kenya, Kuwait, Lebanon, Libya, Mali, Mauritania, Morocco, Pakistan, Saudi Arabia, Singapore, Somalia, Sudan, Syria, Tunisia, Uganda, United Arab Republic, Upper Volta, Yemen, Yugoslavia and Zambia. Adopted without change as resolution 2073 (XX).

⁴⁵² See para. 516 below.

⁴⁵³ G A (XX), 4th Com., 1586th mtg.: Syria, para. 50.

⁴⁵⁴ *Ibid.*, para. 7.

⁴⁵⁵ *Ibid.*, 1587th mtg., para. 46.

⁴⁴³ G A (XVIII), 4th Com., 1507th mtg.: Brazil, paras. 71 and 84.

⁴⁴⁴ *Ibid.*, para. 85.

⁴⁴⁵ G A (XVIII), Plen., 1277th mtg., para. 13.

⁴⁴⁶ See A/5688 (mimeographed).

⁴⁴⁷ G A (XIX), Annexes, No. 16, A/5846, chap. V, paras. 693-699.

⁴⁴⁸ G A (XX), Annexes, a.i. 73, A/6168, paras. 2-4.

⁴⁴⁹ G A (XX), 4th Com., 1573rd mtg.: Iraq, paras. 38-49; 1574th mtg.: Byelorussian SSR, paras. 45-52; Hungary, paras. 23 and 24; Libya, paras. 16-21; USSR, paras. 32-41; 1575th

By a roll-call vote of 63 to 37, with 12 abstentions, it was decided ⁴⁵⁶ in the General Assembly that the draft resolution recommended by the Fourth Committee required a simple majority to be adopted. The Assembly adopted paragraphs 6 and 7 by a roll-call vote of 57 to 22, with 32 abstentions.

The draft resolution as a whole was adopted ⁴⁵⁷ as resolution 2073 (XX) on 17 December 1965 by a roll-call vote of 61 to 18, with 23 abstentions.

407. In its report to the General Assembly at its twenty-first session, the Special Committee accordingly included a chapter on Oman. In that chapter information was given on the Sultanate of Muscat and Oman and on the Trucial Sheikdoms. The Special Committee did not adopt any conclusions or recommendations. It reported to the General Assembly that because of lack of time, it was not able to complete its consideration of the question of Oman and that, subject to any further directives the General Assembly might wish to give at its twenty-first session, the Special Committee would consider the question at its meetings in 1967 with a view to implementing General Assembly resolution 2073 (XX).⁴⁵⁸

2. VISITING GROUPS, GOOD OFFICES AND DIRECT NEGOTIATIONS

408. In 1962, the Special Committee agreed that it would consider the matter of sending visiting groups to various territories, if necessary, in respect of particular territories and concrete situations. At the same time however the Committee recognized the limitations to that procedure and the need for securing the co-operation of the administering Powers concerned.

409. During consideration in the Special Committee of its methods of work and procedure, a representative of an administering Power stated ⁴⁵⁹ that a visiting mission should not be sent to a territory if there was opposition from the administering Power. It was under Article 87 concerning Trust Territories that the General Assembly was entitled to send periodic visits. Article 73, applying to Non-Self-Governing Territories contained no such provision. The omission had been deliberate, not accidental, and although the climate of thought had changed since 1945, no United Nations resolution could amend the Charter. His delegation, however, was not inflexibly opposed to the Special Committee's obtaining information from individuals or by way of on-the-spot inquiries, but such matters should be considered as a situation arose and the agreement of the administering Power was an essential part of the process.

⁴⁵⁶ There were two proposals: that a two-thirds majority was required in accordance with Article 18 (2) of the Charter (G A (XX), Plen., 1399th mtg.: United Kingdom, paras. 22 and 87-93), and that only a simple majority was required (*ibid.*, Iraq, para. 70).

⁴⁵⁷ G A (XX), Plen., 1399th mtg., paras. 138-140.

⁴⁵⁸ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 655, paras. 6-70; p. 666, para. 118.

⁴⁵⁹ G A (XVII), Annexes, a.i. 25/Addendum, A/5238, p. 7: United States, paras. 21 and 22.

410. Another representative of an administering Power also expressed ⁴⁶⁰ his Government's reservations concerning the dispatch of visiting missions which, he stated, should not be done without the consent of the administering Power.

411. In 1962, the Special Committee sent a six-member sub-committee to London to discuss with the United Kingdom Government the question of Southern Rhodesia. The Special Committee stated that that visit proved to be a useful experiment in methods of talks and negotiation on behalf of the Special Committee with an administering Power. The Special Committee proposed to use those methods in future, whenever practicable and necessary.⁴⁶¹

412. In 1963, the Special Committee established the following three sub-committees:

(a) A Sub-Committee on Southern Rhodesia, composed of six members to visit London and to hold discussions with the United Kingdom Government concerning Southern Rhodesia. The Sub-Committee visited London from 20 to 26 April 1963 and held discussions with ministers of the United Kingdom Government concerning the situation in Southern Rhodesia in the context of resolutions on Southern Rhodesia adopted by the General Assembly.

(b) A Sub-Committee on Aden, composed of five members, to visit Aden and, if necessary, other neighbouring countries to ascertain the views of the population concerning the situation in that territory and to hold talks with the administering Power. The Sub-Committee was unable to visit the territory, however, because of the refusal of the United Kingdom to co-operate with it in such a visit. The Sub-Committee therefore visited neighbouring countries during the period 25 May to 7 June 1963 and heard more than fifty petitioners concerning Aden.⁴⁶²

(c) A Sub-Committee on British Guiana, composed of five members, to seek with the interested parties the most suitable means for the territory to accede to independence without delay. The Sub-Committee was authorized by the Special Committee to proceed to any place it considered appropriate for the successful performance of its work. The Sub-Committee considered that the most effective way of carrying out its task would be to visit British Guiana and to hold talks with leaders there. However, the United Kingdom Government refused to agree, although the leaders of the two major political parties had expressed themselves in favour of such a visit. Consequently, the Sub-Committee invited the leaders to New York.

413. The Special Committee expressed its appreciation to the United Kingdom for the opportunity afforded to the Sub-Committee on Southern Rhodesia to discuss the question of Southern Rhodesia with the responsible ministers and for the courteous reception afforded it. However, it noted with regret the refusal of the United Kingdom Government to agree to visits to Aden and British Guiana. It noted that in both cases the refusal of the United Kingdom Government was based on its

⁴⁶⁰ *Ibid.*, United Kingdom, para. 25.

⁴⁶¹ *Ibid.*, p. 22, para. 147.

⁴⁶² See also paras. 714-716 below.

position that the presence of a visiting mission in a territory constituted an interference in the affairs of that territory and that that Government could not share its responsibilities with the United Nations. The Special Committee noted that the majority in the Committee had been unable to accept that argument. The mission's function was to ascertain the views of the population concerning a territory's future or to be a mission of good offices, bringing together the different political elements in a territory and thus assisting them in achieving their independence. The Special Committee could not accept the assertion that, by agreeing to such a visit, the administering Power would be sharing its responsibility for the internal administration of the territory: the United Nations had responsibilities with regard to Non-Self-Governing Territories deriving from provisions of the Charter and from the Declaration on decolonization. The Special Committee pointed out that, by refusing access to a territory coming within the scope of its work, the administering Power was denying it one of the most effective means of carrying out the task assigned to it by the General Assembly, namely the examination of the implementation of the Declaration on decolonization. The Special Committee therefore expressed the hope that all administering Powers would co-operate fully with it in future and in particular, would enable visiting groups to go to territories where it considered such visits necessary and useful.⁴⁶³

414. At the eighteenth session of the General Assembly a draft resolution⁴⁶⁴ was submitted in plenary meeting whereby the General Assembly would request the administering Powers to give their full co-operation to the Special Committee and to facilitate the task of the sub-committees and visiting groups instructed by the Special Committee to go to the territories under its mandate.

415. During the discussion the representative of the United Kingdom expressed⁴⁶⁵ reservations similar to those made earlier. He stated that his Government considered the dispatch of visiting missions to United Kingdom territories to be an intervention in their administration since the presence of such missions would interrupt the normal processes of political and constitutional advance in the territories and complicate the constant dialogue between the administering Power and the leaders of the territories in the form of constitutional conferences or other forms of consultations. Thus, such visits would delay rather than accelerate the attainment of independence by those territories. His Government was not, however, opposed to every visit made on behalf of the United Nations.

416. Another representative of an administering Power stated⁴⁶⁶ that each question of a visit should be

treated on its merits. He stressed the necessity to take decisions in consultation with the administering Powers.

417. In reply it was stated⁴⁶⁷ that the purpose of visiting missions was to make contact with the peoples concerned in order to find out their views and thus enable the Special Committee to submit proposals to the General Assembly regarding the most suitable means for those territories to attain independence. Consequently, there was no incompatibility between the competence of the colonial Powers and the objectives of visiting missions and groups.

Decision

The draft resolution, was adopted⁴⁶⁸ as resolution 1956 (XVIII) on 11 December 1963, by a roll-call vote of 95 to none, with 6 abstentions.

418. On the same date the General Assembly adopted⁴⁶⁹ by a vote of 77 to 10, with 11 abstentions a draft resolution⁴⁷⁰ which became resolution 1949 (XVIII) whereby it expressed its deep regret at the refusal of the United Kingdom to co-operate with the Sub-Committee on Aden, particularly its refusal to allow the Sub-Committee to go to the territory in pursuance of the tasks entrusted to it by the Special Committee.

419. In 1964, a Sub-Committee on Southern Rhodesia visited London from 30 May to 5 June and met with representatives of the United Kingdom Government to discuss the implementation of the resolutions of the General Assembly and the Special Committee regarding that territory.

420. The United Kingdom Government again refused, however, to agree to a visit to Aden by the Sub-Committee⁴⁷¹ and declined an invitation to receive it in London for discussions with a view to implementing the resolutions of the General Assembly and the Special Committee concerning Aden.

421. The United Government also declined to permit a visit to British Guiana by a Sub-Committee of Good Offices established by the Special Committee.

422. With respect to the smaller territories in the Atlantic and Pacific Ocean areas and in the Caribbean, the Special Committee in 1964 found that the task of formulating concrete recommendations was sometimes hampered by a lack of adequate information on the political, economic and social situation and on the opinions, wishes and aspirations of the people. That consideration, the Special Committee stated, was of particular significance in view of the problems arising from the small size and population, geographical location and limited natural resources of many of the territories. For that reason, the Special Committee laid special stress on the importance of sending out visiting groups. It again stated that visiting missions neither interfered in the internal affairs of a territory, nor detracted from the responsibility of the administering

⁴⁶³ G A (XVIII), Annexes, a.i. 23 /Addendum, A/5446/Rev.1, pp. 8 and 9, paras. 53-57.

⁴⁶⁴ G A (XVIII), Annexes, a.i. 23, A/L.443 and Add. 1 and 2, submitted by Algeria, Burma, Cambodia, Cameroon, Ceylon, Cyprus, Ethiopia, Ghana, Guinea, India, Iran, Iraq, Ivory Coast, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Syria, Tanganyika, Thailand, Togo, Tunisia, United Arab Republic, Yemen and Yugoslavia.

⁴⁶⁵ G A (XVIII), Plen., 1273rd mtg., paras. 146 and 147.

⁴⁶⁶ *Ibid.*, 1277th mtg.: Australia, para. 69.

⁴⁶⁷ *Ibid.*, Mali, para. 84.

⁴⁶⁸ *Ibid.*, para. 107.

⁴⁶⁹ *Ibid.*, para. 91.

⁴⁷⁰ Submitted by Afghanistan, Algeria, Cambodia, Ghana, Guinea, India, Indonesia, Iraq, Jordan, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Rwanda, Somalia, Syria, United Arab Republic and Yugoslavia.

⁴⁷¹ See also paras. 718-720 below.

Power for its internal administration; on the contrary, they flowed from the responsibilities of the United Nations deriving from the Charter and from the Declaration on decolonization. The Special Committee reiterated that, by refusing access to a territory to which the Declaration was applicable, the administering Power concerned was denying the Special Committee one of the most effective means of discharging the tasks assigned to it by the General Assembly.⁴⁷²

423. In separate conclusions and recommendations, the Special Committee referred to the possibility of sending visiting missions to the following territories: American Samoa,⁴⁷³ Guam,⁴⁷⁴ the Trust Territory of the Pacific Islands,⁴⁷⁵ the Trust Territory of Nauru, Papua and the Trust territory of New Guinea and Cocos (Keeling) Islands,⁴⁷⁶ the New Hebrides, Gilbert and Ellice Islands, Pitcairn Island and the Solomon Islands,⁴⁷⁷ Bermuda, Bahamas, Turks and Caicos Islands and Cayman Islands,⁴⁷⁸ United States Virgin Islands, British Virgin Islands, Antigua, Dominica, Grenada, Montserrat, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Barbados.⁴⁷⁹

424. With regard to the Trust Territory of the Pacific Islands, the representative of the United States observed that six visiting missions⁴⁸⁰ had already been to the territory since the establishment of the United Nations, and a seventh would place an unnecessary burden on the Organization's budget. More important, under the terms of the Trusteeship Agreement, the Trust Territory of the Pacific Islands had been designated a strategic area in accordance with Article 82. Article 83 provided that all functions of the United Nations relating to strategic areas should be exercised by the Security Council, and that the Security Council should avail itself of the assistance of the Trusteeship Council to perform those functions. The latter provision had been confirmed by Security Council resolution 70 (1949), in which the Security Council had requested the Trusteeship Council to perform on its behalf the functions specified in Articles 87 and 88, including that of providing for periodic visits to the territory. A proposal by the same representative to delete the paragraph referring to the possibility of the Special Committee's sending a visiting mission to the Trust Territory of the Pacific Islands was rejected⁴⁸¹ by 6 votes to 5, with 10 abstentions.

425. In its report to the General Assembly at its twentieth session covering its work in 1965, the Special Committee again emphasized that it regarded visiting groups as one of the most effective means of discharging

its mandate and recommended that the General Assembly should call on the administering Powers to extend their full co-operation by permitting access as desired by the Special Committee to territories under their administration. In that context, the Special Committee drew attention to the importance of its recent visit to Africa.⁴⁸² It stated that while it was unable, because of the non-co-operation of the administering Powers concerned, to visit the colonial territories which it considered at its meetings at three African capitals, it was enabled by reason of its proximity to those territories to establish closer contact with the realities of their situation and to obtain more direct knowledge than hitherto regarding the aspirations of their peoples. The Committee observed that although a few of its members had reservations about the wisdom of the visit to Africa in the current financial circumstances of the Organisation, it considered that the validity of its reasons for proceeding with the visit had been amply borne out by the results.⁴⁸³

426. So far as its future work was concerned the Special Committee recommended that financial provision should be made for the cost of visiting groups and placed special emphasis on that recommendation in view of the need for visits to several of the territories to which the Declaration applied, particularly in the Atlantic, Indian and Pacific Ocean areas.⁴⁸⁴

427. At its twentieth session, by operative paragraph 3 of resolution 2069 (XX)⁴⁸⁵ of 16 December 1965, the General Assembly requested the administering Powers to allow United Nations visiting missions to visit the following territories and to extend to the missions full co-operation and assistance: American Samoa, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Montserrat, New Hebrides, Niue, Papua, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands.

428. There was no noteworthy discussion of that paragraph during consideration of the resolution in its draft form in the Fourth Committee or in the General Assembly.⁴⁸⁶

429. At the same session, by operative paragraph 7 of resolution 2105 (XX) of 20 December 1965, the General Assembly approved the programme of work envisaged by the Special Committee for 1966, including the possibility of holding a series of meetings in Africa and of sending visiting groups to territories in the Atlantic, Indian and Pacific Ocean areas in particular.

430. There was no noteworthy discussion of that paragraph in the General Assembly during considera-

⁴⁷² G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1, p. 23, paras. 159 and 162-165.

⁴⁷³ *Ibid.*, p. 376, para. 71.

⁴⁷⁴ *Ibid.*, p. 385, para. 101.

⁴⁷⁵ *Ibid.*, p. 393, para. 66.

⁴⁷⁶ *Ibid.*, p. 410, para. 146.

⁴⁷⁷ *Ibid.*, p. 422, para. 96.

⁴⁷⁸ *Ibid.*, p. 461, para. 134 (d).

⁴⁷⁹ *Ibid.*, p. 493, paras. 312, 321 and 333.

⁴⁸⁰ See this *Supplement* under Article 87.

⁴⁸¹ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1, p. 391, paras. 42 and 47 (c).

⁴⁸² G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 13, para. 103.

⁴⁸³ *Ibid.*, para. 104.

⁴⁸⁴ *Ibid.*, p. 14, para. 109.

⁴⁸⁵ See also para. 567 below.

⁴⁸⁶ G A (XX), Annexes, a.i. 23, A/6160, para. 50, draft resolution V, para. 5 (A/C.4/L.810 and Corr.1 and Add. 1 and 2); (G A (XX), 4th Com., 1576th-1578th mtgs.; Plen. 1398th mtg.

tion⁴⁸⁷ of the draft resolution on which resolution 2105 (XX) was based.

431. In 1966, as recommended⁴⁸⁸ by its Sub-Committees II and III, the Special Committee invited the administering Powers to receive visiting missions in the following territories: Gilbert and Ellice Islands, Pitcairn and Solomon Islands, Niue and Tokelau Islands, New Hebrides, American Samoa, Guam and the Trust Territory of the Pacific Islands, referred to Sub-Committee II; and United States Virgin Islands, British Virgin Islands, Antigua, Barbados, Dominica, Grenada, Montserrat, St. Kitt-Nevis-Anguilla, St. Lucia and St. Vincent, Bermuda, Bahamas, Turks and Caicos Islands and Falkland Islands (Malvinas), referred to Sub-Committee III. The Special Committee also recommended that the General Assembly should again appeal to the administering Powers to co-operate with it by facilitating visits to territories and should make adequate financial provision for the cost of visiting groups.⁴⁸⁹

432. The representative of the United Kingdom indicated that any requests for visiting missions to specific territories would be transmitted to his Government, but he could not offer any encouragement that the previous attitude of his Government would change.⁴⁹⁰

433. The representative of the United States expressed the reservations of his delegation regarding the desirability of visiting missions.⁴⁹¹

434. The representative of Australia reserved the position of his Government and doubted whether visiting missions established by the Special Committee would be useful in the case of territories under Australian administration to which the Trusteeship Council had already sent a number of visiting missions.⁴⁹²

435. The representative of New Zealand said his Government had no objection to such a mission although it considered that any visit by a United Nations mission to Niue and Tokelau Islands should be undertaken only as part of a more comprehensive tour of the area.⁴⁹³

436. The representative of France informed Sub-Committee II that his Government did not encourage the sending of a visiting mission to the New Hebrides.⁴⁹⁴

437. However, at the invitation of Spain, the Special Committee established a Sub-Committee to visit Equatorial Guinea in 1966, to ascertain conditions in the territory with a view to speeding up the implementation of the Declaration on decolonization and Assembly resolution 2067 (XX) relating to the territory. The Sub-Committee visited the territory from 19 to 24 August.⁴⁹⁵

3. THE RECEIPT OF PETITIONS AND THE HEARING OF PETITIONERS BY COMMITTEES OF THE GENERAL ASSEMBLY

a. *Hearing of petitioners by the Fourth Committee*

438. Prior to the period under review neither the General Assembly nor its Main Committees nor the committees it established to examine the information transmitted under Article 73 e on Non-Self-Governing Territories had granted hearings to petitioners from those territories. On the contrary, it may be recalled that at the eighth session of the General Assembly a request⁴⁹⁶ for a hearing received from the President of the Puerto Rico Independence Party relating to the cessation of information on that territory was rejected⁴⁹⁷ by the Fourth Committee by a roll-call vote of 25 to 19, with 11 abstentions.

439. During the period under review, however, at the sixteenth session of the General Assembly, a proposal was made in the Fourth Committee that two inhabitants of Guinea, called Portuguese Guinea, should be granted hearings.⁴⁹⁸

440. The representative of Portugal objected on the ground that no provision in the Charter justified such action, and that the rules of procedure of the General Assembly empowered either the Assembly or any of its Main Committees to hear anyone other than accredited representatives of Member States. Once a particular measure was applied to a special case a precedent was established which would mean that petitioners from any Non-Self-Governing Territory or independent country might be heard. If the request were granted his delegation, not wishing to be a party to a departure from practice and from the specific provisions of the Charter, would take no part in any meeting at which the inhabitants of Portuguese Guinea were heard.⁴⁹⁹

441. One representative could not support the proposal because the Charter contained no provisions for receiving petitions or granting hearings to petitioners from Non-Self-Governing Territories.⁵⁰⁰

442. Another representative, although not opposed as a general rule to the granting of hearings, said⁵⁰¹ that the doubts about the legality of such a decision were sufficiently strong to prevent his delegation from associating itself with the hearing in question.

443. Speaking in favour of the proposal, one representative stated⁵⁰² that although there was no provision in the Charter for the grant of hearings his delegation believed that the authors of the Charter had not intended it to remain a mere stereotyped document but a living instrument capable of adjustment to the

⁴⁸⁷ G A (XX), Plen., 1400th and 1405th mtgs.

⁴⁸⁸ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 25, para. 233 and p. 39, annex II, para. 16; and p. 22, paras. 190 and 208.

⁴⁸⁹ *Ibid.*, p. 38, paras. 333 and 335.

⁴⁹⁰ *Ibid.*, pp. 22 and 24, paras. 191, 211 and 213.

⁴⁹¹ *Ibid.*, p. 24, para. 214.

⁴⁹² *Ibid.*, para. 215.

⁴⁹³ *Ibid.*, p. 39, annex II, para. 12.

⁴⁹⁴ *Ibid.*, para. 13.

⁴⁹⁵ See paras. 755-758 below.

⁴⁹⁶ A/C.4/236 (mimeographed).

⁴⁹⁷ G A (VIII), 4th Com., 321st mtg., para. 56.

⁴⁹⁸ See G A (XVI), 4th Com., 1202nd mtg.: Senegal, para. 36; G A (XVI), Annexes, a.i. 79, A/C.4/504, Note by the Chairman of the Fourth Committee concerning a proposal by the representative of Senegal.

⁴⁹⁹ G A (XVI), 4th Com., 1208th mtg., paras. 12-15.

⁵⁰⁰ *Ibid.*, United Kingdom, para. 64.

⁵⁰¹ *Ibid.*, France, para. 60.

⁵⁰² *Ibid.*, Philippines, paras. 30-34 (see also *ibid.*, Guinea, paras. 41 and 42).

changing spirit of the times. Despite the explicit provisions of Article 87, Administering Authorities had at first objected to the right of the Trusteeship Council and the Fourth Committee to grant hearings in the case of Trust Territories;⁵⁰³ but that right had been consistently upheld by both those bodies and by the General Assembly. Hearings had been granted by subsidiary bodies such as the Committee on South West Africa,⁵⁰⁴ although the Charter contained no reference to mandates apart from Article 77. The reason was that Chapters XI, XII and XIII, which codified the rules for the administration of dependent peoples, whether from mandated territories, Trust Territories or Non-Self-Governing Territories, had embodied the doctrine of the sacred trust contained in Article 22 of the Covenant of the League of Nations. Administering Members had sought to interpret Article 73 as a unilateral declaration which placed them under no obligations. Such a doctrine however, had been rejected by the United Nations, which had maintained the right to grant hearings. Article 73 established mutual rights and obligations between administering Members and all Member States. It had surely not been intended that, if an administering Member ignored the duty laid upon it under Article 73 there should be no way of remedying such a situation. Where there was a right, there was a corresponding duty. If no provision was made in the Charter, then the United Nations had to find means to vindicate that right. It had been argued that under Article 2 (7) the United Nations could not intervene in a matter which was essentially within a State's domestic jurisdiction. The representative emphasized the word "essentially"; he did not see how it could be argued that territories to which the General Assembly had given the status of Non-Self-Governing Territories could be regarded as falling "essentially" within domestic jurisdiction, especially when basic human rights and fundamental freedoms were concerned and there was a possibility that international peace and security would also be involved. Even assuming the argument was valid, Article 2 (7) itself provided a loophole, since it contained the words, "this principle shall not prejudice the application of enforcement measures under Chapter VII". Because it constituted a threat to international peace and security, and human rights were said to have been violated, the situation in one independent territory was being considered by the Security Council and the General Assembly.

444. Other representatives expressed support for granting hearings on the ground that in the absence of information from the administering Power, the petitioners would provide needed information.⁵⁰⁵ While sharing that view, some, however, feared that the adoption of the proposal might establish a precedent for the future; but others felt that the exceptional circumstances

of the case justified the hearing.⁵⁰⁶ Certain representatives further argued⁵⁰⁷ that if a subordinate body of the Fourth Committee such as the Special Committee on Territories under Portuguese Administration⁵⁰⁸ was to be allowed to hear petitioners, as had already been approved, then the parent body was *a fortiori* entitled to do so.

Decision

The proposal to hear the petitioners was adopted⁵⁰⁹ by a roll-call vote of 78 to 5, with 1 abstention.

445. At the same session, the Fourth Committee received a request for a hearing from the Premier of British Guiana.⁵¹⁰ In that connexion the question arose as to whether the Premier would be heard as a member of the United Kingdom delegation or as a petitioner. On the proposal of the representative of the United Kingdom it was decided in principle to hear the Premier but to await his arrival before deciding in what capacity he would be heard.⁵¹¹

446. Subsequently, the Chairman stated⁵¹² that the Premier had officially informed her that he would prefer to address the Committee as a petitioner. The representative of the United Kingdom expressed his delegation's most formal reservations concerning the hearing of the Premier as a petitioner. Such a hearing would have the most serious consequences. He pointed out that the earlier decision to grant the hearing had left open for settlement the capacity in which the Premier would address the Committee. If the Committee decided to hear the Premier as a petitioner, his delegation would refrain from taking part in the ensuing discussion.⁵¹³

447. One representative observed⁵¹⁴ that the Committee had already agreed in principle to hear the Premier. Furthermore, the Committee had also granted hearings to petitioners from territories under Portuguese administration.

448. Other representatives expressed reservations⁵¹⁵ on granting a hearing to the Premier as a petitioner. It was pointed out that the decision to grant hearings in the case of the Portuguese territories had been an exception, that it was not meant to constitute a precedent, and that the Committee had never heard petitioners from Non-Self-Governing Territories administered by Member States which had always given the United Nations their full co-operation.

449. Another representative moved⁵¹⁶ the closure of the debate since the Committee had already taken a decision.

⁵⁰³ See *Repertory*, under Article 85, paras. 36-52, and under Article 87, paras. 98-104.

⁵⁰⁴ See *Repertory*, under Article 80, paras. 25-32; and *Supplement No. 1*, under Article 80, paras. 33-42.

⁵⁰⁵ For text of relevant statements see G A (XVI), 4th Com., 1208th mtg.: Congo (Brazzaville), para. 26; Ecuador, para. 52; Ethiopia, para. 46; Liberia, para. 40; Mali, paras. 17-20; Morocco, para. 23; Pakistan, para. 51; Senegal, para. 16.

⁵⁰⁶ *Ibid.*, Argentina, para. 24; Brazil, para. 25; Ceylon, para. 49; Iran, para. 47; Ireland, paras. 35-37; United States, para. 28.

⁵⁰⁷ *Ibid.*, Ghana, para. 21. See also *ibid.*, United Arab Republic, para. 43.

⁵⁰⁸ See paras. 455-459 below.

⁵⁰⁹ G A (XVI), 4th Com., 1208th mtg., para. 59.

⁵¹⁰ G A (XVI), 4th Com., 1251st mtg., para. 3.

⁵¹¹ *Ibid.*, para. 17.

⁵¹² *Ibid.*, 1252nd mtg., para. 13.

⁵¹³ *Ibid.*, para. 2.

⁵¹⁴ *Ibid.*, Guinea, para. 7.

⁵¹⁵ For text of relevant statements, see *ibid.*, Denmark, para. 17; France, paras. 6 and 18; Ireland, para. 21; United States, para. 11.

⁵¹⁶ *Ibid.*, Poland, para. 12.

Decision

The motion for closure was adopted ⁵¹⁷ by a roll-call vote of 33 to 21, with 21 abstentions.

450. Some representatives explained⁵¹⁸ that they had voted against closure because the question of the capacity in which the Premier was to be heard should have been thoroughly examined. The question was whether it was legal under the provisions of the Charter to hear a petitioner from a Non-Self-Governing Territory, notwithstanding the decision regarding the petitioners from the Portuguese territories which did not constitute a precedent.

451. Other representatives stated ⁵¹⁹ that it was pointless to pursue the discussion since the Committee had already taken a decision to hear the Premier. The Committee could not impose a decision on the petitioner concerning the capacity in which he wished to be heard.

452. The Chairman recalled that the request had already been granted. Inasmuch as she had been told personally by the Premier of British Guiana that he wished to be heard as a petitioner, she ruled that the Premier would be heard in that capacity.⁵²⁰

453. The representative of the United Kingdom, while recalling his intention not to participate in the discussion, said ⁵²¹ that he fully accepted the ruling given by the Chairman.

454. As from the seventeenth session of the General Assembly the granting of hearings to petitioners from Non-Self-Governing Territories by the Fourth Committee became an established practice. Except in one case,⁵²² and apart from some reservations by individual representatives, the hearings were granted at that session and at the eighteenth and twentieth sessions without vote.⁵²³

b. Receipt of petitions and hearing of petitioners by the Special Committee on Territories under Portuguese Administration

455. By operative paragraph 5 of resolution 1699 (XVI) of 19 December 1961, the General Assembly

⁵¹⁷ *Ibid.*, para. 20.

⁵¹⁸ *Ibid.*, Denmark, paras. 25 and 26; Ireland, para. 21.

⁵¹⁹ *Ibid.*, Guinea, para. 27; Syria, para. 22; Uruguay, para. 29; Yugoslavia, para. 24.

⁵²⁰ *Ibid.*, para. 30.

⁵²¹ Para. 34.

⁵²² See paras. 463-466 below.

⁵²³ See G A (XVII), 4th Com., 1330th mtg., paras. 1 and 2; 1331st mtg., para. 2; 1332nd mtg., para. 1; 1334th mtg., para. 1; 1335th mtg., para. 1; 1340th mtg., para. 84; 1346th mtg., para. 1; 1352nd mtg., para. 15; 1381st mtg., para. 1; 1382nd mtg., para. 70; 1383rd mtg., para. 1; 1390th mtg., paras. 15-18; 1394th mtg., para. 2; 1397th mtg., para. 1; 1398th mtg., para. 2; 1403rd mtg., paras. 1-6 and 9; 1406th mtg., paras. 1-4; 1407th mtg., para. 6; 1417th mtg., para. 4; 1428th mtg., para. 7; G A (XVIII), 4th Com., 1434th mtg., para. 4; 1440th mtg., para. 1; 1447th mtg., para. 1; 1449th mtg., para. 2; 1450th mtg., paras. 13-16; 1458th mtg., para. 1; 1459th mtg., para. 1; 1490th mtg., para. 95; 1514th mtg., para. 91; G A (XX), 4th Com., 1518th mtg., para. 18; 1527th mtg., paras. 1-4; 1530th mtg., para. 1; 1548th mtg., paras. 4 and 5; 1557th mtg., paras. 1-3; 1564th mtg., para. 3; 1567th mtg., para. 6. The Fourth Committee also granted hearings in regard to Oman (G A (XVIII), 4th Com., 1436th mtg., para. 2; and 1494th mtg., paras. 1-4; G A (XX), 4th Com., 1518th mtg., paras. 19-21; and 1571st mtg., paras. 1-3), which is not a territory falling within Chapter XI (see paras. 384-407 above).

authorized the Special Committee on Territories under Portuguese Administration to receive petitions and to hear petitioners concerning conditions prevailing in Portuguese Non-Self-Governing Territories.

456. During consideration in the Fourth Committee of the draft resolution on which resolution 1699 (XVI) was based, similar objections were raised to paragraph 5 as those recorded above in connexion with the hearing of petitioners by the Fourth Committee itself. The representative of Portugal said ⁵²⁴ that under that paragraph an additional illegality would be committed by an illegally constituted committee. Not content with brushing aside years of United Nations practice, the sponsors of the draft resolution had openly by-passed the Charter which did not in any of its provisions authorize the receiving of petitions or the hearing of petitioners from territories other than those placed under the International Trusteeship System. A precedent would be established whereby any petitioners from any country, whether non-self-governing or independent would in future be entitled to be heard by the United Nations. Another representative stated ⁵²⁵ that, by setting up a special committee and authorizing it to hear petitioners, the Fourth Committee would violate Article 2 (7). A third representative objected ⁵²⁶ on the ground that hearings should be confined, as provide in the Charter, to petitioners from Trust Territories.

457. Another representative said he would not vote against the paragraph on the clear understanding that a precedent was not being established and that the United Nations was dealing with a special case arising out of the failure by the Portuguese Government to transmit information on the territories under its administration.⁵²⁷

458. One representative in favour of authorising the Special Committee to receive petitions and to hear petitioners contended ⁵²⁸ that, although the Charter specifically envisaged the hearing of petitioners only in the case of Trust Territories, it contained no provision which could be regarded as prohibiting the Committee from granting hearings to petitioners from colonies pure and simple. Another representative said ⁵²⁹ that, because the General Assembly was discussing in plenary meeting the situation with regard to the implementation of the Declaration on decolonization, the time had come when the hearing of petitioners in the United Nations should be viewed as a normal and essential procedure applicable to all Non-Self-Governing Territories, whether the administering Member was transmitting information on them or not. The United Nations would, of course, continue to distinguish between Member States which co-operated with it and those which refused to do so, but that distinction, which merely concerned the methods used by Member States, must not be taken to mean that the Portuguese territories were a category apart.

⁵²⁴ G A (XVI), 4th Com., 1207th mtg., para. 61.

⁵²⁵ *Ibid.*, South Africa, para. 28.

⁵²⁶ *Ibid.*, 1204th mtg.: United Kingdom, para. 4.

⁵²⁷ *Ibid.*, 1205th mtg.: Australia, para. 44.

⁵²⁸ *Ibid.*, 1207th mtg.: Mali, para. 10.

⁵²⁹ *Ibid.*, Yugoslavia, para. 51.

459. Prior to the vote on the draft resolution, separate votes were requested, among others, on paragraph 5,⁵³⁰ but when the motion for division was put to the vote it was rejected⁵³¹ by a roll-call vote of 52 to 27, with 5 abstentions. Consequently, a separate vote was not taken on paragraph 5.

c. *Receipt of petitions and hearing of petitioners by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*

460. In 1962 the Special Committee on decolonization agreed that as an additional and supplementary means of acquiring information it might hear petitioners and receive written petitions.

461. In that connexion reservations were expressed by representatives of two administering Powers. The representative of the United States said⁵³² that, whereas under Article 87 the General Assembly was entitled to accept and examine petitions, Article 73 included no such provision. The omission had been deliberate, not accidental. Although the climate of opinion had changed since 1945, no United Nations resolution could amend the Charter. Neither the legal obligations of Member States nor the powers of committees could be augmented by a simple resolution. His delegation was not inflexibly opposed to the Special Committee's obtaining information from individuals, but such a question should be considered only as it arose and in each case with the agreement of the administering Power, at least where the latter was co-operating with the United Nations.

462. The representative of the United Kingdom also expressed his Government's reservations⁵³³ on the hearing of petitioners which he believed should not be done without the consent of the administering Power.

d. *Question of the right of transit to United Nations Headquarters District by petitioners granted hearings*

463. At the eighteenth session of the General Assembly a request⁵³⁴ for a hearing was received by the Fourth Committee from Mr. Henrique Galvão concerning the territories under Portuguese administration. The representative of the United States made a statement⁵³⁵ explaining that, while his delegation did not object to Mr. Galvão's request, the granting of a hearing could set in motion a sequence of events which could pose most serious consequences for him. The Portuguese

Government sought custody of Mr. Galvão in connexion with certain serious charges, some of which might come within the terms of the extradition convention of 7 May 1908 between Portugal and the United States. If the Portuguese Government were to initiate proceedings in the United States courts for Mr. Galvão's extradition, neither the United States Government nor the courts of the United States would have any choice but to comply with their legal obligations under the extradition convention.

464. At the request of the Fourth Committee,⁵³⁶ the United Nations Office of Legal Affairs prepared a memorandum concerning the question of the right of transit to the Headquarters District in connexion with the request for a hearing.

465. In that memorandum it was stated,⁵³⁷ among other things, that the United Nations would be in no position to offer general assurances to Mr. Galvão concerning immunity from legal process during his sojourn in the United States.

Decisions

After consideration of the matter, the Fourth Committee requested⁵³⁸ the Secretary-General to take the necessary action with the Government of the United States to ensure the safety, during their transit to and from Headquarters as well as during their stay in New York, of petitioners coming to the United States to testify before committees of the United Nations.

The Committee further decided,⁵³⁹ by a roll-call vote of 49 to 4, with 41 abstentions, to grant the request for a hearing.

466. The petitioner subsequently appeared before the Committee.⁵⁴⁰

4. RECOMMENDATIONS FOR THE INTRODUCTION OF CONSTITUTIONAL AND POLITICAL MEASURES

a. *Applying to all Non-Self-Governing Territories*

i. *Transfer to inhabitants of effective power and extension to them of full political rights*

467. In resolution 1468 (XIV),⁵⁴¹ after referring to the principles and objectives of Article 73 and particularly Article 73 b, the General Assembly endorsed the observations⁵⁴² of the Committee on Information from Non-Self-Governing Territories that speedy advancement in economic, social and educational fields was usually obtained where there was the broadest participation of the inhabitants in political bodies empowered to establish policies and to vote budgets; and requested the administering Members to do their utmost to mobilize the effective participation of the inhabitants of the Non-Self-Governing Territories by transferring to them effective

⁵³⁰ *Ibid.*, United Kingdom, para. 72. It may be noted that subsequently the United Kingdom Government declined to permit the Special Committee on Territories under Portuguese Administration to visit territories under its administration, particularly the Federation of the Rhodesias and Nyasaland, to interview refugees and representatives of political organizations because of its well-known views on the hearing of petitioners by the United Nations. (see G A (XVII), Annexes, a.i. 54/Addendum, A/5160 and Adds. 1 and 2, paras. 21 and 34).

⁵³¹ *Ibid.*, para. 74. See para. 118 above for the Assembly vote on the draft resolution as a whole.

⁵³² G A (XVII), Annexes, a.i. 25/Addendum, A/5238, p. 7, paras. 21 and 22.

⁵³³ *Ibid.*, para. 25.

⁵³⁴ A/C.4/600/Add.4 and 5 (mimeographed).

⁵³⁵ G A (XVIII), 4th Com., 1475th mtg., paras. 2-5.

⁵³⁶ *Ibid.*, para. 12.

⁵³⁷ G A (XVIII), Annexes, a.i. 23, A/C.4/621, para. 6. See also this *Supplement* under Articles 104 and 105.

⁵³⁸ G A (XVIII), 4th Com., 1481st mtg., paras. 53 and 54.

⁵³⁹ *Ibid.*, para. 79.

⁵⁴⁰ *Ibid.*, 1507th mtg., paras. 2-68.

⁵⁴¹ See also paras. 270-277 above.

⁵⁴² G A (XIV), Suppl. No. 15, part II, para. 27.

tive power in order to accelerate their social, economic and educational advancement.

468. Similarly, in resolution 1535 (XV) of 15 December 1960, having referred to the objectives set forth in Chapter XI of the Charter and particularly the objectives of Article 73 a and b, the General Assembly took note of the report on the progress achieved in the Non-Self-Governing Territories prepared by the Secretary-General in accordance with General Assembly resolutions 932 (X) and 1053 (XI);⁵⁴³ noted with appreciation the observations and conclusions⁵⁴⁴ prepared thereon by the Committee on Information from Non-Self-Governing Territories in accordance with General Assembly resolution 1461 (XIV); noted that progress had been achieved in some of the Non-Self-Governing Territories but that, despite the increased tempo of change, a substantial number of territories still remained non-self-governing and in the great majority the achievements of the period fell short of the needs of their inhabitants; considered that, while rapid economic, social and educational advancement must be directed towards the independence of the Non-Self-Governing Territories, the inadequate level of economic, social and educational development in the territories should never serve as a pretext for deferring their accession to independence; and urged the administering Members to strengthen their efforts in the economic, social and educational fields, with the full participation of the indigenous inhabitants, and by transferring to those inhabitants effective powers in all fields of activity, establish during the period of transition from dependence to independence sound foundations for the future of the Non-Self-Governing Territories.

469. In resolution 1536 (XV) of 15 December 1960,⁵⁴⁵ the General Assembly urged the administering Members to give full and immediate effect to the recommendation of the Committee on Information from Non-Self-Governing Territories that measures to solve the problem of race relations should include the extension to all inhabitants of the full exercise of basic political rights, in particular the right to vote, and the establishment of equality among the members of all races inhabiting the Non-Self-Governing Territories.

470. In resolution 1698 (XVI) of 19 December 1961,⁵⁴⁶ the Assembly, in effect, urged the administering Members to include such action among the measures that would contribute to the implementation of the Declaration on decolonization.

ii. *Preparation and training of indigenous civil and technical cadres*

471. The Secretary-General's report on progress achieved in Non-Self-Governing Territories since the establishment of the United Nations⁵⁴⁷ showed serious shortages of trained personnel of all kinds in the territories.

472. Having examined that report, the General Assembly on 15 December 1960 adopted resolution 1534 (XV) relating to the question. It considered that the existence of adequate civil and technical personnel was indispensable to the effective implementation of plans and programmes of development in the educational, social and economic fields; bore in mind that suitably trained indigenous civil and technical cadres were essential to the efficient functioning of the territories' administrations; and expressed the belief that the absence of such cadres had, in the past, resulted in serious administrative dislocation in certain territories on their attainment of independence, and that their expeditious development in the remaining Non-Self-Governing Territories would assist in the transfer of full control of powers, in conditions of stability.

473. The Assembly urged the administering Members to take immediate measures aimed at the rapid development of indigenous civil and technical cadres and at the replacement of expatriate personnel by indigenous officers; invited the administering Members to make full use of the United Nations technical assistance programmes for training in public administration and related fields; requested the administering Members to transmit before the next session of the Committee on Information from Non-Self-Governing Territories special reports on such factors as the training facilities for, and the current strength, composition and state of preparation of civil and technical services in the territories for which they were respectively responsible, so that the Committee could examine the information and report thereon to the General Assembly at its sixteenth session; and to include that kind of information regularly in their annual reports to the Secretary-General under Article 73 e of the Charter.

474. At its sixteenth session the Assembly, in resolution 1697 (XVI) of 19 December 1961, noted the Committee's observation that it had not been able fully to examine the problem of the preparation and training of indigenous civil servants and technical personnel in Non-Self-Governing Territories because of lack of information;⁵⁴⁸ considered that in the light of the Declaration on decolonization, immediate steps should be taken to transfer all powers to the peoples of the Non-Self-Governing Territories without any conditions or reservations; and expressed its belief that the rapid preparation and training of indigenous, civil and technical cadres in Non-Self-Governing Territories would help towards achieving the purposes of the Declaration.

475. In the operative part of the same resolution, the Assembly: (1) considered that the situation prevailing in various dependent territories in respect of the strength, composition and state of training of indigenous civil servants and technical personnel was unsatisfactory; (2) regretted that due attention had not been paid to that problem; (3) urged the administering Members to take immediately all necessary measures to increase the strength of indigenous civil service and technical cadres and to accelerate their training in public administration and other essential technical skills; (4) further urged the administering Members to take more extensive and expeditious measures towards replacing expat-

⁵⁴³ *Progress of the Non-Self-Governing Territories under the Charter* (United Nations publication, Sales No.: 60, VI, B.1), vols. 1-5.

⁵⁴⁴ G A (XV), Suppl. No. 15, part. II.

⁵⁴⁵ See also para 878 below.

⁵⁴⁶ See also paras. 879 and 903 below.

⁵⁴⁷ See foot-note 543 above.

⁵⁴⁸ G A (XVI), Suppl. No. 15, part I, para. 36.

riate personnel by indigenous officers, especially in positions of high administrative responsibility; (5) once again invited the administering Members to make fuller use of the United Nations technical assistance programme for training in public administration and related fields; (6) requested the administering Members to transmit complete and detailed information concerning the training facilities for, and current strength, composition and state of preparation of, civil and technical services in the territories under their administration, in time for its careful examination and study by the Committee on Information from Non-Self-Governing Territories at its next session; and (7) requested the Secretary-General to prepare a special report on the subject for the consideration of the General Assembly at its seventeenth session, taking into account the information submitted by the administering Members and the observations, recommendations and conclusions thereon by the Committee on Information from Non-Self-Governing Territories.

476. In its report⁵⁴⁹ to the General Assembly at its seventeenth session, the Committee on Information from Non-Self-Governing Territories, covered in detail the problems concerning the training of indigenous civil and technical cadres during its discussion of general educational advancement. It emphasized the urgent need for a rapid expansion of secondary and higher education facilities to meet the pressing shortage of qualified indigenous teachers, administrators and professional and technical personnel; and urged the administering Members to intensify their efforts to that end. It expressed the view that only with the co-operation of the administering Members and concentrated effort on the part of the territories themselves could such an expansion or improvement be achieved.

477. The Secretary-General's report⁵⁵⁰ concerning the question was also submitted at the same session of the General Assembly.

478. The Fourth Committee took note⁵⁵¹ of the Secretary-General's report and of the observations of the Committee on Information from Non-Self-Governing Territories on the preparation and training of indigenous civil and technical cadres. The General Assembly took note⁵⁵² of the action of the Fourth Committee.

iii. *Participation of the Non-Self-Governing Territories in the work of the United Nations and of the specialized agencies*

479. It may be recalled that, prior to the period under review, the General Assembly had adopted three resolutions, namely, resolutions 566 (VI), 647 (VII) and 744 (VIII), concerning the participation of indigenous representatives of Non-Self-Governing Territories in the work of the United Nations and the specialized agencies.⁵⁵³

480. During the period under review, in resolution 1466 (XIV) of 12 December 1959, the General Assem-

bly: (1) invited the administering Members to submit to the specialized agencies the candidature of territories referred to in Article 73 with a view to their possible admission as members, associate members or observers, according to the constitution of the agency concerned; (2) specially requested all Member States administering Non-Self-Governing Territories in Africa to propose the participation of those territories in the work of the Economic Commission for Africa; (3) re-emphasized the great advantage of including representatives of the Non-Self-Governing Territories in the administering Members' delegations to participate in the work of the Committee on Information from Non-Self-Governing Territories and in the discussion of relevant matters in the Fourth Committee; (4) invited the administering Members to furnish the Secretary-General with a report on the practical measures taken to implement the resolution; and (5) requested the Secretary-General to report to the General Assembly at its fifteenth session on the progress made.

481. The Secretary-General accordingly submitted a report⁵⁵⁴ to the General Assembly at its fifteenth session.

482. In the absence of the information called for in paragraph 4 of resolution 1466 (XIV), the Secretary-General based his report on publications of the various agencies concerned. He said that the International Civil Aviation Organization (ICAO), the International Bank for Reconstruction and Development (IBRD), the International Monetary Fund (IMF), the International Finance Corporation (IFC), the International Atomic Energy Agency (IAEA) and the International Labour Organisation (ILO), did not provide for associate membership for Non-Self-Governing Territories. However, in the case of the ILO the Governing Body had decided in 1954 that, on the recommendation of the responsible Member State, non-metropolitan territories might be invited to participate in its sessions.

483. Agencies whose constitutions provided for associate membership were the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the Inter-Governmental Maritime Consultative Organization (IMCO). The International Telecommunication Union (ITU) provided for both ordinary and associate membership for the territories, and the Universal Postal Union (UPU) and the World Meteorological Organization (WMO) provided for ordinary membership.

484. The Secretary-General stated that, with the exception of such agencies as ITU, UPU and WMO, in which practically all Non-Self-Governing Territories were associated, the association of the territories in the work of the specialized agencies, which had provisions for such participation was as yet far from being universal.

485. So far as the regional economic commissions were concerned⁵⁵⁵ the Secretary-General reported that the resolutions establishing the Economic Commission

⁵⁴⁹ G A (XVII), Suppl. No. 15.

⁵⁵⁰ G A (XVII), Annexes, a.i. 49-53 and 55, A/5235.

⁵⁵¹ *Ibid.*, A/5371, para. 33.

⁵⁵² G A (XVII), Plen., 1198th mtg., para. 113.

⁵⁵³ See *Repertory*, Vol. IV, under Article 73, paras. 183-199; *Repertory Supplement No. 1*, vol. II under Article 73, paras. 32-35.

⁵⁵⁴ G A (XV), Annexes, a.i. 37 and 39-41, A/4472 and Add.1.

⁵⁵⁵ See also this *Supplement* under Article 68.

for Asia and the Far East (ECAFE), the Economic Commission for Africa (ECA) and the Economic Commission for Latin America (ECLA), provided for associate membership of territories situated in the Commission's geographical scope of work. The resolution establishing the Economic Commission for Europe (ECE) did not provide for associate membership.

486. The terms of reference of both ECAFE and ECA included an initial but by no means exhaustive list of Non-Self-Governing Territories in each region, and associate membership had been granted to them at an early stage. In the case of ECLA, the territories eligible for associate membership were not listed, but in 1960 two territories were admitted.

487. In regard to the direct participation of Non-Self-Governing Territories in the work of the Committee on Information from Non-Self-Governing Territories, the Secretary-General reported that in 1953 representatives from Puerto Rico had been included in the United States delegation; in 1954 the delegation of Denmark had included representatives from Greenland; and in 1955 the Netherlands delegation had included representatives from the Netherlands Antilles and Surinam. Occasionally, persons from Non-Self-Governing Territories were included in the delegations of administering Members on the Committee on Information and the Fourth Committee of the General Assembly.

488. After consideration of the Secretary-General's report, the General Assembly adopted resolution 1539 (XV) on 15 December 1960. Under the terms of that resolution the Assembly considered that the direct participation of the Non-Self-Governing Territories in the work of the United Nations and of the specialized agencies was an effective means of promoting the progress of those territories and their people towards the attainment of the objectives set forth in Chapter XI; recognised that the participation of duly qualified indigenous representatives of the dependent peoples in the consideration of questions of fundamental concern to their welfare was not only useful and desirable but also essential at the current stage of their development; and noted that the participation of some Non-Self-Governing Territories in the work of certain regional economic commissions and specialized agencies had proved a useful means of promoting the progress of the peoples of those territories towards complete self-government or independence.

489. The Assembly: (1) considered that the direct participation of representatives of the indigenous peoples of the Non-Self-Governing Territories in the work of the appropriate organs of the United Nations was in the interest of the peoples of those territories and could do much to accelerate the process of their emancipation; (2) invited the administering Members to arrange for the participation of such representatives in the work of the appropriate organs of the United Nations; (3) further invited such administering Members as had not already done so to propose to the specialized agencies and the regional economic commissions that the Non-Self-Governing Territories, through such representatives participate in the work of those organs as members or associate members, according to the constitution of each organ; (4) decided to include the question as a separate item in the provisional agenda of its sixteenth session; and (5) requested the Secretary-General to submit to the

General Assembly at its sixteenth session a report on the implementation of the resolution.

490. In his report⁵⁵⁶ to the General Assembly at its sixteenth session, of which the Fourth Committee took note,⁵⁵⁷ the Secretary-General stated that no constitutional changes or changes in the terms of reference of the international bodies concerned had taken place to affect the extent of the participation of the Non-Self-Governing Territories in their work. While the number of territories associated with those international bodies through membership or associate membership had increased, there still remained territories which were not members or associated members. In 1961 one administering member, the United States had included in its delegation to the Committee on Information from Non-Self-Governing Territories an indigenous person from a territory under its administration.

b. Applying to individual Non-Self-Governing Territories and Oman

*i. Aden*⁵⁵⁸

491. In operative paragraph 4 of resolution 1949 (XVIII), of 11 December 1963, the General Assembly reaffirmed the right of the people of the territory of Aden to self-determination and freedom from colonial rule in accordance with the Declaration on decolonization. In operative paragraphs 6 to 8 of the same resolution, the Assembly recommended that the people of Aden and the Protectorate should be allowed to exercise their right to self-determination with regard to their future. The exercise of that right should take the form of a consultation of the whole population, held as soon as possible on the basis of universal adult suffrage. The Assembly further called on the administering Power: (a) to repeal all laws which restricted public freedoms; (b) to release all political prisoners and detainees and those who had been sentenced after actions of political significance; (c) to allow the return of those people who had been exiled or forbidden to reside in the territory because of political activities; (d) to cease forthwith all repressive action against the people of the territory, in particular military expeditions and the bombing of villages; and to make the necessary constitutional changes with a view to establishing a representative organ and setting up a provisional government for the whole of the territory in accordance with the wishes of the population, such legislative organ and government to be constituted after general elections to be held on the basis of universal adult suffrage and with full respect for fundamental human rights and freedoms.

492. In operative paragraphs 10 and 11 of the same resolution, the Assembly recommended that the elections should be held before the attainment of independence, which should be granted in accordance with the freely expressed wishes of the inhabitants; and that conversations should be opened without delay between the government resulting from the elections and the administering Power, for the purpose of fixing the date for the granting of independence and the arrangements for the transfer of power.⁵⁵⁹

⁵⁵⁶ G A (XVI), Annexes, a.i. 39-44, A/4852.

⁵⁵⁷ *Ibid.*, A/4997, para. 26.

⁵⁵⁸ See also paras. 577-580, 655-669, 709 and 712-730 below.

⁵⁵⁹ See also para. 716 below.

493. At the same session, in resolution 1972 (XVIII) of 16 December 1963, the Assembly urged the Government of the United Kingdom to take, as a matter of urgency, measures which would be most effective to secure the immediate release of nationalist leaders and trade-unionists and an end to all acts of deportation of residents of the territory.

494. In operative paragraphs 4 and 7 to 9 of resolution 2023 (XX) of 5 November 1965, the Assembly deplored the attempts of the administering Power to set up an unrepresentative régime in the territory, with a view to granting it independence contrary to Assembly resolutions 1514 (XV) and 1949 (XVIII); noted with deep concern that military operations against the people of the territory were still being carried out by the administering Power; urged the United Kingdom immediately to: (a) abolish the state of emergency; (b) repeal all laws restricting public freedom; (c) cease all repressive acts against the people of the territory, in particular military operations; and (d) release all political detainees and allow the return of those persons who had been exiled or forbidden to reside in the territory because of political activities; and reaffirmed paragraphs 6 to 11 of resolution 1949 (XVIII) and urged the administering Power to implement them immediately.

495. In operative paragraph 5 of the same resolution, the Assembly reaffirmed the inalienable right of the people to self-determination and freedom from colonial rule and recognized the legitimacy of their efforts to achieve the rights laid down in the Charter, the Universal Declaration of Human Rights and the Declaration on decolonization. In operative paragraph 4 the Assembly appealed to all States not to recognize any independence which was not based on the wishes of the people freely expressed through elections held under universal adult suffrage; and, in operative paragraph 10, it appealed to Member States to render all possible assistance to the people in their efforts to attain freedom and independence.

ii. *Basutoland, Bechuanaland and Swaziland* ⁵⁶⁰

496. In the fifth preambular paragraph of resolution 1817 (XVII) of 18 December 1962, the Assembly noted that the constitutional provisions contemplated for Basutoland, Bechuanaland and Swaziland and the electoral legislation in force were discriminatory, did not meet the wishes of the peoples and were not consistent with the Declaration on decolonization. In operative paragraph 1, the Assembly reaffirmed the inalienable right of the peoples of the territories to self-determination and independence. In operative paragraphs 2 and 3, it invited the administering Power immediately to suspend the existing constitutional provisions and to proceed without further delay to hold elections in the three territories on the basis of direct universal adult suffrage; and further invited the Government of the United Kingdom to abrogate the constitutional provisions and to convene immediately a constitutional conference with the participation of the democratically elected political leaders of the three territories, with a view to setting, in accordance with their wishes, the date on which each of the territories would attain its independence.

497. In the seventh and eighth preambular paragraphs of the same resolution, the Assembly expressed its profound concern at the declared intention of the Government of the Republic of South Africa to annex the territories and condemned any attempt to jeopardize the right of their peoples to establish their own independent States; and took note of the statement made by the administering Power to the effect that the territories were politically completely independent of South Africa and that the United Kingdom Government adhered to that policy, and that there was no question of that Government's agreeing at that stage to the transfer of those territories to the Republic of South Africa. In operative paragraphs 5 and 6, the Assembly urged the administering Power to take immediate steps to return to the indigenous inhabitants all the land taken from them, whatever the form of, or pretext for, such alienation; and declared solemnly that any attempt to annex Basutoland, Bechuanaland and Swaziland, or to encroach on their territorial integrity in any way, would be regarded by the United Nations as an act of aggression violating the Charter of the United Nations.

498. In operative paragraph 3, of resolution 1954 (XVIII) of 11 December 1963, the Assembly once more requested the administering Power to convene immediately a constitutional conference for each of the three territories, in which all groups representing all opinions would participate with a view to devising democratic constitutional arrangements which would lead to general elections based on universal suffrage and, thereafter, to immediate independence.

499. In the fourth preambular paragraph of the same resolution, the Assembly expressed its awareness that the claim and demand of the Government of South Africa that those territories should be transferred to it remained unchanged, and in operative paragraph 4 it solemnly warned the Republic of South Africa that any attempt to annex or encroach on the territorial integrity of the three territories would be considered an act of aggression. In operative paragraph 2, it reiterated its request concerning the return of land to the indigenous inhabitants of the territories.

500. In operative paragraph 3 of resolution 2063 (XX) of 16 December 1965, the Assembly once again invited the administering Power to take urgent steps to implement fully General Assembly resolutions 1514 (XV), 1817 (XV) and 1954 (XVIII) in conformity with the freely expressed wishes of the peoples of the three territories.

501. In the same resolution, the Assembly, in the fifth preambular paragraph, noted the resolutions adopted by the Assembly of Heads of State and Government of the Organisation of African Unity at its first regular session in July 1964, and the Declaration ⁵⁶¹ adopted by the Second Conference of Heads of State or Government of Non-Aligned Countries held in Cairo from 5 to 10 October 1964. They were to the effect that the United Nations should guarantee the territorial integrity of Basutoland, Bechuanaland and Swaziland and should take measures for their speedy accession to independence and for the subsequent safeguarding of their sovereignty. In the seventh preambular paragraph of

⁵⁶⁰ See also paras. 698-707 below.

⁵⁶¹ A/5763 (mineographed).

the same resolution, the Assembly had regard to the grave threat to the territorial integrity and economic stability of those territories arising from the policies of the existing régime in the Republic of South Africa. In operative paragraph 4, it renewed its request to the administering Power concerning the return of land to the indigenous inhabitants, and, in operative paragraph 5, it requested the Special Committee on decolonization to consider, in co-operation with the Secretary-General, what measures were necessary to secure the territorial integrity and sovereignty of Basutoland, Bechuanaland and Swaziland⁵⁶² and to report to the Assembly at its twenty-first session.

502. Bechuanaland subsequently became independent as Botswana; and Basutoland became independent as Lesotho. Both countries were admitted to membership in the United Nations on 17 October 1966, under General Assembly resolutions 2136 (XXI) and 2137 (XXI) respectively.

iii. *British Guiana*

503. In resolution 1955 (XVIII) of 11 December 1963, the General Assembly reaffirmed the inalienable right of the people of British Guiana to independence and called on the Government of the United Kingdom to fix without delay the date for independence in accordance with the wishes of the people.

504. In the fourth preambular paragraph of resolution 2071 (XX) of 16 December 1965, the Assembly expressed its desire to ensure that British Guiana would achieve independence under the most favourable conditions. In operative paragraphs 3 to 5, the Assembly requested the administering Power to end the state of emergency and to release all political prisoners and detainees so as to enable them to participate in the political life of the territory; appealed to the main political parties to resolve their existing differences so as to enable the territory to achieve independence in an atmosphere of peace and unity; and noted the announcement by the Government of the United Kingdom that British Guiana would attain independence on 26 May 1966 and requested the administering Power not to take any action which might delay such independence.

505. British Guiana subsequently became independent as Guyana and was admitted to membership in the United Nations under General Assembly resolution 2133 (XXI) of 20 September 1966.

iv. *Equatorial Guinea (Fernando Póo and Rio Muni)*

506. In operative paragraphs 1 and 2 of resolution 2067 (XX) of 16 December 1965, the General Assembly reaffirmed the inalienable right of the people of Equatorial Guinea to self-determination and independence; and requested the administering Power to set the earliest possible date for independence after consulting the people on the basis of universal suffrage under the supervision of the United Nations.

v. *Fiji*

507. In the fifth preambular paragraph of resolution 1951 (XVIII) of 11 December 1963, the General

Assembly noted that the Constitution of Fiji, in particular those sections governing the electoral system and the composition and function of the Legislative and Executive Councils, was not based on generally accepted democratic principles. In operative paragraphs 1 and 2, the Assembly affirmed the inalienable right of the people of Fiji to self-determination and national independence and invited the administering Power (a) to work out, together with the representatives of the people of Fiji, a new constitution providing for free elections conducted on the principle of one man, one vote and the establishment of representative institutions; (b) to take immediate steps for the transfer of all power to the people of the territory, in accordance with their freely expressed will and desire and without any conditions or reservations; and (c) to endeavour, with the co-operation of the people of Fiji, to achieve the political, economic and social integration of the various communities.

508. In the sixth preambular paragraph of resolution 2068 (XX) of 16 December 1965, the General Assembly considered that the constitutional changes contemplated by the administering Power would foment separatist tendencies and stand in the way of the political, economic and social integration of the people as a whole. In operative paragraphs 3 and 4, the Assembly invited the Government of the United Kingdom, as the administering Power, to implement immediately the resolution⁵⁶³ of the General Assembly and to take, as a matter of urgency, measures to repeal all discriminatory laws and to establish an unqualified system of democratic representation based on the principle of one man, one vote.

vi. *Kenya*

509. In operative paragraphs 2 to 4 of resolution 1812 (XVII) of 17 December 1962, the General Assembly affirmed the inalienable right of the people of Kenya to freedom and independence and urged the administering Power to make every effort to organize national elections without further delay on the basis of universal adult suffrage; requested the administering Power and all concerned to make every effort, including the promotion of harmony and unity among the people of Kenya, to bring the territory to independence at the earliest date; and expressed the hope that Kenya would become an independent and sovereign State and would join the community of nations in the shortest possible time.

510. Kenya subsequently became independent and was admitted to membership in the United Nations under General Assembly resolution 1976 (XVIII) of 16 December 1963.

vii. *Mauritius*

511. In operative paragraphs 2 and 3 of resolution 2066 (XX)⁵⁶⁴ of 16 December 1965, the General Assembly reaffirmed the inalienable right of the people of the territory of Mauritius to freedom and indepen-

⁵⁶² See also paras. 581 and 582 below.

⁵⁶³ Resolutions 1514 (XV), containing the Declaration on decolonization; 1654 (XVI) and 1810 (XVII), relating to its implementation; and 1951 (XVIII).

⁵⁶⁴ See also para. 670 below.

dence and invited the Government of the United Kingdom to take effective measures with a view to the immediate and full implementation of the Declaration on decolonization.

viii. *Northern Rhodesia*

512. In operative paragraphs 1 to 4 of resolution 1952 (XVIII) of 11 December 1963, the General Assembly reaffirmed the inalienable right of the people of Northern Rhodesia to self-determination and independence; noted with satisfaction that elections for the new Legislative Council would be held in January 1964; expressed the hope that Northern Rhodesia would achieve its independence in the nearest possible future, and requested the administering Power, in consultation with the newly elected Government in Northern Rhodesia, to fix a date for the independence of the territory; and expressed the hope that no new obstacle would hinder Northern Rhodesia's accession to independence and that the territory would become an independent State not later than the date fixed by the administering Power and the newly elected Government.

513. Northern Rhodesia subsequently became independent as Zambia and was admitted to membership in the United Nations on 1 December 1964.

ix. *Nyasaland*

514. In operative paragraphs 1 to 4 of resolution 1953 (XVIII) of 11 December 1963, the General Assembly noted with satisfaction that Nyasaland would attain independence not later than 6 July 1964; expressed the hope that no new obstacle would hinder Nyasaland's accession to independence and that the territory would become an independent State not later than that date; invited the administering Power to take the necessary measures for the transfer of powers, not later than 6 July 1964, to the people of Nyasaland, in accordance with their will and desire; and congratulated the Governments of Nyasaland and the United Kingdom on the steps taken towards the achievement of the aims set out in the Declaration on decolonization.

515. Nyasaland subsequently became independent as Malawi and was admitted to membership in the United Nations on 1 December 1964.

x. *Oman*

516. In operative paragraphs 3 to 5 of resolution 2073 (XX) of 17 December 1965, the General Assembly recognized the inalienable right of the people of the territory as a whole to self-determination and independence in accordance with their freely expressed wishes; considered that the colonial presence of the United Kingdom in its various forms prevented the people of the territory from exercising their rights to self-determination and independence; and called on the Government of the United Kingdom to effect immediately the implementation of the following measures: (a) cessation of all repressive actions against the people of the territory; (b) withdrawal of British troops; (c) release of political prisoners and political detainees and return of political exiles to the territory; and (d) elimination of British domination in any form.

xi. *Territories under Portuguese administration* ⁵⁶⁵

517. After the adoption of resolution 1542 (XV) of 15 December 1960, under which it considered certain territories under Portuguese administration to be non-self-governing within the meaning of Chapter XI, ⁵⁶⁶ the General Assembly and committees of the General Assembly considered conditions in those territories and the General Assembly adopted resolutions containing recommendations to the Portuguese Government for the adoption of extensive constitutional and political reforms designed to allow the territories to exercise self-determination and to achieve independence. The Security Council also adopted resolutions in which it made recommendations to the Portuguese Government similar to those of the General Assembly.

518. Thus, with regard to Angola, in resolution 1603 (XV) of 20 April 1961, the General Assembly called on the Government of Portugal to consider urgently the introduction of measures and reforms for the purpose of implementing the Declaration on decolonization, with due respect for human rights and fundamental freedoms and in accordance with the Charter of the United Nations.

519. In its resolution 163 (1961) of 9 June 1961, concerning Angola, the Security Council reaffirmed that Assembly resolution and called on Portugal to act in accordance with its terms.

520. In operative paragraphs 7 of resolution 1699 (XVI) of 19 December 1961, the Assembly requested Member States to use their influence to secure the compliance of Portugal with its obligations under the Charter and the relevant resolutions of the General Assembly.

521. In operative paragraphs 2 to 5 of resolution 1742 (XVI) of 30 January 1962, the Assembly solemnly reaffirmed the inalienable right of the Angolan people to self-determination and independence; deeply deprecated the repressive measures and armed action against the people of Angola and the denial to them of human rights and fundamental freedoms and called on the Portuguese authorities to desist forthwith from repressive measures against the people of Angola; appealed to the Government of Portugal to release immediately all Angolan political prisoners wherever they might be held; and urged the Government of Portugal to undertake, without further delay, extensive political, economic and social reforms and measures, and in particular to set up freely elected and representative political institutions with a view to transferring power to the people of Angola. In operative paragraph 9, it requested the Government of Portugal to submit a report to the General Assembly at its seventeenth session on the measures it had undertaken in implementing the resolution.

522. In operative paragraph 7 of the same resolution, the Assembly requested Member States to use their influence to secure the compliance of Portugal with the resolution.

⁵⁶⁵ See also paras. 583-607, 673-685, 689-697, 710 and 887-898 below. On the question of self-determination for those territories, see also this *Supplement* under Article 1 (2).

⁵⁶⁶ See paras. 106-114 above.

523. In operative paragraphs 2 and 3 of resolution 1807 (XVII) of 14 December 1962, the General Assembly condemned the attitude of Portugal as being inconsistent with the Charter of the United Nations; reaffirmed the inalienable right of the peoples of the territories to self-determination and independence and upheld without any reservations the claims of those peoples for their immediate accession to independence. In operative paragraph 4, it urged the Portuguese Government to give effect to the recommendations⁵⁶⁷ contained in the report of the Special Committee on Territories under Portuguese Administration, in particular by taking the following measures: (a) the immediate recognition of the right of the peoples of the territories under its administration to self-determination and independence; (b) the immediate cessation of all acts of repression and the withdrawal of all military and other forces then employed for that purpose; (c) the promulgation of an unconditional political amnesty and the establishment of conditions that would allow the free functioning of political parties; (d) negotiation on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the territories with a view to transferring power to political institutions freely elected and representative of the peoples, in accordance with resolution 1514 (XV) on decolonization; and (e) the granting of independence immediately thereafter to all the territories under its administration in accordance with the aspirations of the peoples.

524. In operative paragraph 6, the Assembly again called on Member States to use all their influence to induce the Portuguese Government to carry out the obligations incumbent on it under Chapter XI and the resolutions of the Assembly relating to the territories.

525. In operative paragraphs 2 to 5 and 8 of resolution 1819 (XVII) of 18 December 1962, the Assembly solemnly reaffirmed the inalienable right of the people of Angola to self-determination and independence and supported their demand for immediate independence; condemned the colonial war being carried on by Portugal against the people of Angola and demanded that the Government of Portugal put an end to it immediately; again called on the Portuguese authorities to desist forthwith from armed action and repressive measures against the people of Angola; and urged the Government of Portugal, without any further delay: (a) to release all political prisoners; (b) to lift the ban on political parties; and (c) to undertake extensive political, economic and social measures that would ensure the creation of freely elected and representative political institutions and transfer of power to the people of Angola in accordance with the Declaration on decolonization; and reminded the Government of Portugal that its continued non-implementation of General Assembly and Security Council resolutions was inconsistent with its membership in the United Nations.

526. In operative paragraph 6 the Assembly again requested Member States to use their influence to secure compliance with the resolution.

527. In operative paragraphs 1, 3 and 5 of resolution 180 (1963) of 31 July 1963, the Security Council confirmed Assembly resolution 1514 (XV); deprecated the attitude of the Portuguese Government, its repeated violations of the principles of the United Nations Charter and its continued refusal to implement General Assembly and Security Council resolutions; and urgently called on Portugal to implement the measures contained in operative paragraph 4 of General Assembly resolution 1807 (XVII).

528. In operative paragraph 7, the Security Council requested the Secretary-General to ensure implementation of the resolution, to furnish such assistance as he might deem necessary and to report to the Council within three months.

529. In a report⁵⁶⁸ dated 31 October 1963, the Secretary-General informed the Security Council that, in response to an invitation from the Government of Portugal which had been extended without prejudice to its position of principle, he had assigned, pursuant to the mandate given him by the Council, Mr. Godfrey K. J. Amachree, an Under-Secretary of the United Nations, to visit Lisbon and to represent him in direct contacts with the Portuguese Government.

530. After considering his representative's report the Secretary-General felt it would be useful if talks could be initiated between Portugal and the African States, and the suggestion that such talks be under the auspices of the Secretary-General was agreed to by Portugal and by the African States.

531. During the talks the representative of Portugal explained his Government's concept of self-determination as the agreement and consent of the population to a certain political structure, type of State and administrative organization. It came about by participation in administrative matters and political life at all levels. In outlining the implications of that concept, he made reference to the provisions of a new organic law which would enable the enactment of new political and administrative statutes for the territories providing, among other things, for new electoral laws under which the electorate could be considerably enlarged. A plebiscite "within the national framework" was envisaged to enable the people to express their views on the Government's overseas policy.

532. The representatives of the African States, however, considered that the Portuguese concept of self-determination could be acceptable only if it meant that the people had the right to determine the future of their territories and that they had the right to opt out of Portugal.

533. In resolution 1913 (XVIII) of 3 December 1963, while not making any recommendations to the Portuguese Government, the General Assembly, in the seventh and eighth preambular paragraphs, noted with deep regret and great concern the continued refusal of that Government to take any steps to implement General Assembly and Security Council resolutions; and expressed its conviction that the implementation of the resolutions would provide the only means for obtaining a peaceful solution to the question of the territories under Portuguese administration.

⁵⁶⁷ G A (XVII), Annexes, a.i. 54/Addendum, A/5160 and Add.1 and 2, paras. 442-445.

⁵⁶⁸ S C, 18th yr., Suppl. for Oct-Dec., p. 55. S/5448.

534. In operative paragraphs 1, 3, 4 and 6 of resolution 183 (1963) of 11 December 1963, the Security Council regretted that the contact between representatives of Portugal and representatives of African States had not achieved the desired results because of failure to reach agreement on the United Nations interpretation of self-determination; deprecated the non-compliance of the Government of Portugal with Security Council resolution 180 (1963); reaffirmed the interpretation of self-determination as laid down in paragraph 2 of General Assembly resolution 1514 (XV);⁵⁶⁹ and expressed the belief that action by the Government of Portugal to grant amnesty to all persons imprisoned or exiled for advocating self-determination in those territories would be evidence of its good faith.

535. In operative paragraph 7, the Council requested the Secretary-General to continue with his efforts and to report to it not later than 1 June 1964.

536. In his report⁵⁷⁰ of 29 May 1964, the Secretary-General informed the Security Council that since his previous report of 31 October 1963 he had not received any information from Portugal concerning any steps it had taken to implement Security Council resolutions. It had been reported that the new electoral law for the Portuguese territories, which had been referred to by the Portuguese Minister for Foreign Affairs during the 1963 talks, had been published on 6 December 1963, and that elections under it had been held in the latter part of March 1964. The Secretary-General was in consultation with the Government of Portugal and the representatives of the African States on the possibilities of the talks between them being continued. However, he was not in a position to report any positive developments.

537. In operative paragraphs 2 to 5, of resolution 218 (1965) of 23 November 1965, the Security Council deplored the failure of the Government of Portugal both to comply with previous Security Council and General Assembly resolutions and to recognize the right of the peoples under its administration to self-determination and independence; reaffirmed the interpretation of self-determination as laid down in General Assembly resolution 1514 (XV) and in Security Council resolution 183 (1963); called on Portugal to give immediate effect to the principle of self-determination in territories under its administration; and reaffirmed its urgent demand to Portugal to implement the measures laid down in Security Council resolution 180 (1963), which were those contained in paragraph 4 of General Assembly resolution 1807 (XVII).⁵⁷¹

xii. *Southern Rhodesia*⁵⁷²

538. After the adoption of resolution 1747 (XVI) of 28 June 1962, by which it affirmed that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter⁵⁷³ and until 11 November 1965, when the minority government of Southern Rhodesia unilaterally declared its indepen-

dence, the General Assembly and the Special Committee on decolonization as well as the Security Council, each made recommendations to the United Kingdom, as the administering Power concerned, for the adoption of measures in Southern Rhodesia designed to ensure the replacement before independence of the minority government of Southern Rhodesia by a government fully representative of the people and the emergence of the territory as an independent African State.

539. Thus in operative paragraph 2 of resolution 1747 (XVI), the Assembly requested the administering Power: (a) to undertake urgently the convening of a constitutional conference, in which there should be full participation of representatives of all political parties, for the purpose of formulating, in place of the Constitution of 6 December 1961, a constitution which would ensure the rights of the majority of the people, on the basis of one man, one vote, in conformity with the principles of the Charter and the Declaration on decolonization; (b) to take immediate steps to restore all rights of the non-European population and remove all restraints and restrictions in law and in practice on the exercise of the freedom of political activity, including all laws, ordinances and regulations which directly or indirectly sanctioned any policy or practice based on racial discrimination; and (c) to grant amnesty to, and ensure the immediate release of, all political prisoners.

540. In operative paragraph 1, of resolution 1755 (XVII) of 12 October 1962, the Assembly urged the Government of the United Kingdom to take, as a matter of urgency, measures which would be most effective to secure: (a) the immediate and unconditional release of the President of the Zimbabwe African Peoples Union, Mr. Joshua Nkomo, and all other nationalist leaders restricted, detained or imprisoned; and (b) the immediate lifting of the ban on the Zimbabwe African Peoples Union.

541. In operative paragraphs 2 and 3 of resolution 1760 (XVII) of 31 October 1962, the Assembly considered that the attempt to impose the Constitution of 6 December 1961, which had been rejected and was being vehemently opposed by most of the political parties and the vast majority of the people of Southern Rhodesia, and to hold elections under it would aggravate the existing explosive situation; and requested the Government of the United Kingdom to take the necessary measures to secure: (a) the immediate implementation of resolutions 1747 (XVI) and 1755 (XVII); (b) the immediate suspension of the enforcement of the Constitution of 6 December 1961 and cancellation of the general elections scheduled to take place shortly under that Constitution; (c) the immediate convening of a constitutional conference, in accordance with resolution 1747 (XVI), to formulate a new constitution for Southern Rhodesia; and (d) the immediate extension to the whole population, without discrimination, of the full and unconditional exercise of their basic political rights, in particular the right to vote, and the establishment of equality among all inhabitants of the territory.

542. In operative paragraph 4 of the same resolution, the Assembly requested the Acting Secretary-General to lend his good offices to promote conciliation among the various sections of the population of

⁵⁶⁹ See para. 329 above.

⁵⁷⁰ S.C., 19th yr., Suppl. for April-June, p. 174, S/5727.

⁵⁷¹ See para. 523 above.

⁵⁷² See also paras. 608-641, 686-688 and 711 below.

⁵⁷³ See paras. 130-188 above.

Southern Rhodesia by initiating prompt discussions with the United Kingdom Government and other parties concerned, with a view to achieving the objectives set out in the resolution and all the other resolutions of the General Assembly on the question of Southern Rhodesia and to report to it and to the Special Committee.

543. In operative paragraphs 1 to 3 of resolution 1883 (XVIII) of 14 October 1963, the Assembly invited the Government of the United Kingdom not to transfer to its colony of Southern Rhodesia, as then governed, any of the powers or attributes of sovereignty, but to await the establishment of a government fully representative of all the inhabitants of the colony; not to transfer armed forces and aircraft to its colony of Southern Rhodesia; and to put into effect the General Assembly resolutions on the question of Southern Rhodesia, in particular resolution 1747 (XVI) and 1760 (XVII).

544. In operative paragraphs 2 and 4 to 6 of resolution 1889 (XVIII) of 6 November 1963, the Assembly reaffirmed the inalienable right of the people of Southern Rhodesia to self-determination and independence; expressed its deep regret that the Government of the United Kingdom had not implemented the various General Assembly resolutions on Southern Rhodesia; called on the Government of the United Kingdom not to accede to the request of the minority government of Southern Rhodesia for independence until majority rule based on universal adult suffrage was established in the territory; and once more invited the Government of the United Kingdom to hold without delay a constitutional conference in which representatives of all political parties of the territory would take part with a view to making constitutional arrangements for independence, on the basis of universal adult suffrage, including the fixing of the earliest possible date for independence.

545. In operative paragraphs 3 and 8, the Assembly expressed its appreciation to the Secretary-General for his efforts in connexion with the question of Southern Rhodesia; and requested him to continue to lend his good offices to promote conciliation in the territory and to report both to the General Assembly and to the Special Committee on the results of his efforts.

546. In that connexion, the Secretary-General had submitted reports ⁵⁷⁴ on 19 December 1962 and 6 June 1963 in accordance with the requests addressed to him in operative paragraph 4 of resolution 1760 (XVII). In the first of those reports the Secretary-General included the text of a letter received on 19 December 1962 from the Permanent Representative of the United Kingdom in which he stated that his Government had not yet had time to discuss matters of common concern with the Ministers of the newly elected Southern Rhodesian government. In the second, the Secretary-General included the text of a letter received on 21 May 1963 from the Permanent Representative of the United Kingdom in which reference was made to the visit of a sub-committee of the Special Committee to London during which an exchange of views was held with United Kingdom Ministers about Southern Rhodesia. As a result of those exchanges, the United Kingdom Govern-

ment felt that its attitude on the subject of Southern Rhodesia was abundantly clear and that the Secretary-General would understand the difficulties which lay in the way of its contemplating compliance with resolution 1760 (XVII).

547. In operative paragraph 7 of resolution 1899 (XVIII), the Assembly urged all Member States, in particular those having the closest relations with the Government of the United Kingdom, to use their influence to the utmost with a view to ensuring the realization of the legitimate aspirations of the people of Southern Rhodesia.

548. The question of Southern Rhodesia was not discussed by the General Assembly at its nineteenth session because of the special circumstances then prevailing. The question continued to be considered during 1964, however, by the Special Committee. In particular, in operative paragraphs 4 and 5 of a resolution ⁵⁷⁵ adopted on 23 March 1964, the Special Committee urged the United Kingdom Government to warn the minority settler government emphatically against the consequences of a unilateral declaration of independence and to take appropriate measures to prevent implementation of such a declaration; and to declare categorically that independence would not be granted to Southern Rhodesia until majority rule was established on the basis of universal adult suffrage.

549. In a statement ⁵⁷⁶ issued on 27 October 1964, the United Kingdom Government warned the Southern Rhodesian Government of the consequences of a unilateral declaration of independence.

550. In the third preambular paragraph of resolution 202 (1965) of 6 May 1965 the Security Council endorsed the requests which the General Assembly and the Special Committee had many times addressed to the United Kingdom to obtain: (a) the release of all political prisoners, detainees and restrictees; (b) the repeal of all repressive and discriminatory legislation, and in particular the Law and Order (Maintenance) Act and the Land Apportionment Act; and (c) the removal of all restrictions on political activity and the establishment of full democratic freedom and equality of political rights.

551. In the fourth preambular paragraph, it noted that the Special Committee had drawn its attention to the grave situation prevailing in Southern Rhodesia and, in particular, to the serious implications of the elections announced to take place on 7 May 1965 under a constitution which had been rejected by the majority of the people of Southern Rhodesia and the abrogation of which had repeatedly been called for by the General Assembly and the Special Committee since 1962.

552. In the operative part of the resolution, the Security Council (1) noted the United Kingdom Government's statement of 27 October 1964 specifying the conditions under which Southern Rhodesia might attain independence; (2) noted further and approved the opinion of the majority of the population of

⁵⁷⁴ G A (XVII), Annexes, a.i. 56, A/5396; G A (XVIII), Annexes, a.i. 75, A/5426.

⁵⁷⁵ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev 1, p. 70, para. 345, A/AC. 109/61.

⁵⁷⁶ See foot-note 170 above.

nogthern Rhodesia that the United Kingdom should convene a constitutional conference; (3) requested the United Kingdom Government and all States Members of the United Nations not to accept a unilateral declaration of independence for Southern Rhodesia by the minority government; (4) requested the United Kingdom to take all necessary action to prevent a unilateral declaration of independence; (5) requested the United Kingdom Government not in any circumstances to transfer to its colony of Southern Rhodesia, as then governed, any of the powers or attributes of sovereignty, but to promote the country's attainment of independence by a democratic system of government in accordance with the aspirations of the majority of the population; and (6) further requested the United Kingdom Government to enter into consultations with all concerned with a view to convening a conference of all political parties in order to adopt new constitutional provisions acceptable to the majority of the people of Southern Rhodesia so that the earliest possible date might be set for independence.

553. In the second and third preambular paragraphs of resolution 2012 (XX) of 12 October 1965, the Assembly noted with particular concern the repeated threats of the authorities in Southern Rhodesia immediately to declare unilaterally the independence of Southern Rhodesia in order to perpetuate minority rule there; and noted the attitude of the Government of the United Kingdom that a unilateral declaration of independence for Southern Rhodesia would be an act of rebellion and that any measure to give effect to it would be an act of treason.

554. In operative paragraphs 1 and 2, the Assembly condemned any attempt on the part of the Rhodesian authorities to seize independence by illegal means in order to perpetuate minority rule in Southern Rhodesia; and declared that the perpetuation of such minority rule would be incompatible with the principle of equal rights and self-determination of peoples proclaimed in the Charter of the United Nations and in the Declaration on decolonization.

555. In operative paragraph 3, the Assembly requested the United Kingdom and all Member States not to accept a declaration of independence for Southern Rhodesia by those authorities, which would be in the sole interest of the minority, and not to recognize any authorities purporting to emerge therefrom.

556. It further called on the United Kingdom, in operative paragraph 4, to take all possible measures to prevent a unilateral declaration of independence and, in the event of such a declaration, to take all steps necessary to put an immediate end to the rebellion, with a view to transferring power to a representative government in keeping with the aspirations of the majority of the people.

557. In the fifth preambular paragraph of the resolution 2022 (XX) of 5 November 1965, the Assembly noted with grave concern the manifest intention of the authorities in Southern Rhodesia to proclaim independence unilaterally, which would continue the denial to the African majority of their fundamental rights to freedom and independence.

558. In operative paragraphs 2 to 4, the Assembly reaffirmed the right of the people of Southern Rhodesia

to freedom and independence and recognized the legitimacy of their struggle for the enjoyment of their rights as set forth in the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on decolonization; solemnly warned the authorities of Southern Rhodesia and the United Kingdom, in its capacity as administering Power, that the United Nations would oppose any declaration of independence which was not based on universal adult suffrage; and condemned the policies of racial discrimination and segregation practised in Southern Rhodesia which constituted a crime against humanity.

559. In operative paragraph 5, the Assembly condemned any support or assistance rendered by any State to the minority régime in Southern Rhodesia. In operative paragraphs 6, 9 and 10, it called on all States to refrain from rendering any assistance whatsoever to the minority régime in Southern Rhodesia; appealed to them to use all their powers against a unilateral declaration of independence and, in any case, not to recognize any government in Southern Rhodesia which was not representative of the majority of the people; and requested them to render moral and material help to the people of Zimbabwe⁵⁷⁷ in their struggle for freedom and independence.

560. In operative paragraphs 7 and 8, the Assembly requested the administering Power to effect immediately: (a) the release of all political prisoners, political detainees and restrictees; (b) the repeal of all repressive and discriminatory legislation and, in particular, the Law and Order (Maintenance) Act and the Land Apportionment Act; (c) the removal of all restrictions on African political activity and the establishment of full democratic freedom and equality of political rights; and once more requested the Government of the United Kingdom to suspend the Constitution of 1961 and to call a constitutional conference immediately in which representatives of all political parties would take part, with a view to making new constitutional arrangements on the basis of universal adult suffrage and fixing the earliest possible date for independence.

561. In operative paragraphs 11 and 13 of the same resolution, the Assembly called on the Government of the United Kingdom to employ all necessary measures, including military force, to implement paragraphs 7 and 8 and drew the attention of the Security Council to the explosive situation in Southern Rhodesia.

562. On 11 November 1965, the day on which the minority government of Southern Rhodesia unilaterally declared its independence, the Assembly adopted resolution 2024 (XX) in which it condemned that declaration; invited the United Kingdom to implement immediately the relevant General Assembly and Security Council resolutions in order to put an end to the rebellion by the unlawful authorities in Southern Rhodesia; and recommended that the Security Council should consider the situation as a matter of urgency.

563. In resolution 216 (1965) of 12 November 1965, the Security Council condemned the unilateral declaration of independence made by the racist minority in

⁵⁷⁷ The name "Zimbabwe" as an alternative designation for Southern Rhodesia was first used by the Assembly in its resolution 2022 (XX) of 5 November 1965.

Southern Rhodesia; and in resolution 217 (1965) of 20 November 1965, it, *inter alia*, called on the United Kingdom to quell the rebellion of the racist minority; to take all appropriate measures to eliminate the authority of the usurpers and to bring the minority régime to an immediate end; and to allow the people of Southern Rhodesia to determine their own future consistent with the objectives of the Declaration on decolonization.

564. Among resolutions adopted at its meetings in 1966, the Special Committee, in operative paragraphs 1, 2 and 8 of resolution ⁵⁷⁸ adopted on 31 May 1966, deplored the failure of the United Kingdom Government to bring down the racist minority régime in Southern Rhodesia and to establish democratic rule in that colony in accordance with the various resolutions of the Security Council and the General Assembly; expressed its total disapproval of the negotiations between the United Kingdom and the racist minority régime in Southern Rhodesia and drew the attention of the United Kingdom Government to the harmful consequences those negotiations might entail for the legitimate rights of the African people of Zimbabwe; and called on the United Kingdom Government to hold consultations with the leaders of the African political parties with a view to establishing of an elected government consistent with the aspirations of the people of Zimbabwe ⁵⁷⁹ and to fix an early date for that purpose.

xiii. Zanzibar

565. In resolution 1811 (XVII) of 17 December 1962, the General Assembly took note with satisfaction of the political achievements of the people of Zanzibar; took note of the declared policy of the administering Power with respect to the independence of Zanzibar; requested the administering Power to take immediate steps for implementing in Zanzibar the provisions of the Declaration on decolonization, and requested all concerned to make arrangements for the holding of elections on the basis of universal adult suffrage; appealed to all the people of Zanzibar to achieve national unity, having in view the independence of Zanzibar at the earliest possible date; and requested the administering Power to make every effort, including the promotion of harmony and unity among the political elements of Zanzibar, to bring that territory to independence at the earliest date in accordance with the Declaration on decolonization.

566. Zanzibar became independent on 10 December 1963, and was admitted to membership in the United Nations under General Assembly resolution 1975 (XVIII) of 16 December 1963. It subsequently joined Tanganyika, and the two States became the United Republic of Tanzania.

xiv. American Samoa, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Montserrat, New Hebrides, Niue, Papua, Pitcairn, St. Helena, St.

Kitte-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands ⁵⁸⁰

567. In the third, fourth and fifth preambular paragraphs of resolution 2069 (XX) of 16 December 1965 relating to the territories listed in the subheading above, the General Assembly recalled resolutions 1514 (XV), 1654 (XVI), 1810 (XVII) and 1956 (XVIII);⁵⁸¹ regretted that the administering Powers had not yet implemented the relevant resolutions of the General Assembly and called on them to do so; and expressed its awareness of the special circumstances of geographical isolation and economic conditions concerning some of those territories. In operative paragraphs 4 and 5, the Assembly reaffirmed the inalienable right of the people of those territories to decide their constitutional status in accordance with the Charter and with the provisions of resolution 1514 (XV) and other relevant General Assembly resolutions; and decided that the United Nations should render all help to the people of the territories in their efforts freely to decide their future status.

568. In resolution 2112 (XX), of 21 December 1965, the Assembly reaffirmed the inalienable right of the people of Papua and the Trust Territory of New Guinea to freedom and independence and called on the administering Authority to fix an early date of independence.⁵⁸²

5. MATTERS RAISING QUESTIONS RELATING TO INTERNATIONAL PEACE AND SECURITY; THE SITUATION IN CERTAIN NON-SELF-GOVERNING TERRITORIES DRAWN TO THE ATTENTION OF THE SECURITY COUNCIL; CALLS BY THE GENERAL ASSEMBLY FOR THE SEVERANCE OF DIPLOMATIC AND ECONOMIC RELATIONS WITH PORTUGAL AND FOR THE UNITED KINGDOM TO USE MILITARY FORCE TO CARRY OUT ITS RECOMMENDATIONS WITH REGARD TO SOUTHERN RHODESIA

a. General

569. During the period under review the General Assembly called the attention of the Security Council to the situation in Aden, the territories under Portuguese administration and Southern Rhodesia.

570. The Special Committee on decolonization also drew the attention of the Security Council to the situation in those territories, as well as to the threat to the territorial integrity of Basutoland, Bechuanaland and Swaziland posed by the expansionist policy of the Republic of South Africa.

571. In its resolution 1810 (XVII), the General Assembly reaffirmed its conviction that any delay in the implementation of the Declaration on decolonization constituted a continuing source of international conflict, seriously impeded international co-operation and created

⁵⁸⁰ See also para. 427 above.

⁵⁸¹ Resolution 1514 (XV) contains the Declaration on decolonization. Resolutions 1654 (XVI), 1810 (XVII) and 1956 (XVIII) relate to its implementation.

⁵⁸² See this *Supplement* under Article 76. The two territories are administered jointly.

⁵⁷⁸ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 196, para. 1097, A/AC.109/167.

⁵⁷⁹ See foot-note 577 above.

in many regions of the world increasingly dangerous situations likely to threaten international peace and security. The General Assembly invited the Special Committee to apprise the Security Council of any developments in the territories to which the Declaration applied which might threaten international peace and security. A similar request was made in resolution 1956 (XVIII).

572. No noteworthy debate took place concerning the relevant paragraphs in those resolutions. Resolution 1810 (XVII) was adopted,⁵⁸³ as a whole, by a roll-call vote of 101 to none, with 4 abstentions; and resolution 1956 (XVIII)⁵⁸⁴ by a roll-call vote of 95 to none, with 6 abstentions.

573. At the twentieth session of the General Assembly, however, in plenary meeting a draft resolution was submitted whereby, in the ninth preambular paragraph of the revised text,⁵⁸⁵ the General Assembly would state that it was fully aware that the continuation of colonial rule and the practice of *apartheid* and all forms of racial discrimination threatened international peace and security and constituted a crime against humanity. In operative paragraph 10 it would recognize the legitimacy of the struggle by peoples under colonial rule to exercise their right to self-determination and independence and invite all States to provide material and moral assistance to the national liberation movements in colonial territories. In operative paragraph 13, it would request the Special Committee to apprise the Security Council of developments in any territory examined by it which might threaten international peace and security and to make suggestions which might assist the Council in considering appropriate measures under the Charter; and in operative paragraph 14, it would request the Secretary-General to take all necessary measures in order that world opinion might be sufficiently informed of the serious threat to peace posed by colonialism and *apartheid*.

574. One of the sponsors moved⁵⁸⁶ that only a simple majority should be required for the draft resolution to be adopted and that the simple majority principle should apply to all parts of the draft resolution.

575. Another representative moved⁵⁸⁷ that the General Assembly should consider that the draft resolution made recommendations with respect to the maintenance of international peace and security and that, accordingly, Article 18 (2) applied. In support of that motion he stated that the finding, among others, that colonial rule and *apartheid* threatened international peace and security was a specific finding designed to invoke Chapter VII and the authority of the Security

Council. Similarly, the request to the Special Committee to apprise the Council of developments and to make suggestions was an apparent reference to Chapter VII. The attention of the Security Council could not be called on the one hand to a situation in which it was contended that international peace and security was threatened, while, on the other hand, the claim was made that Article 18 (2) did not apply.

576. In reply, it was stated that under the draft resolution the Assembly would not make any recommendation to the Security Council and that drawing its attention to a situation would not constitute a recommendation. The Special Committee was merely being asked to study problems. Furthermore, Article 18 (2) requiring a two-thirds majority did not refer to problems of decolonization.⁵⁸⁸ Colonial problems were different from problems falling within the framework of "recommendations with respect to the maintenance of international peace and security". It was clear that a colonial problem could not be included among such recommendations.⁵⁸⁹ The General Assembly had already asked the Special Committee to apprise the Security Council of any developments threatening international peace and security. To reject the same request now would be to reject earlier decisions.⁵⁹⁰ The Declaration on decolonization had been adopted by a two-thirds majority. In that Declaration the General Assembly had already stated that it was "aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace". The expressions "aware" and "threaten international peace and security" were now simply being re-used. They had already been adopted by a two-thirds majority.⁵⁹¹

Decisions

The motion that the simple majority principle should apply to the draft resolution and to all parts of the draft resolution, was adopted⁵⁹² by a roll-call vote of 59 to 45, with 4 abstentions.

The ninth preambular paragraph was adopted by 63 votes to 16, with 22 abstentions.

Paragraph 13 was adopted⁵⁹³ by 66 votes to 15, with 24 abstentions.

The draft resolution, as a whole, was adopted⁵⁹⁴ as resolution 2105 (XX) on 20 December 1965 by a roll-call vote of 74 to 6, with 27 abstentions.

b. Aden

577. In a resolution adopted on 17 May 1965, the Special Committee drew the attention of the Security Council to the grave situation prevailing in the territory of Aden.⁵⁹⁵

⁵⁸³ G A (XVII), Plen. 1195th mtg., para. 64.

⁵⁸⁴ G A (XVIII), Plen., 1277th mtg., para. 107.

⁵⁸⁵ Submitted by Afghanistan, Algeria, Burundi, Ceylon, Ethiopia, Ghana, Guinea, India, Iraq, Ivory Coast, Kenya, Mali, Mauritania, Nigeria, Rwanda, Sierra Leone, Somalia, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Yemen and Yugoslavia. Adopted without change as G A resolution 2105 (XX).

⁵⁸⁶ G A (XX), Plen., 1400th mtg.: Mali, para. 114; 1405th mtg., para. 157.

⁵⁸⁷ See *ibid.*, 1400 mtg.: United States, paras. 117 and 121-124; 1405th mtg.: United States, paras. 16, 19 and 21. See also this *Supplement* under Article 18, para. 35.

⁵⁸⁸ G A (XX), Plen., 1405th mtg.: Guinea, para. 45; Mali, paras. 6 and 94 *et seq.*

⁵⁸⁹ *Ibid.*, Syria, para. 137.

⁵⁹⁰ *Ibid.*, Guinea, paras. 129-130.

⁵⁹¹ *Ibid.*, USSR, para. 121.

⁵⁹² *Ibid.*, para. 170.

⁵⁹³ *Ibid.*, para. 189.

⁵⁹⁴ *Ibid.*, para. 190.

⁵⁹⁵ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 329, para. 300 (11).

578. In the fifth preambular paragraph of resolution 2023 (XX) of 5 November 1965, the General Assembly expressed its deep concern at the critical and explosive situation which was threatening peace and security in the area, arising from the policies pursued by the administering Power in the territory, and drew the attention of the Security Council to the dangerous situation prevailing in the area as a result of British military action against the people of the territory.

579. In a resolution adopted on 15 June 1966, the Special Committee in similar terms again drew the attention of the Security Council to the situation in the territory.⁵⁹⁶

580. The Security Council took no action during the period under review.

c. Basutoland, Bechuanaland and Swaziland

581. In a resolution adopted on 17 June 1965 concerning Basutoland, Bechuanaland and Swaziland, the Special Committee drew the attention of the Security Council⁵⁹⁷ to the threat to the territorial integrity of the territories posed by the expansionist policy of the Government of the Republic of South Africa; and recommended that the General Assembly and the Security Council urgently consider and initiate the measures necessary to ensure the territorial integrity of the territories and the safeguarding of their sovereignty.

582. The Security Council took no action during the period under review.

d. Territories under Portuguese administration

583. At its sixteenth session, in resolution 1699 (XVI) of 19 December 1961, the Assembly noted the continuing deterioration of the situation in the territories under Portuguese administration and requested Member States to deny Portugal any support or assistance which it might use for the suppression of the peoples of its Non-Self-Governing Territories. It did not, however, call the attention of the Security Council to the situation in the territories.⁵⁹⁸ A motion for division in the vote on the draft resolution on which resolution 1699 (XVI) was based and in accordance with which the request to Member States would have been voted on separately, was rejected both in the Fourth Committee and in the General Assembly.⁵⁹⁹

584. In resolution 1742 (XVI) of 30 January 1962, the General Assembly expressed its conviction that the continued refusal of Portugal to recognize the legitimate aspirations of the Angolan people to self-determination and independence constituted a permanent source of international friction and threatened interna-

tional peace and security. It recommended that the Council keep the matter under constant review. In the same resolution, the Assembly requested all States Members of the United Nations and members of the specialized agencies to deny Portugal any support or assistance which might be used by it for the suppression of the people of Angola.

585. At the same session, the General Assembly rejected⁶⁰⁰ by a roll-call vote of 43 to 26, with 32 abstentions a draft resolution⁶⁰¹ whereby it would have suggested that the Security Council consider urgently and under Articles 41 and 42 of the Charter the application of sanctions against Portugal until such times as the Security Council and General Assembly resolutions on Angola were implemented.

586. At its first session in 1962, the Special Committee on decolonization, in a resolution concerning Mozambique on 10 August and in a resolution concerning Angola on 18 September,⁶⁰² requested the Security Council to take appropriate measures, including sanctions, if necessary, to secure Portugal's compliance with General Assembly, Security Council and its own resolutions on Mozambique and Angola.

587. In resolution 1807 (XVII) of 14 December 1962, the General Assembly noted with deep concern that the policy and acts of the Portuguese Government had created a situation which constituted a serious threat to international peace and security. It requested the Security Council to take all appropriate measures to secure the compliance of Portugal with its obligations as a Member State, in the event that the Portuguese Government again refused to comply with the resolution.

588. In operative paragraph 7, the Assembly earnestly requested all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the peoples of the territories under its administration and for that purpose to take all measures to prevent the sale and supply of arms and military equipment to the Portuguese Government. A separate vote was taken in the Fourth Committee on the first part of paragraph 7 and it was adopted by a roll-call vote of 91 to 2, with 5 abstentions. The remainder of the paragraph was adopted⁶⁰³ by a roll-call vote of 65 to 17, with 16 abstentions.

589. In resolution 1819 (XVII) of 18 December 1962, the General Assembly expressed its conviction that the colonial war being carried out by the Government of Portugal in Angola, in violation of Security Council resolution 163 (1961) of 9 June 1961, its refusal to implement the provisions of the Declaration on decolonization and its refusal to implement Assembly resolutions 1542 (XV), 1603 (XV), 1654 (XVI), and 1742 (XVI) constituted a source of international conflict and

⁵⁹⁶ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 497, para. 382.

⁵⁹⁷ G A (XX), Annexes, a.i. 23, A/6000/Rev.1, p. 371, para. 292.

⁵⁹⁸ The situation in Angola was discussed in the Security Council in March 1961, but no resolution was adopted (S C, 16th yr., 943rd-946th mtgs.). On 9 June 1961, the Security Council adopted resolution 163 (1961) in which it reaffirmed General Assembly resolution 1603 (XV) concerning Angola and called on the Portuguese authorities to desist forthwith from repressive measures.

⁵⁹⁹ G A (XVI), 4th Com., 1207th mtg., para. 74; Plen., 1083rd mtg., para. 244. For vote on resolution as a whole, see para. 118 above.

⁶⁰⁰ G A (XVI), Plen., 1102nd mtg., para. 105.

⁶⁰¹ G A (XVI), Annexes, a.i. 27, A/L.383, submitted by Bulgaria and Poland.

⁶⁰² G A (XVII), Annexes, a.i. 25/Addendum, A/5238, p. 144, para. 109 (8), and p. 179, para. 44 (8).

⁶⁰³ G A (XVII), 4th Com., 1418th mtg., paras. 68 and 69. For the Assembly vote on the resolution as a whole see foot note III above.

tension as well as a serious threat to world peace and security. The Assembly requested the Security Council to take appropriate measures, including sanctions, to secure Portugal's compliance with that resolution and with previous resolutions of the General Assembly and of the Security Council.

590. In the same resolution, the Assembly again requested all Member States to deny Portugal any support or assistance which might be used by it for the suppression of the people of Angola and in particular to terminate the supply of arms to Portugal. A motion for a separate vote on that request was rejected⁶⁰⁴ by the General Assembly by a roll-call vote of 47 to 25, with 16 abstentions.

591. In a resolution adopted on 4 April 1963,⁶⁰⁵ the Special Committee drew the immediate attention of the Security Council to the situation in the territories under Portuguese administration with a view to its taking appropriate measures, including sanctions, in terms of paragraph 8 of Assembly resolution 1807 (XVII) and paragraph 9 of resolution 1819 (XVII), to secure the compliance of Portugal with the relevant resolutions of the General Assembly and the Security Council.

592. In resolution 180 (1963) of 31 July 1963, the Security Council determined that the situation in the territories under Portuguese administration was seriously disturbing peace and security in Africa. It requested all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the peoples of the territories under its administration, and to take all measures to prevent the sale and supply of arms and military equipment for that purpose to the Portuguese Government.

593. In resolution 1913 (XVIII) of 3 December 1963, which was adopted⁶⁰⁶ as a whole by a roll-call vote of 91 to 2, with 11 abstentions, the General Assembly requested the Security Council to consider the question of territories under Portuguese administration immediately and to adopt measures necessary to give effect to its own decisions, particularly those contained in its resolution 180 (1963) of 31 July 1963.

594. In resolution 183 (1963) of 11 December 1963, the Security Council called on all States to comply with its resolution 180 (1963).

595. In a resolution adopted on 3 July 1964, the Special Committee drew the immediate attention of the Security Council⁶⁰⁷ to the deteriorating situation in the territories under Portuguese administration with a view to its taking appropriate measures to secure Portugal's compliance with the relevant General Assembly and Security Council resolutions.

596. In a resolution adopted on 10 June 1965,⁶⁰⁸ the Special Committee again drew the urgent attention

of the Security Council to the continued deterioration of the situation in the territories under Portuguese domination and to the consequences of the threats made by Portugal against independent African States that bordered on its colonies; requested the Security Council to consider putting into effect against Portugal the appropriate measures laid down in the Charter for carrying out its resolutions.

597. In resolution 218 (1965) of 23 November 1965, operative paragraph 1, the Security Council affirmed that the situation resulting from the policies of Portugal both as regards the African population of its colonies and the neighbouring States seriously disturbed international peace and security. It requested all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the people of the territories under its administration, and to take all the necessary measures to prevent the sale and supply of arms and military equipment to the Portuguese Government for that purpose, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition to be used in the territories under Portuguese administration; and to inform the Secretary-General on whatever measures were undertaken to implement the request. The Council further requested the Secretary-General to ensure the implementation of the resolution, to provide such assistance as he might deem necessary and to report⁶⁰⁹ to the Council not later than 30 June 1966. The question was not taken up again by the Council during the period under review.

598. In resolution 2105 (XX) of 21 December 1965, concerning the implementation of the Declaration on decolonization, the General Assembly deplored the negative attitude of certain colonial Powers and in particular the unacceptable attitude of the Government of Portugal which refused to recognize the right of colonial peoples to independence; and also deplored the attitude of certain States which, despite the resolutions of the General Assembly and the Special Committee, continued to co-operate with the Government of Portugal and even to provide it with aid which was being used by it to intensify the repression of the oppressed African populations. In operative paragraph 11, the Assembly requested all States and international institutions, including the specialized agencies of the United Nations, to withhold assistance of any kind to the Government of Portugal until it renounced its policy of colonial domination and racial discrimination.

599. In the fifth, seventh and eighth preambular paragraphs resolution 2107 (XX) of 21 December 1965, the General Assembly noted with deep concern that, in spite of the measures laid down by the Security Council in resolutions 163 (1961), 180 (1963), 183 (1963) and 218 (1965), the Government of Portugal was intensifying the measures of repression and military operations against the African people of the territories under its administration with a view to defeating their legitimate aspirations to self-determination, freedom

⁶⁰⁴ G A (XVII), Plen., 1196th mtg., para. 55. For vote on resolution as a whole see foot-note 110 above.

⁶⁰⁵ G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 38, para. 251 (4).

⁶⁰⁶ G A (XVIII), Plen., 1270th mtg., para. 31.

⁶⁰⁷ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1, p. 171, para. 352.

⁶⁰⁸ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 194, para. 430.

⁶⁰⁹ See S C, 21st yr., Suppls. for April-June, July-Sept., and Oct-Dec., S/7385 and Add.1-4.

and independence; and expressed its conviction that the attitude of Portugal towards the African population of its colonies and of the neighbouring States constituted a threat to international peace and security.

600. The Assembly reaffirmed the right of the peoples of the African territories under Portuguese administration to freedom and independence and recognized the legitimacy of their struggle to achieve the rights laid down in the Charter, the Universal Declaration of Human Rights and the Declaration on decolonization; and appealed to all States in co-operation with the Organization of African Unity to render the people of the territories the moral and material support necessary for the restoration of their inalienable rights.

601. In operative paragraph 7, it further urged Member States to take the following measures, separately or collectively:

(a) To break off diplomatic and consular relations with the Government of Portugal or refrain from establishing such relations;

(b) To close their ports to all vessels flying the Portuguese flag or in the service of Portugal;

(c) To prohibit their ships from entering any ports in Portugal and its colonial territories;

(d) To refuse landing and transit facilities to all aircraft belonging to or in the service of the Government of Portugal and to companies registered under the laws of Portugal;

(e) To boycott all trade with Portugal.

602. In operative paragraph 8, it also requested all States, and in particular the military allies of Portugal within the framework of the North Atlantic Treaty Organization, to take the following steps:

(a) To refrain forthwith from giving the Portuguese Government any assistance which would enable it to continue its repression of the African people in the territories under its administration;

(b) To take all the necessary measures to prevent the sale or supply of arms and military equipment to the Government of Portugal;

(c) To stop the sale or shipment to the Government of Portugal of equipment and materials for the manufacture or maintenance of arms and ammunition.

603. In operative paragraph 11, the Assembly requested the Security Council to consider putting into effect against Portugal the appropriate measures laid down in the Charter for the purpose of carrying out its resolutions concerning the territories under Portuguese administration.

604. During consideration of the resolution in its draft form⁶¹⁰ in the Fourth Committee, some repre-

sentatives opposed⁶¹¹ the inclusion of the provisions in the eighth preambular paragraph whereby the General Assembly would express the opinion that the attitude of Portugal constituted a threat to international peace and security and to the provisions in operative paragraph 7 which would urge the imposition of diplomatic and economic sanctions against Portugal. Such provisions, it was stated, were tantamount to the application of Chapter VII, a matter which was within the exclusive competence of the Security Council.

605. Separate votes by roll-call were requested,⁶¹² among others, on the eighth preambular paragraph and on operative paragraphs 7 and 8. That proposal was objected to, and it was proposed⁶¹³ instead that the draft resolution should be voted on as a whole.

Decisions

The proposal that the eighth preambular paragraph and operative paragraphs 7 and 8 should be voted on separately was rejected by a roll-call vote of 52 to 32, with 12 abstentions.

The draft resolution, as a whole, was approved⁶¹⁴ by a roll-call vote of 58 to 21, with 17 abstentions.

Subsequently the draft resolution was adopted⁶¹⁵ by the General Assembly on 21 December 1965 as resolution 2107 (XX) by a roll-call vote of 66 to 26, with 15 abstentions.

606. After the vote in the Fourth Committee, several representatives explained that, although they deplored Portugal's uncompromising policy in its colonial territories, they had either voted against or abstained in the vote on the draft resolution as a whole because of their opposition, particularly to operative paragraph 7.⁶¹⁶

607. In a resolution adopted on 22 June 1966, the Special Committee recommended that the Security Council make it obligatory for all States to implement the measures contained in General Assembly resolution 2107 (XX), in particular those mentioned in paragraph 7.⁶¹⁷

e. Southern Rhodesia

608. In a resolution adopted on 20 June 1963, the Special Committee stated⁶¹⁸ that it was aware that the settler minority government of Southern Rhodesia had requested the United Kingdom Government to

⁶¹⁰ A/C.4/L.833 and Corr.1 (mimeographed), submitted by Algeria, Burundi, Cameroon, Ceylon, Cyprus, Ethiopia, Ghana, Guinea, India, Iraq, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Mali, Mauritania, Mongolia, Nepal, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, United Republic of Tanzania, Upper Volta, Yugoslavia and Zambia. Adopted without change as G A resolution 2107 (XX).

⁶¹¹ For text of relevant statements, see G A (XX), 4th Com., 1590th mtg.: Portugal, paras. 18 and 23; 1591st mtg.: Canada, para. 1; 1592nd mtg.: Bolivia, para. 45; Brazil, para. 63; Denmark, para. 30; Italy, para. 33; Norway, para. 36; South Africa, paras. 40 and 41; Sweden, paras. 20 and 21; United Kingdom, para. 24; United States, paras. 9 and 10.

⁶¹² *Ibid.*, Portugal, para. 66 (see also *ibid.*, Sweden, para. 20; and para. 683 below).

⁶¹³ *Ibid.*, Congo (Brazzaville), para. 61; Ivory Coast, para. 67.

⁶¹⁴ *Ibid.*, paras. 68 and 69.

⁶¹⁵ G A (XX), Plen., 1407th mtg., para. 36.

⁶¹⁶ G A (XX), 4th Com., 1592nd mtg.: Argentina, para. 80; Australia, para. 71; Chile, para. 74; Costa Rica, para. 73; Ireland, para. 82; Japan, para. 78; Venezuela, para. 83.

⁶¹⁷ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 369, para. 675.

⁶¹⁸ G A (XX), Annexes, a.i. 23/Addendum, A/5446/Rev.1, pp. 69 and 70, paras. 277 and 282.

grant independence to the territory under the 1961 Constitution, the abrogation of which had been requested by the General Assembly, and drew the attention of the Security Council to the deterioration of the explosive situation which prevailed in Southern Rhodesia.

609. The situation in Southern Rhodesia was considered by the Security Council⁶¹⁹ in September 1963 but no resolution was adopted.

610. In resolution 1889 (XVIII) of 6 November 1963, the General Assembly described the situation as "explosive" because of the denial of political rights to the vast majority of the African population and the entrenchment of the minority régime in power. It further described the aggravation of the situation as constituting a threat to international peace and security. However, the Assembly did not draw the attention of the Security Council to it.

611. In a resolution adopted on 23 March 1964,⁶²⁰ the Special Committee deplored the transfer of armed forces and aircraft to the settler minority government of Southern Rhodesia; expressed its deep concern at the constant deterioration of the situation which constituted a serious threat to international peace and security; and expressed its awareness of the threat of a unilateral declaration of independence by that government. It then drew the immediate attention of the Security Council to the explosive situation.

612. In a further resolution adopted on 26 June 1964,⁶²¹ the Special Committee drew the immediate attention of the Security Council to the report submitted by its Sub-Committee on Southern Rhodesia on 17 June 1964 and particularly to its conclusions and recommendations.

613. The Sub-Committee had concluded⁶²² that the situation in Southern Rhodesia, which the General Assembly had previously acknowledged as a threat to international peace and security, had been seriously aggravated by recent developments. A mood of desperation had set in which, unless trends were arrested, would lead to serious conflict and violence, the repercussions of which would not be limited to Southern Rhodesia. In that light and in view of the increasing gravity of the situation, the Sub-Committee considered that the question of Southern Rhodesia should be considered by the Security Council as a matter of great urgency.

614. In a consensus of 27 October 1964, the Special Committee once again drew the attention of the Security Council to the question of Southern Rhodesia.⁶²³

615. In a resolution adopted on 22 April 1965,⁶²⁴ the Special Committee drew the immediate attention of the Security Council to the grave situation prevailing in Southern Rhodesia and in particular to the

serious implications of the elections to take place on 7 May 1965 under a constitution which had been rejected by a majority of the people and the abrogation of which, since 1962, had repeatedly been called for by the Special Committee and the General Assembly.

616. In resolution 202 (1965) of 6 May 1965, the Security Council requested the United Kingdom and all States Members of the United Nations not to accept a unilateral declaration of independence for Southern Rhodesia by the minority government. It requested the United Kingdom to take all necessary action to prevent a unilateral declaration of independence and to take measures whereby new constitutional provisions acceptable to the majority of the people would be adopted.

617. In a resolution adopted on 28 May 1965,⁶²⁵ the Special Committee considered that no steps had been taken by the administering Power to implement Security Council resolution 202 (1965) and considered that the situation continued to deteriorate, particularly as a consequence of death sentences imposed under the amended Law and Order (Maintenance) Act. The Special Committee drew the attention of the Security Council to the extremely serious situation which would arise in the territory if the authorities of Southern Rhodesia were to execute the persons thus sentenced to death; further drew the attention of the Council to the threats made by the Southern Rhodesian authorities, in particular, the economic sabotage which they intended to carry out in regard to the independent African States adjoining the territory.

618. In resolution 2022 (XX) of 5 November 1965, the General Assembly noted that the increasing co-operation between the authorities of Southern Rhodesia, South Africa and Portugal was designed to perpetuate racist minority rule in southern Africa and constituted a threat to freedom, peace and security in Africa; noted with grave concern the manifest intention of the authorities in Southern Rhodesia to proclaim independence unilaterally, which would deny to the African majority their fundamental rights to freedom and independence; and expressed its deep concern about the explosive situation in Southern Rhodesia.

619. The Assembly also made a number of requests to all States. In particular, in operative paragraph 9, it appealed to all States to use all their powers against a unilateral declaration of independence and, in any case, not to recognize any government in Southern Rhodesia which was not representative of the majority of the people.

620. It also requested the Government of the United Kingdom to effect immediately a number of measures whereby new constitutional arrangements would be made on the basis of universal adult suffrage, and in operative paragraph 11, called on that Government to employ all measures, "including military force", to implement its recommendations.

621. In operative paragraphs 12 and 13, the Assembly drew the attention of the Security Council to the threats made by the authorities in Southern Rhodesia, including the threat of economic sabotage against the

⁶¹⁹ See paras. 159-176 above.

⁶²⁰ See G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 70, para. 345.

⁶²¹ *Ibid.*, p. 89, para. 523.

⁶²² *Ibid.*, appendix IV, p. 106, paras. 63 and 64.

⁶²³ *Ibid.*, p. 98, para. 617.

⁶²⁴ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 91, para. 292.

⁶²⁵ *Ibid.*, p. 111, para. 513.

independent African States adjoining it and, in operative paragraph 13, to the explosive situation which threatened international peace and security, and it decided to transmit to the Council the records and resolutions of its twentieth session on the question.

622. During the consideration of the resolution in its draft form⁶²⁶ in the Fourth Committee, objections were raised to the call on the United Kingdom to employ military force to implement the recommendations of the General Assembly. It was stated that unilateral armed intervention in the affairs of a sovereign State or of a colonial territory in order to solve political problems could not be justified under any pretext. Force could be used only in accordance with the provisions of the Charter and by the competent organ, which was the Security Council. The General Assembly would not help the people of Southern Rhodesia by arrogating to itself the rights of the Security Council. To endorse a request that a State unilaterally employ force would, moreover, run counter to the very *raison d'être* of the United Nations Charter. It would be absolutely contrary to Article 1. The use of military force should be undertaken with the greatest caution and within the framework of the procedures and guarantees provided by the Charter.⁶²⁷

623. In reply it was stated that the sponsors did not envisage the use of armed force except as a last resort. The only intention in using the expression "including military force" was to assure the United Kingdom Government of the moral support of the United Nations in the application of measures of various kinds which might become imperative. The Charter did not forbid the use of force in certain circumstances and under certain conditions. While it was admittedly the Security Council's prerogative to decide whether there should be a collective resort to force, the measures called for did not come under Chapter VII of the Charter. The draft resolution appealed to an administering Power to fulfil the obligations defined in Article 73. While the United Kingdom did not regard itself as an administering Power with respect to Southern Rhodesia the General Assembly had repeatedly rejected that position. The United Kingdom should take all the measures necessary to carry out the provisions of Article 73 in Southern Rhodesia and in particular to protect the indigenous

population against mistreatment despite the intransigence of the white minority. Nothing in the Charter permitted a State to evade its obligations in order that it would not have to resort to force. On the contrary, it must use force if that was the only means by which it could fulfil the obligations it had assumed under the Charter.⁶²⁸

624. On the grounds that the Security Council alone, and not the General Assembly, was responsible under Article 39 for determining the existence of any threat to the peace, objections or reservations were also made with regard to operative paragraph 13.⁶²⁹

625. In reply, reference was made to the powers accorded the General Assembly under Article 10. The General Assembly would not be making recommendations to the Security Council. It would merely be drawing the Council's attention to a particular problem. The Council was not bound by the views expressed by the Fourth Committee. The Committee could nevertheless give its view on the events it was considering.⁶³⁰

626. The representative of the United Kingdom stated⁶³¹ that his delegation would not take part in the voting because of its well-known views regarding the competence of the United Nations in the matter.⁶³² If it were to vote, however, it could not conceivably accept paragraphs 11 and 13.

627. Some representatives also expressed reservations concerning paragraph 9,⁶³³ which, it was stated, appeared to constitute an infringement of the competence of other organs of the United Nations. The appeal contained in paragraph 9 could imply the adoption of coercive measures, the recommendation for which was not within the competence of the General Assembly. Its wording was so broad that it could be used to justify acts contrary to the Charter.

628. During the discussion an amendment⁶³⁴ was submitted to delete from operative paragraph 11 the words "including military force". Separate votes were requested⁶³⁵ by roll-call on paragraphs 9, 11 and 13.

Decisions

Operative paragraph 9 was adopted by a roll-call vote of 81 to 4, with 19 abstentions.

The amendment to delete the words "including military force" in operative paragraph 11 was rejected by a roll-call vote of 66 to 31, with 5 abstentions.

⁶²⁶ A/C.4/L.795 and Adds. 1-3 (mimeographed), submitted by Afghanistan, Algeria, Burma, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia. The text was orally corrected (see G A (XX), 4th Com., 1544th mtg., Liberia, para. 56) and adopted as Assembly resolution 2022 (XX).

⁶²⁷ For text of relevant statements, see G A (XX), 4th Com., 1540th mtg.: Chile, para. 22; 1541st mtg.: Argentina, para. 45; Australia, para. 35; Colombia, para. 14; Costa Rica, para. 39; Netherlands, para. 52; Venezuela, para. 68; 1544th mtg.: Belgium, para. 45; Canada, para. 20; Ireland, para. 43; Italy, para. 34; Japan, para. 26; Norway, para. 46; United States, para. 30; Uruguay, para. 22; Venezuela, para. 15.

⁶²⁸ For text of relevant statements, see G A (XX), 4th Com., 1540th mtg.: Ghana, para. 33; Trinidad and Tobago, para. 45; 1541st mtg.: Cameroon, para. 60; 1542nd mtg.: Kenya, para. 8; Nigeria, para. 20; 1544th mtg.: Iraq, paras. 60 and 61.

⁶²⁹ *Ibid.*, 1541st mtg.: Costa Rica, para. 39; Netherlands, para. 51; Sweden, para. 30; Venezuela, para. 69; 1544th mtg.: Belgium, para. 45; Canada, para. 20; Italy, para. 34; Japan, para. 26; Norway, para. 47; 1545th mtg.: Denmark, para. 3.

⁶³⁰ *Ibid.*, 1540th mtg.: Ghana, para. 35; 1542nd mtg.: Nigeria, para. 21; 1544th mtg.: Iraq, para. 63; United Republic of Tanzania, para. 52.

⁶³¹ *Ibid.*, 1544th mtg., para. 4.

⁶³² See in particular, para. 184 above.

⁶³³ For text of relevant statements see G A (XX), 4th Com., 1541st mtg.: Costa Rica, para. 39; 1544th mtg.: Uruguay, para. 22; 1545th mtg.: Chile, para. 14.

⁶³⁴ G A (XX), Annexes, a.i. 23, A/6041/Add. 1, p. 48, para. 7 (4), submitted by Mexico.

⁶³⁵ G A (XX), 4th Com., 1534th mtg.: Colombia and Costa Rica, para. 75; Venezuela, para. 18.

Operative paragraph 11 was adopted by a roll-call vote of 68 to 27, with 9 abstentions.

Operative paragraph 13 was adopted by a roll-call vote of 74 to 13, with 16 abstentions.

The draft resolution, as a whole, was approved ⁶³⁶ by a roll-call vote of 79 to 8, with 17 abstentions.

629. Prior to the vote on the draft resolution in the General Assembly, reservations ⁶³⁷ were made by one representative on operative paragraphs 9, 11 and 13. It was stated that paragraph 9 was an appeal to all States, including States not Members of the United Nations, to intervene unilaterally in the domestic affairs of other States, using all kinds of measures, including measures which might be considered illegal under the Charter. Even more serious was the call for the United Kingdom to use military force outside the scope of the provisions of Chapter VII of the Charter. Operative paragraph 13 exceeded the powers of the General Assembly, since only the Security Council could decide that a situation was a threat to international peace and security.

630. Other representatives also objected ⁶³⁸ to the call on the United Kingdom to use military force as contained in operative paragraph 11.

631. In reply it was stated that the question amounted to whether a country had the right to permit a group of its nationals to occupy and enslave another country on the pretext that it could not use force to oppose such a plan. A country could not be allowed to salve its conscience by invoking the rules of international relations when what was involved was only its relations with its own nationals.⁶³⁹

632. A separate vote was requested ⁶⁴⁰ on the words "including military force" in operative paragraph 11. Separate votes were also requested ⁶⁴¹ on paragraphs 9 and 13.

Decisions

Paragraph 9 was adopted by 82 votes to 3, with 17 abstentions.

The words "including military force" in paragraph 11 were adopted by 68 votes to 34, with 4 abstentions.

Paragraph 11, as a whole, was adopted by 72 votes to 25, with 10 abstentions.

Paragraph 13 was adopted by 76 votes to 14, with 14 abstentions.

The draft resolution, as a whole, was adopted ⁶⁴² as resolution 2022 (XX) on 5 November 1965 by a roll-call vote of 82 to 9, with 18 abstentions.

633. On 11 November 1965, the Government of Southern Rhodesia unilaterally declared its independence. On the same day the General Assembly adopted resolution 2024 (XX), in which it recommended the

Security Council to consider the situation as a matter of urgency.

634. In a statement made in the Security Council on 12 November 1965, the representative of the United Kingdom said ⁶⁴³ that the British Government regarded the unilateral declaration of independence by the Southern Rhodesian government as illegal and invalid since only the British Government had the right and authority to accord independence to Southern Rhodesia. That illegal act had been performed in the hope and with the intention of establishing a form of government which would ensure that the power to control the future of Southern Rhodesia remained in the hands of a white minority comprising only one-twentieth of the population; but the Parliament of Britain, which alone had the right to grant independence to Southern Rhodesia, would grant it only on terms acceptable to the people of Southern Rhodesia as a whole. Now that the illegal declaration had been made, the only lawful government of Southern Rhodesia was the Government of the United Kingdom. That Government, however, had no physical presence in Southern Rhodesia and in Southern Rhodesia there was therefore no rule of law. It was clearly and unmistakably a British responsibility to re-establish the rule of law. Southern Rhodesia was a British possession, and the responsibility lay with Britain.

635. In the same statement the representative of the United Kingdom announced certain measures his Government was taking against the illegal régime in Southern Rhodesia. Those included the prohibition of arms to Southern Rhodesia; the imposition of exchange control restrictions and the prohibition of the export of United Kingdom capital to Southern Rhodesia; the denial of access of Southern Rhodesia to the London capital market; the denial of trade advantages to Southern Rhodesia; and a ban on the import into the United Kingdom of Southern Rhodesian tobacco and sugar which amounted to 70 per cent of the United Kingdom's total purchases from Southern Rhodesia. The United Kingdom representative said that his Government would not use military force to solve the problem.

636. In resolution 216 (1965) of 12 November 1965, the Security Council condemned the unilateral declaration of independence made by the racist minority in Southern Rhodesia and decided to call on all States not to recognize the illegal racist minority régime and to refrain from rendering any assistance to it.

637. On 20 November 1965, the Security Council adopted resolution 217 (1965) under which it determined that the situation resulting from the proclamation of independence by the illegal authorities in Southern Rhodesia was extremely grave, that the Government of the United Kingdom of Great Britain and Northern Ireland should put an end to that situation, and that its continuance in time constituted a threat to international peace and security; called on the Government of the United Kingdom to quell that rebellion of the racist minority; called on all States not to recognize that illegal authority and not to entertain any diplomatic or other relations with it, and to

⁶³⁶ *Ibid.*, paras. 74-76.

⁶³⁷ G A (XX), Plen., 1367th mtg.: Costa Rica, paras. 68-72.

⁶³⁸ *Ibid.*, Ireland, para. 208; Mexico, paras. 149-152; United States, para. 171.

⁶³⁹ *Ibid.*, Mauritania, para. 159,

⁶⁴⁰ *Ibid.*, Mexico, para. 152.

⁶⁴¹ *Ibid.*, Costa Rica, para. 76.

⁶⁴² *Ibid.*, 1368th mtg., paras. 21 and 22.

⁶⁴³ S C, 20th yr., 1257th mtg., paras. 13, 19, 20 and 23-31.

refrain from any action which would assist and encourage the illegal régime and, in particular, to desist from providing it with arms, equipment and military material, and to do their utmost in order to break all economic relations with Southern Rhodesia, including placing an embargo on oil and petroleum products.

638. On 9 April 1966, the Security Council adopted resolution 221 (1966), in which it called on the Portuguese Government not to permit oil to be pumped through the pipeline from Beira to Southern Rhodesia; and not to receive at Beira oil destined for Southern Rhodesia. It called upon all States to ensure the diversion of any vessels reasonably believed to be carrying oil destined for Southern Rhodesia which might be en route for Beira; and on the Government of the United Kingdom to prevent by the use of force if necessary, the arrival at Beira of vessels reasonably believed to be carrying oil destined for Southern Rhodesia, and empowered the United Kingdom to arrest and detain the tanker known as the *Joanna V* on her departure from Beira in the event that her oil cargo was discharged there.

639. In a resolution adopted on 21 April 1966,⁶⁴⁴ the Special Committee condemned the failure of certain States, particularly South Africa and Portugal, to implement the relevant resolutions of the General Assembly, the Special Committee and the Security Council by giving support and assistance to the racist régime in Southern Rhodesia; called upon the administering Power to take all effective measures, including the use of force, to put an end to the racist minority régime there; considered that the explosive situation in Southern Rhodesia continued to constitute a threat to international peace and security; recommended to the Security Council that it consider urgently the further measures envisaged under Chapter VII of the Charter to put into effect its decisions concerning Southern Rhodesia; and decided to transmit to the Security Council the records of the discussions of the Special Committee on the question.

640. In a further resolution adopted on 31 May 1966,⁶⁴⁵ the Special Committee considered that the Government of the United Kingdom had in a number of instances taken prompt measures, including the unjust use of military force in other colonies, to restore or preserve so-called constitutionality as defined by the administering Power. It deplored the failure of the United Kingdom Government to bring down the racist minority régime in Southern Rhodesia and to establish democratic rule in that colony in accordance with the various resolutions of the Security Council and the General Assembly; condemned the Governments of Portugal and South Africa for their continued support of that régime; considered that the situation in Southern Rhodesia continued to constitute a threat to international peace and security, as had already been established by the Security Council in its resolution 221 (1966) of 9 April 1966; once again drew the attention of the Security Council to the grave situation prevailing in Southern Rhodesia with a view to its recommending

mandatory sanctions under Chapter VII of the Charter and to taking appropriate measures to secure the effective application of sanctions; recommended to the Security Council that it request the Government of the United Kingdom to take measures provided for in Chapter VII of the Charter in order to prevent by the use of air, sea or land forces any supplies, including oil and petroleum products, from reaching Southern Rhodesia; called on the United Kingdom Government to take all necessary measures, including the use of force, to abolish the racist minority régime in Southern Rhodesia and to ensure the immediate application of the Declaration on decolonization and called on all States to render moral and material support to the people of Zimbabwe⁶⁴⁶ in furtherance of their struggle to achieve freedom and independence.

641. The question was not raised again during the period under review.

6. RECOMMENDATIONS FOR THE REMOVAL OF MILITARY BASES

a. General

642. In 1964 references were made in Sub-Committee I of the Special Committee on decolonization to the existence of, or the proposed establishment of, military bases in Mauritius, the Seychelles, St. Helena, Tristan de Cunha and Ascension Island; and in Sub-Committee II to the construction of military projects in American Samoa and to the military base in Guam. Similar references were made in the Special Committee, where reference was also made to bases in Brunei.

643. It was stated⁶⁴⁷ that foreign military bases were not only an impediment to the establishment and strengthening of the independence of the developing countries, but also a serious obstacle to the liberation of people still under colonial domination and a grave threat to the future development of the territories. In the conclusions it adopted on Guam, the Special Committee, among other things, stated that it was aware of the dependence of the Guamanian economy on the military and other activities of the Government of the United States.

644. The Special Committee's report to the General Assembly at its nineteenth session was not considered at that session because of the special circumstances prevailing. The territories were not considered by the Special Committee in 1965.

645. At the twentieth session of the General Assembly in 1965 a draft resolution⁶⁴⁸ was submitted in the

⁶⁴⁶ See foot-note 577 above.

⁶⁴⁷ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1, p. 349: Poland, paras. 142 and 143; Syria, para. 146; USSR, paras. 129 and 132; p. 352, annex: USSR, paras. 20, 37 and 52; p. 376, annex: Poland, paras. 14 and 15; p. 380: USSR, paras. 25, 27, 28, 51, 72, 93 and 98; p. 385, annex: Poland, paras. 14 and 16; p. 430: USSR, para. 36.

⁶⁴⁸ G A (XX), Annexes, a.i. 23, A/6160, draft resolution V, A/C.4/L.810 and Corr.1 and Add. 1 and 2, submitted by Algeria, Ceylon, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Ethiopia, Ghana, Guinea, India, Kenya, Malawi, Mali, Morocco, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Syria, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Yemen, Yugoslavia and Zambia.

⁶⁴⁴ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 151, para. 587.

⁶⁴⁵ *Ibid.*, p. 196, para. 1097.

Fourth Committee concerning American Samoa, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Montserrat, New Hebrides, Niue, Papua, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands.

646. By operative paragraph 3 of that draft resolution the General Assembly would consider that the existence or establishment of military bases constituted an obstacle to the freedom and independence of those territories; and by operative paragraph 4 it would request the administering Powers to dismantle the existing military bases and to refrain from establishing new ones.

647. During the discussion⁶⁴⁹ it was stated that nothing in the Charter prohibited the establishment or maintenance of military bases in Non-Self-Governing Territories. The maintenance of such bases was the sovereign right of nations deriving from their duty and obligation to assume their own defence and the security of their peoples. Contrary to the contention in operative paragraph 3, the bases safeguarded the freedom and independence of the territories in question; or did not necessarily constitute an obstacle to freedom and independence. It was also stated that the question of the existence of a base was a matter for the people of the territory to decide and not for the Committee. In any case the question should not be discussed in connexion with decolonization to which it was not related. A separate vote was requested⁶⁵⁰ on operative paragraphs 3 and 4.

Decisions

Operative paragraph 3 was approved by the Fourth Committee by a roll-call vote of 50 to 26, with 23 abstentions.

Operative paragraph 4 was approved by a roll-call vote of 50 to 27, with 22 abstentions.

The draft resolution as a whole was approved⁶⁵¹ by 76 votes to 8, with 14 abstentions.

648. In the General Assembly also separate votes were requested⁶⁵² on paragraphs 3 and 4 of the draft resolution as approved by the Fourth Committee.

Decisions

The result of the vote on paragraph 3, which was taken by roll-call, was 48 in favour, 33 against, with 24 abstentions. The President stated that the paragraph was not adopted, since on the basis of his interpretation of Article 18 (2), a two-thirds majority was required, because the question related to peace-keeping.⁶⁵³

That ruling was challenged,⁶⁵⁴ and a vote was taken on whether or not the ruling of the President should be rejected.

The ruling was upheld⁶⁵⁵ by 56 votes to 30, with 9 abstentions.

Consequently, paragraph 3 was not adopted as it did not obtain a two-thirds majority.

The result of the vote on operative paragraph 4 which was taken by roll-call was 48 in favour, 37 against, with 19 abstentions.

Paragraph 4 was not adopted,⁶⁵⁶ having failed to obtain the required two-thirds majority.

649. At the same session a draft resolution concerning the situation with regard to the implementation of the Declaration on decolonization was submitted in plenary meeting.

650. By operative paragraph 12 in its revised text,⁶⁵⁷ the General Assembly would request the colonial Powers to dismantle the military bases installed in colonial territories and to refrain from establishing new ones.

651. One of the sponsors moved⁶⁵⁸ that only a simple majority should be required for the draft resolution to be adopted and that the simple majority principle should apply to all parts of the draft resolution.

652. Another representative moved⁶⁵⁹ that the General Assembly should consider that the draft resolution made recommendations with respect to the maintenance of international peace and security and that accordingly, Article 18 (2) applied. In support of that motion he stated that the call for the dismantling of military bases and calls on certain States to refrain from establishing new ones in colonial territories was obviously a recommendation with respect to the maintenance of international peace and security, and therefore a two-thirds majority was required as decided by the General Assembly in the earlier case.⁶⁶⁰

653. Other representatives also considered that the call to dismantle military bases went beyond colonial questions and had implications with respect to the maintenance of international peace and security. Article 18 (2) should therefore apply to that paragraph, but not to the draft resolution as a whole.⁶⁶¹

654. Representatives who supported the motion that the simple majority rule should apply argued

⁶⁵⁴ *Ibid.*, USSR, paras. 123-127.

⁶⁵⁵ *Ibid.*, para. 148.

⁶⁵⁶ *Ibid.*, para. 150.

⁶⁵⁷ Submitted by Afghanistan, Algeria, Burundi, Ceylon, Ethiopia, Ghana, Guinea, India, Iraq, Ivory Coast, Kenya, Mali, Mauritania, Nigeria, Rwanda, Sierra Leone, Somalia, Tunisia, Uganda, the United Arab Republic, the United Republic of Tanzania, Yemen and Yugoslavia. Adopted without change as G A resolution 2105 (XX).

⁶⁵⁸ G A (XX), Plen., 1400th mtg.: Mali, para. 114; 1405th mtg., para. 157.

⁶⁵⁹ *Ibid.*, 1400th mtg., United States, paras. 117 and 123; 1405th mtg., para. 24.

⁶⁶⁰ See para. 648 above.

⁶⁶¹ For text of relevant statements, see G A (XX), Plen., 1405th mtg.: Honduras, paras. 110, 114 and 115; Iran, para. 101; Spain, para. 149.

⁶⁴⁹ For text of relevant statements, see G A (XX), 4th Com., 1577th mtg.: Ireland, para. 30, United Kingdom, para. 35; United States, para. 22; 1578th mtg.: Italy, para. 27; Netherlands, para. 29.

⁶⁵⁰ *Ibid.*, 1578th mtg., para. 34.

⁶⁵¹ *Ibid.*, 1578th mtg., paras. 34-36.

⁶⁵² G A (XX), Plen., 1398th mtg., para. 115.

⁶⁵³ *Ibid.*, paras. 117, 120 and 128. See also this *Supplement* under Article 18, paras. 30-34.

that the draft resolution concerned the problem of decolonization, that is, the right of peoples to self-determination, and that its different parts should be understood in that context. All matters discussed by the General Assembly related in one way or another to the maintenance of international peace and security. Article 73 (c) itself referred to that. The administering Powers were being requested to eliminate military bases because the existence of such bases made it more difficult for the colonial peoples to achieve independence. Thus it was a matter of protecting those peoples' right to self-determination and independence and of protecting their sovereignty, not a recommendation for concrete action to be undertaken by an organ of the United Nations which would fall under Article 18 (2). Article 18 (2) was a rule laying down exceptions. Decisions on all other questions were to be taken by simple majority. The colonial problem could not be included among the exceptions. Resolution 1514 (XV) imposed the duty to promote decolonization. Article 73 imposed the obligation to promote the process of decolonization. To require a two-thirds majority for the adoption of resolutions on colonial matters would multiply the obstacles to liberation and hamper a speedy process of decolonization. Paragraph 12 of the draft resolution was not concerned with military bases in independent countries, but with those that had been installed without consultation and agreement with the people of the territories. Furthermore, it would not be right to apply the majority rule to some parts of the draft resolution and not to others.⁶⁶²

Decisions

The motion that the simple majority principle should apply to the draft resolution and to all parts of the draft resolution was adopted by a roll-call vote of 59 to 45, with 4 abstentions.

Paragraph 12 was adopted by 49 votes to 37, with 18 abstentions.

The draft resolution, as a whole, was adopted⁶⁶³ as resolution 2105 (XX) on 20 December 1965 by a roll-call vote of 74 to 6, with 27 abstentions.

b. Aden

655. In 1963, references were made in the Special Committee⁶⁶⁴ to the military base in Aden, and it was stated that the base and the Federation of South Arabia were merely instruments which could be used for aggression against nations struggling for their political and economic independence. The question of true independence for the people of South Arabia could not be settled until the problem of the military base in Aden was solved. The base should be eliminated, and all United Kingdom troops withdrawn.

656. The representative of the United Kingdom replied⁶⁶⁵ that it was absolutely untrue that the military base was intended for aggression. The existence of the base did not constitute a hindrance to the constitutional development of the Federation and its progress towards complete independence.

657. Other representatives also said⁶⁶⁶ that the presence of a military base did not necessarily constitute an obstacle to the attainment of independence; that the question should be settled by the people directly concerned after they achieved sovereignty; and that it was beyond the competence of the Special Committee to deal with the question.

658. After consideration of a report⁶⁶⁷ submitted by its sub-committee on Aden established to ascertain the views of the population, the Special Committee approved⁶⁶⁸ by 19 votes to 3, with 2 abstentions, a draft resolution⁶⁶⁹ whereby, in operative paragraph 5, it considered that the maintenance of the military base in Aden which was opposed by all petitioners, was prejudicial to the security of the region and that its early removal was desirable.

659. At the eighteenth session, by operative paragraph 5 of resolution 1949 (XVIII),⁶⁷⁰ the General Assembly reiterated that the maintenance of the base was prejudicial to the security of the region and that its early removal was therefore desirable.

660. In April 1964, the Special Committee reaffirmed⁶⁷¹ by a vote of 13 to 5, with 6 abstentions, that the maintenance of the military base in Aden was prejudicial to peace and security in the region and that its early removal was therefore desirable.

661. In April 1965, the Sub-Committee on Aden stated that it was a matter of deep regret that the United Kingdom had announced its policy to retain the military base in agreement with the Government of the Federation and "for so long as it is required to serve the interests which we have in common". Apart from other considerations the question of the maintenance of the base should be decided in accordance with the wishes of the people expressed through their own elected representative government. Both the Sub-Committee and its predecessor on Aden, had recorded the clearly expressed wish of the people that the base should be evacuated. It had also been clearly shown that the people did not regard the Government of the Federation as representative, which would seem to have been confirmed by the recent decision to discard the Federation in favour of a unitary State. Moreover, the Special Committee and the General Assembly in resolution 1949 (XVIII) had stated that the mainten-

⁶⁶⁵ *Ibid.*, p. 119, para. 174.

⁶⁶⁶ *Ibid.*, p. 120: Italy, para. 186; p. 128; Denmark, para. 263; p. 148: Uruguay, para. 438; p. 153: Denmark, para. 477.

⁶⁶⁷ *Ibid.*, p. 153, appendix.

⁶⁶⁸ *Ibid.*, p. 152, para. 471.

⁶⁶² For text of relevant statements, see G A (XX), Plen., 1405th mtg.: Guinea, paras. 131 and 133; Mali, paras. 8, 99, 100 and 157-162; Syria, paras. 136, 137 and 142; Yugoslavia, paras. 69 and 71-73.

⁶⁶³ *Ibid.*, paras. 170, 189 and 190.

⁶⁶⁴ G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 115: USSR, paras. 144, 147, 149 and 150; p. 122: Mali, para. 205; Poland, paras. 206, 210 and 211; p. 125: Bulgaria, para. 255.

⁶⁶⁹ A/AC.109/L.70 and Add.1 (mimeographed) submitted by Cambodia, India, Iraq, Mali, Syria, Tanganyika and Yugoslavia. For text as finally adopted, see G A (XVIII), Annexes, a.i. 23, A/5446/Rev.1, p. 147, paras. 427 and 428, and p. 153, para. 478.

⁶⁷⁰ For vote on resolution 1949 (XVIII) see para. 418 above.

⁶⁷¹ G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 198, paras. 162 and 166 (5).

ance of the base in Aden was prejudicial to the security of the region and that its early removal was therefore desirable.⁶⁷² After consideration of the Sub-Committee's report, the Special Committee on 17 May 1965, by a vote of 16 to 5, with 3 abstentions, reaffirmed that the maintenance of the military base in Aden was prejudicial to peace and security in the region and that its early removal was therefore desirable.⁶⁷³

662. In a second report,⁶⁷⁴ the Sub-Committee reiterated the provisions of General Assembly resolution 1949 (XVIII) with regard to the military base. It noted that the British Colonial Secretary in a statement on 8 August 1965 had said that it was his intention that the future of any defence facilities should be a matter of negotiation between the United Kingdom and the Government of the new State, and that it was the expressed view of his Government that no base was militarily or morally defensible unless it had the support of the people of the territory in which it was situated. The Special Committee took note of that report and endorsed⁶⁷⁵ the conclusions therein.

663. At the twentieth session of the General Assembly a draft resolution⁶⁷⁶ was submitted in the Fourth Committee by forty-five States whereby, as orally revised, the General Assembly, in operative paragraph 6, would consider "that the maintenance of the military bases in the territory constituted a major obstacle to the liberation of the people... from colonial domination and was prejudicial to the peace and security of the region, and that their immediate and complete removal was therefore essential".

664. During the discussion, arguments against the retention of the military base were put forward similar to those made earlier. It was contended that the retention of the base was contrary to the principle of self-determination and national sovereignty, was meant to crush national liberation movements and represented a direct threat to neighbouring Arab countries.⁶⁷⁷

665. On the other hand it was stated that the question was one to be settled by negotiation once independence had been granted and that the maintenance of a military base was not in itself a crime or prejudicial to peace and security in the region. It was also stated that the removal of military bases was a question for the Security Council to decide, for the Council alone was empowered to determine whether

the existence of such a base constituted a threat to the peace and security of a region.⁶⁷⁸

666. The United Kingdom representative observed⁶⁷⁹ that his Government did not maintain "bases" only the Aden base. The question of the base was not a constitutional point and should not be permitted to obstruct constitutional progress or give rise to the extremist language of paragraph 6.

Decision

Operative paragraph 6 was approved by a roll-call vote of 60 to 20, with 22 abstentions. The draft resolution as a whole, as otherwise orally revised, was approved⁶⁸⁰ by a roll-call vote of 83 to 11, with 8 abstentions.

Operative paragraph 6 was voted on by roll-call in the General Assembly and adopted by 64 votes to 22, with 25 abstentions.

The draft resolution as a whole was adopted⁶⁸¹ as resolution 2023 (XX) on 5 November 1965 by a roll-call vote of 90 to 11, with 10 abstentions.

667. On 22 February 1966 the United Kingdom Government announced⁶⁸² that British troops would be withdrawn from the Aden base not later than 1968, by which time South Arabia would have achieved independence.

668. In 1966, during the discussion of the situation in Aden references were made in the Special Committee to a reported announcement by the British Government of a five-year programme of military assistance to the Federation Government in South Arabia and it was stated that the liquidation of the military base might consequently be nullified by the linking of the newly independent State to the United Kingdom in defence matters.⁶⁸³

669. By operative paragraph 6 of a resolution which the Special Committee adopted, as a whole, by a roll-call vote of 18 to 2, with 2 abstentions, the Committee deplored any defence arrangement that the United Kingdom Government might enter into with the unrepresentative régime in the territory and considered such arrangements to be inconsistent with the objectives of the relevant General Assembly resolutions and a serious hindrance to the future free exercise of the right to freedom and sovereignty by the people of the territory.⁶⁸⁴

c. Mauritius

670. By the fifth preambular paragraph of resolution 2066 (XX)⁶⁸⁵ of 16 December 1965, the General Assembly noted with deep concern that any step taken

⁶⁷² G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 332, appendix 1, para. 17.

⁶⁷³ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 328, para. 289, p. 329, para. 300.

⁶⁷⁴ *Ibid.*, p. 335, appendix II, para. 79.

⁶⁷⁵ *Ibid.*, p. 332, para. 327.

⁶⁷⁶ G A (XX), Annexes, a.i. 23, A/C.4/L.798 and Add. 1 and 2, submitted by Afghanistan, Algeria, Burundi, Cameroon, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ecuador, Ethiopia, Ghana, Guinea, India, Iran, Iraq, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Malawi, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Pakistan, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yugoslavia and Zambia.

⁶⁷⁷ For text of relevant statements, see G A (XX), 4th Com., 1534th mtg.: Algeria, para. 21; Ukrainian SSR, para. 41.

⁶⁷⁸ *Ibid.*, 1535th mtg.: Denmark, para. 28; 1536th mtg.: Greece, para. 34; 1537th mtg.: Ceylon, para. 25; 1538th mtg.: Australia, para. 17; 1548th mtg.: Colombia, para. 12.

⁶⁷⁹ *Ibid.*, 1547th mtg., para. 44.

⁶⁸⁰ *Ibid.*, para. 55.

⁶⁸¹ G A (XX), Plen., 1368th mtg., paras. 47 and 48.

⁶⁸² G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 460, para. 27; p. 468, para. 101; p. 506, annex IV.

⁶⁸³ *Ibid.*, p. 482: United Arab Republic, para. 239; p. 483: Iraq, para. 248.

⁶⁸⁴ *Ibid.*, p. 497, paras. 381 and 382.

⁶⁸⁵ See also para. 511 above.

by the administering Power to detach certain islands from the territory of Mauritius for the purpose of establishing a military base would contravene the Declaration on decolonization particularly paragraph 6 thereof.⁶⁸⁶ In operative paragraph 4 of the same resolution, the General Assembly invited the administering Power to take no action which would dismember the territory of Mauritius and violate its integrity.

7. RECOMMENDATIONS CONCERNING FOREIGN IMMIGRANTS AND FOREIGN ECONOMIC INTERESTS ⁶⁸⁷

a. General

671. By the sixth preambular paragraph of resolution 2105 (XX) of 20 December 1965, the General Assembly expressed its concern about the policy of colonial Powers which circumvented the rights of colonial peoples through the promotion of a systematic influx of foreign immigrants and the dislocation, deportation and transfer of indigenous inhabitants. By operative paragraph 5 of the same resolution, the General Assembly called upon the colonial Powers to discontinue that policy.

672. No debate took place on those paragraphs prior to the adoption of the resolution. The paragraphs were submitted as amendments⁶⁸⁸ to a draft resolution⁶⁸⁹ concerning the implementation of the Declaration on decolonization submitted in plenary meeting. They were accepted⁶⁹⁰ by the sponsors and incorporated in a revised text which became resolution 2105 (XX).

b. Territories under Portuguese administration

673. In 1964, certain representatives in the Special Committee expressed concern⁶⁹¹ regarding the activities of foreign financial interests in the territories under Portuguese administration and their influence in keeping the territories from attaining independence. It was suggested that the Special Committee should study those activities. Subsequently a draft resolution⁶⁹² was submitted which provided in operative paragraph 7 for the Special Committee to request Sub-Committee I, with the assistance of the Secretary-General, to study the activities of foreign economic interests, which were impeding the implementation of the Declaration on decolonization in the territories under Portuguese administration.

Decision

Paragraph 7 was adopted⁶⁹³ by 18 votes to 2, with 3 abstentions.

⁶⁸⁶ See para. 329 above.

⁶⁸⁷ Excludes recommendations relating to South West Africa which are included in this *Supplement* under Article 80.

⁶⁸⁸ G A (XX), Annexes, a.i. 23, A/L.477, submitted by Somalia.

⁶⁸⁹ *Ibid.*, A/L.476 and Add.1.

⁶⁹⁰ G A (XX), Plen., 1400th mtg., para. 112.

⁶⁹¹ G A (XIX), Annexes, No. 8 (part I), p. 161, USSR, paras. 266-282; p. 166: Poland, para. 294.

⁶⁹² *Ibid.*, p. 170, para. 352, A/AC.109/L.135/Rev.1, submitted by Cambodia, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, United Republic of Tanganyika and Zanzibar and Yugoslavia.

⁶⁹³ *Ibid.*, p. 170, para. 341.

674. The report⁶⁹⁴ of Sub-Committee I was considered by the Special Committee in 1965. With respect to the territories under Portuguese administration in Africa, the Sub-Committee concluded that Portugal had granted concessions to foreign investors without the consent of the African inhabitants, who were the only rightful owners of the territories' natural resources. Foreign economic and other interests were directly or indirectly supporting Portuguese colonialism, exploiting the human and natural resources of the territories and enjoying the profits therefrom. Foreign economic and other interests in the territories together with the Government of Portugal bore the responsibility for the sufferings of the people of those territories. By sharing their profits with Portugal and by providing financial and material assistance, those foreign interests were helping Portugal to wage war against the national liberation movements in the territories and were strengthening Portugal's control over the African inhabitants. Foreign capital held a dominant position in all sectors of the economic life of the territories, fostering exploitation of the basic resources without regard to balanced economic development, and reinforcing Portuguese policy, which denied the peoples of the territories their rightful participation in economic and political life. Those foreign interests were therefore impeding the implementation of the Declaration on decolonization in the territories.

675. The Sub-Committee felt it necessary to state that it was precisely among those States whose nationals owned companies and had financial interests in the territories under Portuguese administration, that were to be found the States from which Portugal derived its greatest support, direct or indirect, which encouraged its continued non-compliance with the Charter and the numerous resolutions in the United Nations concerning the territories.

676. The Sub-Committee considered that the Special Committee should recommend to the General Assembly that it strongly condemn the colonial policy of Portugal which denied to the African inhabitants of the territories under its administration the sovereign rights over their natural resources; strongly condemn the Government of Portugal for its policy of promoting the activities of foreign and other interests in the territories under its administration, which exploited the natural and human resources of those territories to the detriment of the African inhabitants, and for its participation in such exploitation; draw the attention of the Government of Portugal to the fact that its support of and active participation in the activities of foreign economic and other interests, in disregard of the interests of the population of those territories, ran counter to the resolutions of the United Nations with regard to the territories under Portuguese administration and were a violation of Article 73 of the Charter; call on Portugal to put a stop to its efforts to establish new settlements of European immigrant groups in the territories under its administration for the purpose of further increasing its control over the territories, which was repugnant to the Declaration on decolonization; strongly condemn the activities and operating methods of the foreign

⁶⁹⁴ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 200, appendix.

economic and other interests in the territories under Portuguese administration, which were detrimental to the interests of the African inhabitants, and declare that those activities were contrary to the principles of the Charter and the Declaration and were impeding their implementation in the territories under Portuguese administration; consider that foreign economic and other interests were directly or indirectly assisting Portugal by supplying it with financial, material and technical resources which enabled it to carry out its colonial policy; appeal to the Governments of the United Kingdom, the United States, Belgium, France, the Federal Republic of Germany and other Powers to exert their influence on those of their nationals who owned and operated enterprises in the territories under Portuguese administration in order to induce them to put an end to their activities which were detrimental to the interests of the peoples of the territories.⁶⁹⁵

677. During discussion of the report, one representative stated⁶⁹⁶ that the finding that foreign interests were impeding the implementation of the Declaration was a distorted one. The Sub-Committee had chosen to ignore the role of foreign economic interests in providing the capital for social development on which further economic development of the territories depended; nor did it give information on the percentage of revenues derived from foreign companies. In some cases the conclusions of the report were inconsistent with and unsupported by the material from which they purported to be derived. The withdrawal of foreign investment would lead to a more embittered stalemate, a more impoverished population and a more fragile leash on violence.

678. Other representatives also considered that the fact that foreign interests were involved in most sectors of the economy in Portuguese territories did not mean that they were *ipso facto* impeding the implementation of the Declaration and that the conclusions and recommendations were not supported by the factual evidence.⁶⁹⁷

679. Other representatives considered the conclusions and recommendations of the Sub-Committee were supported by ample evidence contained in the report and should be endorsed.⁶⁹⁸

Decision

By a roll-call vote of 14 to 3, with 4 abstentions, the Special Committee endorsed⁶⁹⁹ the conclusions and recommendations of the Sub-Committee.

680. At the twentieth session of the General Assembly a draft resolution⁷⁰⁰ was submitted in the Fourth

Committee by 35 States whereby the General Assembly would, in the sixth preambular paragraph, note with deep concern that the activities of foreign financial interests in the Territories under Portuguese administration in Africa were an impediment to the African people in the realisation of their aspirations to freedom and independence; in operative paragraph 5, condemn the policy of the Government of Portugal which violated the economic and political rights of the indigenous population by the establishment, on a large scale, of foreign immigrants in the Territories and by the exporting of workers to South Africa; in operative paragraph 6, request all States to prevent such activities on the part of their nationals which were an impediment to the attainment by the people of their legitimate rights of freedom and independence.

681. During the discussion objections similar to those raised in the Special Committee were made.⁷⁰¹ It was stated⁷⁰² that Portugal's attitude was the impediment and that when the peoples had attained independence the foreign interests might continue to play a useful role by contributing to the economic wealth of the territories.

682. The representative of Portugal said⁷⁰³ it was absurd and contradictory to demand that Portugal should promote the economic development of its territories, and consequently the welfare of its people, and at the same time to criticize the universally accepted means of doing so. There were no conditions attached to foreign economic activities in any Portuguese territory; their aims and objectives were purely economic and designed to promote the economic growth of the territories and their people. Attempts to discourage foreign investment would impede economic progress.

683. Portuguese citizens settling in any Portuguese territory were not foreign immigrants, and the allegation that workers were being exported to South Africa was a malicious invention. Such workers went to South Africa of their own free will. He requested a separate vote by roll-call on operative paragraph 6 as well as on other paragraphs of the draft resolution.

684. Other representatives opposed⁷⁰⁴ the taking of separate votes.

Decisions

The proposal that separate votes should be taken on certain paragraphs, including paragraph 6, was rejected by a roll-call vote of 52 to 32, with 12 abstentions.

The draft resolution, as a whole, was approved⁷⁰⁵ by a roll-call vote of 58 to 21, with 17 abstentions.

685. The draft resolution was subsequently adopted⁷⁰⁶ by the General Assembly as resolution 2107 (XX) on 21 December 1965 by a roll-call vote of 66 to 26, with 15 abstentions.

⁶⁹⁵ *Ibid.*, pp. 226 and 227, paras. 275, 276 and 280.

⁶⁹⁶ *Ibid.*, p. 195: United States, paras. 434-441.

⁶⁹⁷ *Ibid.*, p. 197: Italy, paras. 454-459; United Kingdom, para. 460; p. 200, Australia, paras. 481-483.

⁶⁹⁸ *Ibid.*, p. 196: USSR, paras. 451-453; p. 198: Ethiopia, para. 463; Mali, paras. 465-467; Syria, paras. 468 and 469; p. 199: Bulgaria, paras. 470-476; Poland, paras. 477-480; p. 200: India, para. 484; Tunisia, para. 485 and 486.

⁶⁹⁹ *Ibid.*, p. 200, para. 489.

⁷⁰⁰ Submitted by Algeria, Burundi, Cameroon, Ceylon, Cyprus, Ethiopia, Ghana, Guinea, India, Iraq, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Mali, Mauritania, Mongolia, Nepal, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yugoslavia, Zambia. Same text as G A resolution 2107 (XX).

⁷⁰¹ G A (XX), 4th Com., 1592nd mtg.: United Kingdom, para. 24; United States, paras. 7 and 8.

⁷⁰² *Ibid.* 1589th mtg.: New Zealand, para. 12.

⁷⁰³ *Ibid.*, 1590th mtg., paras. 16-22; 1592nd mtg., para. 66.

⁷⁰⁴ *Ibid.*, Congo (Brazzaville), para. 61; Ivory Coast, para. 67.

⁷⁰⁵ *Ibid.*, paras. 68 and 69.

⁷⁰⁶ G A (XX), Plen., 1407th mtg., para. 36.

c. *Southern Rhodesia*

686. By operative paragraph 9 of a resolution adopted on 22 April 1965,⁷⁰⁷ the Special Committee decided to study in co-operation with the Secretary-General and the agencies of the United Nations the implications of the activities of foreign economic and other interests in Southern Rhodesia and their mode of operation in order to assess their economic and political influence.

687. A separate vote was not taken on that paragraph. Prior to the adoption of the resolution one representative expressed reservations⁷⁰⁸ about the usefulness of such a study.

688. The Special Committee requested its Sub-Committee I to carry out the study. The Sub-Committee's conclusions and recommendations as amended were endorsed by the Special Committee in September 1966. No action was taken by the Assembly on the Special Committee's conclusions and recommendations during the period under review.

8. REQUESTS TO INTERNATIONAL INSTITUTIONS
AND SPECIALIZED AGENCIES

a. *Withholding of assistance to Portugal and South Africa*

689. In operative paragraph 11 of resolution 2105 (XX) of 20 December 1965, which concerned the implementation of the Declaration on decolonization the General Assembly requested all States and international institutions, including the specialized agencies of the United Nations, to withhold assistance of any kind to the Governments of Portugal and South Africa until they had renounced their policy of colonial domination and racial discrimination.

690. That paragraph was not voted on separately by the General Assembly.⁷⁰⁹ One representative stated⁷¹⁰ that had there been a separate vote, he would have abstained on the ground that the request would obstruct the right of small countries, whose peoples were not responsible for the policies of their Governments, to take advantage of assistance for their economic and social development.

691. The representative of South Africa said⁷¹¹ that operative paragraph 11 was in violation of the constitutions of the specialized agencies. Moreover, if economic and technical assistance were meant, South Africa was not the recipient of that type of assistance but an exporter thereof. The reference to South Africa was therefore meaningless.

692. In operative paragraph 9 of resolution 2107 (XX) of 21 December 1965, which related to territories under Portuguese administration, the General Assembly appealed to all the specialized agencies, particularly the International Bank for Reconstruction and Develop-

ment and the International Monetary Fund, to refrain from granting Portugal any financial, economic or technical assistance so long as the Government of Portugal failed to implement General Assembly resolution 1514 (XV).

693. Paragraph 9 of resolution 2107 (XX) in its draft form⁷¹² was not voted on separately either in the Fourth Committee⁷¹³ or in the General Assembly.⁷¹⁴ One representative objected⁷¹⁵ to it in the Fourth Committee on the grounds that the General Assembly was requesting the specialized agencies to discriminate against Portugal for political reasons which were outside the scope of the activities of those agencies and that the paragraph sought to deprive Portugal of rights to which it was entitled by virtue of its membership of those agencies.

694. The representative of Portugal, objected⁷¹⁶ that the appeal made to the specialized agencies, which were non-political bodies with statutes of their own, amounted to asking them to depart from their statutes and to act on purely political grounds.

695. In operative paragraph 8 of a resolution of 22 June 1966,⁷¹⁷ the Special Committee reiterated the request contained in operative paragraph 11 of General Assembly resolution 2105 (XX).

696. Subsequently, the Special Committee considered the implementation of General Assembly resolutions 2105 (XX) and 2107 (XX) and its resolution of 22 June 1966. It had before it a note⁷¹⁸ by the Secretariat containing replies received by the Secretary-General from various international institutions, including the specialized agencies, concerning the implementation of General Assembly resolutions 2105 (XX) and 2107 (XX).

697. In a resolution adopted on 15 September 1966,⁷¹⁹ the Special Committee expressed its appreciation to those international institutions and specialized agencies which were co-operating with the United Nations in implementing resolutions 2105 (XX) and 2107 (XX) and appealed to them to continue their efforts in that regard; expressed its deep disappointment at the granting of new loans and the extension of credits to the Governments of South Africa and Portugal by the International Bank for Reconstruction and Development, and the International Monetary Fund; and urged them to co-operate in the implementation of resolutions 2105 (XX) and 2107 (XX) by refraining from rendering any financial or other assistance to those Governments until they had renounced their policies of colonial domination and racial discrimination.

⁷¹² Same text as resolution 2107 (XX).

⁷¹³ G A (XX), 4th Com., 1592nd mtg., paras. 66-69.

⁷¹⁴ G A (XX), Plen., 1407th mtg., para. 36.

⁷¹⁵ G A (XX), 4th Com., 1592nd mtg.: United Kingdom, para. 26.

⁷¹⁶ *Ibid.*, 1590th mtg., para. 25.

⁷¹⁷ GA (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 93, para. 619.

⁷¹⁸ A/AC.109/194 and Add.1 (mimeographed).

⁷¹⁹ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 29, para. 261.

⁷⁰⁷ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 90, para. 284, p. 91, para. 292.

⁷⁰⁸ *Ibid.*, p. 89, Denmark, para. 277.

⁷⁰⁹ G A (XX), Plen., 1405th mtg., para. 189 (for vote on the resolution see decision following para. 654 above).

⁷¹⁰ *Ibid.*, Argentina, para. 204.

⁷¹¹ *Ibid.*, para. 244.

b. *Assistance to Basutoland, Bechuanaland and Swaziland*

698. On the basis of a recommendation by the Special Committee,⁷²⁰ the General Assembly in resolution 1817 (XVII) of 18 December 1962 considered that a serious effort should be made to provide economic, financial and technical assistance, through United Nations programmes of technical co-operation and the specialized agencies, in order to remedy the deplorable economic and social situation of the territories of Basutoland, Bechuanaland and Swaziland.

699. After a further recommendation by the Special Committee⁷²¹ the General Assembly in resolution 1954 (XVIII) of 11 December 1963 requested the Secretary-General to provide such assistance, commensurate with the special needs of the territories, through those programmes and the specialized agencies.

700. The Secretary-General submitted a report⁷²² to the Special Committee in 1964 containing a summary of information received from United Nations agencies concerning the steps they had taken in the light of that resolution.

701. In a resolution adopted on 2 November 1964,⁷²³ the Special Committee requested the Secretary-General, in consultation with the administering Power, to study ways to ensure the economic independence of the territories *vis-à-vis* the Republic of South Africa and to submit a report to the Special Committee and the General Assembly; and requested the Secretary-General, in co-operation with the specialized agencies, to intensify programmes of assistance to them.

702. In a further resolution of 17 June 1965,⁷²⁴ the Special Committee requested the Secretary-General, pending completion of that study and in co-operation with the specialized agencies, to intensify the provision of assistance.

703. Annexed to the report⁷²⁵ which the Secretary-General submitted was a report by an economic and technical assistance mission established after consultation between the Secretary-General and the Government of the United Kingdom which had visited the territories in May and June 1965.

704. The Secretary-General stated⁷²⁶ that he had considered the economic and social situation in the three territories on the basis of the information available to him. It was clear from the mission's analysis that continued assistance from the United Kingdom and by agencies of the United Nations on the existing scale, or even on a moderately increased scale, would not meet the needs of the situation. In the circumstances, he proposed the establishment of a fund for assistance to Basutoland, Bechuanaland and Swaziland to consist

of voluntary contributions by Member States to supplement the assistance provided by the administering Power and the agencies of the United Nations and to be administered by the Secretary-General, in close consultation with the three governments and with the co-operation and assistance of the Special Fund, the Technical Assistance Board, the Economic Commission for Africa and the specialized agencies concerned. The Secretary-General also stated his intention of recommending, at the appropriate time, the establishment in each territory of a United Nations technical assistance office headed by a resident representative to expedite and co-ordinate all United Nations assistance to the territory concerned, including that made available from the proposed fund if one were established.

705. In a resolution adopted on 20 September 1965,⁷²⁷ the Special Committee endorsed the Secretary-General's recommendations and recommended that the General Assembly take appropriate action urgently to set up the fund.

706. In resolution 2063 (XX) of 16 December 1965, the General Assembly decided to establish a Fund for the Economic Development of Basutoland, Bechuanaland and Swaziland as proposed; considered that the efforts to provide economic, financial and technical assistance, through United Nations programmes of technical co-operation and the specialized agencies, should continue in order to remedy the deplorable economic and social situation of the three territories; and requested the Secretary-General to appoint resident representatives in the three territories, as recommended in his report, and to report to the General Assembly at its twenty-first session on the operation of the Fund.

707. In a resolution adopted on 9 June 1966,⁷²⁸ the Special Committee appealed to all States to contribute to the Fund established by the General Assembly and requested the Secretary-General, in consultation with the Special Committee, to appoint a United Nations special representative in each of the three territories to follow up its progress towards independence and to report to the General Assembly as soon as possible.

c. *Assistance to Refugees*

i. *General*

708. In operative paragraph 6 of a resolution adopted on 22 June 1966,⁷²⁹ the Special Committee requested the United Nations High Commissioner for Refugees, the specialized agencies concerned and other international relief organizations, in co-operation with the liberation movements of all territories under colonial domination, to increase their assistance to the refugees from those territories.

ii. *From Aden and the Aden Protectorates*

709. In operative paragraph 12 of resolution 2023 (XX) of 5 November 1965, the General Assembly requested the United Nations High Commissioner for Refugees, the specialized agencies and the interna-

⁷²⁰ G A (XVII), Annexes, a.i. 25/Addendum, A/5238, p. 104, para. 214.

⁷²¹ G A (XVII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 229, para. 113.

⁷²² A/AC.109/98 (mimeographed).

⁷²³ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev.1, p. 280, para. 365.

⁷²⁴ G A (XX), Annexes, 1.i. 23/Addendum, A/6000/Rev.1, p. 371, para. 292.

⁷²⁵ *Ibid.*, a.i. 23, A/5958.

⁷²⁶ *Ibid.*, paras. 17-22.

⁷²⁷ *Ibid.*, a.i. 23/Addendum, A/6000/Rev.1, p. 378, para. 364.

⁷²⁸ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 528, para. 237.

⁷²⁹ *Ibid.*, p. 93, para. 619.

tional relief organizations to offer all possible assistance to the people who were suffering as a result of the military operations in the territory. A similar recommendation was made by the Special Committee in a resolution of 15 June 1966⁷³⁰ whereby, in operative paragraph 11, it invited the Secretary-General to consult with the specialized agencies and other international organisations with a view to providing assistance to the refugees from the territory of Aden and the Aden Protectorates.

iii. *From territories under Portuguese administration* 710. In operative paragraph 10 of resolution 2107 (XX) of 21 December 1965, the General Assembly requested the United Nations High Commissioner for Refugees, the specialized agencies concerned and other international relief organizations to increase their assistance to the refugees from the territories under Portuguese administration and to the people who had suffered from military operations. In operative paragraph 9 of a resolution adopted on 22 June 1966,⁷³¹ the Special Committee made a similar request.

iv. *From Southern Rhodesia*

711. In operative paragraph 11 of a resolution of 31 May 1966,⁷³² the Special Committee requested the specialized agencies concerned and other international assistance organisations to aid and assist refugees from Southern Rhodesia and those who were suffering from oppression by the racist minority régime in Southern Rhodesia.

9. RECOMMENDATIONS CONCERNING AND UNITED NATIONS PARTICIPATION IN PROCESSES TO ASCERTAIN THE FREELY EXPRESSED WISHES OF THE PEOPLE OF NON-SELF-GOVERNING TERRITORIES REGARDING THEIR FUTURE POLITICAL STATUS

a. *Aden*

712. The Special Committee on decolonization considered Aden in 1963. During the discussion suggestions were made⁷³³ that the Special Committee might usefully send a visiting mission to contact representatives of the people, examine conditions and report with recommendations on the best and most expeditious way of implementing the Declaration on decolonization.

713. The United Kingdom representative reiterated⁷³⁴ his Government's objection on grounds of principle to the sending of visiting missions to Non-Self-Governing Territories under its administration.

714. Subsequently, a draft resolution⁷³⁵ was submitted whereby the Special Committee would send to Aden and the Aden Protectorates a Sub-Committee to be nominated by the Chairman; authorize it to

visit neighbouring countries if necessary; and request it to ascertain the views of the population, especially those of the representatives and leaders of the various political parties, and hold talks with the administering Power.

Decision

Paragraph 4 establishing the Sub-Committee was adopted by 16 votes to 5, with 2 abstentions.

The draft resolution, as a whole, was adopted⁷³⁶ on 3 May 1963 by 18 votes to 5, with no abstentions.

715. In view of the refusal of the United Kingdom to permit the Sub-Committee to visit Aden, it visited Iraq, Saudi Arabia, the United Arab Republic and Yemen where it interviewed petitioners in those countries from Aden and the Protectorates.⁷³⁷

716. Subsequently, at its eighteenth session, the General Assembly adopted resolution 1949 (XVIII), the terms of which were similar to those contained in a resolution approved by the Special Committee on 19 July 1963⁷³⁸ on the basis of the Sub-Committee's conclusions and recommendations.⁷³⁹ The Assembly recommended that the administering Power should repeal laws restricting public freedoms, release political prisoners, allow the return of political exiles, cease repressive action and make the necessary constitutional changes so that, before the territory attained independence, general elections on the basis of universal adult suffrage would be held, after which a legislative organ and government would be constituted for the whole of the territory. Conversations should then be opened without delay between that government and the administering Power for the purpose of fixing the date for the granting of independence and the arrangements for the transfer of power. The Assembly also expressed its deep regret at the refusal of the Government of the United Kingdom to co-operate with the Sub-Committee on Aden, particularly its refusal to allow the Sub-Committee to go to the territory in pursuance of the tasks entrusted to it by the Special Committee. It requested the Secretary-General, in consultation with the Special Committee and the administering Power, to arrange for an effective United Nations presence before and during the elections to be held in the territory.

717. In the course of the debate preceding the adoption of resolution 1949 (XVIII), the representative of the United Kingdom reiterated⁷⁴⁰ his Government's position regarding visiting missions whose presence, he stated, would constitute an interruption in the normal processes of political and constitutional advance and a complicating factor in the constant dialogue between the administering Power and the leaders of the territories in the form of constitutional conferences or other forms of consultation, and would thus delay rather than accelerate the attainment of independence. Aden had become the twelfth member of the Federation on 18 January 1963, and in March 1963 two more States

⁷³⁰ *Ibid.*, p. 497, para. 382.

⁷³¹ *Ibid.*, p. 369, para. 675.

⁷³² *Ibid.*, p. 196, para. 1097.

⁷³³ G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 113: Iraq, para. 114; p. 114: Syria, para. 132; p. 116: USSR, para. 150.

⁷³⁴ *Ibid.*, p. 117, paras. 162-179.

⁷³⁵ *Ibid.*, p. 133, para. 303, A/AC.109/L.52/Rev.1, submitted by Cambodia, India, Iraq, Ivory Coast, Madagascar, Mali, Syria, Tanganyika and Yugoslavia.

⁷³⁶ *Ibid.*, p. 137, paras. 336 and 337.

⁷³⁷ *Ibid.*, pp. 155 and 156, paras. 27-46.

⁷³⁸ *Ibid.*, p. 153, para. 478.

⁷³⁹ *Ibid.*, pp. 168 and 169, paras. 156-178.

⁷⁴⁰ G A (XVIII), Plen., 1273rd mtg., paras. 146, 152 and 157.

had joined the Federation which now included the majority of the States of South Arabia. The decision on whether other States would join was for them to make. Similarly, the exact form of the Federation was for its members to decide. What was important was that South Arabia should advance to independence as rapidly as possible in accordance with the wishes of the inhabitants, and that was the policy of the United Kingdom.

718. Subsequently, on 9 April 1964, the Special Committee adopted by a vote of 19 to 3, with 2 abstentions, a resolution in which it again decided to establish a Sub-Committee on Aden to study and keep under constant review the situation in the territory, to establish contacts with the administering Power with a view to implementing the Declaration on decolonization and resolution 1949 (XVIII), to arrange in consultation with the administering Power for visits to the territory and to make such other visits as necessary.⁷⁴¹ In view of the refusal of the United Kingdom either to meet with the Sub-Committee or to allow it to visit the territory, the Sub-Committee visited the United Arab Republic. It adopted its report on 27 October 1964.

719. With regard to a constitutional conference held in London between 9 June and 4 July 1964, the Sub-Committee expressed the opinion that discussions concerning the constitutional progress of the territory towards independence should not be held without the participation of all parties and political organizations and of all sectors of political opinion in Aden and the Protectorates; and expressed regret that the United Kingdom Government had called the conference in circumstances and conditions that raised serious doubts as to the conformity of the conclusions and recommendations of the conference with the genuine aspirations of the people of the territory. Among other things, the Sub-Committee recommended that the United Kingdom should carry out the recommendations contained in resolution 1949 (XVIII) and reiterated that a United Nations presence was required and must be determined by the General Assembly after consultation with the United Kingdom Government and the Secretary-General.⁷⁴²

720. On 17 November 1964, the Special Committee endorsed the conclusions and recommendations of the Sub-Committee. It also decided to maintain the Sub-Committee on Aden with the same terms of reference.⁷⁴³

721. The General Assembly did not consider the question at its nineteenth session because of the special circumstances then prevailing.

722. Having considered a further report by the Sub-Committee,⁷⁴⁴ the Special Committee adopted a resolution on 17 May 1965⁷⁴⁵ by a vote of 19 to 3, with 2 abstentions. In it the Special Committee deplored the refusal of the United Kingdom to implement resolu-

tion 1949 (XVIII) and the recommendations of the Special Committee; called on the United Kingdom Government to convene immediately a conference representative of all sectors of public opinion of the whole territory, with a view to deciding on the necessary constitutional measures for the holding of immediate general elections on the basis of universal adult suffrage and with full respect for fundamental human rights and freedoms, to be followed by the establishment of representative organs and government for the whole of the territory and for the granting of immediate independence; requested the Secretary-General, in consultation with the Special Committee and the administering Power, to arrange for an effective United Nations presence before and during the elections; and urged the United Kingdom Government to enable the Sub-Committee to visit Aden.

723. The Special Committee subsequently endorsed⁷⁴⁶ the conclusions contained in a third report adopted by the Sub-Committee on 9 September 1965. Among those conclusions the Sub-Committee reiterated that a clear-cut statement by the United Kingdom accepting the provisions of the Declaration on decolonization and General Assembly resolution 1949 (XVIII) would go a long way towards reducing tension in the area. It was further the view of the Sub-Committee that a contemplated independence conference should not be called until general elections had taken place as envisaged in resolution 1949 (XVIII). The Sub-Committee noted with regret that none of the recent statements of the United Kingdom Government had contained any unequivocal acceptance of the role that the United Nations itself was called on to play in the affairs of the people of the territory, in particular, with regard to a United Nations presence. The Sub-Committee deeply regretted that the Government of the United Kingdom continued to refuse to permit it to visit the territory. It was convinced that the administering Power's immediate objective should be the holding of general elections throughout the territory; and that the steps outlined in resolution 1949 (XVIII) should be taken to arrange for an effective United Nations presence before and during those elections.⁷⁴⁷

724. At its twentieth session the General Assembly adopted⁷⁴⁸ resolution 2023 (XX) in which, among other things, it deplored the attempts of the administering Power to set up an unrepresentative régime in the territory, urged the administering Power to abolish the state of emergency;⁷⁴⁹ reaffirmed the recommendations contained in resolution 1949 (XVIII), including that whereby it requested the Secretary-General, in consultation with the Special Committee and the administering Power to arrange for an effective United Nations presence before and during the elections it recommended should be held in the territory and urged the administering Power to implement them immediately. It requested the Secretary-General to take such action as he might deem expedient and to report thereon to the Special Committee.

⁷⁴¹ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev 1, p. 198, paras. 162 and 166.

⁷⁴² *Ibid.*, pp. 221 and 222, paras. 114, 115 and 125 (iii) and (iv).

⁷⁴³ *Ibid.*, p. 209, para. 249.

⁷⁴⁴ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 332, appendix I.

⁷⁴⁵ *Ibid.*, pp. 328 and 329, paras. 289 and 300.

⁷⁴⁶ *Ibid.*, p. 332, para. 327.

⁷⁴⁷ *Ibid.*, pp. 342 and 343, paras. 74-78.

⁷⁴⁸ For the vote, see decision following para. 666 above.

⁷⁴⁹ See paras. 494 and 495 above.

725. Subsequently, the Secretary-General submitted two reports to the Special Committee. In the first, dated 16 May 1966,⁷⁵⁰ he stated that he had been informed by the representative of the United Kingdom that the Government of the Federation of South Arabia had accepted the United Nations resolutions and intended to arrange a conference representative of all States in South Arabia, together with political groups and others to consider the ways and means whereby the resolutions could be implemented. The Federal Government intended to request the appointment of a United Nations observer at the conference. In its report to the General Assembly at its twenty-first session in 1966, the Special Committee endorsed⁷⁵¹ recommendations⁷⁵² of its Sub-Committee whereby it urged the Government of the United Kingdom to implement immediately the steps outlined in the United Nations resolutions on the territory so that the people might accede to independence in accordance with their freely expressed wishes without further delay and to make it possible for the Sub-Committee to visit the territory in accordance with its mandate. It also requested the Secretary-General to continue to take whatever action he might deem expedient to ensure the implementation of General Assembly resolution 2023 (XX), bearing in mind, in particular, the request in resolution 1949 (XVIII) to arrange for a United Nations presence.

726. In his second report dated 9 June 1966,⁷⁵³ the Secretary-General informed the Special Committee that the Minister of External Affairs of the Government of the Federation of South Arabia had requested him to appoint a United Nations observer to attend the conference which was to be held on 1 August 1966 and had stated that the presence of such an observer would not only do much to ensure the success of the conference, but would also associate the United Nations in the drawing up of detailed proposals giving effect to its own resolutions. In the same report, the Secretary-General said that he had had discussions with the Sub-Committee on Aden and with the Permanent Representative of the United Kingdom in connexion with the carrying out of the tasks entrusted to him in resolutions 1949 (XVIII) and 2023 (XX), that he had appointed Mr. Omar A. H. Adeel as his Special Representative to assist him in the discharge of his responsibilities, and that the Special Representative would attend the meetings of the Special Committee on Aden. After the Special Committee had considered the question, and in the light of the report of his Special Representative, the Secretary-General, in consultation with the Sub-Committee on Aden, the Special Committee and the administering Power, would consider the further steps to be taken in carrying out his tasks.

727. On 15 June 1966, the Special Committee adopted,⁷⁵⁴ by a roll-call vote of 18 to 2, with 2 abstentions, a resolution whereby it declared that the envisaged conference, or any other conference of a similar nature,

was not in accordance with the terms of the relevant resolutions of the General Assembly; and requested the Secretary-General, in consultation with the Special Committee and the administering Power, to appoint immediately a special mission to Aden to recommend practical steps necessary for fully implementing those resolutions and in particular for determining the extent of United Nations participation in the preparation and supervision of elections and to make a report to him as soon as possible for transmission to the Special Committee.

728. In a report dated 5 August 1966,⁷⁵⁵ the Secretary-General stated that he had begun consultations on the appointment of a special mission and had discussed the question with the Chairman of the Special Committee, the members of the Sub-Committee on Aden and the representative of the United Kingdom. He had been informed by the Deputy Permanent Representative of the United Kingdom that the United Kingdom Government accepted the operative clauses of resolutions 1949 (XVIII) and 2023 (XX) and would be glad to co-operate with a mission appointed by the Secretary-General for the purpose of recommending practical steps necessary for the full implementation of the resolutions and in particular, for determining the extent of United Nations participation in the preparation and supervision of elections, subject to agreement on its composition and to it being recognised that the United Kingdom Government's responsibilities for security could not be limited or abandoned and that the United Kingdom Government was constitutionally unable to give directions to the Federal Government except in matters of external affairs, defence and the public service and had no power to impose changes in the Federal Government.

729. During discussion of that report by the Special Committee, the Chairman of the Sub-Committee on Aden said⁷⁵⁶ that the Sub-Committee considered that the reservations of the United Kingdom were not in accordance with the resolutions of the General Assembly and the Special Committee. The United Kingdom's attitude was not acceptable as a basis on which a special mission to Aden could be appointed or could operate. The special mission must be formed and must operate only under the terms of the relevant General Assembly resolutions and the resolution of the Special Committee of 15 June 1966, and after their unequivocal acceptance by the United Kingdom.

730. Those views, together with the views of other members of the Special Committee expressed during the discussion, were conveyed to the Secretary-General.⁷⁵⁷

b. Cook Islands

731. In conclusions and recommendations adopted on 9 November 1964 concerning the Cook Islands, the Special Committee on decolonization welcomed a statement by the Government of New Zealand that the Declaration on decolonization expressed the goals of New Zealand's policy towards the territory. It

⁷⁵⁰ G A (XXI), Annexes, a.i. 23 /Addendum, A/6300/Rev.1, pp. 503 and 504, annex I, paras. 6 and 7.

⁷⁵¹ *Ibid.*, p. 473, para. 153.

⁷⁵² *Ibid.*, p. 505, para. 17.

⁷⁵³ *Ibid.*, p. 506, annex III.

⁷⁵⁴ *Ibid.*, p. 497, paras. 381 and 382.

⁷⁵⁵ *Ibid.*, p. 507, annex V.

⁷⁵⁶ *Ibid.*, p. 499, para. 392.

⁷⁵⁷ *Ibid.*, p. 503, paras. 423-427.

noted that under plans drawn up by the Cook Islands Legislative Assembly, the Islands would reach full self-government together with a freely chosen association with New Zealand. General elections were to take place in 1965 on the basis of universal suffrage, with the nature of the future status of the territory as the chief issue. A constitution drafted by the existing Legislative Assembly would be brought into effect if, as a result of the elections, the new Legislative Assembly so decided.

732. The Special Committee noted the solemn declaration by the New Zealand Government that any changes in the constitutional status of the Cook Islands would be decided freely by the people of the Cook Islands themselves. The Special Committee also took note of the statement by the administering Power that the High Commissioner who would be appointed by the Governor-General of New Zealand under the contemplated constitutional arrangements would have no powers of either a legislative, executive or judicial nature within the Government of the Cook Islands.

733. The Special Committee recommended that the people of the territory should be enabled to express their wishes in accordance with the provisions of the Declaration on decolonization through well-established democratic processes under United Nations supervision. In relation to the necessary arrangements for the free expression of the peoples' wishes concerning the implementation of the Declaration, the administering Power should have regard to the nature of the aid and assistance which could be rendered by the United Nations and make that known to the population of the territory.⁷⁵⁸

734. In a letter dated 2 February 1965⁷⁵⁹ to the Secretary-General, the Permanent Representative of New Zealand stated that his Government welcomed the recommendation of the Special Committee that the people of the Cook Islands should be enabled to express their wishes in accordance with the provisions of the Declaration through well-established democratic processes under United Nations supervision. New Zealand was prepared to make the necessary arrangements for facilitating such supervision and requested the Secretary-General to nominate an appropriate person or persons to be present in the Cook Islands on behalf of the United Nations for the election campaign and the election in the latter part of April 1965 and for the debate and decision on the Constitution by the newly elected Legislative Assembly in late May.

735. On 9 February 1965, the Secretary-General drew the attention of the General Assembly⁷⁶⁰ to that letter and, on 15 February 1965, submitted a draft resolution⁷⁶¹ whereby, among other things, the General Assembly would authorize supervision by the United Nations of the elections to be held in the Cook Islands and would authorize the Secretary-General to appoint a United Nations representative who would supervise those elections with the assistance of the necessary

observers and staff, observe the proceedings concerning the Constitution in the newly elected Legislative Assembly and report to the Special Committee and the General Assembly.

736. In a statement forwarded to the President of the General Assembly with a letter dated 16 February 1965, the delegation of the USSR declared that the question of the future status of the Cook Islands was one of those questions of principle to be decided only after the situation in the islands had been carefully considered by the General Assembly with the participation of representatives of the indigenous population and after conditions were worked out that would ensure a genuine expression of will of the population. It would be wrong automatically to decide to send a United Nations observer without due consideration in the General Assembly. Such an approach might create an unacceptable precedent for the solution of colonial questions. The Soviet delegation did not therefore consider it possible to support the suggestion that a United Nations observer be sent to the Cook Islands.⁷⁶²

Decision

The draft resolution was adopted⁷⁶³ by the General Assembly as resolution 2005 (XIX) on 18 February 1965 without a formal vote.

737. Subsequently, the Permanent Representatives of Australia, France, the United Kingdom and the United States sent written reservations⁷⁶⁴ to the President of the General Assembly to the effect that although they did not raise any objection to the adoption of the resolution since the procedures were those desired by the administering Power, in their Governments' views the adoption of the resolution did not create a precedent to be applied in respect of other Non-Self-Governing Territories.

738. In pursuance of resolution 2005 (XIX), the Secretary-General appointed Mr. Omar A. H. Adeel as United Nations Representative for the Supervision of the Elections in the Cook Islands.

739. In his report, which was initially transmitted to the Special Committee, the United Nations Representative said that the administrative and physical arrangements for the elections were in accordance with the legislation provided for that purpose and that the impartiality of the electoral officials was impeccable. He expressed the belief that there was a fair degree of awareness by a fairly large section of the population regarding the significance of the elections; and he was satisfied that, while he and the observers were in the territory, prior to and during the polling, the people were able to exercise their rights in complete freedom. Not in one case did a candidate, returned or defeated, challenge the results. The elections were orderly and polling took place in a peaceful atmosphere.

740. He also reported that, at its first meeting, the Cook Islands Legislature had reaffirmed its acceptance of the principle of full internal self-government, as

⁷⁵⁸ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev. 1, chap. XV, paras. 98-104, 112 and 113.

⁷⁵⁹ *Ibid.*, (part II), A/5880.

⁷⁶⁰ *Ibid.*, A/5882.

⁷⁶¹ *Ibid.*, A/L.460 (same text as resolution 2005 (XX)).

⁷⁶² *Ibid.*, A/5885.

⁷⁶³ G A (XIX), Plen. 1330th mtg., paras. 278 and 282.

⁷⁶⁴ G A (XIX), Annexes, No. 8 (part II), A/5893, A/5097 A/5894 and A/5895 respectively.

outlined in the draft Constitution, but had requested certain amendments.⁷⁶⁵

741. In a letter dated 13 August 1965⁷⁶⁶ to the Secretary-General, the Permanent Representative of New Zealand stated that the amendments requested by the Cook Islands Legislature had been enacted by the New Zealand Parliament. The amended draft Constitution had been approved by the Cook Islands Legislature, and the new Constitution providing for a self-governing Cook Islands in free association with New Zealand had come into force on 4 August 1965.

742. After consideration of the report of the United Nations Representative, in which the representative of New Zealand and the Premier of the Cook Islands participated, the Special Committee took note⁷⁶⁷ of the report.

743. At the twentieth session of the General Assembly, the United Nations Representative stated⁷⁶⁸ in the Fourth Committee that the elections had been fair, the members of the new Legislative Assembly were those whom the people had wanted and had chosen in complete freedom, and the anomalies of the territory's new Constitution which the Legislative Assembly had adopted by a decisive majority might in the final analysis prove to be more apparent than real.

744. The representative of New Zealand said⁷⁶⁹ that the legislative body in the Cook Islands was autonomous, and the Government had full authority in the country; yet it could not be called a sovereign independent State, since its people were still New Zealand citizens, and the Cook Islands Parliament had requested New Zealand, in consultation with the Cook Islands Government, to be responsible for external affairs and defence. The Cook Islanders wished to preserve their individuality; that was one reason they had chosen free association in preference to integration. They felt that they had obtained most of the practical advantages of sovereign independence together with a number of important extra benefits. The decision represented the "freely expressed will and desire" of the people, in terms of paragraph 5 of the Declaration on decolonization. Furthermore, as mentioned in resolution 1541 (XV), the territory had the right, guaranteed under Article 41 of the Constitution, to change its status and to separate unilaterally from New Zealand. The people of the territory had for some time operated a mature political system; they had exercised their right to self-determination freely under the supervision of the United Nations; and they retained the right to move unilaterally into any other status.

745. Other representatives agreed that the provisions of resolutions 1514 (XV) and 1541 (XV) had been fully met.⁷⁷⁰

746. One representative considered⁷⁷¹ that the administering Power had not fulfilled the provisions of paragraph 5 of resolution 1514 (XV). The Constitution had been drafted by New Zealand, and the whole electoral apparatus had been left under the control of New Zealand. The people had been ill-informed of the role the United Nations might play in hastening the independence of the territory. His delegation considered that the United Nations could not be satisfied with playing a passive role and endorsing decisions of the administering Power. It should seek, in the spirit of the Declaration on decolonization to create conditions in the Cook Islands which would enable the population to decide freely on the territory's future form of government.

747. Another representative thought⁷⁷² that the United Nations should make certain that the arrangements whereby a small territory achieved full self-government in free association with an independent State were not used against the interests of the population. The United Nations should retain an interest in such territories, hear petitioners and make enquiries concerning the situation. It should ensure that small territories were not dismembered by the strategic needs of other Powers.

748. After a general discussion, a draft resolution⁷⁷³ was submitted whereby the General Assembly would, in the sixth preambular paragraph, note that, under the Constitution which came into force on 4 August 1965, the Cook Islands had reserved their right to move to a status of complete independence; in operative paragraph 3, note that from that date the people of the Cook Islands had had control of their internal affairs and of their future; and in operative paragraph 4, reaffirm the responsibility of the United Nations, under the Declaration on decolonization to assist the people of the Cook Islands in the eventual achievement of full independence, if they so wished, at a future date.

749. An amendment⁷⁷⁴ was submitted to the draft resolution to delete from operative paragraph 3 the words "from which date the Cook Islanders have had control of their internal affairs and of their future".

750. In further amendments⁷⁷⁵ it was proposed that three additional paragraphs should be inserted. By the first the General Assembly would express its appreciation of the co-operation extended to the United Nations by the Government of New Zealand in the study of the question of the Cook Islands. By the second it would consider that, since the Cook Islands had attained full internal self-government, the transmission of information in respect of them under Article 73 e of the Charter was no longer necessary. By the third, it would express the hope that the United Nations Development Programme and the specialized

⁷⁶⁵ G A (XX), Annexes, a.i. 23 and 24, A/5962, paras. 141-152 and annex X.

⁷⁶⁶ *Ibid.*, A/5961.

⁷⁶⁷ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 396, para. 196.

⁷⁶⁸ G A (XX), 4th Com., 1560th mtg., para. 32.

⁷⁶⁹ *Ibid.*, paras. 35-37, 42, 43 and 50.

⁷⁷⁰ For text of relevant statements, see G A (XX), 4th Com., 1561st mtg.: Ceylon, paras. 5-8; Denmark, paras. 1-4; 1562nd mtg.: China, paras. 1-5; Iran, paras. 6-11; 1563rd mtg.: Australia, paras. 1-4; Ireland, paras. 15-19; Pakistan, para. 5; Uruguay, paras. 6-8.

⁷⁷¹ G A (XX), 4th Com., 1561st mtg.: USSR, paras. 9-16.

⁷⁷² *Ibid.*, 1563rd mtg.: Jamaica, para. 10 (see also 1561st mtg.: Philippines, para. 23; 1563rd mtg.: Yugoslavia, para. 14).

⁷⁷³ G A (XX), Annexes, a.i. 23 and 24, A/C.4/L.811/Rev. 1 and Add.1, submitted by Congo (Democratic Republic of), Guinea, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Togo and Zambia.

⁷⁷⁴ *Ibid.*, A/6154, para. 9, submitted by Ghana.

⁷⁷⁵ *Ibid.*, para. 11, submitted by Liberia.

agencies would endeavour to contribute in every way possible to the development and strengthening of the economy of the Cook Islands.

Decisions

The amendment to insert a paragraph expressing appreciation to the Government of New Zealand was adopted by 78 votes to 1, with 20 abstentions.

The amendment to paragraph 3 was rejected by a roll-call vote of 29 to 28, with 43 abstentions.

Operative paragraph 3 was adopted by a roll-call vote of 65 to 16, with 18 abstentions.

The amendment to add a paragraph stating that the transmission of information was no longer necessary was adopted by a roll-call vote of 49 to 17, with 34 abstentions.

The amendment to add a paragraph referring to the United Nations Development Programme and the specialized agencies was adopted by 76 votes to none, with 23 abstentions.

Operative paragraph 4 was adopted by 86 votes to 4, with 6 abstentions.

The draft resolution as a whole, as amended, with the paragraphs renumbered accordingly, was approved⁷⁷⁶ by a roll-call vote of 76 to none, with 24 abstentions.

The draft resolution was subsequently adopted⁷⁷⁷ by the General Assembly as resolution 2064 (XX) on 16 December 1965 by a roll-call vote of 78 to none, with 29 abstentions.

751. The sixth preambular paragraph and operative paragraphs 2 to 7 of resolution 2064 (XX) read as follows:

"The General Assembly,

"...

"*Noting* that, under the Constitution which came into force on 4 August 1965, the people of the Cook Islands have reserved their right to move to a status of complete independence;

"1. ...

"2. *Notes* the findings and conclusions of the United Nations Representative for the Supervision of the Elections in the Cook Islands and expresses its high appreciation to the Representative and his staff;

"3. *Expresses* its appreciation of the co-operation extended to the United Nations by the Government of New Zealand in the study of the question of the Cook Islands;

"4. *Notes* that the Constitution of the Cook Islands came into force on 4 August 1965, from which date the people of the Cook Islands have had control of their internal affairs and of their future;

"5. *Considers* that since the Cook Islands have attained full internal self-government, the transmission of information in respect of the Cook Islands under Article 73 e of the Charter of the United Nations is no longer necessary.

"6. *Reaffirms* the responsibility of the United Nations, under General Assembly resolution 1514 (XV), to assist the people of the Cook Islands in the eventual achievement of full independence, if they so wish, at a future date;

"7. *Expresses the hope* that the United Nations Development Programme and the specialized agencies will endeavour to contribute in every way possible to the development and strengthening of the economy of the Cook Islands."

c. Equatorial Guinea (*Fernando Póo and Río Muni*)

752. After a plebiscite held on 15 December 1963, Río Muni and the islands of Fernando Póo were joined to form Equatorial Guinea under a new Constitution by which they ceased to be Spanish provinces and were granted their own legislative and executive institutions. Spain was to be represented in the territory by a Commissioner-General responsible for external relations and defence.⁷⁷⁸

753. At its twentieth session, on the recommendation of the Fourth Committee,⁷⁷⁹ the General Assembly adopted⁷⁸⁰ on 16 December 1965, by a vote of 103 to 0, with 2 abstentions, resolution 2067 (XX), whereby it (1) reaffirmed the inalienable right of the people of Equatorial Guinea to self-determination and independence; (2) requested the administering Power to set the earliest possible date for independence after consulting the people on the basis of universal suffrage under the supervision of the United Nations; and (3) invited the Special Committee on decolonization to follow the progress of the implementation of the resolution and to report there on to the General Assembly at its twenty-first session.

754. In its report, the Special Committee recorded a statement by the representative of Spain that the Spanish Government would be pleased if the Committee or a representative group of members could visit Equatorial Guinea to see conditions in the territory for themselves.⁷⁸¹

755. Subsequently, by a roll-call vote of 22 to none, the Special Committee decided⁷⁸² to send to Equatorial Guinea, as soon as practicable, a Sub-Committee to ascertain conditions in the territory with a view to speeding up the implementation of General Assembly resolutions 1514 (XV) and 2067 (XX).

756. On the proposal of the Chairman, the Special Committee decided that the Sub-Committee on Equatorial Guinea should be composed of the representatives of Chile, Denmark, Mali, Poland, Sierra Leone, Syria and the United Republic of Tanzania.⁷⁸³

757. The Sub-Committee, after visiting Madrid on 17 and 18 August, visited Equatorial Guinea from 19 to 24 August 1966. In the light of the discussions held

⁷⁷⁸ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev 1, pp. 281 and 282 paras. 3-22.

⁷⁷⁹ G A (XX), Annexes, a.i. 23, A/6160, para. 50.

⁷⁸⁰ G A (XX), Plen., 1398th mtg., para. 113.

⁷⁸¹ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 566, para. 44.

⁷⁸² *Ibid.*, p. 570, para. 78.

⁷⁸³ *Ibid.*, p. 571, para. 91.

⁷⁷⁶ G A (XX), 4th Com., 1580th mtg., paras. 60-64.

⁷⁷⁷ G A (XX), Plen., 1398th mtg., para. 107.

with the administering Power and the autonomous authorities in the territory and the evidence received, the Sub-Committee considered, among other things, that the Special Committee should recommend that the administering Power immediately convene a conference, in which the various political parties of the territory and all sections of the population would be fully represented, in order to establish the modalities for the transfer of all powers to the people without delay, and to fix a date for independence which, in response to the wishes of the people, should be not later than July 1968. The Sub-Committee also considered that the administering Power should remove all restrictions on political activities and establish full democratic freedoms and should replace the existing electoral system by a system based on universal adult suffrage and that elections should be held on that basis before independence; that the administering Power should establish in law and in practice full equality of political, economic, social and other rights; that the administering Power should continue to co-operate with the United Nations by ensuring United Nations participation in the processes leading to independence of the territory and should undertake a full-scale circulation of the Sub-Committee's report and the dissemination in the territory of the Declaration on decolonization as well as relevant documentation on the work of the Special Committee.⁷⁸⁴

758. The Special Committee endorsed the recommendations of the Sub-Committee, on the understanding that the observations and reservations made by Members would appear in the record.⁷⁸⁵ In that connexion certain representatives felt that it should be made clear that it was the united territory of Equatorial Guinea which would accede to independence.⁷⁸⁶ Other members would have preferred no specific time-limit to be set for independence. That, they felt, should be left entirely to the representatives of the people.⁷⁸⁷

d. *Sabah (North Borneo) and Sarawak* ⁷⁸⁸

759. On 5 August 1963, the Secretary-General was requested by the Governments of the Federation of Malaya, the Republic of Indonesia and the Republic of the Philippines, with the concurrence of the United Kingdom, to ascertain, prior to the establishment of the Federation of Malaysia, the wishes of the people of Sabah (North Borneo) and Sarawak, within the context of principle IX annexed to resolution 1541 (XV) relating to the circumstances in which a Non-Self-Governing Territory might be integrated with an independent State and providing that the United Nations when it deemed it necessary, could supervise the processes of such integration.

760. In the hope that some form of United Nations participation might help reduce tension in the area and among the parties, the Secretary-General agreed to respond positively to the request made by the three

Governments and appointed a United Nations Malaysia Mission of eight members of the Secretariat, headed by Mr. Laurence V. Michelmore as his representative.

761. The United Nations Malaysia Mission expressed the opinion that "the participation of the two territories in the proposed Federation, having been approved by their legislative bodies, as well as by a large majority of the people through free and impartially conducted elections in which the question of Malaysia was a major issue, the significance of which was appreciated by the electorate, may be regarded as the "result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage". That conclusion was accepted by the Secretary-General.⁷⁸⁹

762. On 16 September 1963, the Federation of Malaya became the Federation of Malaysia after the admission of Singapore, Sabah (North Borneo) and Sarawak. Singapore, however, became an independent State on 9 August 1965 and was admitted to membership in the United Nations on 21 September 1965 under resolution 2010 (XX).

e. *West New Guinea (West Irian)*

763. In resolution 1752 (XVII) of 21 September 1962, the General Assembly took note of an Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian, and authorized the Secretary-General to carry out the tasks entrusted to him in the Agreement. Under the Agreement, the administration of the territory would be transferred from the Netherlands to a United Nations Temporary Executive Authority, established by and under the jurisdiction of the Secretary-General, which would in turn transfer the administration to Indonesia.

764. It was further provided in the Agreement that before the end of 1969, the people of the territory would exercise their free choice as to whether they wished to remain with Indonesia or sever their ties with it and that a United Nations representative, appointed by the Secretary-General, would advise, assist and participate in the arrangements for the act of free choice. After the exercise of the right of self-determination, the Secretary-General would report to the General Assembly on the conduct of the act of self-determination. The Governments of Indonesia and the Netherlands agreed to recognize and abide by that act.⁷⁹⁰

765. In a report dated 21 October 1963,⁷⁹¹ the Secretary-General stated that the United Nations stood

⁷⁸⁴ G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, p. 573, annex, paras. 4, 5 and 300-310.

⁷⁸⁵ *Ibid.*, p. 572, para. 105 and p. 573, para. 114.

⁷⁸⁶ *Ibid.*, p. 572: Madagascar, para. 110; Mali, para. 103; p. 573; Cameroon, para. 113.

⁷⁸⁷ *Ibid.*, p. 572: Australia, para. 104; United States, para. 109.

⁷⁸⁸ See also this *Supplement* under Article 98.

⁷⁸⁹ The report of the United Nations Malaysia Mission was circulated by memorandum to Members of the United Nations and was not released as an official United Nations document. Reference to the Mission and its findings was made by the Secretary-General in the Introduction to his Annual Report on the Work of the Organization, 16 June 1963-15 June 1964, to the General Assembly at its nineteenth session (G A (XIX), Suppl. I A, p. 8).

⁷⁹⁰ See also paras. 871-873 below.

⁷⁹¹ G A (XVIII), Annexes, a.i. 20, A/5578.

ready to assist the Government of Indonesia in implementing the act of free choice by the inhabitants of the territory.

766. There was no further discussion of the question during the period under review.

10. DECISIONS TAKEN IN CASES WHERE SOVEREIGNTY WAS IN DISPUTE, INCLUDING THOSE WHERE THE QUESTION OF THE COMPATIBILITY OF THE PRINCIPLES OF SELF-DETERMINATION AND TERRITORIAL INTEGRITY AROSE ⁷⁹²

a. *Falkland Islands (Malvinas)* ⁷⁹³

767. From the early sessions of the General Assembly the Government of Argentina claimed sovereignty over the Falkland Islands (Malvinas) and annually expressed reservations on the transmission of information on them by the United Kingdom under Article 73 e.

768. The United Kingdom stated that it had no doubts as to its sovereignty over the Falkland Islands (Malvinas).

769. The situation in the Falkland Islands (Malvinas) was considered by the Special Committee on decolonization in 1964. The representative of Argentina participated in the discussions.

770. The representative of the United Kingdom again stated ⁷⁹⁴ in Sub-Committee III which initially considered the Falkland Islands (Malvinas) that his Government had no doubt about its sovereignty over the territory and that the request by the representative of Argentina to participate in the work of the Sub-Committee constituted an intervention in the affairs of the territory in which Argentina was not properly concerned. The Special Committee and, consequently, the Sub-Committee were not competent to discuss territorial claims. While paragraph 6 of the Declaration on decolonization ⁷⁹⁵ might be interpreted as a mandate for the Committee to consider the question of sovereignty, such an interpretation was not borne out either by the wording of the paragraph itself, which clearly referred to possible attempts at disruption in the future and not to issues of sovereignty dating back to distant history, or by the remainder of the Declaration, which stated specifically that "all peoples have the right to self-determination". No fair-minded observer could therefore construe paragraph 6 as imposing a limitation on the universal application of the principle of self-determination, which was guaranteed under the Charter. It was for the islands themselves to determine what

their ultimate constitutional status should be and, the United Kingdom's position was fully consistent with the principle of self-determination.

771. The United Kingdom Government would not agree to participate in discussions of sovereignty over the Falkland Islands or in bilateral talks with the Argentine Government. It had always been willing, however, to discuss with that Government ways in which the United Kingdom, Argentina and the Falkland Islands could avoid damage to their good relations arising from the dispute which unhappily existed.

772. After reviewing the history of the islands and again asserting his Government's sovereignty over them, the representative of Argentina stated ⁷⁹⁶ that the principle of self-determination of peoples recognized in Article 1 (2) of the Charter should be viewed in the light of circumstances. Its indiscriminate application could place the destiny of territories thinly inhabited by nations of a colonial Power in the hands of the Power which had installed itself there by force. The fundamental principle of self-determination must not be utilized to convert illegal possession into full sovereignty under the mantle of protection to be provided by the United Nations.

773. That was the correct interpretation of the principle of self-determination, based precisely on the Declaration on decolonization which recognized that the peoples of the world ardently desired the end of colonialism in all its manifestations and that all peoples had an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory. Paragraph 6 of the Declaration stated that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country was incompatible with the Purposes and Principles of the Charter of the United Nations.

774. The Argentine Republic claimed restoration of its territorial integrity through restoration of the Malvinas, South Georgia and the South Sandwich Islands, which had been taken by force. The Argentine Government would not agree to have the principle of self-determination distorted and applied to consolidate a situation arising from a colonial anachronism to the detriment of the Argentine Government's lawful rights of sovereignty over the islands.

775. In support of the Argentine viewpoint, one representative said ⁷⁹⁷ that the Special Committee and its Sub-Committee were competent to discuss questions of sovereignty in territories subject to colonial rule. Whenever the Special Committee, in accordance with the Declaration on decolonization, recommended or requested that a given territory should receive its independence and that the people of that territory should be allowed to exercise freely their right to self-determination, it was merely requesting that sovereignty should be returned to the people from whom it had been usurped. In the case of a territory in which the original population had been expelled, sovereignty should be restored to the State which had exercised it

⁷⁹² See also this *Supplement* under Article 1 (2).

⁷⁹³ The Fourth Committee decided at the twentieth session of the General Assembly that the following nomenclature concerning the territory should be used in all United Nations documents: (a) In all languages other than Spanish, the territory should be called "Falkland Islands (Malvinas)"; (b) in the Spanish language, the territory should be called the "Islas Malvinas (Falkland Islands)". The General Assembly took note of that decision (see G A (XX), 4th Com., 1560th mtg., paras. 1-3; Plen., 1389th mtg., para. 5).

⁷⁹⁴ G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, chap. XXIII, annex, p. 440, paras. 10-12.

⁷⁹⁵ See para. 329 above.

⁷⁹⁶ G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 440, paras. 15-34.

⁷⁹⁷ *Ibid.*, p. 445, Venezuela, paras. 84-85 and 99 (see also Uruguay, p. 443, para. 53).

and from which it had been taken away by force. The Special Committee was, therefore, fully competent to consider the colonial case of the Malvinas Islands. In fact, the administering Power itself had classified the islands as colonies and had transmitted the information required under Article 73 e. There was no doubt that the Declaration on decolonization applied to the territory. The case was covered by paragraph 6 of that Declaration. It was suggested that the Special Committee might request the two parties to enter into direct negotiations to seek a solution in the interests of both of them within the framework of the Declaration and of the United Nations Charter.

776. Other representatives noted,⁷⁹⁸ in effect, that the colonial status of the territory was undisputed. Consequently, the Special Committee's task was to study and recommend the measures to be taken to implement the Declaration. The Special Committee was not a tribunal to settle disputes over questions of territorial sovereignty. The problem of the Falkland Islands (Malvinas) should be settled by practical action rather than legal theory, and negotiations between the two Governments would seem advisable.

777. On the basis of the conclusions and recommendations of Sub-Committee III,⁷⁹⁹ which it adopted without objection,⁸⁰⁰ the Special Committee confirmed that the provisions of the Declaration on decolonization applied to the Falkland Islands (Malvinas); noted the existence of a dispute between the Governments of the United Kingdom and of Argentina concerning sovereignty over the islands; and invited those Governments to enter into negotiations with a view to finding a peaceful solution, bearing in mind the provisions and objectives of the United Nations Charter and of the Declaration, the interests of the population and the opinions expressed during the debate.

778. The report of the Special Committee was not considered by the General Assembly at its nineteenth session because of the special circumstances then prevailing. The Special Committee again reported⁸⁰¹ to the General Assembly at its twentieth session on the Falkland Islands (Malvinas), but did not adopt any resolution.

779. At the twentieth session of the Assembly, essentially the same arguments were repeated in the Fourth Committee⁸⁰² as had been presented in Sub-Committee III by the representatives of the United Kingdom and of Argentina, and by other representatives.

780. The representative of the United Kingdom reiterated⁸⁰³ that his Government had no doubts about its sovereignty over the territory. The question of disrupting Argentina's territorial integrity therefore did not arise. The Falkland Islanders were genuine,

permanent inhabitants with no other home than the islands. They did not wish to sever their connexions with the United Kingdom. It had been suggested that operative paragraph 6 of resolution 1514 (XV) should be interpreted as denying the principle of self-determination to the inhabitants of a territory which was the subject of a territorial claim by another country. But paragraph 6 had not been intended to limit the application of the principle of self-determination in any way. It was for the people themselves to decide where their interests lay.

781. With regard to negotiations with the Argentine Government, the representative stated that the future of the Falkland Islands could not be settled over the heads of the people and therefore the question of sovereignty was not negotiable. The United Kingdom Government was, however, willing to enter into discussions on suitable topics, bearing in mind its reservations about sovereignty and respect for the wishes and interests of the islanders.

782. The representative of Argentina said⁸⁰⁴ that, as many representatives recognized, a colonial situation existed in the Malvinas Islands since the United Kingdom had taken possession of them by force in 1883. Furthermore, the United Kingdom transmitted information on them under Article 73 e, which clearly showed they were a Non-Self-Governing Territory. Argentina, after freeing itself from colonialism, had seen its territory dismembered as a result of colonial intervention by the United Kingdom, which had ejected the Argentine authorities from the Malvinas by force and had removed the population from the islands and replaced it by United Kingdom nationals. Thus, the case was a special one to which the principles stated in paragraph 6 of resolution 1514 (XV) applied rather than paragraph 5. The application of the principle of self-determination to the Malvinas Islands would be contrary to the principle of the territorial integrity of States, which was also laid down by the Charter. The principle of self-determination should not be permitted to serve as a pretext for maintaining a colonial régime.

783. If, however, the United Kingdom accepted the invitation of the United Nations and entered into bilateral negotiations with Argentina, there was nothing to prevent priority consideration of the question of guarantees for the inhabitants of the territory.

784. A draft resolution⁸⁰⁵ was submitted and approved⁸⁰⁶ in the Fourth Committee by a roll-call vote of 87 to none, with 13 abstentions. The General Assembly adopted it⁸⁰⁷ as resolution 2065 (XX) on 16 December 1965 by a roll-call vote of 94 to none, with 14 abstentions.

785. In the preamble of that resolution, the General Assembly considered that the Declaration on decolonization was prompted by the cherished aim of bringing to an end everywhere colonialism in all its forms,

⁷⁹⁸ For the text of relevant statements see *ibid.*, p. 444: Italy, paras. 58-63; Ivory Coast, paras. 64-69; Madagascar, paras. 70-75, p. 445; Bulgaria, paras. 80-83; Iran, paras. 76-79.

⁷⁹⁹ *Ibid.*, p. 449, para. 121.

⁸⁰⁰ *Ibid.*, p. 438, paras. 58 and 59.

⁸⁰¹ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, chap. XXII.

⁸⁰² G A (XX), 4th Com. 1556th-1560th mtgs

⁸⁰³ *Ibid.*, 1558th mtg., paras. 89-94.

⁸⁰⁴ G A (XX), 4th Com., 1559th mtg., paras. 9-17.

⁸⁰⁵ By Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, Uruguay and Venezuela.

⁸⁰⁶ G A (XX), 4th Com., 1560th mtg., para. 4.

⁸⁰⁷ G A (XX), Plen., 1398th mtg., para. 109.

including that form which applied to the Falkland Islands (Malvinas).

786. It invited the Governments of Argentina and the United Kingdom to proceed without delay with the negotiations recommended by the Special Committee with a view to finding a peaceful solution to their dispute concerning sovereignty over the islands, bearing in mind the provisions and objectives of the Charter and of the Declaration, and the interests of the population of the islands; and it requested the two Governments to report to the Special Committee and to the General Assembly at its twenty-first session on the results of the negotiations.

b. Gibraltar

787. From the time became a Member of the United Nations in 1955 the Government of Spain had expressed reservations on the transmission of information under Article 73 e on Gibraltar by the United Kingdom.

788. The United Kingdom Government maintained that it had no doubts about its sovereignty over Gibraltar.

789. The situation in Gibraltar was considered by the Special Committee in 1963,⁸⁰⁸ but no resolution was adopted.

790. The representative of Spain, who participated in the discussions, said ⁸⁰⁹ that: (1) Gibraltar had been ceded to the United Kingdom for use as a military base under the Treaty of Utrecht, which had laid down the conditions and limits of that cession, and there had never been any question of Gibraltar's conversion into a colony; (2) Spain had always respected the Treaty of Utrecht, but the United Kingdom, as the result of a series of unilateral interpretations, often imposed by force, had transformed Gibraltar into a colony, expelling the original inhabitants and replacing them by a varied population, and creating an artificial economic prosperity there; (3) Gibraltar was an integral part of Spanish soil, not only geographically but also economically and demographically, and any political development affecting Gibraltar which did not take into account its close links with the adjacent territory would only aggravate the problem; (4) since the military base of Gibraltar had been transformed into a commercial emporium and a United Kingdom colony, it unquestionably came within the scope of the general decolonization process; (5) Spain was ready to discuss with the United Kingdom the implementation of the Declaration on decolonization and particularly the provisions of paragraph 6, having due regard for the true interests of the inhabitants of the military base and of the adjacent territory known as the "Campo"; (6) if the Treaty of Utrecht were strictly applied, the cession by the United Kingdom of the Campo which it had acquired under that Treaty, would automatically give Spain the right to recover possession of Gibraltar; and (7) the Spanish people placed their confidence in the United Nations and hoped for its assistance in eradicating

colonialism from the soil of Spain, just as it had been eradicated elsewhere.

791. The representative of the United Kingdom said ⁸¹⁰ that the question of sovereignty over Gibraltar was not within the Committee's competence. His Government had no doubt about its sovereignty over the territory. He formally reserved his Government's rights on that question.

792. Another representative also had doubts about the Committee's competence to discuss the question of sovereignty. It seemed to his delegation that the relevant paragraph of the Declaration to be taken into account was paragraph 5, not 6, and that the right to self-determination should be emphasized in whatever decision the Committee might take.⁸¹¹

793. Similar arguments were presented in the Special Committee in 1964.

794. The representative of Spain said ⁸¹² that the measures that the United Kingdom was enacting in Gibraltar were a direct violation of paragraph 6 of resolution 1514 (XV).

795. Article 73 defined which peoples possessed the right to self-determination and spoke of "territories whose peoples had not yet attained a full measure of self-government". The use of the phrase "territories whose peoples" showed that those who drafted the Charter had envisaged a complete identity between the people and the territory they inhabited. The entire juridical doctrine under which the decolonization process was being conducted was based precisely on the idea that the rights of the people of a territory over their own territory prevailed over those of any other country. Consequently, only the people of a territory possessed the right to self-determination proclaimed by the United Nations. That interpretation was confirmed by principle I in the annex to resolution 1541 (XV) and by paragraph 5 of the Declaration on decolonization. It was therefore essential, before conceding that a people had the right to govern their own future, to establish the existence of an identity between people and territory.

796. Gibraltar clearly did not belong to those inhabitants who, by an accident of colonial history, happened to be living there, but rather to the inhabitants of the nearby Spanish town of San Roque, descendants of the original inhabitants of Gibraltar who had been demanding its return for 250 years. Furthermore, the inhabitants of Gibraltar had always been regarded simply as British subjects by the United Kingdom which had never acknowledged that they had any special rights in the territory. Only since the beginning of the process of decolonization had the United Kingdom sought to use the population as a means for maintaining its rule. The Gibraltarians were demanding in return the recognition of their existence as a separate political entity, at Spain's expense.

797. The application of the principle of self-determination would be in violation of paragraph 6 of the

⁸¹⁰ *Ibid.*, p. 274, para. 67.

⁸¹¹ *Ibid.*, Denmark, p. 276, para. 89 (see also Australia, para. 93).

⁸¹² G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 301, paras. 101-129.

⁸⁰⁸ G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, chap. XII.

⁸⁰⁹ *Ibid.*, p. 273, para. 66.

Declaration. It would mean that the international community recognized the present population of Gibraltar as a political entity distinct from the United Kingdom.

798. The most equitable and proper method of decolonizing Gibraltar would be the application of paragraph 6, and his Government was willing to negotiate with the United Kingdom on the procedure with due regard for the interests of the inhabitants of Gibraltar, who had much to gain from the proposed solution.

799. The representative of the United Kingdom maintained⁸¹³ that for more than 250 years his Government had exercised over Gibraltar a sovereignty established and reaffirmed by treaty, about which his Government had no doubt. The United Kingdom did not accept that Spain had any right to be consulted on changes in the constitutional status of Gibraltar and its relationship with the United Kingdom. The United Kingdom Government did not challenge the fact that Gibraltar was a Non-Self-Governing Territory. Even Spain did not deny that it was a colony. Since the United Nations had consistently treated Gibraltar as a colony to which Article 73 applied, the United Kingdom would not have been fulfilling the requirements of that Article if it had not taken steps to enable the Gibraltarians to advance towards complete self-government. Even though the population was small, the provisions of the Charter and the Declaration applied.

800. The assertion by Spain that self-determination could not apply in the case of Gibraltar because there was no identity between the territory and the people, whose only home was Gibraltar, was incomprehensible and completely unsupported by anything in the Charter or the Declaration.

801. Paragraph 6 of the Declaration obviously referred to attempts in the future to disrupt the national unity and territorial integrity of a country and could not be twisted to justify attempts to acquire sovereignty over territory that had been involved in centuries-old disputes. The paragraph was clearly aimed at protecting colonial territories or countries which had recently become independent against attempts to divide them or to encroach on their integrity at a time when they were least able to defend themselves because of the stresses and strains of approaching or newly achieved independence.

802. In the case of the people of Gibraltar, the United Kingdom was applying and implementing the principle of self-determination and the objectives of resolution 1514 (XV). It had demonstrated that the granting of a greater degree of self-government to Gibraltar, and recognition of the fact that it was for the people of Gibraltar to decide what their ultimate status should be, never had constituted, and never would constitute, a threat to Spain or any other country.

803. Another representative also considered⁸¹⁴ that the right of the inhabitants of Gibraltar to self-determination could not be denied. It was with the people

that the Committee should concern itself and not with the conflicting claims of the United Kingdom and Spain which should be adjusted between those two Powers without the Committee's intervention.

804. Other representatives considered that paragraph 6 of the Declaration on decolonization was applicable. It was stated that the purpose of that paragraph had been to avoid unconditional and indiscriminate application of the principle of self-determination which might, in exceptional cases, be prejudicial to the Charter principle of the territorial integrity of States. There was no reason to interpret paragraph 6 in the way in which the United Kingdom representative had, namely, that it related to the future and not the past.

805. It was true that the word "attempt" implied a future action, but the point was to determine to whom the injunction in paragraph 6 was addressed. It was obviously addressed not only to States administering colonial territories but to the Special Committee as well. It was specific obligation of the Committee to ensure the full implementation of the Declaration, taking into account the prohibition in paragraph 6. In other words, no recommendation or resolution adopted by the Committee in application of the Declaration should contribute, directly or indirectly, to the disruption of the national unity or territorial integrity of a country. Consequently, the Committee took a decision which failed to take into account particular circumstances and jeopardised the national unity of a country, it would have failed to carry out its mandate by helping to perpetuate a colonial situation.

806. The application of the doctrine of self-determination did not imply that the legitimate interests of any people should be sacrificed. In proposing that the dispute between Spain and the United Kingdom should be settled through negotiation, the Committee should stress that its main objective was to protect the interests and well-being of the peoples concerned, as specifically provided in Article 73.

807. The Committee was not a tribunal to settle a territorial dispute by recognizing or denying the rights of any particular country. Its task was to bring about decolonization. There were many ways to do that and there were solutions other than independence or free association. The integration of a territory with the State to which it belonged and from which it had been separated was also decolonization.⁸¹⁵

808. The problem was that of a colonized territory, not of a colonized or colonial population.⁸¹⁶

809. The principle of self-determination, however essential it might be, could not be applied to an enclave inhabited by an imported population whose interests were linked with those of the occupying Power. There was no alternative to the opening of negotiations between Spain and the United Kingdom with a view to the application of paragraph 6 of the Declaration on decolonization.⁸¹⁷

⁸¹³ G A (XIX), Annexes, No. 8 (part I), A/5800/Rev.1, p. 305, paras. 130, 141-159.

⁸¹⁴ *Ibid.*, Australia, p. 312, paras. 197-199.

⁸¹⁵ *Ibid.*, Uruguay, p. 305, paras. 132-140.

⁸¹⁶ *Ibid.*, Venezuela, p. 310, para. 177.

⁸¹⁷ *Ibid.*, Tunisia, p. 311, paras. 189 and 190.

810. One representative noted⁸¹⁸ that although Gibraltar was covered by the Declaration it was not easy to apply its provisions without encountering differing criteria. It therefore seemed wiser to seek other means of achieving the desired end in accordance with resolution 1810 (XVIII), which permitted the Committee "to seek the most suitable ways and means for the speedy and total application of the Declaration to all territories which have not yet attained independence". The United Kingdom and Spain were in the best position to consider positive action to bring about decolonization in a manner advantageous to all concerned, including of course, the inhabitants of Gibraltar, and for the benefit of the international community as a whole. His delegation would support a draft resolution which would simply point out the desirability of direct contact between the United Kingdom and Spain so that those two countries could determine the most appropriate means for the decolonization of Gibraltar.

811. Another representative considered⁸¹⁹ that all the provisions of the Declaration on decolonization were of equal importance. His delegation felt that the question could be settled only by means of direct negotiations between the United Kingdom and Spain.

812. The Chairman of the Special Committee summed up the general feeling in a statement of consensus⁸²⁰ which was adopted on 16 October 1964 by the Special Committee as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Territories and Peoples, after considering the situation in the Non-Self-Governing Territory of Gibraltar and hearing statements by the representative of the administering Power and the representative of Spain and by petitioners from the Territory and from Spain, affirms that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples are fully applicable to the Territory of Gibraltar.

"In its consideration of these statements, the Special Committee noted that there was a disagreement, or even a dispute, between the United Kingdom of Great Britain and Northern Ireland and Spain, regarding the status and situation of the Territory of Gibraltar. In the circumstances, the Special Committee invites the United Kingdom and Spain to begin talks without delay, in accordance with the principles of the United Nations Charter, in order to reach a negotiated solution in conformity with the provisions of General Assembly resolution 1514 (XV), giving due account to the opinions expressed by the members of the Committee and bearing in mind the interests of the people of the Territory.

"Under its terms of reference laid down in General Assembly resolution 1654 (XVI), the Special Committee requests the United Kingdom and Spain

to inform the Special Committee and the General Assembly of the outcome of their negotiations."

813. After the adoption of the consensus, the representative of the United Kingdom stated⁸²¹ that he wished to put forward an objection. His delegation adhered to the opinion that the Committee was not competent to consider a dispute over the status of Gibraltar. Its terms of reference did not authorize it to consider or to discuss any dispute about sovereignty or territorial claims, still less to make recommendations on such a dispute. His Government would therefore not feel bound by the terms of any recommendation by the Committee touching on questions of sovereignty or territorial claims. On the question of the future of Gibraltar, the United Kingdom Government would be guided, as the Charter required, by the paramount interests of the inhabitants of Gibraltar. Its policy would continue to conform with the principle of self-determination. It did not accept that there was any conflict between the provisions of the Treaty of Utrecht and the application of the principle of self-determination to the people of Gibraltar.

814. Although not prepared to discuss with Spain the question of sovereignty over Gibraltar, and while not departing from its view that it was under no obligation to consult with Spain on matters concerning Gibraltar, the United Kingdom Government was nevertheless always willing to discuss with the Spanish Government the maintenance of good relations between the two countries and the elimination of any causes of friction.

815. The report of the Special Committee was not considered by the General Assembly at its nineteenth session because of the special circumstances then prevailing, and the Special Committee did not consider the situation in Gibraltar in 1965, although information on the territory was included in its report to the General Assembly at its twentieth session.⁸²²

816. At the twentieth session of the General Assembly the situation in the territory was considered by the Fourth Committee on the basis of the Special Committee's reports.

817. The Fourth Committee also had before it three communications concerning Gibraltar addressed to the Secretary-General: a letter dated 30 August 1965 from the Permanent Representative of Spain;⁸²³ a letter dated 27 October 1965 from the Permanent Representative of the United Kingdom;⁸²⁴ and a letter dated 5 November 1965 from the Permanent Representative of Spain.⁸²⁵

818. On the recommendation of the Fourth Committee, the General Assembly on 16 December 1965 adopted resolution 2070 (XX) by which it (1) invited the Governments of Spain and of the United Kingdom to begin without delay the talks envisaged under the terms of the consensus adopted on 16 October 1964

⁸¹⁸ *Ibid.*, p. 313, paras. 206-208.

⁸²² G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, chap. XI.

⁸²³ G A (XX), Annexes, a.i. 23, A/5959.

⁸²⁴ G A (XX), Annexes, a.i. 23, A/6084.

⁸²⁵ *Ibid.*, A/6094.

⁸¹⁸ *Ibid.*, Chile, p. 312, paras. 191-193.

⁸¹⁹ *Ibid.*, p. 312: Iraq, para. 194 (see also p. 310: Mali, para. 182; p. 311: Ivory Coast, para. 186; p. 313: Syria, paras. 201-203).

⁸²⁰ *Ibid.*, p. 314, para. 209.

by the Special Committee; and (2) requested the two Governments to inform the Special Committee and the General Assembly, at its twenty-first session, of the outcome of the negotiations.

819. The draft resolution⁸²⁶ on which resolution 2070 (XX) was based was approved⁸²⁷ in the Fourth Committee by a roll-call vote of 90 to none, with 11 abstentions. The draft resolution was adopted⁸²⁸ in the General Assembly by a roll-call vote of 96 to none, with 11 abstentions. Both the United Kingdom and Spain voted in favour of the resolution.

820. During the discussion in the Fourth Committee the representative of Spain expressed his thanks⁸²⁹ to those delegations which had urged a negotiated settlement of the problem.

821. The representative of the United Kingdom again stated⁸³⁰ that his Government had no doubts about its sovereignty over Gibraltar and would take all necessary measures to defend the interests of the inhabitants. However his Government was willing to entertain proposals for conversations with the Spanish Government but would not do so while an abnormal situation existed on the frontier between Gibraltar and Spain. He reaffirmed the reservations made by the United Kingdom representative after the adoption of the consensus in the Special Committee.

822. One representative who abstained in the vote stated⁸³¹ that his delegation considered that the interests of the Spanish people and of the peoples of all the Mediterranean countries, as well as the cause of peace and security, would be better served by the liquidation of the military base in Gibraltar. The liquidation of the base and the complete demilitarization of the territory were therefore one of the most urgent problems of the day. As the draft resolution did not call for the adoption of such measures, his delegation would abstain in the vote on it.

c. Ifni and Spanish Sahara

823. When the representative of Spain, in 1960, declared his Government's intention to submit information pertaining to territories referred to under Chapter XI, the representative of Morocco had expressed reservations⁸³² with regard to Ifni and West Sahara (Spanish Sahara) which, he stated, his Government considered to be integral parts of its territory. He also noted that bilateral negotiations were, in fact, proceeding in respect of those territories.

824. The Special Committee on decolonization considered Ifni and Spanish Sahara for the first time in 1963 and reported⁸³³ thereon to the General Assembly, although no resolution was adopted. At the request of the Governments concerned, the Special

Committee invited the representatives of Spain, Morocco and Mauritania to attend its meetings during consideration of the territories.⁸³⁴

825. The representative of Spain said⁸³⁵ that his Government accepted the principle of self-determination and independence in respect of Non-Self-Governing Territories. He also stated that the friendly atmosphere in which talks between representatives of Spain and Morocco had been held would undoubtedly pave the way for a settlement of the territorial and administrative problems dividing the two countries in a spirit of understanding.

826. The representative of Morocco said⁸³⁶ that Ifni and the Spanish Sahara, that was to say, Saguia-el-Hamra and Rio de Oro, which in the past had been known as Morocco, were two territories which had always been governed as Moroccan territories under Spanish administration. Moroccans took the view that Spain had continued to administer those territories under a tacit agreement with their country. That agreement could not be interpreted as a renunciation of Morocco's rights, but meant that when Morocco became independent the two Governments were under a mutual obligation to consider the procedure for transferring sovereignty and returning the regions to the mother country. In 1956, when the independence of Morocco was proclaimed, King Mohammed V and General Franco had agreed to leave the problem in abeyance, but there had never been the slightest misunderstanding as to the fact that the question should be settled by bilateral negotiations.

827. The representative of Mauritania said⁸³⁷ that ever since its attainment of independence the Islamic Republic of Mauritania had cherished the conviction that its contacts with Spain would lead to a negotiated settlement of the problem of so-called Spanish Sahara which was an integral part of Mauritania.

828. In 1964, the representatives of Spain, Morocco and Mauritania again took part in the discussions concerning Ifni and Spanish Sahara in the Special Committee.⁸³⁸

829. The representatives of Spain and Morocco referred to bilateral and direct negotiations which were taking place between the two Governments concerning the territories. The representative of Morocco hoped the Committee would note that negotiations were taking place and express the hope they would be successful.⁸³⁹

830. The representative of Mauritania referred to a statement made by the President of Mauritania at the 1241st plenary meeting of the General Assembly that Mauritania hoped to re-establish its sovereignty over Spanish Sahara through friendly negotiations. The representative proposed that the Committee express

⁸²⁶ Same text as resolution 2070 (XX).

⁸²⁷ G A (XX), 4th Com., 1578th mtg., para. 37.

⁸²⁸ G A (XX), Plen., 1398th mtg., para. 156.

⁸²⁹ G A (XX), 4th Com., 1577th mtg., para. 27.

⁸³⁰ *Ibid.*, para. 36.

⁸³¹ *Ibid.*, 1578th mtg.: USSR, para. 23.

⁸³² G A (XV), 4th Com., 1046th mtg., para. 39.

⁸³³ G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, chap. XIII.

⁸³⁴ *Ibid.*, p. 279, paras. 39-41.

⁸³⁵ *Ibid.*, paras. 43-47.

⁸³⁶ *Ibid.*, p. 282, paras. 66-69.

⁸³⁷ *Ibid.*, para. 71.

⁸³⁸ G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev. 1, p. 286, paras. 64-66.

⁸³⁹ *Ibid.*, p. 286: Morocco, paras. 69 and 71; Spain, para. 68.

the hope that Spain and Mauritania would conduct successful negotiations.⁸⁴⁰

831. The representative of Morocco said⁸⁴¹ that there had never been any question of Spain's negotiating the return of the territories to any country other than Morocco.

832. Other representatives invited⁸⁴² Spain to accelerate the negotiations for the return of Ifni and Spanish Sahara to Morocco.

Decision

By a vote of 20 to none, with 3 abstentions, the Special Committee on 16 October 1964, adopted⁸⁴³ a resolution in which it regretted the delay by the administering Power in implementing the provisions of the Declaration on decolonization and in liberating the territories from colonial rule; urged the Government of Spain to take immediate measures towards implementing fully and unconditionally the provisions of the Declaration; and requested the Secretary-General to transmit the text of the resolution to the administering Power and to report to the General Assembly at its nineteenth session on the steps taken by the administering Power to implement it.

833. The report of the Special Committee was not considered by the General Assembly at its nineteenth session because of the special circumstances then prevailing.

834. In 1965, the Special Committee included information on Ifni and Spanish Sahara in its report⁸⁴⁴ to the General Assembly at its twentieth session but did not discuss the territories, or adopt a resolution on them.

835. At the twentieth session of the General Assembly reservations were again made by the representative of Morocco in the Fourth Committee regarding sovereignty over Ifni and Spanish Sahara.⁸⁴⁵ The representative of Spain stated⁸⁴⁶ that his Government had no doubt whatsoever concerning sovereignty over the territories.

836. The representative of Mauritania said⁸⁴⁷ that Mauritania had not obtained unification of its territory when it became independent; the areas of Rio de Oro and Saguia el Hamra were still under Spanish rule. Referring to the resolution adopted by the Special Committee he said that his delegation would have preferred the inclusion of a recommendation encouraging direct negotiations between Spain and Mauritania with a view to the liberation of Spanish Sahara within the framework of Mauritania's territorial unity.

837. The representative of Spain expressed counter-reservations.⁸⁴⁸

838. The representative of Morocco said⁸⁴⁹ that the territory had indisputably always formed part of Morocco.

839. During the discussion a draft resolution⁸⁵⁰ was submitted in which, as orally revised, the General Assembly would approve the provisions of the resolution concerning Ifni and Spanish Sahara adopted on 16 October 1964 by the Special Committee; and in operative paragraph 2, urgently request the Government of Spain, as the administering Power, to take immediately all measures necessary for the liberation of the territories from colonial domination and to that end to enter into negotiations on the problems relating to sovereignty.

840. The representative of Spain noted⁸⁵¹ that the draft resolution went further than the resolution of the Special Committee by requesting negotiations on problems relating to sovereignty. His delegation considered that the Fourth Committee should confine itself to endorsing the Special Committee's decisions as it had not had an opportunity to debate the question thoroughly. He asked that that part of the draft resolution relating to negotiations be deleted, or, failing that, put to the vote separately.

Decisions

The words in operative paragraph 2 of the draft resolution reading "and, to this end, to enter into negotiations on the problems relating to sovereignty presented by these two Territories" were adopted by a roll-call vote of 35 to 2, with 55 abstentions.

Operative paragraph 2 was adopted by 79 votes to 2, with 4 abstentions.

The draft resolution as a whole was approved⁸⁵² by a roll-call vote of 88 to 2, with 4 abstentions.

In the General Assembly the words in operative paragraph 2 "and, to this end, to enter into negotiations on the problems relating to sovereignty presented by these two Territories" were adopted by a roll-call vote of 33 to 2, with 69 abstentions.

Operative paragraph 2 was adopted, as a whole, by a roll-call vote of 99 to 2, with 4 abstentions.

The draft resolution, as a whole, was adopted⁸⁵³ as resolution 2072 (XX) of 16 December 1965 by a roll-call vote of 100 to 2, with 4 abstentions.

d. West New Guinea (West Irian)

841. When the Netherlands originally declared its intention of transmitting information under Article 73 e, West New Guinea (West Irian) was included under the general designation "Netherlands Indies".

⁸⁴⁰ *Ibid.*, para. 33.

⁸⁵⁰ See A/C.4/L.817 and Adds. 1-3 (mimeographed), submitted by: Afghanistan, Algeria, Burundi, Cameroon, Central African Republic, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ghana, Guinea, Iraq, Ivory Coast, Jordan, Kuwait, Libya, Madagascar, Malawi, Mali, Nepal, Niger, Nigeria, Rwanda, Saudi Arabia, Senegal, Sudan, Syria, Togo, Tunisia, Uganda, Upper Volta, United Arab Republic, Yemen and Zambia; and G A (XX), Annexes, a.i. 23, A/6160, paras. 45-48.

⁸⁵¹ G A (XX), 4th Com., 1583rd mtg., paras. 53 and 54.

⁸⁵² *Ibid.*, paras. 63 and 64.

⁸⁵³ G A (XX), Plen., 1398th mtg., paras. 158-160.

⁸⁴⁰ *Ibid.*, p. 287, para. 72.

⁸⁴¹ *Ibid.*, para. 78.

⁸⁴² *Ibid.*, p. 289; Iraq, para. 97; p. 288: Syria, para. 85.

⁸⁴³ *Ibid.*, p. 290, paras. 105 and 112.

⁸⁴⁴ G A (XX), Annexes, a.i. 23/Addendum, A/6000/Rev.1, p. 406, paras. 13-15.

⁸⁴⁵ G A (XX), 4th Com., 1550th mtg., para. 17.

⁸⁴⁶ *Ibid.*, para. 29.

⁸⁴⁷ *Ibid.*, 1552nd mtg., paras. 23 and 24.

⁸⁴⁸ *Ibid.*, para. 29.

842. In June 1950, the Government of the Netherlands informed⁸⁵⁴ the Secretary-General that it would transmit a report on Netherlands New Guinea, but that it would no longer transmit a report on the former Netherlands Indies, since, with the exception of Netherlands New Guinea, sovereignty over them had been formally and irrevocably transferred to the Republic of the United States of Indonesia on 27 December 1949 and the provisions of Chapter XI no longer applied.

843. Subsequently, Indonesia, admitted to membership in the United Nations on 28 September 1950, maintained that West Irian, being part of the former Netherlands Indies, was part of its national territory.

844. The question of the status of West New Guinea (West Irian) was discussed at the ninth, tenth, eleventh and twelfth sessions of the General Assembly in the First Committee.⁸⁵⁵

845. At the sixteenth session of the General Assembly the question was discussed in plenary meeting within the context of the item concerning the situation with regard to the implementation of the Declaration on decolonization.⁸⁵⁶

846. In a memorandum⁸⁵⁷ transmitted by letter dated 7 October 1961 from the Permanent Representative of the Netherlands to the President of the General Assembly, it was stated that the Government of the Netherlands was prepared to terminate its sovereignty over Netherlands New Guinea as soon as the right of the population to self-determination had been properly safeguarded. The Netherlands was also prepared to agree that its powers should, to the extent necessary for the provision of international economic and technical assistance and guidance, be exercised by an international authority under the United Nations which could prepare the people for early self-determination under stable conditions. The Netherlands would be prepared to continue its contributions to the development of the territory on the basis of the existing level. It would also, if necessary, ask its officials in New Guinea to remain at their posts as international civil servants, and it was prepared to continue its responsibility under United Nations supervision in the fields of administration where its presence might be useful.

847. The Netherlands also submitted a draft resolution⁸⁵⁸ whereby the General Assembly would recall resolution 1514 (XV), paragraph 5; note that Western New Guinea was administered under the terms of Chapter XI and that the administering Power had declared that self-determination for the people of Western New Guinea in accordance with the principles of the Charter was the sole purpose of its policy; note also that the Netherlands was prepared to implement the Declaration on decolonization as promptly as possible, under the supervision and with the assistance

of the United Nations, and for that purpose was prepared to transfer sovereignty to the people of the territory; note further that the Netherlands was prepared to agree that its powers should be exercised by an international organization or authority with executive power established by and operating under the United Nations to give the territory the technical and economic assistance and guidance it would need for some time; recognize that the future status of the territory should be determined in accordance with the wishes of the population; and recognize the need for a full and impartial report on conditions in the territory and on the possibilities of an early implementation of the Declaration on decolonization there.

848. The General Assembly would, among other things: (1) decide to set up a United Nations commission for Netherlands New Guinea; (2) request the commission to investigate the possibilities of an early implementation of the Declaration on decolonization in respect of Netherlands New Guinea and more specifically, to that end, to inquire into: (a) the political, economic, social and educational conditions in the territory; (b) the opinion amongst the population as to its situation and its future; (c) the possibility of organizing a plebiscite under the supervision of the United Nations in order to register the wishes of the population concerning their future, and the timing of the plebiscite; and (d) the desirability and possibility of bringing the territory, during the interim period, partly or wholly under the administration of an international development authority established by and operating under the United Nations.

849. In a statement by the Minister for Foreign Affairs of Indonesia of 24 October 1961, transmitted in a *note verbale* dated 27 October 1961 from the Permanent Mission of Indonesia to the Secretary-General,⁸⁵⁹ it was maintained that the Netherlands proposals, though at first sight attractive, in fact constituted an attempt to partition Indonesia. The Netherlands was occupying a part of Indonesia's territory by force and was imprisoning and expelling West Irianese opponents of its policy in preparation for severing West Irian from Indonesia.

850. In a second memorandum dated 2 November 1961 from the Permanent Representative of the Netherlands,⁸⁶⁰ it was stated that the proposals of the Netherlands were not aimed against Indonesia. When sovereignty over the former Netherlands East Indies had been transferred to Indonesia in 1949, the territory of New Guinea had been explicitly excluded in the Charter of Transfer of Sovereignty. Indonesia had freely accepted that charter, but since 1951 it had contended that the territory was a part of Indonesian sovereign territory illegally occupied by the Netherlands. Indonesia had consistently rejected offers by the Netherlands to submit the legal aspects of the dispute to the International Court of Justice. Indonesia had on four occasions failed to win the support of the General Assembly for its contention that negotiations were possible only in regard to the time and manner of the territory's transfer, without consultation of the people.

⁸⁵⁴ G A (V), Annexes, a.i. 34, A/1302/Rev.1.

⁸⁵⁵ See G A (IX), 1st Com., 726th-736th mtgs.; G A (X), 1st Com., 811th mtg.; G A (XI), 1st Com., 857th-863rd mtgs.; G A (XII), 1st Com., 905th-912th mtgs.

⁸⁵⁶ G A (XVI), Annexes, a.i. 88 and 22 (a); Plen., 1049th, 1050th, 1052nd, 1054th-1061st and 1064th-1066th mtgs.

⁸⁵⁷ G A (XVI), Annexes, a.i. 88 and 22 (a); A/4915, (see also G A (XVI), Plen., 1049th mtg., Netherlands, paras. 2-29).

⁸⁵⁸ G A (XVI), Annexes, a.i. 88 and 22 (a), A/L.354.

⁸⁵⁹ G A (XVI), Annexes, a.i. 88 and 22 (a), A/4944.

⁸⁶⁰ *Ibid.*, A/4954.

An independent national unit comprising Indonesia and New Guinea had never existed, so the territorial integrity of the Indonesian Republic could not be disrupted by recognition of the right of self-determination for the Papuan people. The Netherlands proposals did not prejudice the future status of the territory: if the Papuan people should choose to join Indonesia, the Netherlands Government would fully respect their decision.

851. In statements⁸⁶¹ made in the General Assembly, the representative of Indonesia described the Netherlands proposals as an attempt to misuse the Declaration on decolonization in order to make secession of West Irian a *fait accompli*. West Irian, as part of the former Netherlands East Indies, was Indonesian territory, and the people of West Irian had already exercised their right to self-determination.

852. The question of West Irian was part of the Indonesian colonial problem. The contract made between Indonesia and the Netherlands, as contained in the Charter of Transfer of Sovereignty, was not a contract between two equals, but a contract on the relinquishment of sovereignty by the Netherlands, as the colonial power, to Indonesia as a newly sovereign and independent State, covering the whole of the Netherlands East Indies. No mention had been made of the right of self-determination of the people in West Irian or of its artificial creation into a separate independent State. So long as the transfer of sovereignty had not been accomplished, then the Indonesian colonial problem still existed.

853. The International Court of Justice had no competence to solve colonial problems. West Irian was a problem of domestic jurisdiction.

854. Indonesia was not, however, opposed to bilateral negotiations and believed that, if the Netherlands was prepared to relinquish sovereignty over West Irian, an agreement could be reached that would not prejudice the rights and claims of either side.

855. One representative, who said his country had a particular interest in the area, expressed support⁸⁶² for the Netherlands proposals. They did not seek to determine the end result in advance, but left the way open to various possibilities, subject to the proviso that *bona fide* self-determination of the people must be safeguarded. They offered a practical path between the conflicting viewpoints of the Netherlands and Indonesia and a means of avoiding discord.

856. Other representatives supported the Indonesian viewpoint.⁸⁶³ It was stated that the Netherlands proposals were a manœuvre, under the pretext of applying

the principle of self-determination, to amputate one of Indonesia's provinces and to prolong the Netherlands' domination over West Irian.

857. A second draft resolution was submitted during the discussion, sponsored by nine Members which supported Indonesia's claim to sovereignty over West Irian. In the revised text,⁸⁶⁴ the General Assembly, among other things, would urge the Governments of Indonesia and the Netherlands to engage in further negotiations under the aegis of the President of the General Assembly with a view to finding a solution of the question in conformity with the Purposes and Principles of the United Nations Charter.

858. A sponsor of the draft resolution stated⁸⁶⁵ that the United Nations should not establish a commission as envisaged in the Netherlands draft resolution because the sovereignty of Indonesia over West Irian was not in dispute. The Charter of Transfer of Sovereignty⁸⁶⁶ had provided, under Article 2 (f) "that within a year from the date of transfer of sovereignty to the Republic of the United States of Indonesia the question of the political status of New Guinea be determined through negotiations between the Republic of the United States of Indonesia and the Kingdom of the Netherlands". The General Assembly was not competent to decide on the rival claims of Indonesia and the Netherlands regarding sovereignty. Sovereignty over West Irian was transferred to Indonesia when the whole of the former Netherlands East Indies, and West Irian as an integral part of the Netherlands East Indies, passed to Indonesia. The administration of West Irian remained with the Netherlands and its political status was to be a matter for negotiation.

859. The placing of West Irian under United Nations administration, even temporarily, except by agreement of all parties concerned, would not be in accordance with the Charter. The Charter did not permit the administration of territories under the United Nations, except under trusteeship.

860. Furthermore, the concept of self-determination mentioned in the Charter and the right of dependent peoples to self-determination, reiterated in the Declaration on decolonization could apply only within the context of the basic concepts of the Charter, among which were the sovereign equality of States and respect for the sovereignty of States. The principle could not be applied in respect of sovereign and independent States or as a means of settling disputes without the agreement of the States concerned and under agreed conditions. No representative of any sovereign State would agree to any proposition which meant a fractionation of peoples. The principle could not be pushed so far as to destroy the integrity of States and to affect the sovereignty of countries.

861. While appreciating the imaginative and constructive proposals of the Netherlands, one represen-

⁸⁶¹ G A (XVI), Plen., 1050th mtg., paras. 77-149; 1055th mtg., para. 255; 1058th mtg., paras. 197-258.

⁸⁶² G A (XVI), Plen. 1055th mtg.: Australia, paras. 24-53.

⁸⁶³ For text of relevant statements, see G A (XVI), Plen., 1049th mtg.: Saudi Arabia, paras. 108-110; 1052nd mtg.: Romania, paras. 53 and 54; 1054th mtg.: Czechoslovakia, para. 98; 1056th mtg.: Ukrainian SSR Republic, paras. 76 and 77; 1057th mtg.: Tunisia, para. 103; 1058th mtg.: Bulgaria, paras. 75 and 76; Guinea, para. 116; 1059th mtg.: Byelorussian SSR, paras. 124-128; Syria, para. 154; 1060th mtg.: Albania, para. 43; Cuba, para. 91; Jordan, para. 18; 1061st mtg.: Mongolian People's Republic, paras. 55-58; 1064th mtg.: Mali, paras. 130 and 131; Morocco, para. 90.

⁸⁶⁴ G A (XVI), Annexes, a.i. 88 and 22 (a), A/L. 367/Rev.1, submitted by Bolivia, Congo (Leopoldville), Guinea, India, Liberia, Mali, Nepal, Syria and the United Arab Republic.

⁸⁶⁵ G A (XVI), Plen., 1058th mtg.: India, para. 167; 1065th mtg. paras. 100-121.

⁸⁶⁶ See G A (XVI), Annexes, a.i. 88 and 22 (a), A/4954, p. 13, annex 1, for text of Charter of Transfer of Sovereignty.

tative considered ⁸⁶⁷ that they did not sufficiently recognise the intense Indonesian interest in the territory. The nine-Power draft resolution calling for negotiations, however, did not offer a definitive solution and rejected the right of self-determination which offered the only practical and just way out. The question of sovereignty was, in fact, in dispute.

862. An amendment ⁸⁶⁸ to the nine-Power draft resolution was submitted by thirteen Members whereby the words "and, in particular, with the wishes of the peoples and their right of self-determination" would be added at the end of operative paragraph 1 urging further negotiations.

863. By a third draft resolution, ⁸⁶⁹ submitted by the same thirteen Members prior to the submission of their amendment, the General Assembly in the preambular part would, among other things, recall the principles set forth in resolution 1514 (XV); consider that a dispute of that nature could best be ended by a negotiated settlement; and express its conviction that any solution which affected the final destiny of a Non-Self-Governing Territory must be based on the principle of self-determination of peoples in accordance with the Charter.

864. In the operative part the General Assembly would, among other things, urge the Governments of Indonesia and the Netherlands to resume negotiations without delay with a view to reaching an agreement on the future of the territory, without prejudice to respect for the will and self-determination of the peoples; request the Secretary-General to use his good offices in the negotiations; establish a commission composed of five members; request the Secretary-General to inform the commission of the result of the negotiations by 1 March 1962; instruct the commission, if the parties had not reached a negotiated agreement by that date to carry out an investigation into conditions prevailing in the territory and examine the possibilities of establishing, for an interim period, an international system for administration and supervision without prejudice to the right of the population to decide, in the last resort, the status of the territory.

865. One of the sponsors stated ⁸⁷⁰ that the draft resolution tried to seek an intermediate solution. It was, however, for the people of New Guinea themselves to decide who was entitled to claim sovereignty over their territory until they themselves, by referendum or by some other means, decided their own fate.

866. Another sponsor said ⁸⁷¹ that his delegation could not give support to the theory that when a colonised territory gained independence, its new sovereignty should be exercised wherever the colonial sovereignty

had been exercised. The principle was no doubt right in most cases, but should be moderated when applied to territories whose peoples were not united by racial or cultural links or by common beliefs, which was the case with Indonesia and Netherlands New Guinea.

867. The Netherlands representative expressed willingness to accept the thirteen-Power draft resolution, but could not support the nine-Power draft because it would ask Indonesia and the Netherlands to settle the future of the Papuan people as if they and their territory were a lifeless piece of property.⁸⁷² Several other members also welcomed the thirteen-Power draft resolution as a constructive attempt to reconcile the principle of negotiations with the principle of self-determination.⁸⁷³

868. The representative of Indonesia could not accept the thirteen-Power draft resolution because it asked Indonesia to recognize in advance the principle of full self-determination for the West Irian people, which Indonesia could not do. That part of the draft resolution which implied that West Irian was a Non-Self-Governing Territory was not acceptable and prejudiced the Indonesian position.⁸⁷⁴

Decisions

By a vote of 42 to 37, with 13 abstentions, the General Assembly decided to give priority to the thirteen-Power draft resolution.

The sixth preambular paragraph in which the General Assembly would state its conviction that any solution affecting the final destiny of a Non-Self-Governing Territory must be based on the principle of self-determination of peoples in accordance with the Charter was voted on separately by roll-call. The vote was 53 to 36, with 14 abstentions. The paragraph was not adopted, having failed to obtain the required two-thirds majority.

The remainder of the draft resolution was also voted on by roll-call. The vote was 53 to 41, with 9 abstentions.

The draft resolution was not adopted,⁸⁷⁵ having failed to obtain the required two-thirds majority.

869. The Netherlands representative then announced ⁸⁷⁶ that his delegation would not press its draft resolution to the vote. The fact that more than half the Members of the General Assembly had voted in favour of the thirteen-Power draft resolution, he contended, upheld the Papuan people's right to self-determination and was a recognition that the Netherlands proposals were a move in the right direction.

870. The amendment to the nine-Power draft resolution was also withdrawn.⁸⁷⁷

Decision

The nine-Power draft resolution was then voted on by roll-call. The vote was 41 in favour, 40 against,

⁸⁶⁷ G A (XVI), Plen., 1061st mtg.: United States, paras. 154-164.

⁸⁶⁸ G A (XVI), Annexes, a.i. 88 and 22 (a), A/L.371, submitted by Cameroun, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Madagascar, Mauritania, Niger, Senegal, Togo and Upper Volta.

⁸⁶⁹ G A (XVI), Annexes, a.i. 88 and 22 (a), A/L.368, submitted by Cameroun, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Madagascar, Mauritania, Niger, Senegal, Togo and Upper Volta.

⁸⁷⁰ G A (XVI), Plen., 1065th mtg.: Niger, paras. 74-80.

⁸⁷¹ *Ibid.*, 1066th mtg.: Central African Republic, para. 116.

⁸⁷² *Ibid.*, 1065th mtg., paras. 64-70.

⁸⁷³ For text of relevant statements, see G A (XVI), Plen., 1065th mtg.: Australia, paras. 194 and 195; France, para. 18; 1066th mtg.: Israel, para. 36; United States, paras. 31 and 32.

⁸⁷⁴ G A (XVI), Plen., 1065th mtg., paras. 165-171.

⁸⁷⁵ G A (XVI), Plen., 1066th mtg., paras. 162, 165 and 196.

⁸⁷⁶ *Ibid.*, paras. 202 and 203.

⁸⁷⁷ *Ibid.*, para. 216.

with 21 abstentions. The draft resolution was not adopted,⁸⁷⁸ having failed to obtain the required two-thirds majority.

871. Subsequently, after appeals by the Acting Secretary-General, the Governments of Indonesia and the Netherlands entered into negotiations early in 1962, with the assistance of a mediator acting at the request of the Acting Secretary-General, and final negotiations took place at United Nations Headquarters, New York, under the chairmanship of the Acting Secretary-General. As a result, an Agreement was signed on 15 August 1962 between the two Governments.⁸⁷⁹ In resolution 1752 (XVII) of 21 September 1962, which was adopted by a roll-call vote of 89 to none, with 14 abstentions, the General Assembly took note of the Agreement; acknowledged the role conferred on the Secretary-General in the Agreement; and authorized him to carry out the tasks entrusted to him in the Agreement.

872. Article 11 of the Agreement provided that the Netherlands would transfer the administration of the territory to a United Nations Temporary Executive Authority (UNTEA) established by and under the jurisdiction of the Secretary-General, and that UNTEA would in turn transfer the administration to Indonesia.

873. The Agreement further provided under articles XIV-XXI that, before the end of 1969, the people of the territory would exercise their free choice as to whether they wished to remain with Indonesia or to sever their ties with it. A United Nations representative, appointed by the Secretary-General, would advise, assist and participate in the arrangements for the act of free choice. After the exercise of the right of self-determination, Indonesia and the United Nations representative would submit final reports to the Secretary-General who was to report to the General Assembly on the conduct of the act of self-determination and the results thereof. The Governments of Indonesia and the Netherlands agreed to recognize and abide by the act of self-determination.

874. In his annual report⁸⁸⁰ to the General Assembly on the work of the Organization for the period 16 June 1962-15 June 1963, the Secretary-General gave a detailed description of the manner in which the task entrusted to him had been discharged. He stated that the transfer of the administration from the Netherlands to UNTEA and later from UNTEA to Indonesia had been achieved peacefully and without incident.

875. In a further report⁸⁸¹ dated 21 October 1963, the Secretary-General stated that he had continued to consult with the interested Governments on further steps to be taken concerning the Agreement of 15 August 1962. The United Nations stood ready to assist the Government of Indonesia in the implementation of the remaining part of the Agreement relating to the act of free choice by the inhabitants of the territory.

876. At its eighteenth session the General Assembly took note⁸⁸² of that report. There was no further discussion of the matter during the period under review.

11. RECOMMENDATIONS RELATING TO RACIAL DISCRIMINATION

877. The question of racial discrimination in the Non-Self-Governing Territories was of concern to the General Assembly from its early sessions.⁸⁸³

878. During the period under review, the General Assembly, in resolution 1536 (XV)⁸⁸⁴ of 15 December 1960, endorsed the view of the Committee on Information from Non-Self-Governing Territories that not only was racial discrimination a violation of human rights, but also a deterrent to progress in all fields of development in the Non-Self-Governing Territories. It recommended to the administering Members, measures for the abolition of racial discrimination, and requested them to furnish all relevant information relating to the resolution to the Committee on Information from Non-Self-Governing Territories so as to enable it to report to the General Assembly at its sixteenth session.

879. At its sixteenth session, having received a report⁸⁸⁵ from the Committee on the question, the General Assembly adopted resolution 1698 (XVI)⁸⁸⁶ on 19 December 1961. In operative paragraph 1 of that resolution, it resolutely condemned the policy and practice of racial discrimination and segregation in Non-Self-Governing Territories. It urged the administering Members to include, among the measures that would contribute to the implementation of the Declaration on decolonization steps to ensure: (a) the immediate rescinding or revocation of all laws and regulations which tended to encourage or sanction, directly or indirectly, discriminatory policies and practices based on racial considerations, the adoption of legislative measures making racial discrimination and segregation punishable by law, and the discouragement of such practices based on racial considerations by all other means possible, including administrative measures; and (b) the immediate extension to all inhabitants of the full exercise of basic political rights, in particular the right to vote, and the establishment of equality among the inhabitants of Non-Self-Governing Territories. It requested the Secretary-General to take measures for the immediate and large-scale dissemination of the resolution in the Non-Self-Governing Territories through all the appropriate media of mass communication, in the principal local languages as well as in the languages of the administering Members; and to report on the implementation of the resolution.

880. At its seventeenth session, having examined the report⁸⁸⁷ of the Secretary-General, the General

⁸⁷⁸ *Ibid.*, para. 217.

⁸⁷⁹ For the text of the Agreement, see United Nations, *Treaty Series*, vol. 437 (1962), No. 6311, p. 273.

⁸⁸⁰ G A (XVIII), Suppl. No. 1, A/5501, chap. II, section 15.

⁸⁸¹ G A (XVIII), Annexes, a.i. 20, A/5578.

⁸⁸² G A (XVIII), Plen., 1255th mtg., para. 71.

⁸⁸³ See resolutions 644 (VII) and 1328 (XIII).

⁸⁸⁴ See also para. 469 above.

⁸⁸⁵ G A (XVI), Suppl. No. 15, part II, section VIII.

⁸⁸⁶ See also paras. 470 above and 903 below.

⁸⁸⁷ G A (XVII), Annexes, a.i. 49, 50, 51, 52, 53 and 55, A/5249 and Add.1.

Assembly adopted resolution 1850 (XVII) on 19 December 1962. It urged the administering Members to give immediate effect to the Declaration on decolonization in territories under their administration in order to end racial discrimination in all forms and in all fields. It referred the report of the Secretary-General and the summary records of the discussion on that report to the attention of the Special Committee on decolonization.

881. In 1963, the Special Committee decided⁸⁸⁸ to inform the General Assembly that, during its examination of the application of the Declaration in respect to individual territories, it would continue to give special attention to the eradication of racial discrimination in those territories where racial discrimination was prevalent.

12. THE ESTABLISHMENT OF SCHOLARSHIP PROGRAMMES⁸⁸⁹

a. General programme

882. The initiation by the General Assembly of a scholarship programme for students from Non-Self-Governing Territories under resolution 845 (IX) was recorded in the *Repertory* and its *Supplements Nos. 1 and 2*.⁸⁹⁰ Under that programme, Member States were invited to make scholarships available to qualified students from Non-Self-Governing Territories and to report their offers to the Secretary-General.

883. The programme continued in operation during the period under review and the Secretary-General continued to submit to the General Assembly at each of its regular sessions a report on the offers made and their utilization.⁸⁹¹ In resolutions 1471 (XIV) of 12 December 1959, 1540 (XV) of 15 December 1960, 1696 (XVI) of 19 December 1961, 1849 (XVII) of 19 December 1962, 1974 (XVIII) of 16 December 1963 and 2110 (XX) of 21 December 1965, the General Assembly took note of those reports.

884. In resolution 1540 (XV), the Assembly requested the Secretary-General and the specialized agencies to give such assistance as was possible and as might be sought by Member States and applicants.

885. In resolutions 1471 (XIV), 1540 (XV), 1696 (XVI), 1849 (XVII) and 2110 (XX), the Assembly invited administering Members to ensure that scholarships and training facilities offered by Member States were utilized, and to render every assistance particularly with regard to facilitating their travel facilities to persons who had applied for or had been granted scholarships

or followships. In resolutions 1471 (XIV), 1540 (XV) and 1974 (XVIII), the Assembly also requested administering Members to give the fullest publicity in the territories to all offers made.

886. Member States offering scholarships were requested by the Assembly in resolutions 1471 (XIV), 1540 (XV), 1849 (XVII), 1974 (XVIII) and 2110 (XX) to take into account the necessity to furnish complete information about their offers and, whenever possible, the need to provide travel funds to prospective students. In resolution 2110 (XX), the Assembly requested Member States to facilitate travel from Non-Self-Governing Territories by students seeking to avail themselves of the educational opportunities offered to them.

b. Special training programmes for territories under Portuguese administration

887. In its report to the General Assembly at its seventeenth session, the Special Committee on Territories under Portuguese Administration established under resolution 1699 (XVI) reviewed educational conditions in the territories and made observations, conclusions and recommendations thereon.⁸⁹²

888. At that session, on 14 December 1962, the Assembly adopted resolution 1808 (XVII) in which, considering the inadequacy of social and educational facilities in the territories, it decided to establish a special training programme for their indigenous people, including technical education, education for leadership and teacher training. It requested the Secretary-General, in establishing such a programme, to make as full use of the existing United Nations programmes of technical co-operation as possible so as to minimize the charge on the regular budget, and particularly to make available to those indigenous inhabitants temporarily residing outside the territories under Portuguese administration the benefits of such programmes, with the consent and co-operation of the host Governments. It further invited the specialized agencies to co-operate in the establishment and implementation of the special training programme by offering assistance, facilities and resources.

889. In the same resolution, the Assembly invited Member States to make available, directly or through voluntary agencies, all-expense scholarships for students from the territories both for the completion of secondary education and for various forms of higher education and to inform the Secretary-General of any scholarships offered and awards made and utilized.

890. It requested the Secretary-General to establish appropriate machinery for dealing with applications from the territories for education and training outside the territories and to report to it at its eighteenth session.

891. Having considered the report⁸⁹³ of the Secretary-General to its eighteenth session, the General Assembly adopted resolution 1973 (XVIII) on

⁸⁸⁸ G A (XVIII), Annexes, a.i. 23/Addendum, A/5446/Rev.1, p. 287, para. 3.

⁸⁸⁹ Excludes material concerning the scholarship programmes for students from Trust Territories and South West Africa which is included in this *Supplement* under Articles 76 and 80 respectively.

⁸⁹⁰ See *Repertory*, vol. IV, under Article 73, paras. 214-225; *Supplement No. 1*, vol. II, under Article 73, paras. 36-40; *Supplement No. 2*, vol. III, under Article 73, para. 72.

⁸⁹¹ G A (XIV), Annexes, a.i. 36, A/4196 and Add.1; G A (XV), Annexes, a.i. 37 and 39-41, A/4473 and Adds. 1-3; G A (XVI), Annexes, a.i. 39-44, A/4862 and Adds. 1 and 2; G A (XVII), Annexes, a.i. 49-53 and 55, A/5242 and Add.1; G A (XVIII), Annexes, a.i. 49-54, A/5548 and Add.1; G A (XX), Annexes, a.i. 68 and 72, A/5784 and Add.1; A/6057 and Add.1.

⁸⁹² G A (XVII), Annexes, a.i. 54/Addendum, A/5160 and Adds. 1 and 2, paras. 120-178 380-386 and 419-428.

⁸⁹³ G A (XVIII), Annexes, a.i. 49-53, A/5531 and Adds. 1 and 2.

16 December 1963. In it, the Assembly requested the Secretary-General to continue his efforts to use as fully as possible the existing United Nations programmes of technical co-operation. It also drew the attention of Member States within whose boundaries great numbers of refugees from the territories resided, to the possibilities available to them of obtaining assistance from the United Nations programmes of technical co-operation for the purpose of providing the refugees with more facilities for secondary, vocational and technical education.

892. With regard to the scholarships offered by Member States, having noted that most of them were for higher education and not accessible to inhabitants of the territories whose qualifications could not meet the requirements, the Assembly invited Member States to consider in the first place offers of scholarships for secondary education and for vocational and technical training.

893. The General Assembly requested the Secretary-General to report on the question at its nineteenth session.

894. That report of the Secretary-General was not considered at the nineteenth session because of the special circumstances then prevailing, and the Assembly considered it, together with a further report, at its twentieth session.

895. At its twentieth session, having considered those reports,⁸⁹⁴ the General Assembly adopted resolution 2108 (XX) on 21 December 1965.

896. In that resolution, the General Assembly requested the Secretary-General to take all appropriate measures with a view to making the benefits of the special training programme available to as many indigenous inhabitants of the territories as possible and again invited the United Nations programmes of technical assistance and the specialized agencies to continue to co-operate in implementing the programme.

897. With regard to the offers by Member States, the Assembly again invited them to consider offering in the first place scholarships for secondary education and for vocational training.

898. In each of the three resolutions, the Assembly requested Member States to facilitate the travel of students from the territories who were seeking to avail themselves of the educational opportunities offered. It also requested the Government of Portugal to co-operate in implementation of the special training programme.

13. RECOMMENDATIONS CONCERNING THE DISSEMINATION OF INFORMATION ON THE UNITED NATIONS AND ON THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

899. In its report to the General Assembly at its fourteenth session the Committee on Information from Non-Self-Governing Territories recommended that information concerning the United Nations should be

made available in the Non-Self-Governing Territories.⁸⁹⁵ At that session, the General Assembly, in resolution 1465 (XIV) adopted on 12 December 1959, requested the administering Members to adopt measures for the dissemination of such information. At the next session, in resolution 1538 (XV) of 15 December 1960, the Assembly invited administering Members to make further efforts to secure the active support and participation of representative organizations in the territories and to make full use of the facilities provided by the United Nations Office of Public Information for the purpose of disseminating such information. It also requested the Secretary-General to review the quantity, quality and content of the material distributed and to take action towards establishing information centres in territories such as those in Eastern and Central Africa, Papua⁸⁹⁶ and the Caribbean territories.

900. At its sixteenth session, in resolution 1695 (XVI) of 19 December 1961, considering that it was essential that the peoples of the Non-Self-Governing Territories be widely acquainted with the Declaration on decolonization the Assembly invited the administering Members to take immediate steps, with the active participation of representative bodies and organizations of indigenous inhabitants, for its widest possible circulation and dissemination; and to take immediate steps for its inclusion in the curricula of all educational institutions. It also requested the Secretary-General to ensure the immediate and large-scale circulation and dissemination of the Declaration, through all the appropriate media for mass communication in all the territories, and invited the administering Members to extend to the Secretary-General their fullest co-operation. It further requested that the Declaration be circulated and disseminated in the principal local languages as well as in the languages of the administering Members.

901. At its seventeenth session, in resolution 1848 (XVII) of 19 December 1962, the Assembly noted that certain administering Members had extended their co-operation to the Secretary-General but that the Government of Portugal had not. It invited that Government to do so.

902. At the request of the General Assembly as contained in resolutions 1465 (XIV), 1538 (XV), 1695 (XVI) and 1848 (XVII), the Secretary-General submitted reports to the Assembly at its fifteenth, sixteenth, seventeenth and eighteenth sessions on the measures taken to disseminate information on the United Nations and on the Declaration in the Non-Self-Governing Territories.⁸⁹⁷ At the eighteenth session, the Fourth Committee took note⁸⁹⁸ of the report submitted at that session.

903. At its sixteenth session, the General Assembly, in resolution 1698 (XVI)⁸⁹⁹ concerning racial discrimination in Non-Self-Governing Territories, also requested

⁸⁹⁵ G A (XIV), Suppl. No. 15, part II, para. 54.

⁸⁹⁶ See para. 568 above.

⁸⁹⁷ G A (XV), Annexes, a.i. 37 and 39-41 A/4471 and Add.1; G A (XVI), Annexes, a.i. 42, A/4863; G A (XVII), Annexes, a.i. 49-53 and 55, A/5244 and Add.1; G A (XVIII), Annexes, a.i. 49-54, A/5523.

⁸⁹⁸ G A (XVIII), 4th Com., 1512th mtg., para. 30.

⁸⁹⁹ See also paras. 470 and 879 above.

⁸⁹⁴ G A (XX), Annexes, a.i. 71, A/5783 and Add.1 and A/6076 and Add.1 and 2.

the Secretary-General to take measures for the large-scale dissemination of that resolution in the territories.

904. At its twentieth session, by operative paragraph 14 of resolution 2105 (XX) concerning the implementation of the Declaration on decolonization the General Assembly requested the Secretary-General

to take all measures necessary to promote the large-scale dissemination of the Declaration and of information on the work of the Special Committee, in order that world opinion might be sufficiently informed of the serious threat to peace posed by colonialism and *apartheid*, and called on all administering Powers to co-operate with the Secretary-General in his efforts.