

ARTICLE 73

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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. The issues analysed under Article 73 in the present *Supplement* are based on the objectives set forth in Chapter XI of the Charter, as elaborated in the Declaration on the Granting of Independence to Colonial Countries and Peoples,¹ adopted by the General Assembly in resolution 1514 (XV) of 14 December 1960. As described in the introductory note to the previous *Supplement*, for the purposes of the *Repertory*, issues relating to the implementation of the Declaration on decolonization are considered to be inseparable from issues relating to Article 73.

2. During the period under review, the General Assembly continued to devote its attention to enforcing the obligations of administering Powers towards Non-Self-Governing Territories under their administration, as set out in Article 73. The issues covered by the present study have been arranged, as in the previous *Supplement*, to follow the structure of Article 73 with close regard to the substantive linkages between that Article and the Declaration on decolonization. Thus, section A addresses questions of economic, social and educational advancement; section B addresses questions of self-determination and independence; section C addresses international peace and security as they relate to colonial countries and peoples; section D addresses

the promotion of constructive measures by the specialized agencies of the United Nations in particular to further the development of the peoples of the Non-Self-Governing Territories; and finally, section E addresses the regular transmission of information from the administering Powers to the Secretary-General regarding conditions in their Territories as well as issues concerning the examination of such information.

3. As in past *Repertory* studies, in the present *Supplement*, questions relating to Trust Territories are addressed more completely under Article 75 and matters relating to Namibia, a Non-Self-Governing Territory under the sovereignty of the United Nations, are dealt with under Article 81.

4. Due to the great number of Territories that exercised their right to self-determination both prior to and during the present period of review, the content under some headings has been greatly diminished in comparison to previous *Supplements*. In particular, the independence of Zimbabwe in 1980 removed the last southern African Territory that had been considered under Article 73.² Hereafter, the legislative tools that had been developed under Article 73 to further the

¹Referred to in this study as the Declaration on decolonization.

²The questions of the African Territories of Western Sahara and the Comorian island of Mayotte continued to be considered by the Special Committee.

decolonization of Non-Self-Governing Territories, in Africa in particular, were now increasingly directed against the illegal occupation of Namibia by South Africa, which is considered under Article 81, and the racist apartheid regime in South Africa, which is considered under Article 1(3).

5. Some emphasis is brought to bear on the question of the compliance of the International Bank for Reconstruction and Development and the International Monetary Fund with General Assembly resolutions on decolonization, primarily with regard to the relationship of those agencies with South Africa and Namibia. It is deemed relevant under Article 73 (as opposed to Article 81, which covers the administration of Namibia by the United Nations) for two reasons. First, the question addresses general issues pertaining to decolonization such as the relationship between the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,³ the

³Referred to in this study as the Special Committee on decolonization, or simply Special Committee.

I. GENERAL SURVEY

7. It will be recalled that the General Assembly at its sixteenth session had established the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (contained in its resolution 1514 (XV) of 14 December 1960). The Committee was mandated by the General Assembly to seek the most suitable ways and means of bringing colonial rule to an end in all the Territories which had not yet achieved independence.

8. In pursuance of its mandate, the Special Committee continued its close examination of conditions in colonial Territories on the basis of Article 73 and the Declaration on decolonization. Previous *Repertory* studies of this Article have described an increasing focus by the Special Committee on the question of colonialism in southern Africa. During the period under review, the last African colony to be considered under Article 73, Southern Rhodesia, gained independence as Zimbabwe in 1980. This event concluded a particularly active phase of the work of the Committee, in which it had set precedents on such questions as the legitimacy of armed struggle in the fight against colonialism, the recognition of national liberation movements, the provision of assistance to refugees from colonial wars and the dispatching of visiting missions. Thereafter, the Special Committee found itself confronted with two general categories of Non-Self-Governing Territories: small island Territories in the Caribbean and Pacific, and Territories over which there were disputes regarding sovereignty or territorial integrity. (The Territory of Saint Helena, considered by the Special Committee, is an exception that fits into neither category.) The Special Committee shifted its focus to address the problems faced by Territories in these two general categories.

9. During the reporting period the Special Committee enjoyed increased cooperation from the administering

General Assembly and the specialized agencies in promoting decolonization. Secondly, the issue has been treated under this Article in previous *Supplements* since it once affected Territories considered directly under Article 73, including Southern Rhodesia, which attained independence during the current period under review, in 1980.

6. In general, past *Repertory* studies of Article 73 have described the progressive development of various legislative tools to carry out the Charter's decolonization mandate. During the period under review, the General Assembly and its subsidiary bodies found it sufficient to use these tools and unnecessary to develop new ones. This, as well as the shortened list of Territories under consideration by the Special Committee on decolonization, explains the diminished amount of material presented herein as compared with previous *Supplements*.

Powers in its consideration of small island Territories. This cooperation obtained both with regard to the provision of information under Article 73e and with regard to the dispatching of visiting missions, a practice begun in the previous reporting period. At the same time, many of the Territories whose decolonization was hindered by disputes over sovereignty or territorial integrity continued to occupy a place on the agenda of the General Assembly.

10. While the question of Belize was resolved, and that Territory achieved independence in 1981, the questions of Gibraltar, Western Sahara and the Comorian island of Mayotte persisted without resolution during the period under review. The dispute over the Falkland Islands (Malvinas) between the United Kingdom of Great Britain and Northern Ireland and Argentina in fact led to armed conflict.

11. A review of the decisions taken by the General Assembly demonstrates a continued emphasis on issues such as the political and constitutional advancement in the various territories, the need for the participation of the United Nations in the process of decolonization and the need for the transmission of information under Article 73e.

12. Of particular note with regard to the general implementation of the Declaration was the adoption during the thirty-fifth session of the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,⁴ in which the General Assembly requested Member States to intensify efforts to implement the Declaration on decolonization by continuing to support measures which the Assembly had previously developed, such as rendering assistance to peoples under colonial domination and to their national

⁴G A resolution 35/118.

liberation movements, urging campaigns against activities and practices of foreign economic and financial interests operating in colonial Territories, and opposing military arrangements in those Territories. Although the Plan of Action proposed no novel measures, it called upon the Special Committee on decolonization to undertake a thorough review of the list of Trust and Non-Self-Governing Territories to which the Declaration applied, to continue to send visiting missions to the Territories, to continue to examine information transmitted under Article 73e, to receive petitioners from colonial Territories and to assist the General Assembly in making arrangements, in cooperation with the administering Powers, to secure a United Nations presence in the colonial Territories to observe or supervise the final stages of the process of decolonization in those Territories.

13. During the period under review, a total of 10 Territories were considered to have exercised their right to self-determination and ceased to be considered by the Special Committee on decolonization. Of these, nine achieved independence and one opted for incorporation with the administering Power.

Article 73a

14. The General Assembly continued to promote measures to further economic, social and educational advancement in colonial Territories. During the period under review, the Special Committee's traditional focus on monitoring the activities of foreign economic and other interests that impeded the implementation of the Declaration was affected by the independence of Southern Rhodesia in 1980. It may be recalled, that following the accession to independence of the remaining Territories under Portuguese administration in 1975, the Committee concentrated on foreign economic and other activities impeding decolonization in Southern Rhodesia and Namibia. With the independence of Southern Rhodesia, the main object of the Special Committee's attention in this regard became Namibia (and its illegal occupation by South Africa). Namibia, a Non-Self-Governing Territory under the de jure administration of the United Nations, is dealt with in the present *Supplement* under Article 81. Despite this specific attention, the General Assembly continued to adopt resolutions that were applicable to all colonial Territories. Those resolutions were based on the principle that peoples of dependent Territories had the right to dispose of their natural and economic resources in their best interests, and that economic activities in the Territories should be aimed at improving their standards of living and their self-sufficiency in their quest for independence.

15. With regard to educational advancement, the General Assembly largely followed established practices, in particular inviting States to make generous offers of study and training facilities to inhabitants of Non-Self-Governing Territories and appealing to States to support the United Nations Educational and Training Programme for Southern Africa (UNETPSA).

16. The General Assembly's treatment of social advancement and assurance of just treatment continued to focus on appeals to the international community to ensure

that certain basic enumerated rights were respected with regard to colonial peoples. These included the elimination of racial discrimination, rights to freely dispose of natural wealth, the application of the Universal Declaration of Human Rights (regarding torture in particular), the application of the 1949 Geneva Convention regarding prisoners from national liberation movements, and prohibition of the use of mercenaries against national liberation movements.

Article 73b

17. As indicated in past *Repertory* studies, the main question addressed under Article 73b is the right to self-determination and independence of colonial Territories. The present study focuses on the responsibility of administering Powers towards colonial peoples and on United Nations participation in ascertaining the will of the people with regard to the future status of their Territory. In particular, with regard to the Falkland Islands (Malvinas), Gibraltar and Western Sahara, where there existed sovereignty disputes or territorial claims that affected the principle of self-determination, the General Assembly adopted resolutions aimed at arriving at solutions to those conflicts consonant with the principles of the Charter.

18. Analysis of Article 73b in the present study is largely devoted to questions regarding the principle of territorial integrity as it related to or competed with other claims, such as sovereignty and self-determination. Both territorial integrity and self-determination are principles affirmed in the Declaration on decolonization. Many of the cases examined in the previous *Supplement* continued to occupy the attention of the General Assembly. Only one of those cases, that of Belize, was resolved in the present period under review. As in the previous reporting period, the General Assembly did not elaborate any general criteria according to which one or the other principle might be determined to have precedence, and instead continued to proceed on a case-by-case basis.

19. The General Assembly continued to reaffirm the legitimacy of the struggle of colonial peoples for independence using all necessary means at their disposal. The success of many of the liberation movements, especially in Africa, where the Special Committee had concentrated its efforts, reduced the urgency of this question as compared to the previous period under review. The Assembly continued to affirm its prerogative to recommend, when it considered it appropriate, a deadline for the accession to independence of a Territory in accordance with the wishes of the people and the provisions of the Declaration on decolonization. This prerogative was rarely exercised in the period under review. The General Assembly also continued to affirm that, in specific cases, the United Nations should participate in acts of self-determination in order for their results to be recognized as legitimate by the international community.

20. As in the past, the General Assembly addressed the question of the dissemination of information on the work of the United Nations with regard to the implementation of the Declaration. In that regard the Assembly continued to request the Secretary-General as well as Member States and, in particular, the administering Powers to disseminate information on the work of the United Nations and the

Special Committee concerning the implementation of the Declaration on decolonization.

Article 73c

21. The main issue raised under Article 73c is the obligation on the part of administering Powers to promote international peace and security in the exercise of their responsibilities regarding Territories under their administration.

22. The issue was examined by the General Assembly in the light of military activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration. The Assembly continued to call upon administering Powers to withdraw their military bases and installations from colonial Territories and to refrain from establishing new ones. In addition, during the period under review, the Assembly grew increasingly concerned about the use of such military installations as beachheads for aggression against sovereign States. In the light of that concern, the General Assembly called upon the administering Powers not to involve Territories under their administration in offensive acts or interference in the internal affairs of other States.

Article 73d

23. The study under Article 73d is devoted to an examination of the various forms of assistance provided by Member States and international organizations to colonial peoples in their struggle for self-determination and independence.

24. In its discussions of the issue during the period under review, the General Assembly examined the question of the withholding of assistance to colonial Powers by the specialized agencies and international organizations associated with the United Nations. By various decisions, the Assembly urged the specialized agencies and other organizations within the United Nations system to discontinue all collaboration with the Government of South Africa and the illegal racist minority regime in Southern Rhodesia until those regimes renounced their policies of racial discrimination and colonial domination. In the present study, a fair amount of detail is provided on the question of the compliance of the International Bank for Reconstruction and Development and the International Monetary Fund with resolutions adopted regarding the implementation of the Declaration on decolonization. The main issue of contention concerned ongoing relations between the two organizations and South Africa, which the General Assembly considered to be impeding the process of self-determination in southern Africa, and in Namibia in particular.⁵

⁵See under Article 81 in the present *Supplement*.

25. Particular attention was devoted by the General Assembly to the question of assistance to colonial peoples, liberation movements and refugees by specialized agencies and international institutions associated with the United Nations. The Assembly renewed its appeal to specialized agencies and organizations concerned to render all possible moral and material assistance, with the active cooperation of the Organization of African Unity (OAU), and through it, the liberation movements, to the peoples of Southern Rhodesia and Namibia, as well as to refugees from colonial Territories.

Article 73e

26. During the period under review, there was a considerable reduction in the number of Territories falling within Chapter XI of the Charter due to the exercise of the right to self-determination by many of those Territories.⁶ However, information on the remaining Non-Self-Governing Territories continued to be required of the administering Powers under Article 73e.

27. The Special Committee continued to examine the information transmitted to the Secretariat under Article 73e in accordance with the procedure established by General Assembly resolution 1970 (XVIII) of 16 December 1973. In examining that information, the Special Committee followed the previously established procedure of reviewing annually not only the political, economic, social, constitutional and other developments in each of the Territories to which the Declaration on decolonization applied, but also all published sources available to it, as well as petitions and oral statements made by petitioners in meetings of the United Nations. The Committee continued to collaborate with the Economic and Social Council, specialized agencies and international institutions associated with the United Nations in undertaking these functions.

28. As part of its examination of conditions in the Territories, and in cooperation with the administering Powers, the Special Committee dispatched visiting missions to the Territories to ascertain at first hand the conditions there and the level of political development.

29. Both the Special Committee and the General Assembly continued to confront cases involving a dispute over the competence of those bodies to examine certain Territories. Such disputes generally arose in Territories where exercises of self-determination had been considered by some Members (generally the administering Powers or a neighbouring State) to have taken place, and where those exercises had yielded a result other than independence, such

⁶Antigua and Barbuda (1981), Belize (1981), Brunei as Brunei Darussalam (1984), Cocos (Keeling) Islands (1984), Gilbert Islands as Kiribati (1979), St. Kitts-Nevis as St. Christopher and Nevis (1983), St. Lucia (1979), St. Vincent and the Grenadines as Saint Vincent (1979), Southern Rhodesia as Zimbabwe (1980) and New Hebrides as Vanuatu (1981).

as had occurred in Western Sahara, East Timor and the Comorian island of Mayotte. In those cases, the competence of the General Assembly to examine Territories under Article 73 was opposed by the claim that events in the Territories, once they had exercised their right to self-determination, had become internal matters removed from the purview of the United Nations by Article 2(7). In general, the General Assembly continued to affirm its right

to consider such cases and continued to adopt resolutions with regard to them.

30. The question of Puerto Rico continued to be considered by the Special Committee but not by the General Assembly, in accordance with the practice established during the previous period under review.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Article 73a

1. ECONOMIC ADVANCEMENT

(a) *Measures for economic development*

31. In its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly had declared that, by virtue of the right to self-determination, the peoples of Non-Self-Governing Territories freely determined their economic, social and cultural development. The Assembly had also declared that inadequacy of economic preparedness of the Territories under colonial rule should never serve as a pretext for delaying independence. In pursuance of those principles, during the period under review, the General Assembly continued to make recommendations for the economic advancement of the inhabitants of Non-Self-Governing Territories.

32. At its thirty-fifth session, the General Assembly adopted resolution 35/118 of 11 December 1980, containing the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which Member States undertook to render all necessary moral and material assistance to the peoples under colonial domination in their struggle to exercise their right to self-determination and independence, as well as to intensify their moral and material assistance to the national liberation movements recognized by the Organization of African Unity.

(b) *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 in all other Territories under colonial domination*

(i) *General*

33. During the period under review, the question of the activities of foreign economic interests continued to be considered annually as a separate item. Subsequent to the independence of Southern Rhodesia in 1980, the focus of the Assembly's attention was on the question of foreign economic interests impeding the implementation of the Declaration on decolonization in Namibia (considered under Article 81) and impeding efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa. Furthermore, in resolutions on this question, the Assembly continued to address the question of foreign economic and

other interests in impeding the implementation of the Declaration in other Non-Self-Governing Territories.

Decision

34. By its resolution 35/118, containing the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted on 11 December 1980, the General Assembly declared that the continuation of the exploitation by foreign and other interests of the economic and human resources of the Territories under colonial rule was incompatible with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the principles of international law. The Assembly urged Member States to continue to wage a vigorous and sustained campaign against the activities and practices of foreign economic, financial and other interests operating in colonial Territories which were detrimental to the interests of the populations of those Territories and to adopt legislative, administrative and other measures to bring about the discontinuance of such activities and practices on the part of their nationals and companies within their jurisdiction.

35. In resolutions⁷ adopted under the heading "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 Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa", the General Assembly continued to reiterate general provisions applicable to all colonial Territories. The Assembly, inter alia, reaffirmed the right of the peoples of dependent Territories to dispose of their natural resources in their best interests; reiterated that any administering Power that subordinated the rights and interests of peoples under their administration to foreign economic and financial interests violated the solemn obligations they had assumed under the Charter; requested the Special Committee to continue to monitor the economic situation in the Territories to ensure that economic activities carried out therein were aimed at the diversification and strengthening of their economies with a view towards facilitating their speedy accession to independence; and called upon administering Powers to abolish every discriminatory and unjust wage system prevailing in the Territories under their administration.

⁷G A resolutions 34/10, 35/28, 36/51, 37/31, 38/50 and 39/42.

(ii) *Southern Rhodesia*

36. By its resolution 34/41, adopted on 21 November 1979, the General Assembly condemned all activities of foreign economic and other interests operating in Southern Rhodesia and declared that any collaboration with the racist minority regime was detrimental to the interests of the oppressed peoples and impeded the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By the same resolution, the Assembly also strongly condemned the supply of petroleum and petroleum products to Southern Rhodesia by United Kingdom oil companies. No resolutions were adopted concerning Southern Rhodesia in subsequent years. The Territory attained independence on 18 April 1980 and became the Republic of Zimbabwe, admitted as a Member of the United Nations on 25 August 1980 (see paras. 68-74 below).

2. EDUCATIONAL ADVANCEMENT

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

37. The General Assembly continued its practice of inviting all States to make or continue to make generous offers of study and training facilities to inhabitants of Non-Self-Governing Territories and to inform the Secretary-General of the offers made, as well as provide travel funds to prospective students.

38. The General Assembly further requested the administering Powers concerned to give widespread publicity in the Territories under their administration to offers of study and training facilities made by Member States and to provide the necessary facilities to enable students to avail themselves of such offers.⁸

39. The Secretary-General continued to report⁹ to the General Assembly on the offers of scholarships and the extent to which they were used.

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

40. During the period under review, the General Assembly, in pursuance of its resolution 2349 (XXII) of 19 December 1967, continued to examine reports¹⁰ of the Secretary-General on this item and subsequently to adopt resolutions in which it appealed to all States, organizations and individuals to make generous contributions to UNETPSA.¹¹ In its resolution 35/30 of 11 November 1980, the Assembly decided that new scholarship awards should continue to be granted to students from Zimbabwe for a one-year period after independence, and that awards for Zimbabwean students who were already sponsored should be

continued until the completion of the courses for which the awards had been granted. Subsequent to the thirty-fifth session (during which Zimbabwe attained independence), UNETPSA concerned only Namibia and South Africa, and consequently ceased to involve Territories considered under Article 73 (Namibia has been considered under Article 81 since 1966, when the United Nations became the Administering Authority for the Territory by General Assembly resolution 2145 (XXI)).

3. SOCIAL ADVANCEMENT

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

41. During the period under review, the General Assembly continued to examine the item in pursuance of the principles of the Declaration on the Granting of Independence to Colonial Countries and Peoples which, inter alia, stated that the "subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights".

Decision

42. By its resolution 35/118 of 11 December 1980, the General Assembly categorically rejected any agreement, arrangements or unilateral action by colonial and racist Powers which ignored, violated, denied or conflicted with the right of peoples under colonial domination to self-determination and independence.

43. The provisions of resolution 35/118 were reiterated in other resolutions adopted by the General Assembly during the period under review.¹²

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

44. During the period under review, the General Assembly reaffirmed its condemnation of those colonial Powers that denied colonial peoples the right to self-determination. By its resolution 35/118, adopted on 11 December 1980, containing the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly decided that Member States, as well as the organizations within the United Nations system, having regard to the relevant provisions of the Declaration on the Establishment of a New International Economic Order contained in General Assembly resolution 3201 (S-VI) of 1 May 1974, and the Charter of Economic Rights and Duties of States, contained in General Assembly resolution 3281 (XXIX) of 1 May 1974, should ensure that the permanent sovereignty of the countries and Territories under colonial, racist and alien domination over their natural resources shall be fully respected and safeguarded.

⁸G A resolutions 34/32, 35/31, 36/54, 37/34, 38/53 and 39/45.

⁹A/35/518; A/36/580 and Add.1; A/37/539 and Add.1; A/38/549; A/39/541 and Add.1 and Add.2, and Corr.1.

¹⁰A/34/571; A/35/525; A/36/147; A/37/436; A/38/469; A/39/351.

¹¹G A resolutions 34/31, 35/30, 36/53, 37/33, 38/52 and 39/44.

¹²G A resolutions 34/94, 35/120, 36/68, 37/35, 38/54 and 39/91.

45. The above decision was reaffirmed by a number of General Assembly resolutions¹³ adopted during the period under review.

4. ASSURANCE OF JUST TREATMENT AND PROTECTION AGAINST ABUSES

(a) *Protection of human rights*

46. During the period under review, the General Assembly continued to examine the question of the protection of human rights in Non-Self-Governing Territories under the separate 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", which it allocated to the Third Committee for consideration.¹⁴

47. The Secretary-General continued to report annually to the General Assembly on the above items.¹⁵

Decision

48. The General Assembly, in a number of resolutions¹⁶ adopted during the period under review, demanded the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for fundamental individual rights and the observance of article 5 of the Universal Declaration of Human Rights,¹⁷ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

49. The General Assembly furthermore called for a maximization of all forms of assistance given by all States, appropriate United Nations organs, specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and apartheid through the national liberation movements recognized by the Organization of African Unity.¹⁸

50. The General Assembly moreover strongly condemned the ever increasing massacres of innocent and defenceless people, including women and children, by the racist minority regimes in southern Africa in their attempt to thwart the legitimate demands of the people.¹⁹

51. The General Assembly also demanded the immediate release of women and children detained in Namibian and South African prisons.²⁰

¹³G A resolutions 34/10, 35/28, 36/51, 37/31, 38/50 and 39/42.

¹⁴E/CN.4/SUB.2/404 (Vols. I-III). E/CN.4/SUB.2/405/Rev.1 (published under the title *The Right to Self-Determination* (United Nations publication, Sales No. E.79.XIV.5)).

¹⁵E S C decision 1979/39 of 10 May 1979.

¹⁶G A resolutions 34/44, 35/35 A and B, 36/9, 37/43, 38/17 and 39/17.

¹⁷G A resolution 217 A (III).

¹⁸G A resolutions 34/44, 35/35 A and B, 36/9, 37/43, 38/17 and 39/17.

¹⁹Ibid.

²⁰G A resolutions 35/35 A, 36/9, 37/43 and 38/17.

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

(i) *General*

52. The General Assembly, during the period under review, maintained the principle contained in its resolution 2621 (XXV), 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.

Decision

53. By its resolution 35/118, containing the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly decided that Member States shall recognize that armed conflicts in which peoples were fighting against colonial and racist domination and occupation in exercise of their right to self-determination were international armed conflicts as provided for by the Additional Protocol²¹ to the Geneva Conventions of 1949.²² The Assembly also declared that the legal status envisaged to apply to the combatants in the 1949 Geneva Conventions shall apply to persons engaged in armed struggle against colonial and alien domination and racist regimes; those persons captured as prisoners shall be accorded the status of prisoners of war and their treatment shall be in accordance with the provisions of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949.²³

(ii) *Southern Rhodesia*

54. At its thirty-fourth session, the General Assembly continued to affirm that the administering Power should ensure the application of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 to the situation in Southern Rhodesia.²⁴ As reported elsewhere in the present study (see paras. 68-74 below), Southern Rhodesia achieved independence as the Republic of Zimbabwe in 1980 and thereafter ceased to be considered under Article 73e of the Charter of the United Nations.

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

55. During the period under review, the General Assembly reaffirmed in a number of resolutions²⁵ that the practice of using mercenaries against movements for national liberation and independence constituted a criminal act, and that mercenaries themselves were criminals.

²¹A/32/144, annex 1.

²²United Nations *Treaty Series*, vol. 75, Nos. 970-973.

²³Ibid., No. 972, p. 135.

²⁴G A resolution 34/41.

²⁵G A resolutions 34/140, 35/48, 36/76, 37/109, 38/137 and 39/84.

Decision

56. By its resolution 35/118, containing the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly reiterated its decision that Member States shall adopt the necessary measures to prevent the recruitment, financing and training of mercenaries in their Territories for use against the national liberation movements struggling for their freedom and independence from the yoke of colonialism, racism and apartheid.

57. In addition, by its resolution 35/48 of 4 December 1980, adopted on the recommendation of the Sixth Committee, the General Assembly decided that an international convention against the recruitment, use, financing and training of mercenaries should be drafted. In the preambular part of the resolution, the Assembly recognized that the activities of mercenaries were contrary to fundamental principles of international law and seriously impeded the process of self-determination of peoples struggling against colonialism. By the same resolution, the Assembly established an Ad Hoc Committee for that purpose and requested that it draw up the convention at the earliest possible date. The Ad Hoc Committee did not complete its work during the current period under review, and the General Assembly continued to consider the annual reports of the Committee.²⁶

B. Article 73b

1. GENERAL

58. The central issue under paragraph 73b has been the right of colonial peoples to self-determination and their attainment of self-government or independence. Over the years, issues raised have involved the responsibility of administering Powers in enabling the peoples of Non-Self-Governing Territories to exercise their right to self-determination, the participation of the United Nations in exercises to ascertain the will of the people of a Territory in regard to its future status, and the question of the principle of national unity and territorial integrity.

59. In the case of various small island Territories, the General Assembly expressed deep concern at policies, inter alia, aimed at the disruption of their territorial integrity and at the creation of military bases and installations. The Assembly declared that such measures were incompatible with the purposes of the Charter and the Declaration on decolonization.

60. At its thirty-fourth session, the General Assembly considered, as it had done previously, the question of the granting of independence to Southern Rhodesia. In the past, discussion of the question had centred on the refusal of the administering Power to take responsibility for enabling the people of Southern Rhodesia to exercise their right to self-determination under Article 73b and the Declaration on decolonization. At the thirty-fourth session, the administering Power acknowledged this responsibility, and

²⁶G A resolutions 36/76, 37/109, 38/137 and 39/84.

by the time of the convening of the thirty-fifth session, the Territory had attained independence.

61. As in previous periods, the General Assembly considered questions of disputed sovereignty, including the question of compatibility between the principle of self-determination and territorial integrity, in the cases of the Falkland Islands (Malvinas), Gibraltar, Western Sahara, the Comorian island of Mayotte and Belize.

62. During the period under review, 10 Territories exercised their right to self-determination and independence and were removed from consideration by the Fourth Committee under Article 73. Those Territories were: Antigua and Barbuda (1981), Belize (1981), Brunei (as Brunei Darussalam, 1984), Cocos Islands (1984), Gilbert Islands (as Kiribati, 1979), St. Kitts-Nevis as St. Christopher and Nevis (1983), St. Lucia (1979), St. Vincent and the Grenadines (as Saint Vincent, 1979), Southern Rhodesia (as Zimbabwe, 1980) and New Hebrides (as Vanuatu, 1981).

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

(a) General

63. The Declaration on decolonization asserted 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 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."²⁷

64. General Assembly resolution 1541 (XV) of 15 December 1960 mentions the need for informed and democratic processes, but it does not specify the issue of United Nations participation in such processes. The practice of the Organization has evolved such that the General Assembly has decided in certain cases that the participation of the United Nations in this process was necessary.²⁸ In the previous period under review, the General Assembly had upheld that decision with regard to a number of specific Territories, namely Western Sahara, Seychelles, Niue, Brunei, Solomon Islands and French Somaliland.²⁹

65. As previously reported, the General Assembly, through its decisions over the years, had in fact established guidelines for the administering Powers in the fulfilment of their obligations under Article 73b.³⁰ These may be summarized as follows: The primary responsibility of the administering Power for the political progress of a colonial Territory under its administration is to ensure that the

²⁷G A resolution 1514 (XV), para. 5.

²⁸Repertory, Supplement No. 4, vol. II, under Article 73, paras. 212-279.

²⁹Repertory, Supplement No. 5, vol. IV, under Article 73, paras. 228-237.

³⁰Repertory, Supplement No. 4, vol. II, under Article 73, paras. 158-160.

peoples can and do exercise their right to self-determination and independence. Thus, constitutional and political progress must be based on the full participation of the indigenous populations in the political life of the Territory and it is the responsibility of the administering Power to develop and create the necessary conditions for such participation in a democratic Government based on universal franchise. In certain cases, this may involve the removal of conditions impeding such participation as, for instance, the elimination of discrimination, the repeal of restrictive legislation, the lifting of a state of emergency or the release of political prisoners. However, even when a people has chosen self-government it retains the right to independence and it is the responsibility of the administering Power to ensure that no restrictions are placed on this ultimate right.³¹

66. As a corollary to the defined obligations of the administering Powers, the General Assembly also asserted the responsibility of the international community for the progress of the colonial peoples, for example through the sending of visiting missions (see paras. 184-201 below) and, in certain situations, the participation of the United Nations in the exercise of self-determination by the peoples of the Territories.³²

Decision

67. During the period under review, the General Assembly in various decisions requested the administering Powers concerned to take effective measures towards self-determination and independence in specific Territories, or recognized that the administering Powers were responsible for creating the conditions leading to the fulfilment of the Declaration on decolonization in those Territories. The Territories dealt with in particular were: Anguilla,³³ Belize,³⁴ East Timor,³⁵ Bermuda,³⁶ British Virgin Islands,³⁷ Cayman Islands,³⁸ Montserrat,³⁹ Turks and Caicos Islands,⁴⁰ American Samoa,⁴¹ United States Virgin Islands⁴² and Guam.⁴³

(b) *Southern Rhodesia*

68. As noted in the previous *Repertory*,⁴⁴ the General Assembly condemned the 1965 unilateral declaration of independence by a minority racist regime in the Territory of Southern Rhodesia, and considered the perpetuation of that

³¹ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 337-338.

³² G A resolutions 34/94, 35/119, 36/68, 37/35, 38/54 and 39/91.

³³ G A resolution 39/39.

³⁴ G A resolutions 34/38 and 35/20.

³⁵ G A resolution 36/50.

³⁶ G A resolutions 34/34, 35/21, 36/62 and 37/22.

³⁷ G A resolutions 34/34, 35/21, 36/62, 37/23, 38/44 and 39/34.

³⁸ G A resolutions 34/34, 35/21, 36/62, 37/24, 38/45 and 39/35.

³⁹ G A resolutions 34/34, 35/21, 36/62, 37/27, 38/46 and 39/36.

⁴⁰ G A resolutions 34/34, 35/25, 36/62, 37/25, 38/47 and 39/37.

⁴¹ G A resolutions 34/35, 35/23, 36/48, 37/20, 38/41 and 39/31.

⁴² G A resolutions 34/36, 36/47, 37/26, 38/48 and 39/38.

⁴³ G A resolutions 34/39, 35/22, 36/63, 37/21, 38/42 and 39/32.

⁴⁴ *Repertory, Supplement No. 5*, vol. IV, under Article 73, para. 85.

regime to be incompatible with the Charter of the United Nations. The Assembly continued to hold the view that the Government of the United Kingdom of Great Britain and Northern Ireland, as administering Power, had the primary responsibility for putting an end to that regime and condemned the administering Power for failing to fulfil its responsibility. The Assembly had also reaffirmed the principle that there should be no independence before majority rule. The General Assembly had reiterated these provisions in resolutions adopted prior to the present period under review.

69. At the thirty-fourth session of the General Assembly, the representative of the United Kingdom announced⁴⁵ in the Fourth Committee that at the Commonwealth Conference held in Lusaka in August 1979, his Government had declared that it accepted full responsibility for the decolonization of the Territory. He further noted that the new Prime Minister of the United Kingdom had said that her Government was wholly committed to genuine black majority rule in Southern Rhodesia, that it accepted constitutional responsibility for granting legal independence, that the Rhodesian Constitution was defective in certain important respects and that her Government's objective was for Southern Rhodesia to achieve independence on the basis of a constitution comparable to the independence constitutions of other former British colonies. The representative said that at Lusaka the foundations had been laid for the negotiations that were then in progress at Lancaster House in London between the Salisbury Delegation and the Patriotic Front. The purpose of the negotiations was: (a) to decide upon the terms of a new constitution for an independent Zimbabwe; (b) to decide upon the arrangements for putting that constitution into effect; and (c) to decide upon arrangements for a ceasefire. The Lancaster House Conference had thus far completed the first two tasks, and therefore stood on the threshold of solving a problem that had bedevilled peace and security in Africa for many years.

70. The Fourth Committee also heard statements⁴⁶ regarding the Lusaka Conference and the Lancaster House negotiations by a representative from the Patriotic Front, the sole recognized liberation movement of Southern Rhodesia. The Patriotic Front representative voiced some dissatisfaction with the progress of the Lancaster House negotiations and proposed that the United Nations should play a role in helping to devise the transitional arrangements towards independence, noting that as it was the only body with the relevant experience, and which included all countries, it was the best hope for international peace and security.⁴⁷

71. The Fourth Committee decided without objection that any decision taken by the General Assembly should take due account of the possible result of the ongoing

⁴⁵ G A (34), 4th Comm., 29th mtg., paras. 5-17. The full text of the statement was issued as document A/C.4/34/L.27.

⁴⁶ G A (34), 4th Comm., 26th mtg., paras. 9-23, and 31st mtg., paras. 11-19. The full text of the statements were issued as A/C.4/34/L.26 and L.28.

⁴⁷ G A (34), 4th Comm., 26th mtg., para. 22.

negotiations in London. The Committee therefore agreed that the question should be taken up in plenary, as the negotiations would continue past the dates for completion of work by the Main Committees during the current session.⁴⁸

72. On 18 December 1979, at the 108th plenary meeting of the General Assembly, after word had been received of the successful conclusion of the Lancaster House negotiations and the imminent independence of Southern Rhodesia, a draft resolution⁴⁹ was introduced in which the Assembly would note, *inter alia*, that the Government of the United Kingdom had resumed its responsibility as the administering Power and was committed to decolonizing Southern Rhodesia on the basis of free and democratic elections leading to genuine independence. The Assembly would furthermore commend the determination of the people of Zimbabwe under the leadership of the Patriotic Front, and deplore moves by certain States to lift unilaterally sanctions that had been imposed by the Security Council under Chapter VII of the Charter. The draft reaffirmed the principle of "no independence before majority rule", and in that regard took note of the agreements reached at Lancaster House and declared that a just and lasting settlement in Zimbabwe would only be possible with the full participation of the Patriotic Front at every stage of implementation of the agreements reached at Lancaster House.

73. Some delegations raised objections that the language of the draft resolution did not accurately reflect the role of the administering Power in bringing the Territory to independence,⁵⁰ that countries should not be condemned for lifting sanctions given that the colonial status of the Territory had finally been resolved,⁵¹ and that the declaration that a just and lasting settlement would only be possible with the full participation of the Patriotic Front contradicted the key provision that the people of Zimbabwe should themselves elect representatives to determine their future.⁵²

74. The last preambular paragraph, condemning those States that unilaterally lifted sanctions, was put to a separate vote and was adopted by 95 votes to 17, with 28 abstentions. The draft as a whole was then put to a recorded vote and was adopted by 107 votes to 16, with 21 abstentions, as General Assembly resolution 34/192 of 18 December 1979. The Territory attained independence on 18 April 1980 as the Republic of Zimbabwe. On the recommendation of the Security Council,⁵³ it was admitted as a Member of the United Nations⁵⁴ by the General Assembly at its eleventh special session, on 25 August 1980, and thereafter ceased to be considered under Article 73.

⁴⁸Ibid., para. 1.

⁴⁹A/34/L.65/Rev.1.

⁵⁰G A (34), Plen., 108th mtg., Guatemala, paras. 36-38; Turkey, para. 43; Netherlands, para. 63; United States of America, para. 65; Finland, para. 90.

⁵¹Ibid., New Zealand, paras. 21-25; Argentina, para. 54; Netherlands, para. 62.

⁵²Ibid., Argentina, para. 55; Ireland, para. 58; Netherlands, para. 61; United States, para. 68; Greece, para. 87; Canada, paras. 98-100; Gabon, para. 102; Austria, para. 104; Sweden, para. 107.

⁵³S C resolution 477 (1980) of 30 July 1980.

⁵⁴G A resolution S-11/1.

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

75. Conforming to its previous practice, the Special Committee continued to state, with reference to its programme of work during the period under review, that in line with the expressed wish of the General Assembly it would recommend, whenever it considered it proper and appropriate, a deadline for the accession to independence of each Territory in accordance with the wishes of its people and the provisions of the Declaration on decolonization.⁵⁵ In its resolutions⁵⁶ on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly continued to approve of the Special Committee's programme of work, including the decision on recommending deadlines. During the period under review, this prerogative was exercised only once, in the case of Belize (see para. 106 below).

4. 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

76. The General Assembly considered the question of United Nations participation in the decolonization process in general terms in its Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted as part of its resolution 35/118 of 11 December 1980. In accordance with the Plan of Action, the General Assembly directed the Special Committee to assist it in making arrangements, in cooperation with the administering Powers, to secure a United Nations presence in the colonial Territories to enable the Organization to participate in the elaboration of the procedural arrangements for the implementation of the Declaration and to observe or supervise the final stages of the process of decolonization in those Territories.

77. With regard to specific cases of such participation, as in the past, the General Assembly continued to decide in certain cases that the United Nations should participate in acts of self-determination in order for their results to be considered as legitimate by the international community. Due in part to the diminishing number of Territories considered under Article 73, this practice was less extensive than in previous review periods. To the degree that the United Nations participated in acts of self-determination, this participation is covered under the question of visiting missions. In summary, the United Nations participated in the following acts of self-determination: New Hebrides (see General Assembly resolution 34/10 of 2 November 1979 and paras. 189-191 below) and Cocos (Keeling) Islands (see

⁵⁵G A (34), Suppl. No. 23, vol. I, chap. I, paras. 120-122; G A (35), Suppl. No. 23, chap. I, paras. 120-122; G A (36), Suppl. No. 23, chap. I, paras. 142-144; G A (37), Suppl. No. 23, chap. I, paras. 149-151; G A (38), Suppl. No. 23, chap. I, paras. 129-131; G A (39), Suppl. No. 23, chap. I, paras. 141-143.

⁵⁶G A resolutions 34/94, 35/119, 36/68, 37/35, 38/54 and 39/91.

General Assembly resolution 39/30 of 5 December 1984 and paras. 199-200 below). In neither case did the Assembly affirm explicitly that its participation in those acts of self-determination was necessary for the status chosen to be recognized by the Assembly.

78. With regard to Western Sahara (see paras. 226-229 below), the General Assembly, by its resolution 36/46 of 24 November 1981, noted the decision by OAU to enable the people of Western Sahara to express themselves freely and democratically on their future. In paragraph 5 of the resolution, it requested the Secretary-General to take the necessary steps to ensure that the United Nations participated in the organization and conduct of the referendum. The referendum, however, did not take place during the period under review, though the request regarding United Nations participation continued to be reiterated in resolutions⁵⁷ on the question adopted throughout the review period.

79. In its resolution 37/21 of 23 November 1982, the General Assembly noted that a referendum on political status on Guam had been held on 30 January 1982, and in its resolution 38/42 of 7 December 1983, the Assembly noted that another referendum on Guam's political status had been held on 4 September 1982. In neither case did the Assembly express a desire to participate in the referendum, nor was it stated that in the absence of its participation the results of the referendums would be considered invalid by the international community.

5. THE PRINCIPLE OF NATIONAL UNITY AND TERRITORIAL INTEGRITY

(a) *General*

80. Paragraph 6 of the Declaration on decolonization states: "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."

81. Over the years, the principle of national unity and territorial integrity has been raised in two distinct types of situations. It has been invoked 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 it has also been invoked by Member States in their claims of sovereignty over colonial Territories adjacent to, or having a geographical integrity with, their nation.

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

The Comorian island of Mayotte

82. As reported in the previous *Supplement*,⁵⁸ the General Assembly had under its consideration the question

⁵⁷G A resolutions 37/28 and 38/40.

⁵⁸*Repertory, Supplement No. 5*, vol. IV, under Article 73, paras. 241-246.

of the Comorian Island of Mayotte. The four islands of the Comoro archipelago had attained independence from France in 1974 after an act of self-determination in which the total population had voted overwhelmingly for independence. On the island of Mayotte, however, a majority had voted to remain part of France. In 1975, the French legislature had adopted a resolution recognizing the independence of all the islands of Comoros except Mayotte and decreeing that further referendums should be held on Mayotte to determine its final political status. The General Assembly had responded by adopting resolutions condemning the actions of France and the continued French presence on the island, declaring that the call for new referendums constituted a violation of the sovereignty and territorial integrity of the Comoros, and calling upon the Government of France to enter into negotiations with the Government of Comoros to resolve the situation in accordance with the principles laid out by the General Assembly.

83. During the period under review, the General Assembly continued to adopt resolutions⁵⁹ reaffirming the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte, reaffirming also the necessity of respecting the unity and territorial integrity of the Comoro archipelago and requesting the Government of France to undertake negotiations to resolve the situation in accordance with previous United Nations resolutions. The Government of France continued to object that it could not agree to resolutions that claimed to settle the fate of an island without taking into account the right of its inhabitants to choose their future.⁶⁰ It also objected in particular to the paragraphs in the resolution reaffirming Comorian sovereignty over Mayotte. The Government of France maintained that the Assembly's consideration of the question of Mayotte did not conform with Article 2(7) of the Charter, which stated that the United Nations was not authorized to intervene in the internal affairs of States (see paras. 219-220 below).

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

(i) *Falkland Islands (Malvinas)*

84. It may be recalled⁶¹ that the General Assembly, by its resolution 2065 (XX), having noted the existence of a dispute concerning sovereignty over the Falkland Islands (Malvinas), had invited the Governments of Argentina and the United Kingdom to proceed without delay with the negotiations recommended by the Special Committee with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of General Assembly resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas). The Assembly had requested the Governments to keep the Special Committee and the Secretary-General informed of the progress of the negotiations.

⁵⁹G A resolutions 34/69, 35/43, 36/105, 37/65, 38/13 and 39/48.

⁶⁰G A (34), Plen., 92nd mtg., paras. 71-76.

⁶¹*Repertory, Supplement No. 3*, vol. III, under Article 73, paras. 767-786.

85. During the thirty-fourth, thirty-fifth and thirty-sixth sessions, the Special Committee deferred consideration of the question and the General Assembly adopted no resolutions on the question.⁶²

86. At the thirty-seventh session, however, following a request to the Secretary-General⁶³ by 20 Foreign Ministers of Latin American Member States under rule 14 of the rules of procedure,⁶⁴ the General Assembly, on the recommendation of its General Committee, decided to include in the agenda an item entitled "Question of the Falkland Islands (Malvinas)" and also decided that the item should be considered directly in plenary.⁶⁵ It was further understood that bodies and individuals having an interest in the question would be heard in the Fourth Committee in conjunction with the consideration of the item at the relevant plenary meeting.⁶⁶

87. At its thirty-seventh session, the General Assembly considered the question of the Falklands (Malvinas) in the context of a serious armed conflict over the status of the islands that had taken place between Argentina and the United Kingdom, the Territory's administering Power, between April and June of 1982. The Security Council had been actively seized of the question⁶⁷ and the Secretary-General had undertaken to use his good offices to resolve the conflict. In that context, therefore, a 20-Power draft resolution,⁶⁸ whose sponsors included Argentina, was submitted. In the draft the General Assembly would take into account the de facto cessation of hostilities and the express intention of the parties not to renew them, reaffirm the need for the parties to take due account of the interests of the population of the Falkland Islands (Malvinas) in accordance with the provisions of General Assembly resolutions 2065 (XX) and 3160 (XXVIII), request the Governments of Argentina and the United Kingdom to resume negotiations in order to find a peaceful solution to the sovereignty dispute relating to the Falkland Islands (Malvinas), and request the Secretary-General, inter alia, to continue to use his good offices to that end.

88. The ensuing debate focused in large part on the wording of the first operative paragraph, which referred to the "sovereignty" dispute over the Territory. The representative of the United Kingdom objected to the draft in part because it insufficiently recognized the rights of the people of the Falklands. He said that in accepting its

⁶²G A (34), Suppl. No. 23, vol. IV, chap. XXVII; G A (35), Suppl. No. 23, chap. XXIV; G A (36), Suppl. No. 23, chap. XXIV.

⁶³A/37/193.

⁶⁴Rule 14 of the rules of procedure of the General Assembly states: "Any Member or principal organ of the United Nations or the Secretary-General may, at least thirty days before the date fixed for the opening of a regular session, request the inclusion of supplementary items in the agenda. Such items shall be placed on a supplementary list, which shall be communicated to Members at least twenty days before the opening of the session."

⁶⁵G A (37), Plen., 4th mtg.

⁶⁶Ibid., 4th Comm., 12th mtg., paras. 12-142.

⁶⁷*Repertoire of Practice of the Security Council, Supplement 1981-1984*, pp. 224-229 and 230-239.

⁶⁸A/37/L.3/Rev.1.

obligations under Article 73, which the United Kingdom had done since the adoption of General Assembly resolution 66 (I) of 14 December 1946 on transmission of information under Article 73e, his Government had recognized the principle that the interests of the inhabitants of Non-Self-Governing Territories were paramount and the sacred trust of promoting their well-being to the utmost. In that regard he mentioned in particular the principle of self-determination, which applied to the Falkland Islands as a Territory covered by Article 73 of the Charter. He noted that of the more than 70 United Kingdom Territories that had originally been considered under Article 73, three fourths were no longer on the list as they had exercised their right to self-determination. Neither countries that had benefited from Article 73 nor others in the Assembly should ask his Government to evade its obligations under Article 73 or deny the right to self-determination to those people who remained under its responsibilities. With regard to the wording of the draft resolution, he said that it was not acceptable that clear obligations towards the Falkland Islanders under Article 73 should be blurred by a phrase about taking "due account" of their interests.⁶⁹

89. The representative of Argentina referred to General Assembly resolution 2065 (XX) and said that the essence of the question of the Malvinas Islands was a dispute over sovereignty. As territory was one of the essential constituent elements of a State, the principle that enshrined the right to territorial integrity was a fundamental one. He noted that the right of self-determination was one of the essential rights in the area of decolonization, but that had not prevented the General Assembly from determining in certain cases that its exercise should yield to other rights. He noted that paragraph 6 of the Declaration on decolonization clearly established that in certain situations, which undoubtedly included those originating in acts of colonial usurpation of the territory of a sovereign State, the applicable principle was that of territorial integrity and not that of self-determination. Furthermore, the Assembly had recognized this in its resolutions on the Comorian island of Mayotte, Gibraltar, the Malagasy Islands and Namibia. The case of Gibraltar also showed that there must be a legitimate relation of the population to the Territory for the principle of self-determination to apply, and that was not the case in the Malvinas, where British subjects were settled under the protection of an illegal occupation. The application of the principle of self-determination to such a population would make a mockery of the efforts of the United Nations to eradicate colonialism.⁷⁰

90. A number of delegations supporting the argument of the representative of Argentina explained why in their view the principle of territorial integrity superseded that of self-determination in the present case. The representative of Mexico noted the difference between colonies proper and territorial enclaves, and said that self-determination meant not only the right of every people to shake off its colonial yoke and achieve political independence, but also the full exercise of the attributes of sovereignty, such as to have the

⁶⁹G A (37), Plen., 51st mtg., paras. 77-124.

⁷⁰Ibid., paras. 7-76.

political regime that best corresponded to its interests and to make free use of its natural resources and its economic processes.⁷¹ The representative of Suriname said that the sponsors of General Assembly resolution 1514 (XV) had never intended that the right of self-determination should be exercised by the people of a colonizing Power.⁷² The representative of Bolivia said that in the case of the Malvinas it was not just a matter of solving the problem of the inhabitants of the islands, though that admittedly was a problem relevant to other cases of decolonization, as was the right to self-determination. Rather, in its proper context, the case of the Malvinas was a question of the restoration to Argentina of its territory that had been usurped in 1833 by the use of force.⁷³ The representative of Spain said that while the Special Committee on decolonization was considering the question of the Falkland Islands within the framework of General Assembly resolution 1514 (XV), General Assembly resolution 2065 (XX) had established that the settlement of the dispute over sovereignty was the only way of putting an end to the colonial situation in the Malvinas.⁷⁴ The representative of Guatemala said that support for the principle of self-determination must not take precedence over that of territorial integrity, otherwise the result would be true anarchy, not true self-determination.⁷⁵ The representative of Madagascar noted that the United Kingdom had admitted that it was not the holder or depository of the right of sovereignty over the Malvinas because it recognized the colonial situation of those islands and had agreed to report on them under Article 73e.⁷⁶ In a similar vein, the representative of Peru stated that his Government could not accept the interpretation by the representative of the United Kingdom of Article 73. That Government had year after year reported to the Secretary-General on the safeguarding of the interests of the inhabitants of the Malvinas Islands; however, the fulfilment of an obligation established by the Charter of the United Nations could not create rights which were not already contemplated in the Charter, much less when the General Assembly itself recognized that the question of the Malvinas Islands required special treatment because it was a special case.⁷⁷

91. During the vote on the draft resolution, however, numerous delegations also expressed reservations about the draft on the grounds that it contained insufficient reference to the rights or interests of the population of the Territory.⁷⁸

⁷¹Ibid., 52nd mtg., paras. 25 and 27.

⁷²Ibid., para. 123.

⁷³Ibid., 53rd mtg., para. 243.

⁷⁴Ibid., 54th mtg., paras. 5-7.

⁷⁵Ibid., para. 75.

⁷⁶Ibid., 55th mtg., para. 5.

⁷⁷Ibid., para. 91.

⁷⁸Ibid., Bahamas, para. 98; Luxembourg, para. 115; Belgium, para. 119; United Kingdom, paras. 124, 128 and 130; Sweden, para. 133; Guyana, para. 144; New Zealand, paras. 149-150; Lesotho, para. 152; Belize, paras. 159 and 161; Saint Lucia, para. 168; Australia, paras. 178 and 179; Netherlands, para. 190; Solomon Islands, para. 194; Sierra Leone, para. 196; Norway, para. 218; Liberia, para. 225; Samoa, para. 265.

92. The General Assembly adopted the draft resolution by 90 votes to 15, with 52 abstentions, as its resolution 37/9. By the resolution, the Assembly urged Argentina and the United Kingdom, bearing particularly in mind resolutions 2065 (XX), 3160 (XXVIII) and 31/49, to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question, and requested the Secretary-General to undertake a renewed mission of good offices and to report back to the General Assembly at its thirty-eighth session. In the preambular paragraphs, the Assembly took into account the existence of a de facto cessation of hostilities in the South Atlantic and the expressed intention of the parties not to renew hostilities. It also reaffirmed the need for the parties to "take due account of the interests of the population of the Falkland Islands (Malvinas) in accordance with the provisions of General Assembly resolutions 2065 (XX) and 3160 (XXVIII)". At its thirty-eighth and thirty-ninth sessions, the Assembly took note⁷⁹ of the report of the Secretary-General on the implementation of resolution 37/9 and requested him to continue his renewed mission of good offices.

(ii) Gibraltar

93. As reported in the previous *Supplement*,⁸⁰ the General Assembly had urged the Governments of Spain and the United Kingdom to begin negotiations with a view to a final solution.

94. During its discussions on the question in 1979,⁸¹ the Special Committee decided, without objection, to continue its consideration of the item at its next session, subject to any directives which the General Assembly might give in that connection at its thirty-fourth session and, in order to facilitate consideration of the item by the Fourth Committee, to authorize its Rapporteur to transmit the relevant documentation directly to the Assembly. Similar action was taken by the Special Committee in 1980, 1981, 1982 and 1983.

95. At its thirty-fourth session, the General Assembly, on the recommendation of the Fourth Committee, adopted a text reflecting a consensus of the Assembly's members, in which it noted that, since the adoption of resolution 3286 (XXIX) of 13 December 1974, talks had been held between the Government of Spain and the Government of the United Kingdom on the question of Gibraltar and that such talks were still continuing. The Assembly urged both Governments, taking due account of current circumstances, to make possible without delay the initiation of the negotiations envisaged in the consensus adopted by the Assembly on 14 December 1973, with the object of reaching a lasting solution to the problem of Gibraltar in the light of the relevant resolutions of the Assembly and in the spirit of the Charter of the United Nations.⁸²

⁷⁹G A resolutions 38/54 and 39/91.

⁸⁰*Repertory, Supplement No. 5*, vol. IV, under Article 73, paras. 263-265.

⁸¹G A decision 34/312.

⁸²Ibid.

96. At its thirty-fifth,⁸³ thirty-sixth,⁸⁴ thirty-seventh,⁸⁵ and thirty-eighth sessions,⁸⁶ the General Assembly, on the recommendation of the Fourth Committee, adopted a similar text representing the consensus of its members noting that the Governments of Spain and the United Kingdom had "signed a declaration on 10 April 1980 at Lisbon, intending, in accordance with the relevant resolutions of the United Nations, to resolve the problem of Gibraltar", and agreeing to that end to start negotiations aimed at overcoming all the differences between them on Gibraltar and to re-establish direct communications in the region, the Government of Spain having decided to suspend the application of the measures then in force. Both Governments had also agreed to base future cooperation on reciprocity and full equality of rights and undertaken to make possible the initiation of the negotiations envisaged in the consensus adopted by the Assembly on 14 December 1973, with the object of reaching a lasting solution to the problem of Gibraltar in the light of the relevant resolutions of the Assembly and in the spirit of the Charter of the United Nations.

97. At its thirty-seventh and thirty-eighth sessions, the General Assembly also noted that both Governments had agreed, on 8 January 1982 in London, to fix the date of 20 April 1982 for the full implementation of the Lisbon Declaration, including the initiation of negotiations and the simultaneous re-establishment of direct communications in the region. The Assembly further noted that, when it subsequently had been agreed to postpone those arrangements, both Governments had expressed their determination to keep alive the process initiated by the Lisbon Declaration, in the spirit of the letters exchanged in London on 8 January 1982, as well as their intention to set a new date for its implementation.

(iii) *Western Sahara*⁸⁷

98. During the period under review, the General Assembly, by its resolutions 34/37 of 21 November 1979, 35/19 of 11 November 1980, 36/46 of 24 November 1981, 37/28 of 23 November 1982 and 38/140 of 19 December 1983, reaffirmed⁸⁸ that the question of Western Sahara was a question of decolonization which remained to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence and requested the interested parties, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario), to undertake direct negotiations with a view to bringing about a ceasefire to create the necessary conditions for a peaceful and fair referendum for self-determination without any administrative or military constraints, under the auspices of the Organization of African Unity and of the United Nations.

⁸³G A decision 35/406.

⁸⁴G A decision 36/409.

⁸⁵G A decision 37/412.

⁸⁶G A decision 38/415.

⁸⁷See also paras. 226-229 below.

⁸⁸G A resolution 39/40.

(iv) *Belize*

99. In the previous review period the General Assembly had adopted resolutions relating to the decolonization of Belize.⁸⁹ The implementation of the right to self-determination of the Territory had been complicated by a territorial dispute between the United Kingdom, the administering Power, and Guatemala, a neighbouring country. The General Assembly had affirmed the inalienable right of the people of Belize to self-determination and independence and had 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. The General Assembly had also recognized that it was the responsibility of the administering Power to take all necessary steps to enable the people of Belize to exercise their right to self-determination and independence. Despite these resolutions of the Assembly, the question of Belize had not been resolved in the previous review period.

100. A working paper⁹⁰ on the question prepared by the Secretariat for the Special Committee noted two important developments prior to the thirty-fourth session. First, an agreement had been reached between rival political parties in Belize to make the question of independence a national issue rather than a partisan issue. Secondly, it was accepted by the United Kingdom and the parties that resolution of the Anglo-Guatemalan dispute was highly desirable for progress to be made towards the independence of Belize.

101. At the thirty-fourth session of the General Assembly, a draft resolution⁹¹ was submitted to the Fourth Committee among whose sponsors was the United Kingdom. In the draft, inter alia, the Assembly would reaffirm the inalienable right of the people of Belize to self-determination, independence and the preservation of the inviolability and territorial integrity of Belize. The Assembly would also urge the Governments of the United Kingdom and Guatemala, in close consultation with that of Belize, to continue their efforts to conclude their negotiations without prejudice to the rights of Belize which had already been enumerated, and to refrain from the use or threat of force against Belize to prevent the full exercise of their right to self-determination and independence. It furthermore would urge all States to respect those rights as they pertained to Belize.

102. The representative of Guatemala submitted a seven-point amendment⁹² to the draft resolution, the basic thrust of which was to indicate that the question of Belize was mainly a territorial dispute between the United Kingdom and Guatemala, and that the General Assembly should, inter alia, urge the two Governments, in consultation with the Government of Belize, to "pursue their negotiations vigorously with a view to resolving as early as possible their differences concerning Belize, without prejudice to the vital interests of the Belizean people".

⁸⁹*Repertory, Supplement No. 5*, vol. IV, under Article 73, paras. 266-276.

⁹⁰G A (34), Suppl. No. 23, vol. IV, chap. XXIX, annex I.

⁹¹A/C.4/34/L.14.

⁹²A/C.4/34/L.15.

103. The representative of Guyana, in introducing the draft resolution before the Fourth Committee said that the Guatemalan amendments were unacceptable because they blurred the important distinction between an interest and a right; namely, the amendments invoked the "vital interests" of Belizeans, but what was at stake was the paramount principle of their inalienable right to self-determination.⁹³ This position was reiterated by the representative of the United Kingdom.⁹⁴

104. The Fourth Committee rejected the amendments proposed by Guatemala and adopted the draft resolution as submitted. During the consideration of the draft resolution by the General Assembly in plenary, the representative of Guatemala stated that there had been mutual recognition by the parties that the case of Belize was different from the others, which had followed the usual channels of decolonization, as Belize was an occupied Territory which was the subject of a dispute. As a result his delegation had stressed that it was imperative to settle the legal dispute before any decision to decolonize was taken.⁹⁵

Decision

105. The General Assembly adopted the draft resolution by 134 votes to none, with 8 abstentions. This became its resolution 34/38 of 21 November 1979.

106. The General Assembly again included the item on the question of Belize in the agenda of its thirty-fifth session. At the session, the Fourth Committee considered a draft resolution⁹⁶ in which the Assembly would welcome the negotiations that had taken place between the Governments of Guatemala and the United Kingdom in accordance with resolution 34/38. It would note with regret that no settlement had yet been reached, but would reiterate that the differences between the parties in no way derogated from the inalienable right of the people of Belize to self-determination, independence and territorial integrity. In its operative paragraphs it would reiterate those rights and further declare that Belize should become an independent State before the conclusion of the thirty-sixth session of the General Assembly. In that light, it would request the relevant organs of the United Nations to take appropriate actions as might be requested by the administering Power and the Government of Belize to facilitate Belize's attainment of independence and guarantee its territorial integrity thereafter, and would call upon Guatemala and an independent Belize to work out arrangements for post-independence cooperation on matters of mutual concern.

107. The representative of Guatemala stated that the draft interfered with the ongoing process of negotiations between the sovereign States and went beyond the mandate of the General Assembly as defined in the Charter of the United Nations. In particular, the statement that Belize should become an independent State before the conclusion of the thirty-sixth session might cut short the ongoing negotiations

⁹³ G A (34), 4th Comm., 24th mtg., para. 6.

⁹⁴ *Ibid.*, para. 7.

⁹⁵ *Ibid.*, Plen., 75th mtg., para. 38.

⁹⁶ A/C.4/35/L.8/Rev.1.

by imposing a deadline. Furthermore, such a provision would have the effect of establishing a State with indeterminate boundaries, namely, a State which was not recognized by a neighbouring State and whose territory was contested by the latter State.⁹⁷

Decision

108. The draft resolution was adopted by the Fourth Committee without amendment. Subsequently the plenary adopted⁹⁸ the draft by 139 votes to none, with 7 abstentions, as General Assembly resolution 35/20 of 11 November 1980. By the resolution, the Assembly, inter alia, reaffirmed the inalienable right of the people of Belize to self-determination, independence and territorial integrity and declared that Belize should become an independent State before the conclusion of the thirty-sixth session of the General Assembly.

109. Belize attained independence on 21 September 1981 and was admitted to the United Nations on 25 September 1981 in accordance with General Assembly resolution 36/3. Subsequently it was no longer considered under Article 73 of the Charter of the United Nations.

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

110. The General Assembly continued its established practice with regard to the dissemination of information on the implementation of the Declaration. The Special Committee⁹⁹ considered measures that had been taken to disseminate information throughout the period under review. The General Assembly adopted resolutions¹⁰⁰ that, inter alia, requested the Secretary-General to continue to take concrete measures to give widespread and continuous publicity to the work of the United Nations in the field of decolonization through all media at his disposal, including publications, radio and television.

C. Article 73c

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

(a) *Questions arising in the General Assembly*

111. During the period under review, the General Assembly continued its practice of bringing to the attention of the Security Council questions of international peace and security arising in Trust and Non-Self-Governing Territories. Inasmuch as such issues are the primary responsibility of the

⁹⁷ G A (35), 4th Comm., 23rd mtg., paras. 4-6.

⁹⁸ *Ibid.*, Plen., 57th mtg., para. 86. Guatemala did not participate in the voting.

⁹⁹ G A (34), Suppl. No. 23, vol. I, chap. III; G A (35), Suppl. No. 23, chap. II; G A (36), Suppl. No. 23, chap. II; G A (37), Suppl. No. 23, chap. II; G A (38), Suppl. No. 23, chap. II; G A (39), Suppl. No. 23, chap. III.

¹⁰⁰ G A resolutions 34/95, 35/120, 36/69, 37/36, 38/55 and 39/92.

Security Council, only the decisions and recommendations of the General Assembly directly relevant to the item under consideration are reviewed below.

112. It will be recalled that, in adopting the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly had affirmed its conviction that the continuation of colonialism in all its forms and manifestations posed a constant threat to international peace and security. During the period under review, the General Assembly annually reaffirmed that the continuation of colonialism in all its forms and manifestations, including racism, apartheid, the exploitation by foreign and other interests of economic and human resources and the waging of colonial wars to suppress the national liberation movements of the colonial Territories in Africa, posed a serious threat to international peace and security.¹⁰¹

(b) *Southern Rhodesia*¹⁰²

113. During the thirty-fourth session, on 18 November 1979, the General Assembly adopted resolution 34/192, the preambular paragraphs of which, inter alia, reiterated the Security Council's repeated affirmation that the critical situation in Southern Rhodesia (Zimbabwe) constituted a threat to international peace and security, and expressed its concern at the threat posed by South Africa to the independence, unity and peace of Zimbabwe, as well as at the threat posed by mercenaries to the establishment of genuine independence in Zimbabwe.

114. In the operative paragraphs of the same resolution, the General Assembly, inter alia, strongly condemned the South African intervention in Southern Rhodesia, as well as the presence of mercenaries in the Territory, called upon the United Kingdom to ensure the immediate and complete withdrawal of all South African forces as well as of the mercenaries, and called upon the Security Council to follow the situation closely until the achievement by Zimbabwe of genuine independence and majority rule.

115. As described elsewhere in this *Supplement* (see paras. 68-74 above), Southern Rhodesia gained independence as the Republic of Zimbabwe between the thirty-fourth and thirty-fifth sessions.

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

116. During the period under review, by the operative parts of the texts of its resolutions 34/94 of 13 December 1979, 35/118 and 35/119 of 11 December 1980, 36/68 of 1 December 1981, 37/35 of 23 November 1982, 38/54 of 7 December 1983 and 39/91 of 14 December 1984, the General Assembly reiterated the relevant provisions on the item as contained in resolution 2621 (XXV), in particular

¹⁰¹G A resolutions 34/94, 35/119, 36/68, 37/35, 38/54 and 39/91.

¹⁰²As of its thirty-fifth session, the General Assembly discontinued the consideration of the question of Southern Rhodesia as a Non-Self-Governing Territory, as it achieved independence on 18 April 1980 and was admitted to membership to the United Nations as the Republic of Zimbabwe.

that all peoples had a right to self-determination and independence and that the subjection of peoples to alien domination constituted a serious impediment to the maintenance of international peace and security and the development of peaceful relations among nations.¹⁰³

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*

117. During the period under review, the General Assembly continued to examine the question under a separate agenda item allocated to the Fourth Committee entitled "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".

Decision

118. In a number of resolutions¹⁰⁴ adopted during the period under review, the General Assembly, as was its practice, requested the colonial Powers to withdraw immediately and unconditionally their military bases and installations from colonial Territories as well as to refrain from establishing new ones.

119. During the debate on this question in the plenary at the thirty-ninth session, a number of delegates brought to the attention of the General Assembly their concern that bases in colonial Territories, in Diego Garcia,¹⁰⁵ Guam and Puerto Rico in particular, were being used as beachheads for aggression against sovereign States.¹⁰⁶ In the draft resolution¹⁰⁷ on the implementation of the Declaration on decolonization, in addition to earlier provisions on the question of military bases, the Assembly would call upon the administering Powers not to involve Territories under their administration in any offensive acts or interference against other States. In response, one administering Power, the United Kingdom, noted that the military facilities were only present with the consent and support of local inhabitants, and that it was regrettable that they were depicted as forming

¹⁰³*Repertory, Supplement No. 5*, vol. IV, under Article 73, paras. 291-297.

¹⁰⁴G A resolutions 34/94, 35/119, 36/68, 37/35, 38/54 and 39/91.

¹⁰⁵Diego Garcia was not considered by the United Nations as a Non-Self-Governing Territory under Article 73.

¹⁰⁶G A (39), Plen., 85th mtg., German Democratic Republic, paras. 70 and 71; Union of Soviet Socialist Republics, paras. 82 and 89-91; Viet Nam, para. 126; Mongolia, para. 151; Lao People's Democratic Republic, para. 159; and 86th mtg., Cuba, para. 11; Ukrainian SSR, paras. 28-33.

¹⁰⁷A/39/L.17 and Corr.1 and Add.1.

part of a sinister strategy.¹⁰⁸ The United States noted, with regard to Puerto Rico, that it was completely self-governing and that repeated acts of self-determination had taken place there.¹⁰⁹

Decision

120. The General Assembly, in adopting resolution 39/91 of 14 December 1984, *inter alia*, reiterated previous resolutions calling upon the colonial Powers to withdraw immediately and unconditionally their military bases and installations from colonial Territories and to refrain from establishing new ones, and in addition called upon those Powers not to involve those Territories in any offensive acts or interference against other States.

(b) *Military bases in specific Territories*

121. During the period under review, the General Assembly continued to examine annually the question of military bases in specific Non-Self-Governing Territories and to adopt resolutions containing provisions related to the item.¹¹⁰

(i) *Guam*

122. In resolutions adopted at its thirty-fourth, thirty-fifth and thirty-sixth sessions,¹¹¹ the General Assembly expressed the view that the presence of military bases on Guam could constitute a factor impeding the implementation of the Declaration on decolonization and reaffirmed its strong conviction that the presence of military bases should not prevent the inhabitants of the Territory from exercising their inalienable right to self-determination and independence.

123. In its resolutions 37/21 of 23 November 1982 and 38/42 of 7 December 1983, the General Assembly stated its strong conviction that the administering Power should ensure that military tests and installations did not hinder the population from exercising their rights to self-determination.

124. Furthermore, in its resolution 39/32 of 5 December 1984, the General Assembly expressed its strong conviction that the presence of military bases and installations could constitute a major obstacle to the implementation of the Declaration and that it was the responsibility of the administering Power to ensure that the existence of such facilities did not hinder the population of the Territory from exercising their rights to self-determination and independence in accordance with the purposes and principles of the Charter of the United Nations.

(ii) *Turks and Caicos*

125. At its thirty-fifth session, in its resolution 35/25 of 11 November 1980 on the question of the Turks and Caicos Islands, the General Assembly adopted by a recorded vote of

¹⁰⁸G A (39), Plen., 86th mtg., para. 50.

¹⁰⁹*Ibid.*, 85th mtg., para. 180.

¹¹⁰G A resolutions 34/39, 35/22, 35/25, 36/62, 36/63, 37/21, 37/22, 37/25, 38/42, 38/43, 38/47, 39/32, 39/33 and 39/37.

¹¹¹G A resolutions 34/39, 35/22 and 36/63.

70 to 40, with 17 abstentions, a paragraph concerning military bases and installations in the Turks and Caicos Islands, reaffirming its conviction that those installations should not prevent the people from exercising their rights to self-determination and independence.

126. By paragraph 9 of its resolution 37/25 of 23 November 1982 and paragraph 9 of its resolution 38/47 of 7 December 1983 on the question of the Turks and Caicos Islands, the General Assembly reiterated its positions on the presence of military bases in the Territory. At the thirty-ninth session, in paragraph 8 of resolution 39/37 of 5 December 1984, the Assembly took note of the statement of the administering Power concerning the closure of the military facility in the Turks and Caicos Islands.¹¹²

(iii) *Bermuda*

127. At its thirty-sixth session, the General Assembly referred to military bases on Bermuda in its resolution 36/62 of 25 November 1981 on the question of Bermuda, the British Virgin Islands, the Cayman Islands and the Turks and Caicos Islands. Subsequently, in paragraph 8 of resolution 37/22, paragraph 9 of resolution 38/43 and paragraphs 7 and 8 of resolution 39/33, the Assembly reaffirmed its strong conviction that the presence of military bases and installations in the Territory could constitute a major obstacle to the implementation of the Declaration on decolonization and that it was the responsibility of the administering Power to ensure that the existence of such installations did not hinder the populations of those Territories from exercising their right to self-determination and independence. The Assembly also urged the administering Power not to involve the Territories in offensive acts against other States and to comply with previous General Assembly resolutions and decisions related to military activities in Territories under their administration.

(iv) *St. Helena*

128. During the thirty-eighth session of the General Assembly, the Special Committee inserted a new sentence in its consensus on St. Helena in which it noted with concern the presence of a military base on the dependency of Ascension. In the Fourth Committee, the representative of the United Kingdom said that Ascension was not a part of St. Helena but was a completely separate legal entity which happened to be administered from St. Helena for convenience. He said that the two islands were far apart and it was difficult to see how the existence of military facilities in Ascension could impede the right to self-determination of the people of St. Helena.¹¹³

129. In favour of the provision, it was argued by the representative of Cuba that not only did the Territory have a military base, but the base had also recently been used in the conduct of a colonial war with the purpose of holding on to another colony.¹¹⁴ It was further argued by the representative

¹¹²G A resolutions 37/25, 38/47 and 39/37.

¹¹³G A (38), 4th Comm., 11th mtg., paras. 15 and 16.

¹¹⁴A/AC.109/PV.1246, p. 31.

of the Union of Soviet Socialist Republics that military activities by the United Kingdom on Ascension Island had led to a situation where the United Kingdom had separated Ascension Island from a unified colonial Territory (St. Helena), which was on the list of Territories within the scope of the Declaration.¹¹⁵

Decision

130. The sentence referring to the military activities on Ascension Island was voted on separately in the Fourth Committee. By a vote of 72 to 27, with 17 abstentions, the provision was retained. The draft decision was subsequently adopted by the plenary by a vote of 114 to 2, with 31 abstentions.¹¹⁶ Thus, by its decision 38/416 on St. Helena, the General Assembly noted with concern the presence of a military base on the dependency of Ascension and, in that regard, recalled all the relevant United Nations resolutions and decisions concerning military bases and installations in colonial and Non-Self-Governing Territories. At its thirty-ninth session, the General Assembly reiterated the provision in its decision 39/411, adopted on 5 December 1984.

D. Article 73d

1. INTRODUCTION

131. 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, where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic and scientific purposes set forth in the Article.

132. During the period under review, the General Assembly continued to follow its established practice of calling upon the Member States, specialized agencies and international institutions associated with the United Nations to withhold their assistance from colonial Powers and to continue to provide increased material and moral assistance to colonial peoples and national liberation movements and to refugees from colonial Territories. The Assembly also maintained its critical position with regard to the World Bank and the International Monetary Fund (IMF), which it considered did not sufficiently implement the decisions of the General Assembly.

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

133. As described in the previous *Repertory*,¹¹⁷ the Assembly had established two means by which to bring the

activities of the specialized agencies in line with the purposes set out in the Declaration on decolonization. These were to withhold assistance to countries, particularly in southern Africa, which practised colonialism, and to provide assistance to peoples still suffering under colonialism and refugees who had escaped colonialism. Both measures are dealt with separately below.

134. In addition, the General Assembly continued to adopt resolutions¹¹⁸ on the question of the implementation of the Declaration on decolonization by specialized agencies, which provided for other measures, as described in the previous *Supplement*.

135. During the period under review, however, these resolutions continued to focus mainly on the questions of colonialism in southern Africa, and in particular in Namibia and Southern Rhodesia. After the independence of Southern Rhodesia in 1980, the resolutions dealt mostly with Namibia, which has been considered under Article 81 in the *Repertory* studies since 1966.

136. In the present section attention is drawn to a major issue with regard to the general implementation of the Declaration by the specialized agencies: the question of the compliance of the World Bank and IMF with General Assembly resolutions regarding decolonization.

137. As in the previous review period,¹¹⁹ the General Assembly continued to regret the failure of the World Bank and IMF to take the necessary measures towards the full and speedy implementation of the Declaration on decolonization, and deplored the fact that those agencies continued to maintain cooperation with the colonialist racist minority regime of South Africa.

138. At the thirty-sixth session, a draft resolution¹²⁰ was introduced in the Fourth Committee that contained stronger language on the question. Noting in a preambular paragraph the grave concern of the General Assembly at the continued collaboration between IMF and South Africa in disregard of the relevant resolutions, the draft proposed, inter alia, the following operative paragraphs:

"6. *Regrets* that the World Bank and the International Monetary Fund continue to maintain links with the colonialist racist minority regime of South Africa, as exemplified by the continued membership of South Africa in both agencies, and that neither has taken the necessary measures towards the full implementation of the relevant resolutions of the General Assembly;

"7. *Deeply deplores* the persistent collaboration between the International Monetary Fund and South Africa, in disregard of repeated resolutions to the contrary by the General Assembly, and calls upon the International Monetary Fund to put an end to such collaboration;

"8. *Urges* the executive heads of the World Bank and the International Monetary Fund to draw the

¹¹⁵A/AC.109/PV.1246, pp. 32-36.

¹¹⁶G A (38), Plen., 86th mtg., para. 37.

¹¹⁷*Repertory, Supplement No. 5*, vol. IV, under Article 73, paras. 327-337.

¹¹⁸G A resolutions 34/42, 35/29, 36/52, 37/32, 38/51 and 39/43.

¹¹⁹*Repertory, Supplement No. 5*, vol. IV, under Article 73, para. 331.

¹²⁰A/C.4/36/L.9.

particular attention of their governing bodies to the present resolution with a view to formulating specific programmes beneficial to the peoples of the colonial Territories, particularly Namibia;

“... ”

“20. *Proposes*, under article III of the Agreement between the United Nations and the International Monetary Fund, the urgent inclusion in the agenda of the Board of Governors of the International Monetary Fund of an item dealing with the relationship between the Fund and South Africa, and further proposes that, in pursuance of article II of the Agreement, the relevant organs of the United Nations should participate in any meeting of the Board of Governors called by the Fund for the purpose of discussing the item.”

139. Speaking in support of the draft, the representative of the Byelorussian Soviet Socialist Republic noted that IMF and World Bank still had not taken the necessary steps to ensure the full and speedy implementation of the Declaration, and instead continued to cooperate with South Africa by issuing it huge loans. The representative said that no organization should be exempted from the obligation to work for the elimination of colonialism.¹²¹

140. A representative of IMF responded that the organization had taken its decisions in conformity with its Articles of Agreement. Those decisions had been recently submitted to meticulous scrutiny by various committees, none of which had suggested that the Fund should change its method of action. For the Fund to go beyond the boundaries of its authority and base its decisions on considerations unrelated to its Articles of Agreement would deprive it of the safeguard of agreed principles, and that would be detrimental to all of its members.¹²²

141. A representative of the World Bank, also speaking in the Fourth Committee, said that his organization regretted the draft. He noted that South Africa had not been represented among the Bank's Executive Directors since 1977, and that the Bank did not provide any assistance whatsoever to South Africa. The link described in the draft was merely the fact of South Africa's membership in the Bank.¹²³

142. During the vote on the draft in the Fourth Committee, many delegations expressed reservations with regard to the operative paragraphs dealing with IMF and the World Bank.¹²⁴ Those reservations centred mostly on the desirability of respecting the independence of the technical agencies and not politicizing them. A number of the delegations remarked that they had supported similar resolutions in the past but were unable to support the current

¹²¹G A (36), 4th Comm., 13th mtg., para. 11.

¹²²*Ibid.*, 14th mtg., paras. 20 and 21.

¹²³G A (36), 4th Comm., 21st mtg., para. 46.

¹²⁴*Ibid.*, United Kingdom, para. 50; Uruguay, para. 55; United States, para. 56; Denmark (on behalf of the Nordic countries), para. 59; Fiji, para. 60; Portugal, para. 62; Austria, para. 64; Trinidad and Tobago, para. 65; Spain, para. 66; New Zealand, para. 67; Lesotho, para. 69; Swaziland, para. 70; Sri Lanka, para. 71; Mexico, para. 72; Saint Lucia, para. 73; Bolivia, para. 74.

draft due to the new language with regard to the provisions affecting the World Bank and IMF. The draft was nonetheless adopted.

143. During discussion of the draft in the plenary, the representative of Canada stated that the reference in operative paragraph 20 was a clear misrepresentation of article II of the Agreement between the United Nations and IMF, and that the references to IMF and World Bank were unacceptable.¹²⁵ (Article II of the Agreement¹²⁶ states, *inter alia*, that “representatives of the United Nations shall be entitled to attend, and to participate without vote in, meetings of the Board of Governors of the Fund. Representatives of the United Nations shall be invited to participate without vote in meetings especially called by the Fund for the particular purpose of considering the United Nations point of view in matters of concern to the United Nations.”)

144. The representative of Chile stated that the World Bank and IMF should be governed strictly by their constitutions. He said that several sponsors of the draft were not even members of the organizations mentioned, and changes in the statutes of those organizations should be the exclusive responsibility of the Member States and not the General Assembly.¹²⁷

Decision

145. In the plenary, operative paragraphs 6 and 7 were put to a separate vote. Operative paragraph 6 was adopted by 84 votes to 25, with 30 abstentions. Operative paragraph 7 was adopted by 85 votes to 22, with 29 abstentions. The resolution as a whole was adopted by 124 votes to 6, with 23 abstentions, as General Assembly resolution 36/52 of 24 November 1981.

146. The General Assembly continued to address the issue of the compliance of the World Bank and IMF with the Declaration on decolonization and other General Assembly resolutions. By its resolution 37/32 of 23 November 1982, the General Assembly, in addition to the provisions in earlier resolutions on the same item, also regretted that the World Bank and IMF continued to maintain links with South Africa notwithstanding a statement of the representative of the latter¹²⁸ that it had terminated business relations with that regime. It further recommended that a high-level mission, ideally composed of the Chairman of the Special Committee, the President of the Council for Namibia and the Chairman of the Special Committee against Apartheid, should be undertaken to IMF.

147. By its resolution 38/51 of 7 December 1983, the General Assembly called upon IMF to rescind a loan it had made to South Africa in November 1982 in defiance of the General Assembly.

¹²⁵*Ibid.*, Plen., 70th mtg., para. 87.

¹²⁶*Agreements between the United Nations and the Specialized Agencies and the International Atomic Energy Agency* (United Nations publication, Sales No. E/F.61.X.I), p. 61.

¹²⁷G A (36), Plen., 70th mtg., para. 97.

¹²⁸A/AC.109/L.1446/Add.1, para. 29.

148. At the thirty-ninth session, the Fourth Committee considered a draft resolution¹²⁹ whose tenth operative paragraph read as follows:

“[The General Assembly]

“Commends those non-governmental organizations which, by their activities, as exemplified by the cooperation between the Center for International Policy and the United Nations Council for Namibia, are helping to inform public opinion, in the United States of America and elsewhere, and mobilize it against the assistance rendered by the International Monetary Fund to South Africa, and calls upon all non-governmental organizations to redouble their efforts in this respect;”

149. The representative of the United States noted that the paragraph called for mobilizing public opinion in a State Member of the United Nations. He said that there was no other resolution anywhere within the United Nations system which contained a similar invitation, and that the paragraph represented an open and straightforward attempt to defy Article 2(7) of the Charter.¹³⁰ The United States delegation therefore proposed an amendment¹³¹ to the resolution by which the words “in the United States of America and elsewhere” would be deleted after the words “public opinion”. The amendment was adopted by 64 votes to 39, with 28 abstentions.

150. The clause was adopted by the plenary as amended in the Fourth Committee, and became part of General Assembly resolution 39/43 of 5 December 1984. In that resolution the Assembly also reiterated the provisions of its resolution 38/51 with regard to the activities of the World Bank and IMF.

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

151. Following its previous practice,¹³² the General Assembly at its thirty-fourth session urged the specialized agencies and international institutions associated with the United Nations to withhold assistance from the Governments of South Africa and the illegal racist regime of Southern Rhodesia until they renounced their policy of racial discrimination and colonial domination. At the same session, in a resolution¹³³ adopted on 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, the General Assembly continued to urge the specialized agencies to withhold assistance from the Government of South Africa until that Government restored to the peoples of Namibia and Southern Rhodesia their inalienable right to

self-determination and independence. Reference to Southern Rhodesia was no longer applicable after the thirty-fourth session, as that Territory had attained independence in April 1980, and became the Republic of Zimbabwe (see paras. 68-74 above). The General Assembly, however, continued to adopt resolutions¹³⁴ requesting that specialized agencies take all necessary measures to withhold assistance from South Africa until the people of Namibia had exercised fully their inalienable right to self-determination, freedom and national independence in a united Namibia and until the inhuman system of apartheid had been totally eradicated.¹³⁵

152. As during the previous period under review,¹³⁶ the activities of the World Bank and the International Monetary Fund continued to occupy the attention of the General Assembly. During the consideration of the item in the Fourth Committee, a number of representatives pointed out that the International Monetary Fund and the World Bank continued to maintain cooperation with the colonialist racist minority regime of South Africa. Those Members called upon all Member States and specialized agencies and international institutions for the full implementation of Security Council resolution 435 (1978) and General Assembly resolution 35/118.¹³⁷

153. The representative of the International Monetary Fund said that his organization's relations with South Africa, which was a member country, were familiar to the authorities of all member countries of the Fund and were conducted in accordance with the Articles of Agreement of the Fund. The Fund's decisions regarding its activities were taken by the Board of Governors or by the Executive Board. The Board of Governors consisted of governors appointed by all member countries to the Fund and the Executive Board of 22 Executive Directors appointed or elected by the members.

Decision

154. On the recommendations of the Fourth Committee, the General Assembly at its thirty-fourth to thirty-ninth sessions adopted resolutions¹³⁸ expressing its regret that the World Bank and the International Monetary Fund had not yet taken the necessary measures towards the full and speedy implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and other relevant resolutions of the General Assembly, and deplored in particular the fact that those agencies continued to maintain cooperation with the colonialist racist minority regime of South Africa.¹³⁹

¹²⁹G A resolutions 35/29, 36/52, 37/32, 38/51 and 39/43.

¹³⁰See also, in the present *Supplement*, under Article 81.

¹³¹*Repertory, Supplement No. 5*, vol. IV, under Article 73, paras. 338-339.

¹³²G A (36), 4th Comm., 7th mtg., Egypt, para. 9; Australia, para. 12; Zambia, para. 36; and Mauritania, para. 51.

¹³³G A resolutions 34/42, 35/29, 36/52, 37/32, 38/51 and 39/43.

¹³⁴G A resolution 34/42, para. 5.

¹²⁹A/39/23, chap. VII, para. 15.

¹³⁰G A (39), 4th Comm., 18th mtg., para. 21.

¹³¹A/39/C.4/L.8.

¹³²*Repertory, Supplement No. 5*, vol. IV, under Article 73, paras. 338-339.

¹³³G A resolution 34/42.

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 ON DECOLONIZATION

155. During the period under review, the Special Committee continued to examine the question of the role of the specialized agencies and international institutions associated with the United Nations in the implementation of the Declaration on decolonization.¹⁴⁰ This examination was based on the reaffirmation of the principle that the recognition by the General Assembly, the Security Council and other United Nations organs of the legitimacy of the struggle of colonial peoples for freedom and independence entailed, as a corollary, the extension by the specialized agencies of all necessary moral and material assistance to the peoples of the colonial Territories and their national liberation movements. Based on the recommendations of the Special Committee, the General Assembly, following its previous practice, by its resolutions 34/42, 35/29, 36/52, 37/32, 38/51 and 39/43, reaffirmed the legitimacy of the struggle by 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.

156. In particular, it should be noted that the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 35/118 of 11 December 1980, reiterated the following two principles: First, Member States and the specialized agencies and other organizations should intensify their moral and material assistance to national liberation movements recognized by the OAU (para. 12); and secondly, the specialized agencies and other organizations within the United Nations system should render, or continue to render, all possible moral and material assistance to the peoples of the colonial Territories and to their national liberation movements (para. 19).

157. During the consideration of the question in the Fourth Committee, a number of representatives stated that such specialized agencies and institutions as UNDP, FAO, WHO, UNESCO, ILO and UNICEF had done commendable work to assist the peoples of Namibia, Southern Rhodesia and a number of small colonial Territories.¹⁴¹

¹⁴⁰G A (34), Suppl. No. 23, chap. VII; G A (35), Suppl. No. 23, chap. VI; G A (36), Suppl. No. 23, chap. VI; G A (37), Suppl. No. 23, chap. VI; G A (38), Suppl. No. 23, chap. VI; G A (39), Suppl. No. 23, chap. VII.

¹⁴¹G A (36), 4th Comm., 12 mtg., Jordan, para. 14; 14th mtg., Ukrainian SSR, paras. 10 and 11; 16th mtg., Tunisia, para. 6; Nepal, para. 24; 17th mtg., Uganda, para. 30; Greece, para. 41; Hungary, para. 52; G A (38), 4th Comm., 12th mtg., German Democratic Republic, para. 12; 13th mtg., Hungary, para. 18; 14th mtg., Nepal, para. 7; Benin, para. 57; Bulgaria, para. 62; G A (39), 4th Comm., 13th mtg., Czechoslovakia, para. 42; 14th mtg., Iraq, para. 10; Ukrainian SSR, paras. 18-20; USSR, para. 33.

158. A number of representatives stated that the specialized agencies and international institutions associated with the United Nations should coordinate and intensify their efforts, which remained insufficient compared to the needs of the Territories.¹⁴² Representatives also called upon those agencies to support the national liberation movements recognized by the Organization of African Unity which, while fighting for national independence, should prepare their peoples for independence in order to be able to undertake the work of national reconstruction.¹⁴³ The establishment of contacts between a number of specialized agencies and national liberation movements was also described as an important achievement in the field of assistance to colonial countries and peoples.¹⁴⁴

Decision

159. During the period under review, the General Assembly adopted a number of resolutions in which it invited the specialized agencies and international institutions associated with the United Nations to provide all material and moral assistance to colonial peoples and national liberation movements recognized by the Organization of African Unity.¹⁴⁵

5. ASSISTANCE TO REFUGEES FROM COLONIAL TERRITORIES

160. During the period covered by the present study, the General Assembly, as per established practice, continued to request the Office of the United Nations High Commissioner for Refugees and other international relief organizations as well as the specialized agencies concerned to provide increased economic, social and humanitarian assistance to the refugees from Territories under colonial administration.

Decision

161. The recommendation to increase assistance to refugees from Territories under colonial administration was reaffirmed by the General Assembly in its resolutions 34/31, 34/42, 35/29, 35/31, 36/52, 36/54, 37/32, 37/34, 38/51, 38/53, 39/43 and 39/44.

E. Article 73e

1. TRANSMISSION OF INFORMATION UNDER ARTICLE 73E

162. Under the terms of Article 73e, Member States that administer Non-Self-Governing Territories have accepted as

¹⁴²Ibid., 16th mtg., Zaire, para. 46; Mali, para. 61; 17th mtg., Uganda, para. 30; G A (38), 4th Comm., 14th mtg., Benin, para. 57; Bulgaria, para. 63; G A (39), 4th Comm., 14th mtg., USSR, para. 33.

¹⁴³Ibid., 17th mtg., Hungary, para. 52; G A (38), 4th Comm., 10th mtg., Czechoslovakia, paras. 115-120; 13th mtg., Hungary, para. 19; Ukrainian SSR, para. 24; G A (39), 4th Comm., 13th mtg., Czechoslovakia, para. 42.

¹⁴⁴G A (38), 4th Comm., 13th mtg., Ukrainian SSR, para. 24; G A (39), 4th Comm., 14th mtg., Ukrainian SSR, para. 21.

¹⁴⁵G A resolutions 34/421, 35/29, 36/52, 37/32, 38/51 and 39/43.

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, for information purposes, 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. Over the years, as reported in previous *Repertory Supplements*, the General Assembly also began to request information on political, constitutional and military developments in colonial and Non-Self-Governing Territories.

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

163. As previously reported,¹⁴⁶ the Secretary-General continued during the current period under review to address letters to new Member States, inviting them to inform him whether there were any Territories under their administration whose people had not yet attained a full measure of self-government. However, no reply was received from any new Member that it had under its administration Non-Self-Governing Territories that fell within the scope of Chapter XI of the Charter. No additional Territories were added to the list of Territories on which information was or was to be transmitted to the Secretary-General under Article 73e.

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

164. During 1979, 1981 and 1982, the Secretary-General continued to report¹⁴⁷ to the General Assembly that he had received information under Article 73e from Australia, France, New Zealand, the United Kingdom and the United States. The General Assembly, acting on the recommendation of the Special Committee, which examined the Secretary-General's report pursuant to General Assembly resolution 1970 (XVIII), deplored the fact that some Member States having responsibilities for the administration of Non-Self-Governing Territories had ceased to transmit information under Article 73e of the Charter.¹⁴⁸

165. During the thirty-eighth session, the representative of the United Kingdom informed¹⁴⁹ the Special Committee that his Government would begin submitting information under Article 73e on the Non-Self-Governing Territory of Anguilla. The administering Power had ceased transmitting this information in 1967, upon the creation of the West Indian Associated States.¹⁵⁰ At that time, the administering Power considered that those States were self-governing, as the administering Power retained responsibility only for

¹⁴⁶ *Repertory, Supplement No. 5*, vol. IV, under Article 73, para. 352-357.

¹⁴⁷ A/AC.109/581, A/AC.109/616, A/AC.109/666, A/AC.109/706, A/AC.109/750 and A/AC.109/790 and Corr.1.

¹⁴⁸ G A resolutions 34/33, 35/26, 36/49 and 37/29.

¹⁴⁹ A/AC.109/PV.1246, p. 44.

¹⁵⁰ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 162-174.

defence and certain aspects of external affairs. All but one of those States had since attained independence.¹⁵¹ On 18 September 1983, the last of those States, Saint Kitts-Nevis, would attain independence. The island of Anguilla, which had been considered administratively as part of Saint Kitts-Nevis, would not obtain independence, however, and therefore the administering Power would resume transmitting information on that Territory under Article 73e.

166. In 1983, the Special Committee noted the decision of the Government of the United Kingdom¹⁵² to resume transmission of information under Article 73e of the Charter relating to Anguilla, as did the General Assembly in its resolution 38/49.

Decision

167. On the recommendations of the Fourth Committee, the General Assembly, by its resolutions 34/33, 35/26, 36/49, 37/29, 38/49 and 39/41, requested the administering Powers concerned to transmit, or to 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 the Non-Self-Governing Territories concerned.

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

168. As has been reported,¹⁵³ some of the administering Powers voluntarily transmitted to the Secretary-General information on political and constitutional developments in Territories under their administration.

169. During the period under review, the Secretary-General reported¹⁵⁴ to the General Assembly that, in the case of Australia, New Zealand, the United Kingdom and the United States, the annual reports also included information on constitutional matters. Additional information on political and constitutional developments in Territories under their administration had also been given by the representatives of Australia, New Zealand, the United Kingdom and the United States 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).

Decision

170. On the recommendations of the Fourth Committee, the General Assembly, by its resolutions 34/33, 35/26, 36/49, 37/29, 38/49 and 39/41, requested the administering Powers concerned to transmit, or to continue to transmit, to the

¹⁵¹ Grenada (1974); Dominica (1978); Saint Lucia (1978); Saint Vincent and the Grenadines (1979); Antigua and Barbuda (1981).

¹⁵² G A (38), Suppl. No. 23, chap. VII, para. 8.

¹⁵³ *Repertory, Supplement No. 5*, vol. IV, under Article 73, paras. 475-476.

¹⁵⁴ A/AC.109/566, A/AC.109/581, A/AC.109/616, A/AC.109/706, A/AC.109/750 and A/AC.109/790 and Corr.1

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.

(d) *The question of transmission of information concerning military activities and arrangements*

171. As has been reported,¹⁵⁵ the General Assembly was concerned with the question of military activities and arrangements in Non-Self-Governing Territories which might be impeding the implementation of the Declaration on decolonization.

Decision

172. During the period under review, none of the administering Powers transmitted to the Secretary-General information on military activities and arrangements in the Territories under their administration.

173. In resolutions adopted during the period under review,¹⁵⁶ the General Assembly continued to approve the programme of work envisaged by the Special Committee for each session, which included the study of military activities and arrangements in Non-Self-Governing Territories which might be impeding the implementation of the Declaration. However, the Assembly did not create an additional obligation on the part of the administering Powers to transmit information on military activities and arrangements in Territories under their administration.

2. EXAMINATION OF INFORMATION TRANSMITTED UNDER ARTICLE 73E

(a) *The Special Committee and its composition*

174. As has been reported,¹⁵⁷ the General Assembly, by its resolution 1654 (XVI) of 27 November 1961, had established a Special Committee on the situation with regard to the implementation of the Declaration. At its thirty-fourth session, the General Assembly decided¹⁵⁸ to increase the membership of the Special Committee by one member, bringing its total composition to 25 members. At the same session, the General Assembly nominated¹⁵⁹ Venezuela as a new member of the Special Committee. The Special Committee did not subsequently alter its size, but with regard to its composition, at the thirty-fourth session Denmark replaced Sweden on the Special Committee; at the thirty-sixth session Norway replaced Denmark; and at the thirty-ninth session Sweden replaced Norway.¹⁶⁰

¹⁵⁵ *Repertory, Supplement No. 3*, vol. III, under Article 73, paras. 642-670.

¹⁵⁶ G A resolutions 34/94, 35/119, 36/68, 37/35, 38/54 and 39/91.

¹⁵⁷ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 478-488.

¹⁵⁸ G A decision 34/425 of 13 December 1979.

¹⁵⁹ G A decision 34/310 of 13 December 1979.

¹⁶⁰ The other 24 members of the Committee in the period under review were: Afghanistan, Australia, Bulgaria, Chile, China, Congo, Cuba, Czechoslovakia, Ethiopia, Fiji, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Mali, Sierra Leone, Syrian Arab

(b) *Examination of information by the Special Committee*

175. During the period under review, the Special Committee, in pursuance of General Assembly resolutions 34/94, 35/119, 36/38, 37/35, 38/54 and 39/92 on the implementation of the Declaration on decolonization, as well as of General Assembly resolutions 34/33, 35/26, 36/49, 37/29, 38/49 and 39/41 concerning information from Non-Self-Governing Territories transmitted under Article 73e, continued to examine the information transmitted to the Secretary-General under Article 73e, as well as the information on political and constitutional developments furnished by the administering Powers concerned.

(c) *Nature of information used by the Special Committee*

176. As previously reported,¹⁶¹ the Special Committee continued the 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 and any other information made available to it by the Secretariat from various sources in examining the situation with regard to the implementation of the Declaration.

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

(i) *Relations with the Trusteeship Council*

177. As previously reported,¹⁶² in 1976, a majority of the members of the Trusteeship Council maintained that the only remaining Trust Territory was designated as a strategic area under Article 83(1) of the Charter, and therefore the question of cooperation with the committees of the General Assembly did not arise. One member of the Council did not concur with that view. Faced with a lack of unanimity within the Council, the President of the Trusteeship Council did not consider himself to have the authority to address letters to the Chairman of the Special Committee.¹⁶³

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

178. As has been reported,¹⁶⁴ by its resolution 2555 (XXIV) on the implementation of the Declaration by the specialized agencies and international institutions associated with the United Nations, the General Assembly requested the Economic and Social Council to consider, in consultation with the Special Committee, appropriate measures for the coordination of the policies and activities of the specialized

Republic, Trinidad and Tobago, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela and Yugoslavia.

¹⁶¹ *Repertory, Supplement No. 5*, vol. IV, under Article 73, para. 366.

¹⁶² *Ibid.*, paras. 370-373.

¹⁶³ *Ibid.*, para. 374.

¹⁶⁴ *Repertory, Supplement No. 4*, vol. II, under Article 73, paras. 493-494.

agencies in implementing the relevant resolutions of the General Assembly.

179. Accordingly, during the period under review, consultations¹⁶⁵ continued to be held between the President of the Economic and Social Council and the Chairman of the Special Committee concerning the appropriate measures for the coordination of the policies and activities of the specialized agencies in implementing the relevant resolutions of the General Assembly. The Economic and Social Council continued to adopt resolutions¹⁶⁶ 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. In the resolutions, the Council took note of the work of the General Assembly, endorsed specific actions taken by the Assembly with regard to decolonization and recommended the continuation of consultations between the President of the Economic and Social Council and the Chairman of the Special Committee.

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

180. During the period under review, collaboration between the specialized agencies and the Special Committee was maintained by the continued attendance of the agencies at meetings of the Special Committee or its subcommittees.¹⁶⁷ The Special Committee also sent a mission in May 1979 to the specialized agencies in Geneva, Rome and Paris, where the mission met with the heads of the ILO, UNESCO, WHO and WFP.¹⁶⁸

181. The Special Committee during the reporting period adopted decisions and resolutions¹⁶⁹ with regard to several Non-Self-Governing Territories, which contained appeals or requests addressed to international institutions, including the specialized agencies, concerning the implementation of the Declaration (see paras. 133-150 above). The texts were transmitted by the Secretary-General to the specialized agencies and to the international institutions concerned. The substantive parts of the replies received by the Secretary-General from these organizations were made available to the

¹⁶⁵ G A (34), Suppl. No. 23, chap. I, para. 90; G A (35), Suppl. No. 23, chap. I, para. 102; G A (36), Suppl. No. 23, chap. I, para. 113; G A (37), Suppl. No. 23, chap. I, para. 115; G A (38), Suppl. No. 23, chap. I, para. 96; G A (39), Suppl. No. 23, chap. I, p. 25, para. 101.

¹⁶⁶ E S C resolutions 1979/50, 1980/50, 1983/42, 1984/55.

¹⁶⁷ G A (34), Suppl. No. 23, chap. I, paras. 100-101; G A (35), Suppl. No. 23, chap. I, p. 34, paras. 111-112; G A (36), Suppl. No. 23, chap. I, paras. 123-124; G A (37), Suppl. No. 23, chap. I, paras. 113-114; G A (38), Suppl. No. 23, chap. I, paras. 113-114; G A (39), Suppl. No. 23, chap. I, paras. 120-121.

¹⁶⁸ Report of the mission of the Special Committee to the specialized agencies and non-governmental organizations (A/AC.109/L.1329).

¹⁶⁹ G A (34), Suppl. No. 23, chap. VI; G A (35), Suppl. No. 23, chap. VI; G A (36), Suppl. No. 23, chap. VI; G A (37), Suppl. No. 23, chap. VI; G A (38), Suppl. No. 23, chap. VI; G A (39), Suppl. No. 23, chap. VII.

Special Committee during its consideration of the Territories concerned.

182. During the period under review, the General Assembly, by its resolutions 34/42, 35/29, 36/52, 37/32, 38/51 and 39/43, also requested the Secretary-General: (a) to continue to assist the specialized agencies and international institutions concerned in working out appropriate measures for implementing the resolutions and to report thereon to the General Assembly at its respective following sessions; and (b) to obtain and transmit to the Special Committee for its consideration information on the action taken by the specialized agencies and international institutions concerned in accordance with the provisions of the resolution. The Special Committee was requested to continue to examine the question and to report thereon to the General Assembly at its subsequent sessions.

183. Accordingly, the Secretary-General transmitted¹⁷⁰ the relevant General Assembly resolutions to the specialized agencies and international institutions associated with the United Nations and made available the substantive part of the replies received from them to the Special Committee, which in turn reported to the General Assembly as required by the resolutions in question.

3. THE QUESTION OF SENDING VISITING MISSIONS TO COLONIAL TERRITORIES

(a) *General*

184. During the period under review, the General Assembly, by its resolutions 34/94, 35/119, 36/68, 37/35, 38/54 and 39/91 on the implementation of the Declaration, approved the programme of work envisaged by the Special Committee during the period from 1979 to 1984, including the sending of visiting missions. By those resolutions, the General Assembly requested the Special Committee to continue to consider the dispatch of visiting missions in consultation with the administering Power. The administering Powers of Australia, New Zealand, the United Kingdom and the United States continued to inform the Chairman of the Special Committee of their willingness to receive visiting missions to the Territories under their administration as appropriate and on the basis of consultations with the Special Committee.¹⁷¹

(b) *Small Territories*

185. During the period under review, the Special Committee was able to send visiting missions to a number of Territories. These included: a mission to Guam, in 1979, to observe the referendum on the draft Constitution, which had been drawn up by the Guam Constitution Convention, and to

¹⁷⁰ A/34/208 and Add.1-3; A/35/178 and Add.1-4; A/36/154 and Add.1-3; A/37/177 and Add.1-3; A/38/111 and Add.1-2, Add.3 and Corr.1 and Add.4; A/39/293 and Add.1-3.

¹⁷¹ G A (34), Suppl. No. 23, vol. I, chap. IX, annex; G A (35), Suppl. No. 23, chap. III, annex, para. 3; G A (36), Suppl. No. 23, chap. III, annex, para. 3; G A (37), Suppl. No. 23, chap. III, annex, para. 4; G A (38), Suppl. No. 23, chap. III, para. 4; G A (39), Suppl. No. 23, chap. IV, para. 4.

observe conditions in the Territory (see paras. 187-188 below); New Hebrides, also in 1979, to observe the elections in that Territory (see paras. 189-191); two missions to Turks and Caicos, one in April 1980 to observe conditions in the Territory, and one in October and November 1980 to observe elections in the Territory (see paras. 192-193); missions to Tokelau (see paras. 194-195) and American Samoa (see para. 196) in 1981 to observe conditions in those Territories; a mission to Montserrat in 1982 to observe conditions in that Territory (see paras. 197-198); and two missions to Cocos (Keeling) Islands, one in 1980 to observe conditions in the Territory, and one in 1984 to observe the act of self-determination in that Territory (see paras. 199-200 below); and one mission to Anguilla in 1984 (see para. 201) to observe conditions in that Territory.

186. The proposals to send visiting missions to these Territories did not give rise to any debates in the Special Committee.

(i) *Guam*

187. The Special Committee decided to accept an invitation¹⁷² extended to it by the United States to send a visiting mission to observe a constitutional referendum in Guam and to observe conditions in the Territory.¹⁷³

188. At its 1148th meeting, on 25 July 1979, the Special Committee decided to send a visiting mission to Guam.¹⁷⁴ The mission was composed of representatives of Sierra Leone, the Syrian Arab Republic and Trinidad and Tobago. The mission visited the Territory in July and August 1979 and subsequently issued its report.¹⁷⁵

(ii) *New Hebrides*

189. Noting that the administering Powers (France and the United Kingdom) were giving positive consideration to inviting a United Nations visiting mission to the Territory, the Special Committee urged the administering Powers to ensure that such a mission would visit the New Hebrides "at a time before the process of self-determination in the Territory reaches its final phase".¹⁷⁶

190. The General Assembly, in its resolution 34/10, welcomed the invitation¹⁷⁷ by the two administering Powers to the Secretary-General to dispatch a visiting mission to observe the forthcoming elections in the Territory and requested the Secretary-General, in consultation with the Chairman of the Fourth Committee, to appoint such a mission. The Secretary-General named the representatives of Australia, Fiji, Ivory Coast and the United Republic of Cameroon to form the mission.¹⁷⁸ The mission visited the Territory from 11 to 19 November 1979 and subsequently

¹⁷² A/AC.109/580.

¹⁷³ A/AC.109/L.1254.

¹⁷⁴ A/AC.109/PV.1148.

¹⁷⁵ G A (34), Suppl. No. 23, vol. IV, chap. XXVII, annex.

¹⁷⁶ A/AC.109/L.1310.

¹⁷⁷ A/34/616.

¹⁷⁸ G A (34), Plen., 52nd mtg., para. 209.

issued its report.¹⁷⁹ Prior to formally issuing the report, the Chairman of the visiting mission presented a summary of the mission's conclusions to the General Assembly during discussions in the plenary.¹⁸⁰

191. The Territory achieved independence as Vanuatu in 1981 and thereafter was no longer considered under Article 73.

(iii) *Turks and Caicos*

192. The Committee welcomed the invitation¹⁸¹ extended by the administering Power to send a United Nations visiting mission to Turks and Caicos Islands, which would enable it to obtain an accurate and first-hand impression of conditions in the Territory. The Chairman of the Special Committee named representatives of India, the Ivory Coast and Venezuela to form the mission. The mission visited the Territory in April 1980, and subsequently submitted its report.¹⁸²

193. In October of 1980, the administering Power extended another invitation¹⁸³ to the Chairman of the Special Committee for a visiting mission to observe the elections that would take place in November 1980. The Chairman of the Special Committee named representatives of India, Ivory Coast and Yugoslavia to form the mission. The mission visited the Turks and Caicos Islands in November 1980 and subsequently issued a report.¹⁸⁴

(iv) *Tokelau*

194. The Special Committee, mindful of the effective means provided by United Nations visiting missions to assess the situation in the Territory and recalling that the 1976 visiting mission considered that conditions in Tokelau should be kept under constant review, was of the opinion that the possibility of sending a second mission to the Territory at an appropriate time should be kept under review, taking into account, in particular, the wishes of the people of Tokelau.¹⁸⁵

195. During the thirty-fifth session, the General Assembly took note of the invitation¹⁸⁶ by the representative of the administering Power to dispatch a visiting mission to the Territory. Accordingly, a visiting mission composed of representatives from Fiji, Ivory Coast and Yugoslavia visited the Territory in July 1981 and subsequently issued a report.¹⁸⁷

(v) *American Samoa*

196. The Special Committee recalled the positive attitude of the United States with regard to the question of receiving

¹⁷⁹ A/34/852.

¹⁸⁰ G A (34), Plen., 101st mtg., Fiji, paras. 193-204.

¹⁸¹ A/AC.109/592.

¹⁸² A/AC.109/636/Add.2 and Corr.1.

¹⁸³ A/AC.109/637.

¹⁸⁴ A/AC.109/664.

¹⁸⁵ A/AC.109/L.1359.

¹⁸⁶ G A (35), 4th Comm., 10th mtg., para. 24.

¹⁸⁷ A/AC.109/680.

United Nations visiting missions in the Territories under its administration and reiterated its hope that the administering Power would accept an early visit to American Samoa by such a mission so as to enable the Committee to obtain first-hand information on conditions in the Territory and to ascertain the wishes and aspirations of its people concerning their future.¹⁸⁸ On 23 October 1980, the Chairman of the Special Committee received a letter from the Permanent Representative of the United States on behalf of the Governor of American Samoa, extending a formal invitation to the Special Committee to dispatch a visiting mission at the appropriate time in 1981. Accordingly, the Chairman of the Special Committee designated the representatives of India, Sierra Leone and Trinidad and Tobago to form the visiting mission. The mission visited the Territory in July 1981 and subsequently issued a report.¹⁸⁹

(vi) *Montserrat*

197. The Special Committee considered that the possibility of sending further visiting missions to Montserrat at an appropriate time should be kept under review, and expressed its satisfaction at the administering Power's willingness to receive visiting missions in the Territories under its administration.¹⁹⁰

198. At the thirty-seventh session, the Special Committee accepted an invitation¹⁹¹ by the administering Power to dispatch a visiting mission to Montserrat. The Chairman of the Special Committee named representatives of the Ivory Coast, the United Republic of Tanzania and Venezuela to form the mission. The mission visited the Territory in August 1982 and subsequently issued a report.¹⁹²

(vii) *Cocos (Keeling) Islands*

199. The Special Committee welcomed the invitation of Australia to send a visiting mission to the Cocos (Keeling) Islands in the second half of 1980, which would enable the Committee to obtain first-hand information on the progress being made in the Territory.¹⁹³ Consequently, the Chairman of the Special Committee designated representatives from Fiji, Ivory Coast and Yugoslavia to form the mission. The mission visited the Territory in July 1980 and subsequently issued a report.¹⁹⁴

200. In pursuance of General Assembly decision 38/420, according to which the Assembly authorized the Secretary-General, on the basis of his consultations, to appoint and dispatch a United Nations mission to visit the Cocos (Keeling) Islands in 1984, the Special Committee dispatched a second visiting mission to the Territory to observe the act of self-determination there. The mission, composed of representatives from Fiji, Sierra Leone, Venezuela and Yugoslavia, visited the Territory in April 1984 and

subsequently issued a report.¹⁹⁵ By its resolution 39/30, the General Assembly took note with satisfaction of the report of the visiting mission. By the same resolution, the General Assembly endorsed the views of the visiting mission that the people of the Territory had exercised their right to self-determination in accordance with the principles of the Charter of the United Nations and the Declaration on decolonization, and that the transmission of information under Article 73e with respect to the Territory should cease.

(viii) *Anguilla*

201. On 3 May 1984, the Special Committee accepted with appreciation the invitation¹⁹⁶ by the Government of the United Kingdom to send a visiting mission to Anguilla. Accordingly, the Chairman of the Special Committee named the representatives of India, Trinidad and Tobago and Tunisia to form the mission. The mission visited the Territory in September 1984 and subsequently issued a report of its findings to the Special Committee.¹⁹⁷

4. PROCEDURES REGARDING COMMUNICATIONS AND PETITIONS AND THE HEARING OF PETITIONERS

(a) *Circulation of petitions and the hearing of petitioners*

202. During the period under review, no change of practice was made by the General Assembly regarding the issue of circulating of petitions and the hearing of petitioners in relation to specific Territories.

(b) *Circulation of anonymous communications and petitions*

203. During the period under review, the General Assembly continued to deal as before with the question of the circulation of communications and petitions of an anonymous nature concerning various Territories considered by the members of the Subcommittee on Petitions, Information and Assistance of the Special Committee.

(c) *Circulation of communications and petitions involving non-administering Powers*

204. During the period under review, the General Assembly continued to deal as before with the circulation of communications and petitions involving States Members of the United Nations which were not the administering Powers of the Non-Self-Governing Territories concerned or of Territories which had not yet attained independence.

¹⁸⁸ A/AC.109/L.1329.

¹⁸⁹ A/AC.109/679 and Add.1.

¹⁹⁰ A/AC.109/L.1324.

¹⁹¹ A/AC.109/722.

¹⁹² Ibid.

¹⁹³ A/AC.109/L.1312.

¹⁹⁴ A/AC.109/635.

¹⁹⁵ A/39/494.

¹⁹⁶ A/AC.109/772.

¹⁹⁷ A/AC.109/799.

5. DETERMINATION OF THE TERRITORIES TO WHICH CHAPTER XI OF THE CHARTER OF THE UNITED NATIONS AND THE DECLARATION CONTAINED IN GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLY

(a) *Territories within the competence of the Special Committee*

205. Paragraph 5 of General Assembly resolution 1514 (XV) states that the Declaration applies to Trust and Non-Self-Governing Territories and all other Territories which have not yet attained independence.

206. The General Assembly, by its resolution 1654 (XVI) of 27 November 1961, had established the Special Committee to examine the implementation of the Declaration and, by its resolution 1810 (XVII) of 17 December 1962, had invited the Special Committee to continue to seek the most suitable ways and means for the speedy and total application of the Declaration to all Territories which had not yet attained independence and to propose specific measures in that regard.

207. Thus, in accordance with the Declaration, the Trust Territories, Non-Self-Governing Territories and all other Territories which had not yet attained independence fell within the competence of the Special Committee. Accordingly, during the period under review, the Special Committee dealt with the following territories:

- Trust Territories under the international trusteeship system;¹⁹⁸
- Non-Self-Governing Territories, within the meaning of Chapter XI of the Charter, on which information had been transmitted under Article 73e;
- Territories on which the administering Power arbitrarily ceased to transmit information under Article 73e and which the General Assembly continued to consider to be Non-Self-Governing Territories within the meaning of Chapter XI of the Charter and the Declaration, but on which no information had been transmitted under Article 73e (Antigua, St. Kitts-Nevis-Anguilla).¹⁹⁹

208. During the period under review, 10 Territories ceased to be considered by the Special Committee, nine of which attained independence and one voted for integration with its administering Power. While no single rule²⁰⁰ has been established by the General Assembly as to whether a referendum is specifically required before a Territory can be

¹⁹⁸Chapter XII of the Charter.

¹⁹⁹Following the independence of Antigua in 1981 and of St. Kitts-Nevis in 1983, the obligation of the administering Power to transmit information on those Territories ceased. As reported elsewhere in the present *Supplement* (see paras. 166-167 above), the administering Power informed the Special Committee in 1983 that it would resume transmission of information under Article 73e of the Charter regarding Anguilla.

²⁰⁰See G A resolutions 742 (VIII) and 1514 (XV) for general principles to be applied in ascertaining whether there is an obligation to transmit information under Article 73e.

said to have achieved self-government such that information under Article 73e is no longer required, the 10 cases during the current review period form a general pattern of established practice. The case of Cocos (Keeling), which voted for incorporation with Australia in an act of self-determination in which the United Nations participated, was the only Territory for which the cessation of information under Article 73e was explicitly provided.²⁰¹ Of the nine Territories which attained independence, eight subsequently became Members of the United Nations.²⁰² In these eight cases, membership in the United Nations was considered as a de facto acknowledgement that information under Article 73e was no longer required, though the cessation of information under Article 73e was not specifically addressed. In one case, that of the Gilbert Islands (which acceded to independence as Kiribati), the Territory did not seek membership in the United Nations upon independence. In that case, the Special Committee adopted a decision in which, *inter alia*, it noted that the Gilbert Islands would achieve independence in accordance with the Declaration on decolonization, and wished the people and Government of the Gilbert Islands peace and prosperity in their newly acquired status.²⁰³ The decision did not explicitly mention the transmission of information under Article 73e, and subsequent to it the question of the Gilbert Islands was no longer considered by the Special Committee. Acknowledgement of accession to independence by the Special Committee, without United Nations membership, was sufficient to constitute a removal from the list of Territories considered under Article 73e.

209. At the thirty-eighth session, there arose the question of the capacity of the Special Committee to consider military installations on Ascension Island in a draft decision on the question of St. Helena. In the Special Committee, the representative of the administering Power, the United Kingdom, objected to the inclusion of a sentence by which the Special Committee noted with concern the presence of a military base on Ascension Island, which the United Kingdom termed a dependency of St. Helena. The representative of the administering Power said that he considered the new wording to be a startling and worrying precedent. In his view, the Committee had exceeded its mandate by taking up a Territory that fell outside of the scope of Article 73 of the Charter of the United Nations and of General Assembly resolution 1514 (XV). He noted that Ascension had only been mentioned in its reports on St. Helena required under Article 73e in connection with employment opportunities for the people of St. Helena.²⁰⁴ The reservation voiced by the United Kingdom was endorsed by several other members of the Committee.²⁰⁵ In the Fourth Committee, the representative of the United Kingdom noted that Ascension had no indigenous

²⁰¹G A resolution 39/30, para. 4.

²⁰²G A resolutions S-11/1 (Zimbabwe); 34/1 (Saint Lucia); 35/1 (Saint Vincent and the Grenadines); 36/1 (Vanuatu); 36/3 (Belize); 36/26 (Antigua and Barbuda); 38/1 (Saint Christopher and Nevis); 39/1 (Brunei Darussalam).

²⁰³G A (34), Suppl. No. 23, vol. IV, chap. XXXI, para. 10.

²⁰⁴A/AC.109/PV.1246, pp. 22-27.

²⁰⁵*Ibid.*, Norway, p. 27; Australia, p. 28; Fiji, pp. 29-30.

population and thus should not concern the Fourth Committee, whose responsibility was to non-self-governing peoples.²⁰⁶

210. In defence of the provision regarding Ascension Island, the representative of the Congo stated that the administrative and economic features linking the two islands were objective facts, and were perfectly within the scope of Article 73 and General Assembly resolution 1514 (XV).²⁰⁷ The representative of the Soviet Union said that his delegation felt the provision on the military activities of the United Kingdom on Ascension Island in a document dealing with the question of St. Helena was fully justified.²⁰⁸

211. As noted above (see para. 130 above) the provision was adopted by the General Assembly as its decision 38/416.

(b) *Competence of the General Assembly to determine to which Territories Chapter XI of the Charter and the Declaration apply or continue to apply*

212. During the period under review, the General Assembly continued to deal as before with the application of the Declaration to Trust and Non-Self-Governing Territories and all other Territories which had not yet attained independence.

(i) *Puerto Rico*²⁰⁹

213. In the specific case of Puerto Rico, the question of the competence of the General Assembly and its subsidiary body, the Special Committee, to examine its status in the context of the Declaration was raised during the period under review. In the previous period under review,²¹⁰ it was argued in the Special Committee that it was the Puerto Ricans themselves, and no other party, including the Special Committee, who could prescribe solutions to this question. Additionally, Australia had called into question the Committee's competence to consider the question at all. The Committee considered the question, however, and adopted a draft resolution²¹¹ on it. However, Puerto Rico was not considered either in the Fourth Committee or in the plenary. Thus, no change of practice was put in place by the General Assembly in 1979 and 1980 regarding the inclusion of Puerto Rico in the list of Territories to which the Declaration applied.²¹²

214. In 1981, the Special Committee adopted a resolution²¹³ in which it reaffirmed the inalienable right of the people of Puerto Rico to self-determination and independence in accordance with General Assembly

resolution 1514 (XV) and its full applicability with respect to Puerto Rico.

215. In the same resolution, the Special Committee recommended that the General Assembly examine the question of Puerto Rico as a separate item at its thirty-seventh session.

216. At the thirty-sixth session of the General Assembly, the subject of Puerto Rico was raised during the debate preceding the adoption of its resolution on the implementation of the Declaration on decolonization.²¹⁴ By paragraph 5 of that resolution, the Assembly approved the 1981 report of the Special Committee,²¹⁵ including its work programme for 1982. However, the United States introduced an 11-Power amendment²¹⁶ to add to that paragraph the words "but takes no decision on the recommendation contained in paragraph 3 of the Special Committee's resolution set forth in chapter I, paragraph 87, of its report" (the recommendation that the Assembly examine the Puerto Rico question in 1982).²¹⁷

217. Before the adoption of the resolution, the President of the General Assembly stated that, after consultations with numerous delegations, he believed that the accepted interpretation of the intent and the implications of the draft resolution was that its adoption would have the effect of recognizing that the Special Committee had recommended that the General Assembly should examine the question of Puerto Rico as a separate item at its thirty-seventh session, but would not constitute a decision by the General Assembly to do so.

218. During the subsequent sessions of the General Assembly (thirty-seventh, thirty-eighth and thirty-ninth), no change of practice was put in place by the General Assembly concerning the application of the Declaration on decolonization to Trust and Non-Self-Governing Territories and other Territories which had not yet attained independence. The subject of Puerto Rico was not considered by the Assembly at those sessions.

(ii) *The Comorian island of Mayotte*²¹⁸

219. As reported elsewhere in this *Supplement* (see paras. 82-83), the General Assembly considered the question of the Comorian island of Mayotte directly in plenary. Though Comoros had attained independence and was therefore no longer considered under Article 73, the island of Mayotte, part of the Comoro archipelago and an integral part of the colonial Territory of Mayotte, remained a part of France, against the objections of the newly independent Government of Comoros. Numerous delegations throughout the period under review affirmed that the question of Mayotte was one of incomplete decolonization and therefore subject to the

²⁰⁶G A (38), 4th Comm., 11th mtg., para. 16. See also *ibid.*, 19th mtg., paras. 5 and 6.

²⁰⁷A/AC.109/PV.1246, p. 31.

²⁰⁸*Ibid.*, pp. 32-36.

²⁰⁹See also, in the present *Supplement*, under Article 2(7).

²¹⁰*Repertory, Supplement No. 5*, vol. IV, under Article 73, paras. 430-443.

²¹¹A/AC.109/L.1342/Rev.1.

²¹²G A resolutions 34/94 and 35/119, para. 5.

²¹³A/AC.109/677.

²¹⁴G A resolution 36/68.

²¹⁵A/36/23/Rev.1.

²¹⁶Australia, Canada, Denmark, Federal Republic of Germany, Italy, Japan, Netherlands, New Zealand, Norway, United Kingdom and United States.

²¹⁷A/36/L.30.

²¹⁸See also, in the present *Supplement*, under Article 2(7).

mandate of the General Assembly.²¹⁹ Throughout the reporting period, the General Assembly adopted resolutions recalling the Declaration on decolonization and reaffirming the necessity of respecting the territorial integrity of the Comoros. France, however, continued to assert that the question was an internal matter and therefore not subject to the purview of the General Assembly, in conformity with Article 2(7) of the Charter.²²⁰ It should be noted that at the thirty-ninth session, in contrast to previous sessions, the representative of France did not raise the issue of Article 2(7), though he did regret the inclusion of the item in the agenda. He also stated that the status of Mayotte did not exclude any evolution in keeping with international law and the Constitution of the French Republic that might take place within the context of respect for the choice of the populations involved.²²¹

220. The General Assembly, by adopting resolution 39/48 of 11 December 1984, once again requested the Secretary-General to follow the situation and decided to include the question of the Comorian island of Mayotte in the provisional agenda of its fortieth session.

(iii) *East Timor*

221. In the previous period under review the Special Committee had continued to consider the question of East Timor despite claims by Indonesia that the Territory had freely and fairly decided to integrate itself with Indonesia.²²² During the current period under review, from the thirty-fourth to thirty-seventh sessions, that practice of the Special Committee continued, and the General Assembly continued to adopt resolutions on the question under the agenda item entitled "Question of East Timor".

222. By its resolutions 34/40 of 21 November 1979, 35/27 of 11 November 1980 and 36/50 of 24 November 1981, the General Assembly reaffirmed the inalienable right of the people of East Timor to self-determination and independence, and declared that they must be enabled freely to determine their own future under United Nations or international auspices.

223. In its resolution 37/30 of 23 November 1982, the General Assembly did not include the paragraphs from the earlier resolutions in which it had reaffirmed the inalienable right of the people of East Timor to self-determination and independence, though it did request the Secretary-General

²¹⁹See, for example, G A (34), Plen., 90th mtg., Liberia, para. 20; Papua New Guinea, para. 37; and 92nd mtg., Senegal, para. 4; Zaire, para. 24; Libyan Arab Jamahiriya, paras. 57 and 65; G A (35), Plen., 74th mtg., Singapore, paras. 57 and 58; G A (36), Plen., 92nd mtg., Gabon, para. 36; Morocco, para. 54; Zambia, para. 58; G A (37), Plen., 91st mtg., Pakistan, paras. 64 and 65; G A (38), Plen., 64th mtg., Oman, paras. 124 and 129; and 65th mtg., Sierra Leone, para. 10; China, paras. 14 and 18; G A (39), Plen., 94th mtg., Malaysia, para. 73.

²²⁰G A (34), Plen., 90th mtg., paras. 28 and 29; G A (35), Plen., 74th mtg., para. 45; G A (36), Plen., 92nd mtg., para. 77; G A (37), Plen., 91st mtg., para. 71; G A (38), Plen., 65th mtg., para. 40.

²²¹G A (39), Plen., 94th mtg., paras. 96-99.

²²²*Repertory, Supplement No. 5*, vol. IV, under Article 73, para. 152.

and the Special Committee to take measures that would favour a comprehensive settlement of the question.

224. Throughout the period, the representatives of Indonesia continued to affirm that the process of decolonization with regard to East Timor had been completed in 1976, when the people of the Territory had decided through the People's Representative Assembly of Indonesia to become independent through integration with the Republic of Indonesia. They had therefore exercised their right to self-determination in conformity with General Assembly resolutions 1514 (XV) and 1541 (XV). Consequently, any further discussion of the question would contravene Article 2(7) of the Charter and Indonesia would reject any decision or resolution which did not recognize the prevailing realities pertaining to East Timor.²²³

225. In contrast to previous practice, during the thirty-eighth session the General Assembly adopted decision 38/402 in which it decided to defer consideration of the question to the subsequent session. Similarly, at the thirty-ninth session, the Assembly adopted decision 39/402, by which it decided, on the recommendation of the General Committee,²²⁴ that the item should be further deferred, and that the question of East Timor should be included in the provisional agenda of the fortieth session, in 1985.

(iv) *Western Sahara*

226. As described in the previous *Supplement*,²²⁵ in 1976, the Government of Spain, the administering Power for the Territory at the time, informed the Secretary-General that it had definitively terminated its presence in the Territory of the Sahara, transferred its powers to a temporary administration and therefore considered itself exempt from any further responsibilities under Article 73e. During the previous period under review, the Special Committee and the General Assembly had continued to adopt resolutions affirming the principle of self-determination for the people of Western Sahara. Beginning with the thirty-first session, the United Nations decided to defer to the Organization of African Unity, which began to take efforts to achieve a peaceful solution to the dispute.

227. As they had done during the previous reporting period, Morocco and Mauritania defined as their "State frontier" a line that cut through the Territory which had been proclaimed the Sahara Arab Democratic Republic by the Frente Popular para la Liberación de Saguia el Hamra y Rio de Oro (Frente Polisario), the indigenous movement that claimed the right to independence. During the current period under review, the Government of Mauritania signed a peace agreement in Algiers with representatives of the Frente Polisario, under which Mauritania renounced all claims to the sector of Western Sahara under its control. Morocco

²²³G A (34), 4th Comm., 21st mtg., paras. 16-24; G A (35), 4th Comm., 19th mtg., paras. 32-52; G A (36), 4th Comm., 20th mtg., paras. 1-8; G A (37), 4th Comm., 23rd mtg., paras. 22-37.

²²⁴A/39/250.

²²⁵*Repertory, Supplement No. 5*, vol. IV, under Article 73, para. 446.

considered the agreement to be null and void and declared that it would continue to hold on to its zone.²²⁶

228. During the thirty-fourth session, however, the representative of Morocco stated that the inclusion of the question of Western Sahara in the agenda of the Fourth Committee was no longer justified, given that the Territory had been decolonized once and for all in accordance with international law, the relevant provisions of the United Nations and the wishes of the population concerned.²²⁷ At the thirty-fifth session, the representative of Morocco declared that his country would cooperate with OAU efforts to resolve the situation peacefully and noted that it was essential that the General Assembly leave OAU as much latitude as possible.²²⁸ At the thirty-fifth, thirty-sixth and thirty-seventh sessions, representatives of Morocco made no reference in the Fourth Committee to the competence of that Committee over the question of Western Sahara. At the thirty-eighth session, however, the Moroccan representative said that his country had continued to participate in international meetings on Western Sahara even though it considered that any discussion of the matter constituted intervention in its internal affairs, and furthermore that

²²⁶G A (34), Suppl. No. 23, vol. II, chap. X, annex, paras. 38-41.

²²⁷Ibid., 4th Comm., 23rd mtg., para. 16.

²²⁸G A (35), 4th Comm., 19th mtg., paras. 90 and 92.

Morocco's acceptance of the consensus text considered by the Fourth Committee in no way implied its recognition that the Special Committee had any new mandate in the Saharan conflict, since its competence in the Territory had ceased with the departure of the Spanish colonial soldiers in 1976.²²⁹

229. Nonetheless, the General Assembly continued throughout the period under review to adopt resolutions²³⁰ in which it reaffirmed that the question of Western Sahara was a question of decolonization which remained to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence. The Assembly reaffirmed its conviction that only negotiations between Morocco and the Frente Polisario, which rejected Morocco's claims of sovereignty, could create the objective conditions for peace. It continued to welcome the efforts of OAU and urged Morocco and the Frente Polisario to enter into negotiations with a view to establishing an immediate ceasefire and concluding a peace agreement which would permit the fair conduct of a general and free referendum on self-determination in Western Sahara.

²²⁹G A (38), 4th Comm., 12th mtg., para. 21.

²³⁰G A resolutions 34/37, 35/19, 36/46, 37/28, 38/40 and 39/40.

ANNEX**Small Trust and/or Non-Self-Governing Territories inscribed in the agenda of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples***New Zealand*

Tokelau

Portugal

East Timor

United Kingdom of Great Britain and Northern Ireland

Anguilla

Bermuda

British Virgin Islands

Cayman Islands

Falkland Islands (Malvinas)

Gibraltar

Montserrat

Pitcairn

Saint Helena

Turks and Caicos Islands

United States of America

American Samoa

Guam

Trust Territory of the Pacific Islands

United States Virgin Islands