

ARTICLE 1 (2)

CONTENTS

	<i>Paragraphs</i>
Text of Article 1 (2)	
Introductory Note	1—7
I. General Survey	8—28
II. Analytical Summary of Practice	29—147
**A. The question of the effect of the reference in Article 1 (2) to respect for the principle of equal rights and self-determination of peoples	
**B. The question of the appropriate means of implementing the principle of equal rights and self-determination of peoples	
C. The question of the scope of the application of the principle of equal rights and self-determination of peoples	29—133
1. In the General Assembly	29—107
a. Decisions of 12 December 1959 and of 19 December 1960 in connex- tion with the question of Algeria	29—59
Decision of 12 December 1959	29—44
(i) Précis of proceedings	29—35
(ii) Précis of relevant constitutional discussion	36—44
Decision of 19 December 1960	45—59
(i) Précis of proceedings	45—53
(ii) Précis of relevant constitutional discussion	54—59
b. Decision of 18 December 1960 in connexion with the problem of Mauritania	60—72
(i) Précis of proceedings	60—66
(ii) Précis of relevant constitutional discussion	67—72
c. Decision of 21 April 1961 in connexion with the complaint by Cuba	73—86
(i) Précis of proceedings	73—79
(ii) Précis of relevant constitutional discussion	80—86
d. Decisions of 21 April 1961, 14 December 1961 and 11 December 1962 in connexion with the question of Oman	87—100
(i) Précis of proceedings	87—97
(ii) Précis of relevant constitutional discussion	98—100
e. Decisions of 21 September 1962 and 6 November 1963 in connexion with the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)	101—106
Decision of 21 September 1962	101—106
(i) Précis of proceedings	101
(ii) Précis of relevant constitutional discussion	102—106
Decision of 6 November 1963	107
2. In the Security Council	108—133
a. Decisions of 18 December 1961 in connexion with the complaint by Portugal (Goa)	108—116
(i) Précis of proceedings	108—111
(ii) Précis of relevant constitutional discussion	112—116
b. Decisions of 11 December 1963 and 23 November 1965 in connex- ion with the situation in Territories in Africa under Portugese administration	117—133
Decision of 11 December 1963	117—126
(i) Précis of proceedings	117—119
(ii) Précis of relevant constitutional discussion	120—126
Decision of 23 November 1965	127—133
(i) Précis of proceedings	127—130
(ii) Précis of relevant constitutional discussion	131—133
D. The question of the relationship between the principle of equal rights and self-determination of peoples and the maintenance of international peace and security	134—147

Paragraphs

Decisions of 20 April 1961 and 30 January 1962 in connexion with
the situation in Angola 134—147

 Decision of 10 April 1961 134—138

 (i) Précis of proceedings 134—136

 (ii) Précis of relevant constitutional discussion 137—138

 Decision of 30 January 1962 139—147

 (i) Précis of proceedings 139—143

 (ii) Précis of relevant constitutional discussion 144—147

**E. The question of the relationship between the principle of equal rights and
self-determination of peoples and “permanent sovereignty” of peoples
“over their natural wealth and resources”

Annex. Resolutions bearing on paragraph 2 of Article 1

ARTICLE 1 (2)

TEXT OF ARTICLE 1 (2)

The Purposes of the United Nations are:

- ...
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;¹

INTRODUCTORY NOTE

1. As in *Supplement No. 2* this study is limited to the consideration of the general question of the implementation of Article 1 (2) and the interpretation and application of this Article in connexion with certain specific questions of a political nature while other questions relating to self-determination are treated, where appropriate, under Articles 55 and 73 of the Charter. During the period under review, there were decisions of the Security Council as well as of the General Assembly having a bearing on the provisions of Article 1 (2). They are therefore treated in this study.

2. The practice of the General Assembly concerning the application and interpretation of the concept of the right of self-determination, as formulated in resolution 1514 (XV) entitled "Declaration on the granting of independence to colonial countries and peoples", is dealt with under Article 73. Article 1 (2) is referred to implicitly in the preamble of this Declaration.

3. The General Survey reviews the resolutions and draft resolutions containing explicit or implicit references to the provisions of Article 1 (2) and letters of submission in which explicit or implicit references were made to them.

4. The General Survey also includes references to relevant provisions of the resolutions of the General Assembly in connexion with the item "Consideration of principles of international law concerning friendly relations and co-operation among States in

accordance with the Charter of the United Nations", under which the Assembly decided to study, among others, the principle of "equal rights and self-determination of peoples", so as to secure its more effective application. In addition, reference is made to the report of the International Law Commission to the General Assembly containing the draft articles on the Law of Treaties where the principle of self-determination was considered in connexion with treaties establishing a boundary and treaties violating this principle were listed among examples of treaties conflicting with *jus cogens*.

5. The items in relation with which the provisions of Article 1 (2) were considered by the General Assembly and the Security Council are also referred to² in the General Survey. These questions are dealt with in the Analytical Summary of Practice under the heading: "C. The question of the scope of the application of the principle of equal rights and self-determination of peoples".

6. Two decisions of the General Assembly are dealt with in the Analytical Summary of Practice under the heading: "D. The question of the relationship between the principle of equal rights and self-determination of peoples and the maintenance of international peace and security." No material was found for treatment under the other headings included in *Supplement No. 2*.

7. In the annex are reproduced extracts of provisions of the resolutions of the General Assembly and of the Security Council which could be considered as having a bearing on Article 1 (2).

¹ In the French text of the Charter, paragraph 2 of Article 1 reads as follows: "2. Développer entre les nations des relations amicales fondées sur le respect du principe de l'égalité de droits des peuples et de leur droit à disposer d'eux-mêmes, et prendre toutes autres mesures propres à consolider la paix du monde;".

² See paras. 8, 10, 11 and 28 below.

I. General Survey

8. During the period under review, Article 1 (2) was explicitly invoked in a resolution relating to the question of Algeria adopted by the General Assembly at its fifteenth session.³ Two draft resolutions on that question, which also contained

explicit references to Article 1 (2), were considered by the General Assembly at its fourteenth session. One of them was not adopted, and on the other, which had been recommended by the First Committee, no vote was taken.⁴

³ G A resolution 1573 (XV).

⁴ See paras. 34 and 35 below.

9. The language of Article 1 (2) was employed by the General Assembly at its twentieth session in the preamble of resolution 2129 (XX) relating to the item entitled "Actions on the regional level with a view to improving good neighbourly relations among European States having different social and political systems", in which the General Assembly bore in mind, in the first preambular paragraph, *inter alia*, the provisions of the Charter in which Member States had affirmed their resolve "to develop friendly relations among nations in order to strengthen peace".

10. In connexion with the complaint by Cuba, a draft resolution⁵ containing an implied reference to Article 1 (2) was not adopted. In connexion with the question of Oman, no action was taken by the Special Political Committee on a draft resolution containing an implied reference to Article 1 (2), and two other draft resolutions⁶ in which similar references were made, were not adopted.⁷ In connexion with the situation in Angola, the General Assembly adopted two resolutions⁸ containing implicit references to Article 1 (2). All these resolutions and draft resolutions are dealt with in the Analytical Summary of Practice. With regard to West New Guinea (West Irian), the General Assembly took note⁹ of the Agreement between Indonesia and the Netherlands which provided for self-determination of the people of that territory under arrangements made by Indonesia with the advice and assistance of the Secretary-General.

11. In connexion with the problem of Mauritania, the First Committee rejected an amendment¹⁰ containing an implied reference to Article 1 (2).

12. In the following resolutions of the General Assembly,¹¹ implicit references were made to Article 1 (2) although in no case was adoption preceded by a constitutional discussion: 1469 (XIV): "Cessation of the transmission of information under Article 73 e of the Charter in respect of Alaska and Hawaii"; 1514 (XV): "Declaration on the granting of independence to colonial countries and peoples"; 1541 (XV): "Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter";¹² 1542 (XV): "Transmission of information under Article 73 e of the Charter"; 1568 (XV), 1596 (XV), 1702 (XVI), 1899 (XVIII) and 2074 (XX): "Question of South West Africa"; 1654 (XVI), 1810 (XVII), 1956 (XVIII) and 2105 (XX): "The situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples"; 1723 (XVI): "Question of Tibet"; 1760 (XVII), 1889

(XVIII), and 2012 (XX): "Question of Southern Rhodesia", and 1952 (XVIII): "Question of Northern Rhodesia"; 1803 (XVII): "Permanent sovereignty over natural resources"; 1807 (XVII) and 1913 (XVIII): "Territories under Portuguese administration", 1819 (XVII): "The situation in Angola", and 2107 (XX): Question of Territories under Portuguese administration; 1817 (XVII), 1954 (XVIII) and 2063 (XX): "Question of Basutoland, Bechuanaland and Swaziland"; 1949 (XVIII) and 2023 (XX): "Question of Aden"; 1951 (XVIII) and 2068 (XX): "Question of Fiji"; 1955 (XVIII) and 2071 (XX): "Question of British Guiana"; 2066 (XX): "Question of Mauritius"; 2067 (XX): "Question of Equatorial Guinea (Fernando Poo and Río Mundi)"; 2069 (XX): "Question of American Samoa, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Montserrat, New Hebrides, Niue, Papua, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands"; 2073 (XX): "Question of Oman"; 2111 (XX): "Question of the Trust Territory of Nauru"; 2112 (XX): "Question of the Trust Territory of New Guinea and the Territory of Papua"; and 2131 (XX): "Declaration on the Inadmissibility of Intervention in the Domestic affairs of States and the Protection of their Independence and Sovereignty".¹³

13. In the following instances in three draft resolutions, references were made to Article 1 (2) or its language was used, but no constitutional discussion arose in that connexion.

14. In a letter¹⁴ dated 19 August 1960 from the representative of Czechoslovakia to the Secretary-General requesting the inclusion in the agenda of the fifteenth session of the General Assembly of the item: "Appeal for maximum support to efforts of newly emerging States for strengthening their independence" an explicit reference to Article 1 (2) was made. In connexion with this item on 19 December 1960¹⁵ Bolivia and Cuba submitted¹⁶ a draft resolution under which the General Assembly, *inter alia*, would declare its opposition, in strict observance of the principles of equality and self-determination of peoples embodied in the Charter of the United Nations, to all forms of political and economic domination of one State by another which tended to restrict the full exercise of the sovereign rights of that State.

15. In the course of the consideration at the sixteenth session of the General Assembly of the item: "Complaint by Cuba of threats to international peace

⁵ See paras. 77–79 below.

⁶ See paras. 89, 90, 92, 93, 96 and 97 below.

⁷ However, such a resolution was adopted at the twentieth session as resolution 2073 (XX).

⁸ G A resolutions 1603 (XV) and 1742 (XVI). See also paras. 136 and 143 below.

⁹ See paras. 106 and 107 below.

¹⁰ See paras. 60–64 below.

¹¹ The relevant provisions of these resolutions are listed in the annex.

¹² See paras. 18–22 below.

¹³ For the discussion of the question of the use of force against peoples striving to exercise their right to self-determination, see this *Supplement*, under Article 2 (4), para. 251.

¹⁴ G A (XV), Annexes, a.i. 77, p. 1, A/4443, explanatory memorandum, para. 5.

¹⁵ *Ibid.*, p. 2, A/4750, para. 5.

¹⁶ *Ibid.*, p. 2, A/SPC/L. 57. At the 259th meeting, on 21 April 1961, the Special Political Committee decided not to take further action on the item and therefore had no recommendation to make to the General Assembly (*ibid.*, p. 2, A/4750, para. 8).

and security arising from new plans of aggression and acts of intervention being executed by the Government of the United States of America against the Revolutionary Government of Cuba", on 2 February 1962 the representatives of Czechoslovakia and Romania submitted a draft resolution¹⁷ in which in the second preambular paragraph, it was provided, *inter alia*, for the General Assembly to recall that "it is a permanent aim of the United Nations to develop friendly relations based on respect for the principle of equal rights and self-determination of peoples and non-interference in the internal affairs of any State". At the 1243rd meeting of the First Committee on 15 February 1962, the second preambular paragraph was adopted by 41 votes to none, with 59 abstentions.¹⁸ During the consideration of the report of the First Committee on this item in the General Assembly, the representative of Mongolia introduced¹⁹ a draft resolution by which the General Assembly would recall "that it is a permanent aim of the United Nations to develop friendly relations based on respect for the principle of equal rights and self-determination of peoples and non-interference in the internal affairs of any State". At the same meeting this operative paragraph was adopted²⁰ by 39 votes to none, with 61 abstentions. The draft resolution as a whole was not adopted,²¹ having failed to obtain the required two-thirds majority, the result of the vote being 45 votes in favour to 37 against, with 18 abstentions.

16. The language of Article 1 (2) was used in a letter²² dated 28 September 1960 from the permanent representative of the United States of America to the Secretary-General requesting the inclusion in the agenda of the fifteenth session of the General Assembly of the item: "Africa: a United Nations programme for independence and development".

17. In a letter²³ dated 20 March 1961 a number of representatives²⁴ requested the inclusion in the agenda of the fifteenth session of the General Assembly of the item: "Situation in Angola". In the explanatory memorandum reference was made to a provision of resolution 1514 (XV) of the General Assembly, containing the Declaration on the Granting of Independence to Colonial Countries and

¹⁷ G A (XVI), Annexes, a.i. 78, p. 6, in A/5090, para. 3, A/C. 1/L. 309.

¹⁸ G A (XVI), 1st Com., 1243rd mtg., para. 16. The operative paragraphs of the draft resolution were rejected (*ibid.*, paras. 17 and 18).

¹⁹ G A (XVI), Plen., 1105th mtg., para. 13, A/L. 385/Rev. 1.

²⁰ *Ibid.*, para. 58.

²¹ *Ibid.*, para. 59.

²² G A (XV), Annexes, a.i. 88, p. 1, A/4515, explanatory memorandum, para. 7.

²³ G A (XV), Annexes, a.i. 92, p. 1, A/4712 and Add. 1, explanatory memorandum, para. 4.

²⁴ The letter was submitted by the representatives of Afghanistan, Burma, Cambodia, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Somalia, Togo, Tunisia, United Arab Republic, Upper Volta and Yemen.

Peoples, in which the United Nations recognized the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principle of equal rights and self-determination of peoples.

18. The General Assembly at its fifteenth session considered the item: "Study of principles which should guide Members in determining whether or not an obligation exists to transmit the information called for in Article 73 e of the Charter of the United Nations: report of the Special Committee established under General Assembly resolution 1467 (XIV)".

19. In the course of the discussion the view was expressed, and endorsed by more than one representative, that according to principle III²⁵ set forth in the report of the Special Committee, the administration of the colonies was no longer an instrument of policy of any Member State and the right of peoples to self-determination was no longer governed solely by the policies of the administering Power. Principle III accordingly laid down that the fulfilment of the provisions of Article 73 e was an international obligation. If the obligation to transmit information was accepted, then supervision by the General Assembly must be accepted also: were it not so, norms of international law could not be carried out. Furthermore, no country was free to govern its colonies without taking into consideration the views of the international community as was implied in Article 74. That meant that the administering Powers must not only guide their colonies towards independence, but also must take into account developments in the regions where those Territories were situated. Principle III thus indicated that the administration of colonies was no longer an instrument of policy of any Member State and the right of peoples to self-determination was no longer governed solely by the policies of the administering Power. The main virtues of the principles, one speaker added, lay in their conception of a peaceful procedure whereby peoples which had not yet achieved a full measure of self-government would be given an opportunity to advance and, at the appropriate moment, to exercise their right to self-determination.

20. Principles VI, VII, VIII and IX provided a clear definition of the term "full measure of self-government", in the view of another representative. That definition constituted an expression of the principle of self-determination, for the words "free and voluntary choice... expressed by informed and democratic processes" could have no other meaning. Another representative stated that the principles recognized the collective responsibility of Member States in respect of the self-determination of dependent peoples.

21. One representative stated that the principles set forth in the report of the Special Committee marked a decisive step in the history of the development of the right of peoples to self-determination. He expressed reservations, however, regarding principle IX (b), under which the possibility of United

²⁵ For the text of the principles, see annex (G A resolution 1541 (XV)).

Nations supervision of the process of integration of a Non-Self-Governing Territory with an independent State was regarded only as a desirable contingency in certain circumstances. The association or integration of a colonial territory without supervision, the representative said, had often been effected against the will of the inhabitants and thus in defiance of the principle of self-determination and the provisions of Chapter XI of the Charter.

22. It was observed by another representative that the essential test for a decision whether a particular Non-Self-Governing Territory had or had not attained self-government could only be the attainment of genuine political independence, based on the freely expressed will of the people of that Territory and not the attainment of fictitious independence or independence proclaimed by unilateral declaration of the administering Power.²⁶

23. In connexion with the item: "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations",²⁷ the General Assembly at its seventeenth session adopted resolution 1815 (XVII) of 18 December 1962. In this resolution it recognized²⁸ the paramount importance, in the progressive development of international law and in the promotion of the rule of law among nations, of the principles of international law concerning friendly relations and co-operation among States and the duties deriving therefrom, embodied in the Charter of the United Nations which was the fundamental statement of those principles, notably, among them "the principle of equal rights and self-determination of peoples". The General Assembly resolved to undertake, pursuant to Article 13 of the Charter, a study of some of those principles with a view to their progressive development and codification so as to secure their more effective application. The principle of self-determination was not included, but a decision was to be taken on which other principles were to be given further consideration at subsequent sessions.

24. At its eighteenth session the General Assembly adopted resolution 1966 (XVIII) of 16 December 1963 by which it decided to study three additional principles of international law concerning friendly relations and co-operation among States, among them the principle of equal rights and self-determination of peoples.

25. At its twentieth session the General Assembly adopted resolution 2103 A (XX), by which it reconstituted the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States and requested it to consider the three principles set forth in operative

²⁶ For text of relevant statements, see G A (XV), 4th Com., 1031st mtg.: Mexico, paras. 23 and 24; 1032nd mtg.: Cyprus, para. 26; Netherlands, para. 1; 1035th mtg.: Czechoslovakia, para. 10; 1037th mtg.: Afghanistan, paras. 29 and 30; Somalia, para. 34; 1039th mtg.: Panama, paras. 18 and 23.

²⁷ For a detailed treatment of this item from a procedural point of view, see this *Supplement*, under Article 2 (4), paras. 33–42.

²⁸ Oper. paras. 1 (e) and 2.

paragraph 5 of General Assembly resolution 1966 (XVIII), among them the principle of equal rights and self-determination of peoples.²⁹

26. In its report to the General Assembly in 1966, containing the draft articles on the Law of Treaties, the International Law Commission considered the relationship between the principle of self-determination and treaties establishing a boundary. As proposed by the Commission, draft article 59 (2) provided that a fundamental change of circumstances might not be invoked as a ground for terminating or withdrawing from a treaty establishing a boundary. Some members of the Commission suggested that a total exclusion of treaties establishing boundaries from the rule relating to a fundamental change of circumstances might go too far, and might be inconsistent with the principle of self-determination recognized in the Charter. The Commission, however, concluded that treaties establishing a boundary should be recognized to be an exception to the rule, because otherwise the rule, instead of being an instrument of peaceful change, might become a source of dangerous frictions. It also took the view that "self-determination", as envisaged in the Charter was an independent principle and that it might lead to confusion if, in the context of the Law of Treaties, it were presented as an application of the rule contained in the article in question. By excepting treaties establishing a boundary from its scope, article 59 (2) would not exclude the operation of the principle of self-determination in any case where the conditions for its legitimate operation existed.³⁰

27. In the same report, in the commentary on article 50 which deals with the nullity of treaties conflicting with peremptory norms of general international law, it was stated that some members of the Commission had expressed the view that if examples of rules of *jus cogens* were given, among other examples, treaties violating human rights, the equality of States or the principle of self-determination should be listed.³¹

28. The Security Council, in connexion with the situation in the Territories in Africa under Portuguese administration, adopted three resolutions³² containing implicit references to Article 1 (2). In connexion with the question relating to Goa, a draft resolution³³ containing an explicit reference to that Article was not adopted. These instances are dealt with in the Analytical Summary of Practice.³⁴

²⁹ For the excerpts from the report (G A (XX), Annexes a.i. 90 and 94, pp. 143–153, A/6165) of the Sixth Committee to the twentieth session of the General Assembly, concerning the study of the principle of equal rights and self-determination of peoples, see *ibid.*, paras. 56–61.

³⁰ G A (XXI), Reports of the International Law Commission on the second part of its seventeenth session 3–28 January 1966 and on its eighteenth session, 4 May–19 July 1966, Suppl. No. 9, (A/6309/Rev. 1), pp. 84 and 87.

³¹ *Ibid.*, pp. 76 and 77.

³² See foot-note 132 and paras. 119 and 130 below.

³³ See paras. 110 and 111 below.

³⁴ For resolutions of the Security Council related to the situation in Angola and to the situation in Southern Rhodesia having a bearing on Article 1 (2) but in connexion with which no constitutional question arose, see annex.

II. ANALYTICAL SUMMARY OF PRACTICE

****A. The question of the effect of the reference in Article 1 (2) to respect for the principle of equal rights and self-determination of peoples**

****B. The question of the appropriate means of implementing the principle of equal rights and self-determination of peoples**

C. The question of the scope of the application of the principle of equal rights and self-determination of peoples

1. IN THE GENERAL ASSEMBLY

a. *Decisions of 12 December 1959 and of 19 December 1960 in connexion with the question of Algeria*

Decision of 12 December 1959

(i) Précis of proceedings

29. In a letter³⁵ dated 14 July 1959 addressed to the Secretary-General, the permanent representatives of Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen requested that the item: "Question of Algeria" be included in the agenda of the fourteenth session of the General Assembly. In the explanatory memorandum it was stated that the Algerian question had been considered by the General Assembly since its tenth session. Despite the appeals in the resolutions adopted at the eleventh and twelfth sessions and contrary to the wishes of the majority of Member States expressed at the thirteenth session, there had been no indication of improvement in the Algerian situation and the hostilities continued unabated. In this situation, the attainment of a solution in conformity with the purposes and principles of the Charter became increasingly difficult.

30. At its 121st meeting on 16 September 1959, the General Committee decided³⁶ to recommend the inclusion of the item in the agenda. The representative of France contended that the inclusion of the question of Algeria in the agenda of the General Assembly constituted a violation of Article 2 (7) of the Charter and any resolution or decision arising out of debates on this item would be considered by the Government of France as null and void.³⁷

31. At its 803rd plenary meeting on 22 September 1959, the General Assembly decided³⁸ to include the item in its agenda and allocated it to the First Committee.

32. At the 1070th meeting of the First Committee on 2 December 1959, the representative of Burma introduced³⁹ a draft resolution⁴⁰ which was eventually

sponsored by Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen. The twenty-two-Power draft resolution read as follows:

"The General Assembly,

"...

"Recalling Article 1, paragraph 2, of the Charter of the United Nations, [fourth preambular paragraph]

"Recognizing the right of the Algerian people to self-determination, [fifth preambular paragraph]

"...

"Considering that the present situation in Algeria constitutes a threat to international peace and security, [seventh preambular paragraph]

"Noting with satisfaction that the two parties concerned had accepted the right of self-determination as the basis for the solution of the Algerian problem, [eighth preambular paragraph]

"Urges the two parties concerned to enter into *pourparlers* to determine the conditions necessary for the implementation as early as possible of the right of the self-determination of the Algerian people, including conditions for a cease-fire."

33. At the 1078th meeting of the First Committee on 7 December 1959, the fourth paragraph of the preamble of the twenty-two-Power draft resolution was adopted by 59 votes to 3, with 19 abstentions; the fifth paragraph of the preamble was adopted by 61 votes to 1, with 19 abstentions; the eighth paragraph of the preamble was adopted by 38 votes to 25, with 20 abstentions; the operative paragraph was adopted by 38 votes to 26, with 17 abstentions. The twenty-two-Power draft resolution as a whole was adopted⁴¹ by 38 votes to 26, with 17 abstentions.

34. At the 855th plenary meeting on 12 December 1959, the representative of Pakistan submitted⁴² a draft resolution⁴³ in which, *inter alia*, it was stated:

"The General Assembly,

"...

"Recalling Article 1, paragraph 2, of the Charter of the United Nations, [fourth preambular paragraph]

"...

"1. Recognizes the right of the Algerian people to self-determination;

"2. Urges the holding of *pourparlers* with a view to arriving at a peaceful solution on the basis of self-determination, in accordance with the principles of the Charter of the United Nations."

³⁵ G A (XIV), Annexes, a.i. 59, p. 1, A/4140.

³⁶ G A (XIV), Gen. Com., 121st mtg., para. 33.

³⁷ G A (XIV), Gen. Com., 121st mtg., para. 23.

³⁸ G A (XIV), Plen. 803rd mtg., following para. 229 and para. 232.

³⁹ G A (XIV), 1st Com., 1070th mtg., para. 27.

⁴⁰ G A (XIV), Annexes, a.i. 59, p. 2, A/4339, para. 5, A/C.1/L.246/Add.1.

⁴¹ See G A (XIV), 1st Com., 1078th mtg., paras. 37, 38, 42, 44 and 45.

⁴² G A (XIV), Plen., 855th mtg., paras. 80 and 81.

⁴³ G A (XIV), Annexes, a.i. 59, p. 5, A/L.276.

Decisions

At the 856th plenary meeting on 12 December 1959, the fourth preambular paragraph of the Pakistani draft resolution was adopted by 53 votes to 2, with 25 abstentions; operative paragraph 1 was adopted by 58 votes to 1, with 21 abstentions; operative paragraph 2 was adopted by 40 votes to 16, with 25 abstentions.

The draft resolution as a whole was not adopted,⁴⁴ having failed to obtain the required two-thirds majority, the result of the vote being 39 votes in favour, 22 against, with 20 abstentions.

35. No vote was taken on the draft recommended by the First Committee.⁴⁵

(ii) *Precis of relevant constitutional discussion*

36. In the course of the discussion in the first Committee it was stated that, although the President of France had recognized the Algerian people's right to self-determination, the Algerians were asked to choose between independence, autonomy in association with France and Francization.

37. In connexion with this French proposal it was maintained that the free choice of three possibilities admitted as a principle, denied the very existence of the people to whom the choice was offered and the territorial integrity of the country in respect to which it was to be exercised. The Charter recognized the right to self-determination not of individuals or groups of individuals but of peoples whether or not they previously had had an independent political existence. The French thesis that it was for the Algerians as individuals to exercise the right of self-determination severed the existing unity between the Algerian people and its territory and exposed that people to the danger of partition. France would have to recognize the nationhood of Algeria and its sociological unity as the only basis upon which to build a solution of the Algerian question. Further, according to the French proposal, the choice of the people of Algeria would be subordinated to the subsequent decision of the French voters who would decide in a referendum whether to accept or reject the decision of the Algerians. It was a paradox that Algeria's self-determination should be dependent on the will of another nation. This procedure, which suggested that the issue was a domestic one which concerned the French people, would reject the right of self-determination which, according to the Charter of the United Nations, must be considered as absolute. The choice of the people of Algeria must therefore be a final one.

38. It was also observed that self-determination was a basic right and not a right which could be granted by a foreign Power.

39. It was further stated that the General Assembly should reaffirm the principles which would ensure the free exercise of the right of self-determination by the people of Algeria and should stand firm

against any attempt to divide that people and to partition its country. It should also urge the two parties to enter into *pourparlers* or to engage in negotiations in order to clarify the issues involved and to agree on the guarantees which would ensure the free and democratic expression of the will of the people of Algeria and would set a time-table without undue delay for the exercise of its right to self-determination.

40. It was further maintained that since the two parties had recognized the right of self-determination and had even agreed on the fundamental issue there was no longer any major obstacle to the peaceful settlement of the question. The only matter causing difficulties was the practical implementation of the Algerian people's right to self-determination.

41. On the other hand, one representative maintained that it was wrong to confuse self-determination with independence. On the basis of the French offer, the Algerians could choose a complete independence but could also become a part of a community of nations. The Charter of the United Nations stated certain Purposes and Principles with regard to self-determination but it prescribed no solutions. The objective should be attained by peaceful means in accordance with justice and international law. Since the Charter did not give revolutionary factions the legal right to represent groups or individuals, the United Nations could not, by statements or resolutions, grant the Algerian rebels legal parity with a State. Moreover, the right of self-determination must be extended to all inhabitants of Algeria, including Frenchmen and their descendants. In his subsequent statement, the representative contended that the United Nations, would be discriminating unfairly if, when applying the provisions of the Charter, it had taken into account only the cases in which there had been an armed rebellion and had ignored the case of other peoples who had not been allowed to express their desire for self-determination and who had been held in forcible subjection. The only clear interpretation of Article 1 (2) of the Charter was that the United Nations should develop the principle of self-determination in order to promote friendly relations between nations. This provision called for the development of self-determination with a view to strengthening universal peace, and this meant that it called for the development of self-determination in order to prevent the subjection by force of some States or nations to others.

42. One representative stated that the choice offered to the Algerian people of independence, autonomy in association with France or complete Francization implied that Algeria possessed the necessary attributes to become a sovereign State, if that was the Algerian people's decision. The representative, in his subsequent statement in the General Assembly's plenary meeting, maintained that the principle of self-determination had come to be recognized as a right which, according to Article 55 of the Charter, was the basis for peaceful relations between peoples.

43. It was contended by another representative, during the discussion in the First Committee, that the United Nations should guard against any improper

⁴⁴ See G A (XIV), Plen., 856th mtg., paras. 125 and 127 to 129.

⁴⁵ *Ibid.*, para. 130.

extension of its authority in all matters falling within the exclusive competence of States, especially in a matter of a separatist movement authentic in origin but instigated from outside. Subsequently, the representative said that he would vote against the fourth preambular paragraph of the twenty-two-Power draft resolution since it appeared to imply, +frat any community, group or people, even one which was part of a larger political entity, enjoyed the right of self-determination which, however, was reserved to the peoples of sovereign States. He would, moreover, be unable to support the seventh preambular paragraph because it would justify United Nations intervention in the Algerian question in violation of Article 2 (7)⁴⁶ of the Charter. Two other representatives also stated that the question before the General Assembly was a matter within the exclusive competence of France in accordance with the provisions of that Article. It was also observed that a proclamation of the right of self-determination by France did not create a corresponding right for the United Nations to intervene in the Algerian question.

44. Furthermore, views were expressed to the effect that a resolution of the General Assembly could not solve the question of Algeria and would not have a binding force on France. By adopting a resolution the General Assembly would also be favouring one side over the other and assuming responsibility for a judgement which it was neither authorized nor competent to exercise.⁴⁷

Decision of 19 December 1960

(i) *Precis of proceedings*

45. In a letter⁴⁸ dated 20 July 1960 addressed to the Secretary-General, the permanent representatives of Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Jordan, Laos, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia,

Sudan, Tunisia, United Arab Republic and Yemen requested that the item: "Question of Algeria" be included in the agenda of the fifteenth session of the General Assembly. In an accompanying explanatory memorandum it was stated that recently there had been some prospect of *pourparlers* between the two parties concerned. While it was hoped that all impediments in the way of such *pourparlers* would disappear and that negotiations could, on the basis of the right of the Algerian people to self-determination, take place at an early date, the situation in Algeria was such that it must continue to engage the attention of the United Nations until a peaceful solution in conformity with the Charter of the United Nations was reached.

46. By letter⁴⁹ dated 14 September 1960, the permanent representative of Afghanistan transmitted to the Secretary-General a letter dated 13 September 1960 from the permanent representatives of Afghanistan, Burma, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Jordan, Laos, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen, the contents of which, they stated, should be considered as an addendum to the explanatory memorandum submitted with the letter of 20 July 1960. In the letter of 13 September 1960 it was stated that recent events had dispelled the prospect of *pourparlers* between the two parties concerned. It was therefore the responsibility of the United Nations to contribute to the attainment of a solution, which would realize the aspirations of the Algerian people and remove what constituted an obvious source of international friction and a threat to world peace.

47. At its 127th meeting on 22 September 1960, the General Committee recommended⁵⁰ that the General Assembly include the matter in its agenda. The representative of France stated⁵¹ that he would not participate in the consideration of the question.

48. At its 898th plenary meeting on 10 October 1960 the General Assembly decided⁵² to include the question in its agenda and at the 904th plenary meeting on 13 October 1960 decided⁵³ to allocate it to the First Committee, which considered the item at its 1121st to 1133rd meetings between 5 and 15 December 1960.

49. On 9 December 1960, a draft resolution⁵⁴ was submitted and eventually sponsored by Afghanistan, Burma, Ceylon, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Mali, Morocco, Nepal, Nigeria, Pakistan, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Republic and Yemen, which contained the following provisions:

*"The General Assembly,
" . . .*

⁴⁶ *Ibid.*, p. 2, S/4418/Add.1.

⁴⁷ G A (XV), Gen. Com., 127th mtg., preceding para. 42.

⁴⁸ *Ibid.*, para. 42.

⁴⁹ G A (XV), Plen., 898th mtg., para. 7.

⁵⁰ *Ibid.*, 904th mtg., para. 96.

⁵¹ G A (XV), Annexes, a.i. 71, p. 3, A/4660, para. 4.

(A/C. 1/L. 265/Add. 1, Add. 2 and Add. 3).

"Recalling Article 1, paragraph 2 of the Charter, [fifth preambular paragraph]

"..."

"Taking note of the fact that the two parties concerned have accepted the right of self-determination as the basis for the solution of the Algerian problem, [ninth preambular paragraph]

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

"1. Recognizes the right of the Algerian people to self-determination and independence;

"2. Recognizes the imperative need for adequate and effective guarantees to ensure the successful and just implementation of the right of self-determination on the basis of respect for the unity and territorial integrity of Algeria;

"3. Recognizes further that the United Nations has a responsibility to contribute towards its successful and just implementation;

"4. Decides that a referendum shall be conducted in Algeria, organized, controlled and supervised by the United Nations, whereby the Algerian people shall freely determine the destiny of their entire country."

50. At the 1133rd meeting of the First Committee on 15 December 1960, the preamble of the twenty-four-Power draft resolution was adopted by 80 votes to none, with 13 abstentions; operative paragraph 1 was adopted by 83 votes to none, with 10 abstentions; operative paragraph 2 was adopted by 73 votes to none, with 20 abstentions; operative paragraph 3 was adopted by 70 votes to 10, with 14 abstentions; and operative paragraph 4 was adopted by 38 votes to 33, with 23 abstentions.

51. The twenty-four-Power draft resolution as a whole was adopted⁵⁵ by 47 votes to 20, with 28 abstentions.

52. At the 956th plenary meeting on 19 December 1960 the representative of Cyprus submitted⁵⁶ the following amendment⁵⁷ to the draft resolution recommended by the First Committee:

"Replace operative paragraph 4 by the following:

"Recommends that a referendum be held in Algeria under the auspices of the United Nations, whereby the Algerian people shall freely determine the destiny of their country."

53. At the same meeting the representatives of Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Madagascar, Niger, Senegal and Upper Volta submitted⁵⁸ the following amendment⁵⁹ to the same draft resolution:

⁵⁵ See G A (XV), 1st. Com., 1133rd mtg., paras. 73–78. In the final version, operative paragraph 3 read: "Recognizes further that the United Nations has a responsibility to contribute towards the successful and just implementation of this right".

⁵⁶ G A (XV), Plen., 956th mtg., para. 43.

⁵⁷ G A (XV), Annexes, a.i. 71, p. 5, A/L. 333.

⁵⁸ G A (XV), Plen., 956th mtg., para. 53.

⁵⁹ G A (XV), Annexes, a.i. 71, p. 5, A/L. 334.

"Delete operative paragraph 4 and substitute the following:

"4. Invites the parties involved in the conflict to enter immediately into negotiations, without preliminary conditions or restrictions, on a ceasefire and the circumstances for the organization of the referendum on self-determination, including mutual guarantees for the parties concerned, and international guarantees;"

"..."

Decisions

At the 956th plenary meeting of the General Assembly on 19 December 1960 the first paragraph⁶⁰ of the eleven-Power amendment was rejected⁶¹ by 39 votes to 31, with 25 abstentions.

The amendment submitted by Cyprus was not adopted⁶² having failed to obtain the required two-thirds majority, the result of the vote being 52 votes in favour to 27 against, with 17 abstentions.

Operative paragraph 4 of the draft resolution recommended by the First Committee was not adopted,⁶³ the result of the vote being 40 votes in favour to 40 against, with 16 abstentions.

The draft resolution recommended by the First Committee, as amended, was adopted⁶⁴ by 63 votes to 8, with 27 abstentions, as resolution 1573 (XV).

(ii) *Précis of relevant constitutional discussion*

54. In the course of the discussion one representative stated that the preliminary conversations in June 1960 between the representatives of France and of the provisional government of Algeria which were supposed to create an atmosphere favourable to fruitful negotiations between the two parties had failed. In November 1960 the President of France, while maintaining the principle of self-determination, had introduced new elements and had been more explicit on certain points. He stated, for example, that if Algeria were to choose independence, France would take the necessary measures to protect those Algerians who wished to remain French. That suggested the splitting up of Algeria into a number of small and separate zones which would be either independent, associated with France or integrated with France. Alternatively, there might be a re-grouping of the Algerian population. In the view of the representative the only dispute still outstanding between the parties related to the creation of conditions for the free and genuine expression of the will of the Algerian people in a referendum, in which the presence of the United Nations could allay fears on both sides.

55. It was further maintained that Algeria's future must ultimately depend on the choice by the Algerians themselves. However, the French

⁶⁰ The amendment contained a second paragraph, numbered 5, which recommended the establishment of an international commission.

⁶¹ G A (XV), Plen., 956th mtg., para. 1.

⁶² Ibid., para. 187.

⁶³ Ibid., para. 188.

⁶⁴ Ibid., para. 189.

authorities by their attachment to a number of conditions for the recognition of the right of self-determination were thus proposing a referendum which would be held under conditions which would predetermine its outcome. The right of the Algerian people to self-determination could be successfully implemented only under completely impartial auspices in the form of a referendum conducted, supervised and controlled by the United Nations, by which the freely expressed will of the Algerian people could be registered on the basis of respect for the territorial integrity of Algeria. One representative observed that France as a Member of the United Nations would be obliged to accept a referendum held under its auspices. It was also observed in this connexion that the right of the French minority in Algeria would have to be fully protected. However, this minority could not be allowed to interfere with the right to freedom of the majority of the Algerian people.

56. The view was also expressed that, if the Government of France was not willing to allow the United Nations to hold the referendum, the dispatch of a team of United Nations observers, with the agreement of the French Government, might perhaps be considered as an alternative.

57. One representative observed that the two parties had agreed on the principle of self-determination as a basis for the settlement of the Algerian conflict. However, they did not seem to ascribe the same meaning to the term "self-determination". The United Nations must therefore provide an exact definition of that concept. Some representatives contended that the two parties should enter into negotiations for the implementation of the right of self-determination. The draft resolution, it was suggested, would become more realistic if it provided that such implementation should take place under effective guarantees, since the United Nations did not have the power to carry out a decision providing for the holding of elections. Another representative expressed the view that the General Assembly should therefore urge the immediate resumption of negotiations.

58. Some representatives contended, on the other hand, that it would be both improper and impracticable for the United Nations to decide unilaterally to take the conduct of the referendum out of French hands. Further, the General Assembly was not authorized by the Charter to exercise sovereign powers in the territory of Member States or elsewhere and accordingly any decision to hold a referendum in Algeria under the control of the United Nations would be void. Moreover, a referendum was not the only acceptable way of ensuring that the people of Algeria could exercise their right to self-determination. One representative was of the opinion that it would be ill-advised for the United Nations to interfere in the problem of Algeria; by refraining from action, it would adopt the wisest course.

59. A number of representatives stated that the General Assembly had the power to make recommendations, but that they were not binding on Member States. The provision contained in operative

paragraph 4 of the draft resolution exceeded the powers of the General Assembly and went beyond the spirit of the Charter by attempting to impose a solution against the wishes of a Member State. It was also pointed out that the power of decision lay exclusively with the Security Council under the provisions of Chapter VII of the Charter.⁶⁵

b. *Decision of 18 December 1960 in connexion with the problem of Mauritania*

(i) *Précis of proceedings*

60. By letter⁶⁶ dated 20 August 1960 addressed to the Secretary-General, the Minister for Foreign Affairs of Morocco requested the inclusion of the following item in the agenda of the fifteenth session of the General Assembly: "The problem of Mauritania". In the explanatory memorandum accompanying the letter, it was stated that by its note dated 20 January 1960, the Government of France had notified the Government of Morocco that it intended to exclude from discussion of the Moroccan frontiers the territories which came under the sovereignty of France and the States members of the French Community. This communication constituted an outright denial of Morocco's legitimate rights in respect of Mauritania.

61. On a recommendation⁶⁷ of the General Committee, the General Assembly at its 898th plenary meeting on 10 October 1960 decided⁶⁸ to include the item in the agenda and at the 904th plenary meeting on 13 October 1960 decided⁶⁹ to allocate it to the First Committee.

62. At the 1118th meeting of the First Committee on 26 November 1960 India submitted an amendment⁷⁰ to a revised draft resolu-

⁶⁵ For text of relevant statements, see G A (XV), 1st Com., 1121st mtg.: Tunisia, paras. 18, 20 and 24; 1122nd mtg.: Saudi Arabia, para. 19; 1123rd mtg.: Iran, para. 27; Libya, paras. 4, 9 and 17; 1124th mtg.: Afghanistan, para. 34; Liberia, paras. 30 and 33; Mali, paras. 18, 21, 27 and 28; Morocco, para. 9; 1125th mtg.: Cambodia, para. 22; Guinea, paras. 5 and 11; 1126th mtg.: Jordan, para. 12; 1127th mtg.: Burma, paras. 13 and 14; Iraq, paras. 2, 3 and 8; Nepal, paras. 25 and 27; 1128th mtg.: Ethiopia, paras. 22 and 24; Lebanon, para. 33; USSR, para. 2; 1129th mtg.: Czechoslovakia, para. 18; Pakistan, paras. 31 and 32; Senegal, paras. 10 and 14; Sudan, para. 25; Yugoslavia, para. 35; 1130th mtg.: Hungary, para. 27; Poland, paras. 19 and 20; Ukrainian SSR, para. 37; United Arab Republic, paras. 9 and 15; United Kingdom, paras. 6 and 7; 1131st mtg.: Indonesia, para. 11; 1132nd mtg.: India, para. 3; Ireland, paras. 22 and 23; Italy, para. 45; Panama, para. 33; Philippines, para. 9; Somalia, para. 39; 1133rd mtg.: Argentina, para. 23; Australia, paras. 6 and 7; Canada, para. 66; China, para. 65; Colombia, para. 52; Cyprus, paras. 11 and 12; Ecuador, para. 42; Finland, para. 44; Ghana, paras. 29 and 30; Iran, para. 80; New Zealand, para. 61; Norway, para. 40; Peru, para. 64; Sweden, paras. 33 and 34; Togo, para. 62; Turkey, para. 8; United States, para. 48; Venezuela, paras. 1 and 4; Yemen, para. 15; G A (XV), Plen., 956th mtg.: Burma, paras. 171 and 172; Chad, paras. 84 and 85; Cyprus, paras. 44, 47 and 51; Mali, paras. 97 and 119; Senegal, paras. 63 and 66; Tunisia, para. 151.

⁶⁶ G A (XV), Annexes, a.i. 79, p. 1, A/4445 and Add. 1; explanatory memorandum, paras. 2 and 3.

⁶⁷ G A (XV), Gen. Com., 128th mtg., para. 16.

⁶⁸ G A (XV/1), Plen., 898th mtg., para. 134.

⁶⁹ Ibid., 904th mtg., para. 96.

⁷⁰ G A (XV/1), 1st Com., 1118th mtg., para. 27.

tion⁷¹ submitted by Indonesia, Iraq and Libya, proposing that its operative paragraph 2 should read:

"2. Expresses the hope that the parties concerned will reach a peaceful solution of the problem on the basis of the right of self-determination."

63. This amendment, having been withdrawn⁷² by its sponsor, was reintroduced⁷³ by the representative of Iraq.

64. At the same meeting, the Iraqi amendment was rejected⁷⁴ by 39 votes to 31, with 25 abstentions.

65. The representative of India proposed⁷⁵ that no vote be taken on the draft resolution and that the disposition of the question of Mauritania be left to the people concerned.

66. The Chairman stated⁷⁶ that, in the absence of any objection by the Committee, no vote would be taken on the three-Power draft resolution.

Decision

At its 954th plenary meeting on 18 December 1960, the General Assembly took note⁷⁷ of the report of the First Committee that it had no recommendation to submit to the General Assembly.

(ii) Précis of relevant constitutional discussion

67. In his introductory statement, the representative of Morocco said that the territory known as Mauritania had always formed a part of Morocco, whose Government had exercised constant and effective sovereignty in the area. Morocco could not sanction the dismemberment of its territory and accept the artificial boundary which France was seeking to impose on it.

68. The representative of France stated that Mauritania was acceding to independence free of all conditions on the part of the French Government. It would therefore be paradoxical for the United Nations to consider imposing certain conditions on it and thus obstructing the self-determination of the Mauritanian people. The Mauritanian nation must be allowed to decide its own future, without dictation from any source, and certainly not from France, which had given Mauritania its independence. Such a dictation would constitute a clear violation of the principles of the Charter.

69. In the course of the discussion, one representative maintained that self-determination was a right belonging to peoples and not to segments of population. It could not be invoked for the purpose of dismembering well-established political entities. This right could be exercised only in an atmosphere

⁷¹ G A (XV), Annexes, a.i. 79, p. 2, A/C.1/L.261/Rev.1. In the draft resolution it was proposed that the General Assembly (1) reaffirm the principle of respect for the unity and territorial integrity of Member States and (2) recommend "that France and Morocco enter into negotiations with a view to reaching a peaceful solution of the problem in accordance with the purposes and principles of the Charter of the United Nations".

⁷² G A (XV/1), 1st. Com., 1118th mtg., para. 49.

⁷³ *Ibid.*, para. 50, A/C. 1/L. 263.

⁷⁴ *Ibid.*, para. 51.

⁷⁵ *Ibid.*, para. 52.

⁷⁶ *Ibid.*, para. 58.

⁷⁷ G A (XV/1), Plen., 954th mtg., para. 59.

of complete freedom. However, in the referendum of 28 September 1958 on the Constitution, the peoples of the French overseas territories had been permitted to choose only between the *status quo* and immediate independence with the right of becoming autonomous members of the community. France had proposed no other possibility, even though it had been aware that the great majority of the people of Mauritania desired reunification with Morocco. It was also stated that this possibility of uniting with Morocco had not been offered to the people of Mauritania. They had not been allowed to state, in a referendum supervised by the United Nations, whether they wished for independence separate from Morocco or for association with it.

70. It was further contended that the solution of the problem of Mauritania must be found in the right of its people to self-determination with all the variants that might be inherent in the democratic exercise of that right in normal free conditions and in an atmosphere of full observance of human rights and fundamental freedoms. It was for the Mauritanian people alone to determine their future, and they must be allowed to express themselves freely. The expectation was also expressed that Morocco would enter into negotiations with the countries concerned with a view to settling all problems on the basis of self-determination. It was pointed out, however, that this right must be exercised by independent authorities in an independent Mauritania and in Morocco, and not by Mauritarians who had left their country.

71. One representative stated that while the United Nations must uphold the right of self-determination, it must not encourage the fragmentation of nations. It was important to determine whether the people of Mauritania wished to be incorporated into Morocco or would prefer to be separate and independent. While the right to independence should be protected there was no reason why the aspirations towards unity with Morocco should not be supported provided they were determined freely. The best way to settle this question would be negotiations between the parties. It was further observed that any independent country was free to enter into negotiations and the right of self-determination was available to all peoples who wished to exercise it at any time.

72. It was further maintained that the application of the right of self-determination raised difficulties. On the basis of that right, one of the parties maintained that independence for Mauritania was the only solution, while the other asserted that the solution was a union with Morocco. However, Mauritania was to accede to independence in four days' time. The question was whether the United Nations should request the French Government to defer the proclamation of Mauritania's independence.⁷⁸

⁷⁸ For text of relevant statements, see G A (XV), 1st Com., 1109th mtg.: Morocco, paras. 2, 3 and 13; 1111th mtg.: Senegal, para. 3; 1114th mtg.: Sudan, paras. 24 and 25; 1115th mtg.: China, para. 7; Cyprus, paras. 27–29; Philippines, para. 21; 1116th mtg.: Yugoslavia, para. 24; 1117th mtg.: Dahomey, para. 53; France, para. 33; Pakistan, para. 8; 1118th mtg.: Afghanistan, para. 21; Cambodia, para. 42; Cyprus, para. 38; India, para. 27; Iraq, para. 18; Ivory Coast, para. 43; Pakistan, para. 41.

c. *Decision of 21 April 1961 in connexion with a complaint by Cuba*

(i) *Précis of proceedings*

73. By letter⁷⁹ dated 18 October 1960 addressed to the President of the General Assembly, the Minister for External Relations of Cuba requested the inclusion in the agenda of the fifteenth session of the General Assembly of the following item: "Complaint by the Revolutionary Government of Cuba regarding the various plans of aggression and acts of intervention being executed by the Government of the United States against the Republic of Cuba, constituting a manifest violation of its territorial integrity, sovereignty and independence, and a clear threat to international peace and security".

74. On the recommendation⁸⁰ of the General Committee, the General Assembly, at its 909th and 910th meetings on 31 October and 1 November 1960, approved the inclusion of the item in the agenda⁸¹ and its allocation⁸² to the First Committee.

75. By letter⁸³ dated 13 March 1961, the Minister for External Relations of Cuba informed the President of the General Assembly that at dawn on 13 March 1961 an armed, high-speed ship, similar to the torpedo-boats of the United States Navy, had attacked the refinery at Punta Gorda. The Government of Cuba assessed this act as one further justification for its complaint against the plans of aggression and acts of intervention by the Government of the United States against the Government of Cuba, included in the agenda of the First Committee by decision of the General Assembly.

76. The First Committee considered the item on an emergency basis at its 1149th meeting on 15 April 1961 and at twelve additional meetings between 17 and 21 April 1961.

77. On 18 April 1961 a draft resolution⁸⁴ was submitted by Mexico whereby, *inter alia*, the General Assembly, considering that "it is a permanent aim of the United Nations to develop friendly relations based on respect for the principle of equal rights and self-determination of peoples", would, in operative paragraph 1, make an urgent appeal "to all States to ensure that their territories and resources are not used to promote a civil war in Cuba".

78. At the 1161st meeting of the First Committee on 21 April 1961 the third preambular paragraph of the Mexican draft resolution was adopted⁸⁵ without objection.

79. The Mexican draft resolution, as a whole, was adopted⁸⁶ by the First Committee by 42 votes to 31, with 25 abstentions, as draft resolution II for recommendation⁸⁷ to the General Assembly.

Decision

At the 995th plenary meeting of the General Assembly on 21 April 1961 draft resolution II recommended by the First Committee was not adopted⁸⁸ having failed to obtain the required two-thirds majority, the result of the vote being 41 votes to 35, with 20 abstentions.

(ii) *Précis of relevant constitutional discussion*

80. In his introductory statement, the representative of Cuba said that the item before the Committee related to international peace and security as well as to the right of self-determination of peoples.

81. In the course of the discussion, one representative stated that the right of every people to self-determination, that is, to build the political, social and economic system of its choice, was the basic right of statehood. It should be respected everywhere, regardless of any political antipathies involved or of any foreign interests affected, and even if the foreign policy of the country concerned was regarded by others as contrary to its best interest. While representative democracy was one of the principles of the inter-American system, it could not be imposed or supported by international action. The protection of the institutions of a State was within the latter's exclusive jurisdiction, and had not become a matter of an international character subject to collective action. An international organization must not be converted into a supra-State tribunal competent to judge national institutions or to regulate the democratic fervour of a Government. This country's support for the right of self-determination included recognition of the right of a people against oppression. The United Nations Charter did not prohibit internal armed revolution and the Organization was not called upon to defend established Governments against insurrection. No foreign Power had the right to bring about the fall of a Government which was not to its liking. It would be impossible to prevent any country or geographic area from becoming the battle ground of third Powers unless the principles of non-intervention and self-determination were respected. The Cuban people should be allowed, in exercise of its right of self-determination, to translate its aspirations for economic and social betterment into reality without outside interference.

82. Another representative maintained that the right of a people to self-determination implied its freedom to choose its own political and social way of life and to decide whether or not to maintain diplomatic relations with other States. Thus, whatever its views concerning the policies of Cuba, the representative's country would continue to respect the inalienable right of every people to manage its affairs without foreign interference.

83. It was also maintained that the logical corollaries of the principle of self-determination, proclaimed in the Charter of the United Nations and in the charter of the Organization of American

⁷⁹ G A (XV), Annexes, a.i. 90, p. 1, S/4543.

⁸⁰ G A (XV), Gen. Com., 131st mtg., para. 46.

⁸¹ G A (XV/1), Plen. 909th mtg., para. 49.

⁸² *Ibid.*, 910th mtg., para. 164.

⁸³ G A (XV), Annexes, a.i. 90, p. 5, A/4708.

⁸⁴ *Ibid.*, p. 7, A/4744, para. 6, A/C. 1/L. 275.

⁸⁵ G A (XV), 1st Com., 1161st mtg., para. 14.

⁸⁶ *Ibid.*

⁸⁷ G A (XV), Annexes, a.i. 90, p. 7, A/4744, para. 14.

⁸⁸ G A (XV/2), Plen., 995th mtg., para. 365.

States, were the principles of non-intervention in the internal affairs of States and respect for their political independence. No State had the right to set itself up as a judge of the political conduct of another State.

84. It was further contended that the principles of non-intervention in another State's internal affairs and of peaceful coexistence among States regardless of differences in their social and economic systems were in conformity with the provisions of Article 1 (2). The Cuban problem must be approached on the basis of respect for national sovereignty and solved by means of negotiations.

85. The view was further expressed that every State had the right to choose freely, without pressure from external sources, the political and economic system which was best suited to its needs and aspirations. There was no doubt that it was for the Cuban people to accept or reject their current Government. When, however, so-called volunteers from foreign shores, fully armed and protected, landed on Cuban soil for action against the Cuban Government, it was hard to believe that the Cuban people were being helped in the free exercise of their right to self-determination.

86. On the other hand it was contended that if a people was to enjoy self-determination, it must be in a position to express its opinion and must not be prevented from doing so by force or by intimidation from totalitarian régimes, either domestic or foreign. The right of self-determination could be exercised only through elections and plebiscites held subject to reliable safeguards and preceded by a broad campaign of publicity. It was futile to speak of self-determination when there were no freedom of public expression or freedom of vote.⁸⁹

d. Decisions of 21 April 1961, 14 December 1961 and 11 December 1962 in connexion with the question of Oman

(i) *Précis of proceedings*

87. In a letter⁹⁰ dated 29 September 1960 addressed to the Secretary-General the representatives of Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen requested the inclusion of the following item in the agenda of the fifteenth session of the General Assembly: "Question of Oman". In an explanatory memorandum, it was stated that British aggression against the people of Oman threatened peace and security in the Middle East, and constituted a breach of the Charter of the United Nations and of the rules of international law.

88. On the recommendation⁹¹ of the General Committee, the General Assembly at its 909th plenary meeting decided⁹² to include the item in its agenda and allocated it to the Special Political Committee.

⁸⁹ For text of relevant statements, see G A (XV), Gen. com., 131st mtg.: Cuba, para. 37; G A (XV/2), 1st Com., 1150th mtg.: Cuba, para. 5; 1153rd mtg.: Ecuador, para. 8; Yugoslavia, para. 4; 1154th mtg.: Mali, para. 3; Mexico, paras. 18, 19, 24 and 25; 1155th mtg.: Argentina, para. 21; 1156th mtg.: Colombia, para. 15; Nepal, para. 10.

⁹⁰ G A (XV), Annexes, a.i. 89, p. 1, A/4521.

⁹¹ G A (XV), Gen. Com., 131st mtg., para. 31.

⁹² G A (XV/1), Plen., 909th mtg., para. 47.

89. At the 259th meeting of the Special Political Committee on 21 April 1961, the representative of Indonesia introduced a draft resolution⁹³ sponsored by Afghanistan, Guinea, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Tunisia, United Arab Republic, Yemen and Yugoslavia according to which, in operative paragraph 1, the General Assembly, recalling its resolution 1514 (XV) entitled "Declaration on the granting of independence to colonial countries and peoples", would recognize the right of the people of Oman to self-determination and independence.

90. At the same meeting the Committee decided,⁹⁴ on the proposal⁹⁵ of the representative of India, to recommend to the General Assembly that the further consideration of the item be postponed until the sixteenth session.

Decision

At the 995th plenary meeting on 21 April 1961 the General Assembly took note⁹⁶ of the recommendation of the Special Political Committee.

91. The inclusion of the item: "Question of Oman" in the agenda of the sixteenth session was decided⁹⁷ upon by the General Assembly at its 1014th meeting on 25 September 1961 on a recommendation⁹⁸ of the General Committee. At its 1018th plenary meeting the General Assembly decided⁹⁹ to allocate the item to the Special Political Committee.

92. On 22 November 1961, a draft resolution¹⁰⁰ was submitted by Afghanistan, Guinea, Indonesia, Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia. Mali later added¹⁰¹ its name to the list of sponsors. Under the draft resolution, the General Assembly, *inter alia*, recalling its resolution 1514 (XV) would, in operative paragraph 1, recognize the right of the people of Oman to self-determination and independence.

93. At the 306th meeting of the Special Political Committee on 4 December 1961, the third preambular paragraph of the draft resolution was adopted by 37 votes to 14, with 26 abstentions; the first operative paragraph was adopted by 29 votes to 20, with 32 abstentions; and the draft resolution as a whole was adopted¹⁰² by 38 votes to 21, with 29 abstentions.

⁹³ G A (XV), Annexes, a.i. 89, p. 2, A/4745, para. 5, A/SPC/L. 67.

⁹⁴ G A (XV/2), Spec. Pol. Com., 259th mtg., para. 36.

⁹⁵ *Ibid.*, para. 30.

⁹⁶ G A (XV/2), Plen., 995th mtg., paras. 542 and 543.

⁹⁷ G A (XVI) Plen., 1014th mtg., para. 53.

⁹⁸ G A (XVI), Gen. Com., 135th mtg., para. 11.

⁹⁹ G A (XVI), Plen., 1018th mtg., para. 53.

¹⁰⁰ G A (XVI), Annexes, a.i. 23, p. 2, A/5010, para. 5, A/SPC/L.78.

¹⁰¹ *Ibid.*, A/SPC/L.78/Add.1.

¹⁰² See G A (XVI), Spec. Pol. Com., 306th mtg., para. 6.

Decision

At the 1078th plenary meeting on 14 December 1961 the draft resolution recommended by the Special Political Committee was not adopted,¹⁰³ having failed to obtain the required two-thirds majority, the result of the vote being 33 votes to 21, with 37 abstentions.

94. By letter¹⁰⁴ dated 10 July 1962, the representatives of Iraq, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic and Yemen requested the inclusion of the item: "Question of Oman" in the agenda of the seventeenth session of the General Assembly. In an explanatory memorandum, it was stated that, in view of the failure of the United Kingdom Government to take steps for ending the conflict on the basis of the recognition of the rights of the people of Oman, renewed discussion of the problem had become necessary.

95. On the recommendation¹⁰⁵ of the General Committee, the General Assembly at its 1129th plenary meeting, on 24 September 1962, decided¹⁰⁶ to include the item in its agenda and allocated it to the Special Political Committee.

96. On 26 November 1962, Afghanistan, Algeria, Guinea, Indonesia, Iraq, Jordan, Lebanon, Libya, Mali, Mauritania, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia submitted a draft resolution¹⁰⁷ whereby, the General Assembly, *inter alia*, convinced that a speedy restoration of independence to Oman was necessary for the peace and stability in the area, would, in operative paragraph 1, recognize the right of the people of Oman to self-determination and independence.

97. At the 357th meeting of the Special Political Committee on 28 November 1962, the third preambular paragraph of the draft resolution was adopted by 39 votes to 19, with 36 abstentions; and operative paragraph 1, by 40 votes to 18, with 37 abstentions. The draft resolution as a whole was adopted¹⁰⁸ by 41 votes to 18, with 36 abstentions.

Decision

At the 1191st plenary meeting of the General Assembly on 11 December 1962 the preamble of the draft resolution recommended by the Special Political Committee was not adopted, having failed to obtain the required two-thirds majority, the result of the vote being 39 to 23, with 29 abstentions; operative paragraph 1 was not adopted, having failed to obtain the required two-thirds majority, the result of the vote being 36 votes to 25, with

38 abstentions; and operative paragraphs 2 and 3 of the draft resolution likewise were not adopted.¹⁰⁹

(ii) *Précis of relevant constitutional discussion*

98. During the consideration of the question of Oman at the fifteenth, sixteenth and seventeenth sessions of the General Assembly, it was maintained, on the one hand, that the United Nations had the responsibility of assisting the parties directly concerned, the peoples of Oman and Muscat, in the settlement of their differences, and should uphold the right to self-determination of the people of Oman. Repression by a colonial power of those who were fighting for their right to self-determination was a defiance of the Charter of the United Nations. A fundamental question was that of self-determination: all peoples should be free to choose their own way of life and their leaders. The people of Oman were entitled to exercise their own right to self-determination like any other people. Thus the situation in Oman was inconsistent not only with General Assembly resolutions 1514 (XV) and 1654 (XVI) on the liquidation of colonialism, but also with the Universal Declaration of Human Rights and the principles of self-determination set forth in Article 1 (2) of the Charter. If the Charter recognized the right to self-determination, it was asked, for what reason might not this right involve the secession of a part of a sovereign State? If in the question of Oman any secession was involved, it had come from

¹⁰³ G A (XVI), Plen., 1078th mtg., para. 4.

¹⁰⁴ G A (XVII), Annexes, a. i. 79, p. 1, A/5149; explanatory memorandum, para. 3.

¹⁰⁵ G A (XVII), Gen. Com., 148th mtg., para. 61.

¹⁰⁶ G A (XVII), Plen., paras. 283 and 347.

¹⁰⁷ G A (XVII), Annexes, a.i. 79, p. 2, A/5325, para. 6. A/SPC/L. 88.

¹⁰⁸ See G A (XVII), Spec. Pol. Com., 357th mtg., paras. 9, 10 and 14.

¹⁰⁹ See G A (XVII), Plen., 1191st mtg., paras. 63–66. During consideration of the question of Oman (a.i. 78) at its eighteenth session the General Assembly adopted resolution 1948 (XVIII) by which it decided to establish an *Ad Hoc* Committee to examine the question of Oman. That resolution did not itself refer to self-determination. In the discussion, however, explicit and implicit references were made to Article 1 (2). See G A (XVIII), 4th Com., 1498th mtg.: Saudi Arabia, para. 47; United Arab Republic, para. 45; 1499th mtg.: Syria, paras. 19, 20 and 23; United Kingdom, paras. 29, 40 and 53; 1500th mtg.: Denmark, para. 78; Jordan, paras. 3 and 13; Tunisia, paras. 59, 68, 69 and 72; 1501st mtg.: Iraq, para. 32; Lebanon, para. 52; USSR, paras. 37 and 44; Yemen, para. 16; 1502nd mtg.: Australia, paras. 27 and 28; Byelorussian SSR, para. 43; Chile, para. 36; Hungary, paras. 13 and 19; 1503rd mtg.: Iraq, paras. 86 and 88; Mali, paras. 8 and 10; Morocco, para. 43; Libya, paras. 47 and 52; Romania, paras. 21 and 23; Togo, para. 80; Tunisia, para. 71; Ukrainian SSR, paras. 5 and 6; United Arab Republic, para. 73; Yugoslavia, para. 12; 1504th mtg.: Sierra Leone, paras. 9, 16 and 17; Syria, para. 61; United Kingdom, para. 46; 1505th mtg.: Brazil, para. 17; United Arab Republic, para. 22; 1506th mtg.: Tunisia, paras. 5 and 6; 1507th mtg.: Syria, para. 81; 1508th mtg.: Australia, para. 14. Also in the Report of the Special Representative of the Secretary-General on his Visit to Oman (G A (XVIII), Annexes, a.i. 78, p. 2. A/5562) there were references to Article 1 (2). See paras. 37, 68 and 75. At its twentieth session the General Assembly, in connexion with the question of Oman, adopted resolution 2073 (XX) by which it recognized the inalienable right of the people of the Territory as a whole to self-determination and independence in accordance with their freely expressed wishes. In the debate leading to the adoption of this resolution explicit and implicit references were made to Article 1 (2). See G A (XX), 4th Com., 1573rd mtg.: Iraq, paras. 38 and 41; 1574th mtg.: Byelorussian SSR, para. 50; Hungary, paras. 23 and 24; Libya, para. 21; USSR, paras. 29 and 41; 1575th mtg.: Albania, paras. 28 and 30; Czechoslovakia, para. 8; Jordan, para. 26; Nigeria, para. 58; Romania, para. 50; Syria, para. 6; Yemen, para. 34; Yugoslavia, paras. 73 and 74; 1576th mtg.: Iraq, para. 40; Kuwait, para. 34; 1585th mtg.: Sudan, paras. 3 and 7. See also this *Supplement* under Article 73.

the Sultan of Muscat who had put himself under the control of a colonial Power. The question arose whether it was for the United Nations to fulfil its responsibilities towards a people demanding the implementation of their right to self-determination and independence only if that people resorted to arms and violence, when the right of self-determination was the unqualified and inalienable right of all peoples under foreign domination. For these reasons the General Assembly should recognize this right of the people of Oman; it should request the withdrawal of foreign troops and call upon all parties to settle their dispute by negotiation.

99. The representative of the United Kingdom contended, on the other hand, that it would be irrelevant to recognize the right of the people of Oman to self-determination and independence, since the people recognized the sovereignty of the Sultan of Muscat and Oman. It would be dangerous for the future of the United Nations if a group of exiles could induce it to recommend the fragmentation of a sovereign State. The Omanis were of the same race, spoke the same language, and practised the same religion as their Sultan. The principles of self-determination was not applicable to any section of a homogeneous population such as that of Muscat and Oman. A departure from that principle might provoke serious repercussions. It would be wrong for the United Nations to acquiesce in the fragmentation of a sovereign State in the name of the principle of self-determination.

100. Several representatives expressed the view that it had not been clearly shown either by the delegations claiming to speak for Oman or by the Omani spokesman that the principle of self-determination was relevant in the matter. It was also not clear whether it was the principle of self-determination or a dismemberment of a sovereign State that was at issue. It might perhaps be possible, therefore, to find a means of obtaining full and objective information about what was happening in Muscat and Oman. It should be ascertained whether the territory was occupied by foreign troops, whether Muscat and Oman constituted a single territory and political entity and whether the rebel forces controlled any part of the territory and what their aims were. If these questions were clarified it should be possible to find out whether the issue was one of self-determination or of secession. The appointment of a United Nations Commission or Commissioner to inquire into these matters could be considered.¹¹⁰

¹¹⁰ For text of relevant statements, see G A (XV/2), Spec. Pol. Com., 256th mtg.: United Arab Republic, para. 27; 258th mtg.: Lebanon, para. 20; Tunisia, paras. 14 and 16; 259th mtg.: Yugoslavia, para. 14; G A (XVI). Spec. Pol. Com., 300th mtg.: Yemen, para. 28; 301st mtg.: United Kingdom, para. 27; 302nd mtg.: Byelorussian SSR, para. 6; 303rd mtg.: Afghanistan, para. 37; Yugoslavia, para. 26; 304th mtg.: Cambodia, para. 5; Indonesia, para. 18; 305th mtg.: Colombia, para. 22; G A (XVII), Spec. Pol. Com., 351st mtg.: Saudi Arabia, paras. 24 and 25; 352nd mtg.: Sudan, para. 12; 353rd mtg.: Libya, paras. 14 and 15; USSR, para. 48; United Kingdom, para. 32; 355th mtg.: Afghanistan, para. 9; Chile, paras. 19, 20 and 25; Mongolia, paras. 12 and 13; Peru, para. 32; Romania, para. 6; Yugoslavia, para. 3; 356th mtg.: United Kingdom, paras. 23 and 24; 357th mtg.: Ecuador, para. 3.

e. *Decisions of 21 September 1962 and 6 November 1963 in connexion with the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)*¹¹¹

'Decision of 21 September 1962

(i) *Précis of proceedings*

101. The General Assembly, at its seventeenth session, considered the item: "Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)" which was included in its agenda at the request¹¹² of the Secretary-General. In the explanatory memorandum accompanying the request the Secretary-General stated that the Agreement contained certain guarantees for the population of the territory of West New Guinea, including detailed provisions¹¹³ regarding the exercise of the right of self-determination under arrangements made by Indonesia with the advice, assistance and participation of the Secretary-General who would appoint a United Nations Representative for that purpose. The act of self-determination was to take place before the end of 1969.

(ii) *Précis of relevant constitutional discussion*

102. The General Assembly considered the item at the 1127th plenary meeting on 21 September 1962.

103. In the course of the discussion, the representative of the Netherlands stated that his Government would not have decided to agree to the transfer of the territory to Indonesia had not the Agreement provided for the participation of the United Nations in the exercise of the right of self-determination. The Agreement directed the spotlight of the United Nations inquiry on that right. As a result of the Agreement, the "free choice", granted to the population of the territory, was no longer exclusively its own concern, nor was it any more a question of Netherlands or Indonesian policy; it was a question of world concern for which each Member of the United Nations carried a respon-

¹¹¹ The question of West Irian was previously considered by the General Assembly at its sixteenth session in connexion with the item "The situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples" (G A (XVI), Annexes, a.i. 88 and 22 (a)). During the discussion, two draft resolutions, one sponsored by the Netherlands and one sponsored jointly by Cameroun, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Madagascar, Mauritania, Niger, Senegal, Togo and Upper Volta, relating to West Irian, referred to the principle of self-determination (*ibid.*, p. 24, A/L.354, 3rd and 4th preamb. paras; p. 26, A/L.368, 6th preamb. para.). Explicit references to Article 1 (2) were made in the debate (G A (XVI), Plan., 1065th mtg.; Argentina, paras. 210–214; India, paras. 112–117. See also *ibid.*, 1049th mtg.: Netherlands, para. 4). At the 1066th plenary meeting on 27 November 1961 in a separate vote the sixth preambular paragraph in the thirteen-Power draft resolution was not adopted (G A (XVI), Plen., 1066th mtg., para. 165) having failed to obtain the required two-thirds majority. The draft resolution as a whole was not adopted (G A (XVI), Plen., 1066th mtg., para. 196). The Netherlands draft resolution was then not pressed to the vote (G A (XVI), Plen., paras. 203 and 204).

¹¹² G A (XVII), Annexes, a.i. 89, p. 1, S/5170.

¹¹³ See articles XIV–XXI of the Agreement, *ibid.*, pp. 3 and 4.

sibility of the same order as that of the parties themselves.

104. Another representative stated that, quite apart from the moral consideration involved in the principle of self-determination, the long-term interests of stability and progress in the region and of relations between the peoples would be served by a *bona fide* performance of the self-determination provisions of the Agreement. It was for the United Nations to perform its proper function under the Agreement and for Indonesia to place the welfare of the Papuans above all other considerations in its administration of the Territory—whatever the proper status of the Territory in relation to the Charter might be. Under the Agreement, Indonesia had undertaken, as its own act and as an expression of its national will, to afford the indigenous population the right of self-determination in the above-mentioned sense.

105. The view was also expressed that not once in the text of the Agreement did the word "referendum", the most normal, most usual and most objective form of public expression of opinion, appear. The most precise formula used in the Agreement was the vague one of "the freely expressed will of the population", without any indication of how that will was to be expressed. That was left entirely to the discretion of the councils, which were described as "representative" without the slightest definition of the manner in which they were to be appointed. Furthermore, the United Nations presence would be limited to advising on and assisting in preparations for carrying out the provisions for self-determination. That meant that the actual public expression of opinion would be organized entirely by the party which had the greatest interest in the yielding of results that were favourable to it.¹¹⁴

Decision

At the 1127th plenary meeting on 21 September 1962 the General Assembly adopted¹¹⁵ a draft resolution¹¹⁶ submitted by Indonesia and the Netherlands by 89 votes to none, with 14 abstentions, as its resolution 1752 (XVII).

106. The operative paragraphs of the resolution read:

"The General Assembly,

"...

"1. Takes note of the Agreement;

"2. Acknowledges the role conferred upon the Secretary-General in the Agreement;

"3. Authorizes the Secretary-General to carry out the tasks entrusted to him in the Agreement."

Decision of 6 November 1963

107. In his report¹¹⁷ dated 21 October 1963 to the General Assembly at its eighteenth session, the Secretary-General stated that the United Nations

¹¹⁴ For text of relevant statements, see G A (XVII), Plen., 1127th mtg.: Australia, paras. 221 and 223; Dahomey, paras. 243 and 244; Netherlands, paras. 188 and 194.

¹¹⁵ G A (XVII), Plen., 1127th mtg., para. 197.

¹¹⁶ A/L. 393.

¹¹⁷ G A (XVIII), Annexes, a.i. 20, p. 1, A/5578.

"stands ready to assist the Government of Indonesia in the implementation of the . . . part of the Agreement relating to the act of free choice by the inhabitants of the territory [of West New Guinea (West Irian)]".

Decision

At the 1255th plenary meeting on 6 November 1963, the General Assembly took note¹¹⁸ of the report of the Secretary-General.

2. IN THE SECURITY COUNCIL

a. *Decisions of 18 December 1961 in connexion with the complaint by Portugal (Goa)*
 : (i) *Précis of proceedings*

108. By letter¹¹⁹ dated 18 December 1961, the permanent representative of Portugal requested the President of the Security Council to convene an immediate meeting of the Council in order to put an end to India's aggression against the Portuguese territories of Goa, Damão and Diu, comprising the Portuguese State of India, and to order an immediate cease-fire and the withdrawal forthwith of all the invading Indian forces from those territories.

109. At the 987th meeting on 18 December 1961, the Security Council decided¹²⁰ by 7 votes to 2, with 2 abstentions, to include the item in its agenda.

110. At the 988th meeting on 18 December 1961, the representative of the United States submitted a draft resolution¹²¹ co-sponsored by France, Turkey and the United Kingdom which stated:

"The Security Council,

"..."

"Recalling that Article 1, paragraph 2, of the Charter specifies as one of the purposes of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, [third preambular paragraph]

"..."

"3. Urges the parties to work out a permanent solution of their differences by peaceful means in accordance with the principles embodied in the Charter;

"..."

111. At the same meeting, the representative of Ceylon submitted a draft resolution,¹²² co-sponsored by the United Arab Republic and Liberia with the following provisions:

"The Security Council,

"Having heard the complaint of Portugal of aggression by India, against the territories of Goa, Damão and Diu,

"Having heard the statement by the representative of India that the problem is a colonial problem,

¹¹⁸ G A (XVIII), Plen., 1255th mtg., para. 71.

¹¹⁹ SC, 16th yr., Suppl. for Oct.—Dec., p. 205, S/5030.

¹²⁰ S C, 16th yr., 987th mtg., para. 7.

¹²¹ Ibid., 988th mtg., para. 97, S/5033.

¹²² Ibid., para. 98, S/5032.

"Considering that these enclaves claimed by Portugal in India constitute a threat to international peace and security and stand in the way of the unity of the Republic of India,

"Recalling resolution 1514 (XV)¹²³ and resolution 1542 (XV)¹²⁴ of the General Assembly,

"1. Decides to reject the Portuguese complaint of aggression against India;

"2. Calls upon Portugal to terminate hostile action and to co-operate with India in the liquidation of her colonial possessions in India."

Decisions

At the 988th meeting on 18 December 1961, the three-Power draft resolution was rejected¹²⁵ by 4 votes to 7.

At the same meeting the four-Power draft resolution failed of adoption¹²⁶ with 7 votes in favour to 4 against, one of the negative votes being that of a permanent member.

(ii) Précis of relevant constitutional discussion

112. In his introductory statement, the representative of India maintained that the matter before the Security Council was a colonial question in the sense that part of India was illegally occupied by right of conquest by Portugal. India had never accepted and would never accept any legal or moral basis for processes by which it became colonized and had come under foreign domination. Goa was a territory which was a part of India over which Portugal had no sovereign rights. There was no legal frontier between India and Goa. The whole occupation had been illegal, especially in the light of resolution 1514 (XV). There could be no question of aggression against a country's own frontier, or against a country's own people, when the intention was to liberate them. The Security Council could only tell Portugal to vacate the enclaves of Goa, Damão and Diu and to give effect to the numerous resolutions of the General Assembly with regard to the freedom of dependent peoples. The question of self-determination could be appropriately raised in certain contexts, for instance, in connexion with the question of Angola. But there could be no self-determination of an Indian against an Indian; there was only one choice for them and that was to be free as part of their motherland. There was no other basis on which there could be freedom for the people of India. The Government of India was opposed to the four-Power draft resolution since there was no comprehension in it of resolution 1514 (XV) and thus it had no basis in justice and no relation to the

movement recognized by the General Assembly in numerous resolutions.

113. The representative of Portugal said that there was no colonialism in Goa because politically as well as legally it was an overseas province and as such was an integral part of the Portuguese nation. The Goans took part in the formation and working of the central organs of sovereignty on a basis of equality with all other Portuguese nationals.

114. Another representative emphasized that the peoples of the territories of Goa, Damão and Diu never had the right of self-determination and had not been consulted on whether they agreed to their integration with Portugal. Portugal had not yet begun to implement General Assembly resolution 1514 (XV) which stated in its operative paragraph 5 that immediate steps should be taken, *inter alia*, in Non-Self-Governing Territories to transfer all powers to the peoples of those territories in accordance with their freely expressed will and desire in order to enable them to enjoy complete independence and freedom.

115. It was observed by another speaker that Non-Self-Governing Territories belonged not to the Administering Power but to the peoples concerned who should be free to exercise the right of self-determination in deciding whether to join another State or to set up an independent State. However, the matter before the Council had not been raised in those terms. It was not suggested that this was a case of consulting the peoples but that action had been taken on the assumption that these peoples' territories belonged either to Portugal or India. In this connexion the question arose whether Portugal was willing to meet its international obligations by complying with the resolutions of the General Assembly and to take steps so that the fate of those territories might be decided according to the principle of self-determination. The view was also expressed that the parties to the dispute should take into consideration the wishes of the inhabitants of Goa, Damão and Diu. Neither historical nor violent possession should prevail, but the freely expressed wishes of the inhabitants of the disputed territories. If India were to take possession of the territories it claimed, it could have no satisfaction, because it would not have integrated them into its own territory by lawful means.

116. One representative stated that the three-Power draft resolution was fully in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the General Assembly in resolution 1514 (XV). The four-Power draft resolution repeated certain general principles of the Charter but applied them to a situation which had a completely different meaning in the light of the Declaration. They could not therefore be the basis for the adoption of a decision, when the issue involved was the liquidation of colonial empires, which should themselves have transferred those possessions to the States in whose territories they were located. After quoting the first¹²⁷ and the third preambular paragraphs of the

¹²³ "Declaration on the granting of independence to colonial countries and peoples."

¹²⁴ In resolution 1542 (XV) entitled "Transmission of information under Article 73e of the Charter", the General Assembly considered that the territories under the administration of Portugal listed in the resolution and including "Goa and dependencies, called the State of India", were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter.

¹²⁵ S C, 16th yr., 988th mtg., para. 128.

¹²⁶ *Ibid.*, para. 129.

¹²⁷ The first preambular paragraph recalled the provisions of Article 2 (3) and 2 (4).

four-Power draft resolution, the representative stated that if its sponsors had been consistent, they should have called upon Portugal immediately to end its colonial domination in Goa and immediately to liberate its people in order to establish "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples".¹²⁸

b. *Decisions of 11 December 1963 and 23 November 1965 in connexion with the situation in Territories in Africa under Portuguese administration*¹²⁹

Decision of 11 December 1963

(i) *Précis of proceedings*

117. In a letter¹³⁰ dated 13 November 1963 addressed to the President of the Security Council, the representatives of Algeria, Burundi, Cameroon, Central African Republic, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta requested the convening of a Security Council meeting to consider the report¹³¹ of the Secretary-General dated 31 October 1963 submitted in pursuance of resolution 180 (1963) adopted by the Security Council on 31 July 1963. They stated that, since the decisions contained in operative paragraph 5¹³² of that resolution had not been implemented, it was essential that the Security Council consider further appropriate measures to ensure the implementation of the resolution.

¹²⁸ For text of relevant statements, see S C, 16th yr., 987th mtg.: India, paras. 39, 40, 43, 46, 60 and 62; United Arab Republic, paras. 125 and 128; 988th mtg.: Chile, para. 30; Ecuador, paras. 13–16; India, paras. 81 and 83–86; Portugal, paras. 43 and 45; USSR, paras. 119, 121, 123 and 124.

¹²⁹ In connexion with this question the General Assembly adopted resolution 1699 (XVI); "Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV)", and later adopted resolutions 1807 (XVII), 1819 (XVII), 1913 (XVIII) and 2107 (XX). All these resolutions were adopted on the report of the Fourth Committee.

¹³⁰ S C, 18th yr., Suppl. for Oct.–Dec., p. 94, S/5460.

¹³¹ *Ibid.*, p. 55, S/5448 and Add. 1–2.

¹³² In operative paragraph 5 of the resolution of 31 July 1963 it was, *inter alia*, provided as follows:

"The Security Council,

"...

"5. Urgently calls upon Portugal to implement the following:

"(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence;

"...

"(d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with General Assembly resolution 1514 (XV);

"..."

In the same resolution the Security Council requested the Secretary-General to ensure the implementation of its provisions to furnish such assistance as he might deem necessary and to report to the Security Council by 31 October 1963.

118. At the 1079th meeting on 6 December 1963, the Security Council decided¹³³ to include the letter in its agenda.

119. At the 1082nd meeting on 10 December 1963, the representative of Ghana introduced¹³⁴ a draft resolution sponsored also by Morocco and the Philippines, in which it was, stated, *inter alia*:

"The Security Council,

"...

"4. Reaffirms the interpretation of self-determination laid down in General Assembly resolution 1514 (XV) as follows:

"'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';

"..."

"7. Requests the Secretary-General to continue his efforts and report to the Security Council not later than 1 June 1964."

Decision

At the 1083rd meeting on 11 December 1963 the three-Power draft resolution was adopted¹³⁵ by 10 votes to none, with 1 abstention, as Security Council resolution 183 (1963).

(ii) *Précis of relevant constitutional discussion*

120. In his introductory statement the representative of Liberia pointed out that, on 17 October 1963, the Secretary-General had initiated, exploratory contacts in his office between nine African States on the one side and Portugal on the other. In the second of these meetings the Foreign Minister of Portugal had expressed the view on self-determination which was quoted in the record of the meeting in the Secretary-General's report.¹³⁶ According to the Foreign Minister of Portugal the point at issue appeared to be a valid definition of the concept of self-determination. Portugal had been opposed to a concept which was predetermined in its results and which ignored the facts unless they corresponded to certain resolutions or criteria. In the view of Portugal there had been more than one modality of self-determination, just as there had been more than one modality with regard to the form of administration of a State. Self-determination to Portugal had meant the agreement and consent of the population to a certain political structure, type of State and administrative organization. The Foreign Minister stated further that the position of the Portuguese Government on the question of self-determination had been officially expressed by Prime Minister Salazar in 1962 when he said that it came about in a given country by participation of the population in administrative matters and in political life at all levels: then the population was participating in decisions regulating the country's affairs and decisions affecting the life of that country. The

¹³³ S C, 18th yr., 1079th mtg., preceding para. 1.

¹³⁴ S C, 18th yr., 1082nd mtg., para. 95.

¹³⁵ S C, 18th yr., 1083rd mtg., para. 158.

¹³⁶ S C, 18th yr., Suppl. for Oct.–Dec., p. 55, S/5448 and Add. 1 and 2, para. 11.

population in Portuguese territories participated in elections for, and were elected to the "Regedorias", the Municipal Councils, the Legislative Councils, the Economic and Social Councils, the National Assembly, the Corporative Chamber and the Overseas Councils. They participated in discussions, not only on any given territory, but on matters pertaining to the over-all State. This had represented, in the view of the Portuguese Government, the free expression of the wishes and will of the population and its participation in the administration and political life of the territory.

121. The representative of Liberia stated further that the African States could not accept this interpretation of "self-determination", since this would mean that Portugal had already applied the right of self-determination to its territories. They had therefore requested clarification of the statement by the Foreign Minister of Portugal as had the Secretary-General. The requested clarification was quoted¹³⁷ in the report of the Secretary-General and it referred, *inter alia*, to an envisaged plebiscite "within the national framework", its purpose being to enable "the people" to have an opportunity to express their views on the Government's overseas policy. This was interpreted by the African States as meaning that "the people" referred to Portuguese people and not Africans, and that "within the national framework" meant that the Africans would not be given freedom of choice, so that their true aspiration could not be made known clearly. To agree with this concept would mean that many of the Members of the United Nations would still be parts of metropolitan territories. That was the reason the Portuguese concept was rejected at the San Francisco Conference in 1945. After referring to the consideration of the provisions of Article 1 (2) at the San Francisco Conference, the representative quoted the following explanation given at the time of the adoption by the Committee concerned with the drafting of the Article:

"The Committee understands that the principle of equal rights of peoples and that of self-determination are two complementary parts of one standard of conduct; that the respect of that principle is a basis for the development of friendly relations and is one of the measures to strengthen universal peace; that an essential element of the principle in question is a free and genuine expression of the will of the people..."¹³⁸

The historical development of Chapter XI of the Charter had left no doubt that self-government had not excluded independence. The success of the United Nations could be seen in the acceptance of this interpretation of self-determination by the United Kingdom, France, Belgium and the Netherlands, and also by Spain which had taken a significant step in this direction. These Member States had correctly interpreted the spirit and the intent of the Charter in respect of self-determination and had applied it to the territories for administration of which

they had been responsible. The representative stated further that General Assembly resolutions 1514 (XV), 1542 (XV) and 1742 (XVI) and Security Council resolution 163 (1961)¹³⁹ of 9 June 1961 should have removed all doubts of the Government of Portugal concerning a valid definition of the term "self-determination". The Government of Portugal could not base itself on an argument which, in substance, said that self-determination had one meaning for all the other Members of the United Nations and another meaning for Portugal.

122. The representative of Portugal, commenting on operative paragraph 4 of the three-Power draft resolution, stated that, in accordance with General Assembly resolution 222 (III) of 3 November 1948, self-determination meant a constitutional development which, in the unilateral opinion of the responsible Member Government, had brought self-government to any given territory. Referring to General Assembly resolutions 748 (VIII) of 27 November 1953 and 849 (IX) of 22 November 1954, the representative observed that as late as 1954 self-determination had been achieved through constitutional alterations, of which the General Assembly had been apprised by the responsible Member Governments, whose opinion had been paramount and accepted by the Assembly. Referring further to General Assembly resolutions 945 (X) of 15 December 1955 and 1469 (XIV) of 12 December 1959, both of which reaffirmed resolution 222 (III), the representative stated that nowhere in those resolutions was self-determination linked with the question of national sovereignty or with any predetermined results or with any special options to be approved or imposed from outside. This was a concept of self-determination approved by the United Nations which might, however, not be valid any longer. The solutions proposed by the General Assembly and the criteria followed by it had varied considerably and had changed from time to time, both from a theoretical and a practical point of view. One did not know what was really meant by a United Nations concept of self-determination or of its implementation.

123. In the course of the discussion it was maintained that the Portuguese concept of self-determination and the context of its operation were limited, and not only fundamentally at variance with its definition by United Nations organs and international jurisprudence, but in the last analysis, also negated the very spirit of self-determination. The principle of self-determination recognized by the United Nations was set forth in General Assembly resolution 1514 (XV) of 14 December 1960, on the granting of independence to colonial countries and peoples according to which the right to independence was inseparably bound up with the concept of self-determination. By virtue of the right to self-determination all peoples freely determined their political status and freely pursued their economic, social and cultural development. The key word was "freely"; people must have the right to choose for themselves their political status without coercion or repression or predetermined concepts. When there

¹³⁷ *Ibid.*, para. 13.

¹³⁸ See United Nations Conference on International Organization, I/1/34/(1).

¹³⁹ The last two resolutions related to the situation in Angola.

was a basic recognition of the right of a given population to a free choice between constitutional ties with a metropolitan country and separation from it, self-determination was justified. Other possibilities could theoretically be added to those two, but neither could be omitted without violating the principle of self-determination. This meant, on the one hand, that the end result of an act of self-determination should not be limited from inside, and, on the other hand, that it should not be limited or imposed from outside. Adoption of resolution 1514 (XV) made obsolete all controversy on the right of self-determination, which, as expressed in this resolution, applied to the territories under Portuguese rule by General Assembly resolution 1542 (XV). The responsibility of the Security Council was to express itself, in unequivocal terms as to the meaning of self-determination; for this purpose the Council should reaffirm the definition of self-determination as laid down by the General Assembly, and must state that its goal must include the capacity to request complete independence. In this connexion two representatives observed that the concept of self-determination meant that the Security Council could not make a decision about its exercise. Its responsibility was to help to create the circumstances in which peoples could make a free, unfettered and full choice. Only Portugal could decide on the procedure for bringing about self-determination to its territories.

124. One representative stated that his Government had urged the Government of Portugal to give the peoples of the territories under its administration the opportunity, through self-determination, to decide their own future. The result, however, should not be prejudged nor should the United Nations or any other body determine the timing and pace of the progress towards self-government, independence, association with Portugal or whatever choice was made. That was Portugal's responsibility; nevertheless, the process must start. Furthermore, the application of the principle of self-determination in any particular case must depend on all circumstances; it partook in essence of politics, rather than of obligation in law.

125. Another representative stated that, according to the Secretary-General's report, as far as the African States were concerned, it was essential "that the people of the Portuguese Territories should be able to make the important decisions as to what their present and future political relationship... should be".¹⁴⁰ In the view of the representative there could not be any objections to that definition of the objectives of self-determination, and there was nothing in the Portuguese concept of self-determination that could be considered as excluding what was essential in the definition supported by the representatives of the African States. There remained, however, vital issues which should be discussed among the interested parties in order to explore further both the question of a valid concept of self-determination and other related matters which seemed to be essential for the achievement of a

peaceful settlement of the question of the Portuguese territories in Africa.

126. It was also observed that the Security Council should have been able to reach a wide consensus, without needing to adopt any formal resolution, in order to encourage the reopening of negotiations between the representatives of Portugal and of the African States.¹⁴¹

Decision of 23 November 1965

(i) *Précis of proceedings*

127. In a letter¹⁴² dated 28 July 1965 the permanent representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Democratic Republic of the Congo, Dahomey, Ethiopia, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanzania, Togo, Tunisia, Uganda, United Arab Republic, Upper Volta and Zambia, requested the Security Council to consider once again the situation in Territories under Portuguese administration. Reference was made in the letter to Security Council resolutions 180 (1963) of 31 July 1963 and 183 (1963) of 11 December 1963 and it was stated that since the adoption of those resolutions Portugal had not only persisted in its flagrant refusal to implement the measures called for in Security Council and General Assembly resolutions, but had also intensified its repressive measures and military operations against the people of those Territories with a view to defeating their legitimate aspirations for self-determination and independence.

128. In a letter¹⁴³ dated 15 October 1965, the representatives of Liberia, Madagascar, Sierra Leone and Tunisia informed the Security Council that they had been instructed by the Organization of African Unity to bring before the Council the question of African territories occupied by Portugal and the question of *apartheid* in South Africa. Accordingly they requested an urgent meeting of the Security Council to consider those questions.

129. At its 1250th meeting on 4 November 1965 the Security Council decided¹⁴⁴ to include the two letters in its agenda.

130. At its 1266th meeting on 22 November 1965, the representative of Tunisia introduced¹⁴⁵ a draft resolution sponsored by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone, Tunisia, and subsequently Madagascar,¹⁴⁶ which included the following provisions:

¹⁴¹ For text of relevant statements, see S C, 18th yr., 1079th mtg.: Liberia, paras. 9–13, 17–22 and 32–36; Tunisia, paras. 50–55 and 58–66; 1080th mtg.: Madagascar, paras. 9–11; Sierra Leone, paras. 30 and 31; 1081st mtg.: Ghana, paras. 72–77; 1082nd mtg.: USSR, para. 50; 1083rd mtg.: (President United States), paras. 142–144; Brazil, paras. 91–95; China, paras. 107 and 108; France, para 62; Norway, paras. 117 and 118; Philippines, paras. 48–52; Portugal, paras. 22–35; United Kingdom, paras. 67, 76 and 77;

¹⁴² S C, 20th yr., Suppl. for July–Sept., p. 147, S/6585.

¹⁴³ S C, 20th yr., Suppl. for Oct.–Dec., p. 197, S/6791.

¹⁴⁴ S C, 20th yr., 1250th mtg., para. preceding para. 8.

¹⁴⁵ S C, 20th yr., 1266th mtg., para. 15.

¹⁴⁶ S C, 20th yr., Suppl. for Oct.–Dec., p. 382, S/6953/Rev.1.

¹⁴⁰ S C, 18th yr., Suppl. for Oct.–Dec., p. 55, S/5448 and Add. 1 and 2, para. 12.

"The Security Council,

"..."

"Considering that, in spite of the measures laid down by the Security Council in paragraph 5 of resolution 180 (1963), the Government of Portugal is intensifying its measures of repression and its military operations against the African population, with a view to defeating their legitimate hopes of achieving self-determination and independence, [fourth preambular paragraph]

"..."

"2. Deplores the failure of the Government of Portugal to comply with previous resolutions of the Security Council and the General Assembly and to recognize the right of the peoples under its administration to self-determination and independence;

"3. Reaffirms the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV) and in Security Council resolution 183 (1963);

"4. Calls upon Portugal to give immediate effect in the Territories under its administration to the principle of self-determination, as referred to in paragraph 3 above;

"5. Reaffirms its urgent demand to Portugal for:

"(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence;

"..."

"(d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with General Assembly resolution 1514 (XV);

"(e) The granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples;

"..."

Decision

At the 1268th meeting on 23 November 1965, the draft resolution, as amended,¹⁴⁷ was adopted¹⁴⁸ by 7 votes to none, with 4 abstentions, as Security Council resolution 218 (1965).

(ii) Précis of relevant constitutional discussion

131. In his introductory statement, the representative of Tunisia contended that contrary to what had been requested of Portugal by the Security Council, the only action taken by that country in the

Territories under its administration had been designed to bring about their assimilation into Portuguese culture and their complete integration into Portugal but not to permit the exercise by the people of the Territories of their inherent right to self-determination. The representative recalled that the Security Council, in its resolution 180 (1963), had called upon Portugal to recognize immediately the right of the peoples of the Territories under its administration to self-determination and independence; and in its resolution 183 (1963) had defined the concept of self-determination in accordance with the Charter and resolution 1514 (XV) of the General Assembly. Those resolutions had been ignored by the Government of Portugal, which obstinately refused to recognize the inalienable right of the African peoples under its administration to self-determination. In a subsequent statement, the representative maintained that the Portuguese interpretation of self-determination voided that concept of all substance by restricting the free choice of the population. As recognized by the General Assembly and the Security Council, self-determination was based on the free choice of a population confronted with various alternatives concerning the future. The Portuguese conception, however, limited and predetermined the choice of the peoples under its administration. Once the Government of Portugal accepted the authentic, objective and internationally recognized definition of self-determination laid down by the Security Council in resolution 183 (1963) of 11 December 1963, and conceded to the peoples under its administration the free exercise of that right, it would be possible to begin conversations which might be arranged for the discussion, if necessary, of the means of putting it into effect. In a subsequent intervention the representative said that, in upholding the right of self-determination, the representatives of the African States had never claimed to prejudge the final choice of the peoples concerned from among the possibilities offered to them after they had freely exercised their right of self-determination: a free choice between integration with the administering Power, association with it with the retention of internal autonomy, or complete independence. No objections could be made to any of those possible choices if the will of the whole population could be expressed freely and without constraint, and if the population had been afforded the opportunity of deciding in favour of any of them.

132. The representative of Portugal pointed out that in the course of the conversations with the African representatives in October 1963, the question of self-determination had been thoroughly debated. Portugal had presented its own idea of self-determination and had stated that self-determination implied the consent of the people to a form of Government and their agreement to a structure of the State and a system of administration. This idea was not new and was perfectly in accord with the Charter of the United Nations even if it might not be in keeping with some resolutions adopted by the General Assembly in violation of the Charter. In another statement, with reference to operative paragraphs 2, 3 and 4 of the draft resolution, the representative

¹⁴⁷ At the 1268th meeting Uruguay submitted amendments (S C, 20th yr., 1268th mtg., paras. 3 and 4) to operative paragraphs 1, 6 and 7 of the draft resolution, which were adopted (S C, 20th yr., 1268th mtg., paras. 15 and 16). Operative paragraph 8 of the draft resolution was voted upon separately and was rejected (S C, 20th yr., 1268th mtg., para. 19).

¹⁴⁸ S C, 20th yr., 1268th mtg., para. 30.

pointed out that, during the talks between Portugal and the representatives of the African States in autumn 1963, a full clarification of the Portuguese concept of self-determination had been presented. The Secretary-General himself had stated in his report¹⁴⁹ that from the Portuguese explanation of their position it might be inferred that the Portuguese Government had not denied the principle of self-determination to the peoples of its overseas territories. But the draft resolution went further and confused the principle of self-determination with the modalities of its implementation and in an attempt to interfere with internal administration sought to prescribe a series of steps of which Portugal should be the sole judge. It seemed illogical to claim that self-determination was free choice and, at the same time, to prescribe its goal in advance. This predetermination, the Portuguese representative stated, was exactly what was to be found in the series of demands contained in operative paragraph 5.

133. Another representative stated that self-determination was a legal right: its definition was adopted by the General Assembly in its resolution 1514 (XV), which had been confirmed by the Security Council in its resolution 183 (1963) of 11 December 1963. It was not therefore open to the representative of Portugal to introduce a new criterion to fit its colonial policy. The principle stated in the Charter applied to all peoples in all areas, without exception. Similar views were expressed by a number of other representatives who contended that Portugal must comply with the previous decisions of the Security Council and the General Assembly concerning the granting of the right of self-determination to the peoples of the territories under its administration. The Security Council should reaffirm its resolution 183 (1963) and might recommend that negotiations be initiated between Portugal and the representatives of African States on the basis of the concept of self-determination in accordance with the Charter of the United Nations in order to establish the structure of institutions designed to enable the peoples under Portuguese administration to accede to independence.¹⁵⁰

D. The question of the relationship between the principle of equal rights and self-determination of peoples and the maintenance of international peace and security¹⁵¹

¹⁴⁹ S C, 18th yr., Suppl. for Oct.–Dec., p. 55, S/5448 and Add. 1 and 2, para. 16.

¹⁵⁰ For text of relevant statements, see S C, 20th yr., 1250th mtg.: Tunisia, paras. 21, 56, 60–69 and 74; 1253rd mtg.: Ivory Coast, para. 94; Portugal, para. 23; 1254th mtg.: Jordan, paras. 65 and 66; Malaysia, paras. 29, 30 and 39; Tunisia, paras. 17, 18 and 22; 1255th mtg.: USSR, paras. 96 and 97; 1256th mtg.: Tunisia, paras. 41–43; United States, paras. 12–14; Uruguay, paras. 31–33; 1266th mtg.: Ivory Coast, paras. 38–40; Portugal, paras. 30 and 31; Tunisia, paras. 17–19.

¹⁵¹ For consideration of the question of whether the situation in Territories in Africa under Portuguese administration constituted a threat to international peace and security, see this Supplement under Article 39.

Decisions of 20 April 1961 and 30 January 1962 in connexion with the situation in Angola

Decision of 20 April 1961

(i) *Précis of proceedings*

134. In a letter¹⁵² dated 20 March 1961 to the President of the General Assembly the representatives of Afghanistan, Burma, Cambodia, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, United Arab Republic, Upper Volta and Yemen requested that an item, "The Situation in Angola" be included as an additional item in the agenda of the fifteenth session of the General Assembly. In the attached explanatory memorandum, reference was made to General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and it was stated that the recent disturbances in Angola involving the death of a large number of people proved that fundamental rights were being denied to its population and, if that state of affairs was allowed to continue, it would cause a grave threat to international peace and security.

135. At its 966th plenary meeting on 23 March 1961 the General Assembly on the recommendation of the General Committee, decided¹⁵³ to include the item in its agenda by 79 votes to 2, with 8 abstentions; and to discuss it in plenary meetings without reference to a Committee. The representative of Portugal stated that the inclusion of the item in the agenda would constitute a violation of Article 2 (7) of the Charter and that for that reason the delegation of Portugal would not take part in any consideration or debate of the item and was leaving the proceedings immediately.¹⁵⁴ The General Assembly considered the item at its 990th to 992nd meetings on 20 April 1961.

136. At the 990th meeting on 20 April 1961 a draft resolution¹⁵⁵ was submitted by Afghanistan, Burma, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iraq, Ivory Coast, Japan, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Niger, Nigeria, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, United Arab Republic and Upper Volta. The draft resolution read as follows:

"The General Assembly,

"Taking note of the recent disturbances and conflicts in Angola resulting in loss of life of the inhabitants, the continuance of which is likely to endanger the maintenance of international peace and security,

¹⁵² G A (XV), Annexes, a.i. 92, p. 1, A/4712 and Add. 1.

¹⁵³ G A (XV/2), Plen., 966th mtg., paras. 41 and 42.

¹⁵⁴ *Ibid.*, paras. 10 and 22.

¹⁵⁵ G A (XV), Annexes, a.i. 92, p. 3, A/L. 345 and Add. 1–5; G A (XV/2), Plen., 990th mtg., para. 1.

"Viewing with concern the growing restiveness of dependent peoples throughout the world for self-determination and independence,

"Aware that failure to act speedily, effectively and in time for ameliorating the disabilities of the African peoples of Angola is likely to endanger international peace and security,

"Recalling its resolution 1514 (XV) of 14 December 1960, by which the General Assembly declared without dissent that 'the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation' and asked for immediate steps to be taken 'to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed, or colour, in order to enable them to enjoy complete independence and freedom',

"Recalling further its resolutions 1541 (XV) and 1542 (XV) of 15 December 1960,

"1. Calls upon the Government of Portugal to consider urgently the introduction of measures and reforms in Angola for the purpose of the implementation of General Assembly resolution 1514 (XV), with due respect for human rights and fundamental freedoms and in accordance with the Charter of the United Nations;

"2. Decides to appoint a sub-committee and instructs this sub-committee to examine the statements made before the Assembly concerning Angola, to receive further statements and documents, to conduct such inquiries as it may deem necessary and to report to the Assembly as soon as possible."

Decision

At the 992nd plenary meeting on 20 April 1961 the sentence in the first preambular paragraph, reading "the continuance of which is likely to endanger the maintenance of international peace and security" was adopted by 67 votes to 2, with 13 abstentions; the third preambular paragraph was adopted by 68 votes to 2, with 13 abstentions; the addition to operative paragraph 2, as proposed orally by the representative of Sudan, of the words "consisting of five Members to be appointed by the President of the General Assembly..." was adopted by 68 votes to 2, with 13 abstentions; operative paragraph 2, with the inclusion of those words was adopted by 69 votes to 2, with 13 abstentions; and the draft resolution as a whole, as amended, was adopted¹⁵⁶ by 73 votes to 2, with 9 abstentions, as resolution 1603 (XV).

(ii) Précis of relevant constitutional discussion

137. In the course of the discussion it was maintained that Portugal was not recognizing the

right to self-determination of the Angolan people, in defiance of the Charter of the United Nations and of General Assembly resolution 1514 (XV) which contained the Declaration on the Granting of Independence to Colonial Countries and Peoples. Portugal must be required to comply with that resolution. The General Assembly therefore must take steps in order to enable the people of Angola to work towards their self-determination, in order to establish an independent State governed by themselves without being attached to an alien country. Even if it was based on the doctrine of racial equality the multiracial Portuguese State must have the free consent of those who lived in it, that is, it must be based on the principle of self-determination. Without the opportunity for free self-determination on the part of the people of Angola, the efforts to form a multiracial State would not be in harmony with the spirit of the Charter.

138. It was further contended that the situation in Angola was fast taking on all the elements leading to an imminent threat to peace and security in that area of Africa. The continuance of this situation was therefore likely to endanger the maintenance of international peace and security, since if that state of affairs continued there would inevitably be further outbreaks and more wide-spread hostilities. The General Assembly must therefore take urgent and effective measures to secure the Angolan people's right to self-determination and independence in accordance with the Charter and resolution 1514 (XV), in which it was provided that increasing conflicts resulting from the denial or impediments in the way of freedom of the colonial peoples constituted a serious threat to world peace.¹⁵⁷

Decision of 30 January 1962

(i) Précis of proceedings

139. In a letter¹⁵⁸ dated 19 July 1961 the representatives of Afghanistan, Burma, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Nigeria, Pakistan, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, United Arab Republic, Upper Volta and Yemen brought to the attention of the Secretary-General the serious developments in Angola. It was stated in the letter that Portugal had not paid the slightest attention to the General Assembly and Security Council resolutions. It had continued its policy of suppression, of mass killings and the violation of human rights and fundamental

¹⁵⁶ See G A (XV/2), Plen., 992nd mtg., paras. 273–277.

¹⁵⁷ For text of relevant statements, see G A (XV/2), Plen., 990th mtg.: Congo (Brazzaville), para. 45; Liberia, paras. 58, 62 and 103; 991st mtg.: Central African Republic, para. 49; Czechoslovakia, paras. 127 and 141; Indonesia, para. 125; Iran, para. 8; USSR, paras. 60 and 73; 992nd mtg.: China, paras. 231 and 232; Guinea, para. 45; Morocco, para. 210; Nigeria, para. 261; Poland, para. 189; Somalia, para. 86; Ukrainian SSR, paras. 109 and 111; United Arab Republic, paras. 139 and 140; Yugoslavia, paras. 67 and 68.

¹⁵⁸ G A (XVI), Annexes, a.i. 27, p. 1, A/4816.

freedoms of the people of Angola, where the situation was infinitely more serious than before and endangered international peace and security. The representatives reserved the right to ask, on an emergency basis, for effective remedial action to be taken either by the Security Council or by the General Assembly.

140. At its 1014th plenary meeting on 25 September 1961, the General Assembly decided,¹⁵⁹ on the recommendation of the General Committee, to include the item in its agenda under the heading: "The situation in Angola: report of the Sub-Committee established by General Assembly resolution 1603 (XV)". At its 1018th plenary meeting on 27 September 1961 the General Assembly decided¹⁶⁰ to refer the item to plenary meetings.

141. The General Assembly considered the item at its 1088th to 1102nd meetings between 15 to 30 January 1962.

142. On 15 January 1962 Bulgaria and Poland submitted a draft resolution¹⁶¹ which would provide as follows:

"The General Assembly,

"...

"Convinced that the colonial war being pursued by the Government of Portugal in Angola, its violation of the Security Council resolution of 9 June 1961, its refusal to implement the provisions of the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960 and its refusal to implement General Assembly resolutions 1542 (XV) of 15 December 1960, 1603 (XV) of 20 April 1961 and 1654 (XVI) of 27 November 1961, constitute a source of international conflict and tension as well as a grave threat to world peace and security, and called for sanctions against Portugal under the provisions of the Charter, [sixth preambular paragraph]

"1. Solemnly reaffirms the right of the people of Angola to self-determination and independence;

"...

"7. Suggests to the Security Council to consider in urgent manner and under Articles 41 and 42 of the Charter of the United Nations, the application of sanctions against Portugal, which is pursuing colonial war in Angola, creating a threat to international peace and security, violating the Security Council resolution of 9 June 1961 and refusing to implement the General Assembly resolutions on Angola; such sanctions should apply until the present and all above-mentioned resolutions of the Security Council and General Assembly are implemented."

143. On 25 January 1962 the representatives of Afghanistan, Burma, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Ethiopia,

Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Sierra Leone, Somalia, Syria, Tanganyika, Togo, Tunisia, United Arab Republic, Upper Volta and Yemen submitted a joint draft resolution,¹⁶² which would provide as follows:

"The General Assembly,

"...

"Noting with deep regret Portugal's ... failure to take measures to implement General Assembly resolution 1514 (XV) of 14 December 1960 entitled 'Declaration on the granting of independence to colonial countries and peoples', [fifth preambular paragraph]

"Convinced that the continued refusal of Portugal to recognize the legitimate aspirations of the Angolan people to self-determination and independence constitutes a permanent source of international friction and threatens international peace and security, [sixth preambular paragraph]

"...

"2. Solemnly reaffirms the inalienable right of the Angolan people to self-determination and independence;

"...

"5. Urges the Government of Portugal to undertake, without further delay, extensive political, economic and social reforms and measures, and in particular to set up freely elected and representative political institutions with a view to transfer of power to the people of Angola;

"..."

Decisions

At its 1102nd plenary meeting on 30 January 1962, the draft resolution submitted by Bulgaria and Poland was rejected¹⁶³ by 43 votes to 26, with 32 abstentions.

At the same meeting the forty-five-Power draft resolution was adopted¹⁶⁴ by 99 votes to 2, with 1 abstention, as resolution 1742 (XVI).

(ii) Précis of relevant constitutional discussion

144. In the course of the discussion it was contended that one of the most important tasks of the United Nations was to secure the right to self-determination and independence for all peoples living under the colonial system. The Charter had provided the legal basis for the implementation of this right. The full application of this right for the colonial peoples was one of the most important additions to the norms of the international commun-

¹⁵⁹ G A (XVI), Plen., 1014th mtg., para. 68.
¹⁶⁰ *Ibid.*, 1018th mtg., para. 94.
¹⁶¹ G A (XVI), Annexes, a.i. 27, p. 22, A/L.384.

¹⁶² G A (XVI), Annexes, a.i. 27, p. 23, A/L.384/Rev.1 and Rev.1/Add.1; G A (XVI), Plen., 1096th mtg., para. 47. Document A/L.384/Rev.1 incorporated A/L.384/Add.1, adding Japan and the Central African Republic and Madagascar to the list of sponsors of the draft resolution. Further, it amended the first sentence of its operative paragraph 6. Document A/L.384/Rev.1/Add.1 added Togo to the list of sponsors.

¹⁶³ G A (XVI), Plen., 1102nd mtg., para. 106.

¹⁶⁴ *Ibid.*, para. 159.

ity in recent times and it was a proper task of the United Nations to promote a peaceful but rapid development towards self-determination. Article 1 (2) of the Charter affirmed as one of the United Nations Purposes the development of "respect for the principle of equal rights and self-determination of peoples" and thus contained a specific obligation with regard to self-determination. Consequently, one of the most important tasks of the United Nations was to secure the right to self-determination and independence for all peoples living under the colonial system, and it was the Charter which provided the legal basis for the implementation of that right. For that reason the General Assembly must reaffirm the indisputable right of the people of Angola in conformity with the Charter and General Assembly resolution 1514 (XV), which imposed a duty on Portugal by demanding that immediate steps should be taken by colonial States to transfer without conditions or reservations all powers to the peoples of colonial territories, in accordance with their fully expressed will. The inhabitants of the so-called Portuguese overseas provinces had the same right to self-determination as those of the other parts of Africa which were already independent or were rapidly becoming so. Portugal, therefore, must respect the right of the Angolan people to self-determination and to the fulfilment of their rightful aspirations to self-determination in accordance with the provisions of resolution 1514 (XV) which applied fully to Angola. Its people had unequivocally pronounced their desire for self-determination and independence, and there was no reason to deny them the fulfilment of that desire.

145. One representative stated that it was imperative for Portugal to speed up the economic and social advancement of the people of Angola towards full self-determination. Furthermore, the General Assembly must propose a peaceful settlement avoiding further conflict. The two principles, self-determination and peaceful settlement, were interconnected and it was the General Assembly's responsibility to ensure that both were accomplished.

146. It was also observed that although self-determination reflected the concept of the Charter the draft resolution took an unrealistic view of the early prospect for Angola's independence.

147. It was further maintained that the open, armed conflict between Portugal and Angola had its sole cause in Portugal's denial of the right of self-determination to the Angolan people. The General Assembly in its resolution 1603 (XV) had taken note of the recent disturbances and conflicts in Angola resulting in loss of life of the inhabitants. As the Security Council had recognized, in its resolution 163 (1961), this colonial war constituted a source of international tension and an actual and potential cause of international friction, not only on the African continent but also in other parts of the world and was likely to endanger the maintenance of international peace and security. The General Assembly was dealing with a case to which provisions of Articles 24, 39, 41 and 42 of the Charter were applicable. The Security Council was thus competent to deal with the matter and the advisability of recourse to that organ seemed obvious. Must the United Nations wait for an international conflict over Angola to break out on the continent of Africa and then to spread to other parts of the world? There was not the slightest reason to hesitate about recourse to the Council which should condemn Portugal for the colonial war it was waging in Angola and should apply sanctions against it.¹⁶⁵

****E. The question of the relationship between the principle of equal rights and self-determination of peoples and "permanent sovereignty" of peoples "over their natural wealth and resources"**

¹⁶⁵ For text of relevant statements, see G A (XVI), Plen., 1088th mtg.: Brazil, paras. 76, 87 and 88; 1089th mtg.: Congo (Brazzaville), paras. 54 and 90; Poland, paras. 11 and 44; 1090th mtg.: Nigeria, paras. 5, 7 and 14; 1091st mtg.: Australia, paras. 78, 80, 81, 83, 90 and 92; Bulgaria, paras. 72—74; Ceylon, para. 121; United Arab Republic, paras. 14—17; 1092nd mtg.: Byelorussian SSR, para. 35; 1093rd mtg.: Afghanistan, para. 43; Syria, para. 25; USSR, paras. 91, 117 and 118; 1094th mtg.: Indonesia, para. 67; Mongolia, paras. 82—84, 95 and 98; 1095th mtg.: China, para. 91; Libya, para. 18; 1096th mtg.: India, para. 1; Norway, paras. 81—83; 1097th mtg.: Nepal, para. 70; United States, paras. 5—7, 9, 42 and 44; 1098th mtg.: Guinea, paras. 69 and 70; Hungary, para. 120; 1099th mtg.: United Kingdom, paras. 47 and 51; Yugoslavia, para. 9; 1100th mtg.: Cyprus, para. 105; 1101st mtg.: Congo (Leopoldville), para. 17; Philippines, paras. 85 and 93; 1102nd mtg.: Israel, para. 23; Madagascar, para. 68.

ANNEX

Resolutions bearing on paragraph 2 of Article 1

A. RESOLUTIONS OF THE GENERAL ASSEMBLY

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1352 (XIV)	The future of the Trust Territory of the Cameroons under United Kingdom administration: organization of the plebiscite in the southern part of the Territory	<p>“1. <i>Decides</i> that the arrangements for the plebiscite referred to in General Assembly resolution 1350 (XIII) shall begin on 30 September 1960, and that the plebiscite shall be concluded not later than March 1961;</p> <p>“2. <i>Recommends</i> that the two questions to be put at the plebiscite should be:</p> <p>““(a) Do you wish to achieve independence by joining the independent Federation of Nigeria?</p> <p>““(b) Do you wish to achieve independence by joining the independent Republic of the Cameroons?”,”.</p>
1413 (XIV)	Attainment of self-government or independence by Trust Territories	<p>“1. <i>Requests</i> the Administering Authorities concerned to propose, after consultation with the representatives of the inhabitants, for the consideration of the General Assembly at its fifteenth session, time-tables and targets for the attainment of independence by the Trust Territories of Tanganyika and Ruanda-Urundi in the near future;</p> <p>“2. <i>Invites</i> the Administering Authorities concerned to formulate, in respect of the remaining Trust Territories, early successive intermediate targets and dates in the fields of political, economic, social and educational development so as to create, as soon as possible, favourable conditions for the attainment of self-government or independence;”.</p>
1455 (XIV)	The Korean question	<p>“2. <i>Calls upon</i> the communist authorities concerned to accept these established United Nations objectives in order to achieve a settlement in Korea based on the fundamental principles for unification set forth by the nations participating on behalf of the United Nations in the Korean Political Conference held at Geneva in 1954, and reaffirmed by the General Assembly, and to agree at an early date on the holding of genuinely free elections in accordance with the principles endorsed by the Assembly.”.</p>
1469 (XIV)	Cessation of the transmission of information under Article 73 e of the Charter in respect of Alaska and Hawaii	<p>“2. <i>Expresses the opinion</i>, based on its examination of the documentation and the explanations provided, that the people of Alaska and Hawaii have effectively exercised their right to self-determination and have freely chosen their present status;</p> <p>“3. <i>Congratulates</i> the United States of America and the people of Alaska and Hawaii upon the attainment of a full measure of self-government by the people of Alaska and Hawaii;”.</p>
1473 (XIV)	The future of the Trust Territory of the Cameroons under United Kingdom administration: organization of a further plebiscite in the northern part of the Territory	<p>“2. <i>Recommends</i> that the Administering Authority, in pursuance of Article 76 b of the Charter of the United Nations and in consultation with the United Nations Plebiscite Commissioner, organize under United Nations supervision a further plebiscite in the Northern Cameroons, the arrangements for which shall begin on 30 September 1960, and that the plebiscite be concluded not later than March 1961;</p> <p>“3. <i>Decides</i> that the two questions to be put at this plebiscite should be:</p> <p>““(a) Do you wish to achieve independence by joining the independent Republic of the Cameroons?</p> <p>““(b) Do you wish to achieve independence by joining the independent Federation of Nigeria?”,”.</p>
1514 (XV)	Declaration on the granting of independence to colonial countries and peoples	<p>“Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, [second preambular paragraph].</p> <p>“...”.</p>

Resolution No.	Title	Extract of provisions
1514 (XV) <i>(continued)</i>		<p>“Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence, [tenth preambular paragraph].</p>
1541 (XV)	Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter	<p>“Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory, [eleventh preambular paragraph].</p> <p>“... “And to this end “Declares that: “... “2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. “3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence. “4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected. “5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom. “... “7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.”</p> <p style="text-align: center;">“ANNEX “PRINCIPLES WHICH SHOULD GUIDE MEMBERS IN DETERMINING WHETHER OR NOT AN OBLIGATION EXISTS TO TRANSMIT THE INFORMATION CALLED FOR IN ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS</p> <p>“... “Principle III “The obligation to transmit information under Article 73 e of the Charter constitutes an international obligation and should be carried out with due regard to the fulfilment of international law. “Principle IV “<i>Prima facie</i> there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it. “Principle V “Once it has been established that such a <i>prima facie</i> case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, <i>inter alia</i>, of an administrative, political, juridical, economic or historical nature. If they affect the relationship between the metropolitan State and the territory concerned in a manner which arbitrarily places the latter in a position or status of subordination, they support the presumption that there is an obligation to transmit information under Article 73 e of the Charter.</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1541 (XV) <i>(continued)</i>		<p style="text-align: center;">"Principle VI"</p> <p>"A Non-Self-Governing Territory can be said to have reached a full measure of self-government by:</p> <ul style="list-style-type: none"> "(a) Emergence as a sovereign independent State; "(b) Free association with an independent State; or "(c) Integration with an independent State."
		<p style="text-align: center;">"Principle VII"</p> <p>"(a) Free association should be the result of a free and voluntary choice by the peoples of the territory concerned expressed through informed and democratic processes. It should be one which respects the individuality and the cultural characteristics of the territory and its peoples, and retains for the peoples of the territory which is associated with an independent State the freedom to modify the status of that territory through the expression of their will by democratic means and through constitutional processes.</p>
		<p>(b) The associated territory should have the right to determine its internal constitution without outside interference, in accordance with due constitutional processes and the freely expressed wishes of the people. This does not preclude consultations as appropriate or necessary under the terms of the free association agreed upon.</p>
		<p style="text-align: center;">"Principle VIII"</p> <p>"Integration with an independent State should be on the basis of complete equality between the peoples of the erstwhile Non-Self-Governing Territory and those of the independent country with which it is integrated. The peoples of both territories should have equal status and rights of citizenship and equal guarantees of fundamental rights and freedoms without any distinction or discrimination; both should have equal rights and opportunities for representation and effective participation at all levels in the executive, legislative and judicial organs of government.</p>
		<p style="text-align: center;">"Principle IX"</p> <p>"Integration should have come about in the following circumstances:</p>
		<p>"(a) The integrating territory should have attained an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes;</p>
		<p>"(b) The integration should be the result of the freely expressed wishes of the territory's peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage. The United Nations could, when it deems it necessary, supervise these processes."</p>
		<p style="text-align: center;">"Recognizing that the desire for independence is the rightful aspiration of peoples under colonial subjugation and that the denial of their right to self-determination constitutes a threat to the well-being of humanity and to international peace, [third preambular paragraph].</p>
		<p style="text-align: center;">"Recognizing that the Territory of South West Africa has an inalienable right to independence and to the exercise of its full national sovereignty, [eighth preambular paragraph]</p>
		<p style="text-align: center;">"..."</p>
		<p style="text-align: center;">"5. Urges the Government of the Union of South Africa to facilitate the mission of the Committee on South West Africa;".</p>
		<p style="text-align: center;">"1. Recommends that the Administering Authority, in pursuance of Article 76 b of the Charter of the United Nations, take steps, in consultation with a United Nations Plebiscite Commissioner, to organize, under the supervision of the United Nations, a plebiscite in Western Samoa under New Zealand administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future;</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1569 (XV) <i>(continued)</i>		<p>“2. <i>Recommends further</i> that the plebiscite should take place in the month of May 1961 and that the questions to be asked should be:</p> <p>““1. Do you agree with the Constitution adopted by the Constitutional Convention on 28 October 1960?</p> <p>““2. Do you agree that on 1 January 1962 Western Samoa should become an independent State on the basis of that Constitution?”,”</p> <p>“3. <i>Recommends further</i> that the plebiscite should be conducted on the basis of universal suffrage with all adult citizens of Western Samoa being entitled to vote;”.</p>
1573 (XV)	Question of Algeria	<p>“<i>Recalling Article 1, paragraph 2, of the Charter, [fifth preambular paragraph]</i></p> <p>“...”</p> <p>“<i>Taking note</i> of the fact that the two parties concerned have accepted the right of self-determination as the basis for the solution of the Algerian problem, [ninth preambular paragraph].</p> <p>“<i>Recognizing</i> the passionate yearning for freedom of all dependent peoples and the decisive role of such peoples in the attainment of their independence, [tenth preambular paragraph]</p> <p>“<i>Convinced</i> that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory, [eleventh preambular paragraph]</p> <p>“1. <i>Recognizes</i> the right of the Algerian people to self-determination and independence;</p> <p>“2. <i>Recognizes</i> the imperative need for adequate and effective guarantees to ensure the successful and just implementation of the right of self-determination on the basis of respect for the unity and territorial integrity of Algeria;</p> <p>“3. <i>Recognizes further</i> that the United Nations has a responsibility to contribute towards the successful and just implementation of this right.”</p>
1579 (XV)	Question of the future of Ruanda-Urundi	<p>“1. <i>Considers</i> that the necessary conditions and atmosphere must be brought about expeditiously to ensure that the legislative elections, which will lead to the establishment of national democratic institutions and furnish the basis for the national independence of Ruanda-Urundi in accordance with the principles and purposes of the Charter of the United Nations, take place in an atmosphere of peace and harmony;”.</p>
1596 (XV)	Question of South West Africa	<p>“<i>Bearing in mind</i> the provisions of the General Assembly’s Declaration on the granting of independence to colonial countries and peoples, [a] which declares that immediate steps shall be taken to transfer all powers to such peoples, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom, [first preambular paragraph];</p> <p>“...”</p> <p>“4. <i>Considers</i> that the full and effective discharge of the tasks assigned to the Committee on South West Africa in paragraph 4 of General Assembly resolution 1568 (XV) is essential to the protection of the lives and property of the inhabitants of South West Africa, to the amelioration of the prevailing conditions in South West Africa, the continuance of which is likely to endanger international peace and security, and to the exercise of the right of self-determination by the people of South West Africa in complete freedom and of their right of accession to national sovereignty and independence with the least delay.”</p>

^a See Resolution 1514 (XV).

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1603 (XV)	The situation in Angola	<p><i>"Viewing with concern the growing restiveness of dependent peoples throughout the world for self-determination and independence, [second preambular paragraph]</i></p> <p style="text-align: center;">"..."</p> <p><i>"Recalling its resolution 1514 (XV) of 14 December 1960, by which the General Assembly declared without dissent that 'the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation' and asked for immediate steps to be taken 'to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom,' [fourth preambular paragraph]</i></p> <p style="text-align: center;">"..."</p> <p><i>"1. Calls upon the Government of Portugal to consider urgently the introduction of measures and reforms in Angola for the purpose of the implementation of General Assembly resolution 1514 (XV), with due respect for human rights and fundamental freedoms and in accordance with the Charter of the United Nations,".</i></p>
1605 (XV)	Question of the future of Ruanda-Urundi	<p><i>"2. Calls upon the Government of Belgium as the Administering Authority to ensure that the provisions of resolution 1579 (XV) are fully implemented by its representatives in Ruanda-Urundi before the legislative elections;</i></p> <p style="text-align: center;">"..."</p> <p><i>"15. Reiterates its conviction that the best future for Ruanda-Urundi lies in the accession of that Territory to independence as a single, united and composite State,".</i></p>
1608 (XV)	The future of the Trust Territory of the Cameroons under United Kingdom administration	<p><i>"Recalling its resolution 1350 (XIII) of 13 March 1959 concerning the future of the Trust Territory of the Cameroons under United Kingdom administration in which the General Assembly recommended, <i>inter alia</i>, that the Administering Authority take steps, in consultation with the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom Administration, to organize, under the supervision of the United Nations, separate plebiscites in the northern and southern parts of the Cameroons under United Kingdom administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future, and that the plebiscite in the Northern Cameroons be held about the middle of November 1959 on the basis of the two questions set out in paragraph 2 of the said resolution, [first preambular paragraph]</i></p> <p style="text-align: center;">"..."</p> <p><i>2. Endorses the results of the plebiscites that:</i></p> <p><i>"(a) The people of the Northern Cameroons have, by a substantial majority, decided to achieve independence by joining the independent Federation of Nigeria;</i></p> <p><i>"(b) The people of the Southern Cameroons have similarly decided to achieve independence by joining the independent Republic of Cameroun;</i></p> <p><i>"3. Considers that, the people of the two parts of the Trust Territory having freely and secretly expressed their wishes with regard to their respective futures in accordance with General Assembly resolutions 1352 (XIV) and 1473 (XIV), the decisions made by them through democratic process under the supervision of the United Nations should be immediately implemented;".</i></p>
1609 (XV)	The future of Tanganyika	<p><i>"1. Notes that the Governments of the United Kingdom of Great Britain and Northern Ireland and of Tanganyika have agreed that Tanganyika should become independent on 28 December 1961;".</i></p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1626 (XVI)	The future of Western Samoa	<p>“2. <i>Endorses</i> the results of the plebiscite, namely that:</p> <p>“(a) The people of Western Samoa have, by an overwhelming majority, expressed their agreement with the Constitution for an independent State of Western Samoa adopted by the Constitutional Convention on 28 October 1960;</p> <p>“(b) The people of Western Samoa have agreed by an overwhelming majority that on 1 January 1962 Western Samoa should become an independent State on the basis of that Constitution.”.</p>
1642 (XVI)	The future of Tanganyika	<p>“<i>Recalling</i> its resolution 1609 (XV) of 21 April 1961 concerning the future of the Trust Territory of Tanganyika, [first preambular paragraph]</p> <p>“<i>Noting</i> that the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Tanganyika have since then agreed that Tanganyika should become independent on 9 December 1961,” [second preambular paragraph]</p>
1654 (XVI)	The situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples	<p>“<i>Recalling</i> the Declaration on the granting of independence to colonial countries and peoples contained in its resolution 1514 (XV) of 14 December 1960, [first preambular paragraph]</p> <p>“<i>Bearing in mind</i> the purposes and principles of that Declaration, [second preambular paragraph]</p> <p>“<i>Recalling in particular</i> paragraph 5 [b] of the Declaration providing that: [third preambular paragraph]</p> <p>“...</p> <p>“<i>Noting with regret</i> that, with a few exceptions, the provisions contained in the aforementioned paragraph of the Declaration have not been carried out, [fourth preambular paragraph]</p> <p>“<i>Noting</i> that, contrary to the provisions of paragraph 4 of the Declaration, armed action and repressive measures continue to be taken in certain areas with increasing ruthlessness against dependent peoples, depriving them of their prerogative to exercise peacefully and freely their right to complete independence, [fifth preambular paragraph]</p> <p>“...</p> <p>“1. <i>Solemnly reiterates and reaffirms</i> the objectives and principles enshrined in the Declaration on the granting of independence to colonial countries and peoples contained in its resolution 1514 (XV) of 14 December 1960;</p> <p>“2. <i>Calls upon</i> States concerned to take action without further delay with a view to the faithful application and implementation of the Declaration;</p> <p>“3. <i>Decides</i> to establish a Special Committee of seventeen members to be nominated by the President of the General Assembly at the present session;</p> <p>“4. <i>Requests</i> the Special Committee to examine the application of the Declaration, to make suggestions and recommendations on the progress and extent of the implementation of the Declaration, and to report to the General Assembly at its seventeenth session.”</p>
1699 (XVI)	Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV)	<p>“<i>Recalling further</i> the principles set forth in its resolution 1514 (XV) of 14 December 1960 entitled ‘Declaration on the granting of independence to colonial countries and peoples’, [third preambular paragraph]</p> <p>“<i>Considering</i> that the provisions of the said Declaration and any decision of the General Assembly concerning its implementation are fully applicable to the Territories under Portuguese administration equally with other Non-Self-Governing Territories,” [fourth preambular paragraph]</p>

^b See resolution 1514 (XV) above.

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1702 (XVI)	Question of South West Africa	<p><i>"Recalling</i> its resolution 1514 (XV) of 14 December 1960 entitled 'Declaration on the granting of independence to colonial countries and peoples',... [first preambular paragraph]</p>
		<p>"..."</p>
		<p><i>"Bearing in mind</i> the findings, conclusions and recommendations of the special report of the Committee on South West Africa on the measures to be taken to ensure the institution of the rule of law and such democratic processes, reforms and programmes of assistance as will enable the Mandated Territory of South West Africa to assume the full responsibilities of sovereignty and independence within the shortest possible time, [fourth preambular paragraph]</p>
		<p>"..."</p>
		<p><i>"Convinced</i> that the implementation of resolution 1514 (XV) and the discharge of the responsibility of the United Nations under the Charter towards the international community and the people of South West Africa require the taking of immediate steps by the United Nations, [ninth preambular paragraph]</p>
		<p><i>"1. Solemnly proclaims</i> the inalienable right of the people of South West Africa to independence and national sovereignty;".</p>
1723 (XVI)	Question of Tibet	<p><i>"Considering</i> that these events violate fundamental human rights and freedoms set out in the Charter of the United Nations and the Universal Declaration of Human Rights, including the principle of self-determination of peoples and nations, and have the deplorable effect of increasing international tension and embittering relations between peoples, [fourth preambular paragraph]</p>
		<p>"..."</p>
		<p><i>"2. Solemnly renews</i> its call for the cessation of practices which deprive the Tibetan people of their fundamental human rights and freedoms, including their right to self-determination;".</p>
1724 (XVI)	Question of Algeria	<p><i>"Recalling</i> its resolution 1514 (XV) of 14 December 1960 in which it proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations, [second preambular paragraph]</p>
		<p><i>"Recalling further</i> its resolution 1573 (XV) of 19 December 1960 by which it recognized the right of the Algerian people to self-determination and independence, the imperative need for adequate and effective guarantees to ensure the successful and just implementation of the right to self-determination on the basis of respect for the unity and territorial integrity of Algeria, and the fact that the United Nations has a responsibility to contribute towards the successful and just implementation of that right, [third preambular paragraph]</p>
		<p>"..."</p>
		<p><i>"Taking note</i> of the fact that the two parties concerned have affirmed their willingness to seek a negotiated and peaceful solution on the basis of the right of the Algerian people to self-determination and independence, [fifth preambular paragraph]</p>
		<p><i>"Regretting</i> the suspension of the negotiations entered into by the Government of France and the Provisional Government of the Algerian Republic, [sixth preambular paragraph]</p>
		<p><i>"Calls upon</i> the two parties to resume negotiations with a view to implementing the right of the Algerian people to self-determination and independence respecting the unity and territorial integrity of Algeria."</p>
1740 (XVI)	The Korean question	<p><i>"1. Reaffirms</i> that the objectives of the United Nations in Korea are to bring about, by peaceful means, the establishment of a unified, independent and democratic Korea under a representative form of government, and the full restoration of international peace and security in the area;".</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1742 (XVI)	The situation in Angola	<p><i>"Noting with deep regret</i> Portugal's refusal to recognize Angola as a Non-Self-Governing Territory and its failure to take measures to implement General Assembly resolution 1514 (XV) of 14 December 1960 entitled 'Declaration on the granting of independence to colonial countries and peoples', [fifth preambular paragraph]</p> <p><i>"Convinced</i> that the continued refusal of Portugal to recognize the legitimate aspirations of the Angolan people to self-determination and independence constitutes a permanent source of international friction and threatens international peace and security." [sixth preambular paragraph]</p>
1746 (XVI)	The future of Ruanda-Urundi	<p><i>"Recalling</i> the Declaration on the granting of independence to colonial countries and peoples embodied in resolution 1514 (XV) of 14 December 1960, [eighth preambular paragraph]</p> <p><i>"2. Decides</i>, in agreement with the Administering Authority, to terminate the Trusteeship Agreement of 13 December 1946 in respect of Ruanda-Urundi on 1 July 1962, on which date Rwanda and Burundi shall emerge as two independent and sovereign States;".</p>
1747 (XVI)	The question of Southern Rhodesia	<p><i>"Recalling</i> its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the granting of independence to colonial countries and peoples, [first preambular paragraph]</p> <p><i>"...</i></p> <p><i>"Deploring</i> the denial of equal political rights and liberties to the vast majority of the people of Southern Rhodesia, [fourth preambular paragraph]</p> <p><i>"...</i></p> <p><i>"2. Requests</i> the Administering Authority:</p> <p><i>"(a) To undertake urgently the convening of a constitutional conference, in which there shall be full participation of representatives of all political parties, for the purpose of formulating a constitution for Southern Rhodesia, in place of the Constitution of 6 December 1961, which would ensure the rights of the majority of the people, on the basis of 'one man, one vote', in conformity with the principles of the Charter of the United Nations and the Declaration on the granting of independence to colonial countries and peoples, embodied in General Assembly resolution 1514 (XV);</i></p> <p><i>"(b) To take immediate steps to restore all rights of the non-European population and remove all restraints and restrictions in law and in practice on the exercise of the freedom of political activity including all laws, ordinances and regulations which directly or indirectly sanction any policy or practice based on racial discrimination;</i></p> <p><i>"...</i></p> <p><i>"3. Requests</i> the Special Committee to continue its constructive efforts towards the earliest implementation of resolution 1514 (XV) with regard to Southern Rhodesia in order to ensure its emergence as an independent African State."</p>
1760 (XVII)	Question of Southern Rhodesia	<p><i>"Recalling</i> its resolution 1514 (XV) of 14 December 1960, the provisions of which are fully applicable to the Territory of Southern Rhodesia, [first preambular paragraph]</p> <p><i>"Confirming</i> the inalienable rights of the people of Southern Rhodesia to self-determination and to form an independent African State, [third preambular paragraph]</p> <p><i>"3. Requests</i> the Government of the United Kingdom of Great Britain and Northern Ireland to take the necessary measures to secure:</p> <p><i>"...</i></p> <p><i>"(d) The immediate extension to the whole population, without discrimination, of the full and unconditional exercise of their basic political rights, in particular the right to vote, and the establishment of equality among all inhabitants of the Territory;".</i></p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1803 (XVII)	Permanent sovereignty over natural resources	<p>“<i>Bearing in mind</i> its resolution 1314 (XIII) of 12 December 1958, by which it established the Commission on Permanent Sovereignty over Natural Resources and instructed it to conduct a full survey of the status of permanent sovereignty over natural wealth and resources as a basic constituent of the right to self-determination, with recommendations, where necessary, for its strengthening, and decided further that, in the conduct of the full survey of the status of the permanent sovereignty of peoples and nations over their natural wealth and resources, due regard should be paid to the rights and duties of States under international law and to the importance of encouraging international co-operation in the economic development of developing countries; [second preambular paragraph]</p> <p>“...”</p> <p>“<i>Considering</i> that it is desirable to promote international co-operation for the economic development of developing countries, and that economic and financial agreements between the developed and the developing countries must be based on the principles of equality and of the right of peoples and nations to self-determination,” [seventh preambular paragraph].</p>
1805 (XVII)	Question of South West Africa	<p>“<i>Recalling</i> its resolution 1514 (XV) of 14 December 1960 entitled ‘Declaration on the granting of independence to colonial countries and peoples’, [first preambular paragraph]</p> <p>“1. <i>Reaffirms</i> its solemn proclamation of the inalienable right of the people of South West Africa to independence and national sovereignty;”.</p>
1807 (XVII)	Territories under Portuguese administration	<p>“<i>Recalling</i> the Declaration on the granting of independence to colonial countries and peoples, set out in its resolution 1514 (XV) of 14 December 1960, [first preambular paragraph]</p> <p>“...”</p> <p>“<i>Greatly deplores</i> the continued disregard by the Portuguese Government of the legitimate aspirations for immediate self-determination and independence expressed by the peoples of the Territories under its administration, [fifth preambular paragraph]</p> <p>“...”</p> <p>“3. <i>Reaffirms</i> the inalienable right of the peoples of the Territories under Portuguese administration to self-determination and independence and upholds without any reservations the claims of those peoples for their immediate accession to independence.</p> <p>“4. <i>Urges</i> the Portuguese Government to give effect to the recommendations contained in the report of the Special Committee on Territories under Portuguese Administration, in particular those set out in paragraphs 442 to 445 of that report, by taking the following measures:</p> <p>“(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence;</p> <p>“...”</p> <p>“(d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with resolution 1514 (XV);</p> <p>“(e) The granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples;”.</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1810 (XVII)	The situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples	<p><i>"Recalling</i> its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the granting of independence to colonial countries and peoples, and its resolution 1654 (XVI) of 27 November 1961 by which it established a Special Committee of seventeen members on the implementation of the Declaration, [first preambular paragraph]</p> <p>"..."</p> <p><i>"3. Solemnly reiterates and reaffirms</i> the objectives and principles enshrined both in the Declaration contained in resolution 1514 (XV) and in resolution 1654 (XVI);</p> <p>"..."</p> <p><i>"5. Calls upon</i> the administering Powers concerned to cease forthwith all armed action and repressive measures directed against peoples who have not yet attained independence, particularly against the political activities of their rightful leaders;</p> <p><i>"6. Urges</i> all administering Powers to take immediate steps in order that all colonial territories and peoples may accede to independence without delay in accordance with the provisions of paragraph 5 of the Declaration;</p> <p><i>"7. Decides</i> to enlarge the membership of the Special Committee established by resolution 1654 (XVI) by the addition of seven new members...;</p> <p><i>"8. Invites</i> the enlarged Special Committee:</p> <ul style="list-style-type: none"> <i>"(a) To continue to seek the most suitable ways and means for the speedy and total application of the Declaration to all territories which have not yet attained independence;</i> <i>"(b) To propose specific measures for the complete application of the Declaration;</i> <p>"..."</p> <p><i>"(d) To apprise the Security Council of any developments in these territories which may threaten international peace and security;".</i></p>
1811 (XVII)	Question of Zanzibar	<p><i>"Guided</i> by the provisions of the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960 and by resolution 1654 (XVI) of 27 November 1961, [fourth preambular paragraph]</p> <p>"..."</p> <p><i>"2. Takes note further</i> of the declared policy of the administering Power with respect to the independence of Zanzibar;</p> <p><i>"3. Requests</i> the administering Power to take immediate steps for the implementation in Zanzibar of the provisions of the Declaration on the granting of independence to colonial countries and peoples, and requests all concerned to make arrangements for the holding of elections on the basis of universal adult suffrage;</p> <p><i>"4. Appeals</i> to all the people of Zanzibar to achieve national unity, having in view the independence of Zanzibar at the earliest date;".</p>
1812 (XVII)	Question of Kenya	<p><i>"Bearing in mind</i> the principles embodied in its resolution 1514 (XV) of 14 December 1960, [second preambular paragraph]</p> <p>"..."</p> <p><i>"Bearing in mind</i> the declared policy of the United Kingdom Government to lead the people of Kenya to full independence, [fourth preambular paragraph]</p> <p>"..."</p> <p><i>"1. Affirms</i> the validity, with respect to Kenya, of the provisions of the Declaration on the granting of independence to colonial countries and peoples contained in resolution 1514 (XV);</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1812 (XVII) <i>(continued)</i>		<p>“2. <i>Affirms further</i> the inalienable right of the people of Kenya to freedom and independence, and urges the administering Power to make every effort to organize national elections without further delay on the basis of universal adult suffrage;</p>
		<p>“3. <i>Requests</i> the administering Power and all concerned to make every effort, including the promotion of harmony and unity among the people of Kenya, to bring the territory to independence at the earliest date in accordance with the Declaration on the granting of independence to colonial countries and peoples;</p>
		<p>“4. <i>Expresses the hope</i> that Kenya will become an independent and sovereign State and join the community of nations in the shortest possible time.”</p>
1815 (XVII)	Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations	<p>“1. <i>Recognizes</i> the paramount importance, in the progressive development of international law and in the promotion of the rule of law among nations, of the principles of international law concerning friendly relations and co-operation among States and the duties deriving therefrom, embodied in the Charter of the United Nations which is the fundamental statement of those principles, notably:</p>
		<p>“...</p>
	Question of Basutoland, Bechuanaland and Swaziland	<p>“(e) The principle of equal rights and self-determination of peoples;”.</p> <p>“Recalling its resolution 1514 (XV) of 14 December 1960 embodying the Declaration on the granting of independence to colonial countries and peoples, and its resolution 1654 (XVI) of 27 November 1961 by which it established a Special Committee to examine the implementation of the Declaration, [first preambular paragraph]</p>
		<p>“...</p>
		<p>“Noting that the Government of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, has not yet implemented the Declaration in these Territories and has not taken steps to transfer all powers to the peoples of Basutoland, Bechuanaland and Swaziland, [fourth preambular paragraph]</p>
		<p>“...</p>
		<p>“1. <i>Reaffirms</i> the inalienable right of the peoples of Basutoland, Bechuanaland and Swaziland to self-determination and independence;</p>
		<p>“2. <i>Invites</i> the administering Power immediately to suspend the present constitutional provisions and to proceed without further delay to hold elections in the three Territories on the basis of direct universal adult suffrage;</p>
		<p>“3. <i>Invites further</i> the Government of the United Kingdom of Great Britain and Northern Ireland to abrogate the present constitutional provisions and to convene immediately a constitutional conference with the participation of the democratically elected political leaders of the three Territories, with a view to setting, in accordance with their wishes, the date on which each of the Territories will attain its independence;”.</p>
1818 (XVII)	Question of Nyasaland	<p>“Recalling its resolution 1514 (XV) of 14 December 1960 embodying the Declaration on the granting of independence to colonial countries and peoples, and its resolution 1654 (XVI) of 27 November 1961 by which it established a Special Committee to examine the implementation of the Declaration, [first preambular paragraph]</p>
		<p>“...</p>
		<p>“2. <i>Notes with satisfaction</i> that, at the constitutional talks held in London in November 1962, agreement was reached on a new constitution for Nyasaland;</p>
		<p>“3. <i>Expresses the hope</i> that this agreement will lead to the achievement of independence by Nyasaland without delay in conformity with the wishes of its people.”</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1819 (XVII)	The situation in Angola	<p>“<i>Bearing in mind</i> the principles embodied in resolution 1514 (XV), [eighth preambular paragraph]</p> <p>“...”</p> <p>“2. <i>Solemnly reaffirms</i> the inalienable right of the people of Angola to self-determination and independence, and supports their demand for immediate independence;</p> <p>“...”</p> <p>“5. <i>Urges</i> the Government of Portugal, without any further delay:</p> <p>“...”</p> <p>“(c) To undertake extensive political, economic and social measures that would ensure the creation of freely elected and representative political institutions and transfer of power to the people of Angola in accordance with the Declaration on the granting of independence to colonial countries and peoples;”.</p>
1855 (XVII)	The Korean question	<p>“1. <i>Reaffirms</i> that the objectives of the United Nations in Korea are to bring about, by peaceful means, the establishment of a unified, independent and democratic Korea under a representative form of government, and the full restoration of international peace and security in the area.”</p>
1889 (XVIII)	Question of Southern Rhodesia	<p>“<i>Recalling</i> its resolutions 1514 (XV) of 14 December 1960, 1747 (XVI) of 28 June 1962 and 1760 (XVII) of 31 October 1962..., [second preambular paragraph]</p> <p>“...”</p> <p>“2. <i>Reaffirms</i> the inalienable right of the people of Southern Rhodesia to self-determination and independence;</p> <p>“...”</p> <p>“6. <i>Once more invites</i> the Government of the United Kingdom to hold without delay a constitutional conference in which representatives of all political parties of the Territory will take part with a view to making constitutional arrangements for independence, on the basis of universal adult suffrage, including the fixing of the earliest possible date for independence;</p> <p>“7. <i>Urges</i> all Member States, in particular those having the closest relations with the Government of the United Kingdom, to use their influence to the utmost with a view to ensuring the realization of the legitimate aspirations of the people of Southern Rhodesia;”.</p>
1899 (XVIII)	Question of South West Africa	<p>“<i>Bearing in mind</i> the principles of the Declaration on the granting of independence to colonial countries and peoples, set forth in General Assembly resolution 1514 (XV) of 14 December 1960, [fourth preambular paragraph]</p> <p>“...”</p> <p>“2. <i>Solemnly reaffirms</i> the inalienable right of the people of South West Africa to self-determination and independence;”.</p>
1913 (XVIII)	Territories under Portuguese administration	<p>“<i>Recalling</i> the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960, [fourth preambular paragraph]</p> <p>“...”</p> <p>“<i>Recalling in particular</i> that the Security Council, by its resolution of 31 July 1963, urgently called upon Portugal to implement the following:</p> <p>“(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence,</p> <p>“(b) The immediate cessation of all acts of repression and the withdrawal of all military and other forces at present employed for that purpose,</p> <p>“(c) The promulgation of an unconditional political amnesty and the establishment of conditions that will allow the free functioning of political parties,</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1913 (XVIII) <i>(continued)</i>		<p>“(d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with resolution 1514 (XV),</p> <p>“(e) The granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples, [sixth preambular paragraph]</p> <p>“...</p> <p>“1. <i>Requests</i> the Security Council to consider immediately the question of Territories under Portuguese administration and to adopt necessary measures to give effect to its own decisions, particularly those contained in the resolution of 31 July 1963;”.</p>
1949 (XVIII)	Question of Aden	<p>“Recalling its resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962, [second preambular paragraph]</p> <p>“...</p> <p>“4. <i>Reaffirms</i> the right of the people of the Territory to self-determination and freedom from colonial rule in accordance with the Declaration on the granting of independence to colonial countries and peoples;</p> <p>“...</p> <p>“6. <i>Recommends</i> that the people of Aden and the Aden Protectorate should be allowed to exercise their right to self-determination with regard to their future, the exercise of that right to take the form of a consultation of the whole population, to be held as soon as possible on the basis of universal adult suffrage;</p> <p>“...</p> <p>“8. <i>Further calls upon</i> the administering Power to make the necessary constitutional changes with a view to establishing a representative organ and setting up a provisional government for the whole of the Territory in accordance with the wishes of the population, such legislative organ and government to be constituted following general elections to be held on the basis of universal adult suffrage and with full respect for fundamental human rights and freedoms;</p> <p>“...</p> <p>“10. <i>Recommends</i> that these elections should be held before the attainment of independence, which will be granted in accordance with the freely expressed wishes of the inhabitants;</p> <p>“11. <i>Recommends</i> that conversations should be opened without delay between the government resulting from the elections mentioned above and the administering Power, for the purpose of fixing the date for the granting of independence and the arrangements for the transfer of power;”.</p>
1950 (XVIII)	Question of Malta	<p>“Recalling its resolution 1514 (XV) of 14 December 1960, [first preambular paragraph]</p> <p>“...</p> <p>“1. <i>Notes with satisfaction</i> that Malta will attain independence not later than 31 May 1964;</p> <p>“2. <i>Expresses the hope</i> that no new obstacle will hinder Malta’s accession to independence and that the Territory will become an independent State not later than the date referred to in paragraph 1 above;</p> <p>“3. <i>Invites</i> the administering Power to take the necessary measures for the transfer of powers, not later than 31 May 1964, to the people of Malta, in accordance with their will and desire;”.</p>
1951 (XVIII)	Question of Fiji	<p>“Recalling its resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962, and in particular paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples, contained in resolution 1514 (XV), which provides that:</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
1951 (XVIII) <i>(continued)</i>		<p>“Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom,’ [first preambular paragraph]</p> <p>“...</p> <p>“Noting with regret that the administering Power has still taken no effective steps to transfer all powers to the people of Fiji in conformity with paragraph 5 of resolution 1514 (XV), [fourth preambular paragraph]</p> <p>“...</p> <p>“1. Affirms the inalienable right of the people of Fiji to self-determination and national independence in conformity with the provisions of General Assembly resolution 1514 (XV);</p> <p>“2. Invites the administering Power:</p> <p>“(a) To work out, together with the representatives of the people of Fiji, a new constitution providing for free elections conducted on the principle of ‘one man, one vote’ and the creation of representative institutions;</p> <p>“(b) To take immediate steps for the transfer of all power to the people of the Territory, in accordance with their freely expressed will and desire and without any conditions or reservations;”.</p>
1952 (XVIII)	Question of Northern Rhodesia	<p>“Recalling its resolution 1514 (XV) of 14 December 1960, [first preambular paragraph]</p> <p>“...</p> <p>“1. Reaffirms the inalienable right of the people of Northern Rhodesia to self-determination and independence;</p> <p>“2. Notes with satisfaction that elections for the new Legislative Council will be held in January 1964;</p> <p>“3. Expresses the hope that Northern Rhodesia will achieve its independence in the nearest possible future, and requests the administering Power, in consultation with the newly elected Government of Northern Rhodesia, to fix a date for the independence of the Territory;</p> <p>“4. Expresses the hope that no new obstacle will hinder Northern Rhodesia’s accession to independence and that the Territory will become an independent State not later than the date referred to in paragraph 3 above.”</p>
1953 (XVIII)	Question of Nyasaland	<p>“Recalling its resolution 1514 (XV) of 14 December 1960, [first preambular paragraph]</p> <p>“...</p> <p>“1. Notes with satisfaction that Nyasaland will attain independence not later than 6 July 1964;</p> <p>“2. Expresses the hope that no new obstacle will hinder Nyasaland’s accession to independence and that the Territory will become an independent State not later than the date referred to in paragraph 1 above;</p> <p>“3. Invites the administering Power to take the necessary measures for the transfer of Powers, not later than 6 July 1964, to the people of Nyasaland, in accordance with their will and desire;”.</p>
1954 (XVIII)	Question of Basutoland, Bechuanaland and Swaziland	<p>“Recalling its resolution 1817 (XVII) of 18 December 1962 regarding the Territories of Basutoland, Bechuanaland and Swaziland, which was adopted in accordance with the terms of its resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962, [first preambular paragraph]</p> <p>“...</p>

Resolution No.	Title	Extract of provisions
1954 (XVIII) (continued)		<p>“1. <i>Reaffirms</i> the inalienable right of the peoples of Basutoland, Bechuanaland and Swaziland to self-determination and independence;</p> <p>“...</p>
		<p>“3. <i>Once more requests</i> the administering Power to convene immediately a constitutional conference for each of the three Territories, in which all groups representing all opinions will participate with a view to devising democratic constitutional arrangements which will lead to general elections based on universal suffrage and, thereafter, to immediate independence;”.</p>
1955 (XVIII)	Question of British Guiana	<p>“<i>Recalling</i> its resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962, [first preambular paragraph]</p> <p>“...</p>
		<p>“<i>Bearing in mind</i> that the leaders of British Guiana who have appeared before the Special Committee have expressed the desire of the people of British Guiana for independence without delay, [fourth preambular paragraph]</p>
		<p>“<i>Noting</i> paragraph 65 of the report of the Sub-Committee on British Guiana, which was approved by the Special Committee and which invited the Government of the United Kingdom to do its utmost so that British Guiana might achieve independence as soon as possible without any conditions or reservations, in accordance with paragraph 5 of resolution 1514 (XV), [fifth preambular paragraph]</p> <p>“...</p>
		<p>“1. <i>Reaffirms</i> the inalienable right of the people of British Guiana to independence;</p>
		<p>“2. <i>Calls upon</i> the Government of the United Kingdom of Great Britain and Northern Ireland to fix without delay the date for the independence of British Guiana in accordance with the wishes of the people of the Territory.”</p>
1956 (XVIII)	The situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples	<p>“<i>Recalling</i> the Declaration on the granting of independence to colonial countries and peoples contained in its resolution 1514 (XV) of 14 December 1960, and resolutions 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962 by which the General Assembly established the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, [first preambular paragraph]</p> <p>“...</p>
		<p>“1. <i>Reaffirms</i> its resolutions 1514 (XV), 1654 (XVI) and 1810 (XVII);</p> <p>“...</p>
		<p>“4. <i>Requests</i> the Special Committee to continue to seek the best ways and means for the immediate and total application of the Declaration to all territories which have not yet attained independence, and to report to the General Assembly not later than at its nineteenth session;”.</p>
1964 (XVIII)	The Korean question	<p>“1. <i>Reaffirms</i> that the objectives of the United Nations in Korea are to bring about, by peaceful means, the establishment of a unified, independent and democratic Korea under a representative form of government, and the full restoration of international peace and security in the area;”.</p>
1966 (XVIII)	Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations	<p>“5. <i>Decides</i> to place an item entitled ‘Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations’ on the provisional agenda of its nineteenth session in order to consider the report of the Special Committee and to study, in accordance with operative paragraphs 2 and 3 (d) of resolution 1815 (XVII), the following principles:</p> <p>“...</p>
		<p>“(b) The principle of equal rights and self-determination of peoples;”.</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
2012 (XX)	Question of Southern Rhodesia	<p>“2. <i>Declares</i> that the perpetuation of such minority rule would be incompatible with the principle of equal rights and self-determination of peoples proclaimed in the Charter of the United Nations and in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960;</p> <p>“3. <i>Requests</i> the United Kingdom of Great Britain and Northern Ireland and all Member States not to accept a declaration of independence for Southern Rhodesia by the present authorities, which would be in the sole interest of the minority, and not to recognize any authorities purporting to emerge therefrom;”.</p>
2022 (XX)	Question of Southern Rhodesia	<p>“Recalling its resolutions 1514 (XV) of 14 December 1960, 1747 (XVI) of 28 June 1962, 1760 (XVII) of 31 October 1962, 1883 (XVIII) of 14 October 1963, 1889 (XVIII) of 6 November 1963, 1956 (XVIII) of 11 December 1963 and 2012 (XX) of 12 October 1965, ... [second preambular paragraph]</p> <p>“...</p> <p>“Noting with grave concern the manifest intention of the present authorities in Southern Rhodesia to proclaim independence unilaterally, which would continue the denial to the African majority of their fundamental rights to freedom and independence, [fifth preambular paragraph]</p> <p>“...</p> <p>“2. <i>Reaffirms</i> the right of the people of Southern Rhodesia to freedom and independence and recognizes the legitimacy of their struggle for the enjoyment of their rights as set forth in the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV);</p> <p>“3. <i>Solemnly warns</i> the present authorities in Southern Rhodesia and the United Kingdom of Great Britain and Northern Ireland, in its capacity as administering Power, that the United Nations will oppose any declaration of independence which is not based on universal adult suffrage;</p> <p>“...</p> <p>“7. <i>Requests</i> that the administering Power effect immediately:</p> <p>“...</p> <p>“(c) The removal of all restrictions on African political activity and the establishment of full democratic freedom and equality of political rights;</p> <p>“8. <i>Requests once more</i> the Government of the United Kingdom to suspend the Constitution of 1961 and to call immediately a constitutional conference in which representatives of all political parties will take part, with a view to making new constitutional arrangements on the basis of universal adult suffrage and to fixing the earliest possible date for independence;</p> <p>“9. <i>Appeals</i> to all States to use all their powers against a unilateral declaration of independence and, in any case, not to recognize any government in Southern Rhodesia which is not representative of the majority of the people;</p> <p>“10. <i>Requests</i> all States to render moral and material help to the people of Zimbabwe in their struggle for freedom and independence;</p> <p>“11. <i>Calls upon</i> the Government of the United Kingdom to employ all necessary measures, including military force, to implement paragraphs 7 and 8 above;”.</p>
2023 (XX)	Question of Aden	<p>“Recalling its resolutions 1514 (XV) of 14 December 1960 and 1949 (XVIII) of 11 December 1963, ... [second preambular paragraph]</p> <p>“...</p>

Resolution No.	Title	Extract of provisions
2023 (XX) (continued)		<p>“4. <i>Further deplores</i> the attempts of the administering Power to set up an unrepresentative régime in the Territory, with a view to granting it independence contrary to General Assembly resolutions 1514 (XV) and 1949 (XVIII), and appeals to all States not to recognize any independence which is not based on the wishes of the people of the Territory freely expressed through elections held under universal adult suffrage;</p>
2063 (XX)	Question of Basutoland, Bechuanaland and Swaziland	<p>“5. <i>Reaffirms</i> the inalienable right of the people of the Territory to self-determination and to freedom from colonial rule and recognizes the legitimacy of their efforts to achieve the rights laid down in the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples;</p>
		<p>“... “10. <i>Appeals</i> to all Member States to render all possible assistance to the people of the Territory in their efforts to attain freedom and independence;”.</p>
2064 (XX)		<p>“Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [third preambular paragraph]</p>
		<p>“... “Noting the resolutions adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its first regular session in July 1964, and the Declaration adopted by the Second Conference of Heads of State or Government of Non-Aligned Countries in October 1964 [^] to the effect that the United Nations should guarantee the territorial integrity of Basutoland, Bechuanaland and Swaziland and should take measures for their speedy accession to independence and for the subsequent safeguarding of their sovereignty, [fifth preambular paragraph]</p>
		<p>“... “2. <i>Reaffirms</i> the inalienable right of the peoples of Basutoland, Bechuanaland and Swaziland to freedom and independence;</p>
		<p>“3. <i>Once again invites</i> the administering Power to take urgent steps to implement fully General Assembly resolutions 1514 (XV), 1817 (XVII) and 1954 (XVIII) in conformity with the freely expressed wishes of the peoples of the three Territories;”.</p>
2065 (XX)	Question of the Cook Islands	<p>“6. <i>Reaffirms</i> the responsibility of the United Nations, under General Assembly resolution 1514 (XV), to assist the people of the Cook Islands in the eventual achievement of full independence, if they so wish, at a future date;”.</p>
	Question of the Falkland Islands (Malvinas)	<p>“Considering that its resolution 1514 (XV) of 14 December 1960 was prompted by the cherished aim of bringing to an end everywhere colonialism in all its forms, one of which covers the case of the Falkland Islands (Malvinas), [third preambular paragraph]</p>
		<p>“... “1. <i>Invites</i> the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with the negotiations recommended by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of the Charter of the United Nations and of General Assembly resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas);”.</p>

^c See A/5763 (mimeographed).

Resolution No.	Title	Extract of provisions
2066 (XX)	Question of Mauritius	<p>“Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [third preambular paragraph]</p> <p>“...”</p>
2067 (XX)	Question of Equatorial Guinea [(Fernando Poo and Rio Muni)]	<p>“Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [third preambular paragraph]</p> <p>“...”</p>
2068 (XX)	Question of Fiji	<p>“Recalling its resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961, 1810 (XVII) of 17 December 1962, and 1951 (XVIII) of 11 December 1963 [third preambular paragraph]</p> <p>“...”</p>
2069 (XX)	Question of American Samoa, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Montserrat, New Hebrides, Niue, Papua, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands	<p>“Having considered the question of American Samoa, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Montserrat, New Hebrides, Niue, Papua, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands, [first preambular paragraph]</p>
2071 (XX)	Question of British Guiana	<p>“Recalling its resolutions 1514 (XV) of 14 December 1960 1654 (XVI) of 27 November 1961, 1810 (XVII) of 17 December 1962 and 1955 (XVIII) and 1956 (XVIII) of 11 December 1963, [second preambular paragraph]</p> <p>“...”</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
2071 (XX) <i>(continued)</i>		<p>“2. <i>Reaffirms</i> the inalienable right of the people of British Guiana to freedom and independence in accordance with the provisions of General Assembly resolution 1514 (XV); “... “4. <i>Appeals</i> to the main political parties to resolve existing differences so as to enable the Territory to achieve independence in an atmosphere of peace and unity; “5. <i>Notes</i> the announcement by the Government of the United Kingdom of Great Britain and Northern Ireland that British Guiana will attain independence on 26 May 1966 and requests the administering Power not to take any action which might delay the independence of the Territory.”</p>
2072 (XX)	Question of Ifni and Spanish Sahara	<p>“<i>Recalling</i> the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960, [second preambular paragraph] “... “2. <i>Urgently requests</i> the Government of Spain, as the administering Power, to take immediately all necessary measures for the liberation of the Territories of Ifni and Spanish Sahara from colonial domination and, to this end, to enter into negotiations on the problems relating to sovereignty presented by these two Territories.”</p>
2073 (XX)	Question of Oman	<p>“<i>Recalling</i> its resolutions 1514 (XV) of 14 December 1960 and 1948 (XVII) of 11 December 1963, [second preambular paragraph] “... “3. <i>Recognizes</i> the inalienable right of the people of the Territory as a whole to self-determination and independence in accordance with their freely expressed wishes; “4. <i>Considers</i> that the colonial presence of the United Kingdom in its various forms prevents the people of the Territory from exercising their rights to self-determination and independence; “5. <i>Calls upon</i> the Government of the United Kingdom to effect immediately the implementation in the Territory of the following measures: “... “(d) Elimination of British domination in any form;”.</p>
2074 (XX)	Question of South West Africa	<p>“<i>Recalling</i> its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [sixth preambular paragraph] “... “3. <i>Reaffirms</i> the inalienable right of the people of South West Africa to freedom and independence, in accordance with General Assembly resolution 1514 (XV); “... “5. <i>Considers</i> that any attempt to partition the Territory or to take any unilateral action, directly or indirectly, preparatory thereto constitutes a violation of the Mandate and of resolution 1514 (XV); “... “12. <i>Appeals</i> to all States to give the indigenous people of South West Africa all necessary moral and material support in their legitimate struggle for freedom and independence;”.</p>
2077 (XX)	Question of Cyprus	<p>“1. <i>Takes cognizance</i> of the fact that the Republic of Cyprus, as an equal Member of the United Nations, is, in accordance with the Charter of the United Nations, entitled to enjoy, and should enjoy, full sovereignty and complete independence without any foreign intervention or interference;”.</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
2079 (XX)	Question of Tibet	<p>“<i>Reaffirming</i> its resolutions 1353 (XIV) of 21 October 1959 and 1723 (XVI) of 20 December 1961 on the question of Tibet, [second preambular paragraph]</p> <p>“...</p> <p>“3. <i>Declares its conviction</i> that the violation of human rights and fundamental freedoms in Tibet and the suppression of the distinctive cultural and religious life of its people increase international tension and embitter relations between peoples;”.</p>
2103 A (XX)	Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations	<p>“<i>Having also considered</i>, pursuant to paragraph 5 of General Assembly resolution 1966 (XVIII), the principle of the duty of States to co-operate with one another in accordance with the Charter of the United Nations, the principle of equal rights and self-determination of peoples and the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter, [eighth preambular paragraph]</p> <p>“...</p> <p>“4. <i>Requests</i> the Special Committee:</p> <p>“(a) ...</p> <p>“(b) To consider the three principles set forth in paragraph 5 of General Assembly resolution 1966 (XVIII), with particular regard to:</p> <p>“(i) The practice of the United Nations and of States respecting the application of the principles laid down in the Charter of the United Nations;</p> <p>“(ii) The comments submitted by Governments on this subject in accordance with paragraph 6 of resolution 1966 (XVIII);</p> <p>“(iii) The views and suggestions advanced by the representative of Member States during the seventeenth, eighteenth and twentieth sessions of the General Assembly;”.</p>
2105 (XX)	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	<p>“<i>Recalling</i> the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in its resolution 1514 (XV) of 14 December 1960, and its resolutions 1654 (XVI) of 27 November 1961, 1810 (XVII) of 17 December 1962 and 1956 (XVIII) of 11 December 1963, [first preambular paragraph]</p> <p>“...</p> <p>“<i>Noting with deep regret</i> that five years after the adoption of the Declaration many Territories are still under colonial domination, [fourth preambular paragraph]</p> <p>“<i>Deploring</i> the negative attitude of certain colonial Powers, and in particular the unacceptable attitude of the Governments of Portugal and South Africa, which refuse to recognize the right of colonial peoples to independence, [fifth preambular paragraph]</p> <p>“...</p> <p>“1. <i>Reaffirms</i> its resolutions 1514 (XV), 1654 (XVI), 1810 (XVII) and 1956 (XVIII);</p> <p>“...</p> <p>“6. <i>Requests</i> the Special Committee to continue to perform its task and to continue to seek the best means for the immediate and full application of resolution 1514 (XV) to all Territories which have not yet attained independence;</p> <p>“...</p> <p>“8. <i>Requests</i> the Special Committee to pay particular attention to the small Territories and to recommend to the General Assembly the most appropriate ways, as well as the steps to be taken, to enable the populations of those Territories to exercise fully their right to self-determination and independence;</p> <p>“9. <i>Requests</i> the Special Committee, whenever it considers it appropriate, to recommend a deadline for the accession to independence of each Territory in accordance with the wishes of the people;”.</p>

Resolution No.	Title	Extract of provisions
2105 (XX) <i>(continued)</i>		<p>“10. <i>Recognizes</i> the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence and invites all States to provide material and moral assistance to the national liberation movements in colonial Territories.”;</p>
2107 (XX)	Question of Territories under Portuguese administration	<p>“<i>Recalling</i> its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [third preambular paragraph]</p>
		<p>“...”</p>
		<p>“<i>Noting with deep concern</i> that, in spite of the measures laid down by the Security Council in the aforementioned resolutions, the Government of Portugal is intensifying the measures of repression and military operations against the African people of these Territories with a view to defeating their legitimate aspirations to self-determination, freedom and independence, [fifth preambular paragraph]</p>
		<p>“<i>Further noting with deep concern</i> that the activities of the foreign financial interests in these Territories are an impediment to the African people in the realization of their aspirations to freedom and independence, [sixth preambular paragraph]</p>
		<p>“...”</p>
		<p>“1. <i>Reaffirms</i> the right of the peoples of the African Territories under Portuguese administration to freedom and independence and recognizes the legitimacy of their struggle to achieve the rights laid down in the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples;</p>
		<p>“...”</p>
		<p>“3. <i>Appeals</i> to all States, in co-operation with the Organization of African Unity, to render the people of the Territories under Portuguese administration the moral and material support necessary for the restoration of their inalienable rights;”.</p>
2111 (XX)	Question of the Trust Territory of Nauru	<p>“<i>Reaffirming</i> the provisions of the Charter of the United Nations and General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [fourth preambular paragraph]</p>
		<p>“...”</p>
		<p>“1. <i>Reaffirms</i> the inalienable right of the people of Nauru of self-government and independence;</p>
		<p>“...”</p>
		<p>“3. <i>Requests</i> the Administering Authority to fix the earliest possible date, but not later than 31 January 1968, for the independence of the Nauruan people in accordance with their wishes;</p>
		<p>“4. <i>Further requests</i> that immediate steps be taken by the Administering Authority towards restoring the island of Nauru for habitation by the Nauruan people as a sovereign nation;”.</p>
2112 (XX)	Question of the Trust Territory of New Guinea and the Territory of Papua	<p>“<i>Recalling</i> the provisions of the Charter of the United Nations and General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, [third preambular paragraph]</p>
		<p>“...”</p>
		<p>“1. <i>Reaffirms</i> the inalienable right of the people of New Guinea and Papua to freedom and independence;</p>
		<p>“...”</p>
		<p>“3. <i>Calls upon</i> the Administering Authority to implement fully resolution 1514 (XV) and, to this end, to fix an early date for independence in accordance with the freely expressed wishes of the people;”.</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
2129 (XX)	Actions on the regional level with a view to improving good neighbourly relations among European States having different social and political systems	"Bearing in mind the provisions of the Charter of the United Nations in which Member States have affirmed their resolve to live together in peace with one another as good neighbours and to develop friendly relations among nations in order to strengthen peace," [first preambular paragraph]
2131 (XX)	Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty	"Considering that the United Nations, in accordance with their aim to eliminate war, threats to the peace and acts of aggression, created an Organization, based on the sovereign equality of States, whose friendly relations would be based on respect for the principle of equal rights and self-determination of peoples and on the obligation of its Members to refrain from the threat or use of force against the territorial integrity or political independence of any State, [second preambular paragraph] "Recognizing that, in fulfilment of the principle of self-determination, the General Assembly, in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in resolution 1514 (XV) of 14 December 1960, stated its conviction that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory, and that, by virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development, [third preambular paragraph] "..." "Fully aware of the imperative need to create appropriate conditions which would enable all States, and in particular the developing countries, to choose without duress or coercion their own political, economic and social institutions, [tenth preambular paragraph] "In the light of the foregoing considerations, solemnly declares: "..." "5. Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State. "6. All States shall respect the right of self-determination and independence of peoples and nations, to be freely exercised without any foreign pressure, and with absolute respect for human rights and fundamental freedoms. Consequently, all States shall contribute to the complete elimination of racial discrimination and colonialism in all its forms and manifestations." "1. Reaffirms that the objectives of the United Nations in Korea are to bring about, by peaceful means, the establishment of a unified, independent and democratic Korea under a representative form of government, and the full restoration of international peace and security in the area;"
2132 (XX)	The Korean question	

B. RESOLUTIONS OF THE SECURITY COUNCIL

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
163 (1961)	Question relating to Angola	"Recalling General Assembly resolution 1542 (XV) of 15 December 1960, declaring Angola among others a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations, as well as General Assembly resolution 1514 (XV) of 14 December 1960, by which the General Assembly declared without dissent that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation, and asked for immediate steps to be taken to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom," [fifth preambular paragraph].

Resolution No.	Title	Extract of provisions
180 (1963)	Question relating to Territories under Portuguese administration	<p>“Recalling General Assembly resolution 1542 (XV) of 15 December 1960, which declares the Territories under Portuguese administration to be Non-Self-Governing Territories within the meaning of Chapter XI of the Charter of the United Nations, as well as resolution 1514 (XV) of 14 December 1960, by which the General Assembly declares <i>inter alia</i> that immediate steps shall be taken to transfer all powers to the peoples of those Territories, without any conditions or reservations, in accordance with their freely expressed wishes, without distinction as to race, creed or colour, in order to enable them to enjoy complete freedom and independence, [third preambular paragraph]</p> <p>“1. Confirms General Assembly resolution 1514 (XV);</p> <p>“...”</p> <p>“5. Urgently calls upon Portugal to implement the following:</p> <p>“(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence;</p> <p>“...”</p> <p>“(d) Negotiations, on the basis of the recognition of the right of self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with General Assembly resolution 1514 (XV);</p> <p>“(e) The granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples.”</p>
183 (1963)	Question relating to Territories under Portuguese administration	<p>“Recalling General Assembly resolution 1541 (XV) of 15 December 1960, [second preambular paragraph]</p> <p>“...”</p> <p>“Noting with appreciation the efforts of the Secretary-General in establishing contact between representatives of Portugal and representatives of African States, [fourth preambular paragraph].</p> <p>“1. Regrets that this contact has not achieved the desired results, because of failure to reach agreement on the United Nations interpretation of self-determination;</p> <p>“...”</p> <p>“4. Reaffirms the interpretation of self-determination laid down in General Assembly resolution 1514 (XV) as follows:</p> <p>“‘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’;</p> <p>“...”</p> <p>“6. Believes that action by the Government of Portugal to grant an amnesty to all persons imprisoned or exiled for advocating self-determination in these Territories will be an evidence of its good faith;”.</p>
202 (1965)	Question concerning the situation in Southern Rhodesia	<p>“Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 1747 (XVI) of 28 June 1962, 1760 (XVII) of 31 October 1962, ... [second preambular paragraph]</p> <p>“...”</p> <p>“1. Notes the United Kingdom Government’s statement of 27 October 1964 specifying the conditions under which Southern Rhodesia might attain independence;</p> <p>“...”</p> <p>“5. Requests the United Kingdom Government not to transfer under any circumstances to its colony of Southern Rhodesia, as at present governed, any of the powers or attributes of sovereignty, but to promote the country’s attainment of independence by a democratic system of government in accordance with the aspirations of the majority of the population;”.</p>

<i>Resolution No.</i>	<i>Title</i>	<i>Extract of provisions</i>
217 (1965)	Question concerning the situation in Southern Rhodesia	<p>“2. <i>Reaffirms</i> its resolution 216 (1965) of 12 November 1965 and General Assembly resolution 1514 (XV) of 14 December 1960;</p> <p>“...</p>
218 (1965)	Question concerning the situation in Territories in Africa under Portuguese administration	<p>“<i>Recalling</i> its resolutions 180 (1963) of 31 July and 183 (1963) of 11 December 1963, [second preambular paragraph]</p> <p>“...</p> <p>“<i>Considering</i> that, in spite of the measures laid down by the Security Council in paragraph 5 of resolution 180 (1963), the Government of Portugal is intensifying its measures of repression and its military operations against the African population with a view to defeating their legitimate hopes of achieving self-determination and independence, [fourth preambular paragraph]</p> <p>“...</p> <p>“<i>Recalling</i> General Assembly resolution 1514 (XV) of 14 December 1960, [sixth preambular paragraph]</p> <p>“...</p> <p>“2. <i>Deplores</i> the failure of the Government of Portugal to comply with previous resolutions of the Security Council and the General Assembly and to recognize the right of the peoples under its administration to self-determination and independence;</p> <p>“3. <i>Reaffirms</i> the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV) and in Security Council resolution 183 (1963);</p> <p>“4. <i>Calls upon</i> Portugal to give immediate effect in the Territories under its administration to the principle of self-determination as referred to in paragraph 3 above;</p> <p>“5. <i>Reaffirms</i> its urgent demand to Portugal for:</p> <p>“(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence;</p> <p>“...</p> <p>“(d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with General Assembly resolution 1514 (XV);</p> <p>“(e) The granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples;”.</p>
232 (1966)	Question concerning the situation in Southern Rhodesia	<p>“4. <i>Reaffirms</i> the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960, and recognizes the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations;”.</p>