

ARTICLE 73

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Annex I. Decisions of the Special Committee on decolonization referring to the Security Council

Annex II. Non-Self-Governing Territories considered by the General Assembly from the twenty-fifth to thirty-third sessions

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 cooperate 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. As has been described in previous *Supplements*,¹ the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples² in 1960 placed a new emphasis on independence as a goal for all colonial countries and peoples and initiated important changes in the practice of the General Assembly regarding its consideration of Non-Self-Governing Territories under Article 73. The Declaration on decolonization triggered a major evolution in the practice of the Assembly from a focus on the transmission of information, as stipulated by Article 73e, to the treatment of decolonization questions on a much broader front with a more varied set of tools. In fact, the transformative impact of the Declaration on decolonization on the practices of the United Nations has been such that Repertory studies since its adoption have treated it almost as an amendment to the Charter. Therefore, references to the Declaration on decolonization in the *Repertory* have come to take on a quasi-constitutional character, particularly with regard to the studies under Article 73. In other words, for the purposes of the *Repertory*, issues relating to the implementation of Article 73 of the Charter of the United Nations are

inseparable from issues relating to the implementation of the Declaration on decolonization.

2. As in *Supplement No. 4*, the section headings under the analytical summary of practice in the present study are arranged according to the paragraphs of Article 73, reflecting the extent to which the scope of the Article has been widened since 1960, as well as highlighting the substantive links between the text of Article 73 and the Declaration on decolonization. Thus, section A deals with questions of economic, social and educational advancement; section B addresses questions of self-determination and the political aspirations of inhabitants of Non-Self-Governing Territories; section C examines matters in the Territories affecting international peace and security; section D deals with the promotion of constructive measures, in particular by the specialized agencies of the United Nations system, to further the development of non-self-governing peoples; and section E concerns the regular transmission of information from the administering Powers of the Territories to the Secretary-General on conditions in the Territories for which they are responsible, and questions relating to the examination of such information.

3. Although the Declaration on decolonization applies to Trust Territories as well as Non-Self-Governing Territories, questions regarding Trust Territories are more completely addressed under Article 76 of the present *Supplement*. The Trust Territory of New Guinea, partly dealt

¹*Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 3-6, and *Supplement No. 3*, vol. III, under Article 73, paras. 302-348.

²G A resolution 1514 (XV) of 14 December 1960, referred to in this study as the Declaration on decolonization.

with under Article 73, as it entered into an administrative union with the Non-Self-Governing Territory of Papua during the period under review and subsequently, in 1975, attained independence as a single nation. In the present *Supplement*, matters relating to Papua and New Guinea are examined from different but complementary perspectives under both Article 73 and Article 76. The Declaration also applies to South West Africa (Namibia), which was declared to be a Trust Territory under the Administering Authority of the United Nations in 1966. According to the precedent established in *Repertory* studies since then, questions of United Nations practice relating to Namibia are almost entirely covered under Article 81.

4. During the period under review, questions relating to the rights of colonized peoples were increasingly taken up outside the Fourth Committee of the General Assembly, which had traditionally been charged with matters pertaining to Article 73. The question of the right of colonial peoples to

self-determination and independence was also treated in the Third Committee (on social, humanitarian and cultural questions) as a question of human rights, and in the Sixth Committee (on legal questions) in the context of defining aggression. The Sixth Committee further addressed decolonization matters in its consideration of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.³ These decisions are treated under new sub-headings in the present.

5. Discussion of visiting missions under Article 73e has been greatly expanded in the present *Supplement* owing to the new practice of the General Assembly of sending visiting missions to Non-Self-Governing Territories. Discussion of this item required the addition of sub-headings that were not present in previous *Supplements of the Repertory*.

³G A resolution 2625 (XXV).

I. GENERAL SURVEY

6. As noted in the previous *Repertory* under Article 73,⁴ one of the main trends of the General Assembly since the adoption of the Declaration on decolonization has been an increased effort to bring an end to colonialism in all its forms and manifestations. It was further noted that with the general support of the majority of Member States, the General Assembly, and its Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁵ began to apply the standards of international accountability envisaged for Trust Territories to all territories under colonial domination. Indeed, the Declaration itself prefigures this trend by asserting that "self-determination or independence", which by Article 76 of the Charter was an *explicit* goal for Trust Territories alone, should be an *explicit* goal for Non-Self-Governing Territories as well. It will be recalled that though the term "independence" does not appear in Article 73, the Declaration on decolonization, which stresses the right to independence for all Territories considered under Article 73, is considered to be based on an implicit right to independence that is inherent in the basic purposes of the Charter.⁶

7. The sustained decolonization effort by the General Assembly also resulted in the application of certain *procedures* of the Trusteeship Council to Non-Self-Governing Territories. One noteworthy achievement of the Assembly in this regard during the period under review was the new-found ability of the Special Committee to dispatch visiting missions to the Territories. It may be recalled that the dispatching of visiting missions had long been a regular practice of the Trusteeship Council, as provided for by

Article 87 of the Charter. There was, however, no such Charter provision for Territories considered under Chapter XI, and sustained requests by the Special Committee to the administering Powers to allow visiting missions had not been favourably answered. During the period under review, most administering Powers began allowing the dispatch of such missions, the first of which was carried out jointly with the Trusteeship Council to the Territory of Papua and the Trust Territory of New Guinea in 1971. Subsequently, the Special Committee undertook at least 15 missions of its own throughout the period under review, as well as one further joint mission to Papua and New Guinea with the Trusteeship Council.

8. As was duly noted in the previous *Supplement*,⁷ the most urgent problems regarding decolonization remained the southern African questions of Southern Rhodesia, South West Africa (Namibia) and the Territories under Portuguese administration. These cases continued to be characterized by the total denial of the political aspirations of the indigenous inhabitants, in some cases on racial grounds, increasingly repressive measures and the use of force by the colonial governments in the Territories, and the lack of cooperation on the part of the administering Powers with the Special Committee on decolonization.

9. During the period under review, the General Assembly took important measures to address these urgent problems. For example, the Assembly reaffirmed the legitimacy of the struggle for independence waged by national liberation movements and urged Member States to support those movements morally and materially. The Assembly accorded observer status to representatives of those movements in its deliberations on questions of direct interest to their struggle. The Assembly also began to address in greater detail than was its practice the economic activities within Non-Self-Governing Territories, by specifying measures which administering Powers should

⁴*Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 5-7.

⁵Referred to in this study as the Special Committee on decolonization, or Special Committee.

⁶*Repertory, Supplement No. 3*, vol. III, under Article 73, paras. 302-348, and see, in particular, paras. 305, 306, 308, 309, 316, 320, and 327.

⁷*Repertory, Supplement No. 4*, vol. II, under Article 73, para. 8.

take to ensure the economic viability of Territories, by condemning certain measures that enhanced colonial rule and by urging the Security Council, in certain cases, most notably that of Southern Rhodesia, to adopt mandatory sanctions.

10. The General Assembly continued to focus on the phenomenon of colonialism in southern Africa and its links with policies of racial segregation and the apartheid system of South Africa. In that regard, a significant turning point occurred in 1974, when the colonialist regime in Portugal was overthrown. The new Government immediately indicated that it would comply with the body of General Assembly resolutions regarding its territorial possessions, including the Declaration on decolonization. Accordingly, by 1976, all Territories under Portuguese administration, except Timor⁸ (which, for reasons explained in the present study, remained Non-Self-Governing), had exercised their right to self-determination and were thus removed from the list of Non-Self-Governing Territories to which Article 73 applied. The General Assembly thereafter continued to pay special attention to Southern Rhodesia and Namibia,⁹ though the successful elimination of Portuguese colonialism in southern Africa allowed the Assembly to direct increasing attention to the small Territories outside Africa.

Article 73a

11. The major issues relating to this subparagraph concern the economic, social and educational advancement of the peoples concerned, their just treatment and their protection against abuses. The question of foreign economic interests in Namibia, which was discussed briefly under this heading in the previous *Supplement*, is dealt with in this *Supplement* under Article 81.

12. Issues concerning the economic advancement of the inhabitants of Non-Self-Governing Territories were considered in the cases of Oman and the small Territories, with recommendations being made to the administering Powers to take effective measures to encourage the economic progress of those Territories. In the case of the small Territories, the General Assembly made more detailed recommendations to the administering Powers than it had in the past. This was in part a result of another new practice adopted by the Special Committee, namely the grouping of small Territories into subgroups which were then assigned for study to various subcommittees of the Special Committee. Initially, the Territories were divided between the Pacific and the Caribbean regions, and later according to more detailed criteria (for example, by considering Territories under one administering Power together). Instead of drafting a single consolidated resolution for all small Territories, as had been done previously, the General Assembly began to prescribe specific measures of economic advancement according to the particular characteristics of each subgroup, and increasingly to pass resolutions on individual Territories.

⁸Considered as "East Timor" as from the thirty-first session of the General Assembly.

⁹See this *Supplement*, under Article 81.

13. During the period under review, the General Assembly continued to address the related question of the activities of foreign, economic and other interests in colonial Territories. The attention to foreign economic activities in southern Africa that was described in the report on the previous review period was continued and heightened in the current period. As with the resolutions on economic advancement, the resolutions on this item similarly became more detailed and more specific. For example, the Assembly looked closely at the Cabora Bassa and Cunene River Basin projects which were to be undertaken by the Government of Portugal in its Territories of Mozambique and Angola respectively. The Assembly considered that completion of the projects would serve to strengthen Portugal's hold over its colonies, and therefore requested all States to withdraw their support from the projects. The Assembly also continued to reaffirm that the sovereignty of colonial peoples over their natural resources should be respected.

14. In its examination of the activities of foreign economic and other interests impeding the implementation of the Declaration, the present study pays special attention to the case of Southern Rhodesia, particularly in the light of the mandatory economic sanctions imposed by the Security Council in resolution 253 (1968) and the Council's determination, in resolution 277 (1970), that the situation in Southern Rhodesia represented a threat to international peace and security. The General Assembly continued to closely monitor the implementation of sanctions imposed by the Security Council and to adopt resolutions condemning violations thereof. In one case, at the twenty-sixth session, it singled out a Member State for its violations of the sanctions and adopted a resolution expressing grave concern at domestic legislation then pending within the legislature of the Government of the Member State which, if adopted, would have a negative impact on the implementation of Security Council sanctions. While falling within the scope of Article 73 as a matter of decolonization, debate on this item also raised questions with regard to Articles 2(5), 12 and 25 of the Charter of the United Nations.

15. Regarding the question of educational advancement, the General Assembly maintained its established practice with regard to inviting Member States to offer study and training facilities to inhabitants of Non-Self-Governing Territories. During the period under review, the Assembly continued to support and strengthen the United Nations Educational and Training Programme for Southern Africa (UNETPSA), which had been formed from the consolidation of three separate training programmes during the previous review period.¹⁰ In particular, the Assembly enlarged the membership of UNETPSA's Advisory Committee. Noting its satisfaction with the increase in voluntary contributions to the programme, the General Assembly, at its thirty-first session, ceased requesting transitional allocations to the programme from the United Nations regular budget.

16. The just treatment of the inhabitants of Non-Self-Governing Territories and their protection against abuses were considered by the General Assembly as issues of human rights. As previously, the Assembly continued to urge

¹⁰*Repertory, Supplement No. 4*, vol. II, under Article 73, para. 81.

the elimination of racial discrimination, segregation and apartheid, asserting that racial discrimination was an expression or product of colonialism. It amplified the implications of this link, notably by asserting that racial discrimination in dependent Territories could be eradicated fully and with the greatest effectiveness by the faithful and complete implementation of the Declaration on decolonization. The Assembly also continued to pay particular attention to the rights of colonial peoples to freely dispose of their natural wealth and resources. With regard to the Territories under Portuguese administration and Southern Rhodesia, the General Assembly continued to call upon the administering Powers concerned to abandon practices which denied indigenous peoples the right to their own natural resources, in particular those practices which caused the resettlement of Africans and encouraged the influx of foreign immigrants into the Territories.

17. At the twenty-fifth session, the Third Committee of the General Assembly discussed the question of decolonization and human rights for the first time under a separate agenda item, entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights". Following those discussions, the Assembly adopted a resolution in which it declared the continuation of colonialism to be a crime in violation of the Charter of the United Nations, the Declaration on decolonization and the principles of international law.

18. The General Assembly continued to pay close attention to human rights abuses that resulted from the colonial wars in southern Africa. It continued to request the Powers waging colonial wars to treat combatants with the status of prisoners of war in accordance with the relevant provisions of the Geneva Conventions of 1949. The Assembly also declared that the use of mercenaries against national liberation movements struggling to liberate themselves from colonialism constituted a criminal act and requested Member States to take measures against the practice. In keeping with its practice of establishing institutional bodies to address particular issues regarding the implementation of the Declaration, the General Assembly established a commission of inquiry on reported atrocities committed by Portuguese troops in Mozambique.

19. In the previous review period the General Assembly had called upon the Governments of Portugal and the United Kingdom of Great Britain and Northern Ireland to apply the 1949 Geneva Conventions relative to the Treatment of Prisoners of War and to the Protection of Civilian Persons in Time of War, in their respective Territories. Building on that decision, the Assembly, in the current period under review, considered in the Sixth Committee the question of the basic principles of the legal status of combatants struggling against colonialism. In that regard, it decided that the armed conflicts involving the struggle of peoples against colonial and alien domination and racist regimes were to be regarded as international armed conflicts in the sense of the 1949 Geneva Conventions. The Fourth Committee continued to consider this question and to reaffirm the Assembly's decision with regard specifically to Territories under Portuguese administration and Southern Rhodesia.

Article 73b

20. The central issue under this subparagraph has been the right of colonial peoples to self-determination and their attainment of self-government. The Declaration on decolonization explicitly included independence as a legitimate political aspiration for the peoples of colonial countries, and as the immediate goal of decolonization. As a result, treatment of this question in *Repertory* studies following the adoption of the Declaration has focused on the actions of the General Assembly to ascertain the political aspirations of peoples under colonial domination and to help them achieve independence. In specific circumstances, issues were raised regarding the legitimacy of the struggle of colonial peoples to exercise their right to self-determination or independence, the responsibility of the administering Powers for the attainment of self-government and independence by the Territories under their administration, the participation of the United Nations in ascertaining the will of the people with regard to the future status of their country and the question of the principle of national unity and territorial integrity.

21. During the period under review, the General Assembly, at its twenty-fifth session, reaffirmed the right to self-determination as one of seven principles contained in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, which the Assembly regarded as a landmark in the development of international law and of relations between States. The provisions of the Declaration on principles of international law that are relevant to decolonization are considered in this section.

22. The General Assembly had previously recognized¹¹ the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination. This question of legitimacy was revisited during the period under review from a variety of new angles, including that of human rights, the Definition of Aggression and the Declaration on the principles of international law. It was also considered in the context of the increasing role that representatives of national liberation movements came to play in the work of the General Assembly (see in this study under Article 73e) as the legitimacy of their participation was directly related to the legitimacy of their struggle. In addition to reaffirming the legitimacy of the struggle for self-determination and independence by peoples under colonial rule, the General Assembly affirmed the right of these peoples to wage this struggle using all the necessary means at their disposal. The Assembly also affirmed man's basic human right to fight for self-determination, and at the twenty-eighth session affirmed that this right included the legitimacy of armed struggle. At the same time, many other Governments voiced their reservations on the question, qualifying their support of the provision with the understanding that it specifically excluded armed struggle, or that they considered the legitimacy of the struggle for independence by colonial peoples to be circumscribed by the Principles of the United Nations as expressed in Article 2(4) of the Charter, which binds States

¹¹G A resolution 2105 (XX).

to refrain from using force in a manner that is inconsistent with the Purposes of the Charter. The debate is presented in some detail in all of the relevant settings, particularly as the language of the resolutions, and the many different interpretations offered on the question, suggest a less-than-total consensus as to whether armed struggle in the context of decolonization was in fact a Principle of the United Nations consistent with the use of force, or whether the ways and means employed in the struggle of colonial peoples for independence were circumscribed by the Principles of the United Nations which *excluded* the use of armed force except in self-defence or in manners authorized by the Security Council under Chapter VII, none of which are applicable in the present case.

23. Particular emphasis in this study is placed upon the General Assembly's custodial responsibility over the right to self-determination. In numerous cases during the period under review (West Indian Associated States, Seychelles, Niue, Timor and Southern Rhodesia), the Assembly acted to ensure that the right to self-determination and independence was respected by the administering Powers of the Territories. The Assembly continued to urge that the United Nations should be allowed to participate in processes of self-determination. In contrast to past practice, the administering Powers invited the United Nations to participate in some of these processes, namely in Niue and French Somaliland/Djibouti. A number of Territories did achieve independence during the period under review, including, significantly, the Territories under Portuguese administration,¹² which had drawn so much of the energy of the General Assembly for so long.

24. A central issue under Article 73*b* had been the principle of national unity and territorial integrity, as defined in paragraph 6 of the Declaration on decolonization. In the cases of the Comoros, the Falkland Islands, Western Sahara, Gibraltar and Belize, the General Assembly considered the principle of territorial integrity as it related to or competed with other claims, such as sovereignty and self-determination. Many of these cases were carried over from the previous period under review and remained unresolved in the current period. At the same time, two new cases, that of the Comorian island of Mayotte and that of Timor, came to the attention of the Assembly. These cases are dealt with in some detail in the analytical summary of practice below. The Assembly continued to distinguish between the principle of maintaining territorial integrity on the achievement of independence, and the principle of territorial integrity in cases involving a dispute over sovereignty. During the period under review, the General Assembly adopted resolutions on these cases according to the particular nuances of each case. In the course of the debates on these questions, it was often suggested by interested parties that one principle (either that of self-determination or that of territorial integrity, for example) should have clear precedence over the other. A study of the General Assembly's practices in this regard, however, reveals that no such definitive ordering of principles has been established, and that the Assembly continued to apply the principles of the Charter and the

Declaration flexibly according to the particularities of each case.

Article 73*c*

25. Under this subparagraph, the administering Powers agree to promote international peace and security through the administration of their Territories. Accordingly, the study examines cases in which international peace and security was threatened or breached as a result of actions taken in Non-Self-Governing Territories. These cases included crimes against humanity, such as apartheid and racial discrimination, and the carrying out of military activities by administering Powers in the Territories.

26. The General Assembly continued to pay special attention to Territories under Portuguese administration and Southern Rhodesia, where it declared the colonial and racist regimes to be threats to international security. As in the past, the Assembly considered these two items separately. At the same time, it paid close attention to the threats posed to international peace as a result of growing collaboration between Portugal, Southern Rhodesia and South Africa. The Assembly continued its practice of drawing the attention of the Security Council to these matters, and of requesting the Council to take the necessary measures to ensure compliance with previous resolutions of the Assembly and the Council. In some cases, the Assembly began to employ stronger language than it had previously done, urging, for example, the Security Council to take effective action rather than merely drawing the Council's attention to a situation or recommending that it take a certain action.

27. In more general terms, the General Assembly maintained that the continuation of colonialism in all its forms was incompatible with and posed a threat to international peace and security. This statement was a feature of the Programme of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted on the occasion of the Declaration's tenth anniversary in 1970 (resolution 2621 (XXV)), and was subsequently reiterated in a number of resolutions. As the maintenance of peace and security is a primary responsibility of the Security Council,¹³ the General Assembly 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 make concrete suggestions to assist the Security Council in considering appropriate measures to be taken under the Charter with regard to developments in colonial Territories which threatened international peace and security. The Assembly further requested the Security Council to take those suggestions fully into consideration.

28. During the period under review, the General Assembly considered the question of military bases in general as well as the particular cases of Belize, French Somaliland, Guam and the small Territories. The Assembly continued to adopt resolutions expressing its conviction that the presence of military installations in Territories should not hinder the rights of their inhabitants to self-determination and independence, and continued to request administering

¹²Except Timor/East Timor.

¹³Article 24(1) of the Charter of the United Nations.

Powers to remove those installations from Territories under their administration. In the case of French Somaliland, the Assembly requested the Government of France to remove its military forces from the Territory, despite the objections by that Government that the Territory was a sovereign part of France and therefore beyond the purview of the Assembly according to Article 2(7) of the Charter of the United Nations. In the case of Guam, the General Assembly condemned the presence of the administering Power's military installations on the Territory and noted that they could constitute a factor impeding the implementation of the Declaration on decolonization. In the case of Belize, the increase of military personnel by the administering Power in the Territory in response to a perceived threat from a neighbouring State was brought to the attention of the General Assembly. The Assembly considered draft resolutions that contained provisions regarding the troop movements on both sides, but in this case did not adopt them.

Article 73d

29. Article 73d addresses the question of international cooperation to assist the development of colonial peoples and foster the economic and social development of Non-Self-Governing Territories. Following the adoption of the Declaration on decolonization, this subparagraph had increasingly come to address the need for specialized agencies and international institutions to align their activities with the goals of the Charter of the United Nations and the Declaration on decolonization.

30. As described in the previous *Repertory*, the question of the implementation of the Declaration on decolonization by the specialized agencies was considered by the General Assembly as a separate agenda item subsequent to the twenty-second session.¹⁴ During the period under review, the Assembly continued to address the question as a separate item and to pass resolutions on it at each session. In the present study, a new heading, "Implementation of the Declaration on decolonization by the specialized agencies and international institutions associated with the United Nations", has been added following the introduction in order to accommodate this change. The discussion under this heading addresses general items related to specialized agencies and other institutions associated with the United Nations, as well as other relevant items that were considered by the Assembly but do not fall under the other headings under Article 73d.

31. During the review period, the General Assembly maintained its two-pronged approach to the implementation of the Declaration by specialized agencies that had been developed in the previous period under review. This approach consisted of: (a) encouraging specialized agencies and other international institutions associated with the United Nations to withhold assistance from those States that perpetuated colonial rule; and (b) requesting those institutions to provide assistance to those peoples living under colonial rule and to refugees who had escaped from colonial Territories. In addition, during the period under

review, the Assembly affirmed for the first time that the recognition by the General Assembly, the Security Council and other United Nations bodies of the legitimacy of the struggle by colonial peoples to achieve freedom and independence (see Article 73b) entailed the provision by organizations of the United Nations system of all necessary moral and material assistance to the national liberation movements of those Territories. Important reservations were expressed, however, regarding the type of material assistance that should be provided under the provision. The Assembly was also successful in persuading many organizations to increase their assistance to refugees from colonial Territories and, significantly, to include representatives of national liberation movements in their deliberations when matters pertaining to their Territories were discussed. In keeping with its trend regarding economic assistance by administering Powers to Territories under their administration (see under Article 73a), the General Assembly made increasingly specific requests to specialized agencies regarding their assistance programmes for colonial Territories and peoples.

32. It should be noted, however, that there remained important opposition to some provisions containing requests of the specialized agencies by the General Assembly. Many Members, both those that administered colonial Territories and those that did not, objected to what they considered to be the "politicization of foreign aid". This was particularly true of resolutions requesting the International Bank for Reconstruction and Development (IBRD, or World Bank) and the International Monetary Fund (IMF) to, inter alia, cease granting loans to the Governments of Portugal and South Africa. In the face of an enduring lack of compliance by these organizations with General Assembly resolutions, the Assembly, beginning in the thirty-first session, started to include operative paragraphs in its resolutions in which it regretted the lack of cooperation from the World Bank and IMF and deplored the fact that those organizations maintained cooperation with the racist regime of South Africa.

Article 73e

33. While the previous subparagraphs of Article 73 outline the obligations of the administering Powers towards the peoples of the Non-Self-Governing Territories under their administration, the present subparagraph describes the primary obligation that the administering Powers have towards the United Nations, namely, to transmit information regularly on the conditions in the Territories under their administration.

34. Article 73e explicitly refers only to technical information regarding economic, social, and educational conditions. Nonetheless, the General Assembly has over the years urged the administering Powers to transmit to the Secretary-General additional information on political and constitutional developments in the Territories under their administration, the administering Powers have partially complied with this request: such information continued to be provided by some administering Powers. In the period under review, in contrast to the previous period, there was no

¹⁴G A resolution 2311 (XXII).

discussion about the transmission of information on military activities.

35. The Secretary-General continued to receive information from the administering Powers as provided for by Article 73e of the Charter. As they had done previously, some administering Powers provided information on constitutional and political developments in some of their Territories. That information was provided either to the Secretary-General under Article 73e or directly to the Committee during its consideration of the Territories under their administration. The General Assembly continued to request the administering Powers to provide information on political and constitutional developments in Territories under their administration.

36. Information transmitted under Article 73e had been examined 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 ever since the Special Committee assumed the functions of the Committee on Information from Non-Self-Governing Territories when that Committee was dissolved in 1963 according to the terms of General Assembly resolution 1970 (XVIII). The present study describes the procedures developed by the Special Committee during the period under review to examine the information, and discusses the relations of the Special Committee with other United Nations organs and international bodies.

37. As visiting missions are considered by the Assembly to be an important method of gathering information on Non-Self-Governing Territories, they are also examined under the present subparagraph. A significant change of practice during the period under review was the dispatching of visiting missions to many of the Territories considered by the Special Committee. Sixteen visiting missions were sent during the period under review. A brief discussion of the purposes of those missions, as well as cross-referencing to more substantive documentation in their regard, is provided in the text of the study.

38. During the period covered by the present study, the list of Territories to which Article 73 applied was both added to (in contrast to the previous period under review, when no Territories were added to the list) and removed from. In some cases disagreements arose between the General Assembly and the relevant administering Powers as to whether the requirements of Article 73e applied to a given

Territory or not. This raised the additional question of whether it was the Assembly or the administering Power that should decide if self-determination had been achieved. Those questions were raised with regard to Territories under Portuguese administration, Spanish Sahara, the West Indian Associated States and Brunei. The General Assembly continued to assert that it maintained the prerogative of deciding whether a Territory had achieved a sufficient level of self-government to be removed from consideration under Article 73.

39. The issue of the competence of the General Assembly to examine the Territories of the Comoro Archipelago, Hong Kong and Puerto Rico, all of which were treated in the previous *Supplement*, continued to be considered by the Assembly. The Territories of Hong Kong and Macau were removed from the list of Non-Self-Governing Territories at the request of the Government of the People's Republic of China, which said that the settlement of the questions of Hong Kong and Macau was entirely within China's sovereign right and that the Territories did not fall under the ordinary category of colonial Territories. The questions of the Comoro Archipelago and Puerto Rico, on the other hand, concerned Territories which had once been considered under Article 73e, but had been removed from consideration, prior to the adoption of the Declaration on decolonization, as Territories to which the Declaration applied. In the previous review period, the Assembly had not acted on a Special Committee recommendation to include the Comoro Archipelago on the list of Territories to which the Declaration applied. During the current period, at the twenty-eighth and twenty-ninth sessions, the General Assembly considered the question of the Archipelago as a question of decolonization in the plenary, in the Fourth Committee and in the Special Committee on decolonization. Regarding the Territory of Puerto Rico, which had been discussed but not acted upon by the Special Committee in the previous review period, the General Assembly in the current period initiated and sustained the practice of considering the question in the Special Committee, including the consideration of communications and the hearing of petitioners from Puerto Rico. The Special Committee adopted resolutions at the twenty-eighth and thirty-third sessions, in which it reaffirmed the inalienable right of Puerto Ricans to self-determination and independence. The question of Puerto Rico, however, was not considered in the Fourth Committee or in the plenary.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Article 73a

I. ECONOMIC ADVANCEMENT

(a) *Measures for economic development*

(i) *General*

40. As reported in *Supplement No. 4*,¹⁵ although the Declaration on decolonization asserts that economic

unpreparedness cannot serve as a pretext for delaying independence, the General Assembly in specific cases has made recommendations to the administering Powers regarding the economic advancement of the Territories under their administration.¹⁶

¹⁵*Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 41-47.

¹⁶The General Assembly has also made recommendations to the specialized agencies regarding the economic advancement of Non-Self-Governing Territories. These recommendations are considered in the present study under Article 73d.

41. During the period under review, the General Assembly made such recommendations with respect to Oman and the small Territories.¹⁷

(ii) *Oman*

42. As previously reported,¹⁸ the General Assembly, by its resolution 2702 (XXV) of 14 December 1970, reaffirmed the inalienable right of the people of Oman to dispose of the resources of their Territory in their best interests. The Assembly also requested the specialized agencies to study possibilities of extending assistance to meet educational, technical, and health requirements.

43. The General Assembly ceased considering the question of Oman after the adoption of resolution 2754 (XXVI) of 25 October 1971, by which the Assembly decided to admit Oman to membership in the United Nations.

(iii) *Small Territories*

44. The General Assembly continued to address the question of the economic advancement of small Non-Self-Governing Territories, taking their specific economic conditions into account. During the period under review, the Assembly's recommendations on this question were more detailed than in previous periods.¹⁹

45. In previous periods, the General Assembly had developed the practice of taking note of the unique economic conditions pertaining to the small Territories and decided that the United Nations should render all help to the peoples of these Territories in their efforts freely to decide their future status.²⁰ During the period under review, from the twenty-eighth session on, the General Assembly began to call upon the administering Powers to work out concrete programmes of assistance, take all possible steps to diversify the economies of the Territories and take effective measures to guarantee the rights of peoples to own or dispose of their natural resources and to establish and maintain control of their future development.²¹ In some cases the Assembly diagnosed specific economic vulnerabilities which it urged the administering Powers to address. For example, the Assembly mentioned its concern that the economies of some Territories were based mainly on unstable markets such as tourism, land sales and tax haven arrangements,²² on single cash products such as copra or phosphates,²³ or on military activities.²⁴

¹⁷In the previous Supplement, it was mentioned that recommendations on economic advancement were made by the General Assembly with respect to Basutoland, Bechuanaland, Swaziland and Equatorial Guinea. Prior to the period of the present review, however, all of those Territories gained independence (as Lesotho, Botswana, Swaziland and Equatorial Guinea respectively) and hence are no longer covered under Article 73.

¹⁸*Repertory, Supplement No. 4*, vol. II, under Article 73, para. 46.

¹⁹*Ibid.*, para. 47.

²⁰See, for example, G A resolution 2232 (XXI).

²¹G A resolutions 3156 (XXVIII), 3157 (XXVIII), 3289 (XXIX) and 3290 (XXIX).

²²G A resolutions 3157 (XXVIII) and 3289 (XXVIII).

²³G A resolutions 3156 (XXVIII), 3157 (XXVIII), 3289 (XXIX), and 3290 (XXIX).

²⁴G A resolution 3290 (XXIX).

46. Also at variance with its earlier practice, the General Assembly ceased to deal with the small Territories as a single group during the period of the present study. At the twenty-eighth session, the Special Committee considered the small Territories in the Pacific separately from those in the Caribbean. Two draft resolutions²⁵ covering the small Territories were subsequently submitted in the Fourth Committee. According to one of the sponsors of the draft, a single resolution applying to all of the small Territories was too superficial and could take into account developments neither within or between the Territories.²⁶ Both of the draft resolutions²⁷ were adopted by the General Assembly. Subsequent to the twenty-eighth session, small Territories continued to be considered in geographically defined subgroups. In some cases, such as when the report of a visiting mission was to be considered, small Territories were considered in individual resolutions.

Decision

47. The General Assembly, by its resolutions 2709 (XXV) of 14 December 1970 and 2869 (XXVI) of 20 December 1971, reiterated the wording of resolutions 2592 (XXIV) of 16 December 1969, on the small Territories, by taking note of their specific economic conditions and deciding that the United Nations should render all help to the peoples of those Territories in their efforts to freely decide their future.²⁸ By its resolution 2984 (XXVII), the Assembly requested "the organizations of the United Nations system to assist in accelerating progress in all sectors of the national life of those Territories". By its resolutions 3156 (XXVIII)²⁹ and 3157 (XXVIII),³⁰ the Assembly reiterated those provisions and, in addition, requested the administering Powers to take steps to diversify the economies of the Territories and to safeguard the right of the territorial inhabitants to the use of their natural resources. The Assembly recommended economic measures along these lines in resolutions 3287 (XXIX),³¹ 3288 (XXIX),³² 3289

²⁵A/C.4/L.1063.

²⁶G A (28), 4th Comm., 2075th mtg., Venezuela, paras. 6 and 7.

²⁷A/C.4/L.1062 and A/C.4/L.1063, which became resolutions 3156 (XXVIII) and 3157 (XXVIII), respectively.

²⁸Resolution 2709 (XXV) pertained to: American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Brunei, Cayman Islands, Cocos (Keeling) Islands, Gilbert and Ellice Islands, Grenada, Guam, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau, Turks and Caicos Islands and the United States Virgin Islands. Resolution 2869 (XXVI) pertained to all of the above except for Antigua, Grenada, Niue, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent and Tokelau.

²⁹Pertaining to American Samoa, Gilbert and Ellice Islands, Guam, New Hebrides, Pitcairn, St. Helena, Seychelles and Solomon Islands.

³⁰Pertaining to Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Turks and Caicos Islands, and United States Virgin Islands.

³¹Pertaining to Seychelles.

³²Pertaining to the Gilbert and Ellice Islands.

(XXIX),³³ 3290 (XXIX),³⁴ 3425 (XXX),³⁵ 3426 (XXX),³⁶ 3427 (XXX),³⁷ 3429 (XXX),³⁸ 3430 (XXX),³⁹ 3433 (XXX),⁴⁰ 31/45,⁴¹ 31/46,⁴² 31/47,⁴³ 31/51,⁴⁴ 31/52,⁴⁵ 31/54,⁴⁶ 31/55,⁴⁷ 31/57,⁴⁸ 31/58,⁴⁹ 32/23,⁵⁰ 32/24,⁵¹ 32/25,⁵² 32/26,⁵³ 32/28,⁵⁴ 32/29,⁵⁵ 32/30,⁵⁶ 32/31,⁵⁷ 33/30,⁵⁸ 33/32,⁵⁹ 33/33,⁶⁰ 33/34⁶¹ and 33/35.⁶²

(b) *Activities of foreign economic and other interests impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, Namibia and in all other Territories under colonial domination*

(i) *General*

48. During the period under review, the General Assembly continued to address, as a separate item, the activities of foreign economic interests that were impeding the implementation of the Declaration on decolonization. As has been reported, by its resolution 2288 (XXII),⁶³ the General Assembly condemned the exploitation of colonial Territories and peoples and the practices of foreign financial, economic and other interests which perpetuated the colonial regimes and deemed those practices to run counter to the principles of the Charter and the Declaration.

³³ Pertaining to Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Turks and Caicos Islands and United States Virgin Islands.

³⁴ Pertaining to American Samoa, Guam, New Hebrides, Pitcairn, St. Helena and Solomon Islands.

³⁵ Pertaining to Montserrat.

³⁶ Pertaining to Gilbert Islands.

³⁷ Pertaining to Bermuda, British Virgin Islands, Cayman Islands and Turks and Caicos Islands.

³⁸ Pertaining to American Samoa, Guam and United States Virgin Islands.

³⁹ Pertaining to Seychelles.

⁴⁰ Pertaining to New Hebrides, Pitcairn and Tuvalu.

⁴¹ Pertaining to Tokelau.

⁴² Pertaining to Solomon Islands.

⁴³ Pertaining to Gilbert Islands.

⁴⁴ Pertaining to New Hebrides.

⁴⁵ Pertaining to Bermuda, Cayman Islands, Montserrat and Turks and Caicos Islands.

⁴⁶ Pertaining to British Virgin Islands.

⁴⁷ Pertaining to American Samoa.

⁴⁸ Pertaining to United States Virgin Islands.

⁴⁹ Pertaining to Guam.

⁵⁰ Pertaining to Gilbert Islands.

⁵¹ Pertaining to American Samoa.

⁵² Pertaining to Solomon Islands.

⁵³ Pertaining to New Hebrides.

⁵⁴ Pertaining to Guam.

⁵⁵ Pertaining to Bermuda, British Virgin Islands, Montserrat and Turks and Caicos Islands.

⁵⁶ Pertaining to Cayman Islands.

⁵⁷ Pertaining to United States Virgin Islands.

⁵⁸ Pertaining to New Hebrides.

⁵⁹ Pertaining to American Samoa.

⁶⁰ Pertaining to Guam.

⁶¹ Pertaining to United States Virgin Islands.

⁶² Pertaining to Bermuda, British Virgin Islands, Montserrat and Turks and Caicos Islands.

⁶³ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 61-63.

49. During the twenty-fifth session, the Fourth Committee debated⁶⁴ a draft resolution⁶⁵ that reiterated the provisions of General Assembly resolution 2288 (XXII). In addition, the draft resolution contained a request for "the colonial Powers and States to take legislative, administrative and other measures in respect of their nationals who own and operate enterprises in colonial Territories ... in order to put a stop to their activities which are detrimental to the interests of the inhabitants of the Territories" (para. 9). The draft resolution also affirmed "that foreign economic, financial and other interests operating in colonial Territories constitute[d] a major obstacle to political independence" (para. 3). Some delegations that had abstained from voting on previous resolutions on the question voted against the draft resolution.⁶⁶ Many delegations,⁶⁷ some of which voted for the draft, nonetheless expressed reservations regarding either or both paragraphs 3 and 9.

50. Objections were also raised with regard to a provision in the draft that condemned the Cabora Bassa Dam project as a "crime against the people of Mozambique". The Cabora Bassa hydroelectric dam was to be built by an international corporate consortium that included South African companies. Portugal considered international financial support of the project to be an endorsement of its colonial policy, and anti-colonial movements regarded it as a consolidation of minority power.⁶⁸ The resolution's sponsors deferred to these objections and redrafted the paragraph such that the word "crime" was not used.⁶⁹ The redrafted paragraph read, in part, as follows:

"*Condemns* in particular the construction of the Cabora Bassa project, which is contrary to the vital interests of the people of Mozambique and represents a plot designed to perpetuate the domination, exploitation and oppression of the peoples in that part of Africa by the Government of Portugal and the minority racist regimes of South Africa and Southern Rhodesia, and which would lead to international tensions".

Decision

51. The draft was adopted by the General Assembly on 14 December 1970, by a vote of 85 to 11, with 12 abstentions, as resolution 2703 (XXV). Thereafter, the relevant provisions were generally reiterated in resolutions 2873 (XXVI), 2979 (XXVII) and 3117 (XXVIII). Resolutions 3299 (XXIX), 3398 (XXX), 31/7, 32/35 and 33/40, on the same item, omitted mention of the Cabora Bassa project but referred to the new international economic

⁶⁴ G A (25), annexes, vol. II, agenda item 67, para. 7.

⁶⁵ A/C.4/L.986.

⁶⁶ G A (25), 4th Comm., 1917th mtg., Netherlands, para. 43, and Australia, para. 46. These delegations announced they had changed their vote. Ten countries voted against the draft resolution as opposed to 2 against its homologue at the previous session.

⁶⁷ Ibid., Iran, para. 12; Greece, para. 23; Venezuela, para. 24; Ivory Coast, para. 27; Guatemala, para. 28; Argentina, para. 29; United Kingdom, para. 30; France, para. 36; Ireland, para. 42; Netherlands, para. 43; New Zealand, para. 44; Japan, para. 45; Australia, para. 46.

⁶⁸ G A (25), Suppl. No. 23, vol. II, chap. VII, annex I.C, paras. 125, 128, and 129.

⁶⁹ G A (25), 4th Comm., 1917th mtg., para. 16.

order as defined in General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) and reaffirmed the provisions therein that called for the sovereignty of colonial peoples over their natural resources to be respected.

(ii) *Territories under Portuguese administration*

52. Adhering to its previous practice,⁷⁰ the General Assembly, by its resolution 2707 (XXV), called upon all States to take all effective measures to end practices that exploited the Territories under Portuguese domination and to discourage nationals or companies under their jurisdiction from entering into activities or arrangements which strengthened Portugal's domination over those Territories. It also requested Governments which had not yet done so to withdraw from activities related to the Cabora Bassa project in Mozambique and the Cunene River Basin project in Angola. The Assembly reiterated those provisions in its resolutions 2795 (XXVI), 2918 (XXVII) and 3113 (XXVIII). At its twenty-ninth session, by its resolution 3294 (XXIX), the Assembly welcomed the acceptance by the new Government of Portugal of the sacred principle of self-determination and independence and its unqualified applicability to all the peoples under Portuguese colonial domination. It further noted the imminent dates for the accession to independence of Mozambique, Angola and Cape Verde, which had been agreed upon in negotiations between the administering Power and the relevant national liberation movements. Subsequent to its adoption of resolution 3924 (XXIX), the General Assembly ceased to consider the agenda item titled "Territories under Portuguese administration".

(iii) *Southern Rhodesia*

53. It may be recalled that the Security Council, by resolution 216 (1965) of 12 November 1965, had instituted voluntary sanctions against the illegal regime of Southern Rhodesia and called upon all States not to recognize the regime and to refrain from rendering any assistance to it. By its resolution 253 (1968), the Council had made the sanctions mandatory. By resolution 277 (1970), the Council deemed the situation in Southern Rhodesia to constitute a threat to international peace and security.

54. At the twenty-sixth session of the General Assembly, a draft resolution⁷¹ was introduced in the Fourth Committee to address the question of Security Council sanctions against Southern Rhodesia. A sponsor of the draft explained that it had been prompted by the recent decision of the United States Congress to authorize the import of chrome from Southern Rhodesia and by the desire to remind Member States of their obligations under Article 25 of the Charter to fully implement the sanctions imposed by the Security Council.⁷² The sponsor further noted that non-compliance with those sanctions, through the import of chrome in particular, would be extremely useful to the illegal regime in

Salisbury as mining was very important to the economy of Southern Rhodesia.⁷³

55. The fifth preambular paragraph of the draft resolution was revised by the sponsors,⁷⁴ the words "recent decision taken by the Congress of the United States" being replaced by "recent legislative moves in the Congress of the United States", to more accurately reflect the state of the legislative process at that date.⁷⁵ The representative of the United States of America confirmed that the text, as revised, was more accurate than the initial draft.⁷⁶

56. At the same time, the representative of the United States categorically rejected the allegation that his country had been guilty of sanction-breaking, and maintained, that on the contrary it had not imported any chrome from South Africa since 1965. He noted, however, that the fourth report of the Security Council's Committee on Sanctions indicated that Southern Rhodesia was exporting more chrome than it had been in 1965, which indicated violations of the sanctions by other countries. He further noted that it would not pass unnoticed in his country that no other countries were mentioned in the draft resolution. He also said that since the legislation to which the resolution referred had not yet been completely examined by the United States Congress, his delegation would not take part in the vote.⁷⁷

57. Several other delegations indicated that they would abstain from voting on the draft resolution, noting in some cases that the draft dealt with questions that should first have been handled in the Security Council,⁷⁸ and also noting that its measures constituted an undue interference in the political life of a Member State.⁷⁹ The draft was adopted by the Fourth Committee by 93 votes to 2, with 12 abstentions.

58. During consideration of the question in the plenary, a revision was presented by one of the sponsors of the draft.⁸⁰ According to the revision, in the fifth preambular paragraph, the words "*Expressing its grave concern* at the recent legislative moves in the Congress of the United States of America which, if carried through and confirmed ..." would be replaced by "*Expressing its grave concern* at the recent decision taken by the Congress of the United States of America which, if confirmed ...", on the understanding that action had been taken by the United States Congress between adoption of the draft by the Fourth Committee and its consideration in the plenary. The amendment, according to its sponsors, reflected the new realities of the situation.⁸¹

59. Referring to the reasons offered in the Fourth Committee by many of the delegations which had abstained from voting on the draft, one of the sponsors noted that they were in fact self-contradictory. He said that if the General Assembly, by adopting the draft, was infringing on a matter

⁷⁰ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 67 and 68.

⁷¹ A/C.4/L.988.

⁷² G A (26), 4th Comm., 1947th mtg., Upper Volta, para. 14.

⁷³ *Ibid.*, para. 17.

⁷⁴ A/C.4/L.988/Rev.1.

⁷⁵ G A (26), 4th Comm., 1947th mtg., para. 39, Ghana.

⁷⁶ *Ibid.*, 1948th mtg., para. 8.

⁷⁷ *Ibid.*, para. 26.

⁷⁸ *Ibid.*, Belgium, para. 27; Italy, para. 30; Brazil, para. 32; Greece, para. 43; and Austria, para. 45.

⁷⁹ *Ibid.*, France, para. 25; Italy, para. 30; and Netherlands, para. 42.

⁸⁰ A/L.643.

⁸¹ G A (26), Plen., 1984th mtg., Ghana, paras. 9 and 10.

that was within the competence of the Security Council, and therefore violating Article 12, paragraph 1, of the Charter, it could not be true that the matter constituted an undue interference in the domestic affairs of the United States, as protected by Article 2(7) of the Charter. If the measure was within the competence of the Security Council, it could not at the same time be beyond the purview of that same body. He said that when this was understood, what remained was the high probability that a certain Member, which was a permanent member of the Security Council, would allow a national law to be enacted such that it would not be able to fulfil its obligations to the United Nations under Article 25 of the Charter.⁸²

60. The amended fifth preambular paragraph was put to a separate vote and adopted by 107 votes to none, with 14 abstentions.⁸³ The General Assembly adopted the draft resolution submitted by the Fourth Committee by 106 votes to 2, with 13 abstentions, as its resolution 2765 (XXVI). The United States did not participate in the vote.

61. At the twenty-ninth session, the United States representative in the Fourth Committee said that the Byrd Amendment, which permitted United States imports of certain strategic minerals from Southern Rhodesia, had been repealed by the United States Senate and was awaiting action by the United States House of Representatives, and that the President of the United States had expressed support for the amendment's repeal.⁸⁴

62. At the thirty-first session, speaking in reference to a clause in a draft resolution which specifically condemned violations of the sanctions caused by United States imports of chrome from Southern Rhodesia, the United States representative noted that his Government had voluntarily reported in full on these imports to the Security Council Committee on Sanctions. He said that, although exact statistics on Southern Rhodesia exports were not obtainable, the imports in question did not amount to more than 5 per cent of Southern Rhodesia's chrome exports. The resolution therefore cited one country, which was honest, and ignored the countries which his delegation estimated to be the providers of at least 95 per cent of Southern Rhodesia's export earnings.⁸⁵

Decision

63. The General Assembly, by its resolution 2765 (XXVI), recalled the provisions of its previous resolutions concerning the question of Southern Rhodesia, as well as those adopted by the Special Committee on decolonization, and expressed its grave concern about the recent decision taken by the Congress of the United States of America which, if confirmed, would permit the importation of chrome into the United States from Southern Rhodesia and thus constitute a serious violation of Security Council resolutions imposing sanctions against Southern Rhodesia. It called upon the Government of the United States to take the necessary measures to prevent the importation of Rhodesian

chrome, and to inform the General Assembly of action taken or envisaged with regard to the implementation of the resolution. It also reminded all Member States of their obligations under the Charter to comply fully with the decisions of the Security Council on mandatory sanctions against the illegal regime in Southern Rhodesia.

64. By its resolution 2946 (XXVII), the General Assembly noted its concern that despite the provisions of resolution 2765 (XXVI) the United States continued to import chrome and nickel from Southern Rhodesia. The Assembly condemned all violations of the mandatory sanctions applied by the Security Council, as well as the failure of certain States to enforce them strictly. By its resolutions 3116 (XXVIII), 3298 (XXIX), 3397 (XXX) and 31/154 B, the Assembly continued to condemn all violations of the sanctions and condemned the chrome imports of the United States in particular. By its resolutions 32/116 B and 33/38 B, the Assembly condemned all violations of sanctions; however the resolutions did not specifically mention the United States. In resolution 33/38 B, the Assembly strongly condemned the supply of petrol or petroleum products to Southern Rhodesia by United Kingdom oil companies and deplored the complicity of successive United Kingdom Governments in violating those sanctions.

65. During the period under review, the question of the scope of Security Council sanctions was also raised in the General Assembly. At the twenty-eighth session, in the Fourth Committee, discussions were held with regard to a draft resolution⁸⁶ in which the Assembly would consider that the scope of sanctions against Southern Rhodesia should be widened to include all measures envisaged under Article 41 of the Charter, and would invite the Security Council to consider taking the necessary measures in that regard. Some delegations objected to the provision on the grounds that it encroached on the powers of the Security Council.⁸⁷ One of the sponsors countered that the provision merely invited, and did not instruct, the Security Council to take the necessary measures.⁸⁸ The draft was adopted by the Fourth Committee by 93 votes to 4, with 20 abstentions. Subsequently, the General Assembly adopted⁸⁹ the draft resolution submitted by the Fourth Committee by 101 votes to 5, with 22 abstentions, as resolution 3116 (XXVIII).

66. At the thirty-second session, a draft resolution⁹⁰ that considered, inter alia, the question of Rhodesian sanctions was also debated. Under operative paragraph six of the draft, the Assembly would deem it imperative that the scope of sanctions against Southern Rhodesia should be widened to include all the measures envisaged under Article 41 and would reiterate the Assembly's request that the Security Council should consider taking the necessary measures in that regard as a matter of urgency. Under operative paragraph 7, the Assembly would request the Security Council to impose a mandatory embargo on the supply of

⁸²Ibid., Upper Volta, paras. 39-41.

⁸³G A (26), Plen., 1984th mtg., para. 78.

⁸⁴G A (29), 4th Comm., 2098th mtg., para. 62.

⁸⁵G A (31), 4th Comm., 49th mtg., paras. 100-104.

⁸⁶A/C.4/L.1039.

⁸⁷G A (28), 4th Comm., 2064th mtg., Italy, para. 61; Guatemala, para. 70; Turkey, para. 76; Ireland, para. 78.

⁸⁸Ibid., Sierra Leone, para. 87.

⁸⁹G A (28), Plen., 2198th mtg., para. 80.

⁹⁰A/C.4/32/L.31, sect. B.

petroleum and petroleum products to South Africa, in view of the fact that those products were transported from South Africa into Southern Rhodesia. The draft was adopted by the Fourth Committee by 112 votes to none, with 10 abstentions. A number of delegations, however, expressed reservations regarding either or both of the above-mentioned provisions, mostly on the grounds that they encroached upon the powers of the Security Council.⁹¹ The United States, prior to the vote, suggested that the discussion of expanded sanctions should be postponed pending the ongoing negotiation process in Southern Rhodesia.⁹² That suggestion was not endorsed by the Committee, which subsequently voted on and adopted the draft.⁹³

Decision

67. The General Assembly adopted resolution 3116 (XXVIII), paragraph 7 of which read as follows:

"The General Assembly ...

"Considers that in view of the further deterioration of the situation resulting from the intensified repressive measures taken by the illegal racist minority regime against the people of Zimbabwe and with a view to putting an end to the illegal regime, the scope of sanctions against the regime must be widened to include all measures envisaged under Article 41 of the Charter, and accordingly invites the Security Council to consider taking the necessary measures in that regard".

The Assembly reiterated this provision in resolutions 3298 (XXIX), 3397 (XXX) and 31/154 B; in the latter two resolutions it requested the Security Council to consider taking the necessary measures as a matter of urgency. By its resolution 32/116 B, the Assembly noted its deep concern that the measures approved by the Security Council thus far had failed to bring an end to the illegal regime, and that they would not be able to do so unless they were comprehensive, mandatory and strictly supervised and unless measures were taken against States which violated them. In the light of that concern, the Assembly deemed it imperative that the scope of sanctions against the illegal regime should be widened to include all measures under Article 41 of the Charter, and reiterated its request that the Security Council should consider taking the necessary measures in that regard as a matter of urgency. It further requested the Security Council to impose a mandatory embargo on the supply of petroleum and petroleum products to South Africa, in view of the fact that petroleum and petroleum products were transported from South Africa into Southern Rhodesia. The General Assembly reiterated those provisions in its resolution 33/38 B.

⁹¹G A (32), 4th Comm., 35th mtg., Japan, para. 30; Belgium (on behalf on the European Economic Community), para. 32; New Zealand, para. 34; Portugal, para. 39; Uruguay, para. 43; Italy, para. 47; United States, para. 49; Canada, para. 55; United Kingdom, para. 61.

⁹²Ibid., 33rd mtg., para. 32.

⁹³Ibid., 35th mtg., para. 29.

(iv) Namibia

68. The question of the activities of foreign economic interests in Namibia is treated in the present *Supplement* under Article 81.

2. EDUCATIONAL ADVANCEMENT

(a) *Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories*

69. As during the previous period under review,⁹⁴ the General Assembly continued to invite Member States to offer scholarships to the inhabitants of Non-Self-Governing Territories.

70. The General Assembly, by its resolution 2705 (XXV), invited Member States to offer scholarships to inhabitants of Non-Self-Governing Territories, to provide, if possible, travel funds to prospective students and to inform the Secretary-General of the details of such offers. The Assembly also requested the Secretary-General to continue to report on the implementation of this programme. Those provisions were reiterated in resolutions 2876 (XXVI), 2982 (XXVII), and 3120 (XXVIII). By its resolution 3302 (XXIX), the Assembly also requested the administering Powers to disseminate information on offers of scholarships in southern Africa in particular. The provisions of that resolution were reiterated in resolutions 3423 (XXX), 31/32, 32/38 and 33/43. Throughout the period under review, the Secretary-General continued to report⁹⁵ to the General Assembly on scholarship offers and the extent to which they were utilized, in accordance with the procedure established by General Assembly resolution 1696 (XVI).

(b) *United Nations Educational and Training Programme for Southern Africa*

71. As has been reported,⁹⁶ the General Assembly, by its resolution 2349 (XXII), had decided to unite the existing disparate educational programmes for inhabitants of Namibia, South Africa, the Portuguese Territories and refugees from Southern Rhodesia into a single programme, the United Nations Educational and Training Programme for Southern Africa (UNETPSA).

72. At the twenty-fifth session, the General Assembly, by its resolution 2706 (XXV), noted its conviction that the provision of assistance for the education and training of persons from the Territories was as essential as ever and asked Member States to make generous contributions to the Programme. It noted that the available funds remained inadequate to achieve the objectives of the Programme and decided that, as a further transitional measure, provision should be made under section 12 of the regular budget of the United Nations for the financial year 1971 for an amount of

⁹⁴*Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 71-76.

⁹⁵A/8162 (session XXV), A/8530 (session XXVI), A/8855 (session XXVII), A/9241 and Add.1 (session XXVIII), A/9877 (session XXIX), A/10329 and Add.1 and Corr.1 (session XXX), A/31/287, A/32/277 and A/33/372.

⁹⁶*Repertory, Supplement No. 4*, vol. II, under Article 73, para. 91.

\$100,000 to ensure the continuity of the Programme pending the receipt of adequate voluntary contributions. Those provisions were reiterated in resolutions 2875 (XXVI), 2981 (XXVII) and 3119 (XXVIII).

73. At the twenty-ninth session, in view of the imminent independence of the Portuguese Territories, a draft resolution⁹⁷ containing two new elements regarding the Programme was submitted to the Fourth Committee. The first new provision was that the assistance provided under the Programme should be continued as a transitional measure, at the request of the Governments concerned, for the inhabitants of Guinea-Bissau and those of the Territories covered by the Programme which might attain independence. The second provision was that an evaluation of the Programme should be conducted. In presenting this measure, a sponsor of the resolution stated that the paragraph was not intended to question the merits of the Programme, but to consider whether the Programme was having the desired effect.⁹⁸ It was proposed that the evaluation be financed through the \$100,000 transitional allocation from the regular budget, as contributions to the Programme had almost reached the point at which the Programme could be regarded as self-supporting. The draft resolution was adopted without a vote and became Assembly resolution 3301 (XXIX).

74. The General Assembly, by its resolution 3422 (XXX), endorsed the conclusions of the Advisory Committee based on the recommendations of the Evaluation Group,⁹⁹ reiterated all the earlier relevant provisions and again allocated \$100,000 from the regular budget for the United Nations Educational and Training Programme for Southern Africa.

75. In presenting a draft resolution¹⁰⁰ on this question to the Fourth Committee at the thirty-first session, a representative noted that the new draft contained an important change: In accordance with the decision taken by the Advisory Committee of the United Nations Educational and Training Programme for Southern Africa in September 1975, the Programme no longer sought a transitional allocation from the United Nations budget. That decision had been based on the belief that future fund-raising efforts would benefit from the fully voluntary funding mechanism originally envisaged.¹⁰¹

76. The General Assembly, in its resolution 31/31, took note with satisfaction of the increase in contributions to the Programme which permitted a substantial level of assistance, in the form of individual awards, for the education of persons from the Territories concerned. It expressed its appreciation to all those who had made voluntary contributions to the Programme and commended the Secretary-General and the Advisory Committee for the work they had accomplished in strengthening and expanding the Programme. In contrast to previous resolutions on the item, the Assembly did not request a transitional allocation from

the United Nations budget to the Programme. These provisions were reiterated in resolutions 32/37 and 33/42. In addition, in the latter resolution, the Assembly requested a new evaluation of the Programme in the light of the developments in southern Africa since the adoption of resolution 32/37, and enlarged the composition of the Programme's Advisory Committee by the addition of up to six members, whose selection would be based on consultations between the Secretary-General and regional groups.

3. SOCIAL ADVANCEMENT

(a) *Elimination of racial discrimination, segregation and apartheid*

77. Treatment of this question in the previous *Repertory*¹⁰² focused on two specific cases of discrimination in Fiji, Papua and the Trust Territory of New Guinea. Fiji gained independence in 1970 and is thus no longer examined under this Article. The resolutions¹⁰³ on Papua and the Trust Territory of New Guinea adopted during the period under review reaffirm previous resolutions in a general sense, without referring specifically to issues of racial discrimination. Moreover, unlike the previous period under review, issues of racial discrimination were not mentioned in the annual reports¹⁰⁴ on the Territory prepared by the Secretariat. It might, however, be noted that at the beginning of the period under review questions of racial discrimination continued to be raised by petitioners from the Trust Territory of New Guinea in the Trusteeship Council.¹⁰⁵

78. In a more general sense, the General Assembly continued to affirm the link between decolonization and human rights, which included questions of racial discrimination. As reported in the previous *Repertory*,¹⁰⁶ the Special Committee discussed the question of human rights in Non-Self-Governing Territories within the context of the Declaration on decolonization, considering that racial discrimination was an expression or product of colonialism. The General Assembly, by its resolution 2708 (XXV), reiterated its conviction that the continuation of colonialism in all its forms and manifestations, including racism, apartheid, and activities of foreign economic and other interests which exploited colonial peoples and the attempts of some colonial Powers to suppress national liberation movements by repressive activities against colonial peoples were incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, and furthermore posed a threat to international peace and security.

¹⁰² *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 94-111.

¹⁰³ G A resolutions 2700 (XXV), 2865 (XXVI), 2977 (XXVII), 3109 (XXVIII) and 3284 (XXIX).

¹⁰⁴ G A (25), Suppl. No. 23, vol. III, chap. XIV, annex III.F; G A (26), Suppl. No. 23, vol. III, chap. XIX, annex I.B.2; G A (27), Suppl. No. 23, vol. IV, chap. XX, annex B.2; G A (28), Suppl. No. 23, vol. IV, chap. XIX, annex B.2.

¹⁰⁵ See the present Supplement, under Article 87, para. 10.

¹⁰⁶ *Repertory, Supplement No. 4*, vol. II, under Article 73, para. 94.

⁹⁷ A/C.4/L.1070.

⁹⁸ G A (29), 4th Comm., 2119th mtg., Canada, paras. 74 and 75.

⁹⁹ A/10331, paras. 27 and 28.

¹⁰⁰ A/C.4/31/L.2.

¹⁰¹ G A (31), 4th Comm., 23rd mtg., para. 29.

79. This language was reaffirmed in General Assembly resolution 2878 (XXVI), whose preamble amplified the link between colonialism and racial discrimination by asserting that racial discrimination in dependent Territories could be eradicated fully and with the greatest speed by the faithful and complete implementation of the Declaration. That assertion, along with the above-mentioned language from resolution 2708 (XXV), was reaffirmed in resolutions 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX) and 3481 (XXX). The General Assembly, by its resolution 3380 (XXX), reiterated those paragraphs once again and appealed to Governments to sign, ratify and implement the International Convention on the Suppression and Punishment of the Crime of Apartheid. In its resolution 3381 (XXX) the Assembly appealed to States to become party to the International Convention on the Elimination of All Forms of Racial Discrimination. The provisions of resolution 2878 (XXVI) were further reaffirmed in resolutions 31/143, 32/42 and 33/44.

80. During the period under review, the Third Committee continued to consider draft resolutions on racial discrimination and apartheid which directly mentioned conditions in southern Africa. Resolutions considered through the Third Committee included General Assembly resolution 2784 (XXVI), which reaffirmed that apartheid constituted a crime against humanity, and called upon all States to use their influence to end apartheid and racial discrimination in the occupied Territory of Namibia and Southern Rhodesia, and General Assembly resolution 3383 (XXX) (whose provisions were reiterated in resolutions 31/33 and 33/23) in which the Assembly, inter alia, considered that those organizations and States which gave assistance to the racist and colonial regimes of southern Africa were accomplices of them with respect to their inhuman policies of racial discrimination, apartheid, and colonialism.

(b) *Rights of colonial peoples to freely dispose of their natural wealth and resources*

(i) *General*

81. The inalienable right of colonial peoples to freely dispose of the natural resources of their Territories was affirmed in the Declaration on decolonization. The General Assembly, by its resolution 2703 (XXV), on the agenda item entitled "Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, Namibia and Territories under Portuguese domination and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in Southern Africa", reaffirmed "the inalienable right of the peoples of dependent Territories to self-determination and independence and to the natural resources of their Territories, as well as their right to dispose of those resources in their best interests". This paragraph was reiterated in resolutions 2873 (XXVI), 2979 (XXVII), 3117 (XXVIII), 3299 (XXIX), 3398 (XXX), 31/7, 32/35 and 33/40.

82. It should also be noted that the Economic and Social Council, by its resolution 2120 (LXIII) of 4 August 1977, entitled "Permanent sovereignty over natural resources", recalled United Nations resolutions on permanent sovereignty over natural resources, and in particular General Assembly resolutions 3175 (XXVIII), 3336 (XXIX), 3516 (XXX) and 31/186 (which were directed at issues regarding the occupied Arab Territories), and the granting to colonial peoples permanent sovereignty over their natural resources. The Council expressed "its concern for the natural resources of territories subjected to foreign domination, colonial administration, alien occupation, apartheid or racial discrimination", and reaffirmed "its desire to safeguard fully the inalienable rights of peoples and the permanent sovereignty of States over their natural resources within territories beyond their control and to ensure their right to restitution and full compensation for the exploitation of, and damage to, these natural resources". It further requested the Secretary-General to prepare reports for the Committee on Natural Resources on, inter alia, "the work being done in the field of the exercise of the inalienable rights of peoples and permanent sovereignty over natural resources in the territories subjected to foreign domination, colonial administration, alien occupation, apartheid and racial discrimination".

(ii) *Territories under Portuguese administration*

83. The General Assembly continued its practice¹⁰⁷ of considering the question of the rights of colonial peoples to freely dispose of their natural resources in Territories under Portuguese administration. By its resolution 2707 (XXV), the Assembly, called upon the Government of Portugal to "cease immediately all practices which violate the inalienable rights of the indigenous population, including arbitrary eviction of the African population and the settlement of immigrants in the Territories". At the same session, the Assembly adopted resolution 2708 (XXV), on the implementation of the Declaration on decolonization, in which it also condemned those policies. In paragraph 10 of the resolution the Assembly condemned "the policies, pursued by certain colonial Powers in the Territories under their domination, of ... strengthening the position of foreign economic and other interests, misleading world public opinion and encouraging the systematic influx of foreign immigrants while evicting, displacing and transferring the indigenous inhabitants to other areas" and called upon those Powers to desist forthwith from such policies. By its resolutions 2795 (XXVI), 2918 (XXVII) and 3113 (XXVIII), the Assembly continued to call upon the Government of Portugal to abandon such practices, including those that involved the displacement of populations and denied indigenous peoples the right to dispose of their own natural resources.

84. By its resolution 3294 (XXIX), the final resolution devoted to Territories under Portuguese administration, the General Assembly noted with favour the programme of independence for the colonies prepared by the administering Power.

¹⁰⁷ Ibid., paras. 116-121.

(iii) *Southern Rhodesia*

85. During the period under review, the General Assembly continued to regard the United Kingdom as the administering Power for Southern Rhodesia, despite the unilateral declaration of independence by the minority-rule local government in 1965 and the proclamation by that government of a Republic with no allegiance to the British Crown in 1970. The General Assembly, as has been reported, showed continuing concern for the rights of Southern Rhodesians to freely dispose of their natural wealth and resources and condemned the policies of those States which made it possible for their nationals to emigrate to Southern Rhodesia.¹⁰⁸

Decision

86. The General Assembly, by its resolution 3297 (XXIX), called upon the Government of the United Kingdom to bring about "the immediate cessation of the influx of foreign immigrants and mercenaries into the Territory and discontinuance of the immigration campaign entitled 'Settlers 74'". The General Assembly reiterated this provision in its resolution 3396 (XXX).

87. By its resolution 31/154 A, the General Assembly called for the immediate discontinuance of "the arbitrary closure of African areas, the eviction, transfer and resettlement of Africans and the creation of so-called protected villages" and "the cessation of the influx of foreign immigrants into the Territory". In resolutions 32/116 and 33/38 A the Assembly reiterated these provisions.

4. ASSURANCE OF JUST TREATMENT AND PROTECTION
AGAINST ABUSES(a) *Protection of human rights*

88. The Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), states unambiguously that the "subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights".

89. In considering questions pertaining to the implementation of the Declaration during the period under review, the General Assembly, by its resolutions 2708 (XXV), 2878 (XXVI), 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44, reiterated that the continuation of colonialism in all its forms was incompatible with the Charter, the Universal Declaration of Human Rights and the Declaration on decolonization.

90. In addition, at its twenty-fifth session, the General Assembly adopted resolution 2621 (XXV), marking the tenth anniversary of the Declaration on decolonization and presenting a Programme of Action for its full implementation. In paragraph 1 of the resolution the Assembly declared the continuation of colonialism to be a "crime" in violation of the Charter, the Declaration and the principles of international law.

¹⁰⁸Ibid., para. 122.

91. At the twenty-fifth session, the Third Committee discussed the question of human rights and decolonization for the first time as a separate agenda item, entitled "The importance of the universal realization of the rights of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights".¹⁰⁹ A draft resolution¹¹⁰ was considered by the Third Committee, according to which the Assembly would, inter alia, affirm the "legitimacy of the struggle of peoples under colonial and alien domination recognized as being entitled to the right of self-determination to restore to themselves that right by whatever means at their disposal", recognize "the right of peoples under colonial and alien domination in the legitimate exercise of their right to self-determination to seek and receive all kinds of moral and material assistance, in accordance with the resolutions of the United Nations and the spirit of the Charter of the United Nations", and consider that "the acquisition and retention of territory in contravention of the right of the people of that territory to self-determination is inadmissible and a gross violation of the Charter".

92. In introducing the draft resolution, the Chairman of the Third Committee noted that although other Committees were dealing with problems of that kind, the General Assembly undoubtedly felt that the subject was closely linked to human rights and thus had referred it to the Third Committee.¹¹¹

93. Despite this justification, several delegations voted against the resolution as they considered that it fell beyond the scope of the Third Committee. They felt that it was inadvisable for the Committee to deal with questions that were being considered at a different level in Committees elsewhere,¹¹² and that the total effect of United Nations resolutions on the right to self-determination would be greatly reduced unless each Committee was left to conduct its own affairs.¹¹³ One administering Power expressed concern that the proliferation of resolutions often outdistanced the capacity of the United Nations machinery to implement them.¹¹⁴

94. At the same time, some delegations expressed reservations about the substance of the draft resolution. One delegate referred to the phrase "by whatever means at their disposal" (see also paras. 173-182 below) in the draft, and said that it could not subscribe to any text which might imply that the United Nations condoned the use of force in the settlement of disputes.¹¹⁵ One administering Power said that it was inadmissible for the Committee to advocate violence or to seek the solution of essentially moral problems by political means.¹¹⁶

¹⁰⁹A/8101.

¹¹⁰A/C.3/L.1802/Rev.1.

¹¹¹G A (25), 3rd Comm., 1760th mtg., para. 42.

¹¹²Ibid., 1779th mtg., Madagascar, para. 11; see also Italy, para. 26.

¹¹³Ibid., paras. 27-29.

¹¹⁴Ibid., United States, para. 32.

¹¹⁵Ibid., Japan, para. 13.

¹¹⁶Ibid., Portugal, para. 30.

Decision

95. The Third Committee approved the draft resolution by 67 votes to 12, with 28 abstentions. Among the many separate votes taken on various parts of the draft, the contested phrase "by whatever means at their disposal" was put to a separate vote. The phrase was adopted by 65 votes to 27, with 8 abstentions. The General Assembly adopted the draft resolution submitted by the Third Committee by 71 votes to 12, with 28 abstentions, as resolution 2649 (XXV).

96. Throughout the period under review, the General Assembly continued to request the Third Committee to examine the question of human rights and the Declaration on decolonization and continued to adopt resolutions reiterating the provisions contained in resolution 2649 (XXV). The relevant resolutions were: 2787 (XXVI), 2955 (XXVII), 3070 (XXVIII), 3246 (XXIX), 3382 (XXX), 31/34, 32/14 and 33/24.

(i) Territories under Portuguese administration

97. As discussed in the previous *Repertory Supplement*,¹¹⁷ the General Assembly, in its resolutions 2707 (XXV) and 2795 (XXVI), continued to call upon the Government of Portugal to desist from using chemical and biological methods of warfare against the peoples of Angola, Mozambique and Guinea (Bissau), contrary to the generally recognized rules of international law embodied in the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous, or other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and to General Assembly resolution 2603 (XXIV) of 16 December 1969.

98. At the twenty-eighth session, the representative of Sweden introduced a draft resolution¹¹⁸ in the Fourth Committee calling for the establishment of a commission of inquiry on the reported atrocities committed by Portuguese troops in Mozambique. Under the draft resolution the General Assembly would express the wish that a thorough and impartial investigation would take place, as the Special Committee had indicated in its consensus of 20 July 1973.¹¹⁹ Moreover, the United Nations, as a custodian of the universal respect for human rights, had a duty to initiate such an inquiry. The draft would also call for the cooperation of the Government of Portugal, and for it to grant the commission all the necessary facilities to enable it to carry out its mandate.¹²⁰

99. Some delegations said that the establishment of a commission to inquire about the massacres suggested that there was some doubt as to whether those massacres had occurred, whereas the Committee had sufficient proof that they had occurred, and had even proposed to condemn the massacres in another draft resolution under consideration.¹²¹ Another delegation had difficulty supporting the resolution

as it doubted that Portugal would cooperate with the proposed commission, and that there would be reprisals against those that gave evidence.¹²²

100. The draft was nonetheless adopted by the Fourth Committee by 103 votes to 3, with 16 abstentions. In its explanation of vote, France said it had abstained for legal considerations. Though that delegation's Government, which was also an administering Power, was convinced of the need for a thorough and impartial international inquiry, it felt that the matter could not be imposed upon the administering Power without violating essential principles of Chapter XI of the Charter of the United Nations. Another administering Power, the United Kingdom, concurred with this argument.¹²³

Decision

101. The General Assembly, by a vote of 109 to 4, with 12 abstentions, adopted resolution 3114 (XXVIII), establishing a Commission of Inquiry on the Reported Massacres in Mozambique, consisting of five members to be appointed by the President of the General Assembly after due consultation with Member States. It instructed the Commission to "carry out an investigation of the reported atrocities, to gather information from all relevant sources, to solicit the cooperation and assistance of the national liberation movement and to report its findings to the General Assembly as soon as possible". It also requested the Government of Portugal "to cooperate with the Commission of Inquiry and to grant it all necessary facilities to enable it to carry out its mandate". In pursuance of paragraph 1 of the resolution, the Secretary-General appointed the German Democratic Republic, Honduras, Madagascar, Nepal and Norway as members of the Commission.¹²⁴

(ii) Southern Rhodesia

102. At the twenty-eighth session, the General Assembly, by its resolution 3115 (XXVIII), requested the Government of the United Kingdom, bearing in mind its responsibility as the administering Power of the Territory, to secure the full enjoyment by the African people of Zimbabwe, both within and outside the Territory, of their fundamental human rights, their just treatment and their protection against abuses, including in particular their right to travel freely. Those provisions were reiterated in General Assembly resolution 3297 (XXIX).

103. In its resolution 3396 (XXX), the General Assembly expressed its indignation at ongoing human rights abuses in Southern Rhodesia and demanded, without reference to the United Kingdom or any other agent, the unconditional and immediate release of all political prisoners, detainees and restrictees, the removal of all restrictions on political activity and the establishment of full democratic freedom and equality of political rights, as well as the restoration to the population of fundamental human rights. The Assembly

¹¹⁷ *Repertory, Supplement No. 4*, vol. II, under Article 73, para. 124.

¹¹⁸ A/C.4/L.1035.

¹¹⁹ A/9023/Add.3, para. 27.

¹²⁰ G A (28), 4th Comm., 2055th mtg., Sweden, paras. 17-20.

¹²¹ *Ibid.*, Sudan, para. 25; 2056th mtg.; USSR, para. 17; Kenya, para. 22.

¹²² *Ibid.*, 2056th mtg., Nigeria, para. 18.

¹²³ *Ibid.*, 2057th mtg., United Kingdom, para. 66; and France, para. 78.

¹²⁴ A/9496.

reiterated those demands in resolutions 31/154 A, 32/116 A and 33/38 A.

(b) *Application of the Geneva Conventions of 1949 to prisoners of national liberation movements in Non-Self-Governing Territories*

(i) *General*

104. At the twenty-fifth session, the General Assembly, by its resolution 2621 (XXV), established a Programme of Action for the implementation of the Declaration on decolonization. Paragraph 6, sub-section (a), of the Programme of Action affirms that "All freedom fighters under detention shall be treated in accordance with the relevant provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949". The resolution was debated directly in plenary and there was no discussion on, nor explicit objection to, this particular provision.

105. Although the General Assembly did not specifically reiterate this provision as it applied to all Territories in subsequent resolutions, it recalled in general the provisions of resolution 2621 (XXV) in resolutions 2878 (XXVI), 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44, on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

106. At the twenty-eighth session, the General Assembly, through the Sixth Committee, discussed the question of basic principles of the legal status of combatants struggling against colonialism. A draft resolution¹²⁵ was submitted under the title "Basic principles of the legal status of the combatants struggling against colonial and alien domination and racist regimes". The draft reiterated previous resolutions¹²⁶ in which the Assembly had called for the provisions of the Geneva Conventions to be applied to those fighting for freedom and self-determination in specific Territories (i.e. Territories under Portuguese administration, Southern Rhodesia and Namibia), and proclaimed six basic principles regarding the legal status of all combatants struggling against colonial and alien domination. Debate on the item in the Sixth Committee did not bear significantly on the substance of the principles enumerated in the draft, on which there was general agreement. Instead, those delegations that questioned the draft did so on the grounds that the principles contained therein seemed to apply only to combatants on one side of the struggle, and not universally, as was the intention of the Geneva Conventions.¹²⁷ The draft was nonetheless approved by the Sixth Committee by 68 votes to 12, with 21 abstentions.

¹²⁵A/C.6/L.969.

¹²⁶Inter alia, G A resolutions 2383 (XXIII), 2508 (XXIV), 2547 (XXIV), 2678 (XXV), 2707 (XXV), 2795 (XXVI), 2796 (XXVI) and 2871 (XXVI).

¹²⁷G A (28), 6th Comm., 1453rd mtg., United Kingdom, para. 46; Federal Republic of Germany, para. 59; Spain, para. 51; 1455th mtg., Belgium, para. 3.

Decision

107. The General Assembly adopted the draft resolution recommended by the Sixth Committee by 83 votes to 13, with 19 abstentions, as resolution 3103 (XXVIII). By the resolution, the General Assembly endorsed, inter alia, the following basic principles of the legal status of combatants struggling against colonial and alien domination: "The armed conflicts involving the struggle of peoples against colonial and alien domination and racist regimes are to be regarded as international armed conflicts in the sense of the 1949 Geneva Conventions, and the legal status envisaged to apply to the combatants in the 1949 Geneva Conventions and other instruments is to apply to the persons engaged in armed struggle against colonial and alien domination and racist regimes" (para. 3); and "The combatants struggling against colonial and alien domination and racist regimes captured as prisoners are to be accorded the status of prisoners of war and their treatment should be in accordance with the provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949" (para. 4).

108. The General Assembly, as described below, also addressed this issue in the Fourth Committee as it related specifically to the cases of Territories under Portuguese administration and Southern Rhodesia.

(ii) *Territories under Portuguese administration*

109. The General Assembly continued, as in the period covered by the previous *Repertory Supplement*,¹²⁸ to address the question of prisoners captured while fighting for national liberation in Territories under Portuguese control.

110. By its resolution 2707 (XXV), the General Assembly called upon the Government of Portugal to "treat the freedom fighters of Angola, Mozambique and Guinea (Bissau) captured during the struggle for freedom as prisoners of war in accordance with the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, and to comply with the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949". This provision was reiterated by the Assembly in resolutions 2795 (XXVI), 2918 (XXVII) and 3113 (XXVIII). The Assembly ceased considering the matter of prisoners captured in Territories under Portuguese administration following resolution 3294 (XIX), by which it welcomed the Portuguese Government's acceptance of the principle of self-determination and independence and noted with satisfaction the imminent independence of the Territories under Portuguese administration according to dates set in negotiations with the respective national liberation movements.

(iii) *Southern Rhodesia*

111. As was reported in the previous *Repertory Supplement*,¹²⁹ the General Assembly had established the practice of taking note of the inhuman treatment of prisoners in Southern Rhodesia and had repeatedly called upon the

¹²⁸ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 127-132.

¹²⁹*Ibid.*, paras. 133-140.

Government of the United Kingdom to ensure the application of the Geneva Convention relative to the Treatment of Prisoners of War and the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

112. During the period under review, the General Assembly, by its resolutions 2625 (XXV) and 2796 (XXVI), reaffirmed that provision. Subsequent to its twenty-sixth session, the General Assembly adopted no resolutions dealing specifically with the application of the Geneva Conventions to prisoners of war captured in Southern Rhodesia.

(c) *Prohibition of the use of mercenaries against national liberation movements in Non-Self-Governing Territories*

113. As has been reported,¹³⁰ the General Assembly, by resolutions 2465 (XXIII) and 2548 (XXIV), had declared that the practice of using mercenaries against national liberation movements was punishable as a criminal act and that the mercenaries themselves were outlaws. It had further called upon the Governments of all countries to enact legislation that would declare the recruitment, financing and training of mercenaries in their territories to be a punishable offence and would prohibit their nationals from serving as mercenaries. During the period under review, the General Assembly, by its resolution 2708 (XXV), reaffirmed the relevant paragraphs of those resolutions.

114. At the twenty-eighth session, in considering the question of the basic principles of the legal status of combatants struggling against colonial and alien domination and racist regimes (see paras. 106 and 107 above), the Sixth Committee approved a draft resolution which, inter alia, proclaimed that the "use of mercenaries by colonial and racist regimes against the national liberation movements struggling for their freedom and independence from the yoke of colonialism and alien domination is considered to be a criminal act and the mercenaries should accordingly be punished as criminals". The General Assembly approved this measure as part of resolution 3103 (XXVIII).

B. Article 73b

1. INTRODUCTION

115. Under Article 73b, Members that administer Non-Self-Governing Territories accept as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of the Territories and, to that end, "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".

116. The General Assembly, in its resolution 1514 (XV), adopted the Declaration on decolonization by which, inter alia, it declared that:

"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 ...

5. Immediate steps shall be taken in the Trust and Non-Self-Governing Territories or all other territories which have not yet gained 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."

117. During the period under review, a large number of colonial Territories¹³¹ exercised their right to self-determination, all but one of which did so by attaining independence. Examination of the practice developed in this regard is of particular interest owing to the fact that, as described in the immediately preceding paragraphs, the right to independence, though not specifically mentioned in Article 73, was clearly affirmed by the Declaration on decolonization. Thus the set of practices documented since the adoption of the Declaration, and especially during the present period under review, adds a valuable interpretive element to the principles set forth in Chapter XI of the Charter. It should also be noted that, as in previous studies, there is a blurring of the distinction between questions which concern the exercise of the right to self-determination and those that concern the transmission of information, which is treated under Article 73e. As the obligation of the administering Powers under Article 73e to send information on Non-Self-Governing Territories expires when those Territories have attained self-government or independence, an overlap between the two is inevitable. A judgement has been made for the purposes of the present study as to which of the two sides of the question should be given emphasis, and they have then been treated under either paragraph *b* or *e* of Article 73, and have been cross-referenced to each other as necessary.

118. The manner in which Non-Self-Governing Territories were deemed to have exercised their right to self-determination often provoked controversies within the General Assembly, and the legislative resolution of those controversies has helped clarify the interpretation of the relevant Charter Articles. Discussions of the Seychelles, which attained independence from the United Kingdom, and of the Niue Islands, which chose free association with New Zealand, are presented below as two illustrative cases. The discussion of the West Indian Associated States is included in this analysis as it was in *Supplement No. 4*. As was the case previously, however, the question did not reach any durable resolution during the present period under review. In the interests of continuity with previous *Supplements*, and for the intrinsic relevance of the question itself to understanding the Charter of the United Nations, it is discussed below. The question of East Timor is also included under the discussion of the right to self-determination as the

¹³⁰ Ibid., paras. 141-157.

¹³¹ Angola (1976), Bahamas (1973), Comoros (1975), Djibouti/French Somaliland (1977), Dominica (1978), Fiji (1970), Grenada (1974), Guinea-Bissau (1974), Mozambique (1975), Niue (Free Association with New Zealand since 1974), Oman (1971), Papua New Guinea (1975), Samoa (1976), Sao Tome and Principe (1975), Seychelles (1976), Solomon Islands (1978).

General Assembly, during the period under review, decided that the Territory had not exercised its right to self-determination when it was annexed by Indonesia.

119. In the present study, particular emphasis has also been placed upon the question of the legitimacy of the struggle of colonial peoples to exercise their right to self-determination and independence. The substantive aspects of this question also relate to Article 2 of the Charter, which establishes the principle of the peaceful settlement of disputes (para. 3) and requires Members of the United Nations to refrain from the use of force in manners inconsistent with the Purposes of the Organization (para. 4). The practice of the Organization in this regard thus bears directly on the interpretation of an essential Principle of the Charter, in particular as many supporters of this provision asserted that the legitimacy of the struggle for self-determination and independence presumed that the struggle was one of the purposes of the Organization that was compatible with the use of force. At the same time, the provision prompted a number of reservations by Members, to the effect that they did not consider the use of force to be an aspect of the legitimate struggle for independence.

120. As has been reported,¹³² the General Assembly, during the previous period under review, recognized the legitimacy of the struggle of the peoples under colonial and alien domination to exercise their right to self-determination and independence and urged all States and specialized agencies to provide moral and material assistance to peoples struggling for freedom and independence. The Assembly revisited this question in a number of new contexts, including in its consideration of the struggle of colonial peoples for independence as an exercise of human rights, the definition of aggression and the Declaration on principles of international law. In each case, the Assembly reaffirmed the basic principle of the legitimacy of the struggle by colonial peoples to implement their right to self-determination. In addition to reiterating its earlier resolutions on the question, the General Assembly, during the period under review, affirmed that colonial peoples had the right to struggle for independence "by all available means, including armed struggle". The relevant debates are presented under this section in some detail so that the nuances, qualifications and reservations of the States Members of the Organization regarding this question are adequately rendered.

121. As it had done previously, the General Assembly devoted a great deal of its attention to those cases where there was a conflict between national unity and territorial integrity, on the one hand, and the right to self-determination on the other. The questions of the Comorian island of Mayotte and of Belize are new to this study under this heading.

2. THE RIGHT TO SELF-DETERMINATION AND THE DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND COOPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

122. Between 1964 and 1970, the Special Committee on Principles of International Law prepared a draft declaration¹³³ on the principles of international law concerning cooperation among States.¹³⁴ The purpose of the document was to elaborate in a more precise manner the obligations of States in cooperation with each other to further the maintenance of international peace and security. The draft declaration was presented to the Sixth Committee at its twenty-fifth session for debate and ratification.

123. Following a preamble in which, inter alia, the General Assembly would note its conviction that the subjection of peoples to alien subjugation, domination and exploitation constituted "a major obstacle to the promotion of international peace and security", the draft presented seven principles of cooperation, the fifth of which was entitled "The principle of equal rights and self-determination of peoples". The text of the principle touched directly on the obligations that are explicit and implicit in Article 73*b*, and reiterates the gravamen of the Declaration on decolonization. In the draft text, inter alia, the General Assembly would call upon States to bring, through both joint and separate actions, a "speedy end to colonialism" and would bear in mind that the "subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter". In the draft text the Assembly would also affirm that:

"By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

"...

"The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

"...

"The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles."

¹³² *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 175-179.

¹³³ A/8082.

¹³⁴ See G A resolution 1966 (XVIII).

124. While some delegations welcomed the inclusion in the text of the principle that independence was not the only possible outcome of a people's exercise of the right to self-determination,¹³⁵ many delegations regretted that there was no reference to the Declaration on decolonization.¹³⁶ One delegation specifically regretted the draft's call for a "speedy end to colonialism" as opposed to the Declaration's "immediate" end to colonialism.¹³⁷

125. Other reservations were voiced regarding the application of the draft's principles on the use of force to colonial situations. These are dealt with below under the heading "Legitimacy of the struggle of colonial peoples to exercise their right to self-determination and independence" (paras. 184-220).

Decision

126. At its 1883rd plenary meeting, on 24 October 1970, the General Assembly unanimously adopted the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, as contained in the annex to its resolution 2625 (XXV). In the fifth principle of the Declaration, entitled "The principle of equal rights and self-determination of peoples", *inter alia*, the Assembly reaffirmed the right of all peoples to freely determine without external interference their political status, and the duty of all States to promote the realization of this principle.

3. THE RIGHT TO SELF-DETERMINATION AND INDEPENDENCE OF COLONIAL TERRITORIES

(a) General

127. During the period under review, Article 73 of the Charter, and the relevant provisions of the Declaration on decolonization regarding the right to independence, were consistently evoked with regard to individual Territories under colonial domination. The question of whether or not, in the attainment of self-government, the peoples of a given Territory had also exercised the right to self-determination and independence in accordance with the Declaration on decolonization arose in six cases. The question of Fiji, which attained independence early in the period under review, presented little noteworthy debate, in contrast to the periods covered by previous Supplements. A brief discussion of the Territory is included below in the interest of maintaining continuity with previous *Repertory* Supplements.

¹³⁵G A (25), 6th Comm., 1180th mtg., United States, para. 25; 1181st mtg., New Zealand, para. 8.

¹³⁶*Ibid.*, 1179th mtg., Tanzania, para. 43; 1180th mtg., Iraq, para. 7; 1181st mtg., Bulgaria, para. 2; Algeria, para. 14; Mali, para. 37; 1182nd mtg., Mongolia, para. 12; Afghanistan, para. 16; Kenya, para. 59; 1183rd mtg., Trinidad and Tobago, para. 5; India, para. 11; Ecuador, para. 39; 1184th mtg., Togo, para. 11.

¹³⁷*Ibid.*, 1180th mtg., Iraq, para. 7. Note that the Declaration in a preambular sentence proclaimed the necessity for bringing a "speedy and unconditional" end to colonialism, and in its operative paragraph 5 declared that "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 conditions or reservations ...".

(b) Fiji

128. In the previous period under review,¹³⁸ the General Assembly continued to adopt, in opposition to the initial objections of the administering Power, resolutions urging the administering Power to prepare for local elections and the transfer of power in Fiji, and also to set a date for the independence of the Territory.

129. During the present period under review, at the twenty-fifth session of the General Assembly, the Special Committee's Subcommittee on Fiji maintained contact with representatives of the administering Power. It further welcomed the agreement reached between representatives of the people of the Territory and those of the administering Power which, *inter alia*, set the date for independence to be 10 October 1970.¹³⁹

130. At the same session, the Fourth Committee¹⁴⁰ took note with satisfaction of the accession of Fiji to independence. The General Assembly,¹⁴¹ by adopting resolution 2622 (XXV), admitted Fiji to membership in the United Nations. The question of Fiji was subsequently not considered under Article 73 of the Charter or by the Special Committee on decolonization.

(c) West Indian Associated States

131. The previous *Repertory* Supplement studied the question of the "West Indian Associated States" in the context of the right to self-determination. As has been reported,¹⁴² in 1967, the United Kingdom renounced its Chapter XI obligations with regard to the six Territories that comprised the Association.¹⁴³ The United Kingdom argued that, under the new associated status, the States were autonomous and self-governing in their internal affairs, while the United Kingdom maintained responsibility only for external affairs and defence. The Special Committee on decolonization rejected the United Kingdom's claim that self-determination had been achieved, arguing that the Territories' decisions to associate themselves with the United Kingdom had not been carried out in absolute freedom or in the presence of impartial international observers, and noting the reservations expressed by the petitioners from Grenada and Anguilla regarding the arrangement. The General Assembly subsequently accepted the recommendations of the Special Committee and adopted resolution 2357 (XXII), in which the Assembly took note of the constitutional changes but affirmed the continuing application of the Declaration on decolonization to the six Territories.¹⁴⁴

¹³⁸ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 184-196.

¹³⁹G A (25), Suppl. No. 23, vol. III, chap. XII, para. 4.

¹⁴⁰G A (25), 4th Comm., 1877th mtg., para. 59.

¹⁴¹G A (25), Plen., 1863rd mtg., para. 4.

¹⁴² *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 162-174.

¹⁴³ Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent.

¹⁴⁴ See, prior to that resolution, G A resolutions 2069 (XX), 2232 (XXI), 2357 (XXII), 2430 (XXIII), 2592 (XXIV) and 2593 (XXV) on the topic of the six Territories.

132. During the period under review, the Special Committee and the General Assembly continued to address the question of the West Indian Associated States. The United Kingdom maintained, as it had previously, that it had fulfilled its obligations under Chapter XI. For example, during the twenty-fifth session, the delegate from the United Kingdom stated that his Government had not sent the information required under Article 73*e* because the States in question were completely self-governing under a constitution that had been approved by the elected representatives of the people. In those circumstances, he said, and according to the principles set forth in General Assembly resolution 1541 (XV) to guide the Member States in determining whether or not an obligation existed to transmit information called for under Article 73*e* of the Charter, the United Kingdom was no longer required to transmit that information. He said that it could not do so in any case, in view of the nature of the relations existing between the United Kingdom and the six Associated States.¹⁴⁵

133. It was, however, countered that under Article 73*e* of the Charter, the United Nations was party to the agreement whereby a Non-Self-Governing Territory was administered by a State, and consequently the United Nations was also party to any decision as to whether a Territory had fully attained self-government.¹⁴⁶

134. On 15 August 1973, the Special Committee adopted a decision welcoming the forthcoming independence of one of the Territories in question (Grenada). During the meetings of the Fourth Committee that year, the delegate from the United Kingdom used the occasion of that Territory's impending independence to demonstrate that the Territory, like the States that remained in association with the United Kingdom, had full control of its internal affairs and retained the right to amend its own constitution, including the power to unilaterally terminate its association with the United Kingdom in favour of independence. Therefore, according to the United Kingdom, those Territories had not been within the competence either of the Special Committee on decolonization or of the General Assembly since 1967.¹⁴⁷

Decision

135. The General Assembly continued to adopt Special Committee recommendations that the United Kingdom should be called upon to respect its Chapter XI obligations regarding the associated Territories. During the twenty-fifth session, the General Assembly adopted resolution 2710 (XXV), in which it requested the Special Committee to give "urgent consideration to all aspects of this question" in accordance with General Assembly resolution 2593 (XXIV) and to report thereon to the Assembly at its twenty-sixth session. During the previous period under review, the General Assembly had adopted resolution 2593 (XXIV), in which, *inter alia*, it had decided to transmit to the Special Committee on decolonization "the records of the Fourth Committee covering the debate on this question, and in

particular the draft resolution¹⁴⁸ submitted by Barbados, Guyana, Jamaica and Trinidad and Tobago", and requested "the Special Committee to consider the views expressed during the debate and in that draft resolution and to report thereon to the General Assembly at its twenty-fifth session". The draft resolution in question, which the sponsors had not put to a vote, had explicitly recognized that the constitutional arrangements binding the six Territories of the West Indian Associated States allowed for any of those Territories to terminate the existing arrangement with the United Kingdom by becoming fully independent, entering into associations with other independent States or federating with each other.

136. The General Assembly, by its resolution 2867 (XXVI), reiterated the provisions of resolution 2710 (XXV), but it requested the Special Committee on decolonization to give "full consideration" rather than "urgent consideration" to the question. By its resolution 2987 (XXVII), the Assembly reaffirmed the inalienable right of the peoples of Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, St. Lucia, and St. Vincent to achieve independence in conformity with the provisions of resolution 1514 (XV). It then requested the Special Committee on decolonization to "continue to give consideration to this question" in accordance with the relevant resolutions of the General Assembly.

137. During the period under review, the General Assembly adopted no further resolutions on the question. The Special Committee on decolonization, however, continued to consider the islands in its meetings and the Secretariat continued to prepare reports on them for consideration by the Special Committee.¹⁴⁹

(d) *Seychelles*

138. In March 1970, the United Kingdom, following the convening of a Constitutional Conference in London, announced a new constitutional arrangement for the Seychelles. During discussions of the event in the Special Committee on decolonization, a number of delegates observed that the new arrangement was insufficient to relieve the administering Power of its obligations under Chapter XI. In particular, it was argued, the most important political powers were still invested with the Governor, who was appointed by the United Kingdom Government and, furthermore, that the United Kingdom was impeding the political development of the Seychelles by not handing over power to the population of the Territory and was therefore preventing the development of its right to self-determination.¹⁵⁰

¹⁴⁸ A/C.4/L.958/Rev.1; see G A (24), annexes, agenda item 23, document A/7896, paras. 18, 19 and 24.

¹⁴⁹ G A (25), Suppl. No. 23, vol. IV, chap. XVII; G A (26), Suppl. No. 23, vol. IV, chap. XXII; G A (27), Suppl. No. 23, vol. V, chap. XXIV; G A (28), Suppl. No. 23, vol. V, chap. XXVI; G A (29), Suppl. No. 23, vol. VI, chap. XXVIII; G A (30), Suppl. No. 23, vol. IV, chap. XXXI; G A (31), Suppl. No. 23, vol. IV, chap. XXV; G A (32), Suppl. No. 23, vol. IV, chap. XXX; G A (33), Suppl. No. 23, vol. IV, chap. XXX.

¹⁵⁰ A/AC.109/PV.755, USSR.

¹⁴⁵ G A (25), 4th Comm., 1909th mtg., para. 17.

¹⁴⁶ *Ibid.*, Iraq, para. 20; Zambia, para. 28.

¹⁴⁷ G A (28), 4th Comm., 2065th mtg., para. 17.

139. The Administering Authority countered¹⁵¹ that the powers of the Governor were mainly symbolic, and that in every real sense political power resided with the local authorities. The Special Committee on decolonization, after considering the results of the Constitutional Conference, concluded that whatever progress had been made in the process of self-determination was inadequate to promote the process of complete decolonization in accordance with General Assembly resolution 1514 (XV).¹⁵²

140. The Special Committee on decolonization continued to examine the question¹⁵³ and to deplore the refusal of the administering Power to cooperate, notably in the sending of a visiting mission and in the hosting of a referendum to determine the future status of the islands.¹⁵⁴

141. The administering Power continued to argue that both the proposal regarding the possibility of independence for the Seychelles and that regarding the possibility of a visiting mission had been rejected in the Legislative Assembly of the Seychelles and, further, that it had never denied independence to any of its Territories which had aspired to it, nor had it imposed independence on any Territory which did not want it.¹⁵⁵

142. In support of that contention, a delegate of another administering Power noted that the people of the Seychelles had already exercised their right to self-determination by participating in free elections and had decided not to try to obtain independence. Consequently, it was not for the United Nations to insist on a solution other than that which the people had chosen for themselves. Moreover, the basic commitment in the Charter was not to independence per se for every entity, but to self-government and self-determination by the choice of the peoples involved.¹⁵⁶

143. During its deliberations in 1974, the Special Committee on decolonization noted the expressed desire, based on the declared policy of the local government, of the people of the Seychelles for independence.¹⁵⁷ At the same time, it requested the Government of the United Kingdom to take the necessary steps to facilitate independence. The United Kingdom did not object to this request¹⁵⁸ and, in June 1976, the Seychelles acceded to independence. During the thirty-first session of the General Assembly, the Special Committee on decolonization paid tribute to the Government of the United Kingdom for the effective discharge of its obligations as administering Power (see also paras. 231-233 below).¹⁵⁹

¹⁵¹ A/AC.109/PV.756.

¹⁵² G A (25), Suppl. No. 23, vol. III, chap. VIII, para. 9 (a) (I).

¹⁵³ G A (25), Suppl. No. 23, vol. III, chap. VIII; G A (26), Suppl. No. 23, vol. III, chap. IX; G A (27), Suppl. No. 23, vol. IV, chap. XI; G A (28), Suppl. No. 23, vol. IV, chap. X; G A (29), Suppl. No. 23, vol. III, chap. X; G A (30), Suppl. No. 23, vol. III, chap. XIV; G A (31), Suppl. No. 23, vol. II, chap. X.

¹⁵⁴ G A (26), Suppl. No. 23, vol. III, chap. IX, para. 10 (a) (I).

¹⁵⁵ G A (28), 4th Comm., 2073rd mtg., para. 65.

¹⁵⁶ *Ibid.*, United States, para. 67.

¹⁵⁷ A/AC.109/L.954, adopted at the 978th mtg.

¹⁵⁸ See G A (30), Suppl. No. 23, vol. III, chap. XIV, paras. 10-17, for a description of the process leading up to independence.

¹⁵⁹ G A (31), Suppl. No. 23, vol. II, chap. X, para. 10 (2).

Decision

144. The General Assembly, by its resolution 2709 (XXV), reiterated the applicability of the Declaration on decolonization to the Seychelles through a consolidated resolution that considered other small Territories as well. By its resolution 2866 (XXVI), the Assembly, referring specifically to the Seychelles, reaffirmed the applicability of the Declaration to that Territory and requested the administering Power to receive a mission from the Special Committee and to make arrangements for a referendum to be held on the future status of the Territory. It also requested the Special Committee to continue to address the question and to report at the next session. The Assembly reaffirmed these provisions in its resolutions 2985 (XXVII) and 3158 (XXVIII). By its resolution 3287 (XXIX), the General Assembly noted with satisfaction the expressed wish of the people of the Seychelles to achieve independence in accordance with the 1960 Declaration on decolonization, and requested the Government of the United Kingdom to take all necessary steps to facilitate the Territory's accession to independence. The Assembly reaffirmed this in its resolution 3430 (XXX), specifying that self-determination and independence should be achieved no later than June 1976. Following the achievement of independence of the Territory on 29 June 1976, the Assembly adopted resolution 31/1, welcoming the Seychelles as a Member of the United Nations.

(e) Niue

145. During its consideration of the November 1972 decision of the Niue Island Legislative Assembly to enter into a free association with New Zealand, the question of the relative scope of Article 73 and of the Declaration on decolonization arose. Following a visiting mission of the Special Committee to Niue in June 1972, the Legislative Assembly resolved that "the Government of Niue should inform the Government of New Zealand of the wish of the Government and people of Niue to achieve the status of full self-government in free association with New Zealand in 1974, on a date to be agreed upon by both Governments".¹⁶⁰

146. During the twenty-seventh session of the General Assembly, a draft resolution¹⁶¹ was introduced in the Fourth Committee, by operative paragraph 1 of which the Assembly would reaffirm "the inalienable right of the peoples of Niue and the Tokelau Islands to self-determination in conformity with resolution 1514 (XV)". In introducing the draft resolution one of its sponsors noted that self-determination did not necessarily mean total independence and the cutting off of all ties with former colonial Powers.¹⁶² Defending the draft resolution, one administering Power stressed that self-determination and self-government were not synonymous since the word "self-determination" always contained the option of eventual independence.¹⁶³

¹⁶⁰ A/C.4/757 (Note verbale dated 5 December 1972 from the Permanent Representative of New Zealand to the United Nations addressed to the Secretary-General).

¹⁶¹ A/C.4/L.1027.

¹⁶² G A (27), 4th Comm., 2017th mtg., Sierra Leone, para. 90.

¹⁶³ *Ibid.*, 2018th mtg., Australia, para. 3.

147. An amendment was then proposed to add the words "and independence" following the words "self-determination" in the operative paragraph 1. It was argued that to omit mention of independence in this case would effectively constitute an amendment to resolution 1514 (XV).¹⁶⁴ This line of argument was supported by several other delegates.¹⁶⁵

148. Against this view, it was argued¹⁶⁶ that independence was merely one possibility among several on the path to self-determination. And since the people of Niue and the Tokelau Islands had made their wishes clear to the United Nations, they should not be forced to act against their will.¹⁶⁷

149. The Fourth Committee rejected the proposed amendment. It subsequently voted on the draft resolution, which it adopted by 104 votes to none.

150. In an explanation of his vote, the sponsor of the amendment considered that whatever explanation had been given by those who had voted against the amendment "could be likened" to a vote against General Assembly resolution 1514 (XV) and the whole series of resolutions which were based on it.¹⁶⁸

Decision

151. The General Assembly adopted the draft resolution¹⁶⁹ submitted by the Fourth Committee by 119 votes to none as resolution 2986 (XXVII). By the resolution, the Assembly reaffirmed the inalienable right of colonial peoples to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, commended the conclusions and recommendations of the United Nations visiting mission to Niue, and took note of the decision of the Territory's Legislative Assembly to enter into free association with New Zealand. It further requested New Zealand to continue providing economic and other assistance to the Territories. Thereafter, by its resolution 3155 (XXVIII), the Assembly reaffirmed the inalienable right of the people of Niue to self-determination, and requested the Special Committee on decolonization to appoint a special mission to the Territory in 1974 to observe the proceedings relating to the act of self-determination by the people of Niue. By its resolution 3285 (XXIX), the Assembly noted that the people of Niue had voted for self-government in free association with New Zealand and considered that, in so doing, the people of Niue had freely expressed their wishes and exercised their right to self-determination in accordance with the principles of the Charter of the United Nations and the Declaration on decolonization. The Assembly furthermore considered that, in view of the entry into force of the Niue Constitution Act of 1974 and the attainment by the Territory of self-government in free association with New Zealand, the transmission of information in respect of

Niue under Article 73e of the Charter was no longer necessary.

(f) *Timor/East Timor*¹⁷⁰

152. As has been reported,¹⁷¹ in 1960, the General Assembly decided that East Timor, along with other Territories under Portuguese administration, was a Non-Self-Governing Territory for which Portugal was responsible under Chapter XI of the Charter (the other Territories under Portuguese administration are treated in general in sub-section (h) below; Guinea (Bissau) is treated in sub-section (g)).¹⁷² The Special Committee on decolonization continued to report annually on the Territories under Portuguese administration, including Timor, and to make recommendations to the General Assembly with regard to those Territories particularly in the light of Portugal's ongoing refusal to immediately grant independence to its Territories as called for in numerous General Assembly resolutions.¹⁷³ In 1974, following a change of government, Portugal recognized its Chapter XI obligations for the first time with regard to all of its Territories. It accordingly sought to establish a provisional government and a popular assembly in East Timor to determine the future status of the Territory. On 3 December 1974, in a statement to the General Assembly, the representative of Portugal said that apparently the majority in Timor desired the continuity of the Portuguese presence in the Territory, but that his Government would hold a referendum to determine the freely expressed will of the people of Timor and would scrupulously respect the result obtained.¹⁷⁴ In May 1975, the Portuguese Government attempted to assist the East Timorese to draw up a decolonization programme, but those efforts failed due to a lack of cooperation between the three parties that had been established in East Timor soon after the change of Government in Portugal. In August, one of the parties, the União Democrática Timorense (UDT), which favoured maintaining ties with the Portuguese and acceding gradually to independence, seized the radio station, airport and some administration buildings in Dili, the capital, and demanded the imprisonment of all members of the Frente Revolucionária de Timor Leste Independente (FRETELIN). Their ultimatum was refused by the Portuguese. FRETELIN, which favoured immediate independence, fought to gain control, and full-scale fighting broke out in Dili. The Portuguese authorities gradually lost control, and FRETELIN was reportedly in control of Timor by mid-September 1975. In November of that year, FRETELIN

¹⁷⁰ Prior to the thirty-second session, the Territory was referred to in United Nations reports as Timor, while from the thirty-second session on it was referred to as East Timor.

¹⁷¹ *Repertory, Supplement No. 3*, vol. III, under Article 73, paras. 105-129.

¹⁷² G A resolution 1542 (XV).

¹⁷³ G A (25), Suppl. No. 23, vol. II, chap. VII, annex I.H; G A (26), Suppl. No. 23, vol. II, chap. VIII, annex I.H; G A (27), Suppl. No. 23, vol. III, chap. X, annex II.G; G A (28), Suppl. No. 23, vol. III, chap. IX, annex I.F; G A (29), Suppl. No. 23, vol. III, chap. VII, annex I.D; G A (30), Suppl. No. 23, vol. II, chap. VIII B; G A (31), Suppl. No. 23, vol. II, chap. XII; G A (32), Suppl. No. 23, vol. II, chap. X; G A (33), vol. II, chap. X.

¹⁷⁴ G A (30), Suppl. No. 23, vol. II, chap. VIII, para. 6.

¹⁶⁴ *Ibid.*, 2017th mtg., Libyan Arab Republic, para. 94.

¹⁶⁵ *Ibid.*, 2018th mtg., USSR, para. 2; Democratic Yemen, para. 7.

¹⁶⁶ *Ibid.*, 2021st mtg., Fiji, para. 21; Tunisia, para. 27.

¹⁶⁷ *Ibid.*, Ivory Coast, para. 26.

¹⁶⁸ *Ibid.*, Libyan Arab Republic, para. 46.

¹⁶⁹ A/C.4/L.1027/Rev.1.

declared the independence of Timor.¹⁷⁵ In late 1975 Indonesian troops reportedly entered East Timor.

153. The General Assembly, by its resolution 3485 (XXX), deplored Indonesia's intervention in Portuguese Timor. It called upon the Government of Portugal to continue to make every effort to find a peaceful solution to the situation in Timor through talks with the political parties representing the people of Timor, and called upon the Government of Indonesia to desist from any further violation of the territorial integrity of Portuguese Timor, to withdraw its forces from the Territory, and to allow the people of the Territory to freely exercise their right to self-determination and independence.

154. In December 1975 and April 1976, the Security Council adopted resolutions 385 (1975) and 389 (1976) respectively, both calling upon Indonesia to, inter alia, withdraw without delay all its forces from the Territory.¹⁷⁶ The resolutions were not complied with, and in early 1976, Indonesia set up a "provisional government", which in turn established a "Regional Popular Assembly" composed of traditional chiefs and other prominent figures whose direct election, according to the report of the Special Committee on decolonization, was restricted to urban areas. At its first meeting, on 31 May 1976, the Regional Popular Assembly petitioned Indonesia to formally integrate the Territory with it. Only seven countries had accepted the invitation by Indonesia to send observers to the proceedings. The action by the Popular Assembly was denounced by FRETELIN. Two months later, Indonesia passed a law making East Timor one of its "first-level regions", the equivalent of a province.¹⁷⁷

155. In the plenary meetings of the General Assembly, at its thirty-first session, the representative of Indonesia said that the paramount interest of the inhabitants of East Timor had been translated into their decision to integrate with the Republic of Indonesia. Consequently, the people of East Timor had exercised their right to self-determination in accordance with the provisions of the Charter of the United Nations and of General Assembly resolutions 1514 (XV) and 1541 (XV) by deciding to become independent through integration with Indonesia.¹⁷⁸

156. At the same session, however, the Government of Portugal had made it clear that it did not recognize de jure the integration of East Timor into the Republic of Indonesia because the act that had brought it about was unilateral and did not result from the effective exercise of the right to self-determination by the people of East Timor. It affirmed that its policy was still based on the inalienable right of the people of East Timor to self-determination and independence, and reminded the General Assembly that

Portugal was still not ready to recognize de jure the integration of East Timor into the territory of another State as the result of a unilateral decision, but was ready to accept the consensus of the United Nations on the matter.¹⁷⁹

157. The General Assembly was thus confronted with a situation in which the de facto authority over a colonial Territory claimed that a legitimate exercise of self-determination had taken place, while the United Nations-recognized administering Power, which had no effective authority over the Territory, claimed that that process of self-determination was illegitimate. In addition, the outcome of the alleged act of self-determination was integration with a more powerful neighbour amid circumstances of an armed invasion by that neighbour and a civil war between local factions in the Territory.

158. The question was debated in the Fourth Committee during the thirty-first session under agenda item 25 on the implementation of the Declaration.¹⁸⁰ A draft resolution¹⁸¹ was submitted to the Committee which, inter alia, rejected Indonesia's claim to have integrated the Territory and called for Indonesia to withdraw all its forces from the Territory. Saudi Arabia said that the right to self-determination had come to be used loosely to suit the interests and ideologies of particular groups and States. One had to distinguish between "internal" and "external" self-determination; and within a State, self-determination and the autonomy of groups were terms that were relative in meaning and application. He noted that Indonesia was a poly-ethnic nation with legitimate interests in protecting peace and security in Timor. He was pained to see that country, which had been an early leader in the anti-colonial struggle, maligned by people who were themselves far from perfect and should know better.¹⁸²

159. Also speaking in support of Indonesia's position, Bolivia noted that East Timor had gained independence, as required by the various resolutions on decolonization, and had subsequently chosen integration with Indonesia. The case, therefore, did not create a precedent in law or principle, because each case of decolonization was different, and there were many ways of exercising the right to self-determination. He said that it was surprising that former colonial Powers were now the most ardent advocates of self-determination and, in nearly every case, advocated that particular colonial entities should continue as separate independent entities. But some cases of decolonization involved questions of sovereignty, while others involved integration into neighbouring States. The United Nations should show a greater understanding of the basic objective of the Charter, which was the *fact* of attaining independence.¹⁸³

160. Also during the thirty-first session, a representative of FRETELIN was invited to speak by the Chairman of the Fourth Committee. The representative said that under the Charter of the United Nations, no Government had the right

¹⁷⁵ Ibid., paras. 8-14.

¹⁷⁶ *Repertoire of the Practice of the Security Council, Supplement 1975-1980*, pp. 248-253.

¹⁷⁷ G A (31), Suppl. No. 23, vol. II, chap. XII, annex I, paras. 52-56.

¹⁷⁸ G A (31), Plen., 19th mtg., paras. 129-134. See also G A (31), Suppl. No. 23, vol. II, chap. XII, annex II, for Indonesia's position on East Timor as provided in writing to the Secretary-General by the Acting Permanent Representative of Indonesia to the United Nations.

¹⁷⁹ G A (31), 4th Comm., 13th mtg., paras. 2-4.

¹⁸⁰ Previously, it had been considered under the agenda item "Territories under Portuguese administration".

¹⁸¹ A/C.4/L.15.

¹⁸² G A (31), 4th Comm., 13th mtg., paras. 25-27; see also 27th mtg., paras. 17-19.

¹⁸³ Ibid., India, paras. 36-40. See also G A (31), Plen., 85th mtg., Philippines, paras. 15 and 16.

to intervene militarily in the affairs of another State, particularly when that intervention was aimed at annexation. He called upon the United Nations, *inter alia*, to reaffirm the inalienable right of the people of East Timor to self-determination and independence and the legitimacy of their struggle to achieve that right; to condemn the refusal of the Government of Indonesia to comply with the relevant resolutions of the General Assembly and the Security Council and to reject the integration of East Timor into Indonesia; and to call upon the Government of Indonesia to cease hostilities against FRETELIN and to withdraw all its forces from the Territory.

161. Arguing against the integration of East Timor into Indonesia, a representative rejected the opinion that the actions of the Government of Indonesia were in conformity with the Charter, and stated that the annexation of East Timor by Indonesia was not a reflection of the views of the people of East Timor but of the landowners' and bourgeois bureaucracy left over from the Portuguese colonial administration.¹⁸⁴ Several other representatives argued against recognizing Indonesia's annexation of the Territory, one of them noting that it was not fair to ask the United Nations to rubber-stamp an armed occupation of East Timor as that would be against the very resolutions which the Organization had adopted thus far on the Territory.¹⁸⁵

162. The Fourth Committee adopted the draft resolution by 61 votes to 8, with 19 abstentions.

163. On 20 April 1977, the Government of Portugal sent a note verbale¹⁸⁶ to the Secretary-General informing him that effective Portuguese sovereignty over the island had ended in August 1975, and that the Portuguese Government was therefore *de facto* prevented from obtaining and transmitting information on the Territory.

Decision

164. The General Assembly adopted¹⁸⁷ the draft resolution submitted by the Fourth Committee by 68 votes to 20, with 49 abstentions, as resolution 31/53. By the resolution, the Assembly reaffirmed the inalienable right of the people of East Timor to self-determination and independence and the legitimacy of their struggle to achieve that right. It strongly deplored the refusal of the Government of Indonesia to comply with the provisions of General Assembly resolution 3485 (XXX) and Security Council resolutions 384 (1975) and 389 (1976), and rejected the integration of East Timor into Indonesia on the grounds that the people of the Territory had not freely exercised their right to self-determination and independence. The General Assembly once again called upon the Government of Indonesia to withdraw all its forces from the Territory. These provisions were reiterated in Assembly resolution 32/34.

165. By its resolution 33/40, the General Assembly reaffirmed the above provisions and drew the attention of the

Security Council, in conformity with Article 11, paragraph 3, of the Charter of the United Nations, to the situation in East Timor and recommended that it take all effective steps to implement its resolutions 384 (1975) and 389 (1976) in order to secure for the people of East Timor the full exercise of their right to self-determination and independence.

(g) *Guinea (Bissau)*

166. Although Guinea (Bissau) was a Territory under Portuguese administration and is therefore treated in general terms in the sub-section immediately following this one, a separate examination is warranted for that Territory due to certain exceptional events during the period under review.

167. In 1972, speaking before the Security Council, the Secretary-General of the Partido Africano da Independência da Guiné e Cabo Verde (PAIGC) said that the Territory had achieved self-determination through nine years of armed struggle, and that the situation inside the Territory was comparable to that of an independent State with certain portions of its Territory occupied by foreign armed forces.¹⁸⁸ Later that year, a democratically elected National Assembly was created and work on the preparation of a constitution began.¹⁸⁹ Moreover, as described below (see paras. 396-400), the Special Committee on decolonization, in April 1972, dispatched a visiting mission to the liberated areas of the Territory. On 24 September 1973, the National Assembly declared the Territory to be an independent and sovereign State: the Republic of Guinea-Bissau.

168. The Republic of Guinea-Bissau was recognized by over 70 Members of the United Nations, who at the twenty-eighth session requested the General Assembly to place on its agenda an item entitled "Illegal occupation by Portuguese military forces of certain sectors of the Republic of Guinea-Bissau and acts of aggression committed by them against the people of the Republic". The General Assembly decided to include the item in its agenda¹⁹⁰ at its 2156th meeting, on 22 October 1973, by a vote of 88 to 7, with 20 abstentions.

169. The item was debated in the plenary without reference to a Main Committee.¹⁹¹ A draft resolution¹⁹² was introduced the main operative paragraphs of which read as follows:

"The General Assembly,

"...

"1. Welcomes the recent accession to independence of the people of Guinea-Bissau, thereby creating the sovereign State of the Republic of Guinea-Bissau;

"2. Strongly condemns the policies of the Government of Portugal in perpetuating its illegal occupation of certain sectors of the Republic of Guinea-Bissau and the repeated acts of aggression committed by its armed forces against the people of Guinea-Bissau and Cape Verde;

¹⁸⁴Ibid., Benin, para. 30.

¹⁸⁵Ibid., 25th mtg., United Republic of Tanzania, paras. 10-15; see also Guinea-Bissau, paras. 2-9, and 13th mtg., Democratic Kampuchea, paras. 32-35.

¹⁸⁶A/32/73.

¹⁸⁷G A (31), Plen., 85th mtg., para. 81.

¹⁸⁸S/PV.1632.

¹⁸⁹G A (28), Suppl. No. 23, vol. III, chap. IX, annex I.D, paras. 13 and 14.

¹⁹⁰Agenda item 107.

¹⁹¹G A (28), Plen., 2157th, 2158th, 2160th-2163rd mtgs.

¹⁹²A/L.702, and Add.1-7.

"3. *Demands* that the Government of Portugal desist forthwith from further violation of the sovereignty and territorial integrity of the Republic of Guinea-Bissau and from all acts of aggression against the people of Guinea-Bissau and Cape Verde by immediately withdrawing its armed forces from those Territories;

"4. *Draws the attention* of the Security Council, in conformity with Article 11, paragraph 3, of the Charter of the United Nations, to the critical situation resulting from the illegal presence of Portugal in Guinea-Bissau and to the urgent need for taking, as a matter of priority, all effective steps to restore the territorial integrity of the Republic;

"5. *Invites* all Member States, the specialized agencies and other organizations within the United Nations system to render all necessary assistance to the Government of Guinea-Bissau in its national reconstruction and development programmes".

170. The debate on the draft was centred on the question of the recognition of States, as the resolution itself was premised on the legality of the declaration of independence of the Republic of Guinea-Bissau. One supporter of the draft noted that in the debate over the inclusion of the agenda item, certain States had argued that the Republic of Guinea-Bissau could not be recognized according to classical rules of law regarding the recognition of States. The delegate countered that the case of the Republic of Guinea-Bissau was a question of colonial liberation, which called for the application of other rules of law. In that case, it was argued, the applicable legal rules were those of the Charter and the resolutions of the United Nations, which had primacy over other norms of international law. Furthermore, in proclaiming the Republic, the people of Guinea-Bissau had simply exercised a right which the most representative and most qualified international organization had recognized them as having: that was the right to self-determination and independence.¹⁹³

171. Also speaking in favour of the draft, another delegate said that the classical prerequisites for State recognition, namely *de facto* control of territory and the machinery of government, the assent of the population, and a willingness to comply with international obligations, had in fact been met by the Republic of Guinea-Bissau.¹⁹⁴

172. Numerous delegates, however, said that they would abstain or vote against the measure because they considered either that the conditions of statehood had clearly not been fulfilled (many citing that the proclaimed Government did not control all of the Territory) or that the information available was insufficient to determine whether the Republic had fulfilled the conditions of statehood or not.¹⁹⁵ One delegate argued that since the Territory was a Non-Self-Governing Territory under Chapter XI of the Charter of the United Nations, it could not accept that Portugal, the

administering Power, could be guilty of illegally occupying a Territory over which it was sovereign in international law.¹⁹⁶

Decision

173. The draft resolution was adopted by 93 votes to 7, with 30 abstentions, at the 2163rd meeting of the plenary, and became General Assembly resolution 3061 (XXVIII). As mentioned above (see para. 152), a change of government in Portugal in April 1974 had led to that country's recognition of its obligations under the Declaration on decolonization with regard to its Territories. In its next session, the General Assembly, by its resolution 3205 (XXIX), admitted the Republic of Guinea-Bissau to membership in the United Nations.

(h) Other Territories under Portuguese administration

174. Although not specifically discussed under this heading in the previous *Repertory* Supplement, the importance of the principle of self-determination and independence as applied to Territories under Portuguese administration was evident in previous Supplements under related headings. It is included in the present study in part because of the continuing emphasis by the General Assembly on the right of peoples under Portuguese domination to achieve independence, and in part because during the present period under review those Territories, with the exception of East Timor (see paras. 152-165 above) achieved independence.

175. By its resolution 2797 (XXV), the General Assembly reaffirmed the inalienable right of the peoples of Angola, Mozambique, Guinea (Bissau) and other Territories under Portuguese domination to self-determination and independence, in accordance with General Assembly resolution 1514 (XV). The Assembly further called upon the Government of Portugal to apply without further delay to the peoples of the Territories under its domination the principle of self-determination and independence, and in doing so, to, *inter alia*, restore democratic political rights and transfer powers to freely elected institutions representative of the population.

176. And in its resolutions 2795 (XXVI), 2918 (XXVII) and 3113 (XXVIII), the General Assembly reiterated its affirmation of the applicability to Territories under Portuguese administration of the right to self-determination and independence.

177. The General Assembly, by its resolution 3294 (XXIX), welcomed with satisfaction the acceptance by the new Government of Portugal (see para. 152 above) of the sacred principle of self-determination and independence and its unqualified applicability to all the peoples under Portuguese colonial domination.

(i) Southern Rhodesia

178. In paragraph 5 of the Declaration on decolonization, the General Assembly declared that immediate steps shall be

¹⁹³ G A (28), Plen., 2157th mtg., Senegal, paras. 51-55.

¹⁹⁴ Ibid., Ghana, para. 105.

¹⁹⁵ Ibid., 2163rd mtg., Argentina, para. 52; Greece, para. 56; Chile, para. 60; Belgium, para. 73; Sweden, para. 83; Canada, para. 88; Netherlands, para. 106; United States, para. 115; France, para. 131; South Africa, para. 137; Germany, para. 145.

¹⁹⁶ Ibid., United Kingdom, para. 69.

taken to transfer all powers to the peoples of Non-Self-Governing and Trust Territories. In paragraph 3, the Assembly specifically stated that inadequacy of political, economic, social or educational preparedness may not be used as a pretext for delaying the transfer of those powers. In the case of Southern Rhodesia, however, the Assembly was presented with a situation in which a minority government had declared independence. The Assembly thus faced a conflict between the granting of immediate independence as prescribed by the Declaration and the principles of equal rights and self-determination, as guaranteed by the Charter. The Assembly clarified the relationship between these two concepts in its decision on the matter to be reached at its twenty-sixth session.

179. As has been noted above (see para. 85), the Territory of Rhodesia was ruled by a minority racist regime which had unilaterally declared independence in 1965, an act which the General Assembly did not recognize. In 1970, at the beginning of the period under review, the minority government declared itself to be a self-governing republic independent from its administering Power, the United Kingdom.¹⁹⁷ The General Assembly, by its resolution 2012 (XX), condemned the unilateral declaration of independence and declared that the perpetuation of the minority regime in Southern Rhodesia was incompatible with the Charter of the United Nations.¹⁹⁸ Furthermore, in a preambular paragraph in its resolution 2652 (XXV), the Assembly reaffirmed that the Government of the United Kingdom of Great Britain and Northern Ireland had the "primary responsibility for putting an end to the illegal racist minority regime in Southern Rhodesia and for transferring effective power to the people of Zimbabwe on the basis of majority rule". In paragraph 4 of the resolution it condemned the administering Power for failing to fulfil this responsibility. For its part, the administering Power's Secretary of State for Foreign and Commonwealth Affairs, noting that it could no longer be disputed that the members and supporters of the regime were seeking to deprive the Queen of her authority in a part of her dominions, stated that the purported assumption of a republican status by the regime in Southern Rhodesia was, like the 1965 declaration of independence itself, illegal.¹⁹⁹

180. The Security Council was seized of the question in 1970 and considered a draft resolution²⁰⁰ which would provide, *inter alia*, that Rhodesia should not be granted independence until majority rule had been achieved in the Territory. At the 1556th meeting of the Council, on 10 November 1970, the resolution was rejected by 10 votes to 1, with 2 abstentions.²⁰¹ The dissenting vote was cast by a permanent member (the administering Power); hence the measure was rejected.

181. At the twenty-sixth session of the General Assembly, a draft resolution²⁰² was submitted to the Fourth Committee

operative paragraph 1 of which read: "*Reaffirms* that there should be no independence before majority rule in Southern Rhodesia". Another delegate proposed²⁰³ an amendment to the paragraph that would insert the words "the principle" after the word "*Reaffirms*".

182. The administering Power stated that it did not consider it appropriate for the Committee to lay down conditions for a settlement when it had already devised its own conditions and was in the midst of applying them in negotiations with the regime.²⁰⁴ The amendment was nonetheless adopted without being put to a vote.²⁰⁵ The Fourth Committee approved the draft resolution by 99 votes to 3, with 10 abstentions.

Decision

183. The General Assembly adopted the draft resolution submitted by the Fourth Committee by 102 votes to 3, with 9 abstentions, as resolution 2769 (XXVI). By the resolution, the Assembly reaffirmed the principle that there should be no independence before majority rule was obtained in Southern Rhodesia, and affirmed that any settlement relating to the future of that Territory must be worked out with the fullest participation of all nationalist leaders representing the majority of the people of Zimbabwe and must be endorsed freely by the people. The Assembly reiterated this principle throughout the period under review, as well as the corollary that any attempt to negotiate the future of Zimbabwe with the illegal regime on the basis of independence before majority rule would be in contravention of the inalienable rights of the people of that Territory and contrary to the provisions of the Charter of the United Nations and the Declaration.²⁰⁶

4. LEGITIMACY OF THE STRUGGLE OF THE COLONIAL PEOPLES TO EXERCISE THEIR RIGHT TO SELF-DETERMINATION AND INDEPENDENCE

(a) General

184. As discussed in the previous *Repertory* study of this item,²⁰⁷ the General Assembly, at its twentieth session, during its consideration of the question of the implementation of the Declaration on decolonization, recognized the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence and invited all States to provide material and moral assistance to the national liberation movements in colonial Territories.²⁰⁸

185. The General Assembly continued to reaffirm this provision throughout the period under review, in its resolutions 2878 (XXVI), 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44 on the implementation of the Declaration. By adopting resolution

¹⁹⁷ G A (26), Suppl. No. 23, vol. II, chap. VI, annex I, para. 10.

¹⁹⁸ *Repertory, Supplement No. 3*, vol. III, under Article 73, paras. 608-641.

¹⁹⁹ G A (26), Suppl. No. 23, vol. II, chap. VI, annex I, para. 16.

²⁰⁰ S/9976.

²⁰¹ *Repertoire of the Practice of the Security Council, Supplement 1969-1971*, pp. 132-133.

²⁰² A/C.4/L.990.

²⁰³ G A (26), 4th Comm., 1951st mtg., Somalia, para. 6.

²⁰⁴ *Ibid.*, para. 19.

²⁰⁵ G A (26), annexes, agenda item 68, paras. 4, 8 and 11.

²⁰⁶ G A resolutions 2945 (XXVII), 3115 (XXVIII), 3297 (XXIX), 3396 (XXX), 31/154 A, 32/116 A and 33/38.

²⁰⁷ *Repertory, Supplement No. 4*, vol. III.

²⁰⁸ See G A resolution 2105 (XX).

2621 (XXV) on a programme of action for the full implementation of the Declaration, the Assembly also reaffirmed "the inherent right of colonial peoples to struggle by all necessary means at their disposal against colonial Powers which suppress their aspiration for freedom and independence".

(b) *Consideration of the struggle of colonial peoples to exercise their right to self-determination and independence as an exercise of human rights*

186. During its twenty-fifth session, the Third Committee (economic, social, and humanitarian affairs) considered an agenda item²⁰⁹ entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights".²¹⁰

187. There was some debate on the phrase "any means at their disposal" in the draft resolution²¹¹ on the item, and in particular whether the phrase was contrary to the spirit of the Charter, which called for the peaceful settlement of disputes.²¹² A supporter of the draft resolution explicitly expressed his support for operative paragraphs 1 and 2, in which the General Assembly would affirm the legitimacy of the struggle of peoples under colonial and alien domination to restore to themselves the right to self-determination and recognize their right to receive all types of assistance, including armed support.²¹³ Among the numerous separate votes on various provisions of the draft, a separate vote was requested on the phrase "by any means at their disposal". The phrase was adopted by 65 votes to 27, with 8 abstentions. The Third Committee subsequently adopted the draft resolution, as amended, by 67 votes to 12, with 28 abstentions.²¹⁴

Decision

188. The General Assembly adopted²¹⁵ the draft resolutions submitted to it by the Third Committee by 71 votes to 12, with 28 abstentions, as resolution 2649 (XXV). In the preamble to the resolution, the Assembly emphasized the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights and regretted that the obligations undertaken by States under the Charter of the United Nations and the decisions adopted by United Nations bodies had proved insufficient to attain respect for the right of peoples to self-determination in all cases. The first two operative paragraphs of the resolution read as follows:

²⁰⁹ Agenda item 60.

²¹⁰ See paras. 91-96 above for background on the Third Committee's treatment of this question.

²¹¹ A/C.3/L.1802/Rev.1.

²¹² G A (25), 3rd Comm., 1779th mtg., Portugal, para. 30; see also Japan, para. 13; 1780th mtg., France, para. 8; Uruguay, para. 12; Austria, para. 20.

²¹³ Ibid., 1775th mtg., United Arab Republic, para. 19.

²¹⁴ G A (25), 3rd Comm., 1779th mtg.

²¹⁵ G A (25), Plen., 1915th mtg., para. 24.

"The General Assembly

"...

"1. *Affirms* the legitimacy of the struggle of peoples under colonial and alien domination recognized as being entitled to the right of self-determination to restore to themselves that right by any means at their disposal;

"2. *Recognizes* the right of peoples under colonial and alien domination in the legitimate exercise of their right to self-determination to seek and receive all kinds of moral and material assistance, in accordance with the resolutions of the United Nations and the spirit of the Charter of the United Nations".

189. The following year, at its twenty-sixth session, the General Assembly again assigned this question to the Third Committee in accordance with General Assembly resolution 637 (VII), which affirmed that the right of peoples and nations to self-determination was a prerequisite to the full enjoyment of fundamental human rights. The Assembly was also responding to the instruction of resolution 637 (VIII)²¹⁶ of the Tehran International Conference on Human Rights, which required the Commission on Human Rights to study the question of the implementation of United Nations resolutions relating to the right of peoples under alien domination to self-determination and to report to the General Assembly through the Economic and Social Council. On 21 May 1971, the Council adopted resolution 1592 (L), which contained a draft resolution that it recommended to the Assembly for adoption.²¹⁷ By the operative paragraphs 1 and 2 of the draft resolution the Assembly would affirm the legitimacy of the struggle for the attainment of self-determination in more emphatic terms than those used previously. The paragraphs read as follows:

"The General Assembly ...

"...

"1. *Confirms* the legality of the peoples' struggle for self-determination and liberation from colonial and foreign domination by all available means;

2. *Affirms* man's basic human right to fight for the self-determination of his people under colonial and foreign domination".

190. Some delegates²¹⁸ did not consider that the Economic and Social Council draft was a faithful response to the request made by the General Assembly in resolution 2649 (XXV). This opened an involved debate on the resolution, part of which concerned operative paragraphs 1 and 2. Noting that the existence of colonial regimes in southern Africa and the repression of peoples fighting for their freedom were flagrant violations of the rights of people,²¹⁹ one delegate thought it important to confirm the legality of the peoples' struggle for self-determination by all

²¹⁶ *Final Act of the International Conference on Human Rights* (United Nations Publication, Sales No. E.68.XIV.2), p. 9.

²¹⁷ For the text of the draft resolution as submitted, see A/8831, para. 3.

²¹⁸ G A (26), 3rd Comm., 1869th mtg., para. 11.

²¹⁹ Ibid., 1870th mtg., Romania, para. 37.

available means²²⁰ and to urge full support of the liberation movements in their struggles to attain independence in accordance with the provisions of the Charter of the United Nations.²²¹

191. Other speakers suggested that the use of force was a form of self-defence. For example, it was stated that violence was no more than self-defence against the permanent aggression on the part of a foreign country which was a characteristic of colonialism,²²² and that the only alternative open to oppressed peoples was the use of force.²²³

192. As it had done during the previous session, Portugal, an administering Power, opposed the measures, arguing both that they were contrary to the Charter and that they undermined the United Nations in general. According to representative of that country, Article 1 of the Charter established that one of the purposes of the United Nations was to bring about by peaceful means the settlement of international disputes or situations that might lead to breaches of international peace. The draft resolution recommended by the Economic and Social Council spoke of recourse to "all available means" in the struggle for self-determination, which implied the use of force.²²⁴ Another delegate replied with the assertion that in Africa Portugal was the aggressor.²²⁵

193. The United States proposed an amendment²²⁶ such that the operative paragraph 1 would read: "*Confirms* the legality of the people's struggle for self-determination and liberation from colonial and foreign domination by all available means consistent with the Charter of the United Nations". The amendment was voted on and was adopted by 53 votes to 34, with 24 abstentions.²²⁷ In explaining its vote, the delegate of an administering Power clarified its reading of the amended paragraph, noting that it was opposed to the use of force as a means of resolving disputes or righting grievances and that the means available to the peoples struggling for freedom should be consistent with the Charter of the United Nations.²²⁸

194. Another delegate, similarly, considered that the amendment clarified and completed the provision and defined the framework within which the struggle of peoples for self-determination and liberation should take place.²²⁹ This view was not unanimous, however. One delegate stated his reservations in adopting operative paragraph 1 as amended and would have preferred the resolution as written originally.²³⁰

²²⁰Ibid., para. 42.

²²¹Ibid., 1871st mtg., Algeria, para. 33.

²²²Ibid.

²²³Ibid., 1872nd mtg., Afghanistan, para. 21.

²²⁴Ibid., 1873rd mtg., Portugal, para. 25.

²²⁵Ibid., United Republic of Tanzania, para. 49.

²²⁶A/C.3/L.1881/Rev.1.

²²⁷G A (26), annexes, agenda item 55, para. 29(b)(iv).

²²⁸G A (26), 3rd Comm., 1884th mtg., para. 2.

²²⁹Ibid., Greece, para. 31.

²³⁰Ibid., Botswana, para. 5.

Decision

195. The General Assembly adopted the draft resolution, as amended, by a vote of 76 to 10, with 33 abstentions, as resolution 2787 (XXVI). The first two operative paragraphs of the resolution read as follows:

"1. *Confirms* the legality of the peoples' struggle for self-determination and liberation from colonial and foreign domination and alien subjugation, notably in southern Africa, and in particular that of the peoples of Zimbabwe, Namibia, Angola, Mozambique and Guinea (Bissau), as well as of the Palestinian people, by all available means consistent with the Charter of the United Nations;

"2. *Affirms* man's basic human right to fight for the self-determination of his people under colonial and foreign domination".

196. During the twenty-eighth session a draft resolution²³¹ was introduced in the Third Committee operative paragraph of which read as follows:

"*Equally reaffirms* the legitimacy of the peoples' struggle for liberation from colonial and foreign domination and alien subjugation by all available means, including armed struggle".

197. The debate on this provision was similar in substance to previous debates on the question of the legitimacy of armed struggle in the context of liberation from colonial and foreign domination. During explanation of votes, many delegations²³² noted that the provision was against those Charter principles that affirmed the peaceful settlement of disputes. On the other hand, a sponsor of the draft resolution, Hungary, noted that it was well known that peoples under colonial domination wished to achieve independence peacefully, but they were not in a position to choose peaceful means, and the Committee should therefore state that even armed struggle was legitimate for the achievement of independence.²³³

Decision

198. The paragraph was put to a separate vote by the Third Committee and was adopted by 82 votes to 12, with 23 abstentions. The resolution as a whole was adopted by the plenary by 106 votes to none, with 22 abstentions. The provision was reaffirmed throughout the period under

²³¹A/C.3/L.2047/Rev.1, sponsored by Afghanistan, Algeria, Bulgaria, Burundi, Chad, the Congo, Cuba, Czechoslovakia, Dahomey, Democratic Yemen, Egypt, Gabon, the German Democratic Republic, Ghana, Guinea, Guyana, Hungary, Indonesia, Kenya, Kuwait, Liberia, the Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Nigeria, Poland, Rwanda, Senegal, Sierra Leone, Somalia, the Sudan, Togo, Tunisia, Uganda, the United Republic of Tanzania, Upper Volta, Yugoslavia, Zaire and Zambia.

²³²G A (28), 3rd Comm., 2019th mtg., Australia, para. 5; Turkey, para. 12; Costa Rica, para. 19; Italy, para. 28; Belgium, para. 30; Finland, para. 31; Brazil, para. 33; Honduras, para. 35; New Zealand, para. 36; Spain, para. 39; Federal Republic of Germany, para. 42.

²³³Ibid., para. 23.

review, in resolutions 3070 (XXVIII), 3246 (XXIX), 3382 (XXX), 31/34, 32/14 and 33/24.

(c) *The legitimacy of the struggle of colonial peoples to exercise their right to self-determination and the Definition of Aggression contained in General Assembly resolution 3314 (XXIX)*

199. During the period under review, the General Assembly continued its efforts it had begun in the twenty-second session to define aggression.²³⁴ In accordance with General Assembly resolution 3105 (XXVIII), the Special Committee on the Question of Defining Aggression submitted to the General Assembly a draft definition of aggression at its twenty-ninth session.

200. Article 7 of the draft reads as follows:

"Nothing in this Definition, and in particular article 3,²³⁵ could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination; nor the right of these peoples to struggle to that end and to seek and receive support, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration".

201. Various interpretations and qualifications were offered by delegates regarding article 7 of the draft definition. One delegate said that the article explicitly reaffirmed the principle that the right of peoples under colonial and racist regimes or other forms of alien domination who were fighting for their self-determination could never be regarded as a form of aggression. The delegate further considered the word "struggle" as used in the article to imply "struggle by all means at their disposal".²³⁶

202. Another delegate interpreted the article to mean that the exercise of self-determination was placed on the same footing as the right to self-defence, and that not only did subjugated peoples have the right to resort to armed force in the exercise of self-determination, but it was also the duty of all States and Members to assist them in doing so.²³⁷

203. At its 112th meeting, the Special Committee adopted by consensus the text of a draft definition of aggression²³⁸ and recommended it to the General Assembly for adoption. During the debate on the item in the Sixth Committee, one

representative²³⁹ expressed a reservation, considering that the reference to a struggle was restricted to a struggle by peaceful means and should not be interpreted as condoning the use of force. Another delegate²⁴⁰ rejected this interpretation, arguing that not only was armed struggle for self-determination a legal use of force but, people had the right to seek and receive political and material support in the struggle against colonialism and that the support given to the United Nations for this cause was therefore lawful.

Decision

204. The Sixth Committee approved the draft resolution²⁴¹ without a vote. At its 2319th plenary meeting, on 14 December 1974, the General Assembly adopted without a vote the draft resolution submitted by the Sixth Committee as resolution 3314 (XXIX). Article 1 of the Definition of Aggression, as contained in the resolution, defined aggression as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations as set out in this definition". Article 7 affirmed that nothing in the accepted definition of aggression could be interpreted to prejudice the right of peoples under the domination of colonial or racist regimes to struggle for self-determination.

(d) *The legitimacy of the struggle for self-determination and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*

205. As discussed above (see paras. 122-126), during the twenty-fifth session of the General Assembly, the Sixth Committee considered a draft declaration on principles concerning friendly relations between States. Regarding the principle of self-determination and equal rights, the draft stated that:

"Every State has the duty to refrain from any forcible action which deprives peoples referred to above [those peoples subjected to 'alien subjugation, domination and exploitation'] in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter".²⁴²

206. One administering Power, Australia, welcomed this principle, noting that it prohibited the use of force to deprive a people of its right to self-determination and did not diminish the limitations placed elsewhere in the Charter on the use of force.²⁴³ Moreover, another delegate noted that the second sentence of the above-quoted paragraph could not

²³⁴ G A resolution 2330 (XXII), 2420 (XXIII), 2549 (XXIV), 2644 (XXV), 2781 (XXVI) and 2967 (XXVII), establishing the Special Committee on the definition of aggression and endorsing its work.

²³⁵ Article 3 describes seven subsets of acts, such as invasion, blockade or bombardment, of one State by another as acts of aggression; see resolution 3314 (XXIX), annex, for the precise text.

²³⁶ G A (29), Suppl. No. 19, Yugoslavia, p. 26.

²³⁷ Ibid., Algeria, p. 38.

²³⁸ A/C.6/L.993.

²³⁹ G A (29), 6th Comm., 1473rd mtg., Canada, para. 15.

²⁴⁰ Ibid., 1472nd mtg., USSR, para. 5.

²⁴¹ A/C.6/L.993.

²⁴² G A (25), 1183rd mtg., plenary meeting, A/PV.1883.

²⁴³ G A (25), 6th Comm., 1178th mtg., paras. 39 and 40.

be regarded as providing legal sanction for any course of action that might be taken in the circumstances contemplated, and that under the Charter States were not entitled to intervene in Non-Self-Governing Territories by providing military support or armed assistance.²⁴⁴

207. This view was not widely shared in the Committee. Another delegation, in fact, read entirely the opposite meaning into the document, noting that the draft would provide a legal basis to the struggle for independence.²⁴⁵ Several delegations voiced their disappointment at the failure of the draft to sufficiently insist upon the right to the struggle for self-determination, which had been stipulated in previous General Assembly resolutions, and reaffirmed in their reservations to the draft the existence of that right.²⁴⁶

208. The draft was adopted²⁴⁷ without amendment and without a vote and became General Assembly resolution 2625 (XXV).

(e) *Territories under Portuguese administration*

209. As has been reported,²⁴⁸ during the previous period under review, the General Assembly repeatedly reaffirmed the inalienable right of the peoples of the Territories under Portuguese administration to freedom and independence, and recognized the legitimacy of their struggle to achieve that right.

210. As reported in this *Supplement* (see para. 195 above), the right to fight for self-determination against colonial and foreign domination had been affirmed as a basic human right by the General Assembly in its resolution 2787 (XXVI), adopted on the recommendation of the Third Committee (though with important reservations on the part of some members). With regard to the Territories under Portuguese administration, the General Assembly, during its twenty-fifth session, considered a draft resolution²⁴⁹ submitted by the Fourth Committee, under operative paragraph 1 of which the Assembly would reaffirm the inalienable right of the peoples in those Territories to self-determination and independence and "the legitimacy of their struggle to achieve that right by all necessary means at their disposal".

211. There was not much debate concerning the phrase "by all necessary means"; some delegations did, however, express their reservations with regard to it.²⁵⁰ The delegation of Peru considered the phrase to be qualified by "those [means] that were compatible with the Charter and with the resolutions of organs of the United Nations", and Ireland considered the phrase to signify "appropriate means".²⁵¹

²⁴⁴Ibid., 1184th mtg., South Africa, paras. 15 and 16.

²⁴⁵Ibid., 1182nd mtg., Ukrainian SSR, para. 22.

²⁴⁶Ibid., 1179th mtg., Pakistan, para. 19; 1180th mtg., Iraq, para. 7; 1181st mtg., Syria, para. 11; 1182nd mtg., Mongolia, para. 12.

²⁴⁷G A (25), Plen., 1883rd mtg., para. 8.

²⁴⁸*Repertory, Supplement No. 4*, vol. II, under Article 73, para. 178.

²⁴⁹A/C.4/L.966.

²⁵⁰G A (25), 4th Comm., 1900th mtg.

²⁵¹Ibid., para. 12; para. 10.

212. The General Assembly, by 94 votes to 6, with 16 abstentions, adopted the draft resolution submitted by the Fourth Committee as resolution 2707 (XXV).

213. In the two subsequent resolutions adopted on the item, 2795 (XXVI) and 2918 (XXVII), at the twenty-sixth and twenty-seventh sessions respectively, the General Assembly referred only to the legitimacy of the struggle for self-determination, and omitted reference to the means applied to that struggle.

214. During the twenty-eighth session, the question of the means used in the struggle for self-determination was raised once again. A draft resolution²⁵² was submitted to the Fourth Committee which, according to its sponsors, did not differ substantially from previous resolutions. The sponsor introducing the resolution urged all members to vote for it, saying that an abstention would be interpreted by Portugal as an expression of support for its fascist methods.²⁵³

215. At the following meeting, the representative of the Libyan Arab Republic introduced an amendment²⁵⁴ by which, in operative paragraph 1, the words "by all ways and means at their disposal" would be inserted after the words "the legitimacy of their struggle". He noted that the proposed wording was not new, as the principle had been reaffirmed in paragraph 2 of General Assembly resolution 2621 (XXV), on the programme of action for the implementation of the Declaration, and in resolutions 2707 (XXV) and 2908 (XXVII). He noted further that the Organization of African Unity had reached the conclusion that the only way for African peoples to liberate themselves was to intensify the armed struggle.²⁵⁵

216. The amendment was supported, inter alia, on the grounds that delegations should provide a clear idea of what they expected the liberation movements to do in the light of Portugal's refusal to comply with United Nations resolutions.²⁵⁶ On the other hand, it was noted that the inclusion of the Libyan amendment might imply United Nations endorsement of armed struggle, which in turn might be unacceptable to certain countries.²⁵⁷ It was also noted that if the Libyan amendment was adopted, there would no longer be a consensus on the draft resolution.²⁵⁸

217. In an effort to persuade the delegate of Libya to withdraw his amendment, one delegate pointed out that the phrase in question had been deleted from Security Council resolution 322 (1972), from General Assembly resolution 2918 (XXVII) and from the Special Committee resolution adopted in 1972.²⁵⁹ The latter resolution had earned the active support of the President of the PAIGC, one of the national liberation movements, who had not pressed for the inclusion of the phrase.²⁶⁰ Another delegate countered that if it was agreed that the people of the Portuguese Territories

²⁵²A/C.4/L.1034/Rev.1 and Rev.2.

²⁵³G A (28), 4th Comm., 2055th mtg., paras. 1-6.

²⁵⁴A/C.4/L.1036.

²⁵⁵G A (28), 4th Comm., 2056th mtg., paras. 1-6.

²⁵⁶Ibid., Sudan, para. 20.

²⁵⁷Ibid., Cameroon, para. 25.

²⁵⁸Ibid., Morocco, para. 27.

²⁵⁹A/8723/Add.3, para. 34.

²⁶⁰G A (28), 4th Comm., 2057th mtg., Sierra Leone, para. 13.

had the right to self-determination, and if the operative paragraph submitted by the sponsors implicitly accepted this, then it did not seem logical to reject the phrase in the Libyan amendment.²⁶¹

218. At the 2057th meeting of the Fourth Committee, the amendment was put to a vote and was adopted by 61 votes to 31, with 27 abstentions. At the same meeting, the draft resolution, as amended, was adopted by the Fourth Committee.

Decision

219. The General Assembly, in adopting resolutions 2707 (XXV), 2795 (XXVI), 2918 (XXVII) and 3113 (XXVIII), reaffirmed the legitimacy of the struggle for national liberation and independence in the Territories under Portuguese administration. By resolution 2707 (XXV), the Assembly reaffirmed the struggle to achieve that right by "all necessary means at their disposal". By resolution 3113 (XXVIII), the Assembly reiterated the legitimacy of the struggle for national liberation and independence by the peoples of the Territories under Portuguese administration "by all ways and means at their disposal".

(f) Southern Rhodesia

220. Along the same lines as the debates regarding the Territories under Portuguese administration, but with regard to Southern Rhodesia, the General Assembly, in its resolutions 2652 (XXV), 2796 (XXVI), 3115 (XXVIII), 3396 (XXX), 31/154 A, 32/116 A and 33/38 A, continued²⁶² to reaffirm the inalienable right of the people of Zimbabwe to freedom and independence and the legitimacy of their struggle for the exercise of that right.

5. SETTING A DATE FOR THE ACCESSION TO INDEPENDENCE IN INDIVIDUAL TERRITORIES

221. As described in the previous *Repertory*,²⁶³ in the Declaration on decolonization, while insisting that immediate steps should be taken towards the self-determination and independence of dependent Territories, the General Assembly had set no deadline for that process to occur. Nonetheless, the Assembly had established the practice of recommending that deadlines or timetables be established for the attainment of independence. The Assembly continued the practice in a number of cases during the period under review.

(a) Papua New Guinea

222. By its resolution 2700 (XXV), the General Assembly called upon the administering Power of Papua New Guinea "to prescribe, in consultation with the freely elected representatives of the people, a specific timetable for the free exercise by the people of Papua and the Trust Territory of New Guinea of their right to self-determination and independence". This call was reiterated in resolution 2865

(XXVI). By its resolution 2977 (XXVII), the Assembly welcomed the establishment of a timetable for the attainment of full self-government and called upon the administering Power to prepare, in consultation with the Government of Papua New Guinea, a further timetable for independence.

(b) Niue

223. By its resolution 2986 (XXVII), which followed the visit of a United Nations mission to the Island of Niue (see paras. 392-393 below), the General Assembly noted that the Select Committee on Constitutional Development, established by the Niue Island Legislative Assembly, had concluded popular consultations on measures for the further constitutional advancement of the Territory, including the establishment of a timetable for the attainment of self-government.

(c) Other small Territories

224. By its resolution 3156 (XXVIII), regarding American Samoa, the Gilbert and Ellice Islands, Guam, New Hebrides, Pitcairn, St. Helena, Seychelles,²⁶⁴ and the Solomon Islands, the General Assembly called upon the relevant administering Powers "to take all the necessary steps, without further delay, to ensure the full and speedy attainment of the goals set forth in the Declaration with respect to the Territories and, in that regard, to establish, in consultation with the freely elected representatives of the people, a specific timetable for the free exercise by the peoples of the Territories of their right to self-determination and independence". These provisions were reiterated in resolution 3290 (XXIX) for the same group of Territories, less Gilbert and Ellice Islands and Seychelles.

225. By its resolutions 3157 (XXVIII) and 3289 (XXIX), the General Assembly reiterated the relevant provisions of its resolutions 3156 (XXVIII) for Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, Turks and Caicos, and the United States Virgin Islands.

(d) French Somaliland (Djibouti)

226. By its resolution 31/59, the General Assembly, called upon the Government of France "to implement scrupulously and equitably, under democratic conditions, the programme for the independence of so called French Somaliland (Djibouti), as outlined by the representative of France in his statement before the Fourth Committee of the General Assembly, within the indicated time frame, namely, the summer of 1977". The deadline had been determined by the administering Power, and not by the General Assembly, which in this case only reaffirmed it.

(e) Spanish Sahara/Western Sahara

227. By its resolution 3292 (XXIX), the General Assembly urged the Government of Spain, the Territory's administering Power, to postpone a referendum it had contemplated, and which the General Assembly had called

²⁶¹ Ibid., Uganda, para. 25.

²⁶² *Repertory, Supplement No. 4*, vol. II, under Article 73, para. 179.

²⁶³ Ibid., paras. 180-211.

²⁶⁴ Seychelles acceded to independence during the twenty-ninth session of the General Assembly (see paras. 138-144 above).

for on previous occasions,²⁶⁵ until the General Assembly decided upon the policy to be followed in order to accelerate the decolonization process in the Territory. By the same resolution, the General Assembly submitted a request for an advisory opinion from the International Court of Justice (see para. 261 below), and considered that the discussion of Western Sahara should be suspended until the Court provided its opinion on some important legal aspects of the problem.

6. UNITED NATIONS PARTICIPATION IN THE PROCESS
OF ASCERTAINING THE FREELY EXPRESSED
WISHES OF THE PEOPLE OF NON-SELF-GOVERNING
TERRITORIES REGARDING THEIR FUTURE
POLITICAL STATUS

228. As has been reported,²⁶⁶ the General Assembly has decided in certain cases that the participation of the United Nations in the process of ascertaining the freely expressed wishes of the people of Non-Self-Governing Territories regarding their future political status was necessary for that status to be recognized by the international community. During the period under review, the General Assembly continued to make decisions in that regard, as described in the sub-sections below.

229. At the same time, the International Court of Justice, in an advisory opinion on the question of Western Sahara, opined in general terms on the question of United Nations supervision of acts of self-determination. In its advisory opinion of 1971, the Court stated, *inter alia*, that "the validity of the principle of self-determination, defined as the need to pay regard to the freely expressed will of peoples, is not affected by the fact that in certain cases the General Assembly has dispensed with the requirement of consulting the inhabitants of a given Territory. Those instances were based either on the consideration that a certain population did not constitute a 'people' entitled to self-determination or on the conviction that a consultation was totally unnecessary, in view of special circumstances."²⁶⁷ The Court also said that "the right of self-determination leaves the General Assembly a measure of discretion with respect to the forms and procedures by which that right is to be realized".²⁶⁸

(a) *Spanish Sahara/Western Sahara*

230. The General Assembly, by its resolution 2711 (XXV) regarding Spanish Sahara, repeated "its invitation to the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of the Territory and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to

²⁶⁵ See G A resolutions 2072 (XX), 2229 (XXI), 2354 (XXII), 2428 (XXIII), 2591 (XXIV), 2711 (XXV), 2983 (XXVII) and 3162 (XXVII).

²⁶⁶ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 212-279.

²⁶⁷ *Western Sahara, Advisory Opinion of 16 October 1975, I.C.J. Reports 1975*, p. 25, para. 59.

²⁶⁸ *Ibid.*, para. 71.

enabling the indigenous population of the Sahara to exercise freely its right to self-determination". The Assembly reiterated the invitation in resolution 2985 (XXVII). By its resolution 3458 (XXX), the Assembly requested the administering Power, in accordance with the observations and conclusions contained in the report²⁶⁹ of a United Nations visiting mission (carried out several months prior to the adoption of the resolution) and in accordance with the advisory opinion of the International Court of Justice, "to take immediately all necessary measures, in consultation with all the parties concerned and interested, so that all Saharans originating in the Territory may exercise fully and freely, under United Nations supervision, their inalienable right to self-determination".

(b) *Seychelles*

231. The General Assembly, by its resolution 2866 (XXVI), requested the Special Committee to appoint a special mission to visit the Seychelles "in particular for the purpose of determining the extent of United Nations participation in the preparation and supervision of the referendum on the future status of the Territory". That request was reiterated in resolution 2985 (XXVII). In its resolution 3158 (XXVIII), the Assembly called upon the administering Power to receive the mission mandated by the Assembly in resolution 2866 (XXVI) and to prepare a referendum "as soon as practicable". By its resolution 3287 (XXIX), the Assembly requested the Special Committee on decolonization "to continue its examination of the question, including the dispatch, as appropriate and in consultation with the administering Power, of a United Nations visiting mission to the Territory in connection with the processes leading to the Territory's accession to independence, and to report thereon to the General Assembly at its thirtieth session".

232. At its thirtieth session, the General Assembly adopted resolution 3430 (XXX) concerning the Territory, by which it noted the desire of the Government of the Territory to achieve independence no later than June 1976 and the readiness of the administering Power to grant independence to the people of the Territory in accordance with their wishes. The Assembly also requested the administering Power to keep the United Nations fully apprised of developments relating to the Seychelles, but included no mention of United Nations participation in the process.

233. At its 1028th meeting, during the thirty-first session of the General Assembly, the Special Committee adopted a statement²⁷⁰ recording its satisfaction at the conclusion of the agreement between the Government of the Seychelles and the Government of the United Kingdom envisaging the entry into force of an independent constitution on 28 June 1976. The administering Power participated in the work of the Special Committee during its consideration of the item.

(c) *Niue*

234. The General Assembly, by its resolution 3155 (XXVIII), welcomed the invitation extended by the

²⁶⁹ G A (30), Suppl. No. 23, vol. III, chap. XIII, annex.

²⁷⁰ A/AC.109/515.

administering Power to the Secretary-General for the United Nations "to observe the act of self-determination in Niue in 1974". By its resolution 3285 (XXIX), the Assembly noted "with satisfaction the findings and conclusions of the special mission, in particular its conclusion that the arrangements for the conduct of the referendum in Niue were such as to ensure that the people exercised their right to self-determination freely, in circumstances which guaranteed the secrecy of the ballot, and with full information regarding the issues involved" (see paras. 392-393 below).

(d) *Brunei*

235. Subsequent to the receipt by the Secretary-General of a note verbale from the Government of the United Kingdom informing him that Brunei had attained self-government (see also para. 452 below), the General Assembly, by its resolution 3159 (XXVIII), reaffirmed the inalienable right of the people of Brunei to self-determination in conformity with General Assembly resolution 1514 (XV). By its resolution 3424 (XXX), the Assembly called upon the Government of the United Kingdom, "consistent with its responsibility as the administering Power, to take all steps within its competence to facilitate expeditiously the holding of free and democratic elections by the appropriate government authorities in Brunei in consultation with and under the supervision of the United Nations, in accordance with the inalienable rights of the people of Brunei to self-determination and independence", and further called for a lifting of the ban on all political parties and the return of all political exiles so they might participate freely and fully in the elections. By its resolution 31/56, the Assembly noted that no progress had been achieved in the implementation of resolution 3424 (XXX) and reiterated the relevant provisions of that resolution. By its resolution 32/37, the General Assembly once again noted that no progress had taken place and reaffirmed the relevant provisions of resolutions 3424 (XXX) and 31/56. At the thirty-third session, the General Assembly decided,²⁷¹ on the recommendation of the Fourth Committee, to defer until the thirty-fourth session consideration of the question of Brunei and requested the Special Committee to keep the situation in the Territory under review.

(e) *Solomon Islands*

236. The General Assembly, by its resolution 3431 (XXX), requested the Special Committee "to continue its examination of the question, including the dispatch, as appropriate and in consultation with the administering Power, of a United Nations visiting mission to the Solomon Islands in connection with the processes leading to the Territory's accession to independence". The Territory acceded to independence and joined the United Nations in 1978; the Committee, however, was never invited by the administering Power to dispatch a visiting mission in accordance with the above resolution.

(f) *French Somaliland*

237. By its resolution 31/59, regarding French Somaliland, the General Assembly endorsed the decisions of the Organization of African Unity and the United Nations to send representatives to observe the referendum and all subsequent stages of the independence process to ensure that the principle of self-determination in the Territory was carried out in the most democratic manner. A visiting mission was dispatched in May 1977 to observe the referendum (see para. 407 below).

7. THE PRINCIPLE OF NATIONAL UNITY AND TERRITORIAL INTEGRITY

(a) *General*

238. According to paragraph 6 of the Declaration on decolonization, "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations".

239. Previous Supplements to the *Repertory* have described two sorts of situations in which the principle of national unity has been invoked: first, as a condition to be ensured upon the attainment of independence by a colonial Territory so that the Territory retains its former boundaries as an administrative unit; and, second, as a claim by Member States of sovereignty over colonial Territories adjacent to them, or having a geographical integrity with them.

240. The discussion which follows describes cases belonging to both types of situations. Regarding the first type, two new cases came to the attention of the General Assembly during the period under review. These were the Comorian island of Mayotte and the island of East Timor. The latter example was complicated by ambiguities in the manner in which the purported exercise of self-determination was carried out and, for the purpose of the practices of the General Assembly, may be examined in that light as well.

(b) *National unity and territorial integrity on attainment of independence*

The Comorian island of Mayotte

241. The question of national unity and territorial integrity on the attainment of independence was clearly raised during the thirtieth session regarding the accession to independence of the Comoro Archipelago. In a referendum held on 22 December 1974, the population of the four islands of Comoros voted for independence from France by a majority of 95 per cent to 5 per cent. Comoros gained independence on 6 July 1975 and was admitted to membership in the United Nations by the General Assembly in its resolution 3385 (XXX), adopted without a vote on 12 November 1975. In admitting the islands, the Assembly reaffirmed "the necessity of respecting the unity and territorial integrity of the Comoro Archipelago composed of the islands of

²⁷¹ G A decision 33/412.

Anjouan, Grande-Comore, Mayotte and Mohélie", as it had in resolutions preceding the Territory's independence.²⁷²

242. On 31 December 1975, the French legislature passed a law recognizing the independence of all the Comorian islands except Mayotte, on the grounds that a majority of the residents of Mayotte had voted against independence. The law required that the residents of Mayotte vote in two new referendums to decide whether to remain part of France or to integrate with the new independent State of Comoros. The results of the referendums, held in February and April 1976, confirmed that a majority of the people of Mayotte wished to remain part of France.

243. A draft resolution²⁷³ to prevent the holding of the referendums had been submitted to the Security Council but was vetoed by France. At its thirty-first session, subsequent to the referendums on Mayotte, the General Assembly took up the question of Comoros in its plenary discussions. The ensuing debate centred largely on issues of sovereignty, territorial integrity and the right to self-determination. The representative of Comoros opened the debate by asserting that the question of Mayotte constituted a precedent fraught with consequences for the stability and security of the independent African countries of the region and for the integrity of young nations which, facing numerous socio-economic problems, ran the risk of being divided by outside forces.²⁷⁴

244. The representative of France also considered sovereignty to be the key issue in the debate and argued that his Government had opposed inclusion of the item in the agenda because it was contrary to the Charter to bring the internal affairs of a sovereign State before the General Assembly.²⁷⁵ He recalled that the problem of the territorial definition of archipelagos sometimes arose in specific terms and emphasized that it was paradoxical for the Assembly to condemn in this case a democratic process like the referendum, whose usefulness the United Nations had recognized in the past.²⁷⁶

245. Most delegates, however, rejected the contention implied in the argument of the representative of France: that the right to self-determination always took precedence over the principle of territorial integrity. Noting that it was the duty of the United Nations to defend the territorial integrity of the Comoros, one delegate suggested that the 1976 referendums had been an attempt to void the results of the referendum of 22 December 1974, by which the Comorian people as a whole, and by an overwhelming majority, had expressed their wish to accede to independence in political and territorial integrity.²⁷⁷ Another delegate stated that the situation in Comoros at that time was incompatible with resolution 1514 (XV), which stated that any attempt to

disrupt the national unity or territorial integrity of a country was contrary to the Charter.²⁷⁸

246. Another delegate claimed that the principle of self-determination could not be regarded as being more important than the principle of national unity and territorial integrity. National unity and territorial integrity were the elements on which the order and harmony of international relations were based, and for that reason the United Nations had recognized the principle of self-determination as one which should be approached in a flexible way.²⁷⁹

247. Supporting this position, another delegate stressed that the principle of self-determination was not always applicable to all colonial questions and that its automatic implementation might entail the sanctioning or perpetuation of situations contrary to the principles and purposes of the Charter.²⁸⁰

Decision

248. The General Assembly adopted the draft resolution before it by 102 votes to 1, with 28 abstentions, as resolution 31/4. By the resolution, the Assembly, *inter alia*, considered that the referendums on Mayotte constituted a violation of the sovereignty and territorial integrity of the Comoros and declared their results to be null and void. The Assembly also rejected any other form of referendum that might be organized on the island by the French in the future. It condemned France's presence on the island and called upon the Government of France to enter into negotiations with the Government of Comoros to implement the provisions of resolution 31/4.

249. The General Assembly reaffirmed those provisions in its subsequent session by adopting resolution 32/7, and further called upon the Governments of France and Comoros to work out a just and equitable settlement for the Comorian Island of Mayotte which respected the political unity and territorial integrity of the Comoros, in accordance with the relevant resolutions of the General Assembly on the issue.

(c) *National unity and territorial integrity in cases involving a dispute over sovereignty*

(i) *Falkland Islands (Malvinas)*

250. During the period under review, the Special Committee on decolonization continued to consider²⁸¹ the question that had arisen between the Governments of Argentina and the United Kingdom with regard to the Falkland Islands (Malvinas) and to make recommendations on it to the General Assembly. During the period under review, the General Assembly acted twice on the question,

²⁷² See, for example, G A resolutions 3161 (XXVIII) and 3291 (XXIX).

²⁷³ S/11967.

²⁷⁴ G A (31), Plen., 28th mtg., para. 45.

²⁷⁵ Ibid., 34th mtg., para. 1.

²⁷⁶ Ibid., para. 5.

²⁷⁷ Ibid., 28th mtg., Benin, paras. 85 and 89.

²⁷⁸ Ibid., United Arab Republic, para. 92.

²⁷⁹ Ibid., 34th mtg., Mauritania, paras. 17 and 18.

²⁸⁰ Ibid., 39th mtg., Argentina, para. 5.

²⁸¹ G A (25), Suppl. No. 23, vol. IV, chap. XIX; G A (26), Suppl. No. 23, vol. IV, chap. XXV; G A (27), Suppl. No. 23, vol. V, chap. XXV; G A (28), Suppl. No. 23, vol. V, chap. XXVII; G A (29), Suppl. No. 23, vol. VI, chap. XXVI; G A (30), Suppl. No. 23, vol. V, chap. XXVII; G A (31), Suppl. No. 23, vol. IV, chap. XXX; G A (32), Suppl. No. 23, vol. IV, chap. XXVIII; G A (33), Suppl. No. 23, vol. IV, chap. XXVIII.

once in its twenty-eighth session and again in its thirty-first session.

251. In introducing a draft resolution on the item at the twenty-eighth session, Venezuela said that the United Nations had established a decolonization doctrine which noted a difference between colonies and occupied Territories.²⁸² In adopting resolution 2065 (XX) on the question, for example, the General Assembly had decided that the Malvinas Islands was a case of a colonized Territory, not a colonized people. It was therefore one of the special cases covered by paragraph 6 of the Declaration on decolonization, which declared attempts at the partial or total disruption of territorial integrity of any State to be contrary to the Charter of the United Nations. To ignore this paragraph would be tantamount to accepting the Roman principle of *vae victis* — the right of the strongest in international relations. The suitable method of seeking a solution, he said, was to adopt the draft resolution in question, under operative paragraph 3 of which the Assembly would urge the two parties to proceed with negotiations in order to put an end to the colonial situation in the Malvinas.²⁸³

252. The representative of the United Kingdom, the administering Power, said that his Government was anxious to resume negotiations on the question, but it could not accept the draft resolution as it was written, since it implied in the fifth preambular paragraph that the problem was a conflict over sovereignty. If it was a problem of sovereignty, then it should not be under consideration in the Fourth Committee. On the other hand, if the Fourth Committee was seized of the problem, it was because the islands were a Territory within the scope of Chapter XI of the Charter, to which General Assembly resolution 1514 (XV) applied, and the essential problem was therefore one of self-determination.²⁸⁴

253. The Fourth Committee adopted the draft resolution by 99 votes to none, with 14 abstentions. Several delegates noted in their explanations of vote that they wished that the desires of the population of the Falkland Islands to be taken into account in settling the conflict.²⁸⁵

Decision

254. The General Assembly adopted²⁸⁶ the draft resolution submitted by the Fourth Committee by 116 votes to none, with 14 abstentions, as resolution 3160 (XXVIII). By the resolution, the Assembly recalled its resolution 2065 (XX), by which it had invited the Government of Argentina and the United Nations to proceed with the negotiations recommended by the Special Committee with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It also expressed its concern at the lack of progress achieved, while expressing gratitude for the continued efforts of the

Government of Argentina to facilitate the process of decolonization with regard to the islands. Finally, the Assembly declared the need to accelerate negotiations and to report on those negotiations to the Secretary-General and the General Assembly. The resolution, in the fifth preambular paragraph, referred to the question as “a conflict of sovereignty”, but omitted explicit reference to either the right to self-determination or the principle of territorial integrity.

255. The General Assembly, by its resolution 31/49, repeated the relevant provisions of resolution 3160 (XXVIII). By its resolutions 1514 (XV), 2065 (XX) and 3160 (XXVIII), it called upon both parties to “refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended”.

(ii) *Spanish Sahara/Western Sahara*²⁸⁷

256. The previous *Repertory* Supplement²⁸⁸ treated the question of Western Sahara as a case of United Nations participation in the process of ascertaining the freely expressed wishes of the people of Non-Self-Governing Territories, rather than one of national unity and territorial integrity involving a dispute over sovereignty, though it acknowledged that the question was affected by both of those legal principles. In the present Supplement, the question of Western Sahara continues to be affected by both principles, but the territorial aspects of the dispute become more acute, as is demonstrated by the General Assembly's 1975 request to the International Court of Justice for an advisory opinion on the status of the Territory at the time of its colonization by Spain, in the light of certain claims made on the Territory by Morocco and Mauritania (see para. 260 below).

257. As has been reported,²⁸⁹ the Territory of Western Sahara, recognized by the United Nations as a Non-Self-Governing Territory under the authority of Spain, was at the same time the object of sovereignty claims by Morocco and Mauritania.²⁹⁰ Those claims were opposed by an indigenous national liberation movement, the Frente Popular para la Liberación de Saguia el Hamra y de Río de Oro (Frente POLISARIO), which claimed the right to independence. The General Assembly had previously adopted resolutions²⁹¹ requesting the administering Power to enter into negotiations on the problems related to sovereignty over the Territory and to create a favourable climate for the holding of a referendum.²⁹² Given that the dispute was not resolved in

²⁸² G A (28), 4th Comm., 2074th mtg., para. 38, A/C.4/L.1052.

²⁸³ Ibid., paras. 32-42.

²⁸⁴ Ibid., paras. 86-88.

²⁸⁵ Ibid., 2076th mtg., Italy, para. 6; Ireland, para. 7; New Zealand, para. 8.

²⁸⁶ G A (28), Plen., 2202nd mtg., para. 36.

²⁸⁷ The General Assembly referred to the Territory in question as “Spanish Sahara” until the thirty-second session, when it began referring to the Territory as “Western Sahara”.

²⁸⁸ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 230-242 and 294-300.

²⁸⁹ *Repertory, Supplement No. 3*, vol. III, under Article 73, paras. 767-786.

²⁹⁰ Note that these claims did not conflict with each other. Rather, Morocco claimed the northern portion of the Territory and Mauritania the southern portion, and there was no overlap between the claims.

²⁹¹ For example, G A resolutions 2072 (XX) and 2229 (XXI).

²⁹² *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 230 and 236.

this manner, the Special Committee continued to address the question of Western Sahara during the period under review and to report annually to the General Assembly on it.²⁹³ The General Assembly adopted resolutions on the question in all sessions but the twenty-sixth. During the period under review, no solution was reached on the territorial dispute, nor was a referendum held in the Territory.

Decision

258. The General Assembly, by its resolution 2711 (XXV), reaffirmed "the inalienable right of the people of the Sahara to self-determination in accordance with General Assembly resolution 1514 (XV)". It expressed regret at the lack of consultations regarding the holding of a referendum and, declaring that the continued existence of the colonial situation in the Territory retarded stability and harmony in north-west Africa, called upon the Government of Spain, as the administering Power, to create a favourable climate for the referendum to be conducted in a free and fair way, and to ensure that only the indigenous people of the Territory participated in it. The Assembly also recognized "the legitimacy of the struggle being waged by the colonial peoples for the exercise of their right to self-determination and to freedom of choice".

259. The General Assembly, by its resolution 2983 (XXVII), deplored the fact that Spain had not provided sufficiently clear information on the conditions and the timetable it intended to apply in bringing about the complete decolonization of the Territory. The Assembly reiterated the provisions of resolution 2711 (XXV) and reaffirmed the responsibility of the United Nations in all consultations intended to lead to the free expression of the wishes of the people. Those provisions were generally reiterated in resolution 3162 (XXVIII).

260. The General Assembly, by its resolution 3292 (XXIX), requested the International Court of Justice to rule on the question of the legal status of the Territory at the time of its colonization by Spain. Specifically, the Assembly requested the Court to give an advisory opinion without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV) on the following question(s): (a) "Was Western Sahara (Río de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (*terra nullius*)?" and if the answer was in the negative: (b) "What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?". By its resolution 3292 (XXIX), the General Assembly further requested Spain to postpone any referendum in the Territory until the ICJ had made its ruling.

261. The General Assembly, by its resolution 3458 A (XXX), took note of the advisory opinion of the ICJ, delivered on 16 October 1975. The Court, *inter alia*, had advised that the materials and information presented to it did

not establish any tie of territorial sovereignty between the Territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus it found no legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.²⁹⁴ The General Assembly once again requested Spain to take all necessary measures so that Saharans might exercise fully and freely, under United Nations supervision, their inalienable right to self-determination. By its resolution 3458 B (XXX), the Assembly took note of an agreement between Mauritania, Morocco and Spain signed on 14 November 1975. According to this "Declaration of Principles", Spain would accept to definitively terminate its presence in the Territory by 28 February 1976. In the interim, it would transfer its administering powers to a temporary administration constituted by a Spanish Governor General and two Deputy Governors, one nominated by Morocco and one by Mauritania. A local *Jem'a* ("general assembly") would serve to represent the views of the Saharan population.²⁹⁵ (It should be noted that the Frente POLISARIO considered the agreement concluded between Mauritania, Morocco and Spain to be null and void; and on 27 February 1976 proclaimed the Saharan Arab Democratic Republic, which was subsequently recognized by 20 States.) By its resolution 3458 B (XXX), the General Assembly in addition requested the parties to the agreement to ensure respect for the freely expressed aspirations of the Saharan people and reaffirmed their right to self-determination. It further requested the interim administration, to be created as a result of the agreement, to ensure that the Saharan population exercised its inalienable right to self-determination through free consultations organized with the assistance of a representative of the United Nations appointed by the Secretary-General.

262. The General Assembly, by its resolution 31/45, took note of the decision of the Organization of African Unity to convene an extraordinary session to resolve the dispute over Western Sahara and, as a result, decided to postpone its own consideration of the question until the thirty-second session.

263. On 26 February 1976, Spain informed the Secretary-General that it had definitively terminated its presence in the Territory and considered itself henceforth exempt from "any responsibility of an international nature in connection with the administration of the said Territory".²⁹⁶ General Assembly resolution 31/45 did not make any reference to this communication or to Spain's determination that it was exempt from its Chapter XI responsibilities (see para. 449 below). It should be further noted that, beginning in January 1976, Moroccan and Mauritanian civil administrations and military forces were reported to have begun establishing themselves in the parts of the Territory they respectively claimed. In an agreement signed on 14 April 1976, the two countries defined their "state frontier" as the straight line linking the point of intersection of the 24th parallel north and

²⁹³G A (25), Suppl. No. 23, vol. III, chap. IX; G A (26), Suppl. No. 23, vol. III, chap. X; G A (27), Suppl. No. 23, vol. IV, chap. XII; G A (28), Suppl. No. 23, vol. IV, chap. XII; G A (29), Suppl. No. 23, vol. III, chap. XII; G A (30), Suppl. No. 23, vol. IV, chap. XII; G A (31), Suppl. No. 23, vol. II, chap. XI; G A (32), Suppl. No. 23, vol. II, chap. IX; G A (33), Suppl. No. 23, vol. II, chap. IX.

²⁹⁴ICJ Reports 1975, p. 68, para. 162.

²⁹⁵S/11880, annex II.

²⁹⁶A/31/56-S/11997.

the 13th meridian west, a line cutting through the Territory.²⁹⁷

264. The General Assembly, by its resolution 32/22, regarding the question of Western Sahara, reaffirmed its commitment to "the principle of self-determination of peoples in accordance with the Declaration on [decolonization]". It also expressed its hope for a just and lasting decision at the extraordinary session of OAU to be held shortly thereafter.

265. By its resolution 33/31 A, the General Assembly welcomed a unilateral ceasefire declared by the Frente POLISARIO, reaffirmed the responsibility of the United Nations with regard to the decolonization of the Territory, as well as the inalienable right of the people of Western Sahara to "self-determination and independence". This was the first time in the period under review that the Assembly included the right to "independence" as well as to "self-determination" in its affirmations of rights for the people of the Sahara. In its resolution 33/31 B, the General Assembly took note of the actions taken by OAU with regard to the disputed Territory and appealed to all States in the region to refrain from taking actions that might impede the efforts of OAU to arrive at a just and peaceful solution.

(iii) Gibraltar

266. During the period under review, the Special Committee on decolonization continued to study and report annually on the question of Gibraltar.²⁹⁸ As was reported in the previous *Repertory*,²⁹⁹ neither the future status of Gibraltar nor the method for its decolonization had been resolved by the beginning of the present period under review. The dispute between the United Kingdom and Spain over the precedence of the right to self-determination, as set out in paragraph 2 of the Declaration on decolonization (and in Article 1 of the Charter), and the principle of national unity and territorial integrity as set out in paragraph 6 of the Declaration, continued during the period under review.

267. The General Assembly discussed the question of Gibraltar at its twenty-ninth session. The delegate of Spain, addressing the Fourth Committee, reaffirmed that the situation in Gibraltar was a colonial situation to which Assembly resolution 1514 (XV) was applicable, in particular paragraph 6, which stated that the principle of national unity and territorial integrity must be respected. The delegate recalled resolutions 2070 (XX), 2231 (XXI), 2353 (XXII) and 2429 (XXIII), and noted that the General Assembly had considered in those resolutions that the principle of self-determination was not a determining factor regarding Gibraltar and had, on the other hand, affirmed that the

principle of Spanish territorial integrity was such a factor.³⁰⁰ In rebuttal to this argument, the representative of the United Kingdom, the Territory's administering Power, argued that the principle of self-determination represented the very essence of the United Nations. The delegate of the United Kingdom said that Spain was in effect requesting the administering Power to disregard the freely and repeatedly expressed wishes of the inhabitants of the Territory. For his Government to accept the Spanish proposal, he argued, would mean to not be true to itself or to the Charter of the United Nations.³⁰¹

Decision

268. The General Assembly, by its resolution 3286 (XXIX), adopted³⁰² unanimously, regretted that the negotiations envisaged under the terms of a consensus adopted by the Assembly on 14 December 1973 had not begun and urged the Governments of Spain and the United Kingdom to begin them without delay and to keep the Special Committee informed of their progress. The Assembly adopted no further resolutions on the question in the period under review.

(iv) Belize

269. In its consideration of the Territory of Belize, the General Assembly addressed issues of territorial integrity, the right to self-determination, military activities by administering Powers in Territories under their control and the competence of the Assembly itself to consider questions that were not unanimously accepted as relating to decolonization. The question of military activities is treated separately in the relevant section below (see paras. 323 and 324 below). Nonetheless, in this case, all of the issues are intertwined to a great degree. Therefore, while the focus of this study remains the question of territorial integrity, all of the issues mentioned above are treated as necessary in the section below.

270. Belize, according to its 1964 Constitution, was a Territory under the Administering Authority of the United Kingdom, which had full internal control through a local territorial Government consisting of a Cabinet and a bicameral National Assembly.³⁰³ Given this constitutional arrangement, which the administering Power considered to be evidence of an advanced state of self-government, the administering Power claimed that it was disposed to grant independence to the Territory upon the request of the local government. Both major political parties represented in the local government favoured independence, though they differed as to its timing. The local government, however, had not yet requested that the Territory be granted independence, due to a vigorous claim to sovereignty over it by Guatemala, which bordered the Territory. That claim was rejected by the administering Power and the local government alike. The local government, as a result, asserted that it could not exercise its right to self-determination and independence

²⁹⁷G A (31), Suppl. No. 23, vol. II, chap. IX, paras. 52-56 and 67-68.

²⁹⁸G A (25), Suppl. No. 23, vol. III, chap. X; G A (26), Suppl. No. 23, vol. III, chap. XI; G A (27), Suppl. No. 23, vol. IV, chap. XIII; G A (28), Suppl. No. 23, vol. IV, chap. XIII; G A (29), Suppl. No. 23, vol. III, chap. XIII; G A (30), Suppl. No. 23, vol. IV, chap. XIII; G A (31), Suppl. No. 23, vol. II, chap. XIII; G A (32), Suppl. No. 23, vol. II, chap. XI; G A (33), Suppl. No. 23, vol. II, chap. XI.

²⁹⁹*Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 303-336.

³⁰⁰G A (29), 4th Comm., 2117th mtg., paras. 91 and 95.

³⁰¹*Ibid.*, 2124th mtg., para. 76.

³⁰²G A (29), Plen., 2318th mtg., para. 61.

³⁰³G A (30), Suppl. No. 23, vol. IV, chap. XXX, and annex.

because the Guatemalan claim threatened its security. It considered that it was therefore forced to choose between the indefinite prolongation of its current colonial status and dismemberment and subjugation to a new colonial authority.³⁰⁴

271. The Fourth Committee discussed the issue during the thirtieth session of the General Assembly, at a time of intensifying threats to peace in the region. Notably, a build-up of the military forces of both the administering Power and Guatemala had occurred. This raised the additional question of the military activities of administering Powers in Territories under their control. The local territorial Government continued to welcome and consent to the military presence of the administering Power in the Territory, which it deemed necessary for its adequate defence in face of the threat of a "new colonialism".³⁰⁵ The administering Power, which was constitutionally responsible for the defence of the Territory, informed the Fourth Committee that it had decided to strengthen its small garrison in Belize and would withdraw the additional troops when it was satisfied that their presence was no longer needed.³⁰⁶

272. The representative of Guatemala, however, cited paragraph 6 of the Declaration on decolonization and claimed that the right to self-determination was circumscribed by the requirement that it did not authorize or promote in any way actions directed at breaching or undermining, totally or partially, the territorial sovereignty of independent States,³⁰⁷ and that the legal limit of decolonization was the territorial integrity of existing States.³⁰⁸ The delegate also addressed the issue of the administering Power's troops in the Territory, arguing that they confirmed the colonialist designs and distracted from the peaceful negotiation process that should be applied to the dispute.³⁰⁹ The delegate claimed, further, that the issue was not one of decolonization but of a dispute between two Member States, and it was therefore questionable whether the Charter gave the Committee the competence to examine the issue.

273. In support of Guatemala's position, the representative of Costa Rica argued that General Assembly resolution 1514 (XV) made a clear distinction between Territories which were occupied by a foreign Power, where the decolonization process should lead directly to self-determination, and disruptions of the territorial integrity of another sovereign State, which merited a different treatment. He argued that Belize represented the latter case and should be solved according to Article 2, paragraph 3,³¹⁰ of the Charter of the United Nations, which regulated conflicts between Member States.³¹¹ It was similarly argued that the United Nations

recognized two types of decolonization, that of people and that of Territories. The first type referred to peoples who had lost their independence due to the occupation of foreign colonial Powers. The second type referred to countries that had been placed under a colonial yoke as a result of an illegal occupation of a Territory forming part of another Territory. In the latter case, which the delegate said was the case of Belize, the principle of self-determination was not the correct principle to follow.³¹² The representative of El Salvador noted that the special features of the question required the discreet and intelligent use of the political and legal resources of the Charter of the United Nations.³¹³

274. While many States in the region supported Guatemala's position,³¹⁴ most delegates reaffirmed that the Committee was competent to examine the question and to adopt the resolution under consideration, as drafted, on the grounds, *inter alia*, that self-determination was a principle that admitted no exceptions. The United Nations, it was argued, had historically used more than one procedure to implement the Declaration on decolonization, but whatever the procedure, it was indisputable that the people of the Territory concerned should be consulted.³¹⁵

275. During the session, two draft resolutions³¹⁶ were submitted which reflected these opposing positions. Under one draft resolution,³¹⁷ sponsored, *inter alia*, by Guatemala, the General Assembly would invite the Governments of the United Kingdom and Guatemala to resume their negotiations without delay in order to arrive at a peaceful solution, taking into account the provisions and objectives of the Charter and the interests of the people of Belize while ensuring the maintenance of the national unity and territorial integrity of Member States. The draft was subsequently revised to delete the reference to national unity and territorial integrity.³¹⁸ At the same time, another draft resolution, sponsored, *inter alia*, by the United Kingdom,³¹⁹ was submitted in which the Assembly would reaffirm the inalienable right of the people of Belize to self-determination and reaffirm also that the territorial integrity of Belize must be preserved, and would furthermore call upon the Governments of Guatemala and the United Kingdom, in close cooperation with the Government of Belize, to continue their negotiations.

276. The representative of Guatemala argued that if the Committee adopted the United Kingdom-sponsored draft resolution it would in fact be arrogating to itself the power of an arbitral tribunal or an international court of justice since it would be dictating the terms of the settlement of the dispute and adjudicating the disputed Territory to one of the parties, in this case the United Kingdom, in order to proceed with a

³⁰⁴G A (30), 4th Comm., 2162nd mtg., para. 8 (petition by the Premier of Belize).

³⁰⁵*Ibid.*, paras. 11 and 14.

³⁰⁶*Ibid.*, para. 104, and *ibid.*, 2163rd mtg., para. 92.

³⁰⁷*Ibid.*, 2162nd mtg., para. 104.

³⁰⁸*Ibid.*, 2163rd mtg., para. 40.

³⁰⁹*Ibid.*, 2162nd mtg., para. 105.

³¹⁰The relevant paragraph reads: "All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."

³¹¹G A (30), 4th Comm., 2164th mtg., Costa Rica, para. 4.

³¹²*Ibid.*, Uruguay, para. 38.

³¹³*Ibid.*, El Salvador, para. 23.

³¹⁴*Ibid.*, Paraguay, para. 6; Honduras, paras. 36 and 37; and Uruguay, para. 39.

³¹⁵*Ibid.*, United Republic of Tanzania, paras. 19 and 20; see also Dahomey, paras. 12-18, and *ibid.*, 2163rd mtg., Kuwait, para. 63; Jamaica, paras. 68-79; and India, para. 84.

³¹⁶See G A (30), annexes, agenda item 23, paras. 38-48.

³¹⁷A/C.4/L.1094.

³¹⁸A/C.4/L.1094/Rev.1.

³¹⁹A/C.4/L.1096.

normal decolonization process which, in this case, did not apply.³²⁰

277. At the 2173rd meeting of the Fourth Committee, the representative of Guatemala requested³²¹ a vote in accordance with rule 121 of the rules of procedure of the General Assembly, on the competence of the Assembly to adopt the proposals contained in the United Kingdom draft. The motion was rejected by 108 votes to 11, with 8 abstentions. The draft resolution sponsored by Guatemala was then rejected by 62 votes to 22, with 41 abstentions. The Fourth Committee adopted the former draft resolution³²² by 103 votes to 12, with 13 abstentions.

Decision

278. The General Assembly adopted³²³ the draft resolution submitted by the Fourth Committee by 110 votes to 9, with 16 abstentions, as resolution 3432 (XXX). By the resolution, the Assembly reaffirmed the inalienable right of the people of Belize to self-determination and independence, reaffirmed that the inviolability and territorial integrity of Belize must be preserved, called upon the Governments of the United Kingdom and Guatemala, in close consultation with the Government of Belize, to urgently pursue their negotiations to resolve the dispute, and declared that any proposals for the resolution of the dispute must be in accordance with the right to self-determination and independence for the people of Belize and the inviolability of their territorial integrity.

279. By its resolution 31/50, the General Assembly reaffirmed the relevant provisions of resolution 3432 (XXX) and, in addition, called upon all States to refrain from any action that would threaten the territorial integrity of Belize. By its resolutions 32/34 and 33/36, the Assembly reiterated the relevant provisions of its previous resolutions on the question and further urged all States to respect the right of the people of Belize to self-determination, independence and territorial integrity and to render all practical assistance necessary for the secure and early exercise of that right. By its resolution 33/36, the Assembly recognized that it was the responsibility of the United Kingdom, as the administering Power, to take all necessary steps to enable the people of Belize to exercise the rights previously affirmed. Despite these resolutions, the administering Power and Guatemala failed to resolve the issue during the period under review, and Belize did not accede to independence.

³²⁰G A (30), 4th Comm., 2163rd mtg., paras. 44 and 45.

³²¹*Ibid.*, para. 49.

³²²A/C.4/L.1096.

³²³G A (30), Plen., 2431st mtg., para. 176. Note that the vote was preceded by a motion under rule 79 of the rules of procedure, calling for a decision on the competence of the General Assembly to adopt the proposal, which was rejected by 114 votes to 8, with 11 abstentions.

8. THE QUESTION OF DISSEMINATION OF INFORMATION ON THE WORK OF THE UNITED NATIONS AND ON THE IMPLEMENTATION OF THE DECLARATION

280. During the period under review, the General Assembly maintained its previous practice³²⁴ of disseminating information on the work of the United Nations and on the implementation of the Declaration on decolonization.

281. At the twenty-sixth session of the General Assembly, the item was considered in the plenary,³²⁵ without reference to the Fourth Committee. Following discussions in the plenary, the General Assembly adopted resolution 2879 (XXVI), by which it took note of various recommendations and reports within the Organization,³²⁶ affirmed the vital importance of urgently effecting the widest possible dissemination of information on the evils and dangers of colonialism, and requested the Secretary-General to intensify the activities of information centres and to continue to disseminate information in close cooperation with the Organization of African Unity and relevant non-governmental organizations. The Assembly continued to consider the item in the period under review and reiterated the above provisions in its resolutions 2909 (XXVII), 3164 (XXVIII), 3329 (XXIX), 3482 (XXX), 31/144, 32/43 and 33/45.

C. Article 73c

1. QUESTIONS OF INTERNATIONAL PEACE AND SECURITY ARISING IN NON-SELF-GOVERNING TERRITORIES

(a) Questions arising in the General Assembly

282. As previously reported,³²⁷ the General Assembly and the Special Committee on decolonization had established the practice of bringing to the attention of the Security Council questions of international peace and security arising in Non-Self-Governing Territories. The Assembly continued this practice in the period under review, in particular with regard to Territories under Portuguese administration and Southern Rhodesia.

(i) Territories under Portuguese administration

283. The General Assembly continued³²⁸ to declare that the situation in the Territories under Portuguese administration constituted a threat to international security. Accordingly, the Assembly continued to bring the situation to the attention of the Security Council and to recommend that the Council take actions to mitigate the threat.

³²⁴*Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 341-353.

³²⁵G A (26), Plen., 2018th, 2020th, 2024th and 2028th mtgs.

³²⁶See A/8531/Add.1, para. 137, A/C.5/1320/Rev.1 and Add.1, and A/8388.

³²⁷*Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 356-375.

³²⁸*Ibid.*, paras. 358-360.

284. By its resolution 2707 (XXV), the General Assembly drew the attention of the Security Council to the grave situation in the Territories under Portuguese administration created by the continued violation by Portugal of its obligations under the Charter of the United Nations and the growing collaboration between the Governments of Portugal, South Africa and the illegal racist minority regime in Southern Rhodesia. The Assembly deemed the situation to constitute a threat to international peace and security and recommended that the Security Council give special attention to the problems of Portuguese colonialism and take "effective measures", in accordance with the relevant provisions of the Charter, to ensure the full application of resolution 1514 (XV). The Assembly noted the continuing deterioration of the situation and in its resolution 2795 (XXVI) reiterated its recommendations to the Security Council.

285. By paragraph 3 of its resolution 2918 (XXVII), the General Assembly deemed it imperative that negotiations should be initiated between the Government of Portugal and the national liberation movements in Territories under Portuguese administration, particularly in order to bring about as a priority the immediate cessation by Portugal of its colonial wars and all acts of repression against the peoples in its Territories, as well as the withdrawal of its military and other forces. Prior to the opening of the thirty-second session, the Security Council, in its resolution 312 (1972) of 4 February 1972, had reaffirmed that the situation resulting from the policies of the Government of Portugal, both in its colonies and in its constant provocations against the neighbouring States, seriously disturbed international peace and security in the African continent.³²⁹ The Assembly recommended, in the event that the Government of Portugal failed to comply with that resolution, that the Security Council urgently consider taking "all effective steps" to secure the rapid implementation of the Declaration on decolonization.

286. By paragraph 10 of its resolution 3113 (XXVIII), the General Assembly, having regard to the explosive situation resulting from the policies of Portugal in the colonial Territories under its domination and from its constant provocations against the independent African States bordering those Territories, and in the light of the outright disregard by Portugal of the relevant resolutions of the United Nations, particularly Security Council resolutions 312 (1972) and 322 (1972), drew the attention of the Security Council to the urgent need for taking, as a matter of priority, all effective steps with a view to securing the full and speedy implementation of General Assembly resolution 1514 (XV) and of the related decisions of the United Nations.

287. The General Assembly ceased making recommendations to the Security Council following the twenty-eighth session, after which the Government of Portugal signified its willingness to abide by the General Assembly resolutions that concerned their colonial Territories, and by the Declaration on decolonization.

(ii) Southern Rhodesia

288. The General Assembly continued³³⁰ to reaffirm its conviction expressed in its resolution 2508 (XXIV), and endorsed by the Security Council in its resolution 277 (1970), that the situation in Southern Rhodesia constituted a threat to international peace and security.³³¹ The Assembly also continued to call the attention of the Council to the importance of establishing comprehensive, mandatory and effectively supervised sanctions to end the situation.

289. By its resolution 2652 (XXV), the General Assembly recalled Security Council resolution 277 (1970) and drew the attention of the Council to the gravity of the situation arising from the intensified suppression of the people of Zimbabwe and armed attacks against its neighbours in violation of international peace and security. The Assembly also drew the attention of the Council to the need to widen the scope of sanctions against the illegal regime in Rhodesia so that they included all measures allowed by Article 41 of the Charter, and to impose sanctions against South Africa and Portugal as a result of their refusal to carry out the mandatory measures previously decreed by the Council (see also paras. 53-67 above).

290. The General Assembly, by its resolution 2796 (XXVI), expressed grave concern at the further deterioration of the situation in Southern Rhodesia, which the Security Council had deemed to be a threat to international peace and security, and drew the attention of the Council to the urgent necessity of taking further steps to ensure the full and strict compliance by all States with the decisions of the Council. In paragraph 6 of its resolution 2946 (XXVII), the Assembly drew the attention of the Council, in view of the further deterioration of the situation in Southern Rhodesia, to the urgent need to widen the scope of sanctions and to the need, as a matter of priority, to consider imposing sanctions against Portugal and South Africa. The provision was reiterated by the Assembly in its resolution 3116 (XXVIII).

291. The General Assembly, by its resolution 3298 (XXIX), appealed "to those permanent members of the Security Council whose negative votes on various proposals relating to the question [of Southern Rhodesia] have continued to obstruct the effective and faithful discharge by the Council of its responsibilities under the relevant provisions of the Charter to reconsider their negative attitude with a view to the elimination forthwith of the threat to international peace and security resulting from the explosive situation obtaining in the Territory". By its resolution 3397 (XXX), the Assembly continued, *inter alia*, to condemn violations of the mandatory sanctions imposed by the Security Council. By its resolution 31/154 B, the Assembly reiterated the relevant provisions of its resolution 3397 (XXX) and, in paragraph 8, reaffirmed its conviction that the scope of sanctions against the illegal regime should be widened to include all measures envisaged under Article 41 of the Charter, and requested the Security Council to consider taking the necessary measures in that regard as a

³²⁹ *Repertoire of the Practice of the Security Council, Supplement 1972-1974*, pp. 92-101.

³³⁰ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 361-364.

³³¹ G A resolutions 2796 (XXVI), 2946 (XXVII), 3115 (XXVIII), 3297 (XXIX), 3396 (XXX), 31/154 A, 32/116 A and 33/38 A.

matter of urgency. By its resolution 32/116 B, the General Assembly requested "the Security Council to impose a mandatory embargo on the supply of petroleum and petroleum products to South Africa in view of the fact that petroleum and petroleum products are transported from South Africa into Southern Rhodesia". That request was reiterated by the Assembly in its resolution 33/38 B.

(b) *Questions arising in the Special Committee*

292. In the previous *Repertory*, the decisions taken by the Special Committee which drew the attention of the Security Council to threats to international peace and security arising in Non-Self-Governing Territories were dealt with in some detail.³³² In the present study, however, the relevant decisions regarding Southern Rhodesia³³³ and the Territories under Portuguese administration³³⁴ are not discussed at any length as they are substantially similar to the decisions taken by the General Assembly discussed in the paragraphs above with regard to the same Territories. A list of these decisions by document symbol is contained in annex I following the discussion of this Article.

293. Regarding the competence of the Committee to make such decisions, it should be noted that the General Assembly, by its resolution 2708 (XXV), requested the Special Committee "to continue to make concrete suggestions which could assist the Security Council in considering appropriate measures under the Charter of the United Nations with regard to developments in colonial Territories which are likely to threaten international peace and security". It further recommended that the Security Council "take such suggestions fully into consideration". This provision was consistently reiterated by the Assembly in the period under review in its resolutions 2878 (XXVI), 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44.

2. QUESTIONS OF CRIMES AGAINST HUMANITY
THREATENING INTERNATIONAL PEACE
AND SECURITY

294. The previous *Repertory Supplement*³³⁵ recorded that the General Assembly at its twentieth session had established a link between crimes against humanity, such as colonialism, racial discrimination, segregation, and apartheid, and threats to international peace and security.

³³² *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 365-375.

³³³ G A (25), Suppl. No. 23, vol. I, chap. I.K, paras. 127; G A (26), Suppl. No. 23, vol. II, chap. VI, paras. 32-34 and 41; G A (27), Suppl. No. 23, vol. III, chap. VIII, para. 23; G A (28), Suppl. No. 23, vol. III, chap. VII, paras. 22 and 23; G A (29), Suppl. No. 23, vol. III, chap. VII, para. 15; G A (30), Suppl. No. 23, vol. II, chap. IX, para. 26; G A (31), Suppl. No. 23, vol. II, chap. VIII, para. 14; G A (32), Suppl. No. 23, vol. II, chap. VII, para. 16; G A (33), Suppl. No. 23, vol. II, chap. VII, para. 14.

³³⁴ G A (25), Suppl. No. 23, vol. I, chap. I.K, para. 134; G A (26), Suppl. No. 23, vol. II, chap. VIII, paras. 30 and 32; G A (27), Suppl. No. 23, vol. III, chap. X, paras. 34 and 35; G A (28), Suppl. No. 23, vol. III, chap. IX, para. 26; G A (29), vol. III, chap. VII, para. 11, and annex II.A, and para. 17 and annex II.B.

³³⁵ *Repertory, Supplement No. 4*, vol. II, paras. 376-385.

During the period under review, the Assembly continued to call attention to colonialism in itself as a threat to international peace and security.

295. During the plenary meetings of its twenty-fifth session,³³⁶ and on the occasion of the tenth anniversary of the Declaration on decolonization, the General Assembly considered the effect of colonization on international peace and security as a general phenomenon. In considering both the questions of the implementation of the Declaration on decolonization³³⁷ and the adoption of a programme of action on the full implementation of the Declaration,³³⁸ the Assembly debated a resolution in which it reiterated³³⁹ the statement that the continuation of colonial rule threatened international peace and security.

296. One delegate stated that, at a time when Members of the United Nations were trying to strengthen international security, it was clear that one of the most significant and virulent factors of international tension was the persistence of colonialism and, further, that the most relevant problems of colonialism were also within the competence of the Security Council because of the obvious link between colonialism and international peace and security. Since it was incumbent upon the Security Council to maintain peace and security, that body had a primary responsibility to make the United Nations more effective in eliminating colonialism.³⁴⁰ It was also stated that alien domination was among the principal impediments to the maintenance of international peace and security.³⁴¹

297. Some delegates however, objected to the statement that all forms and manifestations of colonialism were crimes against humanity and violations of the Charter of the United Nations. The representative of Australia stated that when his country had signed the Charter it had accepted the obligation to administer certain Territories in a Trusteeship Agreement entered into with the General Assembly. It was therefore absurd to maintain that a country discharging its obligations under the Charter, in this case Chapters XII and XIII, was at the same time in violation of the Charter.³⁴²

Decision

298. The General Assembly adopted two resolutions on the question. By its resolution 2621 (XXV), on the programme of action for the full implementation of the Declaration on decolonization, adopted by 86 votes to 5, with 15 abstentions, the Assembly reaffirmed that "all peoples have a right to self-determination and independence and the subjection of the peoples to alien domination constitutes a serious impediment to the maintenance of

³³⁶ G A (25), Plen., 1920th and 1922nd-1929th mtgs.

³³⁷ G A (25), Annexes, vol. I, agenda item 23.

³³⁸ *Ibid.*, agenda item 24.

³³⁹ *Repertory, Supplement No. 4*, vol. II, under Article 73, para. 380.

³⁴⁰ G A (25), Plen., 1861st mtg., Venezuela, paras. 37 and 38; see also India, para. 121, and *ibid.*, 1862nd mtg., Pakistan, para. 65.

³⁴¹ *Ibid.*, 1862nd mtg., Ethiopia, paras. 70 and 71.

³⁴² *Ibid.*, 1861st mtg., Australia, para. 56, and United Kingdom, para. 102; see also *ibid.*, 1862nd mtg., France, para. 21, and New Zealand, paras. 89 and 90.

international peace and security and the development of peaceful relations among nations”.

299. By its resolution 2708 (XXV), on the implementation of the Declaration on decolonization, adopted by 93 votes to 5, with 22 abstentions, the General Assembly reiterated its conviction that the continuation of colonialism in all its forms and manifestations and the attempts of some colonial Powers to suppress national liberation movements by repressive activities against colonial peoples posed a threat to international peace and security.

300. By its resolution 2878 (XXVI), the General Assembly reaffirmed that the continuation of colonialism in all its forms and manifestations was incompatible with and posed a threat to international peace and security. This provision was reiterated by the Assembly in its resolutions 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44.

3. MILITARY ACTIVITIES AND ARRANGEMENTS BY COLONIAL POWERS IN TERRITORIES UNDER THEIR ADMINISTRATION WHICH MIGHT BE IMPEDING THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

(a) *Military bases in general*

301. During the period under review, the Special Committee on decolonization continued to prepare reports on the question of military activities in Trust and Non-Self-Governing Territories.³⁴³ As previously reported,³⁴⁴ the General Assembly had requested colonial Powers to dismantle their military installations and bases in colonial Territories and to refrain from establishing new ones. The Assembly continued to reiterate this request in its resolutions 2708 (XXV), 2878 (XXVI), 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44 on the implementation of the Declaration on decolonization.

302. The general question of military bases was also considered in the context of the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which had been discussed during the twenty-fifth session. In its report to the General Assembly at that session, the Special Committee reiterated its conclusions of previous years on the question, namely that military bases maintained by administering Powers in the Territories for which they were responsible, created a threat to international peace and security and presented a serious impediment to the

implementation of the Declaration.³⁴⁵ A draft resolution³⁴⁶ was submitted that contained, *inter alia*, the following provision: “Member States shall carry out a sustained and vigorous campaign against all military activities and arrangements by colonial Powers in Territories under their administration, as such activities and arrangements constitute an obstacle to the full implementation of resolution 1514 (XV)”.

303. The representative of Australia, an administering Power, objected to this formulation, arguing that the Charter recognized the responsibility of the administering Powers to provide for the defence of the Territories. The maintenance of military bases fulfilled that role. In the case of the Territory administered by his own Government, the bases also served as a nucleus for a national defence force that would be created when the Territory had exercised its right to self-determination.³⁴⁷

304. Despite reservations expressed by some delegates³⁴⁸ on the paragraph in question, the draft was adopted by the General Assembly by 86 votes to 5, with 15 abstentions, as resolution 2621 (XXV).

(b) *Military bases in specific Territories*

305. As a result of the adoption of resolution 2326 (XXII)³⁴⁹ in which, *inter alia*, the General Assembly approved “the study of military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration”, the Special Committee continued to study the question of military activities in specific Territories.

306. It should be noted that, despite the adoption of resolution 2326 (XXII), some Members, particularly administering Powers, objected in some cases to the examination of the question by the Special Committee. For example, the representative of the United States, an administering Power, reminded the Special Committee that under an agreement concluded with the Security Council and in conformity with Articles 81 and 82 of the Charter of the United Nations, the Trust Territory of the Pacific islands was a designated strategic area, and paragraph 5 of the Trusteeship Agreement granted the administering Power the right to establish such installations as were required for the maintenance of international peace and security.³⁵⁰

307. During the twenty-fifth session of the General Assembly, the United Kingdom, another administering Power, claimed, in reference to reports³⁵¹ prepared by Subcommittee I of the Special Committee, on the establishment of military bases on the island of Diego Garcia, that the reports referred to an island which was not

³⁴³ G A (25), Suppl. No. 23, vol. I, chap. II; G A (26), Suppl. No. 23, vol. I, chap. II; G A (27), Suppl. No. 23, vol. II, chap. VI; G A (28), Suppl. No. 23, vol. II, chap. V; G A (29), Suppl. No. 23, vol. II, chap. V; G A (30), Suppl. No. 23, vol. I, chap. VI; G A (31), Suppl. No. 23, vol. I, chap. V; G A (32), Suppl. No. 23, vol. I, chap. V; G A (33), Suppl. No. 23, vol. I, chap. V.

³⁴⁴ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 387-391.

³⁴⁵ G A (25), Suppl. No. 23, vol. I, chap. II, para. 7 (a) (7).

³⁴⁶ A/L.600.

³⁴⁷ G A (25), Plen., 1861st mtg., Australia, paras. 60 and 61.

³⁴⁸ *Ibid.*, 1862nd mtg., Japan, para. 119; Ireland, para. 128; Argentina, para. 133.

³⁴⁹ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 392-401.

³⁵⁰ A/AC.109/PV.779.

³⁵¹ A/AC.109/L.681.

and had never been part of the Non-Self-Governing Territories that featured on the Committee's agenda.³⁵²

308. Australia discerned a distinction between military activities in Africa, which definitely seemed to be impeding the implementation of the Declaration, and those in other Territories, for which it did not accept the language of the Committee's consensus.³⁵³ Ivory Coast considered that the question was beyond the terms of reference of the Special Committee.³⁵⁴

309. Throughout the period under review, however, the consensus of the Special Committee was that whatever military arrangements were made and whatever bases were established, they constituted obstacles to independence.³⁵⁵ The Special Committee continued to study the question and to make recommendations to the Fourth Committee, though reservations continued to be expressed by some members of the Special Committee.³⁵⁶

(i) *Small Territories*

310. The General Assembly continued to examine the effect of military bases on small Territories and to call for the speedy dismantling of those bases. In the preamble to its resolution 2869 (XXVI) of 20 December 1971,³⁵⁷ the Assembly deplored the policy of some administering Powers of establishing and maintaining military bases in some of the Territories under their administration in contravention of the relevant resolutions of the General Assembly. In paragraph 5 of the resolution, the Assembly deprecated the establishment of military bases and installations in colonial Territories as being incompatible with the purposes and principles of the Charter of the United Nations. These provisions were reiterated by the General Assembly in its resolutions 2984 (XXVII),³⁵⁸ 3156 (XXVIII),³⁵⁹ 3290 (XXIX)³⁶⁰ and 3429 (XXX).³⁶¹

³⁵² Ibid.

³⁵³ A/AC.109/PV.940.

³⁵⁴ Ibid., Ivory Coast. See also *Repertory, Supplement No. 4*, vol. II, under Article 73, para. 398, for an explanation of this position.

³⁵⁵ See, for example, A/AC.109/PV.779, United Republic of Tanzania, and A/AC.109/PV.1122, Congo.

³⁵⁶ See, for example, A/AC.109/PV.831, A/AC.109/PV.892, Sweden; A/AC.109/PV.940, Sweden, Australia, Venezuela; A/AC.109/PV.979, Denmark, Australia, Ivory Coast; A/AC.109/1011, Australia, Chile; A/AC.109/PV.1055, Australia.

³⁵⁷ Pertaining to American Samoa, Bahamas, Bermuda, British Virgin Islands, Brunei, Cayman Islands, Cocos (Keeling) Islands, Gilbert and Ellice Islands, Guam, Montserrat, New Hebrides, Pitcairn, St. Helena, Seychelles, Solomon Islands, Turks and Caicos Islands, and United States Virgin Islands.

³⁵⁸ Pertaining to American Samoa, Bahamas, Bermuda, British Virgin Islands, Brunei, Cayman Islands, Cocos (Keeling) Islands, Gilbert and Ellice Islands, Guam, Montserrat, New Hebrides, Pitcairn, St. Helena, Seychelles, Solomon Islands, Turks and Caicos Islands and United States Virgin Islands.

³⁵⁹ Pertaining to American Samoa, Gilbert and Ellice Islands, Guam, New Hebrides, Pitcairn, St. Helena, Seychelles and Solomon Islands.

³⁶⁰ Pertaining to American Samoa, Guam, New Hebrides, Pitcairn, St. Helena and Solomon Islands.

³⁶¹ Pertaining to American Samoa, Guam and United States Virgin Islands.

(ii) *French Somaliland*

311. During the thirtieth session of the General Assembly, the Special Committee and, subsequently the Fourth Committee took up the question of French Somaliland.³⁶² Under a statute approved in 1967, French Somaliland was considered to be an overseas Territory which maintained local autonomy over finances but accepted French responsibility for its defence.³⁶³ The Government of France, in its communications to the Special Committee, described the Territory as an "integral part of French soil".³⁶⁴ According to reports of the Special Committee, France, in July 1974, strengthened its military presence in the Territory³⁶⁵ in the face of growing local demands for independence. At its 2168th meeting, on 14 November 1975, the Fourth Committee considered petitions by representatives of three liberation movements,³⁶⁶ all of whom demanded full and speedy independence. In November 1975, France announced that it would not oppose independence for the Territory if its population freely expressed that desire.³⁶⁷

312. Upon the recommendation of the Special Committee, the Fourth Committee debated a draft resolution in which, inter alia, the General Assembly would call upon the Government of France to grant independence to the Territory and to withdraw all its military forces from it.³⁶⁸ The representative of France announced that his delegation would not participate in the debate on the item because his Government continued to regard the Territory as a sovereign part of France and hence beyond the purview of the General Assembly. In his view, discussion of the draft was therefore incompatible with the principle of non-intervention in domestic affairs of States embodied in Article 2, paragraph 7, of the Charter.³⁶⁹ At the same time, the French delegate reiterated that his country would not oppose independence for the Territory, and would indeed facilitate it once the population of the Territory clearly expressed a desire for that outcome.³⁷⁰

313. The question was debated again at the thirty-first session. During the discussions, one delegate claimed that the request for France to withdraw all its troops was not in accordance with the Charter of the United Nations, nor did it take account of the situation in the area.³⁷¹ The

³⁶² According to a terminology bulletin issued by the Secretariat in 1968, the Territory was supposed to be referred to as "the French Territory of the Afars and the Issas" (G A (30), Suppl. No. 23, vol. I, chap. I, para. 8, footnote 11). However, Fourth Committee and Special Committee documents continued to refer to "French Somaliland", and subsequent resolutions made reference to "so-called French Somaliland (Djibouti)".

³⁶³ G A (30), Suppl. No. 23, vol. III, chap. XVI, paras. 6 and 19.

³⁶⁴ Ibid., para. 33.

³⁶⁵ Ibid., para. 63.

³⁶⁶ Front de libération de la Côte des Somalis, Mouvement de libération de Djibouti and Ligue populaire africaine.

³⁶⁷ G A (30), Suppl. No. 23, vol. III, chap. XVI, para. 40.

³⁶⁸ A/C.4/L.1122 and Rev.1 and Rev.2.

³⁶⁹ G A (30), 4th Comm., 2183rd mtg., paras. 6 and 7.

³⁷⁰ Ibid., para. 10.

³⁷¹ G A (31), 4th Comm., 32nd mtg., Netherlands, para. 66.

representative of France added the argument that the request was unjustifiable for there were, properly speaking, no French bases in the Territory. Rather, the troops stationed in the Territory served a defensive purpose only, namely the surveillance and protection of its boundaries. His Government, which remained committed to the independence of the Territory, refused to withdraw the troops before the Territory became independent.³⁷² Several other delegations expressed their reservations regarding the request that France remove its troops.³⁷³

Decision

314. The General Assembly, by 109 votes to none, with 20 abstentions, adopted the draft resolution submitted to it by the Fourth Committee at the thirtieth session as resolution 3480 (XXX). In paragraph 4 of the resolution, the Assembly called upon the Government of France to "grant immediate and unconditional independence to the people of so-called French Somaliland (Djibouti) and to withdraw all its military forces from the Territory". At its session the following year, the Assembly adopted resolution 31/59, by which it demanded that the Government of France withdraw its military bases from the Territory without delay. The Territory was subsequently granted independence and was admitted to membership in the United Nations at the following (thirty-second) session, at which point it ceased to be considered under Article 73.

(iii) *Guam*

315. In addition to addressing the question of military bases in Guam in a general sense, through its consolidated resolutions on small Territories³⁷⁴ and through its resolutions on the implementation of the Declaration,³⁷⁵ the General Assembly, at its thirty-first and thirty-third sessions, addressed the question through specific resolutions relating to Guam alone.

316. At its thirty-first session, the Fourth Committee debated a draft resolution³⁷⁶ in the fifth preambular paragraph of which the General Assembly would deplore the administering Power's policy of continuing to maintain military installations on Guam in contravention to previous resolutions of the Assembly. In operative paragraph 5 of the draft, the Assembly would strongly deprecate the establishment of military installations on Guam as being incompatible with the purposes and principles of the Charter of the United Nations.

317. The administering Power objected to the paragraphs, stating that although the Special Committee had a legitimate interest in promoting self-determination in Non-Self-Governing Territories, its competence did not extend to

questioning the legitimacy of bases on those Territories. Furthermore, the presence of such bases was consistent with the Charter of the United Nations, which recognized the right of self-defence and in no way qualified the authority of an administering Power to set up bases in Territories under its control.³⁷⁷ The position of the administering Power was reaffirmed by several delegations.³⁷⁸

318. Some delegations, however, supported the gravamen of the draft resolution, arguing that the existence of military bases belonging to the administering Power ran counter to the interests of the inhabitants of the Territory and impeded their right to self-determination and independence.³⁷⁹

319. During the debates at the thirty-third session, the administering Power continued to object to draft resolutions in which the General Assembly would condemn the presence of military bases on Guam and declared itself to be proud of the progress it had made in moving the Territory steadily towards full self-government under the provisions of Article 73 and in cooperation with its inhabitants. It further stated that it would continue such efforts in accordance with the principles of self-determination and self-government, which it fully supported.³⁸⁰ Another delegation, however, noted that it wished to reaffirm its opposition to the establishment of foreign military bases in colonial and Non-Self-Governing Territories and assert its hope that such bases would be withdrawn.³⁸¹

320. The representative of the Netherlands, speaking on behalf of the European Economic Community (EEC), rejected the provisions regarding the withdrawal of military bases on the grounds that the countries of EEC did not consider the presence of military bases held by administering Powers in Non-Self-Governing Territories to be an obstacle to the exercise of the right to self-determination by the populations of those Territories.³⁸²

Decision

321. The General Assembly, by its resolution 31/58, adopted by 61 votes to 22, with 42 abstentions, strongly deprecated the establishment of military installations on Guam as being incompatible with the purposes and principles of the Charter of the United Nations and of the Declaration on decolonization. By its resolution 32/28, the Assembly reaffirmed "its strong conviction that the presence of United States bases on Guam should not prevent the people of the Territory from freely exercising their right to self-determination in accordance with the Declaration and the purposes and principles of the Charter of the United Nations". And by its resolution 33/33, the Assembly noted that the administering Power continued to maintain military installations in the Territory despite the previous resolutions of the Assembly. Furthermore, in recalling its previous resolutions concerning military bases in colonial and Non-

³⁷²Ibid., para. 72.

³⁷³Ibid., Gabon, para. 79; *ibid.*, 33rd mtg., Upper Volta, para. 7; Portugal, para. 10.

³⁷⁴G A resolutions 2709 (XXV), 2869 (XXVI), 2984 (XXVII), 3156 (XXVIII), 3290 (XXIX) and 3429 (XXX).

³⁷⁵G A resolutions 2708 (XXV), 2878 (XXVI), 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44.

³⁷⁶A/C.4/31/L.26.

³⁷⁷G A (31), 4th Comm., 32nd mtg., United States, paras. 44, 45 and 47.

³⁷⁸Ibid., Australia, para. 51; Iran, para. 54; Portugal, para. 55.

³⁷⁹Ibid., 32nd mtg., Bulgaria, para. 58.

³⁸⁰G A (33), 4th Comm., 26th mtg., United States, para. 10.

³⁸¹Ibid., 33rd mtg., China, para. 8.

³⁸²Ibid., para. 3; see also Barbados, para. 2.

Self-Governing Territories, the Assembly affirmed that the presence of military bases could constitute a factor impeding the implementation of the Declaration on decolonization, and reaffirmed its strong conviction that the presence of military bases in Guam should not prevent the people of the Territory from exercising their inalienable right to self-determination and independence in accordance with the Declaration and the purposes and principles of the Charter of the United Nations.

322. Notwithstanding the reservations expressed by the administering Power and some other delegations, as described above, resolutions 32/28 and 33/33 were both adopted³⁸³ unanimously by the General Assembly.

(iv) *Belize*

323. In its consideration of the Territory of Belize, the General Assembly raised some general questions regarding the military activities of administering Powers in the Territories under their responsibility. While no formal decisions were taken on the matter, discussion of the effects of military activities occurred in the debates. As those discussions were tightly intertwined with, inter alia, the questions of self-determination and territorial integrity, they are dealt with elsewhere in the present study in greater detail.

324. Nonetheless, it should be noted that during the debate in the Fourth Committee on the question of Belize, a draft resolution³⁸⁴ was submitted whereby the General Assembly would note its deep concern at the recent movement of Guatemalan forces in the area near the Territory and would call upon the Government of Guatemala to desist from all actions which might threaten the territorial integrity and national unity of Belize. The draft was withdrawn on behalf of its sponsors. At the same time, as discussed above (see para. 271), the administering Power had increased its garrison strength within the Territory without provoking any action by the General Assembly.

D. Article 73d

1. INTRODUCTION

325. Under Article 73d, the administering Powers of Non-Self-Governing Territories accepted as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of the Territories and, to that end, to promote constructive measures of development, to encourage research and to cooperate with one another and, when and where appropriate, to cooperate with the specialized agencies with a view to the practical achievement of the social, economic and scientific purposes set forth in Article 73 of the Charter of the United Nations. As described in the previous *Repertory* study,³⁸⁵ General Assembly practices under this heading came to focus nearly exclusively on colonial questions in southern Africa. This remained true in the current period under review, even after

³⁸³G A (32), Plen., 83rd mtg., para. 89, and G A (33), Plen., 81st mtg., para. 90.

³⁸⁴A/C.4/L.1101.

³⁸⁵*Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 429-469.

the liberation of the southern African Territories that had been under Portuguese administration.

326. By the end of the previous review period, the General Assembly had established two means by which to bring the activities of the specialized agencies in line with the Charter of the United Nations as amplified by the Declaration on decolonization. They were, on the one hand, to deny assistance to countries which perpetuated colonialism, particularly in southern Africa, and on the other hand, to provide assistance to peoples still suffering under colonialism and to refugees who had been forced from their Territories as a result of colonialism. During the period under review, the Special Committee on decolonization continued to report on efforts by the specialized agencies and international institutions to assist colonial peoples and national liberation movements.³⁸⁶

2. IMPLEMENTATION OF THE DECLARATION ON DECOLONIZATION BY THE SPECIALIZED AGENCIES AND INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS

327. The Fourth Committee continued to consider as a separate agenda item the question of the implementation of the Declaration on decolonization by the specialized agencies and international institutions associated with the United Nations. Though lines of debate were drawn more or less as they had been during previous discussions on the same question,³⁸⁷ the draft³⁸⁸ submitted to the Fourth Committee at the twenty-fifth session contained provisions that had not been present in previous resolutions.³⁸⁹

328. In general, the language of the draft's operative paragraphs was stronger than that of previous resolutions; where previous resolutions "recommended", the draft in question "urged". More significantly, there were specific measures contained in the draft that presaged a more exigent set of practices. Under operative paragraph 4, the General Assembly would affirm for the first time that the recognition by the General Assembly,³⁹⁰ the Security Council and other United Nations bodies of the legitimacy of the struggle of colonial peoples to achieve freedom and independence entailed, as a corollary, the extension by the United Nations system of organizations of all the necessary moral and material assistance to the national liberation movements of those Territories.

329. Under operative paragraph 9 of the draft, the General Assembly would urge the specialized agencies and other organizations within the United Nations systems, in particular the World Bank and the International Monetary

³⁸⁶G A (25), Suppl. No. 23, vol. I, chap. IV; G A (26), Suppl. No. 23, vol. I, chap. III; G A (27), Suppl. No. 23, vol. II, chap. VII; G A (28), Suppl. No. 23, vol. II, chap. VI; G A (29), Suppl. No. 23, vol. II, chap. VI; G A (30), Suppl. No. 23, vol. I, chap. VII; G A (31), Suppl. No. 23, vol. I, chap. VI; G A (32), Suppl. No. 23, vol. I, chap. VI; G A (33), Suppl. No. 23, vol. I, chap. VI.

³⁸⁷See, for example, *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 433-436.

³⁸⁸A/C.4/L.975.

³⁸⁹See, for example, G A resolution 2548 (XXIV).

³⁹⁰See G A resolution 2105 (XX), and *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 175-179.

Fund, to take all the necessary steps to withhold financial, economic, technical and other assistance from the Governments of Portugal and South Africa until they renounced their policies of racial discrimination and colonial domination (see paras. 338-342 below for the treatment of this provision).

330. Under operative paragraph 10, the General Assembly would invite the specialized agencies to examine, in consultation with the Organization of African Unity, the possibility of providing for the participation, in an appropriate capacity, in conferences, seminars and other regional meetings they might convene of the leaders of the national liberation movements in the Territories in Africa.

331. During the debate on the draft resolution, one delegate said that operative paragraph 7 of the draft went beyond earlier resolutions by referring to a number of specialized agencies by name and by attempting to superimpose certain interpretations of Security Council resolutions³⁹¹ which, he argued, had not been generally accepted at the time of adoption of the resolutions.³⁹² (In a resolution adopted at the previous session, resolution 2555 (XXIV), the General Assembly did name the specialized agencies in question;³⁹³ however it did not link them specifically to any Security Council resolutions; the resolutions³⁹⁴ referred to by the delegate had in fact been adopted during the twenty-fifth session.) Most of the reservations expressed in relation to the draft,³⁹⁵ however, revealed a general concern for the integrity of the constitutions of the specialized agencies, rather than more specific disagreements with the novel measures described above.

332. The Fourth Committee adopted the draft resolution by 71 votes to 4, with 18 abstentions, but reservations were expressed by several delegations³⁹⁶ regarding, in particular, operative paragraphs 3, 8 and 9, by which the General Assembly would urge the specialized agencies to provide assistance to national liberation movements and to discontinue all collaboration with the Governments of Portugal and South Africa and the illegal racist minority regime in Southern Rhodesia and to withhold financial, economic, technical and other assistance from those Governments until they renounced their policies of racial discrimination and colonial domination. Throughout the period under review, some delegates continued to voice concerns that the politicization of technical assistance,

resulting from such measures, would reduce the effectiveness of that assistance.³⁹⁷

Decision

333. The draft resolution submitted by the Fourth Committee was adopted in the plenary without amendment by 83 votes to 4, with 21 abstentions, as General Assembly resolution 2704 (XXV). Its provisions were subsequently reiterated by the Assembly in its resolution 2874 (XXVI), adopted by 93 votes to 4, with 27 abstentions. By its resolution 2980 (XXVII), adopted by 98 votes to 4, with 24 abstentions, the Assembly once again reiterated those provisions and, in paragraph 7, requested the specialized agencies to ensure that colonial Territories were represented by their national liberation movements when the agencies addressed matters pertaining to those Territories (see paras. 349-350 below). In paragraph 8, the Assembly recommended that all Governments should intensify their efforts in the specialized agencies of which they were members to ensure the effective implementation of the Declaration.

334. By its resolution 3118 (XXVIII), adopted³⁹⁸ by 108 votes to 4, with 17 abstentions, the General Assembly reiterated its previous resolutions on the question, and in paragraph 4 (a) to (d) recommended specific actions to be taken by several different institutions associated with the United Nations. By its resolution 3300 (XXIX), adopted by consensus, the Assembly reiterated the provisions of previous resolutions except those of paragraph 4 of resolution 3118 (XXVIII), which were not restated because they had largely been complied with,³⁹⁹ and drew the attention of the specialized agencies to the positive steps towards decolonization taken by the new Government of Portugal, which had enabled those institutions to resume cooperation with that country. The provisions were further reiterated by the Assembly in resolution 3421 (XXX), adopted by 124 votes to none, with 4 abstentions, and in resolution 31/30, adopted by 120 votes to none, with 5 abstentions. In both resolutions the Assembly regretted the non-compliance of the International Bank for Reconstruction and Development (IBRD) with previous resolutions of the Assembly. These statements of regret were reiterated in resolution 32/36, adopted by 139 to none, with 4 abstentions, and in resolution 33/41, adopted by 133 votes to none, with 8 abstentions.

335. Throughout the period under review, some resolutions on the agenda item entitled "Implementation of the Declaration of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations" were also adopted by the Economic and Social Council. At the forty-ninth session of the Council (corresponding to the twenty-

³⁹¹ S C resolutions 277 (1970) and 283 (1970) pertaining to Southern Rhodesia and Namibia respectively.

³⁹² G A (25), 4th Comm., 1916th mtg., para. 10.

³⁹³ International Civil Aviation Organization, International Telecommunication Union, Universal Postal Union and Inter-Governmental Maritime Consultative Organization.

³⁹⁴ S C resolutions 277 (1970) and 283 (1970).

³⁹⁵ G A (25), 4th Comm., 1916th mtg., Greece, para. 6; Argentina, para. 7; United Kingdom, para. 9; South Africa, para. 11.

³⁹⁶ Ibid., Turkey, para. 14; Madagascar, para. 18; Ireland, para. 20; Mexico, para. 21; Uruguay, para. 22; Guatemala, para. 23.

³⁹⁷ See, for example, G A (28), 4th Comm., 2075th mtg., Greece, para. 29; G A (31), 4th Comm., 25th mtg., United States, para. 76; and G A (33), 4th Comm., 33rd mtg., Uruguay, paras. 87 and 88.

³⁹⁸ G A (29), Plen., 2318th mtg., para. 156.

³⁹⁹ G A (29), Suppl. No. 23, vol. II, chap. VI, annex I, paras. 6-8.

fifth session of the General Assembly), in its resolution on the question the Council took note of the report of its President and drew the attention of the Special Committee on decolonization to the relevant decisions taken in the Council. At the fifty-third session of the Council (corresponding to the twenty-seventh session of the Assembly), in its resolution on the question the Council reaffirmed the provision in paragraph 12 of General Assembly resolution 2874 (XXVI) that the Chairman of the Special Committee on decolonization and the President of the Economic and Social Council should hold consultations on the question. By the sixty-seventh session of the Council (twenty-ninth session of the Assembly), the relevant resolution of the Council, began to mirror in substance and in form the resolutions of the General Assembly described in this section. The relevant resolutions of the Council were: 1534 (XLIX), 1651 (LI), 1720 (LIII), 1804 (LV), 1892 (LVII), 1978 (LIX) and 2101 (LXIII).

336. The above-mentioned consultations between the Chairman of the Special Committee and the President of the Economic and Social Council were held in compliance with the relevant resolutions of the General Assembly and the Economic and Social Council, and a report on them was issued annually by the Chairman of the Special Committee.⁴⁰⁰ During the twenty-eighth session, the Special Committee decided⁴⁰¹ to send a mission to hold consultations with the International Labour Organization (ILO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP) regarding the compliance of those specialized agencies with the resolutions discussed in this section. A report on the mission, which included recommendations on ways to increase compliance with General Assembly resolutions, was subsequently issued.⁴⁰²

337. Insofar as the actual compliance by the specialized agencies with General Assembly resolutions that guided or restricted their activities is of interest, it should be noted that this compliance greatly increased throughout the period under review. The Special Committee repeatedly praised, in particular, FAO, ILO, UNESCO and the Office of the United Nations High Commissioner for Refugees (UNHCR), for their positive responses to General Assembly resolutions. At the thirtieth session, a Working Group on the question noted, in general terms, "that an increasing number of specialized agencies and international institutions associated with the United Nations are directing their attention and efforts towards implementing the relevant United Nations resolutions on decolonization, in particular resolution 3300

(XXIX)".⁴⁰³ Compliance was also monitored by the Secretary-General, who sent out annual letters to the relevant agencies requesting that they report on their efforts to implement the resolutions. Throughout the period under review, the Secretary-General prepared annual reports⁴⁰⁴ summarizing and enclosing the responses of the specialized agencies.

3. WITHHOLDING OF ASSISTANCE FROM COLONIAL POWERS BY THE SPECIALIZED AGENCIES AND INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS

338. As noted in the previous *Supplement*,⁴⁰⁵ prior to the period under review, the General Assembly had established a practice of requesting specialized agencies and institutions associated with the United Nations to withhold assistance from the Governments of South Africa, Portugal and the illegal racist regime in Southern Rhodesia.

339. A significant departure from previous practice occurred during the twenty-eighth session, when the Special Committee submitted to the Fourth Committee for its consideration a draft resolution⁴⁰⁶ on the question of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations. According to the sponsors, the draft emphasized, more than the General Assembly had previously done, the need to withhold any assistance from the racist and colonial regimes in southern Africa, which they considered to be inseparable from the question of the implementation of the Declaration.⁴⁰⁷ By adopting the draft resolution, the Assembly would urge the specialized agencies and related institutions to take all necessary measures to withhold any financial, economic, technical or other assistance from the Governments of Portugal, South Africa, and the illegal regime in Southern Rhodesia, to discontinue all kinds of support to them until they renounced their policies of racial discrimination and colonial oppression, and to refrain from taking any action which might imply recognition of the legitimacy of those regimes' colonial and alien domination of the Territories concerned. The Fourth Committee adopted the draft resolution by 99 votes to 4, with 16 abstentions. (The draft was subsequently adopted by the Assembly (resolution 3118 (XXVIII); see para. 341 below).)

340. Throughout the period under review, the General Assembly continued to urge the organizations to discontinue all collaboration with the Governments of Portugal and South Africa until those countries renounced their racist and

⁴⁰⁰ G A (26), Suppl. No. 23, vol. I, chap. III, annex; G A (27), Suppl. No. 23, vol. II, chap. VII, annex; G A (28), Suppl. No. 23, vol. II, chap. VI, annex; G A (29), Suppl. No. 23, vol. II, chap. VI, annex I; G A (30), Suppl. No. 23, vol. I, chap. II, annex I; G A (31), Suppl. No. 23, vol. I, chap. VII, annex I; G A (32), Suppl. No. 23, vol. I, chap. VI, annex I; and G A (33), Suppl. No. 23, vol. I, chap. VI, annex I.

⁴⁰¹ See A/AC.109/PV.912.

⁴⁰² A/AC.109/L.897.

⁴⁰³ A/AC.109/L.1054 and Add.1, para. 41.

⁴⁰⁴ A/AC.109/353 and Add.1, A/8314 and Add.1-6, A/8647 and Add.1, A/9051 and Add.1-5, A/9638 and Add.1-5, A/10080 and Add.1-4, A/31/65 and Add.1-5, A/32/87 and Add.1-3 and A/33/109 and Add.1-3.

⁴⁰⁵ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 433-454.

⁴⁰⁶ A/C.4/L.1042.

⁴⁰⁷ G A (28), 4th Comm., 2069th mtg., Bulgaria, para. 32.

discriminatory policies. As they had done previously,⁴⁰⁸ IBRD and IMF continued to respond that both their constitutions and the statute governing their relationship to the United Nations prohibited the inclusion of political considerations in their lending decisions. Beginning in the thirty-first session, wording that specifically deplored the failure of IBRD and IMF to comply with the resolutions of the General Assembly was introduced in draft resolutions. During the debates on the question in the Fourth Committee, several Governments, which indicated that they strongly supported the broad goals of the relevant draft resolutions, under consideration, continued to express serious reservations regarding the increasingly severe condemnation of IBRD and IMF by the General Assembly.⁴⁰⁹

Decision

341. At the twenty-fifth session, the General Assembly, by its resolution 2704 (XXV), urged the specialized agencies to discontinue all collaboration with the Governments of Portugal and South Africa, and with the illegal regime of Southern Rhodesia. In paragraph 9, the Assembly urged IBRD and IMF, in particular, to take all necessary steps to withhold financial, economic, technical and other assistance from those Governments until they renounced their policies of racial discrimination. The Assembly reiterated these provisions in its resolutions 2874 (XXVI) and 2980 (XXVII). By its resolution 3118 (XXVIII), adopted⁴¹⁰ by 108 votes to 4, with 17 abstentions (see also para. 339 above), the General Assembly, as in previous resolutions, urged the specialized agencies and other organizations within the United Nations system, without specifically mentioning IMF or IBRD as it had done in previous resolutions, to take all necessary measures to withhold assistance and in addition to refrain from taking any action which might imply recognition of the legitimacy of those regimes' colonial and alien domination of the Territories concerned. This was reiterated in resolutions 3300 (XXIX), 3421 (XXX), 31/30, 32/36 and 33/41, though following the adoption of resolution 3300 (XXIX), no further reference to Portugal was made, as that country's Government had begun, in 1975, to comply with the relevant resolutions.

342. The General Assembly, in paragraph 5 of its resolution 31/30, regretted that the World Bank and IMF had not yet taken the necessary measures towards the full and

speedy implementation of the Declaration and other relevant resolutions of the General Assembly. By its resolution 32/36, the Assembly reiterated this expression of regret with regard to the World Bank and IMF, and in addition, deplored the fact that those agencies continued to maintain cooperation with the colonialist racist minority regime of South Africa and urged the executive heads of those agencies to draw the particular attention of their governing organs to the resolution with a view to formulating specific programmes beneficial to the peoples of the colonial Territories, particularly Zimbabwe and Namibia. Both expressions were reiterated by the Assembly in its resolution 33/41.

4. ASSISTANCE TO COLONIAL PEOPLES AND NATIONAL LIBERATION MOVEMENTS BY THE SPECIALIZED AGENCIES AND INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS AND THE IMPLEMENTATION OF THE DECLARATION

(a) *The provision of material and moral assistance to national liberation movements*

343. During the period under review, the General Assembly continued to request the specialized agencies and other institutions associated with the United Nations to provide material and moral assistance to national liberation movements in Southern Rhodesia, Namibia and the Territories under Portuguese administration in their struggle for self-determination. In support of those measures, it was argued that the recognition by the General Assembly, the Security Council and other United Nations bodies of the legitimacy of the struggle of national liberation movements for self-determination entailed, as a corollary, the provision by the United Nations organizations of all the necessary moral and material assistance to those movements. Romania suggested that such support should take the form of specific measures in order to give more concrete recognition of that legitimacy.⁴¹¹ In reply, it was argued that such measures were an unwarranted intrusion on the mandates of the organizations in question.⁴¹² This was rebutted by a delegate who pointed out that Chapter IX⁴¹³ of the Charter of the United Nations gave the Assembly the power to coordinate the activities of specialized agencies by making recommendations to them.⁴¹⁴

344. During the twenty-fifth session, a delegate who opposed the draft resolution⁴¹⁵ on the question noted that the draft would require technical bodies to take into account the political criteria of the United Nations in their programmatic decisions and not the technical criteria required by their own constitutions. In some cases, the delegate noted, this change of practice would actually violate their own constitutions. Furthermore, in cases where specialized agencies were

⁴⁰⁸ *Repertory, Supplement No. 4*, vol. II, under Article 73, para. 444.

⁴⁰⁹ G A (31), 4th Comm., 25th mtg., Belgium, para. 69; United Kingdom, para. 78; Australia, para. 85; Federal Republic of Germany, para. 86; G A (32), 4th Comm., 20th mtg., Australia, para. 35; Liberia, para. 38; Colombia, para. 40; Ivory Coast, para. 41; New Zealand, para. 47; Austria, para. 48; United States of America, para. 49; Chile, para. 51; Portugal, para. 52; Italy, para. 53; Belgium, para. 55; Japan, para. 57; United Kingdom, para. 58; Canada, para. 59; Greece, para. 60; Federal Republic of Germany, para. 61; G A (33), 4th Comm., 33rd mtg., Portugal, para. 79; Federal Republic of Germany (on behalf of the European Economic Community), para. 80; Austria, para. 81; Ivory Coast, para. 85; Uruguay, paras. 87-88; United States of America, para. 94; Japan, para. 95; Finland, para. 97; Canada, para. 98; Australia, para. 99; New Zealand, para. 100.

⁴¹⁰ G A (28), Plen., 2198th mtg., para. 87.

⁴¹¹ G A (25), 4th Comm., 1916th mtg., Romania, para. 3; para. 9, United Kingdom; para. 11, South Africa.

⁴¹² See, for example, G A (27), 4th Comm., 2015th mtg., Greece, para. 21.

⁴¹³ Chapter IX, Article 58, reads: "The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies."

⁴¹⁴ G A (29), 4th Comm., 2127th mtg., para. 10.

⁴¹⁵ A/C.4/L.975.

requested to assist national liberation movements which openly espoused the use of force, the General Assembly would be in contravention of the Charter both by supporting these groups and by urging the technical organs to do so as well.⁴¹⁶ It was also asserted that previous decisions to assist those movements, and compliance with the decisions by the specialized agencies, had resulted in cutbacks in assistance to Non-Self-Governing Territories where there were no national movements. It was argued that more attention should be paid to those Territories.⁴¹⁷

345. One delegate wished to make clear that his Government understood the term "material assistance" as contained in the text of the draft to mean measures of a primarily humanitarian nature.⁴¹⁸ Another delegate supported the measure to assist national liberation movements on the understanding, restated throughout the period under review, that the reference to "material assistance" must not be interpreted as armed assistance of any kind.⁴¹⁹

Decision

346. The General Assembly, by its resolution 2704 (XXV), reiterated its urgent appeal to the specialized agencies and the other organizations within the United Nations system to render all possible moral and material assistance to peoples struggling against colonial rule. It requested them to work in active cooperation with the Organization of African Unity and the national liberation movements to formulate concrete programmes for assisting the peoples of Southern Rhodesia, Namibia and the Territories under Portuguese administration, including the populations in the liberated areas of those Territories. Those provisions were reiterated by the Assembly in its resolutions 2874 (XXVI), 2980 (XXVII), 3118 (XXVIII), 3300 (XXIX), 3421 (XXX), 31/30, 32/36 and 33/41.

347. By its resolution 2652 (XXV), the General Assembly called upon specialized agencies in cooperation with OAU to extend all moral and material assistance to the national liberation movements of Zimbabwe. The provision was reiterated by the Assembly in its resolutions 2765 (XXVI) and 2945 (XXVII). By its resolution 3115 (XXVIII), the Assembly requested all States, directly or through specialized agencies, to extend to the people of Zimbabwe, through their national liberation movements, all moral, material, political and humanitarian assistance. The request was reiterated in resolutions 3297 (XXIX), 3396 (XXX), 31/154 A, 32/116 A and 33/38 A.

348. By its resolution 2707 (XXV), the General Assembly invited all States and specialized agencies, in cooperation with OAU, to render to the peoples of the Territories under Portuguese domination the financial and material assistance necessary to continue their struggle to restore their

inalienable rights to self-determination. The provisions of the resolution were reiterated in resolutions 2795 (XXVI), 2918 (XXVII) and 3113 (XXVIII). By its resolution 3294 (XXIX), the Assembly noted the planned independence of Territories under Portuguese administration, and appealed to the specialized agencies and other institutions associated with the United Nations to render to the peoples of those Territories all moral and material assistance towards the achievement of their national independence and the reconstruction of their countries.

(b) Representation of the leaders of national liberation movements in the work of the specialized agencies

349. During the twenty-seventh session of the General Assembly, a draft resolution⁴²⁰ was submitted to the Fourth Committee under which, according to one of its sponsors,⁴²¹ the Assembly would take into account certain recent developments regarding the process of decolonization, including the decision of the Fourth Committee (see paras. 415-416 below) to confer observer status upon the representatives of the African national liberation movements. In operative paragraph 7 of the draft the Assembly would request the specialized agencies and other organizations of the United Nations system, in consultation with the Organization of African Unity, to ensure the representation of the colonial Territories in Africa by the national liberation movements concerned, in an appropriate capacity, when dealing with matters pertaining to those Territories. Another delegate noted, in support of the provision, that the specialized agencies were not being asked to do anything that was impossible or beyond their spheres of competence.⁴²² Otherwise, there was little noteworthy debate on the provision and the Fourth Committee adopted the draft resolution by 85 votes to 4, with 23 abstentions.

350. The General Assembly adopted⁴²³ the draft resolution recommended by the Fourth Committee by 98 votes to 4, with 24 abstentions, as resolution 2980 (XXVII).

5. ASSISTANCE TO REFUGEES FROM COLONIAL COUNTRIES

351. During the period under review, the General Assembly continued to request that assistance be rendered to refugees from colonial Territories. Aside from requests to increase the amount of assistance, no new issues were raised or new practices established regarding the question.

Decision

352. The General Assembly, by its resolution 2704 (XXV), requested the International Bank for Reconstruction and Development and the United Nations Development Programme to increase the scope of their assistance to refugees from colonial Territories. The request was reiterated by the Assembly in its resolutions 2874 (XXVI), 2980

⁴¹⁶G A (25), 4th Comm., 1916th mtg., United Kingdom, para. 9; South Africa, paras. 11 and 12.

⁴¹⁷G A (31), 4th Comm., 25th mtg., United Kingdom, para. 78.

⁴¹⁸G A (28), 4th Comm., 2075th mtg., Venezuela, para. 27.

⁴¹⁹G A (30), 4th Comm., 2174th mtg., Japan, para. 2; G A (31), 4th Comm., 25th mtg., Japan, para. 77; G A (32), 4th Comm., 20th mtg., Japan, para. 57.

⁴²⁰A/C.4/L.1021.

⁴²¹G A (27), 4th Comm., 1975th mtg., Bulgaria, para. 42.

⁴²²Ibid., United Republic of Tanzania, para. 59.

⁴²³G A (28), Plen., 2110th mtg., para. 33.

(XXVII), 3118 (XXVIII), 3300 (XXIX), 3421 (XXX) and 31/30.

E. Article 73e

1. TRANSMISSION OF INFORMATION UNDER ARTICLE 73E

353. Under the terms of Article 73e, Member States that administer Non-Self-Governing Territories have accepted as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of those Territories and, to that end, to transmit regularly to the Secretary-General, subject to such limitations 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 responsible.

354. Over the years, the General Assembly has established practices that have expanded both the scope of the information requested and the manner in which it may be obtained. Consequently, as in the previous *Supplement*,⁴²⁴ this section addresses such questions as the provision of information on military activities and constitutional and political advancement, as well as issues concerning the hearing of petitioners from colonial Territories and the dispatching of visiting missions to them.

(a) *Enumeration of the Territories on which information is transmitted under Article 73e*

355. The previous *Repertory*⁴²⁵ described a practice adopted in 1946 by which the Secretary-General addressed letters to new Member States requesting them to enumerate any Territories under their administration whose people had not yet attained a full measure of self-government. There was no evidence in the Official Records that this practice was continued. No new Territories, however, were placed on the list.⁴²⁶ On the contrary, during the reporting period the United Nations admitted a sizeable number of new Members.

356. During the period under review, 18 Territories were removed from the agenda of the Special Committee as a result of their having exercised their right of self-determination and achieved self-government, as decided by the General Assembly. They were: Fiji (independence, 1970), Oman (independence, 1971), Bahamas (independence, 1973), Grenada, Guinea-Bissau (independence, 1974), Niue (free association with New

Zealand, 1974⁴²⁷), Cape Verde, Comoros, Mozambique, Papua New Guinea, Sao Tome and Principe (independence, 1975), Angola, Samoa, Seychelles (independence, 1976), Djibouti (independence, 1977), Dominica, Solomon Islands and Tuvalu (independence, 1978).

357. During the reporting period, two Territories, Hong Kong and Macao, were removed from the list by decision of the General Assembly, upon the recommendation of the Special Committee. The recommendation had been made on the basis of a letter⁴²⁸ from the Government of China addressed to the Chairman of the Special Committee, dated 8 March 1972 which stated, *inter alia*, that:

"Hong Kong and Macau are part of Chinese territory occupied by the British and Portuguese authorities. The settlement of the questions of Hong Kong and Macau is entirely within China's sovereign right and does not at all fall under the ordinary category of 'colonial Territories'. Consequently, they should not be included in the list of colonial Territories covered by the Declaration on the Granting of Independence to Colonial Countries and Peoples. With regard to the questions of Hong Kong and Macau, the Chinese Government has consistently held that they should be settled in an appropriate way when conditions are ripe. The United Nations has no right to discuss these questions. For the above reasons, the Chinese delegation is opposed to including Hong Kong and Macau in the list of colonial Territories covered by the Declaration and requests that the erroneous wording that Hong Kong and Macau fall under the category of so-called 'colonial Territories' be immediately removed from the documents of the Special Committee and all other United Nations documents".⁴²⁹

358. After considering this communication, the Special Committee on decolonization recommended to the General Assembly that the Territories of Hong Kong and Macao should be excluded from the list of Territories to which the Declaration was applicable.⁴³⁰ Against certain reservations⁴³¹ to the recommendation on the grounds that the Territories remained Non-Self-Governing, it was argued that the Power which could validly claim to administer the Territories had the absolute right to request the United Nations to remove them from its agenda.⁴³² The General Assembly, by its resolution 2908 (XXVII), approved the report of the Special Committee on decolonization that included the recommendation regarding the two Territories. Given that decision, on 14 December 1972, the United Kingdom informed the Secretary-General that no useful practical purpose could be served by continuing to send information under Article 73e of the Charter of the United Nations regarding Hong Kong and that the action of the

⁴²⁴*Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 470-612.

⁴²⁵*Ibid.*, para. 471.

⁴²⁶Twenty-four new Members joined the Organization in the period under review: 1970: Fiji, 1971: Bahrain, Bhutan, Oman, United Arab Emirates; 1973: Bahamas, German Democratic Republic, Germany, Federal Republic of; 1974: Bangladesh, Grenada, Guinea-Bissau; 1975: Cape Verde, Comoros, Mozambique, Papua New Guinea, Sao Tome and Principe, Suriname; 1976: Angola, Samoa, Seychelles; 1977: Djibouti, Viet Nam; 1978: Dominica, Solomon Islands. See also the present *Supplement*, vol. I, under Article 4.

⁴²⁷G A resolution 3285 (XXIX), operative para. 6, specifically relieves New Zealand of its Article 73e obligations with regard to Niue.

⁴²⁸G A (27), Suppl. No. 23, vol. I, chap. I, annex I.

⁴²⁹*Ibid.*

⁴³⁰*Ibid.*, para. 73; see also A/AC.109/L.795.

⁴³¹A/AC.109/PV.873, Venezuela, p. 16; Fiji, p. 17; and Sweden, p. 17.

⁴³²*Ibid.*, Mali, p. 17.

General Assembly in no way affected the legal status of Hong Kong.⁴³³

359. During the period under review, one Territory was added to the list. In 1972, the Special Committee recommended⁴³⁴ to the General Assembly that the Comoro Archipelago should be included in the list of Territories under its consideration⁴³⁵ (see paras. 424-429 below). The Territory had formerly been considered a Non-Self-Governing Territory, and its administering Power, France, had transmitted information under Article 73e up until 1957.⁴³⁶ Given that the administering Power, however, refused to recognize the Assembly's decision of 1972 and therefore did not transmit information on the Territory, from the twenty-eighth to the thirtieth sessions, the Special Committee considered conditions in the Territory based on working papers prepared by the Secretariat. The General Assembly ceased consideration of the Territory after the thirtieth session, when it attained independence.

360. Following a referendum in the Gilbert and Ellice Islands in 1974 that was observed by a United Nations visiting mission (see para. 395 below) and declared free and fair,⁴³⁷ the Territory was split into the Gilbert Islands and Tuvalu, effective 1 October 1975. Thereafter, the Territories were considered separately by the Special Committee.⁴³⁸ Tuvalu became independent on 3 October 1978 and the Assembly ceased to consider it under Article 73.

(b) *Nature and form of information transmitted under Article 73e*

361. During the period under review, the Secretary-General continued to report to the General Assembly on the information he had received under Article 73e. The Secretary-General noted the transmission of information by Australia, France, New Zealand, Spain, the United Kingdom and the United States. This information generally followed the standard form approved by the General Assembly and included information on geography, history and population, as well as on economic, social and educational conditions. The Secretary-General further noted that information of a political and constitutional nature had been provided in some cases and that some administering Powers had provided additional information during the Special Committee sessions (see paras. 364 and 365 below).⁴³⁹

362. Beginning in the thirtieth session, the Secretary-General noted that he had received information from

⁴³³ A/8989.

⁴³⁴ A/AC.109/PV.887. Note the reservations recorded by Sweden and Ivory Coast.

⁴³⁵ G A (27), Suppl. No. 23, vol. I, chap. I, paras. 74-77.

⁴³⁶ Ibid., annex II.

⁴³⁷ G A (29), Suppl. No. 23, vol. V, chap. XXI, annex I.

⁴³⁸ G A (31), Suppl. No. 23, vol. I, chap. III, footnote 1.

⁴³⁹ G A (25), Suppl. No. 23, vol. IV, chap. XXI, annex; G A (26), Suppl. No. 23, vol. IV, chap. XXVII, annex; G A (27), Suppl. No. 23, vol. V, chap. XXVII, annex; G A (28), Suppl. No. 23, vol. V, chap. XXIX, annex; G A (29), Suppl. No. 23, vol. V, chap. XXIX, annex; G A (30), Suppl. No. 23, vol. IV, chap. XXXII, annex; G A (31), Suppl. No. 23, vol. IV, chap. XXXII, annex; G A (32), Suppl. No. 23, vol. IV, chap. XXXII, annex; G A (33), Suppl. No. 23, vol. IV, chap. XXXIII, annex.

Portugal regarding the Territories under its administration, which had not been the case in previous periods under review. The Government of Portugal also provided additional information during the meetings of the Special Committee.⁴⁴⁰

Decision

363. The General Assembly maintained its practice⁴⁴¹ of requesting the administering Powers to transmit, or continue to transmit, to the Secretary-General the information prescribed in Article 73e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories. That request was reiterated by the Assembly in its resolutions 2701 (XXV), 2870 (XXVI), 2978 (XXVII), 3293 (XXIX), 3420 (XXX), 31/29, 32/33 and 33/37.

(c) *The question of transmission of information concerning political and constitutional developments*

364. As previously reported,⁴⁴² some administering Powers had voluntarily transmitted to the Secretary-General information on political and constitutional developments in Territories under their administration. During the period under review, the Secretary-General reported that Australia, France, New Zealand, Spain, the United Kingdom and the United States continued to provide information on political and constitutional developments in their annual reports on some of their Territories. Those administering Powers also gave additional information on such developments during the meetings of the Special Committee, which examined the information transmitted under Article 73e of the Charter in accordance with General Assembly resolutions 1654 (XVI), 1810 (XVII) and 1970 (XVIII).⁴⁴³

365. The General Assembly, by its resolutions 2701 (XXV), 2870 (XXVI), 2978 (XXVII), 3293 (XXIX), 3420 (XXX), 31/29, 32/33 and 33/37, requested the administering Powers to continue to transmit to the Secretary-General the information required by Article 73e of the Charter as well as the fullest possible information on political and constitutional developments in the Territories concerned.

2. EXAMINATION OF INFORMATION TRANSMITTED UNDER ARTICLE 73E

(a) *The Special Committee and its composition*

366. As has been reported,⁴⁴⁴ the General Assembly, by its resolution 1654 (XVI), had established a Special Committee on the situation with regard to the implementation of the Declaration on decolonization

⁴⁴⁰ G A (30), Suppl. No. 23, vol. IV, chap. XXXII, annex, para. 3.

⁴⁴¹ *Repertory, Supplement No. 4*, vol. II, under Article 73, para. 477.

⁴⁴² Ibid., paras. 475 and 476.

⁴⁴³ See footnote 436 above.

⁴⁴⁴ *Repertory, Supplement No. 4*, vol. II, under Article 73, para. 489.

contained in General Assembly resolution 1514 (XV). During the period under review, the Special Committee on decolonization maintained its size of 24 members. But in contrast to the previous reporting period, the composition of the membership changed by a few members in almost every session.⁴⁴⁵ Of particular note was the withdrawal of two administering Powers, the United Kingdom and the United States, in January 1971.⁴⁴⁶ They did not rejoin the Special Committee in the period under review.

(b) *Examination by the Special Committee of information transmitted under Article 73e*

367. In accordance with General Assembly resolutions 2708 (XXVI), 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44 on the implementation of the Declaration, as well as of Assembly resolutions 2701 (XXV), 2870 (XXVI), 2978 (XXVII), 3293 (XXIX), 3420 (XXX), 31/29, 32/33 and 33/37 on information from Non-Self-Governing Territories transmitted under Article 73e, the Special Committee on decolonization continued to examine the information transmitted to the Secretary-General, as well as additional information on political and constitutional developments furnished by the administering Powers.

368. During the period under review, the Special Committee adapted the arrangement of subcommittees it had previously created to examine information transmitted in accordance with Article 73e. At the beginning of the period, the Special Committee had the following seven subsidiary bodies: the Working Group, the Subcommittee on Petitions,⁴⁴⁷ Subcommittee I, Subcommittee II, Subcommittee III, the Subcommittee on Fiji and the Subcommittee on Oman. During the twenty-sixth session of the General Assembly, the subcommittees on Fiji and Oman were dissolved. At the twenty-eighth session, Subcommittee III was renamed the Working Group on the Implementation by the Special Agencies and the International Institutions associated with the United Nations of the Declaration on the Granting of Independence to all Colonial Countries and Peoples and other Relevant Resolutions of the United Nations. This subcommittee was dissolved during the thirtieth session. At that same session, Subcommittee I was dissolved and Subcommittee II was renamed the Subcommittee on Small Territories. The resulting arrangement lasted for the rest of the period under review.

⁴⁴⁵For the composition of the Special Committee in each session see, respectively, G A (25), Suppl. No. 23, vol. I, chap. I, para. 9; G A (26), Suppl. No. 23, vol. I, chap. I, para. 13; G A (27), Suppl. No. 23, vol. I, chap. I, para. 13; G A (28), Suppl. No. 23, vol. I, chap. I, para. 13; G A (29), Suppl. No. 23, vol. I, chap. I, para. 12; G A (30), Suppl. No. 23, vol. I, chap. I, para. 11; G A (31), Suppl. No. 23, vol. I, chap. I, para. 11; G A (32), Suppl. No. 23, vol. I, chap. I, para. 9; and G A (33), Suppl. No. 23, vol. I, chap. I, para. 11.

⁴⁴⁶A/8276 and A/8277 respectively.

⁴⁴⁷Renamed Subcommittee on Petitions and Information during the twenty-eighth session, and then Subcommittee on Petitions, Information and Assistance during the thirty-first session.

(c) *The nature of information used by the Special Committee*

369. As previously reported, the Special Committee continued its practice of using information transmitted to the Secretary-General under Article 73e, as well as the information on political and constitutional developments voluntarily furnished to the Secretary-General by the administering Powers concerned and any other information made available to it by the Secretariat from various sources in examining the situation with regard to the Declaration in Non-Self-Governing Territories.

(d) *Collaboration with the United Nations Councils and the specialized agencies*

(i) *Relations with the Trusteeship Council*

370. During the period under review, the Special Committee continued to hold consultations with the President of the Trusteeship Council in the context of General Assembly resolution 2590 (XXIV) on Papua New Guinea. In that resolution the Assembly had requested the Trusteeship Council to "include in its periodic visiting missions to the Trust Territory of New Guinea non-members of the Trusteeship Council, in consultation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Administering Authority, in accordance with the Charter of the United Nations". In 1971, two members of the Special Committee participated in a visiting mission (see para. 388 below) to the Territory in accordance with resolution 2590 (XXIV). Taking into account the decision of the House of Assembly of Papua and the Trust Territory of New Guinea to the effect that the Territory which had been created as a result of the administrative union of the two Territories should be named "Papua New Guinea", the General Assembly, by its resolution 2865 (XXVI), requested the Trusteeship Council and the Special Committee to continue to examine the question of Papua New Guinea. Consultations with the Trusteeship Council continued throughout the period under review.⁴⁴⁸

371. During its deliberations in the twenty-sixth session, the Special Committee examined the possibility of dispatching a visiting mission to the Trust Territory of the Pacific Islands. The Chairman of the Special Committee and the President of the Trusteeship Council held discussions on the item. The President of the Trusteeship Council informed the Chairman that a majority of Council members thought that the question of dispatching missions to the Trust Territory of the Pacific, a designated strategic area under

⁴⁴⁸G A (25), Suppl. No. 23, vol. I, chap. I, paras. 136 and 137; G A (26), Suppl. No. 23, vol. I, chap. I, paras. 147 and 148; G A (27), Suppl. No. 23, vol. I, chap. I, paras. 141 and 142; G A (28), Suppl. No. 23, vol. I, chap. I, para. 120; G A (29), Suppl. No. 23, vol. I, chap. I, para. 105; G A (30), Suppl. No. 23, vol. I, chap. I, para. 105; G A (31), Suppl. No. 23, vol. I, chap. I, para. 92; G A (32), Suppl. No. 23, vol. I, chap. I, para. 86; G A (33), Suppl. No. 23, vol. I, chap. I, para. 94.

Article 82 of the Charter, was the exclusive competence of the Security Council and the Trusteeship Council.⁴⁴⁹

372. During the period of review, an event occurred which led to a change in the practices governing the relation between the Trusteeship Council and the Special Committee. Following the accession to independence of Papua New Guinea in 1975, the Council had only one remaining Territory on its agenda, the Trust Territory of the Pacific Islands. Unlike New Guinea, this Trust Territory had been designated as strategic, under Article 82 of the Charter. Article 83 states that all functions of the United Nations relating to strategic areas shall be exercised by the Security Council. During the consideration of the agenda item entitled "Adoption of the report of the Trusteeship Council to the General Assembly", the question arose as to whether the item should be deleted in the light of Article 83. It was decided in favour of the deletion by 3 votes to 1.⁴⁵⁰

373. At the same session of the Trusteeship Council, the question of cooperation with the Special Committee gave rise to a similar consideration. Again it was suggested that since the Council was dealing with a strategic Territory, the competence of the General Assembly and its Committees clearly could not be involved in any way.⁴⁵¹ It was objected that, in the past, recommendations on cooperation with the Special Committee on matters which related to the strategic Territory had been adopted, and that the practice should continue.⁴⁵² The Council then decided, by 3 votes to 1, that it lacked the competence to address a report or a letter to the General Assembly, and therefore to the Special Committee as one of its subsidiary organs, and would draw the attention of the Security Council to that decision and to the reservations attached to it.⁴⁵³

(ii) *Relations with the Economic and Social Council*

374. Throughout the period under review, consultations were held between the President of the Economic and Social Council and the Chairman of the Special Committee with a view to determining appropriate measures for the coordination of policies and activities of specialized agencies in implementing the relevant resolutions of the General Assembly. The General Assembly, in its resolutions 2704 (XXV), 2874 (XXVI), 2980 (XXVII), 3118 (XXVIII), 3300 (XXIX), 3421 (XXX), 31/30, 32/36 and 33/41, requested that those consultations continue throughout the period under review.

(iii) *Collaboration with the specialized agencies and other international institutions*

375. Throughout the period under review, the relevant resolutions of the General Assembly continued to be circulated to the heads of the specialized agencies. The

Special Committee continued to adopt resolutions and decisions by consensus containing appeals or requests addressed to international organizations, including the specialized agencies, concerning the implementation of the Declaration on decolonization. As described in the previous *Repertory Supplement*,⁴⁵⁴ collaboration between the specialized agencies and the Special Committee was maintained by the presence of representatives of those agencies at meetings of the Special Committee. There was no significant change in the practices of the relevant organs of the United Nations regarding this item in the period under review.

3. THE QUESTION OF SENDING VISITING MISSIONS TO COLONIAL TERRITORIES

(a) *General*

376. As reported in the previous *Repertory Supplement*,⁴⁵⁵ despite persistent requests by the General Assembly to the administering Powers to allow visiting missions to Territories under their administration, no visiting missions were dispatched during the previous period of review, in part as a result of the negative attitude of the administering Powers concerned.

377. Beginning in the twenty-fifth session, however, there was a significant change in practice, as the visiting missions of the Special Committee began to gain access to the Territories. The positions of the administering Powers in the General Assembly with regard to the question began to change.⁴⁵⁶

378. At the twenty-fifth session of the General Assembly, the Special Committee on decolonization adopted a resolution⁴⁵⁷ on the question of sending visiting missions to Non-Self-Governing Territories. In the resolution the Committee recalled earlier resolutions on the question, noted its conviction that visiting missions constituted one of the most effective methods to obtain first-hand information concerning the Territories and the aspirations of their inhabitants and requested the Chairman of the Special Committee to hold consultations with the administering Powers to secure access by visiting missions to the Territories under their administration in accordance with previous resolutions of the Special Committee and the General Assembly.

379. At the following session, the Special Committee had before it the report⁴⁵⁸ of its Chairman regarding his consultations with the administering Powers. The Chairman informed the Committee that he had addressed identical letters to all administering Powers requesting consultations

⁴⁵⁴ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 495-498.

⁴⁵⁵ *Ibid.*, paras. 499-526.

⁴⁵⁶ G A (26), Suppl. No. 23, vol. I, chap. III; G A (27), Suppl. No. 23, vol. I, chap. III; G A (28), Suppl. No. 23, vol. I, chap. IV; G A (29), Suppl. No. 23, vol. I, chap. III; G A (30), Suppl. No. 23, vol. I, chap. IV; G A (31), Suppl. No. 23, vol. I, chap. III; G A (32), Suppl. No. 23, vol. I, chap. III; G A (33), Suppl. No. 23, vol. I, chap. III.

⁴⁵⁷ A/AC.109/362.

⁴⁵⁸ G A (26), Suppl. No. 23, vol. I, chap. IV, annex I.

⁴⁴⁹ T/PV.1372-1376 and G A (26), Suppl. No. 23, vol. I, chap. IV, annex I, para. 17 (see also the present *Supplement*, under Article 83).

⁴⁵⁰ T/PV.1450 (see also the present *Supplement*, under Article 83).

⁴⁵¹ T/PV.1458, United Kingdom, pp. 53-55.

⁴⁵² *Ibid.*, USSR, p. 52.

⁴⁵³ T/PV.1458, President, p. 57 (see also the *Supplement*, under Article 83).

and had subsequently held consultations with the representatives of Australia, New Zealand, the United Kingdom and the United States. During the consultations, the representative of Australia had informed the Chairman that his Government had decided to invite the Trusteeship Council to send a visiting mission to the Territories of Papua and New Guinea and that, in accordance with paragraph 5 of General Assembly resolution 2590 (XXIV), the mission should comprise members of the Special Committee. Similarly, during meetings of Subcommittee II of the Special Committee,⁴⁵⁹ the representative of New Zealand had stated his country's interest in receiving a visiting mission to Niue and Tokelau. The representatives of the United Kingdom and the United States maintained their positions as reported in the previous Supplement, namely that though they did not rule out the possibility of receiving visiting missions, they did not consider visiting missions to Territories under their administration to be warranted at the time, and the information already available to the Committee was sufficient for it to carry out its work. The Special Committee adopted a resolution⁴⁶⁰ requesting its Chairman to continue his consultations with the administering Powers on the question of visiting missions.

380. At the twenty-eighth session, the Chairman noted in his report that the representative of the United States had expressed his country's willingness to give the most serious consideration to the question. The representative of the United Kingdom reiterated the basic position of his Government, noting that it did not categorically exclude the possibility of receiving visiting missions.⁴⁶¹

381. During consultations with the Chairman of the Special Committee held during the twenty-ninth session, the representative of the United Kingdom outlined the new position of his Government, which had been fully spelled out in a letter⁴⁶² from the permanent representative of the United Kingdom addressed to the Chairman. The permanent representative had stated, *inter alia*: "My Government believes that visiting missions can in certain circumstances serve a most useful purpose in the process of bringing the peoples of Non-Self-Governing Territories to exercise their right to self-determination. It therefore looks forward to closer cooperation with the Special Committee in this regard and I am directed to inform you of our broad agreement in principle to this effect". In addition, the permanent representative raised the possibility of a visiting mission to the Ellice Islands to observe the proposed referendum there. The United Kingdom representative made reference to the letter in the Fourth Committee, saying that his Government retained the duty to decide whether a visiting mission to one of its Territories would be appropriate, and noted that one of major criteria in taking such a decision would be the views of the local government.⁴⁶³

382. Also during the twenty-ninth session, in their statements to the Fourth Committee the Governments of

Portugal and Spain announced their amenability to receiving visiting missions. The representative of Portugal stated that his Government had consented to visits by United Nations observers and missions to Territories under Portuguese administration in order to observe the evolution of the decolonization process and the transfer of authority to the representatives of the peoples of the Territories.⁴⁶⁴

383. The representative of Spain said in the Fourth Committee that, in order to remove all doubt concerning the intention of his Government to ensure the decolonization of Western Sahara, which was the only Non-Self-Governing Territory under its administration, it was ready to receive a United Nations visiting mission which would study every detail of the situation in the Territory.⁴⁶⁵

384. In his report to the Special Committee at the thirty-second session, the Chairman of the Committee noted the new position of the United States Government regarding visiting missions. The representative of the United States, during consultations with the Chairman, had said that though it considered the information made available to the Special Committee pursuant to Article 73e of the Charter of the United Nations to be more than adequate, his Government would be pleased to invite the Special Committee to send a visiting mission to the United States Virgin Islands.⁴⁶⁶

385. During the thirty-third session, the Special Committee adopted a resolution⁴⁶⁷ stressing the need to continue to dispatch visiting missions to colonial Territories and calling upon the administering Powers concerned to continue cooperating with the United Nations by allowing visiting missions access to Territories under their administration.

386. The General Assembly, by its resolutions 2708 (XXV), 2878 (XXVI), 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44 on the implementation of the Declaration on decolonization, continued to approve the work programme of the Special Committee on decolonization, including the sending of missions to Territories under its consideration. It also called upon the administering Powers to cooperate fully with the Special Committee by permitting access to the visiting groups. By its resolution 2621 (XXV), on a programme of action for the full implementation of the Declaration on decolonization, the Assembly directed the Special Committee to continue to send visiting missions to the colonial Territories. In addition, in its resolutions concerning individual Territories adopted during the period, the Assembly consistently included appeals to the Special Committee to carry out visiting missions to the Territories. These resolutions are too numerous to be cited individually here, and their provisions are substantially similar to the resolutions mentioned above.

387. Decisions of the General Assembly concerning visiting missions in specific cases are discussed below. As a result of the increasing compliance by administering Powers with resolutions concerning the sending of visiting missions,

⁴⁵⁹ A/AC.109/SC.3/SR.129.

⁴⁶⁰ A/AC.109/381.

⁴⁶¹ G A (27), Suppl. No. 23, vol. I, chap. III, annex, paras. 7 and 9.

⁴⁶² A/AC.109/450.

⁴⁶³ G A (29), 4th Comm., 2116th mtg., para. 3.

⁴⁶⁴ *Ibid.*, 2092nd mtg., para. 2.

⁴⁶⁵ *Ibid.*, 2126th mtg., para. 7.

⁴⁶⁶ G A (32), Suppl. No. 23, vol. I, chap. III, para. 4.

⁴⁶⁷ A/AC.109/565.

16 such missions were dispatched, to Territories administered by Australia, France, New Zealand, Portugal, Spain, the United Kingdom and the United States during the period under review. The missions are described below in chronological order.

(b) *Papua New Guinea*

388. During the period under review, the Special Committee, in cooperation with the Trusteeship Council, sent two visiting missions to Papua and the Trust Territory of New Guinea. The first mission, which visited the Territory from January to March 1971, was composed in a manner set out by the General Assembly in paragraph 5 of its resolution 2590 (XXIV), in which it requested the Council to include non-members, in consultation with the Special Committee, in its periodic visiting missions to New Guinea. The measure was taken in view of the close links between the Trust Territory of New Guinea and the Non-Self-Governing Territory of Papua, which the Special Committee was empowered to examine. The purpose of the mission was to ascertain the level of economic development in the Territory.⁴⁶⁸ A report⁴⁶⁹ on the mission was issued by the Trusteeship Council.⁴⁷⁰

389. The following year,⁴⁷¹ the Chairman of the Special Committee drew the attention of members to a letter⁴⁷² addressed to the President of the Trusteeship Council by the Administering Authority inviting a further mission to visit the Territory in order to observe the elections to the Third Papua New Guinea House of Assembly. A joint mission with the Special Committee was once again composed and a report on the mission was issued by the Trusteeship Council.⁴⁷³

390. The Chairman of the Special Committee expressed the hope that, in accordance with General Assembly resolutions 2869 (XXVI) and 2878 (XXVII), the administering Power, Australia, might consider inviting a visiting mission made up exclusively of members of the Special Committee. Australia replied that since Papua New Guinea fell within the competence of both bodies, it would be difficult to accede to the Chairman's request.⁴⁷⁴

391. During the twenty-eighth session of the General Assembly, the Chairman of the Special Committee informed members of the receipt of a letter⁴⁷⁵ dated 28 July 1975 from the Permanent Representative of Australia concerning an invitation from the Government of Papua New Guinea to the Chairman and three members of the Special Committee to attend the celebrations around the Territory's attainment of independence, from 14 to 17 September 1975.⁴⁷⁶ The Special Committee subsequently accepted the invitation and requested the Chairman to undertake the necessary

consultations to dispatch a delegation as per the invitation.⁴⁷⁷

(c) *Niue*

392. During the twenty-sixth session, New Zealand indicated that it would be willing to accept a visiting mission to Niue and Tokelau Islands.⁴⁷⁸ For reasons beyond the control of the Special Committee and the administering Power, the Committee was unable to visit both Territories. During the twenty-seventh session, it agreed to visit Niue⁴⁷⁹ and postponed its visit to Tokelau (see para. 403 below). A mission was dispatched in June 1972 and a report on the mission was issued upon its return.⁴⁸⁰

393. A second mission was dispatched, upon the invitation⁴⁸¹ of the Government of New Zealand, to observe the referendum on a new constitution by which Niue would enter into a fully self-governing free association with New Zealand. The mission visited the Territory from August to September 1974 and subsequently issued a report.⁴⁸² The General Assembly, by its resolution 3285 (XXIX), noted with satisfaction the favourable conclusions of the visiting mission. In view of the successful entry into force of the new Constitution, following a referendum to endorse it, the Assembly deemed that the transmission of information in respect of Niue under Article 73e was no longer necessary.

(d) *Cocos (Keeling) Islands*

394. During the twenty-eighth session, Australia indicated to the Special Committee that it would be happy to receive a visiting mission to the Cocos (Keeling) Islands.⁴⁸³ A mission composed of members of the Special Committee visited the island in August 1974 and subsequently issued a report on their visit.⁴⁸⁴

(e) *Gilbert and Ellice Islands*

395. During the twenty-ninth session, the United Kingdom invited⁴⁸⁵ a visiting mission of the Special Committee to observe the referendum on the Gilbert and Ellice islands. Following that request, a mission visited the islands in August and September 1974 and subsequently issued a report.⁴⁸⁶ The General Assembly, by its resolution 3288 (XXIX), expressed its appreciation to the administering Power for the cooperation and assistance extended to the visiting mission.

(f) *Territories under Portuguese administration*

396. In accordance with the decision of the Special Committee to send a visiting group to the liberated areas of

⁴⁶⁸ See T C resolution 2154 (XXXVII) and G A resolution 2700 (XXV).

⁴⁶⁹ T C (38), Suppl. No. 2 (T/1717).

⁴⁷⁰ See also the present *Supplement*, under Article 86.

⁴⁷¹ G A (26), Suppl. No. 23, vol. I, chap. IV, para. 7.

⁴⁷² T/1725.

⁴⁷³ T C (39), Suppl. No. 2 (T/1732).

⁴⁷⁴ G A (27), Suppl. No. 23, vol. I, chap. IV, annex, para. 8.

⁴⁷⁵ A/AC.109/499.

⁴⁷⁶ A/AC.109/PV.1010.

⁴⁷⁷ A/AC.109/PV.1019.

⁴⁷⁸ G A (26), Suppl. No. 23, vol. I, chap. IV, para. 10.

⁴⁷⁹ G A (27), Suppl. No. 23, vol. I, chap. IV, annex, para. 7.

⁴⁸⁰ G A (27), Suppl. No. 23, vol. IV, chap. XVI, annex.

⁴⁸¹ A/9170.

⁴⁸² G A (29), Suppl. No. 23, vol. V, chap. XXII, annex I.

⁴⁸³ G A (28), Suppl. No. 23, vol. I, chap. III, annex, para. 6.

⁴⁸⁴ G A (29), Suppl. No. 23, vol. IV, chap. XX, annex.

⁴⁸⁵ A/AC.109/PV.975 and Corr. I.

⁴⁸⁶ G A (29), Suppl. No. 23, vol. V, chap. XXI, annex I.

Angola, Mozambique and Guinea (Bissau),⁴⁸⁷ endorsed by the General Assembly in its resolution 2795 (XXVI), the Chairman of the Special Committee entered into consultations with the leaders of the liberation movements in those Territories and with the Organization of African Unity. In 1972, the Chairman informed the Committee of the results of his consultations and the Committee agreed to accept an invitation by PAIGC to visit the liberated areas of Guinea (Bissau). It was noted that the invitation to visit came from a liberation movement whose legitimacy had been recognized by the General Assembly and the Security Council.⁴⁸⁸

397. Though the Special Committee attempted to cloak the exact moment of departure of the visiting group in secrecy, a letter was received from the permanent representative of Portugal on the eve of its departure stating that entry into the Territory of a State Member of the United Nations without the consent of the legally constituted Government could not but be construed a violation of all rules of international law.⁴⁸⁹

398. The mission nevertheless proceeded to the liberated areas and visited them in April 1972. An exhaustive report of the mission was subsequently issued, containing a description of the Portuguese reaction to it and an assessment of PAIGC administration in the Territories.⁴⁹⁰ The General Assembly, by its resolution 2918 (XXVII), took note of the report of the special mission and commended the Special Committee for its work in dispatching the mission.

399. During the twenty-ninth session, the General Assembly, in its resolution 3294 (XXIX), welcomed the declaration of the Government of Portugal in which it agreed to fulfil its obligations under the relevant provisions of the Charter, and expressed its willingness to cooperate in the work of the United Nations. It further requested the Special Committee to dispatch a visiting mission to the Portuguese Territories as appropriate.

400. During the thirtieth session, subsequent to the change in Portugal's decolonization policy, the Special Committee was invited by both the Government of Portugal⁴⁹¹ and PAIGC⁴⁹² to visit Guinea (Bissau) in order to help accelerate the process of decolonization there. A visiting mission was dispatched to the Territory in February and March 1975. The mission subsequently issued a report.⁴⁹³

(g) *Montserrat*

401. During the thirtieth session, the Special Committee was invited by the Government of the United Kingdom⁴⁹⁴ to dispatch a visiting mission to the Territory of Montserrat. The mission visited the island in May 1975 and subsequently issued a report.⁴⁹⁵ The General Assembly, by its resolution 3425 (XXX) noted with satisfaction the conclusions and

recommendations of the United Nations visiting mission and expressed its appreciation to the members of the mission for their constructive work and to the administering Power for its close cooperation and assistance.

(h) *Spanish Sahara/Western Sahara*

402. During the thirtieth session, in response to an invitation by the Government of Spain⁴⁹⁶ issued in accordance with General Assembly resolution 3292 (XXIX), the Special Committee dispatched a mission to Spanish Sahara in May 1975. The mission subsequently issued a report on its findings.⁴⁹⁷ The General Assembly, by its resolution 3458 A (XXX) noted with satisfaction the report of the visiting mission to the Territory, and expressed its thanks to the Governments of Spain, Morocco, Algeria and Mauritania for the cooperation and assistance extended to the visiting mission.

(i) *Tokelau*

403. During the thirty-first session, on the invitation of the Government of New Zealand⁴⁹⁸ and pursuant to the invitation issued at the twenty-sixth session (see paras. 392 and 393 above), the Special Committee sent a visiting mission to Tokelau. The mission visited the Territory in May and June 1976 and subsequently issued a report.⁴⁹⁹ The General Assembly, by its resolution 31/48, commended the conclusions and recommendations of the visiting mission to Tokelau, and expressed its appreciation to the members of the mission, the people of Tokelau and the Government of New Zealand. It further requested the Special Committee to examine the possible dispatch of a second visiting mission as appropriate and in consultation with the administering Power. No further visiting missions to the Territory were undertaken in the period under review.

(j) *British Virgin Islands*

404. During the thirty-first session, on the invitation of the Government of the United Kingdom,⁵⁰⁰ a visiting mission was dispatched to the British Virgin Islands in May 1976 and a report was subsequently issued.⁵⁰¹ The General Assembly, by its resolution 31/54, noted with satisfaction the conclusions of the visiting mission and expressed its appreciation to the Special Committee, the Government of the British Virgin Islands and the Government of the United Kingdom. It requested the Special Committee to consider the possible dispatch of a further mission to the Territory at an appropriate time and in consultation with the administering Power.

(k) *Caymans*

405. During the thirty-second session, on the invitation of the Government of the United Kingdom,⁵⁰² the Special

⁴⁸⁷G A (26), Suppl. No. 23, vol. I, chap. II, para. 18.

⁴⁸⁸A/AC.109/PV.840.

⁴⁸⁹G A (27), Suppl. No. 23, vol. III, chap. X, annex III.

⁴⁹⁰Ibid., annex I.

⁴⁹¹A/C.4/781.

⁴⁹²A/AC.109/470.

⁴⁹³A/AC.109/L.1002 and Add.1.

⁴⁹⁴A/AC.109/PV.996 and 997.

⁴⁹⁵G A (30), Suppl. No. 23, vol. IV, chap. XXVIII, annex.

⁴⁹⁶G A (29), 4th Comm., 2126th mtg., para. 7.

⁴⁹⁷G A (30), Suppl. No. 23, vol. III, chap. XIII, annex.

⁴⁹⁸A/AC.109/PV.1025 and 1029.

⁴⁹⁹G A (31), Suppl. No. 23, vol. III, chap. XVII, annex.

⁵⁰⁰A/AC.109/PV.1025 and 1029.

⁵⁰¹G A (31), Suppl. No. 23, vol. IV, chap. XXVIII, annex.

⁵⁰²A/AC.109/PV.1062.

Committee sent a visiting mission to the Cayman Islands in April 1977. A report on the mission was subsequently issued.⁵⁰³ The General Assembly, by its resolution 32/30, expressed its appreciation to the members of the visiting mission and to the Governments of the Cayman Islands and the United Kingdom. It invited the attention of the administering Power to the observations, conclusions and recommendations of the visiting mission, and requested the Special Committee to consider the possible dispatch of a further mission to the Territory at an appropriate time and in consultation with the administering Power.

(l) *United States Virgin Islands*

406. During the thirty-second session, the representative of the United States, the Administering Power, reiterated that its long-standing position that the information it provided in accordance with Article 73e was sufficient for the purposes of the Special Committee. Nevertheless, the United States Government was nonetheless happy to invite a visiting mission to the United States Virgin Islands.⁵⁰⁴ A mission visited the Territory in April and May 1977 and subsequently issued a report.⁵⁰⁵ The General Assembly, by its resolution 32/21, took note of the observations, conclusions and recommendations of the visiting mission and expressed its satisfaction to the members of the mission, the Government of the Territory and the Government of the administering Power, and requested the Special Committee to consider the possible dispatch of a further mission to the Territory at an appropriate time and in consultation with the administering Power.

(m) *French Somaliland (Djibouti)*

407. During the thirty-first session, the Organization of African Unity and the United Nations decided to send representatives to observe the referendum and subsequent stages of the independence process in French Somaliland (Djibouti), a decision which the General Assembly endorsed.⁵⁰⁶ The mission observed the referendum, which was held on 8 May 1977, and issued a report on its findings.⁵⁰⁷ The Territory acceded to independence as Djibouti on 27 June 1977.

(n) *Guam*

408. During the thirty-third session, the Government of the United States invited⁵⁰⁸ the Special Committee to dispatch a visiting mission to Guam. The General Assembly, by its resolution 33/33, welcomed the invitation to observe the forthcoming referendum on a draft constitution and to observe conditions in the Territory. However, the mission was not dispatched during the period under review.

4. PROCEDURES REGARDING COMMUNICATIONS AND PETITIONS AND THE HEARING OF PETITIONERS

(a) *Circulation of communications and hearing of petitioners*

(i) *General*

409. No change of procedure was instituted by the General Assembly regarding the question of the circulation and hearing of petitioners in relation to specific Territories.

(ii) *The representation of national liberation movements in an observer capacity in the General Assembly*

410. During the period under review, the Fourth Committee adopted a proposal to cease hearing representatives from the respective liberation movements of Namibia, Southern Rhodesia and the Territories under Portuguese administration as petitioners, and to consider them instead as holding observer status in the Fourth Committee.

411. As reported in the previous *Supplement*,⁵⁰⁹ the Fourth Committee had established the practice of granting requests for hearings of petitioners from the Territories under Portuguese administration despite the contention of the representatives of Portugal that the only provisions for the hearing of petitioners in the Charter applied to petitioners from the Trust Territories.

412. During the twenty-seventh session, the Chairman of the Fourth Committee drew the attention of members to a letter from the Chairman of the Special Committee on decolonization,⁵¹⁰ which referred to a decision taken by the Special Committee at its 887th meeting, on 25 August 1972, by which the representatives of the liberation movements in Angola, Guinea (Bissau) and Cape Verde, Mozambique, Namibia and Southern Rhodesia had been invited to participate in an observer capacity in the proceedings of the Special Committee relating to their respective countries. The Chairman of the Special Committee had further suggested that, in consultation with OAU, the Fourth Committee should adopt the same practice.

413. The proposal was subsequently debated in the Fourth Committee. Most of the delegations that spoke in its favour adopted one or more of three arguments: namely, those based on legitimacy, precedent and consistency. The legitimacy argument,⁵¹¹ in its positive form, asserted that the representatives of the national liberation movements were the true representatives of the people of the respective Territories. The representative of Ethiopia also noted that many of the liberation movements concerned in fact controlled and effectively administered large areas which they had liberated.⁵¹² In its negative form, the legitimacy

⁵⁰³ G A (32), Suppl. No. 23, vol. IV, chap. XXVI, annex.

⁵⁰⁴ A/AC.109/PV.1072.

⁵⁰⁵ G A (32), Suppl. No. 23, vol. IV, chap. XXVII, annex.

⁵⁰⁶ G A resolution 31/59, para. 14.

⁵⁰⁷ A/32/107 and Corr.1 and Add.1.

⁵⁰⁸ A/AC.109/561; see also G A (33), Suppl. No. 23, vol. IV, chap. XXXIII, para. 5.

⁵⁰⁹ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 542 and 543.

⁵¹⁰ A/C.4/744.

⁵¹¹ G A (27), 4th Comm., 1974th mtg., United Republic of Tanzania, para. 48; Egypt, para. 57; Nigeria, para. 61; China, para. 64; *ibid.*, 1975th mtg., Sudan, paras. 47 and 48.

⁵¹² *Ibid.*, 1975th mtg., Ethiopia, para. 11.

argument denied that the Governments of Portugal and South Africa could represent the Territories concerned. In particular, it was noted that South Africa no longer held its mandate over Namibia and its presence in the Territory was therefore illegal.⁵¹³ The argument from precedent noted the resolutions cited in the proposal, as well as General Assembly resolution 2878 (XXVI), by which the Assembly had endorsed the Committee's proposal to take steps to enable representatives of national liberation movements to participate, whenever necessary, in its deliberations relating to those Territories, and Assembly resolution 2795 (XXVI), by which it had noted with satisfaction the arrangements relating to the representation of certain national liberation movements in the Economic Commission for Africa,⁵¹⁴ and other resolutions and decisions bearing on the subject.⁵¹⁵ On that basis, it was argued that the proposal was a logical extension of resolutions previously adopted.⁵¹⁶ The argument from consistency stressed the fact that the Fourth Committee, having requested specialized agencies to admit national liberation movements as observers, could hardly not do so itself, and noted that it was inconsistent for the Fourth Committee to base its deliberations on reports containing information provided by those movements, while at the same time refusing to admit them as observers.⁵¹⁷ One delegate also recalled the Special Committee's visiting mission which had just returned from the liberated areas of Guinea (Bissau).⁵¹⁸

414. The proposal was opposed primarily by Portugal and South Africa, which both made frequent appeals to the Charter of the United Nations in their arguments. South Africa argued that, under Article 87(b) of the Charter there was no provision for the granting of oral hearings to petitioners from South West Africa, and even less legal authority for seating so-called observers.⁵¹⁹ The representative of Portugal stated that, by virtue of the very structure of the United Nations, and as explicitly stated in Article 9 of the Charter, participation in the General Assembly was restricted to States, and Portugal was the only State that could represent the Territories on the international level. He also noted that though Article 32 of the Charter allowed for the invitation of non-members to participate in the work of the Security Council, no such provision had been made in the case of the General Assembly, for the simple reason that it was the most representative organ of the

⁵¹³Ibid., 1974th mtg., India, para. 62; *ibid.*, 1975th mtg., Tunisia, para. 25.

⁵¹⁴E/5051.

⁵¹⁵Including the 1 June 1971 advisory opinion of the International Court of Justice concerning South-West Africa, General Assembly resolutions 1514 (XV), 2787 (XXVI) and 2874 (XXVI) and Special Committee on decolonization decision A/8723/Add.3, recognizing PAIGC as the legitimate representative of the people of Guinea (Bissau).

⁵¹⁶G A (27), 4th Comm., 1974th mtg., United Republic of Tanzania, para. 49; and *ibid.*, 1975th mtg., Cuba, paras. 5-7; Pakistan, para. 26; Egypt, paras. 33 and 34; Yugoslavia, para. 35; and Zambia, para. 53.

⁵¹⁷*Ibid.*, 1975th mtg., Sierra Leone, para. 4; India, para. 32; Ghana, para. 55; and Chile, para. 58.

⁵¹⁸*Ibid.*, para. 40.

⁵¹⁹*Ibid.*, 1974th mtg., South Africa, para. 41.

United Nations and reflected as faithfully as possible the structure of the Organization.⁵²⁰

415. Following the Committee's rejection, by 62 votes to 32, with 9 abstentions, of a motion⁵²¹ submitted by the representative of Ireland to request the opinion of the United Nations Legal Counsel on the exact meaning of the phrase "in an observer capacity", the proposal was put to a vote. The Fourth Committee, by 79 votes to 13, with 16 abstentions, approved the proposal to consider the representatives of the national liberation movements of Namibia, Southern Rhodesia and the Territories under Portuguese administration as observers during the debates on their respective Territories.⁵²²

416. During the twenty-eighth session, the same question was raised once again in the Fourth Committee during its discussion of the work of the Special Committee, when the Committee was asked to approve the participation of representatives of the national liberation movements as well as the funding of their participation by the Organization. One delegate noted with dissatisfaction that, in the document⁵²³ containing the financial implications of the measure, the representatives of national liberation movements were referred to as "observers", rather than as acting "in an observer capacity". The measure was approved without objection, though some delegates voiced their reservations on the grounds that there was no constitutional basis for the decision and that it risked establishing a precedent that could jeopardize the principle of national sovereignty.⁵²⁴

417. At the twenty-ninth session,⁵²⁵ the question of the participation of representatives of the national liberation movements was considered in the plenary under agenda item 21, on cooperation between the United Nations and the Organization of African Unity. The draft resolution⁵²⁶ introduced under the item contained the following new elements:

"The General Assembly

"...

"6. Decides to invite as observers, on a regular basis and in accordance with earlier practice, representatives of the national liberation movements recognized by the

⁵²⁰*Ibid.*, 1975th mtg., para. 16.

⁵²¹*Ibid.*, para. 13.

⁵²²*Ibid.*, para. 67.

⁵²³A/C.4/L.1033.

⁵²⁴G A (28), 4th Comm., 2027th mtg., Portugal, para. 1; South Africa, paras. 2 and 3; United States, paras. 7 and 8; United Kingdom, para. 10.

⁵²⁵A proposal (A/9765), not presented in the form of a resolution, requesting the Fourth Committee to take the necessary action to enable the leaders of national liberation movements of the Territories considered by the Committee to participate as observers in its examinations of those Territories had been approved by the Fourth Committee. At the same session, at the 2245th plenary meeting of the General Assembly, on 26 September 1974, the Assembly invited the leaders of those national liberation movements of the colonial Territories in Africa which were recognized by the Organization of African Unity to participate as observers in the proceedings relating to their respective countries. (See G A (29), annexes, agenda item 23, pp. 13 and 14.)

⁵²⁶A/L.746/Rev.1.

Organization of African Unity to participate in the relevant work of the Main Committees of the Assembly and its subsidiary organs concerned, as well as in conferences, seminars and other meetings held under the auspices of the United Nations which relate to their countries, and requests the Secretary-General, in consultation with the Organization of African Unity, to ensure that the necessary arrangements are made for their effective participation, including the requisite financial provisions;

"7. *Recommends* to the other United Nations organs concerned, in consultation with the Organization of African Unity, to ensure that the necessary arrangements are made to facilitate the effective participation of these national liberation movements in their relevant proceedings".

418. The sponsors of the draft resolution noted that the General Assembly had always affirmed that the national liberation movements recognized by OAU were the authentic representatives of the peoples of their countries and that it was therefore only just and logical that those movements should be invited to participate as observers on a regular basis in the proceedings of the relevant United Nations bodies.⁵²⁷ Another representative, speaking in favour of the draft provision, expressed the view that the experience of the previous two years had demonstrated that the participation of national liberation movements had been of extreme importance in reaching solutions in the best interests of all concerned, and above all in the best interests of the peoples of the Territories. He considered that the draft provision amounted to a simple formalization in a systematic manner of those decisions the General Assembly and its various committees had been taking since 1972 in particular.⁵²⁸

419. The draft resolution was adopted⁵²⁹ by consensus as General Assembly resolution 3280 (XXIX).

420. Subsequent to the adoption of the resolution, several delegations explained their position. One representative, in particular, expressed serious reservations regarding the granting of observer status for national liberation movements and said that the resolution extended far beyond earlier practice as it accorded to the movements almost full observer status in the United Nations. He stated that the United Nations was an Organization of States, whose Members were States, and which should in principle deal with States or other organizations or associations of States. His Government was of the opinion that movements such as the national liberation movements or those represented by OAU should be associated with the work of Governments only in exceptional cases and, in principle, on an ad hoc basis.⁵³⁰

Decision

421. The General Assembly, by its resolution 3280 (XXIX), inter alia, decided to invite as observers, on a

regular basis, and in accordance with earlier practice, representatives of national liberation movements recognized by the Organization of African Unity to participate in the relevant work of the Main Committees of the General Assembly and its subsidiary organs. It also requested the Secretary-General to ensure that necessary arrangements, including financial provisions, were made for the effective participation of those movements.

(b) *The question of circulation of anonymous communications and petitions*

422. During the period under review, the General Assembly maintained its established practices⁵³¹ with regard to anonymous communications and petitions concerning Territories considered by the members of the Special Committee's Subcommittee on Petitions, Information and Assistance.

(c) *The question of circulation of communications and petitions involving non-administering Powers*

423. During the period under review, the General Assembly continued its previous practice⁵³² with regard to the circulation of communications and petitions involving States Members of the United Nations which were not the administering Powers of the Territories to which the Declaration on decolonization applied.

5. DETERMINATION OF THE TERRITORIES TO WHICH CHAPTER XI OF THE CHARTER AND THE DECLARATION CONTAINED IN GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLY⁵³³

(a) *Territories within the competence of the Special Committee*

(i) *Comoro Archipelago*

424. As reported in the previous *Repertory* Supplement,⁵³⁴ the General Assembly had considered the question of including the Comoro Archipelago in the list of Territories to which the Declaration applied, and a working group of the Special Committee on the implementation of the Declaration had examined the question and recommended that the Territory should be included; however the Special Committee had ultimately decided to defer its consideration of the question. In this connection, it may also be recalled that in 1959 the Government of France had notified the Secretary-General by letter⁵³⁵ that the Comoro Archipelago had attained internal autonomy and, consequently, the transmission of information in its regard had ceased as from 1957. Some members of the Fourth Committee had expressed the view that the Territories had

⁵³¹ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 550-557.

⁵³² *Ibid.*, paras. 558-571.

⁵³³ See also annex II.

⁵³⁴ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 579-589.

⁵³⁵ A/4096 and Add.1.

⁵²⁷ G A (29), Plen., 2312th mtg., Upper Volta, para. 45.

⁵²⁸ *Ibid.*, United Republic of Tanzania, paras. 55 and 56.

⁵²⁹ *Ibid.*, para. 96.

⁵³⁰ *Ibid.*, Federal Republic of Germany, paras. 101-105; see also, Italy, para. 111, and Japan, para. 115.

not achieved a full measure of self-government and that it was therefore necessary for the General Assembly to take a decision on the cessation of the provision of information by France. However, no action was taken by the General Assembly on the question during the period under review.⁵³⁶

425. During the meetings of the Special Committee in 1970, the permanent representative of the People's Republic of Congo requested, on behalf of the Africa Group,⁵³⁷ that the French Territory of the Comoros be added to the list of Territories to which the Declaration on decolonization applied. The Committee decided⁵³⁸ to entrust the matter to its Rapporteur, who would, with the assistance of the Secretariat, prepare a report on the question which would include, *inter alia*, the views of the people directly concerned. The Rapporteur in his report⁵³⁹ subsequently recommended that the Comoro Archipelago should be included by the Special Committee as a Territory to which the Declaration applied. The Special Committee adopted this consensus at its 887th meeting by a vote of 17 to none, with 2 abstentions,⁵⁴⁰ with one delegate noting that he did not fully share the views expressed therein.⁵⁴¹ The General Assembly, in its resolution 2708 (XXVII), in endorsing the report of the Special Committee, *pari passu* endorsed the decision to include the Comoro Archipelago among the Territories under its consideration, though there was no discussion of the Territory in the Fourth Committee or plenary during the twenty-seventh session.

426. During the twenty-eighth session, the Special Committee on decolonization considered the question of the Comoro Archipelago at its 934th to 938th meetings, without the participation of the administering Power. A draft resolution⁵⁴² was subsequently submitted to the Fourth Committee in which, *inter alia*, the General Assembly would reaffirm the inalienable right of the people of the Comoro Archipelago to self-determination and independence in accordance with resolution 1514 (XV), take note with interest of the statement by the representative of France that his Government had affirmed the "readiness of the Comoro Archipelago for independence", and request the administering Power to extend its cooperation to the Special Committee.

427. The representative of France did not participate in the vote on the draft resolution and, in explanation, expressed his disappointment that, after he had outlined to the Committee the steps being taken to allow the accession to independence of the Territory,⁵⁴³ the draft resolution had been written as if none of those advances had occurred. He said that France and the Comoro Archipelago would complete the process agreed upon, regretting that other parties had not seen fit to understand it.⁵⁴⁴ The

representative of the Ivory Coast, however, welcomed France's statement in the Committee and noted that France was now cooperating with the United Nations with regard to the Comoros despite its reservations about the Declaration on decolonization.⁵⁴⁵ The draft was approved by the Fourth Committee. Subsequently, the General Assembly adopted⁵⁴⁶ the draft resolution submitted by the Fourth Committee as resolution 3161 (XXVIII).

428. At the following session, the question was considered by the Special Committee at its 978th, 979th, 981st, and 982nd meetings. A draft resolution,⁵⁴⁷ noting the popular consultation on independence that was scheduled to be held on 22 December 1974, was subsequently submitted to the Fourth Committee and was adopted⁵⁴⁸ without objection. The representative of France once again did not participate in the voting. He nonetheless expressed⁵⁴⁹ a general reservation as he considered that the resolution adopted raised a question of competence, since it concerned the situation of a Territory that was legally under French sovereignty. He noted that the principle of sovereignty was clearly enunciated in Article 2, paragraph 7, of the Charter. At previous sessions, his Government had spontaneously decided to inform the General Assembly of changes that had taken place in the Archipelago and to supplement that information⁵⁵⁰ at the current session, but he maintained that his delegation had some reservations regarding the draft resolution.

429. The draft resolution submitted by the Fourth Committee was subsequently adopted⁵⁵¹ with no objection by the General Assembly as resolution 3291 (XXIX). The following year, 1975, subsequent to the above-mentioned popular consultation, the Comoro Archipelago gained its independence. The General Assembly, later in the period under review, at the thirty-first and thirty-second sessions, took up the question of the territorial integrity of the Comoros and the Comorian island of Mayotte, a question which is treated elsewhere in this study (see paras. 241-249 above).

(ii) *Puerto Rico*

430. As in the previous period under review,⁵⁵² the Special Committee continued to consider the question of including Puerto Rico in the list of Territories to which Article 73e and the Declaration on decolonization applied. At the twenty-sixth session, the General Committee rejected a request by Cuba for the inclusion of Puerto Rico in the agenda of the General Assembly, and the General Assembly adopted the General Committee's recommendation that the item should be excluded from the agenda.⁵⁵³ Thus, as had been the case with regard to the Comoro Archipelago in the

⁵³⁶ *Repertory, Supplement No. 2*, vol. III, under Article 73, paras. 103 and 104.

⁵³⁷ G A (25), Suppl. No. 23, vol. I, chap. I, annex IV.

⁵³⁸ A/AC.109/PV.828.

⁵³⁹ G A (27), Suppl. No. 23, vol. I, chap. I, annex II.

⁵⁴⁰ Ivory Coast and Sweden.

⁵⁴¹ A/AC.109/PV.887, Ivory Coast.

⁵⁴² A/C.4/L.1057.

⁵⁴³ G A (28), 4th Comm., 2064th mtg., paras. 17-28.

⁵⁴⁴ *Ibid.*, 2077th mtg., paras. 2-6.

⁵⁴⁵ *Ibid.*, paras. 9 and 12.

⁵⁴⁶ G A (28), Plen., 2202nd mtg.

⁵⁴⁷ A/C.4/L.1088/Rev.1.

⁵⁴⁸ G A (29), 4th Comm., 2131st mtg., para. 15.

⁵⁴⁹ *Ibid.*, para. 17.

⁵⁵⁰ *Ibid.*, 2124th mtg., paras. 40-41.

⁵⁵¹ G A (29), Plen., 2318th mtg., para. 66.

⁵⁵² *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 592-612.

⁵⁵³ G A (26), Plen., 193rd mtg., para. 110.

previous period under review, the question was raised as to whether the Special Committee could inscribe an item on its agenda for discussion without the approval of the General Assembly.⁵⁵⁴

431. Notwithstanding the decision of the General Assembly not to inscribe the question of Puerto Rico on its agenda, at the twenty-seventh session, after considering communications from the Governments of Chile,⁵⁵⁵ Cuba⁵⁵⁶ and the United States,⁵⁵⁷ the Special Committee, by 12 votes to none, with 10 abstentions, adopted a resolution⁵⁵⁸ in which it recognized the inalienable right of the people of Puerto Rico to self-determination and independence in accordance with the Declaration on decolonization. In the resolution the Special Committee also instructed a working group to submit a report on the procedure to be followed for the implementation of the Declaration with respect to Puerto Rico.

432. Many of the countries that abstained in the voting on the draft resolution did so in the light of the General Committee's rejection of the inclusion of Puerto Rico in the agenda.⁵⁵⁹ It was argued, for example, that given the General Committee's decision, the General Assembly had jurisdiction over the question, and a failure to respect the Assembly's endorsement of the General Committee's recommendation would be contrary to the indispensable link between the General Assembly and its subsidiary organs, including the Special Committee.

433. At the following session, the Special Committee decided to take up separately, under an agenda item entitled "List of Territories to which the Declaration is applicable", a new sub-item entitled "Special Committee resolution of 28 August 1972 concerning Puerto Rico". At its 942nd meeting, the Special Committee decided, by a vote of 12 to none, with 12 abstentions, to grant two requests for hearings.⁵⁶⁰ At the next meeting, the Special Committee heard statements made by the Secretary-General of the Puerto Rican Socialist Party and the President of the Puerto Rican Independence Party. At its 948th meeting, the Special Committee adopted a resolution⁵⁶¹ reaffirming the inalienable right of the people of Puerto Rico to self-determination and independence, requesting the United States to refrain from taking any measures which might obstruct the full and free exercise by the people of those inalienable rights and requesting the Rapporteur of the Committee to collect all pertinent information on the question, including the views of all the parties concerned, for the purpose of facilitating the consideration of the question by the Committee the following year.

434. The question of Puerto Rico was also raised in the Fourth Committee during the twenty-eighth session.

⁵⁵⁴ *Repertory, Supplement No. 4*, vol. II, under Article 73, para. 586.

⁵⁵⁵ G A (27), Suppl. No. 23, vol. I, chap. I, annex V.

⁵⁵⁶ *Ibid.*, annex III.

⁵⁵⁷ G A (27), Suppl. No. 23, vol. I, chap. I, annex IV.

⁵⁵⁸ A/AC.109/419.

⁵⁵⁹ A/AC.109/PV.890, Sweden, Ivory Coast, Fiji, Iran, Venezuela, and Trinidad and Tobago.

⁵⁶⁰ G A (28), Suppl. No. 23, vol. I, chap. I, para. 79.

⁵⁶¹ Document A/AC.109/438.

Following a reference made to Puerto Rico in a speech by the representative of Cuba,⁵⁶² the representative of the United States raised a point of order and said that those remarks had nothing to do with the item under discussion and were therefore out of order.⁵⁶³ The Chairman of the Committee subsequently referred to chapter I of the report of the Special Committee on decolonization, which contained the resolution on Puerto Rico adopted by the Special Committee, and ruled that the comments of the representative of Cuba were therefore within the scope of the discussion of the Fourth Committee.⁵⁶⁴

435. The Chairman later had occasion to further explain his ruling. He noted that General Assembly resolution 1514 (XV) applied to all colonial Territories, that the item on Puerto Rico had been studied by the plenary of the Special Committee in 1972 and 1973, that a resolution had been adopted in the Special Committee, and that according to the operative paragraphs of that resolution the question was clearly among the items submitted for the consideration of the General Assembly and the Fourth Committee. He had therefore proceeded as he had. He requested that his statement appear in extenso in the record of the meeting and his request was agreed to with no objection.⁵⁶⁵ The United States representative noted that his delegation could not agree with the ruling and reserved the right to revert to the question later.⁵⁶⁶

436. At the thirtieth session, a draft resolution⁵⁶⁷ was submitted in the Special Committee in which it would reaffirm the rights mentioned above and, inter alia, recognize the national liberation movement of Puerto Rico as representing the legitimate aspirations of the people of Puerto Rico for independence. The Special Committee adjourned without voting on the draft.⁵⁶⁸

437. The Special Committee continued to examine the question of Puerto Rico in this manner and continued to consider communications and receive petitioners from the Territory, without the item having been inscribed on the agenda of the General Assembly. During the thirty-third session, the Special Committee adopted a resolution⁵⁶⁹ in which, inter alia, it deemed that any form of free association between Puerto Rico and the United States must be in terms of political equality in order to comply fully with the provisions of the relevant resolutions and decisions of the General Assembly and of applicable international law, and must recognize the sovereignty of the people of Puerto Rico. The Special Committee also urged the United States to abide by the principles of the Declaration with respect to Puerto Rico, and decided to keep the question under review.

438. During the same session, the question of Puerto Rico was raised in the Fourth Committee in relation to a request⁵⁷⁰ submitted by the delegate of Cuba to hear a

⁵⁶² G A (28), 4th Comm., 2059th mtg., para. 9.

⁵⁶³ *Ibid.*, para. 10.

⁵⁶⁴ *Ibid.*, para. 13.

⁵⁶⁵ G A (28), 4th Comm., 2062nd mtg., paras. 50-60.

⁵⁶⁶ *Ibid.*, para. 63.

⁵⁶⁷ A/AC.109/L.1055.

⁵⁶⁸ A/AC.109/PV.1019.

⁵⁶⁹ A/AC.109/574.

⁵⁷⁰ A/C.4/33/14.

statement by the Secretary-General of the Puerto Rican Socialist Party.⁵⁷¹ The request was opposed on the grounds that granting it would create a dangerous precedent. One delegate suggested that Cuba should follow the normal procedure, which was to submit a request to the General Committee to include Puerto Rico in the agenda of the General Assembly.⁵⁷² Several delegates subsequently proposed that the Legal Counsel should be consulted on the matter and that discussion of the question should be postponed until his opinion was known.⁵⁷³ The proposal to suspend the meeting was adopted after a vote and the Legal Counsel was summoned.

439. The representative of Norway asked the Legal Counsel whether the question of Puerto Rico could be dealt with by the Fourth Committee and whether the Committee could grant a hearing to a petitioner to provide information on the substance of that question.⁵⁷⁴ The Counsel responded that Puerto Rico was not included in the list of Territories approved by the General Assembly to which the Declaration on the Granting of Independence to Colonial Countries and Peoples currently applied. He noted that the Special Committee on decolonization had adopted a resolution on an item entitled "Special Committee decisions of 2 September 1977 concerning Puerto Rico", but that that resolution did not contain any recommendation to the effect that the General Assembly was to include Puerto Rico in the list of Territories to which the Declaration was applicable. Furthermore, in the report of the Special Committee, the question of Puerto Rico was not listed in the section dealing with Territories considered by the Committee, but was covered under a separate subheading of chapter I entitled "Question of the list of Territories to which the Declaration is applicable". The Legal Counsel referred to a memorandum of the Secretary-General⁵⁷⁵ and to the agenda adopted during the current session,⁵⁷⁶ in which all chapters of the report of the Special Committee relating to specific Territories had been allocated to the Fourth Committee. In those circumstances, it was the opinion of the Office of Legal Affairs that the question of Puerto Rico was not on the list of Territories to which the Declaration applied and it would not be within the competence of the Fourth Committee to consider or grant the request for a hearing under consideration without express authorization from the General Assembly.⁵⁷⁷

440. The representative of Cuba asked the opinion of the Legal Counsel on the decision taken by the Fourth Committee at the twenty-eighth session, to the effect that Puerto Rico was among the items considered by the Fourth Committee.⁵⁷⁸ The Legal Counsel replied that he would need to study the statement before stating his opinion.⁵⁷⁹

⁵⁷¹ G A (33), 4th Comm., 25th mtg., paras. 48-51.

⁵⁷² Ibid., Saudi Arabia, para. 52.

⁵⁷³ Ibid., Norway, para. 56; Spain, para. 61; Saudi Arabia, para. 64.

⁵⁷⁴ Ibid., Norway, para. 68.

⁵⁷⁵ A/BUR/33/1.

⁵⁷⁶ A/33/251/Rev.1.

⁵⁷⁷ G A (33), 4th Comm., 25th mtg., paras. 69-75.

⁵⁷⁸ Ibid., para. 79.

⁵⁷⁹ Ibid., para. 83.

441. At the following meeting, the Fourth Committee decided to transmit the document containing the request for a hearing of the Secretary-General of the Puerto Rican Socialist Party to the President of the General Assembly without comment and without wording that would "suggest or state a position on the matter". The President of the General Assembly did not act to grant the hearing.

442. The question of Puerto Rico was again raised in the plenary of the General Assembly at the thirty-third session. The representative of the United States, speaking in a right of reply, noted that his country was pleased that the Fourth Committee had not allowed Cuba to circumvent proper procedures and take up an issue not on its agenda, and that the Committee had heard the views of all concerned and had accepted the advice of the Legal Counsel, thereby deciding that the matter was not properly before it.⁵⁸⁰ The representative of Cuba replied that the fact was that the question of Puerto Rico was before the United Nations, if not de jure then de facto, and for the purpose the one was as good as the other. He noted that the question had in fact been considered for years by the Special Committee.⁵⁸¹

Decision

443. The General Assembly adopted no resolutions specifically on the question of Puerto Rico during the period under review. Nevertheless, the Special Committee continued to examine the matter and, in contrast to previous practice, adopted two resolutions in that regard, as described above. The General Assembly, in its resolutions 2708 (XXVI), 2908 (XXVII), 3163 (XXVIII), 3328 (XXIX), 3481 (XXX), 31/143, 32/42 and 33/44, endorsed in general the work of the Special Committee.

(b) *The competence of the General Assembly to determine to which Territories Chapter XI of the Charter and the Declaration apply or continue to apply*

(i) General

444. During the period under review, the General Assembly, in its resolutions 2701 (XXV), 2870 (XXVI), 2978 (XXVII), 3110 (XXVIII), 3293 (XXIX), 3420 (XXX), 31/29, 32/33 and 33/37, repeatedly affirmed that it had the competence to examine information regarding Territories covered by Article 73e, and requested that the administering Powers continue to transmit that information. In certain specific cases, administering Powers argued that they were no longer obliged to transmit information as required by Article 73e. Those cases are described below.

445. Indeed, while the resolutions on the question of information from Non-Self-Governing Territories transmitted under Article 73e of the Charter were adopted with little debate and with large majorities, many reservations were expressed with regard to the principle that regulated the controversies described below: that in the absence of a decision by the General Assembly to the effect that a Non-Self-Governing Territory has attained a full

⁵⁸⁰ G A (33), Plen., 82nd mtg., para. 374.

⁵⁸¹ Ibid., para. 379.

measure of self-government in terms of Chapter XI of the Charter, the administering Power concerned should continue to transmit information under Article 73e with respect to that Territory. The administering Powers expressed serious reservations with regard to this principle,⁵⁸² arguing that the prerogative of providing information belonged to the administering Power⁵⁸³ and that the attainment of self-government was a statement of fact which could not be affected by a decision of the General Assembly.⁵⁸⁴ Some non-administering Powers⁵⁸⁵ also expressed reservations, noting their fears that the application of the principle could interfere with the rights of peoples to determine their own future⁵⁸⁶ or delay their accession to freedom and independence.⁵⁸⁷

(ii) *Territories under Portuguese administration*⁵⁸⁸

446. The Secretary-General between 1970 and 1974 reported on the failure of Portugal to provide any information whatsoever regarding its Territories. In his report to the General Assembly at its thirtieth session, in 1975, the Secretary-General reported that he had received information on Territories under Portuguese administration. The Assembly welcomed the development with satisfaction in its resolution 3294 (XXX). Additional information was provided by Portugal during meetings of the Special Committee. At the thirty-first session of the General Assembly, Portugal ceased to transmit information on the Territories it administered, as they were deemed by the General Assembly to have reached a full level of self-determination.

447. By a letter dated 20 April 1977,⁵⁸⁹ the Government of Portugal informed the Secretary-General that since August 1975, as a result of well-known circumstances in the Territory, it had been unable to exercise effective administration of East Timor. The Government of Portugal was therefore de facto prevented from transmitting any information under article 73e of the Charter (see paras. 152-165).⁵⁹⁰

Decision

448. The General Assembly, in its resolutions 2701 (XXV), 2870 (XXVI), 2978 (XXVII) and 3110 (XXVIII), on information from Non-Self-Governing Territories transmitted under Article 73e of the Charter, deplored the refusal of the Government of Portugal to transmit

information under Article 73e, and continued to request that it comply with the Assembly resolutions regarding such information. Subsequently, however, in the sixth preambular paragraph of resolution 3293 (XXIX), the Assembly noted with satisfaction that the Government of Portugal had reaffirmed its obligations with regard to Chapter XI of the Charter and had declared its intention to supply all the information requested under Article 73e.

(iii) *Spanish Sahara/Western Sahara*

449. By means of a letter dated 26 February 1976,⁵⁹¹ the Government of Spain informed the Secretary-General that it had definitively terminated its presence in the Territory of the Sahara and considered itself exempt from any responsibility of an international nature in regard to the Territory.⁵⁹² In its resolution 33/31 B, the General Assembly requested the Special Committee to continue to keep developments in the Territory under active review, but did not specifically deal with the question of the cessation of information.

(iv) *West Indian Associated States*⁵⁹³

450. As previously described,⁵⁹⁴ the United Kingdom continued to refuse to transmit information on Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla and St. Lucia. The United Kingdom considered that those Territories exercised a full measure of self-government and that to transmit information under Chapter XI would therefore be regarded by them as unconstitutional and inconsistent with their self-governing status.⁵⁹⁵

Decision

451. The General Assembly, by its resolution 2701 (XXV), considered that in the absence of a decision taken by the Assembly itself that the Territories in question had reached a full measure of self-determination under the terms of Article XI, the Government of the United Kingdom should continue to transmit that information to the Secretary-General. In subsequent sessions during the period under review, the Assembly reiterated this principle in general terms, without specifically mentioning the West Indian Associated States.

(v) *Brunei*

452. In a note verbale dated 18 September 1972, the Government of the United Kingdom informed the Secretary-General that as a consequence of an agreement signed on 23 November 1971, whereby Brunei had attained self-government, it was no longer necessary to send information under Article 73e.⁵⁹⁶

⁵⁸² For example, see G A (25), 4th Comm., 1916th mtg., United States, para. 44.

⁵⁸³ G A (30), 4th Comm., 2173rd mtg., France, para. 10.

⁵⁸⁴ G A (27), 4th Comm., 2017th mtg., United Kingdom, para. 10.

⁵⁸⁵ See, for example, G A (25), 4th Comm., 1916th mtg., Turkey, para. 40; Nigeria, para. 43; Ireland, para. 49; G A (26), 4th Comm., 1967th mtg., Sweden, para. 64; Costa Rica, para. 69; Greece, para. 71; G A (28), 4th Comm., 2072nd mtg., Italy, para. 41; Nicaragua, para. 45.

⁵⁸⁶ G A (26), 4th Comm., 1967th mtg., Japan, para. 63.

⁵⁸⁷ Ibid., Madagascar, para. 61.

⁵⁸⁸ See also paras. 161-164 above.

⁵⁸⁹ A/32/73.

⁵⁹⁰ G A (32), Suppl. No. 23, vol. IV, chap. XXXII, annex, footnote d.

⁵⁹¹ A/31/56-S/11997.

⁵⁹² G A (31), Suppl. No. 23, vol. IV, chap. XXXII, annex, footnote f.

⁵⁹³ See also paras. 131-137 above.

⁵⁹⁴ See, for example, G A resolution 2558 (XXIV) and *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 162-174.

⁵⁹⁵ G A (25), 4th Comm., 1916th mtg., paras. 35 and 36.

⁵⁹⁶ G A (28), Suppl. No. 23, vol. V, chap. XXIX, annex, para. 4.

453. The General Assembly, by its resolution 2978 (XXVII), took note of the note verbale from the United Kingdom and reaffirmed, in general terms, the principle that an administering Power must continue to provide information under Article 73*e* until the General Assembly determined that the Territory concerned had reached a full measure of self-determination in terms of Chapter XI of the Charter.

454. Furthermore, by its resolution 3159 (XXVIII), the General Assembly recalled its resolution 2978 (XXVII) and requested the administering Power to furnish to the Special Committee such information as it might require and, in particular, to participate, in conformity with the provisions of related resolutions of the General Assembly, in the relevant proceedings of the Special Committee.

455. At the twenty-ninth session, during the consideration of a draft consensus⁵⁹⁷ in the Fourth Committee on the question of Brunei, the representative of the United Kingdom reminded the Committee of its note verbale dated 18 September 1972 (see para. 452), and reiterated that it was no longer appropriate for information about Brunei to be transmitted under Article 73*e* of the Charter of the United Nations. He said⁵⁹⁸ that the United Kingdom remained responsible for Brunei's external affairs, in consultation with

the Government of Brunei, and had a consultative role in defence in the event of an external attack on the country, but his Government was not and had never been an administering Power and consequently did not regard Chapter XI of the Charter as applicable to Brunei. His Government did not consider, therefore, that the draft consensus was within the competence of the Special Committee, though his delegation was fully ready to continue consultations with the Chairman of the Special Committee as proposed in the draft. The draft consensus,⁵⁹⁹ in which the Fourth Committee noted the decision of the Special Committee to continue consultations with the administering Power with a view to the implementation of General Assembly resolution 1514 (XV), was adopted without objection.

456. In the resolutions⁶⁰⁰ adopted on the question during the remainder of the period under review (see para. 235 above), the transmission of information under Article 73*e* was not explicitly mentioned. The General Assembly did, however, reaffirm the inalienable right of the people of Brunei to self-determination under resolution 1514 (XV), and call upon the administering Power to extend full cooperation to the Special Committee.

⁵⁹⁷ A/C.4/L.1087.

⁵⁹⁸ G A (29), 4th Comm., United Kingdom, paras. 31 and 32.

⁵⁹⁹ G A (29), annexes, agenda item 23, para. 38.

⁶⁰⁰ G A resolutions 3424 (XXX), 31/56 and 32/37.

ANNEX I

**Decisions of the Special Committee on decolonization referring
to the Security Council**

<i>Session</i>	<i>Decisions relating to Southern Rhodesia</i>	<i>Decisions relating to Territories under Portuguese administration</i>
<i>Twenty-fifth</i>	S/9686 and Corr.1 S/9920	S/9917
<i>Twenty-sixth</i>	S/10147 ^a S/10249 S/10298 S/10312 ^a S/10355	S/10147 ^a S/10176 S/10312 ^a S/10320
<i>Twenty-seventh</i>	S/10634	S/10624 S/10633
<i>Twenty-eighth</i>	S/10923 S/10959	S/10960
<i>Twenty-ninth</i>	S/11247 S/11261	S/11262
<i>Thirtieth</i>	S/11742	
<i>Thirty-first</i>	S/12098	
<i>Thirty-second</i>	S/12380	
<i>Thirty-third</i>	S/12808	

^a Omnibus decision referring to Southern Rhodesia, Namibia and Territories under Portuguese administration.

ANNEX II

**Non-Self-Governing Territories considered by the General Assembly
from the twenty-fifth to thirty-third sessions**

<i>Territories</i>	<i>Sessions</i>								
	25	26	27	28	29	30	31	32	33
American Samoa									
Antigua									
Bahamas ^a									
Bermuda									
British Honduras/Belize ^b									
British Virgin Islands									
Brunei									
Cayman Islands				X					
Cocos (Keeling) Islands									
Comoro Archipelago ^c	X								
Dominica ^d	X								
Falkland Islands (Malvinas)	X								
Fiji ^e					X				
French Somaliland/Djibouti ^f					X				
Gibraltar									
Gilbert and Ellice Islands ^g									
Grenada ^h			X					X	
Guam									
Hong Kong ⁱ									
Montserrat									
Namibia									
New Hebrides									
Niue and Tokelau ^j									
Oman ^k									
Papua/Papua New Guinea ^l									
Pitcairn									
St. Helena									
St. Kitts-Nevis-Anguilla									
St. Lucia									
St. Vincent									
Seychelles ^m									
Solomon Islands ⁿ									
Southern Rhodesia									
Spanish Sahara/Western Sahara ^o									
Territories under Portuguese administration ^p									
Timor/East Timor ^q	X				X				
Turks and Caicos									
United States Virgin Islands									

^a Acceded to independence from the United Kingdom in 1974.

^b Belize, beginning in the twenty-ninth session.

^c At the twenty-seventh session, the Special Committee decided by consensus that the Comoro Archipelago should be considered as a Territory to which the Declaration applied. Comoros acceded to independence in 1975 (see paras. 427-429 and 241).

^d Acceded to independence from the United Kingdom in November 1978.

^e Acceded to independence from the United Kingdom in 1971.

^f Acceded to independence from France in 1977 (see para. 237).

^g Following a referendum in 1974, the Territory was considered separately as Gilbert Islands and Tuvalu. Tuvalu acceded to independence in October 1978.

^h Acceded to independence from the United Kingdom in 1974 (see paras. 143-149).

ⁱ Removed from the list in 1972 subsequent to a letter from the Government of China addressed to the Chairman of the Special Committee on decolonization (see para. 357).

^j Beginning in the thirtieth session, Tokelau was considered separately, Niue having achieved the status of full self-government in free association with New Zealand in 1974 (see paras. 149-156).

^k Acceded to independence from the United Kingdom in 1971.

- ^l Considered separately as the Non-Self-Governing Territory of Papua and the Trust Territory of New Guinea until 1972, when the two Territories entered into an administrative union, subsequent to which they were considered together by the Special Committee on decolonization. They acceded to independence from Australia as the single State of Papua New Guinea in 1975.
- ^m Acceded to independence from the United Kingdom in 1976 (see paras. 143-149).
- ⁿ Acceded to independence in July 1978.
- ^o Considered as Western Sahara beginning in the thirtieth session.
- ^p These Territories were: Angola, Cape Verde, Guinea (Bissau), Sao Tome and Principe, Mozambique and Timor. They acceded to independence in 1974 and 1975, except for East Timor (see paras. 152-165).
- ^q Considered as part of Territories under Portuguese administration (see note p above) until the thirtieth session. Considered as "Timor" in the thirtieth session, and thereafter considered as "East Timor".