

**Repertory of Practice of United Nations Organs**  
**Supplement No. 7**

(Revised advance version, to be issued in volume V of Supplement No. 7 (forthcoming) of the  
*Repertory of Practice of United Nations Organs*)  
Volume V

**ARTICLE 73**

**CONTENTS**

*paras.*

Text of Article 73	
Introductory note	1-5
I. General Survey	6-36
II. Analytical summary of practice	37-277
A. Article 73a	37-82
1. Economic Advancement	37-47
a. Measures for economic development	
(a) General	37-40
b. Activities of foreign economic and other interests	
Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence of 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	41-47
2. Educational advancement	48-51
a. Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories	48-50
b. United Nations Educational and training Programme for Southern Africa (UNETPSA)	51
3. Social advancement	52-58
a. Elimination of racial discrimination, segregation and <i>apartheid</i>	52-55
b. Rights of colonial people to freely dispose of their natural wealth and resources	56-58
4. Assurance of just treatment and protection against abuses	59-73
a. Protection of human rights	59-64
b. Application of the Geneva conventions of 1949 to prisoners of national liberation movements in Non-Self-Governing Territories	65
c. Prohibition of the use of mercenaries against national liberation movements in Non-Self-Governing Territories	66-73
5. Respect for the culture of the peoples in	

Non-Self-Governing Territories <sup>1</sup>	74-82
(a) General	74-75
(b) Small Territories	76
(i) Guam	77
(ii) Tokelau	78-81
(iii) Pitcairn	82
B. Article 73b	83-144
1. General	83-87
2. The Right to self-determination and independence of colonial Territories	88-103
(a) General	88-97
(b) New Caledonia	98-103
3. Setting a date for the accession in independence in individual Territories	104-105
4. United Nations participation in the process of ascertaining the freely expressed wishes of Non-Self-Governing Territories regarding their future political status	106-108
(a) Western Sahara	109-111
(b) New Caledonia	112-117
5. The principle of national unity and territorial integrity	118-140
a. General	118
b. National unity and territorial integrity on attainment of independence. The Comorian Island of Mayotte	119-121
c. National unity and territorial integrity in cases involving a dispute over sovereignty	122-140
(i) Falklands Islands (Malvinas)	122-130
(ii) Gibraltar	131-135
(iii) Western Sahara	136-140
6. The question of dissemination of information on the work of the United Nations and on the implementation of the Declaration	141-144
C. Article 73c	145-182
1. Questions of international peace and security arising in Non-Self-Governing Territories	145-153
a. Questions arising in the General Assembly	145-151
b. Question arising in the Special Committee on Decolonization	152-153
2. Question of crimes against humanity threatening international peace and security	154
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 People	155-182
a. Military bases in general	155-162

---

<sup>1</sup> New subheading.

b. Military bases in specific Territories	163-182
(i) Guam	164-165
(ii) Turks and Caicos	166-167
(iii) Bermuda	168-169
(iv) Saint Helena	170-176
(v) Falklands Islands (Malvinas)	177-182
D. Article 73d	183-201
1. Introduction	183-184
2. Implementation of the Declaration on decolonization by the Specialized Agencies and international institutions associated with the United Nations	185-188
3. Withholding of assistance from colonial Powers by the Specialized Agencies and international institutions associated with the United Nations	189-197
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	198-201
5. Assistance to refugees from colonial Territories	202-204
E. Article 73e	205-277
1. Transmission of information under article 73e	205-224
a. Enumeration of Territories on which information is transmitted under Article 73e	206
(i) New Caledonia	207-215
b. Nature and form of information transmitted under Article 73e	216-220
c. The question of transmission of information concerning political and constitutional developments	221
d. The question of transmission of information regarding military activities and arrangements	222-224
2. Examination of information transmitted under Article 73e	225
a. The Special Committee and its composition	225
b. Examination by the Special Committee of information transmitted under Article 73e	226
c. The nature of information used by the Special Committee	227-229
d. Collaboration with the United Nations Councils and Specialized Agencies	230-238
(i) Relations with the Trusteeship Council	230
(ii) Relations with the Economic and Social Council	231-233
(iii) Collaboration with the specialized agencies and other international institutions	234-238
3. The question of sending visiting missions to colonial Territories	239-251
a. General	239-247
b. Small Territories	248
(i) Tokelau	249-251

4. Procedures regarding communications and petitions and the hearing of petitioners	252-254
a. Circulation of petitions and hearing of petitioners	252
b. Circulation of anonymous communication and petitions	253
c. Circulation of communication and petitions involving non-administering Powers	254
5. Determination of the Territories to which Chapter XI of the United Nations Charter and the Declaration contained in General Assembly resolution 1514 (XV) apply	255-277
a. Territories within the competence of the Special Committee	255-259
b. Competence of the General Assembly to determine to which Territories Chapter XI of the United Nations Charter and the Declaration contained in General Assembly resolution 1514 (XV) apply or continue to apply	260-277
(i) Puerto Rico	262-264
(ii) Comorian Island of Mayotte	265
(iii) East Timor	266-272
(iv) Western Sahara	273-277

***Annex: List of Small Trust and 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***

### TEXT OF ARTICLE 73

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

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

## INTRODUCTORY NOTE

1. The issues analyzed 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,<sup>2</sup> 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. As in the previous *Supplements*, the Analytical Summary of Practice in the present study is arranged according to the paragraphs of Article 73 with close regards to the substantive linkages with the Declaration on decolonization. Thus, section A deals with questions of economic, social, and educational advancements; section B addresses questions of self-government and the political development; section C addresses international peace and security in relation to Non-Self-Governing Territories; section D deals with the promotion of constructive measures, in particular by the specialized agencies of the United Nations system, to further the development of Non-Self-Governing Territories; and section E concerns the regular transmission of information from the administering Powers to the Secretary-General regarding conditions in the Territories for which they are responsible, as well as issues concerning the examination of such information.

3. As in previous *Supplements*, questions relating to Trust Territories are addressed under the articles of Chapter XII and XIII of the Charter. The case of Namibia, which was declared to be a Trust Territory under the Administering Authority of the United Nations in 1966, is dealt with under Article 81. However, some issues pertaining to the linkages of the specialized agencies and the international institutions associated with the United Nations with South Africa are discussed under Article 73d.

4. Since a number of Territories achieved independence during the period covered by the previous *Supplement*, the sub-paragraphs referring to those Territories have been deleted. As was indicated in the previous *Supplement* the legislative tools that had been developed under Article 73 to further the decolonization of Non-Self-Governing Territories, in Africa in particular, were 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. Section A of the Analytical Summary of Practice of the present *Supplement* includes a new paragraph under the heading “Respect for the culture of the peoples in Non-Self-Governing Territories” which describes the efforts of the General Assembly to define and protect the right of indigenous populations in the Non-Self-Governing Territories to preserve their cultural identity during the process of economic and political development.

---

<sup>2</sup> Referred to in this study as the Declaration on decolonization.

## **I. GENERAL SURVEY**

6. As reported, at its sixteenth session, the General Assembly 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<sup>3</sup>. The General Assembly mandated the Special Committee to seek the most suitable means of bringing colonial rule to an end in all the Territories, which had not yet achieved independence.

7. In pursuance of its mandate, the Special Committee continued to examine the conditions in colonial Territories on the basis of Article 73 and the Declaration on the Granting of Independence to Colonial Countries and Peoples. During the period under review, the Special Committee dealt with two categories of Non-Self-Governing Territories: Small Island Territories and Territories over which there were disputes regarding sovereignty or territorial integrity.

8. In particular, the disputes over sovereignty or territorial integrity in Falklands Islands (Islas Malvinas), Gibraltar, Western Sahara, and the Comorian Island of Mayotte continued to be discussed without reaching a final resolution.

9. In 1985, the General Assembly observed the twenty-fifth anniversary of the adoption of the Declaration on decolonization by holding a special commemorative meeting in October and by adopting a resolution to observe the event. The Special Committee on decolonization held an extraordinary plenary session<sup>4</sup> preceded by two regional seminars<sup>5</sup>.

10. During the period under review, none of the Territories included in the list of Non-Self-Governing Territories achieved independence or changed its status. The list of Non-Self-Governing Territories included the following Territories: Tokelau administered by New Zealand; Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falklands Islands (Malvinas), Gibraltar, Montserrat, Pitcairn, St. Helena, Turks and Caicos Islands administered by the United Kingdom of Great Britain and Northern Ireland; American Samoa, Guam, and United States Virgin Island administered by the United States. Furthermore, East Timor and Western Sahara, formerly under the administration of Portugal and Spain, were still considered by the Special Committee even though during the period it never received information from the administering Powers. Additionally, at the forty-first session of the General Assembly, the Territory of New Caledonia, administered by France was included in the list of Non-Self-Governing Territories. The General Assembly also examined the Question of Namibia, which was administered by the United Nations.

---

<sup>3</sup> Referred in this document as the Special Committee.

<sup>4</sup> Tunis, 13 to 17 May (A/40/23, para 35).

<sup>5</sup> Port Moresby, Papua New Guinea, 4-7 March (A/AC.109/821); Havana, Cuba, 8-10 April (A/AC.109/822 & Add.1).

### *Article 73a*

11. During the period covered by this *Supplement*, the General Assembly continued to promote economic, social, and educational advancement in colonial Territories. In addition to recommendations of general character, the General Assembly made specific recommendations related to economic development in individual Territories. In the resolutions dealing with foreign interests, that impeded the implementation of the Declaration, the General Assembly continued to formulate recommendations applicable to all Non-Self-Governing Territories. In these resolutions, the General Assembly reaffirmed the right of the people of dependent Territories to dispose of their natural resources and called all Governments to take measures in respect of their nationals that operate enterprises in colonial Territories, which are detrimental to the interests of the inhabitants of those Territories.

12. The Assembly also addressed in detail the issues of Namibia and its natural resources. Namibia, a Non-Self-Governing Territory under *de jure* administration of the United Nations, is dealt with under Article 81.

13. During the period under review, the General Assembly included the Territory of New Caledonia in its agenda and affirmed the responsibility of the administering Power to promote economic and social development in the Territory.

14. With regard to educational advancement, the General Assembly followed established practice to invite States to make generous offers of study and training facilities to inhabitants of Non-Self-Governing Territories and appealed to States to support the United Nations Educational and Training Programme for Southern Africa.

15. The General Assembly continued to address the issue of social advancement and to make appeals to the international community to ensure that certain basic rights of colonial people were respected. The just treatment of the inhabitants of Non-Self-Governing Territories and their protection against abuses were considered by the General Assembly as issues of human rights. The General Assembly continued to urge the elimination of racial discrimination and apartheid and to reiterate its conviction that the total eradication of racial discrimination, *apartheid*, and violations of the basic human rights of the peoples of colonial Territories would be achieved most expeditiously by the faithful and complete implementation of the Declaration.

16. As in previous periods, the Third Committee of the General Assembly continued to consider questions pertaining to the right of self determination of peoples under the agenda item: "Importance of the universal realization of the right of people to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights". The General Assembly strongly condemned the continued violations of the human rights of the people under colonial dominations and alien subjugation and reiterated its demands for the immediate and unconditional release of all persons detained as a result of their struggle



for self-determination and independence, full respect of their fundamental individual rights. A number of resolutions addressed the issues of violations of human rights in Namibia and South Africa.

17. During the period under review, the General Assembly continued to reaffirm that the activities of mercenaries are contrary to fundamental principles of international law and seriously impede the process of self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination. The General Assembly reaffirmed the need for the *Ad Hoc Committee* to complete the draft of the convention against the recruitment, use, financing and training of mercenaries.

18. In addition, the agenda items related to the use of mercenaries in their relation to social, economic and human rights situation of the people of colonial Territories were discussed in the Economic and Social Council. The Economic and Social Council adopted a resolution bearing the title "Use of mercenaries as a means to violate human rights and to impede the exercise of the rights of people to self-determination" which condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as other forms of support to mercenaries. On the recommendation of its Third Committee, the General Assembly adopted resolutions with the title "Use of mercenaries as a means to violate human rights of peoples and to impede the exercise of the right of peoples to self-determination". Among other things, the resolution condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries.

19. The General Assembly also increased its attention to the protection of the culture and traditions of the people of Non-Self-Governing Territories. In particular, in the occasion of the twenty-fifth anniversary of the Declaration on decolonization, the General Assembly requested the administering Powers to preserve the cultural identity of the Territories under their administration and to encourage the full development of indigenous culture. In other resolutions on specific Territories, the Assembly explicitly called on the administering Powers to take appropriate actions with respect to Guam, Tokelau and Pitcairn to preserve the traditional heritage of indigenous people.

#### *Article 73b*

20. As in previous *Supplements*, the subparagraph 73b examines the right to self-determination and independence of inhabitants of Non-Self-Governing Territories and the responsibility of the administering Powers for the political and civic development of colonial people, as well as existing disputes over sovereignty and territorial claims.

21. The central issue of this section of the *Supplement* has been the right of colonial people to self-determination and their attainment of self-government. Although the Declaration on decolonization explicitly included independence as a legitimate political aspiration, resolution 1541 (XV) of the same year included free association and integration with an independent state as possible options for self-determination. The

General Assembly did not elaborate any general criteria according to which one or the other principle might be determined to have precedence.

22. The study also addresses the participation of the United Nations in ascertaining the will of the people with regard to the future status of their Territories. Specifically, it describes the question of the organization of the referendum in Western Sahara as well as the debates related to New Caledonia. In that case, the General Assembly affirmed that acts of self-determination must be consistent with United Nations principles and practices of self-determination and independence, without referring explicitly to the participation of the United Nations in ascertaining the wishes of colonial people. In the period covered by this *Supplement*, the Special Committee did not exercise its prerogative to recommend a date for the accession to independence of a Territory.

23. The section dealing with national unity and territorial integrity analyses the decisions related to Comorian Island of Mayotte, Falkland Islands (Islas Malvinas), Gibraltar and Western Sahara.

24. Regarding the dissemination of information on the work of the United Nations with regard to the implementation of the Declaration, during the period under review, the General Assembly continued to request the Secretary-General as well as Member States and, in particular, the administering Powers to disseminate such information. The General Assembly also requested the Secretary-General to enlist the support of non-governmental organizations having a special interest in decolonization in the dissemination of relevant information and to undertake a sustained campaign to inform world public on the pillaging of natural resources in colonial Territories and the exploitation of their indigenous people by foreign monopolies.

#### *Article 73c*

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

26. The issue of international peace and security 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.

27. The General Assembly also continued to call upon the administering Powers not to involve Territories under their administration in offensive acts or interference against other States. In addition, it examined specific cases of military installations in Bermuda,

Guam, and St. Helena. The Special Committee also debated the construction of new installations with dual use, civil and military, in the Falklands Islands (Malvinas).

#### *Article 73d*

28. Article 73d addresses the question of international cooperation to assist the development of colonial peoples and foster the economic and social development of Non-Self-Governing Territories. As in previous periods, the General Assembly considered the question of the implementation of the Declaration on decolonization by Specialized Agencies as a separate issue. In its decisions it called upon the agencies and other institutions associated with the United Nations to provide assistance to Non-Self-Governing Territories. At the same time, the General Assembly stressed the need to withhold from the racist regime of South Africa any form of co-operation and assistance. In particular the Assembly regretted that the World Bank and the International Monetary Fund continued to maintain links with the racist regime of South Africa.

29. During the period under review the General Assembly continued to consider the questions of assistance by the specialized agencies and international institutions associated with the United Nations to colonial people, national liberation movements, and refugees from colonial countries. The General Assembly reiterated its recommendations to improve co-operation between the specialized agencies and other organizations of the United Nations system and the colonial peoples and their national liberation movements directly or, where appropriate, through the Organization of African Unity and to render to them all possible moral and material support.

#### *Article 73e*

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

31. During the period covered by this *Supplement*, the administering Powers continued to submit to the General Assembly information on Non-Self-Governing Territories, as required under Article 73e.

32. As in the previous period, the Special Committee continued to examine the information transmitted to the Secretariat under Article 73e. The Special Committee on decolonization continued to grant the hearing of petitioners and to collaborate with the Economic and Social Council, specialized agencies, and international institutions associated with the United Nations.

33. Under the subheading “Enumeration of Territories on which information is transmitted under Article 73e”, the study refers to the case of New Caledonia. At its forty-first session, the General Assembly established that New Caledonia was a Non-

Self-Governing Territories within the meaning of the Charter and declared that an obligation existed on the part of the Government of France to transmit information on the Territory.

34. Regarding the examination of information, the Special Committee on decolonization continued to examine the information transmitted under Article 73e as well as the information on political and constitutional developments voluntarily furnished by the administering Powers. As in previous periods, the Special Committee continued to follow the work of the Trusteeship Council and to consider, in consultation with the ECOSOC and Specialized Agencies, appropriate measure for the implementation of the resolutions on Non-Self-Governing Territories.

35. During the period under review the Special Committee on decolonization continued to examine the possibility of dispatching visiting missions to the territories. While other administering Powers reaffirmed their availability to receive visiting missions in Non-Self-Governing Territories under their administration, one administering Power decided to withdraw from the work of the Special Committee and not to receive further missions in the Territories under its administration. The General Assembly called upon the administering Powers to continue to co-operate with the Special Committee in the discharge of its mandate and to permit the access of visiting missions to the Territories. During the period under review, the Special Committee on decolonization dispatched one visiting mission.

36. 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 in the previous periods<sup>6</sup>. The question of East Timor remained in the agenda of the General Assembly but it was never discussed.

## **II. ANALYTICAL SUMMARY OF PRACTICE**

### **A. Article 73a**

#### **1. ECONOMIC ADVANCEMENT**

##### *a. Measures for economic development*

##### *(i) General*

37. As reported in previous *Repertory Supplements*<sup>7</sup>, although the Declaration on the Granting of Independence to Colonial Countries and Peoples asserted that inadequacy of economic preparedness of the Non-Self-Governing Territories should never serve as a

---

<sup>6</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, paras. 213-218.

<sup>7</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, paras. 31-32.

pretext for delaying independence, the General Assembly continued<sup>8</sup> to make recommendations regarding economic advancement in the Territories.

38. During the period under review, the General Assembly<sup>9</sup> reaffirmed the responsibility of the administering Powers under the Charter to promote the economic and social development of the Territories and called upon the administering Powers to intensify their efforts to strengthen and diversify the economies of these Territories and to promote economic stability. In some instances<sup>10</sup> the General Assembly formulated recommendations regarding specific issues in individual Territories such as agriculture, development plans, and economic diversification.

39. At its forty-first session, the General Assembly decided to include the Territory of New Caledonia in its agenda<sup>11</sup>. At the forty-second session, the Assembly, in its resolution on New Caledonia<sup>12</sup> affirmed “the responsibility of the administering Power to promote economic and social development” and called “upon the administering Power to institute programmes designed to benefit all the people throughout the Territory”. In the preambular part of resolution 43/34, the General Assembly noted that the French authorities were taking positive measures to promote political, economic and social development in New Caledonia to provide a framework for the peaceful progress of the Territory to self-determination.

40. On 2 December 1986, the General Assembly adopted resolution 40/56 under the agenda item “Twenty-fifth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples”. In operative paragraph 12, the General Assembly reaffirmed that all administering Powers were obliged, under the Charter and in accordance with the Declaration, to create economic, social and other conditions in the Territories under their administration which will enable those Territories to achieve genuine independence and economic self-reliance.

*b. Activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence of Colonial Countries and Peoples in Namibia and in all other Territories under colonial domination*

---

<sup>8</sup> G A resolutions 40/57, 41/41, 42/71, 43/30.

<sup>9</sup> Question of American Samoa (G A resolutions 40/41, 41/23, 42/88, 43/43), Question of Guam (G A resolutions 40/42, 41/25, 42/87, 43/42), Question of Bermuda (G A resolutions 40/43, 41/18, 42/86, 43/89), Question of British Virgin Islands (G A resolutions 40/44, 41/19, 42/82, 43/41), Question of Cayman Island (G A resolutions 40/45, 41/20, 42/85, 43/37), Question of Montserrat (G A resolutions 40/46, 41/21, 42/81, 43/38), Question of Turks and Caicos Islands (G A resolutions 40/47, 41/22, 42/83, 43/40), Question of Anguilla (G A resolutions 40/48, 41/17, 42/80, 43/36), Question of United States Virgin Island (G A resolutions 40/49, 41/24, 42/89, 43/44).

<sup>10</sup> Question of American Samoa (G A resolutions 40/41, 41/23, 42/88, 43/43); Question of Guam (G A resolution 40/42, 41/25, 42/87, 43/42); Question of Cayman Island (G A resolutions 40/45, 41/20, 42/85, 43/37); Question of Turks and Caicos Islands (G A resolutions 40/47, 41/22, 42/83, 43/40); Question of United States Virgin Islands (G A resolutions 40/49, 41/24, 42/89, 43/44).

<sup>11</sup> G A resolution 41/41 B.

<sup>12</sup> G A resolution 42/79.

41. During the period under review, the General Assembly continued to examine as a separate agenda item the activities of foreign economic and other interests, which were impeding the implementation of the Declaration on decolonization, and to adopt a number of resolutions and decisions<sup>13</sup> related to it.

42. In its resolutions, the General Assembly continued to reiterate its condemnation<sup>14</sup> of “the activities of foreign economic and other interests in the colonial Territories impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV), and the efforts to eliminate colonialism, apartheid and racial discrimination”. The Assembly, inter alia, reaffirmed the right of the peoples of dependent Territories to dispose of their natural resources in their best interests and 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.

43. During the discussion in the Fourth Committee, although the majority supported<sup>15</sup> the adoption of these resolutions, a number of states expressed<sup>16</sup> their reservations. They argued that the assumption that all activities of foreign economic and other interests in Non-Self-Governing-Territories were harmful was unacceptable because in some instances these activities could produce beneficial effects on the economies of the Territories. Moreover, a sweeping condemnation would contradict other resolutions of the General Assembly that called for the administering Powers to extend and accelerate economic development in Non-Self-Governing-Territories. Thus, the activities of certain foreign interests could contribute to their development.

44. These resolutions<sup>17</sup> also called all Governments to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in colonial Territories, particularly in Africa, which are detrimental to the interests of the inhabitants of those Territories, in order to put an end to such enterprises and to prevent new investments.

---

<sup>13</sup> G A resolutions 40/52, 41/14, 42/74, 43/29. G A decisions 40/415, 41/405, 42/417, 43/410. These decisions under the heading “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” are discussed under Article 73c referring to International Peace and Security.

<sup>14</sup> G A resolutions 40/52, 41/14, 42/74, 43/29.

<sup>15</sup> G A (40) 4<sup>th</sup> Comm., 10<sup>th</sup> mtg., Congo, paras. 8, 11; Bangladesh, para. 18; Malaysia, para. 21; Sudan, paras. 33-34; G A (41) 4<sup>th</sup> Comm., 8<sup>th</sup> mtg., Iraq para. 60-61; Bulgaria para 35

<sup>16</sup> G A (40) 4<sup>th</sup> Comm., 10<sup>th</sup> mtg., Australia, para. 94; Canada, para. 76; Chile, para. 81; Belgium, para. 79; Denmark, para. 58; Fiji, para. 87; France, para. 53; Germany, Federal Republic of, para. 54; Italy para. 52; Ireland, para. 84 Japan, para. 60; Netherlands, para. 62; New Zealand, para. 91; Portugal, para. 65; Turkey, para 50; United Kingdom, para. 67; G A (41) 4<sup>th</sup> Comm., 8<sup>th</sup> mtg., Belgium para. 66; Finland para 69; France para. 86; Italy, para. 91; Netherlands, para. 72; Germany, Federal Republic of, para. 76; United Kingdom para. 81; United States para. 19; G A (42) 4<sup>th</sup> Comm., 9<sup>th</sup> mtg., Australia, para. 21; Canada, para. 18; Chile, para. 50; Denmark, para. 44; France, para. 52 Japan, para. 32; New Zealand, para. 46; Norway, para. 24; Turkey, para. 27.

<sup>17</sup> G A resolutions 40/52, 41/14, 42/74, 43/29.

45. The activities of foreign economic interests impeding the implementation of the Declaration on decolonization were mentioned in the resolutions<sup>18</sup> on the “Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples”. In particular, the General Assembly reaffirmed that the continuation of colonialism in all its forms and manifestations, including those activities of foreign economic and other interests contrary to the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples, posed a serious threat to international peace and security.

46. At its fortieth session, the General Assembly adopted the resolution “Twenty-fifth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples”, which *inter alia*, urged<sup>19</sup> “the administering Powers and other Member States to ensure that the activities of foreign economic interests in colonial Territories do not run counter to the interests of the inhabitants of those Territories and do not impede the implementation of the Declaration”.

47. During the period under review, particular attention was given to the activities of foreign economic interests in Namibia. The question is treated in the present *Supplement* under article 81.

## 2. EDUCATIONAL ADVANCEMENT

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

48. During the period under review, the General Assembly continued<sup>20</sup> to invite Member States to make or continue to make generous offers of study and training facilities to the inhabitants of Non-Self-Governing Territories and, wherever possible, to provide travel funds to prospective students and to inform the Secretary-General of the details of such offers. The General Assembly also requested the Secretary-General to report in the future on the implementation of this programme.

49. The General Assembly also continued to request 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.

50. During the period under review, the scholarship programme continued to provide funds for students coming from Non-Self-Governing Territories. In accordance with the

---

<sup>18</sup> G A resolutions 40/57, 41/41B, 42/71, 43/45.

<sup>19</sup> G A resolution 40/56, operative para. 7.

<sup>20</sup> G A resolutions 40/55, 41/28, 42/77, 43/32.

procedure established by resolution 1696 (XVI), the Secretary General continued to report<sup>21</sup> annually to the General Assembly on the offers of scholarships.

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

51. During the period under review, the General Assembly, in pursuance of resolution 2349 (XXII), continued to receive and examine reports<sup>22</sup> of the Secretary General regarding the work of the Advisory Committee on the United Nations Educational and Training Programme for Southern Africa and consequently to adopt resolutions 40/54, 41/27, 42/76, and 43/31 on the item. Conforming to previous practice, the General Assembly expressed its appreciation to all Members who have provided contributions to the Programme and appealed to all States, institutions, organizations, and individuals to offer greater support.

### 3. SOCIAL ADVANCEMENT

*a. Elimination of racial discrimination, segregation and apartheid*

52. During the period covered by this *Supplement*, the General Assembly continued to affirm the link between decolonization and human rights, which included questions of racial discrimination. As in previous periods, the Special Committee discussed the question of human rights in Non-Self-Governing Territories within the context of the Declaration on decolonization. The General Assembly continued to reiterate<sup>23</sup> its conviction that the total eradication of racial discrimination, *apartheid*, and violations of the basic human rights of the peoples of colonial Territories would be achieved most expeditiously by the faithful and complete implementation of the Declaration.

53. Following the proclamation, at the 38<sup>th</sup> session, of the second decade to combat racism and racial discrimination<sup>24</sup>, during the period under review, the General Assembly adopted a number of resolutions<sup>25</sup> under the heading “Second Decade to Combat Racism and Racial Discrimination”. In these resolutions, the General Assembly continued to affirm that “all forms of racism and racial discrimination, particularly in their institutionalized form, such as *apartheid*, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means”. In the following operative paragraph, the General Assembly decided<sup>26</sup> that:

---

<sup>21</sup> A/40/718; A/41/664; A/42/578; A/43/677.

<sup>22</sup> A/40/781; A/41/678 and Corr.1; A/42/628; A/43/681 and Corr. 1.

<sup>23</sup> G A resolutions 40/57, 41/41, 42/71, 43/45.

<sup>24</sup> G A resolution 38/14.

<sup>25</sup> G A resolutions 40/22, 41/94, 42/47, 43/91.

<sup>26</sup> In resolution 40/22 and the previous ones, the Assembly used a slightly different language. The General Assembly appeal to the international community...”. Starting with resolution 41/94 it used “The General Assembly decides...”



“ the international community, in general, and the United Nations, in particular, should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid, and to intensify its own efforts, during the Second Decade to Combat Racism and Racial Discrimination, to provide assistance and relief to the victims of racism and all forms of racial discrimination and apartheid, especially in South Africa and Namibia and in occupied Territories and Territories under alien domination”.

#### *Decision*

54. On the occasion of the twenty-fifth anniversary of the Declaration, the General Assembly adopted resolution 40/56, which affirmed that the continuation of colonialism in all its forms and manifestations, including racism and apartheid, is incompatible with the Charter of the United Nations, the Declaration, and the principles of international law<sup>27</sup>.

55. In explanation of vote in the General Assembly, one delegation<sup>28</sup> argued that the dangerous equation *apartheid* with colonialism seemed responsible for the curious suggestion that racial discrimination is practiced not only in Namibia but also in other Territories entrusted to administering Powers. Another delegation<sup>29</sup> maintained that the same resolution came very close to equating colonialism with racial discrimination and violation of human rights.

#### *b. Rights of colonial peoples to freely dispose of their natural wealth and resources*

56. The Declaration on the Granting of Independence to Colonial Countries and people affirmed, *inter alia*, the right of the people to freely dispose of their natural wealth and resources. To ensure that the permanent sovereignty of the colonial Territories over their natural resources was fully respected and safeguarded, the General Assembly invited<sup>30</sup> all Governments to comply with the Declaration on the Establishment of a New Economic Order<sup>31</sup> and with the Charter of Economic Rights and Duties of States<sup>32</sup>.

57. During the period under review, a number of resolutions<sup>33</sup>, 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”, reaffirmed that colonial people have legitimate rights over their natural resources and that, as a consequence, the administering Powers have a solemn obligation, under the Charter of the United Nations, to protect and conserve the existing natural resources

---

<sup>27</sup> G A resolutions 40/57, 41/41, 42/71, 43/45 utilize similar language.

<sup>28</sup> G A (40), Plenary, 99<sup>th</sup> mtg., Netherlands, paras. 99-100.

<sup>29</sup> Ibid., United Kingdom, para. 103.

<sup>30</sup> *Repertory, Supplement* No.6, vol. V, under Article 73, paras. 44 and 45.

<sup>31</sup> G A resolution 3201 (S-VI).

<sup>32</sup> G A resolution 3281 (XXIX).

<sup>33</sup> G A resolutions 40/52, 41/14, 42/74, 43/29.

within the Territories under their control. The same principle was reaffirmed in a number of other resolutions referring to individual Non-Self-Governing-Territories<sup>34</sup>.

58. In paragraph 11 of resolution 40/56 adopted on the occasion of the 25<sup>th</sup> anniversary of the Declaration on decolonization, the General Assembly requested Member States, as well as the organizations of the United Nations system, to ensure that the permanent sovereignty of the colonial Territories over their natural resources is fully respected and safeguarded.

#### 4. ASSURANCE OF JUST TREATMENT AND PROTECTION AGAINST ABUSES

##### *a. Protection of human rights*

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

60. 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 agenda item entitled: “Importance of the universal realization of the right of people 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.

61. In resolutions 40/24, 41/100, 42/94, 43/105, the General Assembly reaffirmed “that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights”.

62. As in previous periods<sup>35</sup>, the General Assembly<sup>36</sup> strongly condemned the continued violations of the human rights of the people under colonial dominations and alien subjugation. The General Assembly also reiterated its demands for the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect of their fundamental individual rights and compliance with Article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or cruel, inhuman or degrading treatment.

---

<sup>34</sup> G A resolutions 40/41, 41/23, 42/88, 43/43 (American Samoa); G A resolutions 40/42, 41/25, 42/87, 43/42 (Guam); G A resolutions 40/43, 41/18, 42/86, 43/39 (Bermuda); G A resolutions 40/44, 41/19, 42/82, 43/41 (British Virgin Islands); G A resolutions 40/45, 41/20, 42/85, 43/37 (Cayman Islands); G A resolutions 40/46, 41/21, 42/81, 43/38 (Montserrat); G A resolutions 40/47, 41/22, 42/83, 43/40 (Turks and Caicos); G A resolutions 40/48, 41/17, 42/80, 43/36 (Anguilla); G A resolutions 40/49, 41/24, 42/89, 43/44 (United States Virgin Islands).

<sup>35</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, para. 48.

<sup>36</sup> G A resolutions 40/25, 41/101, 42/95, 43/106.

63. A number of resolutions adopted during the period under review addressed the question of violation of human rights in Namibia and South Africa. These resolutions continued to strongly condemn “the continued violations of the human rights of the peoples still under colonial domination and alien subjugation, the continuation of the illegal occupation of Namibia, South Africa's attempts to dismember its Territory, the perpetuation of the racist minority regime in southern Africa [...]” and 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 their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights”. This *Supplement* analyses more specifically the question of South Africa under Article 1 and the question of Namibia under Article 81.

64. On the occasion of the twenty-fifth anniversary of the Declaration, the General Assembly<sup>37</sup> reaffirmed that the subjection of peoples to colonial domination constitutes a denial of fundamental human rights. The same resolution called “upon Member States, in particular colonial Powers, [...] to the faithful and strict observance of the relevant provisions of the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights, as well as other relevant resolutions and decisions of the General Assembly and those of the Security Council”.

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

65. The General Assembly, during the period under review, maintained the principle contained in its resolutions 2621 (XXV) that all freedom fighters under detention shall be treated in accordance with the relevant provisions of the General Convention relative to the Treatment of Prisoners of War, of 12 August 1949. The principle was implicitly reiterated in a number of resolutions<sup>38</sup> on the implementation of the Declaration on decolonization that recalled General Assembly's resolution 2621 (XXV), which contains a provision on the treatment of freedom fighters.

*c. Prohibitions of the use of mercenaries against national liberation movements in Non-Self-Governing-Territories*

66. During the period under review, the General Assembly reaffirmed in a number of resolutions<sup>39</sup> that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination.

---

<sup>37</sup> G A resolutions 40/56.

<sup>38</sup> G A resolutions 40/57, 41/41B, 42/71, 43/45.

<sup>39</sup> G A resolutions 40/74, 41/80, 42/155, 43/168.

67. As reported in the previous *Supplement*<sup>40</sup>, the General Assembly mandated an *Ad Hoc* Committee to elaborate, at the earliest possible date, an international convention against the recruitment, use, financing and training of mercenaries. During the period covered by this *Supplement*, the General Assembly reaffirmed the need to complete the draft of such convention in a number of resolutions<sup>41</sup>.

68. In addition, a draft<sup>42</sup> resolution on the use of mercenaries was first introduced in the Second Committee of the Economic and Social Council at its 1986 session. The draft condemned the "increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as other forms of support to mercenaries." On a proposal by one delegation<sup>43</sup>, the sponsors of the draft revised<sup>44</sup> the text to include a preambular paragraph reaffirming "the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, *apartheid*, foreign intervention and occupation". Furthermore, the sponsors revised the draft by adding the words "struggling against racism, *apartheid*, colonial domination, foreign intervention and occupation for their independence, territorial integrity and national unity" to the end of operative paragraph 3.

69. At the same session, the Economic and Social Council, acting on the recommendation of its Second Committee, adopted resolution 1986/43 bearing the title "Use of mercenaries as a means to violate human rights and to impede the exercise of the rights of people to self-determination". The Economic and Social Council adopted the draft by a recorded vote of 38 in favor, 7 against, and 8 abstentions.

70. Explaining its vote, one delegation<sup>45</sup> expressed regret that the Economic and Social Council was encouraging an overlap with the General Assembly's work. Some delegations<sup>46</sup> objected to the fourth preambular paragraph, which recognized mercenarism as a crime against humanity. The delegations argued that the paragraph purported to define mercenarism before there was an agreed definition of the term.

71. During the forty-first session, the Third Committee of the General Assembly discussed the issue of the use of mercenaries. In the Committee several countries<sup>47</sup> raised concerns about the inclusion of the item in the agenda of the Committee. These countries felt that the sponsors had ignored the fact that mercenarism was discussed regularly as

---

<sup>40</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, paras. 57.

<sup>41</sup> G A resolutions 40/74, 41/80, 42/155, 43/168.

<sup>42</sup> E/1986/C.2/L.14 presented by Nigeria on behalf of Afghanistan, Algeria, Angola, Botswana, Cuba, Ethiopia, the German Democratic Republic, Guyana, Mongolia, Morocco, Mozambique, Nicaragua, Nigeria, Senegal, Sierra Leone, the Syrian Arab Republic, Uganda, the Ukrainian Soviet Socialist Republic, Viet Nam, and Zimbabwe.

<sup>43</sup> Pakistan.

<sup>44</sup> E/1986/95.

<sup>45</sup> E/1986/SR.19, United Kingdom, para. 77.

<sup>46</sup> E/1986/SR.19, Australia, para. 62; Brazil, para. 79; Canada, para. 55; Finland (on behalf of the Nordic countries), para. 69.

<sup>47</sup> G A (41) 3<sup>rd</sup> Comm., 36<sup>th</sup> mtg., Australia, para. 67; Austria, para. 71; Denmark (on behalf of Nordic countries), para. 62; Israel, para. 72; Japan, para. 66; Oman, para. 74; United Kingdom (on behalf of the European Community), para. 36; United States, para. 50.

part of the Sixth Committee's agenda. Moreover the text of the proposed draft resolution might have a negative impact on the work of the *Ad Hoc* Committee for the preparation of the convention against mercenaries. At the same time, according to another delegation<sup>48</sup>, since the Sixth Committee was concerned only with legal instruments to combat mercenarism there was no duplication of efforts.

72. However, the issue was included in the agenda and a draft resolution<sup>49</sup> entitled "Use of mercenaries as a means to violate human rights of peoples and to impede the exercise of the right of peoples to self-determination" was introduced. The discussion in the Committee produced a new text<sup>50</sup> that took into account the observations of some countries. In particular, one amendment<sup>51</sup> sought to delete the word "Central American" from the draft. One delegation noted<sup>52</sup> that since the situation in Central America was very complicated, a very clear distinction must be made between national liberation movements fighting for independence in colonial or neo-colonial situations and armed groups that sought to destabilize or overthrow legitimate Governments. The amendment was rejected<sup>53</sup> and the Third Committee adopted the draft at its 36th meeting by recorded vote with 106 votes in favor, 10 against, and 29 abstaining.

#### *Decision*

73. At the 97<sup>th</sup> meeting of its forty-first session, the General Assembly adopted resolution 41/402 with the title "Use of mercenaries as a means to violate human rights of peoples and to impede the exercise of the right of peoples to self-determination" with 120 votes in favor, 11 votes against and 23 abstentions. Among other things the resolution condemned the "increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries for the purpose of destabilizing and overthrowing the Governments of southern Africa and Central America and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination". In its operative paragraph 5, the resolution called upon all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation. During the period under review, resolutions, 42/96 and 43/107 reaffirmed the principles first introduced by resolution 41/102.

## 5. RESPECT FOR THE CULTURE OF THE PEOPLE IN NON-SELF-GOVERNING TERRITORIES

---

<sup>48</sup> Ibid., Nigeria, para. 9.

<sup>49</sup> A/C.3/41/L.14 introduced by. Nigeria on behalf of Afghanistan, Algeria, Angola, Benin, Botswana, Burkina Faso, Congo, Cuba, Democratic Yemen, Ethiopia, German Democratic Republic, Ghana, Guinea-Bissau, Guyana, Lao People's Democratic Republic, Lesotho, Madagascar, Mauritania, Mongolia, Mozambique, Nicaragua, Nigeria, Sao Tome and Principe, Seychelles, Syrian Arab Republic, Uganda, Ukrainian Soviet Socialist Republic, United Republic of Tanzania, Viet Nam, Zambia, and Zimbabwe.

<sup>50</sup> A/C.3/41/L.14/Rev.1.

<sup>51</sup> A/C.3/41/L.36 sponsored by Costa Rica, El Salvador, Honduras.

<sup>52</sup> G A (41) 3rd Comm., 36th mtg., El Salvador, para. 29.

<sup>53</sup> Amendment A/C.3/41/L.36 was rejected by 62 votes to 30, with 45 abstentions.

*(a) General*

74. Article 73a of the Charter makes reference to the obligation of the administering Powers to act “with due respect for the culture of the peoples of the Non-Self-Governing Territories”. During the period under review, several decisions of the General Assembly included references to the issues related to cultural identity of the inhabitants of the Territories.

*Decision*

75. At its fortieth session, the General Assembly adopted a resolution<sup>54</sup> on the occasion of the 25<sup>th</sup> anniversary of the declaration on decolonization. *Inter alia*, in operative paragraph 14, the resolution requested the administering Powers to preserve the cultural identity, as well as the national unity, of the Territories under their administration and to encourage the full development of the indigenous culture, with a view to facilitating the unfettered exercise of the right to self-determination and independence by the peoples of those Territories.

*(b) Small Territories*

76. During the period under review, the General Assembly made specific recommendations regarding individual Non-Self-Governing Territories.

*(i) Guam*

77. In operative paragraph 14 of resolution 40/42 adopted on the question of Guam, the General Assembly reaffirmed “the importance of further efforts by the territorial Government, with the support of the administering Power to develop and promote the language and culture of the Chamorro people, who are the indigenous population of the Territory”. During the following sessions, in the preambular part of its resolutions on Guam<sup>55</sup>, the General Assembly took note of the statements of the representative of the administering Power according to which the provisions of the proposed Commonwealth Act would recognize the distinct cultural identity of the Chamorro people, the indigenous inhabitants of Guam.

*(ii) Tokelau*

78. By decision 40/411 on the question of Tokelau<sup>56</sup>, the General Assembly called upon the administering Power to ensure the preservation of the identity and cultural heritage of the people of Tokelau.

79. Resolution 41/26 commended “the people of Tokelau for their determination to manage their economic and political development in such a way as to ensure that it does not compromise or undermine Tokelau's distinct and valued cultural heritage, and urges

---

<sup>54</sup> G A resolutions 40/56.

<sup>55</sup> G A resolutions 41/25, 42/87, 43/42.

<sup>56</sup> G A decision 40/411.

the administering Power and international agencies to respect fully the wishes of the people of Tokelau in this regard”. In operative paragraph 9 of the same resolution, the General Assembly “welcomes the assurance of the administering Power that legislation affecting Tokelau will only be passed after consultation with the General Fono (Council) of Tokelau, and commends the Fono for the role it is playing in the development of a new legal code to give due recognition to Tokelau customs and culture”.

80. In the preambular part of resolution 42/84, the General Assembly noted “the continuing development of the General Fono as the highest political body of Tokelau and taking note of the view of the General Fono that such development of the indigenous political institutions of the Territory must proceed in full recognition of the distinct and valued cultural heritage and traditions of Tokelau” and also noted “with satisfaction the continued progress being made towards the drafting of a legal code to conform with the traditional laws and cultural values of Tokelau.

81. Operative paragraph 4 of resolution 43/35 urged the Government of New Zealand, the administering Power, to continue to respect fully the wishes of the people of Tokelau, in carrying out the Territory's political and economic development, in order to preserve their social, cultural and traditional heritage.

### *(iii) Pitcairn*

82. At its fortieth session the General Assembly<sup>57</sup> adopted a text, referring to Pitcairn, as representing the consensus of the members of the Assembly where among other provisions the Assembly took note of “the statements of the representative of the United Kingdom of Great Britain and Northern Ireland affirming that his Government’s policy was one of respect for the very individual life style that the people of Pitcairn had freely chosen and that the United Kingdom perceived its role as the administering Power as doing what it could to preserve, promote and protect it”. The following years<sup>58</sup> the General Assembly urged “the administering Power to continue to respect, promote and protect the very individual life-style that the people of the Territory have chosen and to preserve, promote and protect it”.

## **B. Article 73b**

### **1. GENERAL**

83. Under Article 73b, Members States that administer Non-Self-Governing Territories accepted an obligation “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 political institutions, according to the particular circumstances of each Territory and its peoples and their varying stages of advancement”. The Declaration on decolonization contained in resolution 1514 (XV) further developed the principle when, inter alia, it

---

<sup>57</sup> G A decision 40/412.

<sup>58</sup> G A decisions 41/406, 42/419, 43/412.

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

84. In the case of small territories, the General Assembly took note of recent political developments and reaffirmed the importance of raising the awareness among the peoples of their right to self-determination.

85. As in previous periods<sup>59</sup>, the General Assembly also considered questions of disputed sovereignty, including the question of compatibility between the principle of self-determination and territorial integrity, in the cases of the Falklands Islands (Malvinas), Gibraltar, and Western Sahara and the Comorian Island of Mayotte.

86. At its forty-first session, the General Assembly included the question of New Caledonia in its agenda and added this Territory in the list of Non-Self-Governing Territories. The question of New Caledonia is discussed in the section devoted to the transmission of information under Article 73e. Specific issues, related to the right of self-determination and the organization of a referendum in New Caledonia the Territory, are covered in this section of the *Supplement*.

87. During the period under review, none of the Non-Self-Governing Territories exercised their right to self-determination by attaining independence.

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

### (a) General

88. As reported in previous *Supplements*<sup>60</sup>, with respect to the concepts covered by Article 73b, the General Assembly has been guided by the principles of the Charter of the United Nations, the Declaration on decolonization, and its decisions, which defined the responsibilities of the administering Powers and the international community.

89. During the period under review, the General Assembly continued to adopt a number of resolutions<sup>61</sup> under the heading “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”, in which it reaffirmed the obligation of all Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination.

---

<sup>59</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, para. 61.

<sup>60</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, paras. 63-66.

<sup>61</sup> G A resolutions 40/25, 41/101, 42/95, 43/106.



90. General Assembly resolution 40/56<sup>62</sup>, adopted on the occasion of the 25<sup>th</sup> anniversary of the Declaration, reaffirmed the inalienable rights included in resolution 1514 and included the words “all peoples have the right to self-determination and Independence” in its preamble.

91. In the debates in the Assembly’s Plenary preceding the adoption of the resolution, the majority supported the text. At the same time, one delegation argued<sup>63</sup> that by focusing only on resolution 1514 (XV) as the fountainhead of decolonization, the draft resolution did a disservice to history because it was not the only important document on decolonization promulgated by the United Nations. There was also resolution 1541 (XV), which listed independence, free association and integration into another independent State as acceptable outcomes of the self-determination process.

92. With respect to the obligation of the administering Powers, as previously reported<sup>64</sup>, the General Assembly, through its decisions over the years, had established a set of guidelines. Among other things, the General Assembly considered that constitutional and political progress in Non-Self-Governing Territories must be based on the full participation of the indigenous population in the political life and that it was the responsibility of the administering Powers to develop and create the necessary conditions for such participation.

93. A number of resolutions<sup>65</sup>, referring to individual Territories, reaffirmed that it was the responsibility of administering Powers to create such conditions in the Non-Self-Governing Territories that would enable their people to exercise freely and without interference, from a well informed stand point as to the available options, their inalienable right to self-determination and independence. To that purpose, the General Assembly reaffirmed the importance of increasing awareness among the people of the Non-Self-Governing Territories of the possibilities open to them with regard to their right to self-determination.

94. In a number of resolutions<sup>66</sup>, the General Assembly called the administering Powers to facilitate and promote the participation of the local people in the decision making process in the affairs of the Territories and to continue the assistance necessary to increase employment of the local population in the civil service.

95. As previously reported<sup>67</sup>, the General Assembly decided in certain cases that the participation of the United Nations could facilitate the development of informed and

---

<sup>62</sup> The resolution was adopted by 139 votes in favor, 0 against and 13 abstaining.

<sup>63</sup> G A (40), Plen., 99<sup>th</sup> mtg., United States, para. 99.

<sup>64</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, para. 65.

<sup>65</sup> G A resolutions 40/41, 40/42, 40/43, 40/44, 40/45, 40/46, 40/47, 40/48, 40/49, 41/17, 41/18, 41/19, 41/20, 41/21, 41/22, 41/23, 41/24, 41/25/ 41/26, 42/80, 42/81, 42/82, 42/83, 42/85, 42/86, 42/87, 42/88, 42/89, 43/36, 43/37, 43/38, 43/39, 43/40, 43/41, 43/42, 43/43, 43/44.

<sup>66</sup> G A resolutions 40/43, 40/48, 41/18, 41/19, 41/21, 42/80, 42/81, 42/82, 42/85, 42/86, 43/36, 43/37, 43/38, 43/39, 43/40, 43/41.

<sup>67</sup> *Repertory, Supplement* No. 5, vol. IV, under Article 73, para. 228; *Repertory, Supplement* No. 6, vol. V, under Article 73, paras. 64 and 65.

democratic processes to ascertain the freely expressed wishes of the people on Non-Self-Governing Territories. The issue is discussed in paragraphs 106-117. In this connection, the General Assembly requested the Special Committee to recommend the most suitable steps to be taken to enable the populations of small Territories to exercise their right to self-determination, freedom, and independence<sup>68</sup>.

96. In 1988, acting on a proposal from the Conference of Foreign Minister of Non-Aligned Countries<sup>69</sup>, the General Assembly adopted resolution 43/47 under the heading “International Decade for the Eradication of Colonialism”. The resolution was adopted with 135 votes in favor 1 against and 29 abstaining. Explaining its negative vote the United States<sup>70</sup> stated: “the dramatic raise of independence movements throughout the third world in the decade since World War has almost completely eliminated the colonial system. The very success of those independence movements makes the promotion of a decade of decolonization unnecessary”. Greece<sup>71</sup>, speaking on behalf of the twelve member States of the European Community said: “The Twelve are unable to support the draft, and will therefore be abstaining in the voting, because it is clearly not in conformity with Economic and Social Council resolution 1988/63, on guidelines for international decades”. Finally New Zealand<sup>72</sup> announcing its support for the draft acknowledged that: “the full course of implementing the right of all people to self-determination is not yet run. We are confident that, in approving the broad objective of the Decade, the Assembly will be looking to implement draft resolution A/43/L.28/Rev.1 [International Decade for the Eradication of Colonialism] in full conformity with the principles of the Declaration on decolonization and of resolution 1514 (XV)”.

97. The two operative paragraphs of the resolution read as follow:

*“The General Assembly,*

*“ ...*

*“1. Declares the period 1990-2000 as the International Decade for the Eradication of Colonialism;*

*“2. Requests the Secretary-General to submit to the General Assembly at its forty-fourth session a report that would enable the Assembly to consider and adopt an action plan aimed at ushering in the twenty-first century a world free from colonialism”.*

*(b) New Caledonia*

98. By resolution 41/41A, the General Assembly included New Caledonia in the list of Non-Self-Governing Territories. In particular it stated “that, in the light of the provisions of Chapter XI of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV), New Caledonia is a Non-Self-Governing Territory within the

---

<sup>68</sup> G A resolutions 40/57, 41/41B, 42/71, 43/45.

<sup>69</sup> Nicosia, Cyprus, 7-10 September, 1988 (A/43/667-S20212).

<sup>70</sup> G A (43), Plenary, 59<sup>th</sup> mtg., United States, para. 67.

<sup>71</sup> G A (43), Plenary, 59<sup>th</sup> mtg., Greece, para. 67.

<sup>72</sup> G A (43), Plenary, 59<sup>th</sup> mtg., New Zealand, para. 74.

meaning of the Charter”. The discussion related to this issue is covered in article 73e. This section deals with the issue of New Caledonia’s right to self-determination and independence.

99. After the adoption of resolution 41/41A, the Special Committee on decolonization requested<sup>73</sup> France’s co-operation and urged it to prepare for a free and genuine act of self-determination in accordance with United Nations principles and practices. The Acting Chairman informed the Committee that he did not receive any response from France to the request for consultations. On 14 August, the Committee approved a draft resolution<sup>74</sup>, which it submitted to the General Assembly.

#### *Decision*

100. At the forty-second session, the General Assembly adopted, by recorded vote<sup>75</sup>, resolution 42/79 as recommended by the Fourth Committee. Among other provisions, the resolution reaffirmed “the inalienable right of the people of New Caledonia to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples”. The resolution also declared that: “progress towards a long-term political solution in New Caledonia requires a free and genuine act of self-determination consistent with United Nations principles and practices of self-determination and independence”.

101. In explanation of vote in the General Assembly, France<sup>76</sup> argued that New Caledonia was not a Non-Self-Governing Territory as defined under the Charter.

#### *Decision*

102. In May 1988, the French Prime Minister dispatched a mission to New Caledonia with the responsibility of “presenting proposals for the Territory’s future”. The delegation met with local counterparts. After consultations, the French and the Caledonian delegations issued a joint declaration that set out arrangements to solve the question of New Caledonia<sup>77</sup>.

103. By resolution 43/34, adopted without a vote, the General Assembly noted “with satisfaction the dialogue initiated under the auspices of the French authorities on the status of the Territory” and urged “all the parties involved, in the interest of all the people of New Caledonia, to continue their dialogue and to refrain from acts of violence”. In paragraph 3, the resolution invited “all the parties involved to continue promoting a framework for the peaceful progress of the Territory to self-determination”.

---

<sup>73</sup> G A (42) Suppl. No.23, chap.I, paras. 23-49.

<sup>74</sup> A/AC.109/931.

<sup>75</sup> 69 votes in favor, 29 votes against, 47 abstaining.

<sup>76</sup> G A (42), Plen., 92<sup>nd</sup> mtg., paras. 33-37.

<sup>77</sup> A/AC. 109/964. The agreement established that after a one-year period of direct French Administration, New Caledonia would be divided in three provinces, each with its own elected Assembly and executive Council. France would be responsible for foreign trade, defense, maintenance of law and order, justice and secondary and higher education; the territorial Government would be responsible for co-ordination between France and local institutions, budget matters, infrastructures and primary education.

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

104. Conforming to its previous practice, the Special Committee continued to state<sup>78</sup> that, in line with the express wish of the General Assembly, it would recommend, whenever it considered 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. In its resolutions<sup>79</sup> under the heading "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples", the General Assembly continued to approve the programme of work of the Special Committee, including the provision referring to the prerogative of recommending deadlines.

105. During the period under review, this prerogative was not exercised.

### 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

106. The General Assembly considered the question of United Nations participation in the decolonization process in general terms in its Plan of the 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. In accordance with the Plan of Action, the General Assembly directed the Special Committee to assist it in making arrangements, in co-operation with the administering Power, 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.

107. With regard to specific cases, as in the past, the General Assembly continued to discuss if the United Nations should participate in acts of self-determination in order for their results to be considered legitimate by the international community.

108. During the period under review, the United Nations participation in the process of ascertaining the freely expressed wishes of Non-Self-Governing Territories was discussed in connection with Western Sahara and New Caledonia

#### *(a) Western Sahara*

---

<sup>78</sup> G A (40), Suppl. No. 23, chap. I, paras. 153-155; G A (41), Suppl. No. 23, chap. I, paras. 58-60; G A (42), Suppl. No. 23, chap. I, paras. 59-61.

<sup>79</sup> G A resolutions 40/57, 41/41B, 42/71, 43/75.

109. During the period under review the General Assembly continued<sup>80</sup> to reaffirm 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 continued to request the Kingdom of Morocco and the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro (POLISARIO), to undertake direct negotiations, in the shortest possible time, with a view to bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations.

110. At its forty session, the General Assembly invited the Chairman of the Organization of African Unity and the Secretary-General of the United Nations to exert every effort to persuade the two parties to the conflict, the Kingdom of Morocco and the Frente POLISARIO, to negotiate, in the shortest possible time and in conformity with resolution AHG/Res.104 (XIX) of the Organization of African Unity, the terms of a cease-fire and the modalities for organizing the said referendum. Resolutions 41/16, 42/78, and 43/33 maintained similar provisions.

111. At its forty-third session, the General Assembly welcomed “the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro to the joint proposals of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to the holding of a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in co-operation with the Organization of African Unity”.

#### *(b) New Caledonia*

112. As reported in this *Supplement* in paragraphs 207-214, by resolution 41/41A, the General Assembly determined that New Caledonia was a Non-Self-Governing Territory within the meaning of the United Nations Charter and affirmed the right of the people to self-determination and independence in accordance with the Declaration on decolonization.

113. In the Plenary of the forty-first session, the French representative<sup>81</sup> announced that a referendum would be held in New Caledonia in the summer of 1987, and he assured the Assembly that, whatever the outcome, it would be scrupulously respected by his Government. The vote took place on 13 September 1987 and the majority voted in favour of keeping New Caledonia within the French Republic.

---

<sup>80</sup> G A resolutions 40/50, 41/16, 42/78, 43/33.

<sup>81</sup> G A (41), Plen., 91<sup>nd</sup> mtg., paras. 64-65.

114. In a letter<sup>82</sup> to the Secretary-General, dated 2 October 1987, the Chargé d'affaires of the Permanent Mission of Samoa to the United Nations on behalf of the South Pacific Forum countries stated: "We are greatly concerned that a referendum held in Caledonia on 13 September 1987 was not a free and genuine act of self-determination [...]" In particular the letter maintained that the referendum did not conform to United Nations principles and procedures because it was not conducted in co-operation with the United Nations, and there were no United Nations observers present in the Territory to monitor the campaign of the referendum. In addition, the legitimacy of the referendum was questioned because there was no prior political education and because the referendum did not offer the full range of options prescribed by United Nations practices and guidelines.

115. In a letter<sup>83</sup> to the Secretary-General, dated 10 October 1987, the French representative to the United Nations stated that: "In the vote of 13 September 1987, the New Caledonians were given an opportunity to make a clear choice between independence and remaining within the French Republic". On the issue of the participation of the United Nations, France argued that "the fact that the voting was not observed by the United Nations in no way detracts from its validity, even in the eyes of the United Nations. Indeed, the United Nations observation of a self-determination ballot is not required as a general rule. There is not such requirement in any text and no such request was made by the Organization in the specific case of Caledonia". The French Government maintained that the voting took place without the slightest incident and in complete calm. According to France, many representatives of the French and international press, including the South Pacific press, were able to observe the voting on the spot and without any hindrance.

#### *Decision*

116. In resolution 42/79, adopted at the 92nd meeting with 69 votes in favour, 29 against and 47 abstaining, the General Assembly took note of the call contained in the communiqué of the South Pacific Forum for a United Nations-sponsored referendum in New Caledonia, "consistent with the universally accepted principles and practices of self-determination and independence". In paragraph 6, the General Assembly declared "that progress towards a long-term political solution in New Caledonia requires a free and genuine act of self-determination consistent with United Nations principles and practices of self-determination and independence".

117. In explanation of its negative vote France<sup>84</sup> said that the draft took no account of a referendum, which had been carried out meticulously and in which a clear majority had indicated their wish to build their future within France.

### 5. THE PRINCIPLE OF NATIONAL UNITY AND TERRITORIAL INTEGRITY

---

<sup>82</sup> A/42/606.

<sup>83</sup> A/42/651.

<sup>84</sup> G A(42), Plen., 92<sup>th</sup> mtg.

*a. General*

118. Paragraph 2 of the Declaration on decolonization states “All peoples have the right to self-determination”. In addition, paragraph 6 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”. As was reported in previous *Supplements*<sup>85</sup>, over the years, the principle of national unity and territorial integrity 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 political integrity with their nation.

*b. National unity and territorial integrity on attainment of independence*

*The Comorian Island of Mayotte*

119. As reported in previous *Repertory Supplements*<sup>86</sup>, following a 1974 referendum, France granted independence to three of the four islands of the Comoro Archipelago in the Indian Ocean while retaining control over the fourth island of Mayotte, whose inhabitants’ majority had voted to remain part of France<sup>87</sup>.

120. During the period under review, the General Assembly continued to reaffirm<sup>88</sup> the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte, and the necessity of respecting the unity and territorial integrity of the Comoro Archipelago in a number of resolutions. According to these resolutions, the results of the referendum of 22 December 1974 were to be considered on a global basis and not island by island. The General Assembly condemned the continued French presence on the island and called upon the Government of France to enter into negotiations with the Government of Comoros to resolve the situation in accordance with the principle laid out by the General Assembly.

121. At the same time, the Government of France continued<sup>89</sup> to object to the paragraph in the resolutions reaffirming Comorian sovereignty over Mayotte. In addition, at the fortieth session, France<sup>90</sup> said that it would consult with the population of Mayotte by referendum to ascertain whether or not it wished the island to remain a part of France.

---

<sup>85</sup> *Repertory, Supplement No.5*, vol.IV, under Article 73, paras. 238-240; *Repertory, Supplement No.6*, vol.V, under Article 73, paras. 80-81.

<sup>86</sup> *Repertory, Supplement No. 5*, vol. IV, under Article 73, paras. 241-249; *Repertory, Supplement No. 6*, vol. V, under Article 73, paras. 82.

<sup>87</sup> Mayotte acquired the status of territorial collectivity of France under a December 1976 act adopted by the French Parliament.

<sup>88</sup> G A resolutions 40/62, 41/30, 42/17, 43/14.

<sup>89</sup> G A(40), Plen., 109<sup>th</sup> mtg., para. 42; G A(41), Plen., 59<sup>th</sup> mtg., para. 43; G A(42), Plen., 64<sup>th</sup> mtg., para. 47; G A(43), Plen., 37<sup>th</sup> mtg., para. 36; See also *Repertory, Supplement No. 6*, vol. V, under Article 73, para. 83.

<sup>90</sup> G A/(40), Plen., 109<sup>th</sup> mtg., para. 43.

The Comoros<sup>91</sup> argued that the solution of the question of Mayotte was not to be found in the repeated organization of a referendum but it could only be the results of dialogue between France and the Comoros. In 1986<sup>92</sup>, the Secretary-General reported France decision not to hold a referendum in Mayotte.

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

*(i) Falklands Islands (Malvinas)*

122. The General Assembly, by resolution 2065 (XX), noting the existence of a dispute concerning sovereignty over the Falkland Islands (Malvinas), invited the Governments of Argentina and the United Kingdom to proceed without delay with negotiations with a view of finding a peaceful solution to the problem. As reported in *Supplement 6*<sup>93</sup>, at its thirty-seventh session, the General Assembly decided to include in its agenda an item entitled “Question of Falkland Islands (Malvinas)”.

123. During the period under review, the General Assembly<sup>94</sup> continued to examine the question of Falkland Islands (Malvinas) and to adopt resolutions under a separate agenda item. The Secretary General presented annual reports<sup>95</sup> on the situation in the Falklands Islands (Malvinas). In a number of resolutions, the General Assembly<sup>96</sup> reiterated its request to “the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations”.

124. At the fortieth session of the General Assembly, the United Kingdom<sup>97</sup> proposed two amendments in the draft on the question of Falkland Islands (Malvinas). Under the new preambular paragraph, the General Assembly would have affirmed the right of all people to self-determination and that by virtue of that right they could “freely determine their political status and freely pursue their economic, social and cultural development”. The second amendment would have added “and the right thereunder of peoples to self-determination” at the end of paragraph 1.

125. During the discussion in the plenary<sup>98</sup>, the Argentinean representative said: “Argentina did not request any amendment to the draft resolution to include a reference to the principle of territorial integrity or a reference to resolution 1514 (XV) [Declaration on decolonization]; [...] Voting in favor of the British amendments would be taking the

---

<sup>91</sup> Ibid., para. 14-15.

<sup>92</sup> A/41/765.

<sup>93</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, paras. 85 and 86.

<sup>94</sup> G A resolutions 40/21, 41/40, 42/19, 43/25.

<sup>95</sup> A/40/891; A/41/824; A/42/732; A/43/799.

<sup>96</sup> G A resolutions 41/40, 42/19, 43/25.

<sup>97</sup> A/40/L.20.

<sup>98</sup> General Assembly (40), Plen., 95<sup>th</sup> mtg., paras 37.



side of one of the parties of the dispute”. The representative of the United Kingdom<sup>99</sup> said: “It is elementary justice that they [the Falkland Islanders] should have a say in their own fate. The small countries [...] should be able, as our amendments say, to exercise their right of self-determination and by virtue of that freely to determine their political status and freely to pursue their economic, social and cultural development”.

126. One delegation<sup>100</sup> argued that the principle of self-determination applied to indigenous population, not to foreigners who had chosen to settle in a land originally under Argentina’s sovereignty. Another delegation<sup>101</sup> argued that the most important question was the one that involved the future of the people concerned. Yet another delegate<sup>102</sup> noted with regret that the resolution made no reference at all to the important and central theme, which was the people of the Falklands Islands. The rights of the people of the Falkland Island were therefore the basic omission in the resolution.

127. One delegation<sup>103</sup> argued that the text did not concern the substance of the problem and put no pre-conditions, nor did it prejudice the position of the parties. Another delegation<sup>104</sup> said that the draft resolution, omitting all references to previous resolutions, invited the parties to an open and constructive dialogue on all the elements of the dispute. Many delegations<sup>105</sup> expressed opposition to the amendments fearing that their incorporation would disrupt the delicate balance in a procedural text that did not concern the substance of the problem. One delegation<sup>106</sup> argued that express mention of the right to self-determination would have opened up a debate on matters of substance and introduced a destabilizing element into the text.

128. The General Assembly rejected, by recorded votes requested by Argentina, both the amendments introduced by the United Kingdom.

129. The General Assembly, in resolutions 40/21, 41/40, 42/19, and 43/25 reiterated its request to the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations, adding the words “including all aspects on the future of the Falklands Islands (Malvinas)”.

130. At the plenary of the forty-first session, the United Kingdom<sup>107</sup> observed that the resolution, in calling for negotiations on “all aspects”, supported the Argentine contention that sovereignty must be discussed, opposing the United Kingdom position that sovereignty should not be discussed. Therefore, according to the speaker, the resolution

---

<sup>99</sup> Ibid. paras. 2-5.

<sup>100</sup> Ibid., Iran, paras 14-16.

<sup>101</sup> Ibid., Maldives, paras. 42-43.

<sup>102</sup> Ibid., Solomon Islands, para. 63.

<sup>103</sup> Ibid., Haiti, paras 9-10.

<sup>104</sup> Ibid., Italy, paras 23-25.

<sup>105</sup> Ibid., Central African Republic, para. 12; Lesotho, para. 16; Yugoslavia, para. 17; Syrian Arab Republic, para. 18; Greece, para. 21; Italy, para. 26; Chile, para. 26; Algeria, para. 28; Ghana, para. 34.

<sup>106</sup> Ibid., France, paras 51.

<sup>107</sup> General Assembly (41), Plen., 84<sup>th</sup> mtg., paras 88-91.

was not neutral and purely procedural but pro-Argentine. At the forty-second session<sup>108</sup>, the representative of the United Kingdom noted that the text made no mention of the wishes of the islanders and their right to self-determination. Argentine<sup>109</sup> argued that the text did not prejudge the positions of either party, since it did not refer to the question of either self-determination or sovereignty.

*(ii) Gibraltar*

131. During the period under review, the Special Committee on decolonization continued to study and report annually on the question of Gibraltar<sup>110</sup>. As previously reported<sup>111</sup>, the General Assembly urged the Governments of the United Kingdom and Spain to conduct negotiations envisaged by a number of bilateral documents adopted by the parties regarding Gibraltar. During the period under review, the General Assembly continued to examine the question of Gibraltar in a number of decisions<sup>112</sup>.

*Decision*

132. At its fortieth session, the General Assembly<sup>113</sup> noted:  
“that the Governments of Spain and of the United Kingdom agreed at Brussels on 27 November 1984 on a statement whereby they decided to apply, before 15 February 1985, the Lisbon Declaration of 10 April 1980<sup>114</sup> in all its parts and noted that this involved, simultaneously, the provision of equality and reciprocity of rights for Spaniards in Gibraltar and Gibraltarians in Spain, the establishment of the free movements of persons, vehicles, and goods between Gibraltar and the neighboring Territory and the establishment of a negotiating process”.

The decision also included the text of the statement.

133. Decision 41/407 stated:  
“the General Assembly welcomes the fact that on 5 February 1985 equality and reciprocity of rights were established for Spaniards in Gibraltar and Gibraltarians in Spain, together with the free movements of persons, vehicles, and goods between Gibraltar and the neighboring Territory; also welcomes that the fact that the two Governments initiated, at Geneva on 5 February 1985, the negotiating process provided for in the Brussels statement and foreseen in the consensus approved by the Assembly on 14 December 1973; notes that the Ministers of Foreign

---

<sup>108</sup> General Assembly (42), Plen., 72<sup>nd</sup> mtg., paras. 46-48.

<sup>109</sup> General Assembly (41), Plen., 84<sup>th</sup> mtg., paras 43-45.

<sup>110</sup> G A (40), Suppl. No. 23, chap. I, paras. 1-5; G A (41), Suppl. No. 23, chap. I, paras. 18-20; G A (42), Suppl. No. 23, chap. I, paras. 20-22; G A (43), Suppl. No. 23, chap. I, paras. 21-23.

<sup>111</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, paras. 93-97

<sup>112</sup> G A decisions 40/413, 41/407, 42/418, 43/411.

<sup>113</sup> G A decision 40/413.

<sup>114</sup> See *Repertory, Supplement* No. 6, vol. V, under Article 73, paras. 96 and 97 about the Lisbon Declaration.

Affairs met at Madrid on 5 and 6 December 1985 as part of this process; and urges both Government to continue this process 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”.

134. In decision 42/18, the General Assembly noted a new meeting at the ministerial level and urged “both Governments to continue the negotiating process with the object of reaching a lasting solution to the problem of Gibraltar.

135. In Decision 43/413 referring to a new meeting of the Minister of Foreign Affairs of Spain and the United Kingdom, the General Assembly noted that:

“they [the Ministers] reached agreement on arrangements for co-operation over the use of Gibraltar airport, resumption of the ferry service between Gibraltar and Algeciras and improving the flow of surface traffic between Spain and Gibraltar; regrets that these measures have not yet been brought into effect”.

The General Assembly continued to urge “both Government to continue the negotiating process with the object of reaching a lasting solution to the problem of Gibraltar.

### *(iii) Western Sahara*

136. During the period under review, a number of resolutions of the General Assembly<sup>115</sup> continued to reaffirm 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 Special Committee on decolonization<sup>116</sup> continued to consider the question of Western Sahara in a number of meetings.

137. At the fortieth session of the General Assembly, two different draft resolutions<sup>117</sup> were circulated in the Fourth Committee. Draft A/C.4/40/L.4 sponsored by Morocco and eight other countries stated: “a free and democratic referendum shall be organized, beginning in January 1986, in order to enable the authentic population of Western Sahara fully to exercise their inalienable right to self-determination”. According to this draft, the Secretary-General would have been requested to organize the referendum and, to that end, to undertake consultations with the parties concerned, in co-operation with the Chairman of the Organization of African Unity. A number of delegations<sup>118</sup> proposed amendments that, inter alia, included references to the resolution of the Organization of African Unity quoted in resolution 39/40, which proposed that the Secretary-General, the current Chairman of the Organization of African Unity and the Secretary General of the

---

<sup>115</sup> G A resolutions 40/50, 41/16, 42/78, 43/33.

<sup>116</sup> G A (40), Suppl. No. 23, chap. I, paras. 1-7; G A (41), Suppl. No. 23, chap. I, paras. 7-11; G A (42), Suppl. No. 23, chap. I, paras. 8-12; G A (43), Suppl. No. 23, chap. I, paras. 8-12.

<sup>117</sup> A/C.4/40/L.2/Rev.1 sponsored by 43 countries and A/C.4/40/L.4 sponsored by 9 countries.

<sup>118</sup> Mozambique, A/C.4/40/L.8; Burkina Faso, A/C.4/40/L.9; Madagascar, A/C.4/40/L.10; Algeria, A/C.4/40/L.11.

Organization of African Unity hold consultations with Morocco and the Polisario front, named as the parties concerned in the previous resolutions to negotiate the conditions of a cease-fire with a view of holding the referendum. Morocco proposed that the debates on the amendments to the draft be adjourned because the “so-called” amendments<sup>119</sup> were, in reality, a new draft identical in content to the alternative 43-nation draft<sup>119</sup> and were aimed at destroying the operational character of the draft it had co-sponsored. The Fourth Committee rejected the proposal by a recorder vote of 54 to 27 with 45 abstentions. Draft A/C.4/40/L.4 was later withdrawn. The Fourth Committee approved draft A/C.4/40/L.2/Rev.1 sponsored by forty-three nations.

138. General Assembly resolution 40/50 adopted on the recommendation of the Fourth Committee, *inter alia*, invited “the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations to exert every effort to persuade the two parties to the conflict, the Kingdom of Morocco and the Frente POLISARIO, to negotiate, in the shortest possible time and in conformity with resolution AHG/Res.104 (XIX) of the Organization of African Unity and the present resolution, the terms of a cease-fire and the modalities for organizing the said referendum”.

139. Morocco<sup>120</sup> voted against the resolution, stating that that by virtually adopting the same resolution as in 1984, the Committee had opted for ineffective and inapplicable action.

140. General Assembly resolutions 41/16, 42/78 and 43/33 maintained similar provisions.

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

141. The General Assembly maintained some of its established practices with regard to the dissemination of information on the implementation of the Declaration and also devised innovative tools to improve the efficacy of information dissemination with regard to the achievement of the goals of the Declaration.

142. The Assembly adopted annually resolutions<sup>121</sup> 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 publication, radio, and television. The General Assembly also requested the Secretary-General to enlist, with the close co-operation of United Nations information centers, the support of non-governmental organizations having a special interest in decolonization in the dissemination of relevant information.

---

<sup>119</sup> A/C.4/40/L.2/Rev.1.

<sup>120</sup> A/C.4/40/SR.16.

<sup>121</sup> G A resolutions 40/58, 41/42, 42/72, 43/46.

143. In addition, the role of the United Nations in dissemination of information related to Non-Self-Governing Territories was discussed in connection with natural resources of the Territories. Starting with the fortieth session, the General Assembly, in the resolutions on foreign interests which are impeding the implementation of the Declaration<sup>122</sup>, appealed to mass media, trade unions and non-governmental organizations, as well as individuals, to co-ordinate and intensify their efforts to mobilize international public opinion against the policy of the apartheid regime of South Africa and to work for the enforcement of economic and other sanctions against that regime and for encouraging a policy of systematic divestment in corporations doing business in South Africa. The General Assembly also continued to request the Secretary General to undertake, through the Department of Public Information of the Secretariat, a sustained and broad campaign with a view to informing world public opinion of the facts concerning the pillaging of natural resources in Non-Self-Governing Territories and the exploitation of their indigenous people by foreign monopolies.

144. In its decisions<sup>123</sup> on military activities in Non-Self-Governing Territories, the General Assembly requested the Secretary-General to continue, through the Department of Public Information of the Secretariat, an intensified campaign of publicity with a view to informing world public opinion of the facts concerning the military activities and arrangements in colonial Territories which impeding the implementation of the Declaration on decolonization.

### **C. Article 73 C**

#### **1. QUESTION OF INTERNATIONAL PEACE AND SECURITY ARISING IN NON-SELF GOVERNING TERRITORIES**

##### *a. Questions arising in the General Assembly*

145. It shall be recalled that, by adopting the Declaration on the Granting of Independence to Colonial Countries and People, the General Assembly affirmed its conviction that the “maintenance of colonialism in all its forms and manifestations posed a constant threat to international peace and security”.

146. During the period under review, the General Assembly continued its practice of bringing to the attention of the Security Council questions on international peace and security arising in Trust and Non-Self-Governing Territories in connection with Namibia,

---

<sup>122</sup> G A resolutions 40/52, 41/14, 42/74, 43/29.

<sup>123</sup> G A decisions 40/415, 41/405, 42/417, 43/410.

Western Sahara, and Falkland Islands (Malvinas)<sup>124</sup>. Since issues regarding peace and security are the primary responsibility of the Security Council, only the decisions and recommendations made by the General Assembly directly relevant to the item under consideration will be reviewed below. In this *Supplement*, the practice of the Security Council is treated under Articles 23 to 54.

147. During the period under review, the General Assembly annually reaffirmed<sup>125</sup> that the continuation of colonialism in all its forms and manifestations including racism, *apartheid*, those activities of foreign economic and other interests, the violation of the right of self-determination and basic human rights of the people of colonial Territories, and continued policies and practices to suppress the legitimate national liberation movements was contrary to the Charter of United Nations, and posed a serious threat to international peace and security.

#### *Decision*

148. On occasion of the twenty-fifth anniversary of the Declaration on decolonization, the General Assembly adopted resolution 40/56, by which it stated that: “All people have the right to self-determination and independence and that the subjection of people to colonial domination constitutes a denial of fundamental human rights and is a serious impediment to the maintenance of international peace and security and the peaceful relations among nations.”

149. In operative paragraph 4 of this resolution, the General Assembly strongly condemned:

“South Africa’s continued illegal occupation of Namibia, its defiance of United Nations resolutions, its brutal repression of the Namibian people, its aggressive activities and acts of destabilization against neighbouring independent African States and its policies of apartheid, as well as its acquisition of nuclear weapon capability, which constitute a threat to international peace and security.”

150. As noted earlier<sup>126</sup>, since the forty-first session, the General Assembly adopted resolutions<sup>127</sup> under the heading: “Use of mercenaries as a means to violate human rights and to impede the exercise of the rights of peoples to self-determination” where it recognized that mercenarism is a threat to international peace and security.

151. In those resolutions, the General Assembly denounced any State that persisted in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States. The General Assembly also called upon all states to exercise the utmost vigilance against the menace

---

<sup>124</sup> *Repertoire of the Practice of the Security Council, Supplement 1985-1988*, Chapter VI, Section G; *Repertoire of the Practice of the Security Council, Supplement 1985-1988*, Chapter X, Section F.

<sup>125</sup> G A resolutions 40/52, 41/41B, 43/71, 43/45.

<sup>126</sup> See paras. 66-63 above.

<sup>127</sup> G A resolutions 41/102, 42/96, 43/107.

posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other Territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, *apartheid*, colonial domination and foreign intervention and occupation for their independence, territorial integrity and national unity. Moreover, the General Assembly recognized that mercenarism seriously impedes the process of self-determination of peoples struggling against colonialism, racism and *apartheid*, and all forms of foreign domination.

*b. Question arising in the Special Committee*

152. During the period under review, the General Assembly<sup>128</sup> continued to request the Special Committee:

“to make concrete suggestions which could assist the Security Council in considering appropriate measures under the Charter with regard to developments in colonial Territories that are likely to threaten international peace and security”.

153. In accordance with this request, the Special Committee<sup>129</sup> annually drew the attention of the Security Council to the Committee’s decision relating to Namibia and the Trust Territory of the Pacific Islands. Beginning with the forty-second session, the Special Committee also drew the attention of the Security Council to its decisions concerning military activities and arrangements by colonial Powers in Territories under their administration, which might be impeding the implementation of the Declaration. Throughout the period, the Chairman of the Special Committee participated in some meetings of the Council dealing with Non-Self-Governing Territories, and addressed the Council.

## 2. QUESTION OF CRIMES AGAINST HUMANITY THREATENING INTERNATIONAL PEACE AND SECURITY

154. During the period under review, the General Assembly<sup>130</sup> continued to reiterate the relevant provision on the item as contained in resolution 2621 (XXV), in particular 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<sup>131</sup>.

---

<sup>128</sup> G A resolutions 40/57; 41/41B; 42/71; 43/45.

<sup>129</sup> G A(40) Suppl. No. 23, chap.I, para. 105-106; G A(41) Suppl. No. 23, chap.I, para. 93-96; G A(42) Suppl. No. 23, chap.I, paras. 94-97; G A(43) Suppl. No. 23, chap.I, para. 82-85.

<sup>130</sup> G A resolutions 40/57; 41/41B; 42/71; 43/45.

<sup>131</sup> *Repertory, Supplement* No.6, vol.V, under Article 73, para. 116.

### 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 PEOPLE

#### *a. Military bases in general*

155. The General Assembly continued to make references to the question of military activities under the agenda item: “Implementation of the Declaration on the Granting of Independence to Colonial Countries and People”.

156. In a number of resolutions<sup>132</sup>, the General Assembly continued to request 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. The General Assembly also called upon the Colonial Powers to not involve those Territories in any offensive acts or interference against other states.

#### *Decision*

157. In operative paragraph 15 and 16 of the resolution on the occasion of the twenty fifth Anniversary of the Declaration:

*The General Assembly,*

“ ...

“15. *Reaffirms* its strong conviction that the presence of all kinds of military bases and installations in colonial Territories could constitute a major obstacle to the implementation of the Declaration and that it is the responsibility of the administering Powers concerned to ensure that the existence of such bases and installations does not hinder the peoples of the Territories from exercising their right to self-determination and independence in conformity with the purposes and principles of the Charter and the Declaration;

“16. *Calls* upon the administering Powers concerned to continue to take all necessary measures not to involve those Territories in any offensive acts or interference against other States and to comply fully with the purposes and principles of the Charter, the Declaration and the resolutions and decisions of the United Nations relating to military activities and arrangements by colonial Powers in Territories under their administration.”

158. Similar affirmations were contained in the decisions<sup>133</sup> under the agenda item: “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”. These decisions were adopted under the heading: “Military

---

<sup>132</sup> G A resolutions 40/57, 41/41B, 42/71, 43/45.

<sup>133</sup> G A decisions 40/415, 41/405, 42/417, 43/410.



activities and arrangements by colonial Powers in Territories under their administration which might be impeding the implementation of the Declaration on the Granting independence to Colonial Countries and Peoples”.

159. In these decisions, the General Assembly declared that the colonial Territories and areas adjacent thereto should not be used for nuclear testing, dumping of nuclear wastes, or deployment of nuclear and other weapons of mass destruction.

160. In addition, by these decisions, the General Assembly deprecated the continued alienation of land in colonial Territories for military installations. The General Assembly affirmed that while it had been argued that the servicing of such installations creates employment, nevertheless, the large-scale utilization of local economic and manpower resources for this purpose diverts resources that could be more beneficially utilized in promoting the economic development of the Territories concerned and in thus contrary to the interests of their populations.

161. The procedural aspect of the item became subject of the discussion in the Fourth Committee during the fortieth session of the General Assembly. One delegation expressed<sup>134</sup> its concern about a proposal to vote on a draft decision, which regarded a subject that did not appear on the list of agenda items allocated by the General Assembly to the Fourth Committee. Similarly, another delegation maintained<sup>135</sup> that it would appear to be a procedural irregularity in including a resolution on military activities under the item, while another considered<sup>136</sup> that the issue of foreign military installation and activities had no place on the agenda of the Fourth Committee. Other delegations expressed<sup>137</sup> similar concerns in the following sessions.

162. Regarding the provision of the decision that affirmed that military activities could constitute a serious impediment to the implementation of the Declaration, one delegation argued<sup>138</sup> that not all military activities necessarily hindered the decolonization process. The delegation maintained that it was for the inhabitants of the Territories themselves to decide if their right to self-determination was being affected by foreign military installations. Another delegation expressed<sup>139</sup> reservation regarding the words “might be impeding” referring to the implementation of the declaration on decolonization in the title and in paragraph 1, and the words “could constitute” in paragraph 22. According to the delegation, military installations and activities did in fact constitute a serious impediment to the implementation of General Assembly’s resolution 1514 (XV), while the languages “Military activities and arrangements by administering Powers in Territories under their administration which might be impeding the implementation” of the Declaration and the language “the presence of military bases and installations in the colonial and Non-Self-

---

<sup>134</sup> G A (40) 4<sup>th</sup> Comm., 10<sup>th</sup> mtg., Luxembourg (on behalf of European Community), para. 49.

<sup>135</sup> Ibid. Canada, para. 78.

<sup>136</sup> Ibid. Australia, para. 95.

<sup>137</sup> G A (41) 4<sup>th</sup> Comm., 8<sup>th</sup> mtg., Australia, para. 107; Canada, para. 85; Finland, para. 70; France, para. 89; United Kingdom, para. 80; Uruguay, para. 95; G A (42) 4<sup>th</sup> Comm., 9<sup>th</sup> mtg., Australia, para. 23; Canada, para. 20; France, para. 52 Uruguay, para. 48.

<sup>138</sup> G A (40), 4th Committee 10th meeting, Fiji, para. 88.

<sup>139</sup> G A (40), 4th Committee 10th meeting, Viet Nam, para. 89.

Governing Territories could constitute a major obstacle to the implementation” of the Declaration cast doubt on obvious realities. The words “could” and “might” should have been deleted.

*b. Military bases in specific Territories*

163. During the period under review, the General Assembly continued to examine annually the question of military bases in individual Non-Self-Governing Territories and to adopt resolutions that included provisions on the matter.<sup>140</sup>

*(i) Guam*

164. In the resolutions<sup>141</sup> adopted under the heading “Question of Guam”, the General Assembly continued to affirm 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. The General Assembly called upon the administering Power to ensure that the existence of such bases and installations does not hinder the population of the Territory from exercising its right of self-determination and independence in accordance with the purposes and principles of the Charter of the United Nations.

165. Furthermore, the General Assembly urged the administering Power to continue to take all necessary measures not to involve the Territory in any offensive acts or interference against other States and to comply fully with the purposes and principles of the Charter, the Declaration and the resolutions and decisions of the General Assembly relating to military activities and arrangements by colonial Powers in Territories under their administration.

*(ii) Turks and Caicos*

166. As reported in the previous *Supplement*<sup>142</sup>, by paragraph 9 of resolution 37/25 of 11 November 1982, the General Assembly took note of the statement of the administering Power concerning the closure of the military facility in Turks and Caicos.

167. By paragraph 8 of resolution 40/47, the General Assembly took note that the military facility in the Turks and Caicos Islands was successfully closed in 1984, and that the territorial Government now had complete control over the disposition of the land vacated by the base. The General Assembly further noted that the land was now being used for various activities, which are beneficial to the economy and the people of the Territory.

*(iii) Bermuda*

---

<sup>140</sup> G A resolutions 40/42, 40/43, 40/47, 41/18, 41/22, 41/25, 42/83, 42/86, 42/87, 43/39, 43/40, 43/42.

<sup>141</sup> G A resolutions 40/42, 41/25, 42/87, 43/42.

<sup>142</sup> *Repertory, Supplement* No. 6, Vol. V, under Article 73, para. 126.

168. During the period, the General Assembly adopted annually resolutions<sup>143</sup> on the question of Bermuda. The General 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 and that it was the responsibility of the administering Power to ensure the existence of such bases and installations did not hinder the population of the Territory from exercising its right to self-determination and independence in conformity with the purposes and principles of the Charter.

169. The resolutions continued to urge the administering Power to take all necessary measures not to involve the Territory in any offensive acts or interference directed against other States and to comply fully with the purposes and principles of the Charter, the Declaration, and the resolutions and decisions of the General Assembly relating to military activities and arrangements by colonial Powers in the Territories under their administration.

(iv) *St. Helena*

170. As previously reported<sup>144</sup>, at the thirty-eight session, the General Assembly included in its decision on St. Helena a provision that noted with concern the presence of a military base on Ascension island, which the United Kingdom termed a dependency of St. Helena. During the period under review, the General Assembly continued to examine annually the question of St. Helena and it adopted a number of decisions<sup>145</sup> that included similar language.

171. During the discussion of the draft<sup>146</sup> on St. Helena in the Special Committee, the inclusion of the phrase “the Assembly notes with concern the presence of military facilities on the dependency of Ascension Island” continued to cause debate. The discussion focused on the presence of military bases in Ascension, the *status* of the island, and its links with St. Helena. One delegation<sup>147</sup> stated that Ascension was a colonial dependency of the Island of St. Helena and argued that the military facilities on Ascension had been used to restore the United Kingdom’s colonial control over the Malvinas/Falklands Islands. The fact that Ascension had no population did not change anything because the island fell under the colonial administration of St. Helena. Another delegation<sup>148</sup> argued that for geographical and administrative reasons, Ascension should not be considered a direct part of St. Helena.

172. During the discussion of the above-mentioned draft in the Fourth Committee, the United Kingdom maintained<sup>149</sup> that the text contained inappropriate references to facilities on an uninhabited island 700 miles from St. Helena. According to the British delegate, Ascension Island was a separate entity and the links between it and St. Helena

---

<sup>143</sup> G A resolutions 40/43, 41/18, 42/86, 43/39.

<sup>144</sup> *Repertory, Supplement* No.6, vol.V, under Article 73, para. 209.

<sup>145</sup> G A decisions 40/414, 41/408, 42/420, 43/413.

<sup>146</sup> A/L.4/40/L.6, G A (40), Supplement 23, (Part VII), chap. XV, para. 11.

<sup>147</sup> G A (40), Special Committee, 1278<sup>th</sup> mtg., Union of Soviet Socialist Republic, para. 32.

<sup>148</sup> G A (40), Special Committee, 1278<sup>th</sup> mtg., Sweden, para. 32.

<sup>149</sup> G A (40), 4th Committee, 20<sup>th</sup> meeting, the United Kingdom, para. 78.

were only administrative. On the request of the United Kingdom, a recorded vote<sup>150</sup> was taken on the fifth sentence of the draft decision on St. Helena concerning military facility on Ascension Island. By 77 votes to 27, with 27 abstentions, the sentence was retained.

#### *Decision*

173. The draft decision was subsequently adopted by the General Assembly as decision 40/414, by a vote of 121 to 3, with 31 abstentions. In the decision, 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 decision concerning military bases and installations in colonial and Non-Self Governing Territories.

174. Similar language was maintained in the decisions<sup>151</sup> adopted on this agenda item throughout the period.

175. In decisions 42/420 and 43/413 related to St. Helena, the General Assembly, among other things “in view of the serious developments in South Africa, noted with concern the trade and transportation dependency of the Territory on South Africa” and urged “the administering Power to take all the necessary measures not to involve the Territory in any offensive acts or interference against neighbouring States by the racist regime in South Africa”.

176. In the Fourth Committee, the representative of the United Kingdom<sup>152</sup> termed absurd the sentence referring to “offensive acts or interference against neighbouring States” and it maintained that it was natural for St. Helena, given its geographical location, to trade with South Africa,

#### (v) *Falklands Islands (Malvinas)*

177. In the previous period, the Security Council considered the matter of Falklands Islands (Islas Malvinas) in 1982 in the aftermath of the armed conflict, when it adopted relevant resolutions<sup>153</sup>. The Security Council urged the parties of the conflict to co-operate fully with the Secretary-General in his mission of good offices with a view of ending the present hostilities in and around the Falkland Islands (Islas Malvinas). The General Assembly referred<sup>154</sup> to the issue of international peace and security in Falkland Islands (Islas Malvinas) in a number of resolutions.

178. As described in paragraphs 122-131 of this *Supplement*, during the period under review the Special Committee on decolonization, the Fourth Committee and the General

---

<sup>150</sup> Similarly, in the following years, the United Kingdom requested a separate vote on the paragraph referring to Ascension Island. The provision was always retained. G A. (41), 4th Committee, 18<sup>th</sup> mtg, the United Kingdom, para. 110; G A (42), 4th Committee, 23<sup>rd</sup> mtg, para. 32; G A. (43), 4th Committee, 14<sup>th</sup> meeting, para. 15.

<sup>151</sup> G A resolutions 41/408, 42/420, 43/413.

<sup>152</sup> A/C4/42/SR.23.

<sup>153</sup> Security Council resolutions 502 and 505.

<sup>154</sup> G A resolutions 37/9, 38/12, 39/6.

Assembly continued to discuss the issue and adopt resolutions on Falkland Islands (Islas Malvinas).

179. At the fortieth session<sup>155</sup>, the Special Committee on decolonization in preambular paragraph of resolution A/AC.109/842 of 9 August 1985 noted with concern that the militarization of the area by the United Kingdom was detrimental to the climate of confidence that should prevail for the resumption of negotiations. However, the draft resolution<sup>156</sup> introduced directly to the plenary of the General Assembly did not contain this language. According to one of the sponsors<sup>157</sup> the resolution had the sole purpose of encouraging the beginning of the dialogue without pre-conditions of any kind and for this reason, the proposed text was brief, balanced, and unburdened by matters of detail or controversy. The General Assembly adopted the new draft, as resolution 40/21, with 107 votes in favor, 4 against and 41 abstentions.

180. In this resolution the General Assembly requested “the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations”. The General Assembly also decided “to include in the provisional agenda of its forty-first session the item entitled “Question of the Falkland Islands (Malvinas)”.

181. General Assembly resolutions 41/40, 42/19, and 43/25 followed previous practice and did not refer specifically to military issues.

182. In 1988, the Acting Chairman of the Special Committee on decolonization attended the 2800<sup>th</sup> meeting of the Security Council<sup>158</sup>. During the discussion of the item, the Acting Chairman of the Special Committee on decolonization stated<sup>159</sup> that Falkland Islands (Malvinas) were a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations. He recalled that in 1965, the General Assembly had recognized the existence of a dispute with respect to sovereignty over the islands. Since then, the Assembly had repeatedly urged negotiations towards a peaceful settlement. The Acting Chairman stated that an increased military presence in the region

---

<sup>155</sup> In a 1985 letter, Argentina’s Minister of Foreign Affairs declared (A/40/317–S/17196) that the opening by the United Kingdom of a strategic airport on the Malvinas Islands, allegedly to promote economic development, represented an escalation in the militarization of the Territory. The United Kingdom replied (A/40/345–S/17229) that the new airport had a dual role, civil and military. Its construction was necessary to deter aggression and defend the islands against attack.

<sup>156</sup> A/40/L.19 & Add.1, sponsored by Algeria, Bolivia, Brazil, Colombia, Cuba, Dominican Republic, Ecuador, Ghana, India, Mexico, Panama, Uruguay, Yugoslavia.

<sup>157</sup> G A (40), Plen., 92<sup>st</sup> mtg., India, para. 38.

<sup>158</sup> The representative of Argentina requested a meeting of the Security Council to discuss the situation concerning the announcement by the United Kingdom to undertake military exercise in the Falkland Islands (Malvinas).

<sup>159</sup> S/PV.2800, paras 41-43.

would worsen tensions instead of helping to create the necessary environment for negotiation towards a peaceful settlement.

## **D. Article 73d**

### **1. INTRODUCTION**

183. Under Article 73d, the administering Powers of Non-Self-Governing Territories accepted the obligation to promote constructive measures of development, to encourage research, and to cooperate with one another and, when appropriate, with specialized international bodies with a view to the practical achievement of the social, economic and scientific purposes set forth in this Article.

184. 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 assistance from colonial Powers, to continue to provide an increased material and moral assistance to colonial peoples and national liberation movements and to refugees from colonial Territories. In a number of resolutions, the General Assembly called the World Bank and the International Monetary Fund (IMF) to implement General Assembly decisions and to discontinue the collaboration with South Africa.

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

185. As noted in previous *Supplements*<sup>160</sup>, the General 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 request specialized agencies and institutions associated with the United Nations, to withhold assistance from countries that practiced colonialism and to provide moral and material assistance to national liberation movements, people still suffering under colonialism, and refugees who had escaped colonialism.

186. During the period under review the General Assembly paid particular attention to the question of colonialism and *apartheid* in South Africa and the occupation of Namibian Territory. Although this *Supplement* deals extensively with the question of Namibia under article 81, attention in this section will be drawn to the major issue of the compliance of specialized agencies with General Assembly resolutions regarding specialized agencies.

---

<sup>160</sup> *Repertory, Supplement* No. 5, vol. IV, under Article 73, paras. 338 and 343; *Repertory, Supplement* No. 6, vol. V, under Article 73, para. 133.

187. As in previous periods<sup>161</sup>, the General Assembly affirmed<sup>162</sup> that specialized agencies and other organizations and institutions of the United Nations system should continue to be guided by the relevant resolutions of the United Nations in their efforts to contribute, within their sphere of competence, to the full and speedy implementation of the Declaration on decolonization.

188. In the resolutions<sup>163</sup> under the heading “Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples” the General Assembly continued to request the Secretary-General and the specialized agencies and other organizations of the United Nations system to provide or continue to provide to the newly independent and emerging States all possible assistance in the economic, social and other fields.

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

*Decision*

189. In General Assembly resolution 40/56, adopted on the occasion of the 25<sup>th</sup> anniversary of the Declaration on decolonization, the General Assembly requested the specialized agencies and other organizations of the United Nations system to take measures to withhold from the apartheid regime of South Africa any form of collaboration or assistance in the financial, economic, and technical fields and to discontinue all support to that regime until the people of Namibia have exercised their right to self-determination and independence in a united Namibia and until apartheid has been eradicated and a non-racial, united and democratic State based on the will of all South African people has been established in accordance with the relevant resolutions and decisions of the General Assembly and the Security Council.

190. Following its previous practice<sup>164</sup>, the General Assembly continued<sup>165</sup> to request all specialized agencies and other organizations and bodies of the United Nations system, in accordance with the relevant resolutions of the General Assembly and the Security Council, to take all necessary measures to withhold from the racist regime of South Africa any form of co-operation and assistance in the financial, economic, technical and other fields and to discontinue all support to that regime until the people of Namibia have exercised fully their inalienable right to self-determination, freedom and national independence in a united Namibia and until the inhuman system of apartheid has been totally eradicated.

191. In these resolutions, the General Assembly also regretted that the World Bank and the International Monetary Fund continued to maintain links with the racist regime of

---

<sup>161</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, para. 137.

<sup>162</sup> G A resolutions 40/53, 41/15, 42/75, 43/30.

<sup>163</sup> G A resolutions 40/57, 41/41B, 42/71, 43/45.

<sup>164</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, para. 151.

<sup>165</sup> G A resolutions 40/53, 41/15, 42/75, 43/30.

South Africa, as exemplified by the continued participation of South Africa in the work of both agencies, and expressed the view that the two agencies should put an end to all links with the racist regime.

192. During the discussion in the Fourth Committee, a number of delegations<sup>166</sup> expressed reservation on the text. They noted that the text disregarded the autonomy, impartiality and universality of the specialized agencies. In particular, one delegation<sup>167</sup> argued that the attempt to politicize the specialized agencies “struck at their very foundation and could not but divert them from their true purpose, which was to assist Members countries in their economic development and to facilitate the expansion of balanced trade”.

193. As in previous periods, the Special Committee on decolonization granted hearings to the representatives of World Bank and International Monetary Fund. The representative of the World Bank said<sup>168</sup> that the Bank had made no loans to South Africa since 1966 and that all links with regard to the previous loans had ended. The representative also added that South Africa had not participated in an election for Executive Director of the Bank Group since 1972 and that it was not represented in the Board of the Bank. The representative of the International Monetary Fund said<sup>169</sup> that there was no outstanding financial loan or technical assistance being provided to South Africa from the Fund. The representative also added that South Africa paid back to the Fund all the amounts it had borrowed.

194. In addition, the representatives of both institutions maintained that a number of institutional constraints impeded them to implement some of the provision of General Assembly resolutions. Thus, the representative of the International Monetary Fund stated<sup>170</sup> that the relationship between South Africa and the Fund was very limited, consistent with, and obligated by, the Fund’s articles of agreement. The representative maintained that these articles did not permit the exclusion of a member or denied it its obligations or other links so long as it complied with its membership obligations. He hoped that in considering the issue the Committee would not wish to encourage any organization, or indeed anyone else, to act outside the constitutional constraints governing the operations of the Fund.

195. In resolutions 40/53, 41/15, 42/75 the General Assembly reiterated its proposal, under article III of the Agreement between the United Nations and the International Monetary Fund, reiterated its proposal that, in pursuance of article II of the Agreement, the relevant organs of the United Nations should participate in any meeting of the Board

---

<sup>166</sup> G A(40), 4<sup>th</sup> Comm., 20 mtg., Australia, para. 48; Canada, para. 52; France, para. 62; Ireland, para. 61; Italy, para. 32; Japan, para. 54; Netherlands, para. 38; Sweden (on behalf of Nordic countries), para. 44; United Kingdom, para. 35; G A(41), 4<sup>th</sup> Comm, 18 mtg., Canada, para. 53; Denmark (on behalf of Nordic countries), para. 32; France, para. 50; Ireland, para. 44; Italy, para. 33; Japan, para. 34; New Zealand, para. 47; United Kingdom, para. 29.

<sup>167</sup> G A(40), 4<sup>th</sup> Comm., 20 mtg., Netherlands, para. 38.

<sup>168</sup> A/AC.109/PV1335, para. 27.

<sup>169</sup> A/AC.109/PV1336, paras. 18-20.

<sup>170</sup> Ibid., paras. 19-20.



of Governors called by the Fund for the purpose of discussing the situation in South Africa.

196. During the discussion in the Fourth Committee, one delegation argued<sup>171</sup> that although the Agreement between the United Nations and the International Monetary Fund entitled the United Nations to propose agenda items for inclusion at meetings of the Fund's Board of Governors and allowed for consultations, however the same agreement also made it clear that the Fund was an independent international organization.

197. In addition, by resolution 41/15, the General Assembly affirmed its strong conviction that the apartheid system implied a serious instability in the South African economy, including its balance of payments, and thus that the International Monetary Fund, according to its rules, should not, as long as apartheid and the illegal occupation of Namibia by South Africa continued to exist, extend any credits to South Africa. Resolutions 42/75 and 43/30 maintained similar provisions.

#### 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

198. 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. 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 people of the colonial Territories and their national liberation movements. The General Assembly, following previous practice<sup>172</sup>, recognized<sup>173</sup> the legitimacy of the struggle of the peoples under colonial and alien domination 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.

#### *Decision*

In paragraph 21 of resolution 40/56, adopted on the occasion of the 25<sup>th</sup> anniversary of the Declaration on decolonization, the General Assembly requested the specialized agencies and other organizations of the United Nations system to render, or continue to render, within their respective spheres of competence, all possible moral and material assistance to the peoples of the colonial Territories and to their national liberation movements. It also called upon Member States to render moral and material assistance to the peoples under colonial rule in their struggle to exercise their right to self-determination and independence

---

<sup>171</sup> G A(40), 4<sup>th</sup> Comm., 20 mtg., Netherlands, para. 39.

<sup>172</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, para. 155.

<sup>173</sup> G A resolutions 40/57, 41/41B, 42/71, 43/45.

199. In connection with the reference to national liberation movements, in the discussion in the plenary, one delegation maintained<sup>174</sup> that the resolution contained formulations that were contrary to the principles of the Charter according to which the United Nations should always encourage only peaceful solutions. Another delegation maintained<sup>175</sup> that it understood the word struggle as referring exclusively to the struggle by peaceful means as behooved an organization, which is built on the principles of non-use of force and the peaceful settlement of disputes.

200. In the resolutions on the Implementation of the Declaration on decolonization, the General Assembly reiterated<sup>176</sup> its recommendations that the specialized agencies and other organizations of the United Nations system should initiate or broaden contacts and co-operation with the colonial peoples and their national liberation movements directly or, where appropriate, through the Organization of African Unity, and review and introduce greater flexibility in their procedures with respect to the formulation and preparation of assistance programmes and projects so as to be able to extend the necessary assistance without delay to help the colonial peoples and their national liberation movements in their struggle to exercise their inalienable right to self-determination and independence in accordance with General Assembly resolution 1514 (XV).

201. By these resolutions, the General Assembly recommended that a separate item on assistance to national liberation movements recognized by the Organization of African Unity should be included in the agenda of future high-level meetings between the General Secretariat of the Organization of African Unity and the secretariats of the United Nations and other organizations of the United Nations system, with a view to strengthening further the existing measures of co-ordination of action to ensure the best use of available resources for assistance to the peoples of the colonial Territories.

## 5. ASSISTANCE TO REFUGEES FROM COLONIAL TERRITORIES

202. As in previous periods<sup>177</sup>, the General Assembly 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.

203. In a number of resolutions<sup>178</sup> under the heading “United Nations Educational and Training Programme for Southern Africa”, the General Assembly recognized the need, at this critical juncture in Southern Africa, to provide educational opportunities and counseling to a greater number of student refugees in a wide variety of professional,

---

<sup>174</sup> G A(40), Plen., 99<sup>th</sup> mtg., Finland, para. 111.

<sup>175</sup> Ibid., Austria, paras. 114-115.

<sup>176</sup> G A resolutions 40/53, 41/15, 42/75, 43/30.

<sup>177</sup> *Repertory, Supplement* No.6, vol.V, under Article 73, para. 160.

<sup>178</sup> G A resolutions 40/54, 41/27, 42/76, 43/31.

cultural and linguistic disciplines, as well as opportunities for vocational and technical training and for advanced studies at graduate and post-graduate levels in the priority fields of study.

204. During the period under review, the General Assembly expressed<sup>179</sup> its deep concern that, although there had been progress in the extension of assistance to refugees from Namibia, the action taken hitherto by the organizations concerned in providing assistance to the people of the Territory through their national liberation movement, the South West Africa People's Organization, still remained inadequate to meet the urgent and growing needs of the Namibian people.

## **E. Article 73e**

### **1. TRANSMISSION OF INFORMATION UNDER ARTICLE 73E**

205. Under the terms of Article 73e, Member States that administer Non-Self-Governing Territories have accepted as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of those Territories and, to that end, to transmit regularly to the Secretary-General, for information purpose, 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, the General Assembly had established the practice<sup>180</sup> of requiring the transmission of information on political, constitutional and military developments in colonial Non-Self-Governing Territories.

#### *a. Enumeration of the Territories on which information is transmitted under Article 73e*

206. During the period covered by this *Supplement*, the Territory of New Caledonia was added to the list of Non-Self-Governing Territories on which information had to be submitted by the administering Power to the Secretary-General under Article 73e.

#### *(i) New Caledonia*

207. In 1946 resolution 66 (I), the General Assembly noted that "information has been transmitted by the Governments of [...] France concerning conditions in [...] New Caledonia and Dependencies". The next year, the Government of France did not submit information on New Caledonia. In 1948, the General Assembly adopted resolution 222 (III), which stated "some of the responsible Governments concerned have not transmitted information on certain of these Territories in 1947 and 1948 without furnishing any explanation for such omission." The French Government responded<sup>181</sup> that it ceased to submit information to the Secretary-General on New Caledonia because the people of

---

<sup>179</sup> G A resolutions 40/53, 41/15, 42/75, 43/30.

<sup>180</sup> *Repertory, Supplement* No. 5, vol. IV, under Article 73, paras. 352-357; *Repertory, Supplement* No. 6, vol. V, under Article 73, para. 162.

<sup>181</sup> A/915.

New Caledonia enjoyed the same rights and privileges as any other municipality in France. Therefore, "all political differentiation in their regard disappears within a single legal and moral community."

208. During the forty-first session of the General Assembly, Fiji, on behalf of the member Governments of the South Pacific Forum<sup>182</sup>, informed the Acting Chairman of the Special Committee on decolonization of the decision to pursue the reinscription of New Caledonia in the list of Non-Self-Governing Territories. The memorandum stated that New Caledonia was one of the 74 Territories enumerated in General Assembly resolution 66 (I) of 14 December 1946 that listed the Territories on which the Assembly had received information pursuant to Article 73 (e) of the Charter and that France, which had provided such information in 1946, unilaterally ceased to transmit information in 1947.

209. The Special Committee on decolonization<sup>183</sup> examined the request to review the list of Territories to which the 1960 Declaration on decolonization applied and decided that, subject to the directives which the General Assembly might give in that connection, the Committee should take up at the outset of its next session the request of the delegation, with a view to submitting appropriate recommendation thereon to the Assembly at its forty-second session.

#### *Decision*

210. At its forty-first session, under the agenda item: "Implementation of the Declaration on the Granting of Independence to Colonial Countries and People", the General Assembly adopted resolution 41/41A with 89 votes in favor, 24 against, and 34 abstaining. Among other things the resolution stated that "in the light of the provisions of Chapter XI of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV), New Caledonia is a Non-Self-Governing Territory within the meaning of the Charter".

211. In paragraph 2 of the same resolution, the General Assembly declared that an obligation exists on the part of the Government of France to transmit information on New Caledonia under Chapter XI of the Charter and requested the Government of France to transmit to the Secretary-General such information as is called for under Chapter XI and in the related decisions of the General Assembly.

212. In paragraph 4 and 5, the General Assembly requested the Special Committee to consider the question of New Caledonia at its next session and to report to the General Assembly. The General Assembly also requested the Government of France, as the Administering Power concerned, to extend its co-operation to the Special Committee in the implementation of the present resolution.

---

<sup>182</sup> A/AC.109/879.

<sup>183</sup> G A(41) Suppl. No. 23, chap.I, para. 173.

213. France<sup>184</sup>, speaking in the Plenary of the General Assembly, maintained that in no way could New Caledonia be considered a Non-Self-Governing Territories because all New Caledonians were French citizens who, regardless of their origin, enjoyed fully rights and freedoms attached to that status. It added that New Caledonia was fully integrated in the unity of France, but it had a wide autonomy. France's policy was "based on the principle of self-determination". The French delegate maintained that "if the New Caledonian no longer wanted to be with France, they had both the right and the possibilities so to determine, but it was for them, and them alone, to make the decision".

214. The following year, the General Assembly adopted, by recorded vote<sup>185</sup>, resolution 42/79 that reaffirmed that an obligation exists on the part of the Government of France to transmit information on New Caledonia under Chapter XI of the Charter of the United Nations. However, during the forty-third session the General Assembly, in resolution 43/34 did not refer to the obligation of transmitting information and invited all the parties involved to continue promoting a framework for the peaceful progress of the Territory to self-determination.

215. During the period under review, the Government of France<sup>186</sup> continued to oppose the inclusion of New Caledonia in the list of Non-Self-Governing Territories and did not submit information on the Territory.

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

216. During the period under review, the Secretary-General continued to report<sup>187</sup> to the General Assembly that he had received information under Article 73e from New Zealand, United Kingdom, and United States.

217. The General Assembly, by resolutions 40/51, 41/13, 42/73, and 43/28 continued to request the administering Powers concerned to transmit, or continue to transmit, to the Secretary-General the information prescribed in Article 73e of the Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories.

218. At its forty-second session, the General Assembly adopted, on a recommendation<sup>188</sup> of the Fourth Committee, resolution 42/73 under the heading "Information from Non-Self-Governing Territories transmitted under Article 73e of the Charter of the United Nations". In the fifth preambular paragraph, the General Assembly noted with concern that the working papers on Territories, prepared for the Special Committee by the Secretariat, do not, in some instances, contain adequate, timely

---

<sup>184</sup> G A(41), Plen., 91<sup>st</sup> mtg., para. 68.

<sup>185</sup> 69 votes in favor, 29 votes against, 47 abstaining.

<sup>186</sup> G A(41), Plenary, mtg. 92; letter to the Secretary-General dated 10 October 1987 (A/42/651).

<sup>187</sup> A/40/629; A/41/641; A/42/577; A/43/658.

<sup>188</sup> A/42/726.

information, due in large measure to the late transmission of information under Article 73e of the Charter.

219. In operative paragraph 4 of the same resolution, a new provision read:

*“The General Assembly...*

*“ ...*

*“ 4. Requests the Secretary-General, in connection with the preparation by the Secretariat of the working papers for the Special Committee on the Territories concerned, to continue to ensure that adequate information is drawn from all available published sources”.*

220. In resolution 43/28, adopted the following year, the General Assembly stressed the importance of timely transmission by the administering Powers of adequate information under Article 73e of the Charter, in particular in relation to the preparation by the Secretariat of the working papers on the Territories concerned. The resolution also reaffirmed that information on Non-Self-Governing Territories should be drawn from all available published sources.

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

221. During the period under review, the Secretary-General reported<sup>189</sup> that in the cases of Territories under the administration of New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America, the informational reports on the Territories included information on constitutional matters. The representatives of New Zealand and the United States provided additional information on political and constitutional development in the Territories under their administration during meetings of the Special Committee on decolonization.

*d. The question of transmission of information regarding military activities and arrangements*

222. As has been reported<sup>190</sup>, 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.

223. 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.

224. In resolutions<sup>191</sup> adopted during the period under review, the General Assembly continued to approve the programme of work envisaged by the Special Committee on

---

<sup>189</sup> A/40/629, A/41/641, A/42/577, A/43/658.

<sup>190</sup> *Repertory, Supplement* No.6, vol.V, under Article 73, para. 171.

<sup>191</sup> G A resolutions 40/57, 41/41B, 42/71, 43/45.

decolonization 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*

225. As has been reported<sup>192</sup>, 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. During the period covered by this *Supplement*, the Special Committee returned to a size of 24 members after Australia's withdrawal<sup>193</sup> in 1985. In decision 42/309 the General Assembly decided that Norway would resume its membership in the Special Committee, replacing Sweden, in accordance with an established practice of rotation among the three Nordic countries, Denmark, Norway and Sweden.

### *b. Examination by the Special Committee of information transmitted under Article 73e*

226. During the period under review, the Special Committee, in pursuance of General Assembly resolutions 40/57, 41/41A, 42/71, and 43/45 on the implementation of the Declaration, as well as of General Assembly resolutions 40/51, 41/13, 42/43, and 43/28 concerning information from Non-Self-Governing Territories transmitted under Article 73e, continued to examine<sup>194</sup> the information transmitted to the Secretary-General under Article 73e.

### *c. The nature of information used by the Special Committee*

227. The Special Committee continued the practice<sup>195</sup> 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 with regard to the implementation of the Declaration.

228. In one instance<sup>196</sup>, a member of the Special Committee on decolonization expressed concerns about some points of information given by the Secretariat, such as

---

<sup>192</sup> *Repertory, Supplement* No. 3, vol. III, under Article 73, paras. 642-670.

<sup>193</sup> In a letter to the President of the General Assembly dated 9 January 1985 (A/40/92) Australia stated that the Committee's work had been reduced considerably because of the success of the decolonization process and, given its other commitment within the United Nations system, it had decided to withdraw from the Committee membership.

<sup>194</sup> G A(40) Suppl. No. 23, chap. VIII, para. 4; G A(41) Suppl. No. 23, chap. VIII, para. 4; G A(42) Suppl. No. 23, chap. VII, para. 4; G A(43) Suppl. No. 23, chap. VII, para. 4.

<sup>195</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, para. 176.

<sup>196</sup> A/AC.109/PV.1317 para. 27.

“unofficial contacts” between the Secretariat and the administering Powers and “information unofficially transmitted to the Secretariat” by administering Power. The delegation requested explanations to the Secretariat as to how such information could be interpreted from a legal point of view.

229. The Representative of the Under-Secretary-General for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship explained<sup>197</sup> that the Secretariat staff concerned maintained regular contacts, both officially and unofficially, with representatives of the administering Powers as part of their endeavours to collect additional data for the preparation of working papers and to ensure they are received on time. Moreover, clarification and confirmation of information were sought from the administering Powers whenever such additional information was required.

*d. Collaboration with the United Nations Councils and the Specialized Agencies*

*(i) Relations with the Trusteeship Council*

230. During the period under review, the Special Committee<sup>198</sup> continued to follow closely the work of the Trusteeship Council relating to the Trust Territory of the Pacific Islands. The Special Committee on decolonization drew the attention of the Trusteeship Council to its conclusions and recommendations concerning the Trust Territory. More information on the subject can be found under Article 76, referring to the objectives of the Trusteeship Agreement.

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

231. As in previous periods<sup>199</sup>, the General Assembly continued<sup>200</sup> to request the Economic and Social Council to consider, in consultation with the Special Committee, appropriate measures for co-ordination of the policies and activities of the specialized agencies and other organizations of the United Nations system in implementing the relevant resolutions of the General Assembly related to Non-Self-Governing Territories.

232. Accordingly, during the period under review, the President of the Economic and Social Council and the Chairman of the Special Committee on decolonization continued to hold consultations<sup>201</sup> to consider appropriate measures, as mandated by the General Assembly.

233. The Economic and Social Council continued to adopt resolutions<sup>202</sup> on the question of the implementation of the Declaration on the Granting of Independence to

---

<sup>197</sup> Ibid. para. 43.

<sup>198</sup> G A(40) Suppl. No. 23, chap. I, para. 107; G A(41) Suppl. No. 23, chap. I para. 99; G A(42) Suppl. No. 23, chap. I para. 97; G A(43) Suppl. No. 23, chap. I para. 86.

<sup>199</sup> *Repertory, Supplement* No.6, vol. V, under Article 73, para. 178.

<sup>200</sup> G A resolutions 40/53, 41/15, 42/75, 43/30.

<sup>201</sup> G A(40) Suppl. No. 23, chap. I, para. 109; G A(41) Suppl. No. 23, chap. I para. 101; G A(42) Suppl. No. 23, chap. I para. 99; G A(43) Suppl. No. 23, chap. I para. 88.

<sup>202</sup> E/1985/59, 1986/48, 1987/78, 1988/53.



Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations. In these resolutions, the Council noted 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 Council and the Chairman of the Special Committee.

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

234. During the period under review, the Special Committee, through its Sub-Committee on Petitions, Information and Assistance, held<sup>203</sup> consultations with official of several specialized agencies and international institutions. The collaboration between the specialized agencies and the Special Committee was maintained by the continued attendance by the agencies at meetings of the Special Committee or its Sub-Committees<sup>204</sup>.

235. The Special Committee, adopted<sup>205</sup> decisions and resolutions, which contained appeals or requests addressed to international institutions, including the specialized agencies, concerning the implementation of the Declaration in Non-Self-Governing Territories. The Secretary-General transmitted the texts of these decisions 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 Special Committee during its consideration of the Territories concerned.

236. Following the adoption of resolution 39/43<sup>206</sup> on the implementation of the Declaration on decolonization, during the period under review, the General Assembly<sup>207</sup> continued to request the Secretary-General to assist the specialized agencies and other organizations of the United Nations system in working out appropriate measures for implementing the relevant resolutions of the United Nations and to prepare for submission to the relevant bodies, with the assistance of those agencies and organizations, a report on the action taken in implementing relevant resolutions.

237. The Secretary-General also transmitted<sup>208</sup> relevant General Assembly resolutions to the specialized agencies and international institutions associated with the United Nations and made available the replies received from them to the Special Committee.

238. As required by the resolutions on the Implementation of the Declaration by the specialized agencies, the Special Committee on decolonization reported to the General Assembly.

---

<sup>203</sup> G A(40) Suppl. No. 23, chap. I, paras. 127-128; G A(41) Suppl. No. 23, chap. I, paras. 116-117; G A(42) Suppl. No. 23, chap. I, paras. 112-113; G A(43) Suppl. No. 23, chap. I, paras. 100-101.

<sup>204</sup> Ibid.

<sup>205</sup> G A (40), Suppl. No. 23, chap. VII, para. 15; G A (41), Suppl. No. 23, chap. VI, para. 11; G A (42), Suppl. No. 23, chap. VI, para. 11; G A (43), Suppl. No. 23, chap. VI, para. 16.

<sup>206</sup> *Repertory, Supplement* No.6, vol.V, under Article 73, para. 182.

<sup>207</sup> G A resolutions 40/53, 41/15, 42/75, 43/30.

<sup>208</sup> A/40/318 and Add. 1; A/41/407 and Add. 1; A/42/264 and Add. 1; A/43/355 and Add. 1-2.

### 3. THE QUESTION OF SENDING VISITING MISSIONS TO COLONIAL TERRITORIES

#### a. General

239. During the period under review, the General Assembly, by resolutions 40/57, 41/41B, 42/71, 43/45 on the Implementation of the Declaration on decolonization, approved the program of work envisaged by the Special Committee for every year, including the sending of visiting missions to Non-Self-Governing Territories.

240. In a number of resolutions<sup>209</sup> referring to small Territories the General Assembly requested the Special Committee to continue to examine the possibility of dispatching further visiting mission at an appropriate time and in consultation with the administering Power, and to report to the General Assembly.

241. During the period covered by this *Supplement* the Special Committee on decolonization decided<sup>210</sup> to dispatch a visiting mission to Tokelau.

242. By resolutions<sup>211</sup> on the implementation of the Declaration, the General Assembly requested the Special Committee on decolonization to continue to pay special attention to the small Territories, in particular through the dispatch of visiting missions and called upon the administering Powers to continue to co-operate with the Special Committee in the discharge of its mandate and, in particular, to permit the access of visiting missions to the Territories to secure first-hand information and ascertain the wishes and aspirations of their inhabitants.

243. During the period under review, the Chairman of the Special Committee on decolonization reported<sup>212</sup> to the Committee that the representatives of New Zealand and the United States of America reiterated the readiness of their respective Governments to continue to provide the Special Committee, in accordance with relevant practice and procedure, with all relevant information on the Territories concerned, to participate in the related work of the Committee and to receive visiting missions in Territories under their administration.

244. During the fortieth session, the Chairman of the Special Committee on decolonization reported<sup>213</sup> that the representative of the United Kingdom of Great Britain and Northern Ireland expressed the readiness of its government to participate in the work of the Special Committee on decolonization and to receive visiting missions. However, in

---

<sup>209</sup> G A resolutions 40/41, 40/42, 40/43, 40/44, 40/45, 40/46, 40/47, 40/48, 40/49, 41/17, 41/18, 41/19, 41/20, 41/21, 41/22, 41/23, 41/24, 41/25, 41/26, 42/79, 42/80, 42/81, 42/82, 42/83, 42/84, 42/85, 42/86, 42/87, 42/88, 42/89, 43/35, 43/36, 43/37, 43/38, 43/39, 43/40, 43/41, 43/42, 43/43, 43/44; G A decision 40/411, 40/414, 41/408, 42/420, 43/413.

<sup>210</sup> G A(41) Suppl. No. 23, chap. IV, para. 6.

<sup>211</sup> G A resolutions 40/57, 41/41B, 42/71, 43/45.

<sup>212</sup> G A(40) Suppl. No. 23, chap. IV, para. 4; G A(41) Suppl. No. 23, chap. III, para. 4; G A(42) Suppl. No. 23, chap. III para. 4; G A(43) Suppl. No. 23, chap. III para. 4.

<sup>213</sup> G A(40) Suppl. No. 23, chap. IV, para. 4.

a letter dated 30 January 1986 addressed to the Chairman of the Special Committee the representative of the United Kingdom said<sup>214</sup>:

“My Government have decided that the United Kingdom will henceforth not take part in the work of the Special Committee on decolonization or its sub-committees...we shall continue strictly to fulfill our responsibilities under the United Nations Charter towards our Non-Self-Governing Territories, particularly the responsibilities set out in Article 73. We shall also inform the Secretary-General of any relevant political and constitutional developments in those Territories.”

245. The Special Committee on decolonization, in a resolution, expressing its regret, requested<sup>215</sup> the representative of the United Kingdom to reconsider its decision not to take part in the related work of the Committee and expressed the hope that the Special Committee would receive, in the near future, invitations from the United Kingdom to send visiting missions to Territories under its administration.

#### *Decision*

246. By resolution 41/41B, the General Assembly called upon the administering Powers to continue to co-operate with the Special Committee in the discharge of its mandate and to permit the access of visiting missions to the Territories to secure first-hand information and ascertain the wishes and aspirations of their inhabitants and, in particular, urged the Government of the United Kingdom to resume its participation in the work of the Special Committee.

247. In the preambles of resolutions 42/71 and 43/45, the General Assembly stressed the importance of the participation of the administering Powers in the related work of the Special Committee and noted with concern the negative impact which the non-participation of certain administering Powers had on the work of the Special Committee, depriving it of an important source of information on the Territories under their administration. In operative paragraph 13, the General Assembly urged, in particular, those administering Powers, which do not participate in the work of the Special Committee to do so at its next session.

#### *b. Small Territories*

248. During the period under review, the Special Committee on decolonization sent a visiting mission to Tokelau in July 1986.

##### *(i) Tokelau*

249. In a letter<sup>216</sup> dated 16 April 1985, addressed to the Chairman of the Special Committee, the Permanent Representative of New Zealand to the United Nations, on

---

<sup>214</sup> G A(41) Suppl. No. 23, chap. I, para. F8.

<sup>215</sup> Ibid., para. 77.

<sup>216</sup> A/AC.109/823.

behalf of the Government of New Zealand and the General *Fono*<sup>217</sup> of Tokelau, extended an invitation to send a visiting mission to Tokelau in 1986.

250. At its 1278<sup>th</sup> meeting, the Special Committee decided to send the visiting mission to Tokelau<sup>218</sup>. The mission was composed of representatives of Fiji, Trinidad and Tobago and Tunisia. The mission visited the Territory in July 1986 and reported<sup>219</sup> to the Special Committee.

251. According to the mission report, the people of Tokelau had unequivocally expressed their desire to maintain their status and relationship with New Zealand. The mission recommended that the administering Power continue to encourage Tokelau to pursue its political development towards assuming greater political autonomy while preserving its cultural heritage.

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

##### *a. Circulation of petitions and the hearing of petitioners*

252. During the period under review, the General Assembly maintained its practices about the circulation and hearing of petitioners in relation to specific Territories.

##### *b. Circulation of anonymous communications and petitions*

253. 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<sup>220</sup>.

##### *c. Circulation of communications and petitions involving non-administering Powers*

254. During the period under review, the General Assembly continued its previous practice<sup>221</sup> with regard to 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.

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

##### *a. Territories within the competence of the Special Committee*

---

<sup>217</sup> Local Parliament.

<sup>218</sup> G A(41) Suppl. No. 23, chap. IV, para. 6.

<sup>219</sup> A/AC.109/877 and Add.1.

<sup>220</sup> *Repertory, Supplement* No. 4, vol. II, under Article 73, paras. 550-557.

<sup>221</sup> *Ibid.* paras. 558-571.

255. 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.

256. By resolution 1654 (XV) the General Assembly had established the Special Committee on decolonization to examine the implementation of the Declaration and, by resolution 1810 (XVII) had invited the Special Committee to continue to seek the most suitable means for the speedy and total application of the Declaration to all Territories which had not yet attained independence and to propose specific measure in that regard.

257. During the periods under review, the Special Committee on decolonization dealt with the following Territories:

- Trust Territories under the international trusteeship system regulated in Chapter XII of the Charter
- Non-Self-Governing Territories, within the meaning of Chapter XI of the Charter

258. During the period under review the Special Committee on decolonization began to take into consideration the question of New Caledonia as a case of Non-Self-Governing Territory.

259. During the period under review, none of the Territories attained independence or exercise otherwise the right to self-determination.

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

260. During the period covered by this *Supplement*, the General Assembly<sup>222</sup> continued to affirm that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter I of the Charter, the administering Power concerned should continue to transmit information under Article 73 e of the Charter with respect to that Territory.

261. One delegation, speaking in the Fourth Committee, opposed<sup>223</sup> the principle because it implied that it was for the General Assembly to decide when a Non-Self-Governing Territories had attained a certain measure of self-government. The delegate said that such decisions should be left to those best able to judge, namely, the administering Power and the local government.

*(i) Puerto Rico*

262. In the specific case of Puerto Rico, the question of the competence of the General Assembly and its subsidiary body, the Special Committee on decolonization, to examine

---

<sup>222</sup> G A resolutions 40/51, 41/13, 42/73, 43/28.

<sup>223</sup> G A(42), 4th Committee, mtg. 22, United Kingdom, para. 4.

its status in the context of the Declaration was raised during the period under review<sup>224</sup>. As in previous periods<sup>225</sup>, the General Assembly and the Fourth Committee did not consider the question of Puerto Rico. However, the Special Committee on decolonization continued to examine the question of Puerto Rico under a separate agenda item and continued to hear petitioners.

263. The Special Committee adopted a number of decisions<sup>226</sup> on the item in which it reaffirmed the inalienable right of the people of Puerto Rico to self-determination and the applicability of the principles of the 1960 Declaration to Puerto Rico. The resolutions were later transmitted to the United States.

264. During the period under review, the representative of the United States reaffirmed in a number of letters<sup>227</sup> the position of his Government that: "Puerto Rico was removed from the United Nations list of Non-Self-Governing Territories by resolution 748 (1953) (VIII) in 1953, through a vote of the General Assembly. This decision was reaffirmed several times, most recently in 1982. Therefore, the United States considered that the Special Committee had no jurisdiction over Puerto Rico".

*(ii) The Comorian Island of Mayotte*

265. In this *Supplement*, the question of the Comorian Island of Mayotte is discussed under paragraphs 119-121.

*(iii) East Timor*

266. During the period under review, the General Assembly and the Special Committee on decolonization continued the previous practice with respect to East Timor<sup>228</sup>.

267. The General Assembly adopted annually decisions<sup>229</sup> by which it decided to include the East Timor question in its provisional agenda. It took this action after the General Committee<sup>230</sup> had recommended that consideration of the item be deferred.

268. The Special Committee on decolonization continued to consider<sup>231</sup> the question of East Timor at its annual sessions, continued to examine working papers of the Secretariat and granted requests for hearing of petitioners.

---

<sup>224</sup> G A(40) Suppl. No. 23, chap. I, paras. 62-76; G A(41) Suppl. No. 23, chap. I paras. 43-52; G A(42) Suppl. No. 23, chap. I paras. 43-53; G A(43) Suppl. No. 23, chap. I paras. 42-52.

<sup>225</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, para. 213.

<sup>226</sup> A/AC.109/844; A/AC.109/883; A/AC.109/925; A/AC.109/973.

<sup>227</sup> A/AC.109/L. 1572, para 83; A/AC.109/925;

<sup>228</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, paras. 222-225.

<sup>229</sup> G A decisions 40/402, 41/402, 42/402, 43/402.

<sup>230</sup> A/BUR/40/SR.1 para. 72; A/BUR/41/SR.1 para. 79; A/BUR/42/SR.1 para. 77; A/BUR/43/SR.1 para. 49.

<sup>231</sup> G A (40), Suppl. No. 23, chap. XI, paras. 1-10; G A (41), Suppl. No. 23, chap. IX, paras. 12-17; G A (42), Suppl. No. 23, chap. IX, paras. 13-19; G A (43), Suppl. No. 23, chap. IX, paras. 24-30.

269. Every year<sup>232</sup> Indonesia opposed the hearing of petitioners and reaffirmed that the colonial status of East Timor had been terminated with its integration into Indonesia on 17 July 1976 and that the discussion about the status of the Territory violated the principle of non-interference in the internal affairs of a foreign State.

270. As in previous period, every year Portugal informed<sup>233</sup> the Secretary-General that it had nothing to add to the information it had provided in 1979.

271. In April 1987, Indonesia organized an election in the Territory of East Timor. In June, Mozambique<sup>234</sup> conveyed a note verbale to the Secretary-General on East Timor elections. The documents attached to the note concluded that the participation in the election was limited to three parties, which excluded parties indigenous to East Timor and that such elections could not be used to back claims that the people of East Timor had accepted integration as part of Indonesia.

272. In a letter dated 1 July 1987<sup>235</sup>, the representative of Indonesia replied that “the evolution of Indonesia’s political party system, from the profusion of 40 plus parties in the 1950s to 10 in the early 1960’s and now reduced to 3 has been a process reflective of the conscious realization of all political forces in Indonesia of the need to rationalize the country’s political party system [...]”. According to Indonesia “the enthusiastic turn-out of eligible voters, the negligible incidence of invalid ballots, and the peaceful process of the voting itself all point to a resounding confirmation of the true wishes of the people”.

*(iv) Western Sahara*

273. As reported in the previous *Supplement*<sup>236</sup>, the government of Spain had informed the Secretary-General that it had definitely terminated its presence in the Territory of Western Sahara and had transferred its powers to a temporary administration.

274. During the period under review, the General Assembly<sup>237</sup> continued to reaffirm 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 Special Committee on decolonization<sup>238</sup> continued to consider the question of Western Sahara in a number of meetings and hear petitioners<sup>239</sup>.

---

<sup>232</sup> A/AC.109/951 & Add.2; A/AC.109/922 & Add.1; A/AC.109/951 & Add.2; A/AC.109/872 & Add.1, Add.2, Add.3 and Corr.1.

<sup>233</sup> A/40/159, A/41/190, A/42/171, A/43/219.

<sup>234</sup> A/42/362-S/18944. The note included a paper by a London-based specialist on Indonesia and East Timor and excerpts of a BBC report on the elections.

<sup>235</sup> A/42/379-S/18963.

<sup>236</sup> *Repertory, Supplement* No. 6, vol. V, under Article 73, para. 226-229.

<sup>237</sup> G A resolutions 40/50, 41/16, 42/78, 43/33.

<sup>238</sup> G A (40), Suppl. No. 23, chap. I, paras. 1-7; G A (41), Suppl. No. 23, chap. I, paras. 7-11; G A (42), Suppl. No. 23, chap. I, paras. 8-12.

<sup>239</sup> G A(40) Suppl. No. 23, chap. X, para. 5; G A(41) Suppl. No. 23, chap. B paras. 9; G A(42) Suppl. No. 23, chap. B para. 10; G A(43) Suppl. No. 23, chap. I para. 10 .

275. In resolutions 40/50, 41/16, 42/78 and 43/33, the General Assembly repeated its request to the two parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberacion de Saguia el-Hamra y de Rio de Oro (POLISARIO), to undertake direct negotiations, in the shortest possible time, with a view to bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations.

*Decision*

276. At its forty-second session, the General Assembly adopted resolution 42/78. In paragraph 6 and 7 of this resolution:

*The General Assembly:*

“ 6. *Takes* note of the joint decision of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to send a technical mission to Western Sahara in order to collect the relevant technical information to assist them in discharging the mandate entrusted to them under General Assembly resolutions 40/50 and 41/16 and by the present resolution;

277. At its forty-third session, the General Assembly adopted resolution 43/33 expressing its support for the efforts of the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations, with a view to promoting a just and lasting solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50.



*Annex: List of Small Trust and 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*

*France*

New Caledonia (since 1986)

*New Zealand*

Tokelau

*Portugal*

East Timor

*Spain*

Western Sahara

*United Kingdom of Great Britain and Northern Ireland*

Anguilla

Bermuda

British Virgin Island

Cayman Islands

Falklands 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 Island